

**WEBER BASIN WATER CONSERVANCY DISTRICT  
 BOARD OF TRUSTEES MEETING  
 THURSDAY, NOVEMBER 30, 2023, 9:00 A.M.  
 DISTRICT HEADQUARTERS**

- 1) Welcome & Pledge of Allegiance .....Chairman Jensen
- 2) Recognition of Retiring Employee – Mike Midgley .....Gen. Mgr. Paxman
- 3) Consideration of Approval of Minutes for Regular Board Meeting and  
 Hearing on Petitions for Water Contracts Held October 26, 2023,  
 and Orientation Meeting Held October 23, 2023.....Chairman Jensen
- 4) Audit Report.....Gen. Mgr. Paxman  
 .....and Mgr. Bravo
- 5) Consideration of Approval of October  
 2024 Financial Report .....Trustee Buttschardt
- 6) Consideration of Approval of Petitions for Water Contracts,  
 Transfers of Water, and Water Cancellations ..... Mgr. Searle

**A. DAVIS COUNTY:**

Cancellations of Water

- 1) Chad & Maria Frew ..... 1.33 a.f. Proj  
 Kaysville (11-897-0121)  
 (no secondary system)
- 2) The Bruce Hart Family Trust..... 1.1 a.f. Proj  
 Layton (11-034-0150)  
 (no secondary system)
- 3) Jennifer Hong..... 0.22 a.f. Proj  
 Kaysville (11-897-0142)  
 (no secondary system)
- 4) Sarah Hong..... 0.22 a.f. Proj  
 Kaysville (11-897-0109)  
 (no secondary system)
- 5) Larsen Revocable Trust ..... 0.22 a.f. Proj  
 Kaysville (11-897-0106)  
 (no secondary system)
- 6) Emily & Samuel Maurer..... 0.28 a.f. Proj  
 Kaysville (11-897-0129)  
 (no secondary system)
- 7) Benjamin & Jessica Pingel..... 0.28 a.f. Proj  
 Kaysville (11-897-0130)  
 (no secondary system)
- 8) Ron & Marsha Richins Family Trust..... 0.36 a.f. Proj  
 Layton (11-004-0126)  
 (no secondary system)

- 9) Rita J. Simmons Revocable Trust..... 0.28 a.f. Proj  
Kaysville (11-897-0133)  
(no secondary system)
- 10) Robert J Simmons..... 0.31 a.f. Proj  
Kaysville (11-897-0114)  
(no secondary system)
- 11) Russell Walter and Trudeen Peterson..... 0.3 a.f. Proj  
Kaysville (11-897-0140)  
(no secondary system)
- 12) Ian Pizarro and Brittany Waymire ..... 0.3 a.f. Proj  
Kaysville (11-897-0139)  
(no secondary system)

Contracts for New Water

- 1) J Fisher Companies .....0.35 a.f. NEW  
Farmington (08-074-0073)

**B. WEBER COUNTY:**

Contracts for New Water

- 1) Green Farm 2 Community LLC.....5.64 a.f. NEW  
West Haven (08-037-0250 & 0251)
- 2) Green Family Trust.....5.87 a.f. NEW  
West Haven (08-037-0255)
- 3) Lowe Family Enterprises LC .....0.65 a.f. NEW  
Liberty (22-003-0002)

- 7) Water Supply Report .....Mgr. Olsen
- 8) Consideration of Approval of Consultant Contract  
for Design of the Weber North Water Supply  
Sustainability and Resiliency (SaRP) Project.....Gen. Mgr. Paxman  
and AGM Nelson
- 9) Consideration of North Salt Lake  
Pipeline Project Change Order #5.....Gen. Mgr. Paxman  
and AGM Nelson
- 10) Consideration of Approval of the Construction Contract  
for the Gateway Canal Slide Repair Project.....Gen. Mgr. Paxman  
and Mgr. McFarland
- 11) General Manager’s Report .....Gen. Mgr. Paxman
- 12) Other Business
- 13) Closed Session to Discuss Possible Litigation

**MINUTES OF A REGULAR MEETING OF THE WEBER BASIN WATER  
CONSERVANCY DISTRICT BOARD OF TRUSTEES HELD  
THURSDAY, NOVEMBER 30, 2023, 9:00 A.M., AT DISTRICT HEADQUARTERS**

Present:

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

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

Brittney Bateman, Fin. Analyst  
Calysta Bravo, Fin. Manager  
Suzy Eppens, Contracts Administrator  
Darren Hess, Assistant General Manager  
Josh Hogge, Mgr. of M&I  
Shane McFarland, Mgr. of Engineering  
Brad Nelson, Assistant General Manager  
Riley Olsen, Mgr. of Water Supply & Power  
Greg Pierce, Mgr. of Strategic Initiatives  
Jon Parry, Assistant General Manager  
Kendall Searle, Mgr. of Administration  
Samuel Sorensen, Mgr. of Maintenance  
Kathy Wood, Mgr. of Human Resources

Jeremy Williams, Hazen  
Thane Clark, Bowen Collins  
Steve Rowley, Keddington & Christensen  
Ben Kirk, Bureau of Reclamation  
Susan Midgley, Spouse of Mike Midgley

**I**

**WELCOME & PLEDGE OF ALLEGIANCE**

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

**II**

**RECOGNITION OF RETIRING EMPLOYEE – MIKE MIDGLEY**

Gen. Mgr. Paxman stated this is a bittersweet day for the District because Mike has been stellar in the company. Gen. Mgr. Paxman said he and Mike have grown up in the District together, and there is no one he knows that does a more thorough and detailed job than Mike. He said Mike really watches out for the District's interest and ensures our well equipment and electrical equipment is top notch. Gen. Mgr. Paxman said on behalf of the District and the board, we appreciate his dedication and loyalty these past 36 years. Mike was then presented with his 20-year plaque, the District coin, and a retirement watch. Mike gave his thanks and shook hands with each of the trustees as he accepted his congratulations.

**III  
CONSIDERATION OF APPROVAL OF MINUTES**

Chairman Jensen presented the minutes of the regular board meeting and hearing on petitions held October 26, 2023 and minutes of the orientation meeting held October 23, 2023 for review and approval. There were no additions or corrections.

Motion was made by Trustee Summers, seconded by Trustee M. Anderson, and the motion carried with a unanimous vote, approving the minutes as presented.

**IV  
AUDIT REPORT**

Gen. Mgr. Paxman stated we are ready to report to the Board on our annual audit. He directed attention to Mgr. Bravo who introduced Steve Rowley of Keddington & Christensen, the District's independent auditor. Mgr. Bravo said Mr. Rowley will begin, after which she will present the MD&A (Management Discussion & Analysis).

Mr. Rowley began by outlining the responsibilities regarding the audit. He made particular mention that those charged with governance, the Board of Trustees, are responsible for overseeing the financial reporting process. He said the District has hired a great team of people who were involved with the audit. Mr. Rowley stated it takes a team effort to fulfill all the responsibilities of the District.

Mr. Rowley offered the audit opinion, discussed the Government Auditing Standards Report, requirements for a Single Audit Report, requirements with the State Compliance Report and Resolution Compliance Report. He then reported there were no findings in FY2023. He reminded there were also no findings last fiscal year and the previous year, FY2022 or FY2021. Mr. Rowley also mentioned the bond covenants, and stated they do not give an official opinion, but that nothing was found to report in this category either.

Mr. Rowley said the audit went very smoothly, and the District has a reliable accounting system that produces reliable financial information. He further commented that the District has sound accounting policies with no deficiencies to report, no material uncorrected misstatements, no disagreements with management, and no material corrections proposed during the audit.

Mr. Rowley concluded by stating their firm is very impressed with the District's continued commitment to accurate financial reporting. He said although accounting standards are getting more complex, the District staff does a wonderful job, and Keddington & Christensen appreciates the opportunity to be associated with the District.

Trustee J. Andersen asked about the process of the Federal Audit. Mr. Rowley answered one project is selected as the in-depth dive, then the rest are more surface examinations. Mr. Rowley said the deep drive project was ARPA this year, but next year it will be different.

Trustee J. Andersen then commented that audits rarely come back with a completely clean report and the District has done so year after year. He thanked District staff for their efforts and commended the Finance Department on a job well done.

Trustee Buttschardt stated this is the time for the Finance Department to shine, and they sure do. She mentioned the recent process of getting the Federal Projects off the books and how impressive their accounting is. Trustee Buttschardt said Calysta and Brittney do us proud and thanked them for all their work.

Chairman Jensen asked where our contract stands with the auditor. Mgr. Bravo replied the service goes out for bid every five years or so, which is what the state recommends. She said we are looking at changing our accounting software and it would be difficult to introduce a new auditor the same year we make this transition, so we may request to retain Keddington & Christensen one more year.

Gen. Mgr. Paxman thanked Mr. Rowley for his thorough audit and said he does a fine job with our complicated financial records with government involvement. Mgr. Bravo extended appreciation to Mr. Rowley for the assistance he also provides throughout the year.

