

**WEBER BASIN WATER CONSERVANCY DISTRICT
 BOARD OF TRUSTEES MEETING
 THURSDAY, APRIL 24, 2025, 9:00 A.M.
 DISTRICT HEADQUARTERS**

- 1) Welcome & Pledge of Allegiance..... Chair Osguthorpe
- 2) Consideration of Approval of Minutes for Regular Board Meeting,
 Hearing on Petitions for Water Contracts held March 27, 2025
 and Orientation Meeting held March 24, 2025 Chair Osguthorpe
- 3) Consideration of Approval of Third Quarter
 2025 Financial Report..... Trustee Buttschardt
- 4) Policies and Procedures Update.....Gen. Mgr. Paxman
 Fin. Analyst Bateman
- 5) Consideration of Approval of Petitions for Water Contracts,
 Transfers of Water, and Cancellations.....Mgr. Searle

A. DAVIS COUNTY:

Cancellations of Water

- 1) LCI LLC.....2.8 a.f. Proj
 Layton (09-088-0141)
- 2) Nolan Balls..... 1.15 a.f. Proj
 Farmington (08-691-0003)

B. SUMMIT COUNTY:

Cancellation of Water

- 1) The Bobrowsky Cutler Trust0.25 a.f. Dist 3
 Browns Canyon (SS-80-4)

C. WEBER COUNTY:

Petitions for Water

- 1) Baker Family Trust0.65 a.f. Dist 4
 Huntsville (21-021-0074)
- 2) Orme Family Properties LLC0.65 a.f. Dist 4
 Eden (22-006-0052)
- 3) Matthew & Jamie Sanders0.65 a.f. Dist 4
 Liberty (22-004-0011)
- 4) South Point Condominiums11.0 a.f. Dist 4
 South Ogden (07-424-0007 all common space)

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- 6) Water Supply Report..... Mgr. Olsen
- 7) Consideration of Approval of the Construction Contract for the AV Watkins Siphon Replacement Project Gen. Mgr. Paxman and AGM Nelson
- 8) Consideration of Approval of the Hill Field Vault and Pipeline Replacement Project..... Gen. Mgr. Paxman and AGM Nelson
- 9) Consideration of Approval of the Title Transfer Memorandum of Agreement Gen. Mgr. Paxman and AGM Nelson
- 10) Consideration of Approval of Large Equipment Purchase..... Gen. Mgr. Paxman and Mgr. Sorensen
- 11) Consideration of Approval of the Construction Contract for the Learning Garden Demonstration Gen. Mgr. Paxman and AGM Parry
- 12) General Manager’s Report Gen. Mgr. Paxman
- 13) Other Business
- 14) Closed Session: Discussion on Real Property Acquisition & Litigation Matters

**MINUTES OF A REGULAR MEETING OF THE WEBER BASIN WATER
CONSERVANCY DISTRICT BOARD OF TRUSTEES HELD THURSDAY,
APRIL 24, 2025, 9:00 A.M., AT DISTRICT HEADQUARTERS**

Present:

Chair Angie Osguthorpe
Trustee Jared Andersen
Trustee Mark D. Anderson
Trustee Kym O. Buttschardt
Trustee Gage Froerer
Trustee Scott K. Jenkins
Trustee Christopher F. Robinson
Trustee Bob Stevenson
Trustee Paul C. Summers

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

Brittney Bateman, Finance Analyst
Calysta Bravo, Mgr. of Finance
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 and Power
Jon Parry, Assistant General Manager
Greg Pierce, Mgr. of Strategic Initiatives
Kendall Searle, Mgr. of Administration
Samuel Sorensen, Mgr. of Maintenance and Construction
Kathy Wood, Mgr. of Human Resources

Ben Kirk, BOR
Rick Smith, Davis & Weber Counties Canal Company

**I
WELCOME & PLEDGE OF ALLEGIANCE**

Chair Osguthorpe welcomed all in attendance, then led the group as they recited the Pledge of Allegiance.

**II
APPROVAL OF MINUTES**

Chair Osguthorpe presented minutes of the regular board meeting and hearing on petitions for water contracts held March 27, 2025 and orientation meeting held March 24, 2025 for review and approval. There were no additions or corrections. Motion was made by Trustee Jenkins, seconded by Trustee J. Andersen and passed unanimously, approving the minutes.

**III
CONSIDERATION OF APPROVAL OF THIRD QUARTER
2025 FINANCIAL REPORT**

Trustee Buttschardt invited Mgr. Bravo to begin the review of the March 2025 financial report. Mgr. Bravo stated this is the third quarter report for the fiscal year. She reviewed revenues and expenses in detail. Mgr. Bravo said water sales and tax revenues look great. She also reviewed the miscellaneous revenue, debts, capital project expenditures, miscellaneous expenses, and bond proceeds. She then reviewed the O&M report and provided explanations for any costs that exceeded its year-to-date budgeted amount. Mgr. Bravo stated the expenses are currently coming in under budget and we anticipate remaining within or even below the budget here.

