



## Board Meeting Minutes

Wednesday August 30, 2023 @ 7:00 P.M.  
102 West Forest Street  
Brigham City, UT 84302

### In Attendance:

### Board Members

David Forsgren, Chairman  
Charles Holmgren, Financial Chairman  
Lyle Holmgren  
Mark Larson  
Richard Day  
Tim Munns

DJ Bott, Vice-Chairman  
Jay Capener  
Brodie Calder  
Joseph Summers  
Boyd Bingham

### Staff:

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

### **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 Financial Chairman, Charles Holmgren

### **Declaration of Conflicts of Interest**

N/A

### **Adoption of the Agenda**

A motion was made by Vice-Chairman DJ Bott to approve the agenda, motion was seconded by Board Member Tim Munns; all members voted aye, motion passed.

### **Approval of Minutes**

#### **July 26, 2023 Meeting**

Financial Chairman Charles Holmgren addressed a correction needed in the minutes. In regard to the Operations Report, Hwy 38 should be changed to Hwy 89, in reference to the highway in South Willard. Board Member Tim Munns made a motion to approve the July 26, 2023 meeting minutes with the amendment to change Hwy 38 referenced in the Operations Report to Hwy 89. Vice-Chairman DJ Bott seconded the motion; all members voted aye, motion passed.

### **Financial Chairman Charles Holmgren – Financial Business, approval of July 2023 Financial Statements**

The financial statements for July 2023 were prepared and provided to the board members, Financial Chairman Charles Holmgren has reviewed the financial reports for the District and found them to be in order and recommended the Board's approval. Board Member Lyle Holmgren made a motion to approve the financial statements for July 2023, seconded by Board Member Mark Larson; all members voted aye, motion passed.

### **Board review and tentative approval of Lead Service Line Inventory SRF Financial Assistance Application Agreement**

General Manager (GM) Mackley explained to the Board that all water systems are required by federal law to create a Lead Service Line Inventory by October 16, 2024. The District filed an application with the Utah Division of Drinking Water to be reimbursed for the District's efforts in complying with the

federal requirement. The State has funds available to reimburse expenses up to \$100,000, GM Mackley needs Board approval to enter into that agreement. This required project was not included in the District's budget. The resources that will be required can be reimbursed up to \$100,000. Vice-Chairman DJ Bott made a motion to approve the Lead Service Line Inventory SRF Financial Assistance Application Agreement, seconded by Board Member Richard Day; all members voted aye, motion passed.

**Board review and tentative approval of mitigation procedures for District's pending unapproved Applications to Appropriate**

General Manager Carl Mackley asked the Board if they have any questions regarding the mitigation procedures being proposed and informed the Board that the mitigation procedures that they were provide with are for the four pending unapproved applications to appropriate that the District filed for in 2018. The mitigation is to the senior water right holders in the Bear River Basin. GM Mackley has been negotiating with them and has created a standard depletion value, the senior water right holders are asking the District to meet depletion of the pending applications with, for example, depletion of shares in Bear River Canal Company. GM Mackley's objective is to enter into an agreement with senior water right holders to provide mitigation water to them in exchange for them withdrawing their protests to the pending water right applications. Financial Chairman Charles Holmgren informed the Board that shares in Bear River Canal Company could only be used to mitigate if they are used for irrigation, and according to the claim by the Bear River Bird Refuge and Bear River Club Company, they are able to irrigate land with those shares. Financial Chairman Charles Holmgren informed the Board that Bear River Canal Company shares are backed by storage water from Bear Lake and according to the Bear Lake Settlement Agreement, Bear Lake Water cannot be used for anything other than irrigation, flood control or incidental power generation. GM Mackley stated that one purpose of this outline is to identify a standard procedure to mitigate to senior right holders for the depletions of new appropriations of water in the Bear River Basin in Box Elder County. Currently there isn't a standard procedure. General Manager Mackley asked the Board to authorize some standard procedures that he may use to continue to negotiate with The Bear River Club Company, Procter & Gamble and The Bear River Bird Refuge to resolve the protests. The District has already asked the State Engineer to take action on the four pending applications. A decision could be made any day. GM Mackley feels that it would be better to come to an agreement now that will require that mitigation only occur as the water is developed.

