

Part 1 General Provisions

73-3b-101 Short title.

This chapter is known as the "Groundwater Recharge and Recovery Act."

Enacted by Chapter 146, 1991 General Session

73-3b-102 Definitions.

As used in this chapter:

- (1) "Artificially recharge" means to place water in an aquifer:
 - (a) by means of:
 - (i) injection;
 - (ii) surface infiltration; or
 - (iii) another method; and
 - (b) for the purposes of:
 - (i) storing the water; and
 - (ii) recovering the water.
- (2) "Division" means Division of Water Rights.
- (3) "Recharge permit" means a permit issued by the state engineer to construct and operate a recharge project.
- (4) "Recharge project" means to artificially recharge water into an aquifer.
- (5) "Recovery permit" means a permit issued by the state engineer to construct and operate a recovery project.
- (6) "Recovery project" means to withdraw from an aquifer water that has been artificially recharged pursuant to a recharge permit.

Amended by Chapter 107, 2010 General Session

73-3b-103 Prohibitions.

- (1) A person may not artificially recharge an aquifer without first obtaining a recharge permit.
- (2) A person may not recover from an aquifer water that has been artificially recharged unless the person first obtains a recovery permit.
- (3) A person holding a recharge permit or recovery permit may not operate a recharge project or recovery project in a manner that is inconsistent with the permit conditions set by the state engineer.

Amended by Chapter 107, 2010 General Session

73-3b-104 Rulemaking power of state engineer.

The state engineer may make rules to administer this chapter in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 382, 2008 General Session

73-3b-105 Administrative procedures.

The administrative procedures applicable to the issuance, modification, suspension, or revocation of a recharge permit or recovery permit are those set forth in Title 63G, Chapter 4, Administrative Procedures Act, and Sections 73-3-6, 73-3-7, 73-3-14, and 73-3-15.

Amended by Chapter 107, 2010 General Session

73-3b-106 Water right for recharged water -- Change of use of recovered water.

- (1) A person proposing to artificially recharge water into an aquifer must have:
 - (a) a valid water right for the water proposed to be recharged; or
 - (b) an agreement to use the water proposed to be recharged with a person who has a valid water right for the water proposed to be recharged.
- (2) A person who holds a recovery permit may use or exchange recovered water only in the manner in which the water was permitted to be used or exchanged before the water was artificially recharged, unless a change or exchange application is filed and approved pursuant to Section 73-3-3 or 73-3-20, as applicable.

Amended by Chapter 107, 2010 General Session

73-3b-107 Recoverable water -- State engineer to determine.

A person who holds a recovery permit may recover the amount of water stored by the recharge project which the state engineer determines has reached the aquifer and remains within the hydrologic area of influence.

Enacted by Chapter 146, 1991 General Session