

73-3b-202 Issuance of recharge permit -- Criteria -- Conditions.

The state engineer:

- (1) shall issue a recharge permit if:
 - (a) the applicant has:
 - (i) the technical and financial capability to construct and operate the recharge project; and
 - (ii)
 - (A) a valid water right for the use of the water proposed to be artificially recharged; or
 - (B) an agreement to use the water proposed to be artificially recharged with a person who has a valid water right for the use of the water proposed to be artificially recharged; and
 - (b) the project:
 - (i) is hydrologically feasible;
 - (ii) will not cause unreasonable harm to land;
 - (iii) will not impair any existing water right within the area of hydrologic impact; and
 - (iv) will not adversely affect the water quality of the aquifer;
- (2) shall condition any approval on acquiring the applicable water quality permits prior to construction and operation of the recharge project; and
- (3) may attach to the permit any condition the state engineer determines is appropriate.

Amended by Chapter 107, 2010 General Session