Board Member Brodie Calder made a motion to accept the mitigation procedures for the District, seconded by Lyle Holmgren; all members voted aye, motion passed.

**Ukon Water Company - presentation regarding partnership for proposed well in Riverside**

Brett Jones, Engineer for Ukon Water Company, gave a presentation regarding a partnership for a proposed well (Hammons Well) in Riverside. The project consists of a well, pump station, one-million-gallon storage tank and a transmission line. Ukon Water Company (Ukon) has existing water rights that are still in the application approval process, but Mr. Jones indicated that the State has been very favorable as to the potential to approve these rights. Ukon has done some extensive geophysical research, which is a fairly new technology, to find good quality and quantity of water. They have targeted an area approximately one mile north of the King Well to drill the Hammons Well. The King Well produces 1100 gallons per minute (gpm). The proposed Hammons Well is projected to produce 700 gpm. Ukon believes the flow from the well will produce about 1100 new connections and sees potential for the District to share in the well project. The well will have a central location to Riverside, North Garland, Fielding, and potentially Plymouth. The proposal with the data collected is to construct a 12-inch diameter well, 400-500 ft deep, estimating 700 gpm or 500 acre-feet per year (AF/yr). Ukon is proposing a 50/50 share in the well with the District. Ukon has an unapproved water right for 250 AF/yr that they want to use to divert water from the proposed well. If the District was interested in sharing in this well and can supply another 250 AF/yr of water, as well as provide 50% of the funding, then Ukon and BRWCD could each have 550 new connections. Ukon has spent a substantial amount of money to do an in-depth study on the location of the well. Ukon claims that the State Engineer supports the location where they are looking to drill the well, and there is available land for the project, including the

storage tank. Ukon believes these factors to be advantageous to the District, as well as the proximity to the communities mentioned earlier. The total cost of the project is estimated at \$7,593,00, or \$3,796,500 for each party.

Vice-Chairman DJ Bott made a motion to put this item as a work session one hour prior to the next board meeting to discuss the Ukon proposal, seconded by Board Member Boyd Bingham; all members vote aye, motion passed.

# HAMMONS WELL PROJECT

Well, Pump Station, 1 MG Reservoir,  
and Transmission Line

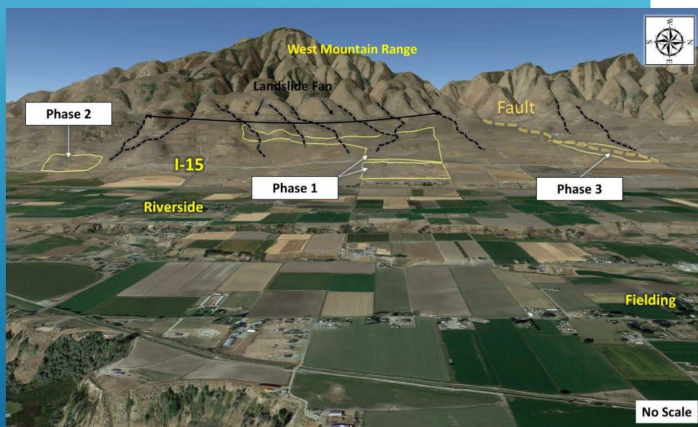


## WHAT MAKES THIS PROJECT UNIQUE?

- ▶ Existing water rights to drill the well
- ▶ Extensive geophysical research
- ▶ Available land for well and tank
- ▶ Location with respect to other water systems
- ▶ Project funding



- ▶ Since early 2023, Ukon has been performing geophysical research to find the best location to drill



