



Utah 2022 Legislative Session: The Legislature Passed How Many Water Bills This Year?



Legal Committee Meeting
2022 WSWC Summer Meetings

Nathan S. Bracken
August 4, 2022

At Least 28 Water Bills

House Bills

- ▶ **HB 33 – Instream Flow Amendments (Ferry)**
- ▶ HB 37 – State Water Policy Amendments (Stratton)
- ▶ **HB 39 – State Construction Code Amendments (Ferry)**
- ▶ HB118 – Wetland Amendments (Snider)
- ▶ **HB121 – Water Conservation Amendments (Weight)**
- ▶ HB131 – Watershed Restoration Initiative (Bennion)
- ▶ **HB157 – Sovereign Lands Revenue Amendments (Hawkes)**
- ▶ HB166 - Water Facility Amendments (Watkins)
- ▶ HB168 – Preferences of Water Rights Amendments (Albrecht)
- ▶ HB177 – Water Well Amendments (Ferry)
- ▶ HB232 – Utah Lake Authority (Brammer)
- ▶ HB 240 – Utah Lake Amendments (Stratton)
- ▶ **HB 242 – Secondary Water Amendments (Peterson)**
- ▶ HB 263 – Utah Watersheds Council Amendments (Chew)
- ▶ HB 269 – Capital Assets Related to Water (Stratton)
- ▶ **HB 282 – Water Wise Landscaping Amendments (Wilcox)**
- ▶ HB319 – Jordan River Improvement Amendments (Acton)
- ▶ **HB334 – State Engineer Modifications (Hawkes)**
- ▶ HB 337 – Water Rights Adjudication Amendments (Kohler)
- ▶ HB393 – Water Reporting Amendments (Ferry)
- ▶ **HB410 – Great Salt Lake Watershed Enhancement (Wilson)**
- ▶ **HB 423 – Agricultural Optimization (Ferry)**
- ▶ **HB 429 – Great Salt Lake Amendments (Miles)**

Senate Bills

- ▶ SB31 – Water Proofs on Small Amounts of Water (Sandall)
- ▶ **SB89 – Water Amendments (Iwamoto)**
- ▶ **SB110 – Water as Part of General Plan (McKell)**
- ▶ **SB160 – Colorado River Authority of Utah Amendments (Winterton)**
- ▶ SB022 – Water Related Sales and Use Tax Amendments (Hinkins)



Nearly \$500M for Water (not a full list)

