

**Representative Kim F. Coleman** proposes the following substitute bill:

**WATER HOLDINGS ACCOUNTABILITY AND  
TRANSPARENCY AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kim F. Coleman**

Senate Sponsor: Curtis S. Bramble

**LONG TITLE**

**General Description:**

This bill puts requirements on a city that supplies municipal water outside the city's jurisdictional boundaries.

**Highlighted Provisions:**

This bill:

- ▶ requires a city that supplies municipal water outside the city's jurisdictional boundaries to post certain information publicly and provide it to the state engineer;
- ▶ specifies that the state engineer may make rules regarding the form and content of information supplied by a city supplying municipal water to a service area outside the city's jurisdictional boundaries and shall also post the information to the division's website; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**



26 AMENDS:

27 [73-2-1](#), as last amended by Laws of Utah 2017, Chapter 60

28 ENACTS:

29 [10-8-15.5](#), Utah Code Annotated 1953

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

32 Section 1. Section [10-8-15.5](#) is enacted to read:

33 **[10-8-15.5. Providing municipal water beyond jurisdictional boundaries.](#)**

34 A city that provides municipal water to a service area outside the city's jurisdictional  
35 boundaries shall:

36 (1) post the following information on the city's website:

37 (a) a map of the area being served;

38 (b) any change application number, if applicable, being used to service the area outside  
39 the city's jurisdictional boundaries;

40 (c) the quantity of water being used to service the area outside the city's jurisdictional  
41 boundaries;

42 (d) the rates assessed to water users, both inside and outside municipal boundaries;

43 (e) the number of retail water connections the city serves inside the municipal  
44 boundary and the number of retail water connections the city serves outside the municipal  
45 boundary;

46 (f) the number of master meter connections that provide culinary water to residents  
47 beyond the water; and

48 (g) a financial statement that shows separate financial accounting of revenues derived  
49 from water service delivered inside the municipal boundary and water service delivered outside  
50 the municipal boundary; and

51 (2) provide all the information described in Subsection (1) to the state engineer  
52 described in Section [73-2-1](#).

53 Section 2. Section [73-2-1](#) is amended to read:

54 **[73-2-1. State engineer -- Term -- Powers and duties -- Qualification for duties.](#)**

55 (1) There shall be a state engineer.

56 (2) The state engineer shall:

- 57 (a) be appointed by the governor with the consent of the Senate;
- 58 (b) hold office for the term of four years and until a successor is appointed; and
- 59 (c) have five years experience as a practical engineer or the theoretical knowledge,  
60 practical experience, and skill necessary for the position.

61 (3) (a) The state engineer shall be responsible for the general administrative  
62 supervision of the waters of the state and the measurement, appropriation, apportionment, and  
63 distribution of those waters.

64 (b) The state engineer may secure the equitable apportionment and distribution of the  
65 water according to the respective rights of appropriators.

66 (4) The state engineer shall make rules, in accordance with Title 63G, Chapter 3, Utah  
67 Administrative Rulemaking Act, consistent with the purposes and provisions of this title,  
68 regarding:

- 69 (a) reports of water right conveyances;
- 70 (b) the construction of water wells and the licensing of water well drillers;
- 71 (c) dam construction and safety;
- 72 (d) the alteration of natural streams;
- 73 (e) geothermal resource conservation;
- 74 (f) enforcement orders and the imposition of fines and penalties; and
- 75 (g) the duty of water.

76 (5) The state engineer may make rules, in accordance with Title 63G, Chapter 3, Utah  
77 Administrative Rulemaking Act, consistent with the purposes and provisions of this title,  
78 governing:

- 79 (a) water distribution systems and water commissioners;
- 80 (b) water measurement and reporting;
- 81 (c) groundwater recharge and recovery;
- 82 (d) wastewater reuse;
- 83 (e) the form, content, and processing procedure for a claim under Section 73-5-13 to  
84 surface or underground water that is not represented by a certificate of appropriation;
- 85 (f) the form and content of a proof submitted to the state engineer under Section  
86 73-3-16;
- 87 (g) the determination of water rights; or

88 (h) the form and content of applications and related documents, maps, and reports,  
89 including information required by Section [10-8-15.5](#).

90 (6) The state engineer shall maintain a section on the division's website titled  
91 "extraterritorial water service areas" and include in that section the information required by  
92 Section [10-8-15.5](#).

93 [~~6~~] (7) The state engineer may bring suit in courts of competent jurisdiction to:

94 (a) enjoin the unlawful appropriation, diversion, and use of surface and underground  
95 water without first seeking redress through the administrative process;

96 (b) prevent theft, waste, loss, or pollution of those waters;

97 (c) enable him to carry out the duties of the state engineer's office; and

98 (d) enforce administrative orders and collect fines and penalties.

99 [~~7~~] (8) The state engineer may:

100 (a) upon request from the board of trustees of an irrigation district under Title 17B,  
101 Chapter 2a, Part 5, Irrigation District Act, or another local district under Title 17B, Limited  
102 Purpose Local Government Entities - Local Districts, or a special service district under Title  
103 17D, Chapter 1, Special Service District Act, that operates an irrigation water system, cause a  
104 water survey to be made of all lands proposed to be annexed to the district in order to  
105 determine and allot the maximum amount of water that could be beneficially used on the land,  
106 with a separate survey and allotment being made for each 40-acre or smaller tract in separate  
107 ownership; and

108 (b) upon completion of the survey and allotment under Subsection [~~7~~] (8)(a), file with  
109 the district board a return of the survey and report of the allotment.

110 [~~8~~] (9) (a) The state engineer may establish water distribution systems and define  
111 their boundaries.

112 (b) The water distribution systems shall be formed in a manner that:

113 (i) secures the best protection to the water claimants; and

114 (ii) is the most economical for the state to supervise.