

**MINUTES OF THE  
WATER ISSUES TASK FORCE**

Tuesday, September 27, 2005 – 3:00 p.m. – Room W125 House building

**Members Present:**

Sen. Peter C. Knudson, Senate Chair  
Rep. David Ure, House Chair  
Sen. Patrice Arent  
Sen. Beverly Ann Evans  
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:**

Sen. Mike Dmitrich  
Sen. Thomas V. Hatch  
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.le.utah.gov](http://www.le.utah.gov).

**1. Task Force Business**

Chair Ure called the meeting to order at 3:10 p.m. Sen. Dmitrich and Sen. Hatch were excused from the meeting.

**MOTION:** Rep. Cox moved to approve the minutes of the September 6, 2005 meeting. The motion passed unanimously. Rep. Ferry and Rep. Morley were absent for the vote.

**2. Sales Tax Diversion for Water Projects and Water Financing**

Mr. Fred Finlinson, Coalition (Utah Water Coalition), requested that discussion on this item be postponed in order to allow the Coalition more time to review it.

Rep. Arent referred to the "Water Delivery Financing Task Force Report" which was included in the mailing packet. She requested that specific information be provided on water supply and conservation needs for the Lake Powell Pipeline and Bear River projects prior to drafting legislation diverting sales and use tax. Chair Ure responded that the information would be accumulated and provided prior to the next meeting.

Mr. Warren Peterson, Waddingham and Peterson, explained that water projections for southern Utah have been studied for many years. Charts provided by Cedar City indicate that the existing water supplies in the area, even with significant conversion from agricultural and irrigation use to municipal and industrial use, project 10-15 years of water supply.

Mr. Jeffrey Steadman, Utah Rivers Council, expressed concern with taxing citizens in counties that won't be receiving water from these projects. He commented on what he felt was the disproportionate percentage of citizens that will be receiving the water as opposed to those that will not.

**3. Groundwater Management**

Mr. Parker distributed Draft Legislation, "Groundwater Management Plan" (09-16-95 DRAFT) which contains the changes requested at the last meeting of the Task Force. The bill authorizes the state engineer to create a groundwater management plan for any groundwater basin or aquifer, describes the purpose and effect of a groundwater management plan, and outlines the requirements for creating a groundwater management plan. Definitions have also been added for critical management areas and safe yield. He discussed other provisions within the legislation.

Mr. Finlinson distributed and reviewed a memorandum from the Coalition regarding recommended changes to the proposed legislation. He reviewed each recommendation as outlined with the Task Force. He pointed out that the issue of surface water has not yet been addressed.

Mr. John Mabey, Mabey & Wright, addressed the issue of well interference. He explained that whether or not one well interferes with another is determined on a case by case basis. He cautioned against binding the state to a standard on localized well interference. He also discussed the recommendation dealing with a challenge to a groundwater management plan.

Mr. Jerry Olds, State Engineer, indicated he was not opposed to the recommendations as suggested by the Coalition. He said the proposed bill is a major step and he acknowledged that it may eventually be broadened to include more stipulations with regard to surface water. It is his intent to develop a groundwater management plan by meeting with the people, taking comments, and deciding as a group the best resolution.

Chair Ure directed Mr. Parker to incorporate the recommendations of the Coalition into the legislation.

Mr. Dee Hansen, HDC Engineering, expressed concern with areas where safe yield has already been exceeded and questioned the purpose in saving that water. Currently there are two groundwater basins that are in an overdrafting state. He asked if language could be developed to protect them.

Chair Ure requested Mr. Hansen to develop a recommendation and bring it before the Task Force at the next meeting.

Sen. Evans encouraged the Coalition to address the unresolved issues prior to the next meeting. She recommended that groups or individuals that have language they would like to be considered in the legislation bring their suggestions before the Task Force at the next meeting.

### **Other Business / Adjourn**

Due to lack of time, agenda items "Water Reuse Requirements" 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 Thursday, October 20 at 9:00 a.m. A meeting was tentatively scheduled for November 3 at 9:00 a.m.

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

Minutes of the Water Issues Task Force  
September 27, 2005  
Page 3

Chair Ure adjourned the meeting at 5:10 p.m.