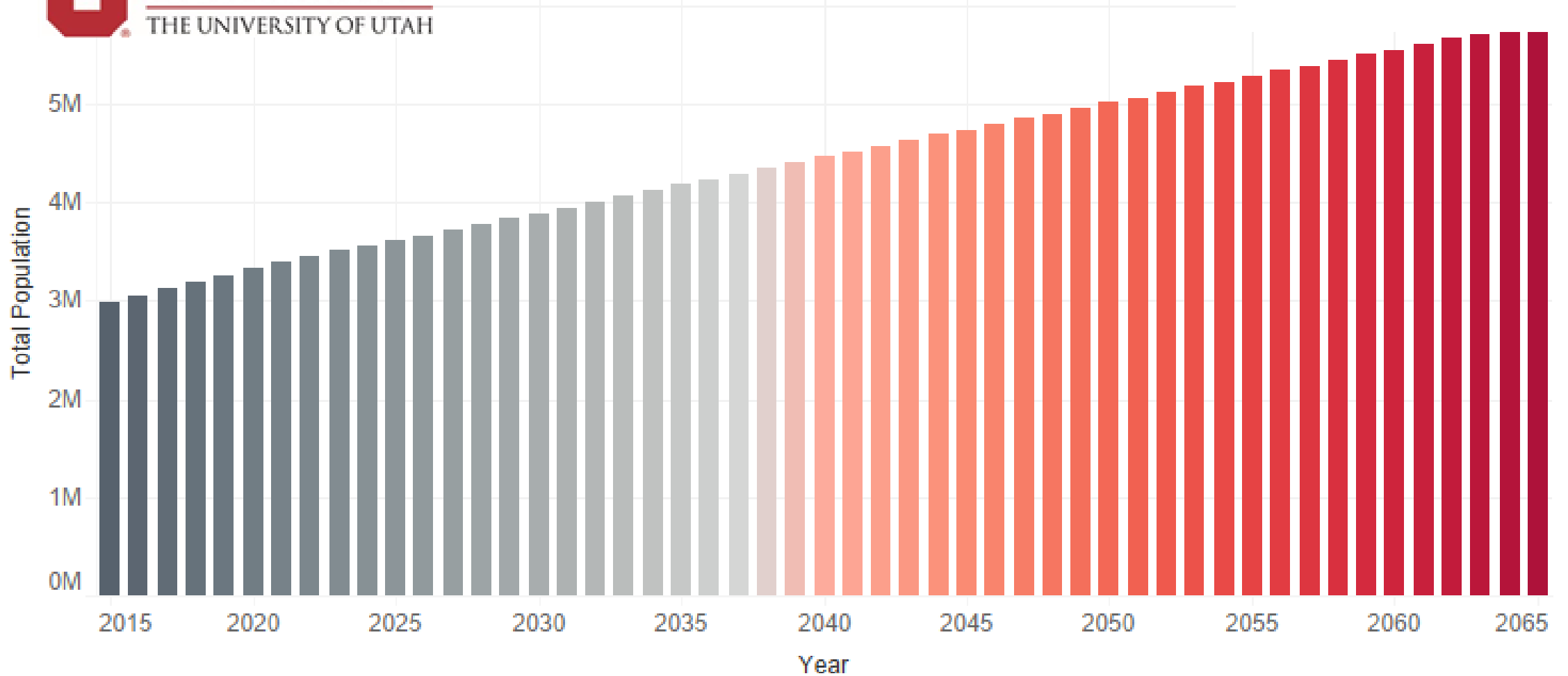
- ▶ [\\$200M](#) for secondary metering In addition to [\\$50M](#) appropriated in Nov. 2021
 - ▶ Secondary metering required for most preexisting systems by 2030 (HB 240)
- ▶ [\\$50M](#) for agricultural optimization to supplement [\\$20M](#) appropriated in Nov. 2021
 - ▶ To reduce water use while maintaining or improving agricultural production and profitability
- ▶ [\\$40M](#) for the Great Salt Lake Trust (HB 410)
- ▶ [\\$30M](#) for grant program for Utah Lake water quality improvements
- ▶ [\\$25M](#) for rural drinking water infrastructure
- ▶ [\\$15M](#) for reuse grants to mitigate drought impacts in Southern Utah
- ▶ [\\$8.25M](#) for SRFs (\$5.27M for DWSRF & \$3.28M for SDWRF)
- ▶ [\\$7.7M](#) to DNR – \$2M for watershed restoration and \$5.7 for Div. of Forestry Fire and State Lands (HB 157)
- ▶ [\\$5.15M](#) for waterwise landscaping (H.B. 121)
- ▶ [\\$5M](#) for Great Salt Lake Integrated Water Assessment (HB 429)
- ▶ [\\$3M](#) for Dept. of Agriculture and Food loans to support agricultural optimization (HB 423)
- ▶ [\\$2M](#) to DNR for watershed programs and Forestry Fire and State Lands (HB 157)
- ▶ [\\$830K](#) for State Engineer (\$530K for ongoing appropriation and \$300K one-time appropriation)
- ▶ [\\$300K](#) to help land use authorities update the general plans to address water (SB 110)
- ▶ [\\$150K](#) for State Engineer to study current and novel use of water, including energy-water nexus
- ▶ [\\$140K](#) to map groundwater storage and quality and update wetland spatial data



Kem C. Gardner
POLICY INSTITUTE
THE UNIVERSITY OF UTAH

Total Population

Region
STATE OF UTAH



GREAT SALT LAKE ELEVATION



1986



2000



2022

RECORD HIGH

4211.65 FEET

AVERAGE

4202.2 FEET

RECORD LOW*

4190.1 FEET

*as of July 2022

SPEAKER BRAD WILSON PRESENTS THE

GREAT SALT LAKE SUMMIT



JANUARY 5, 2022

Recommended State Water Strategy



Recommended Water Strategy:

Potential Tools

- ▶ “The State should also **develop new tools and improve existing tools** like **water banking** and consider expanding both [1] the entities which can participate and [2] the **purposes for which instream flows can be protected.**”
- ▶ “Banked water could be available for **agriculture**, environmental M&I, and other purposes.”
- ▶ “The State should develop legal, financial, and governance structures to enable water transactions and water markets **that benefit the environment** [such as] non-diversion agreements, dry-year options, deficit irrigation, crop substitution, **split-season leases**, infrastructure improvements or re-operation, groundwater recharge and storage, alternative water sources, and **water right sales and leases.**”

2020 Legislative Session

SB 26 - Water Banking Act

UCA. § 73-31-101, et seq.

- ▶ Passed **unanimously** in 2020.
- ▶ Allows water rights deposited into a bank to be used for virtually any use, including uses that facilitate:
 - ▶ “robust and sustainable **agricultural production**,” and
 - ▶ “a **healthy and resilient natural environment**,” such as the GSL.

