

MT NEBO WATER AGENCY
BOARD MEETING
Salem City Offices, 30 West 100 South, Salem UT 84653
Monday, February 14, 2022

CONDUCTING

Marty Larson, Chairman

BOARD MEMBERS

Gene Shawcroft, Central Utah Water Conservancy District
Marty Larson, Genola City
Wes Quinton, Goshen Valley Local District (via phone)
ABSENT - Brett Christensen, Payson City
Seth Sorensen, Salem City
David Hathaway, Santaquin City
Kevin Oyler, Spanish Fork City
Boyd Warren, Strawberry Highline Canal Co
Richard Nielson, Utah County

ALTERNATE BOARD MEMBERS Chris Hansen, Central Utah Water Conservancy District
ABSENT - Neil Brown – Genola City
ABSENT - Paul Munns – Goshen Valley Local District
ABSENT - David Tuckett, Payson City
Kelly Peterson, Salem City
ABSENT - Lynn Mecham, Santaquin City
ABSENT - Chris Thompson, Spanish Fork City
Glen Tanner, Utah County

TECHNICAL COMMITTEE

Chris Hansen, Central Utah Water Conservancy District
ABSENT - Chris Steele, Genola City
Melanie McVicker, Goshen Valley Local District (on line)
Travis Jockumsen, Payson City
Bruce Ward, Salem City
Norm Beagley, Santaquin City
ABSENT - Chris Thompson, Spanish Fork City
Richard Nielson, Utah County

STAFF

Kim E. Holindrake, Payson City Recorder

OTHERS

Steven Clyde, Clyde Snow
Sterling Brown, Strawberry Water Users Association
Dave Pitcher, Central Utah Water Conservancy District
Rachel Musil, Central Utah Water Conservancy District
Ed Vidmar, Spanish Fork River Commission
Erin McAnally, Hansen Allen & Luce
Braden Shepherd, Goshen Valley Local Dis./Farmland Reserve

1. Call to Order

Vice Chairman Richard Nielson called this meeting of the Mt Nebo Water Agency Board to order at 7:30 a.m. The meeting was properly noticed.

2. Swear in of New Board Members

Kevin Oyler – Spanish Fork City, Kelly Peterson – Salem City (alternate), Wes Quinton – Goshen Valley Local District

Kim Holindrake administered the oath of office to Kevin Oyler, Spanish Fork City, as a Board Member, Kelly Peterson, Salem City, as an Alternate Board Member, and Wes Quinton, Goshen Valley Local District, as a Board Member.

(Marty Larson in attendance)

3. Public Comment Period

No public comments.

4. Approval of Minutes – November 15, 2021 Meeting

MOTION: Boyd Warren – To approve the minutes of November 15, 2021. Motion seconded by Gene Shawcroft. Those voting yes: Gene Shawcroft, Marty Larson, Wes Quinton, Seth Sorensen, David Hathaway, Kevin Oyler, Boyd Warren, Richard Nielson. The motion carried.

5. Finance Report

Kim Holindrake reviewed the finance memo noting since the last meeting three invoices were paid and revenues included interest. Account balances include reserve account - \$5,000, administrative account - \$30,879.11, and Capital Projects, Project 4 account - \$4,842.94 for a total of \$40,722.05. On the agenda today, we will discuss the WaterSMART Project and see if there will be any member assessments.

6. Technical Committee Report and/or Action

a. Groundwater Management Plan; Status Update

Chris Hansen reported the Groundwater Management Plan continues with data input into the data base, which is being done within the current scope of budget. Then the Board will need to decide whether to move forward on its own. A draft report was sent out after the last meeting. Hansen, Allen, & Luce has done more than asked and are still under budget. This is partly because many meetings were not held because of COVID, which cut down on travel time and other things. Hansen, Allen, & Luce has incorporated the data into the groundwater model for our planning report, which is also used for the plan formulation work that is happening at the district office. In answering questions, he stated we continue to add as much data as possible. The report is basically done with graphs and tables being changed. We can continue to exhaust the fund or tell them we are done. We need to decide as a Technical Committee how to move forward. Do we continue to populate those data sets ourselves or extend the work they are doing for us? This Agency needs to discuss how to move forward. This is merely data, but they have been incorporating that data in the groundwater model under our phase 2 timing project. That work has continued even further under Dave Pitcher and the district's group. The Groundwater Database gives a better idea of the groundwater in south

Utah County. The Groundwater Management Plan will be formulated as a group and submitted to the state. Every bit of data helps refine and make it more robust. We need a final product some time. Our vision is the continually refine it. The hydrology we are dealing with is unprecedented with the drought. Groundwater reacts a lot slower than surface water. The vision was to build a tool to populate the data sets. We need everyone working together to continue the process.

