



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 December 3, 2018

The Cache Water District Board of Trustees convened on December 3, 2018 at 5:30 p.m. for a REGULAR SESSION in the Cache County Historic Courthouse Council Chambers, 199 North Main Street, Logan, Utah.

MEMBERS OF THE BOARD IN ATTENDANCE:

Jeannie F. Simmonds – Logan #1 Council District
Jared Clawson – At-Large Position
Herm Olsen – Logan #3 Council District
Jonathan W. Hardman – South Council District
Max Pierce – North Council District
Jon White – At-Large Position
Don Baldwin – Agricultural Representative
David L. Erickson – At-Large Position
Scott Clark - Logan #2 Council District

MEMBERS OF THE BOARD ABSENT:

Shaun Dustin – Southeast Council District
Bret Randall – Northeast Council District

OTHERS IN ATTENDANCE:

Nathan Daus (Manager), Thad Erickson, Kathy Erickson, Blaise Chanson, Chris Slater (J-U-B Engineers) Zan Murray (J-U-B Engineers), Lisa Welsh (USU), Ann Neville (TNC), Clint Carney (USU), Craig W. Buttars (Cache County Executive), Dr. David Rosenberg (USU), Dr. Belize Lane (USU), 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 for minutes from November 5, 2018 and agenda for December 3, 2018.

ACTION: Motion by Mr. Olsen to approve the agenda and the minutes as submitted, seconded by Mr. Clawson. Motion approved unanimously.

PUBLIC COMMENT

Thadd Erickson has submitted information to Mr. Daus. He touched upon the history of the Water Advisory Board that was formed in the early 1990's to address water concerns. He gave Mr. Daus copies of two documents; the Water Ordinance that was passed by the County Commission – which resulted in the denial of a subdivision in Cove; a landmark move that sets a precedent for Cache County Government's involvement in the protection of water quality. The other document is the Utah Geological Survey 101, published in 2003, which is a classification of the groundwater that will help the County determine how much degradation (regarding water quality) they are willing to accept. Dee Hansen, a former Utah State Engineer, said that Cache Valley has the best water resource in the state. He is willing to work with the Board to share his knowledge and expertise.

INVOICE APPROVAL

VENDOR	INVOICE #	AMOUNT	DESCRIPTION
Jones Simkins LLC	29385	\$144.00	Payroll Services
Verizon Wireless	Billing Statement	\$116.51	Phone Service
Nathan Daus		\$306.29	Mileage Reimbursement (November)
Debbie Zilles	Time Sheet	\$112.50	4 th Quarter Clerk duties (Oct-Dec)
TOTAL		\$679.30	

ACTION: Motion by Mr. Erickson and seconded by Mr. White to approve payment for the invoices listed above. Motion approved unanimously (8-0).

Aye: Simmonds, Clawson, Olsen, Hardman, White, Baldwin, Erickson, Clark

Nay:

Absent: Dustin, Randall, Pierce

2019 BUDGET APPROVAL

Income			\$ 300,000
	Transfer from Reserves		\$ 25,000
Expenses			
	Personnel		
	Salary + Benefits	\$ 110,000	
	Travel/Mileage	\$ 10,000	
	Attorney Services	\$ 30,000	
	Financial Services	\$ 10,000	
	Audit	\$ 7,000	
	Total Personnel		\$ 167,000
	Outreach		

	Conservation Programs	\$ 16,500	
	Dues	\$ 2,000	
	Training	\$ 6,000	
	Website	\$ 2,500	
	Sponsorships	\$ 2,500	
	Insurance/Bonding	\$ 5,000	
	Total Outreach		\$ 34,500
	Office		
	Publications	\$ 3,000	
	Technology	\$ 3,000	
	Rent	\$ 5,500	
	Office Supplies	\$ 2,000	
	Total Office		\$ 13,500
	Project Funding		
	Cloud Seeding	\$ 50,000	
	Water Studies	\$ 20,000	
	Update Water Master Plan	\$ 40,000	
	Total Project Funding		\$ 110,000
Balance			\$ -

ACTION: Motion by Mr. Clawson to approve the 2019 Budget for the Cache Water District. Seconded by Mr. White. Motion approved unanimously (8-0).

Aye: Simmonds, Clawson, Olsen, Hardman, White, Baldwin, Erickson, Clark,

Nay:

Absent: Dustin, Randall, Pierce

UASD BOARD APPOINTMENT

Mr. Daugs said the Water Districts should elect a voting member and an alternate to serve on the Utah Association of Special Districts (UASD).

