

**MINUTES**  
**Cedar Valley Distribution System**  
**February 16, 2010**  
**7:00 p.m.**

**Those Present: Lee Sim, Mike Silva, Nathan Moses, Kurt Vest, Brent Jones, Chairman, Sam Bauer, Deb Bauer, Kit Wareham, Earl Gibson, Phil Hirschi, Paul Nelson, Ramon Prestwich, and LaRee Garfield, Secretary.**

**This meeting was called to order by Chairman Brent Jones. He recognized the representatives from the State and welcomed them to the meeting. He then asked Paul Nelson to read the Minutes of the 2009 meeting. Brent then called for a motion to accept the Minutes; motion was made and seconded and unanimously carried.**

**Brent then asked Commissioner Sam Bauer to read the Commissioner's Report for 2009. Sam reported that the 2009 water year was below average. The stream peaked on May 7<sup>th</sup> at 367 cfs. This water year could be better than 2009. We have had some good snowstorms in January and February to help increase the snow pack. In the water year of 2008, we lost 50% of our water right during high flow because of problems with the new diversion that Cedar City Corporation installed in Coal Creek. During the winter of 2008/2009, there were changes made to the diversion. These changes created different problems in 2009. Gravel was a huge issue. Our de-silting pond filled up with gravel every 12 hours, taking about three hours to flush the system. In that three hours, twice a day, morning and night, the four irrigation companies would lose 18 acre feet of water each time. We have lost 40% of our high water during the 2009 water year. Sam has spent considerable time with Kit Wareham, the City Engineer, and the Bowen Collins engineering firm (Craig Bagley) who designed the diversion, trying different ideas to get the full water right into four of the irrigation companies. At this time, there are no solutions to make the system work properly. It is likely we will continue to lose water again this year (2010) during the high flow. The Southwest Field readings may not be accurate because some of the water that is measured will not go into their ditch and flows back into Coal Creek without being measured.**

**The Commissioner has one four drawer filing cabinet in his possession.**

**Brent then called for a motion to accept the 2009 Commissioner's Report. Earl so moved; Phil seconded; motion carried.**

**Brent asked Sam or Kit if there will be a walk way to use when they go in to get rid of the gravel in the pond. Sam said they did not have that problem in 2009. Sam said there is still a lot of work to do at the diversion, and Brent asked what he would suggest. Sam said there needs to be some more studies made to determine what to do. Brent commented that at some point in time, the water users are going to say that they don't want to spend any more money on this thing, and someone said that we are about to that point. Kit was asked if the new mayor is aware of the problem, and Kit said that he had been on the City Council when the matter was being discussed and would be aware of what is going on. Lee was asked if the State could do anything about the problem, and he said that it is the**

responsibility of the water users to see that they get the water they are entitled to. Brent suggested that the Board Members and the presidents of the irrigation companies could go to the City Council with Sam and express their concerns. Phil said that as long as the rocks are cleaned out, we get our water, but it is a big job to do it manually. Sam said he put in 90-100 hours keeping the rocks out. The water users are now paying to keep the rocks out, which they didn't have to do prior to when the diversion was put in. Brent said the Board Members and the presidents of the irrigation companies should sit down with the mayor and city council and stay on this until it is at least as good as it was before.

Brent then asked Lee Sim to present the report from the State Division of Water Rights. Lee said that Mike Silva would be making the report. Mike said that he works with 14 distribution systems in the State. He said that the diversion problem here is a big concern of his because the water users are not getting full use of their surface water rights. He said that Sam had submitted a list of questions to the State, and he believes that he and Kurt had answered all of those questions. He also reported that Sam had attended Commissioners' Training in the fall.

The 2009 Financial Statement was then presented by Lee Sim. We had a beginning balance January 1, 2009, of \$8,685.33. Total receipts were \$8,991.87. Expenditures totaled \$9,139.51, and we had an ending balance of \$8,537.69, December 31, 2009. Brent called for a motion to approve the Financial Report. Paul motioned to approve the Financial Report as presented; Earl seconded. Motion unanimously carried.

The 2009 delinquent water assessments were then discussed. Ramon said that Matt and Danny Bulloch had purchased Alice Stucki's water, so they should be billed for those two assessments. The John Sims property is being farmed now. It was determined that Account No.100445, "Unknown Owner," belongs to Rollo Brothers. Account No. 100492, "Leigh Livestock Co., Richard Leigh," is possibly owned by Cedar City Corporation. Mr. Leigh is deceased. The water right showing in the name of Victoria Show, Account No. 100541, has been split, and she is being assessed the full amount. Mike will look into this and make the correction. B&B Land Holdings L.C., Account No. 100557, should be billed to Mike Hardin.

The 2010 Proposed Budget was then discussed. The State Engineer Assessment will be \$638.00, and Sam said he could do the Commissioner's Report for \$300.00, the same as last year. LaRee said that the Secretarial Expense could remain the same, \$150.00. Paul moved that we keep the assessment at \$9,000.00; Ramon seconded, and further moved that we approve the 2010 budget at \$9,360; motion unanimously carried.

Brent said that we need to elect a Distribution Chairman and two Board Members. Sam moved that we suspend the rules and retain the current Chair and Board Members, which are Brent Jones, Chairman, with Paul Nelson and Ramon Prestwich as Board Members; Deb seconded; motion carried.

Paul asked about the underground water management plan at Beryl. Lee said that it is not

dead, but it is not moving very quickly. Kent Jones is very interested in this project and has talked to the water users out there a couple of times. Kit said that there is a bill in the senate to tax property owners to get money to help fund ground water management plans for water users. There must be a strong interest by the water users before the State will do anything. Phil asked what kind of leverage we have to collect bad debts. Lee said that it costs their office \$200.00 to start the collection process, so if the delinquency is less than \$200.00 they won't pursue it. Sam said that we are working with the City Attorney to have a meeting with the new mayor and other interested parties.

**Phil moved for adjournment; Ramon seconded. Meeting adjourned at 8:10 p.m.**