

**MINUTES OF THE  
STATE WATER DEVELOPMENT COMMISSION**  
Tuesday, October 15, 2013 – 3:00 p.m. – Room 30 House Building

**Members Present:**

Sen. Margaret Dayton, Senate Chair  
Rep. Keith Grover, House Chair  
Sen. David P. Hinkins  
Sen. Scott K. Jenkins  
Sen. Kevin T. Van Tassell  
Rep. Joel K. Briscoe  
Rep. Melvin R. Brown  
Rep. Susan Duckworth  
Rep. Don L. Ipson  
Rep. Kay L. McIff  
Rep. Michael E. Noel  
Comm. Leonard M. Blackham  
Mr. Tage Flint  
Mr. Jay Mark Humphrey  
Mr. Dallin W. Jensen  
Ms. Voneene Jorgensen  
Mr. Alan Matheson  
Mr. Darrell H. Mensel

Mr. Joseph Paulick  
Mr. Warren Peterson  
Mr. Gene Shawcroft  
Ms. Amanda Smith  
Mr. Mike Styler  
Mr. Ron Thompson  
Mr. David Ure

**Members Absent:**

Sen. Gene Davis  
Rep. Gage Froerer  
Mr. Boyd Workman

**Staff Present:**

Mr. J Brian Allred, Policy Analyst  
Ms. RuthAnne Frost, Associate General Counsel  
Ms. Anna Allen, 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. Committee Business**

Chair Grover called the meeting to order at 3:10 p.m.

**MOTION:** Sen. Dayton moved to approve the minutes of the September 17, 2013, meeting with the change that in the second sentence in the first paragraph on page two, during Mr. Thompson's comment, replace the word "right" with "resource." The motion passed unanimously with Sen. Jenkins, Rep. Briscoe, Rep. Brown, and Rep. Ipson absent for the vote.

**2. Canal Safety**

Rep. Johnny Anderson discussed specific canal safety concerns in his district. He stated that in order to address these issues, such as the canal breaching that happened in Murray, the state needs to gather more data about canals in Utah.

Mr. Gordon Younker, Utah Association of Conservation Districts, gave background information on 2010 General Session H.B. 60, "Water Conveyance Facilities Act," and 2010 General Session H.B. 298, "Land Use Authority Notification of Canal Development." Mr. Younker emphasized the importance of partnerships between counties, conservation districts, and cities in addressing canal safety. He also discussed the need for funding in order to continue working on this issue.

Rep. Anderson and Mr. Younker responded to questions from the commission.

### **3. Shareholder Change Applications**

Mr. Steve Styler, Utah Irrigators Alliance, discussed the background of the alliance and presented proposed modifications to water rights change application procedures. These changes were shown in "73-3-3.5. Application for a change of water company water rights," which Mr. Styler distributed at the September 17, 2013, commission meeting. He stated that the biggest challenge regarding change application procedures is the communication between shareholders and irrigation companies. He discussed his hope that the proposed changes to Utah Code Section 73-3-3.5 would help improve this communication. Mr. Styler responded to questions from the commission.

Rep. McIff discussed various aspects of the change application procedure process. He said that access to the decision maker is very important to this process and expressed support for the gatekeeping role of the state engineer. Rep. McIff also distributed draft legislation "Water Rights - Change Application Amendments" (2014FL-0062/011) and a handout that summarized key aspects of the bill. He explained that the bill would amend change application procedure requirements under Utah Code Title 73, Water and Irrigation. He continued by saying the bill would also emphasize reliance on mediation in the change application process. Rep. McIff responded to questions from the commission.

**MOTION:** Sen. Van Tassell moved that the commission move on to the next agenda item. The motion passed with Sen. Jenkins, Rep. Brown, Rep. Duckworth, and Rep. Noel voting in opposition and Rep. Ipson absent for the vote.

### **4. Federal Water Rights Protection Legislation**

Mr. Randy Parker, Chief Executive Officer, Utah Farm Bureau Federation, distributed 113th Congress 1st Session H.R. 3189, "Water Rights Protection Act;" a press release from the US House Committee on Natural Resources; and a statement from the Utah Farm Bureau Federation, "H.R. 3189 'The Water Rights Protection Act.'" Mr. Parker discussed the federation's efforts to protect water rights holders from federal government impairment of water rights. He responded to questions from the commission.

The commission then went back to its discussion of Agenda Item #3, calling on Mr. Patrick Painter for comment. Mr. Painter expressed his concern regarding the changes to Utah Code Title 73, Water and Irrigation, proposed by the Utah Irrigators Alliance. He indicated support for Rep. McIff's draft legislation.

### **5. Executive Water Task Force Report**

Mr. Mike Styler, Director, Department of Natural Resources, thanked Mr. Dennis Strong, Director, Division of Water Resources, who is retiring in November 2013, for his years of service and introduced Mr. Eric Millis as the new director of the division.

Mr. Styler discussed bills recommended by the Executive Water Task Force for the 2014 General Session. Mr. Styler also commented on the legislation discussed in Agenda Item #3 stating that the task force does not support either of the bills. He continued to say that the task force supports Utah Code Section 73-3-3.5 as it is currently drafted.

Mr. Ure suggested that the commission create a special subcommittee that would specifically focus on how to fund water projects in Utah. He also proposed that the subcommittee could study issues such as state funding for water projects, local funding for water projects, and incentives for funding these projects.

Mr. Paulick distributed "Utah Board of Water Resources Resolution Regarding Water Rights Principles," which describes certain views of the Utah Board of Water Resources on water law and procedure.

Commission discussion followed.

## **6. Other Items/Adjourn**

Mr. Paul Van Dam, member of the public, Washington County, discussed the impact of the proposed Lake Powell Pipeline project on residents of Washington County. He distributed various news articles, as well as a letter from members of the public to Governor Gary Herbert, President Wayne Niederhauser, and Speaker Rebecca Lockhart. Mr. Van Dam also expressed concern regarding how the project will be funded. He encouraged the commission to review economic studies on the project that have been conducted by economists from various Utah universities.

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

Chair Grover adjourned the meeting at 5:23 p.m.