# DRINKING WATER BOARD
# PACKET

FEBRUARY 29, 2008

ST. GEORGE, UTAH

# AGENDA

# FOR THE

# DRINKING WATER BOARD MEETING

# OF

# FEBRUARY 29, 2008

State of Utah

Department of
Environmental Quality

Richard W. Sprott
*Executive Director*

DIVISION OF DRINKING WATER
Kenneth H. Bousfield, P.E.
*Director*

**Drinking Water Board**
Anne Erickson, *Chair*
Myron Bateman, *Vice-Chair*
Ken Bassett
Daniel Fleming
Jay Franson, P.E.
Helen Graber, Ph.D.
Paul Hansen, P.E.
Petra Rust
Richard Sprott
David Stevens, Ph.D.
Ron Thompson
Kenneth H. Bousfield, P.E.
*Executive Secretary*

JON M. HUNTSMAN, JR.
*Governor*

GARY HERBERT
*Lieutenant Governor*

# DRINKING WATER BOARD MEETING

FEBRUARY 29, 2008
1:30 p.m.

Place: Dixie Convention Center
1835 Convention Center Drive, Entrada Room
St. George, Utah 84770
*Ken Bousfield's Cell Phone #: (80l) 674-2557*

1. Call to Order – Chairman Erickson

2. Roll Call – Ken Bousfield

3. Introductions – Chairman Erickson

4. Approval of Minutes – January 11, 2008

5. Elections of Chair and Vice Chair

6. Rural Water Association of Utah's (RWAU) Report and Introductions – Dale Pierson

7. Repeal of Rule: R305- Ken Bousfield

8. Alta's Variance Hearing on Antimony – Patti Fauver

9. SRF/Conservation Committee Report – Vice Chairman Myron Bateman
   1) Status Report – Ken Wilde
   2) State SRF Applications
      a) Project Priority List – Karin Tatum
      b) Mountain Valley Water System – Rich Peterson
      c) Mountain Regional Water SSD/Stagecoach Subdivision – Ken Wilde
      d) Woodland Kolob Acres Deauthorization – Ken Wilde
      e) Henrieville Emergency – Ken Wilde

10. Intended Use Plan – Ken Wilde

11. Five Year Notice of Review and Statement of Continuation – Michael Grange

12. Chairman's Report – Chairman Erickson

13. Directors Report
    a) RWAU Conference Report
    b) Update on Park City's Water Quality Issue
    c) Chlorine Residual Test Kits
    d) Alta's Treatment Funding

14. Letters

15. News Articles

16. Next Board Meeting:
    ***Date: May 9, 2008***
    ***Tour: ???***
    ***Time of Tour: ???***
    ***Lunch: Furnished***
    ***Board Meeting Time: 1:00 p.m.***
    ***Address: 168 North 1950 West, Room 101***
    ***Salt Lake City, Utah 84116***

17. Other

18. Adjourn

In compliance with the American Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Brooke Baker, Office of Human Resources at: (801) 536-4412, TDD (801) 536-4424, at least five working days prior to the scheduled meeting.

AGENDA ITEM 4

APPROVAL
OF THE

JANUARY 11, 2008
MINUTES

State of Utah

Department of Environmental Quality

Richard W. Sprott
*Executive Director*

DIVISION OF DRINKING WATER
Kenneth H. Bousfield, P.E.
*Director*

**Drinking Water Board**
Anne Erickson, Ed.D., *Chair*
Myron Bateman, *Vice-Chair*
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Paul Hansen, P.E.
Petra Rust
Richard W. Sprott
David K. Stevens, Ph.D.
Ron Thompson
Kenneth H. Bousfield, P.E.
*Executive Secretary*

JON M. HUNTSMAN, JR.
*Governor*

GARY HERBERT
*Lieutenant Governor*

# MINUTES OF THE DRINKING WATER BOARD MEETING HELD ON JANUARY 11, 2008 IN SALT LAKE CITY, UTAH

Board Members Present

Anne Erickson, Chair
Myron Bateman, Vice Chair
Ken Bassett
Jay Franson, P.E.
Helen Graber, Ph.D.
Paul Hansen, P.E.
Petra Rust
David Stevens, Ph.D.

Board Members Excused

Daniel Fleming
David Stevens, Ph.D.
Ron Thompson

Staff
Ken Bousfield
Ken Wilde
Kate Johnson
Ying-Ying Macauley
Patti Fauver
Michael Grange
Nagendra Dev
Bob Hart

Guests

Lynn Wall, Wall Engineering
Byron Davis, Wales Mayor
Kathy Lundberg, Park City
Ken Mitchell, Park City
Eric Johnson, Bond Counsel
Gary Durrant, Metropolitan Water Dist.
Carlene Walker, Senator
Clyde Watkins, Rural Water
Voneene Jorgensen, Bear River WCD
Randy Williams, Salt Lake Valley HD
Keith Hanson, Alta Town
Kate Black, Alta Town
Joe Melling, Parowan City
Wayne Thomas, Alpha Engineering
Dale Pierson, Rural Water Association
Marc Edminster, Lewis, Young, Inc.
Michael Kolz, Stantec
Fred Duberow, Stantec

Staff Continued

Don Lore
Linda Matulich

## ITEM 1 – CALL TO ORDER

The Drinking Water Board convened in Salt Lake City, Utah with Chairman Erickson presiding. The meeting was called to order at 1:00 p.m.

## ITEM 2 – ROLL CALL

Chairman Erickson asked Ken Bousfield to call roll of the Board members. The roll call showed there were 8 members.


150 North 1950 West • PO Box 144830 • Salt Lake City, UT 84114-4830 • phone (801) 536-4200 • fax (801) 536-4211
T.D.D. (801) 536-4414 • *www.deq.utah.gov*

ITEM 3 - INTRODUCTIONS

Chairman Erickson welcomed everyone and asked the guests to introduce themselves.

ITEM 4 – APPROVAL OF MINUTES

Chairman Erickson stated a motion was in order to approve the November 16, 2007 minutes.

**Ken Bassett moved to approve the November 16, 2007 minutes.**

**Paul Hansen seconded.**

**CARRIED**
**(Unanimous)**

ITEM 5 – ALTA TOWN ANTIMONY VARIANCE

Patti Fauver reported the Town of Alta has a problem in complying with the Antimony standard with some of the amendments in the Safe Drinking Water Act since its inception in 1993. The Town of Alta has been exploring many treatment techniques; even the one's identified for removing Antimony from water from EPA. The Town of Alta has received some Exemptions and a Variance to help them to be able find an acceptable treatment for removing Antimony from their water and to build the treatment facilities. The Town of Alta has submitted another application for Variance to be on the February 29, 2008 Board meeting. The Board will make a decision at the February 29, 2008 Board meeting on issuing another Variance to the Town of Alta. Patti reviewed the process.

Keith Hanson and Kate Black, representing Alta City, addressed the Board.

Discussion followed.

**Petra Rust moved the Board approve staffs recommendation that: a) The Board state their intent to issue a Variance for Antimony to the Town of Alta, and that the Variance will be for a 3 year period of time; b) direct the water system to work with the Division staff in soliciting public comments; and c) schedule a public hearing at the next Board meeting on February 29, 2008.**

**Myron Bateman seconded.**

**CARRIED**
**(Unanimous)**

ITEM 6 - SRF/CONSERVATION COMMITTEE REPORT

1) Status Report

Ken Wilde reported the Board has $11.7 million in the State Loan Funds. The Board has authorized $9,351,000 in loans leaving a balance of $2,383,000. In today's proposed schedule, Alta, Parowan and Wales are requesting another $2 million for their projects. This would leave $370,000 in the fund that hasn't been authorized. The figures listed reflect the loans that have been authorized but not closed. None of the loans have been closed yet. Revenue of about $5.9 million is expected to come in from November 30, 2008 until November 30, 2009. The Board will have just over $6 million in the next 12 months to spend.

Staff has received plans and specifications for Garden City's water treatment plant, and hope to build the plant this summer. This request is listed in the "Projects that have been authorized but not funded yet" list. Staff closed Orderville's loan yesterday. Staff will be presenting a proposed change of Bear River Water Conservancy District of changing the financial conditions. They hope to close in February. The planning loans and grants are closed as soon as the paperwork can be completed.

Ken Wilde reported the Board has approximately $2,803,000 available for loans that haven't closed yet $18,868,000 in loans and grants have been authorized. The balance of available funding on November 30, 2007 is $1.7 million. Staff expects to receive about $13,000,000 in the fund over the next 12 months. The Board will have $14,870,000 available over the next 12 months to authorize.

