

Spanish Fork River Distribution System

Minutes of Annual Meeting January 19, 2016 10:00am
High Chaparral Office SF Fairgrounds

Welcome – Chairman Dale Cornaby welcomed everyone to the meeting, and asked that people sign the attendance roll.

Minutes – The minutes of the 2015 meeting were read aloud by Jeremy Sorensen

A Motion was made by Marlin Boyer, seconded by Fred Vincent, to accept the minutes as read with noted changes. Motion Passed

Jared Manning reported that due to the new legislation concerning River Commissioners there will be an increase in costs of about \$300.00. (This is an increase of \$200 per employee and there are 1.5 employees.)

Commissioner's Report - Spanish Fork River Commissioner John Mendenhall thanked the state engineers office for the great resource they are. He reported that we are in the 4th straight year of drought. The previous year was a record low for snow pack and soil moisture content. The Spanish Fork River peaked at 88 cfs and a normal peak on the 25th of May is between 350 – 700 cfs. Due to the low river flow there wasn't a 2nd class water available below 118 cfs. Lake Shore Canal Company did not receive any natural flow of the Spanish Fork River as measured at the City Dam. Stored water was delivered on the 6th of April, a month earlier than normal. Storms in May stopped stored water delivery for a week. Early Crops were good, but late crops struggled. In Indianola, a peak flow of 3.5 cfs was recorded in Thistle Creek. The first time it was released it took 1.5 days to reach the county line. There was also a breach on the 26th of August of the Highline Canal. Luckily the breach happened in a location that no damage was done to homes or property. Local equipment and SWUA employees and equipment came and helped to plug the hole. The canal was repaired and water was able to be delivered again within 4 days. Due to the breach the Bureau of Reclamation will only allow a max of 150 cfs in the canal. Stored water was delivered until the 30th of September. Last year we had total rainfall of 15.12 inches. Current rainfall has given us about 5 inches to date. This is just enough to help us stay about normal for the year. In order to have a good stream flow we need to keep receiving these storms.

John then opened the discussion up to any questions.

Wilber Stephenson asked if CUP rental water is available next year? It was reported that CUP water is available for 9 more years.

A Motion was made by Wilber Stephenson, seconded by Jackson Crofts, to accept the Commissioner's Report as presented. Motion Passed

Other Comments

Dale Cornaby – Thanked John for his hard work.

Red Robinson – Thanked John for his knowledge and ability to answer questions from memory

Marty Larson – John was instrumental at getting the water back into the canal after the breach on the highline

SCANNED

Report from the Division of Water Rights – Jared Manning reported on the changes for the water commissioner due to HB 258. Commissioners are now considered state employees and are covered under the state liability insurance. John Mendenhall added that even though he is a salaried employee he will have to fill out a timesheet. He didn't know how this would affect the budget with overtime. John also thanked those in the budget office and how easy they are to deal with.

It was asked if the insurance and retirement is compatible with the state, and it was reported that the insurance and retirement will continue with no changes.

~~John~~ Manning reported that he was not aware of any pending legislation effecting irrigation companies.

~~John~~ then reported that the Birdseye adjudication is getting closer and moving forward. They started on this project in 2002.

Teresa Wilhelmson reported on the laws for reporting on water rights.

73.33 - who can sign applications – A shareholder when they file a change application

73.3.5 – timeline of when you can respond to a water right

If anyone has questions please contact Teresa or Eric at the state engineers office.

Teresa also reported that a fix is being worked on for the Jenson vs. Jones case on quantity impairment. If a water right has not been used for 7 years then it can impair the right of another shareholder. A letter will be sent to the applicant and they will be required to prove that they are not hurting the rights of others.

When a change application is applied for it is advertised in the local paper. To most it seems that this is tucked away in the paper where most do not see it. The advertising has change to 2 weeks, but there is a search feature for new filing on the state website. After the 2 week advertising you have 20 days to file protest. If you miss the filing deadline then you might not have standing. It is suggested to always protest just to make your concerns aware. A suggested item to raise as a concern is quantity impairment.

Financial Report – Chairman Cornaby passed out the financial report. See attached report

Items of note – There have been changes in the law when it comes to the River Commissioners. One of those changes is the state is now requiring John and Rhedd to fill out time sheets, and to submit mileage reports.

A motion was made by Fred Vincent, seconded by Marty Larson, to accept the financial report as presented. Passed

Delinquent accounts – John Mendenhall address the delinquent accounts. All are in the canyon area, and Red has met with most of them. Almost all have committed to pay, however Edmund Howell has sold his property, and Smokey Mountain Ranch is overdue for multiple years.

Sue Odekirk stated that Smokey Mountain Ranch meets the state criteria for collections. This will be started this spring. The state cannot take the water for non-payment, but will enforce that they cannot use it. The penalty for non-payment is 10%. It is suggested to leave it alone as the new owner may be more willing to pay.

2016 Budget – Chairman Cornaby passed out the 2016 proposed budget. (See Attached) Chairman Cornaby then went line by line through proposed budget for 2016. It was noted that if mileage does not meet the requirements by the state then it will not be paid. It was asked if this can be a contract labor expense instead. John Manning will look into this.

A motion was made Marty Larson, seconded by Marlin Boyer to authorize the chairman and vice-chairman to work out any issues relating to the mileage reimbursement. Motion Passed

Chairman Cornaby asked if there are any additional questions on the budget.

A motion was made by Marty Larson and seconded by Dale Rowley to authorize the budget as presented. Motion passed

Distribution System Officers and Committee Members – Commissioner John Mendenhall read from the annual report who the officers and members are. It was noted that in the board meeting Jeremy Sorensen was appointed as the secretary/treasurer. It was also explained that the annual assessment is determined on a 5 year rolling average of delivery.

A motion was made by Marty Larson and seconded by Marlin Boyer setting the assessment according to the members and 2016 Budget. Motion Passed

Other Items of Business – Commissioner Mendenhall submitted his annual report to the state engineer, and committee members.

A motion was made by Marty Larson and seconded by Marlin Boyer to adjourn. Motion Passed

Meeting Adjourned 11:36 a.m.