

**Effective 3/16/2018**

## **Chapter 10g Water Infrastructure and Long-term Planning**

### **Part 1 Funding**

#### **73-10g-101 Title.**

- (1) This chapter is known as "Water Infrastructure and Long-Term Planning."
- (2) This part is known as "Funding."

Amended by Chapter 143, 2018 General Session

#### **73-10g-102 Definitions.**

As used in this chapter:

- (1) "Board" means the Board of Water Resources.
- (2) "Division" means the Division of Water Resources.
- (3) "Restricted account" means the Water Infrastructure Restricted Account created in Section 73-10g-103.
- (4) "Water Infrastructure Fund" means the enterprise fund created in Section 73-10g-107.
- (5) "Water infrastructure project" means:
  - (a) the following for the supply, control, measurement, treatment, distribution, storage, or transport of water:
    - (i) planning;
    - (ii) design;
    - (iii) construction;
    - (iv) reconstruction;
    - (v) improvement;
    - (vi) renovation;
    - (vii) acquisition; or
    - (viii) seismic upgrade; or
  - (b) a project to engage in planning consistent with Part 6, Planning and Prioritization.

Amended by Chapter 335, 2024 General Session

#### **73-10g-103 Creation of the Water Infrastructure Restricted Account.**

- (1)
  - (a) There is created a restricted account in the General Fund known as the "Water Infrastructure Restricted Account."
  - (b) The restricted account shall earn interest.
- (2) The restricted account consists of money generated from the following sources:
  - (a) voluntary contributions made to the division for the construction, operation, or maintenance of state water projects;
  - (b) appropriations made to the restricted account by the Legislature;
  - (c) interest earned on the restricted account; and
  - (d) money transferred to the restricted account under Section 73-10-25.

- (3) Subject to appropriation, the division and the board shall manage the restricted account created in Subsection (1) in accordance with this chapter.

Amended by Chapter 261, 2023 General Session

**73-10g-104 Authorized use of the Water Infrastructure Restricted Account.**

Money in the restricted account is to be used, subject to appropriation, for:

- (1) the development of the state's undeveloped share of the Bear and Colorado rivers, pursuant to existing interstate compacts governing both rivers as described in Chapter 26, Bear River Development Act, and Chapter 28, Lake Powell Pipeline Development Act;
- (2) repair, replacement, or improvement of federal water projects for local sponsors in the state when federal funds are not available;
- (3) study and development of rules, criteria, targets, processes, and plans, as described in Subsection 73-10g-105(3);
- (4) a project that benefits the Colorado River drainage in Utah, including projects for water reuse, desalinization, building of dams, or water conservation, if a county or municipality that benefits from the project:
  - (a) requires a new residential subdivision follow the regional conservation level of .59 acre-feet regardless of whether the outside water is potable, reuse, or secondary water;
  - (b) adopts and implements the local water conservancy district's emergency drought contingency plan;
  - (c) adopts and implements the local water conservancy district's grass rebate program's maximum grass restrictions;
  - (d) prohibits grass in new retail, industrial, or commercial facility landscaping;
  - (e) has reuse water be managed by the local water conservancy district;
  - (f) does not withdraw water from an aquifer in excess of the safe yield of the aquifer as defined in Section 73-5-15;
  - (g) adopts and implements excess water use surcharges;
  - (h) prohibits private water features in new development, such as a fountain, pond, or ski lake; and
  - (i) prohibits large grassy areas in new development, unless the large grassy area is open to the general public; and
- (5) a project recommended to the Legislature by the Water District Water Development Council, created in Section 11-13-228, for generational water infrastructure, as defined in Section 11-13-228.

Amended by Chapter 522, 2024 General Session

**73-10g-105 Loans -- Rulemaking.**

- (1)
  - (a) The division and the board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in preparation to make loans from available funds to repair, replace, or improve underfunded federal water infrastructure projects.
  - (b) Subject to Chapter 26, Bear River Development Act, and Chapter 28, Lake Powell Pipeline Development Act, the division and the board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in preparation to make loans from available funds to develop the state's undeveloped share of the Bear and Colorado rivers.
- (2) The rules described in Subsection (1) shall:

- (a) specify the amount of money that may be loaned;
  - (b) specify the criteria the division and the board shall consider in prioritizing and awarding loans;
  - (c) specify the minimum qualifications for a person to receive a loan, including the amount of cost-sharing to be the responsibility of the person applying for a loan;
  - (d) specify the terms of the loan, including the terms of repayment; and
  - (e) require an applicant for a loan to apply on forms provided by the division and in a manner required by the division.
- (3) The division and the board shall, in making the rules described in Subsection (1) and in consultation with the Legislative Water Development Commission created in Section 73-27-102:
- (a) establish criteria for better water data and data reporting;
  - (b) establish new conservation targets based on the data described in Subsection (3)(a);
  - (c) institute a process for the independent verification of the data described in Subsection (3)(a);
  - (d) establish a plan for an independent review of:
    - (i) the proposed construction plan for an applicant's qualifying water infrastructure project; and
    - (ii) the applicant's plan to repay the loan for the construction of the proposed water infrastructure project;
  - (e) invite and recommend public involvement; and
  - (f) set appropriate financing and repayment terms.
- (4) The division and the board shall provide regular updates to the Legislative Management Committee on the progress made under this section, including whether the division and board intend to issue a request for proposals.

Amended by Chapter 28, 2020 General Session

**73-10g-106 Requirement for repayment.**

- (1) Any money utilized to construct water infrastructure to develop the state's share of the Bear and Colorado Rivers are subject to the repayment provisions of Title 73, Chapter 26, Bear River Development Act, and Chapter 28, Lake Powell Pipeline Development Act.
- (2) Any money utilized for the repair, replacement, or improvement of federal water infrastructure projects when federal funds are not available shall be repaid pursuant to the terms and conditions established by the division and the board by rule under Section 73-10g-105.

Enacted by Chapter 458, 2015 General Session

**73-10g-107 Water Infrastructure Fund.**

- (1) There is created an enterprise fund known as the "Water Infrastructure Fund," which is referred to in this section as the "fund."
- (2) The fund shall consist of:
  - (a) appropriations from the Legislature;
  - (b) money from the federal government;
  - (c) grants or donations from a person;
  - (d) money made available to the state for purposes of water infrastructure projects from any source;
  - (e) money received for the repayment of loans made from the Water Resources Cities Water Loan Fund that were issued before May 7, 2025;
  - (f) money transferred to the fund under Subsection (5); and
  - (g) interest and earnings on the fund.

