

MINUTES OF THE REGULAR MEETING OF THE RUSH VALLEY TOWN COUNCIL
HELD ON SEPTEMBER 23, 2015 AT THE RUSH VALLEY TOWN HALL, 52 SOUTH
PARK STREET, RUSH VALLEY, UTAH. THE MEETING BEGAN AT 7:02 P.M.

Mayor and Council Members Present: Mayor Brian Johnson, Council Members Dana Gardner, Pete Albrecht and William Harding

Appointed Officers and Employees Present: Attorney Joel Linares, Clerk/Recorder Amie Russell and Treasurer Lacey Burrows.

REGULAR AGENDA:

Mayor Johnson welcomed everyone to the Town Board Meeting and expressed his appreciation to the residents of the community for their support. The council will discuss the agenda items and then will discuss agenda item 6 at the end of the meeting.

1. Pledge of Allegiance/Roll Call. Mayor Brian Johnson, Dana Gardner, Pete Albrecht and William Harding. Alan Anderton was excused.

2. Approval of meeting minutes for 08/26/15. Dana Gardner made a motion to approve the minutes as written. Pete Albrecht seconded the motion. All present voted in favor and the motion carried.

3. Sheriff's Report. Lt. Clinton was present from the Tooele County Sherriff's Office. He reported there were three details in Rush Valley. The most serious one was on August 15 to assist BLM to evacuate cabins during the fire in the area.

4. Quarterly Budget Review. Mayor Johnson commented the revenue is on track with previous year's revenue. The fire department has been hit with several expenditures, tires and other things. Some were preventable, but most have been unexpected. Cemetery is doing well with the budget. Road Department is on track. Parks and recreation budget needs to be reviewed to make sure none of the expenditures for the ball field projects have been deducted from the Parks budget. The expenditures for this project are refundable through the grant received from the Tooele County Parks and Recreation. The Fire Department asked about expenditures on their budget, the items questioned most likely are purchases made with the state issued purchasing card. This will be reviewed and make sure they have been posted correctly.

5. Consideration of Resolution Cancelling the November 3, 2015 Municipal Election
There are two councilman positions open and two applicants that filed for these positions. Mayor Johnson read the proposed resolution cancelling the 2015 Election. Dana Gardner made a motion to approve the resolution cancelling the 2015 municipal election. Pete Albrecht seconded the motion. All present voted in favor and the motion carried. Mayor Johnson congratulated Dana Gardner and Pete Albrecht and thanked them for their service.

6. Consideration of Filing a Protest Against SITLA's Application for 6,000 Acre Feet of Water Located in Rush Valley. Mayor Johnson commented SITLA is the State of Utah School and Institutional Trust Lands Administration. There is a new untapped reservoir of water that SITLA is requesting to take. SITLA met with the Rush Valley Water Conservancy Board at the request of one of the county commissioners. No one in Rush Valley was aware of this and we were going to see it in the newspaper. SITLA came out and met with the Rush Valley Water Conservancy Board which consists of representatives from Rush Valley, Stockton, Lofgren and Vernon. Mayor Johnson asked these representative to come tonight and present the facts that they have been given by SITLA and then open it up to questions and answers so we can make sure we are doing everything we can as a community, land owners, water share owners and homeowners to protect what we have here in Rush Valley. The agenda item will be kept informational with some question and answers and then we will move to the public comment item and talk more if individuals would like to express their concerns or opinions.

Mayor Johnson showed the notice in the Tooele Transcript Newspaper with the application numbers and supporting data from the Utah Division of Water Rights. Mayor Johnson asked the representative from the Rush Valley Water Conservancy District to come forward and present the factual information they have. Then there will be questions and answers. Public comments and opinions will then be taken under agenda item 11.