Dave Pitcher stated the plan formulation work continued on and took it to 2018. The next model update takes it through this drought year. Every year helps increase the accuracy. It's a model that USGS has used and is publicly available. As data comes in, files are updated. There is groundwater data model begin in about 1975 to 2018, but it isn't consistent throughout those years.

Chris Hansen clarified that we will have access to it. We now need to decide whether we want to do it ourselves. The very first study formulated an understanding of all the data available in south Utah County. Then we build on that with a regional plan. Monitoring and readings aren't always available. We looked at equipping some wells to provide useful data, but no wells (that still need to be equipped) have been equipped to his knowledge. He will follow up.

Bruce Ward clarified owning it is one thing; having an expert run it is another. We own the information and data that is gathered. Most of the cities and entities don't have someone who can run it.

Wes Quinton is hoping at the end of the day, we will all have access and use it.

Norm Beagley stated the Groundwater Management Plan is the next step and gives us the ability to look at and study the groundwater. The end goal is knowing the resource.

Chris Hansen stated a lot of decisions are based on what this report says about the groundwater. Let's do our best to quantify what the resource is. The Technical Committee will have discussions on moving forward.

b. Other

No other business.

7. WaterSMART Grant Project
a. Update

Chris Hansen stated the WaterSMART Grant Project is moving forward slowly. A grant specialist was assigned in November that has since been assigned to someone else. That person was to get back to him in January to finalize documents, but no one has contacted him. The Board authorized execution of all the documents at the last meeting.

b. Budget

Chris Hansen sent out a draft of proposed cost sharing. He received some responses and will make some changes. The draft document will be sent out again for review. Then the budget can be finalized.

c. Other

Steve Clyde explained that contract banks are governmental entities. Other statutory banks can have private parties involved that would allow the irrigation companies to be involved. So private entities can participate in the bank.

8. Legislative Updates/Changes

Steve Clyde stated this has been an incredibly active year. Usually there are half a dozen bills affecting water; but this year, there are close to 40 bills. The issues with the Great Salt Lake and the drought have water on everyone's mind. Out of those 40 bills, there are probably about 18 that are problematic. Some impose landscaping restrictions while others encourage concurrency. SB 160, Colorado River Authority, adds a tribal member to the board. The critical bills are as follows:

- SB 110 – Water as part of the General Plan. As municipalities look at new land use approvals, they should start asking if there is physical water available not just water rights. If physical source capacity isn't available, development may need to be delayed until additional capacity and/or water rights are available to support growth. The bill should pass today or tomorrow and then move to the House.
- HB 33 – Instream flows. The original instream flow bill was very restrictive and was viewed with suspicion by agricultural as a way to strip water away from agriculture. Only two state agencies, Wild Life Resources and State Parks, were allowed to have instream flow applications, and location were very limited to small stream segments. The ability to move water from point A to say the Great Salt Lake didn't exist, because the next diverter downstream had a right to divert available water in priority. The law was amended to allow fishing groups to acquire instream flow water rights for purposes of protecting specified species of fish. To his knowledge, there are only six stream flow applications filed in almost 20 years. With the situation of the Great Salt Lake, this bill is proposing to allow almost anyone to participate as a water right holder to lease water into instream flow use for environment purposes while working with state agencies. This bill is moving forward rapidly, is in the Senate, and has broad support.
- HB 232 - Utah Lake Authority. There is a lot of confusion as to what the bill actually is and is not. It is not a bill to support the group that wants to build the islands in Utah Lake. The bill looks more at holistic restoration of water quality and improving the environmental health of the lake itself, rather than promoting development under the altruistic guise of improving water quality and navigation. Utah Lake was navigable at Statehood, and the bed of the lake to the highwater mark is sovereign lands, encumbered with the Public Trust that mandates the lands be managed for the benefit of all citizens of the State. Lands burdened by the public trust can only be disposed of by the State in furtherance of protecting the trust. The bill will be heard in committee Wed at 4:00 pm.
- HB 240 – Utah Lake Amendment. This bill will amend the 2018 legislation allowing this disposal of the public lands resource. It will require a determination that any plan to dispose of sovereign lands be constitutionally and legally sound. Decisions regarding disposal are removed from the FFSL and given to the Legislature and Governor.

