STAFF REPORT

DATE: May 10, 2021

TO: Honorable Mayor and City Council

FROM: Troy Fitzgerald, City Administrator

SUBJECT: HIGHLINE DITCH

RECOMMENDED MOTION

Discussion Item.

SUMMARY OF ISSUES/FOCUS OF ACTION

Questions surrounding the ownership of water rights in the Highline Ditch are currently in litigation within the State Court System. In addition, the condition of the Highline Ditch has been deteriorating to the point where significant capital improvements need to be made to the ditch in the foreseeable future if it is to continue to safely serve the community.

The City Council must determine the best course of action for the future of the Highline Ditch and the secondary water users that it serves.

BACKGROUND

For more than 100 years, the Highline Ditch has provided water service to the east side of the City. Over that same 100 years, various claims and concerns have arisen surrounding the exchange of water, ownership of the water rights and the operation of the ditch itself. Many citizens have extremely strong feelings about these issues. These

issues are not the focus of this staff report, but they still play a part in reaching a meaningful resolution to a hundred years of controversy.

If the users of the Highline Ditch desire to dispute water rights, the forum for this discussion is in the ongoing water rights adjudication. Regardless of true ownership, the City has been supplying water to its residents and will continue to do so. Whether to continue the use of the Highline Ditch is the focus of the discussion

When the issue is analyses in its simplest form, Springville City agreed to supply water to citizens as part of an exchange of water. The delivery mechanism was the Highline Ditch. Users agreed to receive the water and pay for the costs associated with the delivery of the water. As seen through survey results explained below, even this is disputed.

This Ditch is now aged and needs work or replacement. The question is whether it makes financial sense to repair or replace the current Highline Ditch. If not, what are the alternatives for the City to continue to supply water to current users along the ditch.

Historically, this was a flood irrigation system with traditional turns. More recently homeowners have banded together and used the fall from the ditch to create private pressurized systems in addition to flood irrigating. This works well for most users to take water at their pleasure, but it does negatively impact users at the end of the system. It also results in significant water losses on the system as water flows into the City's storm drain system at the end of the ditch.

Approximately 66 users take water from the Highline Ditch. These users water everything from a small backyard to large agricultural fields.

It is important to note that there are different classes of users on the highline ditch. By this I mean that different users came to be attached to the ditch at a variety of times and means. For example, some users simply attached to the ditch. Some came through the original Spring Creek Exchange. Others joined later through Strawberry exchanges. Some have even been determined to own water rights, although this is still subject to the ongoing litigation. Thus, differing resolutions may be necessary as well.

DISCUSSION

I. Current Fees for Highline Ditch Users

Highline Ditch Users are billed for the City annually. Annual charges range from $77 to just over $600 for their *annual* bill. This bill does not include all operational expenses and it includes no charge for management expenses or, more importantly, capital improvements. It also includes no fee for the water itself. Currently, the fees generate just over $9,000 in revenue for the City.

Historical documents indicate that all of the current users of the Highline Ditch are utilizing Strawberry exchange water. Again, a simple statement has significant complexity. In short, the water coming out of the Highline Ditch is Hobble Creek Water. The Hobble Creek water was taken by agreement with the Springville Irrigation Company so long as there was Strawberry water to replace or exchange with the Hobble Creek water for users lower in the irrigation system.

For decades, Highline Ditch users have paid Strawberry Water User fees since this is where the actual water rights for Highline Ditch users originates. The portion of the Strawberry bill assigned to Highline Users amounts to $2,177.05 this year.

II. Actual expenses

The conservative actual expenses of operating the Highline Ditch are $12,441.93. These can be detailed as follows:

2020/2021 Highline Cost Breakdown		
O&M Cost		
	Annual Cost	
Springville/Mapleton Dam Operation & Maintenance		
Removal of tree's from spring run off	$1,070.56	
Installation of wood dam	$272.72	
Ditch Cleaning yearly		
Ditch cleaning/spraying	$4,290.80	
Daily flow check/grate cleaning		
Water master	$3,071.53	
Unforeseen Maintenance/ Improvements		
Ditch maintenance	$2,000.00	
Finance/Public works secretary cost		
Secretary	$1,363.60	
Finance Department	$272.72	
Insurance cost	$100.00	
Total of O&M	$12,441.93	

When combined with the Strawberry fees, the City needs to collect $14,618.98 to cover basic operating costs. This would result in a **60%** fee increase to go from $9,000 in collections to the amount needed to cover operating costs.

III. Capital improvements

The last significant capital improvements were made to the Highline Ditch in 1974. Throughout the history of the ditch, maintenance and repair costs have been charged to the ditch's users.[1] Unfortunately, the City has never worked these anticipated, future, capital costs into the fee structure.

Springville City engineers have prepared two cost estimates to make necessary repairs and improvements to the Highline Ditch. Costs were estimated using the actual costs from a similar project to upgrade the irrigation line from Hobble Creek to Mapleton in 2019 and 2020.

The engineers were instructed to complete two estimates. The first estimate was to make the lowest cost improvements to allow the Highline Ditch to continue to function for the foreseeable future as it currently functions. The second estimate was to make improvements necessary to pressurize the ditch and make it functional for a substantially longer period of time. Interestingly, the annualized costs for the improvements are nearly the same. The cost for estimate number 2 is twice as high, but anticipated life span of the improvements is also twice as long.

Estimate number 1 contemplates a gravity system that would be in place for an additional 20 years. The costs for these improvements are estimated at $709,515.50. These improvements leave existing pipes in place that will need to be replaced in the foreseeable future.

[1] Letter to John Hafen and the Highline Ditch Committee from Don Strong, September 2, 1980.

Bartholomew Pond Diversion (Canyon Rd) to 2080 East Turnout

Gravity System

ITEM NO.	DESCRIPTION	QTY.	UNIT	ENGINEERS' ESTIMATE	
				UNIT PRICE	TOTAL
1	Mobilization	1	LS	$ 56,000.00	$ 56,000.00
2	Furnish 16" HDPE Pipe DR 32.5 (Open Ditch)	5,428	LF	$ 60.00	$ 325,680.00
3	Furnish 16" HDPE Pipe Fittings	10	LS	$ 2,000.00	$ 20,000.00
6	Furnish and Install 6-12" Turnouts	18	EA	$ 5,600.00	$ 100,800.00
14	Demolish and Remove Concrete Ditch	5,428	LF	$ 15.00	$ 81,420.00
15	Landscaping Restoration	6,500	LF	$ 3.00	$ 19,500.00
16	Reseed Alignment	5,428	LF	$ 2.50	$ 13,570.00
			BID TOTAL		$ 616,970.00
				15% Contingency	$ 92,545.50
				Plan Set Total	**$ 709,515.50**

Estimate Number 2 contemplates a pressurized system and the system should last for an estimated 40 years. The total estimated cost of this system would be $1,196,822.25. This proposal eliminates waste at the end of the ditch, decreases overflow and leak risk, but likely increasing immediate costs for user distribution at individual diversion points.

Bartholomew Pond Diversion (Canyon Rd) to 2080 East Turnout

Pressure System

ITEM NO.	DESCRIPTION	QTY.	UNIT	ENGINEERS' ESTIMATE	
				UNIT PRICE	TOTAL
1	Mobilization	1	LS	$ 56,000.00	$ 56,000.00
2	Furnish 16" HDPE Pipe DR 32.5 (Open Ditch)	5,428	LF	$ 60.00	$ 325,680.00
2.5	Furnish 16" HDPE Pipe DR 32.5 (Piped Ditch)	4,772	LF	$ 60.00	$ 286,320.00
3	Furnish 16" HDPE Pipe Fittings	10	LS	$ 2,000.00	$ 20,000.00
6	Furnish and Install 6-12" Turnouts	18	EA	$ 8,000.00	$ 144,000.00
7	Furnish and Install 3" or 4" Combination Air Valve	2	EA	$ 2,000.00	$ 4,000.00
11	Furnish and Install Terminal Structure	1	LS	$ 76,000.00	$ 76,000.00
14	Demolish and Remove Concrete Ditch	5,428	LF	$ 15.00	$ 81,420.00
14.5	Remove and Dispose of Irrigation Pipe	4,772	LF	$ 15.00	$ 71,580.00
15	Landscaping Restoration	6,500	SF	$ 3.00	$ 19,500.00
16	Reseed Alignment	10,200	LF	$ 2.50	$ 25,500.00
			BID TOTAL		$ 1,110,000.00
				15% Contingency	$ 166,500.00
				Plan Set Total	**$ 1,276,500.00**

Both of these estimates make improvements from the Canyon Road turnout to Bartholomew Pond to 2080 East. The Highline Ditch from the Hobble Creek Diversion to Canyon Road must be improved as well. The costs for this reach are $677,637.50.

Highline Ditch Users should not bear the full burden of these improvements moving forward. The City uses and plans to continue using the turnout at Canyon Road to provide an alternate source to fill Bartholomew Pond. In making necessary improvements, engineers estimate that the pipe would have a 10 cfs capacity and that 2 cfs would be reserved for Highline Ditch user water. Thus, calculations to determine a fee structure only assign 20% of this cost to ditch users.

The detailed estimate is set forth below.

Highline Ditch-Diversion (Hobble Creek) to Bartholomew Pond Diversion (Canyon Rd)

ITEM NO.	DESCRIPTION	QTY.	UNIT	ENGINEERS' ESTIMATE	
				UNIT PRICE	TOTAL
1	Mobilization	1	LS	$ 24,000.00	$ 24,000.00
4	Furnish 24" HDPE Pipe DR 32.5	3,300	SF	$ 65.00	$ 214,500.00
5	Furnish 24" HDPE Pipe Fittings	10	LS	$ 2,500.00	$ 25,000.00
7	Furnish and Install 3" or 4" Combination Air Valve	2	EA	$ 2,000.00	$ 4,000.00
8	Furnish and Install new Concrete Intake Structure	1	LS	$ 85,000.00	$ 85,000.00
9	Furnish and Install Traveling Screen	1	LS	$ 80,000.00	$ 80,000.00
10	Furnish and Install Pressure Sustaining Valve and Meter	1	LS	$ 21,000.00	$ 21,000.00
11	Furnish and Install Diversion Structure	1	LS	$ 60,000.00	$ 60,000.00
13	Furnish and Install Greyline Bigfoot Flow Meter	1	LS	$ 18,000.00	$ 18,000.00
14	Demolish and Remove Concrete Ditch	3,300	LF	$ 15.00	$ 49,500.00
16	Reseed Alignment	3,300	LF	$ 2.50	$ 8,250.00
			BID TOTAL		$ 589,250.00
				15% Contingency	$ 88,387.50
				Plan Set Total	**$ 677,637.50**

IV. Updated Billing with Capital Included

Making the improvements set forth herein would have a dramatic impact on annual billings. Currently, depending upon the size of the property in question, users pay between $77.02 and $615.02 for their annual water bill. With correct maintenance costs

and capital charges included, these annual billings increase to as much as $394.25 on the low end to $8,238.31 on the high end. Depending upon the solution chosen, billings would increase by $210 to $224 per acre foot per year

The analysis assumes an interest rate of only 3% and a payment and system lifespan of 20 years for the gravity solution and 40 years for the pressurized system. It also assumes that the City will obtain the $1.2-$2.0 million necessary to make the improvements immediately.

Billing detail for all users for both the gravity system and the pressurized system are attached to this report as Exhibits A and B. For many users, these charges are still likely to be lower than a culinary water bill for the same acreage. If the analysis were to stop here, we would likely recommend some version of the capital improvements suggested herein. However, there are a number of remaining challenges that need to be considered before a final recommendation can be considered.

V. Remaining Challenges

There are several remaining challenges to overcome before the City can or should move forward with capital improvements to the Highline Ditch. These include loss of water, private delivery systems, risk to the community and overall group participation. Each of these challenges is discussed below.

A. Loss of Water

While most users pressurize their sprinkling systems with fall from the Highline Ditch, at its core, the Highline Ditch is a concrete lined flood irrigation ditch. Unused water spills at the end of the ditch into the City's storm drain system.

On average, and from measurements, about 250 gallons per minute are not being used by Highline Ditch Users. It is difficult to reduce the flow significantly, because there are times when no water reaches end-of-line users. This results in about 44,200,000 gallons of water being wasted during each irrigation season.

During 2020, over 390 acre feet of water was put down the Highline Ditch. During 2019, over 356 acre feet of water was put down the Highline Ditch. In both cases, this was to water 67 acres of land. The resulting duty (acre feet of water used per acre of land

irrigated) was well over 5 acre-feet per acre and approaching 6 acre-feet per acre in 2020. The assigned duty for all irrigation in Springville is 4 acre-feet per acre.

This water can certainly be put to better use elsewhere within the City's water system. Wasting at the end of the line can be mitigated with a pressurized system and over-use can be limited by metering the water. However, these costs are not included in the numbers above other than estimate 2 would allow for the pressurization of the system if all laterals were converted to pressurized systems.

B. Private Delivery Systems

This concern is perhaps the most significant and difficult concern to address. To date, the city delivers water through turnouts at the Highline Ditch. Getting the water from the ditch to individual properties far from the ditch has been the problem and concern of the user. Many of these systems are old and in need of repair or replacement as well. Moreover, many of them cross private property without easements. Currently, the City generally maintains systems to the meter. No meters exist here. A determination will need to be made as to whether delivery systems would remain private. Liability for damage associated with failure of the private systems would need to be considered. There would also need to be a determination as to whether the legal status of these lines would need to be solidified. Private lines can be seen on the map on page 9.

C. Risk to the Community

The Highline Ditch has some piping associated with it, but it is generally a concrete lined ditch that is located high above residential properties. A mud slide or a deliberate piece of vandalism will send two cubic feet of water per second down a steep hillside towards valuable personal property.

Development over the past 100 years has made the density and value of these properties significantly higher than when the ditch was installed. Similar ditches in the community have caused damages exceeding $100,000 in the recent past.

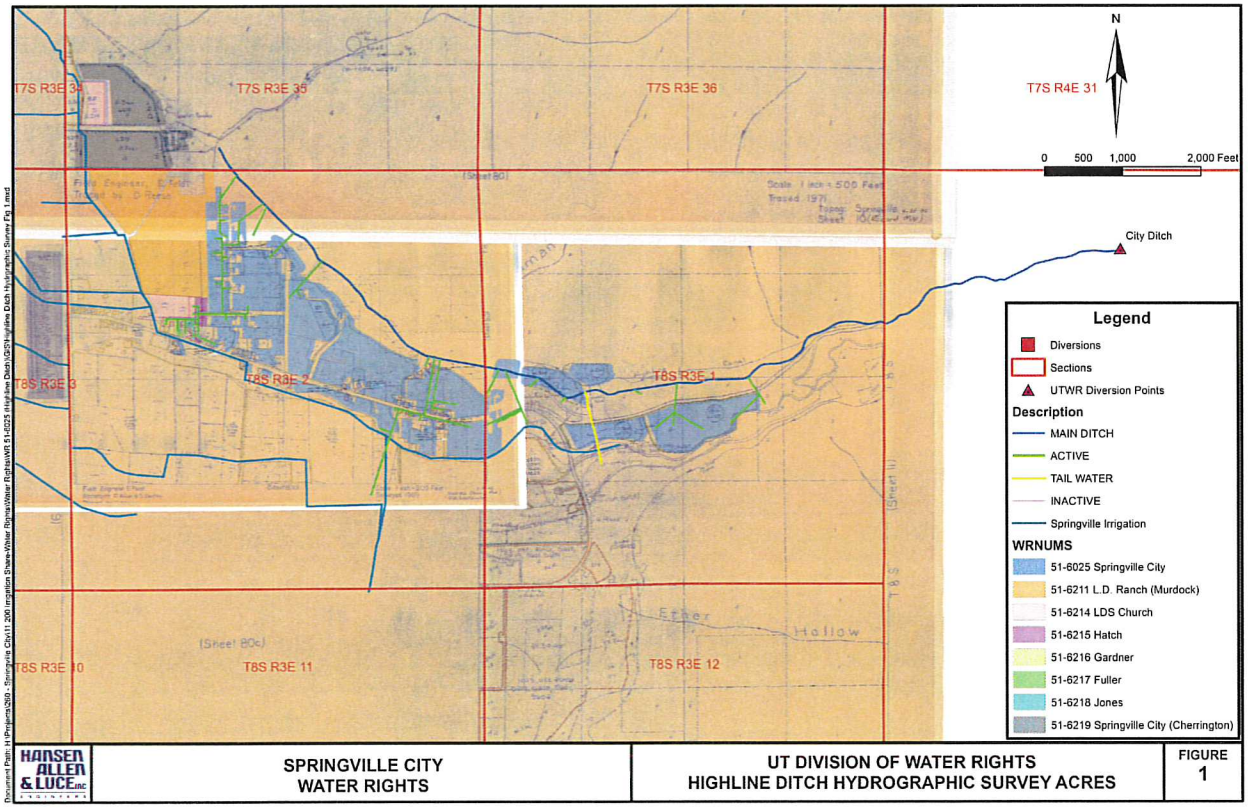
Pressurizing the system will reduce this risk, but it will come at the cost of a larger and more expensive up front capital cost. It will also not completely eliminate the risk, particularly from the privately-owned laterals.

