

Town Council Special Meeting Minutes
Friday, March 10, 2006
Community Building, #2 CV Drive

Conference Call Meeting between Utah Open Lands and the Castle Valley Town Council.

Meeting called to order at 1:03 PM. Damian Bollermann presiding.

Members Present: Bob Lippman, Jim Lindheim, Damian Bollermann.

Absent: Jerry Bidinger and Ranna Bieschke.

Others Present: Wendy Fisher, Geoff Freethey, Alice Drogin, Pam Hackley, Dave Erley.

1. Watershed Protection

Dave Erley provided a copy of Jerry Olds' Groundwater Management Plan ("GMP"), , suggesting that such a plan could be done in Castle Valley to document present water quantity/quality, and to help with water management in case of drought/pollution problems. (copy included)

Wendy Fisher, from Utah Open Lands ("UOL"), outlined legislation UOL is working on, and UOL strategies that may pertain to the Town proving up water rights currently.

2. Sneiderville Basin Scenario

Wendy reported on a water situation in an area outside of Park City with some similarities to our watershed area where the State Engineer eventually closed the Basin because the water table had been drained for development, quality was deteriorating, and 20-year old wells had begun to run dry.

Wendy described some success with proposed legislation related to land purchased at development prices and the attachment of accompanying water rights. (copy of legislation available from Wendy)

Porcupine Ranch is an example of that potential. Also, where flood and sprinkler irrigation is taken out, the water formerly lost to evaporation/transpiration eventually returns to the watershed. There may be a role for the Town to get behind the strategy for individuals with extra water rights to donate them, with a tax write-off, for eventual use as beneficial in-stream flow and support the concept as beneficial to the Town. UOL water attorney, Jeff Appel, believes it would be very difficult to get the State Engineer to close the basin (Castle Valley). Jeff's recommended strategy is to get as many rights as possible for the Town, and to prove up as many of the senior rights as possible.

Discussion ensued, with comments by Alice and Wendy, on forcing a look at health issues related to septic tank use, and examples of where this is curtailing development. **Wendy will provide a list for funds that would be applicable for a study.**

Jeff Freethey is working on a model to predict the annual yield of the Castle Valley aquifer. The current estimate is 23,000 acre feet; some think this is optimistic.

Discussion ensued, with comments by Alice, Jim and Wendy, over jurisdiction and authority to control water. Wendy suggested that negotiation and agreements about measurable benefits must be forged.

The Town's desire is to hold onto local control, which would include affecting up-water shed users. A groundwater management plan is a way to bring larger users to the table and to hand the State a limit to use in avoiding over-allocation.

Wendy concluded that the Town must set its strategy, get stakeholders together, and get a watershed plan and the premise behind it hammered out. **Wendy "signed off" at 2:20 PM.**

3. Utah Open Lands and Open Space

*(discussed as in Item 2.)

Lengthy discussion ensued, with comments by Alice, Jim and Bob, about the State's intentions with regards to lots that have been proved up in the past. **Bob will call the State to determine whether the State will look at all lots, including looking at WUC lots to determine whether use has continued, or just un-adjudicated lots, and whether amounts will be added to the book if the State finds more water use present. This information will be included in the letter that will go out from the Town to the public re: water rights.**

Lengthy discussion ensued, with comments by Damian, Jim and Bob, about whether a written record, i.e., a transcript, of the March 2, 2006 water presentation meeting by Jerry Olds and his staff is needed.

Town attorney, Jerry Kinghorn, in response to a phone meeting involving himself, Bruce Keeler, Jerry and Bob, has provided a response (to Jerry Olds) to the December 8, 2005 (position statement) letter from Division of Water Rights. **Damian asked Bob to generate a comprehensive list of questions for Jerry Olds, using Kinghorn's letter as a starting point.**

It was concluded that hiring a full time water agent right away is critical.

Lengthy discussion ensued, with comments from Bob, Damian, Dave and Jim, about bringing information and options from before the new council took office to the table again now, and the timely need to pass on the information to the new members of the Council. **It was decided that (this passing on of this information) should be done in executive session. Bob and Jerry have offered to do the Council briefing.**

The immediate need to get information out to those who are going to be inspected was discussed. **It was decided that the communication letter to lot owners is a priority and must be prepared by Monday, then proofed by the lawyer, then sent out ASAP.**

Town water strategies were discussed in detail including the following points and questions:

- the Town must push for deadlines with Gerry Olds to allow the Town due process and time to respond to whatever the State sends out
- whether the Town could get a delay if we want one
- whether to allow the State to cancel the rest of our rights
- whether to create a conservancy water district
- if the State is acknowledging that some rights can be good, then all must be good.
- partial forfeiture exists in the state of Utah
- whether a transcript can be used to steer the course
- constant dialog with the State Water Administration is thought to be necessary
- Kinghorn ran into Olds; Kinghorn's impression is Olds has something up his sleeve
- It is a goal to avoid division on the Council to affect water rights
- Olds can walk away from his spoken word saying he has had a new conversation with his attorney

It was decided that the thank you letter to Gerry Olds is to be finished off and sent out ASAP.

Discussion ensued about how to accomplish the heavy workload. **It was decided that workshops to be held late Wednesday afternoons, before the TC meeting.**

Bob moved, Jim seconded, to adjourn. Motion passed unanimously.

Attest:

Clerk/Recorder

Date