ACTION: Motion by Mr. Clawson to elect Nathan Daugs to serve as a voting member and the Chairperson as an alternate appointment to the Utah Association of Special Districts. Seconded by Mr. Erickson. Motion approved unanimously (8-0).

Aye: Simmonds, Clawson, Olsen, Hardman, White, Baldwin, Erickson, Clark,

Nay:

Absent: Dustin, Randall, Pierce

FINANCIAL REPORT

No report was given due to Mr. Dustin's absence. Chair Simmonds will provide one to the Board prior to the end of the year.

MANAGER REPORT

Mr. Daus has been meeting with canal companies and several individuals who have come in to discuss concerns and ideas.

He has been working on restructuring and resubmitting the grant that was submitted earlier this year (for watershed group development). One of the challenges is that it was submitted as county-wide and the granting agency preferred smaller Hydrologic Unit Codes (HUC). The ranking committee has given some good ideas for resubmittal. Chair Simmonds provided a brief background for Mr. Clark and confirmed for Mr. Baldwin that the grant is through the Bureau of Reclamation.

Mr. Daus will be attending a Water Quality Board meeting in Salt Lake this week to discuss policy. He will be meeting with other districts on Friday to work on updating the statewide water infrastructure plan before it goes to the legislature.

Mr. White said it is important that the new Water Master Plan needs to be coordinated carefully with the County's Master Plan.

Mr. Erickson said there will be a lot of legislative decisions related to water this next session.

Mr. Pierce arrived at 5:42 p.m.

PRESENTATION

Dr. David Rosenberg & Dr. Belize Lane from the Civil & Environmental Engineering & Water Research Lab at Utah State University provided a presentation on *Promoting Instream Flows in Cache Valley*.

The purposes of the Cache Valley Water District should include:

- Planning for and facilitating long-term conservation.
- Development, protection, distribution, management and stabilization of water rights and supplies for domestic, irrigation, power, manufacturing, municipal, recreational and other beneficial uses, including the natural stream environment in cost-effective ways to meet the needs of the residents and growing population of Cache Valley.

Under Utah water law, the Division of Wildlife Resources (DWR) can appropriate water for instream uses [HB 58, 1986]. A subsequent statute [HB 117, 2008] allows non-profits that promote fishing in Utah to file temporary instream water rights applications to protect native trout habitat. Since 1986, DWR has acquired 8 instream flow rights (100 cfs) and Trout Unlimited (TU) has acquire 2 temporary rights (1.8 cfs, 571 acre-feet).

Five promising tools can work within the existing Utah water rights system to promote instream flows. These tools overcome two key challenges: (1) acquiring a water source either through existing water rights (leased, donated, or sold) or unappropriated water and (2) shepherding water from the source to the instream use location while preventing intermediary users from filing on or diverting the water.

1. **Incentivize Water conservation** (source) – An instream flow lessor encourages a water rights holder to conserve water. Then conserved (undiverted) water remains instream until the next downstream point of diversion. Water savings can occur through efficient irrigation technology, metering, secondary water use, irrigation scheduling, or rate changes. This tool could be augmented through voluntary landowner incentive programs.

2. **DWR Acquisitions** (source and shepherding) – DWR can acquire (by donation, lease, or exchange) temporary or permanent water rights for instream uses.

3. **The Federal Energy Regulatory Commission (FERC) Relicensing** (source and shepherding) – Over 24 hydroelectric facilities in Utah require a FERC license to operate. Instream flow released can be a condition for relicensing. Public input is part of the relicensing process, and timing is critical as licenses may last up to 40 years. The process can be protracted, expensive, and highly contentious.

4. **Split-Season Irrigation** (source) – in late summer an irrigator foregoes the use of their water right and leaves that water in-stream. Typically, the instream flow lessor compensates the irrigator for the foregone late-season crop, which may be a 3rd or 4th cutting of alfalfa. Split-season leases can proceed if the State Engineer's Office interprets existing law to allow a water user to have multiple uses per season (e.g. irrigation and instream).

5. **Water banking** (source and shepherding) - A water rights holder deposits their right into the water bank, which protects against forfeiture. Then another entity (e.g. DWR, UT) purchases or leases deposited rights from the bank for instream uses. The bank facilitates short-term instream water transfers and provides protection to shepherd instream water. Idaho has processed 30+ instream transfers through a statewide water banking system.