- (3) The state treasurer shall invest the money in the fund according to Title 51, Chapter 7, State Money Management Act, except that interest or other earnings derived from those investments shall be deposited into the fund.
- (4)
- (a) The Water Development Coordinating Council may use money in the fund to pay for the costs of administering Part 6, Planning and Prioritization, including staff directly related to the activities of the Water Development Coordinating Council under Part 6, Planning and Prioritization.
  - (b) The division may use money in the fund to pay for the costs of the study required by Section 73-10-39.
  - (c) Fund money may be used, in accordance with Section 73-10g-603, to provide money to a relevant agency, as defined in Section 73-10g-601.
- (5)
- (a) Each fiscal year beginning with fiscal year 2027, the Division of Finance shall transfer the money described in this Subsection (5) to the fund at the close of the fiscal year.
  - (b) The Water Quality Board shall at the close of a fiscal year beginning with fiscal year 2027:
    - (i) determine the amount of money in the Water Quality Security - Utah Wastewater Loan Program Subaccount, created in Section 73-10c-5, that is in excess of the money needed to fund loans authorized in the previous fiscal year under the Utah Wastewater Loan Program;
    - (ii) determine the amount of the money described in Subsection (5)(b)(i) that should be transferred under this Subsection (5)(b); and
    - (iii) direct the Division of Finance to transfer the amount of money described in Subsection (5)(b)(ii) to the fund.
  - (c) The Drinking Water Board shall at the close of a fiscal year beginning with fiscal year 2027:
    - (i) determine the amount of money in the Drinking Water Security - Drinking Water Loan Program Subaccount, created in Section 73-10c-5, that is in excess of the money needed to fund loans authorized in the previous fiscal year under the Drinking Water Loan Program;
    - (ii) determine the amount of the money described in Subsection (5)(c)(i) that should be transferred under this Subsection (5)(c); and
    - (iii) direct the Division of Finance to transfer the amount of money described in Subsection (5)(c)(ii) to the fund.
  - (d) The Board of Water Resources shall at the close of a fiscal year beginning with fiscal year 2027:
    - (i) determine the amount of money in the Water Resources Conservation and Development Fund, created in Section 73-10-24, that is in excess of the sum of the money:
      - (A) specified in Subsection 59-12-103(5)(d) for the purposes described in Subsection 59-12-103(5)(d); and
      - (B) needed to fund loans or grants authorized in the previous fiscal year under Chapter 10, Board of Water Resources - Division of Water Resources;
    - (ii) determine the amount of the money described in Subsection (5)(d)(i) that should be transferred under this Subsection (5)(d); and
    - (iii) direct the Division of Finance to transfer the amount of money described in Subsection (5)(d)(ii) to the fund.

Amended by Chapter 105, 2025 General Session

## **Part 2**

### **Agricultural Water Optimization**

#### **73-10g-201 Title.**

This part is known as "Agricultural Water Optimization."

Enacted by Chapter 143, 2018 General Session

#### **73-10g-203.5 Definitions.**

As used in this part:

- (1) "Account" means the Agricultural Water Optimization Account created in Section 73-10g-204.
- (2) "Agricultural water optimization" means the implementation of agricultural and water management practices that maintain viable agriculture without increasing water depletion to enhance water availability and minimize impacts on water supply, water quality, and the environment.
- (3) "Change application" means an application filed under Section 73-3-3.
- (4) "Committee" means the Agricultural Water Optimization Committee created in Section 73-10g-205.
- (5) "Conservation commission" means the conservation commission created in Section 4-18-104.
- (6) "Department" means the Department of Agriculture and Food.
- (7) "Funding application" means an application filed under Section 73-10g-206.
- (8) "Saved water" means the same as that term is defined in Section 73-3-3.

Amended by Chapter 233, 2024 General Session

#### **73-10g-204 Agricultural Water Optimization Account.**

- (1) There is created a restricted account within the General Fund called the "Agricultural Water Optimization Account."
- (2) The account consists of:
  - (a) appropriations from the Legislature;
  - (b) federal funds; and
  - (c) grants or donations from other public or private sources.
- (3) Subject to appropriation, the conservation commission may use money in the account to:
  - (a) issue grants in accordance with Section 73-10g-206 to improve agricultural water optimization; and
  - (b) fund research approved by the committee under Subsection 73-10g-205(7).
- (4) Until December 31, 2024, the department may loan up to \$3,000,000 of General Fund money in the account to the Agriculture Resource Development Fund, subject to the conditions described in Section 4-18-106.
- (5)
  - (a) The department shall maintain the account and record the debits and credits made to the account by the department.
  - (b) The Office of the Treasurer shall deposit interest and other earnings derived from investment of money in the account into the account.
- (6) The department and the Department of Natural Resources may use money in the account for the administration of this part, except that the aggregate amount expended under this

Subsection (6) may not exceed 1.5% of the money appropriated to the grant program described in Section 73-10g-206.

Amended by Chapter 99, 2025 General Session

**73-10g-205 Agricultural Water Optimization Committee.**

- (1) There is created in the department a committee known as the "Agricultural Water Optimization Committee" that consists of:
  - (a) the commissioner of the department, or the commissioner's designee;
  - (b) the director of the division, or the director's designee;
  - (c) the director of the Division of Water Rights, or the director's designee;
  - (d) the dean of the College of Agriculture and Applied Science from Utah State University, or the dean's designee;
  - (e) one individual representing local conservation districts created by Title 17D, Chapter 3, Conservation District Act, appointed by the executive director of the Department of Natural Resources;
  - (f) one individual representing water conservancy districts, appointed by the executive director of the Department of Natural Resources; and
  - (g) three Utah residents representing the interests of the agriculture industry appointed by the executive director of the Department of Natural Resources.
- (2)
  - (a) An individual appointed under Subsection (1) shall serve for a term of four years.
  - (b) Notwithstanding the requirements of Subsection (2)(a), the executive director of the Department of Natural Resources shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of appointed members are staggered so that approximately half of the appointed members are appointed every two years.
- (3)
  - (a) The presence of five members constitutes a quorum.
  - (b) The vote of five members constitutes the transaction of business by the committee.
  - (c) The committee shall select one of the committee's members to be chair. The committee may select a member to be vice chair to act in place of the chair:
    - (i) during the absence or disability of the chair; or
    - (ii) as requested by the chair.
  - (d) The committee shall convene at the times and places prescribed by the chair.
- (4) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
  - (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (5) The department shall provide administrative support to the committee.
- (6) The committee shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing:
  - (a) eligibility requirements for a grant issued under Section 73-10g-206, except that the eligibility requirements shall:
    - (i) require at least a match for grant money of 50% of the total costs, except that for a grant application filed on or after January 1, 2024, the eligibility requirements shall require at least a match of 25% of the total costs for:
      - (A) a subsurface drip irrigation project;

- (B) an automated surge irrigation project; or
  - (C) a measurement, telemetry, or reporting project;
  - (ii) consider the statewide need to distribute grant money;
  - (iii) require a grant recipient to construct or install and maintain one or more measuring devices as necessary to comply with Section 73-5-4 and rules adopted by the Division of Water Rights regarding installation, use, and maintenance of devices to measure water use and to demonstrate water use in accordance with a project funded by a grant; and
  - (iv) require a grant recipient to report water diversion and use measurements to the state engineer pursuant to Section 73-5-4 and rules made by the state engineer, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for water measurement and reporting;
  - (b) the process for applying for a grant issued under Section 73-10g-206; and
  - (c) preliminary screening criteria to be used by the department under Subsection 73-10g-206(2)
  - (d).
- (7) The committee shall, in coordination with the division:
- (a) as of July 1, 2023, assume oversight of all remaining research and contracts of the previous Agricultural Water Optimization Task Force activities;
  - (b) post research to address and account for farm economics at the enterprise and community level that affects agricultural water optimization and encourage market behavior that financially rewards agricultural water optimization practices;
  - (c) oversee research to identify obstacles to and constraints upon optimization of agricultural water use, and to recommend management tools, technologies, and other opportunities to optimize agricultural water use as measured at the basin level;
  - (d) use money in the account to fund research approved by the committee that:
    - (i) is described in Subsection (7)(b) or (c); or
    - (ii) establishes methods for measuring saved water or the effectiveness of the agricultural water optimization funding programs established by this part; and
  - (e) facilitate benefits for farmers who optimize water use and protect water quality.
- (8) The committee shall comply with Section 73-10g-206 related to grants issued under this part.

