

1 STATE WATER POLICY AMENDMENTS

2 2022 GENERAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Keven J. Stratton

5 Senate Sponsor: Scott D. Sandall

7 LONG TITLE

8 General Description:

9 This bill amends the state water policy.

10 Highlighted Provisions:

11 This bill:

- 12 ▶ includes recharge of aquifers as part of the state water policy; and
- 13 ▶ makes technical changes.

14 Money Appropriated in this Bill:

15 None

16 Other Special Clauses:

17 None

18 Utah Code Sections Affected:

19 AMENDS:

20 **73-1-21**, as enacted by Laws of Utah 2020, Chapter 160

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

23 Section 1. Section **73-1-21** is amended to read:

24 **73-1-21. State water policy.**

25 (1) It is the policy of the state that:

26 (a) Utah shall pursue adequate, reliable, affordable, sustainable, and clean water
27 resources, recognizing that Utah is one of the most arid states in the nation and as such, there
28 is, and will continue to be, a need to ensure Utah's finite water resources are used beneficially;

29 (b) Utah will promote:

- 30 (i) water conservation, efficiency, and the optimal use of water resources, while
31 identifying intended and unintended consequences to ensure appropriate choice and
32 implementation of particular strategies;
- 33 (ii) water resource development and the creation of new water infrastructure necessary
34 to meet the state's growing demand and promote economic development;
- 35 (iii) compliance with state statutes regarding Lake Powell pipeline development and
36 Bear River development;
- 37 (iv) the timely replacement of aging or inefficient water resource, drinking water,
38 wastewater, and storm water infrastructure;
- 39 (v) the optimal use of agricultural water to sustain and improve food production and
40 the productive capacity of agricultural lands;
- 41 (vi) water quality in rivers and lakes that:
- 42 (A) complies with state clean water and safe drinking water statutes; and
43 (B) protects public health;
- 44 (vii) water pricing and funding mechanisms that:
- 45 (A) provide revenue stability while encouraging conservation, efficiency, and
46 optimization efforts;
- 47 (B) adequately cover infrastructure needs; and
48 (C) balance social, economic, public interest, and environmental values;
- 49 (viii) respect for water rights;
- 50 (ix) standards for accurate water use measurement, tracking, enforcement, and
51 reporting;
- 52 (x) efforts to educate and engage the public in:
- 53 (A) individual actions that protect water quality, including preventing and mitigating
54 water pollution; and
55 (B) conservation practices and the efficient and optimal use of water resources;
- 56 (xi) the implementation of cyber security and physical security measures for water
57 infrastructure;

58 (xii) the study and consideration of mechanisms for increased flexibility in water use
59 such as water banking and split season uses;

60 (xiii) continued improvements in the management of water resources through
61 protection, restoration, and science-based evaluation of Utah watersheds, [~~and~~] increased
62 reservoir capacity, and aquifer recharge or aquifer storage and recovery;

63 (xiv) the development and beneficial use of Utah's allocated share of interstate rivers,
64 including Utah's allocations under the 1922 and 1948 Colorado River Compacts and the 1980
65 Amended Bear River Compact;

66 (xv) the study and development of strategies and practices necessary to address
67 declining water levels and protect the water quality and quantity of the Great Salt Lake, Utah
68 Lake, and Bear Lake, taking into consideration natural climate change, natural weather systems
69 and patterns, and normal cyclic water level change over time, while balancing economic,
70 social, and environmental needs;

71 (xvi) regulations and practices, including voluntary practices, that maintain sufficient
72 stream flows and lake levels to provide reasonable access to recreational activities and protect
73 and restore water quality, quantity, and healthy ecosystems, including protecting groundwater
74 and surface water sources from pollution;

75 (xvii) equitable access to safe, affordable, and reliable drinking water to protect public
76 health;

77 (xviii) regulations and practices that encourage effective treatment of wastewater to
78 maximize its availability for beneficial use and minimize depletion and the further degradation
79 of other waters;

80 (xix) the control of invasive species that threaten or degrade waters of the state;

81 (xx) coordination among the state, water providers, water users, local governments,
82 government agencies, and researchers in the study of ways weather and climate will impact
83 future water supplies, demand, and quality;

84 (xxi) water laws, rules, and enforcement that are consistent with this Subsection (1)
85 and encourage transparency, order, and certainty in the use of public water;

86 (xxii) the support and funding of research, science, and technology necessary to
87 achieve the provisions of this Subsection (1); and

88 (xxiii) the collaboration, cooperation, and engagement of stakeholders in the
89 identification and advancement of actions that support the provisions of this Subsection (1);
90 and

91 (c) Utah supports the timely and appropriate negotiated settlement of federally reserved
92 water right claims for both Native American trust lands and other existing federal reservations,
93 and opposes any future designation of public lands that does not quantify any associated
94 federally reserved water rights.

95 (2) State agencies are encouraged to conduct agency activities consistent with
96 Subsection (1) and implement policies established by the Legislature that promote the near-
97 and long-term stewardship of water quality and water resources.

98 (3) This section does not create a cause of action against the state's or a state agency's
99 action that is inconsistent with Subsection (1) and does not waive governmental immunity
100 under Title 63G, Chapter 7, Governmental Immunity Act of Utah.

101 (4) The Natural Resources, Agriculture, and Environment Interim Committee shall
102 review the state water policy annually and recommend priority balancing and any other changes
103 to the Legislature.