

## EXECUTIVE WATER TASK FORCE BULLETS

July 14, 2011, 1:30 p.m.  
Room 2000, Natural Resources Complex

### Task Force Members:

Mike Styler, Department of Natural Resources  
Warren Peterson, Farmland Reserve, Inc.  
Voneene Jorgensen, Bear River Water Conservancy District  
Mark Stratford, Ogden City/Utah League of Cities and Towns  
Dallin Jensen, Parsons, Behle & Latimer  
Randy Crozier, Duchesne Water Conservancy District  
Ed Bowler, Washington County Conservancy District  
Steve Clyde, Clyde Snow and Sessions  
Tage Flint, Weber Basin Water Conservancy District

### Ex-Officios:

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

### Guests:

David Hartvigsen, Smith Hartvigsen  
Fred Finlinson, Utah Water Coalition  
Christine Finlinson, Central Utah Water Conservancy District  
Representative Joel Briscoe, State Representative  
Bob Fotheringham, Cache County  
Rusty Vetter, Salt Lake City Corporation  
Representative Patrick Painter, State Representative  
Mike Wilson, Metropolitan Water District of Salt Lake and Sandy  
Justin Record, Bureau of Reclamation  
Dan Davidson, Bear River Canal Company  
Ward Wagstaff, Utah Attorney General's Office  
Julie Valdes, Utah Attorney General's Office  
Tracy Nuttall, Legislative Research and General Council  
Don Barnett, Barnett Water  
Richard Bay, Jordan Valley Water Conservancy District  
Jeremy Sorensen, Strawberry Water User's Association  
Jeffrey Gittins, Smith Hartvigsen  
Steve Styler, Waddingham & Associates  
Scott Martin, Snow, Christensen & Martineau  
Brooke Wangsgard, Salt Lake City Corporation  
Jodi Hoffman, Utah League of Cities and Towns  
Craig Peterson, CAP Consulting  
Jim Olson, HDR Engineering  
Delmas Johnson, CPB – LDS Church  
Lara Swensen, Flitton & Swensen  
Marlin Sundberg, Holliday Water Company  
Paul Ashton, WCWID  
Marianne Burbidge, Division of Water Rights

## **I. Welcome and Introductions**

- 1 Mike Styler welcomed the group and excused Dale Pierson, Merrill Bingham, and Sterling Brown from today's meeting. He also apologized for the construction and traffic in front of the DNR building and reminded attendees to plan accordingly for future meetings as the construction will continue until the completion of the TRAX project.

- 2 Introductions and a welcome were extended to Tracy Nuttall our new representative from Legislative Research and General Council.

## **II. Proposed Federal Legislation**

- 3 Steve Clyde introduced his attached paper on the Proposed Federal Legislation. He stated the legislation was unnecessary as farmers need to do this anyway. Steve's position was this legislation had no benefit and he took no position one-way-or-another.
- 4 Warren Peterson introduced his attached comments. His opinion was, Why not keep the dollars in Utah instead of through out the US?
- 5 *Senator Hatch requested a response from the Executive Water Task Force regarding whether or not we support this Legislation.*  
*Randy Crozier made a motion to support, seconded by Warren Peterson.*  
*The vote was 6 – YES*  
*1 – NO*
- 6 Additional comments – Corporations do have to report and pay taxes on earnings. Canal Companies could use dollars for updates on infrastructures.

## **III. Portion of Forfeiture - Adjudication**

- 7 Ward Wagstaff discussed the attached handout. It includes:
  - o Allowing the State Engineer to be more efficient
  - o Claims are to be filed with the State Eng. Who then files with the Courts.
  - o 73-4-11 was a 90 day filing period. Now is a separate requirement.
  - o Minor syntax changes.  
*Dallin Jensen made a motion to support, seconded by Steve Clyde.*  
*The vote was unanimously approved.*
- 8 Mike Styler noted to Tracy Nuttall that this will be forwarded to her for finalization, prior to finding a sponsor.

## **IV. Final Decree and Forfeiture**

- 9 Mark Stratford explained the attached handout. (Adjudication 73-3-3.1.4)
- 10 Minor changes have been made to wording and language. This has the support of Kent Jones, the State Engineer.

*Dallin Jensen made a motion to support, seconded by Steve Clyde.*  
*The vote was unanimously approved.*

- 11 This bill will also be forward to Tracy Nuttall's office and will need a sponsor.

## **V. Review Exchange Statutes**

- 12 Kent Jones led discussion the attached handout to approve small applications/small domestic changes. Weber Basin has over 95% of these and they support these changes.

*Tage Flint made a motion to support, seconded by Voneen Jorgensen.  
The vote was unanimously approved.*

13 This bill will also be forward to Tracy Nuttall's office and will need a sponsor.

## **VI. Report of Avoided Flooding is Other Items or Issues**

- 14 Tage Flint reported on the ability of Weber water users to avoid major flooding and severe damage. Thanks to the cooler weather they were able to "dodge a bullet".
- 15 Water was diverted to Provo and thanks to them for helping with the situation they were able to keep flooding and damage in Oakley to a minimum.
- 16 Randy Crozier reported that water from the Duchesne and a heavy rain caused a road washout and sink-hole which resulted in a fatality when a car drove into it just the morning prior.

## **VII. Recent Supreme Court Rulings**

- 17 Kent Jones reported on the recent Supreme Court rulings and the ability to protect Water Rights; keep balances in place; and take a responsible position. We also want to know "What does the Water Community Want?"
- 18 This ruling tells the State Engineer that under a change application he can approve even if water wasn't used. Causes irresponsible impact. May initiate forfeiture but the State Engineer doesn't want to litigate.
- 19 Do we change the statute – Protected Rights vs. Rights of Time?
- 20 Water Rights are a huge investment. Sales are based on Change Application approval.
- 21 This is an off-chute of HB51 – We need to keep 'gate keeper' review of State Engineer. We are not going to see more litigation and more hold-up by State Engineer.
- 22 Does the group, as a whole, favor legislation? (Clarification of the State Engineer's authority?)
- 23 If we take this on we MUST find agreeable solution for ALL!
- 24 Comment made that there is disagreement whether to begin with "August 19<sup>th</sup>" draft. This group MUST BE in total agreement.
- 25 What really is the risk? Where does the decision get made?
- 26 Need check and balance to include developer.

*Warren Peterson made a motion to table today's discussion in order to allow all parties time to submit potential solutions to be discussed at the next meeting and place as an agenda item next month, seconded by Randy Crozier.  
The motion was unanimously approved.*

27 Everyone should bring their ideas and comments for discussion.

## **VIII. Big Ditch**

- 28 Steve Clyde discussed this issue – because of East Jordan decision, owner of Water Right has authority over change applications. This decision extends authority for change applications to certain water contracts.
- 29 Suggests going back to East Jordan decision for clarity.
- 30 Kent Jones requests addressing this issue.

*Randy Crozier made a motion to solicit proposals in keeping with the public interest, seconded by Steve Clyde.  
The motion was unanimously approved.*

The next meeting will be devoted to items VII and VIII of these minutes.

Mike again thanked the Taskforce and guests for their discussion and comments and scheduled the next Task Force meeting for Tuesday, August 16th at 1:30 PM to be held at DNR in Room 2000. Proposals for discussion should be forwarded to Kaelyn at [kaelynanfinsen@utah.gov](mailto:kaelynanfinsen@utah.gov) prior to August 1 for distribution to the Task Force. The meeting was adjourned.