

**MINUTES OF A REGULAR MEETING OF THE WEBER BASIN WATER
CONSERVANCY DISTRICT BOARD OF TRUSTEES HELD THURSDAY,
OCTOBER 27, 2022, 9:00 A.M., AT DISTRICT HEADQUARTERS**

Present:

Chairman Marlin K. Jensen
Trustee Mark D. Anderson
Trustee Kym O. Buttschardt
Trustee Scott K. Jenkins
Trustee Angie Osguthorpe
Trustee Christopher F. Robinson
Trustee Paul C. Summers
Trustee Randy B. Elliott

Excuse:

Trustee Jared Andersen

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

Brittney Bateman, Economics Planning Coordinator
Calysta Bravo, Finance Manager
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
Suzy Eppens, Contracts Administrator

Trevor Datwyler, AE2S
Marty Mobley
John Davis

I

WELCOME & PLEDGE OF ALLEGIANCE

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

II

RECOGNITION OF RETIRING EMPLOYEE – SHERRIE MOBLEY

Gen. Mgr. Paxman recognized Sherrie Mobley and gave a brief history of her 35 years of service at the District. Sherrie started as the Contracts Manager, then moved to Administration Manager and Chief Administrative Officer and remained in the position for over 30 years. Chairman Jensen stated Mgr. Mobley's competence, goodness, loyalty, and heart has been amazing over the years. Trustee Buttschardt added that Sherrie has been the glue that holds the organization together. Legal Counsel Jody Williams shared that Sherrie will tell you everything you need to know, that she is a wise person, and the District benefited greatly from her contributions and excellence.

Gen. Mgr. Paxman and Chairman Jensen presented Mgr. Mobley with a watch that was engraved with her name and years of service, a District coin, and her plaque that was removed from the wall honoring the most tenured employees.

Mgr. Mobley spoke and thanked the Board of Trustees and employees for an amazing career and stated the hard part will be leaving all the people. She looks forward to traveling with husband, Marty, and enjoying their ever-growing family.

All expressed their appreciation for the service Sherrie has provided and congratulated her on her retirement.

**III
CONSIDERATION OF APPROVAL OF MINUTES**

Chairman Jensen presented minutes of the regular board meeting and hearing on petitions for water contracts held September 29, 2022 and orientation meeting held September 26, 2022. Trustee Summers asked for clarification regarding Project and District 1 water rates not paying the full allotment of CARR. Econ. Coord. Bateman explained the catch-up rate process, stating that charging the full rate immediately would increase payments too quickly so a gradual approach is needed. Econ. Coord. Bateman is to revise the paragraph in the minutes for clarity.

Motion was made by Trustee Summers, seconded by Trustee Jenkins and passed unanimously, with Chairman Jensen also voting in favor, approving the minutes with the forthcoming revision.

**IV
CONSIDERATION OF APPROVAL OF SEPTEMBER 2022 FINANCIAL REPORT**

Trustee Buttschardt requested review of the September 2022 financial report by Finance Mgr. Bravo. Finance Mgr. Bravo reported this is a quarterly report and will be more in depth. She went on to present an overview of Water Sales, Taxes, Misc. Revenue, Debt, Capital Projects, Misc. Expenses, and Bond Proceeds. Finance Mgr. Bravo gave a detailed report on the O&M Budget and stated the District is overshooting slightly for the quarter, but still right on track for overall YTD budget. She concluded by answering questions from the trustees.

Trustee Buttschardt motioned to approve the September 2022 financial report as presented, with Trustee Elliott seconding the motion. The vote passed unanimously.

Trustee Robinson questioned if the new tax amounts from the Truth in Taxation Hearing were included, and Finance Mgr. Bravo replied that they are included.

Chairman Jensen mentioned a recent article and stated battlelines are being formed regarding collection of revenue through the taxes. Trustee Robinson mentioned how small the total revenue from ad valorem taxes is compared to other districts. Gen. Mgr. Paxman stated any district using Colorado River water can collect double what Weber Basin Water is able to collect, and that the younger districts need more taxes as they do not have the same water sales. Finance Mgr. Bravo mentioned the popular vote that took place near the time the District was organized to collect for the payment of the project through the taxes. Trustee Summers mentioned if property taxes are no longer an option, the District’s need for bonding will increase.

**V
CONSIDERATION OF APPROVAL OF UNTREATED WATER ALLOTMENT
CONTRACTS**

Mgr. Searle presented the following untreated water allotment contracts:

MORGAN COUNTY:

- 1) Morgan County Cottonwood LLC.....20.15 a.f. NEW
Mountain Green (03-005-106)

SUMMIT COUNTY:

- 1) Blue Sky Ranch LLC20.0 a.f. NEW
Wanship (NS-82)

WEBER COUNTY:

- 1) Powder Strong Water Company7.15 a.f. NEW Eden (22-006-0006)

He said Morgan County Cottonwood LLC would like to contract for a new development of 31 lots. Each lot will be about one acre and will have 0.65 a.f. of replacement water, as per District standards, for a total contract of 20.15 a.f. of replacement water. Mgr. Searle recommended approval of the contract.