Mgr. Bravo ended her presentation by comparing the actual versus year-to-date budget and stated the District is in great shape and right on track with the 2025 budget. She said we are a little ahead in our revenues and a little behind in our expenses, so all looks great for the year overall.

Chair Osguthorpe acknowledged a motion made by Trustee Buttschardt, seconded by Trustee Jenkins, and all were in favor of accepting the third quarter 2025 financial report as presented.

IV POLICIES AND PROCEDURES UPDATE

Gen. Mgr. Paxman reminded the board that the policies and procedures were all presented in detail at the orientation meeting on Monday. He invited Fin. Analyst Bateman to present the proposed changes to the District's Policies and Procedures Manual based on newly passed legislation and staff recommendation. She reviewed the following bills, explained the effects to the District, and showed the updated language to be included in the manual.

HB64 – Public Official Bonding Amendments. Fin. Analyst Bateman said this removed the option for trustees to get a surety bond. She said trustees must now have crime insurance and the board must maintain crime insurance for officers and employees who handle funds.

HB12 – Division of Purchasing and General Services Amendments. Fin. Analyst Bateman said this specified that awarding a contract is not signing a contract and lists several clauses that are void and unenforceable when in a procurement contract.

HB444 – Data Privacy Amendments & SB277 – Government Records Management Amendments. Fin. Analyst Bateman said together these disband the State Records Committee and puts in place a Director of the Records Office, and updates requirements in Government Data Privacy Act, GRAMMA, and Government Records & Archives. She said we will update our section on records to conform to the newly established terms and titles.

Fin. Analyst Bateman then reviewed the staff recommended changes and stated these recommendations are based on discussions from previous board meetings.

Transferring Replacement Water – Fin. Analyst Bateman said we have requirements that must be met if a customer transfers replacement water. This update will add the water efficiency standards to the requirements. She said the change will also state that agricultural water will remain for use as agricultural water and must meet those standards, otherwise the rate will be converted to the current M&I rate.

Irrigation Water Delivery Periods – Fin. Analyst Bateman said the District will not be changing the irrigation season dates as discussed previously. Gen. Mgr. Paxman said many of our customer agencies have their own sources of water and they are based on shares. He said these shares are valued based on the entire irrigation season and taking away a month of the irrigation season would potentially cause a loss of water supply to these agencies. Gen. Mgr. Paxman said for these reasons, we will not change the dates in the policy, but rather we will educate and encourage our customers to wait to wait until May 1, but the irrigation season will remain the same from April 15 – October 15.

Transferring Irrigation Water – Fin. Analyst Bateman said we have historically followed the rules for transferring replacement water, but we have not had a policy in place for irrigation water. She said this policy will take those same requirements for the transferring of replacement water and use them for transferring irrigation water as well. Fin. Analyst Bateman said there will also be language added that addresses transfers to a new service provider.

Governing Body – Fin. Analyst Bateman said the law does state that one of the trustees must be a person who owns and uses irrigation rights as part of their livelihood. Although the District has followed this law, it has not been specifically addressed in the policy and will be added.

Motion was made by Trustee Stevenson, seconded by Trustee Robinson, and the presented updates to the policies and procedures were unanimously approved to go into effect May 7, 2025.

**V
CONSIDERATION OF APPROVAL OF CANCELLATIONS OF WATER**

Mgr. Searle presented the following cancellations of water contracts.

A. DAVIS COUNTY:

- 1) LCI LLC.....2.8 a.f. Proj
Layton (09-088-0141)
- 2) Nolan Balls..... 1.15 a.f. Proj
Farmington (08-691-0003)

B. SUMMIT COUNTY:

- 1) The Bobrowsky Cutler Trust0.25 a.f. Dist 3
Browns Canyon (SS-80-4)

Mgr. Searle reported the Layton cancellation is from a developing parcel with agricultural water that has a larger allocation than what was required for development. He said because of this, the excess water is being cancelled and returned to the District. Similarly, Mgr. Searle stated the Farmington property is being subdivided for development and the excess water is being cancelled here as well.

Mgr. Searle said the small Summit County cancellation in Browns Canyon is due to the exchange only being approved for 1.0 ac-ft and the current contract is for a total of 1.25 ac-ft. He said the cancellation request is for 0.25 ac-ft of the unusable water.

Mgr. Searle said District staff reviewed all cancellations presented and recommended approval.