Ken updated the Board on Central Iron County Water Conservancy District's Phase II. Staff held a conference call with Central Iron County and hopes to close in February. Staff will be requesting the Board to deauthorize Woodland Kolob Acres at the February Board meeting. Washington County Water Conservancy District is building a regional system on the mountain. Midvale is expected to close in March. The proposed projects in October/November were authorized by the Board.

Discussion followed.

2) State SRF Applications

a) Alta Town, Planning & Design Advance – Bob Hart

Bob Hart reported the Town of Alta is requesting a $50,000 planning grant to conduct a planning/engineering study to be able to make a final decision on the most effective treatment for removing antimony from their drinking water source, design a treatment facility and perform other work described in the scope of work.

Keith Hanson and Kate Black, representing the Town of Alta, addressed the Board.

Keith Hanson said the best route for the Town of Alta is to remove the Antimony from the Bay City water source. In November 2007, the Town of Alta published requests for proposals for engineering companies. The Town of Alta had 8 people and 6 engineering firms apply to help them come up with the best method possible in removing Antimony from their water source.

Keith Hanson gave some background information on what they are doing on finding a solution on their Antimony problem. The Town of Alta will contribute $10,000 toward the planning advance. This will help the Town of Alta get through Phase 1.

Discussion followed.

**Jay Franson moved the Board authorize a $50,000 planning and preliminary design grant to the Town of Alta with the condition that they address all of the items that are listed in their compliance report. The Town will also look at all of the financial evaluation possibilities to see how a loan in the future might be repaid based non-residential or other users.**

**Paul Hansen seconded.**

**CARRIED**
**(Unanimous)**

b) Wales Town – Planning Advance – Michael Grange

Michael Grange reported the Town of Wales is requesting a $40,000 Planning Advance to investigate the location of a new culinary well. This well has become necessary to supplement their existing water source. The flow has diminished due to continuing drought conditions. In addition to investigating the location, they want to drill a test drill, complete the required drinking water source protection plan for the new well, and perform the necessary new source chemistry evaluations.

Michael Grange mentioned the Town of Wales request of a $40,000 Planning Advance will be at 0% interest for five (5) years. The Town of Wales will repay $8,000 annually starting on the date that the loan agreement is signed. The Town of Wales may elect to roll the balance of the loan principle into a future construction loan. The scope of work also includes (a) completion of the activities listed in the scope of work that is attached and (b) the evaluation on how the Town proposes to correct the deficiencies listed in the attached compliance report.

Mayor Byron Davis and Lynn Wall, Wall Engineering, representing Wales Town were available for any questions from the Board.

Mayor Davis and Lynn Wall addressed the Board.

Discussion followed.

**Ken Bassett moved the Board authorize the SRF/Conservation Committee's recommendation of a $40,000 planning loan to Wales Town at 0% interest for five (5) years. Wales Town is too repay $8,000 annually beginning one (1) year from the date the loan agreement is signed. The application may elect to roll the balance of any loan principle into a future construction loan. The scope of work for this loan includes (a) completion of the activities listed in the attached scope of work and (b) the evaluation of how the Town proposes to correct the deficiencies listed in the compliance report.**

**Petra Rust seconded.**

**CARRIED**
**(Unanimous)**

c) Parowan City – Construction Loan – Rich Peterson

Rich Peterson reported Parowan City's project is to work on their spring, upgrade the waterlines and drilling a second drinking water well. The total cost of the project is a little over $2.1 million. Parowan City's contribution on the project is $214,000. Parowan City does not qualify for a grant. Parowan City's local MAGI is 79.8% of the statewide MAGI.

Rich mentioned the SRF/Conservation Committee is recommending that the Board authorize a loan of $1,923,000 at 2.05% for 20 years on the condition that Parowan City resolves the appropriate issues on their compliance report. The loan origination fee would be $19,230.

Joe Melling, City Manager, and Wayne Thomas, P.E., Alpha Engineering, representing Parowan City, addressed the Board.

Discussion followed.

**Paul Hansen moved the Board authorize the SRF/Conservation Committee's recommendation of a loan for $1,923,000 at 2.05% for 20 years to Parowan City, on the condition they resolve the appropriate issues on their compliance report. The loan origination fee would be $19,230, and the Board will consider an option in the future for Parowan City to come back to the Board with additional information, which would allow the Board to consider other factors funding options.**

**Petra Rust seconded.**

**Discussion on motion.**

**CARRIED**
**(Unanimous)**

d) Bear River WCD - Project Update – Ken and Rich

Rich Peterson reported at the September 14, 2007 Drinking Water Board meeting, the Board authorized a project for the Bear River Water Conservancy District (WCD). Bear River WCD is starting up a new area, and the project consists of a water tank and a big transmission line. The Board authorized a $1.8 million loan and a $600,000 grant. It was anticipated that this funding package be secured by revenue by all of the users of the District. Bear River WCD's September packet is also included for the Boards reference.

Rich Peterson reported staff would like the Board to confirm their authorization from the September Board meeting with exactly the same terms, the same amounts of money, and the same conditions as before. The only thing that is added to the authorization is how it is structured, how it will be secured at the loan closing, and the South Willard area will be the only one using this revenue. Staff updated the Board on recent conversations with the Division attorneys and the District attorneys.

Eric Johnson, Bond Attorney, and Marc Edminster, Financial Consultant and Voneene Jorgensen, General Manager, for the Bear River WCD, were available for questions from the Board.

Eric Johnson, Bond Attorney, described the current situation with the District and their bonds.

Marc Edminster, Financial Consultant, described the Districts current financial situation, how the new South Willard area is financially viable and that they would be able to secure a separate revenue bond for their area.

Discussion followed.

**Jay Franson moved the Board authorize the SRF/Conservation Committee's recommendation to confirm the September 2007 authorization which is a loan of $1,800,000 at 2.19% for 20 years and a grant of $600,000 to the Bear River Water Conservancy District for the South Willard project, with the same conditions of the impact fees collected that exceed the amount of the fees estimated in the Growth Projection spreadsheet (after the first cumulative $500,000 set-aside), allow a modified repayment schedule as shown in the packet, and charge a loan origination fee of $18,000. <u>The difference being this new funding package would be secured by the South Willard area only.</u>**

**Helen Graber seconded.**

**CARRIED**
**(Unanimous)**

Eric Johnson asked about a previous funding package, where the District used an indenture with a Trustee with a Bank acting as Trustee. On some of the loans, the annual trust fee actually exceeds the amount of annual interest payment on the loan. Most loans that the Drinking Water Board makes, there isn't a trustee involved, because the Drinking Water Board is an arm of the State has other ways of reaching the District. The District would be interested in refunding its outstanding loans and reissuing the loans without a trustee involved.

Discussion followed.

Myron Bateman asked that this new request be brought back to staff to work it up and be presented to the Board at another meeting.

<u>ITEM 7 – CHAIRMAN'S REPORT</u>

Chairman Erickson reported that elections for Chair and Vice Chair will be held at the February 29, 2008 Board meeting.

Dale Pierson introduced Clyde Watkins, a former State Circuit Rider for the Rural Water Association funded by the Division of Drinking Water. Clyde then went on to be the Source Water Technician for the Rural Water Association for about a year. Clyde will now become the Development Specialist.

Dale will be working with the counties on putting together the model ordinances, the model construction standards, etc.

Clyde Watkins addressed the Board.

Patti Fauver reported that Park City is responding to a water quality issue regarding Thallium, Arsenic and Manganese. She will update the Board at the next meeting.

Discussion followed.

Ken Bousfield mentioned the Rural Water Association has invited Ann Erickson, Myron Bateman and Ken Bousfield to host a "County Planning Meeting" on Wednesday, February 27, 2008 from 3:00 p.m. to 5:00 p.m. The Board members are invited to attend the meeting.

Dale Pierson addressed the Board on what is envisioned to be addressed at the County Planning Meeting. Dale Pierson will work closely with the one's that will be involved in putting this meeting together.

ITEM 8 – DIRECTORS REPORT

a) Rural Water Association of Utah's 2008 Annual Conference

Ken Bousfield reviewed the program for the 2008 Annual Conference.

Ken Bousfield mentioned the Board members have been registered for the Conference, and hotel accommodations are being made by Linda Matulich. When the hotel reservations are finalized, Linda will pass on the information to the Board members. When the Board members receive their hotel information and if they have any questions, give Linda a call.

b) Utah Water Users' 2008 Annual Conference

Ken Bousfield updated the Board members on the Utah Water Users' Annual Conference.