Amended by Chapter 91, 2025 General Session

Amended by Chapter 99, 2025 General Session

**73-10g-206 Agricultural water optimization grants -- Demonstration of water savings.**

- (1) The conservation commission may issue a grant described in Subsection 73-10g-204(3) in accordance with the procedures in this section.
- (2)
- (a) The committee shall establish funding application periods during which a person may apply for a grant under this part.
  - (b) During a funding application period, a person may file a funding application with the department for preliminary screening of eligibility to receive a grant under this part, including requisite water savings.
  - (c) The department shall screen the funding applications for eligibility.
  - (d) If the department determines that an applicant meets eligibility requirements and proposes water savings, the department shall provide the applicant preliminary approval.
  - (e) After receiving preliminary approval under Subsection (2)(d), the applicant shall engage in a pre-filing consultation with the Division of Water Rights under Subsection 73-3-3(2) to

- determine whether a change application is required to accomplish the project proposed in the funding application or to quantify saved water .
- (f) Once the Division of Water Rights determines whether the person is required to file a change application, the person may complete the funding application process and file the completed funding application with the committee.
  - (g) The committee shall review completed funding applications to rank the funding applications and recommend to the conservation commission which applicants should receive a grant under this part for the relevant funding application period.
  - (h) The conservation commission may issue a grant under this section only after receipt of the recommendations of the committee.
- (3) If the conservation commission issues a grant under this part, before the grant recipient may receive the grant money, the grant recipient shall:
- (a) enter into a contract with the department that includes:
    - (i) the expectations for the grant recipient;
    - (ii) the life expectancy of a project;
    - (iii) the process of certifying completion; and
    - (iv) design requirements;
  - (b) file any needed change application and obtain a final order from the state engineer approving the change application, including any judicial review of the state engineer's order; and
  - (c) demonstrate how the grant recipient shall comply with the requirements of the final order approving the related change application.
- (4) A grant recipient shall comply with the monitoring and reporting requirements under the contract described in Subsection (3).
- (5) The department shall:
- (a) monitor the grant related activities of a grant recipient;
  - (b) certify a project funded by a grant once the project is complete;
  - (c) determine whether there are funding sources other than the account to fund the grant; and
  - (d) provide information needed by the division or the Division of Water Rights to fulfill the division's or the Division of Water Rights' statutory duties, including those designated in this chapter.
- (6) The department may:
- (a) conduct outreach campaigns related to the grant program, including the program's purpose and expectations for grant recipients;
  - (b) solicit funding applications and assist persons in applying for a grant under this part;
  - (c) assist grant recipients in developing a project; and
  - (d) coordinate with federal agencies and the division for evaluation of funding applications and for assistance with implementing projects for which funding has been provided under this part.
- (7) Grant money may be used by the department or a grant recipient for the hiring of third-party consultants as appropriate to complete a project funded by grant money.
- (8) The division, upon request from the committee, may assist with evaluation of funding applications and implementation of projects funded under this part.

Amended by Chapter 233, 2024 General Session

**73-10g-207 Division public information and reporting.**

- (1) The division shall, in coordination with the department and the Division of Water Rights, annually compile and publish a report on:
- (a) completed projects;



- (b) saved water made available from agricultural water optimization projects; and
  - (c) the effectiveness of the agricultural water optimization funding programs established by this part.
- (2) On or before November 30 of each year, the committee, division, and the Division of Water Rights shall jointly present the annual report to:
- (a) the Legislative Water Development Commission;
  - (b) the Natural Resources, Agriculture, and Environment Interim Committee;
  - (c) the Utah Water Task Force within the Department of Natural Resources; and
  - (d) the Utah Watersheds Council.
- (3) The division shall publish reports from research described in Subsection 73-10g-205(7).

Enacted by Chapter 261, 2023 General Session

### **Part 3**

### **Watershed Councils Act**

#### **73-10g-301 Implementation of part.**

This part shall be liberally construed to:

- (1) provide input to the Water Development Coordinating Council regarding infrastructure planning on a watershed and state level in accordance with Part 6, Planning and Prioritization;
- (2) develop diverse and balanced stakeholder forums for discussion of water policy and resource issues at watershed and state levels that are not vested with regulatory, infrastructure financing, or enforcement powers or responsibilities; and
- (3) use local expertise and resources found in universities and other research institutions or in regional, state, and federal agencies.

Amended by Chapter 335, 2024 General Session

#### **73-10g-302 Definitions.**

As used in this part:

- (1) "Council" means the state council or a local council created under this part.
- (2) "Local council" means a local council created in accordance with Section 73-10g-306.
- (3) "State council" means the Utah Watersheds Council created in Section 73-10g-304.
- (4) "Utah Water Task Force" means a task force created by the Department of Natural Resources to review and make recommendations regarding water issues.

Amended by Chapter 335, 2024 General Session

#### **73-10g-303 Watersheds.**

For the purposes of this part, the state is divided into the following watersheds, corresponding to those found on hydrologic basin maps maintained by the division:

- (1) the Bear River Watershed, comprised of the portions of Box Elder, Cache, Rich, and Summit counties that drain into the Bear River or Great Salt Lake;
- (2) the Weber River Watershed, comprised of the portions of Weber, Davis, Morgan, and Summit counties that drain into the Weber River or Great Salt Lake;

- (3) the Jordan River Watershed, comprised of the portions of Salt Lake and Utah counties that drain into the Jordan River or Great Salt Lake;
- (4) the Utah Lake Watershed, comprised of the portions of Utah, Wasatch, Juab, and Summit counties that drain into Utah Lake;
- (5) the West Desert Watershed, comprised of the portions of Box Elder, Tooele, Juab, Millard, Beaver, and Iron counties that drain into Great Salt Lake or have no outlet, as well as the portion of Box Elder County that drains into the Columbia River watershed;
- (6) the Sevier River Watershed, comprised of the portions of Kane, Garfield, Wayne, Piute, Emery, Sevier, Sanpete, Carbon, Utah, Juab, Tooele, Millard, and Beaver counties that drain into the Sevier River;
- (7) the Cedar-Beaver Watershed, comprised of the portions of Washington, Iron, Beaver, Garfield, Piute, and Millard counties that historically drained into Sevier Lake;
- (8) the Uintah Watershed, comprised of the portions of Daggett, Summit, Duchesne, Uintah, Wasatch, Carbon, Grand, and Emery counties that drain into the Green and Colorado rivers;
- (9) the West Colorado River Watershed, comprised of the portions of Duchesne, Wasatch, Carbon, Sanpete, Sevier, Emery, Grand, Wayne, San Juan, Garfield, and Kane counties that drain into the Colorado River;
- (10) the Southeast Colorado River Watershed, comprised of the portions of Grand, Wayne, San Juan, and Garfield counties that drain into the San Juan and Colorado rivers;
- (11) the Kanab Creek-Virgin River Watershed, comprised of the portions of Iron, Washington, and Kane counties that drain into the Colorado River; and
- (12) the Great Salt Lake Watershed, comprised of the West Desert, Bear River, Weber River, Jordan River, and Utah Lake watersheds.

