

**Bear River Water Conservancy District
Board Meeting
Wednesday July 28, 2021 7:00 p.m.
Bear River Water Conservancy District Conference Room
102 West Forest Street, Brigham City, Utah**

Minutes

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

Absent: Tyler Vincent

Staff: General Manager Carl Mackley, Systems Operations Manager Robert Thayne, Administrative Assistant Jill Jepps

Other: Anthony Richards, David Richards, Therina Simmons

Welcome: Chairman Roger Fridal
Invocation: Richard Day
Pledge of Allegiance: Robbie Thayne

Declaration of Conflicts of Interest: None

Adoption of the Agenda –Chairman Roger Fridal

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

Approval of the Minutes for the Board Meeting held June 23, 2021

The minutes of the Board Meeting held June 23, 2021 were included with the packet that was provided to the Board Members.

Vice Chairman Forsgren made a motion to approve the minutes of the meeting held June 23, 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 June 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 Board Member Day to approve the financial statements as presented. The motion was seconded by Board Member Carter. All Board Members voted in favor of the motion.

Anthony Richards – Beaver Dam Concerns

Mr. Richards shared some concerns about the Beaver Dam area. *“We have a small farm in Beaver Dam that we grow vegetables and corn on 12 acres that are irrigated. Over the last little while we have noticed as we are trying to irrigate out of Willow Creek, the source of irrigation water, there is a lot of fluctuation in the water levels to the point where we are losing suction in the pump. We have shares on the culinary water system and have concerns about the capacity of the system”.* Mr. Richards showed a couple of maps to the Board showing their diversion point. *“The excess coming from the springs combines with the water in Willow Creek that comes from higher up in the new High County Estates and comes down to feed us.”* The other map shows the 12 acres that are being irrigated. *“Since 2015, we have put in almost \$100,000 of improvements, including drip irrigation and high tunnels and others to improve the irrigated acres, so we can produce more vegetables to sell at our stand just off Valley View highway. The improvements are to help us be as efficient as we can with the water. The concern for the farm is that is our only source of irrigation water, we are only pumping about 70 gpm to irrigate. We can only sustain that rate for 4 or 5 hours. If the District is pulling water and trying to fill the culinary system, we cannot pump at all. We realize this is a drought year and we are in exceptional conditions. What concerns us overall is continued usage increases on the culinary system and the District has to pull more and more from the lower springs, which will cut our irrigation capabilities down even further. We are not the only ones with these concerns. There are about 144 acres that have irrigation rights out of Willow Creek. If we are not able to get our water right by pulling 70 gpm, the others do not have a chance to be able to irrigate what they have water rights to. It concerns us if there is more demand put on the system. If we are receiving the overflow that comes from the culinary system, if there is much more demand on the culinary system, it is going to stop us from getting water. There is a mixture of priority dates on the water rights, some dating back to 1881. Some of the rights on some of the springs that were turned over to build the culinary system were 1870, including the lower springs. We just wanted to share our concerns and see if the Board could come up with some ideas.”* Mr. Richards is also a culinary customer on the District’s system. The concern here is that not all the new connections that have been sold are being used yet. *“So, if we are already struggling and there are more connections, how much more are the problems going to get exasperated on the system. A lot of the people on the system do not use the water for irrigation due to having irrigation water rights. New homes coming in are not going to have access to irrigation or secondary water, so there will be even more demand on the system. There is not a lot of water there, in addition to that we are in a drought year, but even in a normal year it is sometimes hard to get the water needed to irrigate.”*

