

**WATERSHED COUNCIL ACT**

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**73-10g-301. Title.**

This part is known as the “Watershed Council Act.”

**73-10g-302. Legislative intent – Purpose of part.**

(1) The Legislature recognizes that:

- (a) Utah faces a critical need to provide water for its growing population while maintaining sustainable farms and industries and healthy rivers, lakes, wetlands, aquifers, and wildlife habitats;
- (b) collaborative solutions developed by diverse stakeholders have historically proven to be the most effective means to address Utah’s water needs;
- (c) the variety of Utah’s watersheds and river systems requires local expertise and adaptations to optimize water supplies and manage water resources;
- (d) management resources found in regional, state, and federal agencies can provide substantial benefits to local management efforts;
- (e) Utah greatly needs balanced stakeholder forums to coordinate water resource issues at watershed and state levels; and
- (f) such forums will be more effective if advisory in nature and do not have regulatory, infrastructure financing, nor enforcement powers or responsibilities.

(2) The objectives of this part are to:

- (a) provide standards for creation and administration of watershed councils; and
- (b) authorize creation of watershed councils to facilitate coordinated action among stakeholders on water issues at the watershed level and to encourage collaborative solutions for water supply, quality, and use.

(3) All provisions of this part shall be liberally construed to effect the purposes and policies stated in it.

**73-10g-303. Hydrologic basins.**

(1) For the purposes of this part, the state is divided into the following watersheds, corresponding to those found on hydrologic basin maps maintained by the division:

- 33 (a) The Bear River Watershed, comprised of the portions of Cache, Rich, and Summit  
34 counties which drain into the Bear River or Great Salt Lake;
- 35 (b) The Weber River Watershed, comprised of the portions of Weber, Davis, Morgan, and  
36 Summit counties which drain into the Weber River or Great Salt Lake;
- 37 (c) The Jordan River Watershed, comprised of the portion of Salt Lake County which drains  
38 into the Jordan River or Great Salt Lake;
- 39 (d) The Utah Lake Watershed, comprised of the portions of Utah, Wasatch, Juab, and  
40 Summit counties which drain into Utah Lake;
- 41 (e) The West Desert Watershed, comprised of the portions of Box Elder, Tooele, Juab,  
42 Millard, Beaver, and Iron counties which drain into Great Salt Lake or have no outlet, as  
43 well as the portion of Box Elder County which drains into the Columbia River  
44 watershed;
- 45 (f) The Sevier River Watershed, comprised of the portions of Kane, Garfield, Wayne, Piute,  
46 Emery, Sevier, Sanpete, Carbon, Utah, Juab, Tooele, Millard, and Beaver counties which  
47 drain into the Sevier River;
- 48 (g) The Cedar/Beaver Watershed, comprised of the portions of Washington, Iron, Beaver,  
49 Garfield, Piute, and Millard counties which historically drained into Sevier Lake;
- 50 (h) The Uintah Watershed, comprised of the portions of Daggett, Summit, Duchesne, Uintah,  
51 Wasatch, Carbon, Grand, and Emery counties which drain into the Green and Colorado  
52 rivers;
- 53 (i) The West Colorado River Watershed, comprised of the portions of Duchesne, Wasatch,  
54 Carbon, Sanpete, Sevier, Emery, Grand, Wayne, San Juan, Garfield, and Kane counties  
55 which drain into the Colorado River;
- 56 (j) The Southeast Colorado River Watershed, comprised of the portions of Grand, Wayne,  
57 San Juan, and Garfield counties which drain into the San Juan and Colorado rivers; and
- 58 (k) The Kanab Creek/Virgin River Watershed, comprised of the portions of Iron,  
59 Washington, and Kane counties which drain into the Colorado River.
- 60 (l) The Great Salt Lake Watershed, comprised of the West Desert, Bear River, Weber River,  
61 Jordan River, and Utah Lake watersheds, as each are defined in this section.

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63 **73-10g-304. Utah Watersheds Council - Creation and governance.**

64 (1) There is created the Utah Watersheds Council.

