

**MINUTES OF THE
NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT INTERIM COMMITTEE**
Wednesday, April 18, 2007 – 2:00 p.m. – Room W125 House Building

Members Present:

Rep. Roger E. Barrus, House Chair
Sen. Darin Peterson, Senate Chair
Sen. Margaret Dayton
Sen. Dennis E. Stowell
Sen. Michael G. Waddoups
Rep. Sylvia S. Andersen
Rep. Melvin R. Brown
Rep. Glenn A. Donnelson
Rep. Jack R. Draxler
Rep. Carl W. Duckworth
Rep. James R. Gowans
Rep. Neal Hendrickson
Rep. John G. Mathis
Rep. Patrick L. Painter
Rep. Phil Riesen

Members Absent:

Sen. Gene Davis
Rep. Kerry Gibson
Rep. Michael E. Noel
Rep. Stephen E. Sandstrom
Rep. Richard W. Wheeler

Staff Present:

Mr. J Brian Allred, Policy Analyst
Ms. Emily Brown, Associate General Counsel
Ms. Joy L. Miller, 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 Barrus called the meeting to order at 2:10 p.m.

MOTION: Rep. Draxler moved to approve the minutes of November 15, 2006 meeting. The motion passed unanimously.

2. Status of Proposal to Divide Snake Valley Aquifer with Nevada

Mr. Michael Styler, Executive Director, Department of Natural Resources, briefly discussed the extremely invasive zebra mussel recently found in Lake Mead. He distributed a pamphlet "Zap the Zebra" which outlines the states where the mussels have been located. He said the cost of trying to keep the mussels out of Utah could easily reach \$1 million.

Mr. Styler distributed "Snake Valley Update" to the Committee. The Utah Geological Survey, U.S. Geological Survey, and School and Institutional Trust Lands Administration are finalizing memorandums of understanding to establish siting criteria, ownership, and responsibility for a groundwater monitoring network of wells in Snake Valley.

Mr. Jerry Olds, State Engineer, reviewed the recent decision of the Nevada state engineer regarding the Spring Valley aquifer. Of the original 19 applications filed by Southern Nevada Water Authority (SNWA), the Nevada state engineer denied four of them. SNWA is required to implement a monitoring and mitigation program, approved by the Nevada state engineer, that must be in operation for five years prior to any water being exported from the basin. A minimum of five years biological and hydrologic baseline data must also be collected. During a ten-year period, at least 35,000 acre feet per year, but not more than 40,000 acre feet, can be diverted. The monitoring program will collect the data and information during that time to assess what the effects are on the hydrologic system.

Mr. Steve Erickson, Citizens Education Project, said in an analysis presented by the U.S. Geological Survey, it showed that recharge to the Snake Valley from Spring Valley is 49,000 acre feet. There is a great deal more hydrological connection and interbasin flow than previously indicated which means that the negotiations are starting out with an anticipated loss of recharge to the Snake Valley.

Mr. Terry Marasco, Snake Valley resident, stated that Utah must control the off switch in any agreement that is signed.

3. Report from the Department of Agriculture and Food (DAF)

Commissioner Leonard Blackham, Department of Agriculture and Food (DAF), stated that last summer the Japanese beetle was found in Orem City. He noted approximately \$500,000 will be spent to address the infestation in that area. He distributed a written copy of his comments.

Mr. Larry Lewis, Public Information Officer, DAF, gave a presentation on the Japanese beetle and distributed "Japanese Beetle Eradication." He stated the Japanese beetle is a highly destructive insect that threatens the state's \$150 million agriculture and nursery industry. He discussed the actions that have been and will be taken to attempt to eradicate the beetle in the affected areas. Mr. Lewis pointed out that a single adult beetle has also been found in American Fork.

Mr. Clint Burfitt, DAF, explained that there is a plant-back restriction on the pesticide being used for the soil in which vegetables cannot be planted during that time.

Mr. Kyle Stephens, DAF, introduced Mr. Mike Linnell who is taking over the wildlife services portion of USDA-APHIS in Utah.

Mr. Linnell indicated it is important to have a cooperative relationship with the state. He said the role of USDA-APHIS is to reduce a variety of human /wildlife conflicts. It also works to protect wildlife populations in conjunction with the Utah Division of Wildlife Resources.

4. Discussion of Potential Water Forfeiture Issues for Interim Study

Mr. Olds explained that Utah is a prior appropriation doctrine state and that all water in the state is owned by the public. A water right is the right to beneficially use water. He reviewed Sections 73-1-4 and 73-1-4.5 of the Utah Code. He discussed the role of the state engineer regarding forfeiture or determining nonuse of the water. Mr. Olds discussed municipal water use and current and estimated population growth. It has been estimated that much of the water needed for future use will be converted from agriculture water. He asked how forfeiture should apply to municipal water users. He suggested the creation of an ad hoc committee to develop recommendations for legislative consideration.

Rep. Gordon Snow commented on an issue involving Roosevelt City. He stated that Roosevelt requested a change application on a certificated water right to use a portion of that water right in a well one mile away. The application was denied. He said the denial indicated the water in the upper wells had not been fully pumped and used to their full potential so the water was forfeited.

Mr. John Mabey, attorney, explained that other water rights were evaluated by the state engineer in the Roosevelt City application. A finding was entered that 68 percent of the city's groundwater rights appeared to have been lost by nonuse.

5. 2007 Interim Studies and Reports

Mr. Allred distributed a letter from the committee cochairs to the Legislative Management Committee outlining the items approved for interim study.

Rep. Painter requested that Master Study Resolution Item 151 - Nonprofit water companies be added to the list of studies.

MOTION: Sen. Dayton moved to adjourn. The motion passed unanimously.

Chair Barrus adjourned the meeting at 4:05 p.m.