

**Bear River Water Conservancy District
Board Meeting
Wednesday, December 16, 2009 6:00 p.m.
Bear River Water Conservancy District Conference Room
102 West Forest Street, Brigham City, Utah 84302**

Minutes

Present: Trustees: Chairman Clinton Burt, Financial Chairman LaRall Thompson, Brent Baugh, Dave Forsgren, Commissioner Brian Shaffer, Stan Stokes and Charles Holmgren.

Staff: General Manager Voneene Jorgensen, System Operator Robert Phippen and Administrative Assistant Judy Hartvigsen

Visitors: Bill Bigelow and Bill Luce (Hansen, Allen & Luce)

Excused: Vice Chairman Ross Rudd and Board Members Richard Day, Brent Rose and Reese Jensen.

Invocation: Board Member Charles Holmgren

Adoption of the Minutes for the meeting held November 11, 2009

A copy of the draft minutes was included with the packet mailed to the Board Members. There were no changes to the minutes.

Board Member Dave Forsgren moved to approve the minutes of November 11, 2009 as written. Commissioner Brian Shaffer seconded the motion. Chairman Burt, Financial Chairman Thompson, Commissioner Shaffer and Board Members Forsgren, Stokes, Baugh and Holmgren voted in favor of the motion.

Adoption of the Agenda

There were no changes to the agenda.

A motion was made by Board Member Charles Holmgren to adopt the agenda as presented. The motion was seconded by Board Member Brent Baugh. Chairman Burt, Financial Chairman Thompson, Commissioner Shaffer and Board Members Forsgren, Stokes, Baugh and Holmgren voted in favor of the motion.

The Chair recognized Bill Luce of Hansen, Allen and Luce who was in attendance at the meeting.

Presentation of Proposed 2010 Budget

General Manager Jorgensen presented the proposed budget and indicated one change from the tentative budget. The interest for the South Willard bond was incorrect and she has corrected the amount in the final proposed budget. A copy of the final budget with the change indicated was sent to the Board Members in their meeting packet. General Manager Jorgensen gave the Board Members an opportunity to discuss the budget and make any changes. She went over proposed revenues and expenditures and stated we have a balanced budget to send to the state.

General Manager Jorgensen gave an explanation of the retained earnings and the amounts in the Exploration and Studies line item that is used to help other entities with water needs. She stated the District has been reimbursed from the bond funds for the South Willard project expenses that were taken from the general fund above the \$480,000 that was our required portion.

Public Hearing – 2010 Budget

Opening of Public Comment

Board Member Brent Baugh moved to recess the Board of Trustees meeting. Board Member Charles Holmgren seconded the motion. Chairman Burt, Financial Chairman Thompson, Commissioner Shaffer and Board Members Forsgren, Stokes, Baugh and Holmgren voted in favor of the motion.

Commissioner Brian Shaffer made a motion to open the public hearing on the 2010 budget. Financial Chairman LaRall Thompson seconded the motion. Chairman Burt, Financial Chairman Thompson, Commissioner Shaffer and Board Members Forsgren, Stokes, Baugh and Holmgren voted in favor of the motion.

There were no comment from the public on the 2010 budget.

Closing of Public Comment

Commissioner Brian Shaffer made the motion to close the public hearing and the motion was seconded by Board Member Brent Baugh. Chairman Burt, Financial Chairman Thompson, Commissioner Shaffer and Board Members Forsgren, Stokes, Baugh and Holmgren voted in favor of the motion.

Board Member Brent Baugh moved to reconvene the regular Board Meeting. Financial Chairman LaRall Thompson seconded the motion. Chairman Burt, Financial Chairman Thompson, Commissioner Shaffer and Board Members Forsgren, Stokes, Baugh and Holmgren voted in favor of the motion.

Adoption of 2010 Budget

Board Member Brent Baugh moved to adopt the budget for 2010 as presented. Financial Chairman LaRall Thompson seconded the motion. Chairman Burt, Financial Chairman Thompson, Commissioner Shaffer and Board Members Forsgren, Stokes, Baugh and Holmgren voted in favor of the motion.

South Willard Project update – Bill Bigelow and Bob Phippen

District Engineer, Bill Bigelow gave a quick update and status report of the South Willard Project. He stated they needed to fix a problem with one of the hatches on the reservoir and they have done repair work on the cracks that were leaking. The backfilling can be completed when the repairs are done. Cement was added to the tank to seal the floor and a new bacteriological test will be performed. The pump station is operational and the responsibility for its operation was given to the District about a month ago. System Operator, Bob Phippen has been trained in the operation. The pipelines were pressure tested and flushed to remove any sand. They passed the bacteriological test the first time. The project is essentially completed. Mr. Bigelow will proceed to obtain the operating permit. Chairman Burt expressed concern about the size of rocks around the tank and wondered if there is a problem when it is backfilled with frost working into the rock. Mr. Bigelow stated they cannot put those rocks next to the concrete of the reservoir. The requirement is that rocks within six feet around the reservoir must be 2” in diameter or less. They cannot put any larger rocks on the sides or on top of the reservoir. They can obtain fill from the gravel pit as they did to bed the pipe.

Bob Phippen then presented a slide show of photographs showing the crack repairs on the reservoir and the flushing of the pipeline.

Trustee Reports

LaRall Thompson: No report

Brent Baugh: No report

Stan Stokes: No report

Dave Forsgren: reported on the Honeyville water project. The reservoir floor should be poured between now and Christmas so it can cure over the holidays. Once the floor is in and then walls, it is fairly easy to retain heat for construction. The pipeline and PRVs have been installed. He believes the project is moving along very well. He reported the Shoshone Indians want to meet at the Honeyville City Office tomorrow morning for a progress report on the geothermal issues.

