

**Bear River Water Conservancy District  
Board Meeting  
Wednesday, September 22, 2010 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, Dave Forsgren, Charles Holmgren, Brent Rose, Brent Baugh, Richard Day, Stan Stokes and Commissioner Brian Shaffer.

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

Visitors: Bill Bigelow (Hansen, Allen & Luce)

Excused: Bruce Christensen

**Invocation:** Board Member Brent Rose

**Adoption of the Agenda**

There were no changes to the agenda.

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

**Adoption of the Minutes for the meeting held July 28, 2010**

A copy of the draft minutes of the meeting held July 28, 2010 was included with the packet mailed to the Board Members. There were no changes to the minutes.

Vice Chairman Ross Rudd moved to approve the minutes of the meeting held July 28, 2010 as recorded. Board Member Charles Holmgren seconded the motion. Chairman Burt, Vice Chairman Rudd, Financial Chairman Thompson and Board Members Stokes, Day, Shaffer, Holmgren, Baugh, Rose and Forsgren voted in favor of the motion.

### **Adoption of the Minutes for the Special Meeting held September 9, 2010**

The Board Members received a copy of the draft minutes for the special meeting held September 9, 2010 in the packet mailed to them.

Board Member Richard Day moved to approve the minutes of the special meeting held September 9, 2010. The motion was seconded by Vice Chairman Ross Rudd. Chairman Burt, Vice Chairman Rudd, Financial Chairman Thompson and Board Members Stokes, Day, Shaffer, Holmgren, Baugh, Rose and Forsgren voted in favor of the motion.

### **Board Member Reports – Trustees**

**Brian Shaffer:** reported the County entered into a lawsuit joining forces with Lincoln County in Wyoming against El Paso Pipe. The goal is to get Western Watershed to agree to not spend any money that was awarded to them by El Paso for buying grazing rights or restricting any public use of public lands. The emergency water shed project in Blue Creek and Hansel Valley areas is under way. They are cleaning sediment from the collection debris basins. On Monday, Staker-Parson will begin working on diversions, levees and dikes. They are going to rebuild, clean out and upgrade almost every structure out there. There will be no cost to the County or the land owners. The work is being done by a grant and will amount to about \$8,000,000. Vice Chairman Rudd asked about the County's participation with the pipeline project. Commissioner Shaffer stated every county that is crossed by the (Ruby) pipeline are all united and supporting it. Nevada has a little longer stretch in Elko County than we have in our county. Box Elder County has a stretch of about 300 miles. There was a discussion of the impact of the pipeline on the landscape and the foot print it will leave. Commissioner Shaffer stated the commission is trying to protect the ranching industry as well as public land use in our county.

**Brent Rose:** reported seeing the impact of the pipeline. They are watering the roads but are getting lax on the desert. You can see the dust. He hopes for safety during the construction. There are sixty trucks per day and many workers. It is a huge footprint. He doesn't have anything against it and it is crossing very little private property. He has concerns about it coming through their desert. It is very dry in the western portion of the county and he would like to do something about it.

**Charles Holmgren:** reported there is not much going on at the Canal Company. Users keep lowering demand on the canal. The Canal Company used 2/3 of their allocation from Bear Lake this year so 1/3 will stay in the lake for next year. For those with livestock, he encouraged them to talk to the canal rider for water later in the year. He has not heard projections for when they will shut off the Hammond Canals. He would try to discourage them from shutting them off so early unless they have a project going. The very warm Fall is keeping the moss growing heavily in the canals. They have been able to find some products that are effective in reducing the moss.

**Richard Day:** reported there was a brush fire near our well in South Willard on Marriott's property. He talked to fire department personnel about the cause. There were two track hoes there and they expect a spark from them started it. Board Member Rose stated there was another fire in Park Valley today on some of his property in dry grass.

**Dave Forsgren:** No report

**Stan Stokes:** No report

**LaRall Thompson:** reported he was happy to see Chairman Burt and his wife as the Grand Marshalls of the Fair parade with Stan Stokes driving the wagon carrying them in the parade. He expressed sympathy for the passing of Board Member Bruce Christensen's wife. General Manager Jorgensen reported the District sent a platter of meat and cheese, rolls and a relish tray to his home for the family and provided a flower arrangement for the funeral. The Board's condolences were extended to Board Member Christensen and his family.