D. Overall Group Participation

All suggested fees set forth herein are assuming that ALL users pay all payments for a term that could be as long as 40 years. Having any users choose to go a different direction could dramatically increase the costs to remaining users. Any resolution must include a clear understanding of the financial obligation of each property moving forward.

E. Differing Claims

There are many stories along the Highline Ditch. The map below does not resolve every story. Generally, Highline Ditch User fall into one of three categories.



Anything not in blue appears to be part of the original arrangement. The large landowners, Cherrington and Murdock, have since sold, developed and moved on. A small number of users in the other colors have defined water rights as shown on the map. While this is still the subject of litigation, the State Engineer determined at some point that they own a water right. The point of diversion for their water is the City Dam at the head of the Highline Ditch. While these Users may have a water right at the end of

the adjudication process, they are still part of the ditch improvement discussion. How do they get their water from Hobble Creek several miles away to their property?

Properties in blue attached later. Usually this happened through an exchange of Strawberry Water. These users have no claim on the original agreement with the City.[2] These Users generally were involved in some sort of Strawberry water exchange. The Springville Irrigation Company then used the Strawberry Water in their system and the City diverted water from Hobble Creek to the Highline Ditch. Following the theme, Ditch Users, the Irrigation Company and the City dispute the details.

F. Deeding of Water

Since this is all not confusing enough, many, if not most, Users along the Ditch have been deeding water to subsequent property owners as part of their property transactions. Users have provided many property deeds indicating the transfer of water or Strawberry Water as part of their transaction. A few sample deeds are attached as Exhibit C.

It is shocking, to say the least, for property owners to hear that they may not have any water rights at all. However, for at least the last thirty years, the State Engineer's office has determined that the owner of the rights in the Highline Canal for all users in blue on the preceding map, is Springville City. The Water Right information and associated notes are attached as Exhibit D.

VI. Stakeholder Interaction and Input

Discussion surrounding this issue has been going on for decades. Most recently, city officials and ditch users have engaged in face-to-face meetings, a zoom meeting, and the exchange of documents and ideas in letter and email format.

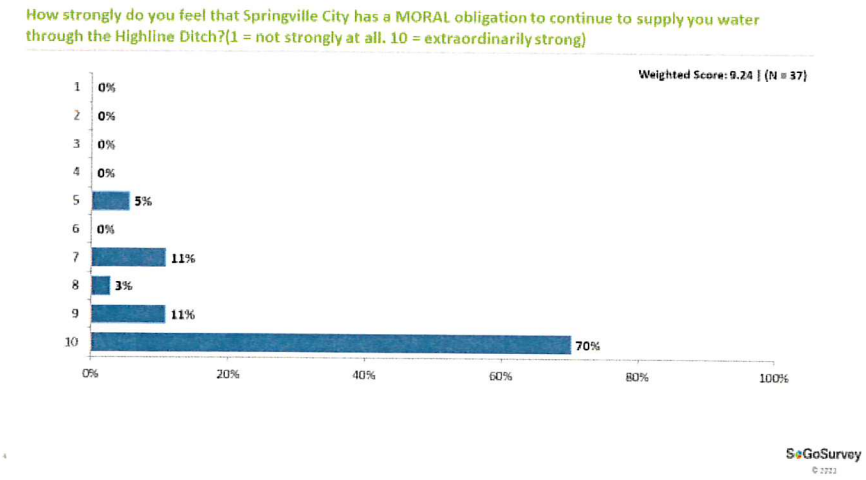
The preliminary version of this staff report was circulated to ditch users prior to a nearly two-hour Zoom meeting to discuss findings, concepts and possible resolutions. The Zoom meeting resulted in the determination that a survey would be helpful to get a broader idea of users positions on this issue.

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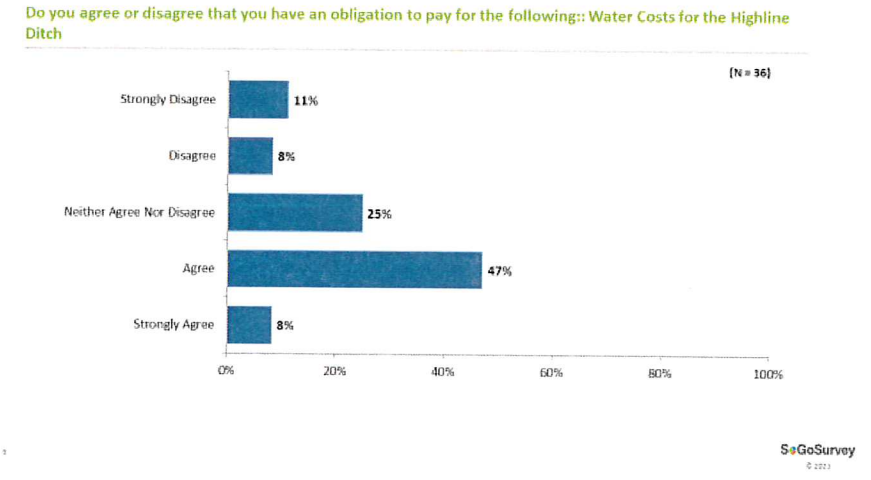
[2] This agreement, if it ever existed in writing, has been lost to time.

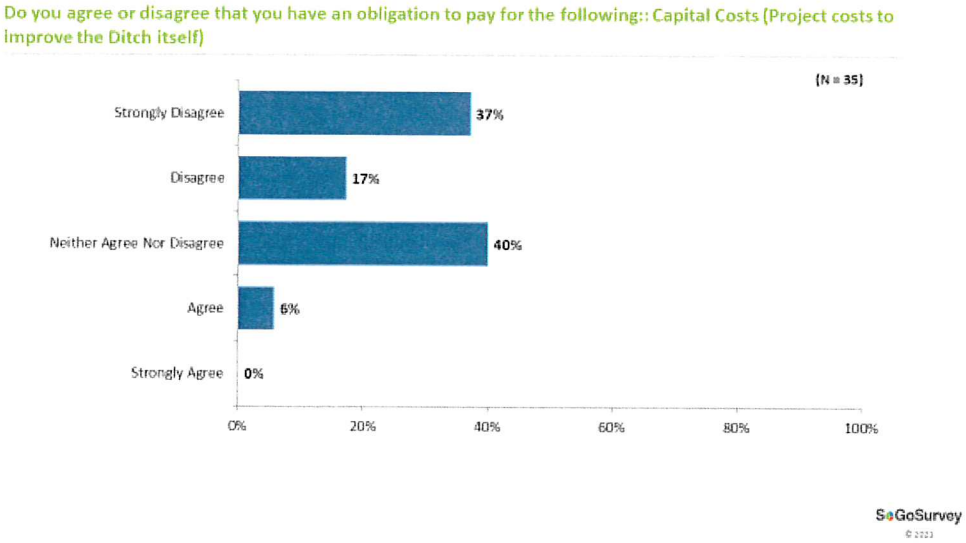
A survey was issued and over half of the users responded with their responses and open-form thoughts. The purpose of survey was to fine-tune and get input on a proposed recommendation to the City Council. The full survey and responses are attached to this report.

Most Highline Ditch User believe that they own some sort of right to water along the Highline Ditch. User feel even more strongly about the City's moral obligation to continue to supply water through the Highline Ditch. There are many written comments worth exploring on this issue in the attachments.



Most feel that they are obligated to pay for water costs in the Ditch, but not he Capital Costs. User are split on whether they should pay for operational costs.

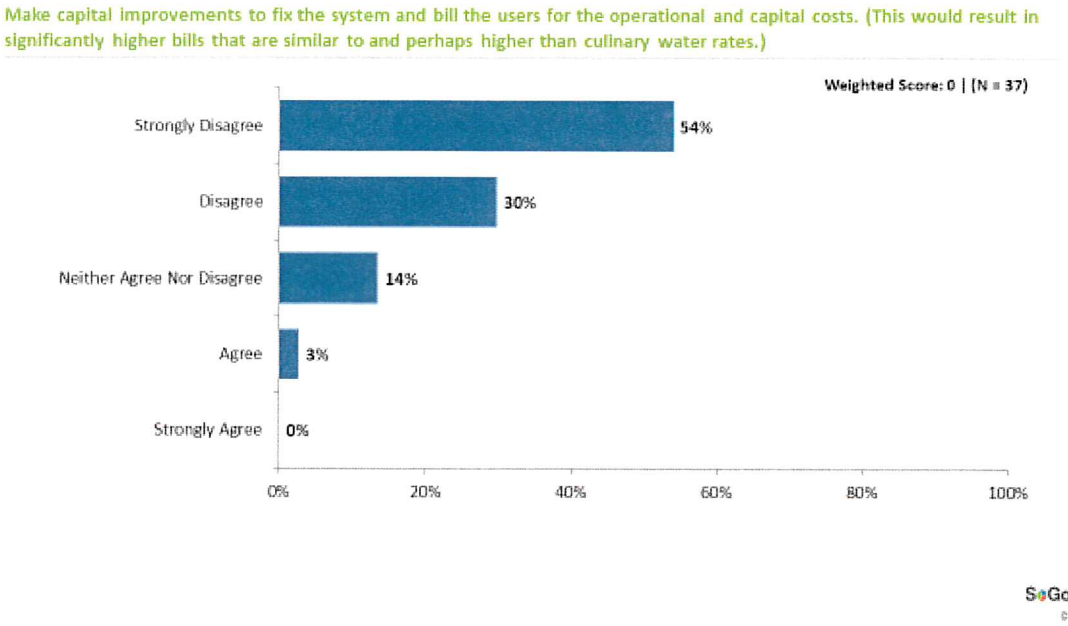






Most User feel that all classifications of Users should be treated the same (62%).

When asked whether to make capital improvements to fix the system and bill the users for the operational and capital costs, the Highline Ditch Users virtually unanimously agree that the do not want this solution.



The most interest in a solution appears to surround ongoing use of the ditch with a conversion to culinary in the future. This would also require reduced rates or a payment of some sort as well to garner significant support of a majority of the users. This leads to the staff recommendation.

RECOMMENDATION

Each Highline Ditch User comes with his or her own story. Many of the Users have been involved with the City and the Highline Ditch for many, many decades. City staff and Highline Users have come up with letters, Council Minutes, memories, bills and more throughout the process. At times, Users have paid for capital improvements. At times, they have refused. City Councils have encouraged the City to pay various costs. City Councils have encouraged Users to pay various costs. The issues continue to be unsolved.

From my multiple conversations over many years, I firmly believe that almost all Highline Users understand that both sides need to give from their respective positions to permanently solve this problem. I also believe that almost all users know and understand that they are obligated on some costs associated with receiving water.

In reviewing the totality of the circumstances, I believe that once all costs are properly considered, the cost of providing service through the Highline Ditch will be higher than providing better service through our culinary system. Moreover, the City would save

and be able to better utilized tens of millions of gallons of water per year and risk to the community would be decreased.

In the past, the City has successfully incentivized people to make a switch from one water system to another. This appears to be an opportunity for the same type of solution.

- Keep the Highline Ditch in operation through the 2025 irrigation season with no fee changes to the Highline Ditch Users.
- Highline Ditch Users connect their systems or convert to a culinary source before the 2026 irrigating season. Costs associated with this come from the savings of the City not increasing rates.
- The City would waive any connection fees, but would charge for any meters purchased.
- Users would pay culinary base rates for any meters that they have, but all usage for water through those meters would be free until they reach an amount of water equivalent to their assigned acre-feet. Thereafter they would pay standard culinary water rates for usage through the rest of the calendar year. This arrangement would last through the end of calendar 2030.
- Starting in 2031, Users would pay 10% of then current water usage rates and the amount would increase by 10% per calendar year until Users paid 100% of culinary usage rates.
- Upon subdivision of any property all associated properties would be charged full culinary rates and fees.

ALTERNATIVES

There are virtually an unlimited number of alternatives. A primarily alternative option to the recommendation above would be to leave the discounted/free water available through the life or ownership of existing users.

Other alternatives include, but are not limited to, fixing, repairing or replacing the ditch. Creating a new secondary system on the east side of town, or simply closing the ditch.

