**July 12, 2017 Meeting on Key Water Questions - Answers and Follow-up**

**Organizations and Representatives:**

**DWRe Local Government WCWCD CSU**

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Josh Palmer\* Dean Cox Karry Rathje Lisa Rutherford\*

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\*Attended the 7/12/17 meeting

1. **Can we (the county, the cities and their citizens) have a say in the final decision to build the LPP?**

Background: There appears to be no provision for any local government or taxpayer input into the final decision.

*Answer: There is no formal provision for local government or citizen involvement in the final decision. However, as a practical matter, if the cities wish to delay the start, they will tell the state representatives and it will probably have the effect. This is probably most opportune during the legislature’s consideration of financing the project. Question 2 has some bearing.*

*Follow-up:* ***1.1 Asked of Local Government representatives: Are you comfortable with this, and do you think your constituents are?***

1. **Does the LPP have to be built soon, or can it be postponed, and if so, how long?**

Background: We have heard several authorities state that if we don’t build it soon we will never be able to. If this is true, we’d like to understand the basis. If it is built sooner than it’s needed (sooner than we choose to draw water), it cannot be left empty, and the payment scheme would then be more complex.

*Answer: In practical terms, the build schedule will be based on the need date, which is derived from water supply and demand data, and construction lead time. This date has been adjusted in the past and could be adjusted again.*

*Follow-up: The need date is of course dependent on the anticipated supply and demand. As you are aware, the legislative audit indicated that in general the data on supply and demand are of insufficient quality to be used for significant decision-making. Yet decisions must be made, understanding the data as best we can. We have not been able to verify the supply and demand numbers used in determining the need date, nor have we seen any report of independent verification. The numbers we have been able to understand lead us to a different conclusion of the need date.*

***2.1 Asked of DWRe/WCWCD representatives: Can you discuss with us the supply and demand numbers and the basis from which they were derived?***

***2.2: Asked of DWRe representatives: Which factors (e.g., FERC license expiration), if any, could dictate the start date, and what conditions apply?***

1. **How much can we afford to pay for our water and still retain the type of community we want, and how would the cost be shared?**

Background: The answer to this question is fundamental to any go-ahead decision.

Proposal: **The county and cities:** determine what can be afforded, in what manner and under what conditions, to support what kind of community we envision for the future, before the go-ahead decision must be made.

*Answer: This question will be answered by the local elected officials and the water district board after the final Record of Decision, since it is after this point that final costs will be determined.*

*Follow-up: This question has nothing to do with cost: regardless of cost, what can be afforded? When you decide to look for a new home, you don’t look for homes and then decide if you can afford it; rather, you determine what you can afford and look for homes that meet your budget. This question will have to be answered sooner or later.*

***3.1 Asked of Local Government representatives: Is there a reason to wait to discover affordability, and if not, how can or will we go about determining it?***

1. **How secure is the LPP water right? By how much and under what conditions will its draw be reduced?**

Background: There have been statements by authorities that the water right is the most secure in the state. Other studies indicate that the right is not that secure.

Proposal: **The DWRe:** state the conditions under which the LPP draw could be reduced and by how much, with an associated probability assessment, and the basis for the conclusion.

*Answer: “There will always be water for the LPP…”, it is “one of the most firm water supplies in Utah’s allocation…”. A clarification of the term “draw” is requested.*

*Follow-up: The term “draw” in the question refers to the fact that LPP would draw water from the River. Let’s treat this as a theoretical question for now. Certainly no one can guaranty there will always be water for the LPP. Our research indicates that there are several senior water rights in Utah to the LPP, and that a small reduction in Utah’s allocated amount, due to flow shortages, would put in deficit the amount of water allocated to the LPP.*

***4.1 Asked of DWRe representatives: Can you share with us the water right seniorities as you see them?*** *For example, what is the effect of Water Right No. 41-3479 (A30414d) referenced in the 2011 BoR to State Engineer Kent; what is the effect if the Bonneville Unit decides to exercise their rights to support some future water shortage?*

***4.2 Asked of DWRe representatives: do you know under what conditions the official flow rate, from which Utah’s allocation is calculated, would be revised, such that Utah’s current and planned uses of the river would not be able to be satisfied and what would happen to those uses at that time?*** *For example, if climate change impacts the river to a point where it is officially recognized that only 12MAFY can be allocated, which of Utah’s uses would be reduced by how much in which order?*

1. **When and how can we create real water conservation plans for the county and its cities?**

Background: The plans from the water district and the cities follow an outline produced by the DWRe and are approved by them, however those plans don’t seem to comply with state law and are not real executable plans. They are more a list of optional actions and concepts for conservation. Real program and project plans are needed, following industry-standard conventions, with accountable commitments, task, schedules and budgets.

Proposal: **The DWRe:** clarify the definition of water conservation planning requirements.

**The WCWCD and the cities:** create real plans, with active citizen participation, starting as soon as possible, with input to the next budget planning cycle.

