

Casey Snider proposes the following substitute bill:

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;
- requires the state engineer to conduct a review of a water importation project in the Great Salt Lake watershed;
- 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

73-5-17, as enacted by Laws of Utah 2022, Chapter 75

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subject to an approved change application for use within a water bank that has been authorized but not dissolved, is repealed December 31, 2030.
- (2) Subsection [~~73-10-4(1)(h)~~] 73-10-4(1)(i), regarding management of an application to create a water bank, is repealed December 31, 2030.
- (3) Section 73-10-39, Study and recommendations related to the financing of water infrastructure, is repealed July 1, 2027.
- (4) Title 73, Chapter 10g, Part 2, Agricultural Water Optimization, is repealed July 1, 2028.
- (5) Title 73, Chapter 10g, Part 7, Utah Water Agent, is repealed July 1, 2034.
- (6) Section 73-18-3.5, Advisory council, is repealed July 1, 2029.
- (7) Title 73, Chapter 27, Legislative Water Development Commission, is repealed January 1, 2031.
- (8) Title 73, Chapter 31, Water Banking Act, is repealed December 31, 2030.
- (9) Section 73-32-302, Advisory council created -- Staffing -- Per diem and travel expenses -- Annual conflict of interest disclosure statement -- Exception -- Penalties, is repealed July 1, 2027.
- (10) Section 73-32-303, Duties of the council, is repealed July 1, 2027.

Section 2. Section **73-5-17** is amended to read:

73-5-17 . River distribution accounting report.

- (1) As used in this section:
 - (a) "Great Salt Lake watershed" means the same as that term is defined in Section 73-33-101.
 - ~~[(a)]~~ (b) "Natural flow" means the computed amount of water available within a defined portion of a river system.
 - ~~[(b)]~~ (c) "River system" means a portion of a natural stream and its tributaries where regulation and accounting are required.
- (2) The state engineer may conduct a review of distribution and accounting procedures on a river system in the state.
- (3) After conducting the review described in Subsection (2), the state engineer shall provide a report identifying:
 - (a) actively administered:
 - (i) water rights;

- 63 (ii) diversions; and
64 (iii) reservoirs;
65 (b) accounting practices, including:
66 (i) computation of natural flow;
67 (ii) apportionment of natural flow to individual water rights;
68 (iii) storage delivery and loss of storage;
69 (iv) accounting for imports and exports; and
70 (v) system losses including:
71 (A) conveyance losses; and
72 (B) reservoir losses;
73 (c) recommendations for:
74 (i) additional measurement and automation; and
75 (ii) refinement of distribution or accounting practices in accordance with:
76 (A) existing water rights;
77 (B) the prior appropriation doctrine; and
78 (C) relevant court decrees; and
79 (d) the data and computations relied upon to provide the information described in
80 Subsections (3)(a) through (c).
- 81 (4) The state engineer shall make the report described in Subsection (3) available to the
82 public on the Division of Water Rights website annually at least one week prior to the
83 annual distribution system meeting.
- 84 (5) In accordance with Title 63G, Chapter 4, Administrative Procedures Act and for a water
85 importation project with a water source in the Great Salt Lake watershed, the state
86 engineer shall:
87 (a) conduct a review to quantify the return flow of a water importation project in the
88 Great Salt Lake watershed;
89 (b) in accordance with Section 73-3-6, publish notice for a review conducted under
90 Subsection (5)(a); and
91 (c) based on the results of the review described in Subsection (5)(a), modify the
92 quantification methodology for the return flow of the imported water, if needed.
- 93 Section 3. Section **73-10-4** is amended to read:
94 **73-10-4 . Powers and duties of board.**
95 (1) The board shall have the following powers and duties to:
96 (a) authorize studies, investigations, and plans for the full development, use, and

97 promotion of the water and power resources of the state, including preliminary
98 surveys, stream gauging, examinations, tests, and other estimates either separately or
99 in consultation with federal, state and other agencies;

100 (b) enter into contracts subject to the provisions of this chapter for the construction~~[-of~~
101 ~~conservation projects]~~ or purchase of a project that in the opinion of the board will
102 conserve and use for the best advantage of the people of this state the water and
103 power resources of the state, including projects beyond the boundaries of the state of
104 Utah located on interstate waters when the benefit of such projects accrues to the
105 citizens of the state;

106 (c) sue and be sued in accordance with applicable law;

107 (d) enter into a contract that the Utah water agent, appointed under Section 73-10g-702,
108 recommends for a water augmentation project under Section 73-10g-703;