Ken mentioned the Board members are invited to attend this conference each year. Some of the Board members have been registered for the conference and have hotel accommodations. If any of the Board members have any questions, give Linda a call.

c) Annual Awards/Christmas Luncheon

Ken Bousfield reported on the Annual Christmas Luncheon Awards the Division holds annually. Staff receives Service Awards annually which go in increments of 5 years. Staff members also received an On-The-Spot award for the work they have accomplished for the past year.

d) Payroll Direct Deposits

Ken Bousfield reported the State is now requiring that all State employees have their pay checks deposited directly to their checking and/or savings account. All Board, Commission, and Committee members, pay will be made by direct deposit their pay checks starting in March 2008.

Linda passed out forms for the Board members to fill out and return to her as soon as possible. If you have any questions, please get in touch with Linda.

Ken Bousfield mentioned there is a change on how meals are handled while at meetings and/or traveling. Ken gave some background information on the new changes.

e) Staff Changes

Ken Bousfield introduced Ying-Ying Macauley. Ying-Ying is the new Engineering Program Manager.

Ying-Ying Macauley addressed the Board.

Dale Pierson addressed the Board on the pamphlet he handed out about the "Rural Water State Legislative Water Rally", which will be held on Tuesday, January 22, 2008 from 10:00 a.m. to 3:00 p.m. in the State Office Building Auditorium.

Dale reviewed what will be discussed in the each session on: a) Water Rights Forfeiture Legislation, b) Aquifer Protection Legislation, c) Source Protection Legislation, and d) Source Protection Legislation. Dale invited the Board members to attend the Rally.

ITEM 9 – NEWS ARTICLES

The news articles are in the packet.

ITEM 10 – NEXT BOARD MEETING

***Date: February 29, 2008***
***Time: 1:30 p.m.***
***Location: Dixie Center***
***1835 Convention Center Drive, Entrada Room***
***St. George, Utah 84770***

ITEM 11 – OTHER

No other business.

ITEM 12 – ADJOURN

Chairman Erickson stated a motion to adjourn the Board meeting was in order.

**Paul Hansen moved to adjourn the Drinking water Board meeting at 3:15 p.m.**

**The motion was seconded.**

**CARRIED**
**(Unanimous)**

Linda Matulich
Recording Secretary

# AGENDA ITEM 7

# REPEAL OF RULE: R305

# Repeal of Rule: R305

R305-3 was promulgated in November 2002 following a suggestion from the Attorney General's Office. It was promulgated by each board within the Department, and was codified in the Department's rules, rather than in the rules of each Division.

The rulemaking action to repeal the rule began in response to a state law that requires each state agency to review its administrative rules every five years. During this review, the agency must consider:

- The legal authority supporting/requiring the rule;
- Any comments received during and since the original effective date or last five-year review supporting or opposing the rule; and
- The reason/need for continuing the rule.

The five-year review is a formal process governed by both statutory and administrative rule requirements and requires each agency to complete and file the proper information with the Division of Administrative Rules (DAR) before the five-year period ends. Extensions to the five-year period can be requested by an agency for approval by DAR. Because the five-year period expired November 8, 2007 for R305-3, an extension to complete the five-year review was requested by the Attorney General's Office on behalf of DEQ and subsequently approved by DAR.

Our Attorney General's representative recommends that the Board repeal this rule by a vote. The issues covered by the rule can be dealt with following other procedures. The exact language of the rule to be repealed is on the following page.

**Staff recommendation:** Staff recommends that the Board formally repeal rule R305

**R305. Environmental Quality, Administration.**
**[~~R305-3. Emergency Meeting.~~**
**~~R305-3-1. Purpose.~~**
~~The Department of Environmental Quality and the Boards established within the Department in accordance with Section 19-1-106 recognize that there may be times when, due to the necessity of considering matters of an emergency or urgent nature, the public provisions of Sections 52-4-6(1), (2), and (3) cannot be met. Pursuant to Sections 52-4-6(5), under such circumstance those notice requirements need not be followed but rather the best notice practicable shall be given.~~

**~~R305-3-2. Authority.~~**
~~This rule is enacted under the authority of Sections 63-46a-3 and 19-1-201(2)(k) and 202(1)(a).~~

**~~R305-3-3. Procedure.~~**
~~(1) No emergency meeting shall be held unless an attempt has been made to notify all members of the Board of the proposed meeting and a majority of the convened Board votes in the affirmative to hold such an emergency meeting.~~
~~(2) Public notice of each emergency meeting shall be provided as soon as practicable and shall include at minimum the following:~~
~~(a) The agenda and notice of the meeting shall be posted in writing at the offices of the division or department.~~
~~(b) If members of the Board may appear electronically or telephonically, each such notice shall specify the anchor location for the meeting at which all interested persons and members of the public may attend, monitor, and participate in the open portions of the meeting;~~
~~(c) Notice to the Board members shall advise how they may participate telephonically or electronically and be counted as present for all purposes, including the determination of a quorum;~~
~~(d) Written, electronic or telephonic notice shall be provided to at least one newspaper of general circulation within the state and at least one local media correspondent.~~
~~(3) If one or more members of the Board appear electronically or telephonically, the procedures governing electronic meetings shall be followed, except for the notice requirement which shall be governed by these provisions.~~
~~(4) In convening the meeting and voting in the affirmative to hold such an emergency meeting, the Board shall affirmatively state and find what unforeseen circumstances have rendered it necessary for the Board to hold an emergency meeting to consider matters of an emergency or urgent nature such that the ordinary public notice of meetings provisions of Section 52-4-6 could not be followed.~~]

**KEY: emergency meetings, board meetings**
**Date of Enactment or Last Substantive Amendment: November 8, 2002**
**Authorizing, and Implemented or Interpreted Law: 63-46a-3; 19-1-201(2)(k); 19-1-202(1)(a)**

# AGENDA ITEM 8

# ALTA'S VARIANCE HEARING ON ANTIMONY

# Town of Alta

## Antimony Variance Application – Public Hearing

**Background:**

The Town of Alta has made application for renewal of a Variance relating to their compliance with the Antimony standard at the January 11, 2008 Board meeting.

The system has provided the required public notification for the variance application process. The written comment period is open until February 22, 2008. The Division has not received any written comments to date.

**Staff Recommendation:**

Based on the information presented at the January Board meeting and the lack of written comments received, staff recommends:

The Board renew the Variance for Antimony to the Town of Alta until the construction of the proposed treatment plant is complete or for a period of 5 years whichever is time frame is shorter.

MAYOR
TOM POLLARD

TOWN COUNCIL
CLIFF CURRY
STEVEN GILMAN
PAUL MOXLEY
DAVE RICHARDS

TOWN OF ALTA
P.O. BOX 8016
ALTA, UTAH
84092-8016
TEL. (801) 363-5105 / 742-3522
FAX. (801) 742-1006

January 22, 2008

Ken Bousfield, P.E.
Executive Secretary
Utah Drinking Water Board
P.O. Box 144830
Salt lake City, Utah 84114-4830

Dear Ken,

Enclosed please find a copy of the "Public Notice" sent to all water users in the Town of Alta on January 22, 2008 regarding the variance application made to the Drinking Water Board in their January 11, 2008 meeting. The same notice was also posted throughout our community.

If you should have any questions or require any additional information on this matter, please don't hesitate to contact me in the Town Office at 363-5105. Thank you.

Cordially,

Kate Black
Town Clerk
Town of Alta
kswb@townofalta.com

cc: Bob Hart
Keith Hanson
Tom Ward



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# PUBLIC NOTICE

The Utah Drinking Water Board is considering an application made by Alta Town Water System to issue a variance for treating antimony in its drinking water. The term of the variance would be for a period not to exceed three years until such time as a cost effective treatment process is installed.

The Drinking Water Board is an eleven-member body appointed by Governor Huntsman and charged by statute to implement and enforce Drinking Water Standards.

For the following reasons the Drinking Water Board has indicated its intent to issue a variance to the Alta Town Water System at its regularly scheduled meeting on January 11, 2008.

1. The water system, in consultation with the Division, has seriously investigated over 23 different treatment schemes.

2. The Board has determined that water users are not subjected to an unreasonable risk to public health.

A variance is a term defined by rule which enables a water utility additional time for a water system to come into compliance with the maximum contaminant levels when despite the application of the best technology and treatment techniques available (taking costs into consideration) the system cannot achieve compliance.

Before making a final decision, the Board wishes to receive comments regarding its intent to issue this variance. Comments may be received in written form if received by February 22, 2008, and sent to the Board's Executive Secretary, the address is listed below.

Kenneth H. Bousfield, P.E.
Executive Secretary
Utah Drinking Water Board
P.O. Box 144830
Salt Lake City, Utah 84114-4830
Fax: (801) 536-4211
E-Mail: drinkingwater@utah.gov

Or oral comments may be received at the Board meeting scheduled for 1:30 p.m. on February 29, 2008 at the Dixie Center, 1835 Convention Center Drive, St. George, Utah.

