

**MINUTES OF THE  
WATER ISSUES TASK FORCE**

Thursday, July 13, 2006 – 2:00 p.m. – Jordan Valley Water Conservancy District

**Members Present:**

Sen. Peter C. Knudson, Senate Chair  
Rep. David Ure, House Chair  
Sen. Patrice Arent  
Sen. Mike Dmitrich  
Sen. Beverly Ann Evans  
Rep. David N. Cox  
Rep. Margaret Dayton  
Rep. Ben C. Ferry  
Rep. Michael T. Morley  
Rep. Patrick L. Painter

**Members Absent:**

Sen. Thomas V. Hatch  
Rep. James R. Gowans  
Rep. Brad King

**Staff Present:**

Ms. Emily Brown, Associate General Counsel  
Mr. Brian Allred, Policy Analyst  
Mr. Mark Steinagel, Policy Analyst  
Ms. Brooke Ollerton, Legislative Secretary

**Note:** A list of others present, a 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 Knudson called the meeting to order at 9:12 a.m.

**MOTION:** Rep. Cox moved to approve the minutes of the June 9, 2006 meeting. The motion passed unanimously.

**2. Instream Flow**

Ms. Brown distributed "Selected Instream Flow Policy Decisions" and gave an overview of policy options related to the ownership, acquisition, and purpose of instream flow.

Rep. Ure asked if there is a category that separates non-profit organizations from other entities when seeking instream flow rights.

Ms. Brown replied that according to the Trout Unlimited proposal, a non-profit organization is defined by tax code, which would not separate various types of non-profit entities. The policy question for the Task Force to consider is the importance of tax status when both entities are water right owners. She said she would draft whatever definition of "non-profit" the Task Force would like, but the Task Force would need to decide who it wants to hold these rights.

**3. Water Conservation**

Mr. Dennis Strong, Director, Division (Division of Water Resources), presented "What is Water Conservation." He said Utah is the second greatest user of water in the west due to the state's high outside water use, its preference for green landscape, and its large building lots. He stated that Utahns need to conserve because the population is growing faster than the limited water supply. He described the history of the goal to decrease water use per capita by 25 percent by 2050.

Sen. Arent asked about the history of the 25 percent goal and if there was any discussion of adjusting it. Mr. Strong responded that changing the base year from the 1995 to 2000 resulted in a 7 to 9 percent savings. The Division has already accomplished 15 percent of the 25 percent goal and adjusted it about 5 percent. He said the next 10 percent will be more difficult unless Utahns consider changing their landscapes.

Sen. Arent asked for suggestions regarding incentive or other programs the Legislature could sponsor. Mr. Strong said that the Legislature could appropriate additional money for conservation. He asked for additional time for the Division to draft specific proposals. Sen. Arent requested Mr. Strong provide a report on the number of FT, the budget, and specific proposals for conservation at the Division.

Sen. Dmitrich asked if the state had any plan for removing invasive species that use a lot of water. He suggested looking at Colorado's efforts in this area. Mr. Strong indicated there is still a need for scientific research and that funds are not available for those kind of projects.

Mr. Steinagel distributed "Water Conservation State Statutes" and briefed the Task Force on other states' water conservation policies. The most common programs in the 11 western states he researched were: (1) a requirement that state water plans include conservation, (2) a mandate that local water plans include conservation, (3) financial assistance for conservation, and (4) water conservation at state facilities.

Sen. Arent asked Mr. Steinagel to highlight provisions that were common in other states that Utah does not have in statute. Mr. Steinagel said that the Utah statute requires a local water conservation plan with a clearly stated overall water use reduction goal and implementation plan for each of the water conservation measures it chooses to use, a district meeting on conservation every five years, and a media plan. Before an entity qualifies for the loan process, it is required to have a conservation plan. He pointed out differences in prescriptive and permissive language, the size of the district, and a number of less common provisions. Mr. Steinagel said he would provide Sen. Arent with additional information.

Sen. Arent asked staff to research other states' water conservation requirements for state buildings.

Rep. Ure asked if something was being done to change local planning and zoning committees' requirements for residential and commercial green space. He also asked about a plan to prevent publicly owned treatment works from raising prices after customers reduce indoor use. Mr. Steinagel said there is no requirement in state law that municipalities permit xeriscaping. The district or other local entities would have to create landscaping requirements. The most common solution for preventing the districts from raising prices due to water conservation is to separate fixed and variable costs.

Mr. Strong commented that rather than mandating, the Division is working on educating local water providers about separating costs. He pointed out that such cost savings are not immediate.

Rep. Painter asked if a farmer who used to flood irrigate, but who has changed to a sprinkler system, could increase acreage.

Mr. Jerry Olds, Division of Water Rights, responded that the farmer would be limited to the beneficial

uses under existing water rights and would be subject to the appropriation process.

In response to a question about changing ordinances for land development as a means of conservation, Mr. Warren Peterson, Waddingham and Peterson, pointed out that the water provider is not always the land regulator.

Ms. Patricia Mulroy, Authority (Southern Nevada Water Authority), explained that the Authority, working with a citizens' committee, had created a resource plan for the next 40 to 50 years. She explained that after the drought began in 2002, the plan was revised and it was determined that a significant portion for future water needs would come from conservation. When the Authority was created, priority water rights were pooled and entered into shared authority which allowed the reduction of water use by 65,000 acre feet over two years. The plan includes financial incentives, direct aid, and stiff penalties. She underscored the idea that water conservation is quintessential to the survival of Southern Nevada.

