

**MINUTES OF A REGULAR MEETING OF THE WEBER BASIN WATER
CONSERVANCY DISTRICT BOARD OF TRUSTEES HELD THURSDAY,
SEPTEMBER 29, 2022, 9:00 A.M., AT DISTRICT HEADQUARTERS**

Present:

Chairman Marlin K. Jensen
Trustee Jared Andersen
Trustee Mark D. Anderson
Trustee Kym O. Buttschardt (telephonically)
Trustee Scott K. Jenkins
Trustee Angie Osguthorpe (telephonically)
Trustee Christopher F. Robinson
Trustee Paul C. Summers

Excuse:

Trustee Randy B. Elliott

Scott W. Paxman, General Manager/CEO
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
Sherrie Mobley, Mgr. of Administration
Brad Nelson, Assistant General Manager
Riley Olsen, Mgr. of Water Supply & Power
Jon Parry, Assistant General Manager
Kendall Searle, Mgr. of Administration
Sam Sorensen, Mgr. of Maintenance
Kathy Wood, Human Resources Manager

Jared Baxter, Bureau of Reclamation
Grant Doty, Division of Water Resources
Jon Gardiner, Upper Marion Estates LLC
Steven Gardiner, Upper Marion Estates LLC
Kerry Gibson, Lincoln-Hill Partners
Will Peterson, AECOM

I

WELCOME & PLEDGE OF ALLEGIANCE

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

II

APPROVAL OF MINUTES

Chairman Jensen presented minutes of the regular board meeting and hearing on petitions for water contracts held July 28, 2022, orientation meeting held July 26, 2022, and truth in taxation hearing held August 4, 2022, for review and approval. There were no additions or corrections.

Motion was made by Trustee Summers, seconded by Trustee Jenkins and passed unanimously, approving the minutes as presented.

III

CONSIDERATION OF APPROVAL OF AUGUST 2022 FINANCIAL REPORT

Gen. Mgr. Paxman reported the law requires a quarterly review of our financial statements. He said the District's policies state our financial information will be reviewed monthly. After the recent meeting of the fiduciary committee, they requested a more detailed review of the financial

statements each quarter and a more consolidated review on the other months. The fiduciary committee feels this review will continue to provide the appropriate oversight of financial activities and strong internal controls. He said Fin. Mgr. Bateman will give a summary overview each month, and both Budget Off. Bravo and Fin. Mgr. Bateman will report in more detail each quarter.

Trustee Buttschardt then asked for a review of the August 2022 financial report. Fin. Mgr. Bateman referred to a document with a summary of District funds, reserve balances, capital projects, and debt balances & payments. The summary included graphs of revenues, total sources, total expenses, total uses, and other details.

Trustee Robinson asked about the payment to Metropolitan Water District of Salt Lake and Sandy. Gen. Mgr. Paxman explained the agreement with Metropolitan Water to purchase up to 5,000 a.f. of water each year. Discussion continued.

Motion was made by Trustee M. Anderson, seconded by Trustee J. Andersen and passed unanimously, approving the August 2022 financial report as presented.

IV FIDUCIARY COMMITTEE’S REPORT TO THE BOARD

Chairman Jensen asked Fin. Mgr. Bateman to continue with the Fiduciary Committee’s report. Fin. Mgr. Bateman reported the Fiduciary Committee met recently for several hours. She said the committee reviewed the monthly financial reports and the District 4 water rate. Fin. Mgr. Bateman stated the District 4 block of water will open another 10,000 a.f. She said \$416 million of infrastructure will be used to provide supplies of District 4 and 5 water, plus enhance deliveries of current contracted water.

Fin. Mgr. Bateman reported we have been working with Lewis & Young to explore fee structures for the District 4 block. The preliminary findings show an intense capital need over the next 10 years. She said much of the demand is needed on the Wasatch Back. The first iteration proposed a water rate to include \$32,000 up front capital charge plus \$1,500 per a.f. annual water charge. Fin. Mgr. Bateman stated two bond issues of \$200 million each will be required to cover the infrastructure expenses. She reported the next steps are to complete the study results with Lewis Young, discuss the new costs with customer agencies, and eventually hold a hearing to adopt the water rates.

Fin. Mgr. Bateman stated staff was directed by the Board to review water rate increases equivalent to tax rate increases. She said the District has been aggressively increasing water rates for the repair and replacement fund since 2017. Fin. Mgr. Bateman discussed possible increases over the next two years. She stated CARR increases are recommended over the next two years. Project and District 1 water rates are not paying the full allotment of CARR due to large percentage increases on the rates. These increases would result in 30% increases in retail secondary and 20% increases on project culinary water for 2025 and 2026. The rate increases would generate increase CARR revenue of \$5.3 million for 2025 and \$5.9 million for 2026.

Trustee Robinson replied the District will need to spend a lot of money to provide 10,000 a.f. of new water. He questioned whether it is best to have two large increases or smaller incremental increases in water rates. Fin. Mgr. Bateman replied the Board has already approved water rates for 2023 and 2024. Chairman Jensen asked how much water the District has remaining. Gen. Mgr. Paxman said there is approximately 33,000 a.f. of water left and most of it is in Willard. Discussion continued.