**The Utah Drinking Water Board, following consideration of all comments, will make a final decision on the matter at their Board meeting February 29, 2008.**

Posted and mailed
1/22/08

MAYOR
TOM POLLARD

TOWN COUNCIL
STEVEN GILMAN
BILL LEVITT
PAUL MOXLEY
DAVE RICHARDS

TOWN OF ALTA
P.O. BOX 8016
ALTA, UTAH
84092-8016
TEL. (801) 363-5105 / 742-3522
FAX. (801) 742-1006

RECEIVED
DEC 3 1 2007
Drinking Water

December 26, 2007

Ken Bousfield
~~Division~~ of Drinking Water
P.O. Box 144830
Salt Lake city, Utah 84114

Dear Ken,

Enclosed please find the Town of Alta's Public Notice that was mailed to all municipal water users on December 26, 2007.

If you should have any questions or require additional information, please don't hesitate to contact me in the Alta Town Office at 801-363-5105.

Thank you.

Cordially,

Kate Black
Town Clerk
Town of Alta

Enclosure



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## *PUBLIC NOTICE on 12-31-07*
## The Town of Alta

The Town of Alta was granted a 2-year Antimony MCL Variance by the Utah Drinking Water Board at their March 3, 2006 meeting. The reasons for this Variance are outlined below. The Town of Alta continues to test our water monthly for Antimony. The Town of Alta's Blending and Averaging plan has helped reduced the Antimony concentration in 2007 to 10.8 ug/L (10.8 parts per billion).This level exceeds the EPA drinking water standard of 6 ug/L (6 parts per billion).

Antimony is an inorganic chemical that occurs naturally in soils, ground water and surface waters and is often used in the flame retardant industry. It is also used in ceramics, glass, batteries, fireworks and explosives. It may get into drinking water through natural weathering of rock, industrial production, municipal waste disposal or manufacturing processes. The Town of Alta has found no evidence that industrial production, municipal waste disposal or any manufacturing processes have contributed to the presence of antimony in our water sources.

Prior EPA research on laboratory animals such as rats that were exposed to high levels of this chemical during their lifetime did show that this chemical decreases longevity and can alter blood levels of cholesterol and glucose.

The Town of Alta contracted with Aqua Environmental Services, Inc. in the summer of 1996 to do extensive research on the subject of the long-term effects of antimony on humans, possible full-scale treatment, related costs associated with the removal of this chemical and possible alternative water sources. That study found the following:

1. "As a practical matter, there are insufficient data to indicate either the acute or chronic toxicity hazard that may result from the assimilation of antimony".
2. There is no real data available that proves that antimony is any more toxic than copper, which has a drinking water trigger level of 1,300 ug/L (1,300 parts per billion), or roughly 217 times the level allowed for antimony. EPA has set drinking water standard for antimony at 6 parts per billion or 6 ug/L.

The Utah Division of Drinking Water has reviewed this situation, including the aforementioned study, and has made the following findings and conclusions with the concurrence of the Utah Drinking Water Board:

1. Health effects data for antimony, first regulated in 1993, in drinking water are inconclusive, and appear to represent a minimal hazard to the resident population for the next five years.
2. The initial antimony exemption was for a five year period, beginning January 1, 1997. In January of 2002, the Service Area and the Town of Alta presented the Drinking Water Board with our research and asked for an exemption extension. The first 2-year extension was granted on 3-1-02 by the DWB. The Service Area and Town of Alta again went before the Drinking Water Board in January of 2004 and were granted a second 2-year exemption extension.
3. The 2-year Variance will be allowed provided samples are collected at six (6) month intervals throughout the two-year period for sources where antimony exceeds the MCL. This public notice will be re-issued every six months over this time period to inform the resident population. The Town of Alta agrees to implement immediate solution to the problem should testing show that levels of antimony exceed 50 ug/L in the distribution system.
4. In August of 2005 the Town of Alta received approval from the Division of Drinking Water to begin a Blending and Averaging plan to see if it is a viable solution for meeting the Antimony MCL and will continue this plan through 2008. This plan involves blending the Service Area's surplus Peruvian source water with the Bay City Mine Tunnel water to meet the MCL. The Town of Alta, in early 2008, will hire an engineering firm to conduct an engineering study to determine the most cost effective treatment alternative for the removal of antimony. The study will include planning, system design and construction and start up.

If you should have any questions or require any additional information about this public notice, please contact Keith Hanson at (801) 278-9660 or Kate Black at (801) 363-5105.

# AGENDA ITEM 9

# SRF/CONSERVATION COMMITTEE REPORT

# 9. 1) STATUS REPORT – Ken Wilde

DIVISION OF DRINKING WATER

# STATE LOAN FUNDS

AS OF January 31, 2008

| | SUMMARY | | |
|---|---|---|---|
| | Total State Fund: | $10,603,511 | |
| | Total State Hardship Fund: | $2,381,333 | |
| | Subtotal: | $12,984,844 | |
| ***LESS AUTHORIZED*** | Less: | | |
| | Authorized Loans: | $7,566,000 | *(see Page 2 for details)* |
| | Authorized Hardship: | $1,647,146 | |
| | Subtotal: | $9,213,146 | |
| | **Total available after Authorized deducted** | **$3,771,698** | |
| ***PROPOSED*** | **Proposed Loan Project(s):** | **$0** | *(see Page 2 for details)* |
| | **Proposed Hardship Project(s):** | **$0** | |
| | **Subtotal:** | **$0** | |
| **AS OF:** | | | |
| January 31, 2008 | **TOTAL REMAINING STATE LOAN FUNDS:** | **$3,037,511** | |
| | **TOTAL REMAINING STATE HARDSHIP FUNDS:** | **$734,187** | |

**Total Balance of ALL Funds:** **$3,771,698**

| **Projected Receipts Next Twelve Months:** | | | |
|---|---|---|---|
| **and Sales Tax Revenue** | | | |
| **Annual Maximum Sales Tax Projection** | **$3,587,500** | | |
| Less State Match for 2008 Federal Grant | ($1,629,200) | | |
| Less Administration Fees | ($134,400) | | |
| **SUBTOTAL Sales Tax Revenue including adjustments:** | | $1,823,900 | |
| Payment: | | | |
| Interest on Investments (Both Loan and Hardship Accounts) | | $540,000 | |
| Principal payments | | $2,883,210 | **Receive 90% in January** |
| Interest on payments | | $685,151 | |
| Total Projections: | | $5,932,261 | |

| | |
|---|---|
| Total Estimated State SRF Funds Available through 1-31-2009: | **$9,703,959** |

# DIVISION OF DRINKING WATER
# STATE LOAN FUNDS
# PROJECTS AUTHORIZED BUT NOT YET FUNDED
# AS OF JANUARY 31, 2008

| Community | Loan # | Cost Estimate | Date Authorized | Date Closed/Anticipated | Authorized Funding Loan | Authorized Funding Grant | Authorized Funding Total |
|---|---|---|---|---|---|---|---|
| Garden City 2.31% 20 yr* | 3S048 | 2,700,000 | Sep-02 | Feb-08 | $1,746,000 | | $1,746,000 |
| West Erda 0% 20 yr | 3S074 | 760,000 | Jun-04 | ? | 380,000 | 380,000 | 760,000 |
| Escalante 2.46% 30 yr | 3S104 | 2,160,896 | Mar-07 | May-08 | 1,560,000 | 600,896 | 2,160,896 |
| Bear River 2.19% 20 yr | 3S096 | | Sep-07 | Feb-08 | 1,818,000 | 600,000 | 2,418,000 |
| Parowan 2.05% 20 yr | 3S111 | | Jan-08 | | 1,923,000 | | 1,923,000 |
| Subtotal Loans and Grants Authorized | | | | | 7,427,000 | 1,580,896 | 9,007,896 |
| | | | | | | | |
| **PLANNING LOANS/GRANTS** | | | | | | | |
| Enterprise (planning loan 0% 5 yr) | 3S092 | 7,000 | May-06 | Jan-07 | 7,000 | | 7,000 |
| Wellington (pl loan 2% 5 yr) | 3S104 | 40,000 | Mar-07 | Sep-07 | 40,000 | | 40,000 |
| Enoch (pl loan 0% 5 yr) | 3S106 | 36,000 | May-07 | Sep-07 | 36,000 | | 36,000 |
| Toquerville (pl 0% 5 yr) | 3S107 | 16,000 | Jul-07 | Sep-07 | 16,000 | | 16,000 |
| Paragonah planning grant | 3S110 | 16,250 | Sep-07 | Mar-08 | | 16,250 | 16,250 |
| Town of Alta planning grant | 3S113 | 50,000 | Jan-08 | | | 50,000 | 50,000 |
| Wales Town (pl 0% 5yr) | 3S112 | 40,000 | Jan-08 | | 40,000 | | 40,000 |
| Subtotal Planning Loans/Grants Auth | | | | | 139,000 | 66,250 | 205,250 |
| **Total authorized but not yet funded** | | | | | $7,566,000 | $1,647,146 | $9,213,146 |
| | | | | | | | |
| **PROPOSED PROJECTS** | | | | | | | |
| | | | | | | | |
| Total Proposed Projects | | | | | 0 | 0 | 0 |
| | | | | Closed date | | | |
| Recently Closed: | | | | | | | |
| Cedar Hills | 3S108 | | Jul-07 | Oct-07 | 2,090,000 | | 2,090,000 |
| Circleville | 3S105 | | May-07 | Aug-07 | 242,000 | | 242,000 |
| Orderville 2.22% 30 yr | 3S099 | 3,918,000 | Nov-06 | Jan-08 | 1,569,000 | 600,000 | 2,169,000 |
| | | | | | | | |
| *Garden City BAN for $254,000 was closed June 2006. | | | | | | | |

