

33 The division shall comply with Section 73-5-8.5.

34 Section 2. Section **73-2-30** is enacted to read:

35 **73-2-30. Per capita consumptive use.**

36 The Division of Water Rights shall comply with Section 73-5-8.5.

37 Section 3. Section **73-5-8.5** is enacted to read:

38 **73-5-8.5. Per capita consumptive use.**

39 (1) As used in this section:

40 (a) "Community water system" means a public water system that serves residents
41 year-round.

42 (b) (i) "Metered secondary water" means secondary water metered by a secondary
43 water supplier either at the supply side when introduced into the secondary water supplier's
44 distribution system or metered at the meter of the end user.

45 (ii) "Metered secondary water" does not include:

46 (A) water lost in the secondary water supplier's system before being delivered to an end
47 user; or

48 (B) water delivered to an end user who is not a commercial, industrial, institutional, or
49 residential user.

50 (c) "Per capita consumptive use" means a valid representation of total water consumed
51 divided by the total population for a given area.

52 (d) "Publicly owned treatment works" means a facility for the treatment of pollutants
53 owned by the state, the state's political subdivisions, or other public entity.

54 (e) "Reporting district" means a water conservancy district that serves wholesale water
55 to a retail water supplier located in whole or in part in a county of the first or second class.

56 (f) "Retail water supplier" means a person that:

57 (i) supplies water for human consumption and other domestic uses to an end user; and

58 (ii) has more than 500 service connections.

59 (g) "Secondary water" means the same as that term is defined in Section 73-10-34.

60 (h) "Secondary water supplier" means the same as that term is defined in Section
61 73-10-34.

62 (i) "Total population" means the permanent population of a given area subject to a
63 population adjustment described in Subsection (5).

64 (j) "Total water consumed" means total water supplied to commercial, industrial,
65 institutional, and residential users in a given area minus return flow.

66 (k) "Total water supplied" means the total amount of water delivered to commercial,
67 industrial, institutional, and residential users in a given area as metered secondary water or
68 metered drinking water.

69 (l) "Water conservancy district" means an entity formed under Title 17B, Chapter 2a,
70 Part 10, Water Conservancy District Act.

71 (2) State agencies and political subdivisions shall use per capita consumptive use for
72 reporting municipal and industrial water use in counties of the first and second class to provide
73 another method to:

74 (a) track progress in water conservation; and

75 (b) ensure efficient public water supply management.

76 (3) (a) The Division of Water Resources shall designate the reporting district that shall
77 calculate the per capita consumptive use for each county of the first or second class, except that
78 the Division of Water Resources may only require a reporting district calculate the per capita
79 consumptive use for a county in which the reporting district provides wholesale water to a
80 retail water supplier.

81 (b) Beginning on January 1, 2024, a reporting district shall annually provide the
82 Division of Water Rights a calculation of per capita consumptive use for the one or more
83 counties designated under Subsection (3)(a).

84 (4) In determining per capita consumptive use, a reporting district:

85 (a) shall use reliable and timely information about water used for municipal and
86 industrial purposes, including water used in commercial, industrial, institutional, and
87 residential settings; and

88 (b) may not be required:

89 (i) to use the same methodology as another reporting district; or

90 (ii) to adopt or follow the definition of "water being conserved" that is adopted under
91 Section 73-10-32.

92 (5) In determining total population, a reporting district shall rely on the most recent
93 census, a census estimate of the United States Bureau of the Census, or an estimate of the Utah
94 Population Committee, together with an adjustment to population based on locally significant

95 effects of a non-permanent population, including:

96 (a) transient but consistently recurring non-resident population associated with

97 secondary residences or visitors; and

98 (b) daytime population changes.

99 (6) In determining return flow, a reporting district:

100 (a) shall obtain relevant data associated with discharges from publicly owned treatment
101 works; and

102 (b) may include water flow returning to the natural environment from the use of
103 drinking water, secondary water, or other water used for outdoor irrigation if the flow is
104 capable of being measured or otherwise determined with a reasonable degree of certainty.

105 (7) In determining total water supplied, a reporting district shall:

106 (a) select the community water systems serving a population of 3,300 or more whose
107 data the reporting district will use in preparing the report of per capita consumptive use;

108 (b) only rely on data that:

109 (i) is reliable; and

110 (ii) the reporting district is able to obtain for both metered drinking water and metered
111 secondary water; and

112 (c) make reasonable efforts to ensure that the water use data relied upon in the
113 reporting district's report is the same as the water use data reported by the community water
114 systems to the Division of Water Rights under Section 73-5-8.

115 (8) A reporting district shall include in the reporting district's report of per capita
116 consumptive use an explanation of how the reporting district determines:

117 (a) total water supplied;

118 (b) return flow; and

119 (c) total population.

120 (9) A reporting district shall annually file the reporting district's per capita consumptive
121 use report with the Division of Water Rights on or before May 15.

122 (10) (a) Except as provided in Subsection (10)(b), this section may not be construed to
123 prohibit the Division of Water Resources from:

124 (i) adopting regional water conservation goals as described in Section 73-10-32; or

125 (ii) calculating, publishing, or disseminating diverted water use information or per

126 capita consumptive use from community water systems in counties of the third, fourth, fifth, or
127 sixth class.

128 (b) A state agency or a political subdivision of the state may not calculate, publish, or
129 disseminate a:

130 (i) statewide consumptive water use number;

131 (ii) statewide per capita consumptive use number; or

132 (iii) per capita consumptive use number for a first class or second class county that is
133 different from a number reported by a reporting district pursuant to this section.

134 Section 4. Section **73-10-38** is enacted to read:

135 **73-10-38. Per capita consumptive use.**

136 The Division of Water Resources shall comply with Section 73-5-8.5.