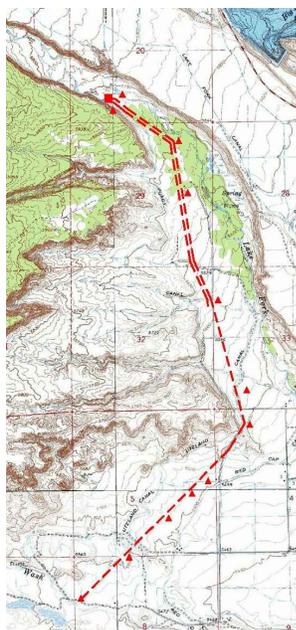


Board of Water Resources Board Meeting

Electronic Meeting
March 17, 2021



PLAN



CONSERVE



DEVELOP



PROTECT



UTAH BOARD OF WATER RESOURCES

March 17, 2021

MINUTES

January 28, 2021

2021

January							February							March									
Wk	S	M	T	W	T	F	S	Wk	S	M	T	W	T	F	S	Wk	S	M	T	W	T	F	S
53						1	2	5		1	2	3	4	5	6	9		1	2	3	4	5	6
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5	31																						
April							May							June									
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July							August							September									
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42	17	18	19	20	21	22	23	47	21	22	23	24	25	26	27	51	19	20	21	22	23	24	25
43	24	25	26	27	28	29	30	48	28	29	30					52	26	27	28	29	30	31	
44	31																						

2021 Board Meeting Schedule

May 5 – TBA

June 17 – TBA

August 5 – TBA

September 16 – TBA

October 28 – TBA

December 9 – TBA

Agenda
Utah Board of Water Resources
Electronic Board Briefing Meeting

March 17, 2021

10:00 am

- I. WELCOME/CHAIR'S REPORT
*Chair Blaine Ipson

- II. DISCUSSION OF BOARD AGENDA ITEMS
(See Board Meeting Agenda)

- III. INFORMATION TO THE BOARD

- IV. OTHER ITEMS TO DISCUSS

Agenda
Utah Board of Water Resources
Board Meeting

March 17, 2021

10:00 AM Briefing

1:00 PM Board Meeting

(Electronic Meeting)

Link to presentations and public comment form:

<https://water.utah.gov/comments/>

Livestream Links:

Briefing Meeting: https://youtu.be/SpqT_ZShYeE

Board Meeting: <https://youtu.be/OBJ7f4leTml>

APPROVAL OF MINUTES

NRCS SNOW REPORT:

Jordan Clayton

RECONSIDER JANUARY ACTION ITEMS:

The January meetings were mistakenly not posted on the public notice website; so while presentations were made and applicants were in attendance, no public comments were received. In order to assure opportunity for public comment, Action Items will be reconsidered with proper notice and any public comments provided.

INTERSTATE STREAMS APPOINTMENTS:

Vote to ratify Governor Cox's appointments of Utah's representatives:

Gene Shawcroft on the Upper Colorado River Commission

Todd Adams on the Bear River Commission

<u>Proj. No.</u>	<u>Applicant</u>	<u>County</u>	<u>Proj. Manager</u>
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FEASIBILITY REPORTS:

RE443	Sunrise and Bench Creek Irrigation Co.	Wasatch	Russell Hadley
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SPECIAL ITEMS:

RC059	Moon Lake Water Users Assoc. (Add. Funds)	Duchesne	Ben Maret
RE417	Peoa South Bench Canal & Irr. Co. (Reauth/Add. Funds)	Summit	Jaqueline Pacheco
	- No action requested - will be re-presented later		
RE429	Cove Water Works Co. (Add. Funds)	Cache	Tom Cox

NEW ACTION ITEMS:

<u>Proj. No.</u>	<u>Applicant</u>	<u>County</u>	<u>Proj. Manager</u>
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FEASIBILITY REPORTS:

Applicant: **Veyo Culinary Water Association**

Project Number: RE445
Fund: Conservation and Development Fund
Cost Estimate: \$1,140,000

Application Received: 1/18/2021
Board Meeting Date: 03/17/2021

Board Member: James A. Lemmon
Project Manager: Tom Cox

Project Summary: The purpose of the project is to replace two deteriorating steel tanks with a new 500,000 gallon reinforced concrete tank.

Recommendation: Staff recommends the board authorize 85% of the project cost, up to \$969,000, and that the project be purchased at 1% interest over 30 years with annual payments of approximately \$37,600.

Project Contacts:

President:
John Leavitt
176 S. Spanish Trail Dr.
Veyo, UT 84782
435-688-7023

Manager:
Slade Hughes
176 S. Spanish Trail Dr.
Veyo, UT 84782
435-231-4684

Engineer:
Brent Gardner, Alpha Engr.
43 South 100 East, Suite 100
St. George, UT 84770
435-628-6500



Location

The proposed project is located in the unincorporated community of Veyo in Washington County.

Introduction & Background

Veyo Culinary Water Association is a private water company that was incorporated in 1952, and provides water to 332 current connections with an additional 100 water connection share homes that have not yet been built. It obtains water from springs and a well, and its system includes four tanks with a total capacity of approximately 1 million gallons, two booster pump stations and over six miles of pipe. The applicant has not received funding from the board in the past.

Existing Conditions & Problems

Two of the association's metal tanks are deteriorating and are in need of replacement. Both are rusting and one of them, a bolted steel 120,000 gallon tank, is leaking at some of the joints, while the top of the other, a 50,000 gallon former brewery tank, is not at the same elevation as the adjacent tank and is a challenge to operate.

In addition, the part of the water system where the two tanks are located does not have sufficient fire storage capacity (120,000 gallons).

Proposed Project

The purpose of the proposed project is to replace the two deteriorating steel tanks with a single 500,000 gallon buried concrete tank. The new tank will be located approximately 550 feet north of the existing ones, so necessary piping and valves will be included.

It is anticipated the project will be completed this fall. Technical assistance is being provided by Alpha Engineering of St. George.

Benefits

Completing the proposed project will replace two deteriorating steel tanks with a durable concrete tank. The tank will be sized to provide adequate storage for future connections, as well as required fire suppression storage.

Cost Estimate

The following cost estimate is based on the engineer's preliminary design and has been reviewed by staff:



Item	Description	Quantity	Unit	Unit Price	Total
1	Mobilization	1	LS	\$40,000	\$40,000
2	Excavation and Backfill	1	LS	63,000	63,000
3	500,000 Gallon Concrete Tank	1	LS	675,000	675,000
4	10-inch Pipeline	550	LF	60	33,000
5	Valves & Fittings	1	LS	28,000	28,000
6	Chain Link Security Fence	1	LS	15,000	15,000
7	Demolition of Existing Tanks	1	LS	24,000	24,000
8	Restoration of Old Tank Site	1	LS	20,000	20,000
Construction Cost					\$898,000
Contingency					90,000
Design & Construction Engineering					127,000
Legal and Administrative					25,000
TOTAL					\$1,140,000

Cost Sharing & Repayment

The recommended cost sharing and repayment are:

Agency	Cost Sharing	% of Total
Board of Water Resources	\$969,000	85%
Applicant	171,000	15
TOTAL	\$1,140,000	100%

The applicant has approached Washington County Water Conservancy District about the possibility of the district contributing funds to the project, but no commitment has been made to date.

Staff recommends the board authorize 85% of the project cost, up to \$969,000, and that the project be purchased at 1% interest over 30 years with annual payments of approximately \$37,600.

Economic Feasibility

There is no viable alternative to the proposed project; therefore, a benefit/cost ratio of 1.0 has been assigned.

Financial Feasibility

The board's affordability guideline suggests Veyo residents could pay up to \$41.53 per month for all water. The cost of water, based on 432 connections, is as follows:



Water Cost	Annual Cost	Cost/Conn/Mo
Average Water Bill	\$300,672	\$58.00
Property Tax for Water	50,648	9.77
Proposed Board of Water Resources Funding	37,600	7.25
TOTAL	\$388,920	\$75.02

Residents pay well above the board’s affordability guideline; therefore, a reduced interest rate and extended purchase period are warranted.

Water Rights & Supply

The applicant obtains its water from springs and a well. Water rights related to this project are as follows:

Water Right Number	Volume (ac-ft)
81-1292	150
81-1683	0.75
81-2450	8.0
81-277	33.91
81-4501	5.0
81-4960	20.38
81-1751	8.003
81-4359	68.5
E1925	4.9
81-1175	108.595

All but one of the applicant’s water rights are held by the federal government for a previously funded project. Water Right 81-1175 was recently purchased by the association and is unencumbered and available for transfer to the board.

Easements

The proposed tank site and pipe alignment is on Bureau of Land Management land and approval will need to be obtained for easements for them.

Environmental

The new tank is proposed to be located in an old borrow pit and the pipeline along a road; therefore, no long term environmental impact is anticipated.