V CONSIDERATION OF APPROVAL OF UNTREATED WATER ALLOTMENT CONTRACTS

Mgr. Mobley presented the following untreated water allotment contract:

A. DAVIS COUNTY:

- 1) Davis & Weber Counties Canal Company21.8 a.f. NEW
Cranefield Estates Phase 14 - Clinton

She said we have received an untreated water allotment contract from Davis & Weber Counties Canal Company (D&W) for an allotment of water. The contract is secured to property located in Clinton. Mgr. Mobley reported the contract has been approved and signed by D&W, and this water sale is possible per our trilateral agreement. She said this will be the last contract we consider under the trilateral agreements. Water will no longer be available under those agreements. Mgr. Mobley stated everything appears to be in order and recommended approval.

Motion was made by Trustee M. Anderson, seconded by Trustee Robinson and passed unanimously, approving the untreated water allotment contract with Davis & Weber Counties Canal Company, as described above, 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 Secretary of said District be and they are hereby authorized and empowered to execute on behalf of said District an untreated water allotment contract with Davis & Weber Canal, on the terms and conditions contained in the forms of agreements presented to and considered at this meeting.

VI

CONSIDERATION OF APPROVAL OF WATER CONTRACTS WITH UPPER MARION ESTATES LLC

Mgr. Mobley presented the following contracts for consideration by the Board.

A. SUMMIT COUNTY:

- 1) Upper Marion Estates LLC21.0 a.f. NEW
Marion (CD-372, CD-372-A, CD-372-B, CD-372-C, CD-372-D, CD-372-E)
(6 ea 9 acre lots @ 3.5 a.f./lot)
- 2) Upper Marion Estates LLC3.9 a.f. NEW
Marion (CD-372, CD-372-A, CD-372-B, CD-372-C, CD-372-D, CD-372-E)
(6 ea 9 acre lots @ 0.65 a.f./lot)

She said Upper Marion Estates LLC has submitted two contracts. She stated the 21.0 a.f. contract is being submitted by Upper Marion Estates LLC and ask that this contract be considered under the old rules, granting them an exception. Mgr. Mobley said if the Board is not inclined to approve the 21.0 a.f. contract, they have submitted another contract for 3.9 a.f. of water under the current rules. The water is to be used on a development that includes six each nine acre lots. Their 21.0 a.f. contract would allow 3.5 a.f. per lot. The 3.9 a.f. contract would allow 0.65 a.f. per lot. Attorney Malmberg stated at the August 25, 2022 meeting, the Board adopted policies that all new replacement water contracts would adhere to the adopted Water Efficiency Standards which allow 0.65 a.f. per parcel. He said at that time, there were no contracts from Upper Marion Estates LLC on file awaiting approval.

Chairman Jensen introduced Jon Gardiner and Steven Gardiner who represent Upper Marion Estates LLC. He welcomed comments from the two guests. Jon Gardiner asked the Board for an exception to the current policies due to two points. He said the District’s policy change was too abrupt, and no advanced notice was given. He stated this was not a fair or reasonable business practice. Jon Gardiner said the second point is the policy doesn’t make sense for large lots. He replied that three buildings can be constructed on lots this size and 0.65 a.f. is not sufficient. Summit County’s zoning allows a primary structure, accessory structure, and a structure for agricultural workers.

Page 4 - Regular Board Meeting – September 29, 2022

Jon Gardiner reported his partner, Mike Budge, has been talking to District staff for six months, and they have relied on what they have been told. He further commented that their closing was delayed due to an easement dispute. After the closing, they again talked to District staff. He said there should be a grandfather provision since he has been speaking to District staff for months, especially with an investment of over \$1 million. Jon Gardiner said the rug has been pulled out from under them, and this is not fair business practices. He requested the Board's decision be fair and reasonable. Trustee Robinson commented on the zoning allowances for the accessory and agricultural units.

Cont. Admin. Searle reported his communication with Mr. Budge began last fall. He said Mr. Budge contacted him again in early spring of this year when he again inquired about water availability. Cont. Admin. Searle said he informed Mr. Budge that the District had water available on a first come first served basis, and there were no guarantees until the water was under contract. He stated he does not recall another conversation with Mr. Budge until August. At that time, he told Mr. Budge that the Board was seriously considering reducing the amount of water available for indoor/outdoor use. The next time Mr. Budge called was after the August board meeting when the new Water Efficiency Standards were adopted for replacement water.

Trustee Robinson commented that as of August 25th there were several pending applications that had not come to fruition. He told Mr. Gardiner that they had not submitted a contract to purchase water at that time. Jon Gardiner said they were unable to purchase water until the land was in their name, and they had very recently closed on the property when the rules had changed.

Gen. Mgr. Paxman reported the District can see our supply reaching its limit and are doing all they can to extend the supply as far as possible.