DIVISION OF DRINKING WATER

# FEDERAL SRF

AS OF January 31, 2008

| 1997 thru 2007 SRF Grants | |
|---|---|
| Net Federal SRF Grants: | $73,905,366 |
| Total State Matches: | $18,358,700 |
| Closed Loans: | -$78,598,246 |
| **Total Grant Dollars:** | **$13,665,820** |

| Principal Repayments | |
|---|---|
| Principle (P): | $12,848,961 |
| Interest (I): | $1,405,655 |
| **Total P & I:** | **$14,254,616** |

| Earnings on Invested Cash Balance | |
|---|---|
| **Total:** | **$1,021,243** |

| Hardship Fund | |
|---|---|
| **Total:** | **$2,577,016** |

| SUMMARY | | |
|---|---|---|
| | Total Federal First Round Fund: | $13,665,820 |
| | Total Federal Second Round Fund: | $15,275,858 |
| | Total Federal Hardship Fund: | $2,577,016 |
| | Subtotal: | $31,518,694 |
| ***LESS AUTHORIZED*** | Less: | |
| | Authorized Federal 1st Round: | $9,950,000 |
| | Authorized Federal 2nd Round: | $11,891,000 |
| | Authorized Federal Hardship: | $222,044 |
| | Subtotal: | $22,063,044 |
| ***PROPOSED*** | **Proposed Federal 1st Round Project(s):** | **$0** |
| | **Proposed Federal 2nd Round Project(s):** | **$3,744,263** |
| | **Proposed Federal Hardship Project(s):** | **$0** |
| | **Subtotal:** | **$3,744,263** |
| **AS OF:** | | |
| September 30, 2007 | **TOTAL REMAINING FIRST ROUND FUNDS:** | **$3,715,820** |
| | **TOTAL REMAINING SECOND ROUND FUNDS:** | **-$359,405** |
| | **TOTAL REMAINING HARDSHIP FUNDS:** | **$2,354,972** |

*(see Page 2 for details)*

*(see Page 2 for details)*

**Total Balance of ALL Funds: $5,711,387**

| Projected Receipts Next Twelve Months: | | |
|---|---|---|
| Payment: | | |
| 2008 Fed SRF Grant | $6,516,800 | |
| State 20% Match for FY 2008 | $1,629,200 | |
| Interest on Investments | $675,000 | |
| Principal payments | $2,901,000 | |
| Interest | $597,518 | **Receive 90% in January** |
| Hardship fees | $508,007 | |
| Total: | $12,827,526 | |

Total Estimated Federal SRF Funds Available through 1-31-2009: $18,538,913

# DIVISION OF DRINKING WATER
# FEDERAL SRF
# PROJECTS AUTHORIZED BUT NOT YET CLOSED
# AS OF JANUARY 31, 2008

| COMMUNITY | Project | | | Authorized Date | Closing Date Scheduled | Authorized From Loan Funds (1st Round) | | | Authorized From Loan Funds (2nd Round) | Hardship Fund |
|---|---|---|---|---|---|---|---|---|---|---|
| | Total | Terms | Loan # | | | Loan | Forgiveness | Total | Loan | |
| Logan #3 | 9,545,000 | 0.8% int 20 yrs | 3F052 | May-05 | Apr-08 | | | 0 | 3,000,000 | |
| St George | 15,000,000 | 1.77% int 20 yrs | 3F047 | Mar-05 | Jun-08 | 4,500,000 | | 4,500,000 | 1,500,000 | |
| Twin Creeks #2 | 1,200,000 | 0% int 30 yrs | 3F028 | Apr-03 | May-08 | 360,000 | 90,000 | 450,000 | | |
| Midvale | 10,000,000 | 2% int, 20 yrs | 3F069 | Jul-07 | Mar-08 | | | 0 | 5,050,000 | |
| Snowville | 40,000 | Principle Forgive | 3F046 | Jul-07 | Jun-08 | | | 0 | 40,000 | |
| Greenwich WWC | 320,000 | 0%, 20 yrs | 3F070 | Jul-07 | Jun-08 | | | 0 | 111,000 | 110,300 |
| Rural Water Assn of UT | 111,744 | Grant | | Oct-07 | Jan-08 | | | 0 | | 111,744 |
| Woods Cross | 5,000,000 | 1%, 20 yrs | 3F072 | Nov-07 | Jun-08 | 5,000,000 | | 5,000,000 | | |
| Erda Acres | 2,420,000 | Construction | 3F064 | Nov-07 | Aug-08 | | | 0 | 2,120,000 | |
| | | | | | | | | | | |
| | | | | | **TOTAL CONSTRUCTION AUTHORIZED:** | **$ 9,860,000** | **$ 90,000** | **$ 9,950,000** | **$11,821,000** | **$ 222,044** |
| | | | | | | | | | | |
| **PLANNING ADVANCES AUTHORIZED:** | | | | | | | | | | |
| Beaver Dam Water | 20,000 | planning loan | 3F062 | May-06 | Dec-07 | | | 0 | 20,000 | |
| Greenwich WWC | 20,000 | planning loan | 3F065 | Sep-06 | Oct-07 | | | 0 | 20,000 | |
| Leeds Domestic WUA | 15,000 | planning loan | 3F066 | Mar-07 | Apr-08 | | | 0 | 15,000 | |
| Pinon Forest SSD | 15,000 | planning loan | 3F073 | Oct-07 | May-08 | | | 0 | 15,000 | |
| | | | | | | | | | | |
| | | | | | **TOTAL PLANNING AUTHORIZED:** | **$0** | | **$0** | **$70,000** | **$0** |
| | | | | | **TOTAL AUTHORIZED CONSTRUCTION & PLANNING:** | | | **$9,950,000** | **$11,891,000** | **$222,044** |
| | | | | | | | | | | |
| **PROPOSED PROJECTS FOR FEBRUARY 2008:** | | | | | | | | | | |
| Mountain Valley Water | 718,000 | 2.78% int 20 yrs | | | | | | | 718,000 | |
| Mountain Regional Water | 3,026,263 | 2.5% int 20 yrs | | | | | | | 3,026,263 | |
| | | | | | | | | | | |
| | | | | | **TOTAL PROPOSED PROJECTS FOR THIS MEETING:** | **$0** | | **$0** | **$3,744,263** | **$0** |
| | | | | | **TOTAL PROPOSED PROJECTS:** | | | **$0** | **$3,744,263** | **$0** |
| | | | | | | | | | | |
| **RECENT LOAN CLOSINGS:** | | | | | | | | | | |
| Erda Acres | 20,000 | planning grant | 3F064 | Sep-06 | pd 3/5/2007 | | | 0 | | 20,000 |
| Central Iron WCD Ph II | 7,870,250 | 2.17% int 20 yrs | 3F063 | Nov-06 | Feb-08 | 3,535,000 | | 3,535,000 | | |
| **Total Loan Closings:** | | | | | | **$3,535,000** | **$0** | **$3,535,000** | | **$20,000** |

# 9. 2) STATE SRF APPLICATIONS

## a) PROJECT PRIORITY LIST

Presented to SRF Conservation Committee:
February 29, 2008

# PROJECT PRIORITY LIST

## Three projects are being added to the Project Priority List:

**Mountain Valley Water**, located in Salt Lake County, scored **8 points**.
Mountain Valley Water supplies water to 7 homes and a school/church. The water company has undersized storage and waterlines as well as issues with their cross connection with their irrigation system. They are proposing a new 400,000 gallon storage tank and 7,600 feet of 2-in, 8-in and 10-in pipes. The proposed project cost is $805,980.

