

**NOTICE AND AGENDA**  
**MIDWAY WATER ADVISORY BOARD**  
**MONDAY, February 2, 2026**

Notice is hereby given that the Midway Water Advisory Board will hold their regular meeting Monday, February 2, 2026, at 6:00 p.m. in the Midway City Office Building at 75 North 100 West Midway, Utah. Notice of the meeting and agenda were posted in the Midway City Office Building, Main Street Station and 7-Eleven, a copy was sent to each of the Trustees and a copy posted on the Utah Meeting Notice Web Site.

**The agenda shall be as follows:**

1. **General Consent Calendar**
  - a. **Approve Agenda February 2, 2026**
  - b. **Approve Meeting Minutes January 5, 2026**
2. **Review Whispering Creek Water Requirements 515 West Cari**
  - a. **Discuss Water Calculations for Project, which was previously seen by board May 4, 2020, March 4, 2024 and January 5, 2026.**
  - b. **Possible Recommendation to City Council.**
3. **New/Old Business - No motions or recommendations**
4. **Adjourn**



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## *General Consent Calendar*

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**MIDWAY WATER ADVISORY BOARD**  
**MONDAY January 5, 2026**  
**MEETING MINUTES**

The Midway Water Advisory Board meeting was held January 5, 2026, at 6:00 p.m. in the Midway City Office Building, 75 North 100 West, Midway, UT.

**Roll Call**

Irrigation Members: Steve Farrell, Russ Kohler, Brent Kelly. Midway City: Mayor Craig Simons, City Council Member Andy Garland, City Planner, and Jennifer Sweat, Treasurer/Midway Water Advisory Board Secretary.

Wes Johnson, City Engineer, has been excused for the meeting. Andy Garland is a new City Council member, and Mayor Simons asked him to attend this evening's meeting.

**General Consent Calendar**

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

- a. Approval of the Agenda for January 5, 2026
- b. Approve Meeting Minutes August 4, 2025
- c. Approve Chair and Co-Chair for 2026 Meetings
- d. Approve Meeting Dates for 2026

Board discussed the consent agenda, there was discussion in perhaps changing the meetings to quarterly, instead of monthly. However, at this time they decided to leave the dates as is. Chair will be Steve Farrell and Co-Chair will be Craig Simons.

There were two corrections to be made on the meeting minutes. 1. Page 1, adding "None", after there was and on Page 2, changing Plate to "Plat".

**Motion: Irrigation Member Russ Kohler made a motion to approve the General Consent Calendar with the noted changes to minutes. Irrigation Member Brent Kelly 2<sup>nd</sup> the motion.**

Chair Farrell asked if there were further questions regarding this matter? There was none.

**Motion was carried unanimously.**

**Midway Michie Lane Stake Center – 3508-3532**

Michael Henke, City Planner, stated this was for an LDS church which was being proposed to be on Michie Lane. Planner Henke presented the following information for this project:

- 18.61-acre parcel
  - 4.85 aces will be developed for the church.
- RA-1-15 zoning
- Proposal contains one lot of record.
- Site of a future LDS church (stake center, which is a conditional use in this zone)
- Frontage on Michie Lane
- The lot will connect to the Midway Sanitation District's sewer line, Midway City's culinary water line, and Midway Irrigation Company's secondary water line.

The board reviewed the plat, google map, and discussed the property in length. There was discussion on ditches on the property, and any easements.

Planner Henke also presented the following information regarding other LDS church buildings and their water use:

- 165 North Center – They average about 38,333 gallons a year (2-inch meter). They average about 10,000 a month (allowed to use 70,000)

- 200 South 250 East – They average about 5,717 gallons a year (2 Inch meter). They average about 6,000 a month (allowed to use 70,000)
- 1102 South Center Street – Meter has been broken and stuck on 29 – so public works is putting in a new meter today. (3/4-inch meter) Allowed to use 10,000 a month.

Planner Henke presented the following water recommendations:

- 4.85-acre parcel (211,150 sq. ft.)
  - Impervious area for buildings, sidewalks, and parking
    - 3.4 acres (148,104 sq. ft.)
  - Irrigated acreage
    - 1.48 acres (64,416 sq. ft.)  $\times 3 = 4.44$ -acre feet
- 1 culinary connection for church (approximately 4 drinking fountains, 11 sinks, 4 urinals, 10 toilets - 29 total fixtures)
  - 0.8-acre feet (260,681 GPY)
  - Total =  $4.74 + 0.5 = 5.54$ -acre feet

The board looked at the calculations and agreed with Planner Henke's calculations. There was discussion looking at other stake centers throughout Heber Valley and seeing if their water is different.

Chair Farrell asked if there were further questions regarding this matter. There was none.

**Motion: City Council Member Andy Garland made a recommendation to the City Council to accept the water calculations for the Midway Michie Lane Stake Center presented tonight, of 5.54-acre feet of water to be turned in Miday City Irrigation Member Rus Kohler 2<sup>nd</sup> the motion.**

Chair Farrell asked if there were further questions regarding this matter. There was none.