Rep. Dayton asked if the Authority used eminent domain to pool water rights and if there was a plan to limit the number of building permits with water rights, given an increasing population and diminishing water supply. Ms. Mulroy responded that the shared shortage agreement was voluntary. She pointed out that the relinquished water rights belonged to local governments that are all represented on the board with veto power on financial and water resource issues. Ms. Mulroy also stated that Southern Nevada recycles 100 percent of its wastewater. If it can use less water resources outside and more inside, it can continue to grow for decades. She noted that phosphates are extracted in the recycling process.

Rep. Ure asked where the funding for the Authority's turf removal program comes from. Ms. Mulroy explained that it was paid for by new connection charges.

Rep. Ure asked if there was any organization that incorporated the Authority's board, local planning and zoning bodies, and transportation officials. Ms. Mulroy said that there are city councilmen and county commissioners on the Board who have those general responsibilities. She explained that there is no separately-elected water board in Southern Nevada, but that there is a Southern Nevada Regional Planning Coalition that acts as a clearinghouse for transportation, water, and land use and planning issues.

Mr. Doug Bennett, Authority conservation manager, distributed a copy of his presentation "Southern Nevada Water Authority." He explained that the Authority is essentially a wholesaler owned and operated by its member agencies. He outlined water use percentages, explained Southern Nevada's return flow credits, and detailed the Authority's conservation strategies which focus on outdoor use. He pointed out that between 2002 and 2005 water use decreased by about 20 billion gallons in Southern Nevada.

Rep. Ure asked if the Authority had any statistics on the number of parks per capita in Las Vegas and said that green space is fundamental for a good quality of life in urban areas. Mr. Bennett responded that Las Vegas has less parks acreage per capita than comparable cities, but lot sizes are small so the city has tried to increase common recreation areas.

Sen. Dmitrich asked how Nevada's per capita water use compares with Utah's. Mr. Bennett said that in the 1990s, Nevada consumed more water per capita than Utah. Since then, Nevada's water use has dropped. He noted the monthly water bill for a typical home is about \$30 to \$40. The water is free, but

customers pay for the treatment and delivery.

Mr. Bennett explained that the Authority has no jurisdiction over private water. However, some city and county codes impose land use restrictions that give the Authority limited occasional jurisdiction. He stated it is a challenge to try to put conservation into perspective for its customers.

Rep. Morley asked if metered pressurized irrigation systems were run in conjunction with culinary water systems. Mr. Bennett said that there are interceptor water reclamation plants in different regions of the city so the water can be recycled and used without having to have the infrastructure to transport it to a central plant.

Mr. David Ovard, General Manager, District (Jordan Valley Water Conservancy District), distributed "Presentation to Water Issues Task Force." He explained that the District is a water wholesaler. He outlined the District's water supply plan of a 25 percent reduction in consumption by 2025. He outlined population growth, water use, and different water projects. He stated that the best way of saving water would be through landscape ordinances. Mr. Ovard noted it is difficult for people to change landscapes after such a large economic investment, but the District encourages the conversion when people renovate their landscapes. The District also distributes water-friendly landscaping guides to encourage the change. He suggested that the Legislature encourage local governments to set landscape ordinances.

Rep. Ure responded that it may not be in the best interest of the Legislature as a whole, since most of its members are from the Wasatch Front, to dictate the rest of the state's water use. Mr. Ovard indicated that water use per capita is lowest on the Wasatch Front.

Rep. Ure asked if Mr. Ovard would support a Wasatch Front water conservation district. Mr. Ovard said he would, but it would be difficult to create because of the number of cities along the Wasatch Front and because of the impediment in the Utah Constitution which prohibits them from giving up their water rights. He said the Legislature's role might be to bring cities together through some sort of coordination agency. He also suggested that the Legislature make a conservation policy for the state.

Mr. Lee Wimmer, assistant general manager, Central Utah Water Conservancy District, presented its water conservation credit program and outlined the program's success.

Mr. Darrell Hafen, Southern Utah Water and Power Authority, said the organization's purpose is to protect the water interests of the lower Colorado River Basin of Utah. He stated the Washington County lands act may have negative consequences for counties along the southern border of Utah and that public hearings on the plan should have been held. He said Washington County could improve its conservation efforts and encouraged the Task Force to contact Utah's congressional delegation to delay the bill.

Mr. Mark Danenhauer, Utah Rivers Council, encouraged the state to raise its conservation goal. He commended the District for its aggressive approach to conservation. He suggested that the state increase investment in and incentives for water conservation.

Mr. Cecil Garland, Great Basin Water Network, said that there is no surplus water in Snake Valley.

Ranchers and farmers are attempting to conserve water, but that conservation will not solve the problem if the population continues to grow.

Mr. Steven Clyde, Clyde Snow Sessions & Swenson, P.C., distributed "Water Conservation Under the Prior Appropriation Doctrine" on the pitfalls of current appropriation. He said it could give the Task Force additional perspective on these issues.

#### **4. Tour of Jordan Valley Water Conservation Gardens**

Chair Knudson explained how the tour and lunch would proceed.

#### **5. Adjourn / Lunch**

Chair Knudson announced the next task force meeting was scheduled for Friday, August 4, 2006.

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

Chair Knudson adjourned the meeting at 11:55 a.m.