UTAH STATE LEGISLATURE			
Legislators Bills Code Committees Audits Budget Research and Legal			
Date	Action	Location	Vote
12/20/2019	Bill Numbered but not Distributed	Legislative Research and General Counsel	
12/23/2019	Numbered Bill Publicly Distributed	Legislative Research and General Counsel	
12/23/2019	LFA/ bill sent to agencies for fiscal input	Legislative Research and General Counsel	
1/20/2020	LFA/ fiscal note sent to sponsor	Legislative Research and General Counsel	
1/25/2020	LFA/ fiscal note publicly available	Legislative Research and General Counsel	
1/27/2020	Senate/ received bill from Legislative Research	Waiting for Introduction in the Senate	
1/27/2020	Senate/ 1st reading (Introduced)	Senate Rules Committee	
1/27/2020	Senate/ to standing committee	Senate Natural Resources, Agriculture, and Environment Committee	
1/29/2020	Senate Comm - Amendment Recommendation # 1	Senate Natural Resources, Agriculture, and Environment Committee	6 0 3
1/29/2020	Senate Comm - Favorable Recommendation	Senate Natural Resources, Agriculture, and Environment Committee	6 0 3
1/30/2020 (11:14:53 AM)	Senate/ comm rpt/ amended	Senate Natural Resources, Agriculture, and Environment Committee	
1/30/2020 (11:14:54 AM)	Senate/ placed on 2nd Reading Calendar	Senate 2nd Reading Calendar	
1/30/2020 (11:47:19 AM)	Senate/ 2nd reading	Senate 2nd Reading Calendar	
1/30/2020 (11:57:22 AM)	Senate/ passed 2nd reading	Senate 3rd Reading Calendar	28 0 1
1/30/2020	Senate/ received fiscal note from Fiscal Analyst	Senate 3rd Reading Calendar	
1/31/2020 (11:38:26 AM)	Senate/ 3rd reading	Senate 3rd Reading Calendar	
1/31/2020 (11:40:59 AM)	Senate/ passed 3rd reading	Clerk of the House	26 0 3
1/31/2020 (11:41:00 AM)	Senate/ to House	Clerk of the House	
2/3/2020	House/ received from Senate	Clerk of the House	
2/3/2020	House/ 1st reading (Introduced)	House Rules Committee	
2/5/2020	House/ to standing committee	House Natural Resources, Agriculture, and Environment Committee	
2/7/2020	House Comm - Favorable Recommendation	House Natural Resources, Agriculture, and Environment Committee	10 1 2
2/10/2020 (11:11:31 AM)	House/ committee report favorable	House Natural Resources, Agriculture, and Environment Committee	
2/10/2020 (11:11:32 AM)	House/ 2nd reading	House 3rd Reading Calendar for Senate bills	
2/12/2020 (11:48:48 AM)	House/ 3rd reading	House 3rd Reading Calendar for Senate bills	
2/12/2020 (11:54:00 AM)	House/ passed 3rd reading	House Speaker	72 0 3
2/12/2020 (11:54:01 AM)	House/ signed by Speaker/ returned to Senate	Senate President	
2/12/2020 (11:54:02 AM)	House/ to Senate	Senate President	
2/12/2020	Senate/ received from House	Senate President	
2/12/2020	Senate/ signed by President/ sent for enrolling	Legislative Research and General Counsel / Enrolling	
2/12/2020	Bill Received from Senate for Enrolling	Legislative Research and General Counsel / Enrolling	
2/12/2020	Draft of Enrolled Bill Prepared	Legislative Research and General Counsel / Enrolling	