**Mountain Regional Special Service District**, located in Summit County, scored **115 points**.
Mountain Regional SSD was formed to regionalize several water systems in the Snyderville Basin. It has combined 9 water systems to solve many problems each system was having. Mountain Regional will once again be absorbing another poor water system, Stagecoach. Stagecoach needs source capacity and transmission/distribution lines. Mountain Regional SSD Signal Hill Water Treatment Plant will provide the necessary treatment. The proposed project cost is $3,026,263.

## SRF/Conservation Committee Recommendation:

Approve updated Project Priority List.

## DWB Recommendation:

Approve as recommended by the SRF/Conservation Committee.

February 13, 2008

# Utah Federal SRF Program

## Project Priority List

**Total Requested** **$212,951,053** **for Projects totaling** **$315,032,144** **Authorized** **$96,112,700**

| | Priority Points | System Name | County | Pop. | ProjectTitle | Project Total | Request DWB | Funds Authorized | Project Segments: Sour | Treat. | Stor. | Dist | Partial Eligibility Question | Avg. of App. Proj. Seg's. | Avg. Monthly Water Bill | Median AGI |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| N | 115.0 | MOUNTAIN REGIONAL SSD | Summit | 6,549 | Dist. System, Booster Station, Fire Hyd. | $3,026,263 | $3,026,263 | | 65 | | | 60 | | 62.5 | $134.15 | $71,856 |
| A | 54.3 | TWIN CREEKS SSD … ... 3F028 | Wasatch | 54 | Source Redev, Treat., Stor., Distr | $700,000 | $450,000 | $450,000 | 50 | 40 | 50 | 75 | | 53.75 | $11.95 | $15,000 |
| A | 39.6 | ERDA ACRES WATER CO. | Tooele | 265 | Update lines,well, chlorination facility | $2,400,000 | $2,100,000 | $2,100,000 | 25 | 25 | 25 | 25 | | | $45.00 | |
| A | 36.3 | St. George 3F047 | Washington | 50,000 | Arsenic Treatment of Gunlock Wells | $21,550,000 | $10,000,000 | $6,000,000 | | 25 | | | | 25 | $41.43 | $27,898 |
| | 33.3 | TOOELE CO SPECIAL SERV DIST | Tooele | | Source, Trans, Treatment, & Storage | $500,000 | $365,000 | | 60 | 65 | 45 | 30 | | 50 | $20.15 | $35,608 |
| A | 28.8 | LOGAN CITY 3F052 | Cache | 44,970 | DeWitt Sprgs Transmission Line | $9,200,000 | $9,200,000 | $3,345,000 | N/A | N/A | N/A | 30 | | 30 | $23.17 | $23,745 |
| | 23.1 | WHISPERING PINES | Sanpete | 233 | Pump replacement, well equipment | $220,000 | $220,000 | | 50 | | | 50 | | | | $24,739 |
| | 22.5 | ALTA TOWN | Salt Lake | 367 | Treatment (Antimony) | $531,300 | $425,000 | | | 25 | | | | 25 | $20.23 | $22,032 |
| A | 19.6 | MIDVALE CITY | Salt Lake | 12,800 | 4MG tank, rehabilitate well | $9,852,500 | $5,000,000 | $5,000,000 | 10 | 0 | 35 | 10 | | 18.33 | $27.71 | $27,383 |
| N | 8.0 | MOUNTAIN VALLEY WATER | Salt Lake | 48 | 400,000gal Tank, Trans/Dist Pipelines | $805,980 | $798,000 | | | | 20 | 20 | | 20 | $20.76 | $50,460 |
| A | 8.0 | WOODS CROSS | Davis | 8,942 | Storage Tank,water lines,well | $5,000,000 | $5,000,000 | $5,000,000 | 15 | | 50 | 35 | | | $14.79 | $42,324 |
| | 7.8 | WOODS CROSS | Davis | 5,378 | Equip. Well | $200,000 | $150,000 | | 18 | | | | | 18 | $10.36 | $30,494 |
| | 5.0 | SKYLINE MOUNTAIN SSD | Sanpete | | 2nd Home Subdivision | $9,000,000 | $3,000,000 | | | | | | | | | |
| N | | TOWN OF HOWELL | Box Elder | 250 | 100,000 gallon concrete tank | $215,000 | $70,000 | | | | | | | | | $35,899 |
| | | **EMERGENCY FUNDING** | | | | | | | | | | | | | | |
| A | 100.0 | WASHINGTON CO DISASTER | Washington | 60,000+ | Source & Piping Restoration | $1,300,000 | $1,000,000 | | **Secured $1M to fund all Emergency from Floods of 200** | | | | | | | |
| A | 100.0 | ENTERPRISE 3F049 | | | Flood | | | $15,000 | **Auth. as Hardship, not been released.** | | | | | | | |
| A | 100.0 | GUNLOCK 3F043 | | | Flooding | | | $205,000 | **Deposited 6/05.** | | | | | | | |
| A | 100.0 | ST. GEORGE | | | Flooding | $337,500 | $337,500 | $337,500 | **Deposited 3/05.** | | | | | | | |

**UPDATE: The Garden City and Centerfield Projects have been funded using other funds such as State or STAG. Therefore they have been removed from the PPL.**

**A** = Authorized for funding
**N** = New application
**S** = Changed to State Program
**W** = Applicant withdrew request

9. 2) STATE SRF APPLICATIONS

b) MOUNTAIN VALLEY WATER SYSTEM

# DRINKING WATER BOARD
# BOARD PACKET FOR CONSTRUCTION LOAN
# INTRODUCTION TO DRINKING WATER BOARD

## APPLICANT'S REQUEST

Mountain Valley Water is requesting a loan of $718,000 at 1.0% for 25 years from the Drinking Water Board. Their project consists of constructing a storage tank and distribution work. The total cost of the project is $798,000. Their contribution is estimated to be $80,000.

## STAFF COMMENTS AND RECOMENDATION

Mountain Valley Water is a privately owned public water system. Currently they do not charge for water from their approximately 9 residential users. All water system income comes from the local church, Apostolic United Brethren, who own this system. The draft proposal is to begin charging $30 per month per residential user for the first 30,000 gallons and $1.25 overage per 1000 gallons. The remaining income (necessary for annual debt service coverage, O&M etc.) would come from the local church, a school and one other commercial connection. A legal agreement is currently being drafted by the water system that would guarantee repayment of the loan to the Board.

Based on this scenario, the system does not qualify for grant money (the proposed residential water bill of $30 equates to 0.71% of local MAGI). The local MAGI is $50,460 or 137% of statewide median.

The repayment schedule is included in the packet. The System Rating has not yet been determined. Staff has completed a sanitary survey on February 12th in order to evaluate the condition of their facilities and their compliance with Drinking Water rules (see attached compliance report).

**Staff recommends authorizing a loan of $718,000 at 2.78% for 20 years to Mountain Valley Water, with a loan origination fee of $7,180, on the condition that the details of securing the loan or other appropriate funding mechanism be worked out prior to loan closing.**

**SRF/CONSERVATION COMMITTEE RECOMMENDATION: PENDING**

## APPLICANT'S LOCATION:

Mountain Valley Water is located in Salt Lake County and serves residents in Bluffdale approximately 23 miles south of Salt Lake City.

## MAP OF APPLICANT'S LOCATION:

## PROJECT DESCRIPTION:

Franson Civil Engineers recommends making the following improvements to the existing system, which will allow the capacities, pressures, and fire flows to support the existing system and proposed developments:

- Install an 8-inch diameter pipeline from the well to the proposed tank location.
- Construct a 400,000 gallon water tank at the southwest corner of the southern property
- Install a 10-inch diameter pipeline from the tank to the chapel (large size is required by Bluffdale City due to the commercial nature of the community)
- Install an 8-inch diameter pipeline throughout the northern property
- Install a pressure reducing valve at the beginning of the pipeline as it enters the northern Property
- Install a booster pump at the southern property to increase low pressures

## POPULATION GROWTH:

From the GOPB website, Bluffdale is currently growing at rate of 4.64%. It is anticipated that the area will continue to see increased growth up to 23% over the next 20 years.

