

Bill: HB 60 – Water Rights Amendments

Sponsor: Representative Shallenberger

Floor Sponsor:

UASD Position: Support

This Bill addresses water rights and the state engineer's actions related to water rights.

Discussion: Representative Shallenberger explained that this Bill is part of efforts to address water rights administration in Utah, including improving how water decisions relate to broader water challenges such as the Great Salt Lake. The Bill directs the State Engineer to consider protests only to the extent that they raise issues the State Engineer is required by law to approve or reject, allowing her to focus on protests that directly affect her statutory decision. Protests that concern matters outside the State Engineer's authority would be deferred to other agencies with appropriate expertise. Current environmental protections under existing law remain in place. The State Engineer explained that lines 42–44 of the Bill, which refer to “unappropriated waters of the state”, are being removed because the language is outdated and the Legislature is working to clean up unnecessary or obsolete language in the Utah Code.

Several groups spoke in opposition to the Bill. Steve Erickson of the Great Basin Water Network challenged the characterization that the Bill simply streamlines the State Engineer's work and argued that it would reduce consideration of recreation interests in water rights decisions. The Utah Rivers Council opposed the Bill, saying it limits Utahns' ability to protect constitutional rights and challenge historical water rights that could reduce water levels in the Great Salt Lake, dry up trout streams, and diminish recreational water use. The Western Wildlife Conservancy and the Utah Sierra Club also spoke against the Bill, asserting that the public should retain the ability to contest water rights that could harm public interests. In support of the Bill, the Farm Bureau stated that it streamlines the water rights process and preserves robust due process. The Director of the Division of Water Quality also supported the Bill, noting coordination with the State Engineer and continued alignment with other agencies. Representative Owens and Representative Arthur voted against passing the Bill.

Yeas: 7

Nays: 2

N/V: 5

Outcome: HB 60 passed out of the Committee with a favorable recommendation.
