

1 **TEMPORARY WATER SHORTAGE EMERGENCY - MILITARY**

2 **FACILITIES**

3 2011 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Ralph Okerlund**

6 House Sponsor: John G. Mathis

8 **LONG TITLE**

9 **General Description:**

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

12 **Highlighted Provisions:**

13 This bill:

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

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **73-3-21.1**, as enacted by Laws of Utah 2010, Chapter 252

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

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

28 **73-3-21.1. Priorities between appropriators.**

29 (1) As used in this section[, "temporary]:

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

33 (b) "Temporary water shortage emergency" means a shortage of water:

34 [~~(a)~~] (i) whether caused by drought, manmade, or naturally caused;

35 [~~(b)~~] (ii) for which the governor has declared an emergency; and

36 [~~(c)~~] (iii) that may not exceed in duration more than two consecutive calendar years.

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

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

43 (i) the water is used by:

44 (A) an individual water user;

45 (B) a county or municipality; [~~or~~]

46 (C) a public water supplier, as defined in Section 73-1-4; [~~and~~] or

47 (D) a military facility that was in operation on March 10, 2011; 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 the
54 water use interrupted, crop losses, and other consequential damages incurred as a result of the
55 interruption.