9. Report from Utah Lake Restoration Group (8:10 p.m.)

Branden Sheppard reported the Utah Lake Restoration Group filed an application with the Army Corps of Engineers to move forward with the islands project. Farmland Reserve met with the group last year to learn about their proposal. The Army Corps can sit on the application, make modifications, deny the application, or move forward with the application that could take up to three years. Once through the application process, it would take about 15 years to dredge the lake, which would lower the lake bed about seven feet. The theory is to cool the lake water and lose less water to evaporation. The application includes five phases and includes 34 manmade lakes, eight islands for birds and habitat, and eight recreation islands with four roadways across the lake. He will send the application for distribution.

10. Report on Water/Snow Accumulation

Ed Vidmar reviewed snow pack numbers as of 5:30 this morning. Provo Utah Lake Jordan River Drainage is sitting at 78%. The snow pack looks better than last year at this time. Soil moisture at 8 inches is 107% of normal and 112% at 20 inches. Future storms could bring additional moisture. The February, March, and April precipitation outlook is leaning below normal and May, June, and July don't look good. It looks like we are in for a dryer summer, but we can make it through.

11. Other Business

a. Information/Discussion Items for Future Meetings

- Upper and lower lakes (Utah Lake and Great Salt Lake) are potentially managed vastly differently because of population and environmental interests. Is there value in creating an equal regulating environment regardless of where the body of water is? Who could make such a presentation? It would be a great discussion. HB 232 is trying to do some of this by bringing the science and legal communities together to help the situation. It is complicated; there is no one answer. Gene Shawcroft will be attending a conference in March at the University of Utah with a presentation from lower and upper basin states. There may be someone willing to talk to this Agency on the issue.
- Governor Cox is also working on a four-year water strategy. Gene Shawcroft is familiar with some of the people working on this and will ask if they are willing to share some draft information.
- Finalize the Mt Nebo Water Agency Groundwater Management Plan.
- Presentation on Utah Lake Distribution Plan – This Plan is currently in place and allows higher reservoirs to store Utah Lake water until Utah Lake water is needed. An issue with the Utah Lake Restoration Group is that the Utah Lake Distribution Plan would have to be rewritten for the islands project to move forward because it changes the fundamental functions of Utah Lake. This should be presented by someone in the State Engineers office.
- Presentation by Utah Lake Restoration Group Project. They are always happy to share their message. It is a very controlled presentation but isn't controversial or combative.

b. Other

Steve Clyde discussed there is a water prioritization bill. There has always been in the Appropriations Act what is called the domestic preference. In times of shortage, domestic water has the first right regardless of priority, then stock water, then all other uses. It was never articulated how that would apply in Utah law. An amendment by the Water Tasks Force was done about eight years ago. Prioritizations were created as well as a compensation with a two-year limitation. This has never been applied by the state engineer, but the drought has focused attention on it. Representative Carl Albrecht brought a bill forward stating there are a variety of issues but should also give preference to electric generation in order to operate the water systems. Through the process, this bill will not go through but is being used as the default with next year as the goal. Also, the state engineer is unsure how he would implement it.

12. Next Meeting – Monday, May 9, 2022

13. Adjourn

MOTION: Marty Larson – To adjourn. Motion seconded by Seth Sorensen. Those voting yes: Gene Shawcroft, Marty Larson, Wes Quinton, Seth Sorensen, David Hathaway, Kevin Oyler, Boyd Warren, Richard Nielson. The motion carried.

This meeting adjourned at 8:43 a.m.