

**MINUTES OF THE HOUSE  
NATURAL RESOURCES, AGRICULTURE, & ENVIRONMENT  
STANDING COMMITTEE**

Room C445, State Capitol, State Capitol Complex  
February 25, 2010

**Members Present:** Rep. Roger E. Barrus, Chair  
Rep. John Mathis, Vice Chair  
Rep. Mel Brown  
Rep. Jack Draxler  
Rep. Kerry Gibson  
Rep. James Gowans  
Rep. Neal Hendrickson  
Rep. Mike Noel  
Rep. Patrick Painter  
Rep. Phil Riesen  
Rep. Christine Watkins  
Rep. Ryan D. Wilcox  
Rep. Bill Wright

**Members Absent:** Rep. Brad Dee

**Staff Present:** Brian Allred, Policy Analyst  
Dora Soto, Committee Secretary

Note: List of visitors and a copy of handouts are filed with committee minutes

Rep. Barrus called the meeting to order at 8:07 a.m.

**MOTION:** Rep. Hendrickson moved to approve the minutes of February 19, 2010 and February 23, 2010 meetings. The motion passed unanimously with Rep. Draxler, Rep. Gowans, Rep. Noel, Rep. Mathis and Rep. Wilcox absent for the vote.

**MOTION:** Rep. Gibson moved to correct the minutes of February 19, 2010 as follows:

"Sterling Brown spoke in favor of H.B. 309"

The motion to correct the minutes of February 19, 2010 passed unanimously.

**H.B. 171**      **Water Rights Revisions** (*Rep. K. Gibson*)

**MOTION:** Rep. Painter moved to amend the bill as follows;

1. *Page 2, Lines 47 through 50:*

- 47           (ii) In making a determination under Subsection (2)(c)(i), the state engineer shall {  
48           consider water to have been reasonably applied to beneficial use if the lack of use is  
              protected  
49           from abandonment or forfeiture by Section 73-1-4 or otherwise excused by  
              law.}     ∴  
              (A) presume that the water right has been used to its full extent;  
              (B) consider the water right to have been used to its full extent if beneficial use is not  
              required by Section 73-1-4 or otherwise excused by law; and  
              (C) not consider any unapproved quantity of water in connection with the change  
              application proceeding to be forfeited or abandoned.  
              (iii) Any quantity of water not approved in connection with a change application  
              proceeding remains valid for use in accordance with the previously approved water  
              right.
- 50           (3) A person entitled to use water shall change a point of diversion, place of use, or

The motion to amend the bill passed unanimously with Rep. Draxler, Rep. Gowans, Rep. Noel, Rep. Mathis and Rep. Wilcox absent for the vote

Rep. Gibson explained the bill to the committee as amended, assisted with Kent Jones, State Engineer, Water Rights.

Spoke in favor of the bill:   Mark Stratford, Director, Ogden City  
                                      Allen Jensen, Attorney, Utah League of Cities and Towns

Spoke in opposition to the bill:   Gary Crane, Attorney, Utah League of Cities and Towns  
  Mike Styler, Director , Department of Natural Resources  
  Jodi Hoffman, Lobbyist, Utah League of Cities and Towns  
  Alita Taylor, South Jordan City Council

**MOTION:**   Rep. Mathis moved to pass the bill with a favorable recommendation.

#### **SUBSTITUTE**

**MOTION:**   Rep. Hendrickson moved to move to the next item on the agenda.. The motion failed with Rep. Hendrickson, Rep. Painter, Rep. Riesen Rep. Watkins voting in favor of the motion and Rep. Draxler, Rep. Gowans, and Rep. Noel absent for the vote.

The original motion to pass the bill with a favorable recommendation passed with Rep. Hendrickson, and Rep. Riesen voting in opposition.

**H.J.R. 1      Joint Resolution Amending Provision on Municipal Water Rights (*Rep. K. McIff*)**

Rep. McIff explained the bill to the committee.

Spoke in opposition to the bill:    Allen Jensen, Confederation and Constitution Ratification  
Rep. Ben Ferry, House of Representatives

**MOTION:**    Rep. Gibson moved to go to the next item on the agenda. .

**SUBSTITUTE**

**MOTION:**    Rep Noel moved to pass the bill with a favorable recommendation. The motion failed with Rep. Hendrickson, Rep. Noel, and Rep. Painter voting in favor of the motion and Rep. Riesen absent for the vote.

The original motion of Rep. Gibson passed with Rep. Noel, Rep. Painter voting in opposition and Rep. Riesen absent for the vote.

**H.B. 314      Water Rights Addendums to Deeds (*Rep. B. Ferry*)**

**MOTION:**    Rep. Mathis moved to replace H.B. 314 with 1st Substitute H.B. 314  
The motion passed unanimously with Rep. Gowans and Rep. Riesen absent for the vote.

Rep. Ferry explained the bill to the committee, assisted with Rep. Curt Webb, State of Utah.

Spoke in favor of the bill:    Mike Styler, Director, Department of Natural Resources  
Boyd Clayton, Deputy State Engineer, Water Rights  
Chris Kyler, Attorney, Utah Association of Realtors  
Alita Taylor, South Jordan City Council  
Cort Ashton, President, Utah Land & Title  
Mike Styler, Director, Department of Natural Resources

Spoke in opposition to the bill:    Richard Maughn, Davis County Recorder

**MOTION:**    Rep. Noel moved to pass 1st substitute H.B. 314 with a favorable recommendation. The motion passed unanimously with Rep. Gowans and Rep. Riesen absent for the vote.

**H.J.R. 26      Joint Resolution Approving Water Rights Addendum Form (*Rep. B. Ferry*)**

**MOTION:**    Rep. Hendrickson moved to replace HJR26 with 1st Substitute HJR26  
The motion passed unanimously with Rep Gowans, and Rep. Riesen absent for  
the vote.

Rep. Ferry explained the bill to the committee.

**MOTION:**    Rep. Wilcox moved to pass the bill with a favorable recommendation. The  
motion passed unanimously with Rep. Gowans, and Rep. Riesen absent for the  
vote.

**H.C.R. 14      R.S. 2477 Historic Roads Concurrent Resolution (*Rep. M. Noel*)**

Rep. Noel explained the bill to the committee.

Spoke in favor of the bill:    Redge Johnson, Citizen

**MOTION:**    Rep. Painter moved to pass the bill with a favorable recommendation. The motion  
passed unanimously with Rep. Gowans and Rep. Riesen absent for the vote.

**MOTION:**    Rep. Gibson moved to place the bill on the Consent Calendar. The motion passed  
unanimously with Rep. Gowans and Rep. Riesen absent for the vote.

**1st Sub. S.B. 32              Rainwater Harvesting (*Sen. S. Jenkins*) (**Rep. P. Painter**)**

Rep. Jenkins explained the bill to the committee.

Spoke in favor of the bill:    John Sparaho, President, AIA

**MOTION:**    Rep. Brown moved to pass the bill with a favorable recommendation. The motion  
passed unanimously with Rep. Noel and Rep. Riesen absent for the vote.

**MOTION:**    Rep. Mathis moved to adjourn. The motion passed unanimously with Rep. Noel  
and Rep. Riesen absent for the vote.

Rep. Barrus adjourned the meeting at 10:00 a.m.

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Rep. Roger E. Barrus, Chair