



# BIG PLAINS WATER SPECIAL SERVICE DISTRICT MEETING

BOARD OF DIRECTORS, REGULAR MEETING

1777 N Meadowlark Dr, Apple Valley

Wednesday, January 17, 2024 at 6:00 PM

## AGENDA

Notice is given that a meeting of the Water District of the Town of Apple Valley will be held on **Wednesday, January 17, 2024**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

**Chairman** | Barratt Nielson

**Board Members** | Ross Gregerson | Harold Merritt | Michael Farrar |

Please be advised that the meeting will be held electronically and broadcast via Zoom. Persons allowed to comment during the meeting may do so via Zoom. Login to the meeting by visiting:

<https://us02web.zoom.us/j/82661513795>

if the meeting requests a password use 1234

To call into meeting, dial (253) 215 8782 and use Meeting ID 8266151 3795

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### PRAYER

### DECLARATION OF CONFLICTS OF INTEREST

### DISCUSSION

- [1.](#) Discussion of Tru South LLC Change Application a50177.
- [2.](#) Water Bank Setup Workshop.

### DISCUSSION AND ACTION

- [3.](#) Approval of Appointing District Officers, Resolution-BPW-R-2024-01.
- [4.](#) Approval of 2024 Annual Meeting Schedule.
5. Purchase a manual sounder.
6. Purchase sampling stations.

### REPORT

7. Updates on the progress of Cedar Point system.

### CONSENT AGENDA

The Consent Portion of the Agenda is approved by one (1) non-debatable motion. If any Board Member wishes to remove an item from the Consent Portion of the agenda, that item becomes the first order of business on the Regular Agenda.

- [8.](#) Disbursement Listing for October, November, and December 2023.
- [9.](#) Budget Report for Fiscal Year 2023 through October, November 2023, and December 2023.
- [10.](#) October, November, and December 2023 Water Usage Comparison.

### APPROVAL OF MINUTES

- [11.](#) Minutes: October 26, 2023.
- [12.](#) Minutes: November 8, 2023.
- [13.](#) Minutes: November 18, 2023.

### REQUEST FOR A CLOSED SESSION: IF NECESSARY

### ADJOURNMENT

CERTIFICATE OF POSTING: I, Jenna Vizcardo, as duly appointed Recorder for the Town of Apple Valley, hereby certify that this Agenda was posted at the Apple Valley Town Hall, the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town Website [www.applevalleyut.gov](http://www.applevalleyut.gov).

**THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS AND MEETINGS**

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the Town at 435-877-1190 at least three business days in advance.

# BLM Protest

Tru South, LLC  
Change Application a50177  
Water Right Nos. 81-4717 and 81-4887

January 10, 2024



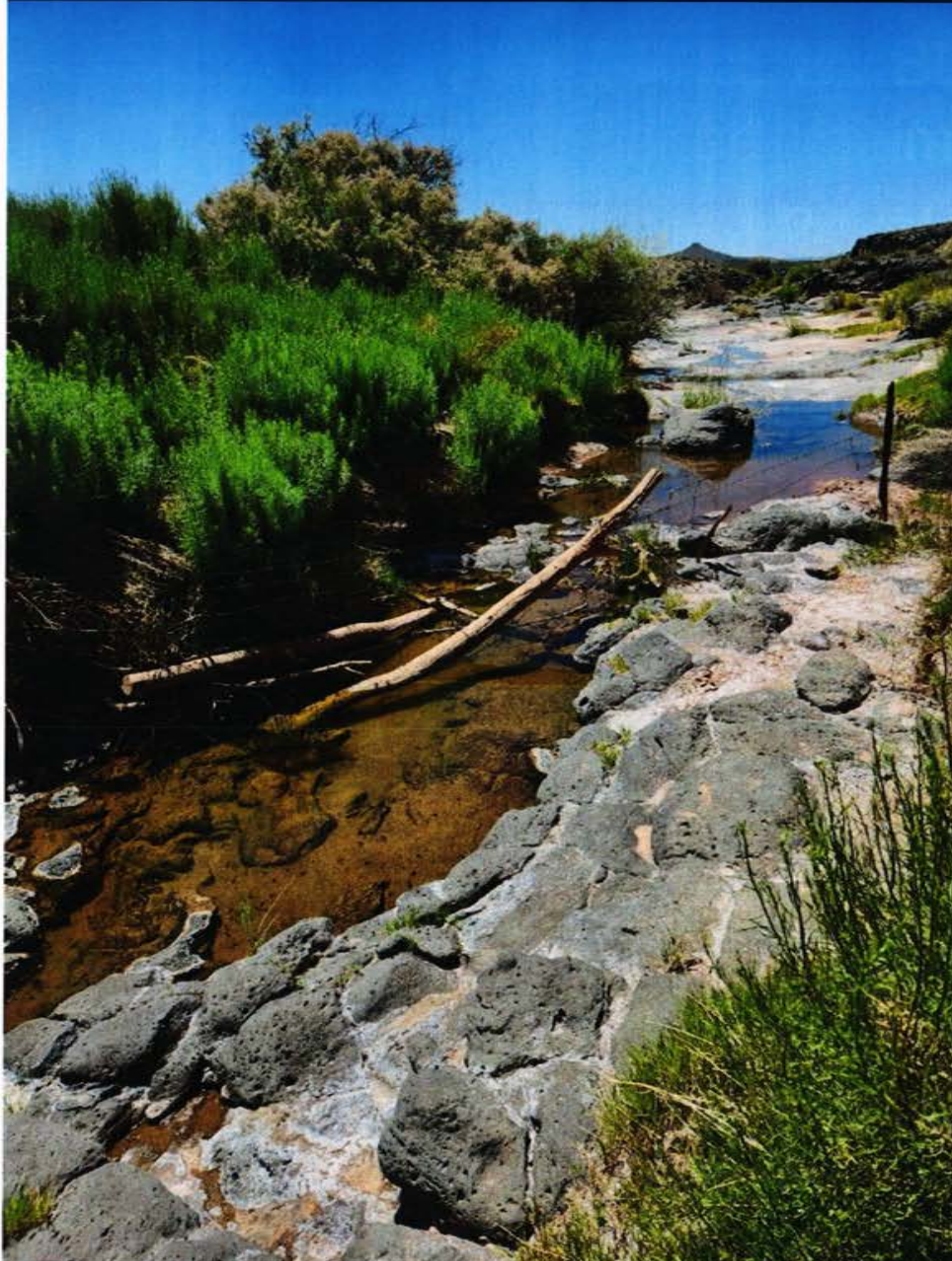
RECEIVED  
JAN 06 2024  
WATER RIGHTS  
SALT LAKE

SCANNED DC

## Summary of BLM's position on this application:

- BLM requests a careful review of the Application by the State Engineer to determine if requested municipal use is speculative.
- Certain PODs in the application are very close to BLM senior water rights.
- USGS groundwater analysis shows that the volume in the Application, if diverted every year at PODs 12, 13, 23 and 24, will impair BLM's senior water rights.
- PODs 12 and 13 are on BLM-managed lands. Given likely impairment of BLM water rights, BLM is unlikely to provide land use authorization for these PODs.

# Overview of Testimony



1. BLM water rights potentially impaired by the Application.
2. Hydrogeology of the area close to BLM springs.
3. USGS This analysis of the application – procedures used and results.
4. Conclusions and recommendations.

Gould Spring 81-201

# BLM Water Rights

Private Water Right – 5.6 AFY for livestock, irrigation.

Willow Spring 81-2868

Gould Spring 81-201

POD 12

POD 13

81-2868

81-201

81-5285

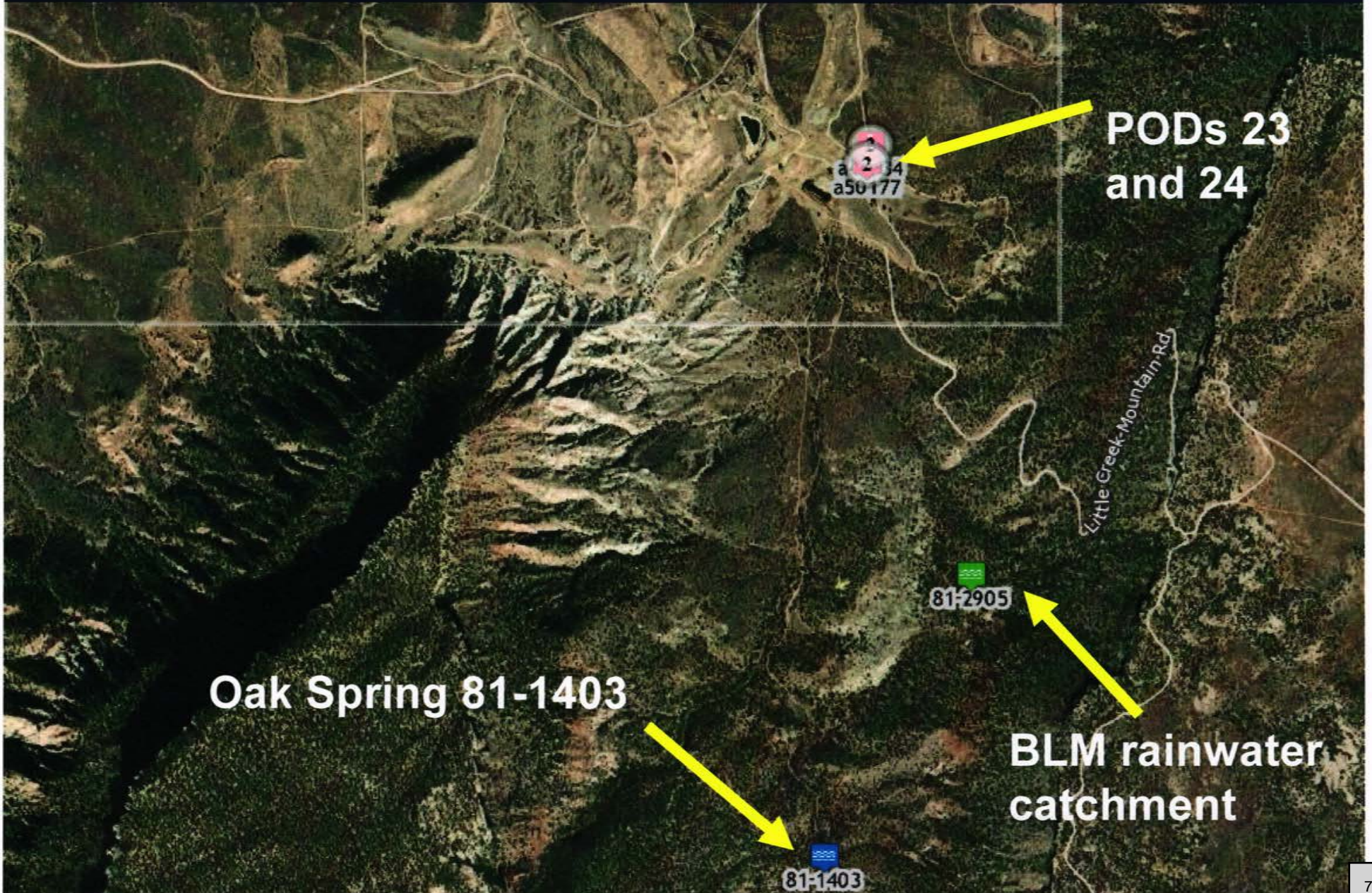
a50177

a50177

Gould Wash

SCANNED DC

# BLM Water Rights

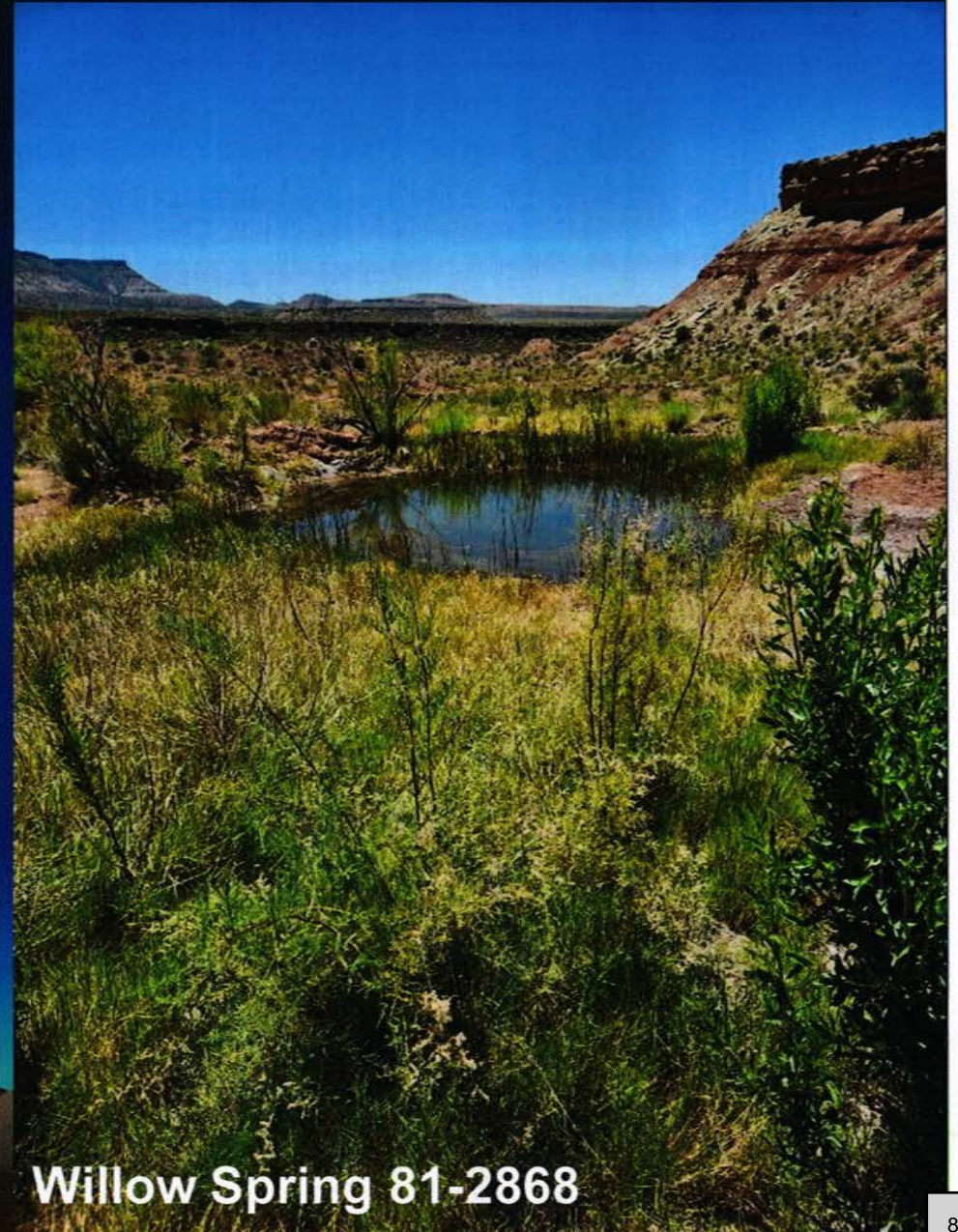


# BLM Water Rights

Confirmed in Proposed Determination:

- 81-201 Gould Spring
  - 0.0155 cfs for livestock watering under 1946 priority.
  - 0.57 AF reservoir
- 81-2868 Willow Spring
  - 0.0155 cfs for livestock watering under 1856 priority.
- 81-1403 Oak Spring
  - 0.011 cfs for livestock watering under 1974 priority.

