


**ENOCH CITY WATER BOARD  
NOTICE AND AGENDA  
February 14, 2019 at 4:30pm  
City Council Chambers  
City Offices, 900 E. Midvalley Road**

1. **CALL TO ORDER OF REGULAR MEETING**
  - a. **Pledge of Allegiance –**
  - b. **Invocation –Audience invited to participate.**
  - c. **Approval of agenda for February 14, 2019 –**
  - d. **Approval of minutes for December 13, 2018-**
  - e. **Conflict of Interest Declaration-**
2. **ADMINISTER OATH OF OFFICE TO NEW WATER BOARD MEMBER-City Recorder**
3. **DISCUSS PURCHASE OF WATER METERS AND MAKE A RECOMMENDATION TO THE CITY COUNCIL**
4. **OPEN AND PUBLIC MEETINGS TRAINING-City Manager Dotson**
5. **BOARD/STAFF REPORTS**
6. **ADJOURN**

**In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for these meetings should call the City Offices at 586-1119, giving at least 48 hours advance notice.**

**CERTIFICATE OF DELIVERY**

I certify that a copy of the forgoing "Notice and Agenda" was delivered to each member of the City Council, emailed to "Cedar City Daily News", posted on the Enoch City website, on the City Office door and published on the Utah Public Meeting Notice website on **2-11-19**.

  
**Julie Watson, Recorder**                      **2-11-19**  
Date

**MINUTES**  
**ENOCH CITY WATER BOARD**  
**December 13, 2018 at 4:30pm**  
**City Council Chambers**  
**City Offices, 900 E. Midvalley Road**

**MEMBERS PRESENT:** Larry Gardner, Dilworth Armstrong, Steve Woolsey and Doug Grimshaw. Spencer Jones was absent.

**STAFF PRESENT:** Rob Dotson, Julie Watson, Earl Gibson and Council Member Ross

**PUBLIC PRESENT:** Alan Miller

1. **CALL TO ORDER OF REGULAR MEETING-By Chairman Gardner at 4:30 pm.**
  - a. **Pledge of Allegiance –Led by Dilworth Armstrong**
  - b. **Invocation –Audience invited to participate. Given by Chairman Gardner**
  - c. **Approval of agenda for December 13, 2018 –Steve Woolsey made a motion to approve the agenda. Motion was seconded by Doug Grimshaw and all voted in favor.**
  - d. **Approval of minutes for October 11, 2018-Dilworth Armstrong made a motion to approve the minutes. Motion was seconded by Doug Grimshaw and all voted in favor.**
  - e. **Conflict of Interest Declaration-none stated**

2. **DISCUSS DRAFT GROUNDWATER MANAGEMENT PLAN AND MAKE SUGGESTIONS FOR CHANGES**

Chairman Gardner asked City Manager Dotson to tell them about this. He noted this is the draft plan that the State Engineer put together. There was a meeting today he will tell them about the discussion. Dilworth asked City Manager Dotson about the part where it stated doing away with the Hwy. 56 boundary. He said he is very concerned because they would take a lot of the water on the north side of 56 and transfer it to south side so they could use it. He has done dowsing on the south side and there is a lot of water there but it is all in sand and that is the problem because they can't get the sand out. We need to put pressure on that the boundary issue so it stays the way it is. City Manager Dotson cited page 4 where this is talked about. In their conversation with us their idea is they decided not to eliminate the Highway 56 boundary but to change a section of it at the "Y" on Hwy. 56 that would move it to include Iron Springs in the south area. Due mostly to economics this is not good. The boundary has been there so long it causes economic concerns. If moved the wells there could be moved across the road. It would solve a problem in that area but would change the water rights that come with this decision. Steve clarified everything on the west side goes to the south side. That was a compromise. Only a few farms in the area would be affected. The other thing is on the question on the water rights to be added to the south side. How many rights are we talking about? There is no answer to that now. There was a brief discussion of wells in that area and who owns what.

