

# **AGENDA**

## **EXECUTIVE WATER TASK FORCE**

May 21, 2009, 1:00 p.m.  
Room 2000, Natural Resources Complex

- I. Welcome and Introductions - Mike Styler
- II. Brief Overview of Legislative Session
- III. Proposal of Possible Study Items
- IV. Other Possible Study Items or Issues - All

## **EXECUTIVE WATER TASK FORCE BULLETS**

May 21, 2009, 1:00 p.m.  
Room 2000, Natural Resources Complex

### **Task Force Members:**

Mike Styler, Department of Natural Resources  
Voneen Jorgensen, Bear River Water Conservancy District  
Dallin Jensen, Parsons, Behle & Latimer  
Mark Stratford, League of Cities and Towns  
Steve Clyde, Sessions & Swenson  
Ed Bowler, Washington County Water Conservancy District  
Dale Pierson, Rural Water Association of Utah  
Merril Bingham, Provo City Public Works/Water Resources  
Tage Flint, Weber Basin Water Conservancy

### **Ex-Officios:**

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

### **Guests:**

Bob Fotheringham, Cache County  
John Mabey, Mabey, Wright & James  
Grant Cooper, CPB-LDS Church  
Chris Finlinson, Central Utah Water Conservancy District  
Fred Finlinson, Water Coalition  
Wayne Pullan, US Bureau of Reclamation  
Jon Jones, US Bureau of Reclamation

## **I. Welcome and Introductions**

- \* Mike Styler welcomed the team back and stated that is year two of the grand experiment. He noted a couple of new faces and asked everyone to introduce themselves.

## **II. Brief Overview of Legislative Session**

- \* Mike Styler stated that last year the task force came out with six or seven bills during the legislative session. Only one got side-tracked and it was Ed Bowler's bill on the rider attached to titles (HB 366). This year, Representative Ben Ferry and Representative Lorie Fowlke will be sponsors of this bill in the 2010 legislative session. We will need to renew the campaign to work with realtors, county recorders and title companies.

### **III. Proposal of Possible Study Items**

\* Mike Styler asked whether every had picked up a copy of the department's list. He pointed out that the first nine items listed were put into the Master Study Resolution bill. He went through the proposed study items:

1. Approving Water Rights Form - to study whether to adopt the water rights addendum to land deeds and the water rights addendum to water rights deeds.
2. Water Right Addendum - to study water rights addendum to the deed in transfers of real estate involving water rights.
3. Water Rights Addendum to Deeds - to study whether to require that a person recording a deed conveying title to land include information on the grantor's water rights, and re-require the person recording a deed conveying title to water rights to include information on the grantor's water rights (HB 366).

11. Conveyance (continuation from last year).

1, 2, 3 and 11 - All four can be combined. It refers to HB 366.

4. Water Rights Accountability - to study ways to bring more accountability to water rights determinations by adjudication and decisions of the state engineer.

Not sure what legislator wanted. We will contact the legislator and discuss.

5. Scarce Water Priorities - to study whether there should be a preference for people before crops or other water uses in times of scarcity.

6. Priority of Water Rights - to study whether to repeal certain water rights priorities in time of scarcity (HB 241).

These are Representative Kerry Gibson's bills and were passed but with a year delay - refers to Statute 73-3-21.

7. Snake Valley Water issues - to study the export of water from the Snake Valley on the Nevada side of the state line to Las Vegas, including water mining and other issues.

Mike asked whether it would be helpful to the team to get a briefing on where we're at with the negotiations? I can set up a presentation. The team agreed.

8. Water Rights Transfer - to study the transfer of water rights from basins which are over-appropriated to basins which are under-appropriated.

The team decided to formulate an answer to Senator Dennis Stowell.

9. Property Tax Exemption for Water-related Property - to study whether to exempt water treatment plants, and other property associated with water-related infrastructure facilities, from property taxes (HJR 6).

Representative Pat Painter bill - we will support and will wait for language.

10. Tribal Water Rights - to study the settlement of Paiute Tribe water rights.

This is a Senator Stowell bill - we will study.

12. Rain water.

Two bills came out - we will study.

13. Small application local zoning/ordinance requirement which was added to statute last session.

Can we find a solution? We will study.

14. State engineer bond.

This pertains to the oath and filing of a bond when a new state engineer comes on board - just need some language clarification. The Attorney General's Office will write some proposed language.

15. Fees on dam applications.

Currently there is no fee - lots of time is needed to review the application. Can we charge?

16. Commercial/noncommercial stream alteration (fee issue).

Division of Water Rights will take a closer look and update the fee schedule.

17. Geothermal exploratory fee.

Lots of work and documentation is currently needed on this item. Can we charge? Also, we need to look at water extracted during exploratory oil and gas wells and maybe some mining - the term used is "produced water."

18. Change application decisions which consider non-use (there has been a reversal in office policy since the last discussion).

This pertains to HB 51, Statute 73-3-3. An assignment was given to the Attorney General's Office staff to come up with language.

19. Pertains to 73-4-24, mini-adjudication statute. Bring language into agreement with court rulings. This was assigned to Mike Quealy.

20. Pertains to statutes 73-4-11 and 73-4-3 - study whether to repeal the requirement of a verified signature.

21. Representative McIff would like to repeal the prohibition on municipalities leasing (or selling) water rights. This would require an amendment to the state constitution which may be difficult to accomplish.

22. Representative Painter would like shareholder change applications studied.

23. Conjunctive management.

24. Taxing authority of appointed boards.

#### **IV. Other Possible Study Items or Issues**

\* Mike asked if there were any other items? None.

\* He asked the team to review and prioritize the top 10 items and send to Betty. A new list from what the committee suggests will be put together as well as a separate list from the guests in the audience.

#### **V. Next Meeting**

June 16, 1:00 p.m., room 3710 (different conference room located in Mike Styler's office area).

July 14, 1:00 p.m., room 3710.