## GEOPHYSICAL RESEARCH

### Groundwater Well Siting Study

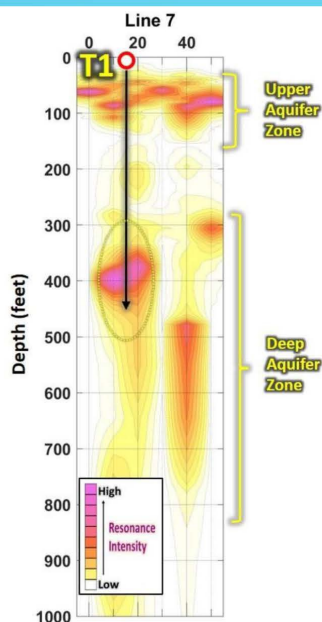
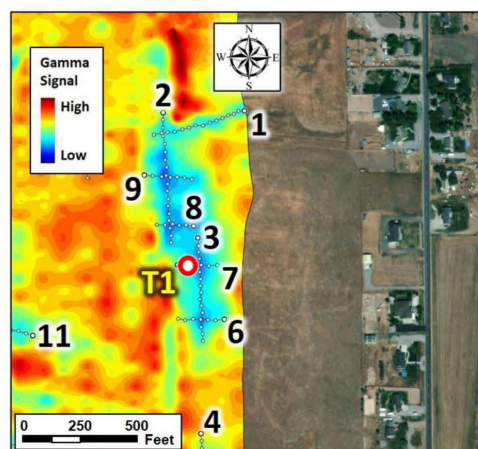
For:

**Ukon Water Company**  
Garland, Utah

Prepared For:



Prepared By:

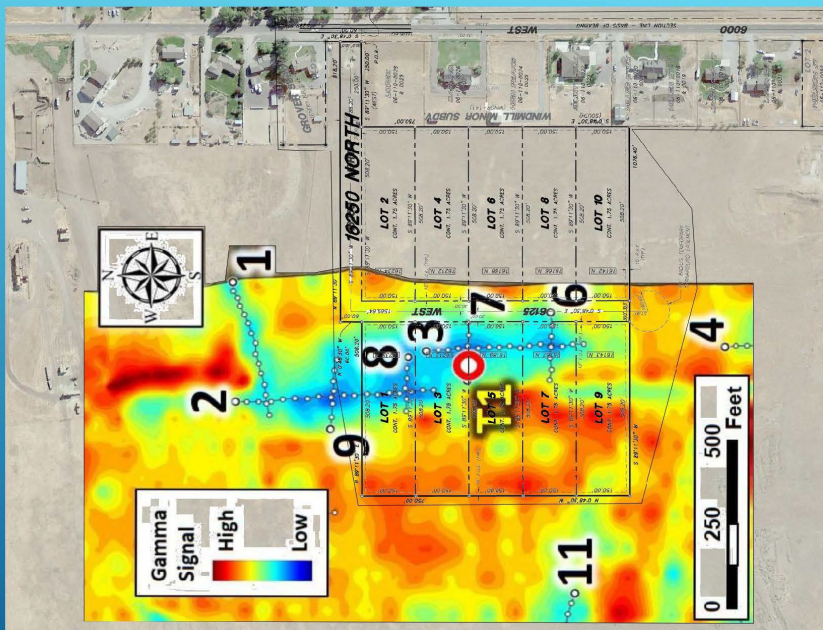


## GEOPHYSICAL RESEARCH

- ▶ Fault, Fracture and Lineament Trace Mapping
- ▶ Drainage and Recharge Mapping
- ▶ Review of existing Well data—i.e., well logs, well locations and production rates)
- ▶ Radiometric Gamma Detection Mapping (Gamma)
- ▶ Rapid Acoustic Profiling (RAP)