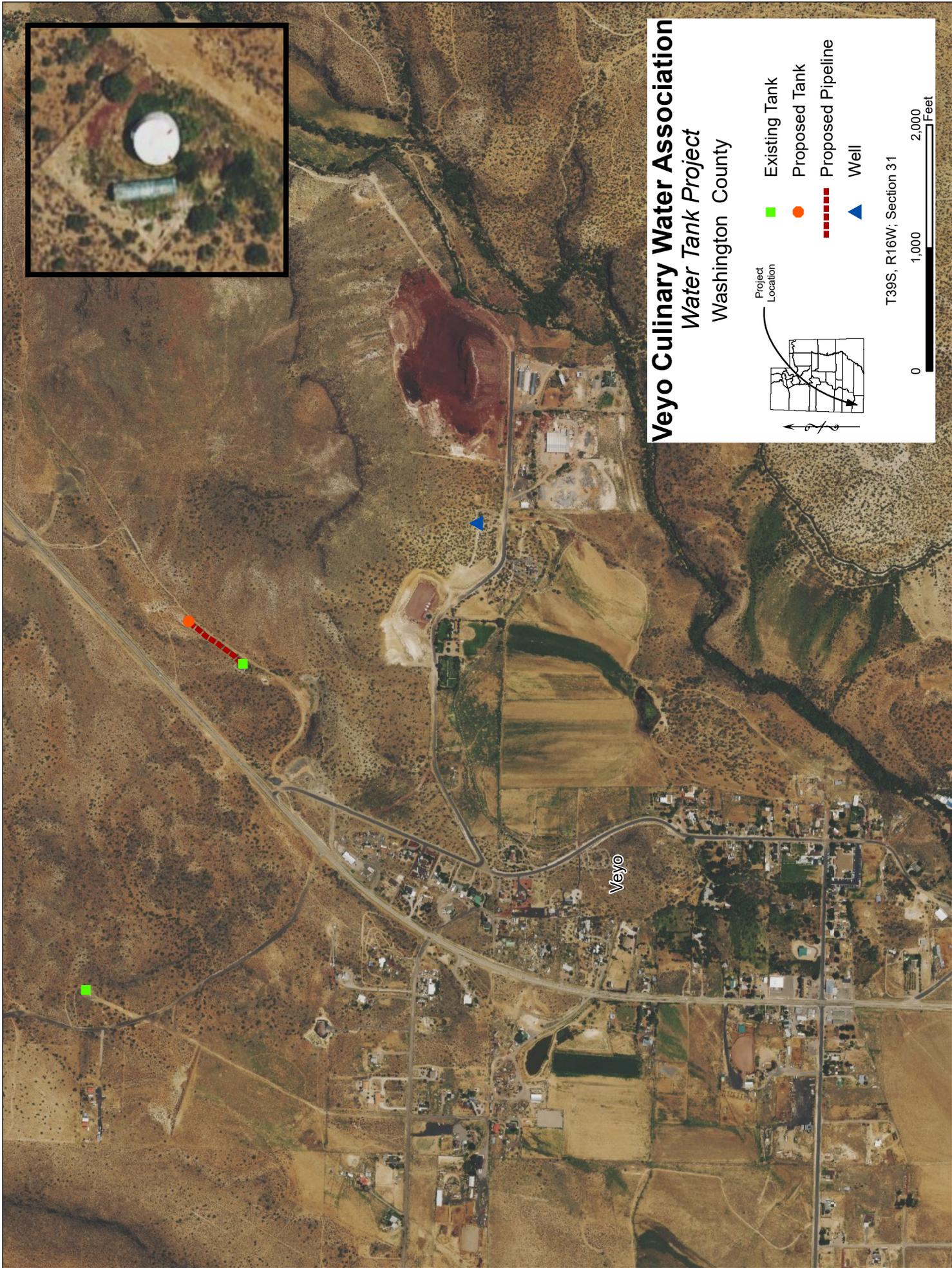
Water Conservation

It is estimated that replacing the leaking tank will save 16 acre-feet annually.

Applicant's Responsibilities

If the board authorizes the proposed project, the applicant must do the following before a purchase agreement can be executed:

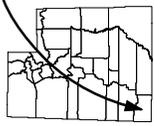
1. Obtain all easements, rights-of-way, and permits required to construct, operate, and maintain the project.
2. Pass a resolution by the appropriate majority (as defined in the company's Articles of Incorporation and Bylaws) authorizing its officers to do the following:
 - a. Assign properties, easements, and water rights required for the project to the Board of Water Resources.
 - b. Enter into a contract with the Board of Water Resources for construction of the project and subsequent purchase from the board.
3. Have an attorney give the Board of Water Resources a written legal opinion that:
 - a. The company is legally incorporated for at least the term of the purchase contract and is in good standing with the state Department of Commerce.
 - b. The company has legally passed the above resolution in accordance with the requirements of state law and the company's Articles of Incorporation and Bylaws.
 - c. The company has obtained all permits required for the project.
 - d. The company owns all easements and rights-of-way for the project, as well as the land on which the project is located, and that title to these easements, rights-of-way, and the project itself can be legally transferred to the Board.
 - e. The company's water rights applicable to the project are unencumbered and legally transferable to the Board of Water Resources.
4. Submit a water conservation plan for its service area, and obtain approval of it from the Division of Water Resources.
5. Obtain approval of final plans and specifications from the Division of Water Resources and Division of Drinking Water.
6. Adopt a rule prohibiting its users from irrigating landscapes between the hours of 10:00 a.m. and 6:00 p.m.



Veyo Culinary Water Association Water Tank Project

Washington County

Project Location



- Existing Tank
- Proposed Tank
- Proposed Pipeline
- Well

T39S, R16W, Section 31



BOARD OF WATER RESOURCES
Dam Safety Report



Applicant: **DMAD Company**

Project Number: RC031
Fund: Revolving Construction and Conservation and Development Funds
Phase 2 Total Cost: \$14,750,000

Board Meeting Date: 3/17/2021
Phase 1 Committal: 6/10/2005

Board Member: Blaine Ipson
Project Manager: Tom Cox

Project Summary: The purpose of the project is to complete the state minimum dam safety standards upgrade on DMAD Dam and will include replacing the spillway.

Recommendation: Staff recommends the board commit 90% of the project cost, up to \$13,275,000, as a dam safety grant and 10% of the project cost, up to \$1,475,000, as a loan from the C&D fund to be returned at 0.1% interest over 10 years with annual payments of approximately \$148,400.

Project Contacts:

President:
Andy Nickle
800 West 100 North
Delta, UT 84624
435-864-7423

Secretary:
Amie Johnson
800 West 100 North
Delta, UT 84624
435-864-2494

Engineer:
Bowen Collins & Associates
154 East 14075 South
Draper, UT 84020
801-495-2224



Location

The proposed project is located approximately 6 miles northeast of Delta in Millard County.

Project Summary

DMAD Dam is owned and operated by the DMAD Company (made up of the Delta, Melville, Abraham and Deseret irrigation companies) and was constructed in 1909, and enlarged to its current configuration in 1959 with financial assistance from the board. It is 37 feet high, 1,200 feet long and has a storage capacity of approximately 11,000 acre-feet. Each of the companies that make up DMAD is entitled to a different amount of reservoir water and pays for a proportionate share of its upkeep.

The reservoir collects water from a drainage area larger than 6,000 square miles. During the 1983 spring runoff, head-cutting erosion progressed up the Sevier River to the spillway channel and caused the spillway to fail. A replacement spillway was designed by Water Resources' staff and constructed at a cost of \$1.107 million. The board provided the entire amount for the project, and it has been completely returned by the applicant.

Phase I of a dam safety upgrade project was completed in 2008, costing nearly \$3.6 million, and the Board provided a dam safety grant for 95% of that cost. The applicant covered its entire 5% cost share (over \$177,000) with its own funds. The project included building a stability berm and installing toe drains on the main dam embankment. Spillway issues were not addressed at that time.

During the current design process, it was determined that the existing spillway was constructed on material susceptible to liquefaction during an earthquake. A scour hole that has developed at the base of the spillway has created an additional stability concern and verifies that the spillway has limited energy dissipation capabilities due to its current geometry and layout. Existing spillway drains are not functioning properly and the spillway can only pass approximately 32% of the required flows.

In 2019, field tests were performed to find a way to stabilize the existing structure. The tests indicated it would be difficult and very costly to stabilize the spillway, and taking into account the other stability concerns, it would be more economical to replace it. Saving the structure would have allowed for a much smaller, less expensive, separate emergency spillway to be built to pass the required flows for Phase II of the upgrade project.

The proposed Phase II upgrade project includes removing and replacing the existing spillway and drains, filling the scour hole with engineered fill, and placing appropriately sized rip rap. Bids have recently been opened and it is anticipated construction will start by May 2021 and be finished by November 2022.

It should be noted that within the next year or two, Phase II of the dam safety minimum standards upgrade project of Sevier Bridge Dam, located upstream of DMAD and currently estimated to cost around \$14 million, will also be constructed. The four companies in DMAD, plus one additional company, receive water from Sevier Bridge reservoir and will have to bear their part of the local cost share of that upgrade project as well.



Cost Estimate & Sharing

The estimated cost of Phase II of the dam safety upgrade project is \$14,750,000 and has more than doubled over the last several years. The Phase I and proposed Phase II cost sharing is as follows:

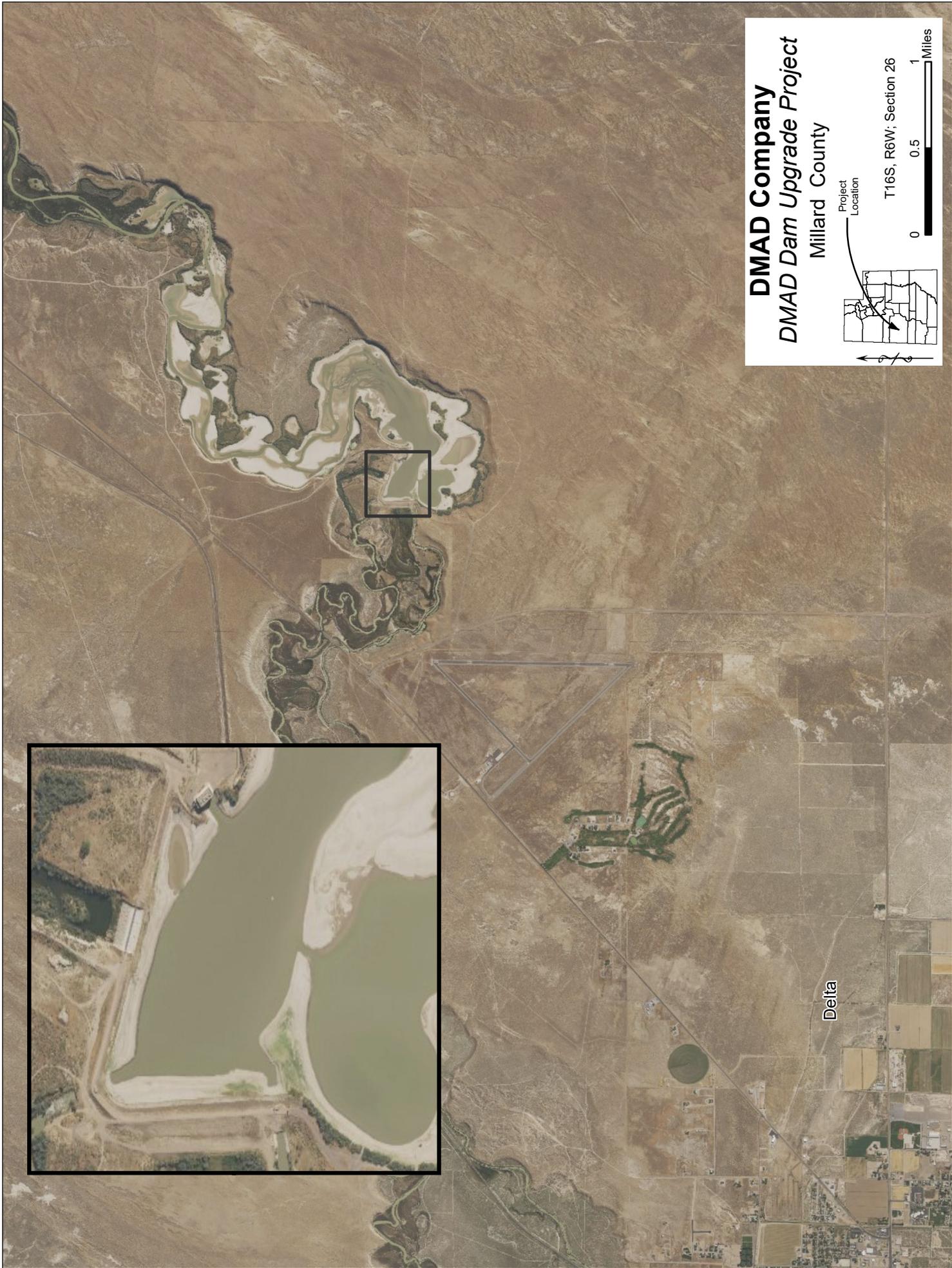
Agency	Completed Phase I Cost Sharing	% of Total	Proposed Phase II Cost Sharing	% of Total
Board of Water Resources Grant	\$3,388,100	95%	\$13,275,000	90%
Board of Water Resources Loan	0	0	1,475,000	10
Applicant	177,200	5	0	0
TOTAL	3,565,300	100%	\$14,750,000	100%

Staff recommends the board commit 90% of the project cost, up to \$13,275,000, as a dam safety grant and 10% of the project cost, up to \$1,475,000, as a loan from the C&D fund to be returned at 0.1% interest over 10 years with annual payments of approximately \$148,400.

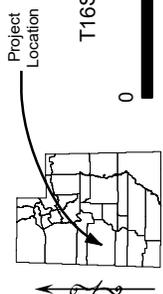
There may be a possibility the applicant can cover part of its cost share with donated materials and money saved. Requesting its total local cost share be covered by a Water Resources loan gives the company more flexibility in budgeting for this as well as the upcoming Sevier Bridge Dam upgrade project.

Company officials indicate the reservoir provides water to approximately 40,000 acres. The cost of the proposed annual payment per acre therefore, is estimated to be \$3.71, which is consistent with the payment associated with other dam safety loans.

Staff Comments: The applicant intends to request a change in cost sharing to 95% grant (\$14,012,500) and 5% Applicant contribution (\$737,500), in order to keep the same cost sharing as committed in Phase I.



DMAD Company
DMAD Dam Upgrade Project
Millard County



T16S, R6W; Section 26



Applicant: Ashley Upper Irrigation Company

Project Number: RE373
Fund: Conservation & Development Fund
Total Cost: \$22,594,000

Application Received: 7/30/2015
Authorized: 10/11/2018
Board Meeting Date: 3/17/2021

Board Member: Randy Crozier
Project Manager: Ben Marett

Project Summary: The purpose of the project is to install approximately 24.5 miles of HDPE and PVC pipe. The Ashley Upper Irrigation Company will be working with the Highline Canal Company for this project. Ashley Upper Irrigation Company will act as the lead entity.

Recommendation: Staff recommends the board commit 29.6% of the project cost, up to \$6,686,000, and that the project be purchased at 1.0% interest over 30 years, with annual payments of approximately \$259,100.

Project Contacts:

Pres., Ashley UIC:
Billy Cook
2260 E. 5000 S.
Vernal, UT 84078
435-790-4208

Pres., Highline CC:
Curt Smuin
4762 S. Vernal Ave.
Vernal, UT 84075
435-790-7653

Gen. Manager, UWCD:
William Merkley
78 W 3300 N
Vernal, UT 84078
435-621-4450

Engineer:
Troy D. Ostler, P.E.
CIVCO Engineering
1256 W. 400. Ste. 1
Vernal, UT 84075
435-789-5448



Location

The proposed project is located along the north, west, and south rim of Ashley Valley near Vernal, Utah.

Project Summary

The purpose of the project is to replace approximately 29.3 miles of the Ashley Upper and Highline Canals with 24.5 miles of HDPE and PVC pipe, rehabilitate the diversion structure, and install a settling pond and inlet screens below the diversion structure. The existing canals will either remain in place or be reconstructed after the pipe is installed. The canals that remain will continue to provide flood control.

In October 2018, the Board authorized \$5,045,000 of the approximately \$21 Million cost. Construction of Phase I was scheduled to begin shortly after. However, federal participation in the project necessitated the preparation of a NEPA report. The project was delayed while the environmental impact statement and the associated remediation efforts were completed.

While the environmental impacts of the project were being addressed, other aspects of the project were advanced. The project was originally going to be completed in phases, but the delay has allowed for the completion of final design with the full project ready for committal at this time. Construction on the project began in the Fall of 2020. At this time, portions of the Highline Canal have been piped, a screen has been installed on the intake structure below the diversion, a radial gate has been installed on the diversion structure, and all of the pipe has been purchased and stockpiled. The project is expected to be completed by the Spring of 2023. Due to the delay and the additional environmental work the total cost has increased, but since the design is complete and the project is underway, the cost estimate is also more accurate than at authorization.

Cost Estimate & Sharing

The Uintah Water Conservancy District (UWCD) has paid the applicant over \$10,000,000 for right-of-way to the canals for purposes of flood control. That amount includes a 30-year 0% interest loan from the Community Impact Board for \$2,520,000. The applicant is using all of the funds from UWCD to pay for the project.

The Regional Conservation Partnership Program (RCPP) is administered by the Natural Resource Conservation Service (NRCS) and provides funding to projects that bring together conservation partners and agricultural producers to foster innovation and conservation of natural resources. The RCPP program provided a \$7,380,000 grant to the Uintah County Efficiency Project administered by the UWCD. The UWCD has provided \$1,550,000 of that funding to aid with the proposed project.

In addition, the applicant has been awarded a \$3,151,000 grant from the Bureau of Reclamation in the form of a Salinity Grant. The Uintah Transportation Special Service District is providing \$750,000 to assist with the reconstruction of road crossings.

The authorized and proposed cost estimate and sharing are as follows:



Agency	Authorized Cost Sharing	% of Total	Proposed Cost Sharing	% of Total
Board of Water Resources	\$5,045,000	23.8%	\$6,686,000	29.6%
Applicant	\$7,573,000	35.7%	\$10,093,000	44.7%
Bureau of Reclamation (Salinity)	\$3,515,000	16.6%	\$3,515,000	15.5%
Stock Holder Loan (UWCD)	\$2,520,000	11.9%	*	-
NRCS Regional Cons. Partnership Program	\$1,550,000	7.3%	\$1,550,000	6.9%
Uintah Transportation Special Service District	\$1,000,000	4.7%	\$750,000	3.3%
TOTAL	\$21,203,000	100%	\$22,594,000	100%

*UWCD's loan now included in the Applicant's share

Repayment

At authorization, staff recommended that the board provide 23.8% of the project cost, up to \$5,045,000, and that the project be purchased at 1% interest over 18 years with annual payments of approximately \$308,000. However, the applicant requested a longer repayment term and the board authorized 23.8% of the project cost, up to \$5,045,000, and that the project be purchased at 1% interest over 30 years with annual payments of approximately \$195,000.

Staff recommends the board commit 29.6% of the project cost, up to \$6,686,000, and that the project be purchased at 1.0% interest over 30 years, with annual payments of approximately \$259,100.



Applicant: **Peoa South Bench Canal & Irrigation Company**

Project Number: RE417
Fund: Revolving Construction and Conservation and Development Funds
Cost Estimate: \$3,843,000

Application Received: 10/9/2018
Authorized: 1/31/2019
Committed: 8/6/2020
Board Meeting Date: 1/28/2021
Re-presented: 3/17/2021

Board Member: Kyle Stephens
Project Manager: Jaqueline Pacheco

Project Summary: The purpose of the project is to replace approximately 3.3 miles of canal with 30-inch and 32-inch HDPE pressurized pipeline, construct a new screening structure, and metering station. The expanded scope of work would include the system laterals that were originally part of a separate project.

Recommendation: Staff recommends the board reauthorize the project to provide 43.2% of the project cost, up to \$1,660,000, and amend the purchase agreement to state the board will provide \$1,000,000 to be returned at 0% over 30 years with annual payments of approximately \$33,300; and in addition, the board commit \$660,000 from the C&D fund to be returned at 0.1% interest over 30 years with annual payments of approximately \$22,400.

Project Contacts:

President:
Dave Lake
P.O. Box 32
Oakley, UT 84055
435-659-0003

Secretary:
Sam Turpin
P.O. Box 99
Oakley, UT 84055
801-913-9914

Engineer:
Brian Deeter, J-U-B Engineers
466 North 900 West
Kaysville, UT 84037
801-547-0393



Location

The proposed project is located near Oakley City in Summit County.

Introduction & Background

The Peoa South Bench Canal & Irrigation Company was incorporated in 1926. It is currently registered in good standing with the State Department of Commerce. The company serves 28 shareholders irrigating 855 acres. There are 427.5 shares with an annual assessment of \$110 per share. The system operates in turns, where at any given time five irrigators are each using 1/5 of the total ditch flow. The number of shares determine the length of time they are able to use water.

