

UTAH BOARD OF WATER RESOURCES

BOARD BRIEFING MEETING

May 15, 2025

10:00 AM

BOARD MEMBERS PRESENT

Chair Mike Davis

Vice Chair Dana Van Horn

Blaine Ipson

William Merkley

Brian Steed

BOARD MEMBERS EXCUSED

Juliette Tennert

Spencer Jones

Tim Hawkes

STAFF PRESENT

Director Candice Hasenyager

Deputy Director Joel Williams

Assistant Director Shalaine DeBernardi

Assistant Director Todd Stonely

Marisa Egbert

Tom Cox (online)

Ben Marett

Anny Baynard

Brad Caldwell

Ethan Stayner

Shannon Clough

Stephanie McGinnis

Scott McGettigan

Sjaani White

Eric Dixon

Becca Frei

Richard Salas

Isabelle Melmer

Jessica Cheun

Sarah Shechter, Attorney General's Office

AV Team Carmen McDonald & Seth Magers

OTHERS

Edward Mueller, Deputy Water Agent

Elle Angelo, Attorney General's Office
Josie Lipton, Attorney General's Office

WELCOME

CHAIR MIKE DAVIS called the meeting to order at 10:04 AM. He then announced Board members SPENCER JONES AND JULIETTE TENNERT are excused from this meeting. Board members present introduced themselves.

CANDICE HASENYAGER introduced the staff present and those online.

STEPHANIE MCGINNIS introduced new employee BECCA FREI

SCOTT MCGETTIGAN introduced new employee RICHARD SALAS.

ERIC DIXON introduced new employee ISABELLE MELMER

<u>Project #</u>	<u>Applicant</u>	<u>County Project</u>	<u>Manager</u>
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FEASIBILITY REPORTS:

RE495 Co-op Farm Irrigation Company	Weber	Ethan Stayner
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ETHAN summarized the report. This project is being done in cooperation with RE496 Huntsville South Bench Canal Company.

RE496 Huntsville South Bench Canal Company	Weber	Bradley Caldwell
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BRADLEY CALDWELL summarized the report. This project is being done in cooperation with RE495 Co-op Farm Irrigation Company. MARISA EGBERT explained that the two projects have some shared infrastructure, and received a Bureau of Reclamation WEEG grant for improvements, but there will be two separate projects and two separate agreements with the Board.

RE497 Powder Mountain Water and Sewer Improvement District	Weber	Ann Baynard
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ANN BAYNARD summarized the report.

SPECIAL ITEMS:

RL591 Hurricane City - Additional Funds	Washington	Ethan Stayner
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ETHAN STAYNER summarized the report.

BRIAN STEED arrived to the meeting at 10:33 AM.

NEW APPLICATIONS:

RE494 Washington County Water Conservancy District	Washington	Tom Cox
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TOM COX summarized the report.

INFORMATION TO THE BOARD:

STATUS OF FUNDS:

SHALAINE DEBERNARDI presented Status of Funds.

TOM COX informed the Board about the current status of Dam Safety Project Funding. In addition to the ongoing annual appropriation of \$3.8 million, the legislature has approved one-time funds on several occasions, the most recent being a \$25 million appropriation for fiscal year 2024. We currently have sufficient funds to cover the estimated costs of the projects listed through the summer of 2026. Beyond that, we encounter Joe's Valley Reservoir, a significant reservoir in Emery County. Ownership of this dam and reservoir, along with Huntington North Dam (which also requires upgrades), was transferred from the federal government to the Emery County Water Conservancy District. Joe's Valley is a substantial undertaking, and the board's cost share for this project is estimated at \$24 million. Addressing this project will likely utilize the majority of our available funding at that time, unless further one-time funds are appropriated by the legislature.

BEN MARETT provided an update regarding the FEMA HHPD grant funding, specifically an issue that has come up with several dams, and requested the Board's assistance and direction. We've learned that some dam owners are registered as 501(c)(12) nonprofits, which will require a government sponsor to receive the federal grants. To address this, my current plan is to form a coalition consisting of representatives from the state and the dam owners to approach the relevant counties and request that they become partners in these projects. Essentially, this partnership would entail a contractual agreement where the county would be financially responsible for the project and for the dam's operation and maintenance for the 50 years following construction – a significant commitment, which is why I'm seeking your expertise.

There are three specific dams in different counties that we need to engage with. Our next step is to approach the counties, and this is where I would greatly appreciate your counsel. I'd like to discuss the best strategy for contacting them, including potential individuals we should reach out to. The aim is to explain the situation, highlight the benefit of this grant funding for their county, and secure their agreement to partner on these projects. If we're unable to partner with the counties, our alternative would be to explore if a special service district has jurisdiction over the dam, although I haven't yet determined if this is a viable option for these specific dams. While these three projects are eligible due to their 501(c)(12) registration, we have unfortunately lost several other projects due to ineligibility for not being registered as nonprofits with the IRS. Despite securing \$7.3 million in grant funding, this ineligibility has impacted the number of projects we can support.

The Board discussed concerns about what incentives exist for a county to take on such a large responsibility and potential liability to operate and maintain a dam that they have no interest or water rights in. While local governments don't have the legal obligation to maintain the dams, they do have an obligation to their residents to provide safety. Counties could enter into service agreements with the owners, but act as fiscal agents to receive this funding. Staff and the board

need to be careful in our approach, consider all options, and even look into special service districts.

SARAH SCHECTER presented updates about the court's decision regarding the Great Salt Lake public trust lawsuit, the Waterhorse litigation, and Green River block of water rights. She also introduced fellows, ELLE ANGELO and JOSIE LIPTON currently working in the department's Attorney General's office.

ADJOURNMENT:

MIKE DAVIS adjourned the meeting at 11:49 AM.