**Ross Rudd:** No report

**Clint Burt:** commended Board Member Brent Rose for an excellent job with the County Fair Rodeo.

### **General Manager's Report – Voneene Jorgensen**

#### **Project Updates: South Willard Culinary System**

A slide show was presented showing the culmination of the South Willard project. Systems Operator Bob Phippen narrated the slides showing the back fill of the tank and grading of the site. Vice Chairman Rudd commented about the large number of rocks. Mr. Phippen stated all material around the tank and on top was screened to eliminate rocks leaving significant rock piles. There was a discussion about the frequency and process of tank cleaning. The slides showed the eight foot fence installed on the property line by Randy Marriott. Mr. Phippen stated there are domesticated elk being kept on the Marriott property.

Bill Bigelow then explained what is left to be accomplished on the project. He stated it is very close to having an operating permit. The pipeline contract has been closed out. The contracts with the pump station and reservoir contractors are very close to being closed out. Build Inc. has a gate to install and they will be finished. The pump station had several electrical punch list items and he believes they are all complete but will check. Mostly, there is just some paperwork and the District will be able to start selling water.

#### **Beaver Dam Water System**

General Manager Jorgensen explained she attended a field trip with Bill Bigelow, Lance Nielsen, and surveyor Brad Daley from Hansen Allen & Luce along with Bob Phippen and

Chairman Burt. They traveled to Beaver Dam and met Kelly Hansen. Bob Phippen narrated a slide show of pictures taken in Beaver Dam of the existing water system facilities and the springs which are the water sources. Bill Bigelow gave information to update those who were not in attendance at the meeting on September 9<sup>th</sup> where the project had been discussed. He stated there is one of the springs they are asking the state to accept. The other two springs will have to be redeveloped. The system has always been a non-approved system. It has never been metered and the pipelines are located on private property. There have been quite a few studies done to determine what can be done to improve the system. Hansen Allen & Luce was asked to help with source protection in the past. The new system will have an 8” pipeline coming from a new tank with capacity for fire flow. The project will also include the development of the two springs and have a treatment plant for arsenic removal and chlorination. They could serve over 50 homes or more than double the amount of homes currently being served. Less than half the residents of Beaver Dam are connected to the current system. All current users have a water right. The water rights are being worked on now. They have more water rights than they are using. Mr. Hansen said that right now no one uses the creek for the supplemental water rights. All of the users take stockwater and irrigation out of the system. Mr. Bigelow stated the users will be provided with stockwatering and irrigation from the new system. There was a discussion of future growth and the adequacy of water rights later on. Mr. Bigelow stated Collinston has a master plan to run a pipeline to Beaver Dam in the future for an additional source. Kelly Hansen believes a handful of residents may want to pay the impact fee and connect to the new system when it is completed. Most of the wells in the area don’t have very good water quality.

Bill Bigelow reported on the meeting with the LDS Church yesterday regarding water service in Beaver Dam and the participation of Early Park in the project. There is a spring that provides the culinary needs for Early Park. The study done in 2008 for a new water system had options with or without the church. At that time, the local church leaders didn’t want to participate so the funding for this project excluded them. The meeting yesterday was held to bring information to the church. Mr. Bigelow stated the church is definitely interested in hooking up the chapel but he is not sure if they have water rights to contribute. Because Early Park is not a year round system, they don’t have to comply with the arsenic rule. Mr. Bigelow addressed water rights issues and some specifics of project requirements.

General Manager Jorgensen explained she has an agreement drafted by Attorney Craig Terry that outlines all of the conditions agreed upon at the beginning for the District to become the owner of the Beaver Dam Water System Project. She briefly explained the terms of the agreement and the funding for the system. She stated the Division of Drinking Water voted to approve the funds in BRWCD’s name with the same terms they were offering to Beaver Dam. The Army Corps of Engineers have provided \$250,000 for the preliminary engineering and the rest of the funding will come in the next year. The agreement provides for the dissolution of the contract if the agreement is not kept or the funds are not forthcoming. She has received the committal of funds from the state. The annual payment starts at \$6,000 to \$7,000 per year and increases to \$9,000 at the end of the 30 years. There will be no District funds used. There will only be up-front costs that will be reimbursed. The water right issues will be worked through. She expressed the desire to move forward and get the contract with Beaver Dam in place. She asked if the Board would be comfortable having Chairman Burt sign the agreement with Beaver Dam Water Company. Chairman Burt thought it was

outstanding that the loan from the state is at 0% interest. General Manager Jorgensen stated the Division of Drinking Water and Senator Bennett's office that approved the federal funding realized the dire need of the community.

