



STATUTORY WATER BANK APPLICATION
Utah Board of Water Resources

(FOR OFFICE USE ONLY) Rev.10/23/23

Application number:	
Date received:	
Date complete:	
Date noticed:	
Date approved:	

INTRODUCTION:

This form is to apply to establish a statutory water bank under the Utah Water Banking Act, now [Utah Code 73-31-2](#) (act). A statutory water bank is intended to act as facilitator for local water transactions by connecting willing lessors and lessees of water. Eligible applicants are legal entities, other than the United States or agency of the United States, who are record holders of a perfected water right or valid diligence claim to a water right, where the point-of-of diversion is encompassed within the proposed service area of the statutory water bank.

The act promotes the development of market tools favorable to and controlled by local water users. Under the act, qualifying leasing arrangements can be approved as a water bank. Approved water banks are granted statutory powers designed to facilitate efficient transfers of water among interested local users. Participation in a water bank is voluntary. The Utah Board of Water Resources shall review all water bank applications for completeness and approve complete applications. For a water right to be used within an approved water bank, it must be approved through a separate change application process overseen by the Utah Division of Water Rights. Once approved, water banks operate as independent entities with annual reporting requirements to the Board of Water Resources.

Pursuant to [Utah Code 73-31-106](#), the Board of Water Resources delegates authority to the Division of Water Resources staff to perform a completeness review of this application.

APPLICATION INSTRUCTIONS:

To apply, please:

- (1) Complete this statutory water bank application form.
- (2) Attach a water bank service area map, relevant governing or supporting documents, and, if necessary, an addendum that more clearly demonstrates how the applicant meets the requirements of the act and satisfies the requirements of this statutory water bank application form.
- (3) Sign and date the statutory water bank application form.
- (4) Email (preferred) or mail the completed statutory water bank application to:

Shalaine DeBernardi, Assistant Director of Development
Utah Division of Water Resources
PO Box 146201
Salt Lake City, UT 84114
shalainedebernardi@utah.gov
801-652-1668

CONTACT INFORMATION:

Statutory water bank applicant:		Federal tax ID number:	
Name of water bank:			
Official business address:	City:	State:	Zip code:
Primary contact/registered agent (first & last name), title/position:	Phone:	Email address:	
Address:	City:	State:	Zip code:
Secondary contact (first & last name), title/position:	Phone:	Email address:	
Address:	City:	State:	Zip code:

CONTACT INFORMATION (continued):

Attorney (first & last name) (Can represent any party who is a member or shareholder of the legal entity constituting the statutory water bank.):	Phone:	Email address:	
Attorney's firm and address:	City:	State:	Zip code:

PROJECT INFORMATION:			
1) Narrative description of how the statutory water bank will generally operate:			
2) County(s) where statutory water bank is located:		3) Type of water right accepted by statutory water bank (groundwater or surface water – cannot be both):	
4) Water right number owned by the applicant (must be same type accepted by bank): (Attach State Engineer's database printout showing applicant owns water right.)	5) Proposed start of statutory water bank operations:	6) Estimated years of operation:	
7) Initial assessment of the annual volume of water potentially transacted through the statutory water bank (if known):	8) List of parties potentially participating in the statutory water bank (if known):		
9) Narrative description of the statutory water bank service area: (Attach Map.)			

STATUTORY WATER BANK GOVERNANCE:*(Attach charter, bylaws and other governing documents; proprietary information can be redacted. Please provide a generic description and cite to where the relevant information can be found in the statutory water bank's primary documents.)*

10) Type of legal entity:

11) Procedures for the election or appointment of governing members:

12) Number of initial governing members (may not be an even number). If more than five initial governing members, please add on an addendum:

Governing member #1 (first & last name), title/position:		Phone:	Email address:	
Post office address:		City:	State:	Zip code:
Term:	Qualifications:			
Governing member #2 (first & last name), title/position:		Phone:	Email address:	
Post office address:		City:	State:	Zip code:
Term:	Qualifications:			
Governing member #3 (first & last name), title/position:		Phone:	Email address:	
Post office address:		City:	State:	Zip code:
Term:	Qualifications:			
Governing member #4 (first & last name), title/position:		Phone:	Email address:	
Post office address:		City:	State:	Zip code:
Term:	Qualifications:			
Governing member #5 (first & last name), title/position:		Phone:	Email address:	
Post office address:		City:	State:	Zip code:
Term:	Qualifications:			