Motion was made by Trustee M. Anderson, seconded by Trustee J. Andersen 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 Chair and 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. LCI LLC.....2.8 a.f. Proj
- 2. Nolan Balls..... 1.15 a.f. Proj
- 3. The Bobrowsky Cutler Trust0.25 a.f. Dist 3

**VI
WATER SUPPLY REPORT**

Chair Osguthorpe invited Mgr. Olsen to present. He began by reviewing 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 4/22/24</u>	<u>AS OF 4/24/23</u>
CAUSEY	7,870	6,870	3,299	48%	4,514	2,599
E CANYON	51,200	20,110	18,260	93	35,470	24,050
ECHO	73,940	6,357	19,178	94	66,040	22,150
LOST CRK	22,510	20,010	15,870	79	18,460	6,600
PINEVIEW	110,150	66,228	56,055	91	84,870	21,790
SMITH-M	8,351	6,560	4,031	63	4,404	3,532
WANSHIP	62,120	60,000	47,500	79	47,220	16,920
WILLARD	<u>247,302</u>	<u>222,273</u>	<u>201,555</u>	<u>91</u>	<u>192,432</u>	<u>169,746</u>
TOTAL	583,443	408,408	365,748	89%	453,410	267,387

Percent of District upstream storage is 88%.

Mgr. Olsen reviewed the Ogden and Weber Rivers storage. He said we have dropped Causey significantly in anticipation of runoff and still generating some power from these flood control releases. He said Pineview is well above where we usually are at this time in a typical year and anticipate topping off next month. Mgr. Olsen said Wanship looks good and the storage will start ticking up in the next few weeks. He said no flood control releases have been made at Echo as of yet and all our irrigation needs are being fulfilled by natural flow below the dam, but we will likely start releasing within the next few weeks. He said we are at minimum environmental flows at Lost Creek and East Canyon and anticipate filling very close to 100% this year. Mgr. Olsen said Smith & Morehouse will fill as it does every year and will likely spill at the beginning of June. He said Willard Bay looks steady and we are comfortable with current levels.

Mgr. Olsen then presented SNOTEL at 86% median for the basin which is down from last month. He then showed the Snow Water Equivalent graph, pointing out that it is declining with the drier and inconsistent weather. He also displayed the soil moisture graph and explained moisture is within average range due to runoff soaking into the ground and not flowing to the reservoirs.

Mgr. Olsen shared the runoff forecasts and said we are at 64% of average overall. He showed the forecasted inflows have dropped substantially, specifically at East Canyon. Mgr. Olsen said the forecasts have not been as reliable as in years past, but we do our best with the information we are given.

Mgr. Olsen gave an update on the Great Salt Lake (GSL) saying the current elevation is 4,193.3ft which is slightly down about from this time last year.

Mgr. Olsen ended with the weather forecast showing higher than usual temperatures and precipitation well below normal for the next month.

**VII
CONSIDERATION OF APPROVAL OF THE CONSTRUCTION CONTRACT FOR
THE AV WATKINS SIPHON REPLACEMENT PROJECT**

AGM Nelson said the project has been planned for quite some time as the existing siphon is at its useful life and needs replacement. AGM Nelson said the District hired consultants, RB&G and JUB, to complete the design of the new delivery conduit at AV Watkins in 2022 and approval was given by the BOR to complete this project.

AGM Nelson said the District prequalified five contractors for the siphon replacement, and from these contractors we received two bids. He said Ames Construction is the apparent qualified low bidder and District staff recommends approval. He said this project was bid out before and the project was put on hold based on very high bids at that time.

AGM Nelson explained the District has a water smart matching grant from BOR for \$3.8M that we do not want to lose. He said there is also an XM loan with a great interest rate that will help fund the project. He then answered questions from the board and discussion continued.

Motion was made by Trustee Jenkins, seconded by Trustee J. Andersen and passed unanimously, awarding the contract to Ames Construction 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 Chair and the General Manager of said District be, and they are, hereby authorized and empowered to execute on behalf of said District a construction contract for the AV Watkins Siphon Replacement Project to Ames Construction in the amount of \$8,936,840.00, on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

VIII

**CONSIDERATION OF APPROVAL OF THE TITLE TRANSFER
MEMORANDUM OF AGREEMENT**

AGM Nelson said the Title Transfer Agreement has already been brought before the board, however BOR is requiring a Memorandum of Agreement (MOA) be approved and signed. He gave some background stating the Bureau constructed the Weber Basin Project and the District is the operating agency responsible for project water sale and delivery, operation and maintenance, and project repayment. AGM Nelson said now that the project is paid off, the District is looking to own wells, secondary pump stations, smaller secondary pipelines, and drains and leave larger infrastructure such as reservoirs, aqueducts, tunnels, canals, and water rights with the Bureau.

