



## 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.

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## CACHE WATER DISTRICT BOARD OF TRUSTEES WORK MEETING MINUTES October 24, 2019

The Cache Water District Board of Trustees convened on October 24, 2019 at 3:00 p.m. 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  
Jonathan W. Hardman – South Council District  
Scott Clark - Logan #2 Council District  
Bret Randall – Northeast Council District  
Don Baldwin – Agricultural Representative  
Kirt Lindley – At-Large Position  
Herm Olsen – Logan #3 Council District  
Shaun Dustin – Southeast Council District  
Jared Clawson – At-Large Position

### **MEMBERS OF THE BOARD ABSENT:**

Max Pierce – North Council District  
David Erickson – At-Large Position

**OTHERS IN ATTENDANCE:** Nathan Daugs (Manager), Zan Murray (J-U-B Engineers), Josh King (Langdon Group), Chris Slater (J-U-B Engineers), Mark Anderson, Hilary Shughart (Bridgerland Audubon Society), Bryan Dixon, Wayne Wurtsbaugh, Joanna Endter-Wada (USU), Clint Carney (USU), Candice Hasenyager (DNR), Emily Lewis (Clyde & Snow)

The meeting was called to order by Chairman Hardman at 3:00 p.m. and the agenda was outlined.

### **MEETING GOALS**

Mr. King explained that the focus of this meeting is to gain a clear understanding of what is most important over the next 5-10 years. Identifying specific objectives will help the District effectively move forward. J-U-B, as part of the update process, has been meeting with stakeholders, considering current objectives and beginning to evaluate what future plans might be. This meeting is to understand, from the Board's perspective, what the key objectives should be.

## **CONSERVANCY DISTRICT LAW**

The District is governed by an 11-member Board of Trustees as authorized by Utah Code §17B-1-301, -302 and 17B-2a-1005.

Mark Anderson, attorney for UASD, pointed out that the Water Conservancy District Act outlines what a Board can and cannot do. The Cache Water District is an independent political subdivision of the State of Utah with a very narrow focus. §17B-2a Part 10 identifies a couple of important components such as legislative intent. The intent of the legislature and policy of the State of Utah is to provide for the conservation and development of the water and land resources, and to provide for the conservation and development of the water and land resources, including the greatest beneficial use and protection of allocations. There has been a fair amount of discussion regarding Bear River water allocated to Cache County; the statute states “up to 60,000 ac-ft.” which means there is no guarantee that Cache County will get the entire 60,000 ac-ft. The Board should make plans for, and establish the need for, that water. The legislative language addresses municipal and agricultural uses. §17B-2a-1004 addresses acquiring land, water rights and infrastructure to provide services and the power and authority to encourage water conservation. The Board can assist irrigation companies and local municipalities by providing personnel, training, and help with funding (among other things). A limitation for the Water District is that it cannot serve water within a municipality without that municipality’s consent (which is stressed in the bylaws). One of the goals is to help preserve and protect water rights. The Bear River Conservancy District (which is similar to the Cache Water District) does have water rights and provides wholesale water services, as well as providing funding assistance for local water systems. Some of the larger districts have retail customers. Water banking is something that may prove to be very beneficial. The bylaws were carefully thought out to help govern the Board. The District can amend the bylaws, as deemed necessary, if it does not violate state law.

## **DISTRICT PURPOSES**

The purpose statement within the bylaws was reviewed.

*“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, recreation and other beneficial uses, including the natural spring environment in a cost-effective way to meet the needs of the residents and growing population of cache county;*

*In furtherance or protecting and preserving water supplies that are necessary for Cache County’s future, the District will assist in water conservation education and programs; assist local municipalities and Cache County as they establish and implement water management policies and ordinances while maintaining the autonomy of existing water suppliers; undertake environmental and other studies to provide information necessary to make proper and timely water use decisions; obtain grants and low-cost loans to upgrade and construct needed water infrastructure; and adopt the current version of the Cache County Water Master Plan as adopted by the Cache County Council (“Master Plan”) until such time as the Cache Water District adopts its own water master plan.”*

The group was invited to take place in an exercise to determine aspects they felt were most important by placing indicators next to certain factors. Mr. King outlined the results:

