

Board of Water Resources Board Meeting

Salt Lake City
August 5, 2021



PLAN



CONSERVE



DEVELOP



PROTECT



Division of Water Resources 1594 West North Temple, #310 SLC, Utah 84114-6201

UTAH BOARD OF WATER RESOURCES

August 5, 2021

MINUTES

June 17, 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
1	3	4	5	6	7	8	9	6	7	8	9	10	11	12	13	10	7	8	9	10	11	12	13
2	10	11	12	13	14	15	16	7	14	15	16	17	18	19	20	11	14	15	16	17	18	19	20
3	17	18	19	20	21	22	23	8	21	22	23	24	25	26	27	12	21	22	23	24	25	26	27
4	24	25	26	27	28	29	30	9	28							13	28	29	30	31			
5	31																						

April							May							June									
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13					1	2	3	17							1	22			1	2	3	4	5
14	4	5	6	7	8	9	10	18	2	3	4	5	6	7	8	23	6	7	8	9	10	11	12
15	11	12	13	14	15	16	17	19	9	10	11	12	13	14	15	24	13	14	15	16	17	18	19
16	18	19	20	21	22	23	24	20	16	17	18	19	20	21	22	25	20	21	22	23	24	25	26
17	25	26	27	28	29	30		21	23	24	25	26	27	28	29	26	27	28	29	30			
								22	30	31													

July							August							September									
Wk	S	M	T	W	T	F	S	Wk	S	M	T	W	T	F	S	Wk	S	M	T	W	T	F	S
26					1	2	3	31	1	2	3	4	5	6	7	35				1	2	3	4
27	4	5	6	7	8	9	10	32	8	9	10	11	12	13	14	36	5	6	7	8	9	10	11
28	11	12	13	14	15	16	17	33	15	16	17	18	19	20	21	37	12	13	14	15	16	17	18
29	18	19	20	21	22	23	24	34	22	23	24	25	26	27	28	38	19	20	21	22	23	24	25
30	25	26	27	28	29	30	31	35	29	30	31					39	26	27	28	29	30		

October							November							December									
Wk	S	M	T	W	T	F	S	Wk	S	M	T	W	T	F	S	Wk	S	M	T	W	T	F	S
39						1	2	44		1	2	3	4	5	6	48				1	2	3	4
40	3	4	5	6	7	8	9	45	7	8	9	10	11	12	13	49	5	6	7	8	9	10	11
41	10	11	12	13	14	15	16	46	14	15	16	17	18	19	20	50	12	13	14	15	16	17	18
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

- August 5 – Salt Lake City
- September 16 – Salt Lake City
- October 28 – Blanding, UT
- December 9 – Salt Lake City

Agenda
Utah Board of Water Resources
Board Briefing Meeting

August 5, 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

August 5, 2021

10:00 AM Briefing

1:00 PM Board Meeting

Department of Natural Resources Auditorium
1594 W. North Temple, Salt Lake City

Link to presentations and public comment form:

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

Livestream Links:

Briefing Meeting: <https://youtu.be/0szzmFRAnUI>

Board Meeting: https://youtu.be/5BfzCmRI_S8

APPROVAL OF MINUTES

DROUGHT UPDATE:

Candice Hasenyager

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

RE444	Willow Creek Irr. Co.	Sanpete	Ben Maret
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SPECIAL ITEMS:

RL585	Herriman City - Bond Insurance Grant	Salt Lake	Ben Maret
RD674	Davis & Weber Counties Canal Company	Davis	Shalaine DeBernardi
	- Clarify interest repayment		

NEW APPLICATIONS:

RE450	Draper Irrigation Company	Salt Lake	Russell Hadley
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PLANNING REPORT:

GSL Water Elevations: A Brief History and an End of Season Projection - Jake Serago

LAKE POWELL PIPELINE REPORT:

Joel Williams

BOARD INTERVENTION IN WATER HORSE RESOURCES

Marty Bushman - LLC litigation challenging the Utah State Engineer's denial of its application to appropriate 55,000 acre-feet of water

WATER BANKING REPORT:

Update - Emily Lewis, Clyde Snow & Sessions (Consultant)

DIRECTOR'S REPORT:

Todd Adams

ADJOURNMENT

Applicant: Willow Creek Irrigation Company

Project Number: RE444
Fund: Conservation and Development Fund
Cost Estimate: \$371,000

Application Received: 9/25/2020
Board Meeting Date: 8/5/2021

Board Member: Blaine Ipson
Project Manager: Ben Marett

Project Summary: The purpose of the project is to install flow meters on both secondary and agricultural connections within the Company's service area

Recommendation: Staff recommends the board authorize 85% of the project cost, up to \$315,500, and that the project be purchased at 1% interest over 15 years with annual payments of approximately \$22,800.

Project Contacts:

President:
Tyler Blackburn
PO Box 220223
Centerfield, UT 84621
435-979-2083

Secretary:
Jeff Beck
PO Box 40
Gunnison, UT 84634
801-361-4677

Engineer:
Jesse Ralphs - Sunrise Engineering
25 E 500 N
Fillmore, UT 84631
435-760-0881



Location

The proposed project is located in Axtell, about 4 miles South of Centerfield in Sanpete County.

Introduction & Background

The applicant has received funding from the Board of Water Resources for multiple projects including irrigation diversion structures, canal repair, and installation of a secondary water system. It provides both secondary and agricultural water to residents and farmers in and around Axtell, Utah. The applicant also sells water to the Axtell Community Special Service District which provides potable water in the area.

Existing Conditions & Problems

Water shortages are a frequent occurrence both during dry years and in the concluding months of summer. The lack of water meters in the secondary water system makes it impossible to account for water use.

Proposed Project

The purpose of the project is to install 85 secondary water meters and 45 agricultural water meters. These meters will range in size from 0.75” to 8”. The applicant will be performing the work in-kind using current staff. The project is expected to proceed as soon as funds are made available; ideally fall of 2021. Installation of the meters will proceed through the spring of 2022. Engineering services for the project will be provided by Sunrise Engineering.

Benefits

The applicant estimates that approximately 280 acre-feet of water will be conserved annually by the project. Additionally, installing water meters will enable the applicant to accurately track water use and distribution, thus helping prevent overuse.

Reduction of municipal secondary water use is expected to increase availability of water for agricultural use. The applicant estimates that the increased water availability will increase the agricultural output realized per acre.