Trustee Jenkins stated when the District passed its policy, it was not aware of the various zoning. He suggested multiplying the 0.65 by 3 which would be about 2.0 a.f. per parcel. AGM Parry reported when the standards were adopted, it was in relation to a single family. He said we can certainly look at these types of issues. Trustee Robinson stated he feels the District would be creating a dangerous precedence to consider this. He said in an era of water conservation, we need to be careful and should be hesitant to make exceptions. Trustee J. Andersen stated he feels the District has a good policy as it relates to residential structures and doesn't think it would be setting a precedence since a meter would be required.

Attorney Malmberg reported he wanted to clarify some procedural issues. He said Upper Marion Estates LLC wants to appeal, however, the board has not acted on their first application so there is nothing to appeal at this point.

Chairman Jensen asked Jon Gardiner his feelings on 2.0 a.f. per parcel. Mr. Gardiner said he was open to a middle ground. Trustee Jenkins stated he would not have a problem with 1.95 or 2.0 a.f. per parcel. Trustee Robinson expressed his disapproval of the larger allotment.

Gen. Mgr. Paxman suggested the Board may consider additional water as another unit is constructed. Trustee Robinson recommended the 3.9 a.f. contract be approved today, and the District continue to work with Mr. Gardiner. Jon Gardiner replied that they are only asking for fair business practices. He said the District is a public entity and a political subdivision of the State of Utah. He stated they are only trying to do what is allowed in Summit County's building codes.

Trustee Jenkins recommended the District deny the 21.0 a.f. contract and approve the 3.9 a.f. contract and allow more water as units are constructed. Trustee Robinson recommended staff review standards for additional domestic units (ADU). He said if the 21.0 a.f. petition is denied, the petitioner would have the right to appeal and work with staff to add components to accomplish the ADUs in an updated policy. Attorney Malmberg recommended the motion include approving or denying each petition.

After discussion ceased, motion was made by Trustee M. Anderson, seconded by Trustee Robinson and passed unanimously, approving the 3.9 a.f. replacement water contract with Upper Marion Estates LLC and denying the 21.0 a.f. replacement water contract with Upper Marion Estates LLC, 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 Chairman and the General Manager of said District be and they are hereby authorized and empowered to execute on behalf of said District a 3.9 a.f. replacement water contract with Upper Marion Estates LLC, on the terms and conditions contained in the forms of agreements presented to and considered at this meeting.

Trustee Jenkins said he was in support of the motion but feels the Board should address the zoning that was not considered in the original standards. Chairman Jensen instructed management to look into updating the standards to include additional domestic units as discussed.

VII

CONSIDERATION OF APPROVAL OF CANCELLATIONS OF WATER

Mgr. Mobley presented the following cancellations of water:

A. DAVIS COUNTY:

- 1) Gary & Tereasa Steinburg 0.7 a.f. Proj
Layton (09-010-0013)
(no secondary system)

Mgr. Mobley said the 1.2 a.f. cancellation in Davis County is being requested by Gary & Tereasa Steinburg because they have no connection to secondary water. She stated all assessments are current and recommended approval of the cancellation.

Motion was made by Trustee M. Anderson, seconded by Trustee Robinson and passed unanimously, approving the cancellation outlined above 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 cancellation petition for the following, on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

- 1) Gary & Tereasa Steinburg 0.7 a.f. Proj

VIII

CONSIDERATION OF APPROVAL OF TRANSFERS OF WATER

Mgr. Mobley presented a document that would transfer 2.0 a.f. of water from a parcel of property owned by Mark Myers to another property owned by Darrell & Lori White. She said this request meets District policy which allows water to be transferred to adjoining properties. Mgr. Mobley recommended approval of the transfer and adoption of the following resolution.

RESOLUTION

WHEREAS, pursuant to a petition filed by Mark Myers, there has been allocated 49.0 acre-feet of water to the following described lands in Weber County, Utah, to-wit:

22-025-0062, MARK MYERS, 49.0 AF (17.0 AF PROJECT, 32.0 AF DISTRICT 1)

