

PROVO RIVER DISTRIBUTION SYSTEM

MINUTES OF THE ANNUAL MEETING OF BOARD OF DIRECTORS

January 13, 1971

Pursuant to the Articles of Association, as amended by 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 10:00 a.m. on January 13, 1971 in Room 200 of the Utah County Court House, Provo, Utah.

Chairman Niels Andersen presided.

On roll call, the following Board members were present:

J. Edwin Ure, Vice Chairman	Group 1	Kamas Valley Canals
Sherman A. Giles	" 2	Upper Provo, East Heber Valley
Irvin O. Bowden	" 3	Upper Provo, West Heber Valley
Bert Fisher	" 4	Provo City Canals
Stanley H. Roberts	" 5	East Provo Canals
Niels Andersen, Chairman	" 6	Provo Bench Canals
John W. Gillman	" 7	Provo Reservoir Water Users Co.
Jack M. Gardner, Secy-Treas.	" 8	Provo River Water Users Assn.
Ernest Knight	" 9	Upper Provo Individual Rights

Also present were:

Leonard S. Walker	Pleasant Grove
John Zirbes	Provo City Engineer
Hugh A. McKellar	Provo River Commissioner
B. Harold Mendenhall	Provo River Water Users Association
Robert White	U. S. Bureau of Reclamation
J. G. Haight	Utah Power and Light Company
Otten Whiteley	North Union Canal Company
J. Eldon Swenson	North Union Canal Company

CORRECTION AND ADOPTION OF MINUTES OF 1970 ANNUAL MEETING AND SPECIAL MEETING OF MAY 25, 1970:

At the request of the Chairman, Secretary Gardner read the minutes of the annual meeting, held January 14, 1970; whereupon, there being no changes noted, Director Giles moved that the minutes be accepted, seconded by Director Roberts and carried unanimously.

The minutes of the special meeting, held May 25, 1970, were then read and it was noted that the time of the meeting was designated 3 :45 p.m. but was actually 10:00 a.m. and with this correction, Director Bowden moved that the minutes be accepted, seconded by Director Roberts and carried unanimously.

PROVO CITY CANALS, GROUP 5, APPOINTS NEW DIRECTOR TO BOARD:

Chairman Andersen noted that past Director Glen Wright, Provo City Engineer, had retired as City Engineer and inquired of John Zirbes, present City Engineer, of the status of the Provo City Canals, Group 5's appointee to the Board. Mr. Zirbes then inquired if there was any requirement of the Distribution System that the City Engineer be the appointee to the Board to represent the City Canals Group. Secretary

Gardner advised that there was no such requirement as far as the Distribution System was concerned and questioned if the City Commission had such a requirement. Mr. Zirbes stated that he had not checked with the City Commission but, tentative to his checking, reported at the meeting on the following day that Bert Fisher, an employee of Provo City in the capacity of evaluating the City water rights and water supply, had been appointed Director by the Provo City Canals to replace Glen Wright, past Director.

#### ELECTION OF OFFICERS FOR 1971:

Chairman Andersen advised that the next order of business was to nominate and elect officers for the ensuing year. After due discussion, Director Giles moved adoption of the following resolution:

(99) RESOLVED That Niels Andersen, Edwin Ure, and Jack Gardner be elected as Chairman, Vice Chairman, and Secretary-Treasurer, respectively, to serve the following one year term of office. Motion was seconded by Director Gillman and adopted unanimously.

#### 1970 FINANCIAL STATEMENT AND DELINQUENT ACCOUNTS:

At the request of Chairman Andersen, Secretary Gardner presented the last year's Financial Statement of the River Systems operation, noting that the assessment was set at \$14,700 and there were receipts of \$14,662.84 and receipts of delinquent accounts of \$14.18 or total receipts of \$14,677.02. The expenditures during the year were \$15,244.36, the difference of \$567.34 coming from the Distribution Trust Fund and leaving a balance in the Fund, as of December 31, 1970, of \$5,704.93 and that \$15,855.00 had been budgeted as against the actual expenditure of \$15,244.36.