Darrell Johnson introduced himself as a member of the Conservancy Board. The other members are Kyle Russell, Gary Ross, Ron Stahlei and Scott Pehrson. This board has been in effect since 1984 and appointed by the county commissioners to represent this conservancy area. About the last week in August a phone call was received from Kim Christy. Kim Christy works for the State of Utah School and Institutional Trust Lands Administration (SITLA) and wanted to set up a meeting. No information was given as to what the meeting was about. Darrell Johnson further commented that he is not the chairman of the committee. Ron Stahlei is the chairman of the conservancy board. Ron was out of town and a meeting was called for the next night. SITLA was calling on a Sunday morning to get the meeting set up. The meeting was held August 28th. Two SITLA employees and two retired state engineers were their consultants. The presented us with the fact that they were going to file for 6,000 acre feet of water, drill up to 52 wells with 26 wells from Big Hollow north to Hickman. Darrell Johnson explained the Block Lands. With statehood SITLA was given 4 sections in every township of 36 sections. SITLA owns four scattered sections in this area. In some areas of the state they have been able to trade BLM and possibly some forest areas and block up their lands which is what you see on this St. John Block. SITLA provided these maps showing the blocks where they plan to start drilling wells. The three wells they want to drill on the bench are almost down in the creek bed. Two are further up Big Hollow around Dick Davis and Randy Garrison's ground to the north. The other is one that SITLA possibly already owns. They go almost to Hickman and down into the flat north of Ron Grisamer's property. The TEAD Block is north of Desert Chemicals Fence and above Penny's scattered towards Stockton and near the railroad tracks. There was a long discussion regarding the water situation out here and most of the wells in our community are shallow some up to 120 feet with some are hand dug wells 30-40 feet deep. We are experiencing problems with flow and with quality of water in some of the wells. When questioned about what people would do if their well dried up they said state law says if your well goes dry you just dig deeper and that is your obligation. The conservancy board told them their consensus is they do not like the idea of what

they are doing and there would surely be protests and things to try to stop it or to mitigate it. Later SITLA did file and the emergency meeting called by SITLA was the due to the Tooele County Commissioner, Wade Bitner, was in a meeting and SITLA had presented their plan to the State School Board some time prior to and SITLA asked if there were any questions. Wade Biter commented you better tell the people out there what you are going to do before they read it in the papers. Darrell Johnson commented this was most likely the reasoning for the urgency of the meeting SITLA requested with the Rush Valley Conservancy District. The specific information of where they planned to drill the wells was obtained from the internet.

The recently retired state engineer, Jerry Ols, and the present engineer, Kent Jones, were told your policy has been one well on 40 acres in the county or meet zoning requirements, not to exceed more than 4.73 acre feet of water per well. The policy has also been that it has to be put to beneficial use and proof up on it and they would consider drilling another well. Darrell Johnson continued stating there was a property owner who applied for fifteen wells on eighty acres of property. The state engineer ruled to allow him to drill one well on a forty acre piece if the well is put to beneficial use then we will possibly allow him to drill on the other forty acre piece. Only one well has been drilled. In getting that ruling from the state engineer it was asked what is behind the new thinking the policy can be changed? They cited a fairly recent United States Geological Study that said the northern end of Rush Valley has a huge amount of untapped water under the north end of the valley. Jerry Ols who is acting as a consultant to SITLA now has the opinion that we should be able to tap this big source of water. Darrell commented he has turned 180 degrees on what his opinion had been and what has been the policy for several years. He further commented in talking with the rest of the board and upon suggestion by the Commissioner of Agriculture of some people to get in contact with. The board decided it was best to get some counsel familiar with water law. Attorney Steve Styler was contacted. Darrell Johnson stated the conservancy board asked him to come tonight and explain what we need to do and can do as far as protests.

Attorney Styler commented he can sense the precaution and the seriousness by those in attendance and he takes this very seriously. He also stated he was from Delta, UT. His entire career has been focused on water rights and protecting those water rights against those who come along later and impact ours. Four water right applications were filed 15-5292, 15-5293, 15-5294 and 15-1594. Each of these applications were for 1,500 acre feet totaling 6,000 acre feet of water. We are still in the very initial stages of seeing what amount of water is currently being used in Rush Valley and he believes this is more water than is being currently used by all of the residents. This is a huge amount of water. The current policy is a limit of 4.73 acre foot water on any new application. The state engineer, in order for him to move forward and even consider this application would have to modify his policy. There has been a recent attempt made in Beaver County in area 69 for almost an identical policy. Small Applications were regularly approved for 1.5 acre feet for a livestock well or something small in that regard and he was also faced with a geological study showing there was sufficient water that he ought to change his policy and he did so, however; it took about four years for him to change his policy from the time a large application to appropriate was filed. He did limit it severely based entirely on the efforts of Beaver County to fight for the retention of that policy for limiting that water application that was filed by Iron County, in Beaver County for 12,000 acre feet so it could be piped to Iron County. There were well over 200 protestants on the protest list. He believes that

