

**MIDWAY WATER ADVISORY BOARD  
MONDAY May 6, 2024  
MEETING MINUTES**

Minutes of the Midway Water Advisory Board meeting held May 6, 2024, at 6:00 p.m. in the Midway City Office Building, 75 North 100 West, Midway, UT.

**Roll Call**

Irrigation Members: President/Chair Steve Farrell, Hylton Haueter, Mike Lundin.  
Midway City: Mayor/Co-Chair Celeste Johnson, City Councilman Craig Simons, City Councilman Jeff Drury, Wes Johnson, City Engineer, Michael Henke, City Planner, and Jennifer Sweat, Treasurer/Midway Water Advisory Board Secretary.

**General Consent Calendar**

Midway Irrigation President/Chair Steve Farrell asked for approval of the General Consent Calendar which consisted of:

- a. Approval of the Agenda for May 6, 2024
- b. Approve Meeting Minutes for April 1, 2024

**Motion: City Councilman Craig Simons made a motion to approve the General Consent Calendar. Irrigation Member Mike Lundin 2<sup>nd</sup> the motion.**

Midway Irrigation President/Chair Steve Farrell asked if there were further questions regarding this item? There was not.

**Motion was carried unanimously.**

The board decided to switch item # 2 and #3, and would hear item #3 first, and then #2 on the agenda.

**Probst Subdivision – 305 W Main Street**

Michael Henke presented the following land use summary for the property:

- **2.4 acres**
- **Zone R-1-9**

- **3 proposed lots**
- **1 existing dwelling**
- **Located in the original 21 lots of the historic Midway plat.**

The board reviewed the property via plat map, google earth, and that the property was in the original 21 lots for Midway City, which gives property in those locations a culinary credit, and that will be the case for this project. (See 10.07.010 Water Needs)

Planner Henke presented the following water requirements:

- **2.4-acre parcel (104,544 sq. ft.)**
  - **Impervious area for dwellings, accessory structures, hard surfaces**
    - **0.55 acres (24,000 sq. ft.)**
  - **Irrigated acreage**
    - **1.85 acres (80,544 sq. ft.) x 3 = 5.55-acre feet**
- **3 culinary connections for dwellings**
  - **2.4-acre feet**
  - **Credit of 1.5 for existing dwelling and historic irrigation**
- **Credit of 1.6 for two historic lots of 0.8 acres**
- **Total = 7.95 – 3.1 = 4.85-acre feet**

Midway Irrigation President/Chair Steve Farrell stated that he figured the requirement differently, but it was only off by .01 so he felt comfortable going with Planner Henke's calculations.

The board discussed that there was a spring on the property that had been recently adjudicated , and it was 20 acres, and they had been given 60-acre feet, and wanted to use that for the water requirement. The board discussed this and stated that the applicant would need to make a change application, and take 4.85-acre feet from that adjudication, and put that into the City's name. However, there could be a haircut on the 60-acre feet, but they will not know that until they

go to the state for the change application. However regardless of how the water is obtained, 4.85-acre feet would be required for the project, and a motion would need to be made for that by the water board. Then once the change application has been completed, they would need to go to the City Council for final approval as the water board is advisory only.

Midway Irrigation President/Chair Steve Farrell asked if there were further questions or discussion regarding this item? There was not.

**Motion: City Councilman Jeff Drury made a recommendation to City Council for approval of the Probst Subdivision be required to turn in 4.85-acre feet of water. Midway Irrigation Member Hylton Haueter 2<sup>nd</sup> the motion.**

Midway Irrigation President/Chair Steve Farrell asked if there were further questions regarding this item? There was not.

**Motion was carried unanimously.**

### **The Homestead Resort – 2024 Master Plan Water Calculations**

Michael Henke, City Planner stated that this board has looked at the Homestead on many occasions, and he reviewed the property and the Master Plan for the Homestead. This process was started in 2008, and there had been changes made throughout the years. It had been reviewed by the water board 6 times previously, and a baseline was obtained for the project.