Charles Holmgren: reported he lit the generator for the cloud seeder for the first time this year on Saturday and Sunday. He has not checked on the snow pack report but believes it was about 35% of normal before the storm and it moved up to about 50% after. It is still not very good yet. Last time

he looked it had gone up to about 53% in the whole Bear River Basin. The sites important to the Canal Company like Tony Grove are not doing well at all. Bear Lake is about two feet higher than last year at this time. It continues to evaporate until it freezes over.

Board Member Holmgren had a conversation with Bob Fotheringham who is very anxious to meet with the Canal Company and discuss his proposals of water banking and water pool agreements and for them to withdraw the protest on filing of water rights that have not been put to beneficial use.

The discussions with Procter & Gamble are continuing in regards to the Canal Company providing water rights for them to use water from the Bear River in their operations. The Board discussed information on ground water being pumped and used at the Procter & Gamble construction site. There has also been conversations about discharging water into the canal. Chairman Burt asked about revenue for the Canal Company from Procter & Gamble for their use of the water right to take water from the river. Board Member Holmgren said it is looking less beneficial all the time. They would be using it on a year round basis and there would be maintenance issues and administration issues. The last he heard was the Bear River Bird Refuge and Bear River Club were going to withdraw their protest and the Canal Company would deliver water to them through the Canal Company canals during the irrigation season and they would be treated as another shareholder but the Canal Company would not get any benefit. P & G will then discharge to the Malad River and the water will be cleaner than what is withdrawn from the Bear River.

Board Member Holmgren then reported that Pacificorp while doing work in the canyon at Cutler replacing flumes, they found the head gates they repaired last winter when they shut the water off early did not work. They have lowered Cutler to fix the head gates again this year.

Brian Shaffer: reported the Commissioners met with Carol Rush, Director of the EPA, a couple of weeks ago at the airport. Representatives Menlove and Ferry had arranged for the director to use a state plane. They flew over Cache Valley, Southern Idaho and our county. It was a perfect day to fly so she could see the inversion rolling up from Salt Lake City which made a good point. Commissioner Shaffer thinks she is willing to take a second look at the non-attainment designation. It was a very positive meeting and hopefully some good will come of it. Right now we will be thrown in with the state moving forward on how to meet the designation and mitigate the problems that will exist.

Clint Burt: No report

General Manager Report – Voneene Jorgensen 2010 Board Meeting and Holiday Schedules

General Manager Jorgensen asked the Board Members to give authorization of the Board Meeting and Official Holiday Schedules for 2010. The schedules were included with the meeting packet sent to the Board Members. The holidays correspond with those for the County. The District will send notice to the newspaper of the meeting schedule as required.

Board Member Dave Forsgren moved to approve the 2010 Board Meeting Schedule and the 2010 Official Holiday Schedule. Board Member Stan Stokes seconded the motion. Chairman Burt, Financial Chairman Thompson, Commissioner Shaffer and Board Members Forsgren, Stokes, Baugh and Holmgren voted in favor of the motion.

General Manager Jorgensen then reported the District received a letter from the State Division of Water Quality stating our petition for the classification of the aquifer in the Bothwell Pocket met the requirements for review and we received authorization to hold a public hearing. She explained about the study and the petition that was filed. There are sixty seven wells shown on the map of the area, six of which are for public drinking water. There are 1000 connections relying on these sources of water. She indicated on the map that the Wasatch Integrated Landfill site is only four miles away from our well and stated the water can travel very fast. We will have to have a public hearing. She noticed that Brigham City Mayor, LouAnn Christensen has been put on the Water Quality Board. General Manager Jorgensen talked to her about our petition and she expressed her support of the project. There will be a public hearing in January and the Water Quality Board will vote on the classification at their meeting in February. The District has sent two letters to water companies and wholesale customers asking for letters of support. General Manager Jorgensen has asked Marv Allen of Hansen, Allen & Luce to do a report on costs to replace the water if it were to be contaminated. He will present the report at the public hearing. She believes it would take the building of the proposed Washakie Reservoir and Bear River pipeline to replace the water. She expressed concern about Cache County and where they would go for a landfill without the option in Whites Valley. Commissioner Shaffer stated they have changed their focus to Clarkston.

General Manager Jorgensen reported she has been to a lot of legislative meetings. The canal safety proposal went well but the water banking did not. The proposal authorizes another water authority to be created which would be another governmental agency. It will take some education of those involved. She has a concern with the water authority as to how it is created. It has to have authority some where and she is also concerned about how it will be funded and operated. The main idea of protecting early water rights that are not being used is good. These need to be saved. She supports the concept but there has to be a beneficial use to the water. Mr. Fotheringham will have to work with everyone to get them to understand how it will work.

Financial Business – LaRall Thompson

Approval of Financial Statement

The financial statement ending November 30, 2009 was included with the packet mailed to the Board Members. Financial Chairman LaRall Thompson asked for any questions and called for a motion of approval.

Commissioner Brian Shaffer moved to approve the financial statement as presented. Board Member Brent Baugh seconded the motion. Chairman Burt, Financial Chairman Thompson, Commissioner Shaffer and Board Members Forsgren, Stokes, Baugh and Holmgren voted in favor of the motion.

Unfinished Business

There was no unfinished business discussed.

Public Comment

There were no comments from the public.

Adjourn

Board Member Dave Forsgren moved to adjourn the meeting. The motion was seconded by Board Member Brent Baugh. Chairman Burt, Financial Chairman Thompson, Commissioner Shaffer and Board Members Forsgren, Stokes, Baugh and Holmgren voted in favor of the motion.

The meeting adjourned at 7:15 p.m.