

A G E N D A

EXECUTIVE WATER TASK FORCE

September 29, 2009, 1:00 p.m.
Rooms 1050 and 1060, Natural Resources Complex

- I. Welcome and Introductions - Mike Styler
- II. Canal Safety Subcommittee Report - Sterling Brown
- III. 73-3-21, Shareholder Change Application - Steve Clyde
- IV. Deed Rider - Ed Bowler
- V. Shareholder Change Application, 73-3-3.5 - Representative Patrick Painter and Steve Clyde
- VI. Pump Installer - All
- VII. Priority in Times of Scarcity - All
- VIII. Next Meeting - October 13, 1:00 p.m., room 2000

AMENDED EXECUTIVE WATER TASK FORCE BULLETS

September 29, 2009, 1:00 p.m.
Auditorium, Natural Resources Complex

Task Force Members:

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

Ex-Officios:

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

Guests:

Stan Roberts, Provo River Commissioner
Richard Bay, Jordan Valley Water Conservancy District
The Honorable Patrick Painter
David Hartvigsen, Smith Hartvigsen
Paul Ashton, White City Water Improvement District
Fred Finlinson, Utah Water Coalition
Rusty Vetter, Salt Lake City
John Mabey, Mabey, Wright & James
Gary Aitken, Strawberry Water Users Association
Ivan Ray, Weber River Water Users Association/Utah Water Users Assoc.
Terel H. Grimley, Ogden River Water Users Association
Carly Burton, Utah Water Users Association
Dan Davidson, Bear River Canal Company
The Honorable Fred Hunsaker
Bob Fotheringham, Cache County

Guests: continued

Gordon Younker, Utah Association of Conservation Districts
Jim Olson, Brown and Caldwell
Jodi Hoffman, Utah League of Cities and Towns
Eric Millis, Division of Water Resources
Robyn Pearson, Department of Natural Resources
Craig Peterson, CAP Consulting
Ryan Peterson, CAP Consulting
Ward Wagstaff, Attorney General's Office
Lee Sim, Division of Water Rights
Scott Martin, SC&M
Grant S. Cooper, CPB-LDS Church

I. Welcome and Introductions

- * Mike Styler welcomed the group and asked everyone to introduce themselves. When Randy Crozier introduced himself, Mike informed the task force that Scott Ruppe moved to Colorado and Randy graciously accepted to step in his place so we have a representative from the Uintah Basin area.

II. Canal Safety Subcommittee Report

- * Sterling Brown introduced the subcommittee: Carly Burton, Mike Kohler, Mark Stratford, Dan Davidson, Voneen Jorgensen and Bob Fotheringham. He had four handouts: 1) "Technical Approach." It decided to change the term "high risk" to "areas of interest," 2) "Canal Evaluation – Potential GIS Layers, which explains that a risk management plan is needed from canal companies, 3) Potential Areas of Interest Map and 4) "Potential Slope Instability" table, which he stated he would like to make statewide. Stage 1 would be to identify areas of interest and stage 2 is to get a risk management plan from the canal company. The document would be housed with the canal company and with one of the seven zones of the Utah Association of Conservation Districts. In order to qualify for funding, a risk management plan will need to be in place. To date, only 10 percent of canal companies are insured and should be elevated to a higher level. Assessments of canals is the first step.
- * Mark Stratford stated that education is necessary. Funding can put this Canal Subcommittee to work on these issues. A suggestion by Warren Peterson to beef up the fine of an outside entity breaking a canal. Mark suggested an Emergency Response Plan.
- * Representative Fred Hunsaker stated the direction of the subcommittee is reasonable and he appreciates their work. It may be possible to get one-time funding. Mike Styler asked Representative Hunsaker what direction he would like the subcommittee to go?

Representative Hunsaker stated a bill file has been opened and that he would accept the help of the subcommittee in drawing up this bill. Mike asked if there was anything else?

- * **Sterling Brown handed out a fifth document, Proposed Canal Company Assessment, which outlines a risk management plan. Mike thanked the subcommittee for a great report and stated that they were not quite done yet. Would the subcommittee be willing to help Representative Hunsaker? Sterling stated the subcommittee is willing to help. Mike asked if the task force is in agreement of the direction of the subcommittee? Sterling Brown made a motion to accept the strategy. DISCUSSION. Some additions to the proposal so that it can move toward something legislatively. Motion passed.**

III. 73-3-21, Priorities Between Appropriators

- * **Steve Clyde handed out the latest draft and stated that we have until May 2010 to repeal. He went through the suggested changes. Dallin Jensen made a motion to take this draft to the Utah League of Cities and towns and bring back the results to the October 13 meeting. Mike Styler asked for a vote. Two opposed and 10 yeas. Motion was passed.**

IV. Deed Rider

- * Ed Bowler stated that he hoped to have more information at the October 13 meeting. Discussions are ongoing with recorders and realtors.

V. 73-3-3.5, Water Company - Shareholder Change Requests

- * **Steve Clyde handed out the most recent draft. He asked for some amendments: 1) delete line 96 and amend line 95 and add “; or” at the end of the line, 2) line 105, “costs” needs to be added after “following.” After some discussion, Steve Clyde made the motion to accept the draft with those amendments. DISCUSSION. Mike asked for a vote: nine yeas and four opposed. Motion passed.**

VI. 73-3-25, Well Driller’s License

- * **Lee Sim handed out a draft and went through it. Steve Clyde made the motion to approve this for legislation. Mike asked for a vote. It passed unanimously.**

VII. 73-3-3, Beneficial Use in Change Application

- * Steve Clyde brought up the discussion of this issue. He felt that the August 19 draft was the closest to what the state engineer wanted. No consensus was reached on this issue. Mike Styler suggested that the August 19 draft by Steve Clyde, as well as John Mabey's and Mark Stratford's drafts be sent to the task force for their review. It will be put on the October 13 agenda for discussion.

VIII. Other Issues

- * Bob Fotheringham asked that water banking be put on the October 13 agenda. It was agreed.

IX. Next Meeting

October 13, 1:00 p.m., room 2000