

**73-2-1 State engineer -- Term -- Powers and duties -- Qualification for duties.**

- (1) There shall be a state engineer.
- (2) The state engineer shall:
  - (a) be appointed by the governor with the consent of the Senate;
  - (b) hold office for the term of four years and until a successor is appointed; and
  - (c) have five years experience as a practical engineer or the theoretical knowledge, practical experience, and skill necessary for the position.
- (3)
  - (a) The state engineer shall be responsible for the general administrative supervision of the waters of the state and the measurement, appropriation, apportionment, and distribution of those waters.
  - (b) The state engineer may secure the equitable apportionment and distribution of the water according to the respective rights of appropriators.
- (4) The state engineer shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, consistent with the purposes and provisions of this title, regarding:
  - (a) reports of water right conveyances;
  - (b) the construction of water wells and the licensing of water well drillers;
  - (c) dam construction and safety;
  - (d) the alteration of natural streams;
  - (e) geothermal resource conservation;
  - (f) enforcement orders and the imposition of fines and penalties; and
  - (g) the duty of water.
- (5) The state engineer may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, consistent with the purposes and provisions of this title, governing:
  - (a) water distribution systems and water commissioners;
  - (b) water measurement and reporting;
  - (c) groundwater recharge and recovery;
  - (d) wastewater reuse;
  - (e) the form, content, and processing procedure for a claim under Section 73-5-13 to surface or underground water that is not represented by a certificate of appropriation;
  - (f) the form and content of a proof submitted to the state engineer under Section 73-3-16;
  - (g) the determination of water rights; or
  - (h) the form and content of applications and related documents, maps, and reports.
- (6) The state engineer may bring suit in courts of competent jurisdiction to:
  - (a) enjoin the unlawful appropriation, diversion, and use of surface and underground water without first seeking redress through the administrative process;
  - (b) prevent theft, waste, loss, or pollution of those waters;
  - (c) enable him to carry out the duties of the state engineer's office; and
  - (d) enforce administrative orders and collect fines and penalties.
- (7) The state engineer may:
  - (a) upon request from the board of trustees of an irrigation district under Title 17B, Chapter 2a, Part 5, Irrigation District Act, or another local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or a special service district under Title 17D, Chapter 1, Special Service District Act, that operates an irrigation water system, cause a water survey to be made of all lands proposed to be annexed to the district in order to determine and allot the maximum amount of water that could be beneficially used on the land, with a separate survey and allotment being made for each 40-acre or smaller tract in separate ownership; and
  - (b) upon completion of the survey and allotment under Subsection (7)(a), file with the district board a return of the survey and report of the allotment.

Deleted: and

Deleted: .

DRAFT 8.29.2016

- (8)
  - (a) The state engineer may establish water distribution systems and define their boundaries.
  - (b) The water distribution systems shall be formed in a manner that:
    - (i) secures the best protection to the water claimants; and
    - (ii) is the most economical for the state to supervise.

Amended by Chapter 221, 2013 General Session