Mgr. Bravo began presenting the MD&A by giving an overview of the District and overview of the financial statements. She explained the internal accounting structure that included the Enterprise Fund, Government/Tax Fund, Revenue Fund, O&M, CAN, CARR, and Long-Term Debt funds. Mgr. Bravo presented the Condensed Statement of Net Position, Condensed Statement of Revenues, Condensed Statement of Actual vs. Budget Amounts, Capital Asset and Long-Term Debt Activity, Adjusted Sum of Valuations and Tax Rate, and Expectations of Changes in Financial Position.

Mgr. Bravo concluded by sharing her confidence that the District will continue to be in a strong financial position. Gen. Mgr. Paxman extended appreciation to Mgr. Bravo for the great work she does for the District. Mgr. Bravo thanked the staff and board for their time and efforts participating in the audit.

After discussion ceased, motion was made by Trustee Buttschardt, seconded by Trustee Elliott, and passed unanimously, accepting the FY2023 Audit Report as presented.

**V  
CONSIDERATION OF APPROVAL OF OCTOBER 2023  
FINANCIAL REPORT**

Mgr. Bravo reported the October 2023 financial report. She reviewed the year-to-date water sales and other revenues, then reported on the expenses and compared them to the year-to-date budgeted amounts. She stated the year-to-date position compared to the fiscal year budget is right on track with where we anticipated being at this time. She then answered questions from the board.

There being no further questions from the board, Chairman Jensen entertained a motion for approval. Trustee Buttschardt motioned to approve the October 2023 financial report as presented, with Trustee Summers seconding the motion. The vote was unanimous approving the October 2023 financial report.

**VI  
CONSIDERATION OF APPROVAL OF CANCELLATIONS OF  
UNTREATED WATER CONTRACTS**

Mgr. Searle presented the following cancellations of water:

**A. DAVIS COUNTY**

- 1) Chad & Maria Frew ..... 1.33 a.f. Proj  
Kaysville (11-897-0121)
- 2) The Bruce Hart Family Trust..... 1.1 a.f. Proj  
Layton (11-034-0150)
- 3) Jennifer Hong..... 0.22 a.f. Proj  
Kaysville (11-897-0142)
- 4) Sarah Hong..... 0.22 a.f. Proj  
Kaysville (11-897-0109)
- 5) Larsen Revocable Trust ..... 0.22 a.f. Proj  
Kaysville (11-897-0106)

- 6) Emily & Samuel Maurer ..... 0.28 a.f. Proj  
Kaysville (11-897-0129)
- 7) Benjamin & Jessica Pingel..... 0.28 a.f. Proj  
Kaysville (11-897-0130)
- 8) Ron & Marsha Richins Family Trust..... 0.36 a.f. Proj  
Layton (11-004-0126)
- 9) Rita J. Simmons Revocable Trust..... 0.28 a.f. Proj  
Kaysville (11-897-0133)
- 10) Robert J Simmons ..... 0.31 a.f. Proj  
Kaysville (11-897-0114)
- 11) Russell Walter and Trudeen Peterson ..... 0.3 a.f. Proj  
Kaysville (11-897-0140)
- 12) Ian Pizarro and Brittany Waymire ..... 0.3 a.f. Proj  
Kaysville (11-897-0139)

Mgr. Searle reported that it is not uncommon to have several cancellations this time of year as customers receive their property tax statements and question the Weber Basin Water Conservancy District assessment being charged. The eleven secondary water customers in Kaysville are located in the same neighborhood, and they cannot connect to the District’s secondary system. Mgr. Searle stated the same is true of the cancellation in Layton, and therefore District staff approves of these cancellations.

Motion was made by Trustee Osguthorpe, seconded by Trustee Elliott and passed unanimously, 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) Chad & Maria Frew ..... 1.33 a.f. Proj
- 2) The Bruce Hart Family Trust ..... 1.1 a.f. Proj
- 3) Jennifer Hong ..... 0.22 a.f. Proj
- 4) Sarah Hong..... 0.22 a.f. Proj
- 5) Larsen Revocable Trust ..... 0.22 a.f. Proj
- 6) Emily & Samuel Maurer ..... 0.28 a.f. Proj
- 7) Benjamin & Jessica Pingel..... 0.28 a.f. Proj
- 8) Ron & Marsha Richins Family Trust..... 0.36 a.f. Proj
- 9) Rita J. Simmons Revocable Trust..... 0.28 a.f. Proj
- 10) Robert J Simmons ..... 0.31 a.f. Proj
- 11) Russell Walter and Trudeen Peterson ..... 0.3 a.f. Proj
- 12) Ian Pizarro and Brittany Waymire ..... 0.3 a.f. Proj