General Manager Jorgensen responded to a question by Board Member Day stating the Beaver Dam Water Company will cease to exist. They will continue to operate as they are now until the project is completed and their users are connected to the new system.

Board Member Charles Holmgren moved to authorize Chairman Burt to enter into the agreement before next board meeting to accomplish the necessary legal work with Beaver Dam Water Company. The motion was seconded by Vice Chairman Ross Rudd. Chairman Burt, Vice Chairman Rudd, Financial Chairman Thompson and Board Members Stokes, Day, Shaffer, Holmgren, Baugh, Rose and Forsgren voted in favor of the motion.

### **Harper Ward Fire Flow**

General Manager Jorgensen stated she received the agreement to obtain water for fire flow in Harper Ward from Attorney Dallin Jensen with the District comments and she will give it to Dave Forsgren for review. She explained details of the agreement and changes suggested by Mr. Jensen. The agreement describes the project and gives a completion date of December 31, 2010. The share for each entity participating will be \$127,000 for the LDS Church, \$ 75,000 for BRWCD and \$35,000 for Honeyville. Honeyville agrees to provide the water and the storage as well as maintain the ownership of the lines. BRWCD will put in 75% up front and then 30 days before the end of the project, the remainder will be paid to Honeyville. Honeyville will provide the fire suppression flow (1500 gpm) of water to the District and the church until such time as the District can construct its own water supply facilities. The church is anxious to get the agreement signed. She asked for the Board to grant authorization for Chairman Burt to sign the contract with Honeyville after it has been reviewed by Honeyville and the Church.

Vice Chairman Ross Rudd moved to give the General Manager leeway to complete this work and authorize Chairman Clint Burt to sign the contract with Honeyville. The motion was seconded by Financial Chairman LaRall Thompson. Chairman Burt, Vice Chairman Rudd, Financial Chairman Thompson and Board Members Stokes, Day, Shaffer, Holmgren, Baugh, Rose and Forsgren voted in favor of the motion.

### **BRWCD and Brigham City Surplus Water Agreement**

General Manager Jorgensen stated she has been working with Brigham City to extend our contract for surplus water. She talked to Bruce Leonard and Brigham is asking for an 18% increase in the amount we pay for the water. She has been working on different proposals and she will try to negotiate a better price for the water for the Harper Ward System.

### **2010-2011 Weather Modification Program**

General Manager Jorgensen has received the proposal from North American Weather Consultants for this year for Weather Modification. The contract is the same as last year. The State

will again participate in a 50% cost sharing of the estimated total of \$49,250.00. The BRWCD share was budgeted at \$24,625.00. It is a four month program. There are set costs for set up and a monthly fee. Generator hourly charges depend on the actual hours that they seed the clouds. We have never spent the total amount budgeted. Last year, the total cost was \$6,000 less than the estimate because less generator hours were used. The District paid \$21, 774.25. The State paid an equal amount. She asked for support and authorization to move forward and sign the contract for the weather modification program.

A motion was made by Vice Chairman Ross Rudd to support the Weather Modification Program and instruct the General Manager to sign the contract. The motion was seconded by Board Member Dave Forsgren.

Board Member Holmgren stated he has been a supporter of the Weather Modification Program. It is critical for irrigators of Bear River Canal Company and for the culinary water drinking public as well. It increases spring flow and well capacity. It is not just for irrigation and hopefully, it will do some good for western Box Elder County. General Manager Jorgensen explained it was estimated that our area was enhanced by 106,000 acre feet making a cost of about \$1.02 per acre foot. Board Member Day asked about moving the generators further west. General Manager Jorgensen has talked to Don Griffith about this and she was told we would have to participate with a program in Nevada to be more effective in the western part of the county. Mr. Griffith (of North American Weather Consultants) is willing to look into that option if the District is willing to participate.

A vote was taken on the motion. Chairman Burt, Vice Chairman Rudd, Financial Chairman Thompson and Board Members Stokes, Day, Shaffer, Holmgren, Baugh, Rose and Forsgren voted in favor of the motion.

General Manager Jorgensen reported she attended a meeting for the Bear River Development. They are progressing on the corridor study and hope to have a draft by the end of October. It will be an expensive project to build the Washakie Reservoir and it will not be big enough to hold the entire allocation. There may need to be another reservoir. They now are discussing the public involvement. Hopefully, this will be a positive part of the project.