Enacted by Chapter 309, 2020 General Session

**73-10g-304 Utah Watersheds Council -- Creation and governance.**

- (1) Within the Department of Natural Resources, there is created the "Utah Watersheds Council" consisting of the following members who are residents of the state:
  - (a) the executive director of the Department of Natural Resources;
  - (b) the executive director of the Department of Environmental Quality;
  - (c) the commissioner of the Department of Agriculture and Food;
  - (d) the director of the Utah Division of Indian Affairs;
  - (e) the Utah State University Extension vice president;
  - (f) the director of the Division of Emergency Management within the Department of Public Safety;
  - (g) a representative designated by the Utah Association of Counties;
  - (h) a representative designated by the Utah League of Cities and Towns;
  - (i) a representative designated by the Utah Association of Special Districts;
  - (j) a representative of reclamation projects located in the state selected by the governor from a list of three persons nominated jointly by the local sponsors of reclamation projects located in the state and the executive director of the Department of Natural Resources;
  - (k) a representative of agricultural interests selected by the governor from a list of three persons nominated jointly by the commissioner of the Department of Agriculture and Food, the president of the Utah Farm Bureau, and the Utah State University Extension vice president;
  - (l) a representative of environmental conservation interests selected by the governor from a list of three persons nominated jointly by the executive directors of the Department of Environmental Quality and Department of Natural Resources;

- (m) a representative of business and industry water interests selected by the governor from a list of three individuals nominated jointly by the Utah Manufacturers Association, Utah Mining Association, and Utah Petroleum Association;
  - (n) an attorney who is authorized to practice law in the state, who has recognized expertise in water law, and is selected by the governor from a list of three individuals nominated jointly by the executive director of the Department of Natural Resources, the executive director of the Department of Environmental Quality, and the commissioner of the Department of Agriculture and Food;
  - (o) the state engineer, as a nonvoting member;
  - (p) the director of the division, as a nonvoting member; and
  - (q) the designated individual selected by a local council certified under Section 73-10g-306.
- (2)
- (a) The state council shall:
    - (i) organize the state council as provided in this part;
    - (ii) select a chair and at least one vice-chair from among the members of the state council to have powers and duties provided in the organizing documents adopted by the state council; and
    - (iii) adopt policies to govern the state council's activities, including policies for the creation of subcommittees that may be less than a quorum of the state council and may include persons of suitable expertise who are not state council members.
  - (b) The state council shall make the organizing documents and policies created under Subsection (2)(a) available:
    - (i) to the public;
    - (ii) at each meeting of the state council; and
    - (iii) on a public website maintained by the division for council business.
- (3) The state council may invite federal agencies to name representatives as liaisons to the state council.
- (4) The state council shall stagger the initial terms of the state council members listed in Subsections (1)(g) through (n), after which members will be replaced according to policies adopted by the state council.
- (5) After the state council's initial organization, the state council may hold regular and special meetings at such locations within the state and on a schedule as the state council determines, provided that the state council shall meet at least semi-annually.
- (6) A majority of the voting members of the state council constitutes a quorum.
- (7) The action of the majority of the voting members of the state council constitutes the action of the state council.
- (8)
- (a) The state council policies may allow that a properly authorized representative of a voting member of the state council may act in the place of that voting member if the voting member is absent or unable to act.
  - (b) The state council shall enter in the record of a meeting proper documentation of a representative's authority to act on behalf of the voting member under this Subsection (8).
  - (c) Authorization to act on behalf of a voting member may be given for more than one meeting.
  - (d) Authorization to act on behalf of a voting member shall comply with the policies adopted by the state council.
- (9)
- (a) The division shall staff the state council.

- (b) The division may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to facilitate the creation and operation of the state council.

Amended by Chapter 335, 2024 General Session

**73-10g-305 Role of the state council -- Reporting.**

- (1) The state council shall:
  - (a) serve as a forum to encourage and facilitate discussion and collaboration by and among the stakeholders relative to the water-related interests of the state and the state's people and institutions;
  - (b) facilitate communication and coordination between the Department of Natural Resources, the Department of Agriculture and Food, the Department of Environmental Quality, and other state and federal agencies in the administration and implementation of water-related activities;
  - (c) facilitate the establishment of local councils by certifying a local council:
    - (i) for the watersheds defined in Section 73-10g-303; and
    - (ii) after reviewing the proceedings and documents submitted by proposed local councils, to ensure that the local council meets the certification requirements in Section 73-10g-306;
  - (d) provide resources and support for the administration of local councils;
  - (e) consult and seek guidance from local councils;
  - (f) advise the Water Development Coordinating Council regarding a unified water infrastructure plan in accordance with Section 73-10g-602; and
  - (g) provide advice to the governor and Legislature on water issues.
- (2) The state council shall provide updates on the state council's activities annually, or as invited, to:
  - (a) the Natural Resources, Agriculture, and Environment Interim Committee;
  - (b) the Legislative Water Development Commission; and
  - (c) the Utah Water Task Force.

Amended by Chapter 335, 2024 General Session

**73-10g-306 Local councils -- Creation.**

- (1) A proposed local council may be certified by the Utah Watersheds Council under Subsection 73-10g-305(1)(c) if:
  - (a) the organizing documents and policies of the proposed local council:
    - (i) provide for an open and equitable system of governance;
    - (ii) encourage participation by a water user or group of water users, other watershed groups, mutual irrigation companies, distribution system committees, and other stakeholders within the watershed; and
    - (iii) require that:
      - (A) a majority of the members of the local council constitutes a quorum; and
      - (B) an action of the local council be approved by no less than a majority of the members of the local council;
  - (b) in a balance appropriate for the watershed, the proposed local council membership includes watershed stakeholders who reside or work within the watershed or own or control the right to divert or use water within the watershed and is representative, where feasible, of at least these interests:
    - (i) agriculture;

- (ii) industry;
- (iii) Indian tribes;
- (iv) public water suppliers, as defined in Section 73-1-4;
- (v) water planning and research institutions;
- (vi) water quality;
- (vii) fish and wildlife;
- (viii) water dependent habitat and environments;
- (ix) watershed management, such as distribution system committees functioning within the watershed;
- (x) mutual irrigation companies;
- (xi) land use planning agencies; and
- (xii) local sponsors of Bureau of Reclamation projects;
- (c) for each of the five watersheds that drain into Great Salt Lake, the proposed local council includes a person designated by the Great Salt Lake local watershed council, if the Great Salt Lake local council is certified; and
- (d) for the Great Salt Lake watershed, the proposed local council includes a person designated by each of the five watersheds that drain into Great Salt Lake that has a certified local watershed council.
- (2) A local council may invite state and federal agencies to name representatives as liaisons to the local council.

Amended by Chapter 335, 2024 General Session

**73-10g-307 Local watershed councils -- Roles and governance.**

- (1) A local council shall provide a forum to encourage and facilitate discussion of and collaboration on local watershed issues.
- (2) A local council shall:
  - (a) select the local council's representative to the state council;
  - (b) hold meetings at times and locations as the local council determines; and
  - (c) make the local council's policies available to the public:
    - (i) at each meeting of the local council; and
    - (ii) on a public website maintained by the division for council business.