2020 Legislative Session

HB 130 – Fixed Time and Split Season Leases

Fixed Time Leases

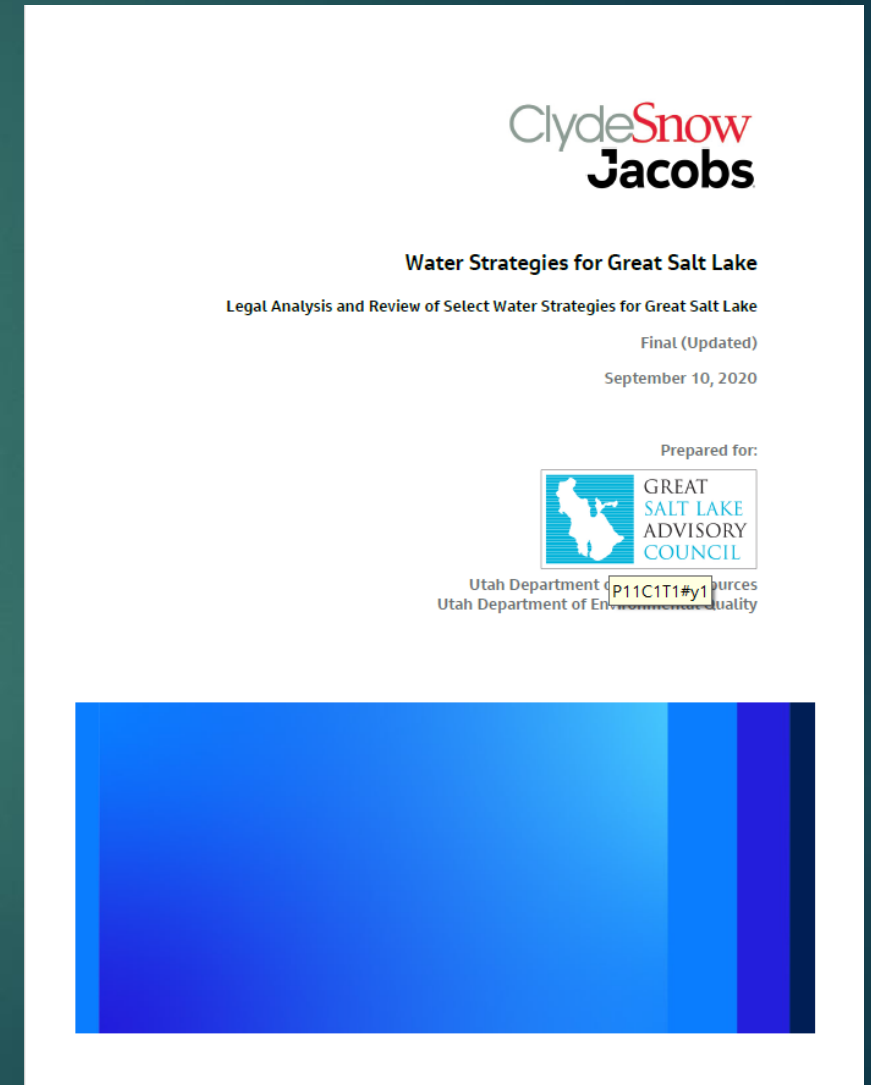
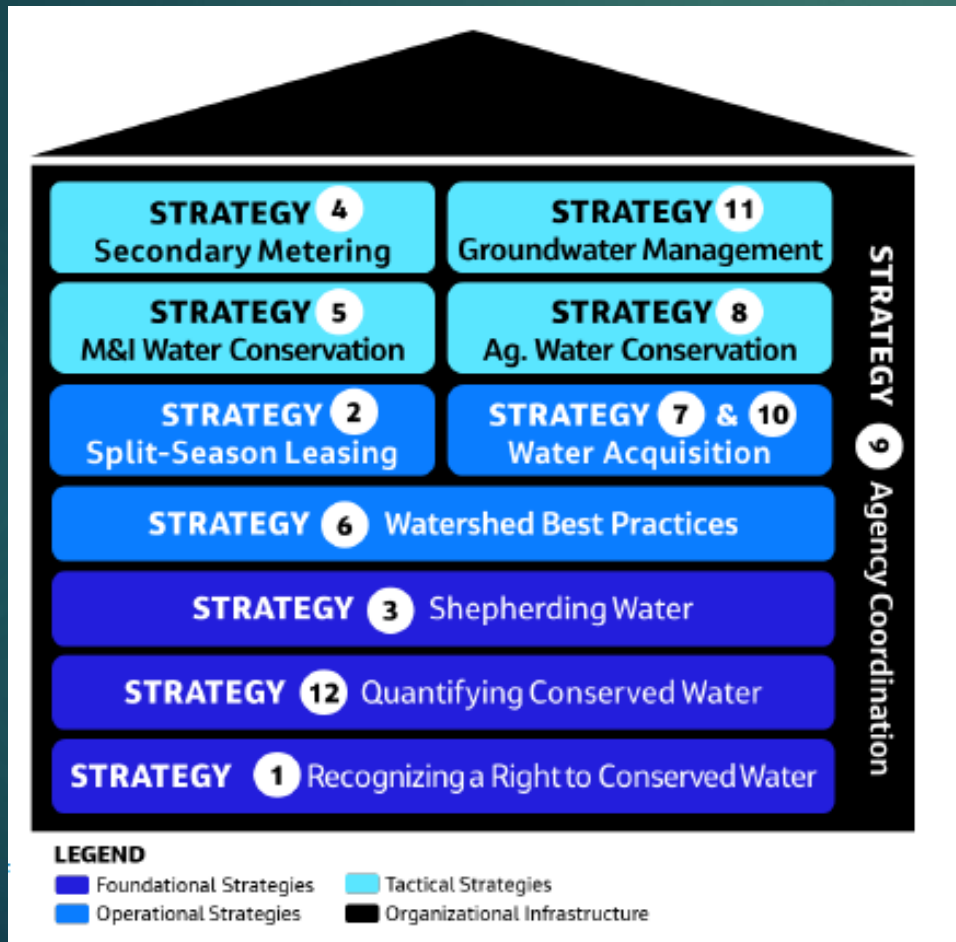
- ▶ Before H.B. 130, water right change applications could only be permanent or one-year, which often didn't work for right holders.
- ▶ Now, water right leases can be for any time up to 10 years, which works better for many right holders.
- ▶ TNC and Audubon used fixed-time change applications to secure the 21,000 acre-feet for GSL, although nothing in that approach would prohibit the Division of Wildlife from acquiring water permanently.