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	\$30,000	\$30,000
2	Secondary Water Meters	85	EA	1,800	153,000
3	Subsurface Investigation	25	HR	100	2,500
4	Irrigation Meters and Shut-off Valves	45	EA	3,000	135,000
Construction Cost					\$321,000
Contingency					33,000
Design & Construction Engineering					10,000
Legal and Administrative					7,000
TOTAL					\$371,000



Cost Sharing & Repayment

The recommended cost sharing and repayment are:

Agency	Cost Sharing	% of Total
Board of Water Resources	\$315,500	85%
Applicant	55,500	15
TOTAL	\$371,000	100%

Staff recommends the board authorize 85% of the project cost, up to \$315,500, and that the project be purchased at 1% interest over 15 years with annual payments of approximately \$22,800.

Economic Feasibility

It is in the best interests of the state that all water be metered. No alternative to the proposed project will obtain this goal; therefore, the benefit/cost ratio for the metering project is assumed to be 1.0.

Financial Feasibility

The applicant estimates that a reduction in secondary water use, and a more equitable distribution of water, will make additional water available for agricultural uses. Additional water availability will increase production for various crops. According to the board's guidelines, this benefit would result in a repayment term much lower than the board's minimum of 15 years. Staff recommends using the board's standard secondary meter repayment terms of 1% interest over 15 years.

Water Rights & Supply

Water rights related to this project are as follows:

Water Right Number	Flow / Volume (cfs / ac-ft)
63-1002	0.5 cfs
63-2829	47 / 851.6*
63-4696	2.88 cfs

*Held by the Board of Water Resources

Easements

No additional easements will be needed for the proposed project.

Environmental

No adverse environmental impacts are expected to occur from the proposed project. In terms of water conservation, this project is expected to benefit the natural system from which water is sourced; namely, Willow Creek Reservoir and its tributaries.

Water Conservation

The applicant estimates that approximately 280 acre-feet of water will be conserved annually by the project.



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, 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. Submit or update 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.
6. Adopt a rule prohibiting its users from irrigating landscapes between the hours of 10:00 a.m. and 6:00 p.m.
7. Pass an ordinance or resolution requiring all new connections on the secondary irrigation system to install water meters.

If the board provides funds for the project, the applicant will also be required to either provide educational resources about efficient landscape watering on the secondary water billing statement, or bill all secondary metered connections based on a tiered conservation rate structure. The applicant must also report water use data gathered through the new secondary metered connections annually to the Utah Division of Water Rights.

Willow Creek Irrigation Company

Project Area Map

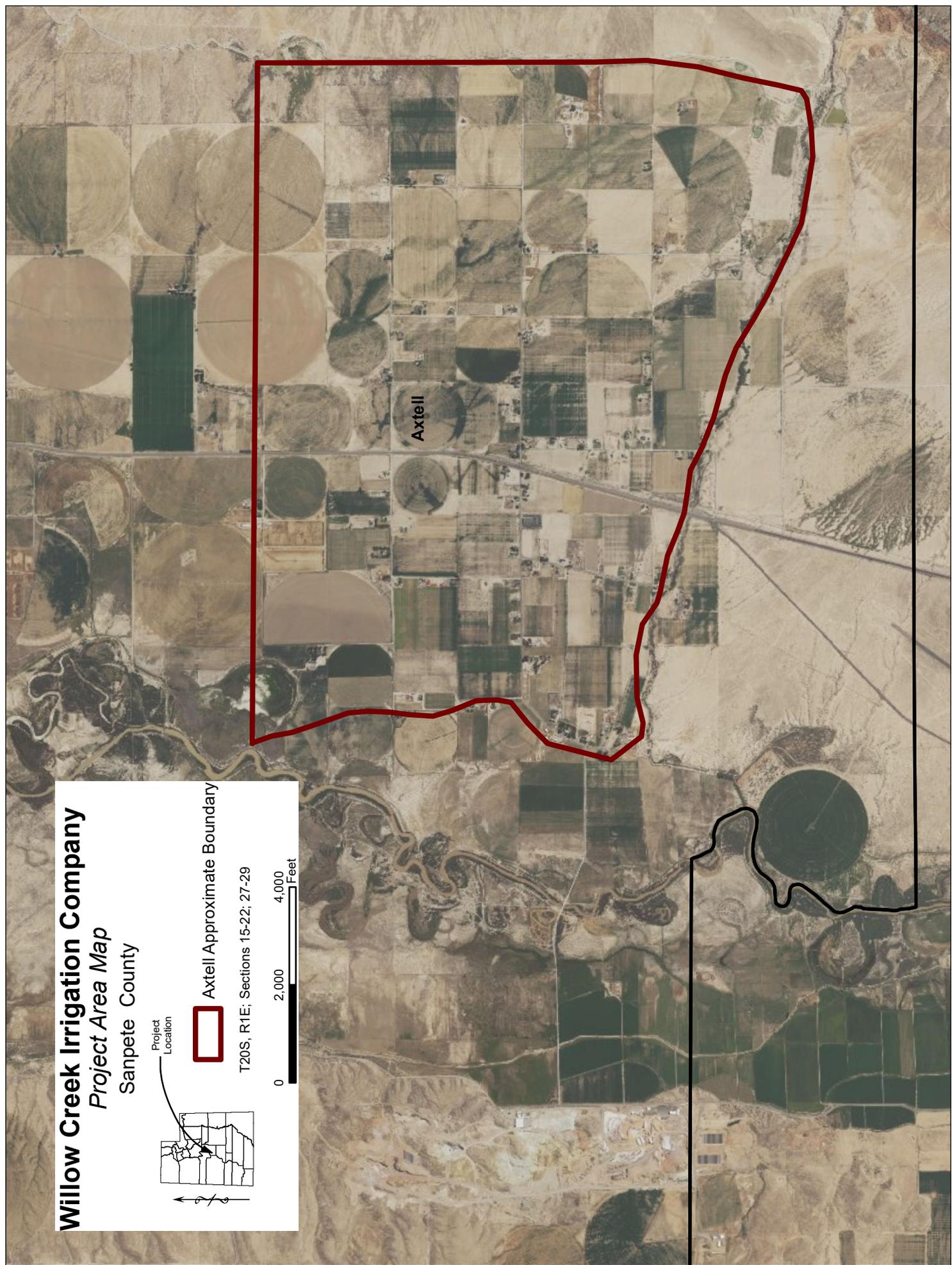
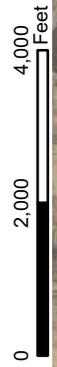
Sanpete County

Project Location



Axtell Approximate Boundary

T20S, R1E; Sections 15-22, 27-29



BOARD OF WATER RESOURCES
Special Item – Bond Insurance Grant



Applicant: **Herriman City**

Project Number: RL588
Fund: Cities Water Loan Fund
Total Cost: \$23,000,000

Application Received: 3/26/2021
Board Meeting Date: 8/5/2021

Board Member: Juliette Tennert
Project Manager: Ben Marett

Summary: The purpose of the project is to install distribution pipeline, rehabilitate and install pump stations, build two two-million gallon water tanks, and install inter-developmental water connections. These improvements will enable the system to meet current and future demands, as well, as provide water to areas expecting development. The total estimated cost of the project is \$23 million.