TRACT OF LAND BEING PART OF A CERTAIN PROPERTY DEEDED AS E#2131854 RECORDED ON SEPTEMBER 28, 2005 IN THE DEED RECORDS OF WEBER COUNTY, UTAH AS DESCRIBED OF RECORD AS FOLLOWS: PART OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN, US SURVEY: BEGINNING AT A POINT 1194 FEET SOUTH 330 FEET NORTH 83D13' WEST AND 314.3 FEET SOUTH 86D10' WEST FROM THE NORTHEAST CORNER OF SAID QUARTER SECTION, RUNNING THENCE SOUTH 62D10' WEST 400.00 FEET THENCE SOUTH 65D10' WEST 220 FEET TO THE EAST LINE OF SPRING MOUNTAIN RANCHETTES, THENCE 4 COURSES ALONG SAID EAST LINE AS FOLLOWS: NORTH 18D21'29" WEST 245 FEET NORTHERLY ALONG THE ARC OF A 245.19 FOOT RADIUS CURVE TO THE LEFT 39.47 FEET (LC BEARS NORTH 22D58'12" WEST 39.43 FEET) EASTERLY ALONG THE ARC OF A 25 FOOT RADIUS CURVE TO THE RIGHT 43.95 FEET (LC BEARS NORTH 22D46'47" EAST 38.50 FEET) AND NORTH 73D08'29" EAST 133.85 FEET TO THE SOUTH LINE OF THE SPRING CREEK ROAD, THENCE EASTERLY 750 FEET, MORE OR LESS, ALONG SAID SOUTH LINE TO A POINT NORTH 86D10' EAST OF THE POINT OF BEGINNING. THENCE SOUTH 86D10' WEST 250 FEET, MORE OR LESS, TO THE POINT OF BEGINNING. ALSO INCLUDING: PART OF A CERTAIN PROPERTY DEEDED AS E#2126468 RECORDED ON SEPTEMBER 1, 2005 IN THE DEED RECORDS OF WEBER COUNTY, UTAH DESCRIBED OF RECORD AS FOLLOWS: PART OF SECTIONS 29 AND 30 TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN, US SURVEY: BEGINNING AT A POINT IN AN EXISTING FENCE WHICH IS 1194.00 FEET SOUTH 0D16'15" EAST ALONG THE SECTION LINE 330.00 FEET NORTH 83D13' WEST AND 209.87 FEET SOUTH 86D10' WEST FROM THE NORTHEAST CORNER OF SAID SECTION 30 RUNNING THENCE SOUTH 15D25' WEST 122.16 FEET, THENCE SOUTH 17D08'31" WEST 252.29 FEET, THENCE NORTH 82D53' WEST 36.21 FEET, THENCE SOUTH 17D10' WEST 423 FEET, THENCE SOUTH 82D53' EAST 962.50 FEET, THENCE SOUTH 16D56'20" WEST 336.83 FEET, THENCE ALONG AN ARC OF AN 1133.80 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 11.00 FEET (LC BEARS SOUTH 74D17'58" EAST 11.00 FEET) THENCE SOUTH 17D10' WEST 261.65 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 30, THENCE SOUTH 0D16'15" EAST 244 FEET ALONG THE SECTION LINE, THENCE WEST 2631.43 FEET TO THE SECTION LINE THENCE NORTH ALONG SAID SECTION LINE 244 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 30, THENCE NORTH 195 FEET THENCE EAST 1550.92 FEET THENCE NORTH 11D00' EAST 1103.37 FEET, MORE OR LESS, THENCE NORTH 62D10' EAST 320.41 FEET, MORE OR LESS, THENCE NORTH 86D10' EAST 104.43 FEET, MORE OR LESS, TO THE POINT OF BEGINNING. SUBJECT TO A RIGHT OF WAY DESCRIBED AS FOLLOWS: A RIGHT OF WAY 16.5 FEET IN WIDTH FOR PURPOSES OF INGRESS AND EGRESS OVER UPON ALONG AND ACROSS THE FOLLOWING DESCRIBED TRACT OF LAND BEING 8.25 FEET IN WIDTH ON EACH SIDE OF AND MEASURED PERPENDICULARLY TO THE FOLLOWING DESCRIBED CENTERLINE, PART OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN, US SURVEY: BEGINNING ON THE SOUTHERLY