

**MINUTES OF A REGULAR MEETING OF THE WEBER BASIN WATER  
CONSERVANCY DISTRICT BOARD OF TRUSTEES HELD THURSDAY,  
JULY 29, 2021, 9:00 A.M., AT DISTRICT HEADQUARTERS**

Present:

President Dee Alan Waldron  
Trustee Kym O. Buttschardt  
Trustee Randy B. Elliott  
Trustee Scott K. Jenkins  
Trustee Marlin K. Jensen  
Trustee Paul C. Summers  
Trustee Dave Ure

Excused:

Trustee P. Bret Millburn  
Trustee Angie Osguthorpe

Tage I. Flint, Secretary/General Manager  
Mike Malmborg, Legal Counsel  
Jody Williams, Legal Counsel

Brittney Bateman, Finance & Economics Director  
Calysta Bravo, Accounting & Budget Officer  
Darren Hess, Assistant General Manager  
Derek Johnson, Mgr. of Engineering  
Sherrie Mobley, Mgr. of Administration  
Brad Nelson, Mgr. of M&I  
Riley Olsen, Mgr. of Water Supply & Power  
Scott Paxman, Assistant General Manager  
Sam Sorensen, Mgr. of Maintenance  
Kathy Wood, Human Resources Manager

Kerry Gibson, Former Trustee  
Paul Hurst, Benchland Water District  
Summer Dawn Shumway, Division of Water Resources  
Rick Smith, Davis & Weber Counties Canal Company  
Ben Woolf, Bureau of Reclamation

**I  
PLEDGE OF ALLEGIANCE**

President Waldron welcomed all in attendance. He then led the group as they recited the Pledge of Allegiance.

**II  
CONSIDERATION OF APPROVAL OF MINUTES**

President Waldron presented minutes of the regular board meeting and hearing on petitions for water contracts held June 24, 2021. There were no additions or corrections. Motion was made by Trustee Ure, seconded by Trustee Summers and passed unanimously, approving the minutes as presented.

**III  
CONSIDERATION OF APPROVAL OF JUNE 2021 FINANCIAL REPORT**

Trustee Buttschardt requested review of the June 2021 financial report by Budget Off. Bravo. Budget Off. Bravo reported this is the twelfth and final month of the fiscal year. She said water sales continue to exceed the budgeted amounts. She then discussed the expenses and compared them to the year to date budgeted amounts. She concluded by answering questions from the trustees.

Fin. Director Bateman then presented the source and use statement. She discussed details on total revenues, total sources, total expenses, total uses, and major capital projects. Charts and graphs were used to provide additional details.

Trustee Ure asked if the drought would affect water revenue. Gen. Mgr. Flint explained our water contracts are structured to maintain full payment even in drought years. He said the same is required of us to other water companies and the Bureau of Reclamation.

After all questions were answered, motion was made by Trustee Buttschardt, seconded by Trustee Ure and passed, approving the July 2021 financial report as presented.

**IV  
WATER SUPPLY REPORT AND IRRIGATION SEASON RECOMMENDATIONS**

Mgr. Olsen 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 7/26/21</u>	<u>AS OF 7/27/20</u>
CAUSEY	7,870	6,870	4,034	59%	4,034	5,406
E CANYON	51,200	20,110	10,104	50	26,200	40,550
ECHO	73,940	6,357	0	0	15,880	45,720
LOST CRK	22,510	20,010	9,680	48	9,680	16,900
PINEVIEW	110,150	66,228	22,986	35	33,230	79,320
SMITH-M	8,351	6,560	2,982	45	3,422	6,554
WANSHIP	62,120	60,000	14,783	25	19,210	51,030
WILLARD	<u>247,302</u>	<u>222,273</u>	<u>106,705</u>	<u>48</u>	<u>106,705</u>	<u>171,738</u>
<b>TOTAL</b>	<b>583,443</b>	<b>408,408</b>	<b>171,274</b>	<b>42%</b>	<b>218,361</b>	<b>417,218</b>

Percent of District upstream storage is 35%.

Mgr. Olsen presented slides showing the Ogden River and Weber River storage. He also discussed the soil moisture levels, precipitation, weather outlooks, and drought monitor.

Trustee Ure asked how much longer the District would be able to run the power plant. Mgr. Olsen replied we will be able to operate the power plant for a while longer since we are still making releases. Trustee Summers asked how the forecasted rain helps the drought. Gen. Mgr. Flint replied the rain will help the soil moisture and reduce demands. Trustee Jenkins asked what is the biggest concern at this time relative to the drought. Gen. Mgr. Flint responded that another winter like the last is our biggest concern but statistically is unlikely. Trustee Jenkins also asked about the algae blooms. Gen. Mgr. Flint replied the algae has been a battle the last few weeks and provided other details.