Delinquent assessments were noted in the amount of \$236.57. Commissioner McKellar noted that he had checked into Account 62, Reno Memmott, and the land had been sub-divided and the owner deceased and that this right would be abandoned.

#### NOMINATION OF ANNUAL COMMISSIONER AND DEPUTY COMMISSIONER:

Chairman Andersen noted that the Board must again nominate and elect a Commissioner as its choice to recommend for appointment by the State Engineer, whereupon, the following discussion ensued:

Mr. Leonard Walker noted that the River was cut to 80 percent in August and caused a serious lack of water supply in the Provo Bench Canal; that this cut should not have taken place, as during the period that the Provo Bench was cut, the Provo Reservoir Canal was still diverting secondary water. Also, that the Geneva Steel pumps do not pump at an even rate and that Provo Bench should have that part of the 9.37 c.f.s. that was changed to be diverted to Geneva Steel as evidenced by Orem City's stock holdings in Provo Bench Canal and Irrigation Company.

Director Andersen reiterated these conclusions and added that Hoover Ranch was making illegal diversions; that diversions in excess of rights were being made in South Fork; that excess water was brought down the River for some reason and caused a wash-out in the Timpanogos Canal that cost \$1,500 for repairs. He further stated that prior Commissioner, Wallace Wayman, is associated with the Timpanogos Canal and inquired of Provo City Engineer if Provo City had sufficient water during the year. Mr. Zirbes advised that the Commissioner works with the water masters and delivers water to the extent of the rights.

Director Roberts noted that there were numerous illegal diversions; that he had on occasion found the Brigham Young University and Country Club headgates wide open when they should be shut; that headgates are needed at the Country Club intake and Provo City Canal, rather than the canvas type now used, as he has to shut these gates.

Commissioner McKellar stated that the reason for cutting the Class "A" River to 80 percent from August 4 to 17 was to replace in Deer Creek Reservoir approximately 300 acre feet of Deer Creek storage water that had been overdrawn by Provo Bench Canal and Irrigation Company; that this water was overdrawn during the middle of July and that he had tried to contact both Leonard Walker and Niels Andersen and advise them of the situation but that they were not available. He further stated that with the method of calculating the natural flow of the Provo River that 3 to 5 days lag is the best that can be accomplished; that it is the responsibility of the Irrigation Company and the water masters to know when they have used their storage water, since they have daily and hourly access to the measuring devices.

Mr. Mendenhall stated that the prior Commissioner had allowed the Big Bench to overdraw its storage water then replace it in the fall with Class "A" water that really wasn't needed for irrigation; that actually this water should go to the River to fulfill any Class "A" rights or to Junior appropriators, such as Provo Reservoir Canal secondary or to Deer Creek as surplus flow. He further stated that the truth of the matter is that the River is being distributed more efficiently than it has been since Marion Clark was Commissioner and this reversal to the distribution on the basis of water rights has led to the contention that exists.

Commissioner McKellar stated that as far as Geneva Steel's distribution of Class "A" right goes, that Geneva Steel was pulling continuously the 16.39 c.f.s. as evidenced by the three temporary Change Applications filed by Provo Bench and Provo Reservoir Company and, in addition, was pulling Deer Creek storage; that he reads the meters and any water over these Class "A" rights are from Deer Creek storage. Further, that if Geneva Steel did not use the full flow as evidenced by these temporary Change Applications that the excessflow would stay in the River as Class "A" and go to fulfill Utah Lake's right, the same as any water that no one else had use for would do. The changes do not provide for this excess water not used by Geneva Steel to go back to Orem. Mr. McKellar noted that Provo City's water shortage was because of illegal diversions, that he delivered the water available to the Canals in accordance with the Decree or in accordance with the water right to the best of his ability and that it was the watermasters' responsibility from then on and that this was where the shortage occurred. Commissioner McKellar concurred in the need for better headgates to accommodate the watermasters in stopping illegal diversions.

