

Casey Snider proposes the following substitute bill:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Watershed Amendments
2025 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: Scott D. Sandall

LONG TITLE

General Description:

This bill addresses the augmentation of water resources in Utah watersheds.

Highlighted Provisions:

This bill:

- defines terms;
- allows the Utah water agent to include facilities and land in the state water agent's negotiations for water augmentation projects;
- allows the Board of Water Resources to enter into contracts for water augmentation projects negotiated by the Utah water agent; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63I-1-273, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

73-10-4, as last amended by Laws of Utah 2024, Chapter 522

73-10g-701, as enacted by Laws of Utah 2024, Chapter 522

73-10g-703, as enacted by Laws of Utah 2024, Chapter 522

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

Section 1. Section **63I-1-273** is amended to read:

63I-1-273 . Repeal dates: Title 73.

(1) Subsection 73-1-4(2)(e)(xi), regarding a water right subject to an approved change

- 29 application for use within a water bank that has been authorized but not dissolved, is
 30 repealed December 31, 2030.
- 31 (2) Subsection [~~73-10-4(1)(h)~~] 73-10-4(1)(i), regarding management of an application to
 32 create a water bank, is repealed December 31, 2030.
- 33 (3) Section 73-10-39, Study and recommendations related to the financing of water
 34 infrastructure, is repealed July 1, 2027.
- 35 (4) Title 73, Chapter 10g, Part 2, Agricultural Water Optimization, is repealed July 1, 2028.
- 36 (5) Title 73, Chapter 10g, Part 7, Utah Water Agent, is repealed July 1, 2034.
- 37 (6) Section 73-18-3.5, Advisory council, is repealed July 1, 2029.
- 38 (7) Title 73, Chapter 27, Legislative Water Development Commission, is repealed January
 39 1, 2031.
- 40 (8) Title 73, Chapter 31, Water Banking Act, is repealed December 31, 2030.
- 41 (9) Section 73-32-302, Advisory council created -- Staffing -- Per diem and travel expenses
 42 -- Annual conflict of interest disclosure statement -- Exception -- Penalties, is repealed
 43 July 1, 2027.
- 44 (10) Section 73-32-303, Duties of the council, is repealed July 1, 2027.
- 45 Section 2. Section **73-10-4** is amended to read:
- 46 **73-10-4 . Powers and duties of board.**
- 47 (1) The board shall have the following powers and duties to:
- 48 (a) authorize studies, investigations, and plans for the full development, use, and
 49 promotion of the water and power resources of the state, including preliminary
 50 surveys, stream gauging, examinations, tests, and other estimates either separately or
 51 in consultation with federal, state and other agencies;
- 52 (b) enter into contracts subject to the provisions of this chapter for the construction[~~of~~
 53 ~~conservation projects~~] or purchase of a project that in the opinion of the board will
 54 conserve and use for the best advantage of the people of this state the water and
 55 power resources of the state, including projects beyond the boundaries of the state of
 56 Utah located on interstate waters when the benefit of such projects accrues to the
 57 citizens of the state;
- 58 (c) sue and be sued in accordance with applicable law;
- 59 (d) enter into a contract that the Utah water agent, appointed under Section 73-10g-702,
 60 recommends for a water augmentation project under Section 73-10g-703;
- 61 [~~(d)~~] (e) cooperate with the Utah water agent, appointed under Section 73-10g-702, in
 62 matters affecting interstate compact negotiations and the administration of the

63 compacts affecting the waters of interstate rivers, lakes and other sources of supply,
 64 with the exception of:

65 (i) the waters of the Colorado River system that are governed by Title 63M, Chapter
 66 14, Colorado River Authority of Utah Act; or

67 (ii) state representation under:

68 (A) the Bear River Compact as provided in Section 73-16-4; or
 69 (B) the Columbia Interstate Compact as provided in Section 73-19-9;

70 ~~[(e)]~~ (f) contract with federal and other agencies and with the National Water Resources
 71 Association and to make studies, investigations and recommendations and do all
 72 other things on behalf of the state for any purpose that relates to the development,
 73 conservation, protection and control of the water and power resources of the state;

74 ~~[(f)]~~ (g) consult and advise with the Utah Water Users' Association and other organized
 75 water users' associations in the state;

76 ~~[(g)]~~ (h) consider and make recommendations on behalf of the state of reclamation
 77 projects or other water development projects for construction by any agency of the
 78 state or United States and in so doing recommend the order in which projects shall be
 79 undertaken; or

80 ~~[(h)]~~ (i) review, approve, and revoke an application to create a water bank under Chapter
 81 31, Water Banking Act, collect an annual report, maintain the water banking website,
 82 and conduct any other function related to a water bank as described in Chapter 31,
 83 Water Banking Act.