## IMPLEMENTATION SCHEDULE:

(Estimate of completion dates for major milestones)

| | |
|---|---|
| Apply to DWB for Funding | December 2007 |
| DWB Funding Authorization | February 2007 |
| Complete Design | April 2008 |
| Advertise for Bids | June 2008 |
| Bid Opening | July 2008 |
| Loan Closing | July 2008 |
| Begin Construction | August 2008 |
| Complete Construction | November 2008 |
| Receive DDW Operating Permit | December 2008 |

## COST ESTIMATE:

| | |
|---|---|
| Construction: | $549,000 |
| Contingency (10%): | $129,000 |
| Engineering: | $95,000 |
| Legal/Bonding: | $25,000 |
| Total Capital Cost: | $798,000 |

## COST ALLOCATION:

The cost allocation proposed for the project is shown below.

| Funding Source | Cost Sharing | Percent of Project |
|---|---|---|
| DWB Loan ( 2.78%, 20-yr) | $718,000 | 89.97 |
| Local Contribution | $80,000 | 10.03 |
| Total Amount: | $798,000 | 100.00 |

**ESTIMATED ANNUAL COST OF WATER SERVICE:**

| | |
|---|---|
| Operation & Maintenance: | $5,481 |
| Existing Debt Service: | $0 |
| DDW Debt Service (2.05%, 20yrs): | $47,284 |
| DDW 10% Coverage: | $4,728 |
| DDW 15% Partial Coverage: | $7,092 |
| Depreciation: | n/a |
| 5% Replacement Reserve: | n/a |
| Total Annual Cost: | 2,936 |
| Monthly Cost / ERU: | $244.72 |
| Cost as % of MAGI: | 5.82% |

**SPECIAL CONDITIONS (before loan closing):**

1. Applicant resolves appropriate issues on their compliance report.
2. Division performs a Sanitary Survey (done 2/13/08)
3. Applicant considers establishing an impact fee schedule

## CONTACT INFORMATION:

| | |
|---|---|
| APPLICANT: | Mountain Valley Water dba of Unified Industries<br>1224 West 16580 South,<br>Bluffdale, Utah 84065<br>Phone: 801-253-7516<br>eMail: warmsouthwind1705@mac.com |
| PRESIDING OFFICIAL &<br>CONTACT PERSON: | Stephen Thompson, President<br>1275 West 16580 South<br>Bluffdale, Utah 84065<br>Phone: 801-386-0117<br>eMail: warmsouthwind1705@mac.com |
| CONSULTING ENGINEER: | Monique Robbins<br>Franson Civil Engineers<br>1276 South 820 East, Suite 100,<br>American Fork Utah 84003<br>Phone: 801-756-0309<br>eMail: mrobbins@fransoncivil.com |
| FINANCIAL CONSULTANT: | Zach Allred<br>Allred Accounting<br>PO Box 1253, Draper UT 84020<br>Phone: 435-623-5177<br>eMail: zallred@nebonet.com |

# DRINKING WATER BOARD FINANCIAL ASSISTANCE EVALUATION

SYSTEM NAME: Mountain Valley Water
COUNTY: Salt Lake
PROJECT DESCRIPTION: new storage tank, distribution work

FUNDING SOURCE: State SRF

## 100% Loan

| | | | | | |
|---|---|---|---|---|---|
| ESTIMATED POPULATION: | 48 | NO. OF CONNECTIONS: | 22 | SYSTEM RATING: | ? |
| CURRENT AVG WATER BILL: | $30.00 * | | | PROJECT TOTAL: | $798,000 |
| CURRENT % OF AGI: | 0.71% | FINANCIAL PTS: | 45 | LOAN AMOUNT: | $718,000 |
| ESTIMATED MEDIAN AGI: | $50,460 | | | GRANT AMOUNT: | $0 |
| STATE AGI: | $36,960 | | | TOTAL REQUEST: | $718,000 |
| SYSTEM % OF STATE AGI: | 137% | | | | |

| | @ ZERO % RATE | @ RBBI MKT RATE | | AFTER REPAYMENT PENALTY & POINTS |
|---|---|---|---|---|
| | 0% | 4.66% | | 2.78% |
| ASSUMED LENGTH OF DEBT, YRS: | 20 | 20 | | 20 |
| ASSUMED NET EFFECTIVE INT. RATE: | 0.00% | 4.66% | | 2.78% |
| REQUIRED DEBT SERVICE: | $35,900.00 | $55,964.98 | | $47,284.60 |
| *PARTIAL COVERAGE (15%): | $5,385.00 | $8,394.75 | | $7,092.69 |
| *ADD. COVERAGE AND RESERVE (10%): | $3,590.00 | $5,596.50 | | $4,728.46 |
| **ANNUAL DEBT PER CONNECTION:** | $2,039.77 | $3,179.83 | | $2,686.62 |
| O & M + FUNDED DEPRECIATION: | $5,500.00 | $5,500.00 | | $5,500.00 |
| OTHER DEBT + COVERAGE: | $0.00 | $0.00 | | $0.00 |
| REPLACEMENT RESERVE ACCOUNT: | $0.00 | $0.00 | | $0.00 |
| NEEDED SYSTEM INCOME: | $5,500.00 | $5,500.00 | | $5,500.00 |
| **ANNUAL O&M PER CONNECTION:** | $250.00 | $250.00 | | $250.00 |
| **AVG MONTHLY WATER BILL:** | $190.81 | $285.82 | | $244.72 |
| **% OF ADJUSTED GROSS INCOME:** | 4.54% | 6.80% | | 5.82% |

* Proposed water bill (currently they do not charge for water).

# Mountain Valley Water

PROPOSED BOND REPAYMENT SCHEDULE 100% Loan

| | | | |
|---|---|---|---|
| PRINCIPAL | $718,000.00 | ANTICIPATED CLOSING DATE | 15-Jul-08 |
| INTEREST | 2.78% | P&I PAYMT DUE | 01-Jan-10 |
| TERM | 20 | REVENUE BOND | |
| NOMIN. PAYMENT | $47,284.60 | PRINC PREPAID: | $0.00 |

| YEAR | BEGINNING BALANCE | DATE OF PAYMENT | PAYMENT | = | PRINCIPAL | INTEREST | ENDING BALANCE | PAYM NO. |
|---|---|---|---|---|---|---|---|---|
| 2009 | $718,000.00 | | $9,203.96 | * | $0.00 | $9,203.96 | $718,000.00 | 0 |
| 2010 | $718,000.00 | | $46,960.40 | | $27,000.00 | $19,960.40 | $691,000.00 | 1 |
| 2011 | $691,000.00 | | $47,209.80 | | $28,000.00 | $19,209.80 | $663,000.00 | 2 |
| 2012 | $663,000.00 | | $47,431.40 | | $29,000.00 | $18,431.40 | $634,000.00 | 3 |
| 2013 | $634,000.00 | | $47,625.20 | | $30,000.00 | $17,625.20 | $604,000.00 | 4 |
| 2014 | $604,000.00 | | $46,791.20 | | $30,000.00 | $16,791.20 | $574,000.00 | 5 |
| 2015 | $574,000.00 | | $46,957.20 | | $31,000.00 | $15,957.20 | $543,000.00 | 6 |
| 2016 | $543,000.00 | | $47,095.40 | | $32,000.00 | $15,095.40 | $511,000.00 | 7 |
| 2017 | $511,000.00 | | $47,205.80 | | $33,000.00 | $14,205.80 | $478,000.00 | 8 |
| 2018 | $478,000.00 | | $47,288.40 | | $34,000.00 | $13,288.40 | $444,000.00 | 9 |
| 2019 | $444,000.00 | | $47,343.20 | | $35,000.00 | $12,343.20 | $409,000.00 | 10 |
| 2020 | $409,000.00 | | $47,370.20 | | $36,000.00 | $11,370.20 | $373,000.00 | 11 |
| 2021 | $373,000.00 | | $47,369.40 | | $37,000.00 | $10,369.40 | $336,000.00 | 12 |
| 2022 | $336,000.00 | | $47,340.80 | | $38,000.00 | $9,340.80 | $298,000.00 | 13 |
| 2023 | $298,000.00 | | $47,284.40 | | $39,000.00 | $8,284.40 | $259,000.00 | 14 |
| 2024 | $259,000.00 | | $47,200.20 | | $40,000.00 | $7,200.20 | $219,000.00 | 15 |
| 2025 | $219,000.00 | | $47,088.20 | | $41,000.00 | $6,088.20 | $178,000.00 | 16 |
| 2026 | $178,000.00 | | $47,948.40 | | $43,000.00 | $4,948.40 | $135,000.00 | 17 |
| 2027 | $135,000.00 | | $47,753.00 | | $44,000.00 | $3,753.00 | $91,000.00 | 18 |
| 2028 | $91,000.00 | | $47,529.80 | | $45,000.00 | $2,529.80 | $46,000.00 | 19 |
| 2029 | $46,000.00 | | $47,278.80 | | $46,000.00 | $1,278.80 | $0.00 | 20 |
| | | | $955,275.16 | | $718,000.00 | $237,275.16 | | |

*Interest Only Payment

# 18162 Mountain Valley Water
## Compliance Report
### February 14, 2008

**Administration:**

No Issues

**Operator Certification:**

No Issues

**Bacteriological Information:**

The system received major monitoring violations for June and July 2007.

