# Water Supply / Surplus Water Committee Notes

2018/05/29 Held our first meeting. We handed out Rep. Coleman’s bill, constitutional provision against alienation and statute on making surplus product available outside city limits. Mark Stratford reported league is doing a survey to get a better handle on what cities are serving water outside their boundaries. Richard Bay reported the big districts jurisdictional area is so large they probably don’t have this problem. JVWCD has a more limited jurisdictional area and they are cautious about going outside it. He mentioned their board made the decision to supply water to Copperton which is that kind of situation. Drinking water offered that they could identify from water use records water entities wholesaling and receiving water from other entities. They agreed to provide that information for our next meeting.

Rep. Coleman stated that her bill from last session was aimed at collecting data so the legislature could assess the situation and address the risks as a policy issue. Based on the discussion she wondered if the data collection piece could be completed by the committee without legislation and her focus should shift toward the risks.

Rusty Vetter speaking for SLC indicated they have review their contracts and their current position is that only water use in the canyons is surplus water. They consider the other retail customers to whom they supply water as part of their service area and are treating them like all other SLC customers except their rate is different since they don’t pay other SLC taxes. They plan to perpetually serve these areas and in times of shortage they are currently thinking all will share alike. That prompted a discussion about whether that was a permanent position or whether the contracts stated it or not customers outside their jurisdictional boundaries are different and the city when pressed will first have a fiduciary duty to itself. Richard Bay said the current water supply situation will likely test that kind of resolve since water supply forecasts are changing enough all water providers could be challenged in the future to meet needs they now are able to satisfy. Conservation helps but changes in supply will likely change the story.

Mark Stratford offered that different cities may have different strategies when offering service outside their boundaries. While he doubts any unplanned cuts will happen some cities may be supplying outside with the expectation the areas will eventually provide for their own.

Pauline Flint offered that this issue has been studied before and SLC’s answers weren’t the same then. She indicated Fred Finlinson chaired the study group and they looked at public service commission oversite and other possibilities to bring more certainty to customers who have no representation or voice with the supplying organization. She indicated the answer for her group was to eventually brake away from SLC service and form their own water supplier (White City Water Company). She offer a paper with a set of questions that she felt should be answered. I promised to deliver the questions to the rest of the group for their consideration next meeting.

Tom Ward felt what was needed most was a consistent set of definitions. He noted the conservancy district statute has similar language about delivering surplus product outside their jurisdiction. He felt we need to define the following:

Surplus Water

Service Area

Inhabitants (constitution language)

We agreed to meet next on June 18, 10am. Rep. Coleman asked that we meet at the capital and no one objected so the next meeting is planned for a meeting there. I suggested for an agenda we have the following:

1. Report on water supplier wholesale data from Drinking Water
2. Report on league survey progress.
3. Report on districts serving outside their jurisdictional boundary and comparative restrictions
4. Consideration of last draft of Coleman Bill, what works, what doesn’t.
5. Review of previous study documents (Pauline Flint to Provide).
6. Legal analysis of current situation, what controls contracts or fiduciary duty defined in law
7. Fred Finlinson history memo

I talked with Fred after the meeting and he with Brian Allred’s help has put together a historical summary of the prior study.

I emailed Brian about how we arrange a meeting at the capital

I emailed James to create a website location for our meeting materials

I emailed UASD to ask them to do a member survey of those serving outside their jurisdiction