

**MINUTES OF THE
STATE WATER DEVELOPMENT COMMISSION**
Tuesday, September 16, 2014 – 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. Gage Froerer
Rep. Don L. Ipson
Rep. Kay L. McIff
Rep. Michael E. Noel
Comm. LuAnn Adams
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
Exec. Dir. Mike Styler
Mr. Ron Thompson
Comm. David Ure

Members Absent:

Sen. Gene Davis
Mr. Tage Flint
Exec. Dir. Amanda Smith
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.

1. Committee Business

Chair Grover called the meeting to order at 3:12 p.m. Mr. Flint, Executive Director Smith, and Mr. Workman were excused from the meeting.

MOTION: Sen. Dayton moved to approve the minutes of the July 15, 2014, meeting with the following change:

On page 3, paragraph 3, list Ms. Smith and Mr. Styler as "Executive Director Smith" and "Executive Director Styler." In addition, these titles should be changed in the attendance section, and Mr. David Ure should be changed to "Commissioner David Ure" as well.

The motion passed unanimously with Rep. Briscoe, Rep. Brown, and Rep. Ipson absent for the vote.

2. Review and Discussion of the Proposed US Forest Service Groundwater Initiative and the Water Development Commission Response to the Initiative

Sen. Dayton described how at the July 15, 2014, commission meeting, the commission voted to send a letter to the United States Forest Service outlining the commission's concerns regarding the proposed forest service groundwater initiative.

Mr. Allred gave more background information on this issue. He stated that the commission sent a copy of the letter to the United States Fish and Wildlife Service. Mr. Allred said that Mr. Troy Thompson, Acting National Groundwater Program Leader and Groundwater Team Lead of the Watershed, Fish, Wildlife, Air & Rare Plants Division, responded to the letter expressing gratitude for receiving the commission's

comments and indicating that the forest service will review and respond to comments after the comment period.

Mr. Matheson discussed the efforts of the Western Governors' Association to address its concerns regarding the directive. He stated that the association is particularly concerned about the potential impact of the directive on state authority over waters within a state. He added that the association is drafting a letter to the forest service outlining the association's concerns about the authority of the forest service to issue the directive and the implications of the directive for adjacent lands.

Mr. Randy Parker, Chief Executive Officer, Utah Farm Bureau Federation, discussed how the directive is the first time that a federal agency has expressed that it has the authority to claim a regulatory position over groundwater. He stated that the farm bureau is evaluating this issue and looking at how the directive affects states and their rights. Mr. Parker also distributed the farm bureau's current final comments on the directive.

3. "Envision Utah – Your Utah Your Future" State Water Strategy Advisory Team – Update on Water Issues

Mr. Matheson presented "Water Strategy Advisory Team: Update to the Water Development Commission." He talked about the importance of water in Utah and listed certain water challenges for the state. He also said that the governor recognizes the importance of these water issues. Mr. Matheson continued by discussing the membership of the State Water Strategy Advisory Team. He also described the team's purposes of (1) providing input on water issues to the Your Utah Your Future initiative and (2) developing recommendations for a 50-year Utah water strategy.

4. Report on Utah Water Issues

Executive Director Styler and Mr. Walt Baker, Director, Division of Water Quality, presented "'One Water' The Future of Water in Utah." The presentation focused on how the Department of Natural Resources and the Department of Environmental Quality work to achieve the departments' common goal of providing clean and abundant water to address Utah's growing water needs. Executive Director Styler and Mr. Baker also discussed the various issues related to these water needs, including sedimentation, water quality monitoring, and water conservation. They emphasized the importance of good water choices in Utah, especially in light of high water demand and growing population. They added that in order to meet the state's water needs, Utah needs to have self-determination, and courage and commitment to do what is right.

5. Review of "Big Ditch" Case

Mr. John Mabey, Mabey Wright & James PLLC, distributed and discussed "Review of Big Ditch Case." Mr. Mabey gave background information on the case and described certain principles that are implicated in the case that the Legislature should consider, including

- protecting private property rights of water rights owners,
- recognizing the sanctity of contracts, and
- promoting practical water right administration.

Mr. Mabey also talked about recommendations to consider from the case.

6. Other Items/Adjourn

MOTION: Sen. Dayton moved to adjourn the meeting. The motion passed unanimously with Rep. Briscoe absent for the vote.

Chair Grover adjourned the meeting at 5:02 p.m.