

MT. NEBO WATER AGENCY MEETING

Minutes of the Mt. Nebo Water Agency meeting, held on April 21, 2014, in the City Council Chambers of Salem City.

MEETING CONVENED AT: 8:30 a.m.

CONDUCTING: Warren Peterson

Warren Peterson welcomed everyone and called the meeting to order. He informed everyone that all of the Director's are present except for Commissioner Gary Anderson and noted that Larry Ellertson, who is Utah County's alternate, will take his place. Marcus Faust was also welcomed to the meeting via telephone, along with other alternates and members of the public who were attending in person.

Warren Peterson thanked Junior Baker for preparing the agenda for this meeting and Carylee Baker for doing the minutes for the March 24, 2014 meeting.

DIRECTOR'S PRESENT:

Randy Brailsford, Salem City's Director
Richard Davis, Spanish Fork City's Director
Rick Moore, Payson City's Director
Gene Shawcroft, Central Utah Water Conservancy District Director
Warren Peterson, Goshen Valley Local District Director
Danny Throckmorton, Highline Canal Director
Larry Ellertson, Utah County (alternate)

ALTERNATE DIRECTOR'S PRESENT:

Steve Leifson, Spanish Fork City
Jamison Thornton, Highline Canal
Soren Christensen, Salem City
Tyler Coon, Goshen Valley Local District
Steve Clyde, Central Utah Water Conservancy District

STAFF PRESENT:

Junior Baker

PUBLIC PRESENT:

Marcus Faust (by telephone)
Steve Clyde
Chris Thompson

Jeremy Sorensen
Dave Tuckett
Calvin Crandall

1. ADOPTION OF MINUTES: March 26, 2014

Corrections were noted and then made. Gene Shawcroft made the motion to move to correct the minutes of the first meeting as stated and then corrected.

MOTION: Gene Shawcroft
SECONDED BY: Rick Moore
VOTE: Affirmative

Warren Peterson made a suggestion to change the meeting place for the monthly board meeting place of this agency to be at the Salem City Office building. Randy Brailsford said that would be fine and if needed, the agency could go to the Salem City Post Office and get a mailbox for all the mail for this agency. Warren Peterson recommended that a motion be made designating the Salem City Office as the office and as the location for the agency board meetings to be held. Gene Shawcroft made that motion.

MOTION: Gene Shawcroft
SECONDED BY: Randy Brailsford
VOTE: Affirmative

2. FILING INTERLOCAL AGREEMENT WITH LIEUTENANT GOVERNOR

Warren Peterson asked Junior Baker for a report on the status of the filing of the interlocal agreement. Junior reported that he was given the assignment to work with Richard Davis, and they were to get the notice and the documents filed with the Lieutenant Governor to get this agency officially recognized. Junior said that has not been done yet. He has been trying to gather up all of the inter-local agreement signature pages and he is missing one from Utah County. Junior asked Larry Ellertson to help get that to him and then it will be ready to be filed.

Junior Baker reported on the map of the agency boundaries and the importance of getting that done as part of the interlocal agreement. He thanked Gene Shawcroft and his office because they supplied the GIS assistance to help put it together. A map was given to everyone along with a description of the boundaries. Rick Moore thanked Mr. Baker for providing the map and description. He feels like it will be really helpful in the future. Junior said he hasn't heard any objections on the map and so he assumes it will be approved. This map is needed to get the agreement filed with the Lieutenant Governor. Junior said he can e-mail a copy of that map to anyone that doesn't have it. Warren Peterson asked Junior if they should have the map go back to the member agencies since it has been altered since last meeting, and have their member boards ratify the map. Junior said it wouldn't hurt but it depends how it was approved in each agency. Junior reported that the cities that he works with approved a generic description subject to the

review with legal counsel and if other agencies did it similar to that, then they should be okay. Warren Peterson said each member can each act with its own legal counsel's direction.

3. DISCUSSION OF ADMINISTRATIVE CODE (BYLAWS)

Warren Peterson suggested that preparation of the Agency's administrative code is not far enough along to act on this yet. Junior Baker reported that last meeting copies of bylaws and administrative codes of Central Utah Water Conservancy District uses, SUVWMA, and that Highline Canal were distributed. Mr. Baker said the assignment was for all of the directors to study those and bring back to this meeting some directive as to what should be put in the administrative code for this agency. He said if the committee can start getting him some direction, he will prepare a draft for board review. Junior said he will coordinate with Steve Clyde, where he has been assigned to work with the agency on legal matters, and they will distribute a rough draft and hopefully will be able to come up with a version that can be adopted in the next meeting. Randy Brailsford asked if there is a time frame for Mt. Nebo Water Agency to have this done with the Lieutenant Governor. Mr. Baker reported that the Utah Code doesn't spell one out, but sooner is probably better than later because such a code is essential to agency operations. Junior asked everyone to forward their concerns to him so he can move forward in putting the administrative code together.

