

**NOTICE AND AGENDA
MIDWAY WATER ADVISORY BOARD
MONDAY, MARCH 4, 2019**

Notice is hereby given that the Midway Water Advisory Board will hold their regular meeting Monday, March 4, 2019 at 6:00 p.m. in the Midway City Office Building at 75 North 100 West Midway, Utah. Notice of the meeting and agenda was posted in the Midway City Office Building, Main Street Station and 7-Eleven, a copy was sent to each of the Trustees and a copy posted on the Utah Meeting Notice Web Site.

The agenda shall be as follows:

1. **General Consent Calendar**
 - a. **Approve Agenda for March 4, 2019**
 - b. **Approve Meeting February 4, 2019**
2. **Richard Bloomfield/Silver Rim Water Holdings LLC**
 - a. **Discussion on Change Application – Continued from February 4, 2019**
 - b. **Possible Recommendation to City Council**
3. **Hidden Haven Subdivision – 815 East Main St.**
 - a. **Discussion on water requirements for subdivision**
 - b. **Possible Recommendation to City Council**
4. **Water Exchange Program**
 - a. **Discussion on Exchange Program**
 - b. **Possible Recommendation to City Council.**
5. **New/Old Business - No motions or recommendations given**
6. **Adjourn**

General Consent Calendar

MIDWAY WATER ADVISORY BOARD

MONDAY February 4, 2019

MEETING MINUTES

Minutes of the Midway Water Advisory Board meeting held February 4, 2019 at 6:00 p.m. in the Midway City Office Building, 75 North 100 West, Midway, UT.

Roll Call

Irrigation Members: Steve Farrell and Grant Kohler Midway City: City Councilman Bob Probst and Ken VanWagoner, Michael Henke, City Planner. Steve Farrell, as Co-Chairman would be conducting tonight's meeting.

Mayor Celeste Johnson and Jennifer City, Treasurer /Water Advisory Board Secretary was excused from the meeting.

General Consent Calendar

Chairman/Irrigation President Steve Farrell asked for approval of the General Consent Calendar which consisted of:

- a. Approval of the Agenda for February 4, 2019
- b. Approval of the minutes for January 7, 2019

The board reviewed the agenda and minutes

Motion: Midway Irrigation Member Grant Kohler made a motion to approve the General Consent Calendar with no changes. City Councilman Ken VanWagoner 2nd the motion. It was carried unanimously.

Co-Chairman Farrell asked if there were further questions regarding this item? There was not

Motion was carried unanimously.

Richard Bloomfield/Silver Rim Water Holdings LLC

Michael Henke, City Planner presented the following regarding this property

1. Change Application #55-12250 (A33063)
2. It was originally filed on June 6, 2007
3. It was approved July 14, 2010
 - a. Divert 100 acre-feet

February 4, 2019

- b. 13 surface sources.
- 4. Beneficial Use by February 28, 2014
- 5. Extension submitted and was approved until February 28, 2024 (end of the 14-year period)
- 6. The proposal would change the sources to a single source of Alpenhof Well
- 7. There would be a continuing assessment for Washington Irrigation Company that will need to be paid annually.
 - a. May be roughly \$5,000 per year
 - b. The City will need to assure that the HOA of the project pays the assessment each year.
- 8. The 100 acre-feet has had a "haircut" and is worth 53.58 acre-feet when used for municipal purposes.
- 9. Since the water has already had a "haircut", when used for culinary connections 0.6-acre feet is required per connection instead of 0.8-acre feet.

The board discussed the change application and what was being asked of them. They had concerns because they weren't sure of the well capacity and what the numbers were on this type of request. They felt they needed additional information and homework to do on this matter before recommending approval to City Council.

CO-Chairman Farrell asked if there were further questions regarding this item? There was not

Motion: City Councilman Ken VanWagoner made a motion to recommend continuing the item until the March 4, 2019 Water Advisory meeting pending the additional information was able to be gathered and presented by that date. Midway Irrigation Member Grant Kohler seconded the motion.

Co-Chairman Farrell again asked if there were further questions regarding this item? There was not

Motion was carried unanimously for Recommendation to City Council.

Mr. Bloomfield thanked the board, and wanted to know those present, and how the board functions. Co-Chairman Farrell stated that it was a six (6) person board that consists of two (2) members of Midway Irrigation Company members, and two (2) members of the City Council. Mayor Celeste Johnson and Steve Farrell, Midway Irrigation Company president serve on the board, and are not voting members. Also, Mayor Johnson does not vote at City Council unless there is a tie and then she is the tie breaker.

New/Old Business

Co-Chairman Farrell asked if there was any New/Old Business to discuss? Planner Henke stated there was not. Grant Kohler asked regarding the Mayor being on the agenda for the Irrigation Meeting, and what it was to discuss? Co-Chairman Farrell stated it was to discuss the "Exchange Program" and she had asked to cancel for today and would come on the next meeting the irrigation board on March 4, 2019.

Chairman Farrell asked if there was any other business to discuss? There was not

Midway Irrigation Member Brent Kelly made a motion to adjourn. It was carried unanimously. Meeting adjourned 6:45 p.m.

Richard Bloomfield/Silver Rim Water Holdings LLC

MIDWAY CITY
Planning Office

75 North 100 West
Midway, Utah 84049

Phone: 435-654-3223 x105
Fax: 435-654-2830
mhenke@midwaycityut.org

Midway Water Advisory Application

Applicant or Authorized Representative:

Name: Richard Bloomfield/Silver Rim Water Holdings LLC Phone: 602-625-2350 Fax: 801-758-1924

Mailing Address: 878 Healey Blvd. City: Alpine State: UT Zip: 84004

E-mail Address: rich@bloomfieldcfo.com

Project Name: NA - see explanation below.

Location: _____

Total Acreage: _____ Number of Units: _____

Historically Irrigated Area: _____

Irrigated Land acreage in proposed development: _____

Existing Water Connections: _____

Comments:

— The City Planner, Michael Henke, suggested I meet with the Water Advisory Board to get feedback on adding the Alpenhof well as a diversion point for the 100 acre feet of water I own (permanent change application #55-12250 (a33063)). I understand the other sources of water for Midway are almost fully allocated and that it would be best to use the Alpenhof well for the water subject to this change application. The water is approved for culinary use in the City and I would like it to be able to be put to beneficial use in Midway City in some manner. Please see attached approved change application.