Enacted by Chapter 309, 2020 General Session

**73-10g-308 Conditions applicable to all watershed councils.**

- (1) A council:
  - (a) is a public body as defined in Section 52-4-103 and shall comply with Title 52, Chapter 4, Open and Public Meetings Act; and
  - (b) shall comply with Title 63G, Chapter 2, Government Records Access and Management Act.
- (2) A member of a council may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
  - (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (3) Creation of the state council or a local council does not:
  - (a) supersede, usurp, or replace any other watershed oriented organization within the relevant watershed unless otherwise agreed upon by the watershed oriented organization; or

- (b) create a stakeholder for purposes of compliance with any state or federal law, including the National Environmental Policy Act, 42 U.S.C. Sec. 4321 et seq.
- (4) A council does not have separate or inherent adjudicative, regulatory, infrastructure development, infrastructure financing, enforcement, or other powers or responsibilities beyond those stated in this part.

Enacted by Chapter 309, 2020 General Session

**73-10g-309 Review of Watershed Councils Act.**

- (1) The Natural Resources, Agriculture, and Environment Interim Committee shall direct a review of this part, which shall begin no later than October 1, 2024, and end before September 30, 2025.
- (2) The state council shall clearly identify for the Natural Resources, Agriculture, and Environment Interim Committee the public purposes and interests for which the councils were originally created and whether those public purposes and interests are still relevant and are being adequately addressed through the councils.
- (3) The Natural Resources, Agriculture, and Environment Interim Committee shall consider the extent to which the councils have operated in the public interest and served as valuable forums for water-related discussions among stakeholders.
- (4) The interim committee shall submit a report of its recommendations, including proposed legislation and recommendations concerning the part to the Legislature before January 1, 2026.

Enacted by Chapter 309, 2020 General Session

**Part 4**  
**Great Salt Lake Watershed Integrated Water Assessment**

**73-10g-401 Definitions.**

As used in this part:

- (1) "Great Salt Lake watershed" means the area comprised of the Great Salt Lake, the Bear River watershed, the Jordan River watershed, the Utah Lake watershed, the Weber River watershed, and the West Desert watershed.
- (2) "Integrated water assessment" means an integrated surface and ground water assessment for the Great Salt Lake watershed developed under Section 73-10g-402.
- (3) "Work plan" means the plan developed under Section 73-10g-403 to develop and implement an integrated water assessment.

Enacted by Chapter 81, 2022 General Session

**73-10g-402 Development of an integrated water assessment.**

- (1) The division shall develop and implement an integrated surface and ground water assessment for the Great Salt Lake watershed.
- (2) The integrated water assessment may in relationship with the Great Salt Lake watershed:
  - (a) provide an assessment of the amounts and quality of available water resources;
  - (b) assess and forecast the quantity of water available for human, agricultural, economic development, and environmental or instream uses, and ecological needs, including:

- (i) current and future water supply and demand and the factors that influence availability;
    - (ii) long-term trends in water availability and the causes of those trends; and
    - (iii) seasonal and decadal forecasts of availability;
  - (c) investigate the potential benefits of forest management and watershed restoration in:
    - (i) improving snowpack retention;
    - (ii) increasing soil moisture;
    - (iii) sustaining river flows in low flow seasons;
    - (iv) mitigating wildfire risk; and
    - (v) improving water quality;
  - (d) coordinate an effort to:
    - (i) quantify the amount of water and water quality needed to sustain high priority ecological sites in rivers, riparian, wetland, and lake systems; and
    - (ii) incorporate the water demand into the water supply and demand model;
  - (e) identify and evaluate best management practices that may be used to provide a reliable water supply that:
    - (i) meet water quality objectives;
    - (ii) meet agriculture water objectives;
    - (iii) accommodate anticipated growth and economic development; and
    - (iv) provide adequate flow to sustain the Great Salt Lake, the Great Salt Lake's wetlands, and other ecological functions in the Great Salt Lake's watershed;
  - (f) investigate the potential impacts of water reuse projects on the Great Salt Lake; and
  - (g) address other matters identified in the work plan.
- (3) The integrated water assessment shall include a water budget for the Great Salt Lake and the Great Salt Lake's associated wetlands, including water flows needed to maintain different lake levels under different scenarios, taking into consideration water quality, ecological needs, economic benefits, and public health benefits of the Great Salt Lake.
- (4) In developing and implementing the integrated water assessment, the division shall:
- (a) consult and coordinate with other state, local, regional, and federal governmental entities, water users, and other stakeholders; and
  - (b) coordinate with, and where appropriate, consider or incorporate other planning efforts, assessments, studies, or reports relevant to the Great Salt Lake watershed.

Amended by Chapter 176, 2023 General Session

**73-10g-403 Work plan.**

- (1)
- (a) By no later than November 30, 2023, and before developing the integrated water assessment under Section 73-10g-402, the division shall create a plan for developing and implementing the integrated water assessment.
  - (b) In creating the work plan, the division shall consult with the entities described in Subsection 73-10g-402(4)(a).
- (2) The work plan shall include in relationship to the Great Salt Lake watershed:
- (a) a synthesis of available information, literature, and data, and an assessment of scientific, technical, measurement, and other informational needs, relating to:
    - (i) water quantity, water quality, water use, and water demand;
    - (ii) improving quantification and quality of data for:
      - (A) surface and groundwater water diversions;
      - (B) depletions; and

- (C) return flow;
- (iii) developing, downscaling, or otherwise updating models and assessment tools to improve understanding of water supply, water use, and water availability;
- (iv) understanding changing watershed conditions, including changes in climate, evapotranspiration, and other water supply vulnerabilities; and
- (v) other matters as the division determines to be appropriate; and
- (b) a description of how the work plan shall be implemented to address the needs described in Subsection (2)(a), including:
  - (i) prioritize proposed activities, such as monitoring data infrastructure needs, studies, analyses, and development of tools necessary to implement the integrated water assessment;
  - (ii) an implementation schedule, with completion of an integrated water assessment by no later than November 30, 2026;
  - (iii) recommendations and a cost assessment for the implementation of the work plan;
  - (iv) public engagement process;
  - (v) an agreed approach to facilitate integrated watershed management and coordination across local, state, and federal agencies; and
  - (vi) other matters as the division determines to be appropriate.

Enacted by Chapter 81, 2022 General Session

**73-10g-404 Completion of integrated water assessment -- Reporting and publishing.**

- (1) The division shall complete the integrated water assessment by no later than November 30, 2026.
- (2)
  - (a) The division shall report at least annually on the progress and findings from the integrated water assessment to:
    - (i) the Natural Resources, Agriculture, and Environment Interim Committee;
    - (ii) the Legislative Water Development Commission; and
    - (iii) the Great Salt Lake Advisory Council.
  - (b) The division shall publish a report provided under Subsection (2)(a) on the division's website.
- (3) The division shall publish a final report on an integrated water assessment by no later than December 31, 2027.

