Enrolled Copy	H.B. 231

1	WATER RIGHTS PRIORITIES IN TIMES OF
2	SHORTAGE
3	2010 GENERAL SESSION
4	STATE OF UTAH
5	Chief Sponsor: Kerry W. Gibson
6	Senate Sponsor: Ralph Okerlund
7	LONG TITLE
8 9	LONG TITLE General Description:
10	This bill addresses the priority of water rights during times of water shortage.
11	Highlighted Provisions:
12	This bill:
13	 provides that the priority for water use under water rights is determined by the date
14	of the appropriation of water;
15	 provides an exception allowing certain uses to be prioritized before an earlier-dated
16	water right in times of a declared temporary water shortage emergency;
17	defines "temporary water shortage emergency;"
18	 provides for the payment of compensation to be paid by a water user whose right is
19	given priority during a temporary water shortage emergency to the user whose use
20	is interrupted; and
21	makes technical changes.
22	Monies Appropriated in this Bill:
23	None
24	Other Special Clauses:
25	None
26	Utah Code Sections Affected:
27	ENACTS:
28	73-3-21.1 , Utah Code Annotated 1953
29	

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30	Be it enacted by the Legislature of the state of Utah:
31	Section 1. Section 73-3-21.1 is enacted to read:
32	73-3-21.1. Priorities between appropriators.
33	(1) As used in this section, "temporary water shortage emergency" means a shortage of
34	water:
35	(a) whether caused by drought, manmade, or naturally caused;
36	(b) for which the governor has declared an emergency; and
37	(c) that may not exceed in duration more than two consecutive calendar years.
38	(2) (a) Appropriators shall have priority among themselves according to the dates of
39	their respective appropriations, so that each appropriator is entitled to receive the
40	appropriator's whole supply before any subsequent appropriator has any right.
41	(b) Notwithstanding Subsection (2)(a), if there is a temporary water shortage
12	emergency, the use of water for drinking, sanitation, and fire suppression has a preferential
43	right over any other water right for the duration of the temporary water shortage emergency if:
14	(i) the water is used by:
45	(A) an individual water user;
46	(B) a county or municipality; or
1 7	(C) a public water supplier, as defined in Section 73-1-4; and
48	(ii) the water is used without unnecessary waste.
19	(c) Notwithstanding Subsection (2)(a), if there is a temporary water shortage
50	emergency, the use of water for agricultural purposes, including irrigation and livestock water,
51	has a preferential right over any other right, except as provided in Subsection (2)(b).
52	(3) A person using water preferentially during a temporary water shortage emergency
53	shall pay annually to the appropriator whose water use is interrupted the reasonable value of
54	the water use interrupted, crop losses, and other consequential damages incurred as a result of
55	the interruption