



Board Meeting Minutes

Wednesday April 26, 2023 @ 7:00 P.M.
102 West Forest Street
Brigham City, UT 84302

In Attendance: Chairman David Forsgren, Financial Chairman Charles Holmgren
Board Members: Jay Capener, Lyle Holmgren, Brodie Calder, Mark Larson
Joe Summers, Tim Munns, Boyd Bingham

Absent: DJ Bott, Richard Day

Staff: General Manager Carl Mackley; Assistant General Manager Jeff Humphrey; Systems
Operations Manager Chance Baxter; Administrative Assistant Jamie Williams

Other: Lance Nielsen, P.E. Engineer for District with Hansen, Allen & Luce

Chairman David Forsgren - Welcome

Chairman David Forsgren welcomed all in attendance and called the meeting to order at 7:00 pm.

Invocation & Pledge of Allegiance

Offered by Board Member Brodie Calder

Declaration of Conflicts of Interest

N/A

Adoption of the Agenda

A motion was made by Board Member Lyle Holmgren to approve the amended agenda, motion was seconded by Board Member Tim Munns; all members voted aye, motion passed.

Approval of Minutes

February 22, 2023 Meeting

Board Member Boyd Bingham requested a correction in the February 22, 2023 minutes. In the subject of the CWMP it was stated that Mr. Bingham had made an amendment to the motion to include the condition that all other entities participating in the process demonstrate support for the CWMP. The amendment Mr. Bingham made was "... to invite all other entities that have water rights be invited to have a seat at the table to discuss the CWMP because their water rights are far senior to any of the water rights the Conservancy District has." Board Member Mark Larson also asked for clarification on a motion made regarding Petition for Water in Bothwell, Board Member Lyle Holmgren made the motion, this was omitted from the draft minutes. Board Member Mark Larson made a motion to approve the minutes with corrections, seconded by Board Member Jay Capener; all members voted aye, motion passed.

March 8, 2023 Work Meeting

Financial Chairman Charles Holmgren made a motion to adopt the notes from the March 8, 2023 Board Work Meeting, seconded by Board Member Tim Munns; all members voted aye, motion passed.

March 22, 2023 Meeting

Board Member Mark Larson made a motion to approve the minutes for the annual meeting held on March 22, 2023, seconded by Board Member Joe Summers; all members voted aye, motion passed.

Financial Chairman Charles Holmgren – Financial Business

The financial statements for March 2023 were prepared and provided to the board members, Financial Chairman Charles Holmgren has reviewed the reports and recommended the Board's approval. Board Member Lyle Holmgren made a motion to approve the March 2023 financials, motion was seconded by Board Member Mark Larson; all members vote aye, motion passed.

Public Comment

Kelly Lemmon – Collinston Resident

Mr. Lemmon suggested to the Board they move the public comments to the end of the agenda after the presentations are done, in the event the public has comments or concerns they would like to voice regarding the presentations. Mr. Lemmon was curious about the test the District did in February, where the District discharged 1.25m gallons of water from the South Collinston tank to the overflow pond and how much it would raise the water level. Mr. Lemmon shared his mathematical calculations with the Board.

Rich Garrett – Collinston Resident

Mr. Garrett has an interest in the presentation by Lance Nielsen with Hansen, Allen & Luce, as Mr. Garrett's well is one of the wells being monitored by the District. Mr. Garrett informed the Board of a neighboring well belonging to Warren Stoddard. Mr. Stoddard's well is less than 40 yards from Mr. Garrett's well. Last year, the Stoddard Well was 30 ft below its normal static level, at 90 ft deep. Mr. Garrett and Mr. Lemmon measured the static level in the Stoddard Well 5 days ago. It has only risen 2 ft (static level: 88 ft instead of 60 ft). It is behaving differently than the 5 wells in the area that the District is monitoring. Mr. Garrett feels that the Stoddard well is unique, and if the District is looking for an interesting well to monitor it would be the Stoddard well, because it isn't acting like other wells in the area.

