

**Great Salt Lake Basin Integrated Plan
Water Policy Inventory & Assessment
Memorandum - Overview & Index
November 15, 2023**

OVERVIEW & INDEX

OVERVIEW

This Water Policy Inventory & Assessment Memorandum aims to support the GSLBIP and the Office of the Great Salt Lake Commissioner in expediting action for Great Salt Lake. The Memorandum provides an overview of key water legislation passed in the last 5(+) years, status of implementation activities, updates on key considerations, and possible next steps. This Memorandum can provide a public update on changes to the law, act as reference for or identify next policy actions to avoid duplication, and quickly navigate to current information.

The Memorandum is INTERACTIVE: a one-stop shop to find recent water policy activity.

The Summary Narrative and Policy Matrix portions include hyperlinks to legislation, primary documents, and websites. The working [Policy Matrix](#) can be updated or modified as needed.

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I. Quick Facts & Summary Points

Provides Quick Facts, Summary Steps, and Next Steps.

II. Highlights & Key Takeaways

Summarizes results and adjacent activities, including how the Memorandum can be used by the Office of the Great Salt Lake Commissioner and in GSLBIP planning.

III. Summary Findings and Policy Matrix

Summarizes recent changes to the law, provides a status of key items like rulemaking, and provides possible next steps. Each area of law is accompanied by a Policy Matrix.

(I) Changes to Utah Water Law:

(A) Recognizing a Right to Instream Flows; **(B)** Changes to Beneficial Use Concept - "Use it or Lose it"; **(C)** Forfeiture Tools; **(D)** Water Prioritization; **(E)** Groundwater; and **(F)** Other Changes

(II) Laws Incentivizing Water Conservation:

(A) Integrating Land Use and Water Planning; **(B)** Secondary Metering; **(C)** Municipal Conservation; **(D)** Reuse; **(E)** Regional Conservation Goals; and **(F)** Agricultural Optimization

(III) Water Marketing:

(IV) Coordination:

(A) Education and Agency Coordination; **(B)** General Planning; **(C)** Financing and Funding; and **(D)** Media

(V) Great Salt Lake Management

IV. Inventory of Key Actions & Entities

A working inventory of current activity, key stakeholders, rulemaking, forthcoming studies, and regular reporting requirements - can be used several ways.

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QUICK FACTS & SUMMARY POINTS

PROGRESS TO DATE:

Utah has updated its water laws to better incentivize conservation, improve coordination, and increase citizen engagement:

- **Passed over 85 new water laws and initiatives (2018-2023)**
- Simultaneously addressed numerous critical areas
- Built both substantive programs and coordination platforms

AREAS OF SUCCESS:

Instream Flows and Forfeiture Laws:

- Utah now **recognizes instream flows as a beneficial use** - providing a legal path for “wet” water to reach the Lake
- Utah **changed “use it or lose it”** principles, to incentivize conservation by recognizing a right to “saved water”

Regional Conservation Goals:

Passed new laws to achieve 2019 regional conservation goals

- Included in municipal water conservation plans
- **Integrating land and water use planning**
- Allowing lower system-specific sizing requirements
- Investing **over \$50 million installing 114,000 secondary water meters = conserving almost 54,000 AF of water**

Water Law Judges:

- **Appointed specific state district court judges** to promote efficiency and substantive outcomes in water cases
- Cases have precedential value and judges build expertise

Integrating Land Use and Water Planning:

- Requiring State facilities, HOAs, and county/municipal facilities to meet certain water reduction goals (**35+ municipalities adopted a waterwise landscape ordinances**)

Agricultural Optimization:

Invested over \$200,000,000 in grants to create a robust agricultural optimization program

- Estimated water savings to date = **172,847 AF**; 2023 estimate = **61,599 AF** of water

NEXT STEPS:

Follow key progress like development of [“saved water standards”](#) and implementation of [system-specific sizing requirements](#)

Organize Strategic Study Groups to move policy forward¹

Let existing programs develop and mature to decide next steps (need time to collect key data)

Integrate the Office of the Commissioner’s Strategic Plan with GSLBIP

Use [Utah Water Ways](#) and other coordinating entities to conduct the “work” of water law

Collect and track reporting requirements to populate needed databases and data gaps (See inventory page)

IT IS AN EXCITING TIME TO BE WORKING IN UTAH WATER

¹ [Water Right Appraisal Study Group](#); [Forfeiture Referral Program](#); [Split Season Leasing](#); [Recharge as Beneficial Use Clarification](#); [Conjunctive Management Study Group](#); [Water Wholesaler/Retailer Water Exaction Study Group](#); [Distribution Loss Water Audit Study Group](#); [Study Group Saved Water Prioritization](#)

HIGHLIGHTS & KEY TAKEAWAYS

I. WE HAVE BEEN BUSY: DO THE THINGS AND TELL THE STORY

Utah has made significant and substantial changes to its water law. Stakeholders are now implementing a diverse set of new programs at a record pace. To be most effective, future work should focus on:

- 1) Educating the public about progress made - citizen support is critical to success
- 2) Developing existing programs - maximize the utility of work done to date
- 3) Employing strategic action - act based on prior planning and identified need

More work is needed, but Utah is actively adopting dynamic tools to navigate a changing and increasingly unpredictable water outlook.

II. AREAS OF SUCCESS: CRITICAL WATER LAW CHANGES

Utah has successfully updated several critical areas of water law.

- 1) Water Law Changes: Water can now be used and distributed for instream flows
- 2) Water Conservation: Utah has incentivised conservation by rethinking “Use it or Lose It,” instead recognizing “saved water” from efficiency projects, etc.
- 3) Water Marketing: Numerous laws realizing municipal and agricultural efficiencies
- 4) Coordination: Adopted specific programs to coordinate and align State water activity
- 5) Information: Utah has built a robust set of informative and user-friendly websites to engage citizens

Without these changes, achieving the State’s objectives would be difficult if not impossible.

III. OFFICE OF THE GREAT SALT LAKE COMMISSIONER

This Inventory & Analysis can be used to:

- 1) Identify specific programs the Commissioner can cite to populate the requirements of the Office’s Strategic Plan (i.e., can use existing programs to implement plan)
- 2) Get up to speed on the status of the law, available programs, and what to track

IV. GSLBIP STAKEHOLDER PRIORITY PROJECTS

Recent water law changes support successful adoption of stakeholder priority projects:

- 1) Development of a Great Salt Lake Datahub (new data sets and reporting);
- 2) Opportunities and Costs for Agricultural Water Optimization; and
- 3) Opportunities and Costs for M&I Water Conservation.

V. PUBLIC TRUST DOCTRINE CONSIDERATIONS

Inventory & Assessments demonstrate the scope and scale of State activity to protect the Great Salt Lake and could demonstrates compliance with Public Trust Doctrine duties.

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Memorandum - Summary Findings of Inventory & Assessment
November 15, 2023**

SUMMARY FINDINGS OF INVENTORY & ASSESSMENT

INTRODUCTION

Water in Utah is governed by a series of statutes, administrative rules, and programs.¹ These authorities were initially designed to meet the needs of 19th-century westward expansion: agriculture, domestic uses, power production, etc. Conditions have rapidly and dramatically changed. Utah now faces extended drought, population growth, supply disruptions, and must also address new water needs like environmental flows and Tribal water rights.

Due to its strong adherence to study, planning, and collaborative processes, Utah has quickly updated its water laws to address today's realities. While more work is needed, Utah is steadily building one of the most dynamic sets of water laws in the West. These changes have removed barriers and allowed new activity that would have been impossible even several years ago.

