

PROVO RIVER DISTRIBUTION SYSTEM

Minutes of Annual Meeting  
of Board of Directors

January 8, 1964

Pursuant to the Articles of Association, as amended, 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 8, 1964, in Room 200 of the Utah County Court House, Provo, Utah.

Chairman Niels Andersen presided. He introduced J. Edwin Ure as the new Director from Group 1, Kamas Valley Canals Group, replacing Ira C. Page, resigned.

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
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 River Individual Rights

(Stanley Roberts, Group 5, East Provo Canals, absent on roll call; arrived at 10:10 a.m.)

Also present were Commissioner Wallace R. Wayman, Deputy Commissioner I. F. Baum; Elmer J. Taylor, Utah Power & Light Co.; B. Harold Mendenhall, Provo River Water Users Association. (Mr. Mendenhall arrived at 11:05 a.m.)

The meeting having been called to order, Chairman Andersen announced that business before the Board was to elect officers to serve during 1964; make recommendations to the State Engineer for appointment of a Commissioner and Deputy Commissioners for 1964; hear committee reports, adopt an operating budget, determine the amount of assessments to be levied, and to act upon such other business as may be brought to the Board's attention.

ADOPTION OF MINUTES:

Minutes of meeting of the Board of Directors held on January 9, 1963, then were brought up for consideration. The Board was informed that copies had been mailed promptly after this meeting to all Board members, the State Engineer and other interested parties. The Chairman suggested in view of the length of the Minutes, and if no corrections were to be made, that formal reading be waived. Director Seal, seconded by Director Giles, thereupon moved that reading of the minutes be waived, and that they be adopted. The motion carried with all members present voting aye.

(43) ELECTION OF OFFICERS:

After brief discussion, Director Giles moved adoption of the following resolution:

(43) Resolved, that Niels Andersen and Hampton C. Godbe be reelected Chairman and Secretary, respectively, and that Floyd Bonner be elected Vice Chairman, all to serve for the 1964 term of office.

The motion was seconded by Director Ure and adopted with all present voting aye. The officers as aforesaid thereupon assumed their duties.

COMMITTEE REPORTS: Assessment rates; refunds.

Chairman Andersen reported that the Committee consisting of himself, Director Seal and Secretary Godbe, had found an excellently cooperative reception from Utah Power & Light Co. and Heber City Power Co., with both companies voluntarily agreeing to increase their rates of assessment on the basis recorded as item No. 23 in the minutes of January 9, 1963. He reported, however, that the successor in interest to the Johnson power water right to date has failed to cooperate, although the amount of increase in this instance was small, being in the neighborhood of \$6 or \$7. Further action on the latter right was deferred.

The Board also was informed that a duplication of assessments had been discovered in the 1963 accounts of Thomas A. Clegg (Spring Creek), Account No. 248 being the same as Account No. 32, and refund accordingly was made. Similar duplications were discovered in Accounts Nos. 256 and 278, both of which have been eliminated from the assessment rolls. There being no objection, it was directed that the minutes show approval of these actions.

(44) RECOMMENDATION FOR APPOINTMENT OF COMMISSIONER:

Chairman Andersen then requested the Board to select a Nominee for the position of Commissioner to serve during 1964. He explained that the Commissioner is appointed by the State Engineer, but that the State Engineer usually accepts and appoints a qualified nominee recommended by the River System Board.

After discussion Director Godbe moved adoption of the following resolution:

(44) Resolved, that the Board shall recommend reappointment of Wallace F. Wayman to serve as Commissioner for 1964.

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

RECOMMENDATIONS FOR DEPUTY COMMISSIONERS:

Chairman Andersen then requested the Board to select its nominees for the positions of Deputy Commissioners, bearing in mind the part-

time training work of Sherman A. Giles began in 1962 pursuant to Item No. 11 of the minutes of Jan. 16, 1962, and Item No. 25 in the minutes of January 9, 1963. Speaking for himself, the Chairman said he believed the work of Mr. Giles should be continued on the same basis as in the past.

Director Ure said that so far as his group is concerned, the services of Mr. Baum have been fully satisfactory; that small differences arose from time to time, but that all had been satisfactorily adjusted.

