MINUTES
ENOCH CITY WATER BOARD
March 10, 2016 at 4:30pm
City Council Chambers
City Offices, 900 E. Midvalley Road

MEMBERS PRESENT: Larry Gardner, Dilworth Armstrong and Doug Grimshaw and Krea Mecham were in attendance. Spencer Jones came in late.

STAFF PRESENT: Rob Dotson, Julie Watson, and Earl Gibson

PUBLIC PRESENT: Ben Jordan, Sr., Patrick Pipkin, Seth Cooke, Charles Cooke and Ben Jordan, Jr.

1. **CALL TO ORDER OF REGULAR MEETING**-By Chairman Gardner at 4:30pm. He welcomed the audience.
   - a. **Pledge of Allegiance** –Led by Chairman Gardner
   - b. **Invocation** –Audience invited to participate. Given by Dilworth Armstrong
   - c. **Approval of agenda for March 10, 2016 –Motion to approve agenda by Dilworth Armstrong. Motion seconded by Doug Grimshaw. All voted in favor.**
   - d. **Approval of minutes for January 14, 2016-Motion to approve the minutes by Doug Grimshaw. Motion seconded by Dilworth Armstrong. All voted in favor.**
   - e. **Conflict of Interest Declaration**-None stated. When Spencer came in later he noted that he is a Board Member on the Conservancy District but has no other conflict.

2. **DISCUSSION OF USE OF DEEP WELL AT RUSH LAKE RANCH-Ben Jordan**

Chairman Gardner invited Ben Jordan to come up. Ben used the white board to illustrate where his farm and well are located saying he owns a farm at Rush Lake and owns the well. He is four miles out from Enoch. He owns only two culinary water rights in that well. He said he would try to lay out the facts as he knows them however some are hearsay. He has had three offers on his well. One was from a water developer from St. George with a firm offer of $400,000 which he rejected. The latest offer was from Wayne Lebaron and his partners. They have a lot of money and have bought many water rights and also bought Joe Burgess's land. Right now he has an offer sitting at Cedar Land and Title for $600,000 for his land and the well. Brent Hunter and John Juergens from the Conservancy District came out and did some studies on his well. He thinks they went through a lava formation and hit this good, clean water. It is believed there are two water sources out there. One source is above the lava formation and the other is into the lava formation where they hit a cavity of good water. They think this may be water from Beaver and is not connected to other water in this valley.

He would like to sell the use of the well to Enoch City because this is a lot more water than he needs for his farm. He said to be concise he would like to see a municipality get this water because that is a better use for the greater good. He said he has pumped this well 24/7 during the summer and it drops the static level only a foot. Jay Grimshaw thinks the water table is rising in Rush Lake although it is declining everywhere else. He said he believes Frank Nichols owns rights in this well and Enoch City also owns rights in this well. He and Joe Burgess had a plan to trade the use of the well to Cedar City in exchange for the sewage plant treated discharge for irrigation of their farms but that has been difficult to work out. There was more

discussion of the use of treated sewage for irrigation and City Manager Dotson explained how the State Engineer's rules work. He added Enoch would like the use of that treated water too but there are convoluted issues regarding its use. Ben said he leases 3200 AF of water in this well to farm. He asked for questions.

Chairman Gardner explained the Water Board makes recommendations to the City Council who would make any final decisions on this. Chairman Gardner asked Ben if he wants to sell or lease. Ben said he would like to sell the exclusive rights to the well. Chairman Gardner noted we would have to bring the well to culinary standards. There could also be well head protection zone issues. There was more discussion of various details about the well. City Manager Dotson asked his price but then suggested this should be a private negotiation outside of a public meeting. He recommended the financial details be discussed in an executive session in the next City Council meeting on March 16th at 6:00pm. Ben said he could attend that meeting.

Chairman Gardner said the question before the Water Board is do they want to make a recommendation to the City Council. Ben said again he would like to see the City have this water for municipal use. If he signs the offer he has now he would not have his farm because it is included in the sale. He does not want to vacate the property and would like an agreement with Enoch for perpetual use of the water out of the well for pumping costs so he can farm. He would like that use for as long as he and his heirs want to keep farming. He added again he only owns two AF in that well. He has proven beneficial use for others rights however. City Manager Dotson said he would investigate our rights in that well. He thinks Enoch owns 300-400 AF. Ben said the point of diversion is on all three wells. The other two wells are brackish water at 37 feet deep. He gave more history of the well and other wells in the Rush Lake area.