In conducting this Water Policy Inventory & Assessment, Clyde Snow grouped policy changes into five critical categories: I) Changes to Utah Water Law; II) Laws Incentivizing Water Conservation; III) Water Marketing; IV) Coordination; and IV) Great Salt Lake Management. Clyde Snow then inventoried progress, noted required rule-making and/or studies, identified next steps or proposed actions, and, where applicable, listed actions the public could take to participate. Below is a narrative of the Summary Findings. Attached is a [Policy Matrix](#) for each area listing the specific bills and actions informing the Summary Findings.² **The Summary Findings and [Policy Matrix](#) are interactive - hyperlinks take you to primary documents, websites, forms, administrative rules, and other key items.**

This document can be used to provide a public update on changes to the law, act as reference for or identify next policy actions to avoid duplication, and quickly navigate to current information. This document can be used by the Great Salt Lake Commissioner to populate the requirements of the Office's Strategic plan and support the implementation of the GSLBIP's stakeholder priority projects.

In summary, Utah has made significant and substantial changes to its water law. Stakeholders are now implementing a diverse set of new programs at a record pace. To be most effective, future work should focus on: 1) Educating the public about progress made; 2) Developing existing programs; and 3) Employing strategic action based on prior planning and need. More work is needed, but Utah is actively adopting dynamic tools to navigate a changing world.

It is an exciting time to be working in Utah water.

¹ For a general overview of Utah Water Law, please see Clyde Snow's [Water Law: 101 Video](#).

² Clyde Snow reviewed a number of secondary and primary resources to conduct this review. Particularly helpful were Legislative Summaries prepared by the attorneys at Smith Hartvigsen, PLLC under their [Utah Water Law and Water Rights Blog](#).

I. CHANGES TO UTAH WATER LAW

Utah follows the principles of the Prior Appropriation Doctrine.³ Under the Doctrine, the public owns the wet water molecule, and water rights represent the right to use the public's water. To protect the public's interest, water right owners must comply with certain conditions set by society and put water to "beneficial use."⁴

The strength of the Prior Appropriation Doctrine is that it clearly defines water rights (what exactly are you entitled to) and prospectively reduces conflict by prospectively deciding how water is to be allocated in times of shortage (priority date).. Water users know what to expect so they can contract around, regulate, market, and manage water.

The Prior Appropriation Doctrine is also flexible. Conditions are rapidly changing. To thrive in a new environment, Utah has a short window to make difficult and complex decisions. The quickest way to action is to modify existing law to reflect a contemporary understanding of the "beneficial use of water." While the past application of beneficial use may have helped 19th century Utah, a new application of beneficial use will build a 21st century Utah.

To meet the realities of today, Utah has recently made **multiple fundamental changes** to its water laws. These changes allow the State to better address water shortages and disruptions, meet new demands, and create order and certainty in changing and challenging times. These changes represent generational shifts in thinking and have been implemented in an impressive few short years.

Clyde Snow identified and analyzed six actions adapting Utah water law:

- A) Recognizing a Right to Instream Flows;
- B) Changes to Beneficial Use Concept - "Use it or Lose it";
- C) Forfeiture Tools;
- D) Water Prioritization;
- E) Groundwater; and
- F) Other Changes.

While there is more work to do, Utah should briefly reflect on the scope and scale of recent changes. The State listened to what was needed, made informed decisions, and worked collaboratively to achieve change. It has been a successful and fruitful period of change.

³ Fora

⁴ 1) Beneficial Use: Water can only be used for beneficial purposes and cannot be wasted. Water rights are designed to promote beneficial use: only the specific volume of water needed to fulfill a particular nature of use (irrigation, power, domestic, etc.) can be diverted at a specific location, from a specific source, for a specific period of time. Any changes to these elements requires an administrative Change Application.

2) Use it or Lose It: Unused water is forfeited, returning to the public for reappropriation.

3) First in Time, First in Right: Water is distributed on a priority basis, honoring senior rights first.

4) Non-Impairment: A water right cannot be approved or changed if doing so impairs senior rights.

A. Recognizing a Right to Instream Flows:

Need: Delivering water to the GSL requires updating Utah's Prior Appropriation Laws to allow the use of water for instream flow purposes.

A right to instream flows represents the right to distribute and use water for the primary purpose of leaving water in the stream. Traditionally, Utah did not recognize instream flows as a beneficial use of water. Water left in a source for instream flows ran the risk of diversion and use by senior water rights holders (in Utah, senior water rights are entitled to any available water in the source). Without legal protections in place, there was limited ability or incentive to pursue instream flows.

The need for a more functional instream flow statute has been identified in numerous reports and recommendations. (HRC 10; Legal Strategies for GSL).

Key Changes to the Law:

- [2008 Fish Flows](#): Initial instream flow legislation designed to protect fish habitat. Instream flows are approved subject to limiting conditions. While a useful first step, limitations made it difficult to use and ineffective for realizing widespread instream flows..
- [2020 Water Banking Act](#): The Water Banking Act made it possible to use approved water rights within a water bank service area for the purposes of "water quality improvement," and a "healthy and resilient natural environment." Was seen as a positive step forward. Provisions apply today.
- [2022 Instream Flow Amendments](#): **FUNDAMENTAL CHANGE**
Utah significantly expanded its instream flow statute. Almost any party can work with designated state agencies to file change applications allowing water use for instream flow purposes that align with the state agency's mission.
- [2023-2022 Approved Applications](#): Stakeholders have filed instream flow applications and are working with the State Engineer to study and settle distribution questions.
 - the Great Salt Trust has filed for at least 3 instream flow applications
 - The [Carbon Canal Company Contract Water Bank](#) has an approved Change Application allowing instream flows

Next Steps: The general legal basis for instream flows is now established. Next steps include:

- 1) [Telemetry](#): Continue installing distribution infrastructure (telemetry) in critical reaches to ensure the distribution of water from point A to point B.
- 2) [Rules and Guidance](#): **KEY ITEM TO WATCH**
Continue developing rules and guidelines to identify, quantify, and govern how different sources of water can be recognized and changed to instream flow uses. (See depletion accounting; agricultural optimization; split season leasing).
- 3) [Change Applications](#): **KEY ITEM TO WATCH**
Watch State Engineer Order's approving in-stream flow to expedite future applications.

- 4) Water Markets: Developing water markets to incentivize and facilitate instream flow leases. (Great Salt Lake Trust; water banking).
- 5) Water Quality: Add the Division of Water Quality to the agencies that may apply for instream flow Change Applications.

Summary: Utah has successfully updated its laws to generally recognize a right to instream flows for the purpose of meeting critical needs (excluding water quality needs). The next steps in developing instream flows should focus on crafting administrative guidance/practice and installing telemetry infrastructure.

B. Changes to Beneficial Use Concepts - Amend “Use it or Lose It”

Need: Incentivizing water right owners to use less water requires updating Utah’s interpretation of beneficial use and amending “use it or lose it” requirements.

In Utah, water rights are usufructuary rights: a water user must use the full value of their water right at least once in a seven-year period for the water right to remain valid. This requirement incentivizes using the maximum amount of water for the sole purpose of preserving the quantity available under the right and is a profound disincentive to water conservation.

To stretch Utah’s limited water supply, past studies (2020 Great Salt Lake Strategies; HRC 10) recommended amending Utah’s “use it or lose it” requirement by allowing water right holders to retain control of any water “saved” through efficiency measures.

