

**MINUTES OF THE
WATER ISSUES TASK FORCE**

Tuesday, September 6, 2005 – 3:00 p.m. – Room W125 State Capitol

Members Present:

Sen. Peter C. Knudson, Senate Chair
Rep. David Ure, House Chair
Sen. Patrice Arent
Sen. Mike Dmitrich
Sen. Beverly Ann Evans
Sen. Thomas V. Hatch
Rep. Roger E. Barrus
Rep. David N. Cox
Rep. Margaret Dayton
Rep. Ben C. Ferry
Rep. James R. Gowans
Rep. Michael T. Morley

Members Absent:

Rep. Brad King

Staff Present:

Brian Allred, Policy Analyst
Mark B. Steinagel, Policy Analyst
Chris Parker, Associate General Counsel
Emily Brown, Task Force Staff
Joy L. Miller, Legislative Secretary

Note: A list of others present, copy of related materials, and an audio recording of the meeting can be found at www.leg.utah.gov.

1. Task Force Business

Chair Ure called the meeting to order at 3:10 p.m. Rep. King was excused from the meeting.

MOTION: Sen. Knudson moved to approve the minutes of the August 11, 2005 meeting. The motion passed unanimously.

2. Water Reuse Requirements

Rep. Ferry reviewed Draft Legislation, “Water Reuse Requirements” which was included in the mailing packet. The purpose of developing water reuse legislation is to establish rules, procedures, and guidelines with regards to starting a publicly owned water treatment facility. He explained the actions taken by the Water Reuse working group on the bill.

Mr. Fred Finlinson, Coalition (Water Coalition), continued his discussion of the Coalition’s proposed "Amendments to the 8/15/05 Water Reuse Requirements Bill" which was distributed to the Water Reuse working group prior to the task force meeting. He outlined the amendments which were adopted by the working group and reviewed the remainder of the proposed amendments with the Task Force.

Mr. Craig Smith, Smith Hartvigsen, asked that the definition of public agency include those who collect and transport domestic wastewater. Chair Ure asked Mr. Smith to draft some proposed language and bring it before the Coalition.

Mr. Jerry Olds, State Engineer, distributed “Comments submitted by the Utah Division of Water Rights” regarding the proposed legislation. He raised the following issues:

- could the legislation be expanded to include domestic uses;
- if a domestic water right is diverted and used for domestic purposes, can the water be recaptured for reuse;

- would allowing that reuse be an enlargement of the initial water right; and
- would that water reuse impact downstream water rights.

Mr. Finlinson stated it is a critical point for the Coalition that private entities supplying water be considered for water reuse.

Mr. Warren Peterson, Waddingham and Peterson, pointed out that the Provo River Water Users Association and the Metropolitan Water Authority of Salt Lake City and Sandy own the second highest level of Utah Lake. If someone upstream enlarges their water use, the water supply to those two users diminishes. If a municipality who has never used the water is allowed to assume use of the water through reuse, it is cutting the level of another's right.

Mr. Walt Baker, Division of Water Rights, stated there are many types of wastewater treatment projects that do not involve municipalities or public subdivisions of the state. There are some commercial establishments that are having difficulty meeting their discharge permit because of water quality standards. Water reuse could be an option for them to meet those standards.

Mr. Dallin Jensen, Parsons Behle & Latimer, stated that competing interests cannot be resolved in the legislative arena. He commented that the issue raised by the state engineer is whether there are any conditions where a domestic system could have a reuse project without enlarging the existing water right.

3. Groundwater Management

The Task Force reviewed Draft Legislation, "Groundwater Management Plan" which was included in the mailing packet.

Mr. Finlinson distributed a memorandum from the Coalition outlining proposed amendments to the bill. He reviewed each recommendation individually with the Task Force. The Coalition has found a significant number of definitions of "safe yield." The memorandum lists some policy issues it feels the Task Force should address which include: should a groundwater management plan be enforceable under the current provisions for the enforcement of water rights; discussion of safe yield; and should the management plan be a water management plan rather than a groundwater management plan.

Mr. Olds distributed "Concepts Regarding Groundwater Management." Important concepts outlined in the summary include safe yield, regulation of groundwater, groundwater management plans, and critical management areas. He stressed the need for a definition of safe yield. He proposed that the state engineer have the authority to do groundwater management plans. He said there should be an exception clause to handle those basins that are in trouble and give the state engineer flexibility to deal with them in an appropriate manner. Mr. Olds indicated that the integration of surface water and groundwater management is a major issue.

Mr. Peterson noted there is a great difference between basins and suggested that the bill enable but not require the conjunctive management of surface and groundwater sources and allow the state engineer to consider each issue.

MOTION: Sen. Evans moved to request staff to merge both proposals together into a working draft. If there are differences between the two proposals, the state engineer's recommendations should be used. The motion passed unanimously with Rep. Morley absent for the vote.

4. Other Items / Adjourn

Due to lack of time, agenda items "Sales Tax Diversion for Water Projects and Water Financing" and "Governmental Entity's Acquisition by Eminent Domain of Water Rights Outside the Entity's Boundaries" were not discussed.

The next meeting of the Task Force was scheduled for September 27 at 3:00 p.m. The Water Reuse working group will begin at 2:00 p.m.

MOTION: Rep. Gowans moved to adjourn the meeting. The motion passed unanimously.

Chair Ure adjourned the meeting at 5:05 p.m.