Enacted by Chapter 81, 2022 General Session

**73-10g-405 Great Salt Lake related post-construction storm water management.**

- (1) As used in this section:
  - (a) "Storm water" means the same as that term is defined in Section 19-5-108.5.
  - (b) "Storm water permit" means the same as that term is defined in Section 19-5-108.5.
- (2)
  - (a) As part of the integrated water assessment, the division shall study the impact of low impact development best management practices associated with post-construction retention storm water permit requirements on the water budget of the Great Salt Lake.
  - (b) As part of the study under this section, the division shall:
    - (i) coordinate with the Division of Water Quality; and
    - (ii) when appropriate, seek information from the United States Environmental Protection Agency.



- (3) Notwithstanding Section 73-10g-404, the division shall complete the study required by this section and issue a final report to the Natural Resources, Agriculture, and Environment Interim Committee by no later than the November 2023 interim meeting of the Natural Resources, Agriculture, and Environment Interim Committee.

Enacted by Chapter 81, 2022 General Session

## **Part 5**

### **Capital Assets for Water**

#### **73-10g-501 Definitions.**

As used in this part:

- (1) "Capital asset" means an asset that:
- (a) is a significant investment or an essential component necessary to provide water service, including:
    - (i) a facility;
    - (ii) infrastructure, whether above or below ground level;
    - (iii) equipment; or
    - (iv) a communications network; and
  - (b) is owned by a water provider.
- (2) "Governing body" means:
- (a) for a political subdivision, the political subdivision governing body defined in Section 63A-15-102; or
  - (b) for a private entity, the private entity's board of directors, managing members, partners, or equivalent body.
- (3) "Retail water supplier" means the same as that term is defined in Section 19-4-102.
- (4) "Water conservancy district" means the same as that term is defined in Section 73-10-32.
- (5) "Water provider" means:
- (a) a retail water supplier; or
  - (b) a water conservancy district.

Enacted by Chapter 66, 2022 General Session

#### **73-10g-502 Capital asset management for a water conservancy district.**

- (1) As a condition of receiving state or federal financing or grants to be used for an improvement to a capital asset related to water infrastructure, the governing body of a water conservancy district shall commit to adopt a capital asset management plan.
- (2) The Board of Water Resources shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish the elements of a capital asset management plan required under Subsection (1) for a water provider that is a water conservancy district.
- (3) A qualified water conservancy district, as defined in Section 17B-2a-1010, is not subject to this section but shall comply with Section 17B-2a-1010.

Amended by Chapter 105, 2025 General Session

**73-10g-502.5 Capital asset management and reserve funding analysis for public water systems.**

- (1) As used in this section:
  - (a) "Board" means the Drinking Water Board appointed under Section 19-4-103.
  - (b) "Public water system" means the same as that term is defined in Section 19-4-102.
  - (c) "Reserve analysis" means a detailed evaluation of a public water system's reserves, assessing fund balances and projected future needs to ensure sufficient money is set aside to cover repairs, replacements, or restoration of water infrastructure capital assets and operational needs to determine:
    - (i) the need for a reserve fund to accumulate reserve money; and
    - (ii) the appropriate amount of money in a reserve fund, as determined by the public water system through recognized financial practices for public water systems, such as updated rate studies, budgeting, asset management, and financing resources.
- (2) By no later than July 1, 2028, as a condition of receiving state or federal financing or grants, the governing body of a public water system that is not a water conservancy district shall adopt a capital asset management plan.
- (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Drinking Water Board shall make rules that establish the elements of a capital asset management plan for a public water system that is not a water conservancy district.
- (4) By no later than July 1, 2028, as a condition of receiving state or federal financing or grants, the governing body of a public water system shall adopt a capital asset reserve funding plan that includes:
  - (a) an inventory of the major capital assets identified in a reserve analysis that reasonably require reserve money;
  - (b) a statement of the condition and probable remaining useful life, as of the date of the reserve analysis, of each capital asset identified under Subsection (4)(a);
  - (c) an estimate of the cost to renew, replace, or upgrade each capital asset identified under Subsection (4)(a);
  - (d) an estimate of the total annual contribution to a reserve fund necessary to meet the costs identified in Subsection (4)(c) during a capital asset's useful life and at the end of a capital asset's useful life;
  - (e) an analysis of a reserve fund's relationship to the setting of water rates, including the setting of rates pursuant to recognized affordability metrics for nondiscretionary indoor water use for health and sanitation; and
  - (f) a reserve funding plan that:
    - (i) recommends how the public water system may fund the costs described in Subsection (4)(c), which may include long term financing strategies in addition to cash reserves such as municipal bonding when authorized; and
    - (ii) does not rely on obtaining grants to fund the reserve fund.
- (5) The governing body of a public water system required to adopt a capital asset reserve funding plan under this section shall update the public water system's capital asset reserve funding plan every five years.
- (6) The governing body of a public water system required to adopt a capital asset reserve funding plan under this section shall collect money in accordance with the capital asset reserve funding plan recommendations described in Subsection (4)(f).
- (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Drinking Water Board shall make rules that:

- (a) provide a process under which the division may monitor a public water system's compliance with this section; and
- (b) impose administrative penalties similar to the penalties imposed under Section 19-4-109 for failure to comply with this section.

Enacted by Chapter 105, 2025 General Session

**73-10g-503 Participation in survey or evaluation.**

A water provider shall participate in regular infrastructure needs surveys or evaluations and shall complete the asset-related sections of a survey or evaluation within the deadline established by the Division of Drinking Water or the Division of Water Resources.

Enacted by Chapter 66, 2022 General Session

## **Part 6 Planning and Prioritization**

**73-10g-601 Definitions.**

As used in this part:

- (1) "Agency plan" means a water infrastructure plan adopted by a relevant agency.
- (2)
  - (a) "Agricultural water" means water beneficially used in irrigation under a water right in this state for the production of food, fiber, or fuel, or other agricultural purpose.
  - (b) "Agricultural water" does not include water delivered:
    - (i) to an end user for human consumption and other domestic uses; or
    - (ii) through a secondary water connection.
- (3) "Executive director" means the executive director of the Department of Natural Resources.
- (4) "Relevant agency" means:
  - (a) the Division of Water Resources;
  - (b) the Division of Drinking Water; and
  - (c) the Division of Water Quality.
- (5) "Secondary water connection" means the same as that term is defined in Section 73-10-34.
- (6) "State council" means the Water Development Coordinating Council created in Sections 73-10c-3 and 79-2-201.
- (7) "Utah Watersheds Council" means the Utah Watersheds Council created in Section 73-10g-304.
- (8) "Water infrastructure fund money" means money in:
  - (a) the Water Infrastructure Fund, created by Section 73-10g-107;
  - (b) the Water Quality Security - Utah Wastewater Loan Program Subaccount, created in Section 73-10c-5;
  - (c) the Drinking Water Security - Drinking Water Loan Program Subaccount, created in Section 73-10c-5;
  - (d) the Water Resources Conservation and Development Fund, created in Section 73-10-24; or
  - (e) another fund or account administered by a relevant agency:
    - (i) unless use of the money is restricted by federal law; or
    - (ii) except as provided in Section 73-10g-606.