Key Changes to the Law:

- 2017 Duty Values Rules: HB 118 - Required the State Engineer to develop “duty value” rules. Duty and depletion are critical features of Utah water law and tell water users how much water they can divert from the natural source and how much of their water right is consumed when applied to beneficial uses. Duty and depletion inform the amount of water available for change to other uses. These parameters must be established to have a baseline for calculating quantities of “saved water.”
- 2023 Recognition of “Saved Water”: **FUNDAMENTAL CHANGE**
SB 277 - Utah injects \$200 million into its agricultural optimization program, recognizing for the first time a right to “saved water.” Utah law defines this new category of “saved water” as
 - **“water quantified as depletion reduction or diversion reduction in a final order approving a change application filed in conjunction with an agricultural water optimization project.”**

This represents a fundamental change to Utah water law and is an example of redefining the Prior Appropriation Doctrine to better manage water to meet contemporary conditions/

Next Steps:

- 1) Finalize Saved Water Guidance: **KEY ITEM TO WATCH**

The SB 277 Study Group publicly released its [DRAFT 2024 Water Modifications Bill](#) on November 8, 2023. The draft amendments govern how the State Engineer quantifies and recognizes “saved water.” Saved water guidance will work in concert with [DRAFT Water Optimization Program Rules \(R64-4\)](#) created by the Utah Department of Agriculture and Food, which require a consultation with the State Engineer as a condition for receiving agricultural optimization grant funding.

- 2) [Finalize Duty Value Rules](#): The Duty Values working group will continue drafting a Duty Value Rule to be published for public comment in 2024. See the working [Duty of Water Rule](#).
- 3) [Prioritization of “Saved Water”](#): If “saved water” is the result of public investments, it may be argued that there is a need for additional discussions on whether private water users can retain the full benefit of the saved water, or if some quantity of the water saved by the public investment should be reserved for public use such as designating a portion of the savings for instream flows.

Summary:

Utah has significantly changed its forfeiture laws (“use it or lose it”/beneficial use) to incentivize water conservation. The State is proactively working through complicated and nuanced questions and is developing a cohesive set of rules and guidance on “saved water,” “duty,” and “depletion.” Once these legal parameters are in place, the State will be able to stretch its water supply by recognizing saved water as a “new” source of water that could be potentially allocated to new uses. Additional public discourse is needed to determine if private individual water users may retain the full benefit of “saved water” if they receive public funds for efficiency projects.

C. Forfeiture Tools - Getting “Bad” Water Rights Off the Books

Need: A water right not used in seven years is vulnerable to judicial forfeiture. Presently, water rights are rarely forfeited as they are only reviewed in either slow-moving, large-scale civil court cases called water rights general adjudications or by independent forfeiture actions.

Water rights vulnerable to forfeiture, but not decreed forfeit, do not bestow the right to use actual wet water. Such rights, because they do not represent the actual use of water and exist on paper only, are termed “paper water rights.” Paper water rights make it very difficult to ascertain the total amount of valid water rights that could be put to use. This makes long-term water planning difficult because it requires reconciling physical wet water supply with valid water right entitlements. Increasing water values have been accompanied by a recent uptick in paper water rights being advertised for sale and change applications seeking to resurrect forfeited rights for new uses. The rise of paper water rights requires due diligence by the State Engineer and burgeoning water markets.

Key Changes to the Law:

- [2014 Quantity Impairment](#): HB 25 - Amends the change application process to allow the State Engineer to raise a rebuttable presumption of “quantity impairment” when a review of the water right shows that it may not have been used within seven years. The State

Engineer may reject the application or reduce the approved water quantity to limit impairment to downstream water rights.

- [2016 List of Unclaimed Rights \(“LUR”\)](#): SB 75 - Creates a List of Unclaimed Rights (“LUR”) within the General Adjudication process. Allows the State Engineer to summarize water rights unclaimed in the adjudication and for the Court to more efficiently decree those rights as abandoned and invalid. The LUR process expedites removing paper water rights from the records of the State Engineer.
- [2020 Public Water Supplier](#): HB 96 - Requires the State Engineer to conduct rule-making to govern the criteria for public water supplier 40-Year Water Requirement Plans protecting municipal water rights from forfeiture. The rules ensure that public water suppliers retain enough water rights for future needs, while not hoarding or stockpiling water rights. [Utah Admin. Code R655-18 Public Water Supplier 40-Year Water Requirement Plan Standard](#).

Next Steps:

- 1) [Forfeiture Referral Program](#): **KEY ACTION**
Organize a study group to develop a water rights forfeiture referral program within the general adjudication. Based on the combination of an existing rolling adjudication in Colorado and Utah’s own general adjudication, the program’s purpose would be to expedite the forfeiture process for paper water rights.
- 2) [Adjudication Activities](#): Continue to support and fund on-going general adjudication activities.

Summary:

Utah has made progress expediting ways to judicially forfeit unused water rights. The State has also modified its administrative procedures to recognize non-use of water rights by allowing the State Engineer to limit water quantities available to use under new change application approvals. However, the presence of paper water rights remains a persistent problem. The State should form a study group to develop a water rights forfeiture referral program within the general adjudication.

D. Water Prioritization:

Need:

Utah is facing water shortages. In times of shortage, water is generally distributed by priority date. However, most of the early priority dates in the State are associated with agricultural water rights, while municipal water rights are generally later junior priority dates. Accordingly, distributing strictly by priority may not, from a utilitarian perspective, fully meet society’s immediate health and safety needs.

Key Changes in the Law:

- [2023 Water Preferences](#): HB 150 - Establishes water preferences when the governor declares a temporary water shortage emergency, which does not include drought. Allows for compensation to an interrupted water user - generally agriculture - by a preferential water user during shortage emergencies. Repealed Utah Code Ann. 73-3-21.5,

Preferences between appropriators, which established a hierarchy of users in times of a “temporary emergency shortage,” which included shortages caused by drought.

Next Steps:

- 1) Rulemaking: The Utah Department of Agriculture and Food to conduct rulemaking.
- 2) Other Preferences: HB 150 only applies when the shortage is not caused by drought. With the repeal of 73-3-21.5, Utah does not have a set rule besides priority on how to distribute water in times of drought.

Summary:

Utah has opened the discussion of water distribution based on concepts other than prior appropriation. The current state of the law is that a non-priority hierarchy only exists for “temporary water shortages,” which does not include drought. There may be a need for additional discussions addressing satisfying junior municipal rights in times of drought.

E. Groundwater

Need: Utah was one of the first Western states to regulate groundwater, requiring a water right for groundwater in 1936 (compared with 2014 in California). As surface sources suffer from disrupted water cycles and drought, Utah will increase reliance on groundwater. Many areas within the State are looking to aquifer recharge and management as a means of storing water in times of surplus and drawing on aquifer storage in times of shortage. Our continuing reliance on groundwater necessitates adaptive management tools to ensure the future quality and quantity of groundwater availability.

Key Changes to the Law:

- [1991 Groundwater Recharge and Recovery Act](#): Requires permitting for artificial recharge and recovery. Allows the State Engineer to make rules administering the Act. Creates enforcement mechanisms and penalties.
- [2006 Groundwater Management Plan](#): Allows the State Engineer to regulate groundwater withdrawals in specific groundwater basins by adopting a groundwater management plan to limit withdrawals to safe yield, protect the integrity of the aquifer, and protect water quality. Requires the State Engineer to adopt a groundwater management plan if more than one-third of water rights owners in the groundwater basin request a groundwater management plan.
- [2023 Storage as a “Beneficial Use.”](#) SB 53 amends the Groundwater Management Act to provide that water used for recharge and not recovered constitutes a beneficial use.

Next Steps:

- 1) Triggers for Groundwater Management: Currently, groundwater management plans are initiated either at the discretion of the State Engineer or upon the request of one-third of local water rights owners. It could be useful to identify what currently triggers State Engineer planning and whether groundwater planning should be based on routine groundwater assessments requiring planning if withdrawals are not within safe yield.