**VII  
WATER SUPPLY REPORT**

Mgr. Olsen was invited to present the water supply report and showed the following reservoir content data:

<u>RESERVOIR</u>	<u>TOTAL CAPACITY</u>	<u>DISTRICT CAPACITY</u>	<u>ACCRUED TO DIST TO DATE</u>	<u>% OF DIST CAPACITY</u>	<u>HISTORICAL RESERVOIR CONT.</u>	
					<u>AS OF 11/28/22</u>	<u>AS OF 11/29/21</u>
CAUSEY	7,870	6,870	2,518	37%	1,871	3,491
E CANYON	51,200	20,110	17,665	88	25,505	22,870
ECHO	73,940	6,357	23,056	363	42,220	16,300
LOST CRK	22,510	20,010	14,510	73	6,460	6,640
PINEVIEW	110,150	66,228	43,118	65	36,530	21,190
SMITH-M	8,351	6,560	4,073	62	3,422	6,640
WANSHIP	62,120	60,000	43,570	73	37,520	21,510
WILLARD	<u>247,302</u>	<u>222,273</u>	<u>184,527</u>	<u>83</u>	<u>68,589</u>	<u>76,175</u>
<b>TOTAL</b>	<b>583,443</b>	<b>408,408</b>	<b>333,037</b>	<b>82%</b>	<b>222,117</b>	<b>174,285</b>

The percent of District upstream storage is 80%.

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. Mgr. Olsen said the soil moisture looks great at 120% of normal, which helps runoff efficiency in the spring.

Mgr. Olsen said the District purchased half the carryover water out of Echo, about 24,000 acre-feet at \$5.77 per acre-foot. He stated this is such a great “insurance policy” for the District but we did not need to purchase the full volume this year.

Mgr. Olsen reported that power generators have been running at Causey and Wanship to help offset power costs elsewhere in the District, but those will be shutting down soon.

Mgr. Olsen said we are coordinating with contractors doing bridge work over the river in Croydon. He said we are releasing about 60 cfs right now, and the contractors anticipate handling heavier flows soon. Mgr. Olsen said once we can increase the flow, he will be decreasing storage to get ready for the runoff.

Trustee J. Andersen stated his appreciation for Riley and his crew working so closely with the contractor in Croydon and stated Morgan County is looking forward to the bridge job being completed.

Mgr. Olsen ended the presentation by showing the weather outlooks for the next month, which show equal chances of being cooler or warmer for the month of December.

Trustee Osguthorpe commented on the delicate dance Riley must do to know when to release and when to hold back and stated he is doing a fabulous job and to keep it up. She then asked about the time frame of the District’s control of the reservoirs.

Gen. Mgr. Paxman stated after irrigation season, October 15, control of the reservoir is turned over to Weber Basin to operate releases for run off.

Attorney Williams reminded the board that Weber Basin has full control by statute and contract, for flood control releases and management, which also gives them the responsibility, and she stated we did and do a darn good job.

Chairman Jensen thanked Mgr. Olsen for the report.

**VIII**  
**CONSIDERATION OF APPROVAL OF CONSULTANT CONTRACT  
FOR DESIGN OF THE WEBER NORTH WATER SUPPLY SUSTAINABILITY AND  
RESILIENCY (SaRP) PROJECT**

AGM Nelson was invited to present. AGM Nelson said the District’s Drought Contingency Plan recommends developing reuse for sustainability and resiliency. He explained that a Reuse Feasibility Study was completed in April 2019 and District water rights associated with 8,800 acre-feet of water treated by Central Weber Sewer Improvement District were identified as potential for this project.

AGM Nelson stated, out of the three teams that submitted responses, Hazen with Bowen Collins was selected as the most qualified firm to complete the work.

AGM Nelson said as part of the Request for Statements of Qualification, we asked for some innovative ideas. He said the Hazen/ Bowen Collins team presented creative, multi-use options incorporating shared elements of both the West Weber Water Treatment Plant and the Weber North Reuse Treatment Plant.

AGM Nelson then reviewed the stages of the project explaining the first would be board approval of the selected firm for the planning and design, next would be board approval of the design, risk assessments, and recommendations, and lastly board approval of the construction management for engineering services.

Concerns about the water to the Great Salt Lake were discussed. Also discussed was the West Weber Treatment Plant pilot project converging with this reuse project and potentially merging the two resulting in cost savings down the road.

Concerns regarding the cost of the first phase of the project were brought forward. Trustee J. Andersen stated for these projects the board must trust the staff to review the costs, and that staff has reviewed the numbers closely. AGM Parry added that this project is on a tight time frame due to grant monies needing to be spent.