65 (a) The Council shall consist of the following voting members:

- 66 (i) the executive director of the Department of Natural Resources;  
67 (ii) the executive director of the Department of Environmental Quality;  
68 (iii) the commissioner of the Department of Agriculture and Food;  
69 (iv) the director of the Utah Division of Indian Affairs;  
70 (v) a representative designated by the Utah Association of Counties;  
71 (vi) a representative designated by the Utah League of Cities and Towns;  
72 (vii) a representative designated by the Utah Association of Special Districts;  
73 (viii) the Utah State University Extension vice president; and  
74 (ix) the twelve chairs of the individual watershed advisory councils created in 73-10g-306.
- 75 (b) The Council shall have the authority to invite federal agency representatives to participate  
76 as non-voting advisors to the Council.
- 77 (2) Within six months from the effective date of this Act, the Council voting members identified in  
78 (a)(i) through (viii) above shall:
- 79 (a) hold a meeting or meetings to organize as provided in this part;  
80 (b) select a chairperson and at least one vice-chairperson from among the voting members of  
81 the Council to have powers and duties as provided by rules adopted by the Council; and  
82 (c) adopt rules of order to govern Council meetings, including rules for the creation of  
83 committees that may be less than a quorum of the Council and may include persons of  
84 suitable expertise who are not Council members.
- 85 (3) After the Council has completed its organization, it shall:
- 86 (a) hold regular and special meetings at such locations and on such schedule or schedules as  
87 the Council determines, provided that the Council shall meet at least semi-annually; and  
88 (b) make the Council rules of order available to the public:
- 89 (i) at each meeting of the Council; and  
90 (ii) on a public website if one is maintained by the Council or the Department of Natural  
91 Resources for Council business.
- 92 (4) The Council shall comply with Title 52, Chapter 4, Open and Public Meetings Act.
- 93 (5) A majority of the voting members of the Council constitutes a quorum for the transaction of  
94 business.
- 95 (a) In determining whether a sufficient quorum is present, the voting members shall  
96 include those members identified in 73-10g-304(1)(a)(i) though (vii), together with the  
97 chairs of individual watershed advisory councils that have been created under 73-10g-

98 306 and are in existence and for which certification has not been suspended as of the  
99 date the quorum determination is made.

100 (b) For purposes of determining a quorum, a properly authorized representative of a voting  
101 member of the Council may act in the place of that voting member if the member is  
102 absent or unable to act.

103 (i) Proper documentation of each such representative's authority shall be entered in the  
104 record of each meeting in which the authorized representative acts on behalf of the  
105 voting member.

106 (ii) Such authorizations may be given for more than one meeting.

107 (iii) Each authorization shall comply with the rules of order adopted by the Council.

108 (6) Action by a majority of the voting members constitutes an action of the Council.

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110 **73-10g-305. Duties and powers of the Utah Watersheds Council.**

111 (1) The Council created in 73-10g-304 shall:

112 (a) facilitate the creation of watershed advisory councils pursuant to 73-10g-306;

113 (b) review the proceedings and documents creating watershed advisory councils as provided in  
114 this part based on:

115 (i) whether each proposed council represents a balanced engagement of affected  
116 stakeholders within the watershed and assures appropriate citizen involvement,  
117 including any water user groups and distribution system committees actively  
118 functioning within the watershed; and

119 (ii) the soundness and completeness of each proposed council's organizing documents;

120 (c) if the criteria of subsection (b) have been satisfied, certify that the watershed advisory  
121 council in question has been created and may conduct activities as provided in this Part;

122 (d) take the following actions pertaining to the management of water in the state:

123 (i) solicit, receive, and analyze water supply and use data;

124 (ii) report on conditions and activities pertaining to water supply and quality within a  
125 watershed;

126 (iii) make water policy recommendations;

127 (iv) perform infrastructure needs analyses; and

128 (v) as approved by the Council, undertake any additional tasks recommended by the  
129 watershed advisory councils created under this part;