Trustee Ure reported the worst droughts in Utah’s history were in 1895 and 1933. He said these droughts lasted 18 to 23 months. Gen. Mgr. Flint responded this drought started in January 2020 so we have actually been in a drought for 18 to 20 months.

Gen. Mgr. Flint asked AGM Hess to review the information that was discussed at the District’s recent customer entity meeting. AGM Hess began by stating we are currently using our second year of storage. He said the reservoirs hold a two year supply and since we didn’t store much water this year, we are on the second year’s supply. He stated the District is doing all it can to conserve water. AGM Hess said we are currently pumping water from Willard Bay through the drought relief project in efforts to save as much upstream water as possible. The drought relief project was built in 1977 and pumps water from Willard Bay and exchanges it with Davis & Weber Canal. He said the Willard water is lifted four times before it reaches D&W’s canal.

AGM Hess said in a normal year, we store about 220,000 a.f. This year the District only stored 7,300 a.f. He said our current storage, is 178,000 a.f.

<b>Current Storage</b>	
Upstream	72,000 a.f.
Willard Bay	<u>106,000 a.f.</u>
Total	178,000 a.f.

AGM Hess said the following water quantities are projected on October 1<sup>st</sup>.

<b>Projected October 1<sup>st</sup> Storage</b>	
Upstream	30,000 – 35,000 a.f.
Willard Bay	<u>80,000</u> a.f.
Total	110,000 to 115,000 a.f.

He shared the District's treatable water storage:

<b>Current Storage</b>		<b>Projected October 1<sup>st</sup> Storage</b>	
Upstream	42,000 a.f.	Upstream	18,000 a.f. to 22,000 a.f.

AGM Hess made particular mention that several irrigation companies will have water remaining from their contracted allotments after the early shutoff. He said each company began the year with a 30% reduction but will still have unused water. Rick Smith, Manager of Davis & Weber Canal, said they expect to run out of water and shut off their system by September 1, 2021. Paul Hurst, representing Benchland Water District, said they have enforced no watering on specific days since the beginning of the season and have been pleased at the water they have been able to conserve. He said Benchland has enough water to make it through the season and have been very proactive in saving water so they could last the entire season. AGM Hess said the District did not take the recommendation to shut off early lightly. He said much thought and calculation went into the very difficult turnoff option. AGM Hess said it is important these companies know they were highly considered in our decision.

AGM Hess recommended the irrigation/secondary water system be shut off by September 20, 2021 in all areas, with the exception of West Haven. He said our West Haven system relies on water from other companies to operate: Wilson Canal Company, Hooper Irrigation Company, and Davis & Weber Counties Canal. He said these companies will shut down by September 1, 2021, and the West Haven system cannot operate effectively without water from these companies. He recommended the West Haven secondary system be shut off by September 1, 2021 due to loss of water from the other companies. AGM Hess said these earlier than normal shutoffs will allow the District to save approximately 5,000 a.f. of water for M&I purposes for next year.

Gen. Mgr. Flint said these early shutoffs are necessary so we do not jeopardize next year's drinking water. Trustee Summers asked if the District felt confident it would have enough drinking water for next year. AGM Hess said with our holdover, wells, drought relief facility, etc., we feel there will be enough water for next year's drinking water.

After discussion ceased, motion was made by Trustee Summers, seconded by Trustee Elliott and passed unanimously, directing the District shut off the irrigation/secondary system by September 20, 2021 in all areas, with the exception of West Haven which will be shut off by September 1, 2021.

## V

### **CONSIDERATION OF APPROVAL OF FLOOD CONTROL AGREEMENT WITH WEBER RIVER WATER USERS ASSOCIATION AND BUREAU OF RECLAMATION**

AGM Paxman referred to a copy of the Weber River High Flow Operating Agreement at Echo Reservoir between Weber River Water Users Association and the District. He said this document was emailed to the Board for their review. AGM Paxman said the details contained in this agreement have been being followed for over 50 years. He said the Corp. of Engineers have always grouped Echo and Wanship reservoirs together regarding flood control. Several drafts of this agreement have been circulated over the years, but the agreement has not actually been fully executed.

AGM Paxman reported with assistance from Rick Smith and Attorney Williams, we finally have an agreement ready to be executed by the District. He said Weber River Water Users Assn. recently approved and executed the agreement at its last meeting. Gen. Mgr. Flint recognized

Attorney Williams for her liaison work on this agreement. He said these agreements take a lot of work, background knowledge, and coordination.