Director Andersen noted that Deer Creek Reservoir had caused distribution problems on the Provo River, as the natural flow was figured using acre foot storage in Deer Creek Reservoir based on water depth in the Reservoir, that the wind fluctuated the depth. Mr. Mendenhall advised that the Manometer on the Reservoir is read four times daily and is averaged and any fluctuation because of wind is leveled out and becomes insignificant; that Deer Creek Reservoir has greatly benefited the distribution on the Provo as it levels out any sporadic fluctuation; that the Commissioner's reports balanced last water year within 66 acre feet.

Thereupon, Director Ure moved adoption of the following resolution:

(100) RESOLVED, That Hugh McKellar shall be and is hereby selected as the Board's recommendation to the State Engineer for appointment as the Provo River

Commissioner to serve for the yearly term, beginning April 1, 1971.

The motion was seconded by Director Bowden and adopted unanimously.

Whereupon, Commissioner McKellar nominated Sherman A. Giles, Deputy Commissioner, as recommended appointee by the State Engineer.

Whereupon, motion duly made, seconded and unanimously carried, the following resolution was adopted:

(101) RESOLVED, That the Board accept Commissioner McKellar's selection of Sherman A. Giles for recommended Deputy Commissioner appointee by the State Engineer to serve for the yearly term, beginning April 1, 1971.

#### BUDGET AND ASSESSMENT - 1971:

Chairman Andersen called for a discussion of the budget and assessment for the following year. Commissioner McKellar advised that he and Secretary Gardner had worked up a tentative budget for presentation to the Board and asked Secretary Gardner to present this budget for discussion. Secretary Gardner noted that the first items were the salaries and matching social securities and State Retirement for the Commissioner and Deputy Commissioner; that the consideration of raises in salary should be discussed and decided on in order to set these items; that it was his opinion that since inflation had again caused about a 5 percent increase in the cost of living, that a raise in salary was in order to offset this 5 percent.

Director Andersen voiced his opinion that the Commissioner's and Deputy Commissioner's jobs were only part time and that no increase in salary was justified.

Deputy Commissioner Giles noted that without a reservoir on the Upper Provo, the river fluctuates continuously and that in the irrigation season he has to devote full time, particularly since the River on the upper Provo drops below 100 percent much faster than the lower Provo; that he has to check each day the Duchesne Tunnel and Weber-Provo and has to regulate continuously as the canals can not operate with a big stream today and a small stream tomorrow; that the only leveling off benefit he has is the 10,000 acre feet head-of-River storage that is exchanged in the area; that he drove some 7,000 miles in the distribution of water last year.

Director Ure stated that the Deputy Commissioner was doing an excellent job on the upper Provo.

Commissioner McKellar noted that in addition to his practically full time job during the irrigation season that his time is also fully utilized in compiling the annual report to the end of the year.

Director Gardner noted that he had recently attended the Weber Water Users meeting and that they had given their Commissioner and Deputy Commissioner a 6 percent raise, the Commissioner now making \$11,522 yearly. Although he had five deputy commissioners, the Weber River distribution is basically not as complicated as the Provo River distribution. Also, that the Weber River Commissioner's job was not full time, as the Commissioner is employed by the United States Geological Survey in the non-irrigation season. Mr. Gardner further stated that basically he did not like the continued increase in salary but noted that if you do not keep up with the cost of living increase, your commissioners would eventually be under paid and would look elsewhere. Director Ure noted that they

had given the Commissioner a base salary and that this base should be the basis of the salary increase. Director Gardner noted that most businesses have the cost of living increase and a base salary increase, also. Actually, all the Commissioner and the Deputy Commissioner are getting is the cost of living raise to stay even. Director Roberts voiced his opinion that a 5 percent increase was too much.

After further discussion, Director Gillman moved adoption of the following resolution:

(102) RESOLVED, That the Commissioner and Deputy Commissioner be given an approximate 5 percent increase in salary, bringing the Commissioner's and Deputy Commissioner's salaries to \$7,035 and \$5,565, respectively.

The motion was seconded by Director Knight and all voted "aye", except Director Roberts, who voted "nay".

