

**Bear River Water Conservancy District
Board Meeting
Wednesday, February 22, 2012 7:00 p.m.
Bear River Water Conservancy District Conference Room
102 West Forest Street, Brigham City, Utah 84302**

Minutes

Present: Trustees: Chairman Clinton Burt, Vice Chairman Ross Rudd, Financial Chairman LaRall Thompson, Charles Holmgren, Brent Baugh, Richard Day, Dave Forsgren, Roger Fridal and Tyler Vincent

Staff: General Manager Voneene Jorgensen, Systems Operator Bob Phippen and Administrative Assistant Judy Hartvigsen

Visitors: Bill Bigelow of Hansen Allen and Luce, County Clerk Marla Young and Paul Fulgham

Excused: Commissioner LuAnn Adams and Brent Rose

Invocation: Financial Chairman LaRall Thompson

Adoption of the Agenda – Chairman Clint Burt

A motion was made by Vice Chairman Ross Rudd to approve the agenda as written. The motion was seconded by Board Member Charles Holmgren. Chairman Burt, Vice Chairman Rudd, Financial Chairman Thompson and Board Members Baugh, Holmgren, Day, Forsgren, Vincent and Fridal voted in favor of the motion.

Approval of the Minutes for the Board Meeting held January 25, 2012

The minutes of the meeting held January 25, 2012 were included with the packet that was mailed to the Board Members.

A motion was made by Board Member Brent Baugh to approve the minutes as written for the meeting held January 25, 2012. The motion was seconded by Vice Chairman Ross Rudd. Chairman Burt, Vice Chairman Rudd, Financial Chairman Thompson and Board Members Baugh, Holmgren, Day, Forsgren, Vincent and Fridal voted in favor of the motion.

**Trustee Oaths – Marla Young, Box Elder County Clerk
Brent Baugh – Bear River City, Corinne
David Forsgren – Honeyville, Deweyville
Tyler Vincent – Brigham City
Roger Fridal – Tremonton, Garland**

County Clerk, Marla Young administered the oath of office to new board members Tyler Vincent and Roger Fridal and to the re-appointed members Brent Baugh and David Forsgren. They were appointed by the Box Elder County Commission in December.

**Beaver Dam Water System Improvement Project
Project Update – Bill Bigelow**

Bill Bigelow updated the board on the progress of the Beaver Dam project. He reported there has not been a lot happening during the last month. The pipeline contractor has stopped because of frozen ground. The treatment plant and reservoir contractor is waiting for electrical panels to arrive. Bob Phippen reported we had the electrician make some changes to allow for shorter connections. Access to the project is available on the Cache Valley side through Early Park. Mr. Phippen stated he could open the gate for access on the north if the Board Members want to call him for a tour of the project.

A slide show was presented showing the installation of the lids to the collection boxes at each of the springs and the lid on the pump station. The Board Members were also shown the information and photos that are available for viewing on our website at www.brwcd.com.

Bill Bigelow answered questions regarding the treatment of the water for arsenic. Bob Phippen explained the sampling requirements. General Manager Jorgensen stated a request has been submitted to the Army Corps of Engineers for a reimbursement of \$603,000 for expenses paid on the project and payments to the contractors. She stated the easements for Rocky Mountain Power are being worked on and they will soon run their conduits. She commended the contractors for the incredible job they have done and the amount completed on the project.

Trustee Reports – Board Members

Ross Rudd: reported he has had several discussions about our water supply. He stated no one is complaining but water is on a lot of people's minds this year. At this point, we have a very good base in the Bothwell pocket. He asked about decisions on the landfill. General Manager Jorgensen gave some background on the landfill issue and the aquifer classification process for the Bothwell Pocket and White's Valley.

LaRall Thompson: No report

Brent Baugh: No report

Tyler Vincent: No report

Roger Fridal: No report

Dave Forsgren: No report

Richard Day: No report

Charles Holmgren: reported we are hanging in there with water numbers but we're not up to normal yet. Bear Lake is doing all right and we are pretty good with snow pack and starting to catch up with some recent storms after the dry December.

The Canal Company was encouraged by legal council to support SB187 that concerns water rights change applications. Board Member Holmgren gave some background information about the bill. There was an editorial from an attorney named Jared Parkinson in the newsletter of the Utah Water Users Association opposing the bill. It is basically defining the rights of the state engineer and who can file change applications for water rights. Steve Clyde is encouraging support for the bill. An example was given of entities in Salt Lake County that were renting water from Salt Lake City. They wanted to do a change application on water rights they did not own. The Supreme Court ruled it was not the City's right to control the nature of the water right. The feeling is that the State Engineer is being undercut and stripped of authority if the water user is allowed to make a change rather than the water right owner. He further explained some of the aspects of the bill. General Manager Jorgensen explained the issue is who has the right to file a change application on a water right. The Executive Task Force along with the State Engineer believe the owner of the water or one who has permission of the owner should be the only ones allowed to file the change application. The water community is divided on this issue. Some attorneys whose clients are developers favor stripping the State Engineer of authority so they can resurrect old water rights with an earlier priority date that have not been used and move the place of use to be able to develop property thus making the municipal water rights become junior. The State Engineer is being prevented from looking at the historical use of the water right when making a decision on a change application. The bill would protect the State Engineer and his position as being the "gate keeper" to protect water rights of those who do not have the funds to hire attorneys. The Board Members were encouraged to read the rebuttal letters from the State Engineer and Steve Clyde supporting the bill. General Manager Jorgensen will provide the Board Members with this information.

