

# **A G E N D A**

## **EXECUTIVE WATER TASK FORCE**

September 15, 2009, 10:00 a.m.  
Room 2000, Natural Resources Complex

- I. Welcome and Introductions - Mike Styler
- II. Shareholder Change Application, 73-3-3.5 - Representative Patrick Painter and Steve Clyde
- III. Recharge Recovery Applications to Store Water Underground - Dallin Jensen
- IV. Water Storage Facilities by Public Water Entities - Mike Styler
- V. Deed Rider Update - Ed Bowler
- VI. 73-3-3, Beneficial Use in Change Application - All
- VII. Plug and Seal Wells - Kent Jones
- VIII. Next Meetings - September 29, 1:00 p.m., room 2000  
October 13, 1:00 p.m., room 2000

## **EXECUTIVE WATER TASK FORCE BULLETS**

September 15, 2009, 10:00 a.m.  
Room 2000, Natural Resources Complex

### **Task Force Members:**

Mike Styler, Department of Natural Resources  
Sterling Brown, Utah Farm Bureau  
Dale Pierson, Rural Water Association of Utah  
Dallin Jensen, Parsons, Behle & Latimer  
Steve Clyde, Clyde, Snow and Sessions  
Ed Bowler, Washington County Water Conservancy District  
Warren Peterson, Farmland Reserve, Inc.  
Voneen Jorgensen, Bear River Water Conservancy District  
Merril Bingham, Provo City Public Works/Water Resources

### **Ex-Officios:**

Kent Jones, Division of Water Rights  
Mike Quealy, Attorney General's Office  
Boyd Clayton, Division of Water Rights

### **Guests:**

Ryan Peterson, CAP Consulting  
Craig Peterson, CAP Consulting  
Rusty Vetter, Salt Lake City  
Paul Ashton, White City Water Improvement District  
Marlin Sundberg, Holliday Water Company  
Dan Davidson, Bear River Canal Company  
Terel H. Grimley, Ogden River Water Users Association  
Jodi Hoffman, Utah League of Cities and Towns  
Lee Sim, Division of Water Rights  
Ward Wagstaff, Attorney General's Office  
Scott Martin, SC&M  
Gary Aitken, Strawberry Water Users Association  
Alan Packard, Jordan Valley Water Conservancy District  
Chris Finlinson, Central Utah Water Conservancy District  
Fred Finlinson, Utah Water Coalition  
David Hartvigsen, Smith Hartvigsen  
The Honorable Patrick Painter  
The Honorable Mike Noel  
Bob Fotheringham, Cache County  
John Mabey, Mabey, Wright & James

I. Welcome and Introductions

- \* Mike Styler welcomed the group and asked everyone to introduce themselves. He then turned the time over to Representative Painter and Steve Clyde.

II. Shareholder Change Application, 73-3-3.5

- \* Steve Clyde noted the handouts are two different versions. The August 19 has all the changes and the September 11 shows the changes incorporated into the original bill. We wanted to get this to the group for a consensus. He asked whether the group wanted to go with the August 19 draft or the September 11 document. Representative Painter handed out another draft on blue paper with a couple of areas highlighted in yellow. He stated the code already knows water will be moved and this clarifies and makes it consistent so rural Utah can grow and get the benefits of using the water. DISCUSSION.

**Steve Clyde made the motion to use the blue paper draft and incorporate the suggested changes and put into the original document to compare the changes. Mike asked for a vote. It was passed unanimously.**

**Warren Peterson asked that subparagraph (10)(d) be stricken from the document. DISCUSSION. Warren made the motion to strike. Mike Styler asked for a vote. Four members voted yeah, three members voted no. The motion was passed .**

**Steve Clyde made the motion that the August 19 draft be accepted as amended. Mike Styler asked for a vote. The motion was passed unanimously.**

Steve stated he would work on incorporating the draft into the original language and send to Betty.

III. Recharge Recovery Applications to Store Water Underground

- \* **Dallin Jensen went through the handout of the proposed bill. Emily Brown was able to complete it in time for the meeting today. Representative Mike Noel will be the sponsor. We are not asking for any action, but we need to get a draft to the State Water Development Commission. Dallin made the motion to endorse the draft. Mike Styler asked for a vote. It was passed unanimously.**

IV. Water Storage Facilities by Public Water Entities

- \* **Dallin Jensen handed out a draft of the Water Storage bill. He went through the draft bill. Dale Pierson made a motion to change line 65 on page 3 and throughout the rest of the bill: change from “water conservancy district” to “public water supplier.” DISCUSSION. A substitute motion by Dallin Jensen to accept Dale’s suggestion and also change line 11 to say “establishes the proof requirements for a ‘surface’ water storage facility ‘1,000 acre feet or more’ constructed by a ‘public water supplier;’” Steve Clyde seconded the motion. Mike Styler asked for a vote. One abstention from Sterling Brown, it passed with five “yeah” votes and two “no” votes. The motion was passed.**

V. Deed Rider Update

- \* Boyd Clayton reported that Ed Bowler is still in the meeting with county recorders, title company representatives and realtors. There is concern by the county recorders that they will have to be gatekeepers of this rider. DISCUSSION. The task force felt that maybe it would be better to authorize the rider and not make it mandatory.
- \* Mike Styler hoped that Ed Bowler would get out of the meeting prior to this meeting ending so he can give us an update.

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

- \* Kent Jones stated this discussion started with House Bill 51, because we needed clarification on intent language. Mike Quealy explained that they originally drafted the language and in going through the suggested changes, he felt the August 19 draft by Steve Clyde is the best one. Steve Clyde explained his draft. DISCUSSION. Mike Styler suggested the task force look at the language and we can discuss at the next meeting.

VII. Plug and Seal Wells

- \* **Kent Jones asked Lee Sim to explained the proposed amendments to the statute. Lee Sim handed out a draft and went through it with the task force. DISCUSSION. Warren Peterson made a motion to repeal 73-3-21. Mike Styler asked for a vote. It was passed unanimously.**
- \* No motion on 73-2-25. Lee stated they would re-work; this item will be put on the agenda for the next meeting on September 29.
- \* Ed Bowler reported that the meeting on the Deed Rider made some headway. We'll work on the draft and meet again prior to next meeting.

VI. Next Meetings

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

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