

APPROVED on APRIL 1, 2019

MIDWAY WATER ADVISORY BOARD

MONDAY March 4, 2019

MEETING MINUTES

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

Roll Call

Irrigation Members: Irrigation President/Co-Chairman Steve Farrell, Brent Kelly and Mike Lundin; Midway City Mayor/Chairman Celeste Johnson, City Councilman Bob Probst and Ken VanWagoner, Michael Henke, City Planner, and Jennifer Sweat, Treasurer/Water Advisory Board Secretary

General Consent Calendar

Mayor/Chairman Celeste Johnson asked for approval of the General Consent Calendar which consisted of:

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

The board reviewed the agenda and minutes

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

Mayor/Chairman Johnson asked if there were further questions regarding this item? There was not

Motion was carried unanimously.

Corbin Gordon, City Attorney arrived at 6:04 p.m.

Richard/Bloomfield/Silver Rim Water Holdings LLC had not arrived at the meeting, and because the next item, Hidden Haven Subdivision was present, the board decided to switch the order and start with Hidden Haven Subdivision.

Hidden Haven Subdivision -81 5 East Main Street

Michael Henke, City Planner presented the following regarding this property

1. R-1-15 Zone
2. 10.03 acres
3. 16 lots
4. 2.51 acres of open space -Allows frontage and acreage to reduce by 10%
5. Frontage on a new cul-de-sac to be built in the subdivision.

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6. The lots will connect to the Midway Sanitation District sewer, Midway City's culinary water line and Midway irrigation company's secondary water line.

The board reviewed the property via google earth and looking at the plat map provided In the packet, and on the power point presentation. The board discussed that there is an existing home on the property however, they are not connected to water or sewer. They are on a well, which could have a change application done to transfer the rights to the Midway City Well. Kraig Ford Subdivision did this and it took a ng time for it to be processed, and Planner Henke stated they had just received the paperwork and it show ed an 80% haircut which is much more then usual. It is an option for the applicant if they wanted to try it, b ut Planner Henke suggested they start the process now if they want to consider it.

The board reviewed the subdivision, They discussed the pond that is on the property, an irrigation ditch does go into the pond, Brian Balls, engineer for the project had spoken with Mike Kohler regarding changing the ditch and piping it. Co-Chairman Farrell stated that the ditch needed to stay for the storm drain. The idea was to move it to the south side of lot 10 and south side of 7. The irrigation and applicant were fine with this. There is an irrigation line on the front of the property, and it will need to connect to Haeuter's property line which is believed to be North of the property. The irrigation company would like it to be looped. There was discussion on the size of the pipe. The subdivision planned on using 8-inch pipe. Mike Kohler with the irrigation company can help locate the line. It was also discussed that for the irrigation an utility easement should work for the line. Mr. Gordon also Inquired about the pond and who owns the water in the pond. There was a discussion on this and the history of the pond water. It was believed that mitigation commission owns the water.

Planner Henke Presented the following for recommendation of water recommendation

- 10.03-acre parcel
 - Area of lots – 5.96 acres (259,617.6 sq. ft.)
 - Impervious area of 16 lots – 2.8 acres (2x5,000 sq. ft. + 14x 8,000 = 122,000 sq. Ft.)
 - Irrigated Lot area – 3.16 acres
 - Open Space – 2.51 acres
 - ROW – Park Strip – .24 acres
 - Total irrigated acreage – 5.91 (5.91 x 3) = 17.33-acre feet

16 Culinary Connections

- 16 x 0.8 = 12.8-acre feet

30.53-acre feet requirement

This water requirement does include the pond, and Planner Henke stated that he had also calculated the water requirement not including the pond. The board felt like it was best to include the pond, or if an operating agreement with the owner of the pond water was reached then it could be reduced. Also, if they decide to transfer the well into the City well, then there would be a credit.

Mayor/Chairman Johnson asked if there were any other questions? There was not.

Motion: City Councilman Ken Vanwagoner made a motion for Hidden Haven Subdivision, located at 815 East Main Street to recommend approval to the City Council that they turn in 30.53-acre feet of water for the subdivision, and that if operating agreement with the owner of the pond water rights was reached it could be reduced. The ditch needed to stay for the storm drain and it would be moved to the south side of lot 10 and south side of 7. There is an irrigation line on the front of the property, and it will need to connect to Haeuter's property line which is believed to be North and South of the property, which will loop the system. Midway Irrigation Company Member Mike Lundin seconded the motion.

Mayor/Chairman Celeste Johnson asked if there were further questions? There was not.

Motion was carried unanimously.

Richard Bloomfield/Silver Rim Water Holdings LLC

This item was before the board in February and was continued so further information could be gathered. Michael Henke, City Planner presented the following regarding this property as a review.

