

# PROVO RIVER DISTRIBUTION SYSTEM

## Minutes of Annual Meeting of Board of Directors

January 13, 1965

Pursuant to the Articles of Association, as amended, of the Provo River Distribution System, and due notice having been given to all members, the Board of Directors of the Provo River Distribution System convened at 10 a.m. on January 13, 1965 in Room 200 of the Utah County Court House, Provo, Utah.

Chairman Niels Andersen presided.

On roll call, the following were present:

J. Edwin Ure	Group 1 - Kamas Valley Canals Group
Sherman A. Giles	" 2 - Upper Provo, East Heber Valley
Floyd Bonner	" 3 - Upper Provo, West Heber Valley
Glenn A. Wright	" 4 - Provo City Canals
Stanley Roberts	" 5 - East Provo Canals
Niels Andersen	" 6 - Provo Bench Canals
Elmer A. Seal	" 7 - Provo Reservoir Water Users Co.
Hampton C. Godbe	" 8 - Provo River Water Users Assn.
Ernest Knight	" 9 - Upper Provo Individual Rights

Also present were Wallace R. Wayman, Provo River Commissioner; I. F. Baum, Deputy Commissioner; Elmer J. Taylor, Utah Power & Light Co.; B. Harold Mendenhall, Provo River Water Users Association; Alma Huber, Midway Irrigation Co.; John O. Beesley, Metropolitan Water District of Provo; Simon K. Benson, Provo; Elvin Bunnell, Lake Bottom Irrigation Co.; Dan B. Bushnell, Provo; and Henry Stewart, Provo City Water Department.

### CORRECTION, AND ADOPTION OF MINUTES

At request of the Chairman, Secretary Godbe read the minutes of the Board's annual meetings held January 8 and January 9, 1964.

Director Wright thereupon called attention to the fact that the minutes incorrectly show that he was absent from the meeting, when in fact he had arrived a minute or two after the roll had been called.

Secretary Godbe apologized for the error and stated that correction would be made accordingly in the official Minutes book. Director Giles then moved that the minutes, as corrected, be adopted. The motion was seconded by Director Roberts and carried with all present voting aye.

Chairman Andersen asked the minutes to show that no changes have occurred in Board membership in the past year, and accordingly declared the first order of business to be election of officers to serve during 1965.

Director Godbe thereupon moved for the unanimous re-election of Niels Andersen as Chairman, and of Floyd Bonner as Vice Chairman. Director Knight moved that the motion be amended to include re-election of Hampton C. Godbe as Secretary. The motion was seconded by Director Ure and carried unanimously. The original motion, as amended, having been duly seconded, then was adopted with all present voting aye. The officers as aforesaid thereupon assumed their duties.

#### ADOPTION OF MACHINE BILLING SYSTEM

Attention of the Board was called to the following letter received from State Engineer Wayne D. Criddle under date of June 29, 1964:

"In moving towards a machine billing for water right administration we find that our past procedure must be modified to some extent. However, it is our intention to keep the various assessments in about the same relationship, one with another, as in the past.

"The major change has to do with how we handle storage water. In the past we have calculated the past five-year average delivery and used that in our formula. However, with some thirteen years experience, we believe the long time average second-foot days is just as reasonable an approach. The attached sheet shows the recorded acre-foot deliveries, the computed second-foot days, and the second-foot days used in the assessment computations in the past. We are proposing that the 'round' figure of 35,000 second-foot days be used as the base in our calculations of the future. If experience warrants, we will consider revising this, of course.

"Also attached is the assessment schedule used for 1964. We propose to base future assessments on this same schedule except the Deer Creek water which will be constant from year to year at 35,000 second-foot days (or ratios).

"We will appreciate your comments."

In the ensuing discussion it was brought out that the new billing system will chiefly affect only the Provo River Water Users Association, which, in a letter to the Chairman by Mr. Mendenhall as Association Superintendent, recorded its views as follows under date of July 22, 1964:

"We have considered the letter from the State Engineer, dated June 29, 1964 wherein he states that due to a machine billing set-up the Association's charge will be on a basis of 35,000 second-foot days rather than on a progressive five-year average.

"At present we see no objection to this method of billing;

however, at some future date it could well be that this would not be an equitable figure."