General Manager Mackley asked about the \$100,000 spent on improvements. *“Was this on the property or is it to the stream?”* Answer: *“It is all on the property. There is about 4 miles of pipe and a drip system. The diversion from the church at one time was piped in the ditch, maybe about 20 years ago, it has failed and needs to be re-done. The pipe was too thin walled and was not buried deep enough.”* Question: *“Is there any measuring or how is all the water on Willow Creek distributed? Is there a common distribution to everyone that has rights?”* Answer: *“Over its history, it is kind of shaped as a wishbone, and there was a highland ditch that went across the west side and that has been abandoned for some time. There is a common diversion at the church, and the pipeline that used to be used. Right now, we are pumping directly from the creek. The original diversion was at the church, we are now diverting right at the farm. It is mostly being used to irrigate lawns. We are doing 12 acres, the neighbor has about 5 acres of pasture. There was another 12 acres that is no longer using the stream.”* Financial Chairman Holmgren asked if they have an organized or incorporated irrigation company. Answer: *“No, it is something we are talking about, right now. Currently everybody has their own*

individual water right. As a long-term plan, we have talked about redoing the ditch, or even going further up where Willow Creek and Sleepy Hollow come in together, then piping that all the way so we are not losing so much as it comes down.” Board Member Day asked if they have enough water rights to cover their 12 acres. Answer: “Yes, the water right is based on 3 cfs, we have 37 acre-feet for the 12 acres. With the drip system, we have not used close to that amount. The biggest water right holder is Randy Bowen. He has almost 100 acre-feet of right coming down the creek.” Financial Chairman Holmgren asked if there is any historical knowledge of how things went in the past, like in 1997 or 1965, or how this year compares to those years. Answer: “There are some residents in Beaver Dam that remember the creek going dry about 40 years ago. It has not done it very often, but it can. This year is unique, but probably not the last one we will see like this.” Chairman Fridal asked if the culinary water and the irrigation water all come from the same source? Answer: “Yes, it is all the same source, the springs that feed the creeks is the same.” General Manager Mackley added, “Whatever the District does not use in the culinary system makes its way to Willow Creek. The District tries to only operate off the Sleepy Hollow spring, when it fills that tank, what every flows over makes its way to Willow Creek. We do not usually pump the lower springs, but this year we have pumped more out of the lower spring to keep up.” Operation Manager Thayne joined the conversation and asked when the supply was fluctuating for the Richards. “We have not turned on the pump for the lower springs for over 30 days. The point is we are still overflowing water. We have noticed that there is much less water coming from the east higher up. We can show you when we have used the lower pump and try to understand if that is what is causing your drop.” Mr. Richards replied they are aware there is a lot less water coming down, being a drought year, but when they see the drop, it is sudden and significant. “We thought at one point there might have been something that fell in the creek and was blocking the flow.” Mr. Thayne explained; “We did use the pump for about a week in June but have not used it since. We have 11 gpm coming from the Sleepy Hollow spring right now. Our customers have been very good at managing their water use so this has been holding a steady level in the tank.” Mr. Richards added; “This is exactly why we have a concern about additional users being added to the system.” Mr. Thayne added; “The District would need to use the lower springs more if we add new connections. When it is a good year, not a drought, we do not need to use the lower springs.” General Manager Mackley stated; “We are currently studying the impact of new connections, and we will talk about it more during the General Manager’s report.”

Therina Simmons called the County Planning Committee to ask if new development was getting the building permits first or the water approvals first. The Committee told her that they did not have any control over that. Her question is; “When they issue building permits, do they have a water permit first?” Board Member Scott answered that the question comes up to the planning commission on every subdivision if they have water connection, and they typically do. They cannot be issued a building permit unless they have a water permit.

System Operations – Robbie Thayne

Mary Lamont subdivision waterline extension in Collinston – Linford Landis is installing the main transmission line. The line going west is almost completed. We should be doing pressure testing on Monday or Tuesday. The line will then go into the subdivision. There are 17 homes included. The problem they are having right now is a shortage of pipe.

Flat Canyon Well – We are working on further development of this well. They have been swabbing and pumping to remove a blockage of drill mud but have not found much mud. They have been pumping as much water as they can into a frack tank then releasing it back into the well which

forces it into the aquifer to remove the sand and fine gravel and force it away from the casing. They should be doing a 24 hour pump test next week.