Recommendation: Staff recommends the board provide a grant of up to \$75,000 to purchase bond insurance.

Project Contacts:

Mayor:
David Watts
5355 W. Main St.
Herriman, UT 84096
801-446-5323

Public Works Director:
Justun Edwards
5355 W. Main St.
Herriman, UT 84096
801-446-5323



Location

The proposed project is located in Herriman City in Salt Lake County.

Project Summary

The proposed project consists of improvements throughout the applicant's water distribution system. These improvements will enable the applicant to meet current and projected water demands. The project is ongoing and is expected to cost approximately \$23 million.

1. North Herriman Water Improvements

This project will provide additional water supply to the northwest portion of the water system. The primary components of these improvements include the installation of approximately 7,000 feet of ductile iron and PVC transmission pipeline. Construction on these improvements began in April and concluded in June. The total cost is \$1,450,000

2. East Herriman Water Improvements

This portion of the project consists of installing a dual zone pump station, two two-million-gallon water tanks, with associated transmission and distribution pipelines and appurtenances. This portion of the project is expected to go out to bid in August with an anticipated construction start date of spring 2022 and will serve the southeast portion of the system. These improvements are expected to cost \$14.5 million.

3. Juniper Canyon Water Improvements

These improvements include several inter-developmental connections. These connections will provide redundancy and improve water system efficiency. The project consists of both culinary and secondary transmission and distribution pipelines ranging in size from 8" to 24". These improvements cost approximately \$2,407,000 and were completed in June.

4. Zone 4 Pump Station

This project includes pump replacement and upsizing pipelines and valves to increase pump capacity of an existing pump station to meet current and future demands. These improvements have been completed at a cost of \$550,000.

5. Zone 5 Pump Station

This portion of the project includes the installation of a new pump station which will service a recently developed area of the City. Engineering design is expected to begin fall of 2021 with construction beginning spring 2022. The projected cost of these improvements is \$1.1 million.

Terms

Staff recommends the board provide a grant of up to \$75,000 to purchase bond insurance. This will reduce the interest rate by about 0.15%, from 2.49% to 2.34%, and will save the city approximately \$453,176 over the bond repayment period.

BOARD OF WATER RESOURCES
Special Item – Clarify Interest Repayment



Applicant: **Davis & Weber Counties Canal Company**

Project Number: RD674, RD792
Fund: Conservation and Development Fund
Total Cost: \$8,300,000; \$4,884,000

Application Received: 2/22/1988
Authorized: 8/5/1988
Committed: 3/2/1989, 6/21/1991
Board Meeting Date: 8/5/2021

Board Member: Kyle Stephens
Project Manager: Shalaine DeBernardi

Summary: The purpose of the projects were to install pressurized secondary systems in Kaysville and West Point City.

Recommendation: Staff recommends the board amend both purchase agreements to state that no interest will be charged on deferred interest. All other repayment terms will remain as contracted.

Project Contacts:

President:
Scott Paxman
138 W. 1300 N.
Sunset, UT 84015
801-771-1677

Manager:
Rick Smith
138 W. 1300 N.
Sunset, UT 84015
801-774-6373



Location

The projects were located in Kaysville and West Point in Davis County.

Project Summary

In 1988, the applicant requested financial assistance from the board to construct a secondary irrigation system as land in its service area was converted from agriculture to residential. The system was constructed in phases, and included storage, transmission and distribution facilities.

The funding for these two projects was committed with similar repayment terms. The funds were to be repaid at 5% interest, over 35 years, with increasing payments. The initial payments were set low enough that the payment did not cover the full amount of interest owed, which meant there was deferred interest to be paid later. The Division of Finance has been charging interest on that deferred interest, in addition to the principal, which means that the payments have not been accounted for as the Board intended. The Division of Finance has agreed to modify the repayments only if the Board agrees to amend the agreements to clearly state that interest should not be charged on the deferred interest.

Proposed Amendment

Staff recommends the board amend both purchase agreements to state that no interest will be charged on deferred interest. All other repayment terms will remain as contracted.

Applicant: **Draper Irrigation Company**

Project Number: RE450
Fund: Conservation and Development Fund
Cost Estimate: \$22,000,000

Application Received: 7/9/2021
Board Meeting Date: 8/5/2021

Board Member: Juliette Tennert
Project Manager: Russell Hadley

Project Contacts:

General Manager: Darrin Jensen-Peterson 12421 S. 800 E. Draper, UT 84020-9711 801-571-2232	Assistant General Manager: David A Gardner 12421 S. 800 E. Draper, UT 84020-9711 801-301-3538	Engineer: Jon Oldham Bowen Collins & Assoc 154 E. 14075 S. Draper, UT 84020
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Location

The proposed project is located in Bluffdale in Salt Lake County.

Proposed Project

The applicant is requesting financial assistance from the board to construct a new pump station, shallow groundwater wells, and waterlines to blend effluent with groundwater for reuse.

Water Rights

- 57-3410
- 57-10180
- 57-10181
- 57-10191
- 57-10269
- 57-10191
- 57-443

**Planning Branch Report
August 5, 2021
Great Salt Lake Elevations**

The Great Salt Lake has experienced historic peaks and lows shown below.

Great Salt Lake Low and High Elevations									
Record type	Date	South Elev	North Elev	South Vol	North Vol	Total Vol	South Area	North Area	Total Area
Low Elevation	10/15/1963	4191.35	4190.85	5,852,352	3,218,917	9,071,269	390,415	243,805	634,220
Low Area/Volume	12/3/2016	4192.3	4189.2	6,229,039	2,829,315	9,058,354	403,025	229,468	632,493
Peak Elevation	6/3/1986	4211.6	4211.1	16,540,096	10,812,111	27,352,207	607,619	462,845	1,070,464

Figure 1. Past historic records.