**Motion was carried unanimously.**

### **3. Review Whispering Creek Water Requirements – 515 West Cari**

Planner Henke stated that this property has been reviewed at Water Advisory Board on May 4, 2020, and again on March 4, 2024. The applicant, Jeremy Clark had spoken with Steve Farrell regarding water requirements for wetlands etc. and felt that the project needed to be reviewed again because of the requirement that the wetlands were part of the water calculations.

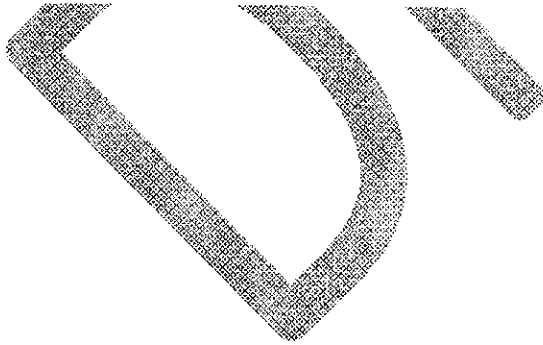
Planner Henke presented the following information regarding the property:

- 4.54 acres
- R-1-15 zone
- 7 lots
- Sensitive lands
  - FEMA Floodplain
  - Wetlands
- Cosper Subdivision – 6-acre feet dedicated.
- One existing dwelling – 1.5-acre feet credit

Planner Henke reviewed the plat maps, and site plans. Also, the applicant had inquired about leasing water from the city, and Planner Henke presented the following regarding “amount of water required” and “Leasing water from City.”

## 10.07.020: AMOUNT OF WATER REQUIRED

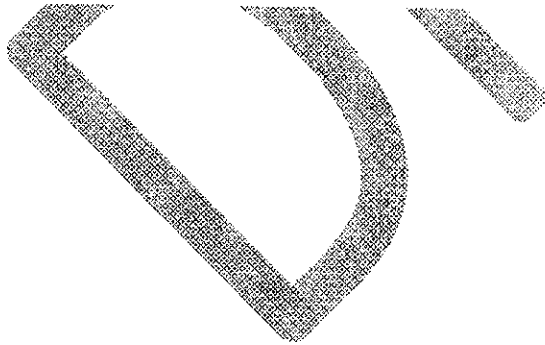
- Areas proposed for development that have delineated wetlands and have been historically irrigated or have had water rights, will be required to dedicate water rights to ensure that the wetlands can continue to be irrigated.
- The City reserves the right to require water rights anywhere that the City feels that a future property owner may want to irrigate in the future, even if the property has not been historically irrigated.



## 10.07.050: LEASING WATER FROM CITY

When Midway City has at its disposal water that is available for lease to water users or prospective water users, said water may be leased by the City on the following terms:

- The City Council may enter into a lease of water, from any and all sources, only after the Midway Water Advisory Board has first met with the applicant and made a recommendation to the applicant and to the City Council as to the availability of sources of water for the proposed use and the terms of the proposed lease.
- To qualify to lease any quantity of water, the applicant must first provide to the City an amount of water already owned by the applicant at least equal to the amount that is proposed to be leased. This matching water already owned by the applicant must meet, or be adapted to meet, all Midway City standards, policies and ordinances required for water intended to be used in development. This matching water requirement may not be waived without formal amendment of this Chapter by the City Council.
- The applicant must enter into a written lease agreement with the City for lease of the water.





## 10.07.050: LEASING WATER FROM CITY

- The cost of the leased water will be a fixed amount per acre foot per year, as determined from time to time by the City Council upon recommendation from the Water Advisory Board. The lease and lease payments will continue in perpetuity, but the amount of the lease payments may be adjusted during the term of the lease as necessary by the City Council upon recommendation from the Water Advisory Board based on the cost of the water sources supplying all water leased by the City. The first lease payment will be required at the time the land use is approved by the City. The required lease payments are in addition to required water impact fees.
- Under no circumstance is any person or applicant guaranteed that some or any quantity of water will be awarded or available for lease. Available water will be assigned for lease by the City in its sole and reasonable discretion.

At this time the board didn't feel that leasing water was an option at this time, and they had tried to move away from that practice which is why it is at the city sole and reasonable discretion. There was also discussion regarding the previous amounts that was determined to be required for the subdivision which included the wetlands. The following was the amount determined to be recommended to council for the project:

## POSSIBLE RECOMMENDATION

- 4.54-acre parcel (197,762 sq. ft.)
  - Irrigated area
    - Lots – 162,231 sq. ft. (3.72 acres)
    - Park strip – 8,276 sq. ft. (0.19 acres)
    - Common area – 5,896 sq. ft. (0.14 acres)
  - Impervious area for lots
    - 56,000 sq. ft. (7 x 8,000)
  - Total irrigated acreage
    - $2.76 \times 3 = 8.28$ -acre feet
- 7 culinary connections
  - 5.6-acre feet (7 x .8)
- Credits
  - Cosper – 6 acre feet
  - Existing dwelling – 1.5 acre feet
- 13.9 acre feet requirement
- 6.4 acre feet ( $13.9 - 6 - 1.5 = 6.4$ )