Motion was made by Trustee Ure, seconded by Trustee Jenkins and passed unanimously, approving execution of the Weber River High Flow Operating Agreement at Echo Reservoir between Weber River Water Users Association and the District 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 the Weber River High Flow Operating Agreement at Echo Reservoir between Weber River Water Users Association and the District, on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

**VI**

**CONSIDERATION OF APPROVAL OF CONTRACTOR SELECTION FOR WATER METER PROJECT PHASE 13 – WOODS CROSS**

AGM Paxman reported the District plans to complete another retail secondary meter project in Woods Cross during the upcoming irrigation offseason. He said the proposed project will install 771 meters. Bids were received from three pre-qualified contractors, and Ormond Construction submitted the low bid of \$1,094,302.49. This calculates to the cost for an individual meter to be about \$1,766 each. When we started installing meters 11 years ago, the cost for an individual meter was about \$1,100 each. He said Ormond has completed several of our previous meter projects and have done a great job. He recommended approval of a contract with Ormond Construction for the Secondary Water Meter Project Phase 13 for \$1,094,302.49.

Motion was made by Trustee Jenkins, seconded by Trustee Jensen and passed unanimously, approving a \$1,094,302.49 contract with Ormond Construction for the Water Meter Project Phase 13 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 contract with Ormond Construction for the Water Meter Project Phase 13, on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

**VII**

**CONSIDERATION OF APPROVAL TO RATIFY AND AWARD DROUGHT RELIEF PUMPING CONTRACT AT WILLARD BAY**

AGM Hess reported that with the ongoing drought, the District wanted to utilize the Drought Relief Pumping Project to exchange more water with Davis and Weber Counties Canal Company. He said the District contracted with a company to bring in portable diesel pumps to pump additional water from Willard Bay. This allows us to pump an additional 50 cfs to Davis & Weber and exchange another 100 a.f. a day. He said this is in addition to the 50 cfs we were already pumping to them. This equates to approximately 15,500 a.f. of Willard Bay water exchanged for Echo/East Canyon water. AGM Hess stated we have exchanged approximately 7,200 a.f. to date. He reported we are now running four of the six large drought relief pumps.

AGM Hess reported we received quotes from two pump rental companies. He said we needed to move quickly on this process so all steps required for an emergency purchase were followed. One of the companies could not meet our schedule so an emergency purchase order was issued to Mobile Mini for \$99,420.08 for mobilization and first month's rental charges. Moving forward,

the Mobile Mini rental contract is for \$130,000 to continue pumping through the end of the irrigation season.

Gen. Mgr. Flint reported we have created a new expense line for these drought expenses. He said there is money in reserves to cover these additional costs, but the budget will need to be adjusted before the end of the fiscal year. AGM Hess recommended ratification of the \$99,420.08 emergency purchase order and approve the \$130,000 rental contract through the end of the irrigation season.

Motion was made by Trustee Jenkins, seconded by Trustee Summers and passed unanimously, ratifying the \$99,420.08 emergency purchase order and approving the \$130,000 rental contract through the end of the irrigation season and adopting the following resolution.

### **VIII GENERAL MANAGER'S REPORT**

Gen. Mgr. Flint reported the NWRA Conference will be held on November 8-10, 2021 in Phoenix. He asked all trustees who plan to attend to let Mgr. Mobley know so she can coordinate registration and other accommodations.

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Gen. Mgr. Flint reported we will be announcing our Flip Your Strip program which will give financial aid to those wanting to take their park strip out of grass and convert to a more water-wise landscape. He said one condition is participation will only be within cities who have adopted the District's water conservation ordinances. Layton City is the only city to currently adopt those ordinances. Other cities will be added as they adopt the water conservation ordinances. Gen. Mgr. Flint said those who qualify will receive \$1.25 per s.f. He stated AGM Parry is currently at Governor Cox's press conference regarding water conservation within the State.

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Gen. Mgr. Flint reported he recently met with Senator Romney's staff regarding the bipartisan infrastructure bill. The bill would place money into building U.S. infrastructure such as roads, bridges, levies, water, and waste water. He said the discouraging part is there is not sufficient time to adopt a new system, so the existing federal programs will be used to allocate these funds. He stated we have struggled to be highly successful with the existing model. The current model includes the WaterSmart and FEMA grants, among many others. Our small success has only been with the WaterSmart and FEMA grants. Gen. Mgr. Flint replied it will be difficult for us to see much from this program.

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Gen. Mgr. Flint reported the State's revolving loan program is set to receive around \$230 million from recovery act monies. He said we have expressed our desire to receive some of this money to continue our metering program.