The lake has had an interesting history over recent millennia due to glaciation and climate change.

Depths of the Great Salt Lake through time*			
Stage	Period	Max Depth	
Bonneville	18,000 BP	980	Ended when Red Rock pass eroded 400 feet
Provo	18-15,000 BP	550	Ended when lake stopped flowing over pass
Gilbert	11,600 BP	85	Elevation ~4250
7/28/2021	Recent	26	Elevation ~4191

* Ancient depths are approximate due to geologic tilting and rebound

BP - Before Present

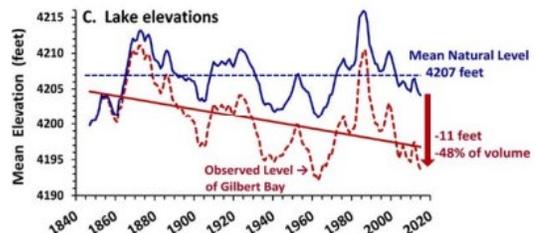
Figure 2. Prehistoric and historic lake depths

There is no evidence that the lake has ever completely dried up. However, lakebed cracking showing possible desiccation occurs at elevation 4183, 8 feet lower than today.

Factors that affect Great Salt Lake Elevation

- The causeway freshens the south arm and lowers the lake.
- Human depletions lower the lake

Agriculture	63%
Mineral Extraction	13%
Municipal and Industrial	11%
Impounded Wetlands	10%
Reservoir Evaporation	3%



- Drought lowers stream flows and also Great Salt Lake elevations.

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

Lake Powell Pipeline Update
June 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
- Bureau of Land Management preparing Historic Properties Treatment Plan
- Ongoing discussions with Basin States
- Right of way development
- 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 Bureau of Reclamation Section 14 Agreement
- Project Timeline
 - o Supplemental Draft EIS – Winter 2021
 - o Final EIS – Summer 2022
 - o Record of Decision – Summer/Fall 2022
 - o Final Design and Financing Plan
 - o Construction
- Contracts Update

Presented by Joel Williams, Assistant Director

Unapproved

BOARD OF WATER RESOURCES

BRIEFING MEETING

MINUTES

June 17, 2021

Utah Department of Natural Resources

BOARD OF WATER RESOURCES
Briefing Meeting Minutes
George S. and Dolores Deore Eccles Wildlife Education Center
June 17, 2021
10:00 am

THOSE PRESENT

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

STAFF PRESENT

Todd Adams
Candice Hasenyager
Joel Williams
Randy Staker
Marcie McCartney
Lindsay Russell
Shalaine DeBernardi
Marisa Egbert (online)
Carmen McDonald
Paul Gedge

CHAIR BLAINE IPSON called the meeting to order at 10:19 am and provided some logistics on the virtual component. This is our first in-person meeting since January 2021 but we still have some participating virtually.

CHAIR BLAINE IPSON the State of Utah is dry. We have reservoirs getting extremely low and some will be drained, some that have never been drained before. Every area of the state is dry and we are anxious to hear some of the reports for today.

CHAIR BLAINE IPSON we will go through each agenda item one by one. The Approval of the minutes is the first item. We will have a report on the drought situation in the state from Candice Hasenyager. We will then go through the Feasibility Reports.

PROJECT REPORTS
FEASIBILITY REPORTS

RE438 Midway Irrigation Company

WAYNE ANDERSEN this project falls in line with other projects we are working on and it is a very responsible project overall.

MARISA EGBERT this is a really good project and just to note, the entire system is already pressurized. They are working on getting the meters on existing properties. The project will include the installation of 750 secondary meters along with the required software throughout the company's service area. They have a WaterSMART WEEG grant for approximately \$517,750 and they are cost-sharing \$87,250.

Staff recommends the board authorize 44.8% of the project cost, up to \$490,000, and that the project be purchased at 1% interest over 15 years with annual payments of approximately \$35,400.

TODD ADAMS the Legislature appropriated funds for secondary metering but this project is not included in that because of the county class restriction.

JULIETTE TENNERT are the warranties around 15 years for these meters?

MARISA EGBERT the warranty on these is 20 years. I also want to mention that the applicant will be in person at the meeting and I will also be in person at the meeting.

RE446 Provo River Water Users Association

WAYNE ANDERSEN this is a large and exciting project. If we were to have this project and drain the reservoir, it would be impossible today. The work that will be done is something that is pretty special and important for this area. The cost of this is down from the original cost, which is still a lot but they have found ways to lower the overall cost. The applicant will propose that we extend the 30 year repayment period to 35 years. They are requesting this because they are repaying some other funding and would like to pay interest only for the first 5 years. It would make these repayments easier and there is a precedence in this group of going to 35 years.

SHALAIN DEBERNARDI as Wayne mentioned, there is precedence of this type of board action. Tom was able to find examples of this in our history. 35 years is not unreasonable for a project of this magnitude. We are asking you to bond with Provo River even though they generally do a purchase agreement but they do not own the project so there have been changes there as well.

RANDY CROZIER asked about why it was being financed this way. This is a federally owned project so why does it fall to the State?

SHALAIN DEBERNARDI this is the agreement that they have with the feds. They can use it but the association is responsible for it.

CHARLES HOLMGREN what will the language be like with the payback amount?

SHALAIN DEBERNARDI if this is agreed upon from the board, staff recommends the board authorize 71.3% of the project cost, up to \$42.8 million dollars and that the bonded indebtedness be returned at 1% interest over 35 years with annual payments of approximately \$841,000 the first five years and about \$1,641,038 the remaining 30 years (including reserves).

JULIETTE TENNERT how does this large project fit in with the amount we have to do other projects? Does it leave us enough room to fund other projects?

DIRECTOR TODD ADAMS we will be going over the Status of Funds shortly and you will be able to see where we stand and that we do have the funds available for this.

SHALAIN DEBERNARDI we are also coming to the end of the fiscal year so we will be fine.

VICE CHAIR KYLE STEPHENS I had similar questions regarding Juliette's question but I also had some questions regarding Quagga mussels and have they just found the DNA and not the actual mussel?

SHALAIN DEBERNARDI yes just the DNA was detected several years ago but it has not been detected lately.

SPECIAL ITEMS

RE208 South Weber Irrigation Company

VICE CHAIR KYLE STEPHENS this project was funded before I was involved in the board so there is a history associated and there were several different approaches to this project that had been presented.

