



CACHE WATER DISTRICT
Our water. Our future. Our choice.

The purposes of the District include planning for and facilitating the long-term conservation, development, protection, distribution, management and stabilization of water rights and water supplies for domestic, irrigation, power, manufacturing, municipal, recreational and other beneficial uses, including the natural stream environment, in a cost-effective way to meet the needs of the residents and growing population of Cache County.

www.cachewaterdistrict.com

CACHE WATER DISTRICT BOARD OF TRUSTEES
MEETING MINUTES
June 4, 2018

The Cache Water District Board of Trustees convened on June 4, 2018 at 5:30 p.m. for a REGULAR SESSION in the Cache County Historic Courthouse Council Chambers, 199 North Main Street, Logan, Utah.

ATTENDANCE

MEMBERS OF THE BOARD IN ATTENDANCE:

Jeannie F. Simmonds – Logan #1 Council District
Barbara Y. Tidwell – Logan #2 Council District
Shaun Dustin – Southeast Council District
Jared Clawson – At-Large Position
David L. Erickson – At-Large Position
Don Baldwin – Agricultural Representative
Herm Olsen – Logan #3 Council District
Max Pierce – North Council District
Bret Randall – Northeast Council District
Jon White – At-Large Position

MEMBERS OF THE BOARD ABSENT:

Jonathan W. Hardman – South Council District

OTHERS IN ATTENDANCE:

Nathan Daug (Water Manager), Keith Shaw, Joanna Endter-Wada, Weston Bellon, Blaise Chanson, Clint Carney (USU), Lisa Welsh (USU), Ann Neville (The Nature Conservancy), Bryan Dixon, Hilary Shughart (Bridgerland Audubon Society, Sean Dolan (Herald Journal), Debbie Zilles

CALL TO ORDER

The meeting was called to order by Chairperson Jeannie Simmonds at 5:30 p.m.

REVIEW AND APPROVAL OF MINUTES AND AGENDA

Consideration of Minutes for May 7, 2018 and Agenda for June 4, 2018.

ACTION: Motion by Mr. Clawson to approve the Consent Agenda and the minutes as submitted. The motion was seconded by Mr. Erickson. The motion was approved unanimously.

PUBLIC COMMENT – Bryan Dixon has been involved in this process for many years and appreciates the Board's open-mindedness. He encouraged the Board to prioritize a review of the Cache County Water Master Plan. The Plan was based on population projections, which have since changed, as well as new demands and technology. Another issue that should be addressed is consideration of the impacts of water consumption and the effects on the Great Salt Lake, the Wasatch Front and Cache Valley. USU professors put out a paper in February 2016 that concluded that the Great Salt Lake is 11' lower due to diversion. There are impacts to agriculture

and wildlife. He recommended inviting specialists to help expand the Board's knowledge and understanding of how all the mechanics and systems are tied together.

MANAGER'S REPORT

Nathan Daugs, the newly-hired Water District Manager, will begin his position July 9, 2018.

ACTIVITIES REPORT

Chair Simmonds advised that a sub-committee comprised of herself, John Hardman and Max Pierce, have met to discuss the Manager responsibilities and how to move forward. The District participates in the State of Utah Division of Purchasing process and has submitted bids for a computer, software and a printer. Several cell phone carriers were reviewed; Verizon offers government entities \$50.70/month for unlimited talk/text/data including a Samsung S7 phone.

ACTION: Motion by Mr. White to approve a contract with Verizon, as outlined, for cell phone service for the Water Manager. The motion was seconded by Mr. Erickson. The motion was approved unanimously.

Mr. Randall questioned whether Mr. Daugs could keep his current phone number. Chair Simmonds explained that the plan is to have a specific Water District phone number.

Mr. Olsen pointed out that the final candidate not selected for the Water Manager position was very gracious when he was notified about the decision.

EMPLOYMENT POLICY

Chair Simmonds emailed Board members a draft of the employment policy prior to the meeting. She asked for the Board's opinion regarding leave allowance.

Ms. Tidwell asked who would be the Manager's supervisor; Chair Simmonds said it would be the Board, with the lion's share of the responsibility for day-to-day matters handled by the Chairman.