Troy K. Fitzgerald
Troy K. Fitzgerald
City Administrator

CITY COUNCIL

Exhibit A

Gravity Billing

Lower Reach	709515.5	Annual Payment Per ace foot	
Share of upper reach	135527.5	$210.00	
Capital Project Estimate	$ 845,043		

Name	Acre_Ft	Current Irrig_Fee	Updated Irr Fee	Capital Charge	Total Fee
Janeen Hamel	1.20	$77.02	$123.24	$252.00	$375.23
Russell & Jocelyn Bartholomew	1.2	$77.02	$123.24	$252.00	$375.23
Rhett & Laura Phillips	2	$94.37	$150.99	$420.00	$570.99
Merlene Irvine	1.8	$90.03	$144.05	$378.00	$522.05
Colleen White Lee	1.4	$81.36	$130.17	$294.00	$424.17
Jeffrey Tidwell	2.8	$111.72	$178.75	$587.99	$766.74
Sandra DeGraff	1.48	$83.09	$132.95	$310.80	$443.75
Taylor Hendershot	7.88	$221.88	$355.00	$1,654.78	$2,009.79
Phillip Bird	3.64	$129.93	$207.89	$764.39	$972.28
Lynn Bartholomew	2.36	$102.18	$163.48	$495.59	$659.08
Lauren Bryan	4.68	$152.49	$243.98	$982.79	$1,226.77
Brandon Ashby	1.64	$86.56	$138.50	$344.40	$482.90
Carl Burrows	1.48	$83.09	$132.95	$310.80	$443.75
Steven Bartholomew	1.96	$93.50	$149.60	$411.60	$561.20
Rulon Condie	2.56	$106.51	$170.42	$537.59	$708.02
Steve Van Wagenen	2.76	$110.85	$177.36	$579.59	$756.95
Jeremiah Maughan	7.56	$214.94	$343.90	$1,587.58	$1,931.48
Terry Reid	1.44	$82.23	$131.56	$302.40	$433.96
Michael Hill	0.68	$65.75	$105.19	$142.80	$247.99
Anthony Coulon	3.92	$136.01	$217.61	$823.19	$1,040.80
Ben Brown	3.00	$116.06	$185.69	$629.99	$815.68
Ben Brown	3.52	$127.33	$203.73	$739.19	$942.92
Oneita Fackrell	9.72	$261.78	$418.85	$2,041.18	$2,460.02
Amanda Monteinos/Barry Clanton	3.24	$121.26	$194.02	$680.39	$874.41
Robert Frazier	4.16	$141.21	$225.94	$873.59	$1,099.53
Ron Witney	1.72	$88.30	$141.28	$361.20	$502.47
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Blaine Robertson	1.92	$92.64	$148.22	$403.20	$551.41
Blaine Hadley	3.92	$136.01	$217.61	$823.19	$1,040.80
Lon Henderson	5.56	$171.57	$274.51	$1,167.59	$1,442.10
Lori Walker	9.16	$249.63	$399.42	$1,923.58	$2,322.99
Patricia Spencer	6.88	$200.19	$320.31	$1,444.78	$1,765.09
Marshall Romney	6.04	$181.98	$291.16	$1,268.39	$1,559.55
John Hafen	8.68	$239.23	$382.76	$1,822.78	$2,205.54
Dave Barnett	0.72	$66.61	$106.58	$151.20	$257.78
Dell Gordon	0.32	$57.94	$92.70	$67.20	$159.90
Jason Freeman	0.56	$63.14	$101.03	$117.60	$218.63
Michael Hill	1.12	$75.29	$120.46	$235.20	$355.66
David Hullinger	2.64	$108.25	$173.20	$554.39	$727.59
Sharon Swapp	2.32	$101.31	$162.09	$487.19	$649.29
Rick Salisbury	0.88	$70.08	$112.13	$184.80	$296.93
Brent Simpson	2.44	$103.91	$166.26	$512.39	$678.65
Dale Jarman	8.84	$242.70	$388.31	$1,856.38	$2,244.69
Misty & Troy Hanks	3.52	$127.33	$203.73	$739.19	$942.92
Shane Munn	1.00	$72.69	$116.30	$210.00	$326.29
Steven Dayton	1.88	$91.77	$146.83	$394.80	$541.62
Harriet McEntire	2.32	$101.31	$162.09	$487.19	$649.29
Justin Earl	7.84	$221.01	$353.62	$1,646.38	$2,000.00
Gene Stulce	2.92	$114.32	$182.91	$613.19	$796.11
Brandee Black	1	$72.69	$116.30	$210.00	$326.29
Grant Weight	0.92	$70.95	$113.52	$193.20	$306.72
Ryan & Shelley Sorensen	1.8	$90.03	$144.05	$378.00	$522.05
Linda Lewis	3.08	$117.79	$188.46	$646.79	$835.26
Layne VanNoy	1.64	$86.56	$138.50	$344.40	$482.90
Howard Stewart	3.88	$135.14	$216.22	$814.79	$1,031.01
Niel Strong	2.84	$112.59	$180.14	$596.39	$776.53
Alrae Snyder	0.68	$65.75	$105.19	$142.80	$247.99
Current Resident	1.64	$86.56	$138.50	$344.40	$482.90
Bob Schneck	6.72	$196.72	$314.76	$1,411.18	$1,725.94
John Ashby	6.00	$181.11	$289.78	$1,259.99	$1,549.76

Scott Finlayson	0.64	$64.88	$103.81	$134.40	$238.20
Ross Riding	1.12	$75.29	$120.46	$235.20	$355.66
Leslie Mower	15.32	$383.21	$613.14	$3,217.16	$3,830.31
Keith Fackrell	32.12	$615.02	$984.03	$6,745.12	$7,729.16
Doug Witney	10.04	$268.72	$429.95	$2,108.38	$2,538.32
David Fuller	1.40	$81.36	$130.17	$294.00	$424.17
LDS Church Natural Resources	16.64	$411.84	$658.94	$3,494.36	$4,153.30
	270.48	$9,149.86	$14,639.77	$56,800.16	

Exhibit B

Pressurized Billing

Lower Reach	1276500	Payment Per ace foot
Share of upper reach	135527.5	$225.85
Capital Project Estimate	$ 1,412,028	

Name	Acre_Ft	Current Irrig_Fee	Updated Irr Fee	Capital Charge	Total Fee
Janeen Hamel	1.20	$77.02	$123.24	$271.02	$394.25
Russell & Jocelyn Bartholomew	1.2	$77.02	$123.24	$271.02	$394.25
Rhett & Laura Phillips	2	$94.37	$150.99	$451.70	$602.69
Merlene Irvine	1.8	$90.03	$144.05	$406.53	$550.58
Colleen White Lee	1.4	$81.36	$130.17	$316.19	$446.36
Jeffrey Tidwell	2.8	$111.72	$178.75	$632.38	$811.13
Sandra DeGraff	1.48	$83.09	$132.95	$334.26	$467.21
Taylor Hendershot	7.88	$221.88	$355.00	$1,779.69	$2,134.70
Phillip Bird	3.64	$129.93	$207.89	$822.09	$1,029.98
Lynn Bartholomew	2.36	$102.18	$163.48	$533.00	$696.49
Lauren Bryan	4.68	$152.49	$243.98	$1,056.97	$1,300.95
Brandon Ashby	1.64	$86.56	$138.50	$370.39	$508.89
Carl Burrows	1.48	$83.09	$132.95	$334.26	$467.21
Steven Bartholomew	1.96	$93.50	$149.60	$442.66	$592.27
Rulon Condie	2.56	$106.51	$170.42	$578.17	$748.60
Steve Van Wagenen	2.76	$110.85	$177.36	$623.34	$800.70
Jeremiah Maughan	7.56	$214.94	$343.90	$1,707.42	$2,051.32
Terry Reid	1.44	$82.23	$131.56	$325.22	$456.78
Michael Hill	0.68	$65.75	$105.19	$153.58	$258.77
Anthony Coulon	3.92	$136.01	$217.61	$885.33	$1,102.94
Ben Brown	3.00	$116.06	$185.69	$677.55	$863.24
Ben Brown	3.52	$127.33	$203.73	$794.99	$998.72
Oneita Fackrell	9.72	$261.78	$418.85	$2,195.25	$2,614.10
Amanda Monteinos/Barry Clanton	3.24	$121.26	$194.02	$731.75	$925.77
Robert Frazier	4.16	$141.21	$225.94	$939.53	$1,165.47
Ron Witney	1.72	$88.30	$141.28	$388.46	$529.74
Ronald Witney	1.72	$88.30	$141.28	$388.46	$529.74

Blaine Robertson	1.92	$92.64	$148.22	$433.63	$581.85
Blaine Hadley	3.92	$136.01	$217.61	$885.33	$1,102.94
Lon Henderson	5.56	$171.57	$274.51	$1,255.72	$1,530.23
Lori Walker	9.16	$249.63	$399.42	$2,068.78	$2,468.19
Patricia Spencer	6.88	$200.19	$320.31	$1,553.84	$1,874.15
Marshall Romney	6.04	$181.98	$291.16	$1,364.13	$1,655.29
John Hafen	8.68	$239.23	$382.76	$1,960.37	$2,343.13
Dave Barnett	0.72	$66.61	$106.58	$162.61	$269.19
Dell Gordon	0.32	$57.94	$92.70	$72.27	$164.97
Jason Freeman	0.56	$63.14	$101.03	$126.48	$227.51
Michael Hill	1.12	$75.29	$120.46	$252.95	$373.41
David Hullinger	2.64	$108.25	$173.20	$596.24	$769.44
Sharon Swapp	2.32	$101.31	$162.09	$523.97	$686.06
Rick Salisbury	0.88	$70.08	$112.13	$198.75	$310.88
Brent Simpson	2.44	$103.91	$166.26	$551.07	$717.33
Dale Jarman	8.84	$242.70	$388.31	$1,996.51	$2,384.82
Misty & Troy Hanks	3.52	$127.33	$203.73	$794.99	$998.72
Shane Munn	1.00	$72.69	$116.30	$225.85	$342.15
Steven Dayton	1.88	$91.77	$146.83	$424.60	$571.42
Harriet McEntire	2.32	$101.31	$162.09	$523.97	$686.06
Justin Earl	7.84	$221.01	$353.62	$1,770.66	$2,124.27
Gene Stulce	2.92	$114.32	$182.91	$659.48	$842.39
Brandee Black	1	$72.69	$116.30	$225.85	$342.15
Grant Weight	0.92	$70.95	$113.52	$207.78	$321.30
Ryan & Shelley Sorensen	1.8	$90.03	$144.05	$406.53	$550.58
Linda Lewis	3.08	$117.79	$188.46	$695.62	$884.08
Layne VanNoy	1.64	$86.56	$138.50	$370.39	$508.89
Howard Stewart	3.88	$135.14	$216.22	$876.29	$1,092.52
Niel Strong	2.84	$112.59	$180.14	$641.41	$821.55
Alrae Snyder	0.68	$65.75	$105.19	$153.58	$258.77
Current Resident	1.64	$86.56	$138.50	$370.39	$508.89
Bob Schneck	6.72	$196.72	$314.76	$1,517.71	$1,832.46
John Ashby	6.00	$181.11	$289.78	$1,355.09	$1,644.87

Scott Finlayson	0.64	$64.88	$103.81	$144.54	$248.35
Ross Riding	1.12	$75.29	$120.46	$252.95	$373.41
Leslie Mower	15.32	$383.21	$613.14	$3,460.01	$4,073.15
Keith Fackrell	32.12	$615.02	$984.03	$7,254.27	$8,238.31
Doug Witney	10.04	$268.72	$429.95	$2,267.53	$2,697.47
David Fuller	1.40	$81.36	$130.17	$316.19	$446.36
LDS Church Natural Resources	16.64	$411.84	$658.94	$3,758.13	$4,417.07
	270.48	$9,149.86	$14,639.77	$61,087.67	

Exhibit C

Sample Deeds

ENT 30157:2018 PG 1 of 2
Jeffery Smith
Utah County Recorder
2018 Mar 30 02:35 PM FEE 13.00 BY MA
RECORDED FOR Pro-Title and Escrow, Inc.
ELECTRONICALLY RECORDED

Send Tax Notices to:
Wildstar Farms, LLC
936 South 250 East #50232
Provo, UT 84605

WARRANTY DEED

PTE- 33437-P

Clair B. Shipp and Elma M. Shipp, Trustees (and their Successors in trust), Clair & Elma Shipp Family Trust U/A dated June 1, 1998

Grantor, County of Utah, State of Utah, hereby CONVEYS AND WARRANTS to

Wildstar Farms, LLC

Grantee, County of Utah, State of Utah, for the sum of

~ TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATIONS ~

the following described tract of land in Utah County, State of Utah:

See Attached Exhibit "A"

Together with two-thirds of an acre foot of Strawberry Water

SUBJECT TO EASEMENTS, RESTRICTIONS, RIGHTS OF WAY OF RECORD, AND TO GENERAL PROPERTY TAXES FOR 2018 AND THEREAFTER.

Witness the hand of said grantor this March 29, 2018

Clair & Elma Shipp Family Trust U/A dated June 1, 1998

Clair B. Shipp, Trustee

Elma M. Shipp, Trustee

STATE OF UTAH)
) §
County of Utah)

On this 29th of March, 2018, personally appeared before meClair B. Shipp and Elma M. Shipp, Trustees (and their Successors in trust), Clair & Elma Shipp Family Trust U/A dated June 1, 1998 , proved on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to on this instrument, and acknowledged to me that they executed the same.

MARK D. WILSON
NOTARY PUBLIC-STATE OF UTAH
COMMISSION# 698163
COMM. EXP. 01-03-2022

Notary Public

Pro-Title & Escrow, Inc.
File No. 33437-P

EXHIBIT "A"

A portion of the Southeast Quarter of Section 2, Township 8 South, Range 3 East, Salt Lake Base & Meridian, located in Springville, Utah, more particularly described as follows:

Beginning at a point on the westerly line of a Boundary Line Agreement recorded as Entry No 67313:2012 according to the Official Records of Utah County located South 89° 37' 56" West along the Quarter Section line 579.69 feet from the East Quarter Corner of Section 2, Township 8 South, Range 3 East, Salt Lake Base & Meridian; thence South 0° 21' 00" East along said Agreement 211.56 feet to a fence corner; thence North 78° 16' 00" West along a fence line 108.67 feet to a fence corner; thence North 0° 55' 30" West along the extension of, and along a fence line 188.79 feet to said Quarter Section line; thence North 89° 37' 56" East along the Quarter Section line 108.15 feet to the point of beginning.

CBS
EM.S.

ENT 30158:2018 PG 1 of 2
Jeffery Smith
Utah County Recorder
2018 Mar 30 02:35 PM FEE 12.00 BY MA
RECORDED FOR Pro-Title and Escrow, Inc.
ELECTRONICALLY RECORDED

Send Tax Notices to:
Wildstar Farms, LLC
936 South 250 East #50232
Provo UT 84605

WARRANTY DEED

PTE- 33437-P

Wildstar Farms, LLC

Grantor, County of Utah, State of Utah, hereby CONVEYS AND WARRANTS to

Wildstar Farms, LLC

Grantee, County of Utah, State of Utah, for the sum of

~ TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATIONS ~

the following described tract of land in Utah County, State of Utah:

See Attached Exhibit "A"

Together with two-thirds of a acre foot of Strawberry Water

SUBJECT TO EASEMENTS, RESTRICTIONS, RIGHTS OF WAY OF RECORD, AND TO GENERAL PROPERTY TAXES FOR 2018 AND THEREAFTER.

Witness the hand of said grantor this March 29, 2018

Wildstar Farms, LLC

Janai Maughan, Member

STATE OF UTAH)
) §.
County of Utah)

On this 29th Day of March, 2018, before me, the undersigned Notary Public, personally appeared Janai Maughan, known to me to be the member(s) or designated agent(s) of the limited liability company that executed the above, and acknowledged to be the free and voluntary act and deed of the limited liability company, by authority of statute, its articles of organization or its operating agreement, for the uses and purposes therein mentioned, and an oath stated that they are authorized to execute said instrument freely and voluntarily for the purposes and use herein mentioned on behalf of the limited liability company.

MARK D. WILSON
NOTARY PUBLIC - STATE OF UTAH
COMMISSION# 698163
COMM. EXP. 01-03-2022

Notary Public

Pro-Title & Escrow, Inc.
File No. 33437-P

EXHIBIT "A"

All of that Real Property described in Deed Entry No. 40483:2016 and a portion of that Real Property described in Deed Book 4649 Page 700 of the Official Records of Utah County, located in the SE1/4 of Section 2, Township 8 South, Range 3 East, Salt Lake Base & Meridian, Springville, Utah, more particularly described as follows:

Beginning at a point located S89°37'56"W along the 1/4 Section line 296.37 feet from the East 1/4 Corner of Section 2, T8S, R3E, S.L.B.& M. (Basis of Bearing: S0°00'50"E along the Section line between the East 1/4 Corner and the Southeast Corner of said Section 2); thence South 151.48 feet along that Real Property described in Deed Book 2768 Page 31 of the Official Records of Utah County; thence along the projection of, and along the north and west lines of that Real Property described as Deed Entry No. 3884:2006 the following 2 (two) courses: S89°45'13"W 139.38 feet; thence S1°03'09"E 303.19 feet to the northerly right-of-way line of Canyon Road; thence along said roadway: Northwesterly along the arc of a 991.13 foot radius non-tangent curve (radius bears: N1°22'54"E) to the right 30.05 feet through a central angle of 1°44'14" (chord: N87°44'59"W 30.05 feet); thence N1°03'09"W 120.00 feet; thence N75°17'14"W 119.27 feet to the westerly line of a Boundary Line Agreement recorded as Entry No 67313:2012 according to the Official Records of Utah County; thence N0°21'00"W along said Agreement 90.40 feet to a fence corner; thence N78°16'00"W along a fence line 108.67 feet to a fence corner; thence N0°55'30"W along the extension of, and along a fence line 188.79 feet to said 1/4 Section line; thence N89°37'56"E along the 1/4 Section line 108.15 feet to the northwest corner of said property described in Deed Entry No. 40483:2016; thence N89°37'56"E along the 1/4 Section line 283.25 feet to the point of beginning.