Harper Ward Test Well – This well is being drilled by Hydro Resources out of Colorado. They have their drill bit stuck in the well. They are down to 330 feet. They have gone through some cavities, and they have lost their drilling mud and water into these cavities. They are now using an air drilling process. They were drilling in more bedrock and the bit got stuck. They are working to get it out. They said this is not uncommon. They do not know what we have yet as far as water. The debris from drilling is not coming out like it should. Board Member Jay Carter commented that when they drilled their house well the driller hit something and bailed the well, there were not any cuttings coming out of the well. The driller said this was a good sign. It meant there was flowing water taking the cuttings out. There have been at least 100 feet of cuttings that have not come to the surface. They stopped drilling for about 5 minutes and the cuttings came in on top of the well and caused the bit to get stuck.

South Willard – We finally got the driller to come and set up the equipment. They have not had a chance to pull the pump yet.

Beaver Dam springs – The springs are down another gallon per minute, to 11. We are holding steady. We are close to full, and we are not using the lower springs.

Bothwell – the well is holding steady at 108 feet. It has been good this year.

Chairman Fridal said he took Robbie up on his offer to tour the systems. If you are thinking of becoming more familiar with the systems so you know what we are talking about in these meetings you should go with Robbie. We took about 5 hours; it is very worthwhile.

General Manager's Report – Carl Mackley

Chanshare has requested an additional 100 acre-feet (AF) of water. They will probably be out of water in August for their approved allocation. If they get the additional 100 AF, they will be able to get through September. Typically, they water until November. They will not be able to do that this year. We have cut their allocation from 1800 AF to 1200 AF this year. They will pay the wholesale rate for the additional water. One other consideration; we sent a letter to our other wholesale customers in accordance with our Drought Response Plan that we adopted, and told them if they would show efforts that they are making to reduce water use and can show a reduction in water use this year, then we would waive the minimum requirements on the take-or-pay contracts this year (and only bill for actual usage). Immediately we had Ukon turn around and send us a copy of the letter that they sent to their customers asking them to follow some conservation principles. We let them know that they need to show a reduction in use because they are tracking to use the same amount of water this year as they did last year. This is under the contract amount. They just need to show there is an overall reduction in use. We do not know how much money we are going to lose because of the Drought Response Plan, so we can use the additional income from Chanshare. We have the water available.

Board Member Day made a motion to sell an additional 100 acre feet of water to Chanshare. Board Member Larson seconded the motion. All Board Members voted in favor of the motion.

Beaver Dam – A couple of months ago I volunteered to look at our Impact Fee Analysis and work on updating the document. This is what guides our decisions as far as water availability on the system, and pricing for monthly bills and impact fees. This was put in place to pay for the \$245,000 debt portion of the project. The remainder of the project money came from federal grants. This study identified a certain amount of water available from our springs. It represents the spring levels in 2007 and 2008, which at the time was the lowest measured spring flow period up to that point. We would

love to have those amounts right now! The lower springs combined flow was between 34 and 46 gpm, with 42 gpm average. Sleepy Hollow Spring varied from 13 to 36, with 22 gpm average. The spring flow has been on a steady decline since July of last year. We updated the SCADA system in June of last year so that is the only data we could pull. The challenge is the springs are already at their lowest when demand is the highest. Typically, the springs are still good enough to supply our needs just from Sleepy Hollow. This year has changed things. Beaver Dam is our lowest water use system; people do not use a lot of water on this system. Most customers have wells or other water to irrigate with. We have some new connections on the system that we do not know what their water use is going to be because the new residents do not have their own wells to use outdoors. They would be looking to use our system for irrigation of their yards. We need to complete the revisions of the study to present to the Board for adoption. For this revision we looked at water use data from 2016 to 2020 and there was an average of 25.4 customers on this system. We had 22 connections to begin with, since that time we have sold more connections and we have 32 active connections plus 6 dry-taps. We pushed the pause button 2 months ago when we had requests from two developers for additional connections. We need to look closer at the data before we can sell more connections.

