

30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **73-3-21.1** is enacted to read:

32 **73-3-21.1. Priorities between appropriators.**

33 (1) As used in this section, "temporary water shortage emergency" means a shortage of
34 water:

35 (a) whether caused by drought, manmade, or naturally caused;

36 (b) for which the governor has declared an emergency; and

37 (c) that may not exceed in duration more than two consecutive calendar years.

38 (2) (a) Appropriators shall have priority among themselves according to the dates of
39 their respective appropriations, so that each appropriator is entitled to receive the
40 appropriator's whole supply before any subsequent appropriator has any right.

41 (b) Notwithstanding Subsection (2)(a), if there is a temporary water shortage
42 emergency, the use of water for drinking, sanitation, and fire suppression has a preferential
43 right over any other water right for the duration of the temporary water shortage emergency if:

44 (i) the water is used by:

45 (A) an individual water user;

46 (B) a county or municipality; or

47 (C) a public water supplier, as defined in Section 73-1-4; and

48 (ii) the water is used without unnecessary waste.

49 (c) Notwithstanding Subsection (2)(a), if there is a temporary water shortage
50 emergency, the use of water for agricultural purposes, including irrigation and livestock water,
51 has a preferential right over any other right, except as provided in Subsection (2)(b).

52 (3) A person using water preferentially during a temporary water shortage emergency
53 shall pay annually to the appropriator whose water use is interrupted the reasonable value of
54 the water use interrupted, crop losses, and other consequential damages incurred as a result of
55 the interruption.