

The State of New Mexico passed several water-related bills during its 2020 Legislative Session. S.B. 69 appropriated \$2.5M from the Public Project Revolving Fund to go into the state's Drinking Water SRF to provide state matching funds for drinking water project loans. H.B. 167 appropriated \$1.8M from the same fund to the Wastewater Facility Construction Loan Fund to provide state matching funds for federal Clean Water Act projects.

H.B. 47 appropriated \$2M from the same fund to the Local Government Planning Fund administered by the New Mexico Finance Authority for grants to qualified entities to: (1) evaluate and estimate the costs of implementing the most feasible alternatives for infrastructure, water and wastewater public project needs; (2) develop water conservation plans, long-term master plans, economic development plans or energy audits; and (3) pay the administrative costs of the local government planning program.

S.B. 19 authorized the New Mexico Finance Authority to make loans or grants from the Water Project Fund for 34 water projects, including: water storage, conveyance, and delivery projects; water conservation or treatment, recycling or reuse projects; flood prevention projects; and watershed restoration and management projects.

### **South Dakota**

The State of South Dakota passed several water-related bills during its 2020 legislative session, including a bill (H.B. 1033) to prevent the introduction and spread of aquatic invasive species.

H.B. 1035 made appropriations from the Water and Environment Fund, including \$11.3M for grants and loans for the Consolidated Water Facilities Construction Program, and \$2.2M for grants and loans to project sponsors under the Solid Waste Management Program. It made appropriations from South Dakota's Clean Water State Revolving Fund (SRF) including \$1.25M for water quality grants, and \$200,000 for administration of Clean Water SRF loans. Another \$2M was appropriated for wastewater grants from federal subsidy payments into the state's Clean Water SRF. Appropriations from the state's Drinking Water SRF included \$150,000 for small system technical assistance (set-aside grants to project sponsors) and another \$50,000 for contracting for the preparation of applications and administration of Drinking Water SRF loans. Another \$1M was appropriated from the federal subsidy payments for the construction of drinking water facilities. The bill also authorized and prioritized several water resources projects: the Belle Fourche irrigation upgrade project; Big Sioux flood control study; hydrology and water management studies to manage and protect state water resources for current and future generations; Cendak irrigation project; Gregory County pumped storage site; Lake Andes-Wagner/Marty II irrigation unit; Lewis and Clark rural water system; Sioux Falls flood control project; and Vermillion basin flood control project.

H.B. 1058 made adjustments to the boundaries and administration of water development districts (WDD). The WDDs "promote conservation, development, and proper management of district water resources according to district priorities. They provide technical, organizational, and financial assistance to prospective and existing projects. While sharing many common efforts, each [WDD] has developed programs and expertise designed to address those issues most important to their areas." <https://sdlegislature.gov/docs/interim/2016/documents/RBA09-20-201606SDWaterDevelopmentDistrictsBrochure.pdf>

### **Utah**

The State of Utah Legislature passed multiple important water bills during its 2020 session. Twelve bills were considered, ranging from enacting a state water policy to creating watershed councils to developing a water banking pilot program. Nine of the twelve bills passed and went into effect on May 12.

Many of the bills stemmed from the 2017 Utah Recommended Water Strategy, initiated by Governor Gary Herbert in 2013, comprised of recommendations for a 50-year state water strategy (see <https://envisionutah.org/utah-water-strategy-project>). One of these bills was HB26 - Water Banking Amendments. The bill created a 10-year pilot program that promotes the creation of voluntary local water banks to coordinate the temporary leasing and optimization of local water rights. It develops the legal framework to create both statutory and contract water banks, and allowing flexibility in administering existing water rights that typically operate on a "use it or lose it" basis. It exempts banked rights from forfeiture and allows leased water to be used for a number of purposes, including agriculture, water quality and the environment, to optimize water use and incentivize the creation of water banks. [www.utahwaterbank.org](http://www.utahwaterbank.org)

Notably, the legislature approved a state water policy (H.B. 41), which had previously not been legislatively defined. The policy states: "Utah shall pursue adequate, reliable, affordable, sustainable, and clean water resources, recognizing that Utah is one of the most arid states in the nation and as such, there is, and will continue to be, a need to ensure Utah's

finite water resources are used beneficially.” It highlights the importance of “water conservation, efficiency and the optimal use of water resources,” developing new water infrastructure and repairing existing infrastructure “to meet the state’s growing demand and promote economic development,” ensuring water quality, and balancing social, economic, public interest, and environmental values in relation to water development. It also supports developing beneficial uses for Utah’s full Colorado River allocation, “...timely and appropriate negotiated settlement of federally reserved water right claims for both Native American trust lands and other existing federal reservations,” funding and use of “research, science and technology necessary to achieve” the provisions of the policy, and encourages state agencies to conduct activities that “promote the near- and long-term stewardship of water quality and water resources.”

Some of the other bills that passed: require secondary water metering for first and second class counties (S.B. 51); create a working group to address how to implement standardized water loss accounting practices (H.B. 40); divide the state into 12 watersheds/drainage basins that could voluntarily develop local watershed councils and created a State Watersheds Council to facilitate stakeholder engagement and discussion on water policy and resource issues (H.B. 166); and authorize a ballot measure for the 2020 election that would amend the state constitution to allow and officially recognize that municipalities can designate the geographic scope of their service area, and exchange water supplies and water rights to meet the needs of the service area (H.J.R. 3). <https://le.utah.gov/asp/passedbills/passedbills.asp>