AGM Nelson said BOR will complete NEPA review and approval, lands works, public outreach, agreements and deeds, and inspection of facilities. He said the District, in turn, will coordinate efforts with NEPA consultant, lands work, public outreach, agreement and deeds, and inspection of facilities. AGM Nelson explained this will allow the District to handle all license agreements, permits, and different permissions of encroachment which will save time and hassle for both the District and BOR.

AGM Nelson said the Task Order funding was approved by the board in January of this year and this agreement solidifies the work to be done by each party. He then recommended approval of the MOA to continue the title transfer process.

Motion to approve was made by Trustee Froerer, seconded by Trustee Stevenson, and passed unanimously approving the MOA 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 Chair and General Manager of said District be, and they are hereby, authorized and empowered to execute on behalf of said District a Memorandum of Agreement with the Bureau of Reclamation on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

IX
CONSIDERATION OF APPROVAL OF THE HILL FIELD
VAULT AND PIPELINE PROJECT

Mgr. McFarland gave background stating the District owns and operates multiple culinary pipelines delivering water from treatments plants and wells to northwest Davis County. He shared a map and showed the main transmission pipeline located between I-15 and Hill Air Force Base in a District owned easement, and explained the existing Hillfield Vault is aging and needs replacement.

Mgr. McFarland said the Military Installation Development Authority (MIDA) is planning extensive development in future years as part of major I-15 reconstruction projects. He said Sunset Ridge Development Partners LLC (SRDP) was chosen as the sole developer of the Falcon Hill Enhanced Use Lease Project. Mgr. McFarland said Falcon Hill Drive will be extended on the east side of I-15 from 1800 North to 200 South and the road alignment follows the District's culinary transmission pipeline and Hillfield Vault. He explained the vault conflicts with their design, and they agreed to pay for a portion of the District project.

Mgr. McFarland said WW Clyde was brought on under a CMAR agreement to provide input and contribute to the design of the project due to its complexity. He said the project is composed of three aging vaults and the phasing will be critical to keep water delivered to customers throughout the project timeline.

Mgr. McFarland said this phased approach requires more time, excavation, and planning on the contractor. He said the project also includes additional pipe replacement to prepare for future connections. Mgr. McFarland said WW Clyde clearly understands the project scope and provided a project cost of \$1,660,691.92. He said MIDA will cost share up to 30% of this total and the District will cover the remaining portion, then recommended approval.

Trustee Froerer disclosed he sits on the MIDA board and recused himself from the vote for approval.

Motion to approve was made by Trustee Summers, seconded by Trustee Robinson, and passed unanimously, without vote from Trustee Froerer, approving the selection of WW Clyde to construct the Hill Field Vault and pipe replacement project for \$1,660,691.92 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 Chair and General Manager of said District be, and they are hereby, authorized and empowered to execute on behalf of said District approval of the selection of WW Clyde to construct the Hill Field Vault and pipe replacement project on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

X
CONSIDERATION OF APPROVAL OF LARGE EQUIPMENT PURCHASE

Mgr. Sorensen said this purchase is part of an ongoing effort to replace old and failing trucks in our fleet. He said this will be the fourth truck of its kind in our fleet and will replace a 2013 Mack. He said we are now replacing trucks that still have some value which is better for resale.

Mgr. Sorensen said two quotes were received for comparable trucks and Kenworth beat out Peterbilt by just \$100. He said he did some research and spoke with the salesman regarding the state contract. Mgr. Sorensen said Peterbilt is on the state contract and used that for quoting and Kenworth quoted via Sourcewell which provides significant manufacturer discounts to governmental entities. He said these prices are higher than the last dump truck purchase this past fall, mainly due to new tariffs and also an all steel bed.

Trustee J. Andersen asked what Mgr. Sorenson's ideal rotation schedule would be for dump truck replacement. Mgr. Sorenson answered 7-10 years to get the best value in return.

Motion to approve was made by Trustee Buttschardt, seconded by Trustee Stevenson, and passed unanimously approving the purchase of the 2025 Kenworth T880 Dump Truck for the purchase price of \$234,077.63 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 Chair and General Manager of said District be, and they are hereby, authorized and empowered to execute on behalf of said District approval to purchase the 2025 Kenworth T880 Dump Truck for a total of \$234,077.63 on the terms and conditions contained in the form of agreement presented to and considered at this meeting.

XI

CONSIDERATION OF APPROVAL OF THE CONSTRUCTION CONTRACT FOR THE LEARNING GARDEN DEMONSTRATION

AGM Parry gave background on the District Learning Garden. He said it was established in 2008 to demonstrate water efficient landscapes with the goal to show practicable space that could be used in residential yards. AGM Parry said the District uses the garden to educate public officials, residents, and landscapers as well as for community engagement activities like the annual Garden Fair.