Mgr. Searle reported Blue Sky Ranch LLC is contracting for 20.0 a.f. of water for a new development that has a restaurant, lounge, lodge common space, residential units, hotel, spa, and some industrial uses. Extensive review of the plans reveals all water uses to meet District standards and Mgr. Searle recommended approval of the contract.

Mgr. Searle presented the contract for 7.15 a.f. for Powder Strong Water Company. He explained the development within the Powder Strong Water Company service area will have 11 lots and each will have 0.65 a.f. of replacement water which follows District standards, and recommended approval.

Motion was made by Trustee Robinson, seconded by Trustee Osguthorpe and passed unanimously, approving the water contracts with Morgan County Cottonwood LLC, Blue Sky Ranch LLC, and Powder Strong Water Company 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 water contracts with Morgan County Cottonwood LLC, Blue Sky Ranch LLC, and Powder Strong Water Company, on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

VI

CONSIDERATION OF APPROVAL OF CANCELLATIONS OF WATER

Mgr. Searle presented the following cancellations of water:

DAVIS COUNTY:

- 1) Daniel & Susan Runyon.....0.9 a.f. Proj Layton (09-010-0040)

WEBER COUNTY:

- 1) Weber-Box Elder Conservation District.....41.28 a.f. Dist 3 Service Area (19-012-0017 & 15-015-0015)

Mgr. Searle reported the 0.9 a.f. cancellation in Layton is being requested by Daniel & Susan Runyon because they are unable to connect to the District’s secondary system and it is unlikely that they will ever be able to connect. He said all assessments are current and recommended approval of the cancellation.

Mgr. Searle explained Weber-Box Elder Conservation District is requesting a cancellation and refund for 41.28 a.f. as they had previously purchased the water for a development, and this was a duplicate purchase made in error. Mgr. Searle recommends approval of the cancellation for Weber-Box Elder Conservation District.

Motion was made by Trustee Robinson, seconded by Trustee Osguthorpe and passed unanimously, with Chairman Jensen also voting in favor, approving the cancellations 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 Chairman and the General Manager of said District be and they are hereby authorized and empowered to execute on behalf of said District cancellation petitions for the following, on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

- 1) Daniel & Susan Runyon.....0.9 a.f. Proj
- 2) Weber-Box Elder Conservation District.....41.28 a.f. Dist 3

VII
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 10/25/21	AS OF 10/26/20
CAUSEY	7,870	6,870	1,215	18%	3,013	2,295
E CANYON	51,200	20,110	7,578	38	21,220	26,970
ECHO	73,940	6,357	0	0	11,455	13,570
LOST CRK	22,510	20,010	6,320	32	6,450	11,910
PINEVIEW	110,150	66,228	8,766	13	18,770	44,360
SMITH-M	8,351	6,560	3,469	53	4,945	1,745
WANSHIP	62,120	60,000	32,290	54	18,530	26,270
WILLARD	<u>247,302</u>	<u>222,273</u>	<u>69,857</u>	<u>31</u>	<u>77,450</u>	<u>138,620</u>
TOTAL	583,443	408,408	129,495	32%	161,833	265,740

Percent of District upstream storage is 32%.

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

Mgr. Olsen explained the active capacity in Echo is above average for this time of year standing at 52% when it is typically at 33%. He went on to say that because of this above average capacity, Weber River Water Users Association is selling the District about 40,000 a.f. of carry over water at \$5.65 an acre-foot. The District intends to send most of the purchased water to Willard Bay which is currently at 31% and well below the average for this time of year. Some water will be stored in Wanship as well.

Trustee M. Anderson commented that the purchased water out of Echo is a good deal and would have stayed in Echo storage had we not acted in purchasing. Gen. Mgr. Paxman further explained that the purchase of this water helps keep water on this side of the drainage basin and delays water being taken from the Provo River.

Mgr. Olsen explained another purchase of water from Pineview. Pineview offered their excess water in the amount of 10,000 a.f. to be purchased by the District at \$4.00 an acre-foot. This water will continue to be stored in Pineview Reservoir by the District.

Gen. Mgr. Paxman stated that our restrictions this year were a unified effort. Trustee Jenkins mentioned his use of drip tape and how efficient his system was this year. Chairman Jensen spoke of setting records for soil moisture this time last year and compared that to the dry soil conditions we have currently. Discussion continued.

VIII
CONSIDERATION OF APPROVAL OF INTERLOCAL AGREEMENT WITH WEST HAVEN CITY FOR 3300 SOUTH IRRIGATION PIPE PROJECT

AGM Nelson reported the District has secondary lines at 3450 West and Straight Street along 3300 South in West Haven. The District is looking to connect these two pipelines to improve the function of the secondary system in this area. West Haven City is doing a road project along 3300 South to widen the road and improve the storm drain system. This project is to take place this winter and project completion should be in the spring of 2023. Completing the pipeline connection in 3300 South in conjunction with West Haven City's road project would save the District money and get the pipeline installed during the irrigation off season.

