

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

Board of Directors of the Toquerville Secondary Water System, Washington County, Utah  
Will meet in session at 5 p.m. on Tuesday, February 11, 2020,  
at Toquerville Town Hall Toquerville, Utah.

**AGENDA**

- 1) New Season
  - a) Watering times for Ag
- 2) System Report
- 3) Conservation Newsletter update
- 4) Course of Action for Impact Fees paid through Toquerville City
- 5) Current TSWS financial obligation to WCWCD
- 6) Approval of Board Meeting Minutes
  - a) May 8, 2019
  - b) August 5, 2019
- 7) Request for a closed session for the purpose of discussing pending litigation

Dated this 3rd day of February 2020.

TOQUERVILLE SECONDARY WATER  
SYSTEM

By \_\_\_\_\_  
Zachary Renstrom, Secretary

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

Board of Directors of the Toquerville Secondary Water System, Washington County, Utah  
met in session at 5 p.m. on Tuesday, February 11, 2020,  
at Toquerville Town Hall Toquerville, Utah.

Attending: Mayor Chamberlain, Zach Renstrom, Ty Bringhurst, Than Naegle

Mayor Chamberlain called the meeting to order at 5:10 p.m.

**MINUTES**

1) New Season

a) Discussion on watering times for Ag

- i) Zach reported Dave will be looking into adjusting the times regarding Lowe's email request but wasn't ready to report on it nor was he able to attend today's meeting. The Mayor suggested since the public is here the board should take their comments.

(1) The following addressed the board:

(a) Lorin Lowe spoke referring to his email:

- (i) Admonished the board to loosen up watering times for movable sets  
(ii) Added an engineer has looked at his system and though he needs to run it longer to get the plant water need, it would not use anymore water than solid sets

(iii) Movable sets only use 1 cfs when in use

(iv) Mentioned the water supply is good this year

(v) Other water sources need to be developed to meet the needs of the water users

(vi) Expressed concern about the water shares being owned by Toquerville and WCWCD, not TSWS

(b) Zach asked if any other moveable sets were on the system—Lowes are the only one

(c) Paul Heideman spoke that his water time was changed last year to Zone 3 to help with pressure and he wanted to stay on the same Zone.

(d) The board see what the best solution for everyone

(e) Question asked, if watering at night is the most water efficient why Ag watering is in the morning

(i) Answer: Ag was changed to morning for the wind problem

(f) Balancing the system was brought up, now with meters installed, maybe the system can be managed differently and balance the peak demand better

(g) Anita asked if all meters are in and the answer is yes.

- (h) Zach responded to a question Lorin asked Dave
    - (i) The Lowes used a bit more than their allotted water last year
  - (i) A follow up meeting was scheduled for Feb 27 at 5 p.m. to refine the schedule  
So for now, rotation of Zone days will be: (Than later called and changed this...the rotation was done the wrong way)
    - (i) Zone 1: Monday & Thursday
    - (ii) Zone 2: Tuesday & Friday
    - (iii) Zone 3: Wednesday & Saturday
  - (j) At this meeting Dave will be asked to report on
    - (i) The completed metering project
    - (ii) the watering schedule recommendations
    - (iii) Ty also recommended Dave report on the replacement line going in at the south end of town.
- 2) System Report
  - a) Zach reported for Dave all is going well with the system
- 3) Conservation Newsletter update
  - a) Julie submitted a draft of the newsletter and that it will be mailed out in March
- 4) Course of Action for Impact Fees paid through Toquerville City
  - a) Zach, asked the city if the district could hire an independent firm to audit the books
  - b) Mayor said that a third party is welcomed to have access to the city's books
  - c) Richard Hirschi complained about trying to get secondary water at his property on Peachtree
    - i) He presented an orange "certificate" for a water connection to WCCD which wasn't honored
    - ii) The Mayor asked for him to send it to Julie and she will investigate it
- 5) Current TSWS financial obligation to WCWCD
  - a) When this agenda item came up, Lorin Lowe wanted mention problems with the city taking over TSWS system
    - i) mentioning the cooperative agreement between WCWCD and Toquerville City, He expressed concerns that TSWS doesn't own any shares in the company only the parties in the cooperative agreement
    - ii) In addition, with the system getting over committed, WCWCD is the only entity able to develop new water
    - iii) Lastly, Toquerville City has no authority to connect to the new reservoir
  - b) Than added some history to how the pressurized system, the canal company had to do repairs to the system and no money
    - i) The district said they would come and help only if Toquerville would be a part of it. There is a provision in the agreement that the city may pay off the loan/debt. He added, this is 30-year agreement and feels consideration must be given to what will happen since they are 20 years into the agreement. This isn't perfect, but it's better than what was. Some adjustments have been made and are still being made. The users need to understand the situation would be a lot worse.
- 6) Approval of Board Meeting Minutes
  - a) May 8, 2019
  - b) August 5, 2019
    - i) Ty motioned to approve May 8 and August 5 minutes as presented.

- ii) Than seconded he motion.
  - iii) All voted aye.
  - iv) Minutes are approved.
- 7) Add agenda item for the next meeting to discuss the Cooperative Agreement and what to do at end of 30-year.
- a) Gary Chaves agrees to determine what should be done
    - i) what about the new developments, including Parkside at Desert Mountain
    - ii) City council should decide on the town expansion, how will the secondary water system serve them,
- 8) Request for a closed session for the purpose of discussing pending litigation  
Zach made a motion to close the meeting and go into a closed session.  
Ty seconded all voted aye.  
The meeting was adjourned at 6:09 p.m.