Critical sources for Hurricane Fault and Eagle Allotments.



Willow Spring 81-2868

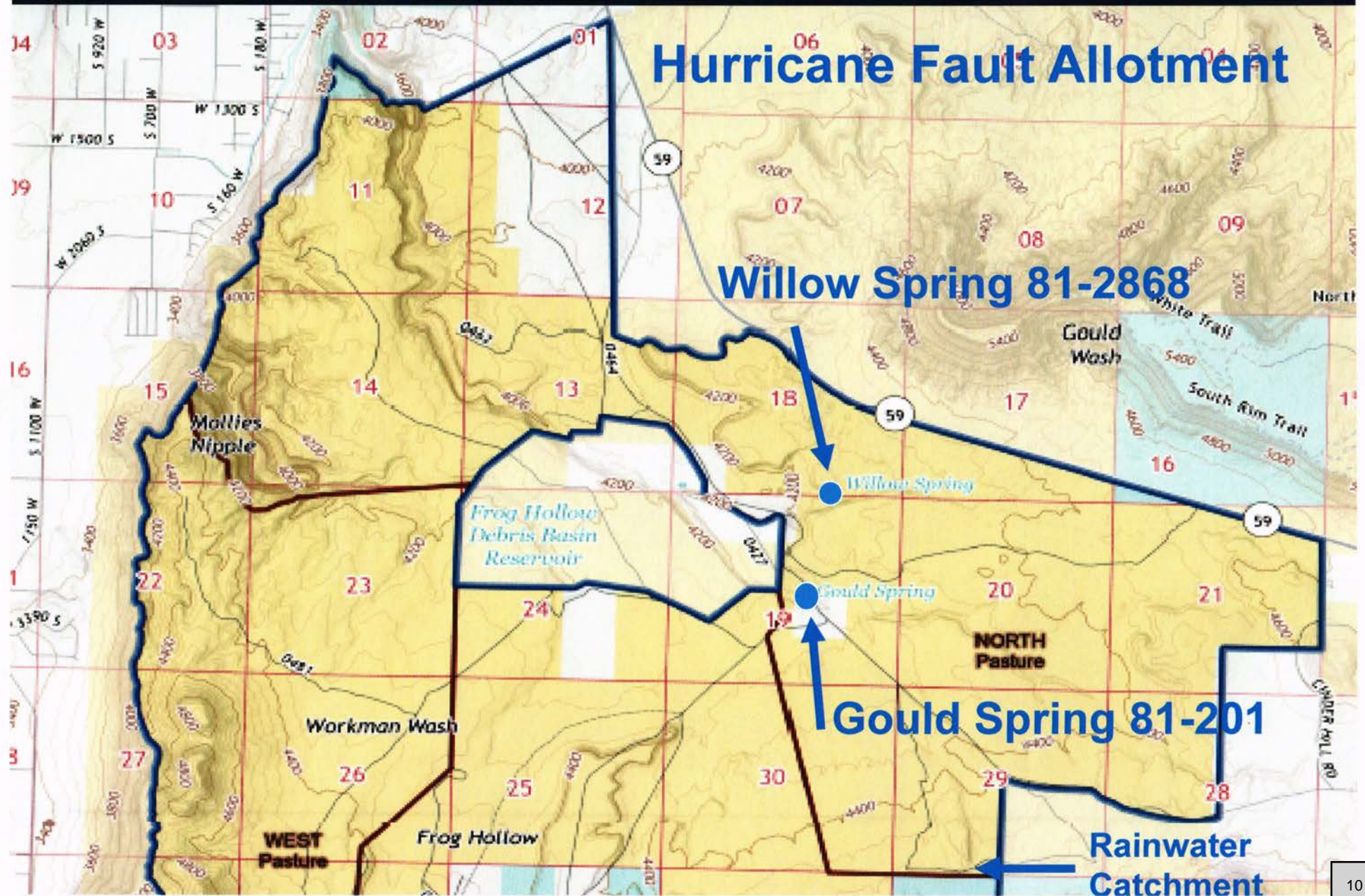


# Role of Water Sources In Grazing



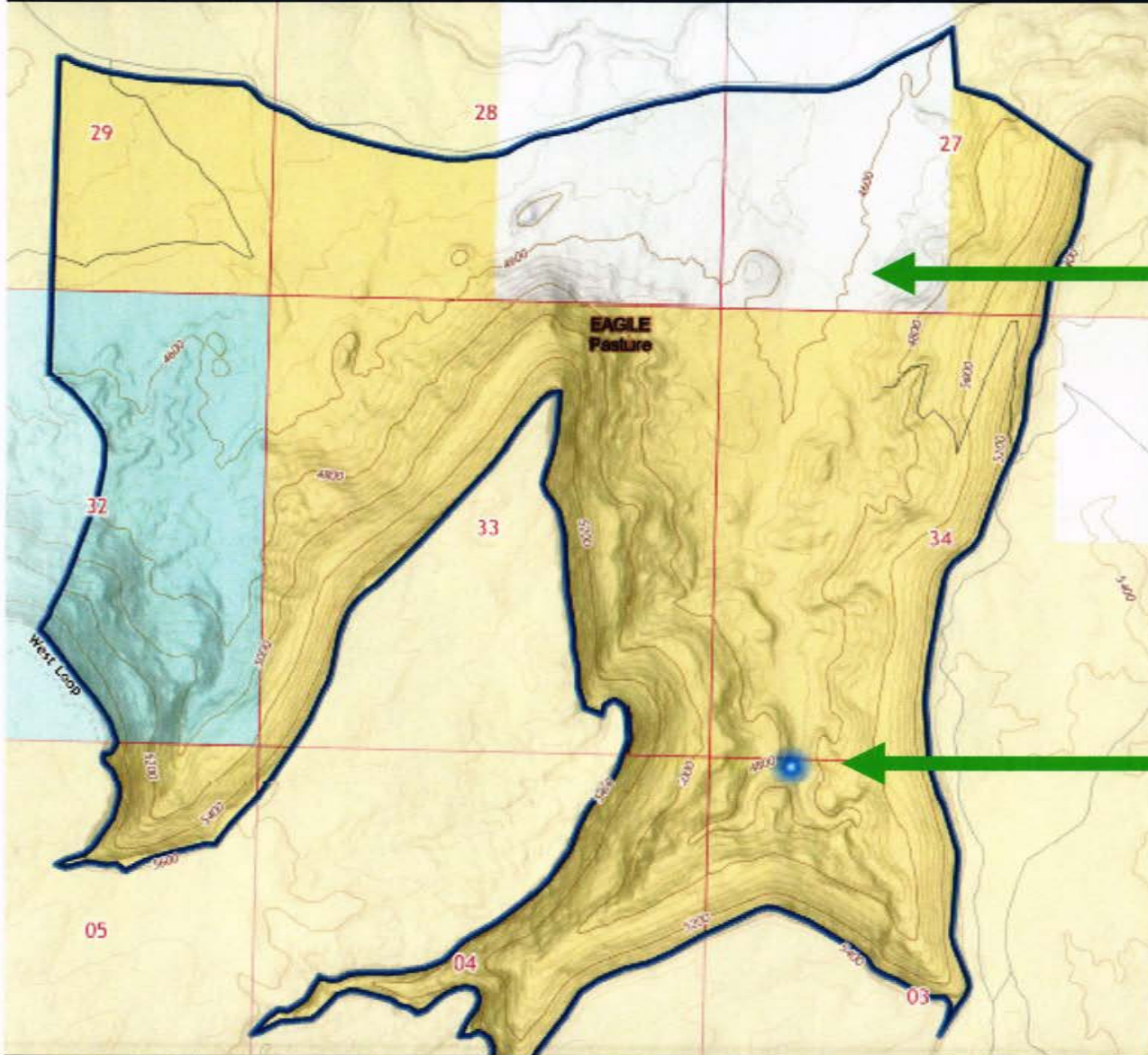
Oak Spring 81-1403

# Role of Water Sources In Grazing Management



# Role of Water Sources In Grazing Management

## Eagle Allotment



**POD 23  
and 24**

**Oak Spring  
81-1403**

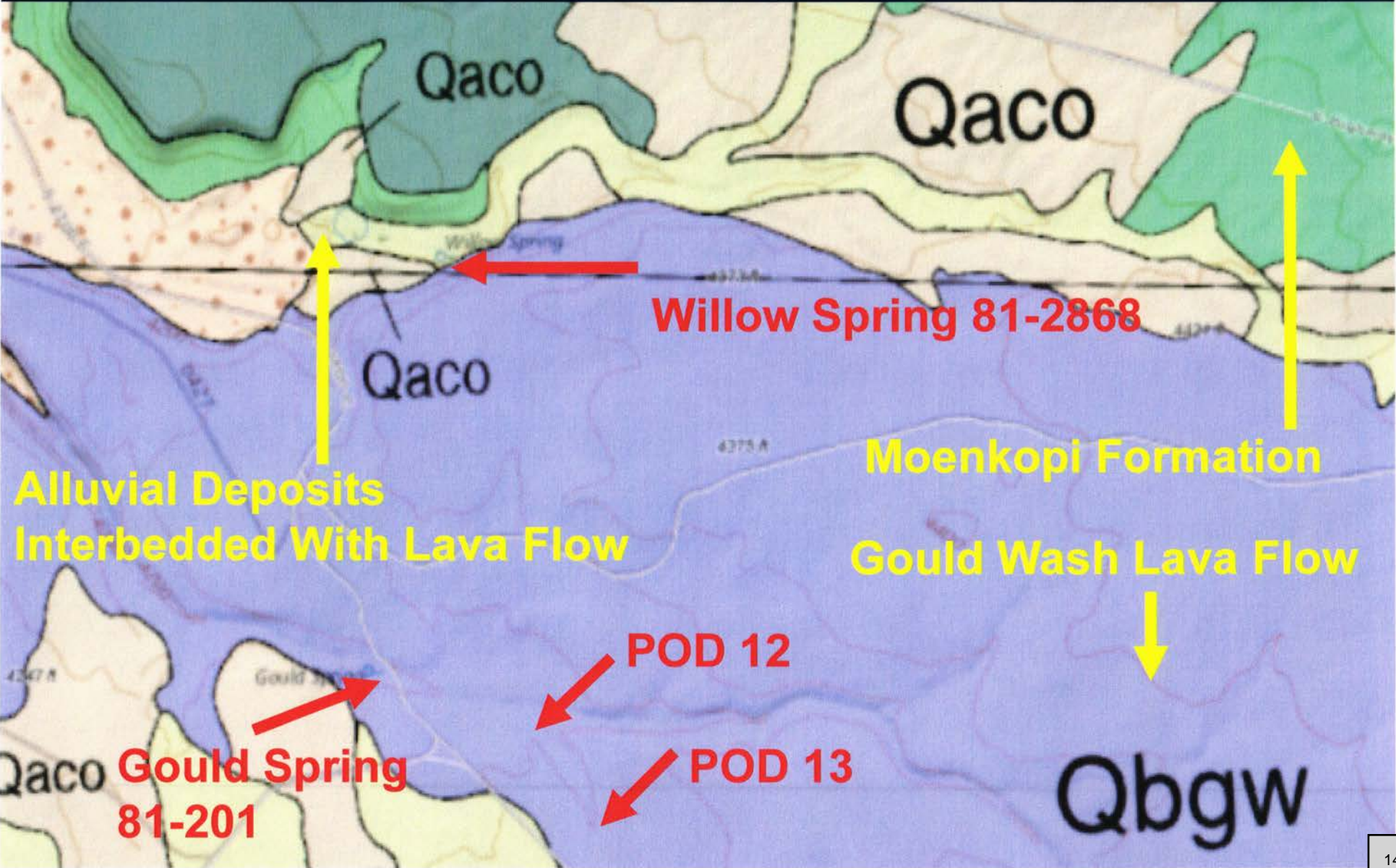
# Hydrogeologic Context

- In the protest document, BLM preliminarily concluded that the source of water for the springs may be the Moenkopi Formation. However, BLM's analysis has evolved after consultation with USGS.
- USGS analysis of previous studies/literature revealed that the less permeable Moenkopi Formation likely retards downward infiltration from overlying formations, resulting in significant groundwater storage in overlying formations. The overlying formations are the likely source of water for BLM's springs.

# Hydrogeologic Context Gould Spring / Willow Spring

- The Gould Wash Lava Flow Formation, which overlays the Moenkopi Formation, has sufficient storage potential to serve as the water source. Loughlin Water Associates (2023) reports that this formation can be an excellent aquifer.
- Alluvial deposits along stream channels are in direct communication with the Gould Wash Lava Flow Formation and can also serve as a water source for springs.

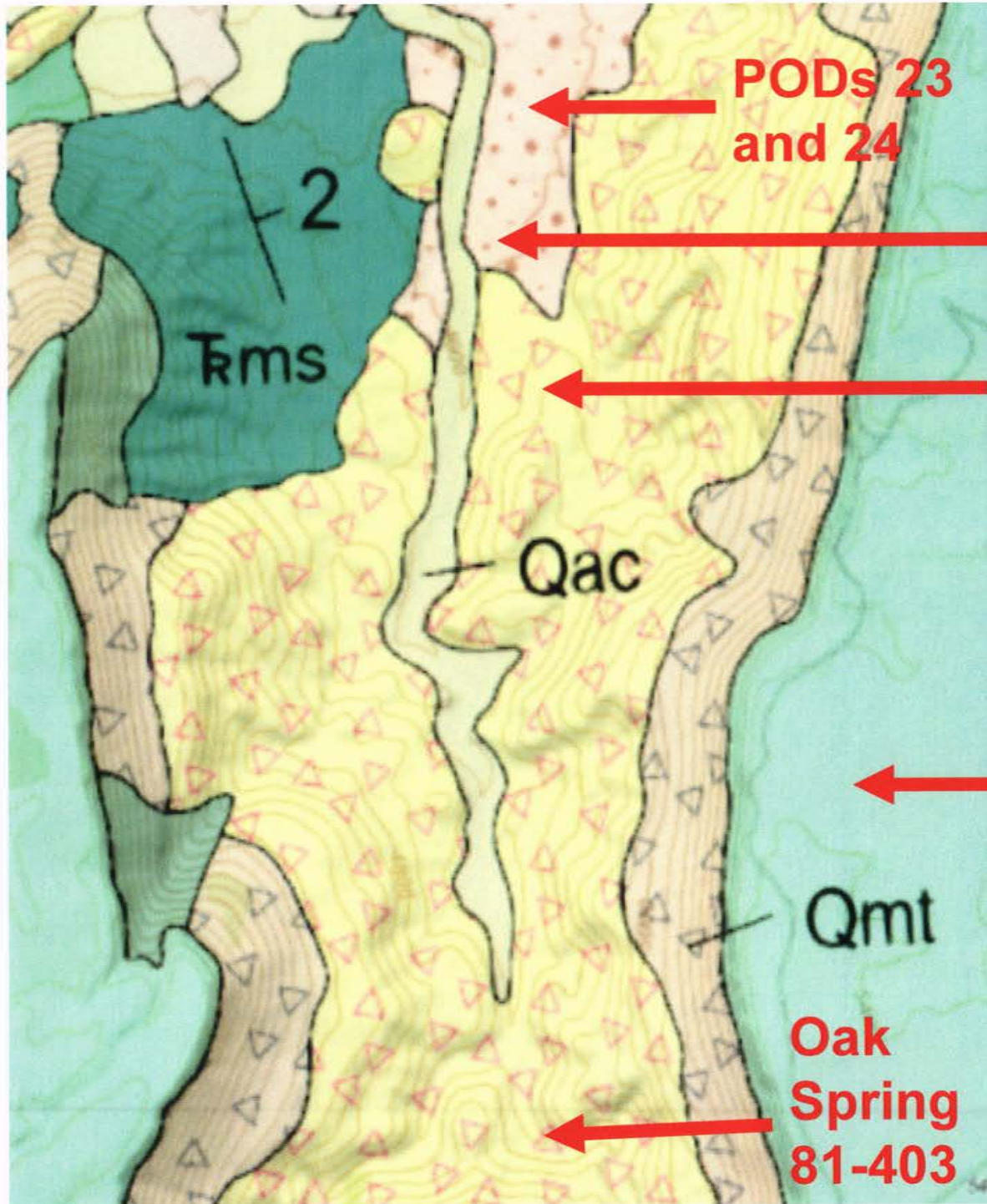
# Hydrogeologic Context



SCANNED DC

# Hydrogeologic Context Oak Spring

- Alluvial and landslide deposits overlying Shinarump Conglomerate have sufficient storage potential to serve as the water source.
- It is also possible that the Shinarump Conglomerate could serve as the water source, or discharge could be comprised of a mixture of discharge from overlying alluvial/landslide deposits and Shinarump Conglomerate.