Contains: 2.12+/- acres

Subject to a 30' wide access easement as described in Deed Entry 40483:2016 of the Official Records of Utah County.

621

WHEN RECORDED, MAIL TO:

11229 I 1203-I-C

Space Above for Recorder's Use

WARRANTY DEED

RULON BLAINE TWITCHELL and JUDY B. TWITCHELL, his wife, grantors of Springville, County of Utah, State of Utah, hereby CONVEY and WARRANT to ROBERT L. FRAZIER and LUCILE B. FRAZIER, his wife, as joint tenants with right of survivorship,

grantees

of Springville, County of Utah, State of Utah

for the sum of TEN DOLLARS,

and other good and valuable consideration,

the following described tract of land in Utah County,

tate of Utah, to-wit:

Beginning at a point which is North along the Section line 1035.34 feet and East 1962.85 feet from the West 1/4 corner of Section 2, Township 8 South, Range 3 East, Salt Lake Base and Meridian; thence North 0° 19' West 201.5 feet; thence North 88° 11' East 276.70 feet; thence South 0° 19' East 204.50 feet; thence North 89° 19' West 276.68 feet to the point of beginning. Area 1.29 acres.

Together with and subject to a right of way for road purposes described as follows: Beginning at a point which is North along the Section line 833.58 feet and East 1962.85 feet from the West 1/4 corner of Section 2, Township 8 South, Range 3 East, Salt Lake Base and Meridian; thence North 89° 19' West 25.00 feet; thence North 0° 19' West 805.16 feet; thence North 88° 11' East 50.00 feet; thence South 0° 19' East 807.35 feet; thence North 88° 19' West 25.00 feet to the point of beginning.

Also, together with 2.5 acre feet of strawberry water.

Subject to all easements and restrictions of record and the general taxes for the year 1966.

WITNESS the hands of said grantors, this 15th day of September A. D. 1966.

Signed in the presence of

Rulon Blaine Twitchell

Judy B. Twitchell

STATE OF UTAH,
COUNTY OF Utah } ss.

On the 15th day of September, A.D. 1966, personally appeared before me Rulon Blaine Twitchell and Judy B. Twitchell, his wife, the signers of the within instrument, who duly acknowledged to me that they executed the same.

Notary Public.

My commission expires November 13, 1966 Residing in Springville, Utah

FORM 101 WARRANTY DEED—KELLY CO., 134 W. SECOND S., S.L.C.—L-1108

2-8-35 SJH

11229

THELMA WESTERGARD
UTAH COUNTY RECORDER

1966 SEP 27 PM 8:01

BOOK
ABS
P.R.
IND.
FEE

$2.90

Robert L. Fragier
1050 E. 4th So.
Springville, Utah

622

622

15387 27699

WARRANTY DEED

ser no I1203-11

WILMA FACKRELL KOYLE, a woman

Grantor..., of Spanish Fork, Utah

hereby CONVEYS AND WARRANTS to JAMES NIELSEN STRONG and CAROLEE STRONG Husband and wife as joint tenants.

Grantee..., of Spanish Fork, Utah County, UTAH
(Street Address, City, County, State)

for the sum of Ten Dollars and other good and valuable consideration, DOLLARS

the following described tract of land in Utah County,

State of Utah, to-wit:

NE 1/4

Beginning at a point which is North along the Section line 1664.77 feet and East 1962.46 feet from the West Quarter Corner of Section 2, Township 8 South, Range 3 East, Salt Lake Base and Meridian; thence North 0° 19' West 221.64 feet; thence North 88° 11' East 210.29 feet; thence South 0° 19' East 221.64 feet; thence South 88° 11' West 210.29 feet to the point of beginning. Area 1.07 acres.

SUBJECT TO A ROAD RIGHT OF WAY OVER THE WEST APPROXIMATELY 30 FEET THEREOF.

TOGETHER WITH THE FOLLOWING DESCRIBED RIGHT OF WAY TO BE USED IN COMMON WITH OTHERS:
Beginning at a point which is North along the Section line 833.53 feet and East 1967.06 feet from the West quarter corner of Section 2, Township 8 South, Range 3 East, Salt Lake Base and Meridian; thence North 89° 19' West 25.00 feet; thence North 0° 19' West 1387.16 feet; thence North 88° 11' East 50.00 feet; thence South 0° 19' East 1389.35 feet; thence North 89° 19' West 25.00 feet to the point of beginning.

Together with a water right of Two Acre Feet through the Strawberry Water Users Association and Springville Irrigation Company.

WITNESS THE HAND.... of said Grantor.... this 6th day of August, A. D. 19 75

Signed in the presence of

Wilma Fackrell Koyle

STATE OF UTAH, County of UTAH } ss.

On the 6th day of August, A. D. 19 75, personally appeared before me, a Notary Public in and for the State of Utah, WILMA FACKRELL KOYLE, a woman

the signer.... of the above instrument, who duly acknowledged to me that she.... executed the same.

JOSS NIELSEN NOTARY PUBLIC UTAH

Notary Public

My commission expires 2-7-1979 Residing at Spanish Fork, Utah

ZIONS FIRST NAT'L BK
Box 279
Spanish Fork
Utah
Standard Supply Co.—Provo Utah

1975 DEC 11 AM 11:16
NINA E. REES
UTAH COUNTY RECORDER
FEE $4.00 BY

RECORDED AT THE REQUEST OF SECURITY TITLE & ABS. CO.

15387

MAIL TAX NOTICE TO

BOOK 1429 PAGE 15

77

77

14002 I 1185=A

WARRANTY DEED

FLORA D. DIAMOND,

Grantor..., of R.F.D Box 421, Springville, Utah

hereby CONVEY S. AND WARRANT S. to DALE ARTHUR JARMAN and MELBA LYNNE JARMAN, his wife, as joint tenants with right of survivorship,

Grantee S., of ..... Springville, Utah, Utah
(Street Address) (City) (County) (State)

for the sum of TEN DOLLARS and other good and valuable consideration DOLLARS

the following described tract of land in Utah County, State of Utah, to-wit:

Beginning at the East Quarter Corner of Section 2, Township 8 South, Range 3 East, of the Salt Lake Base and Meridian: thence North 89°25' East 247.90 feet; thence South 0°03' West 358.59 feet; thence South 72°55' West 129.33 feet; thence South 81°49' West 273.45 feet; thence South 82°06' West 151.11 feet; thence North 457.24 feet; thence South 89°19½' East 296.38 feet to the beginning.

SW 8647-64

Together with five (5) acre feet of Strawberry Water; but subject to all easements and restrictions of record or enforceable in law or in equity.

Reserving unto Seller, her heirs and assigns, a right of way over and across said property for the purpose of conveying irrigation water at such location as the parties agree or along the boundary lines if there is no agreement.

WITNESS THE HAND.... of said Grantor.... this 19th day of June, A. D. 19 64

Signed in the presence of

Flora D. Diamond

STATE OF UTAH,
County of UTAH } ss.

On the 19th day of June, A. D. 19 64, personally appeared before me, a Notary Public in and for the State of Utah, Flora D. Diamond

the signer.... of the above instrument, who duly acknowledged to me that she.... executed the same.

Notary Public

My commission expires November 13, 1966 Residing at Springville, Utah

JUDY J. SUISTON
NOTARY PUBLIC
STATE OF UTAH

1966 DEC 12 PM 12:01
BOOK
ABS
P.R.
IND.
FEE
PAGE
SEC.
TWP.
RANGE
THELMA TOLSTRUP, RECORDER
UTAH COUNTY RECORDER

Recorded Dec 12 66 at 12:01 PM in Book 577 Page 77 Fee $2.50

MAIL TAX NOTICE TO

1-8-3E

14002

Standard Systems — Provo, Utah

Exhibit D

Water Right Information

Services Agencies Search Utah.gov

Water Right Details

Open Classic View

Water Right: 51-6025 Display/Refresh Run Date: 5/10/2021 3:54:48 PM

Select Related Information

WARNING: Water Rights makes NO claims as to the accuracy of this data.

Water Right: 51-6025 Application/Claim Number: Certificate Number:

Home Display
Scanned Documents
Print

View Map

Owners

Name: Springville Municipal Corporation
Address: 110 South Main Street
Springville UT 84663

Interest: 100%

Remarks:

General

Type of Right: Diligence Claim Source of Info.: Proposed Determination **Status: Water User's Claim**
Quantity of Water: 6.5 CFS

Source: Hobble Creek (Highline Ditch)
County: Utah
Common Description:

Proposed Determin. Book: 51-4 Map: 11 Publication Date:

Land Owned by Applicant: County Tax Id#:

Distribution System: 75: HOBBLE CREEK

Dates

View More

Filing:
Filed: 10/23/1990
Priority: / /1851 Decree/Class:

Advertising:
Protest End Date: Protested: Not Protested Hearing Held:

Approval:
State Engineer Action: Action Date:

Certification:
Proof Due Date:
Certificate Date: Lapsed, Etc. Date: Lapsed Letter Date:

Points of Diversion View Map

Points of Diversion - Surface

(1) S 800 feet E 3150 feet from NW corner, Sec 06 T 8S R 4E SLBM

Diverting Works: Source:
Elevation: UTM: 454829.86, 4445364.89 (NAD83)

Stream Alteration Required: No

Water Uses View Map View Use Data

Water Use Group Number: 231705

Water Rights Appurtenant to the following use(s): 51-6025(WUC), 51-6130(DIL),

Irrigation-Beneficial Use Amount: Unevaluated acres Group Total: 1.52 Prd of Use: 04/01-10/31

Place of Use	North West Quarter				North East Quarter				South West Quarter				South East Quarter				Section
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	Totals
Sec 02 T 8S R 3E SLBM		0.91			0.61												1.52
																Group Acreage Total:	1.52

In addition to the water rights in this group, water
was also supplied to the place of use described by this group by the following company(ies):
Strawberry Water Users Association

Water Use Group Number: 631859

Water Rights Appurtenant to the following use(s): 51-6025(WUC),

Irrigation-Beneficial Use Amount: Unevaluated acres Group Total: 106.27 Prd of Use: 04/01-10/31

Stock Water-Beneficial Use Amount: Unevaluated Group Total: 300 Prd of Use: 01/01-12/31

Place of Use	North West Quarter				North East Quarter				South West Quarter				South East Quarter				Section
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	Totals
Sec 01 T 8S R 3E SLBM			4.3	1.2					8.2	11.7			10.1				35.5
Sec 02 T 8S R 3E SLBM		6.5		15.37	0.89		19.07	4.01					6.06	18.87			70.77
																Group Acreage Total:	106.27

In addition to the water rights in this group, water
was also supplied to the place of use described by this group by the following company(ies):
Strawberry Water Users Association

Water Use Group Number: 631864
Water Rights Appurtenant to the following use(s): 51-5527(UGWC), 51-6025(WUC),

Irrigation-Beneficial Use Amount: Unevaluated acres Group Total: 4.41 Prd of Use: 04/01-10/31

Place of Use	North West Quarter				North East Quarter				South West Quarter				South East Quarter				Section
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	Totals
Sec 02 T 8S R 3E SLBM							4.41										4.41
																Group Acreage Total:	4.41

In addition to the water rights in this group, water
was also supplied to the place of use described by this group by the following company(ies):
Strawberry Water Users Association

Water Use Group Number: 631912
Water Rights Appurtenant to the following use(s): 51-5224(DIL), 51-5328(DIL), 51-5329(WUC), 51-5330(UGWC), 51-5520(SHAR), 51-6025(WUC), 51-6027(WUC),

Irrigation-Beneficial Use Amount: Unevaluated acres Group Total: 10.33 Prd of Use: 04/01-10/31

Place of Use	North West Quarter				North East Quarter				South West Quarter				South East Quarter				Section
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	Totals
Sec 02 T 8S R 3E SLBM		5.33	0.11	2.96									0.54	1.39			10.33
																Group Acreage Total:	10.33

In addition to the water rights in this group, water
was also supplied to the place of use described by this group by the following company(ies):
Strawberry Water Users Association

Use Totals - for 4 groups

Use Type	Sole Supply Total	Group Total
Irrigation:	Unevaluated acres	122.53 acres
Stock Water:	Unevaluated ELUs	300 ELUs

Other Comments

Water user`s Claim 51-6025 represents a claim by Springville City to utilize water from the Hobble Creek and spring Creek systems(supplemented by Strawberry Project water). The water right represented by this claim is delivered from Hobble Creek
through the Highline Canal. Water User`s Claim 51-6025 is limited to a 62.33% interest in the water delivered through the Highline Canal for the irrigation of the 122.53 acres of land described below.

In addition to the Springville City claim set forth in this Water User`s Claim, the city also delivers irrigation water (including some water for stockwatering in summer only) to certain other water users through the Highline Canal to satisfy their individual irrigation requirements. The rights out of the Highline Canal and the acreage as described and limited by the hydrographic survey prepared by the Utah State Engineer are as follows:

W.U.C. No.	Name	Acres	% of Flow
51-6025	Springville City	122.53	62.33
51-6211	Murdock, Captola C.	38.22	19.44
51-6214	LDS Church	7.36	3.74
51-6215	Hatch, Lyle D.	1.46	0.75
51-6216	Whiting, Melvin L.	0.57	0.29
51-6217	Fuller, David & Ruth M.	.27	0.14
51-6218	Jones, William C. & Paula O.	0.38	0.19
51-6219	Cherrington, A. Bert & Julia A.	25.80	13.12
	Totals	196.59 acres	100%

The total acreage for the group of individual irrigators is 74.06 acres. The individual irrigation rights to the 74.06 acres surveyed by the State Engineer are supplied by Springville City through the Highline Canal in exchange for Spring Creek water that, prior to the exchange, had been used to irrigate these 74.06 acres. No water is supplied thorough the Highline Canal to any users during the non-irrigation season.

The exchange of Hobble Creek and Strawberry Project water for the Spring Creek water on this 74.06 acres was perfected as one part of a more comprehensive municipal water development program whereby Springville City acquired the right to the use of 5.5 cfs of water from the Spring Creek system for year-round municipal purposes. Springville`s Spring Creek municipal right is set forth in Water User`s Claim 51-6027. Springville`s right to the Spring Creek system is referenced and recognized in Certificate No. 2161. The Fourth

District Court also confirmed Springville`s right to Spring Creek, including the right of exchange in Murdock v. City of Springville, civil No 22850, Utah County. Paragraph 3 of the Booth Decree (Springville vs. Mapleton) also recognized Spring Creek as being a source of supply for Springville City.