### **Secondary Water in South Willard Area**

General Manager Jorgensen stated 42 checks for the initial fee have been collected from those who support the project and she is feeling uncomfortable keeping them any longer. Chairman Burt has been thinking about it and the 42 checks only represent about 10%. The deadline was July 31<sup>st</sup> for those in the South Willard area to commit to the project. He did not see how money could be spent by the District for a feasibility study when we don't have more participation than that. He asked the Board for a motion delaying the project until there is more interest and stated the District has no control over South Willard Water Company users where the secondary water system is proposed to begin. He asked for a motion and then the Board could discuss it. Commissioner Shaffer suggested the motion should be whether the District should or should not be in the Secondary Water

program. Chairman Burt explained there had previously been a motion to pay \$35,000 for a study and a deadline was set. The deadline came and went and there is not enough support so the checks received need to be returned. Commissioner Shaffer stated the motion was not contingent on the number of checks received. Vice Chairman Rudd stated part of the study would be to determine the potential for success and if we can't get more than 10% showing an interest, it would not be successful. A map showing the property of those who responded to the survey was at the meeting for the Board Members to review. General Manager Jorgensen explained the number of responses that were received: 42 sent a check for \$300.00, 21 sent the survey back saying they were interested but did not send the fee and 35 replied they were not interested in participating out of 411 surveys that were sent out. We had a huge majority that did not respond at all. Board Member Rose stated the issue is whether the District is in the secondary water business or not. He felt the people would not put up money until the study is done. General Manager Jorgensen stated the secondary water system is a good idea and it is needed to conserve the culinary water. She stated Terel Grimley of Pineview told her there has to be enough people willing to put up money to fund the study showing support of the project in order for him to move forward with the project. There is a concern with the number of people in the area using culinary water for outdoor use. Board Member Day stated the South Willard Water Company allows 17,000 gallons per month to their customers for \$22.00 with an overage rate of \$1.50. Vice Chairman Rudd stated he thought the District had a rule or understanding that we would not supply culinary water for outside use. Chairman Burt stated we do for our systems but we have no control over South Willard Water Company. Board Member Day stated the District took the responsibility for all water in the South Willard area when the District protested the South Willard Special Service District having water authority. He specified he believed the District has responsibility for secondary water in the whole area and culinary water south of the South Willard Water Company area. Board Member Day stated if the District decides to not do secondary water now, the District should relinquish the authority for water in all of the South Willard area. Chairman Burt stated the District has not decided not to do it, just not do it right now. Board Member Day asked what would be done for new development if it happened tomorrow. Chairman Burt stated the dry lines would have to be installed. Board Member Day stated that would put us in the same position as we are now. It won't matter whether we put a secondary system in South Willard today, tomorrow, next week or a year from now but we need to do the feasibility study so that at some point in the future we will be ready to move forward. Chairman Burt asked if the South Willard Water Company is prepared to finance half of the study. Board Member Day stated he has talked with the General Manager considerably about this issue and he believes the feasibility study should have been done and brought to the people up front. Financial Chairman Thompson brought up who should pay for it. Board Member Day maintained the District has the responsibility. Board Member Day stated the District needs to relinquish that responsibility. General Manager Jorgensen stated the code does not allow that. Board Member Rose stated the whole county is taxed by the District and we have built a system in South Willard that will not pay for itself for a while. We have to look to the future. Commissioner Shaffer stated the District has as much responsibility in Western Box Elder County as it does on the Wasatch Front. Board Member Forsgren stated the District has helped all who have come in and not excluded anyone. General Manager Jorgensen stated the District is trying to help everyone. General Manager Jorgensen stated we have spent a lot of money in South Willard and moved forward in good faith thinking that the area would support the project. The economy has had

