

# **A G E N D A**

## **EXECUTIVE WATER TASK FORCE**

August 4, 2009, 1:00 p.m.  
Room 2000, Natural Resources Complex

- I. Welcome and Introductions - Mike Styler
- II. Canal Safety - Lt. Governor Gary Herbert
- III. Mini-adjudication Statute, 73-4-24 - Ward Wagstaff
- IV. Utah Code Section 73-3-3 Draft Bill
- V. Lost Water Certificates - Steve Clyde
- VI. Next Meetings - August 25, 1:00 p.m., room 2000 and  
September 15, 1:00 p.m., room 2000

## **EXECUTIVE WATER TASK FORCE BULLETS**

August 4, 2009, 1:00 p.m.  
Room 2000, Natural Resources Complex

### **Task Force Members:**

Mike Styler, Department of Natural Resources  
Merril Bingham, Provo City Public Works/Water Resources  
Tage Flint, Weber Basin Water Conservancy  
Voneen Jorgensen, Bear River Water Conservancy District  
Ed Bowler, Washington County Water Conservancy District  
Mark Stratford, League of Cities and Towns  
Dallin Jensen, Parsons, Behle & Latimer  
Steve Clyde, Clyde, Snow and Sessions  
Sterling Brown, Utah Farm Bureau  
Craig Johansen, Emery Water Conservancy District  
Lee R. Brown, Tooele County/US Magnesium  
Warren Peterson, Farmland Reserve, Inc.

### **Ex-Officios:**

Mike Mower, Governor's Office of Planning and Budget  
Emily Brown, Legislative Research and General Counsel  
Norm Johnson, Attorney General's Office  
Mike Quealy, Attorney General's Office  
Kent Jones, Division of Water Rights  
Boyd Clayton, Division of Water Rights

### **Guests:**

The Honorable Gary Herbert  
The Honorable Ben Ferry  
The Honorable Patrick Painter  
Clayton Norlen, Deseret News  
Ward Wagstaff, Attorney General's Office  
Dan Davidson, Bear River Canal Company  
Terel H. Grimley, Ogden River Water Users Association  
Bob Fotheringham, Cache County  
Jodi Hoffman, Utah League of Cities and Towns  
Jon Clyde, Clyde, Snow and Sessions  
Steve Farrell, Wasatch County/Midway Irrigation Company  
Mike Kohler, Wasatch County/Midway Irrigation Company  
Fred Finlinson, Water Coalition  
Steve Styler, Parsons, Behle & Latimer  
Eric Millis, Division of Water Resources  
John Mabey, Mabey, Wright & James  
Carly Burton, Utah Water Users Association

Guests: (continued)

Richard Bay, Jordan Valley Water Conservancy District  
Dave Hartvigsen, Smith Hartvigsen, PLLC  
Rusty Vetter, Salt Lake City  
Jonathon Jones, US Bureau of Reclamation  
Paul Ashton, White City Water Improvement District

I. Welcome and Introductions

- \* Mike Styler welcomed the group and introduced Lt. Governor Gary Herbert. Mike asked everyone to introduce themselves. He then turned the floor over to Lt. Governor Herbert.
- \* Lt. Governor Gary Herbert stated that it was an honor for him to be here. Thank you for your respective responsibilities, and for being on this task force. I am here today because of some concerns with canal safety and mudslide in Logan and their subsequent oversight and maintenance. It was a tragedy and there is potential for more problems in the future. I would like to charge this task force to answer some questions. Who is responsible, and not just in Logan but the whole state? What went wrong in Logan and why? What is the responsibility of cities and counties? Maybe local governments should require an engineering sign-off for permits to build; which will be a challenge with changing standards. What is the definition of a high hazard canal? Improving canal safety should start here. Identify recommendations on what we can do to have appropriate oversight. What is the state's responsibility? We will need to better assess canal safety, ensure recreation is maintained and find a better method of moving water.
- \* Mike Styler asked for Rick Allis from the Utah Geological Survey to give a report on the Logan situation from the department's perspective.
- \* Rick Allis reported that there is no single cause for the canal breach. Multiple sources of water added to the failure. An assessment by the Natural Resources Conservation Service suggested finding another route for the canal. He help up a graph of a well that showed that two times a year water peaks, one is spring runoff and the next is when watering by the public is being done during the summer.
- \* Sterling Brown stated that we don't have an answer to what happened. A way to fix canals could possibly be taxing residents. We do feel that this issue is a priority.
- \* Warren Peterson felt the system is out-of-date. Need to update and look at putting together financing for canal safety. Currently canals are managed by volunteers. A clearinghouse entity is needed to provide canal owners ways to upgrade their systems and provide protection to companies from liabilities. Perhaps a Risk Management pool for

engineering resources liability protection. Need to integrate canals into the planning process of cities and towns.

- \* Representative Ben Ferry felt there may be better luck working on this issue from the bottom up.
- \* Representative Patrick Painter stated that conservancy district canals have taxing ability and private companies can do assessments. He did like Representative Ferry's idea that it would be better to work from the bottom up.
- \* Mike Styler stated that Sterling Brown is heading up a subcommittee to discuss canals. Sterling will set the next meeting of that subcommittee.
- \* Lt. Governor Herbert again thanked the task force for taking on this assignment. There is a sense of urgency in why this needs to be addressed and I look forward to your recommendations. Thank you.

### III. Mini-adjudication Statute, 73-4-24

- \* Ward Wagstaff handed out new language on this statute. Please review paragraph (2) and we can discuss at the next meeting. Get in touch with him with any suggestions.

### IV. Utah Code Section 73-3-3 Draft Bill

- \* Steve Clyde handed out two drafts of the 73-3-3 bill. The first one is the initial draft and the second one is comments from other task force members on that initial draft. We found out that it is more difficult to have the state engineer address non-use in their various applications. We are looking for some guidance.

## **DISCUSSION**

- \* **Lee Brown made the motion to consider the language on page 2, area (c) with some changes. Warren Peterson seconded the motion.**

## **DISCUSSION**

- \* **Mike Styler asked for a vote and stated that Representative Painter should be consulted on the language changes. We don't want to resurrect dead water rights. The vote was unanimous.**

### V. Lost Water Certificates

- \* Steve Clyde reported that because of his work on agenda item IV he was unable to get to this issue. He went on to say that there is a need to find a statute of limitations on issuing a new share of stock.

## **DISCUSSION**

- \* Mike Styler asked John Mabey to head a new subcommittee to work on this issue. Mike asked for a report at the August 25 meeting. He also stated that work on the language of Section 73-3-21, which is the shareholder change application, will be moved to the September 15 agenda.
- \* Mike Styler thanked the task force for their time and service.

## **VI. Next Meetings**

August 25, 1:00 p.m., room 2000

September 15, 10:00 a.m., room 2000

September 29, 1:00 p.m., room 2000