LINE OF COUNTY ROAD AT A POINT WHICH IS SOUTH 1194 FEET NORTH 83D13' WEST 330 FEET AND SOUTH 86D10' WEST 251.97 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 30, RUNNING THENCE SOUTH 17D10' WEST 1435 FEET, MORE OR LESS, TO THE NORTHERLY LINE OF THE MARY C BROWN PROPERTY. LESS AND EXCEPTING: FROM SAID DEEDS RECORDED AS E#2131854 AND 2126468 A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN, IN WEBER COUNTY IN THE STATE OF UTAH, THE BOUNDARIES OF SAID PARCEL OF LAND ARE DESCRIBED AS FOLLOWS: HAVING A BASIS OF BEARING USING THAT STATE PLANE COORDINATE SYSTEM AS MAINTAINED BY THE WEBER COUNTY SURVEYOR OF SOUTH 0D13'28" EAST BETWEEN THE MONUMENTED NORTHEAST CORNER AND THE MONUMENTED EAST QUARTER CORNER OF SAID SECTION 30, SAID NORTHEAST CORNER HAVING WEBER COUNTY NAD1927 STATE PLANE COORDINATES OF X=1897610.9551 AND Y=360662.6537 BEGINNING AT A POINT ON THE SOUTH LINE OF A COUNTY ROAD DEEDED AS E# 1473377 ON MAY 23, 1997 SAID POINT BEING LOCATED 1146.85 FEET SOUTH 0D13'28" EAST ALONG SECTION LINE TO A POINT ON THE SOUTH PROPERTY LINE AS RECORDED IN BOOK 1766 PAGE 0240 OF THE DEED RECORDS OF WEBER COUNTY UTAH AND 47.14 FEET SOUTH 0D13'28" EAST ALONG SAID SECTION LINE TO THE NORTHERLY PROPERTY LINE AS CONVEYED AND RECORDED IN BOOK 1846 PAGE 2591 AND 330.00 FEET NORTH 83D10'13" WEST ALONG SAID NORTHERLY PROPERTY LINE AND 64.30 FEET SOUTH 86D12'47" WEST ALONG SAID NORTHERLY PROPERTY LINE AND ALONG THE NORTHERLY PROPERTY LINE AS CONVEYED AND RECORDED IN BOOK 1555 PAGE 0576, AND 201.38 FEET NORTH 87D20'23" WEST ALONG THE NORTH PROPERTY LINE AS CONVEYED AND RECORDED IN BOOK 1570 PAGE 1866 (TO A POINT LOCATED 60 FEET WESTERLY OF THE NORTHWEST CORNER OF PROPERTY DEEDED AS E# 2681939) FROM THE MONUMENTED NORTHEAST CORNER OF SAID SECTION 30, RUNNING THENCE NORTH 87D20'23" WEST 26.80 FEET ALONG SAID SOUTH BOUNDARY OF A COUNTY ROAD DEEDED AS E# 1473377 TO A POINT NEAR THE EAST END OF 3350 NORTH STREET, AS DEEDED IN BOOK 137 PAGE 347 ACKNOWLEDGED ON DECEMBER 9, 1940 SAID POINT BEING ON THE SOUTH BOUNDARY OF SAID 55 FOOT WIDE ROAD, THENCE NORTH 87D20'23" WEST 3.34 FEET THENCE NORTH 87D08'45" WEST 447.76 FEET (SOUTH 88D05' EAST 450 FEET BY RECORD) THENCE ALONG THE ARC OF A 41D30' CURVE TO THE RIGHT 59.42 FEET, HAVING A RADIUS OF 165.56 FEET WITH A CHORD BEARING AND DISTANCE OF NORTH 76D53'51" WEST 59.10 FEET ALONG SAID SOUTH RIGHT OF WAY, THENCE THE FOLLOWING FOUR (4) COURSES ALONG THE SOUTHERLY BOUNDARY OF SPRING MOUNTAIN RANCHETTES A SUMMER HOME SUBDIVISION RECORDED PLAT BOOK 15 PAGE 75 1) SOUTH 73D19'24" WEST 156.45 FEET, MORE OR LESS, 2) ALONG THE ARC OF A CURVE TO THE LEFT 43.95 FEET, HAVING A RADIUS OF 25.00 FEET A CHORD BEARING AND DISTANCE SOUTH 22D57'43" WEST 38.50 FEET 3) ALONG THE ARC OF A REVERSE CURVE TO THE RIGHT 39.47 FEET HAVING A RADIUS OF 245.19 FEET WITH A CHORD BEARING AND DISTANCE OF SOUTH 22D47'17" EAST 39.43 FEET 4) SOUTH