Since the last time the project was looked at it had been decided there would be a Phase one, and Phase two, the information received from Paul Berg, Engineer for the project was not broken out in phases, but all together. Paul stated that the intent was to record both phases at the same time. It was also discussed that the hotel would be rebranded as a Marriott – Autograph, and in doing that there were changes that needed to be made for the master plan.

Planner Henke presented the following information for prior calculations, and the new calculations based on the new plans.

**Table 1 - Water Use Requirements**

Use	Water Requirement		Source of Requirement	Return Flow Requirement	Total Required	
	Quantity	Unit			Quantity	Unit
Irrigated / landscaped area	3.00	acre-feet/acre	Midway Water Board	0.00	3.00	acre-feet/acre
Hotel resort unit	150	gpd/unit	Table 1, Utah Code R309-510	1.77	0.30	acre-feet/unit
Restaurant	35	gpd/seat	Table 2, Utah Code R309-510	1.77	0.07	acre-feet/seat
Swimming pools	10	gpd/person	Table 2, Utah Code R309-510	1.77	0.02	acre-feet/person
Retail and commercial	500	gpd/toilet	Table 2, Utah Code R309-510	1.77	0.99	acre-feet/toilet
Visitors (conference) center	5	gpd/person	Table 2, Utah Code R309-510	1.77	0.01	acre-feet/person
Spa and activity center	25	gpd/person	Table 2, Utah Code R309-510	1.77	0.05	acre-feet/person

**Table 2 - Change in Water Uses at The Homestead**

Use	Quantity	Unit
Existing units to be removed	-12	units
Irrigated area added to resort	4.61	acres
Pond area added to resort	0.07	acres
Residential homes	5	homes
New hotel units	49	units
Additional restaurants seating	130	seats
Additional restaurant (Milk House)	35	seats
Additional swimming pool capacity	206	person
Retail and commercial	2	toilet
Conference Center and Wedding Ba	864	person
Spa	50	person
Activity Center	40	person

**Comments**

Only 12 existing units to be removed, 125 of the existing 137 units will remain.

42 units in 6-plex buildings, 4 in Virginia House and 3 in Center House  
See note 4.

Based on occupancy calculations on building permit plans.

See note 1.

Additional mens and womens toilet stalls in commercial and amenity areas

Proposed additional conference center capacity at The Homestead

Based on gym participant in the state code.

Based on gym participant in the state code.

**Table 3 - Additional Water Needs for The Homestead Resort**

Use	Project Quantity	Unit	Water Requirement with Return Flow	Unit	Total (acre-feet)
Credit for removed hotel units	12	units	-0.30	acre-feet/unit	-3.60
Irrigated area added to resort	4.61	acres	3.00	acre-feet/acre	13.83
Pond area added to resort	0.07	acres	3.00	acre-feet/acre	0.21
Residential homes	5	homes	0.80	acre-feet/home	4.00
New hotel units	49	units	0.30	acre-feet/unit	14.70
New restaurant spaces	130	seats	0.07	acre-feet/person	9.10
Additional restaurant (Milk House)	35	seats	0.07	acre-feet/person	2.45
Swimming Pools	206	person	0.02	acre-feet/person	4.12
Retail and commercial	2	toilet	0.99	acre-feet/toilet	1.98
Conference Center and Wedding Ba	864	person	0.01	acre-feet/person	8.64
Spa	50	person	0.05	acre-feet/person	2.50
Activity Center	40	person	0.05	acre-feet/person	2.00

**59.93 acre-feet of additional water rights**

APR



380 E. Main, Suite 204  
Midway 84049 UT  
435.657.9749

December 23, 2020

Mayor Johnson  
Midway Water Advisory Board  
75 North 100 West  
Midway, Utah 84049

Re: Homestead Golf Course  
Water Rights for Golf Course Irrigation

Dear Mayor Johnson:

The Midway Water Board granted preliminary approval to the new master plan for The Homestead on November 2, 2020. A condition of the preliminary approval was to provide an accounting of the water rights for the golf course. This letter provides a summary of the water rights available for the golf course.

