

**MINUTES OF A REGULAR MEETING OF THE WEBER BASIN WATER  
CONSERVANCY DISTRICT BOARD OF TRUSTEES HELD THURSDAY,  
MARCH 31, 2022, 9:00 A.M., AT DISTRICT HEADQUARTERS**

Present:

President Marlin K. Jensen  
Trustee Kym O. Buttschardt  
Trustee Randy B. Elliott  
Trustee Scott K. Jenkins  
Trustee P. Bret Millburn  
Trustee Angie Osguthorpe  
Trustee Paul C. Summers  
Trustee Dave Ure

Excuse:

Trustee Dee Alan Waldron

Scott W. Paxman, Secretary/General Manager  
Mike Malmborg, Legal Counsel  
Jody Williams, Legal Counsel

Brittney Bateman, Finance & Economics Manager  
Calysta Bravo, Accounting & Budget Officer  
Darren Hess, Assistant General Manager  
Josh Hogge, Mgr. of M&I  
Derek Johnson, Mgr. of Engineering  
Matt Meier, Staff Engineer  
Sherrie Mobley, Mgr. of Administration  
Brad Nelson, Assistant General Manager  
Riley Olsen, Mgr. of Water Supply & Power  
Jon Parry, Assistant General Manager  
Kendall Searle, Contracts Administrator  
Jay Seastrand, SCADA & Security Specialist  
Sam Sorensen, Mgr. of Maintenance  
Kathy Wood, Human Resources Manager

Jared Baxter, Bureau of Reclamation  
Kraig Christensen, Bountiful City Water  
Trevor Datwyler, AE2S  
Laura Haskell, Division of Water Resources  
Kim Hunter, Country Gardens Nursery  
Les Ingram, Lawn World LLC  
Cindy Mansell, South Weber WID & City Journals  
Ted Schellhase, Lake Front LLC  
Rick Smith, Davis & Weber Counties Canal Co.  
Paul Wilson, Lawn World LLC

**I**

**WELCOME & PLEDGE OF ALLEGIANCE**

President Jensen welcomed all in attendance. President Jensen then led the group as they recited the Pledge of Allegiance. He then asked Gen. Mgr. Paxman to introduce the two new, District employees that are in attendance.

Gen. Mgr. Paxman introduced Jay Seastrand, the District's SCADA & Security Specialist. Jay is currently attending BYU-I (online) studying Computer Science. He has various networking certifications and security system experience and previously worked at Peak Alarm.

Gen. Mgr. Paxman then introduced Matt Meier, the District's newest staff engineer. Matt received his Bachelors Degree in Natural Resources and his Masters in Engineering from USU. Most recently he worked for Lehi City where he was a staff engineer. All welcomed both to the District.

**II  
APPROVAL OF MINUTES**

President Jensen presented minutes of the regular board meeting and hearing on petitions for water contracts held February 24, 2022 and orientation meeting held February 22, 2022 for review and approval. One change was noted. It was suggested further clarification be added concerning the price of surplus water being purchased from Central Utah Water Conservancy District on page 14. There were no other additions or corrections.

Motion was made by Trustee Summers, seconded by Trustee Millburn and passed unanimously, approving the minutes with the noted change to page 14 of the regular meeting minutes.

**III  
WATER SUPPLY REPORT**

AGM Hess presented the following reservoir content data:

<u>RESERVOIR</u>	<u>TOTAL CAPACITY</u>	<u>DISTRICT CAPACITY</u>	<u>ACCRUED</u>		<u>RESERVOIR CONT.</u>	
			<u>TO DIST TO DATE</u>	<u>% OF DIST CAPACITY</u>	<u>AS OF 03/28/22</u>	<u>AS OF 03/22/21</u>
CAUSEY	7,870	6,870	4,931	72%	4,931	4,105
E CANYON	51,200	20,110	9,954	49	29,410	32,350
ECHO	73,940	6,357	14,000	220	30,710	30,420
LOST CRK	22,510	20,010	7,820	39	7,820	12,480
PINEVIEW	110,150	66,228	9,182	14	36,370	59,050
SMITH-M	8,351	6,560	3,156	48	4,196	1,831
WANSHIP	62,120	60,000	28,116	47	38,580	37,030
WILLARD	<u>247,302</u>	<u>222,273</u>	<u>96,192</u>	<u>43</u>	<u>96,192</u>	<u>144,975</u>
<b>TOTAL</b>	<b>583,443</b>	<b>408,408</b>	<b>173,351</b>	<b>42%</b>	<b>248,209</b>	<b>322,241</b>

Percent of District upstream storage is 41%.

AGM Hess presented slides showing the Ogden River, Weber River, and Willard Bay storage. He also discussed the District’s storage allocation, soil moisture levels, precipitation/snotel, forecasted runoff, weather outlooks, and drought monitor.

