



**CONTRACT WATER BANK APPLICATION**  
Utah Board of Water Resources

(FOR OFFICE USE ONLY) Rev.6/14/23

Application Number:	
Date Received:	
Date Complete:	
Date Noticed:	
Date Approved:	

**INTRODUCTION:**

This form is for eligible entities to apply to establish a Contract Water Bank under Utah Code Title 73 Chapter 31 ("the Act").

The Act promotes the development of market tools favorable to and controlled by local water users. Under the Act, qualifying leasing arrangements can be approved as a Water Bank. Approved Water Banks are granted statutory powers designed to facilitate efficient transfers of water among interested local users. Participation in a Water Bank is voluntary. The Utah Board of Water Resources shall review all Water Bank Applications for completeness and approve complete applications. For a water right to be used within an approved Water Bank, it must be approved through a separate Change Application process overseen by the Utah Division of Water Rights. Once approved, Water Banks operate as independent entities with annual reporting requirements to the Board of Water Resources.

Pursuant to Utah Code Ann. § 73-31-106 the Board of Water Resources delegates authority to the Division of Water Resources staff to perform a completeness review of this application.

**APPLICATION INSTRUCTIONS:**

To apply, please:

- (1) Complete this Contract Water Bank Application form
- (2) Attach a water bank service area map, attorney's review letter, conditionally approved water bank contract, and other supporting information
- (3) Sign and date the application
- (4) Email (preferred) or mail the completed application to:

Shalaine DeBernardi, Assistant Director  
Utah Division of Water Resources  
PO Box 146201  
Salt Lake City, UT 84114

[shalainedebernardi@utah.gov](mailto:shalainedebernardi@utah.gov)  
801-652-1668

**CONTACT INFORMATION:**

Water Bank Applicant <b>Big Plains Water Special Service District</b>		Federal Tax ID Number	
Type of Public Entity <b>Special Service District</b>			
Name of Water Bank			
Official Business Address <b>1777 N. Meadowlark Dr.</b>	City <b>Apple Valley</b>	State <b>Utah</b>	Zip Code <b>84737</b>
Primary Contact (First & Last Name), Title/Position <b>Barratt Nielson, Board Chair, BPWSSD</b>	Phone <b>435-877-1190</b>	Email Address <b>bnielson@applevalley.ut.gov</b>	
Address <b>1777 N. Meadowlark Dr.</b>	City <b>Apple Valley</b>	State <b>Utah</b>	Zip Code <b>84737</b>
Secondary Contact (First & Last Name), Title/Position		Email Address	
Address <b>1777 N. Meadowlark Dr.</b>		Phone <b>435-877-1190</b>	
Attorney (First & Last Name), Firm (can represent any party to Contract Water Bank) <b>Ben Ruesch, Ruesch &amp; Reeve PLLC</b>		Email Address <b>ben@rrlegal.com</b>	
Address <b>86 N 3400 West</b>		City <b>Hurricane</b>	State <b>Utah</b>
		Zip Code <b>84737</b>	

<b>PROJECT INFORMATION:</b>		
County(ies) Where Water Bank is Located: <b>Washington County</b>		Type of Water Bank (ground or surface water): <b>groundwater</b>
Proposed Annual Start Date of Contract Water Bank:	Proposed Annual End Date of Contract Water Bank:	Estimated Years of Operation:
List of Parties to Water Bank Contract: <b>Big Plains Water Special Service District Bitterwater Enterprises LLC</b>		Links to Minutes Where Applicant Discussed Water Bank Contract a Regular Meeting and Link to Meeting where Applicant Provided Conditional Approval of Water Bank Contract:
Narrative Description of the Contract Water Bank Service Area (map to be attached):		Anticipated Water Rights and Volume: <b>81-4685 30 ACFT 81-4131 24 ACFT</b>
<b>CONTRACT SUMMARY:</b> A narrative description of the leasing arrangement and other key terms agreed to by the parties in the Water Bank contract. (Contract to be attached).		
A description of how the Contract Water Bank's governing body will be structured. <b>The Contract Water Board</b>		
A description for how water leases are to be administered.		

Terms governing how the parties are going to monitor and account for water leased through the Contract Water Bank.

Provisions addressing annual Board of Water Resources Reporting.

Criteria for Participation of Non-Public Entities (if any).

Procedures for Termination, Dissolution, or Revocation of the Contract Water Bank, including how the Contract Water Bank will return banked water rights and any money owed water right owners.

Where the public may locate information on when the Water Bank Contract will be on the Applicant's Agenda for a public hearing.

**ACKNOWLEDGEMENT AND SIGNATURE:**

By signing and submitting this application, you acknowledge that you:

- (1) Are authorized to apply to be a Contract Water Bank on behalf of the Applicant.
- (2) Are a qualified applicant.
- (3) Request approval of this Contract Water Bank application subject to the required completeness review.

\_\_\_\_\_  
Name of Authorized Agent

\_\_\_\_\_  
Signature of Authorized Agent

\_\_\_\_\_  
Date

**APPROVED AS TO FORM AND COMPLETENESS** (to be completed by an attorney for one of the parties to the Contract Water Bank)

\_\_\_\_\_  
Attorney Name

\_\_\_\_\_  
Attorney Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Party to Water Bank Contract Represented by Attorney

**TO BE COMPLETED BY THE MEMBER OF THE BOARD OF WATER RESOURCES ASSIGNED TO AREA:**

I have reviewed this application and forward it to staff of the Division of Water Resources to conduct a completeness review and to prepare a contract water bank report.

Comments (if any):

\_\_\_\_\_  
Board Member Name

\_\_\_\_\_  
Board Member Signature

\_\_\_\_\_  
Date

**FOR OFFICE USE ONLY**

Board Meeting Date: \_\_\_\_\_

- Approved
- Denied