Mr. Randall outlined Logan City's personal leave policy. Mr. Dustin noted Logan City's policy is extremely generous from the private sector perspective. Chair Simmonds reviewed USU's leave policy. Mr. Erickson suggested that the position be consistent with the Cache County policy. Mr. Daugs advised that he has reached the maximum annual accrual rate with an allowance for carrying over 320 hours. Mr. Dustin recommended including Mr. Daug's 16 years with the State to count as service.

The Board determined that a 6-month evaluation would be appropriate; Ms. Tidwell asked who would be responsible for the review. Chair Simmonds said the Board would make the determination as to whether it should be done by the Chair or an appropriately-designated sub-committee.

Chair Simmonds will make the noted changes to the policy and present it at the next meeting for further discussion and approval.

RATIFICATION OF CHAIR

ACTION: Motion by Mr. Dustin to open a discussion regarding candidates for, and ratification of, the Board Chair. The motion was seconded by Ms. Tidwell.

Chair Simmonds confirmed for Mr. White that she would be willing to serve the remainder of the year. Mr. Olsen asked if she would be willing to continue beyond the year. Chair Simmonds said she would be willing, however, the decision should be made at that time.

Mr. Dustin appreciates Chair Simmonds service; however, he has concerns about the way some of the procedures have been handled. If there are things being done that are not following the bylaws, those items need to be resolved; if they cannot be resolved, he thinks the Board should move in a different direction. Specifically, the ratification of the Chair should have been on the agenda and discussed in January. There are other things that he has had a hard time with procedurally and he disagrees with the direction the Board is headed on several issues. If the Board is going to continue going down this path, he wants to make sure they are comfortable with the direction it is headed.

Mr. Olsen said he is satisfied with the job Chair Simmonds has done. She has worked hard and put in a lot of time. It has been difficult to get the District off the ground and moving and he is grateful for her willingness to serve and recommended that she continue through to the end of the year.

Mr. White said if this was supposed to be addressed at the beginning of the year and was not, it makes no sense to do it in the middle of the year.

Mr. Dustin wants to ensure that the bylaws are being followed. This matter should have been agendized at the beginning of the year. This is critical to government because when the Chair is responsible for the agenda and does not include his/her own ratification on the agenda, he has a serious concern with that. Although he appreciates the work, he does not feel as if the Board has always been informed of what is going on prior to being asked to make decisions at the meetings. He went through a similar situation years ago, which frustrated him. As an elected official, responsible for allocation of public resources, he wants to know what is going on and make sure the Board is following the rules that have been set forth. If the Board is willing to turn that page and make that commitment, then perhaps, he can go along with it, however, if it is going to continue to be business as usual, then he cannot. He realizes that he is one vote, however, he feels that he has a duty to make sure that his concerns are voiced.

Mr. White pointed out that any Board member can add items to the agenda. If there is something bothering a member it should be brought to the Board's attention, discussed and not left to fester.

Mr. Clawson believes that not adding the ratification of the Chair to the January agenda was an honest mistake with no ill intent. He believes Chair Simmonds is doing a good job. The Water Manager will help set future meeting agendas.

Ms. Tidwell said she has not been happy with how information has been given out to the Board and is hoping this will change and members will be better informed.

Mr. Dustin does not feel that members are always being informed about decisions that are being made, and if that is the case, he questioned why he is serving on the Board. Another concern is what Chair Simmonds envisions for the Water District and what the goals are. He said she initially

opposed hiring a manager and wanted to move slow and build up capital, however, he does not understand what her vision is. The Board does not need a manager, it needs a Chair and he would like to know what her vision is so that he can buy into it before a discussion can be had about it.

Mr. Olsen said the Chair serves as the voice of the Board. If the Board is uncertain, it is their failure to make its own statement. The Board, not the Chair, establishes policy. Mr. Dustin said this is his issue; the Board has tried to establish policy but has been fighting the Chair. Mr. Olsen disagreed.

ACTION: Motion by Mr. Olsen to have Jeannie Simmonds continue to serve as Board Chair until the end of the year. The motion was seconded by Mr. Baldwin. The motion passed 8-2.

