

**Effective 3/16/2018**

**Chapter 10g  
Water Infrastructure and Long-term Planning**

**Part 1  
Funding**

**73-10g-101 Title.**

- (1) This chapter is known as "Water Infrastructure and Long-Term Planning."
- (2) This part is known as "Funding."

Amended by Chapter 143, 2018 General Session

**73-10g-102 Definitions.**

As used in this chapter:

- (1) "Board" means the Board of Water Resources;
- (2) "Division" means the Division of Water Resources; and
- (3) "Restricted account" means the Water Infrastructure Restricted Account created in Section 73-10g-103.

Enacted by Chapter 458, 2015 General Session

**73-10g-103 Creation of the Water Infrastructure Restricted Account.**

- (1)
  - (a) There is created a restricted account in the General Fund known as the "Water Infrastructure Restricted Account."
  - (b) The restricted account shall earn interest.
- (2) The restricted account consists of money generated from the following sources:
  - (a) voluntary contributions made to the division for the construction, operation, or maintenance of state water projects;
  - (b) appropriations made to the fund by the Legislature; and
  - (c) interest earned on the restricted account.
- (3) Subject to appropriation, the division and the board shall manage the restricted account created in Subsection (1) in accordance with this chapter.

Enacted by Chapter 458, 2015 General Session

**73-10g-104 Authorized use of the Water Infrastructure Restricted Account.**

Money in the restricted account is to be used for:

- (1) the development of the state's undeveloped share of the Bear and Colorado rivers, pursuant to existing interstate compacts governing both rivers as described in Chapter 26, Bear River Development Act, and Chapter 28, Lake Powell Pipeline Development Act;
- (2) repair, replacement, or improvement of federal water projects for local sponsors in the state of Utah when federal funds are not available; and
- (3) study and development of rules, criteria, targets, processes, and plans, as described in Subsection 73-10g-105(3).

Amended by Chapter 309, 2016 General Session

**73-10g-105 Loans -- Rulemaking.**

- (1)
  - (a) The division and the board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in preparation to make loans from available funds to repair, replace, or improve underfunded federal water infrastructure projects.
  - (b) Subject to Chapter 26, Bear River Development Act, and Chapter 28, Lake Powell Pipeline Development Act, the division and the board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in preparation to make loans from available funds to develop the state's undeveloped share of the Bear and Colorado rivers.
- (2) The rules described in Subsection (1) shall:
  - (a) specify the amount of money that may be loaned;
  - (b) specify the criteria the division and the board shall consider in prioritizing and awarding loans;
  - (c) specify the minimum qualifications for an individual who, or entity that, receives a loan, including the amount of cost-sharing to be the responsibility of the individual or entity applying for a loan;
  - (d) specify the terms of the loan, including the terms of repayment; and
  - (e) require all applicants for a loan to apply on forms provided by the division and in a manner required by the division.
- (3) The division and the board shall, in making the rules described in Subsection (1) and in consultation with the State Water Development Commission created in Section 73-27-102:
  - (a) establish criteria for better water data and data reporting;
  - (b) establish new conservation targets based on the data described in Subsection (3)(a);
  - (c) institute a process for the independent verification of the data described in Subsection (3)(a);
  - (d) establish a plan for an independent review of:
    - (i) the proposed construction plan for an applicant's qualifying water infrastructure project; and
    - (ii) the applicant's plan to repay the loan for the construction of the proposed water infrastructure project;
  - (e) invite and recommend public involvement; and
  - (f) set appropriate financing and repayment terms.
- (4) The division and the board shall provide regular updates to the Legislative Management Committee on the progress made under this section, including whether the division and board intend to issue a request for proposals.

Amended by Chapter 246, 2019 General Session

**73-10g-106 Requirement for repayment.**

- (1) Any money utilized to construct water infrastructure to develop the state's share of the Bear and Colorado Rivers are subject to the repayment provisions of Title 73, Chapter 26, Bear River Development Act, and Chapter 28, Lake Powell Pipeline Development Act.
- (2) Any money utilized for the repair, replacement, or improvement of federal water infrastructure projects when federal funds are not available shall be repaid pursuant to the terms and conditions established by the division and the board by rule under Section 73-10g-105.