- Conservation – 5
- Development – 4
- Protection – 5
- Distribution – 3
- Management & Stabilization – 1
- Domestic – 0
- Irrigation – 6
- Power – 2
- Manufacturing – 1
- Municipal – 3
- Recreation – 1
- Other Beneficial Uses – 3
- Cost-effective Ways to meet Needs - 6
- Water Conservation Education Programs - 7
- Assist Local Municipalities Establish Water Policies - 5
- Undertake Environmental & Other Studies - 3
- Obtain Grants/Loans - 6

Mr. Dustin questioned the loans/grants part of the charter and is a bit conflicted. If a canal company has an ability to charge its shareholders, is it philosophically right to then tax the entire County for things that should have been taken care of (e.g. maintenance, funding)? Ms. Simmonds agreed and said the District could have an opportunity to help and/or obtain grants/loans that a canal company not might be able to acquire on their own and then facilitate a payback program. Mr. Dustin is worried about funding becoming a “slippery slope”. Mr. Clawson said a canal president may not have the expertise to be able to find loans or grants and could use the District as a resource to obtain that information. Mr. King agreed with Mr. Dustin and said it will be important to determine how to interpret that issue and clarify what the role of the District should be.

Mr. Slater advised that some of the feedback from Board members included the importance of protecting the Bear River allocation, improving natural stream flows, increasing conservation and providing a voice within the legislature.

Mr. Clawson said many open canals have infrastructure, built hundreds of years ago, that has begun falling apart. There is a need for improvement regarding irrigation and conservation, especially education regarding SB52 and secondary metering.

Mr. Dustin pointed out that irrigation drives water banking and the need to identify what the incentive is to conserve. What can the District do to encourage state leaders to work with water right holders to help protect their rights?

## **DISTRICT OBJECTIVES**

Mr. King said objectives are broad (what can be accomplished) and actions can help meet those objectives.

Mr. Anderson mentioned the need for more elaboration regarding “generated power”. In the statute, there is nothing authorizing or allowing a District to generate power. Mr. Hardman asked if Mr. Anderson was aware of any other district’s that generate power. Mr. Anderson said he is aware of one district that entered into a contract to allow someone to install “turbines” inside their pipe.

Mr. Anderson said the Utah Association of Special Districts (UASD) meets each Tuesday at Noon at the State Capitol during legislative sessions. The Committee reviews pending legislation and bills. He encouraged the Board to send a representative to those meetings.

Mr. King outlined the results of the second exercise:

Protection of Water Rights – 14

Protection of Bear River Allocation -10

Protect Adequate and Reliable Irrigation Supply - 9

Mr. Randall said the District Manager will eventually have expertise on historical, current and future status of water rights and legislative issues to help local canal companies. Mr. Baldwin agreed but also cautioned that the Board must “earn their stripes”. Canal companies know quite a bit about their rights and respective systems and should not be underestimated. There is still a certain amount of distrust toward the Board because companies are not completely certain what the Water District may or may not do. The District should continue to work on and earn the trust of its constituents. Mr. Randall agreed.

Mr. Randall said one of the main reasons for the formation of the District was for the protection of local water.

Mr. King said it is important to consider environmental, agricultural and municipal issues to ensure that objectives improve all those areas.

Ms. Endter-Wada questioned why collaboration was not ranked higher. She indicated the importance of a uniformed strategy. A rural conservancy district may be different than the general model and it is important to work together. Ms. Simmonds agreed and said there are many objectives that are interconnected. The District can be a successful resource and conduit for information. Mr. Daus agreed and pointed out that with over 140 canal company boards, education and support are key elements. Ms. Endter-Wada said collaboration could be more for policies and strategies and not specific to projects. Ms. Simmonds said as the Water District grows, it can become a stronger voice for the valley in larger forums.

Mr. Murray said with 11 different people on the Board, there are 11 different opinions and perspectives, which can be both a strength and a distraction. Identifying objectives is fundamental to the purpose of the District. The goal is to allow the Board to align and unite to accomplish the purposes and objectives.

Mr. King said they will be presenting at the next Board meeting on November 18.

The meeting adjourned at 4:55 p.m.