

73-3a-108 Approval of applications -- Criteria.

- (1) The state engineer shall:
 - (a) undertake an investigation of any application made under this chapter; and
 - (b) approve the application, if he finds that:
 - (i) the proposed appropriation or change:
 - (A) satisfies Section 73-3-3, 73-3-5.5, or 73-3-8, whichever is applicable;
 - (B) is consistent with Utah's reasonable water conservation policies or objectives;
 - (C) is not contrary to the public welfare; and
 - (D) does not impair the ability of the state of Utah to comply with its obligation under any interstate compact or judicial decree which apportions water among Utah and other states; and
 - (ii) the water can be transported, measured, delivered, and beneficially used in the recipient state.
- (2) In reviewing the criteria of Subsections (1)(b)(i)(B) and (1)(b)(i)(C), the state engineer shall consider the following factors:
 - (a) the supply and quality of water available to the state of Utah;
 - (b) the current and reasonably anticipated water demands of the state of Utah;
 - (c) whether there are current or reasonably anticipated water shortages within Utah;
 - (d) whether the water that is the subject of the application could feasibly be used to alleviate current or reasonably anticipated water shortages within Utah;
 - (e) the alternative supply and sources of water available to the applicant in the state where the applicant intends to use the water; and
 - (f) the demands placed on the applicant's alternate water supply in the state where the applicant intends to use the water.
- (3) If any application fails to meet any criteria of Subsection (1), it shall be rejected.
- (4) The state engineer may condition any approval to ensure that the use of the water in another state:
 - (a) is subject to the same laws, rules, and controls that may be imposed upon water use within the state of Utah; or
 - (b) is consistent with the terms and conditions of any applicable interstate compact to which the state of Utah is a party.

Enacted by Chapter 234, 1991 General Session