**Golf Course Area**

The Homestead Golf Course was built in the late 1980's. The golf course contains 104 acres of irrigated area. This was documented with the approved 2008 Homestead Master Plan in the Jim Riley Engineering letter dated April 26, 2007. This area was recently confirm by the Hansen, Allen and Luce in their Water Right Evaluation of The Homestead Resort dated September 2020.

**Water Rights**

On May 6, 2019, Steve Farrell made the following motion at the Midway Water Advisory Board meeting. *"...We again recognize that the Homestead owns 57.5 shares tied up in certificate number #3788, that they own 3 shares with Midway City/Turnberry in certificate number #3989, they have 33.84 shares in perpetual leases, they have a 40 share lease with the State of Utah that has a 50 year term, with 28 years remaining, which gives them a total amount of shares leased as 73.84 shares, and combined with the ownership shares they have a total of 134.34 shares of water available for their project. The Board accepts documentation provided by Judge Stuart Waldrip and Steve Eddington as legal notice given for the perpetual leases, (Sally Brinton (3), Keith Gertsch (1), Kyle Robertson (2), and Cottages on the Green (18.50))..."* This motion was approved unanimously.

Not specifically listed in the motion but included in the 134.34 share total is certificate # 3658 of 1.22 shares from The Kantons, certificate # 3668 of 7.50 shares from The Links and 0.62 shares dedicated for golf course area with the Midway Village PUD. Below is a summary of the Midway Irrigation Company shares that owned, leased or transferred to Midway City as part of a development approval.

APR

May 6, 2024

New

<u>Owner</u>	<u>Certificate #</u>	<u>Shares</u>
The Homestead	3788	57.50
Midway City/Turnberry	3989	3.00
Midway City/Midway Village		0.62
Sally Brinton	2630	3.00
Keith Gertsch	3114	1.00
Kyle Robertson	3976	2.00
Cottages on the Green	3325	18.50
The Kantons	3658	1.22
The Links	3668	7.50
Utah State Parks		<u>40.00</u>
		134.34

In addition to the Midway Irrigation Company shares that are owned or leased, The Homestead also has irrigation rights in the Schneitter Spring (55-1497) and the Slough Ditch (55-1497). These water rights are not included in the master plan but are available for use by The Homestead. In their September 2020 report, Hansen, Allen and Luce has stated that *"between the water rights and the Midway Irrigation Company shares, The Homestead has the ability to irrigate 149 acres of land."*

We request that this letter be provided to the Midway Water Board and reviewed at the January 4, 2021 board meeting in response to the condition of the preliminary approval motion.

Respectfully,

  
Paul Berg, P.E.

APR

May 6, 2024

**Table 1 - Water Use Requirements**

Use	Water Requirement		Source of Requirement	Return Flow Requirement	Total Required	
	Quantity	Unit			Quantity	Unit
Irrigated / landscaped area	3.00	acre-feet/acre	Midway Water Board	0.00	3.00	acre-feet/acre
Hotel resort unit	150	gpd/unit	Table 1, Utah Code R309-5	1.77	0.30	acre-feet/unit
Restaurant	35	gpd/seat	Table 2, Utah Code R309-5	1.77	0.07	acre-feet/seat
Swimming pools	10	gpd/person	Table 2, Utah Code R309-5	1.77	0.02	acre-feet/person
Retail and commercial	500	gpd/toilet	Table 2, Utah Code R309-5	1.77	0.99	acre-feet/toilet
Visitors (conference) center	5	gpd/person	Table 2, Utah Code R309-5	1.77	0.01	acre-feet/person
Spa and activity center	25	gpd/person	Table 2, Utah Code R309-5	1.77	0.05	acre-feet/person