Split Season Leases

- ▶ Before H.B. 130, agricultural water right holders could only lease their water rights for the entire irrigation season.
- ▶ Now, they can lease their water rights for part of the irrigation season, which provides more flexibility.
- ▶ Many of the water banking and leasing discussions in the works may use split season leases.

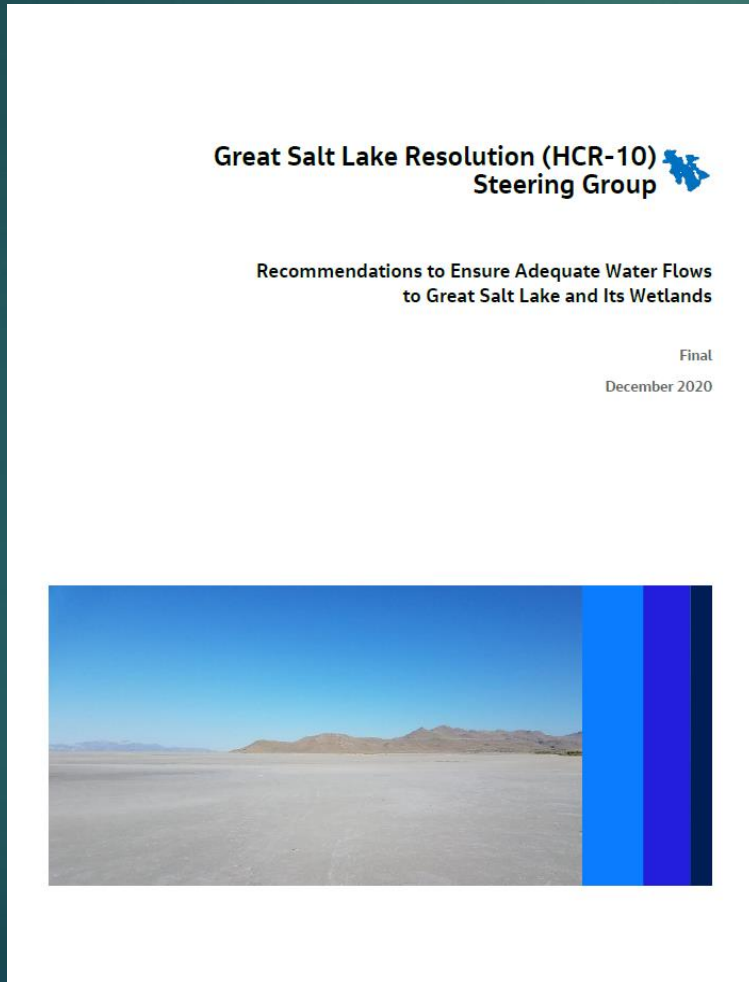
What's the Plan for GSL?

GSLAC Legal Strategies



What's the Plan for GSL?

HCR 10 Report



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Where the Need is Greatest?

- ▶ **MONEY!** we need money to do ag optimization, water leases instead of buy-and-dry, and to implement these new tools.
 - ▶ Our state agencies need sufficient money and resources, too.
- ▶ **EDUCATION!** We can pilot ways to help GSL but state policy leaders and the public must understand that preserving the GSL is **a state responsibility requiring public funds, even though private contributions will be needed to.**
- ▶ **DATA!** The new legal tools are the first step. We still must show that water rights can be placed into GSL without hurting others – that requires new data, information, and new methodologies.
- ▶ **UNDERSTAND!** We will pay more for water regardless of what we do, but how much we will pay will depend on our ability to act now.
 - ▶ Will we pay a little more now to save GSL or a lot more later if we don't?

Questions?



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