was the largest protestant number for a water right application in the state, this one might be the second. The concerns are to understand what exactly was applied for. When the state engineer reviews an application to appropriate there is specific criteria under state law as to whether he can approve the application, a part of it, or none. We are formulating arguments that will be presented in a formal protest. The water conservancy district will be filing a protest. As individuals, everyone in this room can also file a protest if you are concerned about the impact of this application to appropriate on your wells, livestock, the water to your home, your business or anything else you use water for. All of your water rights are earlier in priority than these applied for water rights, which is prior appropriation. Even if someone comes along later with more money or more clout. Meaning, that each water right that is earlier in time will be fully satisfied before a later water right will be filled. That is still the law in the State of Utah; however, there is a lot of pressure, SITLA has the former state engineer, Jerry Ols, they have also hired Jim Riley, whom Steve commented he has worked with both of these individuals in the past, both for and against. There is also a huge political component and pressure. The state engineer is statutory or constitutionally neutral although sometimes there is some political pressure. We are looking at this issue very seriously from every angle, the hydrology, the engineering, the statutory requirements of the state engineer as well as the political influence there is. Each of these will play a role as it is evaluated. This issue is one that faces an entire community and this doesn't come along very often.

Darrell Johnson asked Attorney Styler to explain the meaning of municipal filing.

Attorney Styler commented in the application they have applied for 6,000 acre feet all of which is to be used for domestic purposes - homes, specifically 4,700 plus homes in Rush Valley.

Mayor Johnson commented the number the Attorney Styler referenced, on the St. John Block - 2,730 equivalent residential units on the bench 2,100 on the TEAD Block by Penny's.

Attorney Styler also commented one thing the state engineer must evaluate is the basis of speculation. The state engineer cannot approve an application to appropriate if one the primary factors is speculation. Does anyone see this many homes here in the next 100 years? Growth is expected, but not within Rush Valley. One of the components on the protests to be filed it needs to be identified as a speculation to appropriate.

Attorney Linares reminded those making comments or asking questions need to state their name so it can be recorded.

David A. Smith commented he is interested in knowing if a property owner has to drill deeper just hire and drill or do they have to have approval from the state?

Attorney Styler responded whenever you drill on a well there are certain permits that a well driller must receive before renovating or rejuvenating a well. There is a specific well permit you will need to obtain. The state law of the State of Utah is yes you can go deeper; however, there are procedural steps that must be taken including receiving the proper permit from a well driller the other part of Utah law is essentially you do not have the right to impair on someone else's water right or you are subject to a trespass action. If you can point to someone who is lowering

the water table by drilling water for 4,700 homes and putting it into a municipal water supply. You can go deeper, but they cannot impair your water right legally by doing so. There are some consequences.

Rodney Jones commented most of us don't have any water rights other than wells, but in regards to class action rather than individual in the absence of knowledge, could a class action by the community or county to have us sign rather than 500 individual protests. Does a class action work in this regard?

Attorney Styler commented yes it does. This was done in Beaver County. Instead of having each home file a protest individually they did some collective protests. Individual names on the collective protest were registered on the insurance log as individual protests on the application to appropriate. The answer I don't know is when you file a protest there is a fee that is required to be paid and hopefully I will have the answer tomorrow, if the fee is to be paid by everyone who signed on the list or if as a community protest there would be one fee. If, for example there was a block letter that said we the concerned citizens of Rush Valley protest this on the following grounds and then have a signature block. He doesn't believe that everyone that signs would have to post the fee.

Mayor Johnson commented there is a \$15.00 fee to protest. This is for each application.

Blaine Russell commented he has seen about a 65% drop in the source of water at Clover Creek. It's my impression that we have been on a well moratorium out here in Rush Valley for dwelling wells only. He has attended meetings that were conducted in Tooele City that affected Tooele City and Grantsville and they were moratoriums for wells restricting drilling. Is that how they are trying to sneak these applications in saying there are for 4,700 homes?