2) **Conjunctive Management Study: KEY ITEM TO UNDERTAKE**

Utah has very few instances of the conjunctive management of ground and surface water rights. With increasing emphasis on aquifer recovery and management, the Division of Water Rights should commence a study group assessing the large-scale application of the conjunctive management of water rights. Without clear rules, the risk exists that junior groundwater rights could divert ahead of senior surface water rights.

- 3) Clarify: Clarify that SB 53 does not create an avenue whereby water rights not suitable for recharge are deemed a beneficial use.

Summary:

Utah was an early adopter of groundwater management policies, including the early regulation of groundwater rights (1936), the Groundwater Management Act (2006), and an aquifer recovery and recharge program (1991). The need for groundwater and aquifer management will only increase in the coming years. To prepare for this eventuality, the Division of Water Rights should form a study group to assess the conjunctive management of surface and groundwater rights and review potential triggers for initiating a groundwater management plan.

F. Other Water Law Changes

Need: Utah has made other changes to elements of water law to address specific issues.

Key Change to the Law:

- 2020 - Split Season Leasing: Authorizes split season and fixed-time applications, allowing one water right to be used in two locations in the same season. Providing greater flexibility to encourage water sharing among multiple users.
- **2020 - Water Law Judges: Water Law Judges provide issue-specific expertise, allowing for water-related district court matters to proceed efficiently through the legal system and the application of consistent approaches and decisions. Effective November 1, 2022, Utah Courts effected Rule 6-104, establishing district court water judges.**
- 2021 - SJR 14 – Federal Reserved Water Right Claims: Outlines the development of the Navajo Utah Water Rights Settlement Agreement and steps to ratify the Agreement. Pursuant to the Agreement, the Navajo Nation is provided 81,500 acre-feet of water annually from Utah’s Colorado River allocation.
- 2021 - Navajo Water Rights Negotiation: Ratification of the Navajo Utah Water Rights Settlement Agreement. Requires the State to complete the settlement process consistent with the Navajo Utah Water Rights Settlement Agreement; recommends that the Governor sign the conforming agreement and transfer money to the Navajo Nation.
- 2023 - Canal Liabilities: Adds protections for canal owners from substances entering their canals and statutorily codifies the duty of care for canal liability standards

Summary:

Utah is making changes to specific areas of water law to address particular issues as they arise. For example, the State codified the standard for canal liability issues, authorized split season leasing to give flexibility to water users, completed the Navajo Utah Water Rights Settlement Agreement, and acted to create water law judges.

II. NEW LAWS INCENTIVIZING WATER CONSERVATION

Incentivizing water users to use less water is a critical component of contemporary water policy: without incentivizing conservation, Utah will struggle to meet growing demand. Water conservation can occur in a number of ways: mandated reductions in use, voluntary reductions in use, technological improvements, efficiency improvements. Water conservation can also occur in and across multiple sectors: municipal, agricultural; industrial; etc.. Coordinated planning and action can result in individual conservation activities adding up to large amounts of water in the aggregate.

Laws incentivizing conservation work on two planes: 1) the program or activity inducing water users to use less water; and 2) the substantive amount of water savings each program or activity seeks to create. It generally takes much more initial effort and political capital to create and establish a program. Once a program is running, future legislators or administrators can review the data and make substantive changes to conservation requirements to meet contemporary demand.

Clyde Snow focused on several key kinds of laws promoting water conservation. Each one of the areas below has been referenced in the various reports and recommendations regarding action for the Lake. The substantive areas reviewed are:

- A) Integrating Land Use and Water Planning;
- B) Secondary Metering;
- C) Municipal Conservation;
- D) Reuse;
- E) Conservation Goals; and
- F) Agricultural Optimization.

In sum, Utah has made a lot of progress on multiple fronts. We have required State facilities, HOAs, and county/municipal facilities to meet certain water reduction goals (**35+ municipalities adopted a waterwise landscape ordinances**); invested over \$200,000,000 in grants to create a robust agricultural optimization program (estimated water savings to date = **172,847 AF**; 2023 estimate = **61,599 AF** of water); invested **over \$50 million in secondary metering**; and have built in widespread means of meeting regional conservation goals by including water considerations in municipal water conservation plans and integrated land use planning. More time is needed to collect data and judge efficacy, but robust water conservation programs are active in multiple sectors. Tracking and broadcasting progress will be the next task. .

A. Integrating Land Use and Water Planning

Need: Outdoor domestic use is the largest component of municipal water use. Reducing outdoor water use is critical to allowing municipalities to "stretch" their existing water rights and avoid or delay developing additional water sources, which further diminish inflows to the Great Salt Lake.

Many recent reports have identified incentivizing or requiring land use changes as an effective means of reducing outdoor water use (see also General Planning Section).

Key Changes to the Law:

- <https://le.utah.gov/~2023/bills/static/SB0191.html> Utah passed several laws requiring HOAs to adopt water-wise landscaping rules and prohibiting HOAs from prohibiting water-wise landscaping.
- 2023: HB 406 removed the ability of municipalities to use assurance bonds as a means of enforcing compliance with a land use ordinance. This removed a critical enforcement tool for municipalities.
- 2022 State Facility Water Restrictions: HB 121 limited new State facilities to no more than 20% lawn or turf and required existing state facilities to meet certain conservation goals. Appropriated \$5 million for turf buyback programs.
- 2022 State Agency Water Conservation Plans: Required Division of Water Resources to collect and publish State Agency Water Conservation Plans.

Next Steps:

- 1) Assurance Bonds: Revisit restrictions on assurance bonds. Assurance bonds are an effective means for municipalities to enforce water-wise landscaping measures.
- 2) HOAs: Enforce HOA adoption of water-wise landscaping rules.
- 3) Monitor: Review the Division of Water Resources [State Facility Water Conservation Website](#), track conservation savings, and adjust if needed.

Summary:

In the last three years, Utah has made progress in revamping its land use planning to require more water-efficient urban landscapes. Utah has updated efficient landscaping requirements for State facilities and addressed private water users through HOA regulation (See General Planning for municipal discussion). The State has also funded several large rebate programs to incentivize changing existing landscapes. The next steps are to continually review the Division of Water Resources [State Facility Water Conservation Website](#), to monitor and track conservation savings and adjust if needed.

B. Secondary Metering

Need: Recent reports and recommendations have identified secondary metering as a "low-hanging" fruit for water savings. Until recently, many secondary systems (water provided to

a home or business for outdoor use that is not treated to drinking water standards) have been unmetered, leading to overuse of water. The widespread adoption of secondary metering could significantly decrease the amount of water used for urban and suburban outdoor watering.

Key Changes to the Law:

- [2019 First Secondary Metering](#): The State's first effort to adopt a wide-scale secondary metering program. There are several iterations of the bill due to the variety and kinds of systems across the state. Provides \$10 million in grant funding and requires providers to install secondary meters by 2039.
- [2020 Expansion and Exemptions](#): Adds counties of the 3rd-6th class but allows for a [Declaration of Exemption](#) for water quality issues.
- [2021 Secondary Metering Plans](#): Requires secondary meter providers to provide a [Secondary Water Provider Conservation Plan](#) due 12/1/2025.
- **2022 \$250 Million: KEY FUNDING/COMPLIANCE**
Appropriates \$250 million in grants to assist water companies with purchasing and installing secondary meters. Moved up the compliance deadline for installing secondary meters to December 31, 2030.
- [2023 Strategic Points](#): Utah makes minor tweaks allowing certain small secondary water systems to file an [Application for Secondary Metering at Strategic Points](#) to only monitor at strategic places in their system.