Closed session:

Zach motioned to end the close session

Ty seconded the motion all voted aye

The meeting was adjourned at 6:32 p.m.

**From:** [Lorin Lowe](#)  
**To:** [Ty Bringhurst](#); [Lynn Chamberlain](#); [Than Naegle \(than.naegle@gmail.com\)](mailto:than.naegle@gmail.com); [Julie Gillins](#); [Ron Thompson](#); [Dave Jessop](#); [zacharyrenstrom@wcvcd.org](mailto:zacharyrenstrom@wcvcd.org)  
**Cc:** [Jeff Appel](#)  
**Subject:** Please discontinue TSWS water restrictions  
**Date:** Saturday, February 8, 2020 5:02:51 PM

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Dear TSWS Board,  
(Julie, please send to the most recent email addresses of the Board including Zach, Ron and Dave)

I look forward to seeing you at the upcoming board meeting on February 11th. I see from the agenda that you will be discussing “Watering Times for Ag”. Further to my previous requests, would you please discontinue the water restrictions that have been in place for these past many years?

These restrictions which only allow watering within a 5-7 hour window twice a week do not give us an adequate water supply because there is not enough time to irrigate with our wheel lines and other conventional irrigation equipment across the various locations in our fields. The result is that our crops burn up, especially in the summer months. This is contrary to the adequate water supply required under the Agreement in which we agreed to turn in our Toquerville Irrigation Company shares to the TSWS.

We believe this is simply an issue of timing with respect to the provision of an adequate water supply and the problem can be easily remedied by going back to the timing we had when the system was first connected to our fields. The system worked fine and provided us with an adequate water supply from the time when it went online in 1999 until 2007 when the water restrictions first went into effect.

Please consider these points:

1. When the pressurized system first came online, there was no requirement from the TSWS on users’ system design and there was no mention of time of day restrictions. We installed a state of the art water system back then, that system was connected to the TSWS with no comment or objection and water was supplied to us as needed.
2. The snowpack last year was above average and is on track to be above average again this year. As such there appears to be no need to continue water restrictions.
3. Even if there is a shortage of water, the Agreement for Joint and Cooperative Action states in paragraph 7d “That the TSWS shall acquire additional water sources to provide customer with an adequate water supply.” Ron Thompson said back in the October 7, 1998 board meeting that “...the District does have other sources that could be used as backup such as La Verkin Creek and interconnection into the Virgin River.” So the restrictions seem unnecessary as there are additional water sources available and the TSWS is required to secure them instead of first declaring water restrictions.
4. While the TSWS does have the right to “...curtail water service in the event of water scarcity, or to repair or maintain the TSWS’s water system.” (Agreement for Secondary Non-Potable Water Service between the Toquerville Secondary Water System and Water Users of the Toquerville Water Service Area, paragraph 12), the restrictions did not start until after

more users were added to the system, the system was regionalized to send water outside the system, and municipalities like La Verkin and Hurricane were taking up to three times their allotment (TSWS Board Minutes Nov. 26, 2001 and June 12, 2007, among others). It seems that the system was allowed to become overcommitted and/or the infrastructure is inadequate, and the TSWS users are left to suffer with unnecessary water restrictions.

5. I also note that in paragraph 4a of the Agreement for Joint and Cooperative Action that it is the TSWS that should own the shares that were purchased from the shareholders of the Toquerville Irrigation Company. I find it unsettling that these shares are instead owned by the Washington County Water Conservancy District and Toquerville City. Not only was this not part of the deal under which our shares were turned over to the TSWS, but the TSWS board no longer has the power or control over the water related to these shares to supply our water.

Again, please discontinue the water restrictions and take whatever steps are necessary to provide the Lowes with a water supply adequate to water our property for this entire irrigation season so that we can have an adequate water supply to water our crops when needed and so that we no longer incur losses.

Sincerely,

Lorin Lowe

Carson Tait  
4660 W 2300 S  
Hurricane UT 84737

February 11, 2020

TSWS Board  
533 E Waterworks Drive  
St. George UT 84770

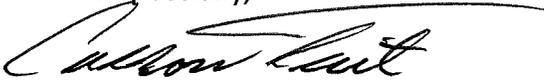
Dear TSWS Board Members:

When deciding the water schedule for 2020 season, please give consideration for my situation. I'm the only one available to care for my mother's property. I work for the City of St. George, Monday through Friday. While I'm able to turn on the water on my way to work, I'm unable to turn the water off nor are there any other family members available to do so. Last year, this prevented me from irrigating my mother's pasture.

May I request Zone 1 have a Saturday watering day, so I have at least water one day a week to irrigate. If this is not possible, I ask for a variance to put me on the zone with a Saturday schedule.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink that reads "Carson Tait". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Carson Tait

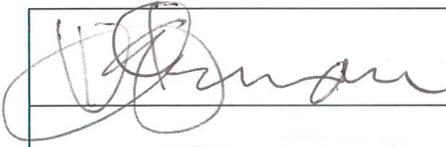




**Sign-In-Sheet**

**TSWS Board Meeting**

Tuesday, February 11 at 5 p.m.

	Name <u>Van Kleiman</u>
Joey Campbell	
LORIN LOWE	
Paul Heideman	
SUSAN WHITING	
GARY CHAVES	
RICHARD HIRSH	
RALPH CHRISTENSEN	
CAROL CHRISTENSEN	
Ants Eason	