

**MIDWAY WATER ADVISORY BOARD
MONDAY June 3, 2024
MEETING MINUTES**

Minutes of the Midway Water Advisory Board meeting held June 3, 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, Russ Kohler, Mike Lundin.
Midway City: City Councilman Craig Simons, 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 June 3, 2024
- b. Approve Meeting Minutes for May 6, 2024

Motion: City Councilman Craig Simons made a motion to approve the General Consent Calendar. Irrigation Member Mike Lundin 2nd 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 – Continued from May 6, 2024, Meeting.

Planner Henke stated that we did look at the Homestead at the May 6, 2024, meeting, and the board had questions regarding the project that they felt needed to be looked at before this board could make a recommendation to the City Council.

As a reminder the land use summary for the project is:

- **72.01 acres**
- **Resort Zone**
- **2 phases**
- **Sensitive lands on the property include The Crater and wetlands.**

The following chart was presented on May 6, 2024, for water usage:

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

As mentioned before the board had questions regarding the use of the Wedding Barn, as well as it not being broken down into phases as was indicated by the applicant that there would be 2 phases. Paul Berg, engineer for the project presented the following information regarding those questions:

**The Homestead
2024 Resort Master Plan
Additional Water Right Calculations**

MAy 28, 2024

Prepared by: Paul Berg, P.E., Berg Engineering

Project Information

Tables 1-3 provide the water right requirements and additional water uses for new The Homestead Resort Master Plan.

Resolution 2008-09 A Master Plan Development Agreement for The Homestead Resort states in Section 3.1(b)(4) - Water
"On May 5, 2008 the Midway Advisory Board determined that the Developer owns or leases enough water to provide an additional 107 acre-feet of water which is necessary to serve the improvements (including the golf course) identified on the project."

Existing uses at The Homestead that will be replaced with similar facilities are not considered in the analysis. New or expanded uses must dedicate additional water rights. These new or expanded uses are calculated below. Credits for existing uses that will be removed are also shown. Existing uses that will be replaced within the resort include the golf clubhouse, restaurants, conference rooms, house keeping and existing restrooms.

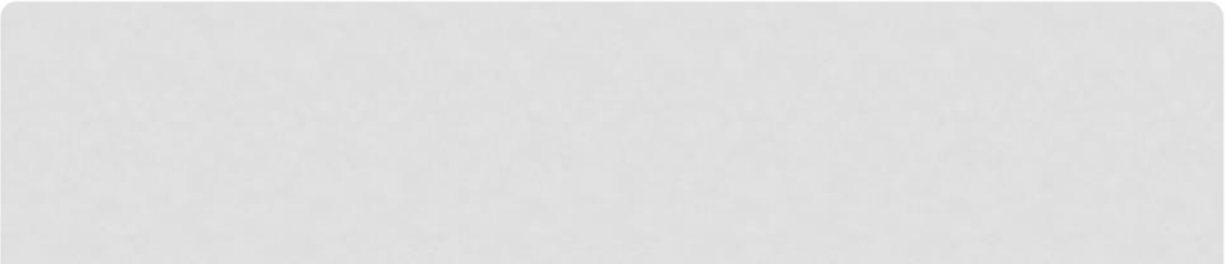
The water right calculations below are based on the amended master plan dated February 27, 2024.
There were 12.90 acres of irrigated area within the existing Homestead resort core prior to the 2020 improvements.
The new master plan will irrigated an additional 2.40 acres.
The existing site has 0.72 acres of ponds.
The new master plan contains a new 0.11 acre pond near the wedding barn
These numbers should be verified once the final landscape plans are completed.

Response to May 6, 2024 Water Board Questions

Homestead currently has 15 weddings a year.
Homestead has 130 conference events in the 5 existing conference spaces.
50 events with a meal per year (weddings or conferences) are expected in the new Event Barn.
20 events without a meal per year are expected in the new Event Barn
Only the new uses are accounted for in the water calculations below.
See Restaurants - d. per customer served (includes toilet and kitchen wastes) from Table 2, Utah Code R309-107 for events with meals
Visitor Center assumed for conferences with meals from Table 2, Utah Code R309-107.

