

MINUTES OF CEDAR VALLEY DISTRIBUTION SYSTEM  
HELD THURSDAY, FEBRUARY 17, 1977  
7:30 P.M.

The meeting was called to order by Donald Norseth. Mr. Norseth stated that the water picture this year is pretty standard over the State---tough. Most of the State is around 30%, but originally was fixed at about five or ten per cent, and if you deduct February from the 30%, we are down more. The snow is drier all the time. Some reservoirs are in fair shape. In the Duchesne area they are about 25% of normal, but most of the reservoirs are empty because of the dry summer. In the Logan area they are at about 30% with little storage. However, Bear Lake is up. Rationing will be taking place before the irrigation season starts in Ogden, and there is only a 60% water supply in the Weber Basin area. People with lawns and gardens will take second priority. The Salt Lake area is in the same position. Utah Lake is nearly full because of three year's good runoff in that area. Sevier ~~idge~~ is better than normal. Those without reservoirs will really feel the pinch. If we have no rain in March or April, it will be a bad year, and even those with wells will suffer toward the end of the year.

Mr. Norseth then stated that Water Commissioner, Clemont Adams, had asked to be excused from the meeting early, so the time was turned to Mr. Adams for the presentation of the Commissioner's Report.

COMMISSIONER'S REPORT: (A copy of this report was given to the heads of the various fields prior to the meeting, and a copy of the same is attached hereto and made a part hereof by reference.)

Clemont stated that he is having a problem with accessibility to some of the well houses in the area. He said that during the year he made 238 trips around the Coal Creek area.

A new electronic calculator was purchased this year which cut down considerably on Clemont's work. Clemont recommended that the old calculator be sold and that a new duplicator be purchased. He stated that he thought he could sell the old calculator for \$20.00, and he suggested that the school district would buy the old duplicator for \$150.00.

Clemont stated that on page 18 of his report was listed the water that was used in 1976. South and West used 2,700 acre feet; Hunter ditch, 60 acre feet, Union Field, almost 2,000 acre feet; North Field, 1,850; East Extension, 1,850; North West Field, about 780; Old Fort and Old Field, 1,192, and Cedar City Corporation, about 3,787 acre feet, including culinary water used. Coal Creek is drawing almost 4,500 acre feet of water, with 1,500 acre feet being stock water. There was water put in underground storage at the Bulldog pond. We normally operate at about 50,000 acre feet in order to accommodate this area, and this year, the total water used, including culinary wells, was 53,437 acre feet in this valley.

different place and different person. He recommended the only way to control this is to get some backbone, and when a guy overpumps and continues to use his well, we should sign a Complaint and take him into Court, and that this should take care of this problem. Clemont has no authority with the pumpers to go and turn off a well, especially with a sprinkling system; it is just too risky. If we want to control how much water is pumped, it will only take one law suit. Clemont is willing to sign a Complaint against anyone who will not work with him. Thurman Higbee then asked how much overpumping there had been. Clemont said that most of the overpumping is small. There is one person that has overpumped 450 acre feet which is about as much as this person has. It is easy to determine how much water a person is pumping, and some companies have been very good to work with. George Vandenberghe asked what we pay the State water guys for and why they can't turn the wells off. Dr. Prestwich asked if there was not a law to take care of this. Clemont said that the State is too far away and that the battle has got to be won right here. We have to put up the money and get people into Court. Dennis Bauer asked if this was the only course we have, and Clemont said he knew of no other. Brent Hunter asked what others had done with this problem. Mr. Bene said that it can only be referred to the Attorney General, and if he doesn't act, we are without recourse. Dr. Paul R. Lunt asked if Robert L. Gardner was not with the Attorney General's office in our area. Mr. Norseth said that we might be able to work through the County Attorney and that the best way should be through cooperation, but it is pretty hard to shut some guy off and burn up his crops, but if that's the way we want to go, he will do it. The only way we can do it is to take him through the County Attorney and shut him off if the people won't work with him. Craig Jones asked how difficult it is to give advanced warning, and Clemont said that the overpumping we are concerned with has been a surprize, and there has been a failure to comply with any advanced notice, but it is not fair to treat the overpumper the same as the guy who works with Clemont. Forrest Q. Bauer said there should be a uniform rule all over the State, and Clemont said this is why it is a local problem. Ren Luke then asked if it was not stealing water to overpump, and if we are spending \$6,000.00 a year we should have some means of enforcement among ourselves. Dr. Beal said that this is a problem all over the State, and Mr. Norseth said that there is a three per cent overpumping in Beryl, but that this is within the realm of possibility and not an unreasonable overpumpage in any valley. Ren said that if a person overpumps, he should not use the water the next year and he should take care of his own water, but we can handle it ourselves. Dr. Prestwich said that this is illegal. Mr. Norseth then stated that you cannot charge a man this year's water against next year's water. Dennis Bauer then asked why a man cannot use water he did not use last year, this year, and Mr. Norseth said this was not possible. George Vandenberghe then asked how it stood over the entire valley, and Clemont said that it is just a few individuals that are overpumping, and we all have the same right to it. Clemont said that he feels that the overpumper has got to be taken care of. Craig Jones said that it is the responsibility of the County Attorney, and Mr. Norseth said that that is where you file a Complaint and that overpumping is a misdemeanor. Dr. Lunt then asked if there was any way to get it changed to a felony, and Mr. Norseth said that it was possible only through the legislature making the change. George Vandenberghe then asked if most of the pumps weren't electric, and he further stated that if they were it should be easy to turn them off. Gerald Stoker then commented that it was a matter of liability. Clemont said the thing is that he will never pull the switch on a mobile sprinkler line, and that he will only send a note telling the man that he is overpumping. Craig Jones then asked how much expense is involved in prosecution, and Clemont said that he did not know but that an overpumper is breaking the law, and he will not enforce that law unless we are willing to stand the expense. Vermont Ashdown then stated that we should get the County Attorney's opinion on this matter. Dr. Prestwich said that we should just turn it loose and let everyone pump what they wanted to. Clemont then stated that this is not fair, because most people have taken care of their overpumping. Dennis Bauer then said that there should be some way to curtail the overpumping. Dr. Prestwich then said that we should change the laws, and Clemont said that it is just a matter of enforcement. Dr. Lunt said that if it was a felony, it would carry

