

Walt Brooks proposes the following substitute bill:

Statewide Water Storage

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Walt Brooks

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill addresses water storage within the state.

Highlighted Provisions:

This bill:

- defines terms;
- provides a process for applying to the Board of Water Resources (board) to be considered for state funding for the construction of or increase in the capacity of water storage in the state;
- creates criteria for considering state funding for construction of water storage in the state;
- requires the board to annually review eligibility for consideration of state funding for construction of water storage in the state;
- requires the board to report recommendations related to state funding for construction of or increase in the capacity of water storage in the state;
- addresses rulemaking related to the processes implemented and the recommendations issued by the board; and
- clarifies that recommendations are nonbinding.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

73-10-40, Utah Code Annotated 1953

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

29 Section 1. Section **73-10-40** is enacted to read:

30 **73-10-40 . Consideration of increases to water storage.**

31 (1) As used in this section:

32 (a) "Board" means the Board of Water Resources.

33 (b) "Division" means the Division of Water Resources.

34 (c) "Local sponsor" means a state agency, a local government agency, a tribe, or other
35 local organization that works with a federal agency or the state to plan, build, and
36 maintain a dam and associated reservoir.

37 (d) "Project" means the construction of a new dam site and the associated reservoir.

38 (e) "Proposal" means actions proposed by a local sponsor to increase the capacity of a
39 reservoir that exists at the time a local sponsor applies for state funding under
40 Subsection (4).

41 (2) The board may consider an application submitted by a local sponsor and may
42 recommend to the Legislature that the state fund, in whole or in part:

43 (a) a project to construct water storage in the state submitted by a local sponsor as
44 described in Subsection (3); or

45 (b) a proposal to increase the capacity of water storage in this state submitted by a local
46 sponsor as described in Subsection (4).

47 (3)(a) The board may recommend to the Legislature that the state fund, in whole or in
48 part, the costs of a project for which a local sponsor submits an application to
49 construct water storage in this state if the board finds that the criteria in Subsection
50 (3)(b) is met.

51 (b) The board shall use the following criteria to determine whether the board shall
52 recommend state funding under Subsection (3)(a):

53 (i) whether there exists water rights that authorize reservoir storage at the location of
54 the project for which a local sponsor is applying;

55 (ii) whether there is a regional or state benefit to the project;

56 (iii) whether there exists a local sponsor that:

57 (A) is pursuing the project, including financially supporting the project; and

58 (B) will own and maintain the project;

59 (iv) whether construction of the project is anticipated to begin within five years of
60 receipt of state funding;

61 (v) the need for and affordability of the project; and

62 (vi) any other item the board considers necessary to evaluate the potential project.

63 (c) The board shall annually evaluate projects from a list of potential dam sites prepared
64 by the division to determine whether a project is eligible for consideration for state
65 funding under this Subsection (3) because the project meets the criteria of Subsection
66 (3)(b).

67 (4)(a) The board may recommend to the Legislature that the state fund, in whole or in
68 part, a proposal under this Subsection (4) submitted by a local sponsor to increase the
69 capacity of a reservoir that:

70 (i) exists at the time the local sponsor submits the proposal; and

71 (ii) has reduced capacity because of sedimentation.

72 (b) A local sponsor shall include with the submission of a proposal under this Subsection
73 (4) a feasibility study that recommends the method to increase the capacity of the
74 reservoir for which funding is sought.

75 (c) The board may consider a proposal under this Subsection (4) at any time during a
76 fiscal year.

77 (5) The board shall annually report to the Natural Resources, Agriculture, and
78 Environmental Quality Appropriations Subcommittee by no later than October 1 the
79 following information for the immediately preceding fiscal year:

80 (a) the number of projects for which state funding was applied for under Subsection (3);

81 (b) the projects under Subsection (3)(a) that the board recommends the state fund, in
82 whole or in part;

83 (c) a list of projects determined to be eligible for consideration of state funding under
84 Subsection (3)(c);

85 (d) the number of proposals for which state funding was applied for under Subsection (4);
86 and

87 (e) the proposals under Subsection (4) that the board recommends the state fund, in
88 whole or in part.

89 (6) The board may make rules, in accordance with Title 63G, Chapter 3, Utah
90 Administrative Rulemaking Act, related to:

91 (a) the submission of an application under this section; and

92 (b) the board making recommendations for state funding, in whole or in part, of a project
93 to construct or a proposal to increase the capacity of water storage in this state.

94 (7) A recommendation or other action taken under this section by the board does not
95 obligate the state or require the Legislature to take any action or appropriate funding.

96 Section 2. **Effective Date.**

97 This bill takes effect on May 6, 2026.