**IV  
CONSIDERATION OF APPROVAL OF WATER DELIVERIES FOR 2022  
IRRIGATION SEASON**

AGM Hess reported last month the Board approved a temporary water purchase and sale agreement to hold back Weber River water that would normally go across the Weber-Provo Diversion to be used in the Provo drainage. He said this 14,000 a.f. is being held in Echo which is why the District’s capacity is much higher than normal.

AGM Hess said Causey is currently filling from runoff, and Pineview is starting to fill but is extremely low. He stated we have worked Willard Bay hard the last few years and plan to pump it again this year. At season end, we will likely have about 40,000 a.f. remaining.

AGM Hess reported current snotel is at 65%, compared to 80% a week and a half ago. He said the one advantage is our soil moisture level which is very good. The forecasted runoff is 37% of normal.

AGM Hess reported current reservoir storage is 248,209 a.f. which is 45% capacity. On June 1<sup>st</sup>, we anticipate reservoir storage to be about 308,800 a.f. or 56% capacity. He clarified that this is total reservoir storage. Total reservoir storage is used to determine drought level triggers. AGM Hess stated the 14,000 a.f. we purchased from CUWCD enables us to move from the exceptional drought level (most extreme) to extreme. The extreme level calls for a 60% reduction in secondary water, 40% reduction in agricultural water, 60% reduction in M&I culinary outdoor water, and 10% reduction in M&I culinary indoor water.

### Page 3 - Regular Board Meeting – March 31, 2022

AGM Hess stated we feel it necessary to have some holdover for next year's culinary water supply. He said currently we have 174,000 a.f. of water, and as of June 1<sup>st</sup> we anticipate having 182,000 a.f. AGM Hess replied the District's has 232,000 a.f. of water under contract with its customers. He said if we subtract the Willard storage of 100,000 a.f. from the June 1<sup>st</sup> total, we will have 82,000 a.f. in upstream storage. Of the water we have sold, the culinary water demands are 60,000 a.f. We would like to end the season with up to half of the total culinary demands held in upstream reservoirs. He said the restrictions we are recommending will help to end the season with 20,000 to 30,000 a.f. in upstream storage.

AGM Hess reported we have been pumping our wells very hard the last few years, and the aquifers have not been recharged for three years. We will continue to pump from our wells, but we have seen drawdown due to the drought. He stated we will pump all we can from Willard this year but will not have Willard as a source next year if the drought persists. President Jensen said if the drought continues for another year, it is possible there would be no water for agricultural water.

AGM Hess said we will also be recommending the following in efforts to conserve water:

- Delayed charging of secondary irrigation/agricultural system to mid-May
- All new landscaping must adhere to the current water restrictions
- One day a week watering of lawns and gardens
  - 20 min. pop-up sprays, 40-min rotors, per zone
- One day a week hand watering of established trees and shrubs
- No hosing down sidewalks or driveways
- Early shutoff of secondary irrigation/agricultural system in mid-September

AGM Hess reported District staff will conduct patrols in efforts to enforce the water restrictions. Additionally the following fee schedule will be followed when violators are found:

1. Notification/Warning
2. \$250 fee
3. \$500 fee
4. \$1,000 fee, shutoff for the rest of the year and a meter will be installed

Discussion continued regarding continued water sales. AGM Hess's presentation included information on the District's 408,408 a.f. storage capacity and the typical annual storage of 200,000 a.f. Trustee Osguthorpe replied it is not the District's mandate to select who water is sold to. AGM Hess said the District does not have land use authority, and our mission is to deliver water.

AGM Hess said District staff has been attending planning commission meetings to educate cities on new water conservation ordinances. Trustee Elliott stated Davis County is delaying construction of its golf course due to the drought and considering artificial turf. Trustee Ure replied that Utah is the first or second fastest growing state in the U.S. He said water is still the driving force. Trustee Ure said the legislature wants affordable housing, but if water is withheld the prices will go up. He emphasized that we need to take care of the next generation.

Gen. Mgr. Paxman reported the District has been working with the State of Utah to cut per capita water use due primarily to secondary water systems. He said the cities are on board and very interested in cutting water use, but it will continue to take time.

President Jensen welcomed public comment. The first comment was from Paul Wilson who expressed concerns over the restrictions and fees and wanted to know how the District could justify specific day watering.

Les Ingram said he has been in the landscape and yard care business for 44 years. He said landscapes will die if reduced to once a week watering. He feels landscapes cannot live with those restrictions.

Kim Hunter said he feels the District needs to do more public education. He said he feels only 10% of the users follow the rules. He stated his main concern is with trees and shrubs, stating when they come out of dormancy is when they need water the most. Kim said everyone dealt with COVID for two years and now the green industry is under attack with these water restrictions. He expressed concerns over the possibility of his plant inventory dying.

AGM Hess responded to each of the questions from the public. President Jensen added various comments also. AGM Hess stated we understand that most people have trees and shrubs, and this year we have a finite number of resources. He said the district is doing its best to manage those resources. AGM Hess said Utah State University has informed us that lawns need 0.5” to 1” per month to survive. He said by following the watering restrictions we have in place, it should provide 0.5” per week, for a total of 2” of water per month. He replied we realize that lawns will be stressed and look poor, but USU said they should survive with the watering restrictions we have in place. AGM Hess said if we are able to relax some of the restrictions later in the season, we will.