The applicant received financial assistance from the board in 2011 to replace its diversion dam and restore the river channel. Repayment for that project is anticipated to be completed by 2036.

Existing Conditions & Problems

The applicant's system consists of an unlined main canal and open ditches that diver water to farms. The canal was originally constructed in the late 1800s. The Natural Resources Conservation Service (NRCS) performed a water loss study in 2017 where it was determined that 2,629 acre-feet (48%) were lost in the system through seepage. The typical irrigation season is from May to August; however, in the last few years the applicant has only had enough water through the end of June. Seepage losses have not only affected the shareholder's ability to irrigate their fields, but has also adversely affected Oakley City's sewer system and the nutrient levels of the Weber River.

The board committed \$1,000,000 in August 2020 toward the applicant's original project to replace approximately 3.3 miles of canal system with a pressurized pipeline, construct a new screening structure, and metering station, and that contract was completed in November. In addition to the board's project, the applicant has been working on a project to replace laterals. They received approximately \$890,000 in grants for the laterals project. Both projects are going to cost more than originally estimated. Therefore, they would like to expand the scope of the board's project to include the lateral project and request additional funds.

Proposed Project

The purpose of the project is to replace approximately 3.3 miles of canal with 30-inch and 32-inch HDPE pressurized pipeline, construct a new screening structure, and metering station. The expanded scope of work would include the system laterals that were originally part of a separate project.

Benefits

Saving an estimated 2,629 acre-feet of water annually currently lost through seepage will allow shareholders to use their full allocation and extend the irrigation season. The applicant is expected to have reduced operation and maintenance costs and no pumping costs when the project is complete.

Cost Estimate

The following cost estimate is based on the engineer's preliminary design and has been reviewed by staff:



RE417 - Peoa South Bench Canal & Irrigation Company
 Special Item - Reauthorization and Committal of Additional Funds
 3/17/2021

Item	Description	Quantity	Unit	Unit Price	Total
Pipeline					
1	Mobilization	1	LS	\$120,300	\$120,300
2	General Stormwater Permit	1	LS	2,500	2,500
3	Traffic Control	1	LS	4,500	4,500
4	Furnish & Install Inlet Structure	1	LS	204,200	204,200
5	Furnish & Install 32" HDPE Pipe	9,636	LF	68	655,200
6	Furnish & Install 30" HDPE Pipe	7,605	LF	66.50	505,700
7	Furnish & Install Electric Reducers	1	LS	9,800	9,800
8	Furnish & Install HDPE Pipe Bends	1	LS	24,600	24,600
9	Furnish & Install Air Valves	1	LS	70,400	70,400
10	Furnish & Install Drain Assembly	1	LS	21,000	21,000
11	Furnish & Install Meter Vault	1	LS	7,500	7,500
12	Furnish & Install Lateral Connections	1	LS	23,600	23,600
13	Furnish & Install Turnouts	1	LS	42,900	42,900
14	Remove & Replace Structures	1	LS	38,700	38,700
15	Crossings	1	LS	26,200	26,200
16	Pipe Bedding Material	11,500	TON	5	57,500
17	Extend ADS Storm Drain	1	LS	2,500	2,500
18	Culinary Water Service Loop & Repair	1	LS	25,100	25,100
19	Gas Service Repair	5	EA	1,300	6,500
20	Above Ground Utility Markers	40	EA	125	5,000
21	Reseeding	1	LS	13,500	13,500
Laterals					
1	Mobilization	1	LS	90,000	90,000
2	General Stormwater Permit	1	LS	2,500	2,500
3	Mainline Turnouts	1	LS	45,600	45,600
4	Lateral 1	1	LS	51,400	51,400
5	Lateral 2	1	LS	64,000	64,000
6	Lateral 3	1	LS	67,600	67,600
7	Lateral 4	1	LS	98,800	98,800
8	Lateral 5	1	LS	124,800	124,800
9	Lateral 6	1	LS	111,700	111,700
10	Lateral 7	1	LS	238,200	238,200
11	Lateral 8	1	LS	148,200	148,200
12	Remove & Replace Existing Fence	1	LS	8,800	8,800
13	Imported Pipe Bedding Material	4,823	TON	10.50	50,600
14	Imported Untreated Base Type A7	100	TON	24	2,400
15	Final Grading	20,930	LF	2.88	60,300
16	Above Ground Utility Markers	50	EA	118	5,900
17	Reseeding	1	LS	12,300	12,300



Construction Cost	\$3,050,300
Contingency	305,000
Design & Construction Engineering	457,000
Legal and Administrative	30,700
TOTAL	\$3,843,000

Cost Sharing & Repayment

The recommended cost sharing and repayment are:

Agency	Committed Cost Sharing	% of Total	Proposed Cost Sharing	% of Total
Board of Water Resources	\$1,000,000	44.5%	\$1,660,000	43.2%
WaterSMART Grant	1,000,000	44.5	1,000,000	26.0
Utah System Optimization Grant	0		250,000	6.5
Small System WaterSMART Grant	0		75,000	2.0
NRCS EQIP Grant (Construction)	0		536,969	14.0
NRCS EQIP Grant (Engineering Design)	0		19,371	0.5
NRCS EQIP Grant (Construction Oversight)	0		8,849	0.2
Applicant	246,000	11	292,811	7.6
TOTAL	\$2,246,000	100%	\$3,843,000	100%

Staff recommends the board reauthorize the project to provide 43.2% of the project cost, up to \$1,660,000, and amend the purchase agreement to state the board will provide \$1,000,000 to be returned at 0% over 30 years with annual payments of approximately \$33,300; and in addition, the board commit \$660,000 from the C&D fund to be returned at 0.1% interest over 30 years with annual payments of approximately \$22,400.

Staff Comment: The applicant is experiencing cash flow problems and would like to request that the board provide \$1,758,000, which is 90% of the non-grant portion instead of 85%. If the board agrees, it would be recommended that the board reauthorize the project to provide 45.8% of the project cost, up to \$1,758,000, and amend the purchase agreement to state the board will provide \$1,000,000 to be returned at 0% over 30 years with annual payments of approximately \$33,300; and in addition, the board commit \$758,000 from the C&D fund to be returned at 0.1% interest over 30 years with annual payments of approximately \$25,700.

Financial Feasibility

The net annual benefit for the project is approximately \$34,100. If the repayment period was based solely on the board's share of the net annual benefit (\$14,700) it would result in a payment term exceeding 100 years.



Benefit	Amount
Estimated Annual Net Increased Crop Income	\$17,300
Reduced Operation & Maintenance Costs	15,000
Eliminated Pumping Costs	1,800
NET ANNUAL BENEFIT	\$34,100

Under the current contracted terms, the annual payments of approximately \$40,000 resulted in an equivalent cost of approximately \$94 per share or \$47 per acre. When the annual benefit is accounted for, it is equivalent to \$14 per share or \$7 per acre. With the additional funds, and staff's recommendation of terms, the new total annual payments would be approximately \$55,700. This is equivalent to about \$130 per share and \$65 per acre. When the annual net benefit is accounted for it is reduced to \$50 per share and \$25 per acre.

Water Rights & Supply

The board currently holds ownership of the applicant's water rights from a previous project. These water rights are retained by the board until the project has been fully purchased by the applicant. The water right related to this project is Water Right #35-8660 for 33.04 cfs.

Easements

The proposed project will follow a modified and more efficient alignment than the existing canal. The majority of the new alignment falls on shareholder property and they have obtained all necessary easements and rights-of-way.

Environmental

No lasting environmental impact is expected to occur as a result of the proposed project.

Water Conservation

It is estimated that 2,629 acre-feet of water per year is lost through seepage and will be conserved by replacing the entire open system with a piped, pressurized system. Shareholders currently experiencing shortages will be able to use this water.

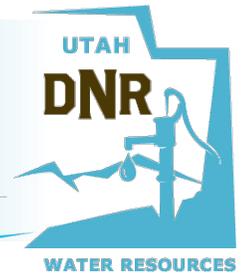
Applicant's Responsibilities

If the board reauthorizes the proposed project and commits additional funds, the applicant must do the following before a purchase agreement can be executed:

1. Obtain all easements, rights-of-way, and permits required to construct, operate, and maintain the project.
2. Pass a resolution by the appropriate majority (as defined in the company's Articles of Incorporation and Bylaws) authorizing its officers to do the following:
 - a. Assign properties, easements, and water rights required for the project to the Board of Water Resources.
 - b. Enter into a contract with the Board of Water Resources for construction of the project and subsequent purchase from the board.
3. Have an attorney give the Board of Water Resources a written legal opinion that:
 - a. The company is legally incorporated for at least the term of the purchase contract



- and is in good standing with the state Department of Commerce.
- b. The company has legally passed the above resolution in accordance with the requirements of state law and the company's Articles of Incorporation and Bylaws.
 - c. The company has obtained all permits required for the project.
 - d. The company owns all easements and rights-of-way for the project, as well as the land on which the project is located, and that title to these easements, rights-of-way, and the project itself can be legally transferred to the Board.
 - e. The company's water rights applicable to the project are unencumbered and legally transferable to the Board of Water Resources, and that they cover the land to be irrigated by the project.
 - f. The company is in compliance with sections 73-10-33, 10-9a-211, and 17-27a-211 of the Utah Code governing management plans for water conveyance facilities.
4. Obtain approval of final plans and specifications from the Division of Water Resources.
 5. Obtain letters from all outside financing agencies establishing their commitment of funds to the project.



Applicant: **Provo River Water Users Association**

Project Number: RE446
Fund: Conservation and Development Fund
Cost Estimate: \$60,370,000

Application Received: 2/26/2021
Board Meeting Date: 3/17/2021

Board Member: Wayne Andersen
Project Manager: Tom Cox

Project Contacts:

President: Tom Godfrey 285 W. 1100 N. Pleasant Grove, UT 84062 801-484-7566	Manager: Keith Denos 285 W. 1100 N. Pleasant Grove, UT 84062 801-372-2866	Engineer: Deon Stockert, AE2S 3400 N Ashton Blvd, Ste 105 Lehi, UT 84043 701-690-3693
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Location

The proposed project is located approximately 10 miles southwest of Heber City in Wasatch County.