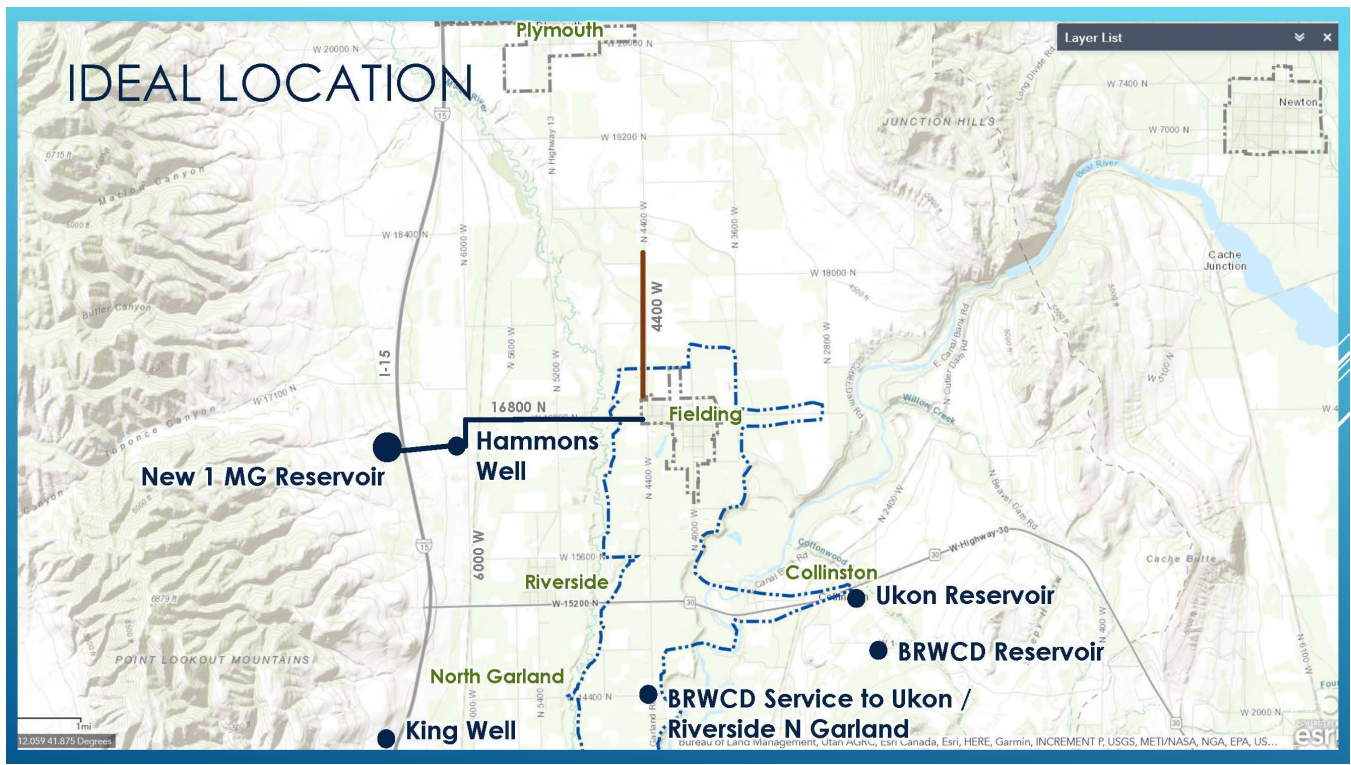
## GEOPHYSICAL RESEARCH

- ▶ Fault, Fracture and Lineament Trace Mapping
  - ▶ Property ownership mapping, digital surface models, aerial imagery, lidar, 2D and 3D site model
- ▶ Drainage and Recharge Mapping
  - ▶ Upstream drainage basin area assessment
- ▶ Review of existing Well data
  - ▶ Well log review, locations, production rates
- ▶ Radiometric Gamma Detection Mapping (Gamma)
  - ▶ Aggregate and spectral gamma signal measurement, reveals subsurface geologic structures and patterns related to groundwater movement, used in conjunction with RAP to locate fracture / highly permeable gravel zones
- ▶ Rapid Acoustic Profiling (RAP)
  - ▶ Measures strong resonance signals where tidal movement in the earth's crust indicates stress release zones, highly accurate up to 4,000+ feet