After further discussion it was the view of those present that the respective water users should not pass judgment until the new system has been given a trial. Director Ure thereupon moved adoption of the following resolution:

(52) Resolved, that the Board shall refrain from exercising judgment on the new machine billing system, as adopted by the State Engineer, pending a period of trial to determine if it will result in any major inequities.

The motion was seconded by Director Seal, and adopted with all present voting aye.

#### NOMINATION OF COMMISSIONER

Chairman Andersen noted that the Board must again nominate a Commissioner as its choice for appointment by the State Engineer for service during 1965. Director Wright thereupon moved adoption of the following resolution:

(53) Resolved, that Wallace R. Wayman shall be and he is hereby nominated for appointment by the State Engineer as the Provo River Commissioner, to serve for 1965 and at the same salary as paid in 1964.

The motion was seconded by Director Ure, and adopted unanimously.

#### POSSIBLE RETIREMENT OF COMMISSIONER: SUCCESSORS DISCUSSED

Commissioner Wayman thanked the Board for its expression of confidence and pledged that he would do his best to give satisfactory service, assuming that the State Engineer would find his nomination acceptable and would effect his reappointment.

Mr. Wayman then told the Board that he well realized he is past ordinary retirement age, but he added that his general health is excellent and that he felt fully competent to continue Commissioner work. Mr. Wayman added, however, that he believed the Board should begin thinking in terms of an eventual successor to his job, and said he would be glad to begin training of any candidate the Board may select, subject to approval by the State Engineer. Mr. Wayman then said that interest in the Commissioner's work has been expressed by Mr. Simon K. Benson, whom he formally introduced to the Board. Mr. Benson, he said, is a college graduate now teaching mechanics in the vocational school.

Director Knight then said he knows of another possible candidate, a man who is experienced in hydraulics.

There followed brief discussion, after which Director Godbe suggested that the Chairman invite Mr. Benson, and any other

possible candidates, to submit formal applications for the position, listing therein their education, age, qualifications, and experience. There being no objection, the suggestion was ordered adopted.

#### NOMINATION OF DEPUTY COMMISSIONER AND TRAINEE

Pursuant to policy, Mr. Wayman then was asked his preference for appointment as Deputy Commissioner, it being understood that additional nominees might be offered by any member of the Board. In response, Mr. Wayman asked for reappointment of Mr. Baum, whom he commended for the excellence of his work.

Director Knight then moved that the nominations be closed, and that the Board unanimously request the State Engineer to re-appoint Mr. Baum as Deputy Commissioner, at the same salary as in 1964. The motion was seconded by Director Godbe, and adopted with all present voting aye.

Mr. Baum then expressed his appreciation of the Board's actions, and said he particularly appreciated the work of Mr. Giles, who has now had sufficient experience to assist greatly in the distribution work.

#### MIDWAY IRRIGATION COMPANY; DIVERSION PROBLEMS

Alma Huber, of Midway, took the floor to ask the Board's advice and assistance with regard to high-water diversion problems of the Midway Irrigation Company. During peak flows, he said, turbulence of the Provo River becomes such that sand and gravel in large quantities is impacted against the company's canal intake structure, often to the extent of making diversions impossible until the accumulated debris has been removed. The condition repeats itself during the high flow, Mr. Huber said, with resultant exorbitant removal costs to the company. He inquired if the Board could either suggest a solution, determine who may be responsible for the condition, or advise as to what redress, if any, may be open.

In the ensuing discussion it was brought out that the company, over many years, had experienced no major difficulties until its diversion point was changed as the result of recent highway relocation. Possible solutions were discussed, such as construction of a sand box or baffles upstream of the canal intake, but it then was concluded that this aspect of the problem will require an on-the-site engineering analysis. It also was concluded, from the facts as recited by Mr. Huber, that the problem is directly traceable to the highway construction and ensuing relocation of the point of diversion, and that the Company therefore should seek redress from the county or state agency responsible therefor.

Director Godbe thereupon moved adoption of the following resolution:

(54) Resolved, that the Board of Directors counsels the Midway Irrigation Company that, in its considered judgment, the existing high-water diversion problems are a direct

outgrowth of recent highway relocation; that the Company should seek corrective measures from the responsible county or state highway agency; and that Mr. Wayman shall be, and he is hereby, requested to give the Company such assistance to this end as may be proper and lawful within his duties as the Provo River Commissioner.