Next Steps:

- 1) [Statute \(73-10-34 Secondary Metering Grants\)](#) and administrative rules ([R653-10. 2021 Grant Money for Metering Existing Secondary Water Systems](#)) Useful [Secondary Irrigation Metering System](#) website is available for monitoring.
- 2) [Monitoring](#): Continue to monitor progress on secondary metering.

Summary:

In four short years, Utah has made great strides in requiring secondary meters. All \$250 million dollars have been committed. No more secondary metering grant funds are available. However, the Board of Water Resources can provide loan funding to install meters that would be repaid at 1% interest over 15 years. [Status as of 8/4/2022](#): 70 secondary metering grant applications install an estimated 114,000 secondary water meters and conserve almost 54,000 acre-feet of water (resulting in water savings equivalent to the capacity of East Canyon Reservoir).

C. Municipal Conservation

Need: Reducing indoor municipal water usage helps municipalities conserve their water rights portfolio and delay the need for developing additional water sources that would otherwise flow to the Great Salt Lake. There are several ways (detailed below) municipalities can decrease water use, including water audits, system-specific sizing requirements, and regularly updating conservation plans.

Key Changes to the Law:

- <https://le.utah.gov/xcode/Title73/Chapter10/73-10-S32.html>The Water Conservation Act requires each water conservancy district and public water system with over 500 connections to submit a Water Conservation Plan to the Division of Water Resources and update it every five years. The Division reviews these plans and works with suppliers to improve water conservation. Non-compliant water systems are ineligible for state loans or funding. These plans contain existing and proposed water conservation measures that outline how the entity and the end culinary water user will conserve water and limit or reduce per capita consumption so that adequate water supplies are available for future needs. The Act was recently amended to include compliance with regional conservation goals.
- [2021 Track State Building Usafe](#): Laws requiring state facilities to track water use (see also [HB 121 \(2022\)](#)) and updating building codes to international standards
- [2023 DDW System Specific Sizing](#): **KEY MULTIPLIER EFFECT**
HB 158 builds on HB 303 (2018) to adjust the Division of Drinking Water’s source and sizing requirement for indoor and outdoor water use. Conservation measures like land use ordinances and efficiency requirements.
 - **Sourcing requirements set municipal water exactions. Lower exaction requirements to reduce the amount of water wholesalers need to provide and expedite the ability to meet regional conservation goals.**

Next Steps:

- 1) **Support System-Specific Sizing Standards: KEY ACTION**
Work with water conservancy districts, the Division of Drinking Water, and local municipalities to develop system-specific standards that reflect land use ordinances, urban development changes (townhomes v. single-family homes), and efficiency requirements. This is one of the quickest strategies for reaching regional conservation goals.
- 2) Revisit Water Audit: Revisit 2022’s failed [HB 115 Water Distribution Efficiency](#) to see if a different means of requiring a water audit assessment is politically viable or if relevant audit metrics have been incorporated into [Water Conservation Plan requirements](#).

Summary:

Utah has made progress in enacting a number of municipal conservation tools. Most promising is securing system specific sizing requirements for municipalities. New requirements should aggregate the gains of various other conservation measures (land use ordinances, building code upgrades, development changes, market forces to buy less water). Assessing lower system standards has widespread application and will expedite achieving regional conservation goals. Utah should revisit requiring a water loss audit and adopting more stringent building codes.

D. Water Reuse

Need: Treating and reusing municipal water instead of releasing treated water into the local water system allows for multiple uses before it enters the natural system. Reuse may assist with

“stretching” municipal water supplies but may also reduce the inflow of effluent, exacerbating water quality concerns.

Key Changes to the Law:

- [Wastewater Reuse Act](#): Provides a process for water rights owners to establish ownership and rights to reused water.
- [2023](#): Restrictions on new reuse projects in the Great Salt Lake Basin (presumably to preserve effluent and flows to the Lake). This led to a rush of new applications prior to the restriction becoming effective.

Next Steps:

- 1) [Revisit Reuse Restrictions](#): A more holistic view of Great Salt Lake Basin operations that lets municipalities choose how best to participate in supporting Great Salt Lake levels may be a better approach than an outright restriction.

Summary:

The law and application of water reuse in Utah is still developing.

E. Regional Conservation Goals

Need: To ensure actual wet water is being conserved in measurable quantities, there needs to be a set baseline from which to measure success.

Key Changes to the Law:

- [2019 Regional Conservation Goals](#): The Division of Water Resources set new regional conservation goals. Based on an in-depth study, each region of the state was assigned a new conservation goal for each area.
 - In 2015, Utah’s M&I water use was about 240 gallons per capita day (“gpcd”). When considering all regional results together, the resulting water use for the entire state is 202 gpcd by 2030 (16% reduction from 2015), 188 gpcd by 2040 (22% reduction from 2015), and 179 gpcd by 2065 (26% reduction from 2015). Meeting the initial 2030 goal will save nearly 165,000 acre-feet of water annually across the state.
- [2022 Plan for Regional Conservation Goals](#): Required municipal conservation plans are to take into account how municipalities are going to help reach regional conservation goals.

Next Steps:

- 1) [Ensure Consistent Conservation Achievement](#): Monitor progress on the Division of Water Resources website.
- 2) [Align with 5-Year Reporting Requirements](#): Conservation plans are required every five years. Update Division of Water Resource Rules for regional conservation goals every five years to align with reporting requirements.

Summary:

Utah has set more specific regional conservation goals. The goals are being met through a number of means, such as the wide-scale implementation of land use ordinances, municipal efficiency projects, secondary metering, operational changes, and reducing municipal exaction standards by setting new system-specific sizing requirements. An area improvement is to update regional conservation goals every five years to align with municipal conservation plan requirements. This could allow for goals to keep up with and change to reflect progress.

F. Agricultural Optimization

Need: Nearly 70% of Utah’s water is held and used by agriculture. For Utah to make any gains in water conservation, encouraging and investing in agricultural water optimization is critical.

Utah has invested in studies, hundreds of millions of dollars of funds, and established a number of programs aimed at quickly implementing on-the-ground projects to facilitate agricultural optimization of water

Key Changes to the Law:

- [2018 Agricultural Water Optimization](#) Task Force to study methods and means of agricultural optimization.
- 2020 UDAF ARPA Money: The Utah Department of Agriculture and Food (“UDAF”) initiates an [Agricultural Water Optimization Program](#) website to administer America Rescue Plan Act (“ARPA”) funds assisting with agricultural optimization projects.
- **2023 “Saved Water:” FUNDAMENTAL CHANGE TO LAW**
SB 277 makes fundamental changes to Utah water law recognizing and allowing for “saved” water created through depletion and diversion reductions (i.e. amending Utah’s “use it or lose it” rules and provisions. The bill creates the Agricultural Water Optimization Committee, addressing agricultural water optimization change applications and water savings. Appropriates \$200 million for agricultural optimization. UDAF has established an [Agricultural Water Optimization Program](#) website to administer ARPA and state funds assisting with agricultural optimization projects. There are UDAF [DRAFT Water Optimization Program Rules \(R64-4\)](#), which require a consultation with the State Engineer to receive funding.

Next Steps:

- 1) **“Saved Water Rules:” KEY ACTION**
Continue to develop guidelines and rules for the Utah State Engineer to recognize “saved water” so that it does not impair other water users. [DRAFT 2024 Water Modifications Bill](#); [DRAFT Water Optimization Program Rules \(R64-4\)](#); [Duty of Water Rule](#).
- 2) Allocating ‘Saved Water’: Ensure public funds result in a public benefit by addressing “who” retains the control of water created through publicly funded projects. Other states,

Oregon, for example, has a similar program that ensures a portion of conserved water is preserved for in-seam flows.

