

**TEMPORARY WATER SHORTAGE EMERGENCY - MILITARY
FACILITIES**

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ralph Okerlund

House Sponsor: _____

LONG TITLE

General Description:

This bill provides for special priority for the use of water by a military facility during a temporary water shortage emergency.

Highlighted Provisions:

This bill:

- ▶ defines "military facility";
- ▶ provides for special priority for the use of water by a military facility during a temporary water shortage emergency; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

73-3-21.1, as enacted by Laws of Utah 2010, Chapter 252

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

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

73-3-21.1. Priorities between appropriators.



28 (1) As used in this section ~~§~~→ [,"temporary"] :

28a (a) "Military facility" means an installation, base, air field, camp, post, station, yard, center,
28b or other facility owned, leased, or operated by, or under the jurisdiction of, the United States
28c Department of Defense or the National Guard.

28d (b) "Temporary ←~~§~~ water shortage emergency" means a shortage of
29 water:

- 30 ~~§~~→ [(a)] (i) ←~~§~~ whether caused by drought, manmade, or naturally caused;
- 31 ~~§~~→ [(b)] (ii) ←~~§~~ for which the governor has declared an emergency; and
- 32 ~~§~~→ [(c)] (iii) ←~~§~~ that may not exceed in duration more than two consecutive calendar years.

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

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

- 39 (i) the water is used by:
 - 40 (A) an individual water user;
 - 41 (B) a county or municipality; [or]
 - 42 (C) a public water supplier, as defined in Section 73-1-4; [and] or
 - 43 (D) a military facility ~~§~~→ that was in operation on March 10, 2011 ←~~§~~ ; and
- 44 (ii) the water is used without unnecessary waste.

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

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

Legislative Review Note
as of 12-29-10 2:37 PM

Office of Legislative Research and General Counsel