The motion was seconded by Director Giles and adopted with all present voting aye.

#### REPAIR OF RATING WEIR

In connection with the Midway Irrigation Company's diversion problems, Mr. Baum reported that the rating weir just below the company's canal, located under the bridge at that point, has deteriorated to the point where repairs are essential. In the ensuing discussion Director Godbe asked who was responsible for maintenance of the weir, and he was informed that it had been constructed by the Provo River Distribution System as a necessary structure for the measurement of downstream flow, and that its maintenance was a System responsibility.

Since no cost estimate could be made at this time, Director Godbe suggested that the Board should nevertheless authorize all essential repairs, with the cost to be defrayed from the river system's reserve funds.

Mr. Mendenhall then said that in the interest of keeping expenses to a minimum, he would be glad to have the repair work done by work crews of the Provo River Water Users Association, in the understanding that the River System would be billed, and would pay, only for the actual out-of-pocket costs of the work. On behalf of the Board, Chairman Andersen accepted Mr. Mendenhall's offer with thanks, and in response Mr. Mendenhall said he would see that the work is done at the earliest practicable date.

#### COMMISSIONER'S ANNUAL REPORT

Commissioner Wayman then gave highlights of his annual report for 1964, now in process of being completed and bound. He noted that the water supply outlook currently is exceptionally high, being forecast as of January 1 at 138% of normal. Should heavy precipitation continue at this rate, he warned that flood problems may arise next spring. He expressed the hope that if floods occur, and if storage space is available in Deer Creek reservoir, that the Provo River Water Users Association will permit temporary storage of flood waters, as it has done on occasions in the past, in order to avert downstream damages.

#### ABSENCE OF RECORDER AT VIVIAN PARK

Mr. Wayman reported that no water was obtained in 1964 from the Weber River under Application 9580, which conditionally permits diversion in such amount as required to maintain the Provo River at

510 second feet at Vivian Park gauging station. He said also that although authorized by the Board in its Res. No. 47, adopted Jan. 8, 1964, purchase of a recorder from the United States Geological Survey at a cost of \$225 had not been consummated, since this sum had not been specifically set up in the 1964 budget, and that for the same reason repair of the South Fork measuring device, at a cost not to exceed \$300, also had been omitted.

In the ensuing discussion it was brought out that the Board had intended that these sums be drawn from reserve funds, which have increased from a year-end checkbook balance of \$5,113.01 in 1962, to a 1964 year-end balance of \$8,198.79. As recorded in the minutes of Jan. 8, 1964, the Board has felt this amount is larger than necessary and, although without formal motion, feels it should be reduced by drawing upon it for out of the ordinary expenses.

There being no objection, the Chairman then instructed Mr. Wayman to proceed forthwith to buy the recorder, install it, and also to proceed with the South Fork repair work as directed in 1964, with the costs in each instance to be made by drawing from the reserve fund, even though these two projects may not be specifically listed in the 1965 budget.

#### REPAIR OFFER BY PROVO CITY

At this point Henry Stewart, representing the Provo City Water Department, said that since Provo City has an interest in South Fork water and is anxious to have accurate readings on the flow, the water department would volunteer to remove, repair, and re-install the South Fork recorder without cost to the River System. Chairman Andersen, on behalf of the Board, expressed appreciation for this offer.

Mr. Stewart then inquired by what means Provo City would be provided with readings at South Fork, to which the Chairman answered that such information would be provided by Commissioner Wayman as part of his duties as the river commissioner.

#### CONTINUANCE OF RECORDER INSTALLATIONS

The Chairman observed that the Board is anxious to have the State Engineer continue with the program of adding new measuring devices along the river, and that he will again be urged to enforce the program as rapidly as possible.

1965 BUDGET: RETAINED AT \$14,637.16; ASSESSMENT \$13,700.

Commissioner Wayman briefly reviewed 1964 expenditures, noting that the Board budgeted \$14,637.16, but voted to retain the annual assessment at \$13,700, the difference to be met from the reserve fund. He recommended the same budget for 1965.

In the ensuing discussion, and in view of the large amount of reserve funds, it was the view of all present that the budget should

retained, as recommended, on the 1964 basis, and that the assessment rate be kept at \$13,700.