- ▶ Similar geology to King Well (which produces 1,100 gpm with little drawdown)
- ▶ Located on ground currently pursuing development and available for purchase
- ▶ Near the elevation required for the reservoir
- ▶ Central to Fielding, Riverside North, Garland, and Plymouth

## HAMMONS WELL RESULTS & LOCATION



## PROPOSAL

- ▶ **12" Well**, 400' - 500' Deep
- ▶ **700 gpm / 500 AC-FT** Estimated
- ▶ @ State Standard of 0.454 ac-ft / ERU = **1,101 Connections**
- ▶ If the well were shared 50% with BRWCD, yield would be **550 Connections Each**



## ADVANTAGES TO BRWCD

- ▶ Ukon has already performed in-depth study
- ▶ Ukon has filing for 250 AC-FT supported by the State Engineer
- ▶ Available land for project
- ▶ Proximity to Riverside, North Garland, Collinston, Fielding, and Plymouth
- ▶ Additional piping to network sources
- ▶ Redundancy with Bothwell Source
- ▶ Storage on west side of valley



## COST SHARING PROPOSAL

- ▶ Ukon Shares the Well and Reservoir 50% with BRWCD
- ▶ 250 AC-FT / year each entity
- ▶ 50% Cost Share

### COST BREAKDOWN

- ▶ Well & Pump House - \$2,030,000
- ▶ 1 MG Reservoir and Feed Line from Well - \$3,084,000
- ▶ Transmission Line to Fielding - \$2,479,000
- ▶ TOTAL = \$7,593,000

50% SHARE = \$3,796,500



### **Collinston Well Discussions**

- **Report from Collinston Well Committee – Board Member Jay Capener**

Board Member Jay Capener represented the Collinston Well Committee that was previously organized by the Board. The committee met with the individual owners of rights in Pack & Barnard Springs on August 17, 2023. The committee mainly listened to concerns and both parties tried to understand each other's perspective. Some of the topics that were brought up were (1) depth of perforations of the proposed well (2) cost of mitigation (3) infrastructure and (4) if the District were to impact the shareholder's water how would the District make them whole. There was some discussion and concern about using canal water, taking more pristine water and replacing it with canal water didn't seem to be attractive to spring shareholders. There was a discussion about the surface seal and how that would work. Everyone was given the opportunity to express concerns and ask questions. Committee Chairman Capener felt like they were able to have good open conversations with one another. The second meeting was just the committee to discuss what they found out and where they need to go and how to get there. In that meeting, the committee came to a determination that they would like to sit down with those individuals again and review an agreement the committee has drafted. The committee does not have any recommendations for the Board until the committee meets with Pack & Barnard spring shareholders one more time.

- **Report from Collinston Water United – Kelly Lemmon**

My name is Kelly Lemmon, my wife Connie and I reside in Collinston, Utah. I was invited by the BRWCD General Manager to share some input this evening. At first, I was hesitant as we have previously stated our opinion and position with regard to the proposed A48040 well. Most of this is available for review at the Utah DNR Water Division's website under A48040 scanned documents. After thinking about it, I realized that several new board members didn't see or hear our arguments and it is another chance to present our story.

Briefly, here are just a few of our arguments. I will use my well (29-4215) as an example as it is representative of most of the private single residence wells in the area. It is a standard 6" casing and goes down a depth of 360'. Our well log shows that a water bearing gravel layer was hit at 54' to 71' deep. It produced 31 GPM. It is noted that this water was off limits per our well permit. The approval required a minimum depth of 220' be met before any water could be accessed. This was to protect prior existing surface water rights (the Pack and Barnard Springs) per the well approval letter. It should be noted that my well's point of diversion is 60 feet above the elevation of the springs. We hit water again at 302' to 307' depth. This water bearing gravel layer at this depth produces 5-7 GPM. In order to compensate for this low water production, we installed a 2,000-gallon cistern. This allows me to protect my pump and allows me to irrigate without going dry. Many of my neighbors don't have a cistern and consequently can only water for less than an hour without running out. We continued to drill down 360' with no further water. The review of other well logs in Collinston show similar results.