18D10'34"EAST 241.20 FEET TO THE NORTHERLY BOUNDARY OF LIBERTY GRANDE SUBDIVISION RECORDED PLAT BOOK 56 PAGE 10, THENCE NORTH 65D12'47" EAST 521.57 FEET ALONG SAID NORTHERLY BOUNDARY LINE OF LIBERTY GRANDE SUBDIVISION AND THE EXTENSION OF SAID NORTHERLY BOUNDARY, THENCE SOUTH 87D09'29" EAST 109.52 FEET, THENCE NORTH 15D25'00" EAST 66.50 FEET PARALLEL TO AND 60 FEET PERPENDICULARLY DISTANT WESTERLY FROM THE WEST BOUNDARY OF PROPERTY DEEDED AS BOOK 1570 PAGE 1866 TO THE POINT OF BEGINNING. [NOTE: BECAUSE THE DESCRIPTION OF RECORD DID NOT CONTAIN AN AREA FOR THIS PARCEL THE AREA FOR THIS PARCEL WAS CALCULATED BY THE RECORDERS OFFICE FOR TAX PURPOSES.]

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 2.0 acre-feet of water to be allotted from the lands above described to the following described lands in Weber County, Utah:

22-025-0063, DARRELL & LORI WHITE, 2.0 AF PROJECT

TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN, IN WEBER COUNTY, IN THE STATE OF UTAH. THE BOUNDARIES OF SAID PARCEL OF LAND ARE DESCRIBED AS FOLLOWS HAVING A BASIS USING THE STATE PLANE COORDINATE SYSTEM AS MAINTAINED BY THE WEBER COUNTY SURVEYOR OF SOUTH 00D13'28" EAST BETWEEN THE MONUMENTED NORTHEAST CORNER AND THE MONUMENTED EAST QUARTER CORNER OF SAID SECTION 30, SAID NORTHEAST CORNER HAVING WEBER COUNTY NAD1927 STATE PLANE COORDINATES OF X=1897610.9551 AND Y=360662.6537 BEGINNING AT A POINT ON THE SOUTH LINE OF A COUNTY ROAD DEEDED AS E# 1473377 ON MAY 23 1997, SAID POINT BEING LOCATED 1146.85 FEET SOUTH 00D13'28" EAST ALONG SECTION LINE TO A POINT ON THE SOUTH PROPERTY LINE AS RECORDED IN BOOK 1766 PAGE 0240 OF THE DEED OF RECORDS OF WEBER COUNTY, UTAH AND 47.14 FEET SOUTH 00D13'28" EAST ALONG SAID SECTION LINE TO THE NORTHERLY PROPERTY LINE AS CONVEYED AND RECORDED IN BOOK 1846 PAGE 2591 AND 330.00 FEET NORTH 83D10'13" WEST ALONG SAID NORTHERLY PROPERTY LINE AND 64.30 FEET SOUTH 86D12'47" WEST ALONG SAID NORTHERLY PROPERTY LINE AND ALONG THE NORTHERLY PROPERTY LINE AS CONVEYED AND RECORDED IN BOOK 1555 PAGE 0576 AND 201.38 FEET NORTH 87D20'23" WEST ALONG THE NORTH PROPERTY LINE AS CONVEYED AND RECORDED IN BOOK 1570 PAGE 1866 (TO A POINT LOCATED 60 FEET WESTERLY OF THE NORTHWEST CORNER OF PROPERTY DEEDED AS E# 2681939) FROM THE MONUMENTED NORTHEAST CORNER OF SAID SECTION 30, RUNNING THENCE NORTH 87D20'23" WEST 26.80 FEET ALONG SAID SOUTH BOUNDARY OF A COUNTY ROAD DEEDED AS E# 1473377 TO A POINT NEAR THE EAST END OF 3350 NORTH STREET AS DEEDED IN BOOK 137 PAGE 347 ACKNOWLEDGED ON DECEMBER 9, 1940 SAID POINT BEING ON THE SOUTH BOUNDARY OF SAID 55 FOOTWIDE ROAD, THENCE NORTH 87D20'23" WEST 3.334 FEET, THENCE NORTH 87D08'45" WEST 447.76 FEET (SOUTH 88D05' EAST 450 FEET BY RECORD) THENCE ALONG THE ARC OF A 41D30' DEGREE CURVE TO THE RIGHT 59.42 FEET HAVING A RADIUS OF 165.56 FEET WITH A CHORD BEARING AND DISTANCE OF NORTH 76D53'51" WEST 59.10 FEET ALONG SAID SOUTH RIGHT OF WAY THENCE THE FOLLOWING FOUR (4) COURSES ALONG THE SOUTHERLY BOUNDARY OF SPRING MOUNTAIN RANCHETTES A SUMMER HOME SUBDIVISION RECORDED PLAT BOOK 15 PAGE 75, 1) SOUTH 73D19'24" WEST 156.45 FEET, MORE OR LESS 2) ALONG THE ARC OF A CURVE THE LEFT 43.95 FEET, HAVING A RADIUS OF 25.00 FEET WITH A CHORD BEARING AND DISTANCE OF SOUTH 22D57'43" WEST 38.50 FEET, 3) ALONG THE ARC OF A REVERSE CURVE TO THE RIGHT 39.47 FEET, HAVING A RADIUS OF 245.19 FEET WITH A CHORD BEARING AND DISTANCE OF SOUTH 22D47'17" EAST 39.43 FEET 4) SOUTH 18D10'34" EAST 241.20 FEET TO THE NORTHERLY BOUNDARY OF LIBERTY GRANDE SUBDIVISION RECORDED PLAT BOOK 56 PAGE 10 THENCE NORTH 65D12'47" EAST 521.57 FEET ALONG SAID NORTHERLY BOUNDARY OF LIBERTY GRANDE SUBDIVISION AND THE EXTENSION OF SAID NORTHERLY BOUNDARY THENCE SOUTH 87D09'29" EAST 109.52 FEET THENCE NORTH 15D25'00" EAST 66.50 FEET PARALLEL TO AND 60 FEET PERPENDICULARLY DISTANT WESTERLY FROM THE WEST BOUNDARY OF PROPERTY DEEDED AS BOOK 1570 PAGE 1866 TO THE POINT OF BEGINNING. E# 2852763 [NOTE: BECAUSE THE DESCRIPTION OF RECORD DID NOT CONTAIN AN AREA FOR THIS PARCEL THE AREA FOR THIS PARCEL WAS CALCULATED BY THE RECORDERS OFFICE FOR TAX PURPOSES.]

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 2.0 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 2.0 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 2.0 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.

Motion was made by Trustee M. Anderson, seconded by Trustee Robinson and passed, approving the transfer of water outlined above and adopting the foregoing resolution.