Director Godbe then moved adoption of the following resolution:

(55) Resolved, that the budget for 1965 shall be the same as that for 1964, as it appears on page 3 of the Minutes of Jan. 9, 1964, and that the rate of assessment for 1965 shall be retained at the present amount of \$13,700.

The motion was seconded by Director Roberts and adopted with all present voting aye.

#### ALTA DITCH: DRYING OF SPRINGS

Director Roberts took the floor to inform the Board of the drying up of several springs situated at an elevation just below the Alta Ditch. Flow of the springs was diminished in whole or in part, he said, because of the Alta Ditch having been converted to a pipeline, it being evident that the springs in question had been fed by transmission losses chargeable to seepage. The spring water, he said, in turn had been part of the sources for a 50 second-foot right of the Blue Cliff Ditch, situated below the springs.

The result of this, Director Roberts said, is that to fulfill the Blue Cliff rights extra water has been taken from the natural flow of the Provo River, to the detriment of lower users. He said he felt that the River System should take action to enforce rights of the Provo River users against the Alta Ditch, stating that in his opinion the Class A users were the most adversely affected.

In the ensuing discussion, Director Godbe said that Director Roberts should be complimented for his alertness in detecting apparent mis-uses, and that the Board should be grateful at being informed of this situation, if only as a matter of information. He added, however, that in his opinion the Board is powerless to take action against the Alta Ditch, even if it were so motivated, because the River System which the Board represents owns no rights whatever to Provo River water, these rights being individually owned by the respective appropriators. Any cause of action against the Alta Ditch could therefore be initiated legally only by an appropriator, or groups of appropriators, who might be able to prove damages in the form of water losses, due to placing the Alta Ditch in a pipeline. As for the Provo River Distribution System, Mr. Godbe added that as an organization representing the appropriators, the System and its Board of Directors have but one essential function and responsibility, which is to see that waters of the Provo River are distributed annually to users according to their respective rights, to which end it is empowered to nominate a Commissioner and Deputy Commissioners for appointment by the State Engineer, and to determine operation and maintenance costs involved in such water distribution, thereafter to recommend to the State Engineer the levying of an annual assessment on all water users in order to defray such costs.

In the ensuing discussion, and it being apparent that the River System Board is not vested with the power to initiate water rights actions, it was suggested that Director Roberts, if he were willing, could perform a service by calling the springs problem to the attention of the State Engineer, at the annual meeting with his representatives scheduled for January 14, 1965, in the possibility that piping of the Alta Ditch may have been effected without due process of law, in which event corrective measures might be open through the State Engineer's office. Director Roberts agreed so to do, and the Board then proceeded to the next order of business.

#### MEETING WITH STATE ENGINEER

Chairman Andersen called attention to the following letter, dated January 4, 1965, from State Engineer Criddle:

"Notice is hereby given that in compliance with Title 73, Chapter 5, Utah Code Annotated 1953, a meeting of water users of the Provo River System and representatives of the State Engineer's office will be held January 14, 1965 at 1:00 p.m. in the County Courthouse at Provo, Utah, for the purpose of:

1. Hearing the financial report for 1964.
2. Hearing the 1964 Commissioner's report.
3. Preparing a budget of salaries and other necessary expenses of the Provo River System.
4. Making recommendations to the State Engineer relative to the appointment of a water commissioner for the 1965 season.
5. Transacting such other business as may properly come before the meeting.

We hope that the water users or representatives will attend in order that they be properly represented.

He requested that all members of the Board attend this meeting, in view of its importance to the System's operations.

#### EXPRESSIONS OF COMMENDATION

Director Roberts said he felt that the River System now is being operated excellently, and he moved that a resolution of appreciation be adopted for the work done by Commissioner Wayman; his deputies, Mr. Baum and Mr. Giles, and by the administrative officers of the Board. Director Giles urged that the motion be amended to include a vote of thanks to Director Roberts for his able and complete explanation of the Alta Ditch-Blue Cliff Ditch situation. The motion, as amended, was then seconded by Director Wright and adopted with all present voting aye.

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**ADJOURNMENT:**

There being no further business, the meeting adjourned,  
subject to call by the Chairman. The time was 12:25 p.m.

**APPROVED:**

/s/ Niels Andersen  
Niels Andersen  
Chairman

Hampton C. Godbe  
Hampton C. Godbe  
Secretary