Please submit with application Site Plans, Plat Maps, Drawings or any information that pertains to water calculations.

FOR OFFICE USE ONLY

STAFF:

Date Received: _____
Received By: _____
Fee Paid: _____

Application Number: _____
Zone: _____
Tax ID Number: _____

PLANNER:

Complete / Incomplete
Date: _____ Reviewed by: _____



GARY R. HERBERT
Governor
GREG BELL
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Water Rights

MICHAEL R. STYLER
Executive Director

KENT L. JONES
State Engineer/Division Director

AMENDED ORDER OF THE STATE ENGINEER

Reconsideration of Permanent Change Application Number 55-12250 (a33063)

Permanent Change Application Number 55-12250 (a33063) in the names of Midway City Corporation, Midway Irrigation Company, Silver Rim Water Holdings, LLC, and Washington Irrigation Company, was filed on June 6, 2007, to change the point of diversion, place of use, and nature of use of 100.0 acre-feet of water as evidenced by Water Right Number 55-12250. Heretofore, the water has been diverted from a surface source located North 910 feet and East 675 feet from the SW Corner of Section 7, T3S, R7E, SLB&M, and was rediverted: (1) Surface - North 1800 feet and West 80 feet from the SW Corner of Section 12, T3S, R6E, SLB&M. The water has been used for the irrigation of 33.333 acres from April 1 to October 31. The water was used in all or portion(s) of Section 18, T2S, R6E, SLB&M; Section 19, T2S, R6E, SLB&M; Section 20, T2S, R6E, SLB&M; Section 27, T2S, R6E, SLB&M; Section 28, T2S, R6E, SLB&M; Section 29, T2S, R6E, SLB&M; Section 30, T2S, R6E, SLB&M; Section 33, T2S, R6E, SLB&M; Section 34, T2S, R6E, SLB&M; Section 2, T3S, R6E, SLB&M; and Section 3, T3S, R6E, SLB&M.

Hereafter, it is proposed to divert 100.0 acre-feet of water to points of diversion changed to: (1) Surface - North 3167 feet and West 3170 feet from the SE Corner of Section 21, T3S, R4E, SLB&M (Snake Creek); (2) Surface - North 1000 feet and East 150 feet from the SW Corner of Section 18, T3S, R5E, SLB&M (Provo River); (3) Surface - North 441 feet and West 1620 feet from the SE Corner of Section 21, T3S, R4E, SLB&M (Gerber Spring); (4) Surface - North 2550 feet and East 50 feet from the S $\frac{1}{4}$ Corner of Section 3, T4S, R4E, SLB&M (Snake Creek); (5) Surface - North 683 feet and West 336 feet from the E $\frac{1}{4}$ Corner of Section 18, T3S, R4E, SLB&M (Snake Creek); (6) Surface - North 728 feet and East 195 feet from the W $\frac{1}{4}$ Corner of Section 17, T3S, R4E, SLB&M (Lavina Creek); (7) Surface - North 1000 feet and East 150 feet from the SW Corner of Section 18, T3S, R4E, SLB&M (Provo River); (8) Surface - South 299 feet and East 403 feet from the NW Corner of Section 21, T3S, R4E, SLB&M (Epperson Spring); (9) Surface - North 899 feet and East 1298 feet from the SW Corner of Section 22, T3S, R4E, SLB&M (Pine Creek); (10) Surface - North 2539 feet and East 138 feet from the SW Corner of Section 22, T3S, R4E, SLB&M (Mahogany Spring); (11) Surface - North 2384 feet and West 3137 feet from the SE Corner of Section 27, T3S, R4E, SLB&M (Snake Creek); (12) Surface - South 1669 feet and West 3085 feet from the NE Corner of Section 34, T3S, R4E, SLB&M (Snake Creek); (13) Surface - North 2482 feet and West 3329 feet from the SE Corner of Section 34, T3S, R4E, SLB&M (Snake Creek). The nature of use of the water is being changed to municipal purposes within the service area of Midway.

Notice of the application was published in The Wasatch Wave on August 29 and September 5, 2007, and a protest was received from United States Bureau of Reclamation. A hearing was not held.

The protestant expressed its concern that changing a 5th Class Provo River right to more reliable sources, as well as changing the right from one that is used primarily during the irrigation season to one that is utilized for year-round municipal use, would constitute an enlargement of the right and reduce the storage flows into Deer Creek Reservoir. The Bureau submitted calculations suggesting that Deer Creek storage would be reduced by 10 to 35 acre-feet annually, depending on hereafter depletion estimates. The State Engineer notes that the Bureau has erroneously stated that the applicants intend to change water from surface sources to more reliable underground sources. The application indicates that the proposed points of diversion will also be surface sources.

In response to the protestant's concerns, the applicants state that the underlying right is available for use all year, and that Washington Irrigation Company has storage rights under the Provo River Decree that are available to mitigate any potential impacts to downstream users. The applicants also state that the Bureau incorrectly assumes that the water will be diverted year-round at a constant rate. The applicants contend that demand is much less during non-irrigation season.

The applicants have amended the application with the resubmission of stock certificates showing the ownership of 100 shares. Recently approved memorandums¹ show that a share of stock in the Washington Irrigation Company is worth 1.0 acre-foot. The volume of water available to change is therefore 100.00 acre-feet.

Change Application Number 55-12250 (a33063) was approved on February 24, 2009. The applicants requested reconsideration, which was granted by the State Engineer on March 23, 2009. The applicants contend the assumption that water is only available through July 24th of each year for irrigation is an erroneous assumption. The applicants state Washington Irrigation Company also owns storage rights in the upper lakes of the Provo River in addition to this 5th class right, which allows the Company to utilize water for irrigation purposes through August of each year. In support of this request for reconsideration, the applicants submitted supporting documents to show the availability of water to users when the Company reevaluated the value of shares of stock in 2007.

The depletion for irrigation of 33.333 acres within the Provo River drainage near Francis would be about 53.58 acre-feet ($33.333 \text{ acres} \times 19.29^2 \text{ inches} / 12 \text{ inches per foot}$). Therefore, if a diversion of 100.0 acre-feet and a depletion of 53.58 acre-feet are not exceeded in the use of water for municipal purposes, this application can be approved without enlarging the underlying right, subject to certain conditions.

