

1st Sub. H.B. 422

PREREQUISITES FOR UTAH ENTERING AN AGREEMENT TO DIVIDE
GROUNDWATER WITH ANOTHER STATE

Representative **Melvin Brown** proposes the following amendments:

1. Page 4, Line 110:

110 (b) review the inventory and assessment ~~.~~ - {required by Section 73-29-201;}

2. Page 4, Line 114 through Page 6, Line 157:

~~114 Section 4. Section 73-29-201 is enacted to read:~~
115 ~~Part 2. Agreement Requirements~~
116 ~~73-29-201. Inventory and assessment required:~~
117 ~~(1) Before the executive director may sign the agreement, as authorized by Section~~
118 ~~73-29-202, the department shall complete the inventory and assessment required by this~~
119 ~~section:~~
120 ~~(2) The state engineer, in cooperation with other divisions within the department, shall:~~
121 ~~(a) inventory the vested water rights in the area affected by the interstate groundwater~~
122 ~~flow system; and~~
123 ~~(b) obtain current information on surface water and groundwater resources, including:~~
124 ~~(i) springs;~~
125 ~~(ii) seeps;~~
126 ~~(iii) water flows;~~
127 ~~(iv) water tables; and~~
128 ~~(v) vegetation.~~
129 ~~(3) The state engineer, as authorized by Sections 73-2-15 and 73-2-17, may enter into~~
130 ~~agreements to investigate the surface water and groundwater resources as required by this~~
131 ~~section:~~
132 ~~(4) (a) The Utah Geological Survey shall use the information collected under~~
133 ~~Subsection (2) along with data from any test wells to predict and assess the impacts the project~~
134 ~~will have on:~~
135 ~~(i) Utah water rights;~~
136 ~~(ii) the agricultural industry and other business development in the area;~~
137 ~~(iii) air quality;~~
138 ~~(iv) water quality; and~~
139 ~~(v) Utah's ecosystem, including:~~
140 ~~(A) plant life;~~

141 ~~—— (B) wildlife; and~~
142 ~~—— (C) sensitive or endangered species.~~
143 ~~—— (b) The Department of Environmental Quality shall cooperate with the department in~~
144 ~~making the assessment required by this section.~~
145 ~~—— Section 5. Section 73-29-202 is enacted to read:~~
146 ~~—— 73-29-202. Executive director to sign agreement -- Legislature to ratify.~~
147 ~~—— The executive director may not execute the agreement until:~~
148 ~~—— (1) the inventory and assessment required by Section 73-29-201 is complete;~~
149 ~~—— (2) the water resources study required by the Lincoln County Conservation, Recreation,~~
150 ~~and Development Act of 2004, Pub. L. No. 108-424, is complete; and~~
151 ~~—— (3) the agreement has been approved by the governor and the Legislature in a~~
152 ~~concurrent resolution.~~
153 ~~—— Section 6. Intent language:~~
154 ~~—— It is the intent of the Legislature that if this bill and H.B. 134, School and Institutional~~
155 ~~Trust Lands Amendments, both pass that the money appropriated to the Geological Survey in~~
156 ~~Subsection 53C-3-203(4) for test wells and hydrologic studies in the West Desert be used by~~
157 ~~the Geological Survey to satisfy its responsibilities under Section 73-29-201. }~~