an impact and we will subsidize it for a while. She expected there would have been more support from people wanting to upgrade their irrigation systems. She stated the District has worked to get the secondary water going with sending letters, holding meetings and working with Pineview. Terel Grimley has told the District he cannot move forward and bring the project to his board unless there are enough people supporting the project. Pineview cannot participate in funding a study because it is not the responsibility of his water users to fund something in our area and Mr. Grimley believed the figures from the Perry system should be a close enough ball park figure to allow South Willard users to make a decision to support it or not. Vice Chairman Rudd stated with the secondary water project, we should let the people decide. Commissioner Shaffer suggested the District position should be to withdraw the petition against Willard doing secondary water and move on to a better project if there is no support there. General Manager Jorgensen explained the District did not know there was a Special Service District being formed in South Willard until a week before. The BRWCD was asked to give permission for the new Special Service District to provide water service. The District objected because we already had \$685,000 in infrastructure in that area to provide culinary water service. During the County Commission meeting when they were acting on the approval for the Special Service District, a question came up about the water service including secondary water as well as culinary. General Manager Jorgensen had not had time to discuss the issue but the attorney stated according to the code, water is water and includes secondary water. Subsequently, the District was thrown into the secondary water arena and we have tried to fulfill our obligations. She cannot see how we can force people to participate. Board Member Day stated at some point the study will be needed and we want to be ready when new subdivisions come in. Vice Chairman Rudd again stated the people need to decide. Board Member Day asked how can they make a decision without knowing the cost. Commissioner Shaffer explained the sewer system for the South Willard area was on the ballot and the people denied it. He maintained the sewer was a good idea as is the secondary water system but they still voted it down. Vice Chairman Rudd pointed out if the people don't want it, the \$35,000 is wasted. Board Member Stokes recommended the checks be sent back to let them know they will lose it if they don't do something.

Board Member Stokes moved to return the checks with a letter that we did not have enough participation and it will be revisited in the future. Vice Chairman Ross Rudd seconded the motion. Chairman Burt, Vice Chairman Rudd, Financial Chairman Thompson and Board Members Stokes, Day, Shaffer, Holmgren, Baugh, Rose and Forsgren voted in favor of the motion.

Board Member Forsgren asked whether to consider the feasibility study and proceed with it. He wondered what the cost would be. General Manager Jorgensen stated the study was put on hold at the point when Terel Grimley suggested we get the community support behind us first. She stated she thought the Board needs to decide if we are willing to spend the \$35,000 to give the people more information realizing it will still be an estimate of projected costs and we may not get anymore participation. Board Member Day stated the study would then be done when the economy does come back and it will be ready to go at a later date. Chairman Burt wondered how long the cost estimates from a study done now would still be viable. General Manager Jorgensen stated there is not a question whether the project is feasible. Our previous secondary water study shows there is water there and there is a way to do it. There needs to be some incentive for the existing water users using

culinary water to change to a new secondary system. The study that is needed is probably a preliminary engineering and design study to determine costs and line placement. Board Member Forsgren suggested getting estimates for the kind of study that is needed. General Manager Jorgensen previously reviewed two estimates for the study that were \$35,000 and \$60,000. She felt we need to develop a scope of work and then we can get a cost estimate. She suggested having Terel Grimley provide input to this process.

Commissioner Brian Shaffer moved to move forward with getting a scope of work and getting a cost estimate. The motion was seconded by Board Member Dave Forsgren.

The motion was clarified that the Board is not voting on doing the study but only getting a scope of work and an estimate of what it will cost and the board will make a decision of whether to go ahead with the study upon review of the cost.

A vote was taken on the motion. Chairman Burt, Vice Chairman Rudd, Financial Chairman Thompson and Board Members Stokes, Day, Shaffer, Holmgren, Baugh, Rose and Forsgren voted in favor of the motion.

General Manager Jorgensen then reported she has been working on the Collinston project. There have been successful meetings with representatives from Deweyville. A meeting is being scheduled with Riverside/North Garland to determine their water needs. We also had a good meeting with Ukon Water Company representatives. The project is moving forward and financial projections are being prepared to see how much water we need to sell, what it will cost and the number of subscriptions we will need. She appreciated the Board's support for this project.

### **Financial Business – LaRall Thompson Approval of the Financial Statement**

The financial statements were prepared and included in the packet that was mailed to the Board Members. Financial Chairman LaRall Thompson asked if the Board had reviewed the financial statements and requested a motion to approve them.

Vice Chairman Ross Rudd made a motion to approve the financial report as presented. The motion was seconded by Board Member Dave Forsgren. Chairman Burt, Vice Chairman Rudd, Financial Chairman Thompson and Board Members Stokes, Day, Shaffer, Holmgren, Baugh, Rose and Forsgren voted in favor of the motion.

General Manager Jorgensen advised the Board Members that they are welcome to come to the office and review any financial information or call her if there are any questions on any of the financial statements.

**Public Comment**

There were no public comments.

**Adjourn**

Board Member Dave Forsgren moved to adjourn the meeting. Board Member Richard Day seconded the motion. Chairman Burt, Vice Chairman Rudd, Financial Chairman Thompson and Board Members Stokes, Day, Shaffer, Holmgren, Baugh, Rose and Forsgren voted in favor of the motion.

The meeting adjourned at 9:00 p.m.