Utah Division of Water Rights | 1594 West North Temple Suite 220, P.O. Box 146300, Salt Lake City, Utah 84114-6300 | 801-538-7240
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Exhibit E

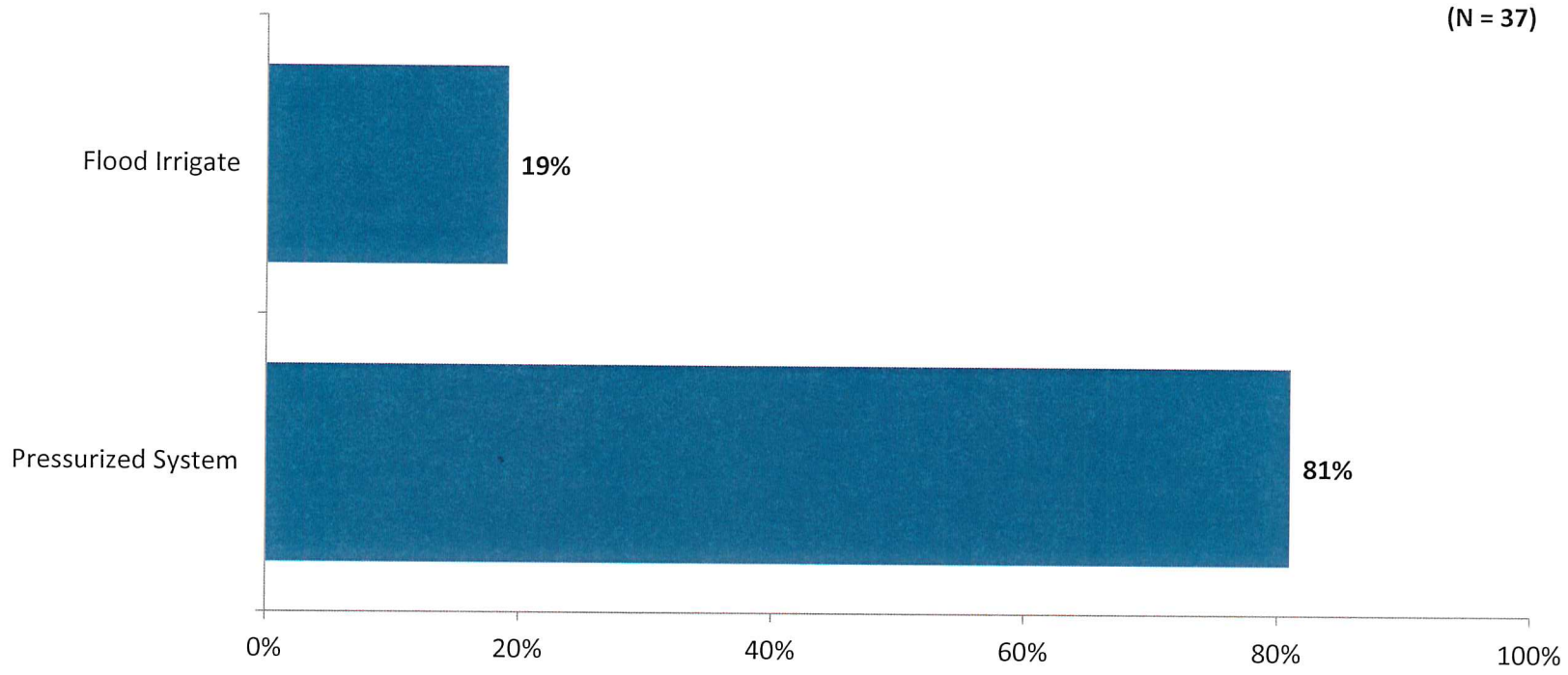
Survey

Highline Ditch Survey

Results and Analysis

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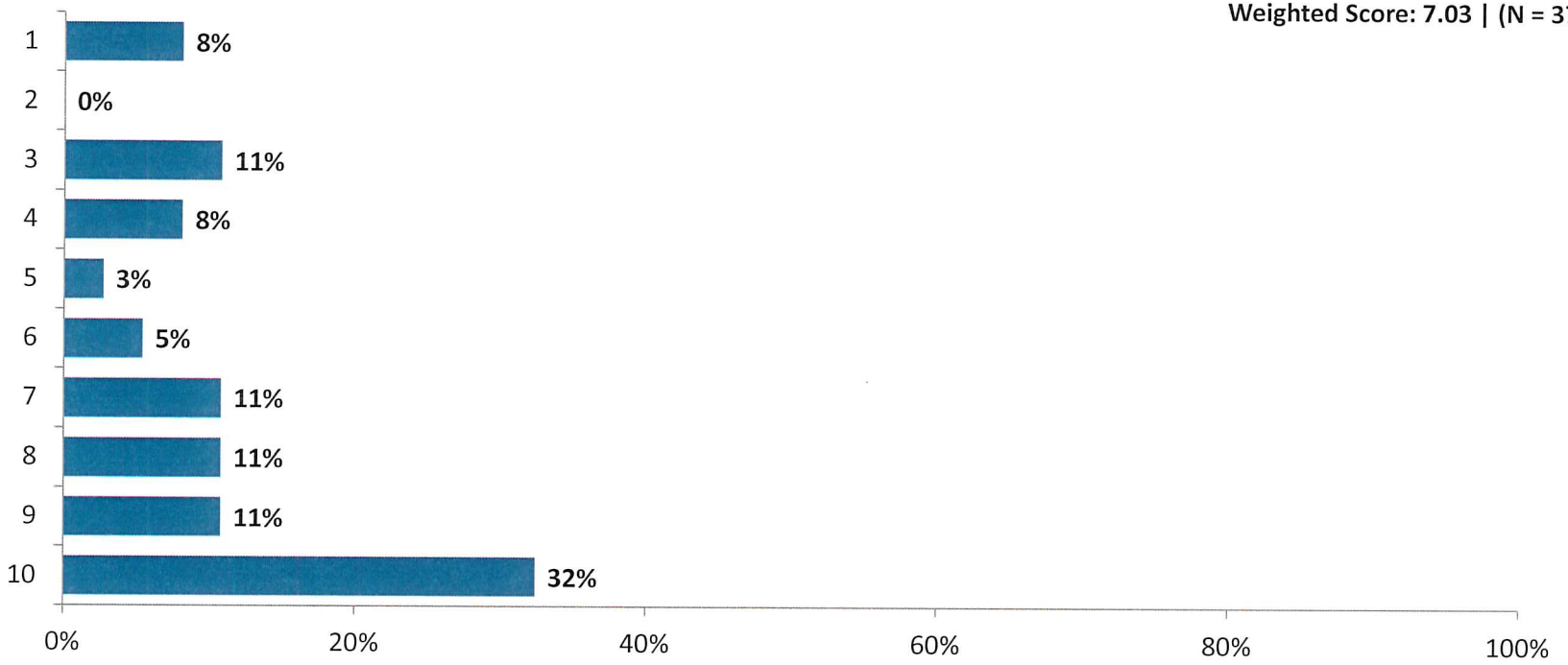
Do you flood irrigate from the Highline Ditch or have a pressurized system?



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Multiple state and court actions have held that Springville City owns the water rights in the Highline Ditch. How strongly do you feel that you OWN some right to the water in Highline Ditch? (1 = not strongly at all. 10 = extraordinarily strong)

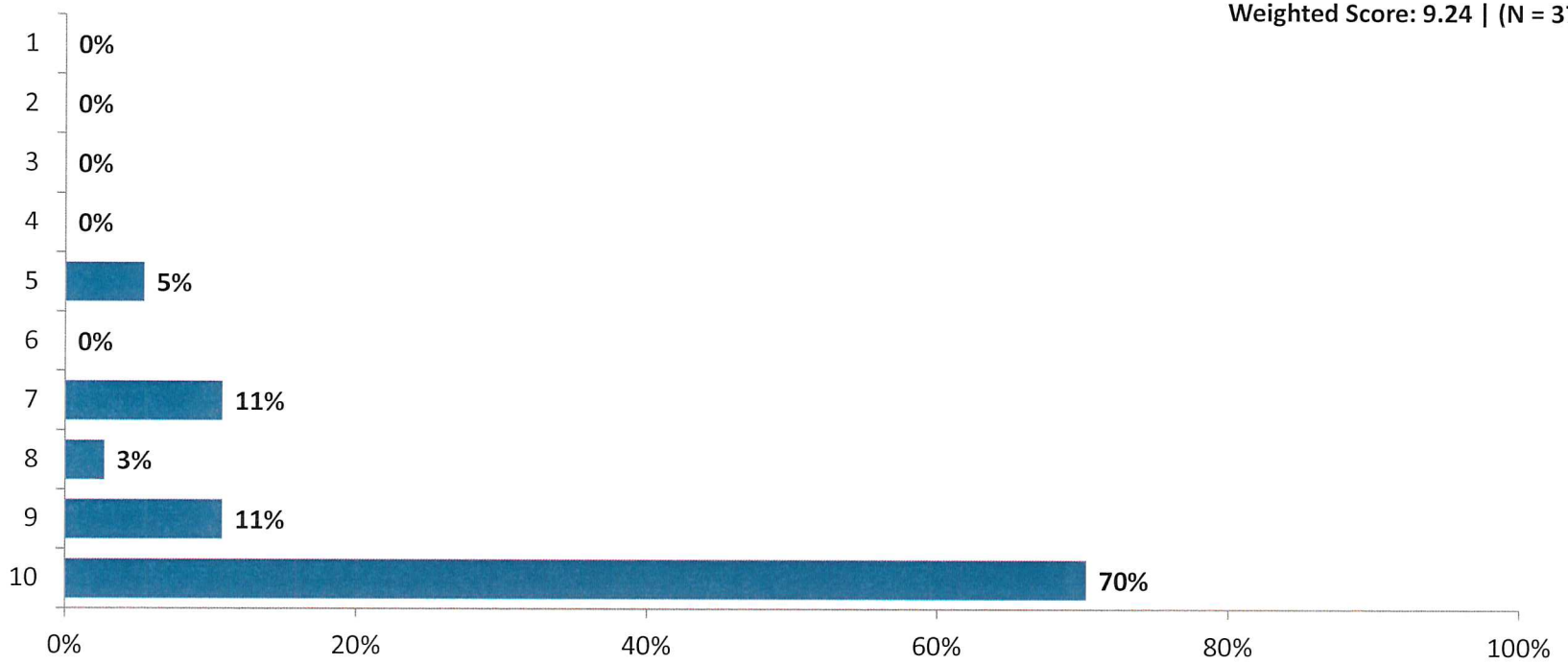
Weighted Score: 7.03 | (N = 37)



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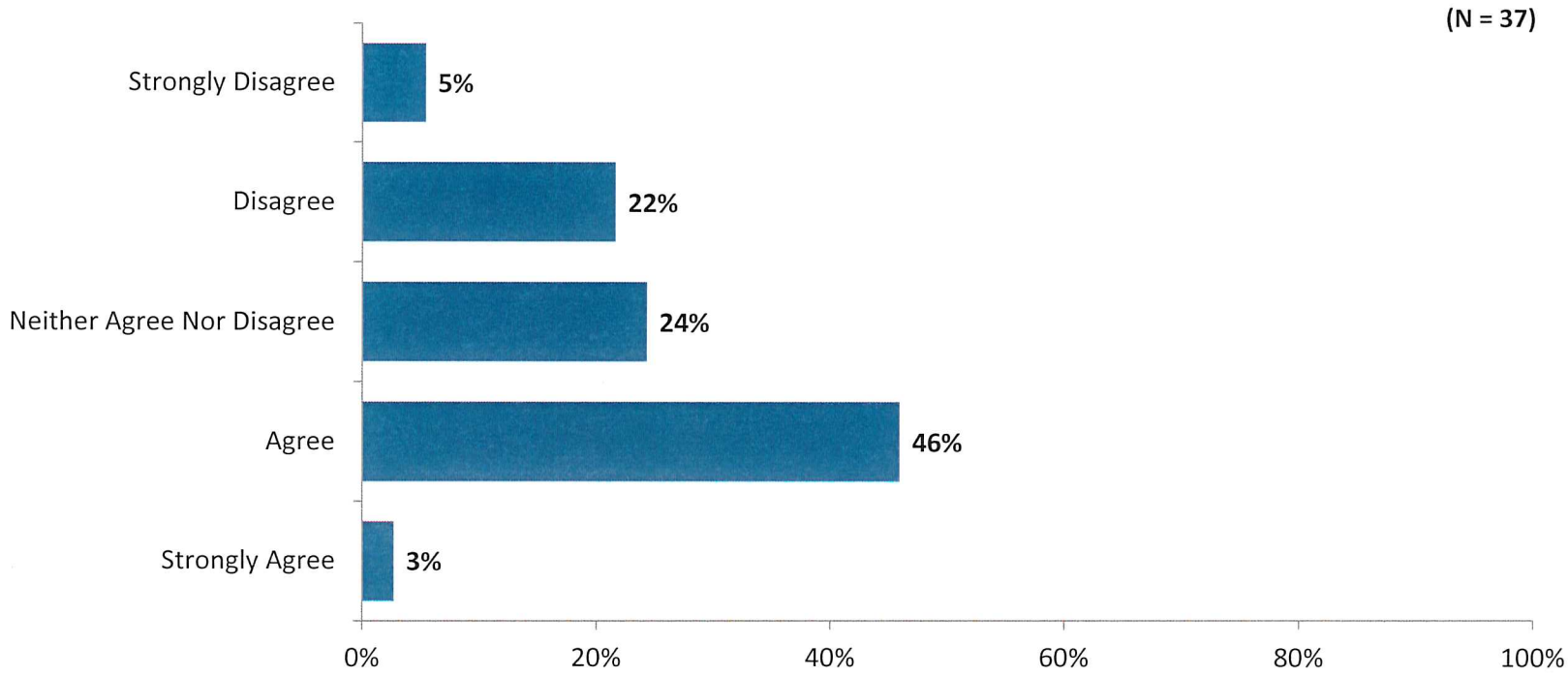
How strongly do you feel that Springville City has a MORAL obligation to continue to supply you water through the Highline Ditch?(1 = not strongly at all. 10 = extraordinarily strong)

Weighted Score: 9.24 | (N = 37)



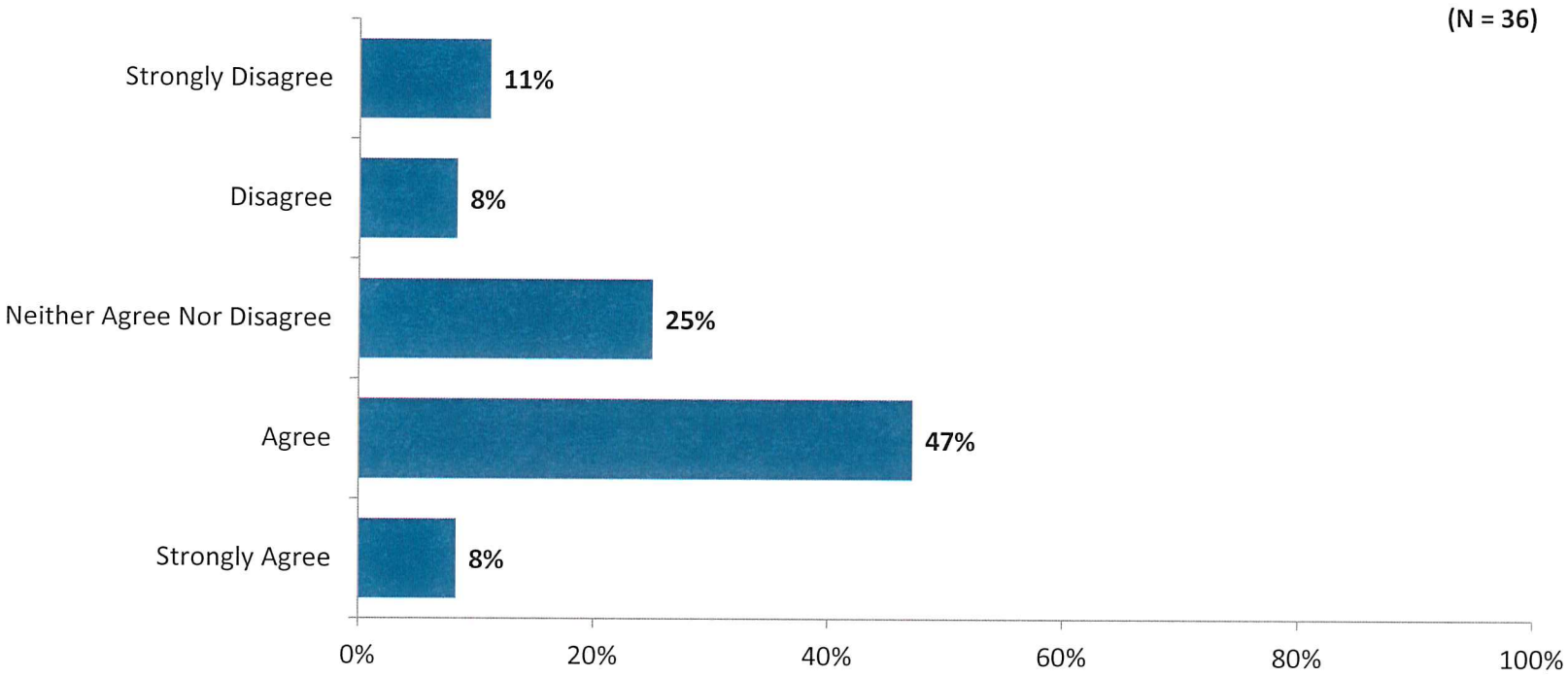
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Do you agree or disagree that you have an obligation to pay for the following:: Operational Costs of the Highline Ditch