- 130 (e) foster collaboration among state and federal agencies with regulatory or management roles  
131 in watersheds significant to the interests of the State of Utah and its people and institutions;  
132 and
- 133 (f) advise the governor and legislature on water issues.
- 134 (2) The Council shall report annually to:
- 135 (a) the Natural Resources, Agriculture, & Environment Interim Committee;  
136 (b) the Legislative Water Development Commission; and  
137 (c) the Utah Water Task Force.
- 138 (3) The Council may, with direction from the executive leaders of the departments of Natural  
139 Resources, Environmental Quality, and Agriculture and Food, arrange for an administrator and  
140 necessary technical experts and employees to:
- 141 (a) facilitate the organization and operation of the watershed advisory councils created in  
142 Section 73-10g-306;  
143 (b) coordinate and facilitate communication between watershed advisory councils; and  
144 (c) work with the Council's state agency members to coordinate and facilitate implementation  
145 of the agencies' water-related authorities and responsibilities.
- 146 (4) The Council shall not have separate or inherent administrative, adjudicative, or regulatory  
147 authorities beyond those pertaining to:
- 148 (a) formation of watershed advisory councils as provided in this Part, including certification  
149 that a local watershed advisory council has been formed under the requirements of this  
150 Part;  
151 (b) the role of council chairs on the Utah Watersheds Council;  
152 (c) the council's internal governance, policies, and procedures; and  
153 (d) suspension of a local council certification under subsection (5).
- 154 (5) If a watershed advisory council created pursuant to 73-10g-306 and certified under subsection  
155 (1)(c) fails to meet at least annually as required in 73-10g-307(a)(ii) or report to the Council as  
156 provided in 73-10g-308(2)(a)(v), the Council shall investigate and determine, in its discretion,  
157 whether to suspend certification under subsection (4).
- 158 (a) If the Council suspends certification, the Council shall set requirements for recertification  
159 and may oversee the recertification.
- 160 (b) If the Council finds that a watershed advisory council for which certification has been  
161 suspended has ceased to function as a council, the Council shall establish a new council for  
162 that watershed following the procedures in 73-10g-306 and this section.

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**73-10g-306. Watershed advisory councils – Creation and initial membership.**

- (1) For each of the hydrologic basins described in Subsection 73-10g-303 the Utah Watersheds Council shall facilitate the creation of a watershed advisory council which shall be an advisory council as defined in 68-3-12.5(4).
- (2) Except for the Great Salt Lake watershed advisory council -
  - (a) The initial members of each watershed advisory council shall be appointed as follows:
    - (i) The executive director of the Department of Natural Resources shall appoint one member;
    - (ii) The executive director of the Department of Environmental Quality shall appoint one member; and
    - (iii) The commissioner of the Department of Agriculture and Food shall appoint one member.
  - (b) The departments named in (2)(a)(i),(ii), and (iii) may direct the head of their respective divisions or sections (water rights, water resources, wildlife resources, parks and recreation, forestry, fire, and state lands, water quality, drinking water, conservation districts, and watershed coordinators or any others as deemed needed) to name a representative from their organization who shall serve as a non-voting member of the watershed advisory council. Said representatives may be called upon by the watershed advisory council to inform, research, and report in their area of expertise and agency responsibility.
  - (c) The watershed advisory council may invite federal agencies to name representatives to serve as non-voting members of the watershed advisory council. Said representatives may be called upon by the watershed advisory council to inform, research, and report in their area of expertise and agency responsibility.
  - (d) The appointees to each watershed advisory council will work with a facilitator and local watershed stakeholders to select four to eight additional members for each council as its initial membership.
  - (e) Watershed advisory councils shall, when feasible, include representation of, or from, stakeholders with significant interests in watershed water supplies, representing:
    - (i) agriculture;
    - (ii) industrial users;
    - (iii) tribes;