Alluvial Deposit From Shinarump Conglomerate

Landslide Deposits From Shinarump Conglomerate

Shinarump Conglomerate

PODs 23 and 24

Oak Spring 81-403

# Hydrogeologic Context



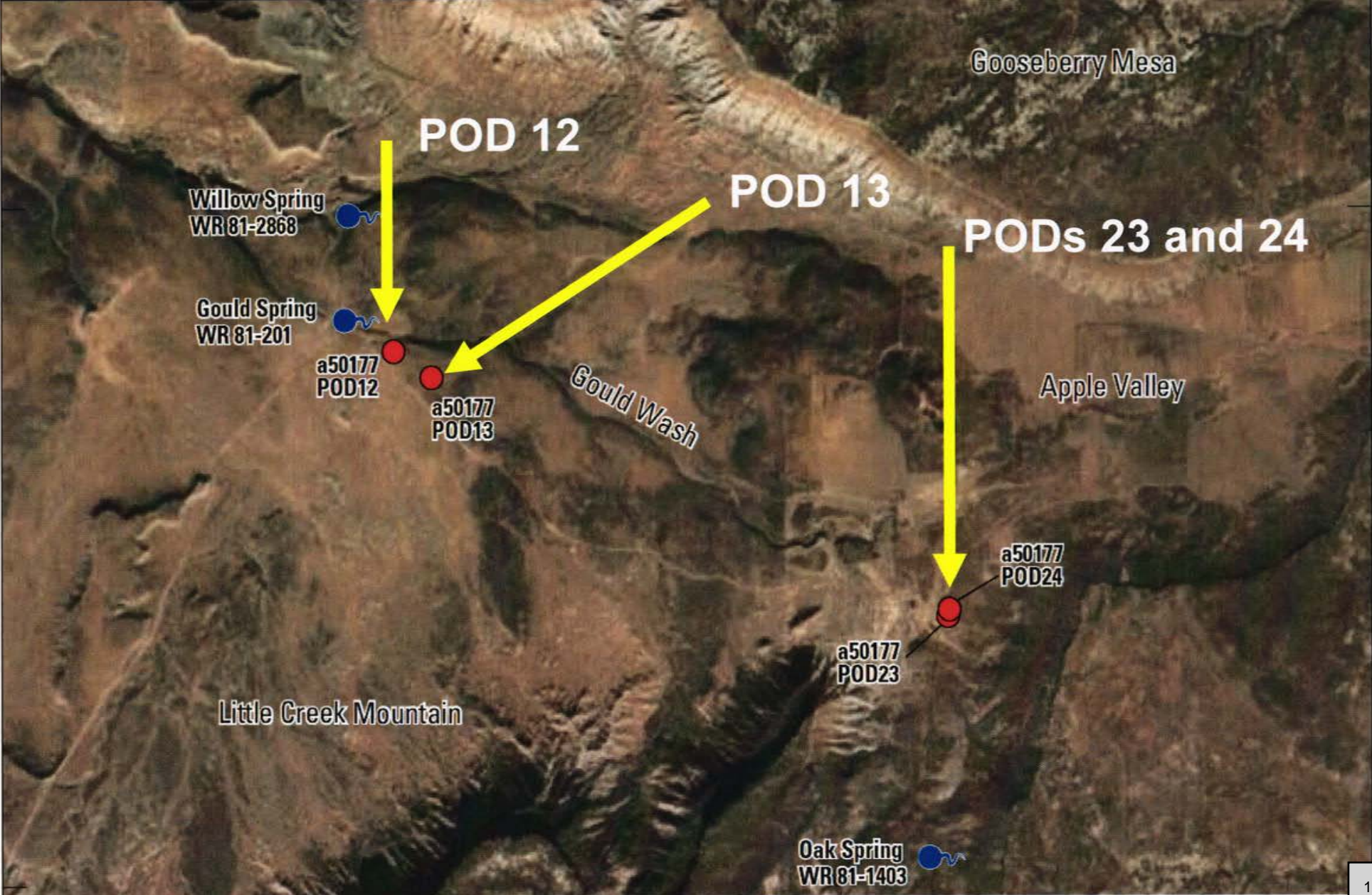
# Hydrogeologic Conclusions

- Alluvial deposits, landslide deposits, and lava deposits sit on top of and are interbedded with the Shinarump Conglomerate.
- All of these geologic features are in hydrologic communication and operate under unconfined conditions.
- Drawdowns in one geologic features will be transmitted to adjacent features because there are no geologic barriers.

# USGS Groundwater Analysis

- USGS conducted a Theis analysis of the proposed diversions.
- A Theis analysis uses an equation that considers volume and number of years of pumping, distance from water sources of concern, and aquifer parameters (transmissivity and specific yield). Equation adjusted to account for unconfined conditions.
- USGS ran three scenarios where each proposed POD that is close to BLM springs was pumped at 3, 20, or 101.2 AFY.
- Scenarios included a range of estimated transmissivity and specific yield estimates to provide best case and worse-case scenarios, in terms of potential impairment to BLM water rights.
- Even though Applicant proposed 600' depth wells, USGS assumed that proposed wells will not divert from Moenkopi Formation because of poor yield and water quality issues.

# USGS Theis Analysis Pumping Locations



# USGS Analytical Products

## Unconfined correction applied

Elapsed time (years)	Drawdown (ft) from withdrawals occurring at a50177, PODs 12, 13, 23, & 24 (each pumping at $Q=20$ acre-ft/v)											
	Gould Spring (WR81-201); r=1,325; 2,372; 15,381; and 15,350 ft				Willow Spring (WR81-2868); r=3,197; 4,062; 16,435; and 16,303 ft				Oak Spring (WR81-1403); r=16,750; 15,771; 5,420; and 5,639 ft			
	Sy=0.05		Sy=0.3		Sy=0.05		Sy=0.3		Sy=0.05		Sy=0.3	
	T=80 ft <sup>2</sup> /d	T=2,700 ft <sup>2</sup> /d	T=80 ft <sup>2</sup> /d	T=2,700 ft <sup>2</sup> /d	T=80 ft <sup>2</sup> /d	T=2,700 ft <sup>2</sup> /d	T=80 ft <sup>2</sup> /d	T=2,700 ft <sup>2</sup> /d	T=80 ft <sup>2</sup> /d	T=2,700 ft <sup>2</sup> /d	T=80 ft <sup>2</sup> /d	T=2,700 ft <sup>2</sup> /d
5	5.1	0.7	0.6	0.4	0.9	0.5	0.0	0.2	0.0	0.3	0.0	0.1
10	8.1	0.8	1.8	0.5	2.5	0.6	0.0	0.3	0.6	0.5	0.0	0.2
20	11.7	1.0	3.7	0.6	4.8	0.8	0.3	0.4	2.0	0.7	0.0	0.3
50	17.1	1.3	7.3	0.8	8.9	1.0	2.0	0.6	5.0	0.9	0.4	0.5
100	23.0	1.4	10.7	1.0	13.4	1.2	4.1	0.7	8.9	1.1	1.5	0.6

If PODs 12, 13, 23, or 24 are pumped for 100 years, then the range of drawdown values (from pumping closest POD) are:

	20.0 AFY PUMPING	102.2 AFY PUMPING
Gould Spring 81-201	23.0 to 1.0 feet	30.0 to 1.8 feet
Willow Spring 81-2868	13.4 to 0.7 feet	30.0 to 1.4 feet
Oak Spring 81-1403	8.9 to 0.6 feet	34.5 to 1.2 feet

# USGS Analysis Conclusions

- All three springs are likely to be impaired by pumping PODs 12, 13, 23, and 24, even if each of those PODs are pumped at only 20 acre-feet per year.
- Impairment will likely occur regardless of the transmissivity and specific yield estimates used within the range of reasonable estimates for these parameters, because of the proximity of the proposed pumping to the springs.
- Spring discharge is especially susceptible to pumping drawdown.

# Springs Are Especially Sensitive To Groundwater Level Reductions



**Needlepoint Spring: dried up by well pumping.**

1. If groundwater levels are reduced, there less pressure forces water out of the spring orifice, reducing discharge.
2. If groundwater levels go below the spring orifice, flow will cease.
3. Once flow ceases, it is very difficult to reverse, because groundwater levels must be restored to historic elevations before flow resumes.
4. Springs provide reliable, low-cost water supplies for livestock grazing operators, which operate on low profit margins.

# Feasibility Issues



Given that results of the USGS analysis show substantial impairment to BLM water rights, BLM is extremely unlikely to approve land use authorization for PODs 12 and 13.

Willow Spring 81-2868

## BLM Recommendations

If the Application is approved:

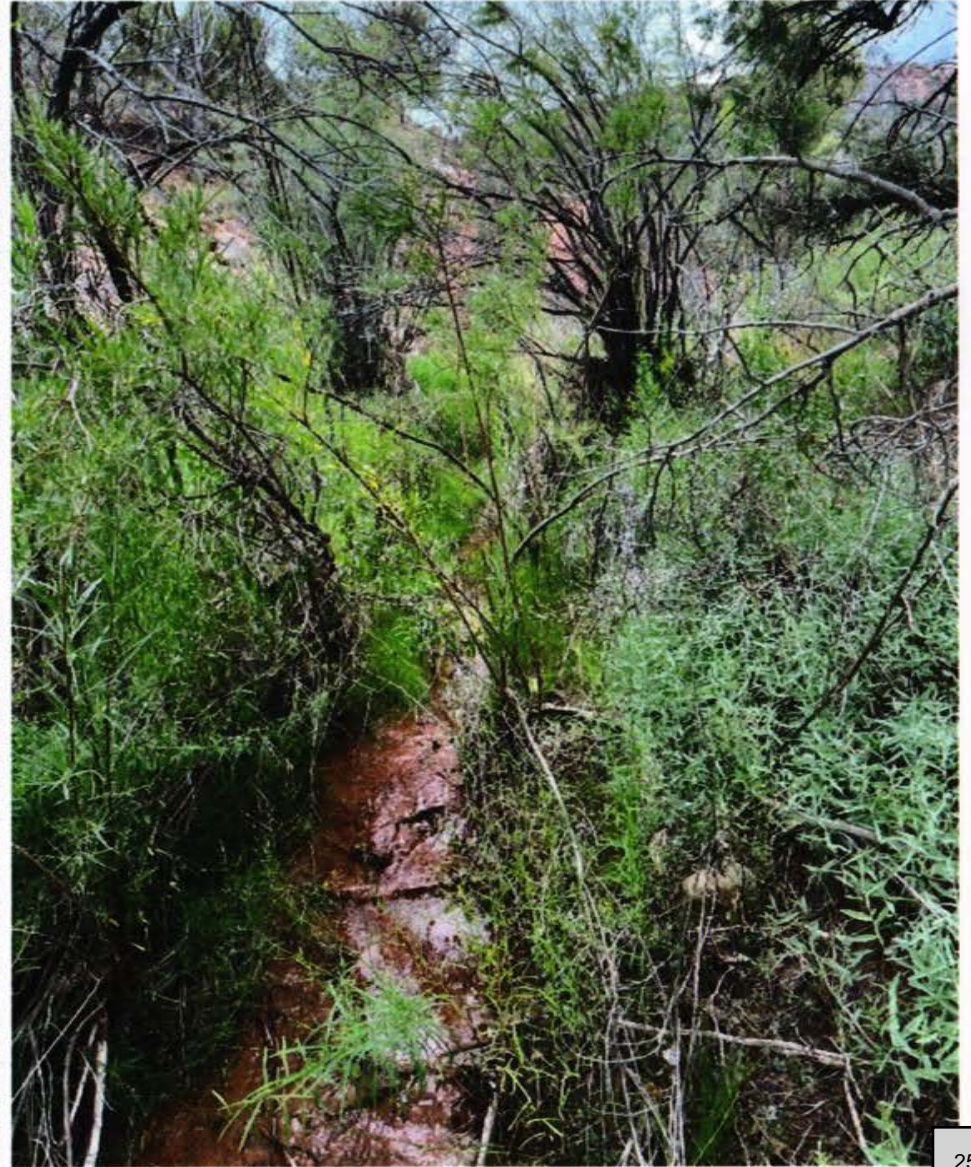
- Impacts to BLM's senior water rights should be avoided by denying the request to pump at PODs 12, 13, 23, and 24. There are other proposed PODs to the northeast of PODs 23 and 24 that could minimize impacts to BLM water rights.
- The Applicant should be required to meter the wells and provide accounting of all use under Applicant's changed water rights.
- The Memorandum Decision should clarify the relationship between the approval and previous change application approvals under a47314 and a499097.



# Questions for BLM?



Oak Spring 81-1403





Doralee Cannon <doraleecannon@utah.gov>

**Fwd: Tru South LLC Hearing - Application Number a50177**

1 message

**Willa Knight** <willaknight@utah.gov>  
To: Doralee Cannon <doraleecannon@utah.gov>

Mon, Jan 8, 2024 at 7:55 AM

For the hearing this week.



**Willa Knight**  
Public Inquiry Program Manager

**W:** (801) 538-7407  
**E:** [willaknight@utah.gov](mailto:willaknight@utah.gov)

Utah Department of Natural Resources  
Division of Water Rights



[waterrights.utah.gov](http://waterrights.utah.gov)

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----- Forwarded message -----

From: **Smith, Roy E** <[r20smith@blm.gov](mailto:r20smith@blm.gov)>  
Date: Sat, Jan 6, 2024 at 8:13 AM  
Subject: Tru South LLC Hearing - Application Number a50177  
To: Willa Knight <[willaknight@utah.gov](mailto:willaknight@utah.gov)>  
Cc: [ericjones@utah.gov](mailto:ericjones@utah.gov) <[ericjones@utah.gov](mailto:ericjones@utah.gov)>, Johnson, Cameron B <[cameron.johnson@sol.doi.gov](mailto:cameron.johnson@sol.doi.gov)>, West, Jason R <[jrwest@blm.gov](mailto:jrwest@blm.gov)>

Greetings Willa -

In the event that we have any technical difficulties, I am attaching the PowerPoint that BLM intends to present at the hearing scheduled for 10 am on January 10. If you can confirm receipt, I would appreciate it.

