

Water Banking Study Group One Year Status Report: July 9, 2018

Summary:

In the last year the Water Banking Study Group has made great progress in studying instream flow and water banking platforms and identifying key goals and actions needed to facilitate water banking in Utah. In addition to the substantive work of the group, the group has been very successful in engaging a wide a spectrum of stakeholders and working through shared issues of concern and consensus. The coming year looks positive for making gains in both the legislative arena and in forming a water banking pilot study.

June/July 2018:

- Individual Study Groups Meet:
 - o Pilot Water Banking Study Group: Determined that the next best step was to apply for a BOR WaterSmart Grant to fund a pilot study and project. After reviewing grant application criteria and the status of project, it was determined the group would apply in July of 2019 and spend the next year solidifying project partners, clarifying goals, and coordinating with other Water Banking Study Groups. Based on discussions with BOR representatives, if momentum continues it is anticipated the group will have a strong application for the 2019 application pool.
 - o New Legislation: The group is working to identify the key areas where new legislation is needed. At next meeting the group will refine key areas and assign drafting tasks.
 - o Existing Legislation: The group met and identified several key areas of legislation to adjust to meet water banking needs. At next meeting the group will assign drafting tasks.

April/May 2018:

- Large Water Banking Study Group reconvenes to discuss findings of individual watershed study groups. Good substantive discussion on what is needed to facilitate a water bank such as a two-step Change Application process, need for guidance on shepherding water through a bank, and the necessity of maintaining large amounts of local control in designing a water bank.
- Nathan Bracken summarizes individual group findings into a general summary of Key Points and Considerations.
- Based on the findings of the smaller groups the Large Water Banking Study Group splits into three study groups:
 - o Pilot Water Banking Study Group
 - o New Legislation Needed to Facilitate a Water Bank
 - o Changes to Existing Legislation Needed to Facilitate a Water Bank

November 2017 – March 2018:

- Individual watershed water banking groups meet and discuss water banking in their specific areas.

- Produce summaries of what is needed, barriers, and key considerations for water banking in each of the study areas.

November 2017:

- Discuss merging/coordinating with co-existing study groups such as Agricultural Conversion group and Watershed Council Group (convened to discuss Governor's Water Strategy recommendations on watershed issues).
- Determine water banking is the best way to achieve the group's goals and re-focus group as a Water Banking Study Group. Break up into four smaller study groups to study potential for water banking in distinct watersheds. Larger group distributes Water Banking Key Concepts and Guidelines for each smaller study group to reference.
 - o Provo River
 - o Sevier River
 - o Chalk Creek
 - o Bear River/Bear Lake
 - o Colorado Drainage

October 2017:

- Agricultural Conversion Meeting at Capital to discuss Idaho Water Supply Bank with Idaho Department of Water Resources representative Remington Buyer. Attended by many on the Instream Flow Study Group. The overlap of discussion is noted.

August/September 2017:

- Instream Flow Study Group prepares outline of Key Concepts that must be addressed to have a viable Instream Flow program in Utah. Key Concepts include issues like keeping transaction costs low, how to best address agricultural concerns, and introduces water banking as a likely tool to facilitate instream flows.
- Instream Flow Study Group breaks into small groups to study water banking and instream flow programs across 11 Western States. Group prepares both narrative summaries for each state and an overall comparison grid using Key Concepts as comparison points.

July 2017

- Instream Flow Study Group compiles existing published materials on instream flow programs
- Governor's Recommended State Water Strategy Plan is released to the public. The Plan includes specific recommendations like recommendation 3.5, 4.2, 4.3, 9.5, and 9.6, that reference instream flows and/or water banking.

Early Summer 2017 :

- Early conversations regarding stakeholders willing to participate in Instream Flow discussion.

- A stakeholder Instream Flow Study group is convened to discuss Substitute SB 214 and begins studying changes to the instream flows process in Utah.

2017 General Legislative Session:

- Sen. Jani Iwamoto runs SB 214 – “Public Water Supplier Amendments” to expand the current instream flow provisions under Utah Code Ann. § 73-3-30 to allow Municipal Suppliers to hold water rights for instream flow purpose. SB 214 stirs active debate about the role of instream flows in Utah.
- Sen. Jani Iwamoto proposes Substitute Bill SB 214 requesting the Water Development Commission and Executive Water Task Force to study the application process for instream flows and present their finding, conclusions, and conceptual outline for any suggested legislation to the Legislature before the 2018 General Session. Substitute Bill SB 214 passes.

Late Summer/Fall 2016

- Various stakeholder discussions and draft bills allowing Municipal Water Suppliers to hold water rights for instream flow purposes.
- Various stakeholder discussions regarding creating greater agricultural efficiency, such as split season leasing and water banking.
- The Governor’s State Water Strategy Advisory Group continues to meet and draft the Governor’s Recommended State Water Strategy Plan. These discussions include the role of instream flows and potential for water banking in Utah.