Director Knight said he felt the Board should look ahead to the possible necessity of finding qualified replacements both for Commissioner and Deputy Commissioner, on the basis of applications filed with the Board by candidates for these positions. He emphasized that in no way did he wish to reflect upon the services of either Mr. Wayman, Mr. Baum or Mr. Giles, but simply that the Board should not indirectly commit itself to future full-time employment of Mr. Giles without at least giving other possible candidates an opportunity to be heard.

In the ensuing discussion it was brought out that the part-time employment of Mr. Giles is in no sense such a commitment, there being serious question whether Mr. Giles himself would want full time work; that the objective in the part-time training was to have available a qualified replacement to keep river operations running in the event of retirement or disability of either of the full-time men, pending employment of full-time successors. Director Seal said he felt that if Mr. Giles' training were not to be continued, the money spent for that purpose the past two years would have been wasted.

In additional discussion it was the view of all present that while Director Knight's proposals are highly meritorious, there is no need at present to act upon them, and that the part-time employment of Mr. Giles should be continued, if he is willing to do so. Mr. Giles having consented to continue, adoption of the following resolution thereupon was duly moved:

(45) Resolved, that the Board recommend the reappointment of I. F. Baum as Deputy Commissioner and Sherman A. Giles as part-time deputy with a \$200.00 contract fund to be provided for payment of the latter's services two days per month, as in the past two years.

The motion was seconded by Director Roberts and adopted with all present voting aye. Chairman Andersen directed the minutes to show that the Board's action was in full accord with prior recommendations given by Mr. Wayman, as the Commissioner.

(46) COMMISSIONER'S REPORT ON 1963 OPERATIONS:

Commissioner Wayman, at request of the Chairman, then orally reported that his formal, written report for 1963 is nearly ready for distribution. He read portions of the foreword of his report, summarizing its findings, and stated that pursuant to Res. No. 21 adopted by

the Board at its January 9, 1963 meeting, copies of the minutes of the 1963 meetings will be included in his written report.

The Commissioner also reported that since the failure on June 16, 1963 of Little Deer Creek reservoir at the cost of one life and a million dollars or more of property damage along the North Fork of the Duchesne river, both the State Engineer and the U.S. Forest Service had become apprehensive about the safety of Head of the River storage projects, with examinations and re-checks of safety having been conducted, and that capacity surveys also have been made.

Deputy Commissioner Baum inquired the Board's views in regard to Forest Service "orders" for release of water to lower elevation in head of the river storage reservoirs, some 300 acre feet of Provo Reservoir Company water having thus been released in 1963. In ensuing discussion Commissioner Wayman also reported acts of vandals in pulling boards for release of water in order to improve fishing.

The Board concluded that vandalism cannot, of course, be prevented and that since some of the head of the river storage units are situated on Forest lands, the Forest Service may well have certain rights as licensor; that nevertheless the Commissioner or his deputies should not be in the position of taking orders from the Forest Service, since they should take orders only from the State Engineer. It was the further view that while the Board is concerned with dam safety, here again it would be governed only by orders of the State Engineer since the board's basic concern is solely with water rights and water distribution according to such rights. Thereafter motion was made for adoption of the following resolution:

(46) Resolved, that the Commissioner and his deputies be instructed to act upon only such orders as may be given to them from time to time by the State Engineer; and that if the Forest Service desires water releases or other changes, it should communicate its wishes to the State Engineer who in turn should communicate with such water users as may be directly interested thereby.

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

(47-48) WATER COMPUTATION ERROR REPORTED:

Commissioner Wayman reported that an error of computation had resulted in an over-delivery of about 400 acre feet of water to Upper Valley bench users, at the expense of the Provo Reservoir Water Users Co. He said correction would be made to even up head of the river storage for credit to the Company and as a debit against the Upper Valley area.