After all questions were answered and discussion ceased, AGM Nelson recommended the board approve Hazen and Bowen Collins for the design and construction of the full project.

Motion was made by Trustee Jenkins, seconded by Trustee Buttschardt and passed unanimously, awarding a contract for \$638,900.00 to Hazen/ Bowen Collins and Associates for the design and construction for Phase 1 of design services for the Weber North Water Supply Sustainability and Resiliency 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 contract to Hazen/ Bowen Collins & Associates for \$638,990.00 for Phase 1 of design services for the Weber North Water Supply Sustainability and Resiliency Project, on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

**IX**  
**CONSIDERATION OF NORTH SALT LAKE PIPELINE PROJECT  
CHANGE ORDER #5**

Gen. Mgr. Paxman stated this project has gone on much longer than anticipated. He said our contractor is Whitaker and they have been great to work with, and this extended time frame is not due to them at all. Gen. Mgr. Paxman said it has been delayed due to coordinating with all other entities involved.

AGM Nelson gave an overview and stated this project installs new pipelines to deliver water to industrial customers in North Salt Lake City. He said boring is required to cross under UTA and Union Pacific railroad tracks. AGM Nelson reported that when boring in mid-September, a storm drain was hit. He said Whitaker coordinated with Rail Pros to determine a way forward, and Rail Pros required Whitaker to have a shoring plan to excavate. AGM Nelson said Whitaker submitted the plan and it is taking quite some time to be reviewed and approved by all entities involved. He said the 1890s era storm sewer was unknown at the time of the casing installation.

AGM Nelson reported that because of these complications and coordinating work with Salt Lake City, UTA, Union Pacific, and Rail Pros, there is another change order. He stated Rail Pro is the real expense right now, as they are the sole contractor of Union Pacific and must be present 24/7 during work.

AGM Nelson stated District staff recommends approval for a change order of \$638,215.00 to Whitaker to pay for the cost of this unforeseen incident.

After discussion ceased, Trustee M. Anderson motioned for approval of the change order. The motion was seconded by Trustee Robinson, and the vote was unanimous, approving the change order of \$638,215.00 to Whitaker Construction and adopted 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 change order with Whitaker Construction for the unforeseen incident on the North Salt Lake Pipeline Project, on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

**X**

**CONSIDERATION OF APPROVAL OF THE CONSTRUCTION CONTRACT FOR THE GATEWAY CANAL SLIDE REPAIR PROJECT**

Mgr. McFarland presented, reminding the board of the emergency repair work completed at the Gateway Canal Road Slide. He said the District is now taking the temporary solution and making it permanent. He shared the design drawing and explained the plan of adding eight more soldier piles, then anchoring all the soldier piles, and well as installing a drain layer.

Trustee M. Anderson asked how confident we are that we will hit solid materials with the anchors, and Mgr. McFarland answered we are very confident due to good results from the boring.

Mgr. McFarland said two bids were received, and after staff reviewed the responses, Skyview Excavation & Grading was selected as the most qualified to complete this work. He then recommended approval to award the contract to Skyview Excavation & Grading, Inc for \$1,174,765.00.

Motion was made by Trustee Summers, seconded by Trustee J. Andersen and passed unanimously, awarding a contract for \$1,174,765.00 to Skyview Excavation & Grading for the Gateway Canal Slide Repair 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 contract with Skyview Excavation & Grading for the Gateway Canal Slide Repair Project, on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

**XI  
GENERAL MANAGER’S REPORT**

Gen. Mgr. Paxman said the National Water Resources Association Conference in Texas went well. He said all who attended said it was a good conference as Texas has some great examples on how they are handling drought.

\*\*\*\*\*

Gen. Mgr. Paxman thanked Trustee Summers and Trustee Buttschardt for attending the rating agency meetings for our WIFIA loan application. He said this is a different process than any other bonds the District has had ratings on, and the meetings went well. He also informed the board that they have been sent a copy of a report that details the operations and finances of the District in great detail and encouraged their review.

\*\*\*\*\*

Gen. Mgr. Paxman said the legislature is gearing up for another session. He said there are already multiple meetings a week with committees, and there are plenty of water bills to track and evaluate.

\*\*\*\*\*

Gen. Mgr. Paxman reminded the board of the Employee Awards Social next week, Wednesday, December 6 at 6:00pm at the Timbermine Steakhouse.

**XII  
CLOSED SESSION TO DISCUSS POSSIBLE LITIGATION**

Chairman Jensen then directed the board to enter closed session to discuss possible litigation. Motion was made by Trustee Elliott, seconded by Trustee Jenkins, and the vote was unanimous moving the meeting into closed session.