Trustee Ure stated this presentation and public discussion have been very helpful. He replied that if we relax our restrictions, we will cut into next year’s culinary water supply. He said we also want to ensure the State doesn’t take control of our water as we have seen possible from past legislation. Trustee Ure said we want to be able to provide for our families and their families and the District is trying to do what’s best in humanity.

Discussion continued regarding golf courses, car washes, and other concerns. Gen. Mgr. Paxman stated other water agencies may have restrictions that differ from ours due to their own water supplies and their earlier water rights. He recommended the Board approve the water restrictions as presented.

Motion was made by Trustee Ure, seconded by Trustee Summers and passed unanimously, approving a 60% reduction in secondary water, 40% reduction in agricultural water, 60% reduction in M&I culinary outdoor water, and 10% reduction in M&I culinary indoor water and approving the following additional restrictions:

- Delayed charging of secondary irrigation/agricultural system to mid-May
- All new landscaping must adhere to the current water restrictions
- One day a week watering of lawns and gardens
  - 20 min. pop-up sprays, 40-min rotors, per zone
- One day a week hand watering of established trees and shrubs
- No hosing down sidewalks or driveways
- Early shutoff of secondary irrigation/agricultural system in mid-September

Those who do not adhere to the watering restrictions will receive the following:

First offense: Notification/Warning  
Second offense: \$250 fee  
Third offense: \$500 fee  
Fourth offense: \$1,000 fee, shutoff for the rest of the year and a meter will be installed

## V

### **CONSIDERATION OF APPROVAL OF FEBRUARY 2022 FINANCIAL REPORT**

Trustee Buttschardt asked Budget Off. Bravo to review the February 2022 financial report. Budget Off. Bravo stated this is the eighth month of the fiscal year. She reviewed the O&M report in detail and provided explanations to any costs that exceeded its year to date budgeted amount.

Fin. Director Bateman then presented the source and use statement. She explained the statement in detail and displayed various slides showing charts and graphs providing additional information on revenue, expenses, reserves, etc. Questions from the Board were then answered.

Motion was made by Trustee Buttschardt, seconded by Trustee Jenkins and passed unanimously, approving the February 2022 financial report as presented.

**VI  
CONSIDERATION OF APPROVAL OF UPDATES TO DISTRICT POLICIES &  
PROCEDURES AND CONSOLIDATED FEE SCHEDULE**

Gen. Mgr. Paxman reported the District is updating its policies and procedures due to recently passed legislation regarding electronic meetings, holidays, and parental leave policy. He said purchasing limits are also being increased due to higher inflation and construction costs. He asked Fin. Mgr. Bateman to present those updates.

Fin. Mgr. Bateman presented recommended policy changes for New Code/Auditor Requirements, Purchasing, and HR Policies and provided details on all. Policies changes for New Code/Auditor included changes to electronic meetings, quorum requirements, and a consolidated fee schedule. Purchasing policy changes included increasing purchasing limits due to increased inflation and construction costs. It was noted that it has been three years since an adjustment was made. Fin. Mgr. Bateman said HR policy changes include new mandated State policies that keep the District competitive in the job market and cleanup of outdated policies.

Fin. Mgr. Bateman recommended the following adjustments to purchasing limits:

	Controller Approval	GM Approval	Water Stock Approval	Board Approval
Current	\$2,500	\$125,000	\$250,000	\$125,000+
Proposed	\$5,000	\$200,000	\$400,000	\$200,000+

She reviewed policy language and how it would be updated. Updated language included adding National Freedom Day as an additional floating holiday. Parental leave was also added to the policy changes due to the recent change in State law. Fin. Mgr. Bateman reported amounts have also been updated for the education assistance program, and the drought rental rate has been increased.

Fin. Mgr. Bateman concluded by presenting the District’s 2022 Consolidated Fee Schedule. She said the Utah State Auditor recommended the fee schedule be adopted. The fee scheduled included the following fees:

**Water Rates**

- All water rates approved by the Board
- Carriage fees
- Contract/service fees
- Overuse fees

**Administration Fees**

- Contract fees
- Payment/late fees
- Copies/GRAMA
- Rental rates
- Meter related fees
- AMI network fees

**Engineering Fees**

- Subdivision review fees
- Inspection fees
- Water development fees

Lab Fees

- All test and analyses

After discussion ceased, motion was made by Trustee Osguthorpe, seconded by Trustee Millburn and passed unanimously, approving updates to the policies and procedures as written, including the 2022 consolidated fee schedule.

**VII  
CONSIDERATION OF APPROVAL OF ASSIGNMENT OF WATER**

Mgr. Mobley presented the following assignment of water.