Enacted by Chapter 458, 2015 General Session

## Part 2 Agricultural Water Optimization

### **73-10g-201 Title.**

This part is known as "Agricultural Water Optimization."

Enacted by Chapter 143, 2018 General Session

### **73-10g-202 Agricultural Water Optimization Task Force.**

- (1) There is created the Agricultural Water Optimization Task Force, consisting of:
  - (a) the following voting members:
    - (i) one person representing the Department of Agriculture and Food;
    - (ii) one person representing the board or division;
    - (iii) one person representing the Division of Water Rights;
    - (iv) one person representing the Division of Water Quality;
    - (v) one person representing the interests of the agriculture industry;
    - (vi) one person representing environmental interests; and
    - (vii) one person representing water conservancy districts; and
  - (b) one nonvoting member from the higher education community with a background in research.
- (2)
  - (a) The commissioner of the Department of Agriculture and Food shall appoint the members described in Subsections (1)(a)(i), (v), and (vii).
  - (b) The executive director of the Department of Natural Resources shall appoint the members described in Subsections (1)(a)(ii), (iii), and (vi).
  - (c) The governor shall appoint the members described in Subsections (1)(a)(iv) and (1)(b).
- (3) The division shall provide administrative support to the task force.
- (4) The task force shall select a chair from among its membership.
- (5) Service on the task force is voluntary and members may not be compensated for their service on the task force but may receive per diem and travel expenses as allowed in Sections 63A-3-106 and 63A-3-107, and relevant Division of Finance rules.

Enacted by Chapter 143, 2018 General Session

### **73-10g-203 Duties of the task force.**

- (1) The task force created in Section 73-10g-202 shall:
  - (a) identify critical issues facing the state's long-term water supply, particularly in regard to how the state should optimize agricultural water supply and use in light of future population growth, and the future water needs of Utah agriculture;
  - (b) identify current obstacles to, and constraints upon, quantification of agricultural water use, and recommend means, methods, technologies, or other opportunities to improve the quantification of agricultural water use on a basin level; and
  - (c) identify means, methods, systems, or technologies with the potential to maintain or increase agricultural production while reducing the agriculture industry's water diversion and consumption.
- (2) The task force shall issue requests for proposals and award grants to study the issues identified in Subsection (1), prioritizing proposals and grants as necessary.

- (3) In identifying critical issues as described in Subsection (1), and prioritizing requests for proposals and grants as described in Subsection (2), the task force shall:
  - (a) identify, develop, and apply sound science and relevant research on optimizing agricultural water use;
  - (b) measure gains at the basin level;
  - (c) take into account the variety of agricultural products, opportunities to improve water use practices, and local needs;
  - (d) address and account for farm economics at the enterprise and community level;
  - (e) work within existing agricultural markets or encourage market behavior that financially rewards improved practices;
  - (f) recognize established water rights;
  - (g) create meaningful benefits for farmers to optimize water use and protect water quality;
  - (h) monitor funded research projects and evaluate the efficacy of completed research; and
  - (i) disseminate research findings.
- (4) The task force shall report on its progress under this section by November 30, of each year, to:
  - (a) the Legislative Water Development Commission;
  - (b) the Natural Resources, Agriculture, and Environment Interim Committee; and
  - (c) the Executive Water Task Force.

Enacted by Chapter 143, 2018 General Session

**73-10g-204 Agricultural Water Optimization Account.**

- (1) There is created a restricted account within the General Fund called the Agricultural Water Optimization Account.
- (2) The Agricultural Water Optimization Account consists of appropriations from the Legislature and donations.
- (3) The task force created in Section 73-10g-202 may, subject to appropriation, expend money in the Agricultural Water Optimization Account to fulfill the duties of Section 73-10g-203.

Enacted by Chapter 143, 2018 General Session