more weight than a misdemeanor. Clemont said that he would not be responsible for this kind of a judgment, and that he will administer the law as it is written. He will notify the people when they have overpumped. Dr. Prestwich then said that 450 acre feet is a lot of water, and Clemont said that it definitely should be handled legally. Clemont also stated that Union Field has been very good to work with him. Jerry Bryant then said that he thought the overpumper mentioned had purchased more water to put into his well. Jerry Bryant said, also, that he sold some water to Mr. Woodbury, and it is not recorded in the report. Mr. Bryant then asked Clemont to check and see if the George Roper well had been transferred to the Deputy Sheriff who is overpumping. Clemont said that if there has been water transferred in, he does not know about it, and perhaps it is in escrow or has not been filed, to his knowledge.

Dr. Prestwich then asked about Clemont's salary. Clemont said that he got by pretty well last year with the new calculator and two deputy commissioners, and so he would leave his salary the same as last year. Brent Hunter told Clemont he would never do as a Congressman. Clemont said he figures he makes about \$2.00 an hour working for us, but he has a vested interest in it and will let it stand this way if his work is satisfactory to us. Clemont then resigned as Water Commissioner.

The meeting was then turned to Ren Luke. He asked Secretary, LaRee Garfield, to read the minutes for 1976. The minutes were read after which Thelmer Stratton made the motion that the minutes be approved as read; the motion was seconded by Dennis Bauer and passed by the members present unanimously.

FINANCIAL REPORT: (Copy attached and made a part hereof by reference).

The financial report was read by Donald Norseth. At the conclusion of the report, Dr. Prestwich said that the Spilsbury Ranch has been sold to L. W. Gardner. Alan N. (Bud) Garfield said that No. 27, East Union Pump Co., should be sent to Duard Schoppman, rather than Alan Garfield. Steven Grimshaw said that No. 84, George D. Grimshaw, should be sent to him at Box 68, Cedar City. Number 71, James A. Watson, should be sent to David Jensen. Mr. Norseth said that this had been paid. Ren asked if there were any questions on the report. Dr. Prestwich asked about the Underground Committee Expense. Mr. Norseth said that we budget it every year and it is never collected, but this year they sent in a voucher, and it was paid. Brent Hunter asked why it all came out of this year, and Mr. Norseth said that it didn't. It came out of the reserve fund. Dr. Lunt said that the financial statement should be clarified and explained so that the reason this much money was expended would be understood. Steve Grimshaw said that in the Cedar Valley Pumpers Association account, there is only about \$600.00 of the \$1,925.00 that is still left; the rest was paid to the attorney for our share. George Vandenberghe made the motion that we approve the Financial Report; the motion was seconded by Steve Grimshaw and unanimously passed by the members present.

Dr. Prestwich made the motion that we sell the calculator and duplicator as per Clemont's recommendations, for the best possible price. This motion was seconded by Brent Jones and unanimously passed.

Ren Luke then stated that the next matter of business was to prepare the Budget for 1977. He said that we are practically broke and that the amount we will have to budget for to carry on is \$6,050.00. He said that there is no reserve to speak of. Dr. Prestwich made the motion that the budget be set at \$6,100.00, that Clemont be approved as the Water Commissioner with the same group of assistants and under the same salary he stated he would work for. Brent Hunter seconded the motion, and it was unanimously passed by the members present.

Ren said that the next item of business was to appoint a water committee to run the system next year. He stated that the members of the committee at present are Steve Grimshaw, Bud Garfield, Jerry Bryant, Ren Luke and Roger Chambers. Steve Grimshaw nominated Brent Jones as chairman. Cressel Sherratt nominated Jerry Bryant. Thelmer Stratton nominated Ren Luke, but Ren declined the nomination. Dr. Beal moved that we proceed to ballot. A vote was taken by a standing vote. Brent Jones

received fourteen votes, Jerry Bryant, eight votes, so Brent Jones will be the new chairman, with Jerry Bryant, Steve Grimshaw, Dr. Beal, Roger Chambers, Dr. Prestwich and Bud Garfield as committee members. The motion to retain the present committee members was made by Brent Jones and seconded by Dr. Prestwich, and unanimously passed by the members present.

Cressel Sherratt moved that the meeting adjourn; the motion was seconded by Brent Hunter. Meeting adjourned at 8:45 P.M.