The amount of water available on the Provo River to distribute to water right holders is determined by the commissioner of the Provo River and diversions are regulated to ensure that

¹ Order of the State Engineer in the Matter of Change Application Numbers 55-12361 (a34520) and 55-12362 (a34521), dated October 14, 2008 and September 24, 2008.

² Consumptive Use of Irrigated Crops in Utah," Research Report 145, Utah Agricultural Experiment Station, Utah State University, Logan, Utah, October 1994, Table 25" Kamas Station.

senior rights are protected. The river commissioner will regulate the proposed diversion of water under this application from the spring based on its relative priority date to other water rights on the system.

In evaluating the various elements of the underlying rights, it is not the intention of the State Engineer to adjudicate the extent of these rights, but rather to provide sufficient definition of the rights to assure that other vested rights are not impaired by the change and/or no enlargement occurs. If, in a subsequent action, the court adjudicates that this right is entitled to either more or less water, the State Engineer will adjust the figures accordingly.

It is, therefore, **ORDERED** and Permanent Change Application Number 55-12250 (a33063) is hereby **APPROVED** subject to prior rights and the following conditions:

- 1) The diversion of water under this application is limited such that depletion may not exceed 53.58 acre-feet. Under no circumstances is diversion to exceed 100.0 acre-feet. The applicants must maintain records of use sufficient to reasonably estimate the depletion of water associated with its use.
- 2) All diversions of water under this application are subject to direct regulation of the Provo River by the commissioner of the Provo River. Washington Irrigation Company has a small amount of reservoir storage that could enable the use of water under this application to continue through times in which the Washington Irrigation Company water rights are out of priority.
- 3) To accommodate the approval of this permanent change application, the use of 100.0 acre-feet of water for the irrigation of 33.333 acres at the historic point of diversion and place of use must cease.
- 4) The water being changed, which has historically been supplied by Washington Irrigation Company for use under these shares, is to remain in the Provo River without any diminution. Diversions of water into the Washington Irrigation Company system are to be reduced by this amount. Alternatively, the water based on these shares of stock can continue to be diverted and an equivalent amount of water returned to the Provo River from Washington's distribution system directly to the Provo River. A permanent measuring device must be installed to measure any water claimed to be returned to the river. Adequate records must be kept by Washington Irrigation Company to document at least the number of shares of stock for which water is being returned to the river, the rate and volume of water measured as returned, when the water was returned, and how much total water was diverted into its distribution system. This information shall be made available to the State Engineer or his representatives at any reasonable time.

- 5) The commissioner of the Provo River may assess Washington Irrigation Company such additional reasonable amounts of money for expenses incurred in regulating this change application.
- 6) The basis for this change right is ownership of 100 shares of stock in the Washington Irrigation Company. This ownership must be maintained in good standing by the co-applicant shareholders and/or the successor(s) in interest for this application to remain valid. No water may be withdrawn for the surface sources if valid ownership of this stock is not in effect.
- 7) Approval of this application assumes municipal use by a qualifying municipal entity. This right must be solely in the name of Midway City on records of the State Engineer prior to the date proof is due as stated in this approval. Proof must be filed in the name of Midway City.
- 8) Inasmuch as this application proposes to divert water from a surface source, the applicants are required to contact the Stream Alteration Section of the Division of Water Rights at 801-538-7240 to obtain a Stream Alteration permit in addition to this Permanent Change Application.
- 9) Inasmuch as this application seeks to divert water from numerous points of diversion, it is necessary that detailed information be provided to the State Engineer to show which sources of supply are actually developed and used and the extent of their usage under this application. Upon the submission of proof as required by Section 73-3-16, Utah Code, for this application, the applicant must identify every source of water used under this application and the amount of water used from that source. The proof must also show the capacity of the sources of supply and demonstrate that each source can provide the water claimed to be diverted under this right as well as all other water rights which may be approved to be diverted from those sources.
- 10) The applicant is required to maintain accurate diversion records for each source and to report these records on an annual basis to the Water Use Program of the Division of Water Rights.

As noted, this approval is granted subject to prior rights. The applicants shall be liable to mitigate or provide compensation for any impairment of or interference with prior rights as such may be stipulated among parties or decreed by a court of competent jurisdiction.

The applicants are strongly cautioned that other permits may be required before any development of this application can begin and it is the responsibility of the applicants to determine the applicability of and acquisition of such permits. Once all other permits have been acquired, this is your authority to develop the water under the above referenced application which under Sections 73-3-10 and 73-3-12, Utah Code Annotated, 1953, as amended, must be diligently

prosecuted to completion. The water must be put to beneficial use and proof must be filed on or before **February 28, 2014**, or a request for extension of time must be acceptably filed; otherwise the application will be lapsed. This approval is limited to the rights to divert and beneficially use water and does not grant any rights of access to, or use of land or facilities not owned by the applicants.

Proof of beneficial use is evidence to the State Engineer that the water has been placed to its full intended beneficial use. By law, it must be prepared by a registered engineer or land surveyor, who will certify to the location and uses of the extent of your water right. Upon the submission of proof as required by Section 73-3-16, Utah Code, for this application, the applicants must identify every source of water used under this application and the amount of water used from that source. The proof must also show the capacity of the sources of supply and demonstrate that each source can provide the water claimed to be diverted under this right as well as all other water rights which may be approved to be diverted from those sources.

Failure on your part to comply with the requirements of the applicable statutes may result in the lapsing of this permanent change application.

The State Engineer has statutory responsibility to create and maintain water right records based on an administrative process outlined in statute. The State Engineer is not authorized by statute to adjudicate water right title or the validity of established water rights. It is noted that failure to exercise a water right within the statutory period could render all or a portion of a water right invalid through forfeiture. Parties who wish to challenge the validity of a water right are advised that a declaration of forfeiture is a judicial action and the courts are available to pursue such suits. (UCA 73-1-4).

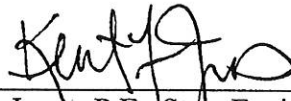
It is the applicants' responsibility to maintain a current address with this office and to update ownership of their water right. Please notify this office immediately of any change of address or for assistance in updating ownership.

Your contact with this office, should you need it, is with the Utah Lake/Jordan River Regional Office. The telephone number is 801-538-7240.