Summary:

Utah has invested heavily in agricultural water optimization - both by appropriating large amounts of public funds and by establishing the process and programs to implement projects on the ground. In 2023, over \$20 million in grant money was awarded to 93 projects. The newly funded projects have an estimated annual water savings of 61,599 acre-feet. All of the previously funded projects to date have an estimated yearly water savings of 172,847 acre-feet or over 56 billion gallons of water. [Press Release 8.9.2023](#).

III. WATER MARKETING

Water marketing allows market principles to govern how individual water users allocate water amongst themselves. Water marketing extends to water leasing as well as the purchasing and selling of water rights.

Need: Water marketing is critical to reaching various water policy goals and voluntarily moving water between users. Successful water markets will allow water users to retain the benefits of owning water rights (i.e. funds from leases or sales) while allowing new users access to water. Water marketing will help with Great Salt Lake matters, Colorado River area demand management programs, and, potentially, water quality trading.

Key Changes to the Law:

- [2020 Water Banking Act](#): Passage of the Utah Water Banking Act, allowing qualifying leasing arrangements to be approved as water banks and extending certain benefits under the law. The Water Banking Act was the result of a multi-year effort to design a Utah-specific water banking program.
- [2022 Great Salt Lake Trust](#): Appropriates \$40 million and establishes the Great Salt Lake Trust to implement projects that retain or enhance flows to the Great Salt Lake, including water leases and enhancement programs. Requires the Division of Forestry, Fire, and State Lands (“FFSL”) to conduct Rulemaking to execute the Trust’s mission. Allows the Trust to issue Requests For Proposals to support the mission of the GSL Trust. [Great Salt Lake Watershed Enhancement Trust](#)
- [2023 Water Banking Website and Report](#): The State of Utah allocated \$800,000 (\$400,000 State funds and \$400,000 BOR WaterSMART Funds) to test four pilot projects to implement the Water Banking Act and establish a Statewide Water Marketing Report. The Project succeeded in establishing three water leases (including a Statutory and a Contract Water Bank) and installing telemetry to complete a fourth transaction. The Statewide Marketing Report includes summaries, tips, tools, and other resources for

water users to explore new water marketing efforts. The Report and an interactive website are currently available. [Statewide Water Marketing Website](#).

Next Steps:

- 1) Water Banks/ Water Markets: Encourage the creation of water markets and water banks across the state of Utah.
- 2) Great Salt Lake Trust Funding: Identify GSL Trust projects, develop, and implement projects in conjunction with the GSLBIP.
- 3) Water Rights Valuation Study: Establish a work group to study water rights valuations to better inform market transactions.
- 4) Water Right Pricing Database: Collect relevant information on water right pricing data to increase pricing transparency. GSL Trust and Water Banking data could populate such a database in addition to emergency shortage study group provisions.

Summary:

Utah has invested in creative means to encourage water marketing in the State. Water marketing also presents “brass tacks” situations that present actual questions of water distribution, leasing terms, and change application approval issues. Water marketing not only provides a voluntary means of reallocating water between users but also allows the State to address critical and complicated issues about moving water from one location to another.

IV. COORDINATION

Utah has adopted a number of programs and new laws that aim to better coordinate and align the State’s water activities. These programs will be incredibly helpful in achieving the State’s water goals because they will focus resources and align activities. To this effect, Clyde Snow assessed several sub-areas: A) Education and Agency Coordination; B) General Planning; C) Financing and Funding; and D) Media.

A. Education and Agency Coordination

Need: Agency coordination and public education are critical to making sure the State’s actions are aligned, and the public is engaged and informed about water activities.

Key Changes:

- **2023 Utah Water Ways: KEY MULTIPLIER EFFECT**
Utah’s Legislature creates Utah Water Ways, a statewide non-profit to facilitate the coordination of State efforts on water education and water optimization.
Responsibilities include:
 - (1) sponsoring policy discussions about the state’s water supply;
 - (2) engaging the private sector for support to optimize water use;
 - (3) coordinating with the Department of Agriculture and Food and the Department of Environmental Quality on water-related issues;

- (4) maintaining communication among the partnership;
- (5) providing communication between partnership and state leaders;
- (6) promoting coordination of grants, rebate programs, or sponsorships that support the optimal use of water; and
- (7) encouraging residents to make changes to optimize their water use by providing educational tools, public awareness campaigns, and seeking grants, gifts, and donations for these purposes.
- **[2023 Office of the GSL Commissioner](#): KEY MULTIPLIER EFFECT**
Creating the Office of the Great Salt Lake Commissioner to prepare a strategic plan for the long-term health of the Great Salt Lake. The Commissioner may require state agencies to comply with the strategic plan, take action, or refrain from acting to the benefit of the Lake.
- **[2023 Bear River Commission](#)**: Changing the Commissioner on the Bear River Commission from the Executive Director of the Division of Water Resources to the Executive Director of the Division of Water Rights. This better reflects other State appointments and the technical nature of actions.

Next Steps:

- 1) **[Office of the Commissioner](#)**: Release the Strategic Plan and implement it along with recommendations from other studies and plans. Hire staff to facilitate and implement the plan.
- 2) **[Utah Water Ways](#)**: Utah Water Ways is designed to coordinate and facilitate a number of programs and initiatives. It could be used as the “workhorse” for getting many of the programs and initiatives of the Commissioner or GSLBIP out to the public

Summary:

Coordination action is critical to success and to not overstressing or overburdening State resources. Utah Water Ways and the Office of the Commissioner should allow new and robust means for the State to move forward on numerous water activities at the same time and in a coordinated manner.

B. General Planning

Need: Ensuring that water is taken into consideration and addressed in general planning requirements ensures that various governmental entities are specifically thinking about water and identifying concrete actions for improving water efficiency and meeting regional conservation goals.

Key Changes:

- **[2020 State Water Policy](#)**: Legislation passed to evaluate state water policies, encourage state agencies to follow the state policy, address suits referencing state policy, and require an annual review of the policy.
- **[2022 Water as Part of General Plan](#)**. Requires cities and counties to include water use and preservation elements in their general plans. Must implement the new integrated water and land use element by December 2025. The Division of Water Resources hosts

an [Integrated Water and Land Planning Website](#), a [Water Conservation Plan Website](#), and passes [R652-11 Water Conservation Requirements and Incentives](#). 35+ cities have now adopted land use ordinances as part of their general plans.⁵

- [2023 General Plans Must Address Regional Conservation: SB 76](#) Amends Land Use, Development, and Management Act (LUDMA) requirements for general plans of counties and municipalities, requiring planning commissions to consult with the Division of Water Resources when drafting the water use and preservation element of the general plan. Requires the Division of Drinking Water to provide recommendations for water efficiencies. Adds regional conservation planning and shared shortage agreements to the list of items that can be considered in the conservation plan. Requires the Division of Water Resources to create rules that take into account the considerations of the Great Salt Lake, such as water budget and growth projections.

Next Steps:

- 1) Forthcoming Study: Division of Water Resources to release a study of how water providers, municipalities, counties, and state agencies may find greater efficiencies through improved coordination, consolidation, and regionalization related to (i) water use and conservation and (ii) administrative and economic efficiencies. Written report due to the Natural Resources, Agriculture, and Environment Interim Committee before 10/30/2024.
- 2) Conservation Plan Website: Evaluate conservation plan filings by state and municipal entities.
- 3) System-Specific Sizing Requirements: Work under [SB 158](#) to adjust system-specific sizing requirements and municipal exaction requirements to reflect reductions in use through general planning.