At request of the Chairman, Secretary Godbe read the detail of Item No. 39, Minutes of January 10, 1963, relating to disposition of the recorder unit at the Vivian Park gauging station, valued at \$225. The Board then was asked to resolve the matter. Director Seal reported the Provo Reservoir Water Users Company felt the recorder should remain in use at the station, but that the expense should be

borne by all users. In the ensuing discussion it was brought out that measurement of the Vivian Park flow is required of the Commissioner pursuant to Application 9580, because of which Director Godbe felt that it was the obligation of the board to see that it remained in place in the interest of proper water distribution. He pointed out also that where costs of measuring devices cannot be pinpointed against specific beneficiaries, such costs have in the past been borne by the System in all reaches of the river, both Upper and Lower. He also urged that rather than abandoning gauging stations, it should be the policy of the board to retain all existing ones and to work for the installation of new ones to the fullest possible degree in the interest of all river users. Since the amount of money in this instance is small he thereupon moved adoption of the following resolution:

(47) Resolved, that the Vivian Park recorder be purchased by the Provo River Distribution System at a cost not to exceed \$225, with the gauging station to be left intact and operated as in the past.

The motion was seconded by Director Wright. In the ensuing discussion Commissioner Wayman called attention to a washout of the measuring device on the South Fork of the river, and reported also that South Fork users have been attempting to increase their acre-duty rights. The cost of repair was estimated at \$200 to \$300. Since this measuring point is interlocked with that at Vivian Park, Director Godbe proposed to amend Motion No. 47 as follows:

(48) ". . . and that Commissioner Wayman be authorized to effect repair of the South Fork measuring device at a cost not to exceed \$300."

Director Wright, as the second, having consented to the amendment, the resolution thereupon was adopted as amended, with all present voting aye.

(49) ENFORCEMENT OF MEASURING DEVICE INSTALLATIONS:

With the need of additional measuring devices now before the Board Chairman Andersen proposed that the Board notify the State Engineer to deny water deliveries to all users who have failed to install or pay for the measuring devices as listed in the State Engineer's "Inventory of Needed Measuring Devices and Diversion Structures", dated Jan. 2, 1963. In ensuing discussion doubt was expressed as to the legality of refusing water to users entitled to it, but the board was agreed that the State Engineer should do all in his power, through the courts or otherwise, to enforce installation of the required devices, and adoption of the following resolution thereupon was duly moved:

(49) Resolved, that the State Engineer shall be and he is hereby urged to use every means within his power to compel the installation, at the earliest possible date, of needed measuring devices as listed in his Jan. 2, 1963 inventory.

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

(50) BUDGET: Reserve funds increased

The Board then proceeded to discussion of finances as reported by the State Engineer in a letter dated Jan. 3, 1964, addressed to Chairman Andersen, with copies to all Board members. The Chairman asked the board to note that in the statement of checkbook balances, expenditures for 1963 were less than anticipated, the saving being \$872.89, having the effect of increasing the checkbook balance at the year's end from \$7,430.34 to \$8,303.23. The Board informally agreed that the reserve is substantially higher than necessary to assure efficient river operations.

Chairman Andersen also said that in his opinion Commissioner Wayman and Deputy Commissioner Baum have been performing commendable work and that, although costs of living have been continually increasing, neither has had a salary adjustment in accordance therewith. He recommended that the Board consider and grant increases, but that in so doing the budget nevertheless be kept at the \$13,700 figure as heretofore adopted, with the basis of assessment to remain unchanged. After discussion, and upon motion by Director Ure, seconded by Director Seal, the following resolution was adopted with all present voting aye:

(50) Resolved, that the annual salary of the Provo Commissioner and his deputy, effective January 1, 1964, shall be \$6000 and \$4500, respectively.

Commissioner Wayman and Deputy Baum then both expressed their appreciation of the Board's confidence in their work and for the salary increases.

BUDGET: Further action deferred.

Chairman Andersen then suggested that since other changes may be necessary in the budget, further action be deferred until the Board's annual meeting with the State Engineer to be held at 1 p.m. on January 9, 1964.

ADJOURNMENT:

There being no further business, the Board adjourned on motion of Director Giles seconded by Director Knight and with all present voting aye. The time was 12:15 p.m.

Approved:

/s/ Niels Andersen  
Niels Andersen, Chairman

Hampton C. Godbe  
Hampton C. Godbe, Secretary