Attorney Styler responded yes and no. He doesn't understand the homes component of it because we all know or should know there aren't going to be 4,700 homes here. The more likely scenario is that the application will be approved for 4,700 and then they will file a change application to and pass it to an industry or some other large industrial that would use a large amount of water. He doesn't know the exact reasoning for the homes he doesn't think they are trying to do it and say this adds up to 4.73 acre fee per home, we would be well over that. As far as dropping well flows and wet water reducing that is absolutely an issue that needs to be presented to the state engineer. That is on the ground evidence of what the water is doing. We sit perched between two closed basins. The Tooele Basin is closed as well as going down into Juab County. If you plow a well in the middle of this county do you think there will be some impact spilling over into those other counties? I will argue that yes there will be.

Kathy Elkins asked where is this magical water in the Northern end of Rush Valley? Someone said there is a large amount of water is this true. Where is that water? Mayor Johnson stated it is in this report. Kathy's other question is why is an educational system investing in 4,700 homes? Does anyone know?

Julia Leach commented she has lived in Sandy and Riverton previously. Riverton High School was fairly new and they (SITLA) owned a piece of property next to the high school that was to

be used for parking for the students and a swimming pool. The district board decided to sell the land to businesses instead of using for the intended us so they could get a profit. If the school is able to sell this they will get addition money for education and that is what this boils down to.

Bill Nelson commented he believes they are punching these wells to up the value of the property they own to then sell it.

Attorney Styler commented that is his opinion as well. What is the price of land without water, almost free, \$50.00 to \$100.00 an acre? If you put an acre foot of water or 4 acre feet of water on it then it goes up to \$6,000 to \$10,000 an acre. There is your answer.

Laurie Carlson wondered if this does pass and it goes through can they be forced to put in professional type reservoirs.

Attorney Styler commented it would be required to put in whatever was put in their change application. Right now their change application simply calls for a series of wells, they would not have to put in any reservoirs, storage, they may have to do something for water quality to make sure they have and any water quality issues resolved. What they are applying to do is to place wells and from those wells they would take out this quantity of water on the application.

Dennis Sagers commented first of all you have to have water to have a reservoir. He asked if SITLA has tried this anywhere else in the state? Has anything remotely close to this been done?

Attorney Styler responded we have heard of land or water grabs. This is the first time to his knowledge they have tried to do this specifically. He has seen them be co-applicants on applications to appropriate. This happens all the time in mining places or mining issues where they are going to file application to move water from point A to point B. SITLA will go on as co-applicant on the application so they can claim they are co-owners of that water right for a project. As far as directly claiming ownership, he is not aware of such.

Attorney Styler also commented they are filing this as a municipal water supplier. A municipal water supplier enjoys benefits that you and I do not. As a municipal water supplier you do have an additional period of time that you do not have to use your water and it cannot be forfeited. So should these wells be drilled and stop using it they have a 40 year period where as the rest of us have 7 years. So you can develop your water and not use it for 40 years based upon your projected growth, which is unclear or undefinable, essentially they have a water right that will not be forfeited.

Darrell Johnson commented the thing that disturbs him about this is SITLA will basically own all the water rights. I have a grandson that would want to build a house on property that has been in owned by the family for 160 years and if he applies for a well to build a home and he is told all the water is taken, if you want water buy it from SITLA or go up and join their subdivision. This is where I see a real problem.

Attorney Styler commented you have to imagine if these applications were approved the state engineer will change the policy so you can no longer drill a well to build a new home. That's it,

it's gone. We don't know that there is 6,000 acre feet of water, but if we give it to you we are definitely done giving any additional water rights. That is a great point.

Bill Nelson additionally commented he is in the building industry and understands once they get those water rights for housing they can very easily turn it into commercial use. Is that correct?

Attorney Styler replied that is probably true because as a domestic water right, there are different water rights, some are fully consumptive and some are not. Irrigation water rights are not fully consumptive because we know when you place water on the ground to irrigate some of the water flows back into the aquifer and it is not fully consumptive and can be used by someone else. Domestic water rights are fully consumptive because if you use water in your home chances are some of that water is not going to get back down to the aquifer. Just like industrial water rights which are deemed the same way, they are deemed to be fully consumptive and nothing goes back.