Another issue is #2 on page 5. City Manager Dotson read #2. That says you can move water from the south to the north all the way to Rush Lake and that is a contradiction. You could take Quichipa water and put it in Rush Lake but moving it the other direction will be rejected except if the change is to replace a water right that was curtailed. It is great for the south but not for the north. Steve said the only boundary that makes sense are the rights at the "Y". The natural flow of the valley runs northwest and we are lower here. The State Engineer is trying to reduce rights being pumped out. It creates other issues with moving water rights. It defeats the purpose

of having the line. It could hurt the areas being pumped the most. We expressed that to the State Engineer and expressed the opinion that it should stay as is except that one boundary at the "Y".

Dilworth said on page 5 he read about giving rights to water not fully appropriated. We are pumping 2,000 to 3,000 AF out of this valley and they say there is surface water in Rush Lake which happens sometimes. Now that surface water, when it is available, is considered appropriated. That water has already been appropriated by the Lebarons already for the surface water after it gets there. Dilworth said we could get more from Coal Creek if we can prove it will get to Rush Lake. It makes no sense to appropriate more rights that don't exist. Cedar wants to approve more for recharge and recovery to take water not appropriated on the way to Rush Lake and put it into a recharge project. City Manager Dotson said water companies that get the surface water only get it until a certain date. After that whoever applies can get the water for recharge. Some say water is fully appropriated already and always has been. He went to the depletion reduction schedule. He explained we have 50,000 AF on paper. They need to curtail 7000 AF plus an additional 22,000 in water rights that are not in use. 1,750 AF is in first phase which is a ten year time frame to 2030. Each following phase 1,750 AF in the next 3 five-year increments. You can't tell what the aquifer will do in a ten year period of time. City Manager Dotson gave more details of what has to happen in that time period. Once we get the water here and start using it and stop pumping wells how long is it before that shows up in the aquifer. Today the majority of the Board proposed the first time frame be 20 years to have time to show what happens. It will be a negotiation. He told about the Enterprise/Beryl plan and what they did like changing crops to reduce the water use. Dilworth had question pertaining to underground rights and old abandoned wells. The rights are still assigned to that well. What do we have to do get those unused rights off the books? City Manager Dotson said we have to sue the owners to get that off. Only a judge can take that away. The State Engineer can sue but they won't. How many pre-1934 rights are not being used? Do we want to help the owner protect the rights and keep them in non-use status until the ground water rises. That can be part of the plan. Chairman Gardner said climate change is in this too. The Plan is called "adaptive management" City Manager Dotson said. This plan may be amended at any time. It is adaptive if things change. If things we do work this may be a moot point. City Manager Dotson asked the Water Board what they think about the time table. Chairman Gardner said it is too aggressive. City Manager Dotson said we will propose the time frames to be 20, 15, 15 and 15 so we are adding ten years to each time frame. The Water Board agreed with that. City Manager Dotson asked for other suggestions.

Other points made in the Plan on depletion calculations are that water users will be required to meter surface and ground water. All users will have to meter their water. Dilworth explained how irrigation water flows and how difficult that will be to make it work. How do you set that up in your ditch with a meter to register that? City Manager Dotson said one way is to build a weir and put in a meter and add a SCADA system at a cost of about \$18,000 to build. State Code already requires metering in the law. There are ways to do this and he gave an example of what is done on Coal Creek. This Plan says every user will have to meter their water. City Manager Dotson said Parowan would have to come up with 1.8 million dollars to meter their system. This whole concept, if this is left in the Plan, is we want to see the money to do this. Brent Hunter brought that up in the meeting today. Consequences are drastic if this is in the plan. We know one of a farmer who has a supplemental well and when the ditch water is still running they turn on the well and pump anyway because no one monitors it. Doug mentioned water commissioners are using aerial surveillance on this. Maybe that is not the best way to solve it on getting cheaters. Crop surveys will tabulate how much acreage and water is used. They are leaning towards revising the duty for corn and other crops but haven't gone there yet because they don't have the data. City Manager Dotson said we are also talking about wastewater reuse being returned to the ground. We will get credit if used for irrigation but it is not worked out yet for

municipalities on how it could be used for aquifer recharge. Page 3, second paragraph is on recharge projects. We are doing some of that now. Page 3 was worded fine for the Water Board.