- 196 (iv) public water suppliers;
- 197 (v) water planning and research institutions;
- 198 (vi) water quality and publicly owned treatment works;
- 199 (vii) fish and wildlife;
- 200 (viii) water dependent habitat, and environments;
- 201 (ix) watershed management, such as distribution system committees functioning within the
- 202 watershed;
- 203 (x) mutual irrigation companies;
- 204 (xi) the Division of Water Rights; and
- 205 (xii) for each of the five watersheds that drain into Great Salt Lake, a person representing
- 206 the interests of Great Salt Lake.
- 207 (f) All watershed advisory council members shall reside or work within the watershed and a
- 208 majority must own or control or be an agent of an entity that owns or controls the beneficial
- 209 use of water rights, mutual water company shares, or water supply contracts with the
- 210 Bureau of Reclamation or a water conservancy district representing the right to divert or
- 211 receive delivery of water within the watershed.
- 212 (g) Each watershed advisory council should be made up of stakeholders representing diverse
- 213 interests in that watershed.
- 214 (i) Public water suppliers participating on a watershed advisory council must use water
- 215 diverted within that watershed to either supply water uses within that river watershed
- 216 or to those of another through a trans-watershed diversion from that watershed.
- 217 (ii) Environmental interests represented on the council must have a demonstrated specific
- 218 interest in that watershed such as, but not limited to, maintaining aquatic habitat on a
- 219 specific reach of a stream within that watershed or a species, habitat, or ecosystem
- 220 dependent on water either from or within that watershed.
- 221 (iii) Agricultural interests shall be represented on the council, with first preference to
- 222 producers who use water in agriculture production within the watershed unless there is
- 223 no irrigated agriculture or other significant agricultural water use within the watershed,
- 224 or no producers willing and able to serve on the council. Producers may then defer to
- 225 regional Conservation District directors or other individuals qualified to represent the
- 226 interests of agriculture until such time as agricultural producers with significant
- 227 agricultural water use within the watershed are willing and able to serve on the council.

228 (iv) Federal agencies may be invited to participate as ex-officio advisors to a council, but not  
229 as voting members.

230 (3) The watershed advisory council for the Great Salt Lake Watershed described in 73-10g-303  
231 shall initially consist of the following voting members:

232 (a) a person selected by the West Desert Watershed Advisory Council from among its  
233 members;

234 (b) a person selected by the Bear River Watershed Advisory Council from among its members;

235 (c) a person selected by the Weber River Watershed Advisory Council from among its  
236 members;

237 (d) a person selected by the Utah Lake Watershed Advisory Council from among its members;

238 (e) a person selected by the Jordan River Watershed Advisory Council from among its  
239 members;

240 (f) a representative from the Division of Forestry, Fire and State Lands, selected by the director  
241 of that division;

242 (g) a representative from the Division of Wildlife Resources, selected by the director of that  
243 division;

244 (h) a representative from the Division of Water Quality, selected by the director of that division;

245 (i) a representative from the Great Salt Lake Advisory Council, selected from among its  
246 members;

247 (j) a person representing the brine shrimp industry dependent on Great Salt Lake, selected by  
248 the Great Salt Lake Brine Shrimp Cooperative;

249 (k) a person representing mineral extraction industries dependent on Great Salt Lake, selected  
250 by the Utah Manufacturing Association;

251 (l) a person representing ecological and environmental conservation interests associated with  
252 Great Salt Lake, selected jointly by the directors of the Department of Environmental  
253 Quality, the Division of Forestry, Fire, and State Lands, and the Division of Wildlife  
254 Resources;

255 (m) a person representing waterfowl hunting interests associated with Great Salt Lake, selected  
256 by the Utah Waterfowl Association;

257 (n) a person representing birding, boating, and similar passive recreation interests associated  
258 with Great Salt Lake, selected by the director of the Division of State Parks;

259 (o) a person representing publicly owned treatment works with permitted discharges into  
260 Great Salt Lake, selected by the Wasatch Front Water Quality Council;



- 261 (p) an agriculture producer that provides return flows to Great Salt Lake or its associated  
262 wetlands, selected by the commissioner of the Utah Department of Agriculture and Food;  
263 (q) a person representing interests of communities near Great Salt Lake, selected by the Utah  
264 League of Cities and Towns; and  
265 (r) a person representing privately managed wetlands and habitat associated with Great Salt  
266 Lake, selected by owners of privately held migratory bird protection areas as defined in  
267 Section 23-28-102.
- 268 (4) The initial terms of watershed advisory council members shall be staggered, after which  
269 members will be replaced according to rules of order adopted by a watershed advisory council  
270 in accordance with 73-10g-307(1)(b).
- 271 (5) Nothing herein shall dilute or negate the responsibilities and authorities of the Great Salt Lake  
272 Advisory Council as provided in Title 73, Chapter 30, Great Salt Lake Advisory Council Act.
- 273 (6) GSLWAC may meet but until the 5 local watershed councils are formed shall not make any  
274 binding recommendations or decisions.

