

## **EXECUTIVE WATER TASK FORCE BULLETS**

June 19, 2008, 1:00 p.m.  
Room 2000, Natural Resources Complex

### **Task Force Members:**

Mike Styler, Department of Natural Resources  
Betty Barela, Department of Natural Resources  
Warren Peterson, Farmland Reserve, Inc.  
Craig Johansen, Emery Water Conservancy District  
Voneen Jorgensen, Bear River Water Conservancy District  
Steve Clyde, Sessions & Swenson  
Tage Flint, Weber Basin Water Conservancy  
Ed Bowler, Washington County Water Conservancy District  
Dallin Jensen, Parsons, Behle & Latimer  
Lee Brown, US Magnesium LLC  
Scott Ruppe, Uintah Water Conservancy District

### **Ex-Officios:**

Dennis Strong, Division of Water Resources  
Boyd Clayton, Division of Water Rights  
Mike Quealy, Attorney General's Office  
Norm Johnson, Attorney General's Office  
Jerry Olds, Division of Water Rights  
Todd Adams, Division of Water Resources  
Mike Mower, Governor's Office of Planning and Budget

### **Guests:**

Scott H. Martin, SC&M  
Brad Paxman, Granger-Hunter Irrigation District  
Alan Packard, Jordan Valley Water Conservancy District  
Richard Bay, Jordan Valley Water Conservancy District  
Dan Davidson, Bear River Canal Company  
Grant S. Cooper, CPB-LDS Church  
Jonathan Jones, Reclamation  
Patrick Casaday, Sandy  
Paul Fulgham, Tremonton City & Rural Water Association of Utah  
Rusty Vetter, Salt Lake City  
John Mabey, Mabey, Wright & James  
Patty Henetz, *The Salt Lake Tribune*  
Carly Burton, Utah Water Users Association  
Palmer DePaulis, Department of Community and Culture  
Bob Fotheringham, Cache County  
David Hartvigsen, Smith Hartvigsen  
Chris Finlinson, Central Utah Water Conservancy District  
Fred W. Finlinson, Utah Water Coalition

Guests: - continued

The Honorable Dennis Stowell, Utah State Senate

The Honorable Michael Noel, House of Representatives

The Honorable Patrick Painter, Utah State Senate

## **I. Welcome and Introductions**

Mike Styler asked everyone to introduce themselves. Introductions were completed. Mike went on to agenda item II. He stated that Senator Dennis Stowell proposed that a board be put together or as an alternative or in addition, hire a water rights ombudsman. Brent Bateman is here representing the Property Rights Ombudsman's Office. And we've also got Palmer DePaulis who leads the Alternative Dispute Resolution council. Brent

## **II. Property Rights Ombudsman**

Brent Bateman handed out a one page flyer that briefly describes the duties and responsibilities of his office as well as suggestions for adopting a water rights ombudsman office. Went through the handout with the audience.

Discussion on whether a water rights ombudsman is needed; maybe a new employee housed in the Division of Water Rights, a Public Relations person that could answer questions, but not given legal advise. Unfortunately you can't help someone that doesn't know he needs the help.

Palmer DePaulis spoke about how the Alternative Dispute Resolution council can help triage what citizens' needs are from the government entity. We've got workers with subject matter expertise to assist the public and then Administrative Law Judges that can help mediate. We would be more than happy to meet with department representatives to triage what is needed and then you can bring back that information from the meeting to the task force to decide.

Senator Dennis Stowell asked for information on what water rights may have been lost in various water right administrative actions. He asked Water Rights to bring back statistics so the group would have a better idea of the magnitude of the "problem." Senator Stowell referenced information the Water Development Commission requested about the adjudication in Tooele and indicated if it was shared with this group they would have a better understanding of how the loss of water rights is occurring. As the discussion continued it was clarified the state engineer does not forfeit water rights but people do fail to follow procedures and water rights are lost. Water Rights agreed to provide information on the various processes where rights could be lost so the group would have a better understanding of what problems there might be.

Lee Brown suggested a small group of this committee meet with Water Rights to discuss further once they prepare the information requested above.

Warren Peterson asked this committee to advise counties on water issues.

#### **IV. Statute 73-3-15**

Norm Johnson said that in a recent Supreme Court decision in the Western Water Law suit, the Supreme Court strongly suggested the water communities amend the two year rule contained in section 73-3-15, Utah Code. Pursuant to instructions from the task force, he drafted a suggested amendment to solve the Supreme Court's concerns. In addition, Representative Kay McIff also drafted a somewhat different solution to the rule. These two options are currently being discussed and will hopefully be brought to the task force.

Mike Styler suggested getting Representative McIff on the July 31 agenda to speak on his option. The committee agreed.

#### **V. House Bill 225**

Richard Bay explained this bill was a method for proving up on an approved water right or transferring a previously perfected water right. This is a good proposal.

Steve Clyde handed out copies of two memorandums 1) Use Preferences in the 17 Prior Appropriation States and 2) Treatment of Change Applications in Various States. Betty will e-mail a copy of these to everyone along with the bullets from today's meeting.

Jerry Olds handed out proposed revisions to Sections 73-3-12 and 73-3-27. This is a policy shift on the definition of "public water supplier." Do these groups have an obligation to provide water to the public?

Tage Flint moved that the language provides what we discussed and moved the task force accept the concepts with a little more clarification. Motion died for lack of a second.

Warren Peterson asked whether clarification of language would pass this proposal and asked if it was clear enough. Discussion. Scott Ruppe seconded the motion. The task force agreed to let Richard Bay and Boyd Clayton clarify the language.

#### **VI. Other Business**

Fred Finlinson handed out a report from the Utah Water Coalition.

John Mabey handed out a summary of change application statutes from other states. He will send to Betty to attached to the e-mail with the bullets from this meeting.

Mike Styler suggested that items #1 and 12 be reviewed at the next meeting on July 10. Some water rights have been put in jeopardy. Jerry will get his office to compile a report to address item #1.