Request for BRWCD Board – Kyle Potter

Kyle Potter approached the Board and asked if they would consider acting on some of Dr. Burdette Barker's recommendations regarding Pack & Barnard Springs. Mr. Potter presented Dr. Barker's report to the Board during the public comment on the March 22, 2023 meeting. Some of Dr. Barker's key points were: based on the topography position it is possible that the well will penetrate the same water bearing layer that feeds the spring. If this is the case, it is also possible that the well will be upgradient of the spring and it could reduce the spring's discharge from what it has historically produced. There is no way to make a strong estimate of the impact that drilling and pumping the Collinston Well would have on the spring without a groundwater flow monitoring effort, which could be costly. If the well is intended to be perforated in multiple water bearing layers, it could thus result in flow from one layer to another. Dr. Barker recommends installing monitoring before the well is drilled. The ideal situation would be to have a long-term record of flows of the spring, but that does not currently exist. If more seasons of data could be obtained without pumping it could be helpful in the future. Mr. Potter asked the Board if they would delay drilling the well until some data can be collected. The more data that can be gathered, the more accurate assessment we can have of the spring and what impact it would have.

Mr. Potter asked the Board to be allowed to monitor the spring, once the equipment is installed, for at least a year to see what the seasonal flows of that spring are and give an accurate picture of what is going on there before the Collinston Well is drilled. Board Member Jay Capener asked General Manager, Carl Mackley if there were any reasons the District would not accommodate the request to collect more data. Carl said that they intend to be supportive of that request; that he believes it to be in both parties' best interest to work together on monitoring. However, General Manager Mackley and Assistant General Manager Jeff Humphrey, have some additional information to present regarding the

Collinston Well situation prior to the Board taking action on that request. After that time, they would be supportive of the Board taking action tonight on Mr. Potter's request.

Engineering Report – Lance Nielsen, P.E., Engineer for District with Hansen Allen & Luce

Lance Nielsen with Hansen, Allen & Luce made a presentation to the Board and attending public regarding the monitoring efforts in Collinston and the pipeline design & modeling in Bothwell. Slides were provided.

Summerland Ranches Phases 2&3 – Jim Flint, Hansen & Associates

Jim Flint discussed with the Board different approaches to supply water to Summerland Ranches Phases 2 and 3. General Manager Mackley said he didn't believe the District was expecting Summerland Ranches to pay for installing all of proposed additional pipeline Segment (A) that is needed. If the District is going to make any improvements, we will do it in the way we have planned. Developers can install a portion at their cost and the District will install the rest. However, the District won't install it until financial planning is complete and the Board gives their approval. The District must be particular in the way the system is upgraded, and the Board needs to decide when and how the District will install any subsequent infrastructure on this water system. For clarification purposes, Board Chairman David Forsgren asked if Segment (A) was the proposed design that would best suit the District's needs. General Manager Mackley verified that this is correct, and we would not be installing it until we have justification for doing so. Board Member Brodie Calder stated that if it looks like someone is willing to pay for two-thirds of the pipeline; why would the District not look at this really intently when otherwise the District would have to cover the entire cost? General Manager Carl Mackley recommended that if the District wants to cost share with the developers on this, then he would like a committee of board members to work with him and Summerland Ranches to make it happen. Board Member Tim Munns made a motion to form a committee to work with developers between now and the next meeting, seconded by Lyle Holmgren. Aye- Jay Capener, Lyle Holmgren, Brodie Calder, Mark Larson, Joe Summers, Tim Munns, Boyd Bingham, Dave Forsgren. Nay- Charles Holmgren. Motion passed. Committee Members: Joe Summers, Lyle Holmgren, Brodie Calder and Dave Forsgren

General Manager's Report -Carl Mackley

Water System Tour

General Manager Carl Mackley invited the Board to participate in a systems tour, Mackley feels this would be very useful information for board members, especially with the number of new board members and the amount of activity currently going on within the District. Mackley also encouraged board members to reach out to him with any questions, comments or concerns a couple of weeks prior to the next Board Meeting and let him know if they want to have something addressed in the General Manager's report, or if they want to put something on the agenda.

Water Right Policy Discussion

General Manager Carl Mackley informed the Board that the District received a letter from Deweyville Town rescinding the letter that they sent to us on September 2, 2021 giving us two years to find a new water source. This is good news for the District as it allows the District more time to drill the Collinston well and to get monitoring in place prior to drilling and hopefully to create agreements as necessary with Pack & Barnard Springs shareholders and others if pertinent. The existing agreement with Deweyville Town only goes through 2026. Time is limited to get replacement sources in place. The District is working to get the Flat Canyon Well online. The District needs to have two sources to have sufficient water to replace the existing agreement with Deweyville Town.

