

**NOTICE OF A MEETING OF THE BOARD OF DIRECTORS
OF THE TOQUERVILLE SECONDARY WATER SYSTEM
BOARD OF DIRECTORS
WASHINGTON COUNTY, UTAH**

NOTICE IS HEREBY GIVEN that the Board of Directors of the Toquerville Secondary Water System, Washington County, Utah will meet in session at 5 p.m. on Tuesday, December 19, 2017, at Toquerville City Offices, Toquerville, Utah.

The agenda for the meeting includes the following:

- 1) Approval of November 30, 2017 meeting minutes.
- 2) Discussion and consideration of Lorin Lowe and Anita Eaton requests regarding their connections including increased water delivery and/or system alterations and damages for lost crops

Dated this 12 day of December 2017.

TOQUERVILLE SECONDARY WATER
SYSTEM

By _____
Ronald W. Thompson, Secretary/Treasurer

**MEETING OF THE BOARD OF DIRECTORS
OF THE TOQUERVILLE SECONDARY WATER SYSTEM
BOARD OF DIRECTORS
WASHINGTON COUNTY, UTAH**

on Tuesday, December 19 at 5 p.m.
at Toquerville Town Hall Toquerville, Utah

Meeting called to order by Mayor LeFevre at 5:01 p.m.

Attending of the Board

Ty Bringhurst

Ron Thompson

Dave Jessop

Than Naegle

Mayor Darrin LeFevre

Julie Gillins – Taking minutes

See attached for list of public attending

1. Approval of the meeting minutes for November 30, 2017.
 - a. Ron made a motion to approve the minutes. Dave seconded the motion. All voted aye.
2. Discussion and consideration of Lorin Lowe and Anita Eaton request regarding their connections including increased water delivery and/or system alterations and damages for lost crops.
 - a. Lorin Lowe began giving examples of irrigation methods used in agriculture and their management practices. He hoped this information cleared up any misunderstanding of what they are doing on their property.
 - Claimed when open ditch was converted to pressurized system, told they could water whenever we needed to and no requirement given in system design. Lowes designed their system based on this information.
 - Spoke about guidelines given to not water in the heat of the day, when wind, not at night and then eventually watering times went into effect for 5 hours 2 times a week. Claimed he consulted with NRCS which said a crop couldn't be raised on such a scheduled.
 - System designed to move across the field. Can't manage with the time constraints and have a loss with real damages.
 - In 2015 requested some flexibility
 - With using only annual allocation
 - Board met on March 2, 2016
 - Request was denied on July 20, 2016.
 - Asked board again, with the meters, to irrigate according to my needs within my water right of 6 AF per acre allotment.
 - Referring to agreement, he made his final key points:
 - Referred to Joint Cooperative Action paragraph 7d which he interpreted as TSWS will provide adequate water supply for 6 AF per acre--if not WCWCD will find additional water
 - Instead of finding additional water sources, restrictions implemented in 2003.

- Municipalities taking more water than allotted
 - Adding additional users to the system prevent adequate water
 - Claims
 - There was an artificial scarcity imposed by district
 - Restriction implemented when not needed
 - Water allowed to go to other municipalities
 - New water sources not added to alleviate the added users
 - Water restrictions made it impossible to irrigate the way that they needed to water according to their irrigation type and crop.
 - Requesting flexibility to water according to annual allocation
 - Not entire field all at once, but a portion of the field
 - Water until all field is irrigated and then with the frequency needed for the season or crop needs.
- b. Jeff Appel addressed board:
- Lowes have a state-of-the-art irrigation system—not archaic.
 - Lowes need adequate water supply for 36 acres; have paid the assessments all along.
 - His definition of the problem
 - Lowe’s need an adequate water supply for 36 acres.
 - They’ve been paying their annual assessment for an adequate water supply for 36 acres.
 - Assessments paid, yet lack of water with damages of \$250,000 (considers that to be conservative).
 - Claims regarding 1998 agreement:
 - (1) Lowe’s turned in their shares in return for a promise of adequate water supply based on the history use of water for Toquerville Irrigation (now TSWS).
 - (2) If water is insufficient then TSWS must find adequate water.
 - (3) If that fails, then WCWCD must step in and find an adequate water supply to fill the need.
 - His key points:
 - System appears to be over committed
 - Agreement should protect original users.
 - TSWS water going other places—specifically Hurricane and La Verkin
 - TSWS has no water rights
 - Requesting the lines get charged so water can get to the Lowes in a manner in which Lowe has described
 - Proposed these fundamental problems:
 - More water needed
 - Restrictions shouldn’t be imposed
 - Problem solved by
 - Getting water to Lowes
- c. Ron addressed the claims:
- Irrigation needs driven by soil condition and crop
 - Toquerville Irrigation Co. came and asked the district to pressurize their system.
 - Regarding the springs and water rights:

- Toquerville Irrigation had a flow right of approximately 2100 AF.
 - Three municipalities (Toquerville, La Verkin, Hurricane with priority rights) share the springs
 - In low water years all irrigators share the flow shortages
 - Lowes did not turn in all the shares they should have to be irrigation 30+ acres of land.
 - Appel interrupted
 - Not all customers are original users
 - Ron said this can be disputed at another time
 - 2017 meters showed Lowes receiving 191 AF for 30 acres. Delivered the same amount of water this year as in past
 - Springs are shared, but TSWS got its full water right allocation
 - The system delivers more water than received in previous ditch
 - The system's delivery isn't the reason for the restrictions, the springs are the issue.
 - System modified to help maximize what is available in the springs.
 - Agreement allows for adjustments to be made in time of scarcity.
 - Additional water brought in when needed.
- d. Than expressed concern of Lowe's request for special treatment
- Appel argued, board doesn't have the right to regulate the stream
 - when more users have added on to the system—or when municipalities are taking more water than their right
- e. Mayor LeFevre asked for confirmation of scarcity provision in the agreement
- Ron confirmed scarcity clause in the contract adding Lowes would not be receiving any more water on a ditch system
 - Appel argued additional users on the system are taxing it and preventing Lowes from needed water
- f. Ron presented
- Shares purchased by district covered more acreage than that being irrigated—these additional shares are for users added to system
 - Residential are minimal water users
 - Any water rights in this state share scarcity
 - Must balance all the needs on the decreased Toquerville springs
 - Lowe added:
 - Shorter irrigation time required him to increase his system's capacity to satisfy water needs.
 - Not asking for special treatment, just to water the way the equipment is intended.
 - Ron explained Lowes have enough time
 - At soil saturation move the sets
 - Understandably its labor intensive.
 - Lowe interrupted
 - Not asking for anything more than anyone else
 - Asking for flexibility to water my fields the way the system requires.
 - Ron asked Dave Jessop if the AMI system would be accessible by spring
 - Dave confirmed, yes.

- g. Mayor LeFevre asked for clarification on Lowe's water use.
- Ron answered, 198 AF this last year on 30 acres. Slightly more than an allotment of 6 acre-feet per acre.
 - Mayor added, if you're using more than you should be using, that isn't right. The springs are not producing to allow a free for all.
 - Jeff said this sounds like a plumbing problem.
 - Mayor reiterated, it's the springs that aren't producing enough. How do you fix the springs?
- Appel again asked about added users
 - Ron responded that agriculture waters apart from residential users.
 - Explained the historical delivery of water.
 - 271 shares bought, the system had more water shares than acres being irrigated at the time of initiation
 - Mayor added, city has 22 shares in the system
 - Appel the 1998 agreement again and Ron responded with what shares the Lowe's turn in. Appel replied that additional water supplies should be added or WCWCD step in.
 - Ron pointed out Lowes, even with scarcity issues, are receiving the water they're entitled.
 - Lowe said as he's talked with residential water users they're converting to larger heads too pointing out that's why the system is running out of water.
 - More supply is needed
 - Added users are taxing system—Based on the reading of the minutes, Cholla Creek and the cemetery was added after 1998.
 - Ron clarified, there were shares turned in at Cholla Creek to cover their use and the city turned in water shares.
 - Ron asked if Anita experimented with a Sunday watering within a 24-hour period and see how it worked
 - Lowe said that Anita tried and she can't turn everything on in 5 hours
 - Ron clarified, we gave her a 24-hour period to move through the field
 - Lowe said she tried that and it didn't work.
 - Adding the field across the street from them had to buy another wheel line for each valve. There isn't enough time to water in five hours.
 - Ron reiterated, the springs are the limitation on the system.
 - Lowe reported that NRCS said 2 to 3 inches of water a week was need during the summer.
 - You can't put that much down in 5 hours.
 - A lot of money needed to redo our odd shaped fields and make it work within the timeframe ag users are given in the system.
 - Than again expressed concern of Lowe's request for special treatment. There is only so much water available and it needs to be shared.
 - There was discussion and disagreement between Than and Lowe regarding the reason for Than's conversion of his system to fixed lines instead of wheel lines.
 - Lowe said that we're not asking for special privileges we just want to be able to use the water when needed.

- h. Slides were displayed of Lowes fields from 1998 and 2016.
 - Ron said you may not have had the hours you wanted but Lowes have used the water allotment for 30 acres.
 - Appel wants to see that number because he didn't see that in anything he read.
 - Ron said that this is on the new system that was just put in fall of last year.
- i. Appel said that there is a number of pieces to the solutions here
 - Metering
 - Increasing the number hours to irrigate
 - Not over commit the system
 - System maximization
- j. Looking at the picture of the zones, Ron pointed out that the Lowe's are relatively the only major ag user on the zone.
 - Lowe opined that it looks like engineers didn't design the system correctly.
 - i. Everyone should be able to water when they want
 - ii. It seems to be an inefficient infrastructure.
 - iii. It shows that they are too many users on the system.
- k. Lowe said his request was to water when he wanted to water
 - Ron explained that request couldn't be met and Appel opined that must mean there's an issue with the system.
 - Ron disagreed that users were initially told they could water whenever they wanted.
 - Lowe showed a picture of his fields and indicated their system is not able to water all at once, that they're not allowed to be efficient, and instead are only allowed to get water down as fast as they can.
 - Ron expressed concern about treating one user different than the others.
 - Lowe said they were not asking to be treated differently; claimed other users went to solid set because they can't get their wheel lines across the field in the allowed time.
- l. Appel wanted to know the next step.
 - Ron assigned Lowe to look at number of wheel lines and the lengths according to the fields. Ron recommended to go out and calculate what is needed to run the system.
 - Dave will work on technical issues
 - Lowe will contact Dave with how many wheel lines he has and what is needed to water the field with a minimum flow rate at any given time.
 - Ron added whatever proposal that might be reached would have to be balanced with the other 371 users.
- m. Conclusion:
 - How many wheel lines on Lowe's property
 - How much water he will need to water with those wheel lines
 - Is it possible for the system to handle this balancing the other user's needs?

Meeting adjourned at: 7 p.m.