**XIII  
ADJOURNMENT**

There being no further business for discussion, meeting adjourned at 11:54 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 November 30, 2023, 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 Jared Andersen  
Trustee Kym O. Buttschardt  
Trustee Randy B. Elliott  
Trustee Scott K. Jenkins  
Trustee Angie Osguthorpe  
Trustee Christopher F. Robinson  
Trustee Paul C. Summers

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

Brittney Bateman, Fin. Analyst  
Calysta Bravo, Fin. Manager  
Suzy Eppens, Contracts Administrator  
Darren Hess, Assistant General Manager  
Josh Hogge, Mgr. of M&I  
Shane McFarland, Mgr. of Engineering  
Brad Nelson, Assistant General Manager  
Riley Olsen, Mgr. of Water Supply & Power  
Greg Pierce, Mgr. of Strategic Initiatives  
Jon Parry, Assistant General Manager  
Kendall Searle, Mgr. of Administration  
Samuel Sorensen, Mgr. of Maintenance  
Kathy Wood, Mgr. of Human Resources

Jeremy Williams, Hazen  
Thane Clark, Bowen Collins  
Steve Rowley, Keddington & Christensen  
Ben Kirk, Bureau of Reclamation  
Susan Midgley, Spouse of Mike Midgley

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 County and Weber County, Utah, by the Weber Basin Water Conservancy District, should not be granted.

Mgr. Searle 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) J Fisher Companies.....0.35 a.f. NEW  
Farmington (08-074-0073)

**B. WEBER COUNTY:**

- 1) Green Farm 2 Community LLC .....5.64 a.f. NEW  
West Haven (08-037-0250 & 08-037-0251)
- 2) Green Family Trust.....5.87 a.f. NEW  
West Haven (08-037-0255)
- 3) Lowe Family Enterprises LC.....0.65 a.f. NEW  
Liberty (22-003-0002)

Whereas after the filing of said petitions, it was determined to hold a public hearing on the 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 November 15, 2023, 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 Osguthorpe, seconded by Trustee Summers and passed unanimously, approving petitions for water contracts in Davis County and Weber County and adopting the foregoing resolution.

Approved and adopted November 30, 2023.



Marlin K. Jensen, Chairman

ATTEST:



Scott W. Paxman, General Manager/CEO

(SEAL)

**WEBER BASIN WATER CONSERVANCY DISTRICT  
BOARD OF TRUSTEES  
ORIENTATION MEETING AGENDA  
MONDAY, NOVEMBER 27, 2023, 10:00 A.M.**

**Present:**

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

**Excused:**

Trustee J. Andersen

Scott W. Paxman, General Manager/CEO

Brad Nelson, Assistant General Manager  
Jon Parry, Assistant General Manager  
Kendall Searle, Administration Manager  
Suzy Eppens, Contracts Administrator

Chairman Jensen welcomed all in attendance and requested an update from Gen. Mgr. Paxman on the trip to California for the WIFIA loan.

Gen. Mgr. Paxman stated the WIFIA loan involves District-only infrastructure and nothing from the Federal Project. He said there was a lengthy discussion on what that meant to our District and how we separate those facilities out. He stated both meetings went well.

Trustee Buttschardt told the board Gen. Mgr. Paxman did a great job presenting, and that Mgr. Bravo and Fin. Analyst Bateman were astounding and represented the District remarkably well.

Chairman Jensen mentioned the lawsuits currently proceeding in Utah involving Air Quality and Utah Water Ways. Gen. Mgr. Paxman stated Legal Counsel Williams will give an update regarding these lawsuits and our role in them as a District at the following board meeting.

Gen. Mgr. Paxman began the discussion about the pros and cons of proceeding with the Bear River Development Project. Gen. Mgr. Paxman said he had four meetings with President Adams of the Senate within the last month and he is pushing hard for moving forward with development by way of purchasing property on the reservoir. Gen. Mgr. Paxman said President Adams desires to begin the process and land acquisition is a good way to start.

Gen. Mgr. Paxman then invited AGM Parry to give an overview of the project.

AGM Parry said the District is constantly monitoring the demands of the community and our water supply. He stated the District is ultimately looking to ensure sufficient water supply for future development demands, and the Bear River Project has been on the docket for 20 or even 30 years as the next major development of a water project.