MARISA EGBERT this project began back in 2006/2007 when the housing market was huge and then in 2008 when the market dropped, the project was already under construction. The purpose of this project was still to install a pressurized secondary system throughout the service area and they are requesting a modification of the repayment terms. They want set payments each year to get some relief from the repayments. Most of this will go to M&I use and we based the interest rate on today's rates for M&I projects.

Staff recommends that the board amend the purchase agreement to state that the principal balance will be returned at 2.03% over 29 years with annual payments of approximately \$49,300.

RE447 Draper Irrigation Company

JULIETTE TENNERT they are looking to get some support to do secondary meter boxes and pipeline. Part of this is a new area and some is a subdivision where the developer installed the system and it is really not done well. The applicant wants to install that properly. The request is not for the meters themselves, it's for the infrastructure to do them. They want to move them to the front yard from the backyard as well. It is a great project.

SHALAIN DEBERNARDI there were 73 connections that had backyard meters and it is just falling apart so they would like to ensure that it is done properly.

Staff recommends the board authorize the project and commit 85% of the project cost up to \$1,402,500, and that the project be purchased at 1% interest over 25 years with annual payments of approximately \$63,700

NEW APPLICATIONS

RL588 Herriman City

RE448 Centerfield City

RE449 Center Creek Water System

CHAIR BLAINE IPSON we will then have a Lake Powell Pipeline report from Joel Williams during the meeting. After that, we will have Emily Lewis give a Water Banking Report. Director Adams will then be giving his report.

DIRECTOR TODD ADAMS as Candice said, it is hot and dry and our staff is working hard to do what we can to get information out. We are also back in the office but there is flexibility with telework and Utah Works. We have 16 staff that are no longer working in the office and it has been interesting to work through this process. We have had surge days on top of that but it has been great to see faces of people.

STATUS OF FUNDS

JOEL WILLIAMS we are nearing the end of the fiscal year with new beginning balances and we can see the projects that we are contracted with. The first board meeting in August will look slim in terms of how many projects we are contracted with as we start the new fiscal year and we are almost at capacity for this current fiscal year.

VICE-CHAIR KYLE STEPHENS I am just wondering about the title of the Revolving Construction Fund because grants come out of there so they don't really revolve, should it be retitled to something else to clarify?

JOEL WILLIAMS they could all be retitled revolving funds technically because they are all revolving but the original revolving fund that was created in the 1940's is the oldest fund in the board's history. It was in the 90's that the Dam Safety Act was written and those Dam Safety grants are the only grants to come out of the Revolving Construction Fund as written in that act.

SHALAIN DEBERNARDI the titles of these funds are in the Utah Code so they cannot be changed.

DIRECTOR TODD ADAMS yes, those titles are in Utah code and we are directed to provide grants for Dam Safety from the \$3.8 million that comes into that fund every year.

DIRECTOR TODD ADAMS we would like to introduce our newest staff member in the project funding section: Steven Gregerson.

SHALAIN DEBERNARDI he is the replacement for the board project funding duties. We are excited to have him join.

STEVEN GREGERSON these are unique times to come into this position and I am excited to learn this process. I come from a land development and construction background and have done work in contracts and water rights as well. I am looking forward to this position.

DIRECTOR TODD ADAMS our next meeting will be August 5 and the plan was to go to the Blanding area but we will have either Norm or Shalaine talk to us about that.

NORM JOHNSON lets have Shalaine discuss that.

SHALAIN DEBERNARDI we wanted to ask the board what they wanted to do. We have some options and there are some projects to see in the area. After speaking with Norman at Water User's we can do a virtual tour and we can also push the board tour to September or October as well. There are projects to see in the area but because they are spread out, the virtual tour might be an option unless there is one specific area that is available to get to. We really wanted the board to make that decision.

CHARLES HOLMGREN perhaps we could move it to October.

NORMAN JOHNSON I will be gone for the September meeting.

JULIETTE TENNERT I would like to have it in person.

WAYNE ANDERSEN I would also like to be in person and I would like to move to October.

CHAIR BLAINE IPSON all other board members would like to move the board tour to October 28 in person.

SHALAIN DEBERNARDI we will look at those dates and plan something.

DIRECTOR TODD ADAMS we will have the August meeting in Salt Lake City and the board tour will be moved to the southeast part of the state in October.

CHARLES HOLMGREN I had some questions about Covid funding. In Box Elder County the cities are getting approximately \$10,000 per person and I know that in Tremonton specifically, they are using most of that for secondary water issues. Also, we had a canal board meeting this week and our canal manager commented on Senator Iwamoto seeking funding for water measurement such as telemetry. Our manager was not sure what was going to be available but he is investigating that more.

DIRECTOR TODD ADAMS in the special session we just had, the legislature appropriated \$100 million of the ARPA (covid funding) funding and they are still deciding how that will be allocated. If that money is spent there may be another \$180 million more. We are working

with the legislative, executive, and DNR leadership on these things. There is money coming for infrastructure.

VICE CHAIR KYLE STEPHENS I was asked the other day about the monitoring of the construction of the projects going on?

SHALAINE DEBERNARDI that is a great question. Anytime we provide funding, our staff does regular visits to the construction sites. We do have very thorough project managers that monitor costs and the actual construction. They then get firsthand knowledge of what is going on and that the funds are being used as they were meant to be used. One example was that one of the engineers from our office found an issue with a Dam Safety upgrade and although that is not the general reason for going out, our engineers are very on top of these projects.

VICE-CHAIR KYLE STEPHENS I was pretty sure that was the case and I appreciate the explanation. I was taken back by the comment and I wanted to make sure that I was correct in my assumptions.

CHAIR BLAINE IPSON and each sponsor does have a consulting engineering firm that is responsible for quality control of the project and of course the Division's engineer has the project manager who produces regular reports. There is quite a bit of oversight on these projects.

SHALAINE DEBERNARDI on another topic, I wanted to make you aware that as Water Rights works on their adjudications, there have been some books they are working on finalizing and from that, we have been getting notice that the Board has water rights that if we don't make claim, we will lose them. Most of them that we have seen are actually water rights that were transferred from an emergency relief situation from wells that were drilled in the 1930's as drought emergency relief. Should we really be letting this go? I did speak with Water Rights with Michael Drake and he said that if the Board made a claim, we would look at them and discern whether it was a primary right or a supplemental right. If the Board stakes a claim to that, they would need to decide who has the claim to that primary right.