Bill Nelson further stated they are going to have the option to manipulate, it is very easy and they can say residential and then sell to commercial.

Attorney Styler stated the state engineer statistically approves 95% of change applications whether they are protested or not. That is historical, 95%, if you are going to file change the odds are good to be approved.

Todd Baird stated on these basis of speculation if it is awarded and there is a change order or change action can the water be piped out of the valley?

Attorney Styler commented it could technically, probably not likely. We have a trans-basin diversion statute about what needs to be satisfied before you can actually transport water. It is possible, probably unlikely. It is very difficult. The only thing that is more difficult than moving water trans-basin is moving water out of Utah to Nevada, Idaho or Wyoming.

Ralph Blair several years ago he believes Tooele City wanted to pipe water from Vernon through Rush Valley and to the homes upon the bench from the sod farms. You are looking at 6,000 acre feet of water to give you an idea of how much water that is, one billion, nine-hundred forty-seven million and some odd thousand gallons of water a year. If you put all that in one tank, a really big tank, this is a lot of water. For residential you take out two-billion gallons of water a year, pretty quick we are going to have a desert. I think the whole deal is they are going to transfer the water.

Mayor Johnson commented he would like to keep the comments to questions for Attorney Styler.

Brett Marshall, Mayor of Grantsville City, commented he wants to put you at ease and he is also speaking for Mayor Dunlavy. They have worked on several projects together. So that you are all aware, we aren't trying to take your water, we don't want your water. We are in the same mode as you are. We are filing a protest as well as doing a hydrologist report on water and the way water moves underground. We are working on your behalf as we, we don't want your water. If people are thinking that is what is happening and that is why I am here, it's not. Mayor

Marshall has talked with Mayor Johnson and brought in State Senators and had discussions with them on this issue. We are on your side and do not want your water removed from your valley to go to the other valley. We know the water is yours and that it is limited. Your attorney is also my attorney and I was the one who told him this was happening. We will file our protest by October 7 on your behalf.

Martha Stout asked if it would have a bigger impact on the state engineers decision if we filed the class action and also had each of us file individually?

Attorney Styler commented in his opinion the more protests that are filed the better off we will be. If we had a signature from every resident in Rush Valley as a protestant, in my opinion, it carries so much weight and would be hard politically for policy makers in the State of Utah to have anything but messages to the state engineer that he better not. The state engineer, in my opinion, is a thoughtful man, and will not rush into a decision because SITLA is in the playground. He will study the issues and understand the listens to the comments made and will thoroughly evaluate this. I see this as a delay. With this magnitude it may take a long time to push this to a hearing. If hundreds of protests this may not have a hearing for months or even potentially years. That is what happened in Beaver County. The hearing was not held for a year or year and a half. It may take him some time to study the issue.

Jake Proebstel asked what do we have to do to file a protest, what is the process?

Attorney Styler responded he would like to, along with the conservancy district, who will likely file their own protest, the conservancy district and the town council, should they choose I will be happy to prepare a protest document that identifies the issues and allow for signatures for whomever should choose to sign it. The town attorney here would also like to draft a protest as well.

Attorney Linares commented tonight all we are doing on the agenda is authorizing an ordinance to authorize the city to file a protest. We haven't drafted a protest yet. We cannot act without the town boards blessing so it is on the agenda tonight to get the authorization to file a protest on your behalf.

Mayor Johnson commented so back to Martha Stouts question getting the most impact, are we going to file a protest from Rush Valley with a signature sheet or do one from the Town of Rush Valley and then us as individuals file as well.

Attorney Styler responded what he suggests is the Town of Rush Valley files a protest, if that is the action you decide to take. You could have one for the citizens of Rush Valley. The one from Rush Valley would be from the town. This is the legislative body for the town. The citizens of Rush Valley would probably come from a separate body as a protest and I will work with the town attorney and make sure it is adequate. It could also be posted on the town website or wherever you would like. Individual protests can be filled, should you want to follow the form we prepare, if they have specific issues such the well on my property has dropped 40% or the depth of water has dropped 60 feet in the last 5 years or if it is coming up dry. Those are individual specific issues and should be put in the protest. Stating this is how this will personally

affect me. If we double the amount of diversions in this valley this is what it will do to my water, it will impair my water right by doing this.