This Order is subject to the provisions of Administrative Rule R655-6-17 of the Division of Water Rights and to Sections 63G-4-302, 63G-4-402, and 73-3-14 of the Utah Code which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Order. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Order, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

ORDER OF THE STATE ENGINEER
Permanent Change Application Number
55-12250 (a33063)
Page 6

Dated this 14th day of July, 2010.


Kent L. Jones, P.E., State Engineer

Mailed a copy of the foregoing Order this 14th day of July, 2010 to:

Midway City Corporation
PO Box 277
Midway, UT 84049

Washington Irrigation Company
c/o Andrea McNeil
3000 South 1000 East
Kamas, UT 84036

Midway Irrigation Company
c/o Steve Farrell
325 West 500 South
Midway, UT 84049-1268

United States Bureau of Reclamation
c/o Jonathan B. Jones
302 East 1860 South
Provo, UT 84606-7317

Silver Rim Water Holdings, LLC
941 West 600 North
Alpine, UT 84004

Stream Alteration Section
Division of Water Rights

Water Use Program
Division of Water Rights

BY: 
Sonia Nava, Applications/Records Secretary



GARY R. HERBERT
Governor
SPENCER J. COX
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Water Rights

MICHAEL R. STYLER
Executive Director

KENT L. JONES
State Engineer/Division Director

ORDER OF THE STATE ENGINEER

On Extension of Time Request

For Permanent Change Application Number 55-12250 (a33063)

Permanent Change Application Number 55-12250 (a33063), in the names of Midway City Corporation, Midway Irrigation Company, Silver Rim Water Holdings, LLC, and Washington Irrigation Company, was filed on June 6, 2007, and approved on July 14, 2010, to divert 100.00 acre-feet (af) of water from 13 surface sources located within Sections 3, 17, 18, 21, 22, 27, 34, T3S, R4E, SLB&M; and Section 18, T3S, R5E, SLB&M. The water is to be used for municipal purposes within the service area of Midway. Proof was last due on February 28, 2014.

The applicants have filed for an extension of time within which to file proof with the State Engineer stating that some planning has taken place to put this water to beneficial use within the service area of Midway. The recent economy has slowed progress on this project.

The applicants are advised that, under the provisions of Section 73-3-12, Utah Code Annotated, and in the case of extension requests for a "public water supplier," the State Engineer may grant extensions of time if ". . . the applicant shows reasonable and due diligence in completing the appropriation; or a reasonable cause for delay in completing the appropriation" and "[t]he State Engineer shall consider the holding of an approved application by a public water supplier or a wholesale electrical cooperative to meet the reasonable future water or electricity requirements of the public to be reasonable and due diligence in completing the appropriation . . . for 50 years from the date on which the application is approved." The applicants have evidently satisfied the requirements of Section 73-3-12 and the extension request can be granted.

It is, therefore, **ORDERED** and an extension of time within which to submit proof is **GRANTED** on Permanent Change Application 55-12250 (a33063) to and including **February 28, 2024, the end of the 14-year period.**

The applicants are advised that the Permanent Change Application was approved on July 14, 2010, subject to certain conditions. Careful review of the approval documents should be made to ensure development conforms to those conditions.

It is the applicants' responsibility to maintain a current address with this office and to update ownership of their water right. Please notify this office immediately of any change of address or for assistance in updating ownership.

Your contact with this office, should you need it, is with the Utah Lake/Jordan River Regional Office. The telephone number is 801-538-7240.

ORDER OF THE STATE ENGINEER

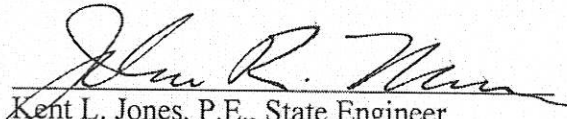
Extension of Time to Submit Proof

Permanent Change Application Number 55-12250 (a33063)

Page 2

This Order is subject to the provisions of Administrative Rule R655-6-17 of the Division of Water Rights and to Sections 63G-4-302, 63G-4-402, and 73-3-14 of the Utah Code which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Order. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Order, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 22nd day of May, 2014.



Kent L. Jones, P.E., State Engineer

BY: John R. Mann, P.E., Assistant State Engineer

Mailed a copy of the foregoing Order this 22nd day of May, 2014 to:

Midway City Corporation
73 North 100 West
Midway, UT 84049

Washington Irrigation Company
c/o Andrea McNeil
3000 South 1000 East
Kamas, UT 84036

Midway Irrigation Company
c/o Steve Farrell
325 West 500 South
Midway, UT 84049-1268

Division of Water Rights
Stream Alteration Section

Silver Rim Water Holdings, LLC
705 S. High Ridge Circle
Alpine, UT 84004

BY: 
Sonia R. Nava, Applications/Records Secretary

Hidden Haven Subdivision – 815 East Main Street

MIDWAY CITY

Planning Office

75 North 100 West
Midway, Utah 84049

Phone: 435-654-3223 x105
Fax: 435-654-2830
mhenke@midwaycityut.org

Midway Water Advisory Application

Applicant or Authorized Representative:

Name: BRIAN BALLS Phone: 435.654.9229 Fax: _____

Mailing Address: 55 W. CENTER ST. City: HEBER State: UT Zip: 84032

E-mail Address: BRIAN@SUMMITUT.COM

Project Name: HIDDEN HAVEN SUBDIVISION

Location: 815 E. MAIN ST. MIDWAY, UT 84049

Total Acreage: 10.03 Number of Units: 110 Historically Irrigated Area: 8.47 AC.

Existing Water Connections: 1 EXISTING WELL

Comments:

HIDDEN HAVEN IS A 10.03 AC SUBDIVISION WITH A PROPOSED
PARK, FISHING PIER, & ACCESS TO A POND FOR RECREATION.

Please submit with application Site Plans, Plat Maps, Drawings or any information that pertains to water calculations.

Please read and sign before application submittal

I declare under penalty of perjury that I am the owner or authorized agent of the property subject to this request and the foregoing statements, answers and attached documents are true and correct. As the applicant for this proposal, I understand that my application is not deemed complete until the Planning Office has reviewed the application. I further understand I will be notified when my application has been deemed complete. At that time, I expect that my application will be processed within a reasonable time.

