

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

Room C445, State Capitol, State Capitol Complex  
March 2, 2009

**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. Christine Watkins  
Rep. Ryan D. Wilcox  
Rep. Brad Winn

**Members Absent:** Rep. Brad Dee  
Rep. Phil Riesen

**Staff Present:** Brian Allred, Policy Analyst  
Carrie Griffith, Committee Secretary

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

Rep. Barrus called the meeting to order at 8:06 a.m.

**MOTION:** Rep. Noel moved to approve the minutes of the February 26, 2009 meeting. The motion passed unanimously with Rep. Brown, Rep. Hendrickson, Rep. Wilcox and Rep. Winn absent for the vote.

**S.B. 38 Severance Tax Amendments (*Sen. J. Valentine*) (Rep. J. Dougall)**

Sen. Valentine explained the bill to the committee.

Rep. Mathis moved to delete **S.B. 38** and replace it with **2nd Sub. S.B. 38**. The motion passed unanimously with Rep. Wilcox and Rep. Winn absent for the vote.

Spoke for the bill: Lee Peacock, Utah Petroleum Association  
Morris Jackson, Questar and Utah Taxpayers Association

**MOTION:** Rep. Painter moved to pass out **2nd Sub. S.B. 38** favorably. The motion passed unanimously with Rep. Wilcox absent for the vote.

**H.B. 389 Applications for a Small Amount of Water (Rep. P. Painter)** (handout)

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

1. Page 2, Line 37:

- 37 (b) "Livestock water right" {is as defined in Section 73-3-31.} means a right  
for:  
(i) livestock to consume water;  
(A) directly from the water source; or  
(B) from an impoundment into which the water is diverted; and  
(ii) associated uses of water related to the raising and care of livestock.

The motion passed unanimously with Rep. Mathis absent for the vote.

Rep. Painter explained the bill to the committee.

Spoke for the bill: Fred Finlinson, Utah Water Coalition  
Boyd Clayton, Utah Water Rights  
LeGrand Bitter, Utah Association of Special Districts

MOTION: Rep. Gowans moved to pass the bill out favorably as amended. The motion passed unanimously.

**H.B. 383 Water Rights Adjudication Amendments (Rep. J. Gowans)**

MOTION: Rep. Gowans moved to amend the bill as follows:

1. Page 3, Lines 71 through 72:

- 71 (b) hold a public meeting in the survey area to inform a {person diverting water  
from the  
72 water source} a water right claimant of the survey.

2. Page 4, Lines 105 through 107:

- 105 (b) mail or deliver a copy of the [~~same shall be mailed~~] report and proposed  
determination to  
106 each claimant with notice that any claimant dissatisfied [~~therewith~~] with the report and  
107 proposed determination may within 90 days from [~~such~~] the date of mailing or  
delivery file with the clerk

The motion passed unanimously.

Rep. Gowans explained the bill to the committee.

Spoke for the bill: Boyd Clayton, Utah Division of Water Rights  
Fred Finlinson, Utah Water Coalition  
LeGrand Bitter, Utah Association of Special Districts

MOTION: Rep. Brown moved to pass the bill out favorably as amended. The motion passed unanimously.

**H.B. 169 Public Lands Policy Coordination Amendments (Rep. M. Noel)**

Rep. Noel explained the bill to the committee.

Spoke to the bill: Chris Parker, Legislative Research and General Counsel  
John Harja, Public Lands Coordinating Council

MOTION: Rep. Wilcox moved to pass the bill out favorably. The motion passed unanimously.

**H.B. 379 Environmental Litigation Bond (Rep. M. Noel)**

Rep. Noel explained the bill to the committee.

Spoke against the bill: Jason Groenwald  
Rachel Otto, Attorney

MOTION: Rep. Gibson moved to pass the bill out favorably. The motion passed unanimously.

**1st Sub. H.B. 256 Livestock Watering Rights Amendments (Rep. M. Noel)**

MOTION: Rep. Noel moved to amend the bill as follows:

*1. Page 3, Lines 75 through 77:*

75 (ii) "Public land" does not mean land owned by:

76 (A) the Division of Wildlife Resources; ~~{or}~~

77 (B) the School and Institutional Trust Lands Administration ~~{-}~~ or

**(C) the Division of Parks and Recreation.**

The motion passed unanimously.

Rep. Noel explained the bill to the committee.

Spoke to the bill: Leonard Blackham, Commissioner Utah Agriculture and Food

MOTION: Rep. Painter moved to pass the bill out favorably as amended. The motion passed unanimously with Rep. Wilcox absent for the vote.

MOTION: Rep. Hendrickson moved to adjourn. The motion passed unanimously.

Rep. Barrus adjourned the meeting at 9:22 a.m.

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Rep. Roger E. Barrus, Chair