84 (2) Nothing contained in this section shall be construed to impair or otherwise interfere
 85 with the authority of the state engineer granted by this title, except as specifically
 86 otherwise provided in this section.

87 Section 3. Section **73-10g-701** is amended to read:

88 **73-10g-701 . Definitions.**

89 As used in this part:

- 90 (1) "Council" means the Water District Water Development Council created pursuant to
 91 Section 11-13-228.
- 92 (2) "Division" means the Division of Water Resources.
- 93 (3) "State or local entity" means:
- 94 (a) a department, division, commission, agency, or other instrumentality of state
 95 government; or
- 96 (b) a political subdivision or the political subdivision's instrumentalities.

97 (4) "Water agent" means the Utah water agent appointed by the governor under Section
98 73-10g-702.

99 (5) "Water augmentation project" means a project on interstate waters that increases or
100 impacts the amount of water available in this state.

101 Section 4. Section **73-10g-703** is amended to read:

102 **73-10g-703 . Powers and duties of water agent.**

103 (1)(a) [~~Subject to Subsection (1)(b) and in-~~] In consultation with the speaker of the House
104 of Representatives, president of the Senate, and governor, the water agent shall
105 explore and negotiate with officials of other states, tribes, and other government
106 entities regarding possible water [~~importation~~] augmentation projects, including:

107 (i) for the citizens of Utah, representing the state concerning waters of out-of-state
108 rivers, lakes, and other sources of supply of waters except when representation is
109 otherwise provided in statute;

110 (ii) identifying potential out-of-state water resources, including land or a facility
111 necessary for the use of the water resources;

112 (iii) working with the council and division to match the water resources described in
113 Subsection (1)(a)(ii) to needs identified by the council or division;

114 (iv) establishing a strategy to designate what out-of-state water resources to pursue
115 and how to execute that strategy;

116 (v) negotiating directly with out-of-state partners to execute the strategy described in
117 Subsection (1)(a)(iv);

118 (vi) represent the state in interstate conferences between the state and one or more
119 sister states held for the purpose of entering into compacts between such states for
120 the division of the waters of interstate rivers, lakes, or other sources of water
121 supply, and to represent the state upon commissions or other governing bodies
122 provided for by any compacts that have been or may be entered into between the
123 state and one or more sister states, except that a compact is not binding on the
124 state until the compact is ratified and approved by the Legislature and the
125 legislatures of other states that are parties to the compact;

126 (vii) recommending to the Legislature and to the council actions that may assist in the
127 development of, strategies for, and execution of water [~~importation~~] augmentation
128 projects; and

129 (viii) annually reporting findings and recommendations to:

130 (A) the governor;

- 131 (B) the president of the Senate;
- 132 (C) the speaker of the House of Representatives;
- 133 (D) the Legislative Water Development Commission created in Section 73-27-102;
- 134 (E) the Natural Resources, Agriculture, and Environment Interim Committee; and
- 135 (F) the Board of Water Resources created in Section 73-10-1.5.

136 ~~[(b) The water agent may not act under this section in relation to interests governed by~~
137 ~~interstate compacts in which Utah is a party, such as the 1922 and 1948 Colorado~~
138 ~~River Compacts and the 1980 Amended Bear River Compact.]~~

139 (b) The water agent may recommend to the Board of Water Resources, created in
140 Section 73-10-1.5, a water augmentation project that the water agent negotiates under
141 this section, if the water augmentation project is in the best interest of the people of
142 this state and the state's water resources.

143 (2) The water agent shall consult and work with the council, state entities, the Colorado
144 River Authority of Utah, and other bodies established by the state for interstate water
145 negotiations.

146 (3) Subject to Title 63G, Chapter 2, Government Records Access and Management Act,
147 upon request of the water agent, a state or local entity shall provide to the water agent a
148 document, report, or information available within the state or local entity.

149 (4) The water agent may negotiate with tribes in accordance with this section~~[-except to the~~
150 ~~extent that the water at issue comes from the Colorado River].~~

151 (5) This chapter may not be interpreted to override, substitute, or modify a water right
152 within the state or the role and authority of the state engineer.

153 Section 5. **Effective Date.**

154 This bill takes effect on May 7, 2025.