Roy E. Smith  
Water Rights, Instream Flow Protection, Wild & Scenic Rivers  
Bureau of Land Management  
Denver Federal Center, Building 40  
Lakewood, CO 80215  
303-239-3940  
[r20smith@blm.gov](mailto:r20smith@blm.gov)

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WATER RIGHTS  
SALT LAKE

SCANNED DO

**Tru South LLC Protest Powerpoint.pptx**  
6150K



**CONTRACT WATER BANK APPLICATION**  
Utah Board of Water Resources

(FOR OFFICE USE ONLY)

Rev.6/14/23

Item 2.

Application Number:

Date Received:

Date Complete:

Date Noticed:

Date Approved:

**INTRODUCTION:**

This form is for eligible entities to apply to establish a Contract Water Bank under Utah Code Title 73 Chapter 31 ("the Act").

The Act promotes the development of market tools favorable to and controlled by local water users. Under the Act, qualifying leasing arrangements can be approved as a Water Bank. Approved Water Banks are granted statutory powers designed to facilitate efficient transfers of water among interested local users. Participation in a Water Bank is voluntary. The Utah Board of Water Resources shall review all Water Bank Applications for completeness and approve complete applications. For a water right to be used within an approved Water Bank, it must be approved through a separate Change Application process overseen by the Utah Division of Water Rights. Once approved, Water Banks operate as independent entities with annual reporting requirements to the Board of Water Resources.

Pursuant to Utah Code Ann. § 73-31-106 the Board of Water Resources delegates authority to the Division of Water Resources staff to perform a completeness review of this application.

**APPLICATION INSTRUCTIONS:**

To apply, please:

- (1) Complete this Contract Water Bank Application form
- (2) Attach a water bank service area map, attorney's review letter, conditionally approved water bank contract, and other supporting information
- (3) Sign and date the application
- (4) Email (preferred) or mail the completed application to:

Shalaine DeBernardi, Assistant Director  
Utah Division of Water Resources  
PO Box 146201  
Salt Lake City, UT 84114

[shalainedebernardi@utah.gov](mailto:shalainedebernardi@utah.gov)  
801-652-1668

**CONTACT INFORMATION:**

Water Bank Applicant <b>Big Plains Water Special Service District</b>		Federal Tax ID Number	
Type of Public Entity <b>Special Service District</b>			
Name of Water Bank			
Official Business Address <b>1777 N. Meadowlark Dr.</b>	City <b>Apple Valley</b>	State <b>Utah</b>	Zip Code <b>84737</b>
Primary Contact (First & Last Name), Title/Position <b>Barratt Nielson, Board Chair, BPWSSD</b>	Phone <b>435-877-1190</b>	Email Address <b>bnielson@applevalley.ut.gov</b>	
Address <b>1777 N. Meadowlark Dr.</b>	City <b>Apple Valley</b>	State <b>Utah</b>	Zip Code <b>84737</b>
Secondary Contact (First & Last Name), Title/Position		Email Address	
Address <b>1777 N. Meadowlark Dr.</b>		City <b>Apple Valley</b>	Zip Code <b>84737</b>
Attorney (First & Last Name), Firm (can represent any party to Contract Water Bank) <b>Ben Ruesch, Ruesch &amp; Reeve PLLC</b>		Email Address <b>ben@rrlegal.com</b>	
Address <b>86 N 3400 West</b>		City <b>Hurricane</b>	Zip Code <b>84737</b>

<b>PROJECT INFORMATION:</b>		
County(ies) Where Water Bank is Located: <b>Washington County</b>		Type of Water Bank (ground or surface water): <b>groundwater</b>
Proposed Annual Start Date of Contract Water Bank:	Proposed Annual End Date of Contract Water Bank:	Estimated Years of Operation:
List of Parties to Water Bank Contract: <b>Big Plains Water Special Service District Bitterwater Enterprises LLC</b>		Links to Minutes Where Applicant Discussed Water Bank Contract a Regular Meeting and Link to Meeting where Applicant Provided Conditional Approval of Water Bank Contract:
Narrative Description of the Contract Water Bank Service Area (map to be attached):		Anticipated Water Rights and Volume: <b>81-4685 30 ACFT 81-4131 24 ACFT</b>
<b>CONTRACT SUMMARY:</b> A narrative description of the leasing arrangement and other key terms agreed to by the parties in the Water Bank contract. (Contract to be attached).		
A description of how the Contract Water Bank's governing body will be structured. <b>The Contract Water Board</b>		
A description for how water leases are to be administered.		

Terms governing how the parties are going to monitor and account for water leased through the Contract Water Bank.

Provisions addressing annual Board of Water Resources Reporting.

Criteria for Participation of Non-Public Entities (if any).

Procedures for Termination, Dissolution, or Revocation of the Contract Water Bank, including how the Contract Water Bank will return banked water rights and any money owed water right owners.

Where the public may locate information on when the Water Bank Contract will be on the Applicant's Agenda for a public hearing.

**ACKNOWLEDGEMENT AND SIGNATURE:**

By signing and submitting this application, you acknowledge that you:

- (1) Are authorized to apply to be a Contract Water Bank on behalf of the Applicant.
- (2) Are a qualified applicant.
- (3) Request approval of this Contract Water Bank application subject to the required completeness review.

\_\_\_\_\_

Name of Authorized Agent

\_\_\_\_\_

Signature of Authorized Agent

\_\_\_\_\_

Date

**APPROVED AS TO FORM AND COMPLETENESS** (to be completed by an attorney for one of the parties to the Contract Water Bank)

\_\_\_\_\_

Attorney Name

\_\_\_\_\_

Attorney Signature

\_\_\_\_\_

Date

\_\_\_\_\_

Party to Water Bank Contract Represented by Attorney

**TO BE COMPLETED BY THE MEMBER OF THE BOARD OF WATER RESOURCES ASSIGNED TO AREA:**

I have reviewed this application and forward it to staff of the Division of Water Resources to conduct a completeness review and to prepare a contract water bank report.

Comments (if any):

\_\_\_\_\_

Board Member Name

\_\_\_\_\_

Board Member Signature

\_\_\_\_\_

Date

**FOR OFFICE USE ONLY**

Board Meeting Date: \_\_\_\_\_

- Approved
- Denied



## Statewide Water Marketing Strategy Project

Exploring the development of market tools favorable to local water users by piloting the Utah Water Banking Act. The Act promotes water leasing arrangements that are locally controlled, temporary in nature, and always voluntary.

# Water Marketing Foundational Questions

## Purpose

This document presents key foundational questions for the development of water marketing. Its purpose is to guide potential water marketing participants in the early stages of setting up a water bank so that lease arrangements and the water bank application and change application can proceed efficiently. Foundational considerations are presented as questions and organized sequentially with the key water marketing milestones identified.



# Milestone 1 People



Before any water marketing activities can commence, interested parties must identify and assemble the right people. It is critically important that key individuals join the discussion early in the process. This initial stage of exploring water marketing can be time intensive.

## 1 Why are you here?

- There are several reasons to explore water marketing, including:
  - You need more water.
  - You want money for water you own.
  - You want to test the water banking concept.
  - You want to keep water rights in good standing.

## 2 Is there a team invested in exploring water marketing?

- Are the right people in the room to make decisions?
- Who are the right people?
  - Local water rights owners whose water may be leased
  - Local water right users who want to lease water
  - People in decisions making positions about water
  - People who are going to have input on how water is moved
- Examples of individuals to engage:
  - Regional State Engineer
  - Local Water Users Association Leadership
  - Local irrigation Company Board members/President
  - Entities interested in leasing water (NGOs; farmers; etc.)
  - Division of Water Resources personnel





### 3 Do you need professional assistance to establish a water market?

- Examples of outside expertise that may assist setting up a water market include:
  - Attorneys
  - Engineers
  - Water policy experts
  - Other consultants (economists; individuals with experience building local water markets)

### 4 Is the team invested?

- Creating a local water market or completing a water marketing transaction can take substantial time.
- Are you able to meet critical deadlines?
- Is there funding available to support external consultants and attorneys?
- Are there funding sources (grants, loans) to secure outside funding for the project?

### 5 What other interested parties should be engaged?

- Are there individuals or groups in the community who will want to be kept apprised or informed of your water marketing activities? Examples include:
  - Other water users
  - Potential protestants to Change Applications
  - Concerned community members

## Team Exercise

- Create a long-list of potential interested parties and potential participants
- Create a list of other water users in the market area



# Milestone 2 Markets



An important step in setting up a water market is to evaluate water demands available and water supplies so that potential lessors and lessees can be matched. For a water market to work well, local water resources and water rights should be well understood.

## 6 Is there a local demand for water? Is “there a there”?

- Are there water users in the area who want water but do not have it?
- When do they want that water?
- How much water do they want?
- What do they want the water for?

## 7 Are water supplies available?

- Is there available water currently available to meet that demand?
- What type of supply is available? Examples include:
  - Surface water
  - Groundwater (note: a groundwater management plan or other groundwater studies may be available to inform the availability of groundwater)
  - Storage rights
  - Non-consumptive water rights
  - Other
- Are there water users who do not want to use their water?
- Are there irrigation company water rights not able to be fully used due to development/urbanization of the ditch service area?
- Is there a municipality with surplus water it is not using?
- Are there industrial user(s) (e.g. power plants) with water they are not using?
- Is “saved-water” (i.e reduced depletions or reduced diversions) available?



## 8 Can available water supplies be used to meet demands?

- Are the water supplies available when water users need it?
- If not, when do shortages occur? Are all water users dry at the same time?
- How often and over what term is additional water needed?
- For irrigators, is supplemental water needed to provide full-season irrigation? Is water needed for later season irrigation?

### Supply / Demand Exercise

- List five transactions that you think would work in your area.

## Milestone 3 Logistics



For a water market to work, it must be physically and legally possible to move water from lessors to lessees. The conveyance system and water right regime should be well understood.

## 9 Conveyance: Can available water get to where it is wanted?

- Do diversion, conveyance, and distribution structures exist to move water the way you want?
  - Are interested water users connected by an irrigation company system?
  - Is there a natural stream or river that can deliver the water?
  - Is there a municipal/district system available to use as a means of leased water?
- Do canals and pipes have capacity to handle additional water?
- Can wells and surface water work together?
- Is there a storage facility in the area that can be used to store and release available water?



## 10 Distribution: Can leased water be distributed to end users?

- Is there an existing State Engineer distribution system in the area where you want to lease water?
  - If not, are the interested parties willing to conduct additional studies to demonstrate the water can be distributed?
- Can the transferred water be physically measured?
  - Are there proper meters and monitoring equipment to measure the water to ensure users get the water they are leasing?
- Is the reach/gain loss understood in area?
  - Will water naturally get to where it is intended?
  - What conveyances losses are expected?

## 11 From a water rights perspective, can you legally move the water the way you want to move water?

- What is the priority date of the potentially leased water and will that priority date yield the water desired?
- Are there intervening diversions between the source of supply and the end user?
  - Are intervening diversions senior to the leased water?

## 12 Are there governance or legal limitations that would prohibit movement or condition leasing of water?

- Examples of state and local limitations could include:
  - Existing water right approval conditions
  - State regulations
  - Irrigation company, municipal, or water district charter, bylaws, or regulations
- Examples of Federal restrictions could include:
  - Warren Act Federal Reservoir Storage limitations
  - Federal project restrictions (appurtenances)
  - Reclamation Reform Act requirements (agricultural v. municipal designations)

### Team Exercise

- Look at a map and mark canals, stream, and pipelines that might be used to deliver water between lessors and lessees



# Milestone 4 Transactions



There are many methods to transfer water; water banks are but one example. The structure of a water market should be tailored to meet the specific objectives of the local market participants.

## 13 Are potential lessees well known or are they undefined?

- For known lessees, potential transactions include:
  - Direct leases
  - Contract water banks
  - Exchanges (swap of supply)
- For undefined lessees, potential transactions include:
  - Auctions
  - Reverse auctions
  - Bulletin boards
  - Rental pools
  - Statutory water banks

## 14 How often is the water needed and over what lease duration?

- Is the lease needed during specific periods of the year?  
For example:
  - Late season
  - Split season
  - Year-round
- Is the lease frequency hydrologically dependent? For example:
  - Late season leases to irrigation
  - Leases for highwater events
- What duration is the lease needed - annual or multi-year?



**15 What are expected lease prices?**

- What prices do users expect?
  - Are there comparable markets in the state with known pricing?

**16 How will lease prices be set?**

- There are several options for setting lease prices:
- Lessors determine price:
  - Fixed price
- Is there an active water lease market with known pricing already in place?
  - Receive bids from prospective lessors
    - Propose asking price then negotiate
  - Lessees determine price
    - Fixed price
    - Propose bid price then negotiate
    - Price is agreed to be agreed
  - Price setting mechanism is formulaic and non-negotiable
  - Some combination of the above

**17 How will lease negotiations take place?**

- Who determines what price is acceptable?
  - All lessees or lessors must agree
  - Bid/ask determined between individuals
- Who participates in negotiations?
- At what point in the approval process will lease prices be set?
- What is the annual process for adjusting lease prices?



# Milestone 5 Approvals



Many water market transactions require local, state, and/or federal approval. Requirements for approval will vary depending on market structure.

## 18 Would moving water impair other water users or water rights?

- What other water users or water rights could potentially be impacted by the leases?
  - Surface water users
  - Groundwater users
  - Non-consumptive users
- How might moving the leasable water cause impairment? For example, if the lease would cause:
  - A reduction in yield to senior water rights holders
  - A potential expansion of use of the leased water
  - A reduction in groundwater levels that impact other well users
- Would the leases conflict with any existing water right approval conditions?
- Do impairment concerns impact the amount of water available to lease?

## 19 What can be done to mitigate potential impairment, actual or perceived?

- Is an agreement with potentially impaired parties possible? Such agreements could:
  - Provide limitations on quantity, timing, or duration of leases
  - Subordinate leases to other uses
  - Compensate potentially impaired parties
- What outreach to other water users should be taken to address concerns before a water market is established?



**20. For approval of contract water banks, the following questions must be resolved:**

- What is the service area of the bank?
  - A contract water bank can be a groundwater bank or a surface water bank, but not both.
  - A map of the service area is required for approval of the bank. Groundwater users
- Who will be the water bank applicant?
  - The bank applicant must be public entity
- Who are contracted water bank participants?
  - A mutually executed contract among the water bank applicant, borrowers, and depositors must be developed and submitted to the Board of Water Resources for approval
- How will the governing body that administers the contract water bank be organized?
  - What is the structure of the governing body's board of directors?
  - Who will serve on the board and will the board members be elected or appointed?
  - What are the voting procedures of the board?
- What will be the procedures governing water transactions in the statutory water bank?
  - How will transactions be reviewed, accepted or rejected, and managed?
  - What are the criteria for participation in the bank?
  - How will prices be determined (see Question 16)?
  - How will potential depositors and borrowers be notified whether their requests have been approved or denied?
  - What will be the deadlines for water bank participants to deposit or borrow water from the bank?
- How will the public be notified when the application is submitted and considered a public meeting of the public entity?





- What process will the water bank follow if the water bank is terminated, dissolved, or has its permission to operate revoked by the Board of Water Resources, and what will be the process to return banked water rights to depositors?
- How will depositors work with the water bank to file a joint change application to deposit water rights to the bank?