Richard Davis made a motion to continue this item to the next meeting so all the entities can proceed to give all their direction over to Junior Baker.

MOTION: Richard Davis

SECONDED BY: Randy Brailsford

VOTE: Affirmative

4. DISCUSSION OF TECHNICAL COMMITTEE

Warren Peterson reported that the agency would like to form a technical committee to be an advisory committee to the board. Richard Davis said he would like to bring in the engineers from all of the entities to be part of the technical committee. Warren Peterson said it seems appropriate for each member to designate who they want on this committee. Larry Ellertson asked if they were also going to have a legal committee and a finance committee. Warren Peterson asked for discussion on whether these functions should all be in one committee or should it be kept separate so that the committee does not lose focus.

Danny Throckmorton made a motion to table this item until next meeting to allow time for each member to designate someone to serve on the technical committee, and then as needed form a legal committee and a finance committee. The motion was seconded and there was additional discussion of the motion.

Warren Peterson said from what he understands of the discussion, the board intends to establish a technical committee, that the technical committee will have seven members on it, and each agency member will appoint one representative. Mr. Peterson also said the agenda for the next meeting should include the appointment of the technical committee. Danny Throckmorton said his motion had been restated correctly.

MOTION: Danny Throckmorton
SECONDED BY: Larry Ellertson
VOTE: Affirmative

5. CONTRACT WITH STRAWBERRY HIGHLINE CANAL COMPANY

Warren Peterson asked Junior Baker to speak to this agenda item. Mr. Baker said one of the critical aspects of the Agency is to get contracts in place with Strawberry Highline Canal Company to spell out assessments, committee representatives, and a number of other things for the proposed Highline Canal enclosure project. Mr. Baker reported that David Wright, an attorney representing Highline Canal Company, had been given the assignment through Highline Canal to work on this and Junior asked if there is anyone present that is prepared to give a report on that. Danny Throckmorton said Highline Canal Company is not ready to move forward with the contract. Jamison Thornton, general manager for Highline Canal Company, reported that the draft has been drawn up, but their board hasn't had a chance to review it. Jamison is hoping that after Highline Canal's board meeting in May they will be able to recommend an agreement for review in the Mr. Nebo Water Agency's meeting in May.

Warren Peterson asked if they could discuss when Mt. Nebo Water Agency's next meeting will be so it can be coordinated with Highline Canal's next meeting. Jamison Thornton said Highline Canal's next meeting is May 7th 2014. After discussing this Warren Peterson said Mt. Nebo Water Agency's next meeting is scheduled for May 19th, 2014 at 8:30 a.m. at the Salem City Offices. Board members noted that June 23rd, 2014 at 8:30 a.m. at the Salem City Offices will be the next meeting after that, which originally was scheduled as the quarterly meeting.

Richard Davis made a motion for the next two meetings he will have someone from Spanish Fork City come and provide clerical help with the minutes and help with the agenda.

MOTION: Richard Davis
SECONDED BY: Larry Ellertson
VOTE: Affirmative

6. CHAIRMAN WARREN PETERSON DISCUSSION ABOUT MARCH 26th MEETING

Warren Peterson reported on the public information meeting organized by Utah County that was held on March 26th, 2014 in the High Chapparell building at the Utah County

Fairgrounds in Spanish Fork. He said the meeting format was set up for questions and answers. Mr. Peterson said he, along with Gene Shawcroft and Larry Ellertson were invited to be present at the meeting. Larry Ellertson said there were people who had questions about the water in the south Utah Valley area. Mr. Peterson said people commented that Mt. Nebo Water Agency was set up to essentially take over water management in Southern Utah County which as Warren stated at the March 26 meeting, that this Agency cannot take over management because the holders of the water rights, or those that contract as project sponsors with the federal government where the federal government holds the water rights are the only ones that really manage the water. Warren said the three present at the March 26 meeting asked the people to please not make the agency out to be more than it is.

He reported a number of the comments were that the agency was set up to help “the church” “steal” all the water rights and move them to Goshen Valley. Warren said the Goshen Valley Local District does serve land owned by the Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, and he went on to say that “the church” is not represented on this board, nor could it be, because this board is made up of public agencies.

Warren said the three presenters explained that as they again asked the people to please not make this Agency out to be something more than it is really trying to be, and that is a forum in which water development can be coordinated. Warren said the Highline Canal enclosure was mentioned a number of times in that meeting and they told the people that the enclosure can only be carried out by the Highline Canal Company. Warren said there were also a number of questions as to why other water companies and management groups were not included on this board, and there was significant interest expressed in the Spanish Fork River Water User Groups, having some avenue of participation in this agency. Warren stated that this agency will be more effective if all water companies that represent a group of shareholders, or districts which serves a particular area within the agency boundaries should have an avenue for participation. Warren asked if the door should be open for that kind of addition, is it appears the interlocal agreement provides for it.

