

EXECUTIVE WATER TASK FORCE BULLETS

October 13, 2009, 1:00 p.m.
Room 2000, Natural Resources Complex

Task Force Members:

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

Ex-Officios:

Kent Jones, Division of Water Rights
Dennis Strong, Division of Water Resources
Norm Johnson, Utah Attorney General's Office

Guests:

Tom Hatch, Utah Land Title Association
Fred Finlinson, Utah Water Coalition
Rusty Vetter, Salt Lake City
Christopher Smart, *The Salt Lake Tribune*
John Mabey, Mabey, Wright & James
Todd Adams, Division of Water Resources
Jon Clyde, Clyde, Snow and Sessions
Carly Burton, Utah Water Users Association
Gordon Younker, Utah Association of Conservation Districts
The Honorable Fred Hunsaker
Jodi Hoffman, Utah League of Cities and Towns
Eric Millis, Division of Water Resources
The Honorable Patrick Painter
Paul Ashton, White City Water Improvement District
David Hartvigsen, Smith Hartvigsen
Bob Fotheringham, Cache County
Kim Burgess, *The Herald Journal*
Scott Martin, SC&M

Guests: continued

Todd Bingham, Utah Mining Association
Craig Peterson, CAP Consulting
Jonathan Jones, Bureau of Reclamation
The Honorable Ben Ferry - via conference call
The Honorable Jack Draxler - via conference call

I. Welcome and Introductions

- * Mike Styler welcomed the group and asked everyone to introduce themselves. Thanks to Representative Painter for the Snickers candy bars. Representative Painter said he wanted to express his appreciation to the task force for their work. Mike also stated that he appreciated the time the task force has spent, we've accomplished a lot of good things. Before he started the meeting, he stated the Division of Water Resources has a list of cloud-seeding projects that will aide in getting more water into the ground. He showed another chart that lists Water Initiative Projects that will done by the department in cooperation with the US Bureau of Land Management, US Natural Resources Conservation Service and USDA Forest Service. The projects clear the lands and will be reseeded with water-friendly plants and trees. Now, let's start with Sterling Brown.

II. Canal Safety Subcommittee Report

- * Sterling Brown stated that at the September 29 task force meeting, their report was presented. We received comments and are piecing together legislation, but need more time with the task force's permission. Warren Peterson felt the draft is a good start. How do we carry forward? Mike Styler suggested that when a draft of the legislation is ready, let him know and a special meeting will be called. Tage Flint suggested waiting until after December 1. A water summit will be held and this issue will be discussed at that summit.
- * Mike Styler thanked the subcommittee for their work, which is so important to the health and safety of our citizens and is the primary reason for this subcommittee. Mike asked the task force to add item IIA to the agenda. Representative Patrick Painter would like to discuss a Constitutional Amendment.

IIA. Constitutional Amendment

- * **Representative Patrick Painter handed out a document entitled "Joint Resolution on Property Tax Exemption for Water Facilities." He went through the proposed language and explained this amendment would not tax water or the facilities that deliver water. Mike asked for the task force's opinion on this item for approval.**

IIA. Constitutional Amendment - continued

DISCUSSION. Dallin Jensen made the motion that this language be accepted. Steve Clyde seconded the motion. Mike asked for a vote. Motion passed unanimously.

III. Deed Rider Update

- * Ed Bowler handed out two documents: 1) Water Rights Addendum to Water Deeds, Draft 7, 10/12/09 and 2) Water Rights Addendum to Land Deeds, Draft 10, 10/12/29. Ed went on to explain that he met with county recorders and some members of the Utah Land Title Association. He read from a part of the First American Underwriters Policy that explains deed riders. Tom Hatch, ULTA, had some concerns about recovering the costs associated with doing a water rights search. Ed agreed to attend the next meeting of the ULTA. Mike asked if Ed and David Hartvigsen wanted the task force to reaffirm our support? DISCUSSION. It was decided to put on the agenda to discuss after the Canal Safety legislation. The task force agreed.

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

- * **Steve Clyde stated that the two competing drafts of this language were e-mailed to the task force: 1) Steve's August 19 draft and 2) Mark Stratford's September 10 draft. Steve went through his August 19 draft. Mark Statford went through his September 10 draft. DISCUSSION. Steve Clyde made the motion to accept the August 19 draft. Mike asked for a vote. The motion passed with 11 yeah votes and one no vote. The motion was passed.**

Steve explained that he'd like to make a change to his draft under section (2)(a). He asked that "...appropriator or record title holder..." be removed and replaced with "...owner of record or one authorized by owner of record..." DISCUSSION. Steve Clyde made the motion to adopt the suggested change on the August 19 draft. Randy Crozier seconded the motion. The motion was passed unanimously.

Representative Painter suggested that where the word "actual" appears, it be removed. Steve Clyde made the motion to accept that change. Merrill Bingham seconded the motion. Mike asked for a vote. The motion was passed unanimously. The sponsor of that bill will be Representative Painter.

V. Water Banking

- * Bob Fotheringham handed out sections of Utah Code Annotated Section 73-5-15(12) and Section 73-5-15(v), plus an article from the *Rich County Times*. Bob went through the sections from 73-5-15. DISCUSSION. Bob handed out another document that explains

V. Water Banking - continued

how water banking has occurred, the document where Interstate Water Issues was pointed out by Bob. He said that Utah should maintain the 1860s priorities. Senator Dennis Stowell has a bill. The task force felt that it might be a good idea to invite Senator Stowell to the next meeting to explain his bill.

VI. 73-3-21, Water Preference

- * **Mark Stratford handed out a draft of proposed language. He went through the document. Warren Peterson also handed out a draft and when through the document. DISCUSSION. Mark Stratford made the motion to accept the proposed language with the suggested changes. The motion was seconded by Lee Brown and Merril Bingham. Mike asked for a vote. Six members were in favor and four opposed. The motion passed.**

- * Discussion turned to setting a date for the final meeting. It was sent for Monday, December 7, 1:30 p.m., room 2000.