**A. WEBER COUNTY:**

- 1) Summit Mountain Holding Group to Powder Mountain Water & Sewer Improvement District.....120.15 a.f. Dist 1

She reported Power Mountain Water & Sewer Improvement District will be serving land identified in the Summit Mountain Holding Group contract. She said our policy allows water to be transferred to a water company if that company serves the land in the contract. Since the water company does not own the land, it is required to pledge collateral to secure the annual payment for the water. She said in this case, the water company is pledging cash as collateral. Mgr. Mobley stated all assessments are current and recommended approval of the assignment.

Motion was made by Trustee Ure, seconded by Trustee Summers and passed unanimously, approving the assignment document and adopting the following resolution.

**RESOLUTION**

BE IT AND IT IS HEREBY RESOLVED by the Board of Trustees of the Weber Basin Water Conservancy District that the President and the Secretary of said District be and they are hereby authorized and empowered to execute on behalf of said District an assignment document with Summit Mountain Holding Group and Powder Mountain Water & Sewer Improvement District, on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

**VIII  
CONSIDERATION OF APPROVAL OF TRANSFERS OF WATER**

Mgr. Mobley presented the following three transfer documents:

**A. SUMMIT COUNTY:**

- 1) Sargent Leasing LLC to A. Milton Sargent & Louette Geary..... 1.0 a.f. Dist 2  
Hoytsville (NS-599-C to NS-599-A)

**B. WEBER COUNTY:**

- 1) Carlton Richey to Carlton Richey .....4.0 a.f. Dist 1  
Northwest of Causey (23-013-0027 to 23-013-0279)
- 2) Mylan & Sue Warnes to Mylan & Sue Warnes..... 1.25 a.f. Dist 2  
Liberty (22-023-0110 to 22-023-0108)

She said Sargent Leasing LLC would like to transfer some of their water in Summit County to another parcel of property that they are also an owner. She said this meets our policy on transfers since both parcels are owned by the same people (Sargent Leasing LLC is owned by A. Milton Sargent). The next two transfers are located in Weber County. She said the Richey’s have petitioned to transfer 4.0 a.f. of water from one property they own to another. Both parcels are located northwest of Causey. Mgr. Mobley stated the Warnes want to transfer 1.25 a.f. of

water from one property they own to another. Both parcels are located in Liberty. She replied both of these requests meet our policies. Mgr. Mobley recommended approval of the three transfers and adoption of the following resolutions.

**RESOLUTION**

WHEREAS, pursuant to a petition filed by Sargent Leasing LLC, there has been allocated 3.0 acre-feet of District 2 water to the following described lands in Summit County, Utah, to-wit:

**Parcel Number NS-599-C, Sargent Leasing LLC 3.0 AF**

BEG AT A PT WH IS S 2.43 FT & W 27.03 FT FROM THE NE COR OF SEC 32 T2NR5E SLBM; & RUN TH N 87\*57'52" W 384.85 FT ALONG AN EXISTING FENCE LINE TO THE E R/W FENCE OF THE COUNTY RD; TH S 03\*59'38" W 533.87 FT ALONG SD R/W FENCE; TH S 85\*20'22" E 247.91 FT ALONG AN EXISTING FENCE LINE; TH S 12\*17'03" W 153.44 FT ALONG AN EXISTING FENCE LINE; TH S 87\*04'16" E 67.99 FT ALONG AN EXISTING FENCE LINE; TH N 24\*24'03" E 438.26 FT ALONG AN EXISTING FENCE LINE; TH N 08\*04'21" W 296.27 FT ALONG AN EXISTING FENCE LINE TO THE PT OF BEG CONT 5.37 AC M/L

And the orders so allocating the said water have been recorded in the office of the County Recorder of Summit County, as indicated on the foregoing property descriptions.

WHEREAS, the owners of the said lands have now made application to the District for the transfer of 1.0 acre-foot of water to be allotted from the lands above described to the following described lands in Summit County, Utah.

**Parcel Number NS-599-C, Sargent Leasing LLC 2.0 AF**

BEG AT A PT WH IS S 2.43 FT & W 27.03 FT FROM THE NE COR OF SEC 32 T2NR5E SLBM; & RUN TH N 87\*57'52" W 384.85 FT ALONG AN EXISTING FENCE LINE TO THE E R/W FENCE OF THE COUNTY RD; TH S 03\*59'38" W 533.87 FT ALONG SD R/W FENCE; TH S 85\*20'22" E 247.91 FT ALONG AN EXISTING FENCE LINE; TH S 12\*17'03" W 153.44 FT ALONG AN EXISTING FENCE LINE; TH S 87\*04'16" E 67.99 FT ALONG AN EXISTING FENCE LINE; TH N 24\*24'03" E 438.26 FT ALONG AN EXISTING FENCE LINE; TH N 08\*04'21" W 296.27 FT ALONG AN EXISTING FENCE LINE TO THE PT OF BEG CONT 5.37 AC M/L

