



Statewide Water Marketing Strategy Project

Exploring the development of market tools favorable to local water users by piloting the Utah Water Banking Act (Chapter 73 Title 31). The Act promotes water leasing arrangements that are locally controlled, temporary in nature, and always voluntary.

CONTRACT WATER BANK

5 Step Water Bank Application Process

Step 1

Pre-Application Activities

- a. Interested local parties, including a public entity, meet to discuss the feasibility of mutually beneficial water leasing arrangements.
- b. Parties negotiate a contract to frame and govern the agreed to lease transaction. Contract must meet the statutory elements of Utah Code § 73-31-302.
 - i. **Recommendation:** Take minutes to note progress of contract negotiations
- c. Parties approve and execute a conditional Water Bank Contract.
 - i. **Recommendation:** Include provision that the contract terminates if the Board of Water Resources does not approve the application.
- d. Consult with State Engineer on proposed Change Application to approve water rights for water bank uses.

Step 2

Apply to Board of Water Resources

- a. Complete Contract Water Bank Application Form:
 - i. Application Form (among other substantive requirements)
 1. Applicant and administrative information.
 2. Narrative of contract transaction.
 3. Links to minutes of Applicant's conditional approval of contract.
 4. Where to locate the Applicant's public meetings notice.
 - a. **Recommendation:** Public entity Board vote to hold a special meeting with a set date providing due public notice. Include date of public meeting where Applicant will take public comment and/or approve Water Bank Contract.
 5. Attorney "Approved as to Form" Signature
 - ii. Map of Bank Service Area
 - iii. Copy conditionally approved Water Bank Contract
 - iv. **Recommendation:** Include a DRAFT or working Change Application
- b. Send complete Contract Water Bank Application to **Utah Division of Water Resource.**
- c. Work with Division Staff on completing application process.

Step 3

Division of Water Resources Application Review and Public Notice

- a. Mark date Contract Water Bank Application received at Division.
- b. Review Contract Water Bank Application for completeness.
- c. Mark date Contract Water Bank Application deemed complete by Division.
- d. Within 30 days of being deemed complete, Division publish public notice of receipt of a complete Contract Water Bank Application (Utah Code § 73-31-303(3)), including:
 - i. An application to approve a contract water bank has been filed with the Board; and
 - ii. Where a person may review the application.
 1. **Recommendation:** Include anticipated date of the special meeting scheduled by the Applicant.



Step 4

Applicant Public Meeting

- a. Applicant notices a meeting for public comment on the Water Bank Contract.
- b. Applicant holds noticed meeting and collects public comment on Water Bank Contract - takes minutes and notes of all public comment received.
- c. Applicant votes to Amend and Resubmit Water Bank Contract if applicant determines public comment merits amending the Water Bank Contract.
- d. Applicant votes to ratify Water Bank Contract if no comments are received, Applicant incorporates comments, or Applicant determines comments do not merit changes.
 - i. Applicant to document how comment was resolved or why comment was not addressed.
- e. If ratified, send notice to the Board of Water Resources the Applicant has completed all statutory requirements to a complete Contract Water Bank Application and request approval as a Contract Water Bank.

Step 5

Board of Water Resources Contract

Water Bank Application Approval

- a. Prepare a Staff Report finding the Applicant has completed the Contract Water Bank Application requirements and the Board may act on its duty to approve the Contract Water Bank Application.
- b. Board vote finding the Contract Water Bank Application complete and approving the Contract Water Bank.
- c. Establish procedure with newly approved water bank for submitting annual reporting requirements.



More information can be found at
water.utah.gov/water-marketing.