Aye: Olsen, Clawson, Baldwin, Randall, Simmonds, Pierce, Erickson, White

Nay: Dustin, Tidwell

Mr. Baldwin said there has been some confusion amongst all members about what to do. The Board is new and all members, to a certain degree, have had difficulty understanding “what it is that we are supposed to do” and it takes time and patience. Things seem to be beginning to gel, but it has taken some time to get to this point.

Mr. Erickson said nothing is personal, it is healthy to voice concerns and talk openly. He has been frustrated that things have not been moving as fast as he would like to see them, however, things are beginning to move forward. He suggested cutoff times for agenda items to be added, and now with a Manager, there may be concerns brought forward that the Board is not even aware of. He is in favor of Chair Simmonds finishing the year.

Ms. Tidwell said she has been disappointed with the actual procedure related to the hiring of the Manager. Information was not given out to the entire Board. She had people, who had submitted applications, ask her about what was happening and she did not know. Mr. Clawson said the Board agreed to, and formed a sub-committee to handle the applications. Mr. White said he was under the impression that the process was handled as had been set forth.

Mr. Dustin appreciates the discussion and said that his concerns are not personal. As a Chair, there are responsibilities that go beyond what one might expect and he has had a difficult time with some things that have happened procedurally. At one point, there was a vote taken at a meeting on specific items that he was tasked with, and that portion was left out of the minutes. Fortunately, there was an audio recording and he worked with Ms. Zilles to figure out what the information was. He does not want to ascribe any cause to it, other than it was just not included. The Board should get to a place where, regardless of personal feelings, information and voting be included in the minutes and the bylaws be strictly followed. He appreciates the work Chair Simmonds has put in with regards getting up to speed on water issues, however, procedural concerns need to be addressed.

Chair Simmonds said she will certainly do everything she can to make it be the way it is supposed to be.

Mr. White asked what specific procedural things Mr. Dustin would like to see implemented.

Ms. Tidwell said she would like the updated financial policy, with the changes as discussed, be reviewed at the next meeting.

Mr. White said everyone has different opinions. He would like to get things worked out and move forward. Mr. Dustin said when the Chair has a “differing opinion from the Board, it does not matter”. Items of action should be included in the record. Mr. White agreed and said that problem has been rectified. Mr. Dustin said the entire section of information, which the Chair disagreed with at the meeting, was not included in the minutes. This is where the Chair has a responsibility to go beyond his/her personal desires and opinions. Mr. White said the Chair does not have anything to do with the minutes. Mr. Dustin said the problem has been largely rectified, however, he should not have to be watching for that kind of stuff; the minutes should be “a dump of every action that happened at a meeting”. Every time a vote is taken on a subject it should be recorded with any action items that come out of that meeting, as well as the substance of the vote. Mr. White said it should have been addressed and discussed when the matter of concern was at hand. Mr. Dustin said the issue was resolved before the minutes were approved. Chair Simmonds pointed out that this is the reason a draft of the meeting minutes is sent to members for review prior to the vote for approval. Mr. Pierce said it is each member’s responsibility to review the minutes. Mr. White said these are “easy fixes”. Mr. Erickson pointed out that the turnaround on the minutes has been very good. Chair Simmonds said one of the reasons for the timeliness of the minutes being distributed is to allow time for each member to carefully review them.

Now that a Manager has been hired, Mr. Clawson would like to begin receiving emails prior to each meeting so members have time to review the information and prepare questions.

Mr. Olsen asked about the July meeting date (July 2). Chair Simmonds said her hope was to have an Open House on July 9 to invite the community to meet and welcome Mr. Daus. Mr. Olsen suggested that be combined with the July meeting.

Mr. Dustin left the meeting at 6:15 p.m.

ACTION: Motion by Mr. Erickson to change the meeting date from July 2 to July 9 to be in combination with a Public Open House. The motion was seconded by Mr. Clawson. The motion passed unanimously.

UTAH DIVISION OF WATER RESOURCES – UTAH/IDAHO BEAR LAKE FILING

Todd Adams, Deputy Director of the Utah Division of Water Resources reported on the joint filing from the Utah Division of Water Resources and Idaho Board of Water Resources to seek water rights from Bear Lake. The application to appropriate up to 400,000 acre-feet of water from the top of Bear Lake was filed in March. The Utah State Engineer will review the application when it is ready. The next step is to develop a model of the Bear River system and talk with the stakeholders. The development model will have many potential scenarios for consideration.