**Parcel Number NS-599-A, Milton Sargent & Louette Geary 1.0 AF**

BEG AT A PT WH IS N 7.64 FT & W 3104.30 FT FROM THE N1/4 COR OF SEC 33 T2NR5E SLBM; & RUN TH S 05\*25'54" E 200.65 FT ALONG AN EXISTING FENCE LINE WH IS THE W R/W FENCE OF THE COUNTY RD; TH S 03\*20'39" W 83.95 FT ALONG SD R/W FENCE; TH S 87\*26'15" W 153.10 FT ALONG AN EXISTING FENCE LINE; TH N 00\*00'03" W 296.74 FT; TH S 87\*23'03" E 139.00 FT ALONG AN EXISTING FENCE TO THE PT OF BEG CONT 1.00 AC

WHEREAS, after due consideration, it is the determination of the Board of Trustees that it is in the best interest of the District that such application for transfer be approved and granted and that 1.0 acre-foot of water above referred to be transferred as per above described lands.

NOW, THEREFORE, be it resolved and ordered by the Board of Trustees of Weber Basin Water Conservancy District as follows:

1. That the application for transfer of 1.0 acre-foot of water from the lands first above described to lands last above described, be and the same is hereby approved and granted, and the 1.0 acre-foot of water is hereby so transferred.
2. That the President of the District is hereby authorized and empowered in the name of the District and on its behalf to execute a formal order granting such application for transfer and so transferring the said water.
3. That the Secretary of the District is directed to cause a fully executed copy of such order to which shall be appended a copy of the application for transfer upon which the order is made to be recorded in the office of the County Recorder of the county in which the lands to which the water is transferred are located.

**RESOLUTION**

WHEREAS, pursuant to a petition filed by Carlton Richey, there has been allocated 24.0 acre-feet of District 1 water to the following described lands in Weber, Utah, to-wit:

**Parcel Number 23-013-0027, Carlton Richey 24.0 AF**

THE NORTH 1/2 OF THE NORTH 1/2, THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, THE EAST 1/2 OF THE SOUTHEAST QUARTER, THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 7 NORTH, RANGE 3 EAST, SALT LAKE MERIDIAN, UTAH. CONTAINING 520 ACRES, ACCORDING TO THE OFFICIAL PLAT OF THE SURVEY OF THE SAID LAND ON FILE IN THE GENERAL LAND OFFICE.

And the orders so allocating the said water have been recorded in the office of the County Recorder of Weber County, as indicated on the foregoing property descriptions.

WHEREAS, the owners of the said lands have now made application to the District for the transfer of 4.0 acre-feet of water to be allotted from the lands above described to the following described lands in Weber County, Utah.

**Parcel Number 23-013-0027, Carlton Richey 20.0 AF**

THE NORTH 1/2 OF THE NORTH 1/2, THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, THE EAST 1/2 OF THE SOUTHEAST QUARTER, THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 7 NORTH, RANGE 3 EAST, SALT LAKE MERIDIAN, UTAH. CONTAINING 520 ACRES, ACCORDING TO THE OFFICIAL PLAT OF THE SURVEY OF THE SAID LAND ON FILE IN THE GENERAL LAND OFFICE.

**Parcel Number 23-013-0279, Carlton Richey 4.0 AF**

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 19, TOWNSHIP 7 NORTH, RANGE 3 [EAST] OF THE SALT LAKE BASE AND MERIDIAN AND RUNNING WEST ALONG THE SOUTH LINE OF SAID SECTION 400 FEET MORE OR LESS TO THE INTERSECTION OF THE SOUTH LINE OF SECTION 19 AND THE WEST LINE OF A ROAD KNOWN AS OAK CANYON ROAD; THENCE NORTHWESTERLY 6525 FEET MORE OR LESS TO A POINT ON THE NORTH LINE OF SAID SECTION 19 THAT LIES 4310 FEET WEST OF THE NORTHEAST CORNER OF SAID SECTION; THENCE EAST 4310 FEET TO THE NORTHEAST CORNER OF SAID SECTION; THENCE SOUTH ALONG THE EASTLINE OF SECTION TO BEGINNING. [NOTE: THE DESCRIPTION USED IN E# 3172738 APPEARS IN CONFLICT WITH THE BRACKETED INFORMATION SHOWN ABOVE.]

WHEREAS, after due consideration, it is the determination of the Board of Trustees that it is in the best interest of the District that such application for transfer be approved and granted and that 4.0 acre-feet of water above referred to be transferred as per above described lands.

NOW, THEREFORE, be it resolved and ordered by the Board of Trustees of Weber Basin Water Conservancy District as follows:

1. That the application for transfer of 4.0 acre-feet of water from the lands first above described to lands last above described, be and the same is hereby approved and granted, and the 4.0 acre-feet of water is hereby so transferred.
2. That the President of the District is hereby authorized and empowered in the name of the District and on its behalf to execute a formal order granting such application for transfer and so transferring the said water.
3. That the Secretary of the District is directed to cause a fully executed copy of such order to which shall be appended a copy of the application for transfer upon which the order is made to be recorded in the office of the County Recorder of the county in which the lands to which the water is transferred are located.

