

**Bear River Water Conservancy District
Board Meeting
Wednesday February 24, 2021 7:00 p.m.
Bear River Water Conservancy District Conference Room
102 West Forest Street, Brigham City, Utah**

This meeting was held in the office conference room and electronically via GoToMeeting.com

Minutes

Present: Trustees: Roger Fridal, Charles Holmgren, Mark Larson, Russ Howe, Neil Capener, Jay Carter, Tyler Vincent, David Forsgren, Jay Capener, Richard Day, Jeff Scott

Absent:

Staff: General Manager Carl Mackley, Systems Operator Robert Thayne, Administrative Assistant Jill Jeppsen

Other:

Welcome: Chairman Roger Fridal
Invocation: Richard Day
Pledge of Allegiance: Mark Larson

Declaration of Conflicts of Interest: None

Adoption of the Agenda –Chairman Roger Fridal

A motion was made by Board Member Larson to approve the agenda. The motion was seconded by Vice Chairman David Forsgren. All Board Members voted in favor of the motion.

Approval of the Minutes for the Board Meeting held January 27, 2021

The minutes of the Board Meeting held January 27, 2021 were included with the packet that was provided to the Board Members.

Board Member Mark Larson made a motion to approve the minutes of the meeting held January 27, 2021. The motion was seconded by Board Member Day. All Board Members voted in favor of the motion.

**Financial Business – Charles Holmgren
Approval of Financial Statements**

The financial statements for January 2021 were prepared and provided to the Board Members. Financial Chairman Holmgren has reviewed the reports and asked for the Board to approve them.

A motion was made by Vice Chairman Forsgren to approve the financial statements as presented. The motion was seconded by Board Member N. Capener. All Board Members voted in favor of the motion.

Interlocal Agreement Presentation – Paul Larsen with Brigham City

A presentation was given for an INTERLOCAL AGREEMENT by and between the BRIGHAM CITY REDEVELOPMENT AGENCY and BEAR RIVER WATER CONSERVANCY DISTRICT for the TRUECORE COMMUNITY REINVESTMENT PROJECT AREA. Parameters of the CRA are 60% of the tax increment going to the project, 40% of the tax increment being retained by the District for 20 years. The Board Members discussed the parameters and agreed to the tax increment as long as a Cap is written into the agreement and when that Cap is met the CRA will end.

A motion was made by Board Member Scott to approve the Interlocal Agreement with Brigham for the project area with a Cap. The motion was seconded by Board Member Larson. Board Members voting in favor of the motion; Chairman Roger Fridal, Board Member Howe, Board Member N. Capener, Board Member Carter, Board Member Vincent, Vice Chairman Forsgren, Board Member Day. Board Members voting in opposition to the motion; Board Member J. Capener, Financial Chairman Holmgren.

There was a discussion regarding the School District implementing a policy that they will only participate for 15 years, if the CRA goes longer than that, the other taxing entities will have to pay the balance. The Board Members did not like this policy and think it is unfair that one tax entity can require something of another tax entity in this way.

It was also discussed that the BRWCD does not currently have representation on the Taxing Entity Committee, and we need to have someone appointed to the committee. The discussion continued on how the CRA can be a tool to attract large business to locate in the area and the benefits they bring to the community.

General Manager's Report – Carl Mackley

South Willard Well – We do not have good news regarding this well. We are to a point that we will need to drill a new well. We cannot get the pump out; the column has been broken twice. It is not coming out. The well driller has been budget conscientious and has been carefully trying to get the pump out. They brought in a large crane and a vibrating hammer to try and break it loose. They were able to move it up about 28 feet, then the column broke. They were somehow able to hook on again, then another section broke. The question was asked if they could just push the pump to the bottom of the well? They are not able to move it up or down at this point. Dynamite has been discussed as a solution but does not seem feasible. There was a discussion on how this could be done. Robbie Thayne added that this well has had problems from the beginning and gave his opinion that the better thing to do would be to abandon this well and drill one in a different location. General Manager Mackley continued his report stating we have already been approved by the State for drilling in several different locations. The District owns a one-acre property about a half mile to the west of the existing well location. It is also possible that we could drill a well on the same property where the well is now. We only own these

two properties for the sites that we have already been approved for. The one-acre property is in the middle of the elk farm, about 100 feet lower in elevation than the existing well site.