Summary:

Utah has made significant efforts to incorporate water and efficiency goals into general planning. By adding water and GSL considerations into general planning, the State is able to build out water efficiency at “scale” by requiring simultaneous action across multiple municipalities and other governmental entities. The State is starting to see gains in these actions, and the next step is to adjust system-specific sizing requirements to reflect reductions in use.

C. Financing and Funding

Need: Utah needs to establish ways to better finance and support water activities and actions.

Key Changes:

- [2022: HB 334 State Engineer Modifications \(2022\)](#) Allocates \$830,000 one-time and \$530,000 annually to fund additional deputy state engineer positions at the Utah Division

⁵ Alpine, American Fork, Cedar Hills, Cottonwood Heights, Elk Ridge, Heber City, Holladay, Lehi, Lindon, Millcreek, Payson, Pleasant Grove, Salt Lake City, Sandy City, Spanish Fork, and Vineyard; Bountiful, Clearfield, Clinton, Farmington, Farr West, Fruit Heights, Kaysville, North Salt Lake, Riverdale, Roy, South Ogden, Summit County (Synderville Basin), Syracuse, Washington Terrace, West Bountiful, West Haven, Woods Cross.

of Water Rights. This includes funding for a deputy director for the Great Salt Lake watershed, as well as flow measurement at Great Salt Lake's major tributaries.

- 2022: [SB 221 Water Related Sales and Use Tax Amendments \(2022\)](#) Creates a new water rights restricted account with certain sales and use tax going to the Division of Water Rights to pay for staffing, equipment, studies, and legal (up to \$8M at the end of the fiscal year).
- 2023: [SB 34 Water Infrastructure Funding \(2023\)](#). Requires DNR to study the use of tax revenue for water infrastructure in other states; property tax for construction, operation, maintenance, repair, and replacement of water facilities; ensure all users contribute to the cost of water infrastructure, methods of developing tiered water rates to promote conservation, analyze the effect of eliminating/reducing property tax as a funding source, study certain conservancy districts and special service taxes. Report due to the Natural Resources Committee on October 30, 2024.

Next Steps:

- 1) Increase Other Means of Long-Term Revenue for Water Funding: Adjust or increase the amount of sales tax similar to SB 221(2022) to raise additional revenue.
- 2) Staff and Agency Funding: State water agencies need additional staff paid at higher salaries to retain quality and competent employees.

Summary:

Utah has made significant large appropriations for specific water projects like secondary metering and agricultural optimization (nearly a billion dollars in 2022-2023 legislative years), is working to study financing for water, and has increased tax revenue

D. Media

Need: Public media and reporting is critical to having an engaged and informed citizenry.

Key Changes:

- 2022:[Great Salt Collaborative](#). The Great Salt Lake Collaborative is a group of 19 news, education, and civic organizations that have come together to better inform and engage the public about the crisis facing the Great Salt Lake.

Next Steps:

- 1) Engagement: The Great Salt Lake Collaborative elevates attention to the Lake by increasing the number of stories about the Great Salt Lake and water in Utah. Some stories lack nuance or include attention attracting headlines. The water user community, and in particular State agencies, should proactively engage with the news media to ensure reporters have a complete understanding of the depth and breadth of the actions being taken to protect the Lake.

Summary:

Utah has established a media collaborative to cover the Great Salt Lake. Additional, engagement from water users and State agencies may be

V. GREAT SALT LAKE MANAGEMENT

Need: Due to its unique geography, location, and features, the Great Salt Lake presents specific challenges to management. Outside general laws informing water conservation and management, laws and regulations specific to the Great Salt Lake itself are also needed to best manage the Lake.

Key Changes:

- **2019: [HCR 10 Concurrent Resolution to Address Declining Water Levels of the GSL \(2019\)](#)** Recognizes the critical importance of continued water flows to Great Salt Lake and its wetlands and the need for solutions to address declining water levels, while appropriately balancing economic, social, and environmental needs. This resolution: urges expeditious and collaborative development of recommendations for policy and actionable solutions to avert economic, social, and environmental harm due to declining water levels at Great Salt Lake and its wetlands; and encourages reports to the Legislature and Governor.
- **2022: [HB 157 Sovereign Lands Amendments](#)** Creates a specific "Great Salt Lake Account" inside the Sovereign Lands Management Account and makes changes to royalty revenue accounts to direct royalties from mineral leasing and mining to fund projects and programs supporting the Great Salt Lake. In particular, "upon appropriation by the Legislature, money in the account may be used to manage the water levels of the Great Salt Lake." Provided specific appropriations for specific GSL programs.
- **2022: [HB 429 Great Salt Lake Amendments \(2022\)](#)** Requires Division of Water Resources to develop integrated surface and groundwater assessment for GSL watershed. Assessment to evaluate and forecast the quantity of water available for human, agricultural, environmental, and in-stream needs; identify and evaluate best management practices to provide a reliable water supply; investigate the potential benefits of forest management and watershed restoration; and address other matters provided in a work plan. The assessment should include a water budget for the Great Salt Lake and its wetlands.
- **2023: [HB 491 Office of GSL Commissioner](#)** Creates Office of GSL Commissioner to prepare a strategic plan for the long-term health of GSL. May require state agencies to comply with the strategic plan, take action, or refrain from acting to the benefit of the GSL.
- **2023: [HB 513: Great Salt Lake Amendments \(2023\)](#)** Establishes emergency triggers when salinity levels of the Gilbert Bay of GSL do not satisfy the ecological conditions required for functional brine shrimp and brine fly reduction. If the emergency trigger is reached, authorizes Forestry Fire and State Land to construct berms and enter agreements protecting the Lake.

Next Steps:

- 1) [GSLBIP](#): Complete the GSLBIP work plan and implement the Stakeholder priority projects.

- 2) Office of the GSL Commissioner: Stand-up the Office of the Commissioner and implement the Strategic Plan. The Commissioner's Strategic plan can cite to and include numerous elements of this Inventory & Assessment as satisfying or informing the statutorily required elements of the plan.

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INVENTORY OF KEY ACTIONS & ENTITIES

This document represents a rough working inventory of the current activity requiring action of State agencies or key stakeholders.

The intent of this document is to provide the Division of Water Resources or the Office of the Commissioner with a quick list of activities to be followed, an initial reference to key websites, a list of key entities involved in implementing water policy, regular or anticipated data reporting, and other misc. information. This information can be used to inform public outreach, assist with an internal review of key pieces or critical water elements, identify data sets to populate any forthcoming databases, or keep a working list of key features of water policy.

