

**WATER HOLDINGS ACCOUNTABILITY AND
TRANSPARENCY AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kim F. Coleman

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

► requires a city or special service district that supplies municipal water outside the city or special service district's jurisdictional boundaries to post the following information publicly and provide it to the state engineer:

- a legal description and map of the service area being served;
- the cost of water being assessed from users; and
- various information about the water right being used to service the area,

including certificate number, water right number, point of diversion, and uses for the water in the service area;

► specifies that the state engineer may make rules regarding the form and content of information supplied by a city or special service district supplying municipal water to a service area outside the city or special service district's jurisdictional boundaries and shall also post the information to the division's website; and

► makes technical changes.

Money Appropriated in this Bill:



28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **73-2-1**, as last amended by Laws of Utah 2017, Chapter 60

34 ENACTS:

35 **10-8-15.5**, Utah Code Annotated 1953

36 **17D-1-605**, Utah Code Annotated 1953



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

39 Section 1. Section **10-8-15.5** is enacted to read:

40 **10-8-15.5. Providing municipal water beyond jurisdictional boundaries.**

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

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

44 (a) a legal description and map of the area being serviced;

45 (b) the cost of water to the city and the cost being assessed from water users; and

46 (c) any water right being used to service the area outside the city's jurisdictional

47 boundaries, including perfected and nonperfected rights, as well as the following information
48 on the water right, if applicable:

49 (i) decree;

50 (ii) certificate number;

51 (iii) diligence claim;

52 (iv) water users claim;

53 (v) approved application to appropriate water;

54 (vi) approved change application;

55 (vii) approved exchange application;

56 (viii) certificate number;

57 (ix) water share or water right number;

58 (x) point of diversion; and

59 (xi) approved uses for the water right; and
60 (2) provide all the information described in Subsection (1) to the state engineer
61 described in Section 73-2-1.

62 Section 2. Section **17D-1-605** is enacted to read:

63 **17D-1-605. Providing municipal water beyond jurisdictional boundaries.**

64 A special service district that provides municipal water to a service area outside the
65 special service district's jurisdictional boundaries shall:

66 (1) post the following information on the special service district's website:

67 (a) a legal description and map of the area being serviced;

68 (b) the cost of water to the special service district and the cost being assessed from
69 water users; and

70 (c) any water right being used to service the area outside the special service district's
71 jurisdictional boundaries, including perfected and nonperfected rights, as well as the following
72 information on the water right, if applicable:

73 (i) decree;

74 (ii) certificate number;

75 (iii) diligence claim;

76 (iv) water users claim;

77 (v) approved application to appropriate water;

78 (vi) approved change application;

79 (vii) approved exchange application;

80 (viii) certificate number;

81 (ix) water share or water right number;

82 (x) point of diversion; and

83 (xi) approved uses for the water right; and

84 (2) provide all the information described in Subsection (1) to the state engineer
85 described in Section 73-2-1.

86 Section 3. Section **73-2-1** is amended to read:

87 **73-2-1. State engineer -- Term -- Powers and duties -- Qualification for duties.**

88 (1) There shall be a state engineer.

89 (2) The state engineer shall:

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

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

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

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

- 102 (a) reports of water right conveyances;
- 103 (b) the construction of water wells and the licensing of water well drillers;
- 104 (c) dam construction and safety;
- 105 (d) the alteration of natural streams;
- 106 (e) geothermal resource conservation;
- 107 (f) enforcement orders and the imposition of fines and penalties; and
- 108 (g) the duty of water.

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

- 112 (a) water distribution systems and water commissioners;
- 113 (b) water measurement and reporting;
- 114 (c) groundwater recharge and recovery;
- 115 (d) wastewater reuse;
- 116 (e) the form, content, and processing procedure for a claim under Section 73-5-13 to
117 surface or underground water that is not represented by a certificate of appropriation;
- 118 (f) the form and content of a proof submitted to the state engineer under Section
119 73-3-16;
- 120 (g) the determination of water rights; or

121 (h) the form and content of applications and related documents, maps, and reports,
122 including information required by Sections [10-8-15.5](#) and [17D-1-605](#).

123 (6) The state engineer shall maintain a section on the division's website titled "surplus
124 water in service areas" and include in that section the information required by Sections
125 [10-8-15.5](#) and [17D-1-605](#).

126 [~~6~~] (7) The state engineer may bring suit in courts of competent jurisdiction to:

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

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

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

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

132 [~~7~~] (8) The state engineer may:

133 (a) upon request from the board of trustees of an irrigation district under Title 17B,
134 Chapter 2a, Part 5, Irrigation District Act, or another local district under Title 17B, Limited
135 Purpose Local Government Entities - Local Districts, or a special service district under Title
136 17D, Chapter 1, Special Service District Act, that operates an irrigation water system, cause a
137 water survey to be made of all lands proposed to be annexed to the district in order to
138 determine and allot the maximum amount of water that could be beneficially used on the land,
139 with a separate survey and allotment being made for each 40-acre or smaller tract in separate
140 ownership; and

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

143 [~~8~~] (9) (a) The state engineer may establish water distribution systems and define
144 their boundaries.

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

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

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