In 2009, an application was submitted to the state for an additional one-acre foot from an existing private Collinston well, it was denied by the state engineer per the following quote:

"Water right applications in the Collinston area have been approved subject to depth requirements to protect prior spring rights. The State Engineer has examined well logs in the area to determine aquifer significant... A well was drilled under that application that yields only 5-7 gallons per minute and is in close proximity to neighboring wells. It is the opinion of the State Engineer that the aquifer is limited and additional diversion from this well may cause interference between wells." End quote.

It is our contention (based on elevations of the springs, well logs demonstrating well depths, water locations, static levels etc. and when comparing/laying this over the elevations of the proposed district's well) that it will impact all of us prior water rights owners. The proposed district well is to be 800' deep with perforations from 300' to 800' deep. The proposed well location on the hillside above us is almost exactly 300' above the elevation of the Pack and Barnard springs. Most of our wells fall within this 300' to 800' zone. The static levels of our wells are at the elevation level of the springs.

I will now go into discussing the timeline with regard to the commitments made by the district with respect to spring monitoring.

In February 2023, Dr. Burdette Barker from Utah State measured the outflow from Pack and Barnard springs. He calculated there was 1.23 cubic feet/sec. This measurement included the East Pack and Barnard spring which is a separate water right. After subtracting the East spring flow, it was estimated that the lower spring was .9 cubic feet/sec. flow. The existing water rights for the lower spring is 1.29 cubic feet/sec. (a shortage of .39 cubic feet/sec).

A letter from Dr. Burdette Barker from Utah State University was presented to the BRWCD by Kyle Potter at the March 22, 2023 board meeting. It recommended that the Pack and Barnard springs be monitored for at least a year and at a minimum of one irrigation season. The Board agreed to have it put on the agenda and discussed at April's meeting.

Springs shareholder, Kyle Potter, presented Dr. Barker's letter to the board during the April 26, 2023 board meeting. The General Manager agreed to monitoring the springs for a year prior to drilling but pushed to have some kind of agreement. It was never defined as to what type of agreement he wanted; however, 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 the other details (unspecified) are worked out. All members voted aye; motion passed.

Jeff Humphries visited Pack and Barnard Springs and springs shareholders to determine type and where monitoring equipment should/could be installed. A verbal agreement was made then allowing the District to proceed with obtaining the monitoring equipment, to monitor and provide access to the property to do so.

A committee of members from the BRWCD Board was formed at the July 26, 2023 board meeting to discuss monitoring the springs. The springs owners received no other communication from the District with regards to monitoring until after the July 26, 2023 board meeting.

A meeting was held August 17, 2023 at the Tremonton City Offices. A committee of BRWCD board members and Pack and Barnard springs water shareholders as well as the BRWCD General Manager were in attendance. Rich Garrett and I also attended at the invitation of the spring owners. The General Manager stated that he was unhappy about Rich and I being there, at that point, the spring owners indicated that they were part of the non-profit Collinston Water United and that we are all in it together. Kyle Potter, Rich Garrett and I (Kelly Lemmon) are the directors. It should be noted that per the General Manager's statements, he was unaware that the spring owners were part of CWU. Any argument otherwise is false.

On August 29, 2023 an employee of Utah State Water Rights Division measured the flow of the lower Pack and Barnard Springs at .6 cubic feet/sec. Again, the existing water rights for this spring is 1.29 CFS.

It is our contention that monitoring is required prior to drilling and that any delay that has occurred with monitoring the Pack and Barnard springs is solely the responsibility of the BRWCD. We expect the board to uphold the unanimous vote/commitment made at the April board meeting to monitor the springs for a year before drilling.

