

CANAL SAFETY AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Johnny Anderson

Senate Sponsor: Gene Davis

LONG TITLE

General Description:

This bill modifies the Water and Irrigation code.

Highlighted Provisions:

This bill:

- ▶ modifies the definition of "water conveyance facility";
- ▶ requires the state engineer, by July 1, 2017, to inventory and maintain a list of all open, human-made water conveyance systems in the state;

▶ requires the state engineer to contract with ~~H→ [the Utah Association of Conservation~~

Districts] a local conservation district ←H to provide technical support for a canal owner who

is adopting a

management plan; and

- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

73-5-7, Utah Code Annotated 1953

73-10-33, as enacted by Laws of Utah 2010, Chapter 113

H.B. 370



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

29 Section 1. Section 73-5-7 is amended to read:

30 **73-5-7. Inspection of ditches and diverting works by engineer.**

31 (1) (a) The state engineer shall have authority to examine and inspect any ditch or other
32 diverting works, and at the time of such inspection [~~he~~], the state engineer may order the
33 owners thereof to make any addition or alteration [~~which he~~] that the state engineer considers
34 necessary for the security of such works, the safety of persons, or the protection of property.

35 (b) If any person, firm, copartnership, association, or corporation refuses or neglects to
36 comply with [~~such~~] the requirements of the state engineer[~~, he~~] as described in Subsection
37 (1)(a), the state engineer may bring action in the name of the state in the district court to
38 enforce [~~his~~] the order.

39 (2) The state engineer shall, by July 1, 2017, inventory and maintain a list of all open,
40 human-made water conveyance systems ~~H→~~ that carry 5 cubic feet per second or more ~~←H~~ in
41a the state, including the following information on
42 each conveyance system:

43 (a) ~~H→~~ [location] alignment ~~←H~~ ;

44 (b) ~~H→~~ contact information of the ~~←H~~ owner;

45 (c) maximum flow capacity in cubic feet per second;

46 (d) whether the conveyance system is used for flood ~~H→~~ or storm water ~~←H~~ management;
47a and

48 (e) ~~H→~~ [the] notice of the adoption of a ~~←H~~ management plan for the conveyance
49 system ~~H→~~ [, once it has been adopted,] ~~←H~~ as
50 reported to the Division of Water Resources under Section 73-10-33.

51 ~~H→~~ (3) The owner of an open, human-made water conveyance system that carries 5 cubic
52a feet per second or more shall inform the state
53 engineer if the information described in Subsection (2) changes.

54 [~~3~~] (4) ~~←H~~ The state engineer:

55 (a) may contract with ~~H→~~ [an organization that represents all 38] a local ~~←H~~ conservation
56 ~~H→~~ [districts] district ~~←H~~
57 created in Title 17D, Chapter 3, Conservation District Act, to fulfill the duties described in
58 Subsection (2); and

59 (b) ~~S→~~ [shall] may ~~←S~~ contract ~~H→~~ [with an organization that represents all 38] a local
60 ~~←H~~ conservation
61 ~~H→~~ [districts] district ~~←H~~
62 created in Title 17D, Chapter 3, Conservation District Act, to provide technical support for a
63 canal owner who is adopting a management plan, as described in Section 73-10-33.

64 Section 2. Section 73-10-33 is amended to read:

65 **73-10-33. Management plan for water conveyance facilities.**

66 (1) As used in this section:

67 (a) "Board" means the Board of Water Resources created by Section 73-10-1.5.

152 municipality or county in which is located a potential risk location of the water conveyance
 153 facility an outline of the information provided in Subsection (3)(f).

154 (b) A facility owner or operator shall give notice to the planning and zoning
 155 department of each municipality and county identified in Subsection (3)(h) outlining the
 156 information provided in Subsections (3)(f), (i), and (j).

157 (c) An outline of information provided under this Subsection (5) is a protected record
 158 under Section 63G-2-305.

159 (6) (a) The division may provide information and technical resources to a facility
 160 owner or operator of a water conveyance facility, regardless of whether the water conveyance
 161 facility has a potential risk location.

162 (b) In providing the information and resources described in Subsection
 162a ~~H~~→ [(5)(a)] (6)(a) ←~~H~~, the
 163 division may coordinate with efforts of any association of conservation districts that may
 164 provide similar information and technical resources.

165 (c) The information and technical resources described in Subsection
 165a ~~H~~→ [(5)(a)] (6)(a) ←~~H~~ include:

166 (i) engaging state and local water users in voluntary completion of a management plan;

167 (ii) developing standard guidelines, checklists, or templates that may be used by a
 168 facility owner or operator;

169 (iii) using conservation districts as points of contact with a facility owner or operator;

170 (iv) providing training to help a facility owner or operator to adopt a management plan;

171 and

172 (v) assisting, at the request and under the direction of, a facility owner or operator with
 173 efforts to adopt or implement a management plan.

174 (7) (a) A facility owner or operator of a water conveyance facility that has a potential
 175 risk location shall provide the board or division upon request:

176 (i) written certification signed under oath by a person authorized to act for the board of
 177 directors or persons occupying a similar status or performing similar functions, certifying that
 178 the management plan complies with this section; and

179 (ii) an opportunity to review a management plan.

180 (b) A management plan received by the board or division under this section is a
 181 protected record under Section 63G-2-305.

182 (8) The board shall report concerning compliance with this section to the Natural