- **2024 Legislation:**

Specific legislation proposed or recommended for the 2024 Legislative Session

- SB 277 Amendments - [DRAFT 2024 Water Modifications Bill](#)

- **Required Rulemaking and Status:**

Rulemaking required by recent law and where in the process that rulemaking is:

- Water Law:

- [DRAFT Depletion Accounting/Duty Values](#)
 - Work group is currently working on rules to be released 2024
- [Utah Admin. Code R655-18 Public Water Supplier 40-Year Water Requirement Plan Standard.](#)
 - Complete and in operation

- Laws Incentivizing Water Conservation:

- [HOA Waterwise Landscaping Rules Requirements](#)
 - Required to be complete by 6/30/2023 - check status at HOA level
- [R653-11 Water Conservation Requirements and Incentives](#)
 - Complete and in operation
 - See also [Policy Matrix Discussion](#)
- [DRAFT Water Optimization Program Rules](#)
 - Public Comment to end on 11/14/23
- [R653-10. 2021 Grant Money for Metering Existing Secondary Water Systems](#)
- [Facility Design and Operation: Minimum Sizing Requirements Utah Admin Code. R309-510](#)
 - Issued and in operation

- [R653-11-1 Water Conservation Requirements and Incentives](#) (HB 121 State Water Facility Water Conservation requirements
 - Issued and effective as of 7/11/2023
- Board of Education technology standards for Water Reductions
 - Not yet initiated
- **Forthcoming Studies or Reports**
 - SB 26 Water Banking
 - To Interim Natural Resources Committee (due 10/31/2029)
 - HB 161 Watershed Councils
 - (due 1/1/2026)
 - All [Secondary Water Provider Conservation Plan](#)
 - to Division of Water Resources (due 12/1/2025)
 - SB 34 Water Infrastructure Funding
 - To Natural Resources Interim Committee(due 10/30/2024)
 - DWRe Water/Land Integration Planning Study
 - (due 2024)
 - HB 303 Drinking Water Source Sizing Requirements to Division of Drinking Water
 - Systems serving more than 3300 people (3/1/2019)
 - Systems serving between 500 and 3300 (3/1/2023)
 - HB 131 State Facilities to report baseline data
 - to Division of Facilities and Construction Management (7/1/2022)
 - Largely superceded by HB 121 (2022) and information collected on [State Facility Water Conservation Website](#)
 - HB 52 [Secondary Water Metering Report](#) (2021)
 - Complete
- **Regular Reporting Requirements (populate databases):**
 - Division of Water Resources:
 - Land Use Incentive Efficacy:
 - Water Conservancy Districts report annually to the Division of Water Resources on the use of grant money for financial incentives in the district's landscaping conversion incentive program.
 - State Facility Conservation:
 - Progress on State Facility Conservation: 5% by 2023; 25% by 2025 - [State Facility Water Conservation Website](#)
 - Secondary Metering:
 - Numberer and installation of secondary meters as part of general water conservation plans (500+ connections)
 - Report status for 500 and under as part of [Secondary Water Provider Conservation Plan](#)
 - Water Conservation Plans:

- Each water conservancy district and public water system with over 500 connections are to submit a [Water Conservation Plan](#) and update it every 5 years
- Great Salt Lake Trust:
 - Annual reporting requirement
- Division of Water Rights:
 - Secondary Metering:
 - Annually report water usage
 - Water Use Data:
 - Municipalities annual report
 - Great Salt Lake Trust:
 - Annual reporting requirement
- Interim Education Committee
 - HB 217 Board of Education is to submit an annual report on the effectiveness of the school energy and water reductions to the Education Committee and Natural Resources Committee.
- Interim Natural Resources Committee
 - School Reductions: HB 217 Board of Education is to submit an annual report on the effectiveness of the school energy and water reductions to the Education Committee and Natural Resources Committee
 - Great Salt Lake Trust:
 - Annual reporting requirement
- **Committee/Organization Used to Execute Water Programs:**
 - Policy:
 - Utah Water Task Force
 - [Legislative Water Development Commission](#) (formally known as Utah Water Development Commission)
 - Interim Natural Resources Committee
 - Funding
 - Board of Water Resources:
 - Utah Department of Agriculture and Food Conservation Commission
 - [Water Development Coordinating Council \(73-10c-3\)](#)
 - Agricultural Water Optimization Task Force/Agricultural Water Optimization Account
 - [Utah Department of Agriculture and Food Agricultural Water Optimization Program](#)
 - Other:
 - Utah Division of Facilities Construction and Management
 - Coordination:
 - Watershed Councils
 - Utah League of Cities and Towns
 - Utah Water Ways
 - Conservation:

- Utah Water Savers
- [Utah Growing Smart Workshops](#)
- **Other Groups Working on Great Salt Lake Issues:**
 - Great Salt Lake Project at SJ Quinney
 - Grow the Flow
 - Friends of the Great Salt Lake
 - [4200 Project](#)
- **Useful Websites:**
 - **Division of Water Resources**
 - [Division of Water Resources Integration of Water and Land Planning](#)
 - [Division of Water Resources Water Conservation](#)
 - [Regional Water Conservation Goals](#)
 - [Utah's Regional Water Conservation Goals Dashboard](#)
 - [State Facility Water Conservation Website](#)
 - Division of Water Resources Incentives and Rebates
 - [Landscape Conversion Incentive Program](#)
 - [Division of Water Resources Secondary Metering](#)
 - [Secondary Meter Providers](#)
 - [Secondary Water Provider Conservation Plan](#)
 - [Declaration of Exemption](#)
 - [Division of Water Resources Agricultural Optimization](#)
 - [Division of Water Resources Water Legislation](#)
 - [Statewide Water Marketing Website](#)
 - [State Facility Water Conservation \(HB 121\)](#)
 - [Water Usage By State Agency and Facility](#)
 - **Utah Division of Water Rights:**
 - [Division of Water Rights Water Use Reporting](#)
 - [Division of Water Right Ground Water Information](#)
 - [Division of Water Rights Application for Secondary Metering at Strategic Points](#)
 - [Aquifer Recovery and Recharge Program](#)
 - **Department of Agriculture and Food Agricultural**
 - [Utah Department of Agriculture and Food Agricultural Water Optimization Program](#)
 - **Division of Drinking Water**
 - [Division of Drinking Water System Sizing Requirements](#)
 - [Detailed Guidance for Water Use Data Reporting and Setting System-Specific and Storage Minimum Sizing Requirements](#)
 - Utah State University
 - [Center for Water-Efficient Landscaping](#)
 - Other
 - [Water Development Coordinating Council \(73-10c-3\)](#)

- [Watershed Councils](#)
- [Utah Water Savers](#)
- [Great Salt Lake Watershed Enhancement Trust](#)

- **New Sections of Code:**
 - [73-10-32 Water conservation plan required](#)
 - [73-10-34 Secondary Metering Grants](#)
 - [73-10-37 Water Wise Incentives](#)

- **Cities that have adopted a Land Use Ordinance** (Provided by WBWCD and CUWCD)

<ul style="list-style-type: none"> - Alpine - American Fork - Bountiful - Cedar Hills - Clearfield - Clinton - Cottonwood - Elk Ridge - Farmington - Farr West - Fruit Heights 	<ul style="list-style-type: none"> - Heber City - Holladay - Kaysville - Lehi - Lindon, - Millcreek - North Salt Lake - Payson - Pleasant Grove - Riverdale, - Roy - Salt Lake City 	<ul style="list-style-type: none"> - Sandy City - South Ogden, - Spanish Fork - Synderville - Basin - Syracuse - Vineyard - Washington - Terrace - West Bountiful - West Haven - Woods Cross
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- **Proposed Study Groups:**
 - [Water Right Appraisal Study Group](#)
 - [Forfeiture Referral Program](#)
 - [Split Season Leasing](#)
 - [Recharge as Beneficial Use Clarification](#)
 - [Conjunctive Management Study Group](#)
 - [Water Wholesaler/Retailer Water Exaction Study Group](#)
 - [Distribution Loss Water Audit Study Group](#)
 - [Study Group Saved Water Prioritization](#)

- **Prior Reports and Recommendations for the GSL:**
 - 2023 - Governor's Water Action Action Plan
 - 2023 - Great Salt Lake Report (Abbott et al.)
 - 2023 - Great Salt Lake Strike Team
 - 2020 - HRC 10 Recommendations and Steering Group
 - 2020 - Legal Strategies for the Great Salt Lake
 - 2017 - Governor's Water Strategy Advisory Team
 - 2015 - Legislative Performance Audit

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