It is thought the iron bacteria problem showed up in 2015 when the existing well was deepened. We could maybe drill a 400 foot well and stay in the good water. The subdivision developers are ready to move forward with the development and say they will have houses there this Fall. We have issued a will-serve letter to the County on their behalf. They have reduced the number of lots, and have increased the lot size to accommodate septic systems. They plan on doing 104 lots in 4 phases. The first phase will be 24 homes. South Willard Water Company has been very good to work with us, but we need to get our own source of water. We will have to get funding for a new well project. We will be able to collect impact fees for the new lots. There was a discussion on the well site and what it would take to connect to our system. We have the easements and rights-of-way in place for this site. We own a 1-acre parcel that we will have to fence.

General Manager Mackley is looking for direction from the Board to act on this project.

A motion was made by Financial Chairman Holmgren to instruct the General Manager to start investigating drilling a new well in South Willard and to explore funding for this project. The motion was seconded by Board Member Larson.

There was a discussion on where the other approved sites are located. It was noted we only own property on two of the seven sites. The question was asked if we have done everything we can to the existing well? It was noted we would have to pump the water from the new well site up to the tank, but the chlorinator and all other equipment can be used where it is and would not have to be replaced. This pumping can be done with the well pump. We would not have to drill a test well. The question was asked if we know if we would run into some of the same issues drilling on this site, such as boulders that we had in the original well? It was noted this well was drilled with a cable tool rig, if it is drilled with a rotary rig it will drill through the rock. General Manager Mackley added we should target the 400 to 500-foot range and put in a 200 gpm pump.

All Board Members voted in favor of the motion.

It is thought that if we find private funding for this project, we could have a well drilled in 6 months.

Water Supply Agreement with Brigham City

We have come to terms with Brigham City on a Water Supply Agreement for Harper Ward. The key items are Brigham City is charging a standard rate for water to its residential customers and we will be paying that same amount going forward. Brigham City will guarantee us up to 100 acre-feet at 500 gpm. We currently average about 70 acre-feet usage on this system. This past year we used significantly more than that due to providing emergency water to West Corinne Water Company. The agreement specifies that we must get permission from Brigham City to use more than the allotment of 100 acre-feet and use it only for existing customers. Upon approval by the city for more than 100 acre-feet per year, the rate is double the standard rate. Basically, we will need to stay below 100 acre-feet per

year under the agreement. We have done our rate study and factored these price increases into our new rates. The District will collect the impact fees from any new connections. The agreement needs to be adopted by the Board.

A motion was made by Board Member Day to adopt the Water Supply Agreement with Brigham City Corp. The motion was seconded by Vice Chairman Forsgren. All Board Members voted in favor of the motion.

Harper Ward New Connection Policy

We need to have a policy on how to handle new service connections on the Harper Ward system while we are purchasing water from Brigham City. When we have our own source in place, The Water Supply agreement with Brigham City ends after we give them a 60-day notice, or it goes for the full 5-year term. Typically, we have only had one or two new connections per year for the past several years. Currently there are properties that are being looked at to develop multiple connections. Under our agreement with Brigham City, we need to not exceed the 100 acre-feet allotment and need to have a policy in place to limit the number of new connections per year.

Board Members were presented with the following additions to our Water Service Policy:

2.5.4 In the event a Petition concerns a new retail water service in Harper Ward the number of new retail connections will be limited to five (5) connection, or up to five (5) acre feet of water per year, until the District has developed its own water source(s). In the event the Petition concerns a new development in Harper Ward with multiple properties, the water allocation per property will be set at 1 acre foot per property, unless secondary water is available the allocation will be adjusted accordingly.

2.6.4 As per the Water Purchase agreement with Brigham City Corporation, any water purchased over the annual allotment of 100 acre feet will be billed at a rate that is double the standard purchase rate. Therefore, an Emergency Water Petition on the Harper Ward system will be billed at a rate that is double the cost of the standard rate, until the District has developed its own water source(s).

There was a discussion on limiting the connections. There is a lot of potential development going on in the county. There is a developer that has approached us for 12 connections on the Harper Ward system. It is high on the hill and would require a lot of infrastructure and a pump station to get water to the property. We need to have a policy in place to protect the District due to the limited supply available until we have our own sources developed.

A motion was made by Financial Chairman Holmgren to approve and adopt the amendments to the Water Service Policy as presented effective March 1, 2021. The motion was seconded by Board Member Howe. All Board Members voted in favor of the motion.