We believe that all of the water in Collinston is interconnected. This is further demonstrated in the fact that our static levels for most wells are at the same elevation as the Pack and Barnard springs. At best, if the spring level drops and/or the proposed well draws down the static level, the already identified problem of only being able to run some well pumps for less than an hour will be compounded.

We have been asked why we are fighting this well. The BRWCD General Manager indicated to us when asked if this well will impact our wells/springs. He stated that it cannot help but impact them. He also stated when asked if our roles were reversed, what he would do. He stated he would fight it. Your very well application for 210-acre feet acknowledges this (75-acre feet of the 210 requested is to mitigate existing rights). So, I ask of you board members, what would you do in a similar situation? We are residents of modest means. Many of us are senior citizens on fixed incomes. We have been accused of being divisive and breaking good faith by organizing and hiring an attorney to get our voices heard, yet our tax money is used to fund attorneys fighting us. We didn't ask for this fight, but we are in it for the long haul. The State Engineer has indicated to us several times that any new water that impacts existing rights will be shut down. We know this fight is far from over. We are aware of the application the District is continuing to push for an additional 500-acre feet in new well(s) in Collinston. The identified points of diversion for these wells are actually closer to the noted springs and close to the east canal (one is within 100' to the east of the canal).

We are not anti-water but believe there are better and more cost-effective avenues to efficiently use and develop existing and new water sources.

Thank you for your time and consideration.

- **Report from General Manager**

General Manager Mackley stated that he believed the conversation that Collinston Well Committee and the message that Chairman of the committee, Jay Capener conveyed is that the Board is not ready to take any action tonight. To recap, the District has a draft agreement that we have been working on, that needs some adjustments, and the District would like to present that to the Pack and Barnard spring users in Collinston for their review. The Collinston Well Committee will act as the negotiating party on behalf of the District. They will continue to meet with the Pack and Barnard spring users in Collinston. Mackley is not recommending any action tonight, but there will be an agreement the District wants them to review to allow negotiations to take place. General Manager Mackley expressed his confidence in the Board and the Collinston Well Committee. Vice-Chairman DJ Bott moved to table action regarding the Collinston well until the committee meets further and comes back with a recommendation for the Board to take possible action in the September 27, 2023 meeting, seconded by Board Member Tim Munns; all members voted aye, motion passed.

## **Systems Operations – Chance Baxter**

- **Systems Maintenance**

The month of August has been a quiet month. No major issues have arisen in any of the district's six water systems. There have been a few issues that have needed attention. I will briefly discuss them below.

- **Bothwell**

Linford Landis has started laying pipe in the Summerland Ranches subdivision Phase #1. They began on August 18th. They have a lot more work to do but they are advancing at a steady pace. This project consists of 1900 feet of 8" C900 pipe along with the installation of 11 fire hydrants. I along with our operators are inspecting the work to make sure it's up to the district's standards and specifications. The Newman well chlorine booster pump has begun giving us a few issues over the last couple weeks. The pump is worn out and needs to be replaced. I believe the pump and motor has over 100,000 Hours. I have purchased a new replacement pump at the cost of \$2,000. I am hopeful that the existing pump will last till the end of the irrigation/high water use months. Once demand slows down, we plan on replacing the pump with a new one. While doing so we will replumb the chlorine piping to preserve its reliability for years to come.

- **Beaver Dam**

We've had a leak in the beaver dam treatment building. The leak was quite hard to repair. The leak was along the North wall in an extremely difficult area to access. The repair required that we cut and unbolt a large portion of the Sleepy Hollows Springs inflow line. Once we shut everything down, we were able to make the repair. This took all day. The cause of the leak was some poor plumbing practices when the treatment system was originally constructed.