Page 4 and 5 were questioned. Why create a policy on change applications and appropriations as part of this plan? City Manager Dotson said that should be done separately. City Manager Dotson said based on how it works so far, the Groundwater Management Plan is a statute so that is why it is in here. When it is approved, that actually is enforced by State statute and is the law although it is adaptive. That is why they have policies at the end of this. A plan can do other than what the plan says if needed to adapt to conditions. Doug said he was not aware that this becomes the law. If it is in here it trumps the other laws. Steve confirmed that any water rights developers give to the City are prior to 1934. We changed that in our Subdivision Ordinance two years ago to protect the City. We have 21,000 AF that are pre-1934. The depletion amount for water rights pre-1934 is covered. We have had to tell some people "no" on the water rights they have that are too young for us to take. This is Enoch's law. There is no grandfathering on this because it protects Enoch.

Steve asked who stands to lose the most on this. Farmers mostly, Chairman Gardner said. City Manager Dotson asked for concerns or questions he could take back to the Board. Dilworth said in Cedar City they have well water rights for the culinary system and they over pump and nothing is done about it. City Manager Dotson said did not think so. They talked about it. He told more about how they check on that. They have more rights than they are pumping in Cedar so there is no concern now. Dilworth said technically they are not following the law of the State Engineer. He set a date of water rights. City Manager Dotson said no, he has not set a date yet. He said potentially it will be 1934 but that is not set in law at this time. When this goes in force next year after the public hearings we will see the date noting they may not put a date on it. Doug said based on this adaptive plan then they will make the cuts. Doug said the major concern was those who have surface rights and supplemental rights and how the priority date gets set on the supplemental right. One challenge with supplementary rights is we don't know who is using it. Doug talked about a judge making a final decision. It is not enforced because that is not being metered City Manager Dotson said. There was more discussion of irrigation companies using wells while they are still getting ditch water. How do we track that on supplemental rights? They think they have a handle on it. Doug said the priority date on the supplemental right should piggy back on the old date. City Manager Dotson did not know. The priority date was when that was appropriated. We are trying to get this issue solved before the State comes in to talk with us at the next meeting. Dilworth gave more information on how this works on when Coal Creek quits and how they got the supplemental rights. It was noted it is easier to put the well water into sprinklers. We need to look close at supplemental rights, Dilworth said. Doug said he is confused. The supplemental right is a new appropriation to supplement a surface right. Does it get a haircut if moved? City Manager Dotson said it is not supposed to be moved. It is more restrictive. We accept surface rights in lieu of underground rights but they have to give the supplemental rights too. Doug asked if the State is trying to figure that out. City Manager Dotson said they are working on that. Doug asked if some are using it as a primary right? What does it mean if it all has to be metered? It means you have twice as much, City Manager Dotson said. The State knows where the surface water is going weekly and may be even to the day. In certain places that can be measured. Doug asked where The State Engineers authority ends. The water companies have their own water masters. They do the tracking in their companies. Dilworth gave more examples of Union Fields and how it works. There was more discussion of the problems with secondary rights and metering systems. The local committee's plan said cities would help users meter their water like helping to find grant money to buy meters but that was taken out of this Plan. Doug said all things considered metering is the best option. Read meters and use the data. City Manager Dotson noted one last frustration. That is they are using the USGS wells for monitoring and that is very few of the active that could be used to measure water. His point is to get better data by

monitoring more wells. It is not just one big bathtub here. We have done geochemical testing and there is different water in different areas. Chairman Gardner said that is the take back from them that they want good data. Also find out about tracking supplemental wells. As a farmer he would ignore a metering demand until it is a court order. Alan Miller said if you go to the State to get money they shrug their shoulders because it has always been a requirement. You don't have to wait five years to amortize your expenses. You can measure water with electric bills too. As a system wears out you use more power to pump. That could be supplemental data. Adjudication is the solution for a lot of this. City Manager Dotson said it will come but not right away. He added the State Engineer is a real nice guy and is trying to help everyone. Adjudication is in the discussion. Chairman Gardner said we have the opportunity to solve it ourselves first before adjudication. This has been talked about but nothing has been done since 1963-4. Chairman Gardner asked what City Manager Dotson needs from them. He the Water Board they will send a recommendation to the City Council on the plan when a final draft is approved. Doug asked for a deadline. The public meetings will be in the spring and then the Plan will be adopted after that. City Manager Dotson said he would send more information as he gets it.