AGM Parry explained next to the filter building there is a dry riverbed that is not used well as the space is not often visited. He said this project would demo that area of about 14,000 sq. ft. and demonstrate four different yard landscapes: formal, modern, traditional backyard, and woodland. He said these yards would demonstrate the ordinances and standards needed for future demand reductions. He then shared a map of the project site.

AGM Parry said all project areas will be sub-metered to track water use and show how low-water landscaping can be achieved and be attractive in yard spaces. He said these yards will also tie into all educational elements the District is engaged in currently including classes, events, Customer Portal, website, and social media.

AGM Parry stated the District prequalified three contractors through the standard procedure and all three submitted bids. He said Simplified Landscaping was the apparent low bidder and being prequalified, we feel comfortable in their abilities.

AGM Parry said the project timeframe is a year and recommended approval of the contract to Simplified Landscaping for \$910,343.24.

Trustee Robinson asked about the expense and wondered if residents would be able to afford to replicate one of the yards being demonstrated. AGM Parry said this project is expensive, but there will be varying levels of investment in each yard. He also said some of the cost is due to additional seating and lighting for safety in the garden as well as some grading issues to resolve.

Discussion continued and it was decided to table the vote on this project and take a quick tour of the garden and project area to better understand the scope and intent of the project.

XII

GENERAL MANAGER'S REPORT

Gen. Mgr. Paxman said we had 3,000 meters installed this off season by two contractors, and we have been struggling with one in particular. He said we are hoping to have water to most areas by the middle of next week or by May 1 at the very latest. Gen. Mgr. Paxman explained most of these issues are from backyard connections, which we knew would be difficult. He said this was the contractor that was one million dollars under any other bid and we have not watched them

closely enough resulting in many leaks and installation issues. Gen. Mgr. Paxman said it has been tough and there are more issues this time around than ever before. He said our staff is not the issue and they have been responding so well and so quickly to all the complaints and issues.

Gen. Mgr. Paxman reminded the board to submit the required training certificates to Mgr. Searle if not already done.

Gen. Mgr. Paxman reminded the board of the discussion on Monday regarding the water supply concerns. He said many developers are trying to secure rather large water contracts and we must figure out how to stretch the remaining gallons. Gen. Mgr. Paxman said the next step will be meeting with the Weber County Commission Chambers to discuss the issue.

**XIII
ADJOURNMENT**

There being no further business for discussion, meeting adjourned at 10:46 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 April 24, 2025, at 9:00 a.m., at District headquarters, Layton, Utah. Meeting was called to order by Chair Angie Osguthorpe. On roll call the following members were found to be present:

Present:

Chair Angie Osguthorpe
Trustee Jared Andersen
Trustee Mark D. Anderson
Trustee Kym O. Buttschardt
Trustee Gage Froerer
Trustee Scott K. Jenkins
Trustee Christopher F. Robinson
Trustee Bob Stevenson
Trustee Paul C. Summers

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

Brittney Bateman, Finance Analyst
Calysta Bravo, Mgr. of Finance
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 and Power
Jon Parry, Assistant General Manager
Greg Pierce, Mgr. of Strategic Initiatives
Kendall Searle, Mgr. of Administration
Samuel Sorensen, Mgr. of Maintenance and Construction
Kathy Wood, Mgr. of Human Resources

Ben Kirk, BOR
Rick Smith, Davis & Weber Counties Canal Company

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 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:

- 1) Baker Family Trust0.65 a.f. Dist 4
Huntsville (21-021-0074)
- 2) Orme Family Properties LLC0.65 a.f. Dist 4
Eden (22-006-0052)

- 3) Matthew & Jamie Sanders0.65 a.f. Dist 4
Liberty (22-004-0011)
- 4) South Point Condominiums11.0 a.f. Dist 4
South Ogden (07-424-0007 all common space)

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 of the District caused due and proper notice of the holding of such hearing to be posted to the Utah Public Notice Website on April 9, 2025, 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 Chair 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/Secretary of the District is authorized and directed to attest said order.

Section 4. The Secretary of the Board of Trustees on 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 M. Anderson, seconded by Trustee J. Andersen and passed unanimously, approving petitions for water contracts in Weber County and adopting the foregoing resolution.

Approved and adopted April 24, 2025.