109 ~~[(d)]~~ (e) cooperate with the Utah water agent, appointed under Section 73-10g-702, in
110 matters affecting interstate compact negotiations and the administration of the
111 compacts affecting the waters of interstate rivers, lakes and other sources of supply,
112 with the exception of:

113 (i) the waters of the Colorado River system that are governed by Title 63M, Chapter
114 14, Colorado River Authority of Utah Act; or

115 (ii) state representation under:

116 (A) the Bear River Compact as provided in Section 73-16-4; or

117 (B) the Columbia Interstate Compact as provided in Section 73-19-9;

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

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

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

128 ~~[(h)]~~ (i) review, approve, and revoke an application to create a water bank under Chapter
129 31, Water Banking Act, collect an annual report, maintain the water banking website,
130 and conduct any other function related to a water bank as described in Chapter 31,

Water Banking Act.

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

Section 4. Section **73-10g-701** is amended to read:

73-10g-701 . Definitions.

As used in this part:

- (1) "Council" means the Water District Water Development Council created pursuant to Section 11-13-228.
- (2) "Division" means the Division of Water Resources.
- (3) "State or local entity" means:
- (a) a department, division, commission, agency, or other instrumentality of state government; or
 - (b) a political subdivision or the political subdivision's instrumentalities.
- (4) "Water agent" means the Utah water agent appointed by the governor under Section 73-10g-702.
- (5) "Water augmentation project" means a project on interstate waters that increases or impacts the amount of water available in this state.

Section 5. Section **73-10g-703** is amended to read:

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

- (1)(a) [~~Subject to Subsection (1)(b) and in~~] In consultation with the speaker of the House of Representatives, president of the Senate, and governor, the water agent shall explore and negotiate with officials of other states, tribes, and other government entities regarding possible water [~~importation~~] augmentation projects, including:
- (i) for the citizens of Utah, representing the state concerning waters of out-of-state rivers, lakes, and other sources of supply of waters except when representation is otherwise provided in statute;
 - (ii) identifying potential out-of-state water resources, including land or a facility necessary for the use of the water resources;
 - (iii) working with the council and division to match the water resources described in Subsection (1)(a)(ii) to needs identified by the council or division;
 - (iv) establishing a strategy to designate what out-of-state water resources to pursue and how to execute that strategy;
 - (v) negotiating directly with out-of-state partners to execute the strategy described in

- 165 Subsection (1)(a)(iv);
- 166 (vi) represent the state in interstate conferences between the state and one or more
- 167 sister states held for the purpose of entering into compacts between such states for
- 168 the division of the waters of interstate rivers, lakes, or other sources of water
- 169 supply, and to represent the state upon commissions or other governing bodies
- 170 provided for by any compacts that have been or may be entered into between the
- 171 state and one or more sister states, except that a compact is not binding on the
- 172 state until the compact is ratified and approved by the Legislature and the
- 173 legislatures of other states that are parties to the compact;
- 174 (vii) recommending to the Legislature and to the council actions that may assist in the
- 175 development of, strategies for, and execution of water ~~[importation]~~ augmentation
- 176 projects; and
- 177 (viii) annually reporting findings and recommendations to:
- 178 (A) the governor;
- 179 (B) the president of the Senate;
- 180 (C) the speaker of the House of Representatives;
- 181 (D) the Legislative Water Development Commission created in Section 73-27-102;
- 182 (E) the Natural Resources, Agriculture, and Environment Interim Committee; and
- 183 (F) the Board of Water Resources created in Section 73-10-1.5.
- 184 ~~[(b) The water agent may not act under this section in relation to interests governed by~~
- 185 ~~interstate compacts in which Utah is a party, such as the 1922 and 1948 Colorado~~
- 186 ~~River Compacts and the 1980 Amended Bear River Compact.]~~
- 187 (b) The water agent may recommend to the Board of Water Resources, created in
- 188 Section 73-10-1.5, a water augmentation project that the water agent negotiates under
- 189 this section, if the water augmentation project is in the best interest of the people of
- 190 this state and the state's water resources.
- 191 (2) The water agent shall consult and work with the council, state entities, the Colorado
- 192 River Authority of Utah, and other bodies established by the state for interstate water
- 193 negotiations.
- 194 (3) Subject to Title 63G, Chapter 2, Government Records Access and Management Act,
- 195 upon request of the water agent, a state or local entity shall provide to the water agent a
- 196 document, report, or information available within the state or local entity.
- 197 (4) The water agent may negotiate with tribes in accordance with this section~~[-except to the~~
- 198 ~~extent that the water at issue comes from the Colorado River].~~

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

201 Section 6. **Effective Date.**

202 This bill takes effect on May 7, 2025.