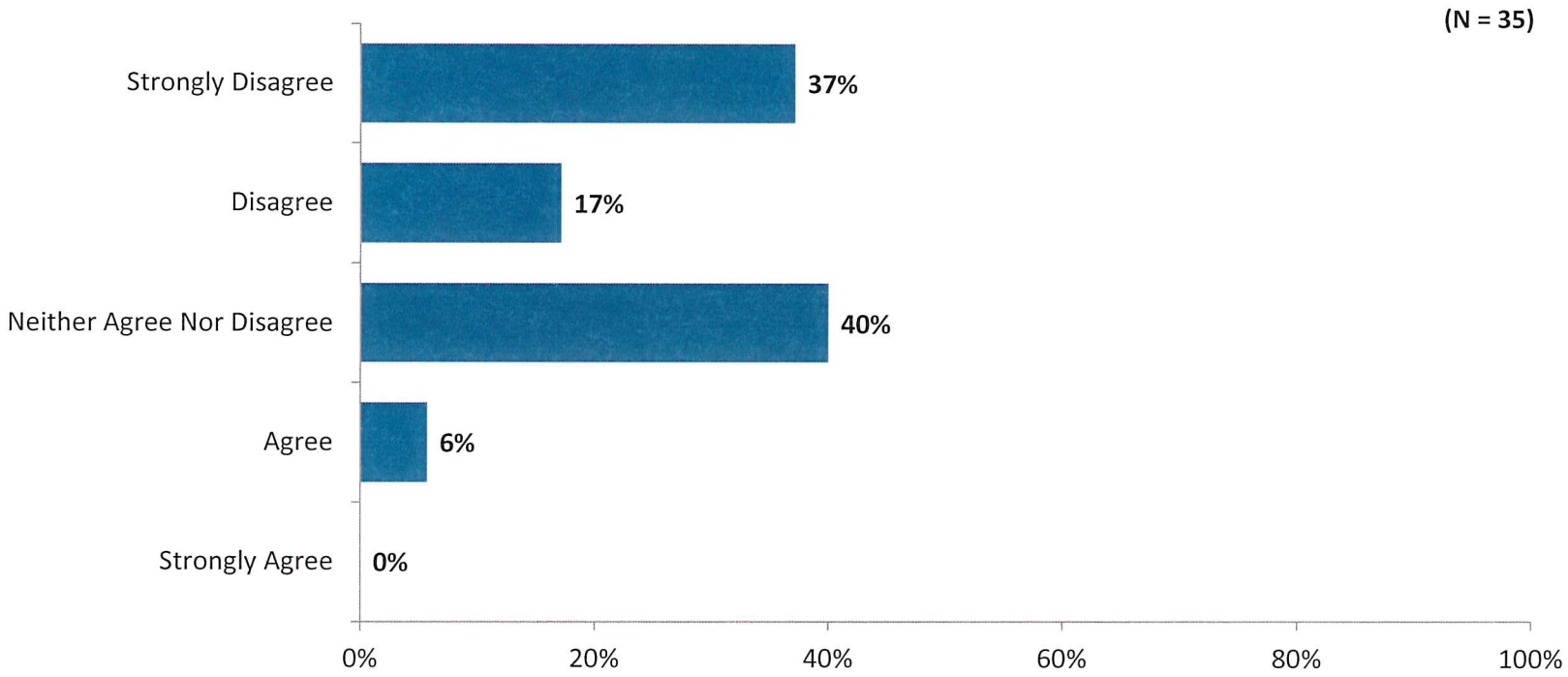
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Do you agree or disagree that you have an obligation to pay for the following:: Water Costs for the Highline Ditch



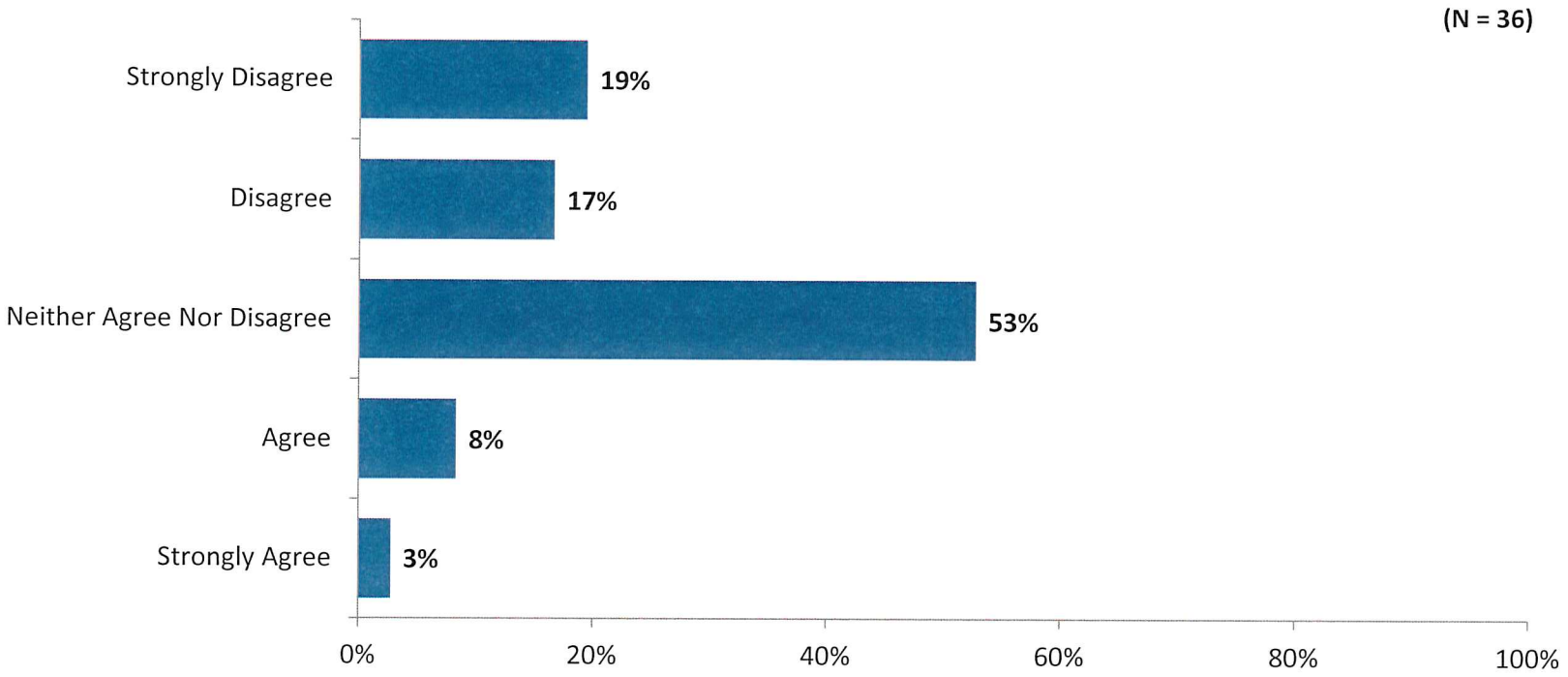
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Do you agree or disagree that you have an obligation to pay for the following:: Capital Costs (Project costs to improve the Ditch itself)



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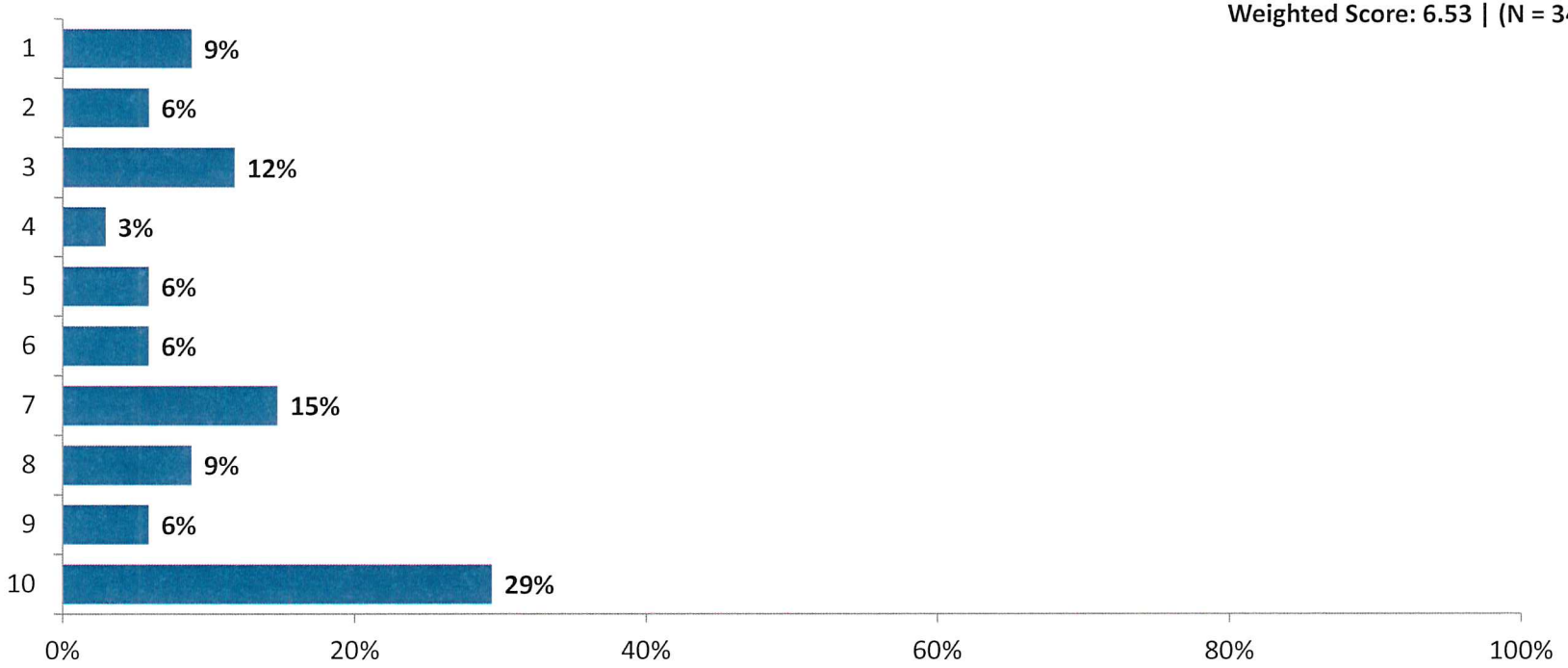
Do you agree or disagree that you have an obligation to pay for the following:: Strawberry Water Costs



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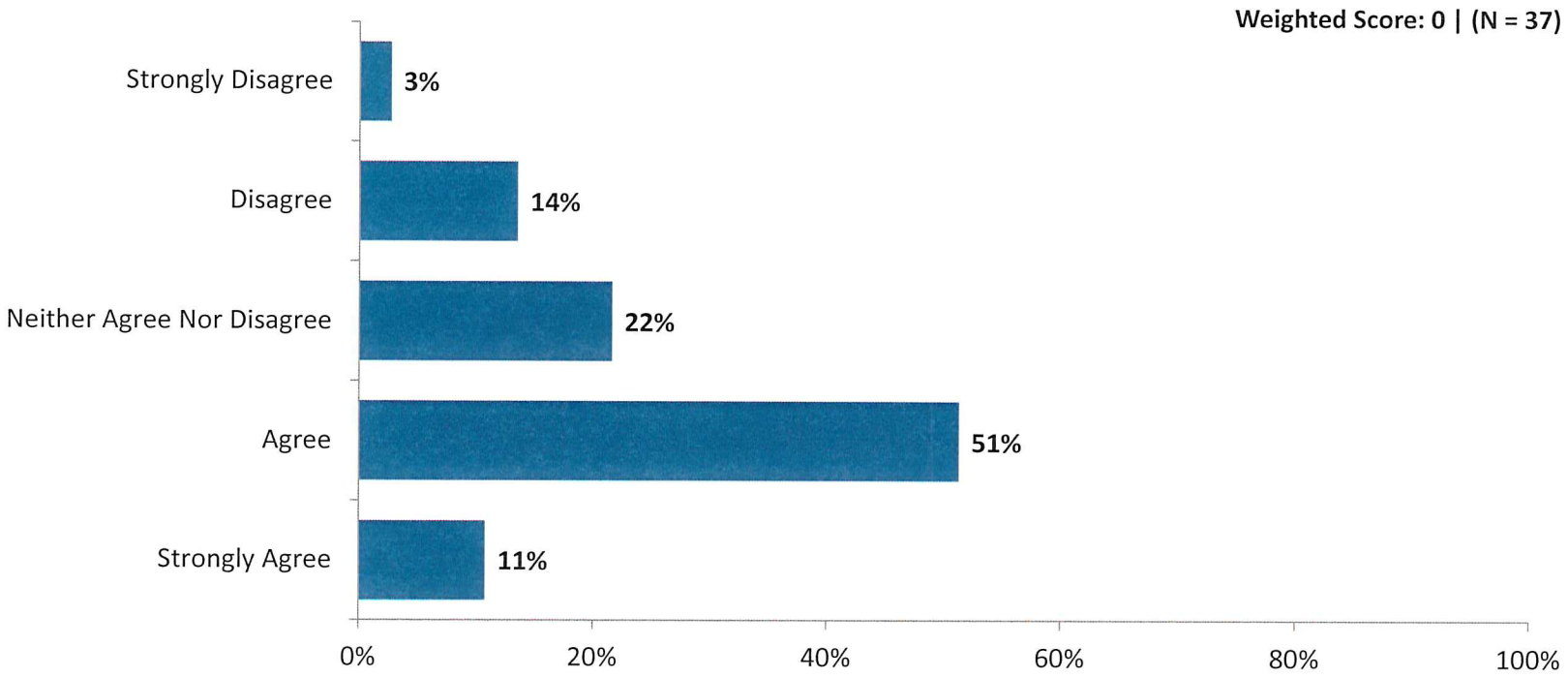
Improving the Highline Ditch will be very expensive. Even after improvements, legal questions and risk will remain for users of the Highline Ditch on the private portions of the system. On the range below indicate how strongly you feel that the City should the City explore solutions for providing water a different way or simply keep the ditch in good repair, regardless of the cost? (1= Explore Options, 5= Neutral, 10=Repair the Ditch)

Weighted Score: 6.53 | (N = 34)



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There are many different stories about how each user came to be on the Highline Ditch. Do you agree or disagree that each user along the ditch should be treated the same?