Kathy Elkins commented there are farmers and people out here who make a living off the land. Besides being immoral and not having a moral compass, isn't it against the law somewhere that people totally make their living off the land, you can't just take the water from them.

Attorney Styler stated this goes back to issue of impairment. If you are impairing someone else's water right by filing and drilling a new well, sucking someone else dry. Those are all issues the state engineer needs to consider.

Kathy Elkins commented that the cattle ranchers or sheep ranchers have a bigger say and they would be taken more seriously with their farming issues.

Attorney Styler replied stating the state engineer will consider all, but if I were the state engineer and had the farmers who are 100% dependent upon the water for their cows for their livelihood. I would spend more time considering that. It all depends, is it less important for you to be able to turn on the water and have water in your sink? I don't feel that is less important.

Kathy Elkins commented she doesn't feel it is less important, but she and her husband have discussed that if water was an issue we would gladly give it to the farmers. We are talking about people in America and farmland is dwindling. We don't want this to dwindle.

Glenda Matekel asked if there was a difference between ground water and surface water and is it true that irrigation companies operate on surface water rights and not underground water rights, are they different?

Attorney Styler responded they are treated differently, but simply by classification. If you look at your water rights maps they show up as green water rights and underground water rights are shown as red on the state engineers database. As far as impairment the surface could be impaired just as much as the underground. If you put a well right next to a stream that flows it is very easy for that stream to be sucked dry. All the water rights, whether they are surface or underground they will be evaluated on an impairment standard by the state engineer. It would be important and useful for you as individuals, if you choose to file an individual protest, to include you water right number and state with this water right I provide water to 35 head of cattle and irrigate 6 acres or whatever it might be. This way the state engineer knows your concerns because he will see that this might really hurt or impair their water right or business.

Bill Nickolaus stated he has lived here five years. They have three water shares. The first year they used three water shares. The second year they were cut back 20%, 30%, 50% and now it is up to 80%. If they drill these wells, we won't have any. His question to Mayor Johnson is how many residents are there in Rush Valley. Mayor Johnson responded about 1,100 including surrounding areas. In Rush Valley there are 450 within the town. In my opinion the town needs to file a protest and the citizens need to file a protest and cattlemen such as myself need to join with other cattlemen, form a committee and file a protest and every one of us as individuals need

to file a protest so they realized we aren't just going to back down. If there is any help we as citizens can do to help form committee to go out and get signatures.

Attorney Styler stated he will provide the address of where the protests need to be mailed. It is \$15.00 per protest.

Mayor Johnson commented from what he is hearing we are going to put the Iron County vs. Beaver County of 200 protestants to shame.

Attorney Styler stated the state engineer classifies a family unit as 5 living in a home. That is a standard. At 4,700 homes with 5 people per home they are anticipating 24,000 new residents.

Blaine Russell stated that the application notice gives guidance on how to file and individual protest. This is in the Transcript Bulletin where the notice was published. It will cost \$15.00 per application.

Attorney Styler reiterated that there were four applications filed and you can file a protest to all four. He suggested doing it on one protest. He will confirm that this is acceptable with the state engineer and if this can be done with just a \$15.00 fee. After a hearing any communication with the state engineer trying to attempt to influence him becomes Ex Partae. Before the hearing we can tell him anything we want. That is what we will do.

David Smith commented he moved here in 1984 and he knows people who have lived here much longer. He has a fully cased well drilled into a covering that separates the ground water from the water we drink. At that time he could pump the well for six hours, he had a beautiful garden, but throughout the years and the droughts we are down and lucky if we can get 15 gallons at once. The washing and rinsing is separated. There may be those, and he is not predicting anything, I'm down this far I'm safe and OK, he doesn't know for, but has a feeling this is going to pump the town dry. Everybody needs to be together on this.

Mayor Johnson commented to David Smith this is what needs to be included in your individual protest.