**3. PUBLIC COMMENTS-none**

**4. BOARD/STAFF REPORTS**

City Manager Dotson reminded everyone of the Christmas Party on the 19<sup>th</sup> at 6:30 at Enoch Elementary. Enter on the west side. Please call the office to sign up to bring something.

Dilworth thanked the Water Board for all the support over the years. Chairman Gardner thanked him for his experience and sharing of knowledge.

Doug had question about the drainage repair at Quickdraw and Midvalley Road. He said one dip is higher than the flow line. Earl explained how the five-year old engineering was incorrect for the flow line. He gave details. They poured and it did not work but we installed culverts and made it work. Doug thanked Earl for the cleanup in the City yard.

**5. ADJOURN-Motion to adjourn by Steve Woolsey. Motion was seconded by Chairman Gardner and all voted in favor. The meeting ended at 5:55pm.**

---

**Julie Watson, Recorder**                      **Date**

**MINUTES**  
**ENOCH CITY COUNCIL**  
**January 2, 2019 at 6:00pm**  
**City Council Chambers**  
**City Offices, 900 E. Midvalley Road**

**Members present:**

Mayor Geoffrey Chesnut  
Council Member David Harris  
Council Member Jolene Lee  
Council Member Dave Owens-absent  
Council Member Katherine Ross-absent  
Council Member Shawn Stoor

**Staff present:**

Julie Watson, Recorder  
Ashley Horton, Treasurer  
Justin Wayment, Atty.-absent  
Robert Dotson, City Mgr  
Jackson Ames, PD Chief-absent  
Earl Gibson, PW Dir.

**4. APPOINT NEW MEMBER TO THE WATER BOARD**

Mayor Chesnut asked City Manager Dotson who is being nominated for the position. City Manager Dotson said Alan Miller was interviewed and he has vast water experience. He has worked for the National Rural Water Association and has years of experience helping small towns establish water systems. He has worked out of town for a number of years but is retired now and has moved back to his home in Enoch that he has owned for many years. He is a water specialist. Administration submits his name for approval to a five-year term on the Water Board. **Council Member Harris made a motion to approve Alan Miller for a five-year term on the Water Board. The motion was seconded by Council Member Lee and all voted in favor.**





# Summary of Key Provisions of the Open and Public Meetings Act

## Purpose (Section 52-4-102)

The Open and Public Meetings Act was enacted upon the premise that the state, its agencies, and its political subdivisions exist to aid in the conduct of the people's business. As such, a public body should deliberate and take action openly.

## Definitions (Section 52-4-103)

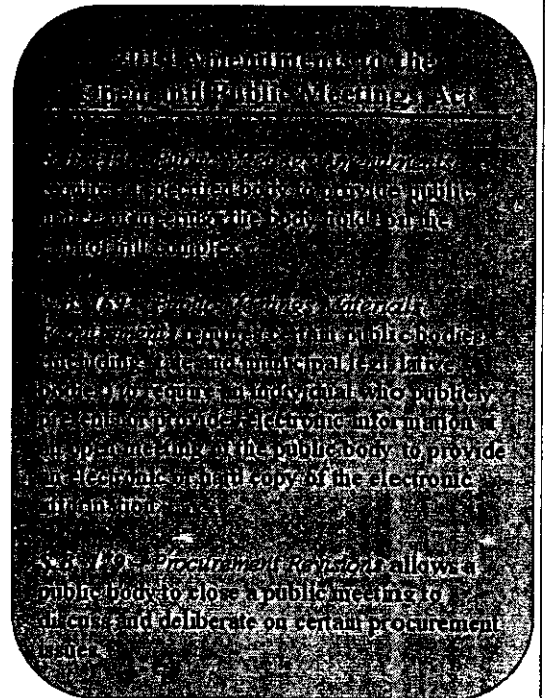
- **Meeting** means a convening of a public body or a specified body with a quorum present to discuss, receive comment on, or act upon a matter over which the public body or the specified body has jurisdiction or advisory power.
- **Meeting** does not mean a chance or social gathering, a convening of a public body that has both legislative and executive responsibilities in certain circumstances, or a convening of the State Tax Commission to consider a confidential tax matter.
- **Public Body** is any administrative, advisory, executive, or legislative body of the state or its political subdivisions that
  - is created by constitution, statute, rule, ordinance, or resolution;
  - expends, disburses, or is supported by tax revenue; and
  - is vested with the authority to make decisions regarding the public's business.
- **Specified Body** is an administrative, advisory, executive, or legislative body that is not a public body and has at least one member who is a legislator appointed by the president, speaker, or governor.