AGM Parry gave an overview of Bear River drainage, and said it is a much larger drainage basin area than the District's current area. He shared the following facts:

- Longest river in the western hemisphere that does not reach the ocean
- 7,500 sq miles
- Flows through three states: Utah, Wyoming, and Idaho
- Makes five state line crossings
- Drains into the Great Salt Lake

## Page 2 – Orientation Meeting – November 27, 2023

AGM Parry said based on studies using a 30-year period of record, including two of the worst droughts in the last 60 years, the reliability of the water supply was determined. He then shared the following Bear River Simulated Model:

- 400,000 AF storage would have a reliability of 60%, meaning there would supply shortages 4 out of 10 years.
- 600,000 AF Storage would have a reliability of 90%.

AGM Parry also shared storage graph simulations and an Annual Flow vs Divertible Flow graph based off historic use patterns. He stated this project would be for municipal and industrial uses of water.

Trustee Jenkins said in the early 1600s the lake was so low it was basically dry. AGM Parry said we've done studies to help us plan for the future, and based on those studies, we have seen the 1630s and 1930s there were periods of drought.

Trustee Osguthorpe asked about draining from the lake during those drought years. AGM Parry said we will go over slides later showing efforts we would take to minimize and mitigate lowering the lake due to the project.

Trustee Jenkins asked when we could run out of water, considering development continuing. AGM Parry said our current projections show around 2045, but we are in the process of updating our Water Supply and Demand Study which will inform that projection.

AGM Parry said because of the river's path across state lines, interstate agreements were necessary. He said in the early 1900s, as the states began to develop the Bear River, there were conflicts over the distribution and use of the river, as well as future development of the water. AGM Parry stated Utah, Idaho, and Wyoming recognized the need for an agreement concerning the shared use of the Bear River, and in the early 1940s, with assistance from the federal government, the states began negotiations regarding an agreement.

AGM Parry said the result was the original Bear River Compact (Compact) signed in 1958. The framework of the Compact regulates how Bear River water is distributed to Wyoming, Idaho, and Utah. The Compact, amended in 1980, defines three divisions along the river (Upper, Central, and Lower divisions), and allocates water from the river to the states in each of those divisions. He explained the Compact limits the amount of water that may be depleted in each Division, and as such, Utah may only develop additional supplies by diverting water from the Lower Division downstream of Bear Lake.

AGM Parry explained the amendment in 1980 outlined the allocation of future water developed on the river. He said all surface and ground water applied to beneficial use in the Lower Division after January 1, 1976 was divided on a depletion basis, with Idaho being granted the first right to develop and deplete 125,000 acre-feet. He said Utah was granted the second right to 275,000 acre-feet, and the next 150,000 acre-feet was divided equally between Utah and Idaho. AGM Parry said the amendment also outlined the division of water in excess of the below listed allocations. He said the allocations set in the Bear River Compact provide the basis for the water rights to be developed as outlined in the Bear River Development Act.

1980 Amended and created 3 divisions, and the following allocations of water which are depletion amounts:

- Idaho – 125,000 (first right)
- Utah – 275,000 (second right)
- Utah/Idaho – 75,000
- Remaining water to be allocated 30% to Idaho/ 70% to Utah

AGM Parry explained in 1991 the Bear River Development Act was passed by Utah State Legislature and allowed for the Division of Water Resources to plan, study, and develop 220,000 acre-feet as follows:

### Page 3 – Orientation Meeting – November 27, 2023

- Weber Basin Water Conservancy District – 50,000 AF
- Jordan Valley Water Conservancy District– 50,000 AF
- Cache County – 60,000 AF
- Bear River Water Conservancy District – 60,000 AF

Gen. Mgr. Paxman stated he was hired at the District in 1991 and has been working on the Bear River Project ever since. He said it's been a career of planning for this project.

Gen. Mgr. Paxman stated the District asked for the first portion of that water by 2014, but that deadline has been adjusted due to the state not being ready and our increased push of conservation programs.

AGM Parry gave an overview of the 2018 Study of the Bear River Project. He said there were five reservoir sites and thirteen different combinations of reservoirs were evaluated. AGM Parry said the proposed reservoir in Whites Valley has some preferred project components including possible alignment and pumping as well as a 200 MGD Treatment Plant Site.

AGM Parry said it is the State's responsibility to preserve Rights-of-way (ROW) and purchase and build reservoirs and pipelines for the Bear River project and bring water to the Weber River. It is the District's responsibility, along with Jordan Valley Water Conservancy District, to take that water from the Weber River and convey it to the treatment plant site and pipe it through Weber and Davis Counties to Salt Lake County. He said we have 75% of the ROW procured with the remainder proposed to be along the Legacy Highway.

Trustee Robinson asked about pipe size, and Gen. Mgr. Paxman said it will be very large, around 120 inches.