- **Lead and copper project**

The state finally released a template to use while conducting our service line inventory. We have been waiting for something official all summer. We didn't want to assume things and then be forced to redo them. We've already started the first phase of this project. Our meter billing file along with our GIS file of meter locations need to match perfectly. Over the last month our Operators Richard and Kylee have been going through our meter list to make sure there's a GPS location marked for every meter. They found over 40 meters that weren't recorded via GPS. Now that this has been done, we are ready to start the inventory process. We know what material the districts side of the service line is. The issue we have now is discovering what material was used on the customers side. There is +- 120 meters that we need to determine this. We plan on first sending out something in the mail asking these 120 unknowns to help us determine the material used on their side. The remaining customers that don't respond to the mailer or just don't know will require an on-site visit. We will have to send our people on-site to discover and record what material is used on the customer's side of the service line. This work will be done with a hydro excavation trailer that we will rent from a vendor in Ogden. All or most of the costs associated with this project should be paid for by the grant that was acquired from the state a few months back. I want to have this project completed by the end of the year.

- **Wholesale Accounts Usage**

1. **West Corinne Water Bothwell** ---- 200 Gpm. down 50 GPM from last month.
2. **Ukon Blending** ---- 100 GPM. We are currently blending and at 1:1 ratio.
3. **Riverside North Garland** ---- 200 gpm. Their well is down again. We are currently feeding a large portion of their system.
4. **Tremonton City** ---- 200 – 500 GPM
5. **Chanshare Farms** ---- Has used roughly 57 % of their allotted water for 2023
6. **Bothwell Town** ---- 35 Gpm

- **New Connections installed**

No new connections since last meeting.

### **Trustee Reports**

**DJ Bott-** Mantua reservoir is down 24 inches below the spill, which is less than it typically is. Mantua Town did have a pump motor failure which took a day to get fixed. Brigham City had a nonrelated meeting with Mantua Mayor Nelson and made a couple of proposals to him. We will see how they feel about them where they are isolated up there in the valley with their own water system. There may be ways that Brigham City could help. We just suggested that they think about it. Brigham City has been working towards the replacement of the aqueduct and penstock lines that come from the Mantua Valley down to Brigham City. It was originally a \$9M project. With inflation it has gone up to \$16M.

**Charles Holmgren-** Acme Water Company in Bear River City has doubled their overage fee in the last two months and raised their minimum by 50%. They are anticipating some improvements to their system, plus what inflation is doing to them, pump bills etc. This caused considerable shock to the town that has had the cheapest water in the State of Utah. West Corinne Water Company could possibly increase their connection fee. The Board of Water Resources is having their next board meeting on October 4, 2023, at Bear Lake. I will be attending a cloud seeding conference in about a month.

**Jay Capener-** I don't have much to report other than we have had good water in the canal all summer long.

**Lyle Holmgren-** We are going to be starting another service area for secondary water. I think it will either be this winter or spring. We got a grant to put this together. We are excited and grateful for it and looking forward to putting that secondary water project together. We are also working with the canal company; coming to an agreement to put in an equalization basin to equalize the flow in the canal system when people irrigate. It will fill when there is excess water and will drain the water into the canal system when the demand is high, we plan to start that project after the flow of the canal is finished for the season and work through the winter and have it completed by the time spring comes and the water is back in the canal.

**Brodie Calder-** No report

**Mark Larson-** No report

**Joe Summers-** I have a meeting coming up with an engineer regarding Lead and Copper.

**Richard Day-** No report

**Tim Munns-** No report

**Boyd Bingham-** The Grow Water Smart Committee has set a date for a kickoff meeting for the County Wide Master Water Plan on November 2<sup>nd</sup>, we are going to invite participants that have assignments with water so we can have a workable group. We are still working on a location; it is more than likely it will be held in Tremonton.

**Dave Forsgren-** I received a letter from the Department of Workforce Services CIB they have tentatively approved our grant for \$250,000 it will be on their agenda October 5, 2023; they will decide the next step in getting the funding for the County Water Master Plan.

### **Adjournment**

Vice-Chairman DJ Bott made a motion to adjourn, seconded by Board Member Boyd Bingham; all members voted aye, meeting adjourned at 9:00 PM