Proposed Project

The applicant is requesting financial assistance from the board to replace the intake and guard gates at Deer Creek Dam without draining the reservoir.

Water Rights

- A34056
- E3792
- Multiple BOR rights

Planning Branch Report
March 17, 2021
Joint Bear River Planning Model

In December 2020, Division staff published a report online which details results of a study into impacts to Bear Lake storage from changes to flood control operations. The study was a joint effort between Idaho, Wyoming, Utah and PacifiCorp and was commissioned by entity executives after Utah and Idaho filed joint water right storage applications in 2018.

Staff from those four entities developed a computer model of the Lower Division to complete the study. The model simulates reservoir operations from 1980 – 2018 and includes historic mainstem diversions and streamflow. Although developed to answer questions specific to this study, in the future the model can be used for other planning purposes, water rights accounting, or to provide operational guidance. Presentations of model development and study results have been given to interest groups, stakeholders and water users. The Division is working with these groups to better understand their concerns and incorporate them into the model.

Results show that raising flood control target elevations of Bear Lake would have resulted in significantly more storage during 4 of the 39 years, which were wet years succeeded by at least 1 dry year. The average increase in storage during these 4 years is 58 kaf per 1 ft increase in the flood control target elevation, if the amount of spring runoff is perfectly forecasted. In reality, the forecast is uncertain so the amount of storage would have been lower. Furthermore, the target elevation cannot increase more than 3.5 ft. Solutions to mitigate flooding would be required, because raising the target elevation would not have been possible without causing more flooding in Gentile Valley (Idaho). Effects on Great Salt Lake (GSL) depend on how the additional storage is used. If used consumptively upstream then the impact would be negative. If left in the reservoir then there would be negligible change to the overall volume reaching GSL but the timing of inflow would have changed.

A second phase of the study will evaluate the impacts of forecast uncertainty on the results, determine the amount of usable storage and assess impacts of different uses and points of use of the additional storage. Work is underway to extend the model upstream of Bear Lake to the river's headwaters. The Division also plans to include greater detail in Cache Valley, and to later simulate scenarios of the Bear River Development project.

Presented by Jake Serago, P.E., Water Resources Engineer

Bear River Development Planning Report
March 17, 2021
Corridor Preservation/Right-of-Way Acquisition Update
Committal of Funds Request – Non-Residential Property Maintenance

- **Parcel Purchases**
 - Two properties have been purchased since the update in January 2021
 - **Parcel #1036**
 - Tax ID #01-040-0160
 - Vacant Residential Lot
 - Lot Size
 - 0.802 acre
 - Purchase Type
 - Entire Parcel
 - Appraised Value and Purchase Price
 - \$110,100
 - Lease-back
 - No
 - **Parcel #1013**
 - Tax ID #01-040-0160
 - Residential
 - Lot Size
 - 0.61 acre
 - Building size
 - House: 2,000 square feet
 - RV Garage/Shop: 1,500 square feet
 - Purchase Type
 - Entire Parcel
 - Appraised Value and Purchase Price
 - \$545,000
 - Lease-back
 - Yes, month-to-month

- **Maintenance of Non-Residential Properties**

- DWRe recommends partnering with Weber Basin Water Conservancy District (WBWCD) for the management and/or maintenance of the non-residential properties. This may include commercial or agricultural properties, detention basins, and small strips of vacant land.

- **Cost per site**

- **One-time improvement of the parcel**

- May include the following:
 - Waste clean-up
 - Site Clearing
 - Utility protection
 - Site grading
 - Seeding
 - Fencing
 - Approximately \$40,500/site

- **Annual Maintenance**

- Three times annually
- May include the following:
 - Mowing/Trimming
 - Reseeding
 - Fence Maintenance
 - Pest Control
 - Equipment Maintenance/Repair
 - Approximately \$4,500/site

- **Estimated cost**

- Five-year total per site approximately \$65,000
 - One-time improvement
 - \$40,500
 - Routine annual maintenance
 - \$22,500 (\$4,500/year for 5 years)
 - Contract Management
 - \$1,500
 - General Administration and Overhead
 - \$500
- Total cost approximately \$975,000 for an estimated 15 sites

- **Staff Recommendation:**

- Staff recommends the Board of Water Resources commit \$975,000 from the Conservation and Development Fund, for a five-year contract with Weber Basin Water Conservancy District, for the maintenance of right-of-way properties for the Bear River Development Project.

Presented by Marisa Egbert, Bear River Planning Manager

Lake Powell Pipeline Update
March 17, 2021

- Bureau of Reclamation working on Supplemental Draft Environmental Impact Statement (EIS), followed by Final EIS, and Record of Decision
- Waiting for State Engineer's decision on Water Rights Change Application
- Continued efforts on Public Education and Outreach
- Additional Permitting Efforts to be completed
 - o Army Corps of Engineers 404 Permits and Utah 401 Certification
 - o Fish and Wildlife Service Biological Opinion
 - o Resource Management Plan Amendment
 - o Bureau of Reclamation Agreement
- Project Timeline
 - o Fall 2021 – Supplemental Draft EIS
 - o Summer 2022 – Final EIS
 - o Summer 2022 – Record of Decision
 - o Final Design and Financing Plan
 - o Construction
- Contracts Update

Presented by Joel Williams, Assistant Director

Unapproved

BOARD OF WATER RESOURCES

BRIEFING MEETING

MINUTES

January 28, 2021

Electronic Meeting

Utah Department of Natural Resources

BOARD OF WATER RESOURCES
Electronic Briefing Meeting Minutes
Department of Natural Resources
January 28, 2021
10:00 am

THOSE PRESENT:

- Chair Blaine Ipson
- Vice-Chair Kyle Stephens
- Norman Johnson
- Juliette Tennert
- Wayne Andersen
- Charles Holmgren
- James (Jim) Lemmon
- Randy Crozier
- Director Todd Adams
- Deputy Director Candice Hasenyager
- Assistant Director Joel Williams
- Ben Marett
- Jaqueline Pacheco
- Russell Hadley
- Kim Wells
- Tom Cox
- Scott McGettigan
- Shalaine Debernardi
- Marisa Egbert
- Marty Bushman
- Randy Staker
- Lindsay Russell
- McKenna Murray
- Carmen McDonald
- Paul Gedge

CHAIR BLAINE IPSON called the meeting to order at 10:01 am

CHAIR BLAINE IPSON called the meeting to order and read Executive Order 2020-5 from Governor Gary Herbert which stated: Due to the COVID-19 pandemic and the ability of the virus to spread from person to person, Governor Gary Herbert has implemented a number of Executive Orders directed at controlling spread of the virus by minimizing face-to-face interactions. Public gatherings are strongly discouraged by the CDC, State of Utah, and local health departments since they facilitate face-to-face contact and pose an elevated risk for virus transmission. The Division of Water Resources and the Board of Water Resources Chair have determined that public gathering at Board meetings presents a

substantial risk to the health and safety of those who attend—and will conduct this meeting using a fully electronic format. This meeting format is authorized by a recent amendment to the Utah Code 1 and Executive Order by Governor Herbert 2 —and will be temporarily used in place of the in-person public meetings that usually occur. Anyone wishing to comment on the meeting’s agenda topics or to observe the meeting may do so by logging on to the Division’s webpage where instructions and links are provided.

CHAIR BLAINE IPSON did a roll call and all Board members were present.

DIRECTOR TODD ADAMS did a roll call and staff and others present

CHAIR BLAINE IPSON turned to the Director to introduce new staff.

DIRECTOR TODD ADAMS we would like to welcome Scott’s new staff member, McKenna Murray

SCOTT MCGETTIGAN we are excited to welcome our newest member of the Interstate Streams section, McKenna Murray. She will be helping with the challenges in the Colorado River. Her background is in hydrology and groundwater.

MCKENNA MURRAY I am originally from Las Vegas, NV and I have an undergraduate degree in environmental science and a graduate degree in hydrology. Came to DNR from the DEQ.

CHAIR BLAINE IPSON asked for changes or errors on the minutes from the December meeting.

VICE-CHAIR KYLE STEPHENS briefing meeting page 2 instead of Hansen and Ezola it states Hansen and Exola.

LINDSAY RUSSELL it has been noted.

DIRECTOR TODD ADAMS we would ask the board to allow the agenda item of Interstate Streams appointments to the start of the agenda in front of the NRCS Snow Report.

CHAIR BLAINE IPSON the board sees no issue with this change. Do we have any discussion on the vote to ratify Governor Cox’s appointments of Utah’s representatives: Gene Shawcroft to the Upper Colorado River Commission and Todd Adams to the Bear River Commission? Traditionally, the Director of the Division of Water Resources has been on the Upper Colorado River Commission and we have also had representation on the Bear River Commission.

DIRECTOR TODD ADAMS I have a letter from Governor Cox signifying his selection of Gene Shawcroft to the Upper Colorado River Commission and place myself as an alternate and advisor as well as place Theresa Wilhelmson and Candice Hasenyager as alternates. There will be a lot of work as we move into the renegotiations of the guidelines so this will spread the work on a broader team to handle that load more efficiently. We welcome the help and are looking forward to this change.

WAYNE ANDERSEN I would like some clarification on this. As a representative on the Upper Colorado River Commission, does he represent the State on all Colorado River matters?

DIRECTOR TODD ADAMS yes that is correct. He will work through all Colorado River issues (both upper and lower basins) and we as a staff will all be involved still.

CHAIR BLAINE IPSON where the Board of Water Resources has had signatory obligations concerning the Colorado River over the years, how will it work with Gene being the Commissioner?

DIRECTOR TODD ADAMS yes, he will represent the Board of Water Resources and we will work together on this as it is the will of the current administration.

VICE-CHAIR KYLE STEPHENS will Gene address the board before his ratification of his appointment?

DIRECTOR TODD ADAMS yes, if that will be the will of the board.

DEPUTY-DIRECTOR CANDICE HASENYAGER these are good questions for Gene Shawcroft to respond to and he can provide further clarification on these issues.