The board discussed the project, and heard from the applicant Jeremy Clark, who indicated that there were only 7 lots, and they weren't for profit, it was mainly for an opportunity for his children to be able to build homes, and live in Midway. There was a possibility that perhaps 2 or 3 lots would be sold, but the rest would remain empty for the time being. Paul Berg had recalculated the water using the flood plain and felt that it should be reduced by .60 acres. The board discussed that the amount of water currently due for the property was 6.4-acre feet, and Mr. Clark would like to deduct the .60 acres for the flood plain, but .60 acres for a total of 5.80-acre feet. 3-acre feet (1 share) had been switched over already into Midway City name, but was not officially turned in, but was in the safe in the Treasurer office. That still left additional water still owing for the project that

would need to be also turned in. Mr. Clark had been trying to locate an additional share but had not had luck.

The board discussed the project, and the calculations from Mr. Berg, and decided they would like him to calculate the flood way vs. flood plain. Mr. Clark said he could do that.

**Motion: Mayor/Co-Chair Simons moved to continue Whispering Creek Water requirements at this time to the next meeting in February, or until that water calculation was provided to staff. Midway Irrigation Member Russ Kohler 2<sup>nd</sup> the motion.**

Chair Farrell asked if there were further questions regarding this matter. There was none.

**Motion was carried unanimously.**

#### **4. New/Old Business**

- a. Discussed the culverts, and that the irrigation company had determined that the individual homeowner was responsible for cleaning, as they placed the culverts. This however is an irrigation issue, and they will handle the policy and enforcement, with the support of the City.
- b. Discussed the creation of the water board, and that it began in 1995 and since that time the board and city had had a great working relationship. In fact, many cities/communities followed the same guidelines that we had in place.
- c. Discussed stockholders in the company, which majority were Midway City and the State Park.
- d. Discussed the Exchange program, and that Burgi Lane to Magpie was going to be able to be taken off as that project was moving forward to receive access to secondary water.
- e. Again both the irrigation company and city are thankful for the relationship they have and hope to continue it for many years to come.

Chair Farrell asked if there were further questions regarding this matter. There was none. Midway Irrigation President/Chair Farrell asked for a motion for adjournment.

**Midway City Councilman Andy Garland moved for adjournment, Midway Irrigation Member Brent Kelly 2<sup>nd</sup> the motion meeting was adjourned at 6:53p.m.**

Draft

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## *Review Whispering Creek Water Calculations*

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## Jennifer Sweat

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**From:** Michael Henke  
**Sent:** Tuesday, January 20, 2026 4:35 PM  
**To:** Jennifer Sweat  
**Subject:** FW: Whispering Creek - Floodway and Non-Irrigated Area Around Snake Creek

Hi Jennifer,

Will you place this on the agenda for February?

Thanks,

Michael



### Michael Henke, MPA, AICP

**City Planning Administrator**

**H:** Mon-Thurs 7:30-5:30

**P:** 435-654-3223 ext 105

**E:** [mhenke@midwaycityut.gov](mailto:mhenke@midwaycityut.gov)

75 N 100 W – P.O. Box 277

Midway, UT 84049

[www.midwaycityut.gov](http://www.midwaycityut.gov)

**From:** Jeremy Clark <[clarkj1229@gmail.com](mailto:clarkj1229@gmail.com)>  
**Sent:** Tuesday, January 20, 2026 3:14 PM  
**To:** Michael Henke <[mhenke@midwaycityut.gov](mailto:mhenke@midwaycityut.gov)>  
**Subject:** Fwd: Whispering Creek - Floodway and Non-Irrigated Area Around Snake Creek

CAUTION: This email originated from outside of the organization. Do not reply, click links or open attachments unless you recognize the sender's email address and know the content is safe.

Hi Michael-

See below, Paul Berg's floodway calculations.

Am I scheduled on the agenda for the next Midway water Board meeting?

Jeremy Clark

719-330-7854

----- Forwarded message -----

From: **Paul Berg** <[paul@bergeng.net](mailto:paul@bergeng.net)>

Date: Tue, Jan 20, 2026 at 9:25 AM

Subject: Whispering Creek - Floodway and Non-Irrigated Area Around Snake Creek

To: Jeremy Clark <[clarkj1229@gmail.com](mailto:clarkj1229@gmail.com)>

Jeremy

The email is in response to the Midway Water Boards request for information about Snake Creek to possibly reduce the irrigated area and required water rights.

The floodplain for the property is 0.77 acres.

The floodway portion of the floodplain is 0.60 acres. This is the number that was previously given to you.

If the floodway and the wetlands not in the floodway are considered the total non-irrigated area would be 0.78 acres.

Paul Berg

Berg Engineering

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*New and Old Business*

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*Adjourn*

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