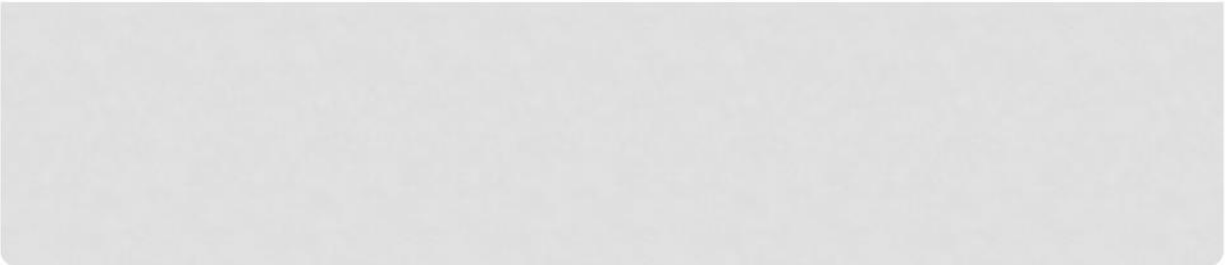


June 3, 2024



Notes:

1. The existing swimming pools, hot tub and fitness center has an existing capacity of 194 people. The new swimming pools have a proposed capacity of 400 people for a net difference of 206.
2. 1 acre-feet per year = 892 gallons per day
3. The Midway Water Board policy was recently changed from 1.0 acre-feet per home to 0.80 acre-feet per home. This change represents a 1.77x return flow. The previous policy was 2x.
4. The existing restaurants have a 172 seating capacity (Simons 96 and Fanny's 76). The new restaurants, bars and lounges have a capacity of 302 for an increase in restaurant capacity of 130 seats.
5. Per the building permit application the Milk House food and beverage outlet has a occupancy of 35 people.



With that information, the following chart was presented as new water requirements for the project:

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 |
| Weddings & conferences with a meal (50 per year) | 10 | gpd/seat | Table 2, Utah Code R309-510 | 1.77 | 0.003 | acre-feet/seat |
| Conferences without a meal (25 per year) | 5 | gpd/person | Table 2, Utah Code R309-510 | 1.77 | 0.0007 | 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 | 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 quest 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 |
| Weddings and conferences with a meal | 300 | person | |
| Conferences without a meal | 300 | person | |
| 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 quest 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 |
| Weddings and conferences with meal (50 per year) | 300 | person | 0.003 | acre-feet/person | 0.90 |
| Conferences without a meal (25 per year) | 300 | person | 0.0007 | acre-feet/person | 0.21 |
| Spa | 50 | person | 0.05 | acre-feet/person | 2.50 |
| Activity Center | 40 | person | 0.05 | acre-feet/person | 2.00 |

87.19 acre-feet

Also presented were calculations based on phasing:

The plat sheets for 68 condos (The Homestead Retreat) and the 7 golf course cottages (The Homestead Villas) are attached. These will be recorded with Phase 2 of the resort. The resort core and the open space parcels will be recorded as Phase 1. The calculations for Phase 2 are provided below.

Phase 2

Inside Use

| | | | |
|-------------|------------|---------------------|-----------------------------|
| The Retreat | 68 condos | 0.80 acre-feet/unit | 54.40 acre-feet |
| The Villas | 7 cottages | 0.80 acre-feet/unit | <u>5.60 acre-feet</u> |
| | | | 60.00 acre-feet (20 shares) |

Irrigation

| | | | |
|---|------------|---------------------|------------------------------|
| The Retreat | 1.62 acres | 3.00 acre-feet/acre | 4.86 acre-feet |
| The Villages | 1.96 acres | 3.00 acre-feet/acre | 5.88 acre-feet |
| less currently irrigated areas in the golf course | 1.60 acres | 3.00 acre-feet/acre | <u>- 4.80 acre-feet</u> |
| | | | 5.94 acre-feet (1.98 shares) |

Phase 1

The total estimate water rights need for the improvements to The Homestead is 86.80 acre-feet.

Phase 1 rights needed = Total – Phase 2 = 86.80 – 65.94 = 20.86 acre/feet (6.95 shares)

Golf course areas included in the open space plats for Phase 1 are not included in the water calculations but are included in the 104 acres of golf course area that the Homestead has water right for. Please see the attached letter for more information.

65.94-acre feet for phase one-, and 21.25-acre feet for phase two, for a total of 87.19-acre feet.