Amended by Chapter 105, 2025 General Session

Amended by Chapter 124, 2025 General Session

**73-10g-602 Unified water infrastructure plan -- Annual reporting.**

- (1)
  - (a) The state council shall adopt a unified water infrastructure plan in accordance with this section by no later than March 1, 2026.
  - (b) The state council shall update the unified water infrastructure plan as needed, but at least every four years.
  - (c) A relevant agency may request that the state council amend the unified water infrastructure plan.
- (2) A unified water infrastructure plan shall:
  - (a) describe water infrastructure projects:
    - (i) needed to maintain the reliable supply of safe and clean water within the state; and
    - (ii) organized in 10-year phases up to at least a 20-year plan;
  - (b) be consistent with the policies, goals, and recommendations of the state water plan; and
  - (c) be based primarily on agency plans submitted by the relevant agencies.
- (3) Beginning on June 30, 2025, a relevant agency shall:
  - (a) annually adopt a water infrastructure agency plan that describes and ranks needed water infrastructure projects under the jurisdiction of the relevant agency;
  - (b) include in the agency plan ranking justifications and descriptions of whether a water infrastructure project is:
    - (i) ready for construction;
    - (ii) planning for construction; or
    - (iii) a future project;
  - (c) organize an agency plan under this section in 10-year phases up to at least a 20-year plan; and
  - (d) annually submit the agency plan to the state council by no later than June 30.
- (4) Before adopting or amending a unified water infrastructure plan, the state council shall provide a draft of the proposed unified water infrastructure plan to the Utah Watersheds Council and the Utah Watersheds Council may advise the state council concerning the unified water infrastructure plan.
- (5)
  - (a) Beginning September 1, 2024, a relevant agency shall annually prepare a report and submit it to the state council concerning the funds or accounts that the relevant agency administers.
  - (b) The report required by this Subsection (5) shall provide for the fund or account:
    - (i) the balance at the beginning of the fiscal year of the report;
    - (ii) revenues received from any source during the fiscal year;
    - (iii) the ending balance after the close of the fiscal year; and
    - (iv) projected revenues and disbursements for the coming fiscal year.
  - (c) The state council shall compile the reports submitted pursuant to this Subsection (5) by no later than October 1 and distribute the compiled report to:
    - (i) the governor;
    - (ii) the Legislative Management Committee;
    - (iii) the Natural Resources, Agriculture, and Environment Interim Committee;
    - (iv) the Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee; and

(v) the Legislative Water Development Commission.

Amended by Chapter 105, 2025 General Session

**73-10g-603 Ranking and prioritizing water infrastructure projects.**

- (1) The state council, in consultation with the relevant agencies, shall develop a written prioritization process for ranking and prioritizing water infrastructure projects that are or will be funded by water infrastructure fund money beginning with fiscal year 2027. The written prioritization process shall:
  - (a) identify water infrastructure projects listed in the unified water infrastructure plan described in Section 73-10g-602;
  - (b) establish a process under which an applicant may apply for funding of a water infrastructure project listed in the unified water infrastructure plan;
  - (c) provide for the assignment by the state council of a water infrastructure project application to a relevant agency;
  - (d) provide for a relevant agency to rank the water infrastructure projects assigned to the relevant agency under Subsection (1)(c);
  - (e) on the basis of the ranking of water infrastructure projects under Subsection (1)(d), establish a process for the state council to prioritize water infrastructure projects; and
  - (f) establish a process for transferring money from the Water Infrastructure Fund, created in Section 73-10g-107, into a fund or account described in Subsection 73-10g-601(6) to fund water infrastructure projects prioritized by the state council.
- (2) The following shall be included in the written prioritization process under Subsection (1):
  - (a) subject to Subsection (3), categories of the types of water infrastructure projects against which other water infrastructure projects are prioritized, including:
    - (i) drinking water projects;
    - (ii) wastewater projects;
    - (iii) stormwater projects;
    - (iv) secondary water projects;
    - (v) dam and reservoir projects;
    - (vi) off-farm agriculture projects; and
    - (vii) water reuse projects;
  - (b) exclusion of the following types of water infrastructure projects:
    - (i) an emergency water infrastructure project; or
    - (ii) a small water infrastructure project that receives less than an amount of water infrastructure fund money established by rule made by the state council in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
  - (c) hardship criteria that at a minimum refer to the hardship criteria of the Division of Drinking Water and the Division of Water Quality;
  - (d) criteria related to the public interest, including conservation and the protection of public health and safety;
  - (e) criteria to ensure that the project is adequately designed based on sound engineering and geologic considerations;
  - (f) criteria for ranking or prioritizing a local water infrastructure project based on:
    - (i) a local water infrastructure plan that is consistent with this section; and
    - (ii) consultation with local entities about local water infrastructure projects;
  - (g) criteria for ranking or prioritizing a water infrastructure project when water infrastructure fund money will be used to match federal funding;

- (h) a requirement that a person who receives water infrastructure fund money for a water infrastructure project:
  - (i) engage in long-term planning consistent with Section 73-10g-602; and
  - (ii) comply with Section 73-10g-605; and
  - (i) any other provision the state council considers appropriate.
- (3) When including categories of types of water infrastructure projects used in the written prioritization process, the state council shall consider:
  - (a) whether to apply percentages of water infrastructure fund money assigned to each category;
  - (b) the size and resources of recipients; and
  - (c) the potential purposes of the different types of water infrastructure projects, such as agricultural, municipal, or industrial uses.
- (4) In developing the written prioritization process, the state council shall seek and consider public comment related to developing the written prioritization process by holding public meetings at locations throughout the state in accordance with Title 52, Chapter 4, Open and Public Meetings Act.
- (5)
  - (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state council shall make rules establishing the written prioritization process under Subsection (1).
  - (b) The state council shall submit a proposed rule to the Legislative Water Development Commission for review before taking final action on the proposed rule or a proposed amendment to the rule described in this Subsection (5).
- (6) In determining priorities and funding levels of water infrastructure projects, the state council shall use the ranked list of water infrastructure projects based on the criteria adopted in the written prioritization process under Subsection (1).
- (7) A relevant agency shall annually report to the state council on the status of new water infrastructure projects, including water infrastructure projects that are funded by the Legislature in an appropriation act.
- (8) For a fiscal year before fiscal year 2027, a relevant agency shall prioritize water infrastructure projects within the jurisdiction of the relevant agency and not the state council.

Amended by Chapter 105, 2025 General Session

**73-10g-604 State council's general duties related to prioritizing -- Reporting -- Relevant agency actions.**

- (1) The state council shall:
  - (a) beginning with fiscal year 2027, determine priorities and funding levels of water infrastructure projects for each fiscal year based on the water infrastructure projects ranked by relevant agencies under Section 73-10g-603;
  - (b) hold public meetings in accordance with Title 52, Chapter 4, Open and Public Meetings Act, and otherwise provide for public input on funding of water infrastructure projects; and
  - (c) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to perform the state council's duties related to:
    - (i) adopting the unified water infrastructure plan;
    - (ii) adopting a written prioritization process; and
    - (iii) prioritizing and setting funding levels for water infrastructure projects.
- (2)

- (a) For water infrastructure projects prioritized with funding provided under this title, the state council shall annually report, by no later than the October interim meeting of the Legislature, to the Legislative Water Development Commission:
  - (i) a prioritized list of the water infrastructure projects and the funding levels available for those water infrastructure projects; and
  - (ii) the unfunded water infrastructure projects and maintenance needs within the state.
- (b) The Legislative Water Development Commission shall:
  - (i) review the prioritized list reported by the state council; and
  - (ii) recommend to the Legislature:
    - (A) the amount of additional funding to allocate to water infrastructure projects; and
    - (B) the source of revenue for the additional funding allocation under Subsection (2)(b)(ii)(A).
- (3) A relevant agency shall administer money prioritized under this part in a manner consistent with this part.

