

STATE WATER POLICY AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keven J. Stratton

Senate Sponsor: David P. Hinkins

LONG TITLE

Committee Note:

The Legislative Water Development Commission recommended this bill.

Membership: 13 legislators 11 non-legislators

Legislative Vote: 10 voting for 0 voting against 3 absent

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

Legislative Vote: 15 voting for 0 voting against 4 absent

General Description:

This bill addresses water policies.

Highlighted Provisions:

This bill:

- ▶ outlines the water policies of the state;
- ▶ encourages state agencies to follow the state policy;
- ▶ addresses suits referencing the state policy; and
- ▶ requires an annual review of the policy.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 ENACTS:

29 **73-1-21**, Utah Code Annotated 1953



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

32 Section 1. Section **73-1-21** is enacted to read:

33 **73-1-21. State Water Policy.**

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

35 (a) Utah shall pursue adequate, reliable, affordable, sustainable, and clean water
36 resources, recognizing that Utah is ~~H→ [the second most arid state]~~ **one of the most arid states** ←H
36a in the nation and as such, there is,

37 and will continue to be, a need to ensure Utah's finite water resources are used beneficially;

38 (b) Utah will promote:

39 (i) water conservation, efficiency, and the optimal use of water resources, while
40 identifying intended and unintended consequences to ensure appropriate choice and
41 implementation of particular strategies;

42 (ii) water resource development and the creation of new water infrastructure necessary
43 to meet the state's growing demand and promote economic development;

44 (iii) compliance with state statutes regarding Lake Powell pipeline development and
45 Bear River development;

46 (iv) the timely replacement of aging or inefficient water resource, drinking water,
47 wastewater, and storm water infrastructure;

48 (v) the optimal use of agricultural water to sustain and improve food production and
49 the productive capacity of agricultural lands;

50 (vi) water quality in rivers and lakes that:

51 (A) complies with state clean water and safe drinking water statutes; and

52 (B) protects public health;

53 (vii) water pricing and funding mechanisms that:

54 (A) provide revenue stability while encouraging conservation, efficiency, and
55 optimization efforts;

56 (B) adequately cover infrastructure needs; and

57 (C) balance social, economic, ~~H→~~ **public interest**, ←H and environmental values;

58 (viii) respect for water rights;

- 59 (ix) standards for accurate water use measurement, tracking, enforcement, and
60 reporting;
- 61 (x) efforts to educate and engage the public in:
- 62 (A) individual actions that protect water quality, including preventing and mitigating
63 water pollution; and
- 64 (B) conservation practices and the efficient and optimal use of water resources;
- 65 (xi) the implementation of cyber security and physical security measures for water
66 infrastructure;
- 67 (xii) the study and consideration of mechanisms for increased flexibility in water use
68 such as water banking and split season uses;
- 69 (xiii) continued improvements in the management of water resources through
70 protection, restoration, and science-based evaluation of Utah watersheds, and increased
71 reservoir capacity and aquifer storage and recovery;
- 72 (xiv) the development and beneficial use of Utah's allocated share of interstate rivers,
73 including Utah's allocations under the 1922 and 1948 Colorado River Compacts and the 1980
74 Amended Bear River Compact;
- 75 (xv) the study and development of strategies and practices necessary to address
76 declining water levels and protect the water quality and quantity of the Great Salt Lake, taking
77 into consideration natural climate change, natural weather systems and patterns, and normal
78 cyclic water level change over time, while balancing economic, social, and environmental
79 needs;
- 80 (xvi) regulations and practices, including voluntary practices, that maintain sufficient
81 stream flows and lake levels to provide reasonable access to recreational activities and protect
82 and restore water quality, quantity, and healthy ecosystems, including protecting groundwater
83 and surface water sources from pollution;
- 84 (xvii) equitable access to safe, affordable, and reliable drinking water to protect public
85 health;
- 86 (xviii) regulations and practices that encourage effective treatment of wastewater to
87 maximize its availability for beneficial use and minimize depletion and the further degradation
88 of other waters;
- 89 (xix) the control of invasive species that threaten or degrade waters of the state;

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

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

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

97 (xxiii) the collaboration, cooperation, and engagement of stakeholders in the
 98 identification and advancement of actions that support the provisions of this Subsection (1);
 99 and

100 (c) Utah supports the timely and appropriate negotiated settlement of federally reserved
 101 water right claims for both Native American trust lands and other existing federal reservations,
 102 and opposes ~~any~~ future ~~reservations~~ designation of public lands that
 102a ~~result in unquantified federal reservations~~
 103 ~~of water~~ does not quantify any associated federally reserved water rights .

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

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

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