**21 For approval of statutory water banks, the following questions must be resolved:**

- What is the service area of the bank?
  - A statutory water bank can be a groundwater bank or a surface water bank, but not both.
  - A map of the service area is required for approval of the bank.
- Who are the possible bank participants in the service area?
- Who will be the water bank applicant?
  - The bank applicant must be a record holder of a perfected water right (one that is listed in a decree, a certificate of appropriation, or a proposed determination or court order issued in a general adjudication) or valid diligence claim that is encompassed within the proposed service area of the bank.
  - An applicant cannot be the Federal Government.
- Who will be the legal entity that administers the bank?
  - The legal entity must be “recognized under Utah law.”
  - Examples include non-profit corporations, cooperative associations, or an interlocal entity.
- How will the legal entity that administers the statutory water bank be organized?
  - How will the governing board of the legal entity be structured, who can serve on the board, and will the board members be elected or appointed?
  - If the legal entity already exists, are its existing governing documents and policies sufficient to meet the requirements for a statutory water bank?
  - Legal and regulatory analysis may be required to identify the legal entity that can best meet local needs.



- How will the legal entity that administers the statutory water bank be funded? Notes:
  - What are the costs of operating the water bank?
  - What are the procedures for funding administrative costs, including change application reviews, staff time, materials, and legal and regulatory analysis.
  - How will payments by water bank users be determined?
- What will be the procedures governing water transactions in the statutory water bank?
  - How will transactions be reviewed, accepted or rejected, and managed?
  - What information must be provided by water users seeking a transaction through the water bank?
  - How will potential depositors and borrowers be notified whether their requests have been approved or denied?
  - Will there be an appeals process for denied deposits, and if so, what will be the appeal process?
  - What conditions will the water bank place on potential deposits before the water can be used?
  - What will be the deadlines for water bank participants to deposit or borrow water from the bank?
  - What will be the deadlines and public notice provisions for review and approval of deposits and withdrawals?
- What procedures will the statutory water bank have regarding complaint resolution, termination, and state coordination?
  - What process will the water bank take to resolve potential complaints by other water users regarding administration of the water bank?
  - What process will the water bank follow if the water bank is terminated, dissolved, or has its permission to operate revoked by the Board of Water Resources, and what will be the process to return banked water rights to depositors?
- How will depositors work with the water bank to file a joint change application to deposit water rights to the bank?



**22 Are federal approvals required to establish the water market?**

- Is the transacted water provided by a federal project or otherwise subject to any federal authorization or restrictions?
- What is the federal agency with oversight authority?
- What is the process for seeking federal approval?

**23 Are internal governance approvals to establish the water market?**

- Governance approvals for contract and statutory water banks are described above.
- For other types of water market, what agreements are needed among the market participants?
- Do there need to be any new or adjustments to existing internal governance documents to set up and operate the water market?

**24. What water right administration and reporting is required for the water market?**

- What water right accounting information is needed to operate the water market?
- How will water transactions be reported to the State Engineer?
- Who will collect transaction records and any measurements required?

More information can be found at [utahwaterbank.org](http://utahwaterbank.org).



**Effective 5/12/2020**

### **Part 3 Contract Water Banks**

#### **73-31-301 Approval of contract water bank.**

- (1) The board shall approve an application to create a contract water bank that satisfies this part.
- (2) As a condition of approval, a contract water bank is subject to this chapter.

Enacted by Chapter 342, 2020 General Session

#### **73-31-302 Contract water bank application.**

- (1) A public entity may seek to have a contract for water use approved as a contract water bank under this chapter by submitting an application to the board that meets the following criteria:
  - (a) the name of the contract water bank;
  - (b) the mailing address for the contract water bank;
  - (c) the proposed service area map for the contract water bank;
  - (d) a description of how the contract water bank's governing body will be structured and operate;
  - (e) a description for how water delivery requests and loaned water rights are to be administered;
  - (f) criteria for the participation, if any, of non-public entities;
  - (g) includes a copy of the contract, provided that a public entity may redact any information that is private, controlled, protected, or otherwise restricted under Title 63G, Chapter 2, Government Records Access and Management Act;
  - (h) information regarding how the public can learn when the submittal of an application or contract that is the basis of the contract water bank is on the agenda of a public meeting of the public entity under Title 52, Chapter 4, Open and Public Meetings Act;
  - (i) whether the contract water bank will accept deposits of surface water rights or groundwater rights, provided that a contract water bank may not accept deposits of both surface water rights and groundwater rights; and
  - (j) the process the contract water bank will follow if the contract water bank terminates, dissolves, or the board revokes the contract water bank's approval to operate pursuant to this chapter, including how the contract water bank will return banked water rights to depositors and how the contract water bank will return any amounts owing to depositors.
- (2) The board may prepare a form or online application for an applicant to use in submitting an application to the board under this part.

Enacted by Chapter 342, 2020 General Session

#### **73-31-303 Action by board on contract water bank application.**

- (1) Upon receipt of an application for a proposed contract water bank, the board shall record the day on which the board receives the application.
- (2) The board shall:
  - (a) examine the application to determine whether changes are required for the board to process the application in accordance with this part;
  - (b) review the application to determine whether it meets the objectives of a water bank described in Section 73-31-103;
  - (c) consider the application complete if the application satisfies this part; and

- (d) notify the applicant of any additional information or changes needed to process the application.
- (3) Within 30 days of the date the board determines that an application is complete, the board shall post notice of the application in accordance with Section 73-31-103.
- (4) The notice required by Subsection (3), shall state:
  - (a) that an application to approve a contract water bank has been filed with the board; and
  - (b) where a person may review the application.

Enacted by Chapter 342, 2020 General Session

**73-31-304 Review of contract water bank application.**

- (1) After complying with Section 73-31-303, the board shall approve an application for a contract water bank if the application satisfies Section 73-31-302, which is to be liberally interpreted by the board to facilitate the objectives described in Section 73-31-104.
- (2) In approving an application, the board shall:
  - (a) issue an order approving the contract water bank; and
  - (b) publish a summary of the information submitted by the public entity under Subsection 73-31-302(1) on the water banking website.
- (3) If the board denies an application, the board shall issue a written explanation to the applicant that sets forth the reason for the denial, provided that the board's decision regarding an application does not create a right of appeal under Title 63G, Chapter 4, Administrative Procedures Act.
- (4) A contract water bank may review public comments and comments from the board before a final decision is made by the board. If the contract water bank desires to make changes to the contract water bank's application, the contract water bank may notify the board in writing before the board takes action on the application that the contract water bank will submit a revised application following the same process that governs the filing of an original application.

Enacted by Chapter 342, 2020 General Session

**73-31-305 Amending application.**

- (1) After the board approves a contract water bank's application under this part, the contract water bank may seek to amend the contract water bank's application by filing a description of the proposed amendment with the board. The board shall follow the procedures of Sections 73-31-303 and 73-31-304 to approve an amendment to a contract water bank's application.
- (2) An amendment approved by the board becomes effective on the first day of the next reporting year.

Enacted by Chapter 342, 2020 General Session

**BIG PLAINS WATER SPECIAL SERVICE DISTRICT**

**RESOLUTION NO. BPW-R-2024-01**

***A RESOLUTION APPOINTING DISTRICT OFFICERS***

**WHEREAS**, the Big Plains Water Special Service District (“District”) is a Utah Special Service District; and

**WHEREAS**, the District is required to elect appropriate persons to serve as officers pursuant to the Utah Code Annotated 17B-1-309 (the “Code”); and

**WHEREAS**, the District deems it necessary to elect and/or re-elect all offices; and

**WHEREAS**, at a meeting of the District, duly called, noticed and held on the 17<sup>th</sup> day of January 2024, and upon motion duly made and seconded:

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the District to elect \_\_\_\_\_ as Chairman, \_\_\_\_\_ as Vice Chairman, and \_\_\_\_\_ as Treasurer.

**PASSED** this 17th day of January 2024.

BIG PLAINS WATER SPECIAL SERVICE DISTRICT

\_\_\_\_\_  
Chairman \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Jenna Vizcardo, Recorder

	AYE	NAY	ABSTAIN	ABSENT
Chairman   _____	_____	_____	_____	_____
Board Member   _____	_____	_____	_____	_____
Board Member   _____	_____	_____	_____	_____
Board Member   _____	_____	_____	_____	_____
Board Member   _____	_____	_____	_____	_____



## Big Plains Water Special Service District 2024 Annual Meeting Schedule

Big Plains Water Special Service District  
2024 Annual Meeting Schedule

Notice Date & Time: 1/1/2024-12/31/2024 11:59 PM

Description/Agenda:

### 2024 ANNUAL MEETING SCHEDULE OF THE TOWN OF APPLE VALLEY

Public Notice is hereby given that the 2024 Annual Meeting Schedule of the Big Plains Water Special Service District of Apple Valley has been updated and shall be as follows:

Regular Meetings of the Big Plains Water Special Service District of Apple Valley will be held during the year 2024 at 6:00 p.m. on the third Wednesday of each month, unless otherwise specified, at the Town Office Building, 1777 N Meadowlark Drive, Apple Valley, UT 84737.

Wednesday, January 17, 2024

Wednesday, February 21, 2024

Wednesday, March 20, 2024

Wednesday, April 17, 2024

Wednesday, May 15, 2024

Wednesday, June 19, 2024

Wednesday, July 17, 2024

Wednesday, August 21, 2024

Wednesday, September 18, 2024

Wednesday, October 16, 2024

Wednesday, November 20, 2024

Wednesday, December 18, 2024

Other meetings scheduled, in addition to those specified herein, shall be held or canceled as circumstances require. An agenda of each meeting will be posted at:

Town Office Building, 1777 N Meadowlark Drive, Apple Valley, UT 84737

Town of Apple Valley Website: <https://www.applevalleyut.gov/>

State of Utah Public Notice Website: <https://www.utah.gov/pmn/index.html>

Notice of Special Accommodations:

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the Town at 435-877-1190 at least three business days in advance.

Notice of Electronic or telephone participation: In accordance with state statute, one or more council members may be connected via speakerphone.

Other information:

Location: 1777 N Meadowlark Dr., Apple Valley, 84737

Contact information:

Jenna Vizcardo, [clerk@applevalleyut.gov](mailto:clerk@applevalleyut.gov), (435)877-1190

**Big Plains Water Special Service District  
Disbursement Listing  
Checking - SBSU Operating - 10/01/2023 to 10/31/2023**

Item 8.

<u>Payee Name</u>	<u>Reference Number</u>	<u>Payment Date</u>	<u>Payment Amount</u>	<u>Void Date</u>	<u>Void Amount</u>	<u>Source</u>
Superior Technical Solutions, LLC	STS10022023	10/02/2023	\$98.21			Purchasing
Adobe	A10032023	10/03/2023	\$256.07			Purchasing
Ace Hardware	1451	10/10/2023	\$36.28			Purchasing
Ruesch & Reeve	1452	10/10/2023	\$3,690.00			Purchasing
Scholzen Products Company, Inc.	1453	10/10/2023	\$1,373.13			Purchasing
South Central Communications	1454	10/10/2023	\$57.04			Purchasing
Southwest Utah Public Health Departme	1455	10/10/2023	\$75.00			Purchasing
Sunrise Engineering Inc.	1456	10/10/2023	\$1,736.50			Purchasing
UASD	1457	10/10/2023	\$435.00			Purchasing
State Bank of Southern Utah	SBSU10182023	10/13/2023	\$656.14			Purchasing
Rocky Mountain Power Company	RMP10162023	10/16/2023	\$1,603.29			Purchasing
USDA Rural Development	USDA10162023	10/16/2023	\$1,269.00			Purchasing
USDA Rural Development	USDA10162023	10/16/2023	\$9,271.00			Purchasing
ChemTech-Ford Laboratories	1458	10/18/2023	\$910.00			Purchasing
Town of Apple Valley	1459	10/23/2023		10/23/2023	\$1,456.32	Purchasing
Town of Apple Valley	1460	10/23/2023	\$5,497.16			Purchasing
Sunrise Engineering Inc.	1461	10/24/2023	\$1,245.75			Purchasing
USA Blue Book	1462	10/25/2023	\$1,558.20			Purchasing
Town of Apple Valley	1463	10/25/2023	\$4.99			Purchasing
TXFR 2023 Qtr 3 to PTIF Impact fees		10/30/2023	\$27,000.00			JE: 372
			<u>\$56,772.76</u>		<u>\$1,456.32</u>	



**Big Plains Water Special Service District  
Disbursement Listing  
Checking - SBSU Operating - 11/01/2023 to 11/30/2023**

Item 8.

<u>Payee Name</u>	<u>Reference Number</u>	<u>Payment Date</u>	<u>Payment Amount</u>	<u>Void Date</u>	<u>Void Amount</u>	<u>Source</u>
To adj for 1 cent difference in pmt vs amo		11/15/2023	\$0.01			JE: 377
ChemTech-Ford Laboratories	1464	11/01/2023	\$90.00			Purchasing
State Bank of Southern Utah	1465	11/09/2023		11/09/2023	\$948.19	Purchasing
ChemTech-Ford Laboratories	1466	11/09/2023	\$1,467.00			Purchasing
South Central Communications	1467	11/09/2023	\$146.15			Purchasing
Southwest Utah Public Health Departme	1468	11/09/2023	\$75.00			Purchasing
Ruesch & Reeve	1469	11/14/2023	\$6,590.00			Purchasing
McGinnis, Jauna	1470	11/20/2023	\$311.23			Purchasing
Southwest Sales, Service, & Pumps, Inc.	1471	11/20/2023	\$10,787.93			Purchasing
Hinton Burdick CPA's	1472	11/29/2023	\$1,000.00			Purchasing
Southwest Sales, Service, & Pumps, Inc.	1473	11/29/2023	\$1,215.85			Purchasing
Sunrise Engineering Inc.	1474	11/29/2023	\$1,774.25			Purchasing
Town of Apple Valley	1475	11/29/2023	\$220.92			Purchasing
Health Equity	HE11102023	11/10/2023	\$2.25			Purchasing
Rocky Mountain Power Company	RMP11222023	11/22/2023	\$1,354.12			Purchasing
State Bank of Southern Utah	SBSU11212023	11/21/2023	\$948.19			Purchasing
Superior Technical Solutions, LLC	STS110223	11/02/2023	\$98.21			Purchasing
USDA Rural Development	USDA11152023	11/15/2023	\$1,268.99			Purchasing
USDA Rural Development	USDA11152023	11/15/2023	\$9,271.00			Purchasing
			<b>\$36,621.10</b>		<b>\$948.19</b>	

**Big Plains Water Special Service District  
Disbursement Listing  
Checking - SBSU Operating - 12/01/2023 to 12/31/2023**

Item 8.