**Table 2 - Change in Water Uses at The Homestead**

Use	Quantity	Unit	Comments
Existing units to be removed	-12	units	Only 12 existing units to be removed, 125 of the existing 137 units will remain.
Irrigated area added to resort	2.40	acres	less than previous plan (4.61 acres) due to additional parking and buildings
Pond area added to resort	0.11	acres	Previous master plan had 0.07 acres
Residential homes	7	homes	Previous master plan had 5 homes
New guest condo units	68	units	3 - 6 unit building, 5 - 10 unit building (Previously 49 units).
Additional restaurants seating	130	seats	See note 4.
Additional restaurant (Milk House)	35	seats	Based on occupancy calculations on building permit plans.
Additional swimming pool capacity	206	person	See note 1.
Retail and commercial	2	toilet	Additional mens and womens toilet stalls in commercial and amenity areas
Wedding Barn	300	person	Conference Center removed. (Previously 864 persons)
Spa	50	person	
Activity Center	40	person	

**Table 3 - Additional Water Needs for The Homestead Resort**

Use	Project Quantity	Unit	Water Requirement with Return Flow	Unit	Total (acre-feet)
Credit for removed hotel units	12	units	-0.30	acre-feet/unit	-3.60
Irrigated area added to resort	2.40	acres	3.00	acre-feet/acre	7.20
Pond area added to resort	0.11	acres	3.00	acre-feet/acre	0.33
Residential homes	7	homes	0.80	acre-feet/home	5.60
New guest condo units	68	units	0.80	acre-feet/unit	54.40
New restaurant spaces	130	seats	0.07	acre-feet/person	9.10
Additional restaurant (Milk House)	35	seats	0.07	acre-feet/person	2.45
Swimming Pools	206	person	0.02	acre-feet/person	4.12
Retail and commercial	2	toilet	0.99	acre-feet/toilet	1.98
Wedding Barn	300	person	0.01	acre-feet/person	3.00
Spa	50	person	0.05	acre-feet/person	2.50
Activity Center	40	person	0.05	acre-feet/person	2.00

89.08 acre-feet

The board discussed the various visits to the Water Board, and discussed original use of water, and audits that had been done on the project. Originally the amount of water required was 59.53-acre feet, and now it is at 89.08-acre feet.

The reason for the increase is because the New Guest Condos went from 49 units to 68 units, the conference center had been changed to a Wedding Barn, and Resident homes went from 5 homes to 7 homes.

Planner Henke stated that the following were discussion items he saw for the project:

- **Water usage in the Wedding Barn**
  - **Visitors Center – 5 GPD**
  - **School with cafeteria and no gym showers – 25 GPD**

- **Water usage needs to broke down in phases.**
  - **Water dedication required for existing uses.**

The board discussed various issues with the project, and questions they had besides the discussion items Planner Henke brought up ( Development Shares, Water Leases, what is dedeed, what is not, leases perpetuity). The board also reviewed the Utah Division of Drinking Water, and unfortunately, they do not have a “wedding barn” to use for water requirement.

The board asked if there was going to be a kitchen in the barn? Yes, but it is a catering kitchen, so will that be a full kitchen? Paul was not sure about that.

Because the calculations had not been broken into phases, and there were also additional questions the board wanted answered it was decided to continue the item, and have it returned to Water Advisory Board.

**Motion: City Councilman Craig Simons made a recommendation to continue The Homestead Resort so that additional information can be gathered by Berg Engineering who can go back to the Homestead for the additional information the board has discussed, and water requirements by phases if the project is being done in phases, and then return to the Water Advisory Board. Midway Irrigation Member Hylton Haueter 2<sup>nd</sup> the motion.**

Midway Irrigation President/Chair Steve Farrell asked if there were further questions regarding this item? There was not.

**Motion was carried unanimously.**

### **New/Old Business**

Midway Irrigation President/Chair Steve Farrell if there were any information regarding New/Old Business? There was not.

**City Councilman Jeff Drury moved for adjournment. So moved, and meeting was adjourned at 7:00 p.m.**