

# **A G E N D A**

## **EXECUTIVE WATER TASK FORCE**

June 16, 2009, 1:00 p.m.  
Room 3710, Natural Resources Complex

- I. Welcome and Introductions - Mike Styler
- II. Prioritize Study Items
- III. State Engineer Bond Language - Norm Johnson
- IV. Change Application Which Consider Non-use Language - Norm Johnson
- V. Commercial/Noncommercial Stream Alteration Fee Issue - Kent Jones
- VI. Mini-adjudication Statute, Pertains to 73-4-24 - Mike Quealy
- VII. Next Meeting - July 14, 1:00 p.m., room 3710

## **EXECUTIVE WATER TASK FORCE BULLETS**

June 16, 2009, 1:00 p.m.  
Room 3710, Natural Resources Complex

### **Task Force Members:**

Mike Styler, Department of Natural Resources  
Lee R. Brown, Tooele County/US Magnesium  
Dale Pierson, Rural Water Association of Utah  
Steve Clyde, Sessions & Swenson  
Dallin Jensen, Parsons, Behle & Latimer  
Mark Stratford, League of Cities and Towns  
Voneen Jorgensen, Bear River Water Conservancy District  
Sterling Brown, Utah Farm Bureau  
Warren H. Peterson, Farmland Reserve, Inc.

### **Ex-Officios:**

Boyd Clayton, Division of Water Rights  
Kent Jones, Division of Water Rights  
Dennis Strong, Division of Water Resources  
Todd Adams, Division of Water Resources  
Mike Quealy, Attorney General's Office  
Norm Johnson, Attorney General's Office  
Ward Wagstaff, Attorney General's Office

### **Guests:**

John Mabey, Mabey, Wright & James  
Rusty Vetter, Salt Lake City  
Reid Lewis, Jordan Valley Water Conservancy District  
Alan Packard, Jordan Valley Water Conservancy District  
Fred Finlinson, Utah Water Coalition  
Chris Finlinson, Central Utah Water Conservancy District  
Jonathon Jones, US Bureau of Reclamation  
Jeff Gittins, Smith Hartvigsen  
James Swinic, Cache County Attorney's Office  
Bob Fotheringham, Cache County  
Wayne Pullan, US Bureau of Reclamation  
Grant Cooper, CPB-LDS Church

## **I. Welcome and Introductions**

- \* Mike Styler welcomed the task force members and noted a few new faces. He asked everyone to introduce themselves. He also introduced a new member of the task force, Sterling Brown, Utah Farm Bureau, who took Todd Bingham's place. Ed Bowler, Merrill Bingham and Scott Ruppe will not be attending the meeting today.

## **II. Prioritize Study Items**

- \* Mike Styler reported the results from the task force and guests on which study items should be reviewed by the task force. Below are the results:

### Task Force Voting:

1.	Study items 1, 2, 3 and 11	90 points
2.	Study items 5 and 6	79 points
3.	Study item 18	62 points
4.	Study item 9	51 points
5.	Study item 12	42 points
6.	Study item 24	40 points
7.	Study item 22	37 points
8.	Study item 4	37 points
9.	Study item 13	25 points
10.	Study item 14	25 points

### Guests Voting:

1.	Study items 1, 2, 3 and 11	35 points
2.	Study item 18	24 points
3.	Study item 7	21 points
4.	Study item 12	21 points
5.	Study item 22	17 points
6.	Study items 5 and 6	16 points
7.	Study item 19	16 points
8.	Study item 20	12 points
9.	Study item 17	9 points
10.	Study item 21	8 points

Mike had a couple of issues he felt should be discussed - one of them is Snake Valley issues of use of Colorado River water allocations. Solutions are needed. The 50-year criteria is being changed legislatively. This is a tough problem and in the future we may need the water. Bob Fotheringham also has an issue to bring before the task force.

- \* Bob Fotheringham handed out information on water banking. After going through the document he asked if there were any ideas or concerns. Mike Styler asked the task force if there was any opposition to discuss as the agenda goes? Steve Clyde felt it could be included as the agenda allows.

**III and IV. State Engineer Bond Language and Change Application Which Consider Non-use Language**

- \* Norm Johnson suggested that agenda item VI, mini-adjudication, be put off until the next meeting in July. Mike Quealy will discuss agenda item III. Mike explained that the state engineer has to file a bond with the State Treasurer's office in the sum of \$5,000. We drafted an amendment to delete the bond section. **After some discussion, Steve Clyde made a motion to accept the draft language. Craig Johansen seconded the motion. The task force voted unanimously to accept the language as written.**
- \* Norm Johnson referred the task force to the second hand out, Section 73-3-3. There been some disagreement on the state engineer considering non-use of a water right in a change application. He went through the hand out and pointed out that several drafts of this bill were written. After some discussion, it was decided that Warren Peterson and Steve Clyde, Mark Stratford and John Mabey collaborate and come up with some new language. Steve will take the lead.

**V. Commercial/Noncommercial Stream Alternation Fee Issue**

- \* Boyd Clayton handed out a "Utah Stream Alteration Program Fast Facts" sheet. Stream alterations overlap Corps of Engineer 404 permits. The problem we encountered is how to determine commercial and noncommercial, and what about multiple streams. Mike Styler asked for questions or concerns. The division is open to suggestions, contact Boyd Clayton or Kent Jones.
- \* Mike asked if there were any other items. Warren Peterson asked the task force if they would take a look at water infrastructure funding. Dale Pierson seconded discussing this item. Steve Clyde asked about discussing lost certificates and the statute of limitations.

**VI. Next Meetings**

July 14, 1:00 p.m., room 3710  
August 4, 1:00 p.m., room 2000  
August 25, 1:00 p.m., room 2000