**RESOLUTION**

WHEREAS, pursuant to a petition filed by Mylan & Sue Warner, there has been allocated 1.25 acre-feet of District 2 water to the following described lands in Weber, Utah, to-wit:



**Parcel Number 22-023-0110, Mylan & Sue Warnes 1.25 AF**

PART OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, U. S. SURVEY: BEGINNING AT A POINT 276.00 FEET SOUTH AND 1306.22 FEET NORTH 83D31' WEST FROM THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 29, RUNNING THENCE SOUTH 83D31' EAST 191.67 FEET, THENCE SOUTH 35D58' WEST 286.91 FEET TO THE NORTHRIGHT OF WAY LINE OF HIGHWAY 162, THENCE NORTH 54D02' WEST 166.85 FEET ALONG SAID RIGHT OF WAY, THENCE NORTH 35D58' EAST 192.57 FEET TO THE POINT OF BEGINNING.

And the orders so allocating the said water have been recorded in the office of the County Recorder of Weber County, as indicated on the foregoing property descriptions.

WHEREAS, the owners of the said lands have now made application to the District for the transfer of 1.25 acre-feet of water to be allotted from the lands above described to the following described lands in Weber County, Utah.

**Parcel Number 22-023-0108, Mylan & Sue Warnes 1.25 AF**

PART OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT 276.00 FEET SOUTH AND 1005.41 FEET NORTH 83D31' WEST FROM THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 29, RUNNING THENCE SOUTH 83D31' EAST 66.17 FEET, THENCE SOUTH 12D43'23" WEST 406.15 FEET TO THE NORTHRIGHT OF WAY LINE OF HIGHWAY 162, THENCE NORTH 54D02' WEST 157.57 FEET ALONG THE SAID RIGHT OF WAY LINE, THENCE NORTH 25D55'35" EAST 345.92 FEET TO THE POINT OF BEGINNING.

WHEREAS, after due consideration, it is the determination of the Board of Trustees that it is in the best interest of the District that such application for transfer be approved and granted and that 1.25 acre-feet of water above referred to be transferred as per above described lands.

NOW, THEREFORE, be it resolved and ordered by the Board of Trustees of Weber Basin Water Conservancy District as follows:

1. That the application for transfer of 1.25 acre-feet of water from the lands first above described to lands last above described, be and the same is hereby approved and granted, and the 1.25 acre-feet of water is hereby so transferred.
2. That the President of the District is hereby authorized and empowered in the name of the District and on its behalf to execute a formal order granting such application for transfer and so transferring the said water.
3. That the Secretary of the District is directed to cause a fully executed copy of such order to which shall be appended a copy of the application for transfer upon which the order is made to be recorded in the office of the County Recorder of the county in which the lands to which the water is transferred are located.

Motion was made by Trustee Ure, seconded by Trustee Summers and passed, approving the three transfers of water outlined above and adopting the foregoing resolutions.

**IX  
CONSIDERATION OF APPROVAL OF CONTRACTOR SELECTION FOR WEBER  
SOUTH PUMP STATION PROJECT**

AGM Nelson reported the District currently operates a pump station directly west of the Weber South Water Treatment Plant. He said the District's recent culinary water master plan identified this pump station as needing to be replaced to meet future demands. The Pump Station is also in need of replacement based on current conditions. AGM Nelson said AE2S has completed the design for the new Weber South Pump Station that will replace the existing pump station.

AGM Nelson reported the District prequalified four contractors and received the low bid from COP Construction at \$2,285,000. He recommended awarding the Weber South Pump Station Project construction contract to COP Construction for \$2,985,000.

Motion was made by Trustee Summers, seconded by Trustee Millburn and passed unanimously, approving awarding the Weber South Pump Station Project construction contract to COP Construction for \$2,985,000 and adopting the following resolution.

RESOLUTION

BE IT AND IT IS HEREBY RESOLVED by the Board of Trustees of the Weber Basin Water Conservancy District that the President and the Secretary of said District be and they are hereby authorized and empowered to execute on behalf of said District a \$2,985,000 contract with COP Construction for the Weber South Pump Station Project construction contract, on the terms and conditions contained in the form of agreements presented to and considered at this meeting.

X

**CONSIDERATION OF APPROVAL OF PRE-PURCHASE OF MATERIALS FOR AV WATKINS SIPHON REPLACEMENT PROJECT**

AGM Nelson reported the existing siphons (15” and 24” pipes), built in 1970s, are in the southwest corner of Willard Bay. He said the siphons convey water to a canal which delivers up to 14 CFS continuously to Compass Minerals (formerly GSL) and an additional 12 CFS seasonally to Harold Crane Waterfowl Management Area. He stated low reservoir levels have caused difficulties in siphon operation.

AGM Nelson reported in efforts to improve water delivery reliability, safety, and efficiency, the District has hired JUB with RB&G Engineers to design the new outlet. He replied the design is being completed and is in the final approval process with the BOR. With the lower water levels in Willard Bay it is ideal to construct this new direct outlet this year. He said in order to get it installed this year, the District needs to procure longer lead time items ahead of time, and the following items need to be ordered: 48” diameter steel pipe, sheet piles, and guard gate.