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276 **73-10g-307. Watershed advisory councils – Governance.**

- 277 (1) Each watershed advisory council shall:
- 278 (a) select a chairperson and at least one vice-chairperson from among the voting members of  
279 the council to have powers and duties provided in rules adopted by the council;
- 280 (b) hold regular and special meetings at such locations as the council determines;
- 281 (c) ensure that each council meeting complies with [Title 52, Chapter 4, Open and Public](#)  
282 [Meetings Act](#);
- 283 (d) within one year of its formation, adopt rules of order to govern council meetings, including  
284 rules for creation of committees that may be less than a quorum of the council and may  
285 include persons of suitable expertise who are not council members; and
- 286 (e) make the council rules of order available to the public:
- 287 (i) at each meeting of the council; and  
288 (ii) on a public website if one is maintained by the council or the Department of Natural  
289 Resources for council business.
- 290 (2) A majority of the voting members of the council constitutes a quorum for the transaction of  
291 business.
- 292 (a) Action by a majority of the voting members constitutes action of the council.

293 (b) For purposes of determining a quorum, a properly authorized representative of a voting  
294 member of the council may act in the place of that voting member if the member is absent  
295 or unable to act.

296 (i) Proper documentation of each such representative’s authority shall be entered in the  
297 record of each meeting in which the authorized representative acts on behalf of the  
298 voting member.

299 (ii) Such authorizations may be given for more than one meeting.

300 (iii) Each authorization shall comply with the rules of order adopted by the council.

301 (3) Watershed advisory council members may not be compensated by the watershed advisory  
302 council for their service but may receive per diem and travel expenses as allowed in Section  
303 63A-3-106, 63A-3-107, and relevant Division of Finance rules.

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305 **73-10g-308. Roles and, responsibilities of Watershed advisory councils.**

306 (1) Watershed advisory councils serve as a forum for general communication on watershed issues  
307 in which watershed stakeholders may:

308 (a) develop recommendations to water users, water suppliers, local governments, state  
309 agencies, and federal agencies to coordinate water use and optimize water resources and  
310 water quality throughout the watershed;

311 (b) facilitate planning;

312 (c) educate governmental agencies, legislators and other policy makers, local water users, and  
313 watershed residents on water issues;

314 (d) develop recommended strategies for water infrastructure and supply projects;

315 (e) advocate for and help implement improvements to water policy, including policies that  
316 provide incentives for landowners and water users to improve, conserve, or optimize  
317 watershed water supplies and water quality;

318 (f) advise, coordinate, and encourage university, government, and private research that  
319 benefits water users in the watershed;

320 (g) analyze, collaborate, and discuss responses to significant events that affect watershed water  
321 supplies or substantial proposed changes to watershed water management or uses (which  
322 may include water banking);

323 (h) request that state agencies inform the watershed advisory councils in the agencies’ areas of  
324 expertise and responsibility;

325 (i) coordinate with other watershed advisory councils and state agencies to improve water  
326 supplies, water use practices, demand management, and water quality; and

327 (j) undertake such other matters, advice or coordination as the council deems appropriate.

328 (2) Each watershed advisory council shall:

329 (a) consult and engage with watershed stakeholders;

330 (b) provide input on the Division of Water Resources' plans relating to their watershed;

331 (c) advise the respective Board of Water Resources river district representative of the  
332 watershed advisory council's concerns, recommendations, and priorities;

333 (d) advise the Utah Watersheds Council on matters affecting the watershed and watershed  
334 stakeholders;

335 (e) report to the Utah Watersheds Council at least semiannually in the manner prescribed by  
336 the Council; and

337 (f) coordinate with and inform existing water councils within the watershed.