<u>Payee Name</u>	<u>Reference Number</u>	<u>Payment Date</u>	<u>Payment Amount</u>	<u>Void Date</u>	<u>Void Amount</u>	<u>Source</u>
Payroll	1201231200	12/01/2023	\$55.41			Paycheck
Payroll	1215231200	12/15/2023	\$55.41			Paycheck
Payroll	1229231200	12/29/2023	\$313.99			Paycheck
Utah State Division of Finance	1476	12/07/2023	\$85,000.00			Purchasing
Scholzen Products Company, Inc.	1477	12/07/2023	\$173.40			Purchasing
Pelorus Methods	1478	12/07/2023	\$500.00			Purchasing
South Central Communications	1479	12/13/2023	\$145.40			Purchasing
Southwest Utah Public Health Departme	1480	12/13/2023	\$325.00			Purchasing
Hinton Burdick CPA's	1481	12/20/2023	\$6,750.00			Purchasing
Ruesch & Reeve	1482	12/20/2023	\$3,600.00			Purchasing
Department of Workforce Services	DWS122723	12/27/2023	\$1.38			Purchasing
Internal Revenue Service	EFTPS1201202	12/01/2023	\$9.18			Payroll
Internal Revenue Service	EFTPS1219202	12/15/2023	\$9.18			Payroll
Internal Revenue Service	EFTPS1229202	12/29/2023	\$52.02			Payroll
Rocky Mountain Power Company	RMP	12/26/2023	\$829.73			Purchasing
State Bank of Southern Utah	SBSU12082023	12/08/2023	\$327.89			Purchasing
Superior Technical Solutions, LLC	STS12012023	12/01/2023	\$101.20			Purchasing
Utah Local Governments Trust	ULGT12152023	12/15/2023	\$1,382.50			Purchasing
USDA Rural Development	USDA12072023	12/15/2023	\$9,271.00			Purchasing
USDA Rural Development	USDA12152023	12/15/2023	\$1,269.00			Purchasing
			<b>\$110,171.69</b>		<b>\$0.00</b>	

**Big Plains Water Special Service District  
 Disbursement Listing  
 PTIF 8667 Reserves - 12/01/2023 to 12/31/2023**

Item 8.

<u>Payee Name</u>	<u>Reference Number</u>	<u>Payment Date</u>	<u>Payment Amount</u>	<u>Void Date</u>	<u>Void Amount</u>	<u>Source</u>
TXFR Funds From Reserves to Partially		12/13/2023	\$50,000.00			JE: 380
			<b>\$50,000.00</b>		<b>\$0.00</b>	

**Big Plains Water Special Service District**  
**Operational Budget Report**  
**51 Big Plains Water & Sewer SSD - 07/01/2023 to 10/30/2023**  
**33.33% of the fiscal year has expired**

Item 9.

	Prior YTD	Current Month	Current YTD	Annual Budget	Percent Used
<b>Income or Expense</b>					
<b>Income From Operations:</b>					
<b>Operating income</b>					
5140 Water Sales	126,700.32	0.00	102,928.10	361,600.00	28.46%
5150 Water Standby Fees	12,812.76	0.00	8,719.68	36,300.00	24.02%
5310 Connection Fees	3,430.00	0.00	0.00	9,000.00	0.00%
5410 Late Penalties and Fees	1,448.37	0.00	624.69	5,000.00	12.49%
5490 Other Operating Income	5,828.68	0.00	20,638.92	2,250.00	917.29%
<b>Total Operating income</b>	<b>150,220.13</b>	<b>0.00</b>	<b>132,911.39</b>	<b>414,150.00</b>	<b>32.09%</b>
<b>Operating expense</b>					
6011 Town Interlocal Agreement Costs	2,413.23	5,497.16	5,497.16	44,350.00	12.39%
6013 Water Salaries and Wages	18,756.00	0.00	0.00	0.00	0.00%
6014 Water Benefits	7,842.11	0.00	0.00	0.00	0.00%
6021 Public Postings	0.00	0.00	0.00	100.00	0.00%
6023 Travel	0.00	0.00	148.14	800.00	18.52%
6024 Training	295.00	240.00	1,102.37	700.00	157.48%
6025 Books/Subscriptions/Memberships	0.00	435.00	435.00	2,800.00	15.54%
6030 Admin Supplies and Expenses	1,849.81	526.59	2,240.89	5,000.00	44.82%
6032 Postage	0.00	0.00	0.00	200.00	0.00%
6035 Bank Service Charges	0.00	0.00	0.00	100.00	0.00%
6040 Professional Service	14,069.25	2,982.25	12,950.50	7,500.00	172.67%
6043 Accounting & Audit Fees	0.00	0.00	350.00	13,200.00	2.65%
6044 Water Testing	1,612.73	985.00	2,929.22	8,000.00	36.62%
6045 Legal Fees	4,732.85	3,690.00	17,455.00	10,000.00	174.55%
6050 System Maintenance and Repairs	86.28	198.76	5,448.89	7,500.00	72.65%
6051 System Equipment	3,164.07	0.00	5,958.18	21,100.00	28.24%
6052 Well Maintenance and Repairs	18,259.44	1,223.56	5,318.56	7,500.00	70.91%
6053 Tank Maintenance and Repairs	85.16	94.08	665.62	14,000.00	4.75%
6060 Equipment Costs Other than Fuel	748.72	1,676.82	6,991.02	4,000.00	174.78%
6061 Equipment Fuel	1,405.39	23.21	818.06	5,000.00	16.36%
6067 Utilities	6,176.18	1,603.29	8,505.47	24,200.00	35.15%
6068 Telephone & Internet	0.00	57.04	441.39	1,200.00	36.78%
6070 Insurance	5,907.41	0.00	(281.49)	6,600.00	-4.27%
6095 Depreciation Expense	45,021.40	0.00	38,339.32	145,000.00	26.44%
<b>Total Operating expense</b>	<b>132,425.03</b>	<b>19,232.76</b>	<b>115,313.30</b>	<b>328,850.00</b>	<b>35.07%</b>
<b>Total Income From Operations:</b>	<b>17,795.10</b>	<b>(19,232.76)</b>	<b>17,598.09</b>	<b>85,300.00</b>	<b>20.63%</b>
<b>Non-Operating Items:</b>					
<b>Non-operating income</b>					
5510 Grants	0.00	26,740.00	26,740.00	0.00	0.00%
5520 Impact Fees	22,894.09	0.00	27,000.00	120,000.00	22.50%
5610 Interest Income	1,931.17	6.65	2,961.19	7,800.00	37.96%
5690 Sundry Revenue	0.00	450.75	444.75	100.00	444.75%
<b>Total Non-operating income</b>	<b>24,825.26</b>	<b>27,197.40</b>	<b>57,145.94</b>	<b>127,900.00</b>	<b>44.68%</b>
<b>Non-operating expense</b>					
6080 Interest Expense	25,396.89	7,030.36	24,192.39	87,110.00	27.77%
<b>Total Non-operating expense</b>	<b>25,396.89</b>	<b>7,030.36</b>	<b>24,192.39</b>	<b>87,110.00</b>	<b>27.77%</b>
<b>Total Non-Operating Items:</b>	<b>(571.63)</b>	<b>20,167.04</b>	<b>32,953.55</b>	<b>40,790.00</b>	<b>80.79%</b>
<b>Total Income or Expense</b>	<b>17,223.47</b>	<b>934.28</b>	<b>50,551.64</b>	<b>126,090.00</b>	<b>40.09%</b>

**Big Plains Water Special Service District**  
**Operational Budget Report**  
**51 Big Plains Water & Sewer SSD - 07/01/2023 to 11/30/2023**  
**41.67% of the fiscal year has expired**

Item 9.

	Prior YTD	Current Month	Current YTD	Annual Budget	Percent Used
<b>Income or Expense</b>					
<b>Income From Operations:</b>					
<b>Operating income</b>					
5140 Water Sales	153,282.09	29,117.85	163,229.26	361,600.00	45.14%
5150 Water Standby Fees	15,899.76	2,940.00	14,552.26	36,300.00	40.09%
5310 Connection Fees	5,030.00	0.00	0.00	9,000.00	0.00%
5410 Late Penalties and Fees	1,677.29	332.21	1,200.47	5,000.00	24.01%
5490 Other Operating Income	5,828.68	(191.40)	19,071.20	2,250.00	847.61%
<b>Total Operating income</b>	<b>181,717.82</b>	<b>32,198.66</b>	<b>198,053.19</b>	<b>414,150.00</b>	<b>47.82%</b>
<b>Operating expense</b>					
6011 Town Interlocal Agreement Costs	2,413.23	0.00	5,497.16	44,350.00	12.39%
6013 Water Salaries and Wages	22,924.00	60.00	60.00	0.00	0.00%
6014 Water Benefits	9,728.72	6.84	6.84	0.00	0.00%
6021 Public Postings	0.00	0.00	0.00	100.00	0.00%
6023 Travel	2,565.40	121.59	269.73	800.00	33.72%
6024 Training	295.00	0.00	1,102.37	700.00	157.48%
6025 Books/Subscriptions/Memberships	0.00	0.00	435.00	2,800.00	15.54%
6030 Admin Supplies and Expenses	2,171.99	571.63	2,812.52	5,000.00	56.25%
6032 Postage	0.00	0.00	0.00	200.00	0.00%
6035 Bank Service Charges	0.00	0.00	0.00	100.00	0.00%
6040 Professional Service	19,523.25	1,774.25	14,649.25	7,500.00	195.32%
6043 Accounting & Audit Fees	0.00	1,000.00	1,350.00	13,200.00	10.23%
6044 Water Testing	2,379.66	1,632.00	4,561.22	8,000.00	57.02%
6045 Legal Fees	6,382.85	6,590.00	24,045.00	10,000.00	240.45%
6050 System Maintenance and Repairs	1,082.27	41.18	5,490.07	7,500.00	73.20%
6051 System Equipment	3,259.07	1,215.85	7,174.03	21,100.00	34.00%
6052 Well Maintenance and Repairs	23,758.50	152.40	16,258.89	7,500.00	216.79%
6053 Tank Maintenance and Repairs	985.16	165.70	831.32	14,000.00	5.94%
6060 Equipment Costs Other than Fuel	748.72	95.20	7,086.22	4,000.00	177.16%
6061 Equipment Fuel	1,577.50	220.92	1,038.98	5,000.00	20.78%
6067 Utilities	7,717.62	1,354.12	9,859.59	24,200.00	40.74%
6068 Telephone & Internet	0.00	146.15	587.54	1,200.00	48.96%
6070 Insurance	5,907.41	0.00	(281.49)	6,600.00	-4.27%
6095 Depreciation Expense	56,276.75	13,403.10	64,637.91	145,000.00	44.58%
<b>Total Operating expense</b>	<b>169,697.10</b>	<b>28,550.93</b>	<b>167,472.15</b>	<b>328,850.00</b>	<b>50.93%</b>
<b>Total Income From Operations:</b>	<b>12,020.72</b>	<b>3,647.73</b>	<b>30,581.04</b>	<b>85,300.00</b>	<b>35.85%</b>
<b>Non-Operating Items:</b>					
<b>Non-operating income</b>					
5510 Grants	0.00	0.00	26,740.00	0.00	0.00%
5520 Impact Fees	22,894.09	0.00	27,000.00	120,000.00	22.50%
5610 Interest Income	2,652.37	1,141.26	5,138.10	7,800.00	65.87%
5690 Sundry Revenue	0.00	(450.75)	(6.00)	100.00	-6.00%
<b>Total Non-operating income</b>	<b>25,546.46</b>	<b>690.51</b>	<b>58,872.10</b>	<b>127,900.00</b>	<b>46.03%</b>
<b>Non-operating expense</b>					
6080 Interest Expense	32,539.54	7,019.97	31,212.36	87,110.00	35.83%
<b>Total Non-operating expense</b>	<b>32,539.54</b>	<b>7,019.97</b>	<b>31,212.36</b>	<b>87,110.00</b>	<b>35.83%</b>
<b>Total Non-Operating Items:</b>	<b>(6,993.08)</b>	<b>(6,329.46)</b>	<b>27,659.74</b>	<b>40,790.00</b>	<b>67.81%</b>
<b>Total Income or Expense</b>	<b>5,027.64</b>	<b>(2,681.73)</b>	<b>58,240.78</b>	<b>126,090.00</b>	<b>46.19%</b>

**Big Plains Water Special Service District**  
**Operational Budget Report**  
**51 Big Plains Water & Sewer SSD - 07/01/2023 to 12/31/2023**  
**50.00% of the fiscal year has expired**

Item 9.

	Prior YTD	Current Month	Current YTD	Annual Budget	Percent Used
<b>Income or Expense</b>					
<b>Income From Operations:</b>					
<b>Operating income</b>					
5140 Water Sales	177,513.36	25,829.24	189,058.50	361,600.00	52.28%
5150 Water Standby Fees	18,888.76	2,900.48	17,452.74	36,300.00	48.08%
5310 Connection Fees	5,030.00	0.00	0.00	9,000.00	0.00%
5410 Late Penalties and Fees	1,827.14	379.78	1,580.25	5,000.00	31.61%
5490 Other Operating Income	5,828.68	919.56	19,990.76	2,250.00	888.48%
<b>Total Operating income</b>	<b>209,087.94</b>	<b>30,029.06</b>	<b>228,082.25</b>	<b>414,150.00</b>	<b>55.07%</b>
<b>Operating expense</b>					
6011 Town Interlocal Agreement Costs	2,413.23	3,890.94	9,388.10	44,350.00	21.17%
6013 Water Salaries and Wages	27,092.00	400.00	460.00	0.00	0.00%
6014 Water Benefits	11,506.11	31.98	38.82	0.00	0.00%
6021 Public Postings	0.00	0.00	0.00	100.00	0.00%
6023 Travel	2,565.40	0.00	269.73	800.00	33.72%
6024 Training	295.00	0.00	1,102.37	700.00	157.48%
6025 Books/Subscriptions/Memberships	1,750.00	1,925.00	2,360.00	2,800.00	84.29%
6030 Admin Supplies and Expenses	2,604.87	837.43	3,649.95	5,000.00	73.00%
6032 Postage	0.00	0.00	0.00	200.00	0.00%
6035 Bank Service Charges	0.00	0.00	0.00	100.00	0.00%
6040 Professional Service	26,418.25	566.25	15,215.50	7,500.00	202.87%
6043 Accounting & Audit Fees	4,200.00	6,750.00	8,100.00	13,200.00	61.36%
6044 Water Testing	2,439.66	325.00	4,886.22	8,000.00	61.08%
6045 Legal Fees	9,312.85	3,600.00	27,645.00	10,000.00	276.45%
6050 System Maintenance and Repairs	9,082.27	25.54	5,515.61	7,500.00	73.54%
6051 System Equipment	3,354.07	652.00	7,826.03	21,100.00	37.09%
6052 Well Maintenance and Repairs	23,758.50	1,175.00	17,433.89	7,500.00	232.45%
6053 Tank Maintenance and Repairs	985.16	0.00	831.32	14,000.00	5.94%
6060 Equipment Costs Other than Fuel	792.15	0.00	7,086.22	4,000.00	177.16%
6061 Equipment Fuel	1,855.62	0.00	1,038.98	5,000.00	20.78%
6067 Utilities	9,089.01	829.73	10,689.32	24,200.00	44.17%
6068 Telephone & Internet	0.00	145.40	732.94	1,200.00	61.08%
6070 Insurance	5,907.41	1,382.50	1,101.01	6,600.00	16.68%
6095 Depreciation Expense	67,532.10	13,403.10	78,041.01	145,000.00	53.82%
<b>Total Operating expense</b>	<b>212,953.66</b>	<b>35,939.87</b>	<b>203,412.02</b>	<b>328,850.00</b>	<b>61.86%</b>
<b>Total Income From Operations:</b>	<b>(3,865.72)</b>	<b>(5,910.81)</b>	<b>24,670.23</b>	<b>85,300.00</b>	<b>28.92%</b>
<b>Non-Operating Items:</b>					
<b>Non-operating income</b>					
5510 Grants	0.00	0.00	26,740.00	0.00	0.00%
5520 Impact Fees	22,894.09	23,788.00	50,788.00	120,000.00	42.32%
5610 Interest Income	3,426.40	1,040.34	6,178.44	7,800.00	79.21%
5690 Sundry Revenue	0.00	0.00	(6.00)	100.00	-6.00%
<b>Total Non-operating income</b>	<b>26,320.49</b>	<b>24,828.34</b>	<b>83,700.44</b>	<b>127,900.00</b>	<b>65.44%</b>
<b>Non-operating expense</b>					
6080 Interest Expense	39,672.13	7,009.55	38,221.91	87,110.00	43.88%
<b>Total Non-operating expense</b>	<b>39,672.13</b>	<b>7,009.55</b>	<b>38,221.91</b>	<b>87,110.00</b>	<b>43.88%</b>
<b>Total Non-Operating Items:</b>	<b>(13,351.64)</b>	<b>17,818.79</b>	<b>45,478.53</b>	<b>40,790.00</b>	<b>111.49%</b>
<b>Total Income or Expense</b>	<b>(17,217.36)</b>	<b>11,907.98</b>	<b>70,148.76</b>	<b>126,090.00</b>	<b>55.63%</b>