AGM Nelson reported request for bids were posted and low bids were received as follows:

Northwest Pipe Company - 48” Diameter (1” thick) steel pipe, 336 feet in length  
\$444,528.00

CMI - Sheet Piles \$529,071.10

Budgeted Amount - 48” Guard Gate (Budget) \$175,000

He said the total for all pre-purchase items is anticipated to cost \$1,148,600. He recommended approval of the pre-purchase.

Motion was made by Trustee Osguthorpe, seconded by Trustee Millburn and passed unanimously, approving pre-purchase of the above specified items at a cost of \$1,148,600.

XI

**GENERAL MANAGER’S REPORT**

Gen. Mgr. Paxman began by summarizing HB242, Secondary Water Metering Amendments. The State of Utah has dedicated \$250 million for use in metering 200,000 unmetered connections statewide. Gen. Mgr. Paxman said the funds must be used by 2026, and all secondary connections must be metered by 2030.

Gen. Mgr. Paxman said it has taken the District 12 years to install half of our connections. He stated we are pursuing a joint venture to help all entities in this metering effort.

\*\*\*\*\*

Gen. Mgr. Paxman reported the Utah Water Users Workshop went very well. He said AGM Hess and Mgr. Johnson did a great job with their presentations.

\*\*\*\*\*

Gen. Mgr. Paxman stated we recently had an employee meeting with all staff members. He reviewed the items discussed during the meeting. He said all employees also were required to complete ethics and harassment trainings by the end of March.

\*\*\*\*\*

Gen. Mgr. Paxman said our IT Supervisor, Greg Pierce, recently attended Cyber Security training at the Idaho National Laboratory in Idaho Falls. The training engaged in attack and defense exercises for computer systems as well as industrial control networks. The training is in partnership with the Department of Homeland Security and is a premiere training for public entities defending their computer systems and networks. He said we plan to send other IT staff in the future.

\*\*\*\*\*

Gen. Mgr. Paxman reported we have had a lot of media interest the last month. He said we are definitely getting the word out on our drought restrictions.

\*\*\*\*\*

President Jensen reported last month when we honored two of our trustees, we were not able to recognize Trustee Ure since he was not able to attend. He said we would like to take time now to recognize Trustee Ure for the tremendous contributions he has made to the District. He began by telling Trustee Ure that he was unique, and the experience he brings as a farmer, politician, and land owner is very valuable. Other compliments were shared.

Trustee Ure expressed his appreciation for the kind words. He said this has been the most enjoyable Board he has served on and less contentious than most. He thanked each of the trustees and expressed his respect for every one of them.

**XII**  
**CLOSED SESSION TO DISCUSS SALE OF REAL PROPERTY & PURCHASE OF WATER RIGHTS**

President Jensen recommended the board go into closed session for purposes of discussing the sale of real property and the purchase of water rights.

Motion was made by Trustee Ure, seconded by Trustee Millburn and passed unanimously, directing the board go into closed session for purposes of discussing the sale of real property and the purchase of water rights.

Motion was made by Trustee Jenkins, seconded by Trustee Osguthorpe and passed unanimously, directing the Board adjourn closed session.

**XIII**  
**CONSIDERATION OF ACTION AS A RESULT OF THE CLOSED SESSION**

Motion was made by Trustee Ure, seconded by Trustee Buttschardt and passed unanimously, authorizing the District sell the two houses at 2611 North 2300 East and 2425 East 2750 North, in Layton, Utah, subject to attorney review and proper processing.

Motion was made by Trustee Ure, seconded by Trustee Jenkins and passed unanimously, approving the Wholesale Customer Contract Reduction Program for secondary water contracts at \$1,000 per a.f., subject to customer entities meeting all program eligibility requirements, attorney review, and discussions in closed session.

**XIV  
ADJOURNMENT**

There being no further business for discussion, meeting adjourned at 12:00 p.m.

Respectfully submitted,

Scott W. Paxman, Secretary

**The Board of Trustees of the Weber Basin Water Conservancy District, Utah, met in public session March 31, 2022, at 9:00 a.m., at District headquarters, Layton, Utah. Meeting was called to order by Chairman Marlin K. Jensen. On roll call the following members were found to be present:**

Present:

President Marlin K. Jensen  
Trustee Kym O. Buttschardt  
Trustee Randy B. Elliott  
Trustee Scott K. Jenkins  
Trustee P. Bret Millburn  
Trustee Angie Osguthorpe  
Trustee Paul C. Summers  
Trustee Dave Ure

Excuse:

Trustee Dee Alan Waldron

Scott W. Paxman, Secretary/General Manager  
Mike Malmborg, Legal Counsel  
Jody Williams, Legal Counsel