RANDY CROZIER I have worked with Gene and he will do a great job.

CHAIR BLAINE IPSON I have also known Gene since college and although this is not how I would personally do things as I believe the staff of the Division of Water Resources has done exceptionally well and my feelings are mixed, it does add some communication and some strength to the team.

NORMAN JOHNSON I am also caught off guard and although I know Gene, I am not sure why this has to happen in the first place?

WAYNE ANDERSEN I might have some insight on that. The Dept. of Natural Resources and the water group have been hamstrung by the governor and state legislature in my opinion. They have not given Todd and the division the funding or people to really impact the problems with the Colorado River. Gov. Cox has recognized this and is trying to put more emphasis on the Colorado River. We are behind compared to the other states in many aspects; how much water there is, how much is being used, etc. I think this will give us more to work with when we go to the negotiating table.

JIM LEMMON as I have thought about it, it might take more pressure off of him and he will still be involved.

RANDY CROZIER when talking about the major water user. The largest users in the Uintah Basin are on the Colorado River and they need to be protected.

CHAIR BLAINE IPSON that is exactly right.

JULIETTE TENNERT that is my biggest concern; I want to ensure that the person in that position is looking out for all of the water users for the state. We just need to emphasize that and let us know how we can be helpful.

DIRECTOR TODD ADAMS Gene and I have had conversations about that and he is well aware of who he represents and he will be acting on behalf of the state.

CHARLES HOLMGREN I go back a long time with Gene as well and I count him as a good friend. I believe Todd Adams to be very good and my conscience is having a hard time voting for the resolution.

DIRECTOR TODD ADAMS I appreciate the words and kindness and know that we will make this work and will support the citizens of Utah. I pledge that to you all. We also need to have two separate motions for the Upper Colorado River and the Bear River commissions respectively.

RANDY CROZIER I will make the motion for the Colorado River Commission.

CHAIR BLAINE IPSON let's discuss Governor Cox appointing Todd to the Bear River Commission.

DIRECTOR TODD ADAMS yes, we just wanted to make sure that both of these commissions were taken care of and that you were all still on board with my services on the Bear River Commission.

CHARLES HOLMGREN Todd is a class act and has been involved with Bear River for decades. I would be honored to make the motion for him to be the Interstate Streams Commissioner for the Bear River Commission.

DIRECTOR TODD ADAMS there will be two other commissioners on the Bear River Commission as well; one designated to the upper Bear River (Blair Francis) and one to the lower Bear River (Charles Holmgren). The alternates are Norm Weston and Brian Merrill. The ratification today is just for my placement.

PROJECT REPORTS

FEASIBILITY REPORTS

RE443 Sunrise and Bench Creek Irrigation Co.

WAYNE ANDERSEN it is a really great project and I will let Russell go into the details

RUSSELL HADLEY the purpose of the project is to replace about 7,800 feet of deteriorated corrugated metal pipe with PVC pipe and construct a new inlet structure to avoid losing their entire water supply. They also have a WaterSMART grant for \$538,000. Staff recommends the board authorize 47.6% of the project cost, up to \$580,000, and that the project be purchased at 0% interest over 25 years with annual payments of approximately \$23,200.

SPECIAL ITEMS

RC059 Moon Lake Water Users Association

RANDY CROZIER this is some dam rehab and Ben will take it from here.

BEN MARETT the purpose of the project is to rehabilitate Twin Pots Dam to meet dam safety minimum standards. The work includes slip-lining the outlet conduit, removal of a wet well, a new intake structure with an upstream guard and regulation gate, and a new outlet structure. The bids came in over budget so they are coming to the board to receive additional funding to cover those costs. The project is totally complete as well. Staff recommends the board commit an additional \$59,400, and amend the agreement to provide 90% of the project cost, up to \$266,400, as a dam safety grant.

RE417 Peoa South Bench Canal & Irrigation Company

VICE-CHAIR KYLE STEPHENS I looked at this project with Jaqueline back in 2018 and I had some concern when I first read the additional funds request but received some clarification. This is something the board has done in the past (requesting more money than what was recommended).

JAQUELINE PACHECO the purpose of the project is to replace approximately 3.3 miles of canal with 30-inch and 32-inch HDPE pressurized pipeline, construct a new screening structure, and metering station. The expanded scope of work would include the system laterals that were part of a separate project. Originally, the board had committed \$1 million dollars to the project.

Staff recommends the board reauthorize the project to provide 43.2% of the project cost, up to \$1,660,000, and amend the purchase agreement to state the board will provide \$1,000,000 to be returned at 0% over 30 years with annual payments of approximately \$33,000; and in addition, the

board commit \$660,000 from the C&D fund to be returned at 0.1% interest over 30 years with annual payments of approximately \$22,400.

CHAIR BLAINE IPSON where did the 0.1% interest come from?

JAQUELINE PACHECO in 2012, project RE269 had \$2 million come from the Revolving Construction fund at 0% interest and \$3 million come from the C&D fund at 0.1% interest. It is something we have done in the past.

TOM COX that was my project so if more information is needed, I can help.

SHALAIN DEBERNARDI I can speak to this as well. The board has a lot of leeway in what can be done within the guidelines. Because the million dollars is contracted, we did not feel it was appropriate to move it to another fund. Anything over \$1 million dollars should come from another fund and carry interest, according to the guidelines. We have done contracts in the past that were over that amount when there were funds available, but right now we do not have that. When it comes from the C&D fund, there has to be interest charged. The 0.1% interest charge is the lowest we can go.

CHAIR BLAINE IPSON will the recommendations be separate or part of the same motion?

JAQUELINE the motion will just be the staff's recommendation on the presentation. I just added the note for further clarification.

VICE-CHAIR KYLE STEPHENS would it be appropriate to reach out to them so we know what to expect?

CHAIR BLAINE IPSON I would say to just go with what we have instead of bring it up to them.

SHALAIN DEBERNARDI this was a request Jaqueline had received from them so we felt we should add it just as a heads up in the case they do bring it up.

CHARLES HOLMGREN I agree with what has been discussed. It makes me grateful for my canal.

VICE-CHAIR KYLE STEPHENS thank you. I will make the motion on this.

RE429 Cove Water Works Company

CHARLES HOLMGREN they were trying to build the pipe along a road so Tom will explain the details.

TOM COX the purpose of the project is to clean and restore the spring collection system, including new spring box, manholes, and piping. The project will also replace the existing 2" galvanized steel main line from the spring to town with 4" PVC. It was initially meant to follow the original line but a modernized design would have left some air relief vents in a farmer's field and they did not want that so they are now going along some city streets and the project costs went up.

Staff recommends the board commit an additional \$63,700, and amend the purchase agreement to state the board will provide 85% of the project cost, up to \$276,200 and that the project be purchased at 0% interest over 30 years with annual payments of approximately \$9,200.

NEW APPLICATIONS

RE445 Veyo Culinary Water Association

JIM LEMMON they are losing quite a bit of water so this is a good project and Tom can provide some more information on that.

TOM COX they will be increasing their storage capacity with a new 500,000 gallon reinforced tank to meet the fire flow requirements in the area.

CHAIR BLAINE IPSON we have some reports and we will go over those in the full meeting.

SHALAINE DEBERNARDI we have decided to give the board a one-pager for the planning report, Bear River report, LPP report, etc so that information was out there and posted to the Public Notice Website.

VICE-CHAIR KYLE STEPHENS what was the background of the legislation mentioned on the planning report?

DIRECTOR TODD ADAMS I received direction 3 years ago to get a group working on watershed councils. Legislation was passed last year and funding was given to the Division to get some help. We have an RFP to reach out to these basin councils and that is where we are.

DEPUTY DIRECTOR CANDICE HASENYAGER it came out of the 2017 recommended water strategy and that is why this was looked at by various groups.

JOEL WILLIAMS if there was anything additional besides what was in the report that I need to cover, let me know.

CHAIR BLAINE IPSON have you heard anything additional on the timeline for the Change Application?

JOEL WILLIAMS we have not but Wendy Crowther mentioned that it was not surprising that we have not heard back but we have until March 31 to file that additional information they need for them.

CHAIR BLAINE IPSON is there anything additional we need to know from President Biden putting a freeze on all Dept of Interior decisions? Will it affect the LPP?

JOEL WILLIAMS we are still working with the same team from the BOR and there could be a ripple effect as new leadership comes in but as for now, we have not had any changes.

WAYNE ANDERSEN are you going to address the legal challenges that the other basin states are thinking of going against the LPP?

JOEL WILLIAMS I have not been involved in those discussions so I was not planning on it.

DIRECTOR TODD ADAMS we have been working with the upper basin states on the exchange agreements and other things. Not much has happened in regards to the entire basin but the upper basin states and the potential changes to the agreement, there has been some discussion.

MARTY BUSHMAN we have been working to identify the issues of concern they have with the project. We are working through each of those issues and we are pretty close to completing that at least with the upper basin issues. Hopefully we will be sending this on to the lower basin so they have an opportunity to weigh in and ask for additional explanations they may need. We have some more big river issues we will be tackling soon but it is all moving along and we are confident.

DIRECTOR TODD ADAMS we are very grateful for Marty and all his hard work on this.

MARISA EGBERT just some updates on the Bear River Development project: I will be going over that in the full meeting but we are hoping to not buy any more houses and we feel good about letting people know that we are adjusting the process as we go along.

JOEL WILLIAMS provided an update on the Status of Funds (SOF)

VICE-CHAIR KYLE STEPHENS I appreciate the added column on the SOF

CANDICE HASENYAGER I will be providing a legislative update today. It seems like the water-related bills are less than last year but some things to note: our building block for Dam Safety upgrades was in the Governor's recommended budget, there was an additional \$5 million recommended to the Division for water efficiency with the focus on secondary meters, water loss accounting, and Slow the Flow. Also, HB 107 deals with subdivision flat amendments and it essentially to ensure that developers are talking to the water providers and it sounds like there is still some conflict there so we are just watching that.

HB 98 is a government building regulations which would allow homeowners to hire their own building inspectors and opt out of site plan reviews among other things. It gives the developer quite a bit of leeway in terms of landscaping and one of the most commonly used is turf, which is the most water intensive. We are watching that one as well.

