



UTAH STATE

LEGISLATURE

# MINUTES

## SENATE NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT STANDING COMMITTEE

Wednesday, January 29, 2020 | 2:00 p.m. | 220 Senate Building

### Members Present:

Sen. Ralph Okerlund, Chair  
Sen. Allen M. Christensen  
Sen. David P. Hinkins  
Sen. Jani Iwamoto  
Sen. Derek L. Kitchen  
Sen. Scott D. Sandall  
Sen. Evan J. Vickers

### Members Absent:

Sen. Keith Grover  
Sen. Jerry W. Stevenson

### Staff Present:

Nathan W. Brady, Policy Analyst  
Paula Morgan, Committee Secretary

Note: 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).

Chair Okerlund called the meeting to order at 2:09 p.m.

### 1 . S.B. 26 Water Banking Amendments (*Iwamoto, J.*)

#### [Utah Water Banking Act](#)

**MOTION:** Sen. Iwamoto moved to amend S.B. 26 with Amendment #1. The motion passed with a vote of 6 - 0 - 3.

#### Amendment 1 S.B. 26

1. Page 1, Lines 24 through 26:

24 ● addressing assistance by the Division of Water Resources;

● addressing fees:

25 ● outlining how statutory water banks are established and amended;

26 ● outlining how contract water banks are established and amended;

2. Page 2, Lines 54 through 55:

54 73-31-106, Utah Code Annotated 1953

73-31-107, Utah Code Annotated 1953

55 73-31-201, Utah Code Annotated 1953

3. Page 13, Line 387:

387 (b) water quality {~~standards~~} improvement ;

4. Page 14, Lines 399 through 400:

399 the board's responsibilities under this chapter.

Section 10. Section 73-31-107 is enacted to read:

73-31-107. Fees

(1) The board may charge fees, set pursuant to Section 63J-1-504, to cover the costs of processing and administering:

(a) a statutory water bank application; or

(b) a contract water bank application.

(2) The board shall charge a uniform fee for a statutory water bank application and a uniform fee for a contract water bank application.

(3) The board may charge a different fee for a statutory water bank application than is charged for a contract water bank application.

(4) Fees collected under this section shall be deposited in the General Fund as a dedicated credit to be used by the board to implement this chapter.

400 Section {~~10~~} 11. Section 73-31-201 is enacted to read:

Renumber remaining sections accordingly.

5. Page 15, Line 455:

455 (E) the criteria the statutory water bank will use to ~~{-valuate-}~~ evaluate delivery requests;

6. Page 20, Lines 593 through 604:

593 ~~{(3) A contract water bank may review public comments and comments from the board~~  
594 ~~before a final decision is made by the board. If the contract water bank desires to make changes~~  
595 ~~to the contract water bank's application, the contract water bank may notify the board in writing~~  
596 ~~before the board takes action on the application that the contract water bank will submit a~~  
597 ~~revised application following the same process that governs the filing of an original~~  
598 ~~application.}~~

599 ~~{(4)} (3)~~ Within 30 days of the date the board determines that an application is complete, the  
600 board shall post notice of the application in accordance with Section 73-31-103.

601 ~~{(5)} (4)~~ The notice required by Subsection ~~{(4)} (3)~~, shall state:

602 (a) that an application to approve a contract water bank has been filed with the board;

603 and

604 (b) where a person may review the application.

7. Page 21, Lines 616 through 617:

616 an application does not create a right of appeal under Title 63G, Chapter 4, Administrative  
617 Procedures Act.

(4) A contract water bank may review public comments and comments from the board before a final decision is made by the board. If the contract water bank desires to make changes to the contract water bank's application, the contract water bank may notify the board in writing before the board takes action on the application that the contract water bank will submit a revised application following the same process that governs the filing of an original application.

Yeas-6

Sen. A. Christensen  
Sen. J. Iwamoto  
Sen. D. Kitchen  
Sen. R. Okerlund  
Sen. S. Sandall  
Sen. E. Vickers

Nays-0

Absent-3

Sen. K. Grover  
Sen. D. Hinkins  
Sen. J. Stevenson

Sen. Iwamoto explained the bill.

Emily Lewis, Water Law Attorney, Clyde, Snow and Sessions, spoke to the bill.

Nathan Bracken, Water Law Attorney, Smith Hartvigsen, spoke to the bill.

Nathan Daug, Manager, Cache Water District, spoke in favor of the bill.

Soren Simonsen, Director, Jordan River Commission, spoke in favor of the bill.

Peter Gesell, Water Policy Analyst, spoke in favor of the bill.

**MOTION:** Sen. Hinkins moved to pass S.B. 26 out favorably. The motion passed with a vote of 6 - 0 - 3.

Yeas-6

Sen. A. Christensen  
Sen. D. Hinkins  
Sen. J. Iwamoto  
Sen. D. Kitchen  
Sen. R. Okerlund  
Sen. S. Sandall

Nays-0

Absent-3

Sen. K. Grover  
Sen. J. Stevenson  
Sen. E. Vickers

**2 . S.B. 63 Recreational Activities Related to Public Waters (*Sandall, S.*)**

**MOTION:** Sen. Sandall moved to replace S.B. 63 with 2nd Substitute S.B. 63. The motion passed with a vote of 6 - 0 - 3.

Yeas-6

Sen. A. Christensen  
Sen. D. Hinkins  
Sen. J. Iwamoto  
Sen. D. Kitchen  
Sen. R. Okerlund  
Sen. S. Sandall

Nays-0

Absent-3

Sen. K. Grover  
Sen. J. Stevenson  
Sen. E. Vickers

Sen. Sandall explained the bill.

Chris Barkey, Board Member, Utah Stream Activist Coalition, spoke in favor of the bill.

**MOTION:** Sen. Sandall moved to pass 2nd Substitute S.B. 63 out favorably. The motion passed with a vote of 5 - 0 - 4.

Yeas-5

Sen. A. Christensen  
Sen. D. Hinkins  
Sen. D. Kitchen  
Sen. R. Okerlund  
Sen. S. Sandall

Nays-0

Absent-4

Sen. K. Grover  
Sen. J. Iwamoto  
Sen. J. Stevenson  
Sen. E. Vickers

**MOTION:** Sen. Christensen moved to adjourn at 3:00 p.m. The motion passed with a vote of 5 - 0 - 4.

Yeas-5

Sen. A. Christensen  
Sen. D. Hinkins  
Sen. D. Kitchen  
Sen. R. Okerlund  
Sen. S. Sandall

Nays-0

Absent-4

Sen. K. Grover  
Sen. J. Iwamoto  
Sen. J. Stevenson  
Sen. E. Vickers

Senator Okerlund adjourned the meeting at 3:01 PM.