Board Member Holmgren then reported the Canal Company held a board meeting and they will leave the assessments the same amount for one more year.

Clint Burt: No report

General Manager's Report – Voneene Jorgensen

The General Manager reported the audit is continuing. The auditor will be in the office next Friday. He will be starting the single audit of federal funds received from the ACE and DDW for the Beaver Dam project.

A meeting was held today with representatives from Deweyville. The contract for purchase of surplus water for the future Collinston system was discussed and is close to being finalized. She explained the content of the agreement. She has researched the water rights owned by Deweyville and determined they do have available surplus water. The agreement is for the District to purchase a minimum 75 acre feet to a maximum of 150 acre feet. The cost of the water is to be \$175.00 per acre foot for the 75 acre feet which is about \$13,125 annually. Every acre foot in excess of that would be paid by the acre foot used. She believes the contract is good for both parties. The Deweyville Council was happy with the contract. It will give them funds to pay operation and maintenance costs and revenue to use to repay their loan for their new well. The term of the contract is ten years. Deweyville has not really used the new well so there is not a bench mark for their costs. The payment will be re-evaluated after one year and annually evaluated. The District is guaranteed 500 gpm to the system. The District can move forward with the project and be able to help Ukon Water Company with their arsenic levels. Bill Bigelow has done some projections and he believes there is enough water for both entities to use for ten to twenty years. Any adjustment in the cost of the surplus water must be supported by records from Deweyville showing increased maintenance and operation costs. Ukon Water Company has agreed to purchase up to 100 acre feet of water over twenty years. There were 50 surveys returned from residents of the Collinston area who are interested in a water connection. Riverside/ North Garland Water Company is also interested in additional water from the District. The State and the EPA will no longer give extensions to become compliant with the arsenic level requirements. She will prepare a clean copy of the contract for Deweyville by the end of the week so it can be signed by their City Council. General Manager Jorgensen asked for authorization for the District to sign the agreement.

Board Member Charles Holmgren moved to adopt the contractual agreement with Deweyville City for the purchase of surplus water. Vice Chairman Ross Rudd seconded the motion. Chairman Burt, Vice Chairman Rudd, Financial Chairman Thompson and Board Members Baugh, Holmgren, Day, Forsgren, Vincent and Fridal voted in favor of the motion.

There was some discussion regarding connection of water lines from one system to another to provide back-up in case of an emergency. Bob Phippen related how Ukon's line broke underneath the Bear River and the District was able to serve water to their customers until it was repaired without a disruption of service.

General Manager Jorgensen then reported on legislative issues. Senate Bill 78 that repeals the water conservancy district taxing authority has had a substitute. Senator Valentine has rewritten it and it will be sent to an interim committee for study.

She reported on a meeting held in Park Valley today. A study was completed last April in regards to how the District could assist with the water situation at the Park Valley School. The Church has a very good well that is used to irrigate the ball field that is shared with the school. The school shares their limited water supply with the county shed. Roy McDaniel from church headquarters and Kelly Hawkes who is the area facilities manager attended the meeting with Bill Bigelow and General Manager Jorgensen, representatives from the School District and others from Park Valley. The study was discussed along with the different options presented by the study. She was pleased with the willingness of the entities to work together to solve the water issues.

The packet mailed to the board members contained the weather modification report for January that they can read for themselves. The General Manager, the Systems Operator and some of the Board Members will attend the Rural Water Association Conference in St. George next week. General Manager Jorgensen expressed her appreciation for the Board's support of the recent remodeling, carpeting and painting of the office.

**Financial Business – LaRall Thompson
Approval of Financial Statements**

The financial statements were prepared and provided to the Board Members in the packet that was mailed to them. Financial Chairman Thompson asked for the board to review the statements and approve them.

Vice Chairman Ross Rudd moved to approve the financial statements as presented. The motion was seconded by Board Member Richard Day. Chairman Burt, Vice Chairman Rudd, Financial Chairman Thompson and Board Members Day, Holmgren, Forsgren, Fridal, Vincent and Baugh voted in favor of the motion.

Unfinished Business – Chairman Clint Burt

There was no unfinished business discussed.

Public Comment

There were no public comments.

Adjourn

A motion to adjourn the meeting was made by Vice Chairman Ross Rudd. The motion was seconded by Financial Chairman LaRall Thompson. Chairman Burt, Vice Chairman Rudd, Financial Chairman Thompson and board members Day, Holmgren, Forsgren, Fridal, Vincent and Baugh voted in favor of the motion.

The meeting adjourned at 8:29 p.m.