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Do you have comments on how different users on the Highline Ditch should be treated?

Response No	Answer text
1	Length of time using the ditch is of no consequence to me. Responsibility and cost should be based on usage.
3	It seems as though some have a stronger case for use. I really do not know who those are but there should be a reasonable way to determine that.
9	I've always understood that I own the share and it's up to the individual to get the water from the ditch to the property, which a few of us already have and has worked well for 30 some odd years. Why would I want to change what I already have ?

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Do you have comments on how different users on the Highline Ditch should be treated? (Continued)

Response No	Answer text
11	There are a few who claim a water right because they joined Cherrington several years ago. In my opinion, they will be "hard put" to claim priority in this matter. In my opinion, we are at the point of treating most users the same, whether they were included in the original Cherrington or not.
14	The pipe that I get my water from, was to be used by the three property's that development in up on the hill.paid to run the line only. I have the paper work that shows who paid to run the line, when they were putting in that devel

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Do you have comments on how different users on the Highline Ditch should be treated? (Continued)

Response No	Answer text
15	I have been cooperating with other users and will continue to do so. I hope more than 30 years of continual use and cooperation will hold some value.
16	The city has already made agreements through the court on our water. If the city wanted to breach the contract already made with the few of us that own shares, vs the ones that don't, then I could see how the city would have to treat them different. But we all should be treated the same.

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Do you have comments on how different users on the Highline Ditch should be treated? (Continued)

Response No	Answer text
18	Everyone should be treated fairly, everyone has their own reasons that they feel the hi-line ditch improves their lives.
19	Proporational to ownership (shares) or use (land size).
20	we feel that those with small properties say less than1/2 acre be put off and the remaining water go to larger properties that are maintaining animals or large gardens.
21	It depends on user's location the conditions of their attachment to the ditch.

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Do you have comments on how different users on the Highline Ditch should be treated? (Continued)

Response No	Answer text
22	Retired widows should be treated as Jesus would want. It is a crime that new development should should bring stress to our retired. Water and property taxing of these widows is shameful. This is not a business, these are real people.
26	Many of us purchased the pipe and help put the highline ditch in place. Others, however have purchased homes that have it already in place . It would be nice for the pioneers and long time users to have the resources that they are in need of .

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Do you have comments on how different users on the Highline Ditch should be treated? (Continued)

Response No	Answer text
27	I don't know all the users nor how their "right" to the water came to be.
30	No
31	If I knew the stories I might answer differently.
34	I think it should be considered that some owners have a lot more land and water than others. Nonetheless, all of them came to be on the ditch somehow and that should count for something. I sought out and paid more for my land expressly because it was on the ditch.

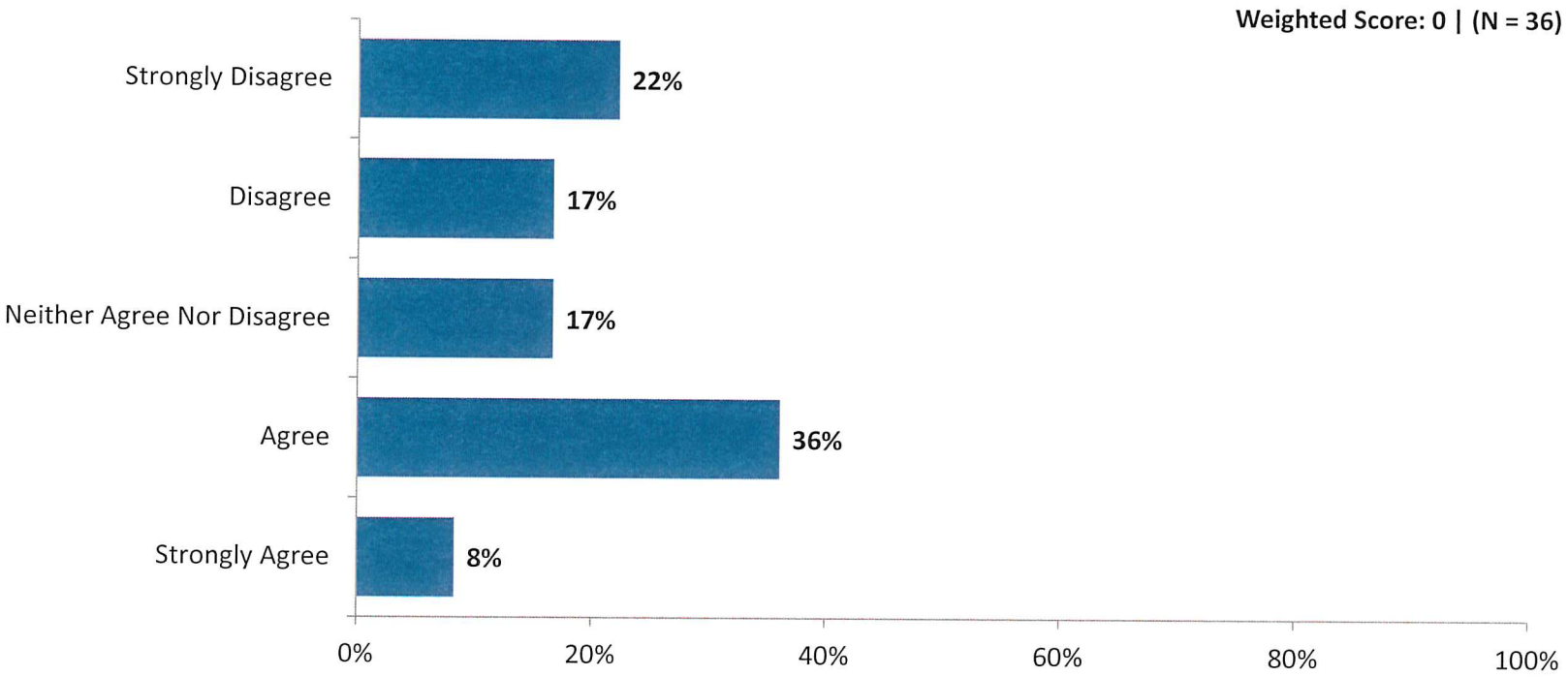
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Do you have comments on how different users on the Highline Ditch should be treated? (Continued)

Response No	Answer text
35	Property owners who have documentation in trust deeds, etc., should be allowed to use water in the ditch. Those with no documentation should not be allowed to use water from the ditch. The city claims that the ditch needs extensive repairs; ditch users should be shown what and where these repairs
36	The City should honor historical irrigation agreements with landowners
37	If you have legitimate shares, then you should be metered to make sure those who are still flood irrigating are not using more shares than they own.

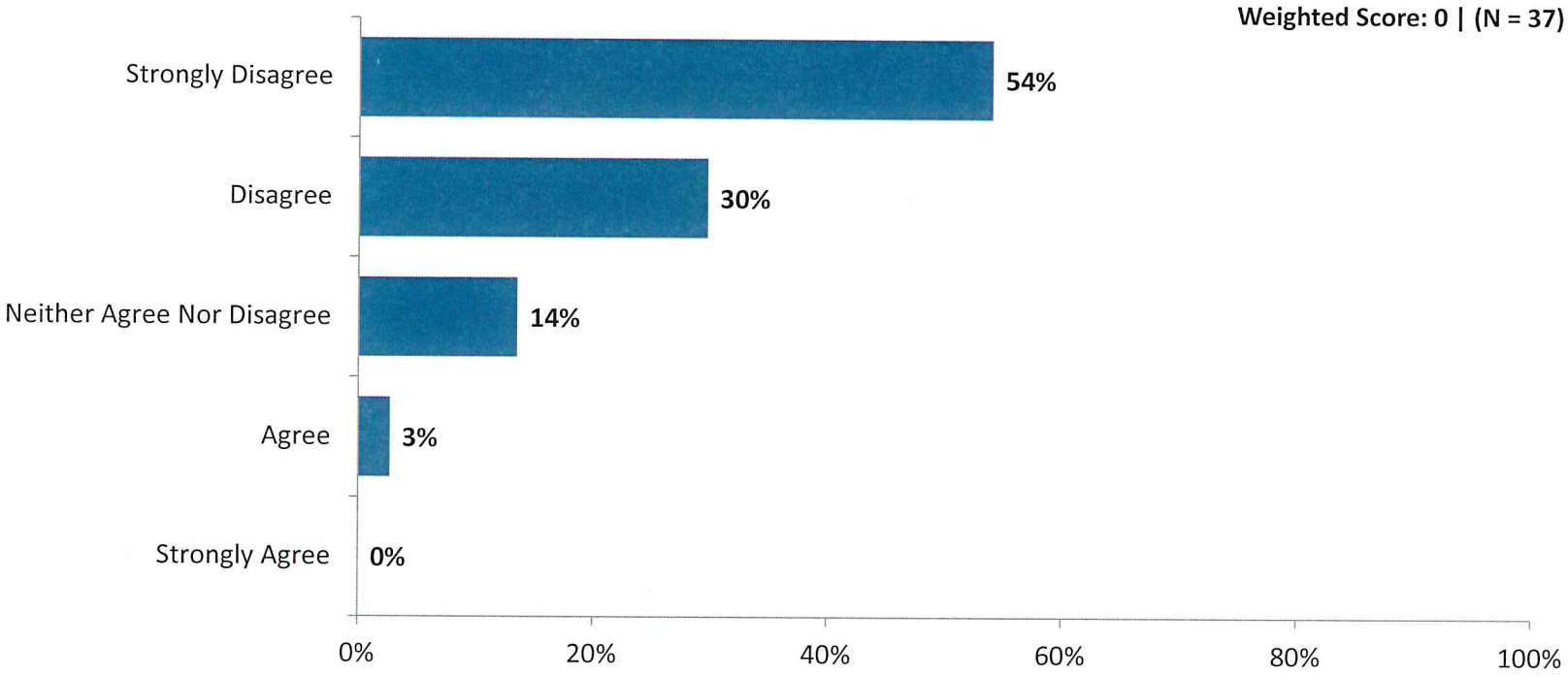
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Continue to use the Highline Ditch until the risk is too great or until the Ditch fails then require Users to connect to the culinary system at culinary rates. (It is currently estimated that risk on the ditch will grow annually and that it is unlikely that the ditch will survive without significant repairs for more than 10 years.)



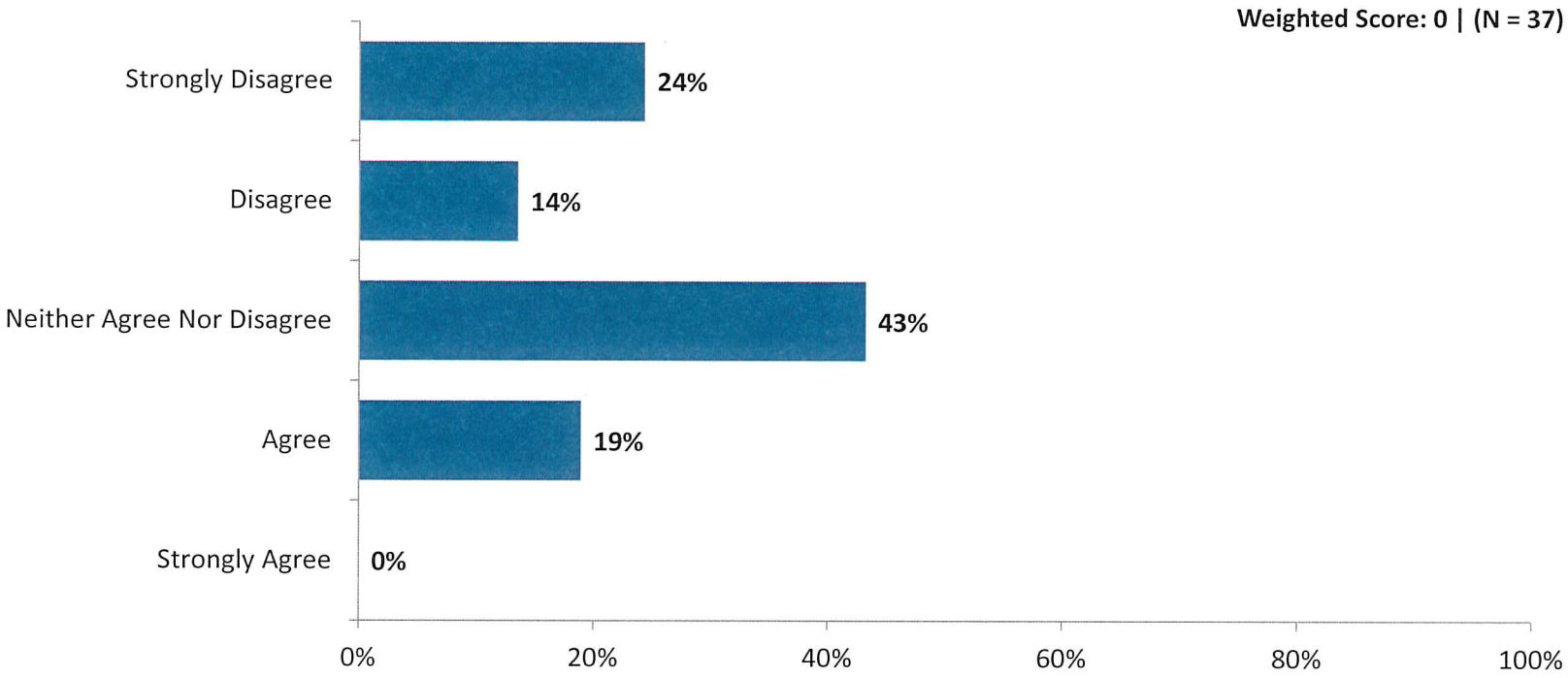
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Make capital improvements to fix the system and bill the users for the operational and capital costs. (This would result in significantly higher bills that are similar to and perhaps higher than culinary water rates.)