Collinston Source & Monitoring

It was thought the secondary source idea may be dead. After last month's board meeting General Manager Mackley spoke to the property owner of the well and he felt rushed into making a decision and does not want to talk anymore. We spoke with the Division of Water Rights about the rights that

Heritage Land Development owns. Our attorney has given the advice you should not buy any water right that you cannot do what you want with the water. If you are interested in buying someone's water rights you enter into an agreement that they file a change application on your behalf and then upon approval of that change application you agree to purchase the water rights for the agreed amount, that way you can use the water how you want and need. General Manager Mackley specified these conditions to Heritage Land Development, and they did not want to wait to go through the application process. They wanted to see their money now. We have had more talks with them, and they are starting to come around. We could still potentially drill a well in Collinston for culinary use. We are exporting water out of Deweyville and importing ground water into Collinston and Fielding and anywhere our Collinston System water is used. Flat Canyon well is not a productive enough source and a second source is needed. That is something that we will continue to consider.

General Manager Mackley recommended that we start doing some monitoring in Collinston if we are going to drill a well there. There are a few sources we can monitor include select existing wells and Pack and Barnard Springs. The spring would require a 30-foot monitoring well for monitoring and the wells would require pressure transducers to be installed. General Manager Mackley discussed a couple of key wells to monitor. The idea is to monitor water levels to have data for a future well. General Manager Mackley is asking for support in monitoring these sources in preparation to file an application. The cost to put transducers into wells will be less than \$1,000 in most cases. If we drill a 30-foot monitoring well, the cost will be about \$10,000. There was a discussion regarding why we would want to monitor these wells before we filed for an application.

A motion was made by Vice Chairman Forsgren to authorize the General Manager to set up well monitoring in existing wells in Collinston and to drill a monitoring well, not to exceed \$15,000.00. The motion was seconded by Financial Chairman Holmgren. All Board Members voted in favor of the motion.

There was a discussion on the Flat Canyon well performance and the plan for connecting it to our Collinston system. We are planning to run power to the well this year and constructing the remainder of the system next year. We have visited with the Canal Company about crossings for the power and running adjacent to the canal for the one-mile section. They have been good to work with us on this.

Drought Planning

We are excited about the drought planning. The county was divided up into six separate regions for planning purposes. We have held five out of six meetings so far with the public water suppliers (PWSs) in the county. The final meeting will be held on March 11th. It is very clear that some PWSs are not interested in discussing planning with the District or in partnering on projects. Other PWSs are talking with us about specific projects. PWSs in the Bothwell and Cutler Regions from Bothwell to Fielding seem to be most interested in partnering on projects. The meetings we have had have all been very good. It seems each meeting got better. We are gathering the data from the discussions. There are a few things that have come to the surface in these meetings. The first is identifying projects, Ukon has some, Riverside North Garland has a few, Tremonton is interested in one. Some are not interested in projects but are interested in developing regional conservation goals. We can have goals that each public water supplier can try to reach through their own methods. We have discussed several ways this

can be accomplished. There are a lot of good ideas being shared. Another request was to acquire and share data with the different entities and to develop a platform to combine the information and share it with the region's PWSs. There has been improved communication. Being out among the people in the municipalities and water suppliers and listening to their concerns and ideas has really been valuable for the District. There is a common concern in the county about growth and conservation.

Water Supply Concerns North of Fielding

Brian Shaffer from Ukon Water company contacted us because he was contact by someone wanting them to file a protest to a water right application north of Fielding. He and General Manager Mackley had a public water supply discussion. Residents in the area have protested the application because they have shallow drinking water wells and are afraid that this application will negatively impact their wells. The water right application is just under 7 acre-feet for 40 homes, stock watering for 40 large animals and one acre of irrigation. This is in an area known to have high arsenic and nitrate in the groundwater and is an area that would benefit from a public water system. There is potential for water in the area to be available, but it will be very expensive to develop. The developer would become a public water supplier with 40 homes. **[As an aside, since the Board Meeting, General Manager Mackley discovered that the application is only for four homes, not forty. The other uses and amounts listed are correct.]**

General Manager Mackley asked one of the residents if we can put a transducer in his well to monitor groundwater levels in the area. General Manager Mackley wants to write a letter of concern to the State. He will include the request to have the developer drill a test well to test pump and take water quantity and quality samples. The developer does not currently appear to have water rights as they are filing an application to appropriate. They do appear to have canal shares for secondary water. The trailer park to the north of this property has severe arsenic problems in their water at 10 times the legal limit. They are under a Do Not Use Order. The owners bring in jugs of water for drinking. Arsenic is not the only problem with the water quality. We are not writing a letter of protest, but we do want to write a letter of concern stating this area is in need of a public water supplier and there are public water suppliers in the area, but they are not able to provide water at this time. We are working conjunctively on developing sources that could service this area.