This brought up the question of if we want to make these types of claims. We were thinking that we don't want to do that but we wanted to get some feedback from the board.

RANDY CROZIER so these water rights, were they filed in the name of Water Resources or were they transferred to us? More than likely when the legislation did this, a private irrigation could not hold a right but we could so they transferred it.

SHALAINE DEBERNARDI the transfer happened long ago but we have had requests from people that have found wells on their property and the water right was in the name of the board. Water Rights would not allow that previously. The issue becomes now that do we want to potentially be in a fight with local entities on a right that we may or may not use.

CHAIR BLAINE IPSON coming from a water rights background, I would not want to be in that fight either. How would we show in the example you gave that that we have beneficially used the water there? I just don't think we should be getting involved.

RANDY CROZIER we just need to look at them as individual rights.

SHALAIN DEBERNARDI most have been fairly small so the effort involved would likely not be worth the trouble. Especially if we have not used them in decades. Do you want us to bring those to you in the future or do you want us to continue making those internally? When it comes to things regarding the Lake Powell Pipeline and other rights that are yours, we are very particular about those, but these were not in the name of the board.

RANDY CROZIER do we need to discuss this in a future board meeting in the name of a motion to make these decisions or do you already have the authority to do that.

SHALAIN DEBERNARDI we will look into that.

WAYNE ANDERSEN are these water rights being administered by local companies or local people right now?

SHALAIN DEBERNARDI no, these water rights are not used right now and have not been used in 75 years.

CHAIR BLAINE IPSON these are paper water rights.

WAYNE ANDERSEN if it is paper water rights, then as far I am concerned, they have no basis.

SHALAIN DEBERNARDI most were used in 1934 and 1935 and have not been used since then.

WAYNE ANDERSEN so they fall under the jurisdiction of the local water companies?

CHAIR BLAINE IPSON they are not being used at all. The land they were going to be used on is covered with other entities' ownership and water rights. This is just paper water rights.

WAYNE ANDERSEN so it is essentially a mirage and there is not anything of substance there. I don't see the purpose in holding it.

DIRECTOR TODD ADAMS these were likely a supplemental water right in a very dry time. It helped get through the droughts in the 1930's. We can research what we have and what we have got. We can look at these individual water rights and come back to the board with a recommendation to proceed as we are or get the authorization to act on your behalf on these issues. Perhaps it would be good to have the Chair look through these if we have questions based on your background.

CHAIR BLAINE IPSON does that satisfy your concerns Randy?

RANDY CROZIER yes, we just need to make sure it is done legally.

DEPUTY DIRECTOR CANDICE HASENYAGER one thing we need to note is that these are all based in a certain time period. The only concern I have of setting it with specific board meetings or motions is that they have to be reviewed and acted upon within a certain time period.

SHALAIN DEBERNARDI yes, the adjudications announced have a certain amount of time to be reviewed and discussed. We do have a spreadsheet with the water rights that we believe we have the title to that were for the drought emergency situations. I am happy to go through them and bring that information in to the board so it can be a blanket decision. There are other water rights that may require individual consideration. But with these, we can make a blanket decision as they all fall under the same scenario.

RANDY CROZIER I had a conversation at the Water Users Conference with someone regarding the fact that Ag users hold around 80% of the state's water rights and they were frustrated with that. I told him that I was one of those Ag users and asked him what he thought that water was used for? He was unsure and I told him that we use that water to put food on the table and water our animals as well. He had never thought about that. There is such a disconnect with how people believe we use water but we need to educate people more on what it takes to make sure food and water are provided to people.

CHARLES HOLMGREN moved to adjourn the meeting WAYNE ANDERSEN seconded, and all approved. The meeting ended at 11:42 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

June 17, 2021

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SUMMARY OF BOARD ACTIONSii

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SUMMARY OF BOARD ACTIONS

June 17, 2021

1. PAGE 1: The minutes from the March 17, 2021 meeting were approved. NORM JOHNSON moved to approve, CHARLES HOLMGREN seconded, and all approved.
2. PAGE 2: RE438 Midway Irrigation Company – the board approved the project. WAYNE ANDERSEN moved to approve, JIM LEMMON seconded the motion, and all approved.
3. PAGE 4: RE446 Provo River Water Users Association - the board approved the project. WAYNE ANDERSEN moved to approve the new motion, JIM LEMMON seconded the motion, and all approved.
4. PAGE 5: RE208 South Weber Irrigation Company – the board approved the amendment. VICE-CHAIR KYLE STEPHENS moved to approve, WAYNE ANDERSEN seconded the motion and all approved.
5. PAGE 5 :RE447 Draper Irrigation Company– the board approved the project. JULIETTE TENNERT moved to approve the motion, CHARLES HOLMGREN seconded the motion, and all approved.
6. PAGE 4: JIM LEMMON moved to adjourn the meeting, WAYNE ANDERSEN seconded the motion, all approved and the meeting ended.

THOSE PRESENT

BOARD MEMBERS PRESENT:

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

STAFF MEMBERS PRESENT:

Todd Adams, Director
Candice Hasenyager, Deputy Director
Joel Williams, Assistant Director
Shalaine Debernardi, Section Manager
Randy Staker, Financial Analyst
Russell Hadley, Engineer
Marisa Egbert, Engineer
Steve Gregerson, Contracts Specialist
Marcie McCartney, Section Manager
Carmen McDonald, Engineer Technician
Paul Gedge, AV specialist
Lindsay Russell, Executive Admin

OTHERS PRESENT:

Steve Farrell, Midway Irrigation President
Mike Kohler, Midway Irrigation Manager
Corbin Gordon, Midway Irrigation Attorney
Brandon Nielsen, J-U-B Engineers Project Manager (Midway Irrigation)
Jeff Budge, Provo River Water Users Association operations & Engineer manager
Jonathan Ward, Zions Public Finance on behalf of Provo River Water Users Association
Mark Anderson, Zions Bank Vice President in Public Finance
Cayden Taylor, AE25 Project Manager on behalf of Deer Creek
Blair Halverson, South Weber Irrigation President
Teri Halverson, South Weber Irrigation Secretary
David Gardner, Draper Irrigation Company Project Manager
Steve Cunningham, Draper Irrigation Company
Darren Jensen, Draper Irrigation Company
Emily Lewis, Attorney

BOARD OF WATER RESOURCES
Meeting Minutes
George S. and Dolores Dore Eccles Wildlife Education Center
June 17, 2021
1:00 PM

CHAIR BLAINE IPSON called the meeting to order at 1:01 PM

APPROVAL OF MINUTES

CHAIR BLAINE IPSON asked for changes to the minutes and there was a minor change of Wayne Holmgren to Wayne Andersen.