13) Procedures for how the statutory water bank will fund the water bank's administrative costs:

14) Process for dissolution or termination of the statutory water bank, including the process for returning banked water rights and payments owed to depositors of water rights to the water bank:

15) Description of the statutory water bank's complaint resolution process:

PROCEDURES GOVERNING WATER TRANSACTIONS:
(Attach any forms or process documents available to assist in such transactions. If additional room is needed, please attach an addendum explanation.)

16) Description of how the statutory water bank will design, facilitate and conduct water transactions between borrowers and depositors:

17) Water accounting procedures, including the process(es) for ensuring that the aggregate amount of loaned water rights does not exceed the total sum of banked water rights:

18) Requirements and process for submitting annual reports to the Board of Water Resources:

PROCEDURES FOR ACCEPTING, REJECTING AND MANAGING DEPOSITS OF WATER RIGHTS INTO THE BANK:
(Please attach an addendum if additional space is needed.)

19) What information a depositor shall provide to inform the statutory water bank, the State Engineer or any other distributing entity regarding the feasibility of using the water right within the statutory water bank's designated service area:

20) Process for depositors and the statutory water bank to jointly file a change application with the State Engineer seeking authorization to deposit and use a water right in the statutory water bank:

21) Terms and conditions for depositing a water right with the statutory water bank:

22) Conditions for a depositor to use a water right at the heretofore place-of-use while banked with the statutory water bank (see [73-31-501\(4\)](#) of the act):

23) Process for determining payments to depositors:

PROCEDURES FOR ACCEPTING, REJECTING AND MANAGING DELIVERY OF WATER RIGHTS FROM THE BANK:
(Please attach an addendum if additional space is needed.)

24) Deadline for submitting a delivery request to the statutory water bank:

25) Cost or fee for submitting a delivery request and description for how the statutory water bank will use or apply delivery request fees:

26) What information a borrower is to include on a delivery request to sufficiently inform the statutory water bank, State Engineer or another distributing entity whether the delivery request is feasible within the statutory water bank's designated service area:

27) Any notice and comment procedures for notifying other water users of the delivery request:

28) List of criteria the statutory water bank will use to evaluate delivery requests:

29) How the statutory water bank will inform water users who have submitted a delivery request if the delivery request is approved or denied, the reasons for denial if denied, and any applicable conditions if approve:

30) Appeal or grievance procedures, if any, for a borrower seeking to challenge a denial of a delivery request, including identifying who has the burden in an appeal and the standards of review:

31) How the statutory water bank will determine prices for the use of loaned water right:

32) How the statutory water bank will coordinate with the State Engineer to facilitate distribution of approved delivery requests:

ACKNOWLEDGEMENT AND SIGNATURE:

By signing and submitting this application, you acknowledge that:

- (1) The information submitted is correct;
- (2) The statutory water bank will not discriminate between the nature of use in water rights, depositors or borrowers;
- (3) The statutory water bank shall comply with the conditions of an approved change application for a banked water right; and
- (4) The statutory water bank shall report to the State Engineer known violations of approved change applications.

Name of governing member (1)

Signature of governing member (1)

Date

Name of governing member (2)

Signature of governing member (2)

Date

APPROVED AS TO FORM AND COMPLETENESS

(To be completed by an attorney representing a member or shareholder of the statutory water bank)

Attorney name

Attorney signature

Date

Member or shareholder of statutory water bank represented by attorney

TO BE COMPLETED BY THE MEMBER OF THE BOARD OF WATER RESOURCES ASSIGNED TO AREA:

I have reviewed this application and forward it to staff of the Division of Water Resources to conduct a completeness review and to prepare a statutory water bank report.

Comments (if any):

Board member name

Board member signature

Date

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Board meeting date: _____

Approved Denied