

Rural Water Conference 3/2009

There were 4 sessions attended by Janet Webb and John Tully

- 1) Water rights 101
- 2) Change in Water Laws
- 3) Sustainable Infrastructure
- 4) Utah Funding Agencies and Options

Water Rights 101 was hosted by John Mabey, Jr. a water rights attorney from SLC (Contact information obtained). The issues the Board should review are what is our 'beneficial use' as to our water right – meaning is it domestic, seasonal, irrigation, stock water, industrial, etc. The Board could contact the local office to review our designation. Also after the meeting we spoke specifically about Springs 5 and 6. The attorney stated an easement to maintain the spring should be in place as well as a spring protection zone designating what type of development is allowed. Also he said if the land owner refuses to allow access to the springs the water right owner could “condemn” the land and acquire an easement that way. Attorney Mabey stated he advises the 2 parties to “work it out” as it’s a better solution.

Changes in Water Laws dealt almost completely with House Bill 51 and Forfeiture Exemptions. Both issues are complex and if the HOA reviews and maintains their water rights at the local office, we should never have issues of forfeiture. No issues at this time were pertinent to the HOA.

Sustainable Infrastructure gave a general overview of water system maintenance. One important point in this presentation was “Burden of investing in Water System Infrastructure and Operation and Management rest on the customer through:

- Water Rates
- Impact Fees
- Connection Fees.

This will aid Board members and current property owners in explaining the need for connection fees to new or future HOA members

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Utah Funding Options was poorly managed by the moderator but some valuable information was obtained. Overall, 5 agencies exist in the State for water system loans and grants. The Community Impact Board was the only one whose entire funding came from the Federal Government and they focus mostly on waste water and treatment. The HOA's only option for funding will most likely be the Division of Drinking Water (DDW). The DDW offers 2-3% loans over 20 years. The current budget is \$19 million to the State office with an additional \$8 million expected this spring. \$9.75 million will be awarded in grants this year. The DDW office currently has requests for \$350 million in applications. The focus of the DDW is to be "shovel ready" with energy savings and green technology. The power point slides are of little value other than the contact information but they will be saved for your review