HB144 is a water pricing structure that requires retail water providers to consider lot size. There are some concerns that this should be decided at the local level, not the state legislative level.

HB171 Ag land use regulation which prohibits municipalities or counties from restricting types of crops grown.

HCR 1 is also one we are watching which is a concurrent resolution encouraging a balanced approach to the release of water from Flaming Gorge. It was passed favorably out of committee.

HB96 is a legislative water development commission amendment which modifies quorum requirements, sunset dates, etc.

JULIETTE TENNERT has there been any talk of combining DEQ and DNR?

DIRECTOR TODD ADAMS this has been discussed but I have not been involved. The support seems to have waned over time. There was a senate confirmation hearing for the leadership in several Departments so it is looking positive for them to each maintain their roles.

VICE-CHAIR KYLE STEPHENS can I ask how the budget meeting went?

DIRECTOR TODD ADAMS we had very few questions so it went very well. The presentation went well also as we briefed them on all the projects we are working on.

VICE-CHAIR KYLE STEPHENS have there been any mentions of confirmation hearings for pending board appointments?

DIRECTOR TODD ADAMS there are 4 of you up for reappointment and I have not heard anything on that.

DEPUTY DIRECTOR CANDICE HASENYAGER there was a 6 month water banking update. We have been working on making this come together as a team (Jaqueline, Emily, and Clyde). This is a three year project so there will be a need for those who are interested to continue that at the local level in the future. We are hoping for 3 to be submitted to the board in the future.

VICE-CHAIR KYLE STEPHENS I listened into the discussion last week and felt that it was a great presentation and discussion.

CHARLES HOLMGREN I also listened but I had some issues logging in so I listened on YouTube. I was amazed at how many people logged in.

DIRECTOR TODD ADAMS the drought committee met to go over the status and it was decided that Director Steed should let the governor know that we are in an extremely dry state and 75% of the state is in extreme drought conditions and a declaration of such might be a good idea. That has been sent to the governor and Laura Haskell has made a number of presentations on this. The Utah Water Users Association has cancelled the March meeting and will be holding their meeting in May. If you would like to attend, please let us know. We will learn more about travel restrictions closer to that time.

CHAIR BLAINE IPSON if they had that meeting, would we change our board meeting to fit that meeting?

DIRECTOR TODD ADAMS that is the prerogative of the board but we do not yet know the travel restrictions so until we do, we may want to hold off on any changes.

JIM LEMMON I brought up to the LPP meeting group that there was a conflict with the May board meeting. Is the meeting on the 5th or the 6th?

DIRECTOR TODD ADAMS the board meeting is on May 5th and we are reaching out to the LPP group to move that meeting.

CHAIR BLAINE IPSON the board meeting will be at 1 pm so please ensure to be on a little early to ensure there are without issues. Thank you to all the hard work of the staff and board.

JIM LEMMON moved to adjourn the meeting, VICE-CHAIR KYLE STEPHENS seconded the motion and after a roll call vote, all approved and the meeting ended at 11:46 am.

The Utah Board of Water Resources meetings are regularly streamed live and are recorded so citizens can watch them later. Please use the following link to access the most recent recordings: <https://goo.gl.UfyPQn>

Unapproved

BOARD OF WATER RESOURCES

MEETING MINUTES

January 28, 2021

Electronic Meeting

Utah Department of Natural Resources

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SUMMARY OF BOARD ACTIONS

January 28, 2021

1. PAGE 1: The minutes from the December 3, 2020 meeting were approved. VICE-CHAIR KYLE STEPHENS moved to approve, JIM LEMMON seconded, and after a roll call vote, all approved.
2. PAGE 2: Ratification of Gene Shawcroft to the Upper Colorado River Commission as the Utah Commissioner and Director Todd Adams, Deputy Director Candice Hasenyager, and Teresa Wilhelmson as alternates – the board approved the ratification. RANDY CROZIER moved to approve, JIM LEMMON seconded the motion and after a roll call vote, all approved with the exception of CHARLES HOLMGREN and NORMAN JOHNSON who voted nay. The motion was passed 6-2.
3. PAGE 3: Ratification of Director Todd Adams to the Bear River Commission – the board approved the ratification. CHARLES HOLMGREN moved to approve the ratification, VICE-CHAIR KYLE STEPHENS seconded the motion and after a roll call vote, all approved and the motion passed.
4. PAGE 3: RE433 Sunrise and Bench Creek Irrigation Co – the board approved the project. WAYNE ANDERSEN moved to approve, NORMAN JOHNSON seconded the motion and after a roll call vote, all approved and the motion passed.
5. PAGE 3: RC059 Moon Lake Water Users Association – the board approved the Dam Safety Grant. RANDY CROZIER moved to approve, JIM LEMMON seconded the motion and after a roll call vote, all approved and the motion passed.
6. PAGE 4: RE417 Peoa South Bench Canal & Irrigation Company – the board approved the reauthorization and committal of funds for the project. VICE-CHAIR KYLE STEPHENS moved to approve, NORMAN JOHNSON seconded and after a roll call vote, all approved and the motion passed.
7. PAGE 5: RE429 Cove Water Works Company – the board approved the amendment to the original purchase agreement. CHARLES HOLMGREN moved to approve, JIM LEMMON seconded the motion and after a roll call vote, all approved and the motion passed.
8. PAGE 4: JIM LEMMON moved to adjourn the meeting, VICE-CHAIR KYLE STEPHENS seconded the motion and after a roll call vote, all approved and the meeting ended.

THOSE PRESENT

BOARD MEMBERS PRESENT:

Blaine Ipson, Chair
Kyle Stephens, Vice-Chair
Norman Johnson, Board
Juliette Tennert, Board
Wayne Andersen, Board
Charles Holmgren, Board
James (Jim) Lemmon, Board
Randy Crozier, Board

STAFF MEMBERS PRESENT:

Brian Steed, Department Director
Todd Adams, Director
Candice Hasenyager, Deputy Director
Joel Williams, Assistant Director
Todd Stonely, Assistant Director
Shalaine Debernardi, Section Manager
Randy Staker, Financial Analyst
Marcie Larson, Section Manager
Rachel Shilton, Section Manager
Russell Hadley, Engineer
Tom Cox, Engineer
Jaqueline Pacheco, Engineer
Ben Marett, Engineer
Marisa Egbert, Engineer
Marty Bushman, Attorney
Kim Wells, PIO
Carmen McDonald, Engineer Technician
Paul Gedge, AV
Lindsay Russell, Executive Admin

OTHERS PRESENT:

Gene Shawcroft, Nominee to Upper Colorado River Commission
Jordan Clayton, NRCS
Wade Klingler, Sunrise and Bench Creek Irrigation Company
Billie Sue McNeil, Sunrise and Bench Creek Irrigation Company
Brian Deeter, J-U-B Engineers
Dex Winterton, Moon Lake Water Users Association
David Lake, Peoa South Bench Canal & Irrigation Company
Sam Turpin, Peoa South Bench Canal & Irrigation Company
Brett Christensen, Cove Water Works Company
Chad Brown, Cove Water Works Company
Randy Larson, Cove Water Works Company

BOARD OF WATER RESOURCES
Electronic Meeting Minutes
Department of Natural Resources
January 28, 2021
1:00 PM

CHAIR BLAINE IPSON opened the meeting at 1:00 pm.

CHAIR BLAINE IPSON called the meeting to order and read Executive Order 2020-5 from Governor Gary Herbert was read which stated: Due to the COVID-19 pandemic and the ability of the virus to spread from person to person, Governor Gary Herbert has implemented a number of Executive Orders directed at controlling spread of the virus by minimizing face-to-face interactions. Public gatherings are strongly discouraged by the CDC, State of Utah, and local health departments since they facilitate face-to-face contact and pose an elevated risk for virus transmission. The Division of Water Resources and the Board of Water Resources Chair have determined that public gathering at Board meetings presents a substantial risk to the health and safety of those who attend—and will conduct this meeting using a fully electronic format. This meeting format is authorized by a recent amendment to the Utah Code 1 and Executive Order by Governor Herbert 2 —and will be temporarily used in place of the in-person public meetings that usually occur. Anyone wishing to comment on the meeting’s agenda topics or to observe the meeting may do so by logging on to the Division’s webpage where instructions and links are provided.

CHAIR BLAINE IPSON did a roll call and all members were present.

DIRECTOR TODD ADAMS did a roll call and those present from staff and project applicants.

CHAIR BLAINE IPSON asked for any comments on the minutes. There were none from the Board beyond what was discussed in the briefing meeting.

RANDY STAKER there were no public comments.

VICE-CHAIR KYLE STEPHENS moved to approve the minutes, JIM LEMMON seconded the motion and after a roll call vote, all approved and the minutes were approved.

CHAIR BLAINE IPSON announced a change in the agenda and proposed moving the Inter-State Streams nomination to the beginning of the meeting to accommodate other schedules.

CHARLES HOLMGREN moved to amend the agenda as previously stated, NORMAN JOHNSON seconded the motion and after a roll call vote, all approved and the change to the agenda was approved.

DIRECTOR TODD ADAMS this change has been discussed in the briefing meeting and it was been recommended by Governor Cox. This change will allow us to be more nimble and combine teams so we can get more work done. An excerpt from the governor’s letter states “we are pleased to notify the Upper Colorado River Commission that Gene Shawcroft has been selected as Utah’s representative on

the Upper Colorado River Commission". The letter goes on to state that Todd Adams, Candice Hasenyager, and Teresa Wilhelmson are to be alternates to the Commission and trusted advisors going forward.

DIRECTOR BRIAN STEED wanted to thank the Board and staff for their dedication to the State of Utah. We know we are in for a fight with the Colorado River going forward. The Governor wants Utah to be at the table of that fight and wants to increase our firepower by increasing resources we have available. There could be legislation in the future regarding this but a number of water experts in the water community have felt that Gene is someone who has a reputation of being a man of integrity as well as having wisdom, knowledge, and temperance to be effective in this role. This is not a slight on Director Adams or past directors, this is an expansion of the opportunities that are in front of us as a state. We are looking forward to working with Gene in this capacity.