The Beaver Dam Impact Fee Study was last updated in 2012. However, based on the sudden interest and request for connections, and the current water supply conditions, it needs to be updated again. Key pieces of information in the study are the ERC, or equivalent residential connections. The current study shows the value as about 0.72 AF per year per connection. The study also suggested that we had plenty of water to meet our water rights of 37.222 acre-feet per year. Elsewhere this would be a very small water right, but it is sufficient in Beaver Dam. The study calculated that we could sell 52 connections at that ERC. The impact fee was set on planning to sell 52 connections. The problem that we are having is the uncertainty in the spring flows, and not knowing if we will be able to provide the outdoor use during the summer months. Whatever we do not use from the springs goes into Willow Creek. There is a concern of using too much water due to the large lot sizes in Beaver Dam. In 2012, we estimated that a residence would use .72 AF per year. The average customer use from 2016 to 2020 is 0.48 AF. It appears to be about 0.3 AF indoor use plus 0.18 AF outdoor use.

No action was taken by the Board on this issue. General Manager Mackley requested a little more time to complete the impact fee study. The issue will be put on September agenda when the Impact Fee Study update can be completed and we are able to present a series of recommendations to the Board. The District has a responsibility to supply as much culinary water as our water right will allow. We are the only public water supplier in Beaver Dam. We also have to take into consideration the other aspects we have spoken of. We are not selling any more connections until we update the study and the Board either adopts the new study or determines we will continue with the current policy and sell 52 connections. The question was asked if the State Engineer would allow for wells to be drilled? There was a discussion on the matter.

August Board Meeting; the Board Members agreed to cancel the August meeting.

Drought Resiliency Plan Adoption – Last month JUB Engineers presented the Board with a Drought Resiliency Plan. The Board asked for more time to review the document before adopting it. It is a tool to update the Master Plan and address drought and to look for funding for projects. There was a discussion on the cost of the plan. Total cost was \$20,000. \$10,000 was supplied by a grant from the Division of Water Resources. In return for the grant, they asked for the plan to be a template for other

water suppliers to follow. They have given us some feedback and we have a couple of specific concerns that they have; mostly related to not being controlled by the document but allowing the plan to be a living document that can be updated based on unforeseen circumstances. We are meeting with JUB Engineers to finish the plan to include these items. It would be wise not to have the board adopt the plan until it is completed. A draft copy of the plan was emailed to each of the Board Members. It is also available on our website under Master Plan. One of the items the State is looking for is to have the District develop a drought contingency plan. We will need to have funding to complete that plan. The Drought Resiliency Plan outlines and organizes items to be done. This does not mean that we would have to do them in a specific order. Sometimes needs change and priorities need to change with them. General Manager Mackley spoke with the County Commissioners and explained the projects and funding that are needed as the gap between water supply infrastructure and the growth in the County continues to get bigger. There was a short discussion about growth in the county and water sources. The Board would like to have the comments regarding the Drought Resiliency Plan from Division of Water Resources emailed to them.

Closed Meeting

Purchase, exchange, lease, or sale of real property

A motion was made by Vice Chairman Forsgren to enter into a closed meeting. Board Member Scott seconded the motion. Roll call vote: Jeff Scott, aye, Jay Carter, aye, Richard Day, aye, Russell Howe, aye, Mark Larson, aye, Neil Capener, aye, Jay Capener, aye, Charles Holmgren, aye, Dave Forsgren, aye, Roger aye.

A motion was made by Board Member Scott to end the closed meeting. Board Member Day seconded the motion. Roll call vote: Jeff Scott, aye, Jay Carter, aye, Richard Day, aye, Russell Howe, aye, Mark Larson, aye, Neil Capener, aye, Jay Capener, aye, Charles Holmgren, aye, Dave Forsgren, aye, Roger aye.