The District has put the Collinston Well out to bid. Only one bid was received. The bid was for \$1.5 million to drill and develop the well. The District budgeted \$600,000 for this purpose. The procurement

policy allows the District to accept a single bid if the District believes the bid to be reasonable. However, the District does not believe the bid to be reasonable. If this was the District's only option, we would have the funding to drill and develop the well at that cost. However, the funding we have was intended to equip the well and build a well house also. Mackley believes the District can successfully encourage other drillers to bid on the project. The District would like to work with Pack & Barnard Springs shareholders. We are currently monitoring five private wells, and we would like to have a written agreement in place to monitor the Pack & Barnard Springs.

General Manager Mackley revisited the agenda item regarding the request made by Kyle Potter. Mr. Mackley's recommendation was to wait and get monitoring in place for one year before the District drills. The data gathered would be useful and would establish a good baseline. General Manager Mackley would like a written agreement in place with shareholders before any monitoring takes place. Monitoring could potentially cost between \$40,000 and \$60,000. The agreement should specify who is responsible for maintaining the equipment, etc. If the District is going to spend significant money to monitor, then we would also like a mitigation agreement. If the District were to impair the springs, then we would agree to replace that quantity of water. That is the purpose of doing the monitoring, and why it is reasonable to have some baseline in place before the District starts, so that potential impacts can be quantified.

Assistant General Manager, Jeff Humphrey briefed the board on a meeting with Josh Hanks from Intermountain Environmental, Inc. (IEI). Mr. Hanks gave Jeff some ideas on different ways of monitoring the springs. Once the quotes for monitoring come back from IEI, Jeff will set up a meeting with the Pack & Barnard Springs shareholders to discuss the most efficient way for both parties to monitor the springs. Jeff will continue to work with Dr. Burdette Barker.

Assistant G.M. Humphrey discussed the availability of well drillers. Some of the companies he spoke with said they will bid on the project but would not be able to drill until 2024 because they are booked solid until then. Mr. Humphrey stressed the importance of putting the drilling out to bid soon so we are on the contractor's schedule.

General Manager Mackley told the Board that if the District agrees to hold off on drilling until we have a year of monitoring then we must hold to that agreement. That may mean if a driller was available a month prior to that target date, and the District isn't ready, then the driller may not be available for another 18+ months. Mr. Mackley spoke with Kyle Potter, who has been acting as a contact point for the Pack & Barnard Springs shareholders. Mr. Mackley expressed to Mr. Potter that his comfort level was in drilling whenever the driller is available, but holding off on the development or the test pumping of the well until after a year's worth of data has been collected. Mr. Potter was not comfortable with that idea because he believes that the act of drilling the well may impact the springs. The Utah Division of Water Rights (DWRi) has given the District 2 years to drill the well. DWRi is waiting on the District to monitor surrounding sources and to drill and test pump the Collinston Well and submit to them the findings in a report, prior to making a decision on the water right application. The District has time to monitor and get a year's worth of data before beginning to drill the well.

Board Member Jay Capener made a motion to gather a year's worth of data, have both parties agree on the monitoring equipment and the District hold off on drilling the Collinston Well until the data is collected and other details are worked out. The motion was seconded by Joe Summers. Commissioner Boyd Bingham added an amendment to the motion; whatever agreement is worked out between the District and the people from Collinston, will come before the Board to review and authorize. All members voted aye, motion passed.

General Manager Carl Mackley and Board Members set the system tour date for 5/8/2023 at 8:30 am.

Project Update – Jeff Humphrey

Jeff Humphrey updated the Board on 3 well projects, Collinston was addressed during General Managers Report.

- **South Willard** – JUB is working on the cultural survey, making sure everything is complete for the NEPA, South Willard was done 4/21/2023
- **Harper Ward** – No cultural survey needed, as one was completed 2 years ago when they did the test well. HAL is currently working on the design specs.
- **Flat Canyon** – Bid closed today 4/26/2023, there were 4 people in attendance for the bid opening, the District received 4 bids all within \$100k from highest to lowest, all came in under the engineers updated estimate.