There was a discussion regarding Riverside North Garland's ability to supply water to new developments.

System Operations – Robbie Thayne

The fire hydrant has been moved in South Willard.

The building over the backup well is being painted, then it will be completed.

We are tracking TDS in the Newman well with our own testing equipment that we purchased.

The insurance company should be towing the truck away, soon. They declared it a total loss. Andrew will be finished with school so we will need to find a new truck by the end of April.

There was a leak on the Harper Ward line near the Honeyville sign. We were able to get some training on using the leak detection equipment we have, which helped us find the leak. It took several days to find it. There was an air vac that we did not know we had that was leaking. It was buried about a foot in the ground, and the water never surfaced.

We are still taking water from South Willard Water Company. We take about 300,000 gallons every 20 days. We will not be able to maintain that through the summer, so we need to get a well.

Rural Water Conference is next week. Andrew Beecher and Robbie Thayne will be going down to St. George with General Manager Mackley for the conference. Richard Williams will be staying here to monitor the systems.

None of the Board Members have taken tours of the systems, yet. The offer still stands.

There was a short discussion regarding when the South Willard well was drilled.

Trustee Reports

Jeff Scott – Looking at the snowpack, Rafter River is at 100% and the Bear River is at 83%. We have increased from where we were, but not quite where we need to be.

Richard Day – Behind Pineview there is about 4 feet of snow, usually there would be 7 or 8 feet this time of year. It is down, but happy we have 4 feet.

Russ Howe – Thatcher had an 8” break on a line. It was originally thought to be caused by frost, but the pipe was 10 feet deep, so it was not caused by frost. It had been in the ground for 30 years, there were two lengths split. The pressure regulators were replaced last summer, and everything was adjusted to 55 pounds, unless the regulator is stuck. They should be finishing the repairs tonight.

General Manager Mackley told Board Member Scott he was appreciative of Scott Lyons and Marcus Wager for attending our Regional Drought Planning meetings. We know the County is looking at their planning and zoning policy and are glad they have attended our meetings. Board Member Scott said the County is updating the General Plan. It has been in the works for a couple of years. They have gotten some funding to cover the cost. They are gathering input from the public right now. He praised the County planners in their knowledge and being accessible. If you have any input or thoughts on the general plans, you can send the information to them. There is a public meeting on March 10th that anyone can attend and give input.

Jay Capener – No report

Jay Carter – No report

Tyler Vincent – Glad to see the snow. Brigham City checked their snow poles, we are not perfect, but we have gained. We are better off than we were a month ago.

Neil Capener – Riverside North Garland pulled the pump out of the big well and sent a camera down. It is plugged clear to the bottom. They are going to brush the well to clean it and get it back on-line.

Mark Larson – No report.

Charles Holmgren – Pacific Corp is addressing the possibility of participating in cloud seeding in Northern Utah.

We attended a virtual meeting yesterday, with Utah Water Users Association. It is interesting what goes on in the legislature, even though some items seem like a conflict of interest. One item, Paul Ray is trying to provide private building inspectors, so the cities do not have to provide them, and to give developers an alternative. It was noted that Paul Ray is also the executive director of the Utah Home Builders Association. Lowry Snow is sponsoring a bill, Uniform Easement and Relocation Act, meant to circumvent canal companies from slowing down development in the state. We do not know if this will make it through the legislature this year. The Utah Water Users has not taken a position on this bill. Mr. Holmgren has been working with developers in Elwood for them to pipe irrigation ditches. The ditch company has spent nearly \$12,000 in engineering and attorney fees just to review the developers plans. It seems like a waste of money, but if you do not hire a good attorney and a good engineer, you will pay for it in the long run. Maverik is going to build on the other side of the freeway, and they are going to include a restaurant or café. It is an expensive fight for a small ditch company to work with developers.

Dave Forsgren – There is good news for Honeyville from the National Rural Water Convention a few weeks ago, Honeyville ranked second in the national water taste test. Honeyville is first in the state, now second in the nation. We have some good springs.

Roger Fridal – In Tremonton the wells and springs are doing well. The springs have stayed up even with the dry winter. Life is generally good in Tremonton.

A motion was made by Vice Chairman Forsgren to adjourn the meeting. The motion was seconded by Board Member Day. All Board Members voted in favor.

The meeting adjourned at 9:20 PM.