Also reviewed was the letter prepared by Paul Berg Engineer for the project:

June 3, 2024

(Draft with Revisions for June 3, 2024 Staff Review)

Steve Farrell
Midway Water Advisory Board
75 North 100 West
Midway, Utah 84049

Re: The Homestead - Water Rights for Development

Dear Steve:

The 2024 plan for The Homestead was presented to the Midway Water Board for approval on May 6, 2024. Before granting approval the Midway Water Board requested a summary of the total water rights, the water rights that will be transferred to Midway City for new development within the resort and confirmation of adequate irrigation rights for the golf course. This letter provides this information and restates information previously provided to the Midway Water Board.

Water Rights Needed for New Development

A total of **87.19** acre-feet or **29.06** shares of water rights are needed for the new development at The Homestead. Please see the calculations enclosed with this letter for more information.

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 Share Summary

On May 6, 2019, Steve Farrell made the following motion at the Midway Water 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.

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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. Also listed are the water shares after The Homestead is developed per the new 2024 plan.

Table 1 - Homestead Water Share Summary

| <u>Owner</u> | <u>Certificate #</u> | <u>Current (Shares)</u> | <u>To City (Shares)</u> | <u>After Development (Shares)</u> |
|----------------------------|----------------------|-------------------------|-------------------------|-----------------------------------|
| The Homestead | 3788 | 57.50 | 29.06 | 29.06 |
| Midway City/Tumberly | 3989 | 3.00 | | 3.00 |
| Midway City/Midway Village | | 0.62 | | 0.62 |
| Sally Brinton | 2630 | 3.00 | | 3.00 |
| Keith Gertsch | 3114 | 1.00 | | 1.00 |
| Kyle Robertson | 3976 | 2.00 | | 2.00 |
| Cottages on the Green | 3325 | 18.50 | | 18.50 |
| The Kantons | 3658 | 1.22 | | 1.22 |
| The Links | 3668 | 7.50 | | 7.50 |
| Utah State Parks | | 40.00 | | 40.00 |
| | | 134.34 | 29.06 | 104.91 |

Other Water Rights

In addition to the Midway Irrigation Company shares that are owned or leased as shown above, 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."*

Conclusion

- The Homestead has enough owned shares to transfer to Midway City to support the new development on the property.
- The Homestead has enough owned or leased shares for the 104 acres of irrigated golf course area.
- The Homestead will own 0.91 shares not used for new development or golf.
- The Homestead owns other water rights in the Schneitter Spring and the Slough Ditch that could be used for future development if change applications are approved by the State Engineer and the water rights are accepted by Midway City.

We request that this letter be provided to the Midway Water Board and reviewed at the June 3, 2024 board meeting.

Respectfully,

Paul Berg, P.E.

The board discussed the 104 acres golf course, and there were questions regarding the number for Sally Brinton, as she had disputed the lease with Homestead, and used all her water for her development, Huntleigh Woods. Jennifer Sweat, Board Secretary pulled the minutes from the approval for that subdivision as well as the recorded shares turned into Midway City, and it was

June 3, 2024

determined that 8 shares were turned in and 2.01 acres was for the open space which was the golf course. Sally Brinton's number would need to be adjusted to 2 shares.

The board was also concerned with the lease from the State Park as it was not in perpetuity but had a term of 50 years, with about 23 years left on the lease. However, what would happen when that expired? That would leave about 39 acres of the golf course without water.

The board discussed that they were a recommending body, and that they felt they should pass this along to City Council, with a recommendation that they were ok with the water calculations presented tonight, but did have concerns with the lease of water with a term, and that this wasn't something that was usually handled this way, with the water not all being dedicated to the City for the project.

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

Motion: Midway Irrigation Member Mike Lundin made a recommendation to the City Council to accept the water calculations for The Homestead Resort as presented tonight, of 87.19 acre feet for the new proposed uses, however the board does have concern over the leased water that has a term with the State Park, as well as what is being asked is different than City Policy in dedicating water to the City. Midway Irrigation Member Russ Kohler 2nd 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.

Midway Irrigation Member Russ Kohler moved for adjournment, Midway Irrigation Member Mike Lundin 2nd the motion meeting was adjourned at 6:55p.m.

DRAFT

June 3, 2024