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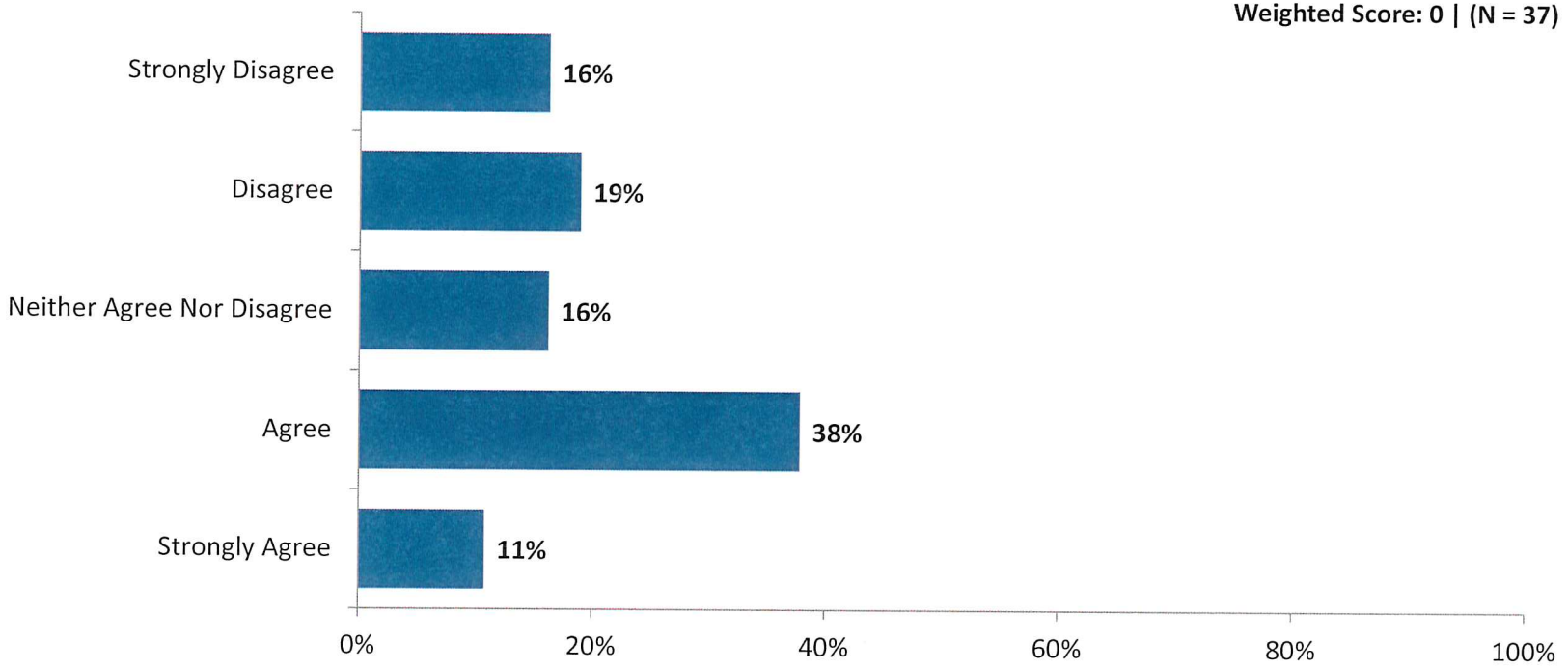
The City believes that it owns all of the water in the Highline Ditch. However, this proposal would pay Users "shares," "rights" or "exchange" value in the Highline Ditch and then convert users to the Culinary Water system over the next few years. The Users would be paid based upon the number of acre feet that the are billed for each year. (Water would be purchased at a value, perhaps $1,500 per acre foot.)



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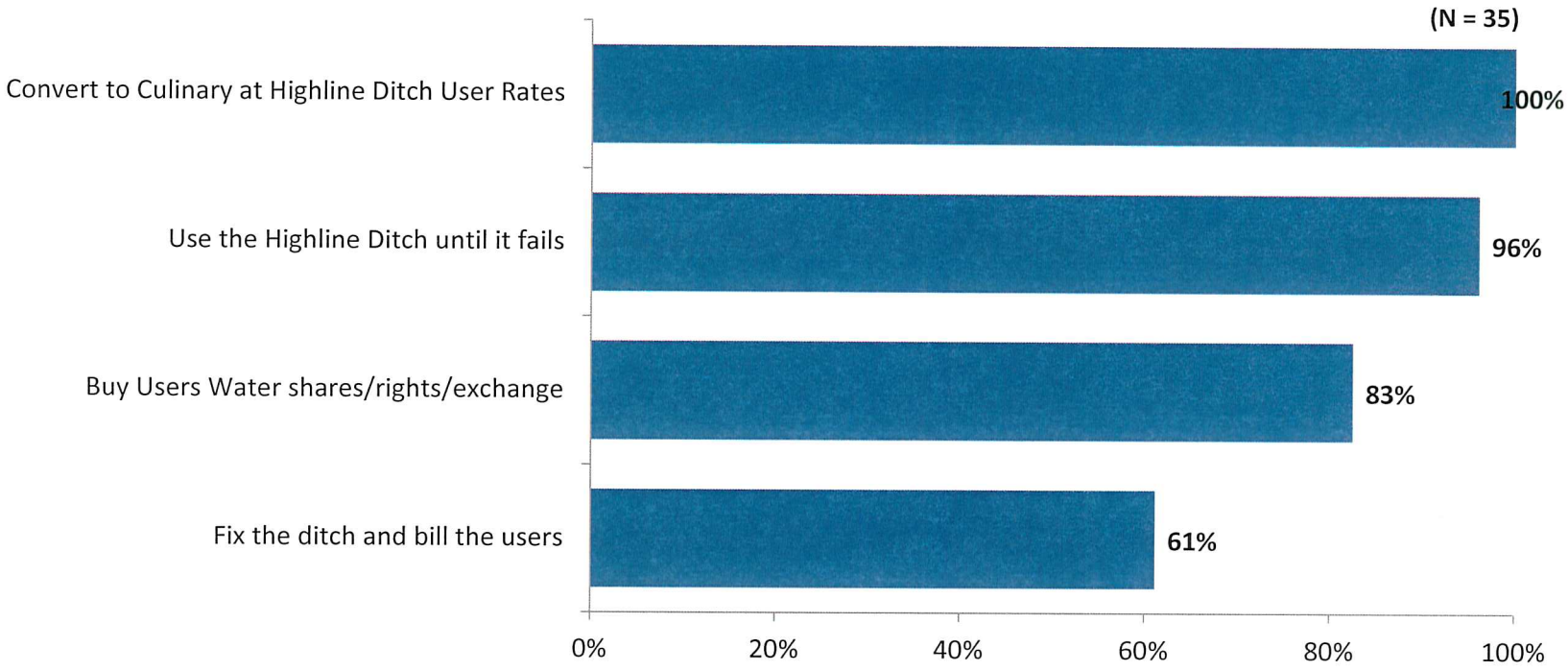
Operate the Highline Ditch for the next 3-5 years. At the end of the time period, Users will need to convert to the Culinary System. Users would be billed at a very low rate (similar to Highline Costs) for an additional 5 years. After 8-10 years, the rate would escalate over time to equal the culinary rates at the time. (Example: Highline Ditch runs for 3 years. User convert to Culinary and get Highline Rates for 5 more years. After 8 years, the rate would increase 20% per year until the User rate equals culinary rates. This would take an additional 10-20 years to catch the culinary rate.)

Weighted Score: 0 | (N = 37)



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Please rank the available options from best to worst.



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Do you have other concepts, ideas or solutions that have not been considered in the options above?

Response No	Answer text
1	Allow or offer volunteer work parties of ditch users to assist with the maintenance and upkeep of the ditch, there must be something that the lay person can do to assist in maintenance that may extend the life of the ditch.
3	I have mentioned this before... The cost of converting my pressurized system to culinary would be very expensive and I can not afford to do that. My irrigation water comes in through our back fence and the culinary water comes in through the front by the road.

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Do you have other concepts, ideas or solutions that have not been considered in the options above? (Continued)

Response No	Answer text
5	As to question #11 I think we should use the ditch for 8- 10 years (the estimated life expectancy) then phase in the culinary water and rates over the same proposed timeframe as question #11 suggest.

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Do you have other concepts, ideas or solutions that have not been considered in the options above? (Continued)

Response No	Answer text
6	Converting to culinary at ditch rates is my favorite option provided. Additionally, the higher water rates may force some of the larger land owners to stop irrigating their large fields and subdivide. Perhaps eliminating connection/impact fees for these new lots/homes would be appropriate. While this wouldn't apply to everyone, the larger land owners will be most severely impacted by this change and this is a small consolation for the change. Or allowing higher density or PUD style subdivisions.

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Do you have other concepts, ideas or solutions that have not been considered in the options above? (Continued)

Response No	Answer text
7	Springville City needs to pay the costs to upgrade the ditch and not bill the users who have been promised this water by the city years ago. The city needs to uphold that promise. Users would continue to pay and annual fee without significant rise is costs.
9	Have the uses keep the ditch up

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Do you have other concepts, ideas or solutions that have not been considered in the options above? (Continued)

Response No	Answer text
10	I believe that using secondary water is a good way to to save culinary water supplies. The missing option is to use City resources to work with our political leaders to get a State or Federal grant to update the City's highline ditch so it can continue to be used and not burden the city or users with a huge cost. Why is this not an option. It was used to build Bartholomew pond and the secondary system in the west fields.

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Do you have other concepts, ideas or solutions that have not been considered in the options above? (Continued)

Response No	Answer text
11	1- The City is missing a perfect opportunity to develop another pressurized system for the east part of town. This would take several years to build out, as opportunities arise. Meanwhile, you would be resolving the HL Ditch issue and diverting cash into a new east side system. 2 - the HL ditch is for sure not at the end of its useful life. 3- you have already made existing secondary concessions to homeowners on the east side of community. What about others up here? 4- Wouldn't it be a great idea for the City to just say "yes we have a legal and moral obligation to HL users". And verbally or in writing say "This is what we think would be a fair way to resolve this". In other words, be up front. There are many HL users that would appreciate that kind of approach rather than it is our way - take your pick!! 5- Your survey does help us to better understand options for resolution. But I think it is the "moral" obligation that many of us are hung up on. Thank you!! This is Niel.

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Do you have other concepts, ideas or solutions that have not been considered in the options above? (Continued)

Response No	Answer text
12	The City has made significant profits from its culinary use and sale of that water. Give an honest accounting of those profits. That is how much the City should put into improvements before asking the users to contribute.
15	Install meters and only charge for what is used at Highline ditch reduced rates.

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Do you have other concepts, ideas or solutions that have not been considered in the options above? (Continued)

Response No	Answer text
16	The city is going to have to come up with somthing if they intend on not breaching court orders. but what about the secondary water system the City installed when they did the canyon road project, can that pipe be used ? Or in our case can that runs across the road be used in our case?
17	# 5 Appears to be a loaded question.
18	I have many ideas on how this could benefit current hi-line ditch users, also benefit the east side of Springville as a whole.

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Do you have other concepts, ideas or solutions that have not been considered in the options above? (Continued)

Response No	Answer text
19	I think the back and forth is silly. Either the city needs to own it and take complete responsibility for maintaining it, or the users need to. At this point, with all the development around it, I think the city needs to own it. So the cleanest way to do that is to do the buyout. Puts the entire process to bed.

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Do you have other concepts, ideas or solutions that have not been considered in the options above? (Continued)

Response No	Answer text
20	One thing I am concerned about is the credibility of the city. When there was controversy over what to do with the leak in ditch one the city ie the water dept, proposed a multi million dollar solution. I would feel more supportive of the city's efforts to stabilize the situation on the highline ditch, if they tried to look at all options for repair and be financially responsable. Maybe search out grants etc to augment the cost and make the repairs effective but not elaborate. I also have cause to wonder if some of this story could be that the city would ike to be rid of the whole thing and sell this water off for a profit and be rid of a headache. Maybe I am jaded but we haven't felt like the city cared for the needs of it's citizens in past experience with them. Lets hope we can work this out for the benefit of all.

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Do you have other concepts, ideas or solutions that have not been considered in the options above? (Continued)

Response No	Answer text
21	Proposed solution: Use some of the city's revenue derived from the annual sale of Spring Creek water in its culinary system be used to subsidize the cost of repairing and maintaining the Highline Ditch. (This would be equivalent to using Federal taxes to pay for health and welfare services, things nice-to-have, but not requiring an agreement like the city's Spring Creek agreement.)

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Do you have other concepts, ideas or solutions that have not been considered in the options above? (Continued)

Response No	Answer text
22	The options above are all focused on sharing cost and compromise. Why aren't you looking for a win/win like you did out west? The same plan would work here. Expand the PI off the end of the HD so you can get ROI off new users and keep your promise to the old. Too many better options to name here. If you want to discuss win/win options then let's meet on that common ground.

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Do you have other concepts, ideas or solutions that have not been considered in the options above? (Continued)

Response No	Answer text
26	We have lots of options: having the highline ditch users maintain the water and be responsible for repairs without city involvement. Like we did it before the city took over. Switch to culinary water if we must, but keep it at affordable fixed rates rater then an increase over the years.

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Do you have other concepts, ideas or solutions that have not been considered in the options above? (Continued)

Response No	Answer text
27	Unfortunately I don't feel this survey will provide reasonable analysis of how current users feel. Multiple questions could have been written in a more consumable manner. I fear many won't understand the question and therefore provide the city with false information. Ranking the options also gives the city a false narrative. None of the options may be a potential solution but the survey doesn't allow you to not that. If only one option is a suitable one the city might act as though they listened and select #2 when it was never an option for the users. When I purchased my home I completed my diligence with the city. They reiterated, along with my neighbors and real estate agent, that I had this water. Each of your options eliminates our water over time and thus drastically reduces our property values. Cities always win with water bc the poor that really need it can't afford to fight it in court and the wealthy don't care. I don't intend for this to be the case.

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Do you have other concepts, ideas or solutions that have not been considered in the options above? (Continued)

Response No	Answer text
31	Yes. To be worked out--incorporate the HLDitch into a Secondary Water Master Plan, and use it to serve both HLD users and lands at the end of the ditch. Would love to have lunch with you, and explore this. Hated the survey questions. Some of them ignore reality and they all ignore the City Council 1952 actions. David Hullinger, 801-7835-9814

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Do you have other concepts, ideas or solutions that have not been considered in the options above? (Continued)

Response No	Answer text
34	Repair or upgrade the system in phases to help spread the cost. The owners should be permitted to take a greater part in evaluating specific repair or upgrade options and their cost. The owners may have undiscovered resources. What if one owns a pipe company? I know there are engineers, excavators, and other knowledgeable people on the line - I'm confident they would be willing to contribute. I have not surveyed the system myself but it seems like laying a large pipe right in the ditch along with some damage-detection wires and filling it with flow-able fill would be pretty easy and affordable. If it's not pressurized could we put a retention pond at the end of the line to reduce waste? A tank? Microhydropower? Sell the excess to help with costs? Leak and damage detection (and automatic shut-off) is cheap. I would like to talk specifics. It seems that the city has been responsible for the delivery of the water. If the delivery system has been neglected perhaps the city should help.

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Do you have other concepts, ideas or solutions that have not been considered in the options above? (Continued)

Response No	Answer text
35	Springville city claims that there are numerous repairs that need to be made on ditch. Users should be shown where and what these repairs are. Water users should be required to prove using trust deeds or other verifiable documentation that they are eligible users of ditch water or disconnect.

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Do you have other concepts, ideas or solutions that have not been considered in the options above? (Continued)

Response No	Answer text
36	We expect the City will honor irrigation agreements with current landowners since the land was purchased with the understanding it came with reduced rate irrigation water. This understanding was reinforced with annual water bills and watering schedules from the City; which is an implied City contract with landowners. We see two options: 1) The City moves current landowners to Culinary Water system with water rate maintained at Highline rates for as long as the current landowners own the land. 2) Landowners bear partial responsibility for cost of repairing Highline. In past years landowners made repairs with annual work projects. The City recently said landowners are no longer responsible for repairs; which are now done by the City and City contractors. The City now states it has insufficient funds to make repairs, but estimates go beyond the mark of irrigation repairs. Any improvement costs for more than simply maintaining the current function of irrigation must be paid by the City.

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Do you have other concepts, ideas or solutions that have not been considered in the options above? (Continued)

Response No	Answer text
37	Pipe it, meter it, at city expense and put everyone on the north east end of Springville on the pressurized system like the west end of town. However, users that currently have shares should be at share rates. All new people added too it would be at the same rates the city charges for secondary water on the west end of town. Another option if you convert too all culinary would be to have 2 meters to meter culinary use and irrigation use. Irrigation use should be at share holder rates without ditch maintenance fees. This is a poorly written survey. Too many questions, one being, just what is the Buy Users Water shares/rights/exchanges. What does that mean, how does it work? We really don't want that at #2 above, but letting the ditch fail is a stupid idea too.

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