## Public Notice (Section 52-4-202)

- A public body, or specified body meeting at the capitol hill complex, shall give notice at least 24 hours before each meeting. The public notice shall
  - include the date, time, and place of the meeting;
  - include an agenda that lists specific topics to be considered;
  - be posted in specified places, including the Utah Public Notice Website; and
  - be provided to a newspaper or local media correspondent.
- A public body may discuss a topic raised by the public that is not listed on the agenda, but may not take final action on the topic.

## Minutes and Recordings (Section 52-4-203)

- A public body shall keep written minutes and a recording of all meetings. A recording is not required for a site visit if no vote or action is taken by the public body.
- Pending minutes shall
  - indicate that the public body has not yet approved the minutes, and
  - be available to the public within 30 days.
- Within three business days after holding a public meeting, a recording of an open meeting shall be posted on the Utah Public Notice Website.
- Within three business days after approving written minutes, the approved minutes and any public materials distributed at the meeting shall be
  - posted on the Utah Public Notice Website, and
  - made available at the public body's primary office.





## **Closed Meetings** *(Sections 54-4-204, and 52-4-205)*

- A meeting is open to the public unless it is closed by a two-thirds vote with a quorum present at the open meeting.
- The public body shall announce the reasons for the closed meeting and enter the reasons into the minutes of the open meeting.
- The public body may only hold a closed meeting for certain reasons, including the discussion of
  - a person's character, competence, or health;
  - strategy for collective bargaining;
  - pending or imminent litigation;
  - an acquisition or sale of real property, including water rights or shares;
  - the deployment of security personnel, devices, or systems;
  - the investigation of criminal conduct;
  - specified commercial information discussed by a county legislative body;
  - certain legislative or political subdivision ethics complaint matters;
  - fiduciary or commercial information being discussed by the Utah Higher Education Assistance Authority;
  - certain deliberations and decision making involved in the procurement process.
- A public body may not close a meeting to discuss filling a midterm vacancy or temporary absence or to discuss a person whose name was submitted for consideration to fill a midterm vacancy or temporary absence.

## **Closed Meeting Exceptions** *(Section 52-4-204)*

- No vote is required to close a meeting for the Independent Legislative Ethics Commission to review an ethics complaint.
- If a public body is required to hold a closed meeting, it may do so by a simple majority vote instead of a two-thirds majority vote.

## **Emergency Meetings** *(Section 52-4-202)*

A public body or a specified body may hold an emergency meeting and bypass some public notice requirements if unforeseen circumstances arise that require urgent consideration. A public body may not hold an emergency meeting unless it makes an attempt to notify all members and a majority of its members approve the meeting. A public body need not give a 24-hour notice if unforeseen circumstances require an emergency meeting and the public body gives the best practical notice possible.

## **Electronic Meetings** *(Sections 52-4-207 and 52-4-209)*

A public body may not convene or conduct a meeting by electronic communications unless it has adopted procedures to govern electronic meetings.

## **Penalties** *(Sections 52-4-302 and 52-4-305)*

- **Open Meetings**—Any final action taken in violation of the Open and Public Meetings Act is voidable by a court.
- **Closed Meetings**—It is a class B misdemeanor to knowingly or intentionally violate closed meeting provisions of the Open and Public Meetings Act.

---

*\*A public body shall provide annual training to its members on the requirements of the Open & Public Meetings Act (Section 52-4-104). This summary is intended for a state legislative audience and should not be construed as exhaustively addressing requirements of the act for other public bodies.*