Changing Existing Utah Water Rights Law:

-Expand HB 117 to allow more entities to participate. Currently instream water sources identification and shepherding require DWR or TU be involved. Expand the entities that can participate to allow conservancy districts, local irrigation districts, water user associations, municipalities, individual water rights holders, and NGOs. More participating entities will offer more opportunities for partnerships, collaborations and bottom-up alliances for instream flows.

-Allow more instream purposes. Currently, allowed instream purposes focus on creating native trout habitat. Expand allowable instream purposes to include other ecological endpoints such as aquatic and riparian species and habitat. Expanding the purposes will likely encourage more holistic approaches to maintaining river ecosystem health, including more ecological benefits per unit of instream water.

-Allow water users multiple uses per season. The current law is silent on whether water users can have multiple uses per season and the State Engineer's Office has traditionally allowed only a single use. Modifying the statute to recognize multiple uses per season would allow split-season leases and other mechanisms that simultaneously promote instream, agricultural and possibly other uses.

-Allow permanent transfers. Permanent protection of undiverted water rights for instream flows would greatly encourage water conservation and provide a critical additional water source for instream uses. Allow permanent transfers of undiverted water rights to permitted entities in cases with clear biological need for instream water.

-Extend HB 117 sunset date. The statute passed in 2008 and expires in 2019 (extended from 2018). Make the statute permanent. Making the statute permanent will allow more instream flow projects, allow people looking to develop new projects to build upon past efforts, and provide a more stable regulatory setting.

-Expand HB 58 to allow more entities to participate. Currently, only the DWR and Parks & Recreation can appropriate water rights for instream flows under HB 58. Expand the state entities that can participate. Further, explicitly specifying the entities' ability to shepherd instream water past diversions would reduce transaction costs (time and resources) and encourage more instream water rights transfers under HB 58.

Mr. Rosenberg highlighted a case study:

Irrigation diversions on the South Fork Little Bear River drive chronic summer dewatering. The watershed is 88% privately owned and heavily allocated.

Solutions:

- TU worked with a local rancher to install a more efficient irrigation system.
- In exchange, TU leased 0.3 cfs of senior water rights from the landowner during the irrigation season (May 1 to September 30) under HB 117.
- The water gained will stay in the stream for ~2 mi. downstream to the next point of diversion.

Challenges:

- The length of time to complete the lease.
- The need for a new lease when land and water rights switched owners.
- Only a 4-year rather than a 10-year lease due to ownership change.

Suggested next steps for the District:

- Get authorization to implement instream flows
- Allow more entities and more instream purposes (HB 117)
- Extend HB 117 past 2019
- Strongly pursue water banking and conservation projects
- Identify most needed instream flow project
- Use instream flows to help develop Bear River water

Mr. Clawson asked about the challenges with conveyance water. Dr. Lane said there is a need to understand where/when the river goes dry, for how long and identify where the instream projects are most needed. There is still a lot of research to be done.

Mr. Baldwin asked about flow rights. If water law is changed, it could disrupt consumptive rights. Mr. Rosenberg said the goal is to have instream flow rights recognized as a beneficial use, the same other existing water rights. Mr. Baldwin asked whether on a low water year when irrigators have to cut back on water, would the new flow be junior to the

consumptive right? Mr. Rosenberg said the flow right for the instream use would go with the original water source. Dr. Lane said this type of situation would be a voluntary, incentive-driven, temporary exchange of water rights and it would not establish a precedence regarding established water rights. Dr. Rosenberg pointed out that there is no free water, we live in an allocated system.

Dr. Rosenberg said USU is working on creating a digital repository for information sharing and will be continuing to talk with legislators who work with water law.

Mr. Erickson said the best guarantee is through water storage.

Mr. Hardman asked about the idea of helping agriculture improve irrigation efficiency. Dr. Rosenberg said there are some programs geared toward this idea. Mr. Hardman asked if there is any public component in play. Dr. Rosenberg said there are different funding sources that can be used to upgrade infrastructure. Mr. Hardman said this needs to be addressed on a larger scale. Dr. Rosenberg said this issue needs to be considered holistically.

OTHER BUSINESS

Chair Simmonds congratulated the newly-elected Board members:

Herm Olsen – Logan #3
Jonathan W. Hardman – South
Kirt Lindley – At-Large Position
Shaun Dustin – Southeast
Bret Randall – Northeast

She also thanked Jon White for his dedication to the creation of and support for the Water District Board and recognized him for his service.

The newly-elected members will be sworn in on January 7, 2018 @ 12:00 at the Cache County Courthouse.

The next meeting will be held January 7, 2018 @ 5:30 p.m.

ADJOURN

The meeting adjourned at 6:38 p.m.