NORM JOHNSON moved to approve, CHARLES HOLMGREN seconded, and all approved including KYLE STEPHENS virtually. The motion to approve the minutes passed.

DROUGHT UPDATE

CANDICE HASENYAGER 100% of the state is in drought and we are preparing for the worst on record drought conditions. We were given feedback that the State of Utah was not communicating with the drought monitor and agencies. In April 2020 we had some moderately dry areas and by October 2020 we had some severe and even some extreme drought conditions. This caused record dry soils to occur. We knew we would need record snow to make up for these dry temperatures and we never received that. The governor did issue an emergency drought declaration in March 2021. Drought conditions affect every sector: agriculture, tourism, commerce, etc. There were two executive orders to limit water use at state facilities.

One of the things we have done in the past few weeks is change the Slow the Flow campaign to a more blunt message. Extreme Drought. Water Less. We ask that people prioritize watering (trees/shrubs) and then water grass 2 times a week in northern Utah and 3 times a week in southern Utah.

CHAIR BLAINE IPSON there were no questions from the board but 1960 and 2002 were memorable years in drought in my memory and this is worse than those. Thank you for that presentation.

FEASIBILITY REPORTS

RE438 Midway Irrigation Company

Steve Farrel, Mike Kohler, Corbin Gordon, Brandon Nielsen

MARISA EGBERT the project includes the installation of 750 secondary meters, along with the required software, throughout the company's service area. The system is already pressurized

so they are looking to install the remaining connections. They have a WaterSMART WEEG grant from the BOR.

Staff recommends the board authorize 44.8% of the project cost, up to \$490,000, and that the project be purchased at 1% interest over 15 years with annual payments of approximately \$35,400.

STEVE Marisa did a great job and just one small correction that we use the snowmaking up at Soldier Hollow (not Solitude). We are using this more as a management tool instead of a revenue source and we see great benefit in the meters. We would like to do something similar to how Weber Basin runs their system and help educate people on the water they use. We are looking forward to getting these meters in so we know how much we are delivering. We appreciate your consideration.

NORMAN JOHNSON does any of the water provided to the ski resort come back to you?

STEVE no, it's on the other side of the mountain and it goes to Deer Creek and the Provo water users get it.

CHAIR BLAINE IPSON what is the timeline?

STEVE we are hoping to start as soon as possible, hopefully at the end of this irrigation season.

VICE-CHAIR KYLE STEPHENS I was looking at the report and the cost of installation and wanted to make sure the amount meets the needs of the current costs. We don't want you to have to come back.

STEVE I think that would cover the costs.

DIRECTOR TODD ADAMS these are for existing connections because you require all new connections to come with a meter?

STEVE yes, any new development in the Midway area is required to have a meter.

WAYNE ANDERSEN this is a pretty straightforward project and it is efficient.

WAYNE ANDERSEN moved to authorize funding for the project JIM LEMMON seconded the motion, all approved and the motion to authorize funding for the project passed.

RE446 Provo River Water Users Association

Jeff Budge, Jonathan Ward, Mark Anderson, Caden Taylor

SHALAIN DEBERNARDI the purpose of the project is to replace the Deer Creek Dam intake structure and rehabilitate the existing guard gates or install new gates without draining the reservoir. This also includes measures to address potential Quagga mussel infestation and maintain or improve the quality of water delivered to the reservoir.

Staff recommends the board authorize 71.3% of the project cost, up to \$42,800,000, and that the bonded indebtedness be returned at 1% interest over 30 years with annual payments of approximately \$1,078,000 the first five years and about \$1,878,000 the remaining 25 years (including reserves).

JEFF BUDGE we have all benefited from good forward thinking on the design of this dam but infrastructure does wear out and this project is a pinch point for the water on the Provo River. All of the water from several rivers goes through this outlet works at Deer Creek Dam so we want to leave a legacy of good infrastructure for the future as we have enjoyed it. We appreciate the staff, the board, and the favorable funding options. We do want to ask to extend the payment period by 5 years to make it a 35-year repayment period. We do not have an economic return from this project so this is a large bill for our shareholders and we appreciate the low interest rate. We do want to ask to extend the repayment period another 5 years just to make it more feasible for our shareholders.

CHARLES HOLMGREN question about the Quagga Mussel issue; is the technology there to be able to fight this issue?

JEFF BUDGE we have been working with Reclamation to determine how we can best combat this pest. We have also looked at the research on coatings and different types of steel to be used.

JULIETTE TENNERT there is no economic benefit of this project and we can see that. Our participation does make this feasible but I was wondering what the interest rate would be in the private sector. I just want an idea of the differential.

JONATHAN WARD the public markets would be much more than 1% because we are a private nonprofit. The rates are closer to 3 or 3.5% in the private market on this particular project plus a little more because of the tenure (time frame) of the project.

CHAIR BLAINE IPSON who owns the facility?

JEFF BUDGE Deer Creek Dam and the power plant are physically owned by the Bureau of Reclamation.

CHAIR BLAINE IPSON and that leads to the next question: if the owner is responsible for the repairs and maintenance, why are the Provo Water Users responsible for this?

JEFF BUDGE they are transferred works that the BOR uses. They are contracted with the Provo Water Users Association for the maintenance and repayment of the project. In 5 years, we will have paid off the BOR for building the dam, but we do not actually own the dam, we just utilize it.

CHAIR BLAINE IPSON as part of the package, we would assume the agreements you have with them should be included in your submission to the board.

VICE-CHAIR KYLE STEPHENS the Provo Water Users Association will cover the cost and the report indicates that there are approximately 100,000 shares and the rate is \$28.61 and the proposed annual payments on this amount would be \$10.78, am I reading that correctly?

JEFF BUDGE yes, with the financing structure as proposed, it allows us to ramp up to that level and we will be at that level for several years. We will be able to reduce that as other obligations fall off. That is part of the reason we are asking for the 35-year repayment term because it helps us balance out those assessments for the shareholders palatably.

JIM LEMMON didn't we discuss interest-only payments for the first 5 years?

SHALAIN DEBERNARDI it is not just interest payments for those first 5 years, it would be interest, some reserves, and a little principal to equal out to annual payments of approximately \$841,000.