338 (3) A watershed advisory council may advise and coordinate with the following government  
339 agencies:

340 (a) the Division of Water Rights if requested by the state engineer;

341 (b) fish and wildlife agencies regarding threatened and endangered species and wildlife and  
342 aquatic species management within the watershed;

343 (c) land and forest management agencies regarding management plans, practices, and projects  
344 within the watershed;

345 (d) the Division of Water Quality regarding proposed TMDLs, TMDL implementation,  
346 impairment designations, nonpoint source pollution control projects, and implementation  
347 of other pollution control programs within the watershed;

348 (e) the Division of Drinking Water regarding drinking water source protection plans and other  
349 drinking water issues, concerns, and regulatory programs within the watershed;

350 (f) Conservation Districts regarding soil and water conservation and grazing improvement  
351 plans and projects within the watershed;

352 (g) the Utah Water Task Force and the Legislative Water Development Commission regarding  
353 concerns within the watershed.

354 (4) When contacted by a watershed advisory council or its agents pursuant to authority provided in  
355 this Part, a state agency shall make a good faith effort to address, evaluate, incorporate,  
356 accommodate, or respond to the advice, suggestions, requests, concerns, and recommendations  
357 of the council, as appropriate, provided that nothing in this section shall otherwise obligate an

358 agency to suspend its own professional judgment or statutory or regulatory obligations in  
359 respect to any communication from a watershed advisory council.

360 (5) Watershed advisory councils shall not have administrative, adjudicative, or regulatory  
361 authorities beyond those pertaining to:

362 (a) the role of council chairs on the Utah Watersheds Council; and

363 (b) the council's internal governance, policies, and procedures.

364 (6) In conducting its work, a watershed advisory council shall:

365 (a) apply sound science and relevant research to optimizing water use, water supplies, and  
366 quality;

367 (b) measure gains at the watershed level;

368 (c) take into account sound agricultural practices, economics of agricultural enterprises,  
369 opportunities to improve water use practices, and local needs;

370 (d) address and account for rural and farm economics at the enterprise and community level;

371 (e) work within rural and agricultural markets to encourage market behavior and agency  
372 actions that reward improved practices;

373 (f) recognize established water rights;

374 (g) create meaningful benefits for watershed water users to optimize water use and protect  
375 water quality; and

376 (h) consider the needs and requirements of natural ecosystems, instream flows, and  
377 threatened, sensitive or endangered species.

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379 **73-10g-309. Review of Watershed Council Act.**

380 (1) For the purposes of this section, "councils" means the Utah Watersheds Council and the  
381 watershed advisory councils created under this Part.

382 (2) The Natural Resources, Agriculture, and Environment Interim Committee shall direct a review  
383 of this Part which shall begin no later than October 1, 2024 and end before September 30, 2025.

384 (3) The Utah Watersheds Council shall clearly identify for the interim committee the public  
385 purposes and interests for which the councils were originally created and clearly identify  
386 whether those public purposes and interests are still relevant and are being adequately  
387 addressed through the councils.

388 (4) The interim committee shall then consider:

389 (a) the extent to which the councils have operated in the public interest and any areas in which  
390 the councils need to improve their ability to operate in the public interest;

- 391 (b) the extent to which existing statutes and agencies interfere with or assist the legitimate  
392 functions of the councils, and whether the respective authorities of, or interactions between,  
393 the agencies and the councils need to be modified to serve the public interest;
- 394 (c) the extent to which budgetary, resource, personnel, and other internal matters of the  
395 councils have a bearing on the capacity of the councils to serve the public interest;
- 396 (d) the extent to which the public has been encouraged to participate in and engage with the  
397 watershed advisory councils;
- 398 (e) the extent to which the councils' responsibilities, programs, and services are duplicative of  
399 those offered by other statutes or state agencies;
- 400 (f) the extent to which the objectives of the Watershed Council Act have been accomplished  
401 and their public benefit;
- 402 (g) the adverse effect on the public and the agencies advised by the councils if the councils are  
403 terminated; and
- 404 (h) any other matter relevant to the review.
- 405 (5) The interim committee shall submit a report of its recommendations, including proposed  
406 legislation and recommendations concerning the Act, to the Legislature before January 1, 2026.