Brittney Bateman, Finance & Economics Manager  
Calysta Bravo, Accounting & Budget Officer  
Darren Hess, Assistant General Manager  
Josh Hogge, Mgr. of M&I  
Derek Johnson, Mgr. of Engineering  
Matt Meier, Staff Engineer  
Sherrie Mobley, Mgr. of Administration  
Brad Nelson, Assistant General Manager  
Riley Olsen, Mgr. of Water Supply & Power  
Jon Parry, Assistant General Manager  
Kendall Searle, Contracts Administrator  
Jay Seastrand, SCADA & Security Specialist  
Sam Sorensen, Mgr. of Maintenance  
Kathy Wood, Human Resources Manager

Jared Baxter, Bureau of Reclamation  
Trevor Datwyler, AE2S  
Laura Haskell, Division of Water Resources

Mgr. Mobley stated the meeting was being held pursuant to notice to the public, duly published as required by law, for the purpose of permitting all interested persons to show cause why the respective petitions for water contracts of the individuals as set forth in the notice, copies of which are attached hereto and incorporated by reference as a part of these minutes, for the allotment of water to lands in Davis, Summit, and Weber counties, Utah, by the Weber Basin Water Conservancy District, should not be granted.

Mgr. Mobley reported there have been no written objections filed against the foregoing petitions and asked for any other objections to be presented at this time. No objections were received.

Thereupon the following resolution was presented and read:

**RESOLUTION GRANTING PETITIONS FOR THE ALLOTMENT  
OF WATER BY WEBER BASIN WATER CONSERVANCY DISTRICT**

WHEREAS, acting pursuant to Section 73-9-19, Utah Code Annotated, 1953, as amended, there has been filed in the office of the Weber Basin Water Conservancy District, the following petitions for water contracts requesting the allotment of Weber Basin water annually, pursuant to the terms and conditions set forth in said petition:

**A. DAVIS COUNTY:**

- 1) Desert Harbor LLC .....2.15 a.f. NEW

**B. SUMMIT COUNTY:**

- 1) Kenneth Robert & Angie Marie Hansen..... 1.0 a.f. NEW
- 2) Cassey & Sage Lundell..... 1.0 a.f. NEW
- 3) Chris & Amber Louder ..... 1.0 a.f. NEW
- 4) S&B Cummings Family Trust ..... 1.5 a.f. NEW
- 5) David Sheldon..... 1.0 a.f. NEW

**C. WEBER COUNTY:**

- 1) Stewart L. & Sheri L. Norris Trust ..... 1.85 a.f. NEW
- 2) Painter Family Revocable Trust..... 1.0 a.f. NEW
- 3) Natalie & Jeff Post, Trustees of the Natalie Post Living Trust..... 1.25 a.f. NEW
- 4) Marc & Randee Ropelato and Travis & Tiffini Fowers ..... 1.0 a.f. NEW
- 5) Brett & Jaymie Satterthwaite Trust and Liberty Pipeline Co. .... 1.0 a.f. NEW
- 6) Weber-Box Elder Conservation District..... 61.34 a.f. NEW
- 7) Gerry Whitlock..... 2.42 a.f. NEW

Whereas after the filing of said petitions, it was determined to hold a public hearing on same in the office of the Board of Trustees of the District, and the Secretary of the District caused due and proper notice of the holding of such hearing to be posted to the Utah Public Notice Website on March 16, 2022, which notice advised all interested persons of the holding of such hearing and of their right to present objections in writing showing cause why such petitions should not be granted, and

WHEREAS, at the hour and place named in said notice, or at a subsequent meeting adjourned there from, the Board of Trustees of the District has met in public session and has heard all persons desiring to be heard and written or other objections having been presented, and

WHEREAS, after due consideration, it is the determination of the Board of Trustees that it is for the best interest of the District that such petitions should be granted.

NOW, THEREFORE, be it Resolved and Ordered by the Board of Trustees of the Weber Basin Water Conservancy District, as follows:

Section 1. That it is hereby determined to be in the best interest of the Weber Basin Water Conservancy District, that such petitions be granted.

Section 2. That said petitions are hereby granted and amounts of water in acre-feet are hereby allotted to the respective petitioners for the lands for which the same is petitioned, all as above set out.

Section 3. That the President of the District is hereby authorized and directed in the name of the District and on its behalf to execute formal orders granting said petitions allotting water to lands therein described, upon the terms, at the rates, and payable in the manner as in said petitions set forth and the Secretary of the District is authorized and directed to attest said order.

Section 4. The Secretary of the Board of Trustees in its behalf, is directed to cause a fully executed copy of said order, to which shall be attached a copy of the petitions upon which the order is made, to be recorded in the office of the respective County Recorder.

After consideration of the resolution and order, motion was made by Trustee Jenkins, seconded by Trustee Waldron and passed unanimously, approving petitions for water contracts in Weber County and adopting the foregoing resolution.

**Page 3 – Petitions for Water Contracts Hearing – March 31, 2022**

Approved and adopted March 31, 2022.

---

Marlin K. Jensen, Chairman

ATTEST:

---

Scott W. Paxman, Secretary

(SEAL)