Angie Osguthorpe, Chair

ATTEST: 

Scott W. Paxman, General Manager/ CEO

(SEAL)

**MINUTES OF AN ORIENTATION MEETING OF THE WEBER BASIN WATER
CONSERVANCY DISTRICT BOARD OF TRUSTEES HELD MONDAY,
APRIL 21, 2025, 10:00 A.M., AT DISTRICT HEADQUARTERS**

Present:

Chair Angie Osguthorpe
Trustee Jared Andersen
Trustee Mark D. Anderson
Trustee Kym O. Buttschardt
Trustee Bob Stevenson
Trustee Paul C. Summers

Excused:

Trustee Scott K. Jenkins
Trustee Gage Froerer
Trustee Christopher F. Robinson

Legal Counsel Mike Malmborg

Scott W. Paxman, General Manager/CEO
Brittney Bateman, Finance Analyst
Calysta Bravo, Finance Manager
Suzy Eppens, Contract Administrator
Brad Nelson, Assistant General Manager
Jon Parry, Assistant General Manager
Kendall Searle, Administration Manager

Rick Smith, Davis & Weber Counties Canal Company

**I
INTRODUCTION**

Chair Osguthorpe welcomed all staff present, as well as visitor Rick Smith from Davis & Weber Counties Canal Company, and excused those who were absent. She invited Gen. Mgr. Paxman to begin the meeting. Gen. Mgr. Paxman asked Fin. Analyst Bateman to present.

**II
BOARD APPOINTMENTS REVIEW**

Fin. Analyst Bateman began to review the history of how a board member is appointed. She said there are different things playing into the governance and policies the District currently has in place. Fin. Analyst Bateman said there was a court decree on June 26, 1950 when the District was created, there is Utah State Code, and also District Policy. These three pieces build the structure for how the board is run.

Fin. Analyst Bateman said the court decree originally set up a 9-member board to be appointed by the court with 3 representatives from Davis County, 3 representatives from Weber County West of the Salt Lake Meridian, 1 representative from Weber County East of the Salt Lake Meridian, 1 representative from Morgan County, and 1 representative from Summit County. She said terms were set to begin July 1 with a staggered three-year term, and the court decreed the annual meeting be held the last Friday in June.

Gen. Mgr. Paxman said the important designation there was that the original intent of the decree was to hold the annual meeting prior to the beginning of the term.

Fin. Analyst Bateman then reviewed the State Code that changed over the years and established that trustees will be appointed by the Governor and the terms begin the later of either the date the Senate consents to the appointment, or the expiration date of the prior term. State code also established February 1, approximately every 4 years, terms will expire, and the trustee holds office until the successor is duly appointed and qualified. She said vacancies are filled through the same process as appointments and terms are adjusted accordingly. Fin. Analyst Bateman said state code also requires that one trustee must be a person who owns and uses irrigation rights as part of their livelihood.

Fin. Analyst Bateman said the State Code is silent regarding the Annual Meeting timing requirements. However, the statute was reviewed with District counsel and staff, and they

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recommended the board retain the spirit of the decree. Therefore, the Annual Meeting changed to be held immediately before the regularly scheduled board meeting in January.

Fin. Analyst Bateman then reviewed the District Policy set by the Board which is not required by law yet set up through the bylaws. She said the Chair of the Board shall serve a 2-year term, chosen by the Board in the following rotation: Summit, Morgan, Weber, Weber, Davis, Davis. She said exceptions to the rotation may be considered by the Board if the individual is a newly appointed trustee or the individual defers their opportunity to serve as Chair. If the rotation is not followed, consideration will be given to those who have not had the opportunity to serve as Chair in the past. Fin. Analyst Bateman said the policy further states in the absence of the Chair, including vacancy in office, the trustee with the longest continuous service on the board shall perform Chair duties, with exceptions. She said the Board shall at no time have more than one person residing in any one county who is a Commissioner, Councilperson, Employee, or Agent of that county.

Fin. Analyst Bateman then reviewed the trustee appointments process. She said counties must submit candidates to the Governor's office by October 1 for any upcoming term ends. Fin. Analyst Bateman mentioned the last few Governors have expressed preference for trustees to serve no more than 2 terms, yet there have been exceptions to this, and this decision is entirely at the Governor's discretion.

Fin. Analyst Bateman explained that if the date of the Annual Meeting were to be moved, it may result in a Chair vacancy for several months which would cause the need for an interim Chair. She said the interim Chair would need to be trained on the District procurement system, bank signatures would need to be updated, as well as letterhead, the District website, the State website, and other updates.

Fin. Analyst Bateman said taking all this under consideration, District staff recommends retaining the current policy regarding the timing of the Annual Meeting. She said historically, discussion regarding trustee terms is covered in the October Orientation meeting under "Personnel and HR Items," however, to make it clearer, District staff will expand the agenda description to specify "Trustee Terms and Appointments" as well as set the date for the upcoming Annual Meeting.

Gen. Mgr. Paxman and Fin. Analyst Bateman then answered questions from the board. Discussion continued.

Chair Osguthorpe made a comment that the current policy works. She stated she would rather have someone who has been involved on the board helping make the decision to appoint a Chair rather than someone who has just walked in the door.

Trustee Stevenson agreed that he sees no reason to change policy.