The top of Bear Lake is dedicated to water storage. The lake is considered full at 5,923.65 feet, meaning release just over 5.5 feet from the lake at its highest point amounts to 400,000 acre-feet – the amount the co-applicants are seeking. The target elevation (5,923.65) can go down to a level of 5,902 feet, with the caveat that the Bear Lake Settlement Agreement only allocates water down to 5,904 feet. The average annual allocation out of Bear Lake (based on the annual elevation of April 1) is 245,000 acre-feet. To prevent liability from flooding during spring runoff, PacifiCorp releases water until the lake level hits a targeted elevation of 5,918 feet by March 31. The beginning of 2017, the lake went up almost 12 feet (approximately 900,000 acre-feet of storage). Bear Lake can operate at a higher elevation; every 1 feet of lake equates to approximately 70,000 acre-feet of water, which could potentially be stored on the top of the lake and supplement existing water rights.

Mr. White asked what the percentage of each state would be. Mr. Adams said this is one of the first items of discussion and will be part of the model and may be based on the Bear River Compact, which allows Idaho to develop the first 125,000 and Utah to develop the next 275,000, after that each state would get 75,000 acre-feet.

Mr. Baldwin asked about supplementing existing water rights and whether this would be consumptive or non-consumptive. Mr. Adams said Utah Power can only run the turbines to generate power on an ancillary basis.

Mr. Adams explained that the Bear River does not naturally flow into Bear Lake, it was diverted in 1917 into Mud Lake and can be diverted back down the river or into Bear Lake. There is a stretch of land in the Gentile Valley (south of Grace, Idaho) that has a river channel capacity of 1,500 CFS. The generation capacity at the Alexander Reservoir is between 2,600-2,800 CFS. If the flood easements in Gentile Valley can be purchased, water can be stored there because of the capacity of the channel.

Mr. Adams advised that water cannot be released out of Bear Lake for power generation unless it is above a certain amount (based on a settlement agreement). There is power generation located at Alexander, Grace, Oneida, Cutler and Last Chance Dam.

Mr. Randall said there has been some opposition to PacifiCorp raising Cutler to increase generation capacity and asked how that will factor into the modeling process. Mr. Adams said this is not included in the proposal from Utah-Idaho. The goal is for the model to play out many different scenarios. It is hopeful that it will be a win-win situation for everyone involved.

Joanna Endter-Wada asked how the proposed development model for the Bear River system will relate to the modeling that the Division of Forestry, Fire & State Lands completed for the entire Great Salt Lake, as those impacts are being elevated in state policy discussions. She also asked about the various watersheds that drain into the Great Salt Lake and what their commitments are. Mr. Adams said they do contribute to the Great Salt Lake system and pointed out that the Jordan River and Utah Lake system pulls from Colorado system, which is helpful. The Forestry model was developed a couple of years ago to examine the net effect of the river systems into the Great Salt Lake; Bear Lake, as historically operated, would not be included. The biggest concerns are volume, location and timing.

Blaise Chanson asked if there would be an opportunity (within the 400,000 acre-feet) to accommodate the Bear River Agreement for future development. Mr. Adams said the objective is for supplemental water to be used for existing uses. The Bear River doubles in size in Cache Valley. There is a daily simulation model that looks at 50 years of data of available water supply. The model will be developed to address many projections.

Clint Carney asked about the timeline for development of the model. Mr. Adams said they had hoped it would take about a year, however, it has taken over three months to get a meeting scheduled. UDWR will not proceed until there is a model with defendable results to present.

Chair Simmonds asked whether this is technically different water than the allocation that has been previously determined. Mr. Adams said it would be post-compact and would be counted against the depletion in Utah. Depletion calculations depend on what they are used for and when the land was brought in. This water would be counted toward the 275,000 in Utah and 125,000 in Idaho. The last time the Bear River Commission did a depletion estimate in 2009-2010, Utah used a very small amount.

Mr. White asked if Mr. Daus would be included in discussions. Mr. Adams said he would be happy to meet and discuss the issue and Mr. Daus is welcome to attend the meetings.

ADJOURN

The meeting adjourned at 6:48 p.m.