AGM Nelson continued presenting the scope of work. There is to be an agreement between the District and West Haven City to have the city hire a contractor to install the secondary line as part of their 3300 South project. Each party will be responsible for the construction of their pipelines and the District shall pay West Haven City for the District's portion of the work. The project was bid out, and five bids were received. The District's portion of work is about 16% of the total project and anticipated not to exceed \$500,000.00. AGM Nelson recommended approval of the agreement. Trustee Robinson mentioned this is an efficient way to upgrade our secondary lines.

Motion was made by Trustee Summers, seconded by Trustee M. Anderson and passed unanimously, with Chairman Jensen also voting in favor, approving the interlocal agreement with West Haven City for pipeline connections in 3300 South.

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 Secretary of said District be and they are hereby authorized and empowered to execute on behalf of said District an interlocal agreement with West Haven City for the District's portion of the pipeline improvements on 3300 South, on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

IX
GENERAL MANAGER'S REPORT

Gen. Mgr. Paxman reminded the Board of the upcoming NWRA conference on November 1-4, 2022. He mentioned the travel itineraries given to each trustee in an envelope, and said if anyone has any travel questions, to please contact Admin. Mgr. Searle.

Gen. Mgr. Paxman made mention of the turmoil regarding the collection of property tax. He stated that several media outlets have been contacting the District for comment. Trustee Summers mentioned an article that made a good defense for continuing to collect through taxes. Discussion followed.

Gen. Mgr. Paxman reported on the very successful Fall Festival Spooktacular. The festival attendance was fabulous and participants enjoyed voting for a pumpkin contest, completing a scavenger hunt, a balloon animal booth, snacks and drinks, and various other activities.

X
ADJOURNMENT

There being no further business for discussion, meeting adjourned at 10:22 a.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Scott Paxman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Scott W. Paxman, General Manager/ CEO

The Board of Trustees of the Weber Basin Water Conservancy District, Utah, met in public session October 27, 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 Mark D. Anderson
Trustee Kym O. Buttschardt
Trustee Scott K. Jenkins
Trustee Angie Osguthorpe
Trustee Christopher F. Robinson
Trustee Paul C. Summers
Trustee Randy B. Elliott

Excuse:

Trustee Jared Andersen

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

Brittney Bateman, Economics Planning Coordinator
Calysta Bravo, Finance Manager
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
Suzy Eppens, Contracts Administrator

Trevor Datwyler, AE2S
Marty Mobley
John Davis

Mgr. Searle presented the petitions for water contracts of the individuals. Trustee Robinson asked about the allocation process for secondary water along the Wasatch Front. Mgr. Searle replied the District allocates water based on our standards and engineering formula. Trustee Robinson then compared the allocation process for the Wasatch Front to the newly adopted standards for replacement water contracts on the Wasatch Back and suggested the District study the allocation process and our standards for allocating to the Wasatch Front.

Gen. Mgr. Paxman replied that our standards are different as the uses of water are different, but also that there are local governing authorities that create ordinances and standards for the Wasatch Front. He continued by stating that the District has more flexibility establishing standards on the Wasatch Back as we are the wholesaler. Gen. Mgr. Paxman stated that the District has made great headway on assisting the adoption of waterwise landscaping standards along the Wasatch Front by working with these local governing authorities, specifically the cities, with new developments.

AGM Parry spoke on the District's efforts working with the state on their turf landscaping standards. He said the District works with developers to see if they will commit to the water wise standards thereby reducing the water allocation to these developments.

Trustee Jenkins stated that the cities are guiding these standards currently and suggested that the District look into "driving the horse" regarding the standards. Trustee Jenkins proposed the District start looking at the current standards for the Wasatch Front and the possibility of discussing this further in future meetings. Trustee Robinson agreed with Trustee Jenkins and mentioned prioritizing indoor use.

Gen Mgr. Paxman spoke regarding the current legislation and highlighted the hopeful progress the District has seen with the programs and discussions currently taking place. He remains

confident that there is a cooperative path forward in making these changes.

Legal Counsel Malmborg mentioned the fine line the District walked in instituting the new standards for the Wasatch Back. He reminded all that the District does not have Land Use Authority and that we must be cognizant of that when looking at the standards for the Wasatch Front. Discussion continued.

Mgr. Searle 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. Searle 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) MyRoof LLC0.92 a.f. NEW

B. WEBER COUNTY:

- 1) Carol Ann Fuller0.65 a.f. NEW
- 2) David & Carol Hoffmann0.45 a.f. NEW
- 3) Casey Olsen0.60 a.f. NEW
- 4) Daniel Triplett.....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 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 October 12, 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 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.

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Section 3. That the Chairman of the Board of Trustees 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 General Manager 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 Osguthorpe and passed, approving petitions for water contracts in Davis and Weber counties and adopting the foregoing resolution.

Approved and adopted October 27, 2022.



Marlin K. Jensen, Chairman

ATTEST:



Scott W. Paxman, General Manager/ CEO

(SEAL)