Trustee M. Anderson agreed that the process works well.

Legal Counsel Malmberg stated the discussion and background have been good. He said that it is vital to remember that when the order was established creating this District, they said the appointments are in July and the election is to be the month immediately before. He said when the appointments were moved to February, the board met and reviewed with legal counsel at that time, and it was decided to remain consistent with the policy and establish election to be a month immediately before appointments.

Trustee J. Andersen agreed that the current policy should remain as he has not seen issues with the procedure.

Legal Counsel Malmberg said no action needs to be taken, but the agenda item on the October meeting should list out the Chair election discussion so trustees are notified.

III POLICY AND PROCEDURE DISCUSSION

Gen. Mgr. Paxman invited Fin. Analyst Bateman to continue presenting with the policy and procedure changes as a result of the legislative season.

Fin. Analyst Bateman began with the policy changes required by legislature. She reviewed each bill, then explained in detail how policy would be updated to comply.

HB64 – Public Official Bonding Amendments. Fin. Analyst Bateman said this removed the option for trustees to get a surety bond. She said trustees must now have crime insurance and the board must maintain crime insurance for officers and employees who handle funds.

HB12 – Division of Purchasing and General Services Amendments. Fin. Analyst Bateman said this specified that awarding a contract is not signing a contract and lists several clauses that are void and unenforceable when in a procurement contract.

HB444 – Data Privacy Amendments & SB277 – Government Records Management Amendments. Fin. Analyst Bateman said together these disband the State Records Committee and puts in place a Director of the Records Office, and updates requirements in Government Data Privacy Act, GRAMMA, and Government Records & Archives. She said we will update our section on records to conform to the newly established terms.

Fin. Analyst Bateman then reviewed the staff recommended changes and stated these recommendations are based on discussions from previous board meetings.

Transferring Replacement Water – Fin. Analyst Bateman said we have requirements that must be met if a customer transfers replacement water. This update will add the water efficiency standards to the requirements. She said the change will also state that agricultural water will remain for use as agricultural water and must meet those standards, otherwise the rate will be converted to the current M&I rate.

Irrigation Water Delivery Periods – Fin. Analyst Bateman said there has been discussion regarding the dates of the irrigation season. She stated this policy change would declare the irrigation season to be May 1 through October 1, however the board can adjust as needed. She said there will also be an addition that states during periods of water shortages, allocations of treated and untreated water to municipalities for municipal, domestic and industrial use shall have first priority. Gen. Mgr. Paxman commented that we will be meeting with and encouraging our customer agencies to adopt the same timeline so we can be unified.

Discussion continued regarding the possible shortening of the irrigation season.

Transferring Irrigation Water – Fin. Analyst Bateman said we have historically followed the rules for transferring replacement water, but we have not had a policy in place for irrigation water. She said this policy will take those same requirements for the transferring of replacement water and use them for transferring irrigation water as well. Fin. Analyst Bateman said there will also be language added that addresses transfers to a new service provider.

Governing Body – Fin. Analyst Bateman said the law does state that one of the trustees must be a person who owns and uses irrigation rights as part of their livelihood. Although the District has followed this law, it has not been specifically addressed in the policy and will be added.

Fin. Analyst Bateman said these policies and procedures will be voted on at Thursday's board meeting. She said the approved policies will take effect May 7, 2025 to change with the law if approved.

IV WATER ACQUISITION SUMMARY

AGM Parry reviewed the difference between water shares and water rights and said the District looks to acquire both. He stated water shares are a legal right granted by the state, and water shares are ownership in a water company and an entitlement to a proportional share of the company's water.

AGM Parry said the District does acquire water shares by virtue of development taking place in our West Haven service area, which is considered exaction. Developers must turn in water shares to keep the West Haven system whole. The shares accepted for development in this area are from Wilson Irrigation, Davis & Weber Counties Canal Company (DWCCC), or Hooper Irrigation. AGM Parry said the District also looks to purchase water rights which is a willing seller, willing buyer situation.

AGM Parry shared a bar graph showing the exaction summary for the District and a graph of the District purchase summary.

Trustee Summers asked about the exaction process. AGM Parry said, we have water shares turned over, then we divert, pressurize, and use the water on lands being developed.

Discussion continued and AGM Parry answered several more questions from the board.

Gen. Mgr. Paxman said it is the District's intent to acquire as much water as feasible moving forward because we are so limited in water supply, especially with the Bear River Project in the air. He said we are always mindful of purchasing what we can, but there have not been many valuable shares available. Gen. Mgr. Paxman said we will likely need to reevaluate what we are willing to offer in our efforts to purchase.