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Gen. Mgr. Flint reported he was in Washington DC last week assisting the Utah Defense Alliance. He said Northrup Grumman has received a contract from the Air Force which means many new jobs for the State. He said these will be STEM based careers. He said Utah Defense Alliance has been advocating a lot of these types of programs.

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**IX  
CLOSED SESSION TO DISCUSS POSSIBLE PROPERTY PURCHASES**

Gen. Mgr. Flint recommended the board go into closed session for purposes of discussing possible property purchases.

Motion was made by Trustee Summers, seconded by Trustee Jensen and passed unanimously, directing the board go into closed session for purposes of discussing possible property purchases.

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

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

Motion was made by Trustee Jenkins, seconded by Trustee Buttschardt and passed unanimously, authorizing the purchase of properties at the amounts discussed during closed session.

**XI  
ADJOURNMENT**

There being no further business for discussion, meeting adjourned at 11:20 a.m.

Respectfully submitted,



Tage I. Flint, Secretary

**The Board of Trustees of the Weber Basin Water Conservancy District, Utah, met in public session July 29, 2021, at 9:00 a.m., at District headquarters, Layton, Utah. Meeting was called to order by President Dee Alan Waldron. On roll call the following members were found to be present:**

Present:

President Dee Alan Waldron  
Trustee Kym O. Buttschardt  
Trustee Randy B. Elliott  
Trustee Scott K. Jenkins  
Trustee Marlin K. Jensen  
Trustee Paul C. Summers  
Trustee Dave Ure

Excused:

Trustee P. Bret Millburn  
Trustee Angie Osguthorpe

Tage I. Flint, Secretary/General Manager  
Mike Malmborg, Legal Counsel  
Jody Williams, Legal Counsel

Brittney Bateman, Finance & Economics Director  
Calysta Bravo, Accounting & Budget Officer  
Darren Hess, Assistant General Manager  
Derek Johnson, Mgr. of Engineering  
Sherrie Mobley, Mgr. of Administration  
Brad Nelson, Mgr. of M&I  
Riley Olsen, Mgr. of Water Supply & Power  
Scott Paxman, Assistant General Manager  
Sam Sorensen, Mgr. of Maintenance  
Kathy Wood, Human Resources Manager

Kerry Gibson, Former Trustee  
Paul Hurst, Benchland Water District  
Summer Dawn Shumway, Division of Water Resources  
Rick Smith, Davis & Weber Counties Canal Company  
Ben Woolf, Bureau of Reclamation

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 said we have received no written objections filed against the foregoing petitions and advised all persons present that additional objections in writing could be presented at this time. No oral or written objections were presented or filed.

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 requesting the allotment of Weber Basin water annually, pursuant to the terms and conditions set forth in said petition:

**A. DAVIS COUNTY:**

- 1) Jeff & Carrie Olsen .....1.21 a.f. NEW
- 2) Robin M. Phelps, Trustee.....0.47 a.f. NEW
- 3) Michael & Shelley Robison .....0.19 a.f. NEW

**B. SUMMIT COUNTY:**

- 1) Mountain Lakes Retreat LLC ..... 1.0 a.f. NEW
- 2) Courtney Richins, Cory McQuen, & Bret Hadley ..... 1.0 a.f. NEW
- 3) Rocky Ridge Acres LLC..... 1.0 a.f. NEW
- 4) Scott & Lauren Stewart..... 1.0 a.f. NEW

**C. WEBER COUNTY:**

- 1) Capital Reef Management LLC ..... 21.22 a.f. NEW
- 2) David & Jennifer Cheever ..... 0.6 a.f. NEW
- 3) Caleb & Chasitee Isom ..... 1.48 a.f. NEW
- 4) Mozanaim LLC..... 5.25 a.f. NEW
- 5) Mozanaim LLC..... 6.75 a.f. NEW
- 6) The Painter Family Revocable Trust ..... 1.0 a.f. NEW
- 7) L. Michelle Post Living Trust..... 1.0 a.f. NEW
- 8) RC Stokes Living Trust ..... 1.0 a.f. NEW
- 9) Scott & Gay Shaw..... 3.98 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 July 14, 2021, 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 therefrom, 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 Elliott, seconded by Trustee Jenkins and passed, approving petitions for water contracts in Davis, Summit, and Weber counties and adopting the foregoing resolution.

**Page 3 – Petitions for Water Contracts Hearing – July 29, 2021**

Approved and adopted July 29, 2021.

  
Dee Alan Waldron, Chairman

ATTEST:



Tage I. Flint, Secretary

(SEAL)