System Operations – Chance Baxter

• **South Willard**

The south Willard system is running smoothly. We are still waiting for our soft start to arrive. Anything to do with electronics has a long lead time. I've got Golden Spike Electric Lined out to do the installation once the device arrives in the next few weeks. Udot is planning on widening the Hwy in south Willard. They have been working with us to locate our pipelines in the area. I'm unsure when construction will begin.

• **Harper ward**

Next week we intend on reinstalling our monitoring devices on the Harper ward Springs Pond. We remove these devices during the winter and reinstall them once the irrigation season begins. Here we monitor 2 irrigation ditches and the overflow.

• **Collinston/Ukon blending.**

The Collinston system is operating as intended. The issues we had early this year with UKON Spring have resurfaced. Currently Ukon has turned out all their springs. The district is supplying all the water for their system until they find a solution. We are happy to do so in the short term.

• **Beaver Dam.**

We are finally able to drive to our Beaver dam sites. We leased a skid steer and cleared the roads a couple weeks ago. It took 2 full days to clear all the snow. All three springs continue to increase their flows. Willow creek is flowing quite high as well.

• **Tremonton Booster/ Riverside North Garland.**

We have 2 gate valves in the Riverside North Garland wholesale vault that have stopped working. I have ordered replacement valves that should arrive in a few months. We will need to install them once Riverside North Garland is done taking water for the year.

• **Bothwell.**

Last week we Switched to using the Newman well as the lead pump. We've been running the Backup Well all winter due to lower usage in this system. Chanshare Sod is going to begin irrigating by the weekend. Last year the Sod Farm began irrigating on March 23rd. The delayed irrigation start date along with the impressive winter has helped the aquifer to recover nicely this year. We are seeing a recharge of nearly 10 feet since the end of last year's irrigation season. I think this will continue to rise as we see warmer weather and runoff.

• **Wholesale Connections Current Usage April 2023.**

WCWC – 100 gpm from our Bothwell system. We Had to reduce this due to west corinne springs huge increase in flow.

Tremonton Connections - Ranges from 0 to 500gpm

UKON blending. – 150 gpm

• **New Connections Installed/Scheduled.**

2 New connections installed in Collinston. Both Connections belong to home builder Jon Roberts.

1 additional service scheduled in the Mary Lamont subdivision.

Trustee Reports

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|---------------------------|---|
| DJ Bott – | no report |
| Jay Capener – | May 10 th the canal will be turned in, the canal board is in agreement with County Wide Water Master Plan. |
| Lyle Holmgren – | no report |
| Brodie Calder – | no report |
| Mark Larson – | Provided an updated list of the water systems in Box Elder County. |
| Joe Summers – | no report |
| Richard Day – | no report |
| Tim Munns – | no report |
| Charles Holmgren – | no report |
| David Forsgren – | Honeyville Springs went up from 155 gpm to 600 gpm Deweyville North Springs went from 9 gpm to 20 gpm Coldwater Springs went from 0 gpm to 80 gpm |
| Boyd Bingham – | no report |

Closed Meeting

Board Member Mark Larson made a motion to enter into a closed session to discuss pending or imminent litigation, seconded by Board Member Lyle Holmgren.

Roll Call: Charles Holmgren, aye; Jay Capener, aye; Lyle Holmgren, aye; Brodie Calder, aye; Mark Larson, aye; Joseph Summers, aye; Tim Munns, aye; Boyd Bingham, aye; David Forsgren, aye.

Board Member Joseph Summers made a motion to end the closed meeting, seconded by Board Member Tim Munns. Roll Call: Charles Holmgren, aye; Jay Capener, aye; Lyle Holmgren, aye; Brodie Calder, aye; Mark Larson, aye; Joseph Summers, aye; Tim Munns, aye; Boyd Bingham, aye; Dave Forsgren, aye, motion passed.

Manager Carl Mackley said he would like to outline a mitigation plan for the Board to consider regarding 4 pending applications that were unapproved on the state engineer's records and enter into discussions with the protestants to see if agreements can be made. Board Member Brodie Calder made a motion to allow Mackley to move forward with a mitigation plan and negotiate with protestants, Board Member Boyd Bingham also added that if Mackley can't figure anything out, then Mackley will bring it back to the Board for discussion, motion seconded by Lyle Holmgren, all members vote aye, motion passed.

Adjourn

A motion was made by Board Member Mark Larson to adjourn the meeting, motion was seconded by Board Member Boyd Bingham.

The meeting was adjourned at 10:00 PM.