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
 - 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. We aren't sure of the amount, but it was thought around \$5,000, and the HOA would need to be responsible for this. However, looking into other ones like this the HOA doesn't pay the City pays the fee and gathers the money from each homeowner that is in the subdivision.
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"1, when used for culinary connections 0.62-acre feet is required per connection instead of 0.8-acre feet. This would provide 85 connections roughly.

City Attorney Corbin Gordon also gave a brief analysis of the application as well. He has looked at this change application closely and when he initially looked at it appeared that because Midway City and Midway Irrigation Company had already signed off on it that this water was already transferred and existed in our system and it included the Springs. And his fear was they were going to come in and cram the water into our springs, and we didn't have the available source. His initial thought was that the best or worst case scenario is that if its going to be here, the best location would be in the new well. Because we can't fit it into the springs, and it must be used for Culinary use. However, as he has looked at the change application the City has no legal obligation to accept it into it's well. And if they want to try and transfer into the Springs it says in the change application "proof must also

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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." This is found in part in paragraph #9 in the change application. In speaking with Steve Farrell, Michael Henke and Wes Johnson there really is no way they can demonstrate there is available source in the springs. Mr. Gordon doesn't feel there is any real danger in this water displacing or being crammed into our springs. With all of this said, from a purely legal standpoint on the City side of things we have no obligation to accept the water into the well. It is purely a policy decision if you want to do it.

Mr. Gordon's recommendation is that if you do want to accept it, then it should be handled similarly like other foreign water that we are looking at and that would be to tie it to a specific project so you know exactly how its going to be used, and potentially put restrictions on it, perhaps you want to require them to be used for a commercial project because it's a net gain for the City and residential is a net loss for the City. Also we can require all the points of diversion in the area of Midway City to be given up, right now as he reads the change application is they were not specifically approved for the Springs, so the only way they could use this water in our service area is they would have to drill a well, but this water right holder isn't on any property as they purchased this off of the Mountain Spa property, so there isn't a place for them to drill a well. They could put it into a treatment plant and get it to culinary grade and the City doesn't have one of those plants and would probably be cost-prohibitive for them, or they could try to get them in the springs, but Mr. Gordon doesn't think they would be able to demonstrate the ability to do that. It was also mentioned that the well in question didn't exist when this change application was done.

Planner Henke also reviewed the Alpenhof Well

- New Alpenhof well tested at 623 gallons per minute (gpm)
- State allowance is 80%
- Approved for 500 gpm
- Existing Alpenhof well approved for 100 gpm

The board discussed all the information they were present by Planner Henke and Mr. Gordon. City Council Member VanWagoner said that one of his biggest concerns is that we already have water in the valley that should be able to go into the Well, and that is why they drilled this well was to accommodate water on this side of the river. The board agreed with this. The board continued to discuss different ideas or potential problems this could create for sources and springs.

Mayor/Chairman Johnson asked if there were further questions regarding this item? There was not

Motion: Midway Irrigation Me Brent Kelly a motion for Richard Bloomfield/Silver Rim Water Holdings, LLC to deny the application at this time, however they can reapply and tie the change application to a specific project. City Councilman I Bob Probst seconded the motion.

Mayor/Chairman Celeste Johnson again asked if there were further questions regarding this item? There was not

Motion was carried unanimously for denial to City Council.

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Water Exchange Program

This Item was brought to the Water Advisory Board because it hadn't been discussed since December 2017, and it was discussed at that time the board would review it again in January 2019. Chairman/Mayor Johnson stated that she had asked to have on the agenda. Chairman/Mayor Johnson had attended the Midway Irrigation Board meeting that was held prior to Midway Water Advisory Board. The irrigation company had made the following commitment that in the next month meeting:

- MOU that everyone would have a chance to review prior to the meeting (Mr. Gordon already has one drafted and will send that out)
- The list provided by Midway City would be given to the Irrigation Company and would be updated with only the homes that are still benefiting from this program.
- The reason the City wasn't receiving any money for this is because the Irrigation Company is providing irrigation water for all parks and cemetery at no charge. And when this program was conceived that is what the reasons why.
- A timeline of when or if irrigation services can be put in place in the areas people are still using the exchange program. Even if the timeline was amended each year depending on the timeline of projects.
- Also discussed placing two meters on the homes using the exchange program, one for culinary water (inside) and one for irrigation (outside).

At this time the board didn't feel there was anything to recommend to City Council until these items were worked out.

Mayor/Chairman Celeste Johnson asked if there were further questions regarding this item? There was not

Motion: City Councilman Ken VanWagoner made the motion to continue this item until the next meeting scheduled for April 1, 2019. Midway City Councilman Bob Probst seconded the motion.

Mayor/Chairman Celeste Johnson again asked if there were further questions regarding this item? There was not

Motion was carried unanimously.

New/Old Business

Midway City Councilman Ken VanWagoner made a motion to adjourn. Midway Irrigation Member Brent Kelly seconded the motion. It was carried unanimously. Meeting adjourned 7:00 p.m.