Signature of Owner or Agent: Brian Balls Date: 1/12/2019

FOR OFFICE USE ONLY

STAFF:

Date Received: _____

Received By: _____

Fee Paid: _____

Application Number: _____

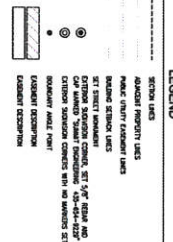
Zone: _____

Tax ID Number: _____

PLANNER:

Complete / Incomplete

Date: _____ Reviewed by: _____





Summit Engineering Group Inc.

Civil - Structural - Land Surveying

P.O. Box 176
55 West Center
Heber City, Utah 84032
Phone: 435.654.9229
Fax: 435.654.9231

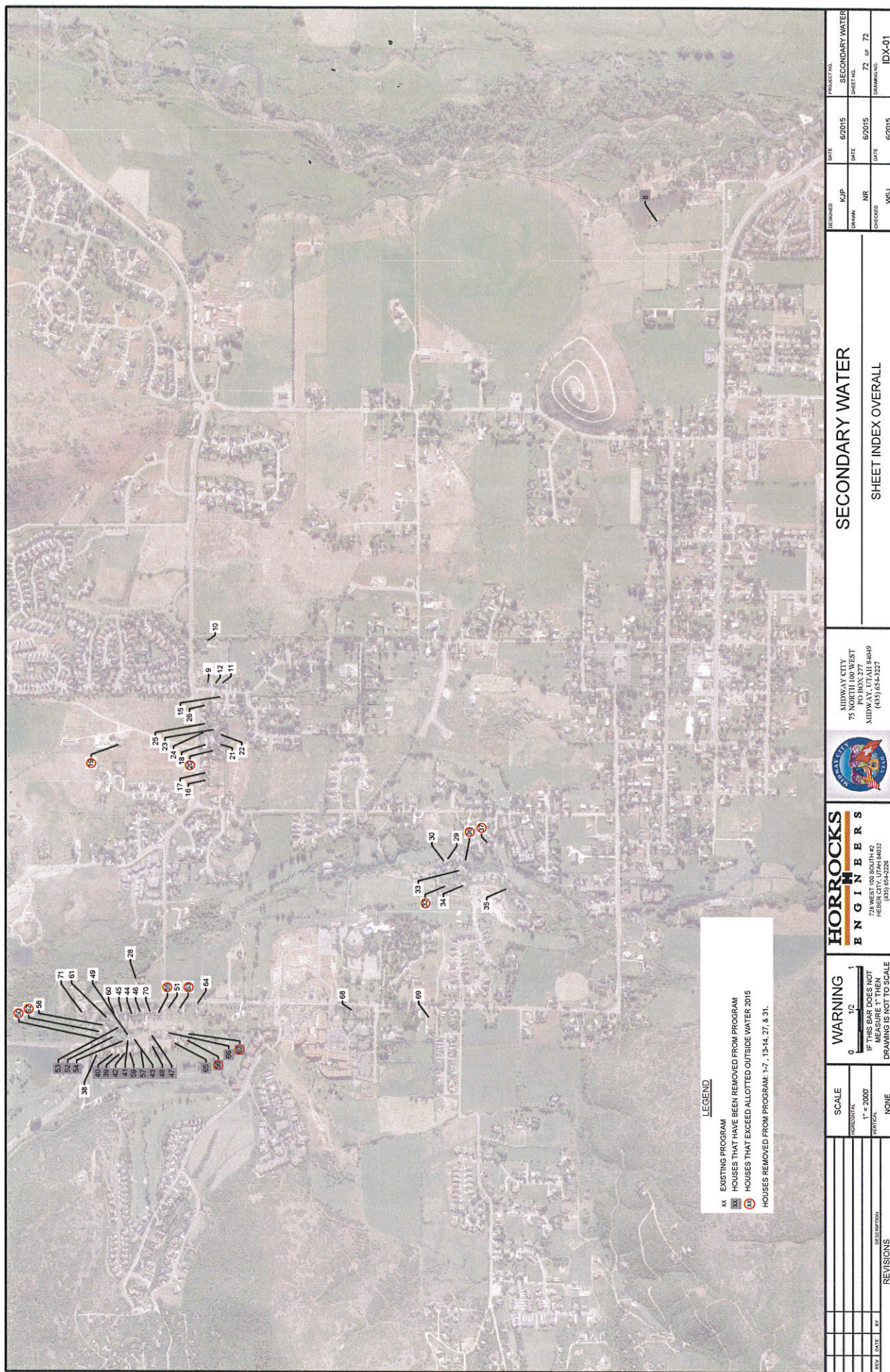
Hidden Haven - Water Calculation

Lot	Lot Area		Building Area (AC)	Outdoor Use			Irrigated Area (AC)	Irrigation Water Requirement (Acre-Feet)	Indoor Use (Acre-Feet)	Total Water Per Lot (Acre-Feet)
	SF	AC		Historically Non-Irrigated (AC)	Other (AC)	Total (AC)				
1	17,320	0.398	0.110	0	0	0.110	0.288	0.864	0.80	1.664
2	18,193	0.418	0.110	0	0	0.110	0.308	0.924	0.80	1.724
3	17,884	0.411	0.110	0	0	0.110	0.301	0.903	0.80	1.703
4	16,483	0.378	0.110	0	0	0.110	0.268	0.804	0.80	1.604
5	15,649	0.359	0.110	0	0	0.110	0.249	0.747	0.80	1.547
6	14,247	0.327	0.110	0	0	0.110	0.217	0.651	0.80	1.451
7	15,164	0.348	0.110	0	0	0.110	0.238	0.714	0.80	1.514
8	18,941	0.435	0.110	0	0	0.110	0.325	0.975	0.80	1.775
9	14,092	0.324	0.110	0	0	0.110	0.214	0.642	0.80	1.442
10	15,201	0.349	0.110	0	0	0.110	0.239	0.717	0.80	1.517
11	16,422	0.377	0.110	0	0	0.110	0.267	0.801	0.80	1.601
12	17,213	0.395	0.110	0	0	0.110	0.285	0.855	0.80	1.655
13	16,473	0.378	0.110	0	0	0.110	0.268	0.804	0.80	1.604
14	15,261	0.350	0.110	0	0	0.110	0.240	0.720	0.80	1.520
15	15,111	0.347	0.110	0	0	0.110	0.237	0.711	0.80	1.511
16	15,923	0.366	0.110	0	0	0.110	0.256	0.768	0.80	1.568
O.S. 1	2,830	0.065	0.000	0	0	0.000	0.065	0.195	0.00	0.195
O.S. 2	2,596	0.060	0.000	0	0	0.000	0.060	0.180	0.00	0.180
O.S. 3	103,892	2.385	0.000	0	1.52	1.520	5.190	15.570	12.80	28.370
Column Sums										