*Answer: Cities and counties have water conservation plans in place and they are updated every 5 years. Water use is decreasing due to implementation of these plans. Washington County has decreased its per capita use by 30% since 2000, one of the best reductions in the state, demonstrating the effectiveness of their plans.*

*Follow-up: The existing water conservation plans don’t seem to satisfy the letter or intent of the state law, and they don’t seem to be able to actually drive the implementation of water conservation. They identify passive conservation programs (e.g., toilet rebates) and active programs that could be implemented, but they do not drive any active conservation measure in the sense that tasks, schedules, responsibilities and budgets are defined. They don’t follow even the basic program and project management standard principles that are used to implement a new process or product. Upon review of the template for these plans, while it outlines lots of valuable information a water district/utility should document, they do not mention any significant elements of program and project plans. It doesn’t seem possible for the existing plans to result in significant conservation. It is not proper to be using data for which the origin and derivation cannot be verified.*

***5.1 Asked of DWRe, WCWCD representatives: how/when can the template or guidance materials be improved to contain the key planning elements? Can we participate? (CSU could provide help in describing how program and project planning can be used for water conservation.)***

***5.2:*** *Our research indicates there may have been a significant data error in the 2000 accounting of water supply and use, which is the base data used to determine conservation rates.* ***Asked of DWRe and WCWCD representatives: can you share with us the data and their basis that was used to calculate these numbers?***

*Creating program and project plans will take effort and lead time, and probably cannot be done in the normal update cycle anticipated for these plans. Existing staff and budget may not be sufficient. It is probably best done with a core of experts helping local utilities. It seems that the revenue stream for the water district and city water departments should be amended to include this effort, but that may not be possible in the time we have. Even though water conservation efforts are declared to be as important as new development projects, that is not evidenced by the budget allocations.*

***5.3 Asked of Local Government representatives: How can adequate water conservation budgets be supported? It seems if the DWRe, water districts and local officials said they need budget help, in addition to their own increased revenues for these purposes, the legislature would listen.***

***5.4: Asked of Local Government representatives: Have you been asking our state representatives for water conservation budget help?***

***5.5: Jane agreed to send the data points we have on the 2000 water supply and use, and the conservation calculations (in support of 5.1). I think Eric agreed to look into it too.***

***5.6: Barbara indicated interest in the AWWA M36 Audit program that is being promoted by the State (UDWRe) and will discuss with others at WCWCD.***

***5.7: CSU will look into the cost of implementing water budgets.***

**6. And for the future:**

**6A. How shall we continue the dialog on these questions?**

**6B. Can we keep a dialog open in order to address other questions and concerns?**

6B Background: There are many critical facts and data points that have unclear basis or veracity. Having clear facts and data and known reliability are critical to decision-making. This issue has been identified by the legislative audit and supported by the governor.

*6A Answer: Future discussions will continue to be the result of public processes where citizens have a vital role. Send any comments about the documents submitted to FERC to John Fredell.*

*6A Follow-up: This continues to be a confusing point. As you know, we have been very engaged in the public commenting process and will continue to do so. This dialog is not in any way meant to supplant that for some special purposes. We’re just looking for information. Our dialog is not intended to create a separate influence or comment route, and we don’t see that it does. If we learn something that warrants an action, that is a separate decision in some other process. Our experience with the public commenting process is that it does not work as a two-way communications process resulting in information transfer.*

***6.1: Asked of DWRe representatives: we appreciate having John Fredell as a contact on the FERC submittals. However, are you saying we cannot continue this dialog seeking information, and that we should try to do so via the public commenting process?*** *We’re convinced from experience that the public commenting process does not result in sharing of information or understanding.*

*6B Follow-up: Many of our detailed questions address the origin and validity of the data used to reach conclusions. Engineers and scientists of course are used to dealing with imperfect data, but doing so requires knowing the source of the data and its problems. From there assumptions and adjustments can be made. We have been unable to find evidence that much of this data has gone through a validation process to understand their origins and issues and to compensate for them. The legislative audit cast a large shadow on this issue. Our own studies can’t make sense out of many key data. This would be the focus of future questions and requests for information. For example, we continually hear that our water use rates cannot be compared with other cities, that it is comparing apples and oranges. It can indeed be difficult to compare any data; there are often differences. But differences can be determined, and compensation for those differences can be made, increasing the validity of the comparison. This is common practice.*

*For example, this is a* [link](http://conserveswu.org/wp-content/uploads/Comparison-of-GPCD-Water-Usage-across-the-West.pdf) *to comparative water use data with differences analyzed to account for apples and oranges****. 6.2: Asked of DWRe representatives: Can you identify where our analysis is significantly incorrect and suggest how to correct it?***

***6.3 Asked of DWRe representatives: has there been an independent process to validate the key data elements and verify that issues and their compensation have been appropriately addressed? If so, which decision-makers have reviewed and accepted them?***