Secretary Gardner then noted that with the 5 percent raises in salaries, the first six budget items would now read: Item 1, Commissioner's Salary \$7,035.00, in lieu of \$6,700.00. Item 2, Deputy Commissioner's Salary \$5,565.00, in lieu of \$5,300.00; the matching social security and state retirement, Items 1-A and 1-F, 2-A and 2-F would now be \$365.82 and \$298.99 and \$289.38 and \$236.51, respectively; that all other items would remain the same as the 1970 budget, except Item 11, Miscellaneous Expense, which was adjusted from \$64.00 to \$64.30; Item 6 to \$150.00; Item 8 to \$200.00; and Item 9 to \$350.00, in lieu of \$200.00, \$150.00, and \$400.00, respectively, bringing the 1971 budget to \$16,510.00.

After due discussion, the assessment was increased from \$14,700.00 to \$16,000.00, inasmuch as the budget amount would leave only a little over \$5,000 in the Reserve Fund, if expenditures equaled the budget amount. Whereupon, Director Gillman moved adoption of the following resolution:

(103) RESOLVED, That for the following year the recommended budget be accepted as itemized and the budget be set at \$16,510.00 and the assessment be set at \$16,000.00, the difference in actual expenditures and the assessment to be drawn from the Reserve Trust Fund.

The motion was seconded by Director Knight and all voted "aye", with the exception of Director Roberts, who voted "nay".

#### STAGE RECORDER (2) INSTALLATION BY PROVO CITY:

Director Roberts noted that the stage recorder should be installed on South Fork to better regulate diversions; that the Distribution System has acquired two Stevens Stage Recorders from the State Engineer at a cost of \$250.00 each. The Commissioner was to locate these and deliver them to Provo City for installation. City Engineer, John Zirbes, advised that as soon as he was delivered the recorders, he would install one at South Fork and one at Vivian Park. It was noted that the Vivian Park gauge was to determine the flow at Vivian Park to distribute Application 9580 water. Commissioner McKellar advised that he would check with the State Engineer on the following day as to the status of these recorders. He was of the opinion that one of the recorders had been delivered to Provo City by the prior Commissioner and that the second one was still in the possession of the State Engineer.

#### HEAD-OF-RIVER STORAGE:

Deputy Commissioner Giles noted that there had been 100 percent head-of-river

storage in 1970, with the exception of Lost Lake, which leaks and that this water that leaks out is credited to Provo City. It was noted that Provo City's water in Lost Lake was subject to release during the period from June 1 to September 30 and storage from October 1 to July 30 and was further subject to exchange with Jordanelle Veil Falls and Lost Creek, concurrent storage and use only during the month of July and the exchange would have to be made. Director Gillman noted that several agencies had been contacted to make the needed repairs to the head-of-silver storage. Director Roberts noted that it was his understanding that these reservoirs would be used by Central Utah Project as recreational reservoirs only. It was noted, however, that these reservoirs were the only source of exchange water that would be available to Deer Creek subscribers above Jordanelle and would have to be so used.

#### MEETING WITH STATE ENGINEER:

Chairman Andersen called attention to the following letter, dated January 14, 1971:

#### TO THE WATER USERS OF THE PROVO RIVER DISTRIBUTION SYSTEM:

Notice is hereby given that in compliance with Title 73, Chapter 5, Utah Code Annotated 1953, a meeting of water users of the Provo Distribution System and representatives of the State Engineer's Office will be held Thursday, January 14, 1971, at 1:30 p.m. in the Utah County Courthouse, Provo, Utah, for the purpose of:

1. Hearing the minutes of the 1970 meeting.
2. Hearing the financial report for 1970.
3. Hearing the 1970 commissioner's report.
4. Preparing a budget of salaries and other necessary expenses of the Provo River Distribution System.
5. Making recommendations to the State Engineer relative to the appointment of a water commissioner for the 1971 season.
6. 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.

Yours very truly,

SS Hubert C. Lambert  
State Engineer"

Chairman Andersen requested all members of the Board to attend this meeting, in view of the importance of the River System's operations.

There being no further business, Director Wright moved adjournment of the meeting, which was seconded by Director Giles. Meeting adjourned at 12:15 p.m.

---

Jack M. Gardner, Secretary