GENE SHAWCROFT I am flattered to even be in the company of the Board and I have respected this board for many years. This is unexpected, but as the governor has asked us to improve the water communication within our state, I am happy to add my skills and opportunity to that. There are many issues in front of us, one being that there is a lot of unused allocation in the state not being utilized. We need to develop those to the fullest extent to allow Utah to do what we need to do. We want to ensure we have sufficient water for our state. There will be long meetings ahead of us and I see this as an opportunity to bring additional people, resources, and skills to the table that will compliment and add to what is already being done in the Division of Water Resources and the Division of Water Rights. We must be united as we go outside the state.

CHAIR BLAINE IPSON are there any comments or questions for Gene?

RANDY CROZIER I appreciate your comments on the unity and the diverse water rights. I hope you are willing to defend each and every water right of the state out there.

GENE SHAWCROFT the issues I see on the River are going to be those that impact Utah in regards to other states. Our water rights system within the state has a great mechanism to deal with water among ourselves. Those things are well laid out but I see this role as a way to prepare us to be in a position to maintain Utah's right on the Colorado River. Our allocation is absolutely critical. Everyone that has water on the River, and it needs to be assured they can use that allocation. The best and quickest way we can fix this is to get a 150% snowpack.

CHAIR BLAINE IPSON this did catch me off guard but I like that I am hearing that the Director of Water Resources will still be so involved. There are instances where the Board needs to be involved to ratify and I am curious what your thoughts are on that and what your plans are for communication on those things to all parties involved?

GENE SHAWCROFT I can tell you that Todd and I are going to be around each other a lot so we will be in a position where the staff members work closely together. I would be happy to come to Board meetings and share what is happening in a report however often you would like.

RANDY STAKER there were no public comments on this item

RANDY CROZIER moved to ratify Governor Cox's appointment of Gene Shawcroft to the Upper Colorado River Commission as the Utah Commissioner as well as Todd Adams, Candice Hasenyager, and Teresa Wilhelmson as alternates. JIM LEMMON seconded the motion and after a roll call vote, all approved with the exception of CHARLES HOLMGREN and NORMAN JOHNSON. The motion passed with a vote of 6-2.

CHAIR BLAINE IPSON we now need to discuss the appointment of Todd Adams as Commissioner for the Bear River Commission.

DIRECTOR BRIAN STEED we are so happy to have Todd on this Commission and he has been able to do great work for the State and we look forward to him continuing his work there.

DIRECTOR TODD ADAMS I have been involved in the Bear River since 1991 and I would be honored to be ratified.

RANDY STAKER there were no public comments on this topic

CHARLES HOLMGREN moved to approve the ratification to the Bear River Commission, VICE-CHAIR KYLE STEPHENS seconded the motion and after a roll call vote all approved and the ratification passed.

NRCS Snow Report

JORDAN CLAYTON gave the snow report and water supply update. We are below average conditions for all basins across the state.

RANDY STAKER there were no public comments on this item.

FEASIBILITY REPORTS

RE443 Sunrise and Bench Creek Irrigation Co

Wade Klingler, Billie Sue McNeil, Brian Deeter

RUSSELL HADLEY the purpose of the project is to replace about 7,800 feet of deteriorated corrugated metal pipe with PVC pipe and construct a new inlet structure to avoid losing their entire water supply. They also have a WaterSMART grant for \$538,000. The benefits include conservation of about 430 acre-feet, better ability to monitor water use, reduced operation and maintenance costs, and reduced impacts of drought. Staff recommends the board authorize 47.6% of the project cost, up to \$580,000, and that the project be purchased at 0% interest over 25 years with annual payments of approximately \$23,200.

CHARLES HOLMGREN did Russell say the inlet structure was in good operating condition but there is a \$125,000 charge for the inlet structure. Please explain?

RUSSELL HADLEY the original diversion structure was what was in good shape but the inlet structure is not and that is where the pipe will begin.

BRIAN DEETER there will be a screening structure in front of this rack and now we will have a meter at this location so we will be able to send water back to the river at this location if it is not taken by the pipe.

CHARLES HOLMGREN the design and construction engineering was around 13% so will having the WaterSMART grant make that higher?

BRIAN DEETER yes, we have already spent a lot getting that grant and all the planning that has to be done for that.

RANDY STAKER there were no public comments

WAYNE ANDERSEN I met with this group and it was a really wonderful experience. It is a very deserving project and it is a matter of life for this area.

WAYNE ANDERSEN moved to authorize the project, NORMAN JOHNSON seconded the motion and after a roll call vote, all approved and the motion passed.

SPECIAL ITEMS

RC059 Moon Lake Water Users Association

Dex Winterton

BEN MARETT the purpose of the project is to rehabilitate Twin Pots Dam to meet dam safety minimum standards. The work includes slip-lining the outlet conduit, removal of a wet well, a new intake structure with an upstream guard and regulation gate, and a new outlet structure. The bids came in over budget so they are coming to the board to receive additional funding to cover those costs. The project is totally complete as well. Staff recommends the board commit an additional \$59,400, and amend the agreement to provide 90% of the project cost, up to \$266,400, as a dam safety grant.

DEX WINTERTON we appreciate your support on this project.

NORMAN JOHNSON what will the payments be?

BEN MARETT this is a grant so the 90% will not be paid back and the 10% was supplied by the Moon Lake Water Users Association.

RANDY CROZIER with all these dam safety projects being done, there is a great benefit to the water users in the state.

RANDY CROZIER moved to approve the Dam Safety grant, JIM LEMMON seconded the motion and after a roll call vote, all approved and the grant was approved.

RE417 Peoa South Bench Canal & Irrigation Company

David Lake, Sam Turpin, Brian Deeter

JAQUELINE PACHECO the purpose of the project is to replace approximately 3.3 miles of canal with 30-inch and 32-inch HDPE pressurized pipeline, construct a new screening structure, and metering station. The expanded scope of work would include the system laterals that were part of a separate project. Originally, the board had committed \$1 million dollars to the project.

Staff recommends the board reauthorize the project to provide 43.2% of the project cost, up to \$1,660,000, and amend the purchase agreement to state the board will provide \$1,000,000 to be returned at 0% over 30 years with annual payments of approximately \$33,000; and in addition, the board commit \$660,000 from the C&D fund to be returned at 0.1% interest over 30 years with annual payments of approximately \$22,400.

DAVID LAKE we split this into two projects so we could use two different agencies to get funding. We have put the best into this project and we are also installing meters on this project.

VICE-CHAIR KYLE STEPHENS I just want to compliment them for taking advantage of technology and becoming more efficient. What was the difference in the pipe you mentioned?

BRIAN DEETER C900 PVC is the pipe generally seen in culinary systems and pip is generally thinner and seen in irrigation systems. The ground is continually developing so we did not want to put the thinner pipe where there might be city streets eventually.

CHARLES HOLMGREN will they anticipate lowering the regular operating costs with these improvements.

DAVID LAKE yes, we do anticipate that. We have a 40% water loss with our old canal. We are doing everything we can to take the burden off the shareholders but the project really is needed. We had a breach last summer that went down on a public hideaway.

RANDY STAKER there were no public comments on this project.

VICE-CHAIR KYLE STEPHENS moved to reauthorize and commit additional funds for the project, NORMAN JOHNSON seconded the motion and after a roll call vote, all approved and the project was reauthorized and committed as written.

RE429 Cove Water Works Company

Brett Christensen, Randy Larsen, Chad Brown

TOM COX the purpose of the project is to clean and restore the spring collection system, including a new spring box, manholes, and piping. The project will also replace the existing 2" galvanized steel main line from the spring to town with 4" PVC. It was initially meant to follow the original pipeline but a modernized design would have left some air relief vents in a farmer's field and they did not want that so they are now going along some city streets and the project costs went up.

Staff recommends the board commit an additional \$63,700, and amend the purchase agreement to state the board will provide 85% of the project cost, up to \$276,200 and that the project be purchased at 0% interest over 30 years with annual payments of approximately \$9,200.

BRETT CHRISTENSEN we appreciate you working with us. It has been a great improvement to the town.

RANDY STAKER there were no public comments on this project.

CHARLES HOLMGREN moved to approve the additional funds, JIM LEMMON seconded the motion and after a roll call vote, all approved and the additional funds were approved.

NEW APPLICATION

Veyo Culinary Water Association

Will be discussed at future meetings.

PLANNING REPORT

RACHEL SHILTON provided an update on the status of the new Watershed Councils.

VICE-CHAIR KYLE STEPHENS why were exceptions made to the watershed boundaries you mentioned: Utah Lake and Sevier Watershed?

RACHEL SHILTON it was more of an oversight than an intention. The committee was looking at the areas that flow into the common area.

CHAIR BLAINE IPSON are there maps or something on the website to show this?

RACHEL SHILTON yes, there were maps that showed the proposed boundaries but it was discovered by Todd Stonely that the maps were not accurate with the description in the app.

RANDY STAKER there were no public comments.

LAKE POWELL PIPELINE REPORT

JOEL WILLIAMS provided an update on the Lake Powell Pipeline.

RANDY STAKER there were no public comments

BEAR RIVER DEVELOPMENT REPORT

MARISA EGBERT provided an update on the Right of Way acquisition.

RANDY STAKER there were no public comments

DIRECTORS REPORT

DIRECTOR TODD ADAMS we gave a report to the Natural Resources Ag and Environment Subcommittee yesterday on what we have been working on this last year. We are watching the legislature and will continue to see how things work out.

Utah Water Users will be held in St. George May 17-19 but things may change.

The drought reporting committee met and it was recommended to Director Steed that he submit a letter to the Governor for a Drought Declaration.

Grateful for the work of the staff in this division and the members of the Board of Water Resources.

CHAIR BLAINE IPSON next meeting will be March 17 and will likely be virtual.

JIM LEMMON moved to adjourn, it was seconded by VICE-CHAIR KYLE STEPHENS and after a roll call vote, all approved.



March 2021