Chairman Gardner said we would want to test the water and also test pump the well to do our due diligence. Isotope testing may help to identify if the water comes from our drainage. If it does not match tests we have done on wells here it may indicate the water is from outside this valley. Chairman Gardner said the Water Board has test results in the packet from the Conservancy District testing. City Manager Dotson reviewed the tests saying they are different than our other wells. He noted the dissolved solids showing in the tests could indicate older water that has pooled for a long period of time. Ben said the water comes out of the pipe at about 53 degrees. Doug was asked he could foresee any issues with Enoch using water from that far away. He had no problem with the distance but said the City would have to secure rights-of-way and buy the pipe.

City Manager Dotson asked Ben if Earl could have access to the well to check on things. Doug advised Earl to look at the elevations too. There was a brief discussion about the Conservancy District planning to punch some wells in the Rush Lake area in the recent past. Enoch City did not give our blessing because we believed that could affect our wells. Chairman Gardner said Cedar City and the Conservancy District would like to have access to this water. City Manager Dotson said we started our water testing program two years ago doing isotope testing and other tests and we are trying to expand that testing. This is a good opportunity to do that. City Manager Dotson said we need to discuss the end result, what Ben wants and how we could work together to accomplish this for Enoch. The financial issue is another thing and should not be discussed in this meeting.

There was more discussion of other interests in the vicinity of Ben's well. Ben said Clarks own a big pivot but they do not have enough water to run it all season. They have the rights but not the actual water to use their pivot. Cedar City and the Conservancy District are both trying to develop other water sources for the future. Their attempts may threaten Enoch's water so we stay involved to protect our interests. Chairman Gardner recapped to say it is believed this is a lava tube and they hit into a crack and got this good water. If you go deeper you get nothing. The static level is 10-12 feet. Earl asked if there is a cap for culinary use and Ben said it is cased in concrete. Chairman Gardner said Ben has other offers but those will not allow him to keep

farming which he wants to do. Wayne Lebaron wants the whole property and is spending millions buying all around it. Ben told about his other offers adding he would like to sell the well to Enoch. If he can get the treated sewage that is now going to waste he wants that for farming. There was more discussion of the sewage going through the plant and the rules set by the State Engineer for its use.

Chairman Gardner asked the Water Board if they want to recommend to the City Council to proceed further on this in negotiations. Doug asked Ben about his timeline. Ben said he is trying to buy other property and needs the money for that. He is 30 to 60 days out but could get an extension if Enoch is interested in dealing. Doug said they can't speak to the treated sewage water being available for Ben to use on his farm but a municipality has a better chance to get it than a private property owner. Spencer asked how flexible he would be about taking the treated sewage out of the picture and using a pro-rata share of the well instead. Ben said he is flexible on that. Chairman Gardner said the Water Board seems to be cautiously optimistic and should not ignore this. Doug and Dilworth agreed saying we need to do more testing. The suggestion was made that we explore different options and scenarios that could work for all parties.

City Manager Dotson said it may make good business sense if the City Council were to do this ASAP. If this proves out to be as good as it sounds we could put this water into our system and quit pumping our older wells. Earl confirmed our water table has dropped and our wells need work at 30 years old. City Manager Dotson said one of our goals is to have less impact on the wells of those around us so use of this well would help with that. Chairman Gardner thanked everyone for coming.

3. MAKE RECOMMENDATION TO CITY COUNCIL ON WELL AT RUSH LAKE

Chairman Gardner made a motion to send a favorable recommendation to the City Council that we look at this actively and openly as a future water source and do the necessary testing since we own rights in this well. Dilworth Armstrong seconded the motion and all voted in favor.

4. PUBLIC COMMENTS-Ben added a comment saying there is a tube on the side of the well and he was told to put gravel down it however it does not need gravel. It is still full at about ten feet down after all these years of use. There is no evidence of sand in the water.

5. BOARD/STAFF REPORTS

Earl Gibson reported they are waiting on the test pumping of the new well. He said the "video" looked very good. They had to use four times as much gravel pack as they expected to need and they pumped a lot of mud out of there. That well is 1000 feet deep.

City Manager Dotson explained about the executive session in the City Council meeting saying they may need Ben there to answer questions and to negotiate. Ben said he could be there.

Doug Grimshaw asked about the aquifer recharge options that were discussed at a recent water meeting for stakeholders. Chairman Gardner recapped that discussion regarding Coal Creek water and ways to make it last throughout the season.

Chairman Gardner asked City Manager Dotson about a recent executive session where some water rights were offered for sale to the City. City Manager Dotson said we did not go ahead with that because the priority date was too new.

6. ADJOURN-Motion to adjourn by Dilworth. Motion was seconded by Spencer and all voted in favor. The meeting ended at 5:52.

Julie Watson 8-11-16

Julie Watson, Recorder **Date**