Chairman Jensen asked about ROWs to the north, and Gen. Mgr. Paxman stated that is the state's responsibility to acquire and they haven't done much as of yet.

AGM Parry shared that the alignment from Whites Valley down to the West Haven site is still in flux and lots of dialogue is taking place regarding the best and most cost-efficient option.

AGM Parry said the total costs were estimated to be approximately \$2.8 billion in 2018 dollars, so today that number would be closer to \$3.5 billion.

AGM Parry stated the 200 MGD Treatment Plant Site would treat water for both our District and Salt Lake County. He said the District would send the treated water to Salt Lake County to the Jordan Valley Water Conservancy District.

AGM Parry said there are five different sampling sites on the Bear River, so we know what we need to treat. He explained water coming from the Malad River is terribly hard to treat, but reverse osmosis would be an effective way forward. He said for this reason, there will not be a storage facility below Malad, so facilities locations will be chosen to catch and divert before flowing through the Malad River.

AGM Parry then shared a map of all current District owned right of ways for this project. He then shared a proposed alignment along Legacy Highway down to Salt Lake City. He also mentioned there is 100 million gallons of storage in Clearfield on a 33 acre property for this project.

AGM Parry continued to present by outlining the proposed requirements for any customer wanting to use this newly developed water as follows:

- Entities must adopt and enforce the District's Water Efficiency Standards
- No reuse water, all indoor return flows dedicated to the Great Salt Lake
- Entities must adopt aggressive conservation tiered water rates
- If outdoor water is required, the development must secure this through the acquisition of existing water rights or shares – no Bear River Water is used for outdoor irrigation
- Any industrial use or process water shall be "zero" depletion

#### Page 4 – Orientation Meeting – November 27, 2023

Trustee Elliott said lawsuits might prohibit this project from being realized. AGM Parry said that may be true, but we must show the community the need for water development. He said this will lead to a conversation about future growth, not having land use authority, and the reality that water needs to come from somewhere. AGM Parry said currently this is the best plan to continue to ensure adequate water, and it is the apparent path forward at this time.

Discussion continued.

Trustee Summers said, unless there is a major change in government, the understanding has always been to not let water development hinder future growth. AGM Parry said this is perhaps our way out of the rock and hard place, we have the requirements a customer must follow to use the developed water from the Bear River Project.

Gen. Mgr. Paxman said the only hammer we have are these requirements, and customers will either want the water and therefore follow the requirements, or they will need to find other sources.

Trustee Robinson commented on Washington County's recent 20-year plan on how to handle water moving forward. He said he agrees with the plan and encourages other Districts to follow suit. He said he has serious qualms about pursuing the Bear River Project, but stated his approval of legislature making a standard across the state. Trustee Robinson said we would need to see a great argument to show that this project is not going to hurt the lake.

AGM Parry commented on Washington County's plan and stated we work very closely with them, and we are actively working toward adopting those conservation programs and standards. AGM Parry said monies and staff efforts are being matched with that of Washington County.

Trustee Summers stated in terms of the Bear River, we have some very excited legislators about the White Valley Reservoir and this project. AGM Parry added some of these other larger Districts have multiple straws in multiple sources and Weber Basin does not, so this project would allow us to have another straw in a new source. He said the District has two years of water storage, whereas some districts have seven years.

Trustee M. Anderson stated the fact of the matter is that we will need more developed water eventually as well as redundancy and additional storage.

Trustee Summers stated that what Trustee Robinson is saying regarding conservation is essential, but it is not the whole answer, we still must continue to consider additional projects.

Gen. Mgr. Paxman shared other storage options including Larabee Reservoir Site and Hardscrabble Reservoir Site. He promised to keep the board informed on the continued meetings with President Adams and said we will be addressing the need for drought storage. Gen. Mgr. Paxman said the last meeting included Brian Steed, the Great Salt Lake Commissioner, and importation of water from other locations was discussed. He said the Senate President wants a dedicated position for someone who looks at bringing in water from other sources, outside the state. Gen. Mgr. Paxman stated the District's necessity for storage and new water development needs to be better understood. He said we do not know where this leads, but these conversations are all valuable.

Chairman Jensen asked Gen. Mgr. Paxman to report on the meeting with the BOR. Gen. Mgr. Paxman said it was discussed that in drought years we need to be able to keep more water on our side of the drainage. He said we are meeting with the area office director tomorrow to go over some proposals.

Chairman Jensen asked if we should be listening to other groups. Gen. Mgr. Paxman stated we are always listening. AGM Parry said yes, we listen and plan so we can provide the best future moving forward.

There being no future business to consider, the orientation meeting adjourned at 12:25 p.m.