**Big Plains Water Special Service District**

**WATER USAGE ANALYSIS**

	COMPARABLE ACCTS			TOTAL SYSTEM		
	2023/2022	2022/2021	Over/ (Under)	2023/2022	2022/2021	Over/ (Under)
<b>JUL 2022</b>	6,117,230	6,451,930	(334,700)	8,059,327	6,572,750	1,486,577
<b>AUG</b>	4,484,140	6,052,550	(1,568,410)	5,337,420	6,073,830	(736,410)
<b>SEP</b>	4,465,090	6,266,750	(1,801,660)	5,540,460	6,304,990	(764,530)
<b>OCT</b>	3,002,500	2,967,370	35,130	3,813,180	2,971,340	841,840
<b>NOV</b>	1,656,380	2,797,940	(1,141,560)	2,327,480	2,900,120	(572,640)
<b>DEC</b>	2,293,220	2,507,480	(214,260)	2,956,200	2,556,930	399,270
<b>JAN 2023</b>	1,543,380	1,671,920	(128,540)	2,406,879	1,675,760	731,119
<b>FEB</b>	1,418,710	1,534,640	(115,930)	1,715,637	1,549,020	166,617
<b>MAR</b>	1,394,930	2,553,470	(1,158,540)	1,599,322	2,590,750	(991,428)
<b>APR</b>	3,974,645	3,419,640	555,005	5,297,632	3,453,490	1,844,142
<b>MAY</b>	5,551,174	5,423,820	127,354	6,129,554	5,533,460	596,094
<b>JUNE</b>	6,252,024	7,173,918	(921,894)	6,566,554	7,778,244	(1,211,690)
<b>FY2023 SUBTOTALS</b>	<b>42,153,423</b>	<b>48,821,428</b>	<b>(6,668,005)</b>	<b>51,749,645</b>	<b>49,960,684</b>	<b>1,788,961</b>
	<b>2024/2023</b>	<b>2023/2022</b>	<b>Over/ (Under)</b>	<b>2024/2023</b>	<b>2023/2022</b>	<b>Over/ (Under)</b>
<b>JULY 2023</b>	5,123,809	5,898,027	(774,218)	5,842,633	6,331,327	(488,694)
<b>AUG</b>	6,141,865	5,063,370	1,078,495	6,441,915	5,211,090	1,230,825
<b>SEP</b>	3,788,901	5,161,060	(1,372,159)	3,981,642	5,390,410	(1,408,768)
<b>OCT</b>	4,291,217	3,599,910	691,307	5,033,377	3,654,850	1,378,527
<b>FY2024 SUBTOTALS</b>	<b>19,345,792</b>	<b>19,722,367</b>	<b>(376,575)</b>	<b>21,299,567</b>	<b>20,587,677</b>	<b>711,890</b>

Comparable Accounts: Had usage in both years

Total System: All usage

**Big Plains Water Special Service District**

**WATER USAGE ANALYSIS**

	COMPARABLE ACCTS			TOTAL SYSTEM		
	2023/2022	2022/2021	Over/ (Under)	2023/2022	2022/2021	Over/ (Under)
<b>JUL 2022</b>	6,117,230	6,451,930	(334,700)	8,059,327	6,572,750	1,486,577
<b>AUG</b>	4,484,140	6,052,550	(1,568,410)	5,337,420	6,073,830	(736,410)
<b>SEP</b>	4,465,090	6,266,750	(1,801,660)	5,540,460	6,304,990	(764,530)
<b>OCT</b>	3,002,500	2,967,370	35,130	3,813,180	2,971,340	841,840
<b>NOV</b>	1,656,380	2,797,940	(1,141,560)	2,327,480	2,900,120	(572,640)
<b>DEC</b>	2,293,220	2,507,480	(214,260)	2,956,200	2,556,930	399,270
<b>JAN 2023</b>	1,543,380	1,671,920	(128,540)	2,406,879	1,675,760	731,119
<b>FEB</b>	1,418,710	1,534,640	(115,930)	1,715,637	1,549,020	166,617
<b>MAR</b>	1,394,930	2,553,470	(1,158,540)	1,599,322	2,590,750	(991,428)
<b>APR</b>	3,974,645	3,419,640	555,005	5,297,632	3,453,490	1,844,142
<b>MAY</b>	5,551,174	5,423,820	127,354	6,129,554	5,533,460	596,094
<b>JUNE</b>	6,252,024	7,173,918	(921,894)	6,566,554	7,778,244	(1,211,690)
<b>FY2023 SUBTOTALS</b>	<b>42,153,423</b>	<b>48,821,428</b>	<b>(6,668,005)</b>	<b>51,749,645</b>	<b>49,960,684</b>	<b>1,788,961</b>
	<b>2024/2023</b>	<b>2023/2022</b>	<b>Over/ (Under)</b>	<b>2024/2023</b>	<b>2023/2022</b>	<b>Over/ (Under)</b>
<b>JULY 2023</b>	5,123,809	5,898,027	(774,218)	5,842,633	6,331,327	(488,694)
<b>AUG</b>	6,141,865	5,063,370	1,078,495	6,441,915	5,211,090	1,230,825
<b>SEP</b>	3,788,901	5,161,060	(1,372,159)	3,981,642	5,390,410	(1,408,768)
<b>OCT</b>	4,291,217	3,599,910	691,307	5,033,377	3,654,850	1,378,527
<b>NOV</b>	1,794,348	1,714,050	80,298	3,253,550	2,248,490	1,005,060
<b>FY2024 SUBTOTALS</b>	<b>21,140,140</b>	<b>21,436,417</b>	<b>(296,277)</b>	<b>24,553,117</b>	<b>22,836,167</b>	<b>1,716,950</b>

Comparable Accounts: Had usage in both years

Total System: All usage



**Big Plains Water Special Service District****WATER USAGE ANALYSIS**

	COMPARABLE ACCTS			TOTAL SYSTEM		
	2023/2022	2022/2021	Over/ (Under)	2023/2022	2022/2021	Over/ (Under)
<b>JUL 2022</b>	6,117,230	6,451,930	(334,700)	8,059,327	6,572,750	1,486,577
<b>AUG</b>	4,484,140	6,052,550	(1,568,410)	5,337,420	6,073,830	(736,410)
<b>SEP</b>	4,465,090	6,266,750	(1,801,660)	5,540,460	6,304,990	(764,530)
<b>OCT</b>	3,002,500	2,967,370	35,130	3,813,180	2,971,340	841,840
<b>NOV</b>	1,656,380	2,797,940	(1,141,560)	2,327,480	2,900,120	(572,640)
<b>DEC</b>	2,293,220	2,507,480	(214,260)	2,956,200	2,556,930	399,270
<b>JAN 2023</b>	1,543,380	1,671,920	(128,540)	2,406,879	1,675,760	731,119
<b>FEB</b>	1,418,710	1,534,640	(115,930)	1,715,637	1,549,020	166,617
<b>MAR</b>	1,394,930	2,553,470	(1,158,540)	1,599,322	2,590,750	(991,428)
<b>APR</b>	3,974,645	3,419,640	555,005	5,297,632	3,453,490	1,844,142
<b>MAY</b>	5,551,174	5,423,820	127,354	6,129,554	5,533,460	596,094
<b>JUNE</b>	6,252,024	7,173,918	(921,894)	6,566,554	7,778,244	(1,211,690)
<b>FY2023 SUBTOTALS</b>	<b>42,153,423</b>	<b>48,821,428</b>	<b>(6,668,005)</b>	<b>51,749,645</b>	<b>49,960,684</b>	<b>1,788,961</b>
	<b>2024/2023</b>	<b>2023/2022</b>	<b>Over/ (Under)</b>	<b>2024/2023</b>	<b>2023/2022</b>	<b>Over/ (Under)</b>
<b>JULY 2023</b>	5,123,809	5,898,027	(774,218)	5,842,633	6,331,327	(488,694)
<b>AUG</b>	6,141,865	5,063,370	1,078,495	6,441,915	5,211,090	1,230,825
<b>SEP</b>	3,788,901	5,161,060	(1,372,159)	3,981,642	5,390,410	(1,408,768)
<b>OCT</b>	4,291,217	3,599,910	691,307	5,033,377	3,654,850	1,378,527
<b>NOV</b>	1,794,348	1,714,050	80,298	3,253,550	2,248,490	1,005,060
<b>DEC</b>	2,406,783	2,793,370	(386,587)	2,614,903	2,854,790	(239,887)
<b>FY2024 SUBTOTALS</b>	<b>23,546,923</b>	<b>24,229,787</b>	<b>(682,864)</b>	<b>27,168,020</b>	<b>25,690,957</b>	<b>1,477,063</b>

Comparable Accounts: Had usage in both years

Total System: All usage



# SPECIAL BIG PLAINS WATER SPECIAL SERVICE DISTRICT MEETING

1777 N Meadowlark Dr, Apple Valley  
Thursday, October 26, 2023 at 9:00 AM

## MINUTES

**Chairman** | Barratt Nielson

**Board Members** | Frank Lindhardt | Harold Merritt | Ross Gregerson | Andy McGinnis |

**CALL TO ORDER**- Chairman Nielson called the meeting to order at 9:08 a.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PRESENT**

Chairman Barratt Nielson

Board Member Frank Lindhardt

Board Member Ross Gregerson

**ABSENT**

Board Member Harold Merritt

Board Member Andy McGinnis

**PRESENT** from State of Utah Department of Environmental Quality - Division of Drinking Water

Ryan Dearing

Tom McOmie

**DECLARATION OF CONFLICTS OF INTEREST**

None declared.

**DISCUSSION**

1. Meeting with State.

See Attachment (Attachment A – 6 pages)

**ADJOURNMENT**

**MOTION:** Board Member Lindhardt motioned to adjourn the meeting.

**SECOND:** The motion was seconded by Board Member Gregerson.

**VOTE:** Chairman Nielson called for a vote:

Board Member Gregerson - Aye

Board Member Lindhardt- Aye

Chairman Nielson - Aye

The vote was unanimous and the motion carried.

The meeting was adjourned at 11:03 a.m.



# SPECIAL BIG PLAINS WATER SPECIAL SERVICE DISTRICT MEETING

1777 N Meadowlark Dr, Apple Valley  
Thursday, October 26, 2023 at 9:00 AM

## MINUTES

Date Approved: \_\_\_\_\_

Approved BY: \_\_\_\_\_  
Chairman | Barratt Nielson

Attest BY: \_\_\_\_\_  
Recorder | Jenna Vizcardo

DRAFT



State of Utah

SPENCER J. COX  
Governor

DEIDRE HENDERSON  
Lieutenant Governor

Department of  
Environmental Quality

Kimberly D. Shelley  
Executive Director

DIVISION OF DRINKING WATER  
Nathan Lunstad, P.E.  
Interim Director

November 29, 2023

Barratt Nielson  
Big Plains Water SSD – Apple Valley  
1777 N Meadowlark Dr  
Apple Valley, UT 84737

Subject: Technical Assistance Site Visit, Big Plains Water SSD UTAH27089

Dear Barratt Nielson:

I would like to thank you for meeting with Tom McOmie and myself on October 26, 2023 for a technical assistance site visit of the Big Plains SSD water systems. This site visit was in response to recent emergency response events, as well as compliance and operational challenges experienced by Big Plains SSD. The following is a summary report of this site visit.

1777 N Meadowlark Dr, Apple Valley  
Thursday, October 26, 2023, at 9:00 AM

**PRESENT**

- Ryan Dearing / Division of Drinking Water
- Tom McOmie / Division of Drinking Water
- Barratt Nielson / Chairman Big Plains SSD
- Frank Lindhardt / Board Member Big Plains SSD
- Ross Gregerson / Board Member Big Plains SSD

The Division of Drinking Water (Division) participated in a site visit meeting with Big Plains SSD on October 26, 2023, to discuss the recent emergency response events, water quality concerns, and compliance issues related to a recent Compliance Agreement/Enforcement Order (CA/EO).

Big Plains SSD consists of three separate water systems, each with their own operational and compliance challenges. Apple Valley UTAH27069, Cedar Point UTAH27089 and Canaan Ranch UTAH27093.

Ryan and Tom started the meeting off by expressing they were there to help provide technical assistance regarding the recent operational, water quality and compliance issues. They expressed the Division’s primary goal is to provide safe and adequate drinking water to the residents of Big Plains SSD.

### **Topics of Concern Expressed by the Division**

- Source capacity
- Improvement Priority System (IPS) deficiencies
- Water quality issues (radium, iron, turbidity, etc.)
- Certified operator
- Revised Total Coliform Rule (RTCR) requirements
- Cross Connection Control (CCC) Program deficiencies
- Compliance Agreement/Enforcement Order (CA/EO) requirements for Cedar Point (27089)
- Emergency Response Plan

Mayor Lindhardt expressed that they are aware of the challenges, but that all of the possible solutions require money that the water system does not have. He explained the history of Apple Valley and the Big Plains Water systems, talking at length about the financial challenges. How \$5 million dollars was paid for the water rights, but they are having trouble repaying the money because the water system doesn't bring in enough revenue. Big Plains SSD is supposed to be paid back from Impact fees, but a waiver was given to new connections, so those impact fees aren't being collected. The revenue that comes into Big Plains SSD does not go toward maintaining their water system, rather it goes toward re-paying the debt. A total of \$75,000 is collected from Big Plains residents by the Washington County Water Conservancy District, but that money does not benefit Big Plains SSD.

Big Plains SSD has had discussions with Washington County Water Conservancy District (WCWCD) about them taking over the Big Plains water systems, but WCWCD is hesitant because of an estimated \$2 million dollars in needed upgrades. Big Plains SSD doesn't have the money to make the necessary repairs and upgrades. One project Big Plains would like to complete is a transmission pipeline from Apple Valley to Cedar Point, which would provide adequate supply to Cedar Point and hopefully improve water quality through blending.

We discussed reaching out to Michal Grange at the Division to investigate applying for State Revolving Fund (SRF) funding. We also suggested reaching out to Rural Water Association of Utah (RWAU) to see if the programs they are offering would be of assistance.

### **Source Capacity**

The source capacity deficiency for Cedar Point 27089 was discussed. The issue is that the largest producing well, WS003, has been shut down due to water quality issues, namely high levels of radium and iron and multiple customer complaints regarding that taste, color and odor. Baratt and Ross expressed their frustration that without WS003, it is difficult to meet demand. The solution to this problem would be either treatment of the Cedar Point wells or replacement of those wells by constructing a supply line from Apple Valley 27069. Either solution would be expensive, and the addition of treatment would also require a certified water treatment operator.