Amended by Chapter 105, 2025 General Session

**73-10g-605 Capital asset management and reserve analysis -- Assistance for person seeking state funds.**

- (1) As a condition of receiving water infrastructure fund money for a water infrastructure project by a loan or grant, a recipient shall:
  - (a) conduct a reserve study showing how the recipient shall:
    - (i) repay the loan if the recipient receives a loan; and
    - (ii) collect money for repair and replacement of the water infrastructure project;
  - (b) if the recipient receives a loan, update the reserve study described in Subsection (1)(a) every five years or until the loan is repaid; and
  - (c) comply with the relevant capital asset management requirements under:
    - (i) Section 19-5-202 for a water infrastructure project related to wastewater or sewage infrastructure;
    - (ii) Section 73-10g-502 for a water conservancy district's, as defined in Section 73-10g-501, water infrastructure project that is not described in Subsection (1)(c)(i); or
    - (iii) Section 73-10g-502.5, for a public water system, as defined in Section 73-10g-502.5, that is not a water conservancy district.
- (2) A reserve study required under this section shall include:
  - (a) a list of the components identified in the reserve analysis that will reasonably require reserve funds;
  - (b) a statement of the probable remaining useful life, as of the date of the reserve analysis, of each component identified in the reserve analysis;
  - (c) an estimate of the cost to repair, replace, or restore each component identified in the reserve analysis;
  - (d) an estimate of the total annual contribution to a reserve fund necessary to meet the cost to repair, replace, or restore each component identified in the reserve analysis during the component's useful life and at the end of the component's useful life; and
  - (e) a reserve funding plan that recommends how the system may fund the annual contribution described in Subsection (2)(d).
- (3) If a person seeking state or federal financing or grants establishes a need to the satisfaction of a relevant agency, the relevant agency may provide the person:

- (a) water infrastructure fund money to assist the recipient in complying with the planning, reserve analysis, and capital asset management requirements of this part or Part 5, Capital Assets for Water; or
- (b) technical assistance with the planning, reserve analysis, or capital asset management requirements of this part or Part 5, Capital Assets for Water.

Amended by Chapter 105, 2025 General Session

**73-10g-606 Scope of part.**

This part does not apply to:

- (1) the Water Resources Construction Fund created in Section 73-10-8; and
- (2) the Water Infrastructure Restricted Account created in Section 73-10g-103.

Enacted by Chapter 105, 2025 General Session

**Effective 7/1/2026**

**73-10g-607 Fee schedule --Approval of fee schedule -- Exemption -- Report -- Monitoring of fees.**

- (1)
  - (a) Subject to Subsection (2), the state council may establish a fee schedule for public water systems for water service and delivery in the state.
  - (b) To create a fee schedule for public water systems, the state council shall use the findings from the review described in Section 73-10-39.
- (2) The state council may not charge or collect a fee described in Subsection (1) without approval of the fee schedule by the Legislature in accordance with Section 63J-1-504.
- (3) Agricultural water is exempt from a fee established under Subsection (1).
- (4) Subject to Subsection (2), a public water system shall submit payment of the fee established in Subsection (1) into the Water Infrastructure Fund created in Section 73-10g-107:
  - (a) in accordance with a schedule provided by the state council; and
  - (b) using a form provided by the state council.
- (5) On or before October 31, 2026, the state council shall report to the Natural Resources, Agriculture, and Environment Interim Committee regarding the development of the fee schedule described in Subsection (1).
- (6) The Office of the Legislative Fiscal Analyst shall monitor any fees collected under this section.

Enacted by Chapter 124, 2025 General Session

**Part 7**  
**Utah Water Agent**

**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.

Amended by Chapter 119, 2025 General Session

**73-10g-702 Utah water agent.**

- (1)
  - (a) The governor shall appoint, with the advice and consent of the Senate, a resident of this state to be the Utah water agent.
  - (b) The governor shall consult with the speaker of the House of Representatives and the president of the Senate before appointing the water agent.
  - (c) The water agent is a state employee.
  - (d) The governor may appoint an individual who is serving in an executive branch appointed position to be the water agent, and the individual may serve in both positions, except that the governor shall adjust the salary of the water agent to account for salary received for the executive branch appointed position.
- (2) The water agent shall serve a term of six years and may be appointed to more than one term, but is subject to removal at the pleasure of the governor.
- (3) If there is a vacancy in the position of water agent for any reason, the governor shall appoint a replacement using the same procedure as Subsection (1), including the requirement of the advice and consent of the Senate.
- (4) Subject to Subsection (1)(d), the governor shall establish the water agent's compensation within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.
- (5)
  - (a) Upon appropriation by the Legislature, state money shall be used for the administration of this part, including paying the costs of:
    - (i) subject to Subsection (5)(b), the water agent's administrative, office, and staff support; and
    - (ii) reasonable travel expenses.
  - (b) The water agent shall use office and staffing support provided under Subsection 11-13-228(2)(e).

Enacted by Chapter 522, 2024 General Session

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

- (1)
  - (a) 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 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 Subsection (1)(a)(iv);
- (vi) represent the state in interstate conferences between the state and one or more sister states held for the purpose of entering into compacts between such states for the division of the waters of interstate rivers, lakes, or other sources of water supply, and to represent the state upon commissions or other governing bodies provided for by any compacts that have been or may be entered into between the state and one or more sister states, except that a compact is not binding on the state until the compact is ratified and approved by the Legislature and the legislatures of other states that are parties to the compact;
- (vii) recommending to the Legislature and to the council actions that may assist in the development of, strategies for, and execution of water augmentation projects; and
- (viii) annually reporting findings and recommendations to:
  - (A) the governor;
  - (B) the president of the Senate;
  - (C) the speaker of the House of Representatives;
  - (D) the Legislative Water Development Commission created in Section 73-27-102;
  - (E) the Natural Resources, Agriculture, and Environment Interim Committee; and
  - (F) the Board of Water Resources created in Section 73-10-1.5.
- (b) The water agent may recommend to the Board of Water Resources, created in Section 73-10-1.5, a water augmentation project that the water agent negotiates under this section, if the water augmentation project is in the best interest of the people of this state and the state's water resources.
- (2) The water agent shall consult and work with the council, state entities, the Colorado River Authority of Utah, and other bodies established by the state for interstate water negotiations.
- (3) Subject to Title 63G, Chapter 2, Government Records Access and Management Act, upon request of the water agent, a state or local entity shall provide to the water agent a document, report, or information available within the state or local entity.
- (4) The water agent may negotiate with tribes in accordance with this section.
- (5) This chapter may not be interpreted to override, substitute, or modify a water right within the state or the role and authority of the state engineer.
- (6) In implementing this part, the water agent shall at least monthly coordinate with and receive input from the relevant divisions within the Department of Natural Resources regarding the water agent's activities.

Amended by Chapter 93, 2025 General Session