

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

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jani Iwamoto**

House Sponsor: Stewart E. Barlow

---

---

**LONG TITLE**

**Committee Note:**

The Natural Resources, Agriculture, and Environment Interim Committee recommended this bill.

The Legislative Water Development Commission recommended this bill.

Membership: 13 legislators 10 non-legislators

Legislative Vote: 8 voting for 0 voting against 5 absent

**General Description:**

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

**Highlighted Provisions:**

This resolution:

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

**Special Clauses:**

None

---

---

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

WHEREAS, in July 2017, the Governor's Water Strategy Advisory Team finalized a



28 Recommended State Water Strategy, which identified strategies to help meet the water  
29 demands of the more than five million people who are projected to live in Utah by 2060;

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

34 WHEREAS, the Recommended State Water Strategy found that there is a need to  
35 facilitate temporary water right transfers through leases, contracts, or other voluntary  
36 arrangements to supply competing water uses during a given year and to meet authorized uses  
37 and short-term needs;

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

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

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

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

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

55 WHEREAS, the informal committee identified water banking as a topic ripe for  
56 discussion;

57 WHEREAS, water banking would address S.B. 214's goals of facilitating instream  
58 flows while also supporting many of the Recommended State Water Strategy's other

59 recommendations, including providing water for environmental needs and minimizing the need  
60 to convert agricultural water rights to supply growing municipal and industrial needs; and

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

64 NOW, THEREFORE, BE IT RESOLVED that the Legislature encourages the:

65 (1) continued study of ways to implement the recommendations in the 2017

66 Recommended State Water Strategy regarding water banking; and

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

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

71 BE IT FURTHER RESOLVED that recommendations and legislation presented to the  
72 Legislature:

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

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

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

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

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