Totals

Outdoor Use Water	15.570 Ac-Ft
Indoor Use Water	12.800 Ac-Ft
Overall Water	28.370 Ac-Ft

Water Exchange Program



Map ID #	Name	Address
8	Erma Spratling	815 East Main
9	Norman Shoemaker	1020 North 100 West
10	David Johnson	23 West 1050 North
11	Todd Schlopy	982 North 100 West
12	Cass Ho	988 North 100 West
15	Matt Rihm	991 North 100 West
16	James May	295 West 1050 North
17	Eric Porter	275 West 1050 North
18	William Naylor	223 West 1050 North
19	Laren Gertsch	1221 North Canyon View Road
20	Margo Schick Shelton	1005 North Canyon View Road
21	Matt Wagner	995 North Magpie Circle
22	Cynthia Thomas	990 North Magpie Circle
23	Jason Bellows	1010 North Magpie Circle
24	Riccardo Mazzini	1024 North 200 West
25	Matthew Petty	173 West 1050 North
26	Tom Davis	143 West 1050 North
28	David Sharp	1144 North Homestead Drive
29	Ruth Larsen	536 Mountain Springs Drive
30	540 Mountain Springs LLC	540 North Mountain Springs Drive
32	Ronald Miller	555 North Mountain Springs Drive
33	Brent Haight	505 Rainbow Lane
34	Donald Ingram	501 Rainbow Lane
35	Barry Gore	405 Rainbow Lane
36	Ken Sanford	504 Rainbow Lane
37	Edward Rosenblum	489 Mountain Springs Circle
38	Blue Boar Inn	1235 North Warm Springs Road
39	Bill Baker	1205 North Warm Springs Road
40	John Hardy	1215 North Warm Springs Road
41	Craig Christensen	1190 North Warm Springs Road
42	Elizabeth Perri	1195 North Warm Springs Road
43	Robert Barnard	1170 North Warm Springs Road
44	Warren Dinter	1156 North Warm Springs Road
45	Chuck Wolf	1166 North Cottage Way
46	Randall Smith	1146 North Cottage Way
47	Robert Spencer	1130 North Warm Springs Road
48	Barrett Cieutat	1135 North Warm Springs Road
49	Cottages Landscape Meter	1174 North Warm Springs Road
50	2nd Landscape Meter/Blue B	1200 North Homestead Drive
51	Anne Bennion	715 West Cari Lane
52	William Wark	1225 North Cottage Way
53	Craig Burnham	1205 North Cottage Way
54	Nathaniel Humphries	1200 North Warm Springs Road

55	Henry Johnson	716 West Cari Lane
56	Randall Smith	1055 North Warm Springs Road (2nd home)
57	Dean Hughes	1161 North Warm Springs Road
58	Gabrielle Landry	1196 North Cottage Way
59	David Walbeck	1185 North Warm Springs Road
60	Kristin Cranney	1176 North Cottage Way
61	Evan and Amy Francis	1186 North Cottage Way
62	Rulon Hillam	1206 North Cottage Way
63	Joe Klotovich	1103 North Homestead Drive
64	Gordon Peterson	1097 North Homestead Drive
65	Jonathan Allen	1075 North Warm Springs Drive
66	Debra Foreman	1080 North Warm Springs Drive
67	Jay Niederhauser	1050 North Warm Springs Drive
68	Mark LeBlanc	751 North Homestead Drive
69	Bryce Rasmussen	555 North Homestead Drive
70	James Prince	1136 North Cottage Way
71	Robert Pederson	1230 North Homestead Drive
		TOTALS

Homes that should be taken off of the Program

Jennifer Sweat

From: Jennifer Sweat
Sent: Wednesday, January 30, 2019 2:08 PM
To: Michael Henke; Brad Wilson; Celeste Johnson
Subject: Exchange Program
Attachments: 2019 Water Board Info on Exchange Program.pdf; UPDATED overall Midway Secondary Water.pdf

Tracking:	Recipient	Read
	Michael Henke	Read: 2/4/2019 4:19 PM
	Brad Wilson	Read: 1/30/2019 2:17 PM
	Celeste Johnson	

Here are the minutes from Water Board that discussed the Exchange Program, the email I sent to Corbin in December 2017, and the updated list that matches Caselle. We currently have 60 people on the Exchange Program. Also attached is the Map that Horrocks Engineering put together showing the locations of the exchange program customers. I've sent them an email to remove # 1-7, 13-14, 27 & 31. Natalie at Horrocks is going to update the map for me. Once I get that I will send that out to you all. Then My List, Caselle and the Map will all matchup.

It appears the board In December 2017 came to the agreement that 50% of what the irrigation company bills would come back to Midway City. BUT it was never finalized and the Memorandum of Understanding was never written that I am aware of.

Please let me know if you have any questions.
Thank you!

Jennifer Sweat, CPFIM, CBLO
Midway City Treasurer
435-654-3223 ext. 5



Lance Subdivision – Plat 2 located at 292 W Main Street

1. Diana Lance would like to create a two lot subdivision. She currently has a home on .31 acres, and would like to create an additional lot of .24 acres which would require 1.5 acre feet of water to be turned in.
2. Michael Henke, City Planner, reviewed project as did Diana Lance's engineers from Summit Engineering.
3. The board asked if there would need to be any irrigation improvements? No irrigation is already there, they would need to hook on to the irrigation line, but it is already in place.

Motion: Irrigation Member Brent Kelly made a recommendation to City Council that the Water Advisory Board had reviewed the subdivision and made the recommendation that the applicant turn in 1.5 acre feet of water. Council Member Kenny VanWagoner 2nd the motion. It was carried unanimously.

