

**Watershed Amendments**  
2025 GENERAL SESSION  
STATE OF UTAH  
**Chief Sponsor: Casey Snider**

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**LONG TITLE**

**General Description:**

This bill addresses water loss and water quality issues in watersheds.

**Highlighted Provisions:**

This bill:

- allows the state engineer to require the repair or construction of certain hydroelectric facilities to prevent waste, loss, pollution, or contamination of waters;
- requires an owner or operator of a hydroelectric facility to maintain the facility to:
  - prevent waste of water, damage to property, and injury to others; and
  - mitigate environmental impacts;
- addresses liability of an owner or operator of a hydroelectric facility;
- clarifies that water stored in a reservoir or body of water for power generation may only be used for power generation; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**73-5-9**, as last amended by Laws of Utah 2005, Chapter 215

ENACTS:

**73-5a-504**, Utah Code Annotated 1953

**73-5a-505**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **73-5-9** is amended to read:

**73-5-9 . Powers of state engineer as to waste, pollution, or contamination of waters.**

- 32 (1) To prevent waste, loss, pollution, or contamination of any waters whether above or  
 33 below the ground, the state engineer may require:
- 34 (a) the repair or construction of head gates or other devices on ditches or canals~~[, and]~~ ;  
 35 (b) the repair or installation of caps, valves, or casings on any well or tunnel or the  
 36 plugging or filling thereof to accomplish the purposes of this section~~[.]~~ ; and  
 37 (c) the repair or construction of a hydroelectric facility as that term is defined in  
 38 Subsection 73-5a-504(1).
- 39 (2) An owner, lessee, or person controlling water infrastructure described in Subsection (1)  
 40 shall comply with a requirement described in Subsection (1) at the cost and expense of  
 41 the owner, lessee, or person controlling the water infrastructure.
- 42 [~~(2) Any requirement made by the state engineer in accordance with this section shall be~~  
 43 ~~executed by and at the cost and expense of the owner, lessee or person having control of~~  
 44 ~~such diverting works affected.]~~
- 45 [~~(3) If within 10 days after notice of such requirement as provided in this section, the~~  
 46 ~~owner, lessee or person having control of the water affected, has not commenced to~~  
 47 ~~carry out such requirement, or if he has commenced to comply therewith but shall not~~  
 48 ~~thereafter proceed diligently to complete the work, the state engineer may forbid the use~~  
 49 ~~of water from such source until the user thereof shall comply with such requirement.]~~
- 50 (3) The state engineer may forbid the use of water at the water infrastructure described in  
 51 Subsection (1) if the owner, lessee, or person controlling the water infrastructure, within  
 52 10 days after the day on which the owner, lessee, or person controlling the water  
 53 infrastructure receives notice of a requirement described in Subsection (1):
- 54 (a) does not begin to comply with the requirement; or  
 55 (b) has begun to comply with the requirement but does not proceed diligently to  
 56 complete the work.
- 57 (4) Failure to comply with any requirement made by the state engineer under this section is  
 58 a crime punishable under Section 73-2-27 if the failure to comply is knowing or  
 59 intentional.
- 60 (5) Each day that ~~[such]~~ a violation under this section is permitted to continue ~~[shall~~  
 61 ~~constitute]~~ is a separate offense.

62 Section 2. Section **73-5a-504** is enacted to read:

63 **73-5a-504 . Duties of owners and operators -- Hydroelectric facilities -- Liability.**

- 64 (1) As used in this section:
- 65 (a) "Hydroelectric facility" means a dam, pipeline, conduit, ditch, head gate, canal,

66 reservoir, turbine, generator, or other facility used in connection with hydroelectric  
67 power generation.

68 (b) "Hydroelectric facility" does not include a facility:

69 (i) owned or operated by a political subdivision of this state; or

70 (ii) designed to produce less than .5 megawatts of electricity.

71 (c) "Political subdivision" means:

72 (i) a county;

73 (ii) a municipality as that term is defined in Section 10-1-104; or

74 (iii) a special district as that term is defined in Section 17B-1-102.

75 (2) A person has a right of action against an owner or operator of a hydroelectric facility if  
76 the owner or operator fails to:

77 (a) prevent waste of water;

78 (b) prevent damage to the person's property;

79 (c) prevent injury to the person or the person's dependent; or

80 (d) to the greatest extent possible, mitigate environmental impacts contributing to:

81 (i) destruction of natural habitats; and

82 (ii) degrading of water quality.

83 (3) If a person prevails in a right of action under Subsection (2), the court may award  
84 damages against the owner or operator.

85 Section 3. Section **73-5a-505** is enacted to read:

86 **73-5a-505 . Limitation on water stored for power generation.**

87 A person storing appropriated water in a body of water or reservoir for use in power  
88 generation may not use or exchange the appropriated water for any purpose other than power  
89 generation.

90 Section 4. **Effective Date.**

91 This bill takes effect on May 7, 2025.