IX WATER SUPPLY REPORT

Mgr. Olsen presented the following reservoir content data:

RESERVOIR	TOTAL CAPACITY	DISTRICT CAPACITY	ACCRUED	% OF DIST CAPACITY	RESERVOIR CONT.	
			TO DIST TO DATE		AS OF 09/26/22	AS OF 09/27/21
CAUSEY	7,870	6,870	1,762	26%	1,762	2,751
E CANYON	51,200	20,110	7,939	39	23,885	20,250
ECHO	73,940	6,422	0	0	35,800	7,900
LOST CRK	22,510	20,010	6,420	32	6,420	6,330
PINEVIEW	110,150	66,228	12,874	19	37,340	17,120
SMITH-M	8,351	6,560	4,596	70	4,596	4,632
WANSHIP	62,120	60,000	34,790	58	34,790	15,760
WILLARD	<u>247,302</u>	<u>222,273</u>	<u>72,961</u>	<u>33</u>	<u>72,961</u>	<u>76,844</u>
TOTAL	583,443	408,473	141,342	35%	217,554	151,587

Percent of District upstream storage is 37%.

Mgr. Olsen 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.

X CONSIDERATION OF APPROVAL OF AMENDMENT TO CONSULTANT CONTRACT FOR RIVERDALE LOOPING DESIGN PROJECT

AGM Nelson reported the Riverdale Looping Design Project was identified in the culinary master plan to increase system capacity and provide redundancy to the Weber West Zone of the District’s culinary system that serves western Weber County. He said the pipeline will also provide conveyance capacity to convey water from west to east when the Weber West Water Treatment Plant is constructed in the future.

AGM Nelson said during the preliminary design phase, the District requested that Bowen Collins & Associates (BC&A) evaluate multiple alignment alternatives in addition to the original alignment included in the Request for Statement of Qualifications. Following this evaluation, BC&A recommended the District proceed with design and construction of the recommended Alignment Alternative 3. AGM Nelson stated that while this new alignment represents a 46-percent increase in length (19,000 lf) over the original RSOQ alignment (13,000 lf), it will provide a number of benefits for the District including avoidance of landslide hazards, elimination of difficult river and railroad crossings, elimination of a large pressure reducing vault, and other design elements.

AGM Nelson reported it is estimated that construction of this new alignment will result in an overall savings to the District of over \$4 million. He replied that BC&A has developed an updated fee estimate for final design and construction period services associated with changes resulting from the final recommended alignment and respectfully requests an approval of an engineering fee amendment in the amount of \$507,506. He stated the majority of the costs are associated with the right of way design and acquisition of up to 27 assumed parcels. Discussion continued.

Motion was made by Trustee Jenkins, seconded by Trustee M. Anderson and passed unanimously, approving award of a \$507,506 contract amendment for engineering services with Bowen Collins & Associates for the design of the Riverdale Looping Project 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 Chairman and the General Manager of said District be and they are hereby authorized and empowered to execute on behalf of said District a \$507,506 contract amendment for engineering services with Bowen Collins & Associates for the design of the Riverdale Looping Project, on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

XI

CONSIDERATION OF APPROVAL OF AMENDMENT TO CONSULTANT CONTRACT FOR DAVIS AQUEDUCT PARALLEL PIPELINE PROJECT

AGM Nelson reported the Davis Aqueduct is a crucial artery to the District and is nearly 70 years old. He said the aqueduct follows the Wasatch Fault for a significant distance. The proposed Davis Aqueduct Parallel Pipeline will support the Davis North Water Treatment Plant expansion from 46 to 60 mgd, relieve the hydraulic restriction that hampers the overall aqueduct capacity, and provide redundancy to the Davis Aqueduct.

AGM Nelson reported in 2018, the Board approved a contract with Brown and Caldwell to design and provide construction management for the Davis Aqueduct Parallel Pipeline for \$3,345,334. He said that since that time amendments have been added: 1) Emergency slide gate design \$68,578, 2) Pump station design \$109,893, 3) Reach 2 alignment study \$96,532, and 4) Bifurcation access road improvements \$21,076. He said the current consultant budget is \$3,641,413.

AGM Nelson reported the District recently received funding for the Davis Aqueduct Parallel Pipeline from FEMA and the BOR and plans to move forward on the project. He said the scope of the project increased with the addition of two pump stations, a terminal structure and an increased construction duration time from 18 to 24 months. He said the earlier amendments did include additional design time but did not include sufficient construction management for the pump station management and the increased duration from 18 months to 24 months. Additionally costs have escalated considerably since 2018, and Brown and Caldwell is requesting approval of an amendment of \$467,239 for a revised contract amount of \$4,108,652.

Trustee M. Anderson asked specific questions about the services included in Brown & Caldwell's bid. Trustee Robinson questioned the total cost of the project when constructed. Chairman Jenkins asked about available funds to complete the project.