New/Old Business

The Board discussed the bill from Wasatch County for the pipe and road base that was done where Heber Valley Bank is now being built. This item was discussed at the previous water board meeting. Michael had spoken with Mike T from Watts, and he was going to discuss this item with Kevin Stalking who is the president of the bank, and get back to Michael. Michael hasn't heard back from anyone yet. Mayor Bonner asked Michael to follow up with Mike T, and give the board an update in one month. It was suggested that perhaps between this bill and the work Midway City Public works did, which was probably around \$500.00-\$1,000.00 that if needed the cost could be split three (3) ways, however if no response was received, then most likely the bill would be split in half between Midway City and Midway Irrigation Company.

The board, along with Michael Henke, City Planner and Kraig Powell City Attorney discussed several different items regarding water issues with the City and Midway Irrigation.

- a. Midway Highlands – Regarding Secondary Water, developer did not want to put in lines, in meeting minutes from Water Board it was discussed that developer would work with MIC. Wes and Michael did convey the benefit of putting in the system, but there was no commitment from developer. Steve Farrell, president of MIC would not sign the plat until it was in place. It was decided that a meeting should be held with developer, the City, and MIC so some type of agreement could be made.
-  b. Discussed Exchange program, and the desire to no longer have the program so when developments came in they had to put in the lines for Irrigation, and if they didn't then a recording on the plat would be made that culinary water would be charged in full.
- c. Discussed if it was a good idea to maybe put the agreement in Development Agreement or get a will serve letter from MIC? The board all liked the idea of the letter from MIC
- d. Discussed importance of 10 year plan for MIC

Chairman Farrell asked if there were further questions regarding this item? There was not.

Motion: Mayor Bonner stated that the board would make a recommendation to the City Council that Fox Meadow Small Subdivision at 370 Fox Den Drive be required to turn in six (6) acre feet of water (2 Share) two (2) lot subdivision on .87 acres. Irrigation Member Brent Kelly 2nd the motion. It was carried unanimously.

 Exchange Program

Wes Johnson had prepared a map showing all the properties that were currently on the Exchange Program. The numbers on the map correspond with the numbers on the spreadsheets which lists each property. Wes also presented the maps that had been used to measure total acreage, Non-impervious and impervious acreage, as well as dry acreage.

(Information located in Supplemental File if needed for future reference)

The board reviewed the map and made the following recommendations to Secretary Sweat:

1. Removed numbers one (1) thru eight (8) which are on Johnson Mill Road, and have recently been annexed into Midway City, and been given access to Secondary Water. The irrigation company will notify those homeowners that they will need to access the secondary water or be charged overages.
2. Removed numbers 13 and 14 which are in Lacy Lane Estates and have access to secondary water. They should have been removed some time ago and need to have notice sent to them that they would need to hook on to the secondary water system or begin receiving charges for overages.
3. Removed number 27 which is located on Pine Canyon Road who also has access to the secondary water and should no longer be on the exchange program.

Wes also felt that a number of homes in Cottages on the Green should be removed because all their landscaping should be done by the HOA, and the meters were only going to the homes. Chairman Farrell wasn't sure on that, and thought that Wes should meet with Mike Kohler to review those, along with the three (3) on Warm Springs Road. Secretary Jennifer stated she could send the information to Mike Kohler, who then arrived at 7:00 p.m. After discussing with the board what had previously been reviewed Mike received the needed documents, and it was decided that Mike, Steve and Wes would meet to discuss Cottages on the Green and Warm Springs Road. But it was reiterated that the ones mentioned previously should be removed.

Chairman Farrell asked if there were further questions regarding this item? There was not.

The item was not an action item it was only an internal matter therefore no motion was needed or made.

Minutes of the Midway Water Advisory Board
March 7, 2016

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Exchange Program

The board asked Secretary Sweat to contact Corbin Gordon, Legal Counsel for Midway City to draft a Memorandum of Understanding between Midway City and Midway Irrigation Company regarding the Exchange Program. Included in the memo it should state that based on the amount that the irrigation company bills each person on the exchange program, 50% of that will be paid to Midway City. Each year in November when the Class B invoice is created, we will include that amount as a credit towards the invoice. A listing of those homes on the exchange program will be sent to Mike Kohler and he will calculate what they were billed and apply 50% to our invoice. Also, each year in January the program will be reviewed. The next time it will be reviewed will be January 2019.

Also, it needs to be mentioned in the memo that no new homes can be added to the exchange program without approval from both Midway City and Midway Irrigation Company.

The board discussed the Exchange Program and thought this was an agreement that needed to be put in place. Secretary Sweat stated she would send this to Mr. Gordon to work on. No motion was needed as per the Board.

New/Old Business

Mayor Bonner asked if there were any other items of business to discuss? There was not.

Midway Irrigation Member Grant Kohler moved for adjournment at 6:30 p.m. Midway City Council Member Karl Dodge 2nd the motion. It was carried unanimously.

Jennifer Sweat

From: Jennifer Sweat
Sent: Wednesday, December 13, 2017 8:05 AM
To: cgordon@gordonlawgroup.utah.com
Subject: FW: Memorandum of Understanding

2nd
Hi!

Just checking into to see where we are at with this? Mayor Bonner would like to have this taken care of before she leaves office so it's in place.

Let me know!
Thank you!

Jennifer Sweat, CPFIM, CBLO
Midway City Treasurer
435-654-3223 ext. 5



X
✓ **From:** Jennifer Sweat
Sent: Wednesday, December 06, 2017 7:58 AM
To: cgordon@gordonlawgroup.utah.com
Cc: Steve Farrell <sbfarrell325@gmail.com>; Mike Kohler <mikekohler2009@gmail.com>; Colleen Bonner <cbonner@midwaycityut.org>; Michael Henke <mhenke@midwaycityut.org>; Jennifer Sweat <jsweat@midwaycityut.org>
Subject: Memorandum of Understanding

Good Morning Corbin!

After speaking with the Water Advisory Board Monday night it was decided to have you draft a Memorandum of Understanding with the Midway Irrigation Company regarding the Exchange Program.

What was decided that based on the amount that the irrigation company bills each person on the exchange program, 50% of that will be paid to Midway City. Each year in November when the Class B invoice is created, we will include that amount as a credit towards the invoice. I will email Mike Kohler the names of the people that are still on the exchange program, and he will calculate what they were billed and apply 50% to our invoice. Also each year in January the program will be reviewed. The next time it will be reviewed will be January 2019.

Also it needs to be mentioned in the memo that no new homes can be added to the exchange program without approval from both Midway City and Midway Irrigation Company. (Midway Highlands MAY be added to the program because the irrigation company has not installed the pipe for the 2nd water. But other then them I think we should not be adding anyone else.)