### **IPS Deficiencies**

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We discussed their IPS points and showed them where to find that information on WaterLink. We discussed how Apple Valley was currently over the IPS point threshold, which could lead to the system becoming an unapproved drinking water system. We showed how deficiency corrections could be made directly from WaterLink and we sent in the corrections during the meeting for a CCC deficiency after they provided a copy of their public notification. We also discussed the need to complete a Level 1 assessment in accordance with the Revised Total Coliform Rule for Apple Valley and took the time to complete this assessment with Ross and Barratt during the site visit.

### **Water Quality**

Issues with radium, turbidity, iron, and manganese levels were discussed and the Division emphasized the importance of ensuring the drinking water did not exceed the Safe Drinking Water Act Maximum Contaminant Levels (MCL). Samples were collected from WS002, WS003, and WS004 for the following: RADs, inorganics and metals and field tests for pH, OPR, Conductivity and TDS.

### **Certified Operator**

It was stated that the recently hired certified operator had resigned. Barrett and Ross are not certified water operators and don't have experience operating a water system. The need for certified operators, a Direct Responsible Charge (DRC) operator, and their role in safeguarding public health was stressed. Ross stated that they had a possible candidate who was willing to step into this role.

### **Revised Total Coliform Rule**

As the majority of the current IPS points for water systems are related to RTCR monitoring violations, we discussed at length the need for proper sampling procedures following an approved sample site plan. We provided them with a copy of the sample site plan we had on file for Apple Valley and discussed how to create plans for Cedar Point and Canaan Springs. During the site visit we took the required Routine Total Coliform bacteriological samples for each system, training Baratt and Ross on proper sampling technique.

### **Cross Connection Control Program**

The requirements for a cross connection control program were discussed. We explained what each part of the program means and how to comply. During the meeting, documentation of public education was provided, and the deficiency correction was submitted for M004 Documentation of annual public awareness and/or employee training for all three systems. Emergency Response Plan

As a major reason for our site visit was related to a recent emergency response event where the Cedar Point system was de-watered, we discussed the need for a comprehensive Emergency Response Plan (ERP). While an ERP is not required for a system of this size, it is highly recommended. It was discussed that such a plan should address operational failures, natural disasters, manmade disasters, bacteriological issues and providing emergency water supply.

### **Site Visit Observations**

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After the meeting in the office, a site visit was conducted. This included taking routine bacteriological samples at all three water systems, inspection of and water sampling at the three operational wells in Cedar Point, and a Level 1 Assessment of Apple Valley.

### Jessup Well WS002

- Water had a strong sulfur odor.
- Evidence of rodent droppings in the building.
- Iron deposits evident on piping, air-vac screens, etc.

### New Cooke Well WS004

- Evidence of rodent droppings throughout the well house.
- The water was orange and had a strong odor.
- Large amounts of Iron deposits on air-vac.

### Well 59 WS003

- The water was orange and had a strong odor.
- Has a filter installed in the room that is not plumbed into the system at this time.
- The air-vac lacks a screen.
- Valve to the system was open on arrival. Valving had to be changed to the pump-to-waste line. We noted the meter reading and emphasized that this is not an approved source. Any change in this reading will be evidence that the not approved source has been in use.

### Apple Valley

Several deficiencies were identified during the Level 1 Assessment of this system, the details of which can be found in that report (see attached). The interior of the water tanks could not be inspected because Ross did not have the proper key. This has now been corrected and Ross will provide photographs of the hatch, gasket and tank interior.

### Samples Taken

Big Plains SSD Site Visit								
Sample Location	PWSID	Facility ID	pH <sup>1</sup>	Temp <sup>2</sup>	TDS <sup>3</sup>	Conductivity <sup>4</sup>	ORP <sup>5</sup>	Turbidity <sup>6</sup>
Jessup Well	UTAH27089	WS002	7.4	18	454	690	-160	0.7
Well 59	UTAH27089	WS003	7.3	17	955	1401	-90	9.5 <sup>A</sup>
								1.1 <sup>B</sup>
New Cooke Well	UTAH27089	WS004	7.3	17	668	998	-81	0.5
Apple Valley Home Office	UTAH27069	DS001	7.3	20	755	1129	270	-
Canaan Ranch Home	UTAH27093	DS001	7.6	20	88	145	84	-
Units: <sup>1</sup> -pH Units; <sup>2</sup> - Celcius; <sup>3</sup> -mg/L; <sup>4</sup> -µmhoa/cm; <sup>5</sup> -mV; <sup>6</sup> -NTU								
<sup>A</sup> -Sample Collected Prior to Flushing; <sup>B</sup> -Sample Taken Post 20 Min Flush								

Samples for inorganics and metals, iron, manganese and radionuclides were taken at Cedar Point WS002, WS003 and WS004. A complete set of source samples were also taken at WS003. These samples were delivered to Chemtech Ford Lab and the results are pending.

### Conclusion

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Big Plains SSD faces several major challenges regarding water supply, water quality and operation of the system. The water quality of the three Cedar Point groundwater wells is generally poor. The ultimate solution would likely require treatment to remove the high levels of metals and radium. Another solution would be to construct a pipeline to Cedar Point from Apple Valley. This project may cost around \$2 million, which the water system expressed would be a challenge to obtain. Big Plains SSD would like to investigate the possibility of Washington County Water Conservancy District taking over ownership and/or operation of the system.

### **Requirements**

Based on the conclusion of the site visit the following requirements need to be resolved to ensure compliance.

1. Obtain a certified water operator for Cedar Point, Apple Valley, and Canaan Ranch water systems.
2. Complete a bacteriological sample site plan for Cedar Point, Apple Valley, and Canaan Ranch water systems. Due January 31st, 2024. Template attached.
3. Follow all routine and repeat Total Coliform and E. coli sampling requirements for Cedar Point, Apple Valley, and Canaan Ranch water systems.
4. Conduct and record Cross-connection program enforcement for Cedar Point, Apple Valley, and Canaan Ranch water systems.
5. The air-vac on Well 59, WS003 needs to be screened for Cedar Point water system.
6. Cedar Point water system Well 59, WS003, is not an approved drinking water source. This source cannot be used until you receive approval from the Division to activate this source.

### **Recommendations**

1. Seek financial assistance to help with upgrades to the water system.
2. Install treatment to improve water quality.
3. Install an approved transmission line to connect Apple Valley and Cedar Point.
4. Create and implement an Emergency Response Plan for Cedar Point, Apple Valley, and Canaan Ranch water systems.

### **Big Plains SSD IPS Report**

**Big Plains Water SSD-Cedar Point UTAH27089** *Total IPS Points: 110*

#### **DS001 Distribution System**

- System Lacks more than 20% of required source capacity.
- CCC-lacks on going enforcement implementation.
- CCC-Lacks written records of CCC Activities.

#### **ST001 Storage Facility**

- The inside of the tank is deteriorating.
- WS002 Jessup Well
- Active source lacks approved updates to DWSP plan.

#### **WS004 Well 59**

- Unapproved source in service.
- Active source lacks an approved DWSP plan.



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**Big Plains Water SSD-Apple Valley UTAH27069** Total IPS Points: *120*

**DS001 Distribution System**

- CCC-lacks on going enforcement implementation.
- CCC-Lacks written records of CCC Activities.

**ST001 220,000 gal Tank**

- Storage tank sidewall has a small leak.

**ST002 220,000 gal Tank**

- Storage tank sidewall has a small leak.

**WS002 Apple Valley Well #2**

- Active source lacks approved update to DWSP plan.

**WS003 Well #1 Replacement**

- Active source lacks approved updates to DWSP plan.

**Big Plains Water SSD-Canaan Ranch UTAH27093** Total IPS Points: *100*

**DS001 Distribution System**

- CCC-Lacks Local Authority Statement.
- CCC-Lacks on-going enforcement
- CCC-Lacks Written records of CCC activities.

**WS001 Canaan Springs**

- Spring Collection Area Not Fenced.

We ask that you take the necessary actions to comply with these requirements and recommendations. Please contact me at (801)-419-6785 or [rdearing@utah.gov](mailto:rdearing@utah.gov) if you have any questions. Contact Jennifer Yee at (385) 515-1501 or [ddwips@utah.gov](mailto:ddwips@utah.gov) if you need assistance resolving IPS deficiencies. Contact Paul Wright at [pwright@utah.gov](mailto:pwright@utah.gov) for assistance with engineering or plan approval.



Ryan C. Dearing  
Field Services Section Manager

Enclosure

cc: Jeremy Roberts, Southwest Utah Public Health Department  
Paul Wright, P.E., District Engineer



# BIG PLAINS WATER SPECIAL SERVICE DISTRICT MEETING

BOARD OF DIRECTORS, REGULAR MEETING  
1777 N Meadowlark Dr, Apple Valley  
Wednesday, November 08, 2023 at 6:00 PM

## MINUTES

Notice is given that a meeting of the Water District of the Town of Apple Valley will be held on **Wednesday, November 08, 2023**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

**Chairman** | Barratt Nielson

**Board Members** | Frank Lindhardt | Harold Merritt | Ross Gregerson | Andy McGinnis |

**CALL TO ORDER**- Chairman Nielson called the meeting to order at 6:00 p.m.

**PLEDGE OF ALLEGIANCE**

**PRAYER**- Prayer offered by Board Member Merritt

**ROLL CALL**

**PRESENT**

Chairman Barratt Nielson

Board Member Harold Merritt

Board Member Ross Gregerson

**ABSENT**

Board Member Frank Lindhardt

Board Member Andy McGinnis

**DECLARATION OF CONFLICTS OF INTEREST**

None declared.

**DISCUSSION AND POSSIBLE ACTION**

**Chairman Nielson noted the impending arrival of the District Attorney's assistant Nathan Reeve and suggested the relocation of agenda item number one to the end of the meeting's agenda.**

2. Consider Approval of Amending the Policy and Procedures Manual, Resolution-BPW-R-2023-13.

Chairman Nielson read the presented amendment from the agenda packet during the meeting.

It was discussed to amend the policies regarding reimbursement for administrative, engineering, and legal services provided by or through the District. The proposed addition, labeled item B, specified that all such services would be reimbursed by the property owner at actual cost. This encompassed pre-administrative, pre-engineering, and pre-legal services performed before submitting applications to the Town or the District. The need for this amendment was explained, citing instances where individuals sought legal counsel or engineering advice before formal applications, leading to incurred costs for the District. Chairman Nielson shared an example of an email received wanting to discuss water rights issues with our attorney, emphasizing the importance of obtaining approval before incurring expenses. An email was sent to the attorney, Ben Ruesch, instructing that any contact initiated without prior approval would not be covered by the District unless approved retroactively. Similar instructions were extended to Nate Wallentine at Sunrise Engineering to ensure that any expenses incurred with them had prior approval. The purpose of these measures was clarified: not to generate profit but to cover costs associated with services provided.

**MOTION:** Board Member Gregerson motioned that we approve Resolution-BPW-R-2023-13.

**SECOND:** The motion was seconded by Board Member Merritt.

**VOTE:** Chairman Nielson called for a Roll Call vote:

Board Member Merritt - Aye  
Board Member Gregerson - Aye  
Chairman Nielson - Aye

The vote was unanimous and the motion carried.

3. Consider Approval of the District Employee Handbook Update, Resolution-BPW-R-2023-14.

**MOTION:** Board Member Merritt motioned BPW-R-2023-14 approve that amendment.

**SECOND:** The motion was seconded by Board Member Gregerson.

**VOTE:** Chairman Nielson called for a Roll Call vote:

Board Member Merritt - Aye  
Board Member Gregerson - Aye  
Chairman Nielson - Aye

The vote was unanimous and the motion carried.

#### APPROVAL OF MINUTES

4. Minutes: September 21, 2023.  
5. Minutes: September 22, 2023.  
6. Minutes: October 11, 2023.

**MOTION:** Board Member Gregerson motioned to approve the minutes from the SSD Board Meeting on September 21, 2023, September 22, 2023, and October 11, 2023.

**SECOND:** The motion was seconded by Board Member Merritt.

**VOTE:** Chairman Nielson called for a vote:

Board Member Merritt - Aye  
Board Member Gregerson - Aye  
Chairman Nielson - Aye

The vote was unanimous and the motion carried.

1. Water Bank Setup Workshop.

The Board discussed with District Attorney's assistant Nathan Reeve on the establishment of a water bank in response to concerns about water rights. The water bank would allow individuals to park their water rights to protect them from forfeiture or confiscation. The primary motivation behind this

initiative was to help people retain ownership without the obligation to pump water, particularly in areas with large pivots. The concept of the water bank expanded to address issues related to water shares and water rights. The discussion highlighted the need for clarification in differentiating between these terms. The Board expressed the intention to formalize the water bank, setting up policies and procedures in accordance with the state statute. Concerns were raised about the potential complexities involved, including legal aspects, verification of water rights, and associated fees. The Board acknowledged the need to involve legal expertise to ensure legitimacy and address any complications. Proposed names for the water bank were considered, aligning with the town's boundaries. The idea of mirroring the water bank's service area with the District's boundaries gained consensus. The meeting also touched upon the mechanics of the water bank, discussing the necessity of signatures for water transactions and the potential involvement of engineers. The Board explored the idea of requiring a minimum of two signatures, involving the Chairman and an additional Board Member, for transactions within the water bank. The need for accountability and transparency in water transactions was emphasized to prevent misuse or unauthorized transfers. Overall, the meeting initiated the groundwork for establishing a water bank, addressing key considerations such as legal, administrative, and logistical aspects.

**MOTION:** Board Member Merritt motioned to table this until we have sufficient information from the Board and our legal counsel to proceed.

**SECOND:** The motion was seconded by Board Member Gregerson.

**VOTE:** Chairman Nielson called for a vote:

Board Member Merritt - Aye

Board Member Gregerson - Aye

Chairman Nielson - Aye

The vote was unanimous and the motion carried.

#### **REQUEST FOR A CLOSED SESSION: IF NECESSARY**

No request due to two thirds of the public body not being present.

#### **ADJOURNMENT**

**MOTION:** Board Member Gregerson motioned to adjourn.

**SECOND:** The motion was seconded by Board Member Merritt.

**VOTE:** Chairman Nielson called for a vote:

Board Member Merritt - Aye

Board Member Gregerson - Aye

Chairman Nielson - Aye

The vote was unanimous and the motion carried.

The meeting was adjourned at 6:56 p.m.

Date Approved: \_\_\_\_\_

Approved BY: \_\_\_\_\_  
Chairman | Barratt Nielson

Attest BY: \_\_\_\_\_  
Recorder | Jenna Vizcardo

DRAFT



# BIG PLAINS SPECIAL SERVICE DISTRICT BOARD MEMBERS COOKING PANCAKE BREAKFAST FOR CEDAR POINT USERS.

BOARD OF DIRECTORS, REGULAR MEETING  
1777 N Meadowlark Dr, Apple Valley  
Saturday, November 18, 2023 at 9:00 AM

## MINUTES

**Chairman** | Barratt Nielson

**Board Members** | Frank Lindhardt | Harold Merritt | Ross Gregerson | Andy McGinnis |

Saturday, November 18th at 9am - Board members cooking pancake breakfast for Cedar Point water users.

**PRESENT**

Chairman Barratt Nielson

Board Member Frank Lindhardt

Board Member Harold Merritt

Board Member Ross Gregerson

Date Approved: \_\_\_\_\_

Approved BY: \_\_\_\_\_  
Chairman |

Attest BY: \_\_\_\_\_  
Recorder | Jenna Vizcardo