When discussion ceased, motion was made by Trustee M. Anderson, seconded by Trustee Jenkins and passed unanimously, with Chairman Jensen voting since Trustee Summers had to leave the meeting, approving award of a \$467,239 contract amendment for engineering services with Brown and Caldwell for the design of the Davis Aqueduct Parallel Pipeline Project 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 Chairman and the General Manager of said District be and they are hereby authorized and empowered to execute on behalf of said District a

\$467,239 contract amendment for engineering services with Brown and Caldwell for the design of the Davis Aqueduct Parallel Pipeline Project, on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

XII

CONSIDERATION OF APPROVAL OF IGNITION SCADA SOFTWARE UPGRADE

AGM Parry began by explaining SCADA (Supervisory Control and Data Acquisition). He also provided background on the District's SCADA system. He stated the last major overhaul of the SCADA system was completed in 1998. Minor updates have been applied every three to four years to keep the system current. AGM Parry replied the current software has now reached its useful life.

AGM Parry reported new standards have been developed, and architecture and design of SCADA software have improved. He said there are better ways to display information for operators and improvements in site to site communications.

AGM Parry reported District staff has reviewed several different setups and determined the Ignition to be the best suited software for the District's operations. He said Statement of Qualifications were received from two companies, and M8 Automation was found to have the best proposal. He recommended approval of a \$461,948.80 contract with M8 Automation for the SCADA upgrade that will require the integration of three treatment plants and 130 remote locations. This upgrade will take approximately 18 months to complete.

Motion was made by Trustee Robinson, seconded by Trustee J. Andersen and passed unanimously, with Chairman Jensen voting, approving award of a \$461,948.80 contract with M8 Automation for completion of the Ignition SCADA System Software Implementation 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 Chairman and the General Manager of said District be and they are hereby authorized and empowered to execute on behalf of said District a \$461,948.80 contract with M8 Automation for completion of the Ignition SCADA System Software Implementation, on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

XIII

GENERAL MANAGER'S REPORT

Gen. Mgr. Paxman reported the District was successful in obtaining an interest rate of 1.875% on the XM Loans for extraordinary maintenance. He reminded the District received two XM loans, one for \$8.128 million and the other for \$9.75 million.

Gen. Mgr. Paxman expressed appreciation to Weber County for loaning us their long front excavator. He said we needed an excavator to clean out the canal and the machine we were going to rent became unavailable. He said Weber County officials were very accommodating, and we very much appreciated their support.

Gen. Mgr. Paxman reported the October 24, 2022 orientation meeting date has been changed. He said it has been rescheduled for October 18, 2022 and will be held in conjunction with the Water Summit at the Davis Convention Center in Layton.

**XIV
ADJOURNMENT**

There being no further business for discussion, meeting adjourned at 11:15 a.m.

Respectfully submitted,



Scott W. Paxman, General Manager/CEO

The Board of Trustees of the Weber Basin Water Conservancy District, Utah, met in public session September 29, 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:

Chairman Marlin K. Jensen
Trustee Jared Andersen
Trustee Mark D. Anderson
Trustee Kym O. Buttschardt (telephonically)
Trustee Scott K. Jenkins
Trustee Angie Osguthorpe (telephonically)
Trustee Christopher F. Robinson
Trustee Paul C. Summers

Excused:

Trustee Randy B. Elliott

Scott W. Paxman, General Manager/CEO
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
Sherrie Mobley, Mgr. of Administration
Brad Nelson, Assistant General Manager
Riley Olsen, Mgr. of Water Supply & Power
Jon Parry, Assistant General Manager
Kendall Searle, Mgr. of Administration
Sam Sorensen, Mgr. of Maintenance
Kathy Wood, Human Resources Manager

Jared Baxter, Bureau of Reclamation
Grant Doty, Division of Water Resources
Jon Gardiner, Upper Marion Estates LLC
Steven Gardiner, Upper Marion Estates LLC
Kerry Gibson, Lincoln-Hill Partners
Will Peterson, AECOM

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 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) Ivory Development LLC.....5.05 a.f. NEW

B. WEBER COUNTY:

- 1) Cowboy Paradise Ranch & Holdings LLC.....0.65 a.f. NEW
- 2) Cottages at Spring Meadow Homeowners Association Inc.....0.33 a.f. NEW
- 3) CW Land Co. LLC.....0.65 a.f. NEW
- 4) Evergreen Ranch LC.....0.65 a.f. NEW
- 5) Robert J. Fuller.....0.65 a.f. NEW
- 6) Paul & Jessica Hennig0.25 a.f. NEW
- 7) Robert & Marlene Meyer.....0.65 a.f. NEW
- 8) William & Sarah Samsky.....0.65 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 General Manager/CEO of the District caused due and proper notice of the holding of such hearing to be posted to the Utah Public Notice Website on September 14, 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 Chairman 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 General Manager/CEO of the District is authorized and directed to attest said order.

Section 4. The General Manager/CEO 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 Robinson, seconded by Trustee Jenkins and passed unanimously, approving petitions for water contracts in Davis and Weber County and adopting the foregoing resolution.

Page 3 – Petitions for Water Contracts Hearing – September 29, 2022

Approved and adopted September 29, 2022.



Marlin K. Jensen, Chairman

ATTEST:



Scott W. Paxman, Secretary

(SEAL)