Report Criteria:

Customer.Final bill date = {IS NULL}

Customer Type.Customer type = "Exchange Program"

Customer Number	Name	Service Address
EXCHANGE PROGRAM		
2.5100.1	540 MOUNTAIN SPRINGS LLC	540 N MOUNTAIN SPRINGS DR #11
2.7440.1	ALLEN, JONATHAN & JACQUELINE	1075 N WARM SPRINGS RD LOT 39
2.7115.1	BAKER, BILL	1205 N WARM SPRINGS RD
2.7170.1	BARNARD, ROBERT	1170 N WARM SPRINGS RD LOT 27
2.4125.1	BELLOWS, JASON	1010 NORTH MAGPIE CIRCLE
2.7250.1	BENNION, ANNE	715 WEST CARI LANE LOT 3
2.7100.1	BLUE BOAR INN	1235 N WARM SPRINGS RD
2.7275.1	BURNHAM, CRAIG & VICKY	1205 N COTTAGE WAY
2.7225.1	C/O BLUE BOAR INN	1200 NORTH HOMESTEAD DRIVE
2.7145.1	CHRISTENSEN, CRAIG	1190 N WARM SPRINGS RD
2.7190.1	CIEUTAT, BARRETT & SUZANN	1135 N WARMS SPRING RD LOT 23
2.7200.1	COTTAGES ON THE GREEN	1174 N WARM SPRINGS ROAD
2.7365.1	CRANNEY, KRISTIN	1176 N COTTAGE WAY LOT 9
2.4200.1	DAVIS, THOMAS	143 WEST 1050 NORTH
2.7175.1	DINTER, WARREN A.	1156 N COTTAGE WAY LOT 7
2.7455.1	FOREMAN, DEAN	1080 N WARM SPRINGS RD 32
2.7370.1	FRANCIS, EVAN & AMY	1186 N COTTAGE WAY LOT 10
2.4025.1	GERTSCH, LAREN	1221 NORTH CANYON VIEW ROAD
2.5250.1	GORE, BARRY	405 RAINBOW LANE
2.5150.1	HAIGHT, BRENT & JULIE	505 RAINBOW LANE
2.7125.1	HARDY, JOHN W.	1215 N WARM SPRINGS DR LOT 17
2.7375.1	HILLAM, RULON BARRY & CAMILLE	1206 N COTTAGE WAY
1.5000.1	HO, CASS C	988 NORTH 100 WEST
2.7300.1	HUMPHRIES, NATHANIEL A	1200 N WARM SPRINGS RD
2.5170.1	INGRAM, DONALD	501 RAINBOW LANE
1.4950.1	JOHNSON, DAVID	23 WEST 1050 NORTH
2.7325.1	JOHNSON, HENRY	716 WEST CARI LANE #4
2.7385.1	KLOTOVICH, MYRON JOE	1103 NORTH HOMESTEAD DRIVE #2
2.7335.1	LANDRY, GABRIELLE	1196 N COTTAGE WAY LOT 11
2.5075.1	LARSEN, RUTH	536 N MOUNTIAN SPRINGS DR #13
2.7625.1	LEBLANC, MARK	751 NORTH HOMESTEAD DRIVE
2.3925.1	MAY, JAMES	295 WEST 1050 NORTH
2.4150.1	MAZZINI, RICCARDO	1024 NORTH 200 WEST
2.5140.1	MILLER, RONALD & RAMONA	555 N MOUNTAIN SPRINGS DR #1
2.3980.1	NAYLOR, WILLIAM & LINDA	223 WEST 1050 NORTH LOT 51
2.7470.1	NIEDERHAUSER, JAY	1050 N WARM SPRINGS DR #36
2.9623.1	PEDERSEN II, ROBERT G.	1230 NORTH HOMESTEAD DRIVE
2.7150.1	PERRI, ELIZABETH	1195 N WARM SPRINGS RD LOT 15
2.7400.1	PETERSON, GORDON	1097 NORTH HOMESTEAD DRIVE
2.4160.1	PETTY, MATTHEW & AMANDA	173 WEST 1050 NORTH
2.3950.1	PORTER, ERIC	275 WEST 1050 NORTH
2.9562.1	PRINCE, JAMES & KERRI-ANN	1136 N COTTAGE WAY LOT 5
2.7925.1	RASMUSSEN, BRYCE AND LYNETTE	555 NORTH HOMESTEAD DRIVE
2.0000.1	RIHM, POLLY & MATT	991 NORTH 100 WEST
2.5400.1	ROSENBLOOM, EDWARD	489 MOUNTAIN SPRINGS CIRCLE
2.5350.1	SANFORD, KEN	504 RAINBOW LANE
1.4975.1	SCHLOPY, R. TODD	982 NORTH 100 WEST
2.4475.2	SHARP, DAVID & JEANIE	1144 N HOMESTEAD DRIVE
2.4050.1	SHELTON, MARGO SCHICK	1005 NORTH MAGPIE CIRCLE
1.4924.1	SHOEMAKER, NORMAN	1020 NORTH 100 WEST
2.7180.1	SMITH, RANDALL	1055 N WARM SPRINGS RD
2.7328.1	SMITH, RANDALL & CARALEE	1146 N COTTAGE WAY LOT 6
2.7185.1	SPENCER, ROBERT	1130 N WARM SPRINGS RD LOT 30

Customer Number	Name	Service Address
1.0020.1	SPRATLING, ERMA W.	851 EAST MAIN
2.7330.1	STERRETT, BROGG	1161 N WARM SPRINGS RD
2.4100.1	THOMAS, CYNTHIA MUCCILLO	990 NORTH MAGPIE CIRCLE
2.4075.1	WAGNER, MATT & HEIDI	995 NORTH MAGPIE CIRCLE
2.7350.1	WALBECK, DAVID	1185 N WARM SPRINGS RD #14
2.7260.1	WARK, WILLIAM	1225 N COTTAGE WAY
2.7176.1	WOLF, CHUCK AND MILLIE	1166 N. COTTAGE WAY LOT 8

Total EXCHANGE PROGRAM:

60

Grand Totals:

60

Report Criteria:

Customer.Final bill date = {IS NULL}

Customer Type.Customer type = "Exchange Program"