Warren said they heard a lot of comments in the March 26 meeting about water tables declining, artesian well pressures being affected, and that farming isn’t going well in the area, etc. They also had the discussion that the Southern Utah County microclimate for fruit growing is a unique resource, not just to the State, but also to the United States. Warren said this Agency should also be planning for the future water needs of those fruit growers, and other agricultural people. Warren said he feels like that has been a consistent objective of the members of this Agency. He said he feels like people left that meeting with a greater understanding of what this agency’s purpose is, what the intent of the agency board members are, why the participation is structured the way it is, and hopefully that the agency board members would engage in a discussion to make sure this is a broad enough agency that it represents all future water use in Southern Utah County.

Warren asked Larry Ellertson and Gene Shawcroft if they had anything to add to this discussion of the meeting. Larry Ellertson said there seemed to be a lot of concern about the future and what it means to them, and if they want to get involved, how they do it. Larry Ellertson said the presenters attempted to stress that there may be any number of projects that would come and those involved in a project would have a seat at the table. Mr. Ellertson said those in attendance were told that this Agency is not going to deal with everything in the future with all water issues in the south end of Utah County or anywhere. Gene Shawcroft said the only thing he has to add is, as this agency was contemplated, the agency agreement provides opportunity for additional members.

Warren Peterson asked if there are any questions or further comments that anyone would like to make. Marcus Faust stated via telephone that at some point in the next several months it would be helpful for some representatives of the group to go to Washington DC and meet with our Congressional delegation, and work with people in the Department of the Interior, including the Assistant Secretary, and the Bureau of Reclamation to give an overview of the agency, its purpose and mission, function and objectives. Marcus Faust said it is good to have all parties represented and available to articulate what everyone sees as a common objective and mission of the group. Warren Peterson said if anyone goes, and those who do go, should be designated by the board.

Soren Christensen commented on the meeting that took place on March 26th, that there seems to be a lot of mistrust and misunderstanding with the purpose of this Agency. Warren Peterson commented that there is. Soren Christensen said maybe it would be good and make sure this Agency address the public with some information which will help steer it in the right direction. Randy Brailsford said he agrees with what Soren said and once the Agency gets their policies and their statement done, then that is when that can happen. Warren Peterson said it would be appropriate for the next agenda, to go back to the mission statement and put it on the agenda, so everyone can prepare to speak regarding these things. Warren said it will help if they agree on what the purpose is and work from that statement.

Warren Peterson asked the Directors if there are any other items of business they would like to discuss. Warren said he has two items he would like to discuss. He said after the March 26th meeting he committed to himself to meet with the Spanish Fork River Water Users group, and particularly with Wayne Petersen, Brent Money, Neil Anderson and others that were on the list, and it is being coordinated with Neil Anderson. Warren said he would welcome participation from any of the Directors or Alternates that would be interested in coming. Richard Davis said he would be glad to go with Warren. Others suggested that if Warren will let them know the date then they will tell him at that time if they can be there.

Warren Peterson reported that as he was driving down to this meeting this morning that he was listening to KSL Radio, he heard Doug Wright talking about where people are going to live in Utah because all of the land will be filled up. Warren said a report was recently released on a study commissioned by Envision Utah, with financial support from some members of this Agency. Warren said the study report was prepared by RCL Co on

how the Wasatch Front counties (Davis, Weber, Salt Lake and Utah) were to be settled over the next four years. Warren said that report anticipates that the available land in Weber and Davis counties will be gone within about twenty years. Salt Lake County will be shortly behind that unless Rio-Tinto decides to open up the rest of their Day Break land holding. Warren said that means the available land is in Utah County. Warren said the Governors' Office of Management and Budget projects the growth from now until 2050 in Utah County to be an additional 670,000 people and right now there are about 540,000 people. Warren said the study report says Utah County should expect a population growth of about 840,000 people between now and 2050 and that the growth will largely follow the I-15 corridor from north to south, with some growth in Cedar Valley and the Goshen Valley. The study says that Goshen Valley should anticipate between 20,000 to 23,000 roof tops, and if you consider each house will have several people in it, it could be somewhere around 80,000 to 100,000 people in the Goshen Valley. Warren said Mt. Nebo Water Agency will be put to the test with this study. Marcus Faust asked Warren if he could provide that information to the Congressional delegation when he comes to visit. Marcus told Warren that he did an excellent job in explaining the critical need for the Mt. Nebo Water Agency.

Warren Peterson asked who would make the motion to adjourn. Randy Brailsford made the motion to adjourn.

MOTION: Randy Brailsford

SECONDED BY: Richard Davis

VOTE: Affirmative

The meeting adjourned at 9:47 a.m.