A motion was made by Board Member Scott to authorize the General Manager to negotiate with the landowner to make one payment for the purchase as discussed. Board Member Day seconded the motion. All Board Members voted in favor of the motion.

Trustee Reports

Jeff Scott – No report

Jay Carter – Got a rainstorm last week, rained hard for a few minutes, wiped out the garden, and a couple hours later everything was back to dust. The wells are down, the creek is at about 55%, it is as low as it has ever been. This drought is serious.

Richard Day – Pineview is very low, the springs above it are drying up. We don't know where the animals are getting water. It was mentioned some of the Morgan farmers are moving livestock to Colorado.

Russ Howe – Thatcher put the second well on about 10 days ago. It is running well, people are conserving, the usage is down, and we are thankful for that.

Mark Larson – No report

Neil Capener – No report

Jay Capener – The canal is officially at a 25% reduction. The stream is low and varies depending on where the flash floods are happening. We are blessed compared to others around us.

Charles Holmgren – West Corinne has a 10,000 minimum then it is from \$1.75 to \$3.75, depending on the class of customer, per 1000 over that. They have raised their incentives to conserve. Trevor Nielsen, Jeff Hardy and I met with 3 states and the Bear River Water Users Association in Idaho. There is a movement by the Idaho water users to take additional water from Bear Lake that is not allocated. There are 2 segments that we are looking at, one is termed unallocated water from Bear Lake, which is about 9500 acre-feet of water that there is an allocation made annually but there are limitations on several of the canal companies if they cannot take some of that water, it is termed unallocated. The general agreement at that meeting was that these 9500 acre-feet of water would be allocated on a percentage basis, according to how the Bear Lake water is divided. That will give the Bear River Canal Company an additional 5,000 acre-feet of additional water over our 125,000 acre-feet allocation for this year. There is another push from the Idaho group that want to take an additional 15,000 acre-feet out of Bear Lake that would be future water use, which would have to be paid back at some point. The argument is you are better finishing a crop this year and taking the hit into the future when you can better plan for more serious drought than we are in this year. Idaho was supportive of the idea; we do not know where Wyoming stands. Utah has some push-back because when you drop the lake in that manner you have the potential to impact the people in Rich County. The other side of that is Utah is aware of the impacts this action has to the Great Salt Lake. The final decision has not been made, yet. Idaho had their State Representative there, he said it was important because the people in Gentile Valley can raise hay then sell it to Utah farmers and ranchers. Gentile Valley will be out of water in the next few days. The natural flow in the Bear River to Cutler Dam went up some because of the recent storms. We are hearing there are farmers irrigating stubble after their wheat harvest. We don't know if they trying to grow triticale or something else. It seems premature to be planting alfalfa. We anticipated there would be less demand on the canal with the crops maturing, but people are continuing to use the water. Corn is moving ahead of schedule and wheat was harvested early this year.

Dave Forsgren – Spoke with Troy and in March the Honeyville springs had a flow rate of 350 gpm, they are now down to 240 gpm.

Roger Fridal – Tremonton had a significant fire in the city a week ago. It was a great example of interagency cooperation between Brigham City and Garland and Tremonton. They estimated using about 1.5 million gallons of water in the 6 hour period they were fighting the fire. Someone on Facebook took it upon themselves to say everyone in Tremonton needed to turn their water off so the tanks would not be drained. The truth is that Tremonton City has cut back 25% on the canal use, as they were asked to do, the town has really been trying to conserve, there is about 5.5 million gallons in storage. The tank level only dropped down about 3 inches during the fire. With the conservation efforts and with the secondary water in the city, the tank levels this year are better than they were last year,

even though the springs have slowed down and even with the fire. When we work together and try to do what we need to we can work through this drought.

A motion was made by Board Member Larson to adjourn the meeting. The motion was seconded by Board Member Howe. All Board Members voted in favor.

The meeting adjourned at 9:00 PM.