Gen. Mgr. Paxman said in 2003 the District sent out a blanket offer to purchase DWCCC shares, and we did purchase some during that time. He said back then each share was purchased for around \$7,500 - \$8,000 per share. He said now a DWCCC share is in the range of \$75,000 or more.

Gen. Mgr. Paxman stated Weber River Water Users is going through the NEPA process to determine if their water can be used for other purposes, not just irrigation water. He said there would be changes in the assessments based on the beneficial uses of the water, but this option is certainly worth exploring.

Discussion continued.

Gen. Mgr. Paxman said the water acquisition budget is around \$4M - \$5M. AGM Parry said so far, we have not really come close to spending that money. He said we are careful to review priority dates as well as some other determining factors when a water share does come up for purchase.

Trustee M. Anderson asked about the issues that Woods Cross City is having with wells being dry. Gen. Mgr. Paxman said we are aware and concerned as we have little capacity in our South Davis Treatment Plant and the aqueduct as well. He said we have not been approached by the city as of yet. Discussion continued.

V DEVELOPMENT PRESSURES THROUGHOUT THE DISTRICT

Gen. Mgr. Paxman said there is major growth in Weber County right now. He said we met with a couple of large developers regarding two main developments. One is the Flagship Developer for the Westbridge Development, 14,000 homes, located West of the Weber River and South of the railroad off 12th Street. He said there is very little irrigation out there, but they say they are in the

process of purchasing water. Gen. Mgr. Paxman said the developer came to us and asked for 5,000 ac-ft for their master plan that will be phased over the next 10 years. We told them we would not recommend selling 5,000 ac-ft to any one development because we do have requests everywhere. Gen. Mgr. Paxman said the question is what to do with the 10,000 ac-ft we have left.

Gen. Mgr. Paxman said there is another development called Black Pine also in west Weber County. He said this development plans to have another 3,800 homes in addition to the Inland Port property that will be developed. Gen. Mgr. Paxman said because this development will be on Marriott property, we would like to see the Marriotts supply the water for the Inland Port development.

Gen. Mgr. Paxman said Weber County had an ordinance requiring secondary irrigation water to be available in new developments, then the ordinance changed to say it depends on the water retailer. He said the District met with the water retailers in west Weber County and discussed not requiring secondary water. He said there was discussion on using culinary water and requiring waterwise landscaping because implementing and using secondary water would be very expensive and seems unnecessary in this area.

Gen. Mgr. Paxman said the District also met with the west Weber County Planning Commission and they were supportive of the District's ideas. He said the next step will be meeting with the County Commissioners.

Trustee M. Anderson stated Davis County is pushing these unincorporated development areas to incorporate into the cities before developing as the County is not really in the business of acting as a city.

Discussion continued and Gen. Mgr. Paxman answered questions from the board.

Gen. Mgr. Paxman said there are several other developments in Ogden Valley that are anxious to begin, however the recent incorporation of this area may be a factor in the development. He said there are several lawsuits already in the works, but we do know that some of this development is going to require the District to supply a portion of the water, yet we do not know volumes. Gen. Mgr. Paxman said the State Engineer is also concerned about interference issues and approval of new wells in Ogden Valley and we do not know what will result based on these concerns.

Gen. Mgr. Paxman said we also know of a few up-and-coming developments in Morgan and Summit County. He said these are a little farther out, but these areas will also need a water supply, ours is limited, and we are quickly coming to the point of needing to make some big decisions on the remaining supply.

Trustee Stevenson asked about cities that have excess water and what can be done about water hoarding. Gen. Mgr. Paxman responded we will look at legislature that can correct this, perhaps changing the law to allow cities to dispose of or sell their water rights.

Gen. Mgr. Paxman said the District talked to the Planning Commission about water being sold off lands, then later those lands are planned for development, and because the water is now gone, the developers come to the District to put water on the land again.

Gen. Mgr. Paxman said there are many complications regarding the rapid development and dwindling water supply. Trustee J. Andersen said the result could look like a halt on development, and this can spiral into not providing for the expanding population. Gen. Mgr. Paxman agreed and said this is why discussion and finding a path forward is so important.

More discussion took place regarding water rates, the use of culinary water for outdoor use, and water acquisition.

Gen. Mgr. Paxman said we are charging our secondary lines currently and we have installed many secondary meters that are now leaking. He said the entirety of District staff is dealing with a lot right now. All departments, specifically the Administration, Maintenance, Irrigators, and Engineering, are all really affected and very frustrated because of the recent meter installations.

Trustee J. Andersen said he made a call on Saturday to one of the staff regarding a leak in our system, and one of the irrigators hustled to get it shut off. He said the response from the staff was immediate and truly amazing and thanked them.

ADJOURNMENT

There being no further business for discussion, meeting adjourned at 11:29 a.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Scott Paxman".

Scott W. Paxman, General Manager / CEO