Lacey Burrows stated she was under the impression that SITLA cannot sell or subdivide land and they could only trade land and that it was illegal for them to sell or subdivide.

Attorney Styler responded they can sell after they have put it up for bid. It is basically they have the obligation to manage land, usually they don't. He has seen them sell land that nobody wants and they put it up for bid because they are tired of thinking about it or more likely in this valley is a lease. A project comes along that requires 5,000 acre feet of water on a paper pulp mill or some other type of project that he is aware of that are looking to come to the state. IF the land is cheap, the water is available and they have the water rights this is one spot they are likely to look at. Who wants to buy that much land out here to put that many homes on?

Carl Wall asked if the age to file a protest was 18 and if October 7th was the deadline date?

Attorney Styler replied the date is October 7th and he would suggest 18 and over. They need to have adult consent to file a protest.

Attorney Styler further commented he hopes he has provided some clarity, the magnitude of this is real and we have a very short time to act fast and is his top priority to get you what you need and help however he can. He has been retained by the Conservancy District and he doesn't know if they want to pay for everyone to call him, which is up to them.

Glenna Matekel commented there are three irrigation companies operating in this valley. Referring back to her previous comments about surface water, would it make a difference for the irrigation companies to know if they are filing for groundwater rights? She commented she would like Attorney Styler's phone number so the St. John Irrigation Company can work with him and phone numbers of who this needs to be filed with.

Attorney Styler commented he is available to help whomever wants his help.

Darrell Johnson commented there is a good crowd here and we know what we need to do. There are five members on the Water Conservancy Board and two members are living in Rush Valley Town, we cannot go out and get signatures. No one has the time. We all have neighbors, be proactive. When we get the information, go out and spread the word. Let's designate each other to go out to get all the signatures we can't. As a Conservancy District we hope this has clarified what we need to do and what we needed to hear and take it upon ourselves to get the signatures.

Julia Leach asked what the next move needs to be.

Mayor Johnson referred to a copy of the notice that was published in the Tooele Transcript Bulletin and commented anyone can come and take a picture of it. The town can also start making copies of it. It can also be put on the town website. Everything you need to protest is in the newspaper notice. The deadline is two weeks from today, during normal business hours on or before October 7. The evening of October 7 is too late.

Attorney Styler commented he will do his best to get a protest form for residents to look at and have it available to the Mayor by Monday of next week. That will give you time to look, review and add as you choose. If it can be done prior to that, he will.

Mayor Johnson commented each councilman will have the letter or form and it will also be on the town website, www.rushvalleytown.com.

Darrell Johnson asked the conservancy board if they had any further comments. None were offered.

Julia Leach asked what is standing in the way of getting something mailed out. Mayor Johnson commented – time. Julia asked if there was a database of the residents. Mayor Johnson commented we can take it to the post office and they will put it in every box on the mail route. The town will pay for the postage. Julia asked if we are able to get something printed can that be done. Mayor Johnson further stated we should have something regarding the protest form by

Monday and this should be included with the mailing. It would be a matter of printing them and taking them to the post office. The form for the resident to protest to be included.

Mayor Johnson reminded everyone in attendance to sign the paper on the clipboard for our records. He stated he appreciates the effort the Rush Valley Conservancy District has put into this. They had the information and have done a great job of advertising and getting the word out. He appreciates everyone's participation and questions and they are good questions to make us think in our protests such as how if this going to affect me, how have we been affected prior under drought conditions and make sure we are getting the word out on these protests with factual information. These are the key points of the discussion: Each protest needs to address the speculation of what SITLA has in mind. Present ground evidence of deficiency and depletion on what is affecting your water right on a personal level. There will be a protest put together, one for the citizens of Rush Valley that can be signed and also for owners, make sure you put your water right number on it and how it is going to affect you. Mayor Johnson also commented in regards clarifying on the four applications, we should file a protest for each application and change the application number you are protesting.

Attorney Linares commented the concern he has with filing under one protest and trying to save \$45.00 the State Engineer may look at it and say it is only one protested. The other three didn't get protested. He wouldn't risk that. That is \$45.00 I would pay, but it is up to you. The application numbers are in the notice in the Transcript Bulletin.

