

1 **JOINT RESOLUTION SUPPORTING THE STUDY OF**
2 **WATER BANKING IN UTAH**

3 2019 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Jani Iwamoto**

6 House Sponsor: Stewart E. Barlow

8 **LONG TITLE**

9 **General Description:**

10 This resolution requests recommendations on the development and creation of water
11 banks to further the 2017 State Recommended Water Strategy.

12 **Highlighted Provisions:**

13 This resolution:

- 14 ▶ encourages the study of possible options to create and develop water banks to
15 further the 2017 State Recommended Water Strategy and the preparation of
16 recommendations for the Legislature to consider for the 2020 General Session.

17 **Special Clauses:**

18 None

20 *Be it resolved by the Legislature of the state of Utah:*

21 WHEREAS, in July 2017, the Governor's Water Strategy Advisory Team finalized a
22 Recommended State Water Strategy, which identified strategies to help meet the water
23 demands of the more than five million people who are projected to live in Utah by 2060;

24 WHEREAS, the Recommended State Water Strategy identified ways to stretch Utah's
25 limited water supplies and provide clean and affordable water to sustain thriving communities
26 and businesses, robust agriculture, ample recreation, and a healthy and resilient natural
27 environment;

28 WHEREAS, the Recommended State Water Strategy found that there is a need to
29 facilitate temporary water right transfers through leases, contracts, or other voluntary

30 arrangements to supply competing water uses during a given year and to meet authorized uses
31 and short-term needs;

32 WHEREAS, the Recommended State Water Strategy found that water banks could
33 facilitate voluntary temporary transfers and provide increased transparency regarding the nature
34 and costs of such transactions;

35 WHEREAS, a water bank facilitates the temporary transfer of water by allowing water
36 users to "deposit" unused water into the bank in years when they do not need it so that other
37 users in the region can lease the water for lawful purposes;

38 WHEREAS, the Recommended State Water Strategy recommended the establishment
39 of "water banking procedures through legislative action that could allow flexibility in the
40 availability of water for various uses in a particular drainage system depending on needs and
41 availability";

42 WHEREAS, during the 2017 General Session, the Legislature passed S.B. 214 "Public
43 Water Supplier Amendments," which encouraged the Legislative Water Development
44 Commission and the Executive Water Task Force to study possible options for expanding the
45 groups who may file an application for instream flows;

46 WHEREAS, in response to S.B. 214, an informal committee of interested stakeholders
47 was formed, consisting of agricultural representatives, public water suppliers, environmental
48 organizations, and other stakeholders to study instream flows;

49 WHEREAS, the informal committee identified water banking as a topic ripe for
50 discussion;

51 WHEREAS, water banking would address S.B. 214's goals of facilitating instream
52 flows while also supporting many of the Recommended State Water Strategy's other
53 recommendations, including providing water for environmental needs and minimizing the need
54 to convert agricultural water rights to supply growing municipal and industrial needs; and

55 WHEREAS, interested stakeholders continue to develop consensus-based
56 recommendations to implement the Recommended State Water Strategy's water banking
57 findings and recommendations and further the goals of S.B. 214:

58 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah
59 encourages the:

60 (1) continued study of ways to implement the recommendations in the 2017
61 Recommended State Water Strategy regarding water banking; and

62 (2) support of the goals of S.B. 214.

63 BE IT FURTHER RESOLVED that the Legislature encourages the presentation of
64 findings, conclusions, and recommendations, including any suggested legislation, to the
65 Legislature before the 2020 General Session.

66 BE IT FURTHER RESOLVED that recommendations and legislation presented to the
67 Legislature:

68 (1) recognize that the majority of water rights in Utah are agricultural in nature;

69 (2) incentivize agricultural water users to participate in water banking;

70 (3) protect against abandonment and forfeiture for water rights placed within a water
71 bank;

72 (4) minimize the potential for water right impairment; and

73 (5) ensure that water placed within a water bank may be leased or otherwise used for
74 any lawful purpose.