

**MINUTES OF THE  
WATER ISSUES TASK FORCE**

Thursday, July 21, 2005 – 1:00 p.m. – Room W125 House Building

**Members Present:**

Rep. David Ure, House Chair  
Sen. Patrice Arent  
Sen. Mike Dmitrich  
Sen. Beverly Ann Evans  
Rep. Roger E. Barrus  
Rep. David N. Cox  
Rep. Margaret Dayton  
Rep. Ben C. Ferry  
Rep. James Gowans  
Rep. Brad King  
Rep. Michael T. Morley

**Members Absent:**

Sen. Peter C. Knudson  
Sen. Thomas V. Hatch

**Staff Present:**

Brian Allred, Policy Analyst  
Mark B. Steinagel, Policy Analyst  
Chris Parker, Associate General Counsel  
Glenda S. Whitney, 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](http://www.leg.utah.gov).

**1. Task Force Business**

Chair Ure called meeting to order at 1:16 p.m.

**MOTION:** Rep. Dayton moved to approve the minutes of the June 14, 2005 meeting. The motion passed unanimously with Sen. Dmitrich, Rep. Barrus, and Rep. Morley absent for the vote.

**2. Report from Working Groups**

Rep. Ferry reported on the progress of the water reuse working group. He noted opening a bill file and distributed a copy of draft legislation, "Wastewater Reuse Act." He said the draft legislation is open to the water community to work and refine with staff and that a final draft will be presented to the Task Force at a future meeting.

Mr. Fred Finlinson, Water Coalition, member of the water reuse working group, explained the terms and core issues in the proposed legislation "Wastewater Reuse Act."

Mr. Jerry Kinghorn, Attorney, made clarifications and explained the technical changes to the draft legislation.

Mr. Jerry Olds, State Engineer, identified areas of concern and made clarifications to the draft legislation. He pointed out that reuse is an important component of our water resource management and that there are a number of issues between the various players that need to be addressed. He said they are committed to work with legislative staff to make proposals which will address concerns.

Mr. Walt Baker, Director, Division of Water Quality, commented that the most critical part of this bill is of water reuse, in the future, relative to contracts. He indicated that he made a presentation to the working group and shared what neighboring states are doing in reference to reuse water. He explained they are

looking down stream to see that the down stream users are protected and not looking up stream to see who provided the water. He suggested that the language needed more work and greater clarification.

Mr. Warren Peterson, Attorney, discussed how to handle consent to reuse projects where the water right holder has contracted away the beneficial use of the water, a situation often occurring in connection with federally owned water rights.

Mr. Steven Clyde, Attorney, said that the owner of the water right, as the party that appropriated water under Utah law, has to be involved. He pointed out that the draft legislation avoids countless and endless litigation with the parties involved.

Rep. Ferry indicated that the working group will meet before the next meeting of the Task Force to discuss proposals.

Rep. Gowans reported on the progress of the Administration of Surface Water and Ground Water working group, led by Sen. Thomas V. Hatch.

Mr. Dee Hansen, Consulting Engineer, reported on the issues discussed in the working group. He reviewed subsidence issues and suggested putting together legislation allowing ground water mining.

Mr. Michael R. Styler, Executive Director, Department of Natural Resources, discussed the issue of ground water mining. He commented on other states that are running out of water and noted it is not just a Utah problem.

Mr. Dallin W. Jensen, Attorney, agreed with making statewide ground water policy. He said the appropriation doctrine should stay in place and that flexibility can be built into the process of these ground water management plans. He acknowledged that this would best be done in the context of the water management plan rather than specifically allowing mining.

### **3. Discussion of Sales Tax Diversion for Water Projects and Water Financing**

Chair Ure said the Governor's Water Financing Task Force discussed legislation, to be considered by the Natural Resources, Agriculture, and Environment Interim Committee, that would remove the cap on the sales and use tax diversion for water projects. The increased amounts in the fund would be used to help finance the Lake Powell pipeline and Bear River development.

### **4. Draft Legislation, "Ground Water Management Plans"**

Chair Ure distributed and reviewed the working draft, "Groundwater Management Plans Authorized."

Mr. LaDel Laub, Escalante Valley Water, commented on the draft and expressed concern regarding the language used and the definition of that language. He suggested the term "public hearings" be changed to reflect not only a hearing but an opportunity for public input.

Mr. Richard Bay, Jordan Valley Water, indicated that the draft legislation was going in the right direction. Even though the term "safe yield" was not defined in the draft, the "safe yield" would be the basis for administration of the plan.

Rep Morley commented that the basis of water management still needs to be "safe yield" but the legislation needs to provide the flexibility to modify and adjust.

Mr. Finlinson offered to have the Water Coalition further modify the draft legislation for task force consideration in its next meeting.

#### **5. Other Business / Adjourn**

The Task Force scheduled the next meeting for Thursday, August 11, 2005 at 10:00 a.m.

**MOTION:** Rep. Morley moved to adjourn the meeting. The motion passed unanimously with Rep. Dayton and Rep. King absent for the vote.

Chair Ure adjourned the meeting at 4:11 p.m.