

**R655. Natural Resources, Water Rights.**

**R655-18. Public Water Supplier 40 Year Water Requirement Plan Standards.**

**R655-18-1. Purpose.**

The purpose of this rule is to establish standards for 40 Year Plans submitted by Public Water Suppliers to the Division of Water Rights that define reasonable Future Water Requirement of the public in the next 40 years.

**R655-18-2. Authority.**

These rules are issued pursuant to Subsection 73-2-1(4)(h) which directs the state engineer to make rules establishing standards for written plans that may be presented as evidence of the reasonable Future Water Requirement of the public.

**R655-18-3 Definitions.**

(1) Terms used in this rule are defined as follows:

(a) "40 Year Plan" is a written plan of the reasonable Future Water Requirement in the next 40 years in conformance with Subsection 73-1-4(2)(f).

(b) "Future Water Requirement" is the amount of water needed in the next 40 years by: the persons within the Public Water Supplier's reasonably anticipated Service Area based upon reasonably anticipated population growth; or other water use demand.

(c) "Professional Engineer" is a professional engineer, with an active license in Utah in accordance with Chapter 58-2.

(d) "Public Water Supplier" is a system that meets the criteria under Subsection 73-1-4 (1)(b).

(e) "Public Water Supplier's Service Area" is the geographic limits designated by the Public Water Supplier of any water supply system or any area to which it is or may be obligated to deliver water as defined by statute, local ordinance, rules of operation, contract, or other legal obligation evidenced in writing.

(f) "Utah Population Committee" is the committee created by Title 63C, Chapter 20, Utah Population Committee. In accordance with Subsection, 63C-20-105 (1), if an executive branch entity, legislative branch entity, or independent entity is required to perform an action or make a determination based on a population estimate, the entity shall use a population estimate that the committee produces, if available.

**R655-18-4. When A Plan Must Be Submitted.**

(1) A 40 Year Plan must be submitted to the Division of Water Rights when:

(a) a Public Water Supplier is providing evidence to the state engineer in support of an exemption from forfeiture due to nonuse in accordance with Subsection 73-1-4 (2)(e)(vii)(B); or

(b) a Public Water Supplier files a request for an extension of time to perfect an approved water right application that will extend the time in which to file proof beyond 50 years from the day on which the application is approved in accordance with Subsection 73-3-12 (4)(b)(ii).

**R655-18-5. Plan Standards.**

(1) Each 40 Year Plan or supplement to an existing Plan submitted to the Division of Water Rights shall be signed and certified by a Professional Engineer with their respective professional seal affixed.

(2) A 40 Year Plan must explicitly identify each specific water right or rights for which the Plan is being submitted.

(3) A previously submitted Plan may be supplemented to address a specific water right or rights for which a Public Water Supplier includes as part of a previously submitted Plan.

(4) When a Public Water Supplier submits a 40 Year Plan or a supplement to a Plan each part of the Plan must be up-to-date and current.

(5) A Public Water Supplier may prepare multiple 40 Year Plans to address separate and distinct water systems, which may include areas to which the Public Water Supplier supplies or reasonably plans to supply water.

(6) A 40 Year Plans shall include the following for a Public Water Supplier:

(a) amount of physical water currently diverted and used in the system;

(b) a description of the system and sources of water;

(c) the projected Future Water Requirements for the system;

(d) a comprehensive inventory list for the system of the Public Water Supplier's interest in either water rights, ownership shares in water companies, or any contracts or other documents evidencing its right to receive water from other entities; and

(e) an explanation of how each specific water right, for which the 40 Year Plan is being submitted, is needed to meet the projected Future Water Requirements of the system.

(7) The projected population within the Public Water Supplier's Service Area shall be based upon population estimates prepared by the Utah Population Committee or a comparable estimate including estimates prepared by a state agency, political subdivision of the state, an association of governments, or an Interlocal Cooperation Act entity.

(8) Projected water use per capita and other water use demand estimates shall be based upon established engineering principles, actual water use data, or other reliable measures.

**KEY: public water supplier, 40 Year Plan, water rights**

**Date of Enactment or Last Substantive Amendment: January 22, 2021**

**Authorizing, and Implemented or Interpreted Law: 73-2-1(4)(h); 73-1-4(2)(f)(iii)**