Mayor Johnson commented a copy of the notice will be put on the town website or you are welcome to come take a picture and we can also make copies.

Attorney Linares also commented if you go to the United States Geological Survey page you can find the brochures and information they are siting to use on their application. There are two of them. There are a lot of pictures and graphs, it isn't all reading. They are on the USGS Webpage, search for Utah then Rush Valley or Tooele County Basin. Pictures of these can be taken as well.

Mayor Johnson commented if there are no further questions we will move back into the regular council meeting and to the agenda item Consideration of Filing a Protest Against SITLA's Application for 6,000 Acre Feet of Water Located in Rush Valley.

Pete Albrecht made a motion to approve Filing a Protest Against SITLA's Application for 6,000 Acre Feet of Water Located in Rush Valley. William Harding seconded the motion. All present voted in favor and the motion carried.

7. Safety Topic Mayor Johnson explained the safety topic discussed monthly at the meetings benefits the town and if this is done the town receives a reimbursement from the insurance company annually. The safety topic discussed was being safe while driving, cattle, deer and elk on the move.

8. Fire Department Report. Pete Albrecht thanked those who attended the South Department get together and BBQ held September 19. There have been 2 fires and 6 medical calls. This has

decreased in comparison to past months. All apparatus is in good working condition at this time. Thanked those who volunteer every month.

9. Council Reports

Cemetery - Alan Anderton was excused from the meeting.

Roads - William Harding commented he had nothing to report.

Parks – Finishing work on the ball field. There is approximately \$1,900.00 left on the grant. The sign still needs to be purchased. There have been issues with the pump for the fire hydrant locking. Currently working with a contractor to resolve this issue. Pete Albrecht commented how nice the ball field is looking. Mayor Johnson commented there are a few spots where the grass isn't coming up, this is Rush Valley and there are adverse conditions.

Mayor - There has been a lot going on consuming his time, especially recently the concern with the SITLA water applications.

10. Payment of Bills. William Harding made a motion to pay the bills as written. Dana Gardner seconded motion. All present voted in favor and the motion carried.

11. Public Comments. Bill Nikolaus asked who was going to be in charge of getting the forms from the citizens, who was going to take it around. Mayor Johnson commented the form is going to be individual. The letter the town will send to you is going to be the start of your protest. Attorney Styler and Linares will make sure it is worded properly and it is going to be your individual protest and also there is going to be a protest which town members can sign. Mayor Johnson asked if there is anyone that wanted to be on a committee to help. Shauna Nikolaus, Julia Leach, Lacey Burrows, Jake Proebstel, Andrea Steadman, Jeremy Martin, Todd Baird, Kari Johnson, Matt Broderick volunteered to be on a committee.

Attorney Linares commented the two weeks are going to go by fast, we need to get organized. Amie Russell commented she will prepare the flyer.

Mayor Johnson asked if there were any further questions. The council is now informed on this issue and they will help as much as they can. There is only two weeks so there is a lot to be done in this time.

A question was asked if this is only going to affect our town. Attorney Linares commented he also represents Vernon and he met with the clerk and a councilmember and there is going to be a protest from Vernon filed as well and the council will ratify their action at their next meeting because they will not again meet before the October 7 deadline. Grantsville will be filing one and he has also been in contact with Tooele City and they intend to file as well. He has also been in contact with State Representative Doug Sagers who has been very supportive in this. This is nothing more than everyone supporting you because what happens will affect them as well. He commented he hasn't heard anything from Stockton.

A representative from Soldier Canyon Water Company was present and commented they needed the information provided.

It was also commented members of the Rush Valley Water Conservancy District will be talking to those in their area to help make them aware of this issue.

Blaine Russel commented he feels we need to applaud our fire department. He recently was in Scipio and in contact with a farmer there whose new tractor caught on fire and not one volunteer fire department showed up and he lost the new tractor. The volunteers out here show up. Mayor Johnson asked to give the department and volunteers a round of applause and thanked Kevin Russell for their efforts.

12. Adjourn. Dana Gardner made a motion to adjourn the meeting. Pete Albrecht seconded the motion. All present voted in favor and the motion carried. The meeting was adjourned at 8:32 p.m.