WAYNE ANDERSEN the reservoir was created in 1941 and my grandfather was one that helped build that reservoir so it means a lot to me to keep this reservoir active and viable. I would encourage the rest of the board to support the additional 5 years.

WAYNE ANDERSEN moved to authorize the new motion, JIM LEMMON seconded the motion and all approved including VICE CHAIR KYLE STEPHENS who was participating remotely. The motion passed unanimously.

SPECIAL ITEMS

RE208 South Weber Irrigation Company

Blair and Teri Halverson

MARISA EGBERT the current repayment rate is 2.5% and they are requesting a change to 2.03% for the remaining 29 years. This project began back in 2006/2007 when the housing market was huge and then in 2008 when the market dropped, the project was already under construction. The purpose of this project was to install a pressurized secondary system throughout the service area and they are requesting a modification of the repayment terms. They want set payments each year to get some relief from the repayments. Most of this will go to M&I use and we based the interest rate on today's rates for M&I projects.

Staff recommends that the board amend the purchase agreement to state that the principal balance will be returned at 2.03% over 29 years with annual payments of approximately \$49,300.

BLAIR HALVERSON I wanted to thank you all for taking the time on this project. We have been working to get our books in order as changes have been made in staff and our accountant came to us and told us that we were not solvent. We reached out to Shalaine and asked for some guidance and are now before you today with our request to modify the repayment terms. We would have preferred the 1% interest rate. We went from 166 connections last year to 423 this year.

CHARLES HOLMGREN what is the impact of the installation fees and the fees per connection?

BLAIR HALVERSON our connection fees are \$2,250 per home and our annual fee is \$195. It is inexpensive water but we are considering a rate increase to \$205 to be more in line with neighboring water districts.

VICE-CHAIR KYLE STEPHENS Marisa mentioned that this project was started back in 2006 and there have been some extenuating circumstances in this project and I appreciate Blair's experience with this.

VICE-CHAIR KYLE STEPHENS moved to approve the amendment for the project, WAYNE ANDERSEN seconded the motion, all approved including VICE-CHAIR KYLE STEPHENS who was participating virtually, and the motion passed.

RE447 Draper Irrigation Company

David Gardner, Steve Cunningham, Darren Jensen

RUSSELL HADLEY the proposed project is located in Draper city. The Draper Irrigation Company serves water to approximately 7,250 culinary and about 3,175 secondary connections. The purpose of the project is to install about 4,800 feet of 6-inch pipeline and 73 secondary water meter boxes. The previously installed secondary system was installed poorly and is in need of replacing and they also installed this in the backyard of the homes which made it difficult to maintain. This is the 5th project the company has come before the board with.

Staff recommends the board authorize the project and commit 85% of the project cost up to \$1,402,500, and that the project be purchased at 1% interest over 25 years with annual payments of approximately \$63,700.

DAVID GARDNER I am managing this project and we do appreciate the past funding from the board. This metering project is a fantastic project and this is the finishing touch to that project.

STEVE CUNNINGHAM the main reason for this project is that we cannot work on others until the mains are in the streets so that is the driver for this.

DARREN JENSEN we just appreciate the opportunity to have the board consider this project.

VICE-CHAIR KYLE STEPHENS what is the difference between near-side and far-side?

RUSSELL HADLEY near-side is if the meter box is placed on the same side of the street by the pipeline and the far-side would be placing the meter box on the opposite side of the street from the pipeline and they would have to do a road cut to get the pipeline to the opposite side. This is significantly more expensive.

JULIETTE TENNERT I just want to thank Russell for preparing this and thank the applicants for being proactive and getting the secondary meters so close to being done. I am excited to support this project.

JULIETTE TENNERT moved to authorize the project and commit the funds, CHARLES HOLMGREN seconded the motion, all approved including VICE-CHAIR KYLE STEPHENS who was participating virtually, and the motion passed.

NEW APPLICATIONS

RL588 Herriman City

RE448 Centerfield City

RE449 Center Creek Water System

LAKE POWELL PIPELINE PROJECT REPORT

JOEL WILLIAMS some of the key efforts on the LPP include the BOR working on the Supplemental draft Environmental Impact Statement (EIS), followed by the Final EIS, and Record of Decision. They are also awaiting the State Engineer's decision on the Water Rights Change Application and working with the BLM to prepare the Historic Properties Treatment Plan. There are ongoing discussions with Basin States and work on the right of way development. There are continued efforts on Public Education and Outreach as well. Some of the additional permitting efforts are working with the Army Corps of Engineers on 404 Permits and Utah 401 Certification as well as Fish and Wildlife Service Biological Opinion and the BOR Exchange Agreement.

Timeline: Winter 2021 Supplemental Draft EIS, Summer 2022 Final EIS, Summer/Fall 2022 Record of Decision, and then the final design and financing plan and construction.

Contracts: The Stantec Contract, Bureau of Reclamation Task Order, and Bureau of Land Management Cost Recovery Agreement.

WATER BANKING REPORT

EMILY LEWIS this is an informal update to the board and staff on the five spheres of activities being worked on.

First, the BOR WaterSMART Water Marketing grant with three pilot projects.

In the next meeting, there will be a formal presentation that will show the processes in place and how it will work with water banking.

CHAIR BLAINE IPSON there will be no action or voting in the next meeting but it will be more of a process overview?

EMILY LEWIS there won't be any action items at the next meeting, we just want you to be prepared to review the process and have time to look over the process before any applications come forward to review.

DIRECTORS REPORT

DIRECTOR TODD ADAMS the drought has been a big topic. We have been working on every aspect of outreach regarding the drought and that will continue. Joel gave a great report on what is happening on the Lake Powell Pipeline. The Great Salt Lake is less than a foot from hitting it's all time low on the southern arm. The watershed conditions are also bad. We had a Department Meeting a week and a half ago and Darin Bird announced his retirement and will officially be retiring at the end of July. I appreciate the service of this board and the adaptations they have made throughout this Covid situation. I also appreciate the staff and all the hard work that they do on everything they are doing. We are excited to welcome Steve Gregerson to our staff as well.

CHAIR BLAINE IPSON even though things have been virtual, there is so much work that has been done in the last year and a half. The next Board Meeting will be August 5 in the Salt Lake City area.

JIM LEMMON moved to adjourn the meeting, WAYNE ANDERSEN seconded the motion and all approved including KYLE STEPHENS who was participating virtually. The meeting concluded at 2:45 pm.