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FEB 29 2000

WATER RIGHTS  
CEDAR CITY

MINUTES  
CEDAR VALLEY DISTRIBUTION SYSTEM  
February 23, 2000

Present: John Larsen, Lee Sim, Brent Jones, Gertrudys Adkins, RueGene Rollo, Mary Lou Rogers, ConRoy K. Stevenson, Ramon Prestwich, Sam Bauer, Earl S. Kenney, Thelmer Stratton, Kerry Carpenter, Arlen Grimshaw, Clara Mae, and LaRee Garfield.

This meeting was called to order and conducted by Chairman Brent Jones. He indicated that all those present should have access to the water report for 1999. He then turned the time to Secretary LaRee Garfield and asked her to read the Minutes of the 1999 meeting. He then called for a discussion of the Minutes. Mr. Stevenson asked about the meters and if the Board could control the amount of water used. Brent said that if, for example, he owns a well and he over pumps and the Commissioner shuts his pump off, the liability would be great. Mr. Carpenter also commented that the law states that in Cedar Valley, anyone who owns water may take four acre feet of water per acre, and anyone who waters efficiently at all will not use that amount of water, so it is much more effective to keep people within their allotted acres rather than try and maintain meters and keep them repaired. This procedure has been tested in the Milford area, and the State will soon be moving into the Beryl area this year. The procedure is that the State takes an aerial photo of an area, biannually, and overlays that with Water Resources information, and they can tell who it is that is not in compliance. With regard to the Minutes, Mr. Sim commented that temporary changes have always been required, but the procedure is changing so that a Temporary Change must be filed before they use the water instead of after the fact. Kerry asked that in the fourth paragraph of the Minutes, second line, the word without be deleted and the words "prior to" be inserted to make that procedure concerning the temporary changes more clear. Following this discussion, RueGene moved for approval of the Minutes as corrected; Earl seconded; Minutes approved as corrected.

Brent recognized the representatives of the State who were present, John Larsen, Lee Sim, and Gertrudys Adkins.

Lee Sim presented the financial report. The balance of Distribution Trust Funds January 1, 1999, was \$9,249.01. We had receipts in the amount of \$7,916.93, and expenditures in the amount of \$7,913.38, for a total balance of Distribution Trust Funds December 31, 1999, of \$9,252.56. Our budget total for 1999 was \$9,412.00, and \$7,913.38 was spent, so we were under budget \$1,498.62. Our 1999 assessment was \$7,500.00. We have several delinquent accounts which have gone on for many years, and the delinquencies total \$539.37. Delinquent notices will be sent, but no special efforts will be made to collect them. Arlen mentioned that the billing to their family is still addressed to Henry, who is deceased, and he suggested that the billing addresses be updated. Brent asked that he get with RueGene following the meeting and update that address. Ramon commented that he had paid all of the assessments he had received, and there is still showing a delinquency in his name. Ramon also asked if we are required to carry and balance of \$9,000 in our account, and Mr. Sim said that we could probably get by with about half of that amount, and the assessment could be reduced to take care of that. Ramon moved for acceptance of the financial report; Arlen seconded; motion carried.

Brent then asked Commissioner Rue Gene Rollo to present his report for 1999. He reported that 1999 was a poor water year. The 1999 precipitation as measured at the Cedar City Airport was 6.97 inches of water, which was well below the 10.63 average for the period 1948 through 1999.

The runoff from Coal Creek was 11,843 acre feet which was well below the 1998 measurement of 45,580 acre feet. The highest runoff in 1999 was 539 cubic feet per second and occurred July 28, 1999, at 5:45 pm.

As reported last year, the data from well meters is so poor, due to several factors, that no reasonable conclusions can be drawn relative to the total amount of water diverted from the underground aquifer. The USGS estimates that 36,000 acre feet was withdrawn in 1998, which is up 2000 acre feet from their 1997 estimate. The USGS estimate for 1999 will be available in the late summer or fall of 2000. The USGS has been measuring the depth of water in the underground from the land surface at 26 locations in the Cedar Valley area. They publish hydrographs of nine of the test locations. These hydrographs indicate that the water depth from the land surface generally increased from the beginning of data until the late 70's or early 80's. Beginning in the late 70's, there is about a 10 year period during which the depth of water from the surface again decreased. The period from the late 80's to 1996 again saw a general increase in the depth of water from the land surface. As can be seen on the hydrographs provided, 1999 was more or less a break even year.

Brent called for any questions about the report. Sam Bauer moved for acceptance of the report; Ramon seconded; motion carried.

The budget for 2000 was discussed. Sam asked if an additional person could be hired to bring the ownership records up to date. Mr. Sim stated that it would be a very involved process and would require someone spending time with the County Recorder's office as well as with the State Water Rights office. Mr. Larsen said that he agreed and that he had spent a lot of time this past year bringing them to the point they are now, and the records are better now than they were. Mr. Carpenter said that the ownership of water rights can be determined through the County Recorder's office, and the records of ownership in that office are not as confused as the account records make it appear. There may be people who should be paying who are not, and many people who pay may not need to. He said that the irrigation companies take most of the Commissioner's time, and they use most of the water in the valley. Arlen said that the records should be taken care of now, or the problem will be worse in ten years. Mr. Carpenter said that when the State does the aerial photography of the Cedar Valley and begins the enforcement work, the records will have to be updated, but in the meantime, we have the same situation that we have in every area, and there are a lot of things that have a higher priority that have to be done. Mr. Carpenter suggested that if people who know their accounts are wrong get with RueGene and make the necessary corrections. Ramon commented that the accounts basically reflect well sites in the valley. Mr. Carpenter commented that the Commissioner does not regulate anything smaller than five acres, and we would probably not have assessments on many of them. Assessments are based on acre feet owned, not acre feet pumped. Ramon asked who determined the 5 acre assessment, and Mr. Sim replied that it was just a number that was felt was reasonable for the Commissioner to regulate. Mr. Carpenter commented that the direction water rights will

take in the future is not known. Following this discussion, Ramon moved that the budget be set at \$8,212.00; Rue Gene commented that the \$1200.00 designated for contractual services is not needed, so the assessment could be reduced to \$6,000.00. Mary Lou Rogers suggested that subdivision presidents should report usage to the State, and Mr. Carpenter said that those reports are presently being sent to the State. Arlen seconded the motion made by Ramon; motion carried.

Mr. Sim said that the legislation regarding the term for Water Commissioners did pass and is with the Governor, so it will be in effect starting next year. Ramon moved that we recommend that RueGene remain as the Water Commissioner; Sam seconded; motion carried.

Brent stated that the present board members are Bud Garfield, Paul Nelson and Ramon Prestwich, and he is presently the Chairman. Earl moved that we retain the present board and Chair; Arlen seconded; motion carried. Mr. Stevenson asked about the removal of a Commissioner for cause and how that would be done. Mr. Sim said that it would be brought to the members of the distribution system group, and the State would look into their concerns. The State would research the matter, and it would be the State Engineer who would remove the Commissioner.

Ramon moved to adjourn; Earl seconded; meeting adjourned at 8:05 p.m.