**Chemical Monitoring:**

No Issues

**Lead/Copper:**

No Issues

**Consumer Confidence Report**

No Issues

**Physical Facilities:**

System lacks 40% storage capacity.

Cross Connections exist and require Backflow preventers be installed.

**Drinking Water Source Protection:**

Preliminary Evaluation Report has been submitted, but concurrence is pending

**Plan Review:**

No Plan Approvals have been documented for this system.

# 9. 2) STATE SRF APPLICATIONS

## c) MOUNTAIN REGIONAL WATER SSD/STAGECOACH SUBDIVISION

**DRINKING WATER BOARD**
**BOARD PACKET FOR CONSTRUCTION LOAN**
**AUTHORIZATION**

(Packet is not yet available)

## APPLICANT'S REQUEST:

Mountain Regional Water SSD is requesting financial assistance in the amount of $3,000,000 to replace their infrastructure. The project will address the system's current inadequate source capacity.

## STAFF COMMENTS:

Mountain Regional Water Special Service District is requesting a $3,000,000 loan on behalf of Stagecoach Subdivision. Most of the drinking water infrastructure needs to be replaced, because their waterlines are undersized and too shallow.
Also, they need increased source capacity.

## SRF/CONSERVATION COMMITTEE RECOMMENDS:

# 9. 2) STATE SRF APPLICATIONS

## d) WOODLAND KOLOB ACRES DEAUTHORIZATION

Woodland and Kolob Acres
Presented to SRF Conservation Committee
February 6, 2008

DRINKING WATER BOARD
BOARD PACKET FOR DEAUTHORIZATION
INTRODUCTION TO SRF COMMITTEE

**STAFF COMMENTS AND RECOMMENDATION:**

On March 4, 2005 the Drinking Water Board authorized a twenty-year loan of $450,000 at 3.63% interest to Woodland and Kolob Acres water system. In a letter dated January 7, 2008, Woodland and Kolob Acres stated that they would like to withdraw their request for funding. They have formed relationships with entities which will front the funds for their project.

**The SRF/Conservation Committee recommend that the Drinking Water Board de-authorize the $450,000 loan to Woodland and Kolob Acres.**

RECEIVED
JAN 10 2008
Drinking Water

January 7, 2008

Kenneth Wilde, P.E.
Utah Division of Drinking Water
150 North 1950 West
P.O. Box 144830
Salt Lake City, Utah 84116

Dear Mr. Wilde:

The State Drinking Water Board approved a $400,000 loan for improvement of the Woodland Kolob Acres water system. We appreciate the Boards willingness to provide this funding and their patience in getting the project to this point.

At this time we have formed relationships with entities which will front the funds for this project and allow our water company to pay back the debt over time. In this case we no longer need the funding provided by the Board. We respectfully withdraw our request for funding. However, we are convinced that having the assurance of funding from the Board helped us in our negotiations to establish the current relationships which will allow the project to go forward.

Again, thank you for your commitment to help and for your patience.

Very truly yours,

Frank Kell
Chairman

# AGENDA ITEM 10

# INTENDED USE PERMIT
# AND
# CAPITALIZATION GRANT
# APPLICATION

INTENDED USE PLAN
For FY 2008

Packet will be available at the Board Meeting

# AGENDA ITEM 11

# FIVE YEAR NOTICE OF REVIEW
# AND
# STATEMENT OF CONTINUATION

# FIVE YEAR NOTICE OF REVIEW
# AND STATEMENT OF CONTINUATION

**R309. Environmental Quality, Drinking Water**
**R309-352. Capacity Development Program**

**Background:**
The Utah Administrative Rulemaking Act (Act; UT Code Title 63, Chapter 46a) requires each rulewriting agency to "review each of its rules within five years of the rule's original effective date or within five years of the filing of the last five-year review, whichever is later" (UT Code Subsection 63-46a-9(1)).

Receipt of the review by the date indicated in the following list, or the request for extension by the day before the date indicated on the following list is very important. If one or the other is not received by the Division of Administrative Rules (DAR), the rule expires and DAR is required to remove it from the Code (see UT Code Subsection 63-46a-9(8)).

**RULES DUE FOR FIVE-YEAR REVIEW**

| Rule | Enactment Date / Last Review Date | Review Due Date |
|---|---|---|
| R309-352 | June 16, 2003 | June 16, 2008 |

**Action:**
Staff reviewed the Rule and solicited comment from interested parties as part of the five-year review and continuation procedure. Comments were received from one interested party. These comments and DDW's responses are attached for review.

Division responses to DAR-requested information are attached on the following page. Upon Board approval, this language will be transferred to the required electronic document and transmitted to DAR in compliance with the referenced sections of Utah Code governing the review and continuation process.

**Staff Recommendations:**
**Staff recommends the Board approve the Five-Year Notice of Review and Statement of Continuation for "UAC R309-352 Capacity Development Program", as presented in the attached documents.**

Five-Year Notice of Review and Statement of Continuation

DAR File No: Date Filed:
Utah Admin
Code ref (R no.): R309-352 Time Filed:

**1.** Agency: Environmental Quality/Drinking Water
Room no.:
Building:
Street Address: 150 N 1950 W
City,State,Zip: Salt Lake City, Utah 84116-3085
Mailing Address: PO Box 144830
City,State, Zip: Salt Lake City, Utah 84114-4830
**Contact person(s):**

| Name: | Phone: | Fax: | E-mail: | Remove: |
|---|---|---|---|---|
| Patti Fauver | (801)536-4196 | (801)536-4211 | pfauver@utah.gov | |
| Michael Grange | (801)536-0069 | (801)536-4211 | mgrange@utah.gov | |

**2. Title of Rule:**
Capacity Development Program

**3. A concise explanation of the particular statutory provision under which the rule is enacted and how these provisions authorize or require the rule:**
Subsection 19-4-104(1)(a)(v) grants the Drinking Water Board authority to implement the Capacity Development Program and govern the allotment of federal funds to public water systems to assist their compliance with the Federal 1996 Reauthorized Safe Drinking Water Act (SDWA).

**4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:**
DDW received one set of comments regarding the Rule. The commenter questioned several aspects of the Rule, namely: who should prepare the Capacity Assessment Plan and/or Worksheets, the cost to property owners/developers to prepare the Plan, whether or not personal financial information is required by the Rule, disclosing the location of system sources and/or storage facilities, the size of system the Rule was written for, and duplication of information to be provided to DDW and again to the Public Utilities Commission.

**5. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:**
The 1996 SDWA Amendments outlined the requirements of the Capacity Development Program. The Program mandates that states ensure that all new Community Water Systems and Non-Transient, Non-Community Water Systems demonstrate the technical, managerial, and financial capacity (capability) to comply with SDWA and the National Primary Drinking Water Regulations

(NPDWR). In addition, states must ensure that existing water systems demonstrate these capabilities before they can be awarded federal drinking water financial assistance from the federal Drinking Water State Revolving Fund.

Each year the states are granted capitalization funds from EPA to finance their individual Federal SRF programs. If a state does not have an acceptable Capacity Development Program 20% of those funds will be withheld [SDWA §1452(a)(1)(G)(i)]. The State of Utah is currently granted over $8 million annually for its Federal SRF program, losing more than $1.6 million of those funds each year would seriously impair the ability of the SRF Program to achieve its goal of providing water systems with funding and technical assistance to aid them in supplying their customers with sufficient quantities of quality drinking water as well as complying with SDWA and the NPDWR.

Reauthorization and continuation of R309-352 Capacity Development Program is key to maintaining Utah's ability to meet the requirements of the 1996 SDWA Amendments and receive its full allotment of federal capitalization funds.

The Division finds the submitted comments non-substantive. The Rule does not specify who is to prepare the Capacity Assessment Plan and/or Worksheets and does not require that engineers or accountants be hired to do so. The information to be included in the Plan or Worksheets should be readily available and easily transferable into the documentation required by Rule. This information would be necessary for any business entity to determine financial viability, both current and future. Personal financial information of the owner/developer is not required by the Rule, only pertinent O&M cost data is required so DDW can ascertain the System's long-term viability. There is also no requirement that specific system infrastructure locations be divulged in the Plan or Worksheets. The Rule requires sufficient information to determine that the System has sufficient source and storage capacity to meet State rules. The Rule does not apply to systems that do not fit the definition of "public water system", namely at least 15 service connections or 25 individuals. However, where it is obvious that the development has at least 15 lots and will be a PWS in the future, a Capacity Assessment is required. The type of information required by the Rule is the same for very small systems as for large systems. There may be some areas where information required by the Rule and included in the Plan or Worksheets is duplicated elsewhere, either in Division rules or with other agencies. However, it is minimal and USEPA has determined that any additional cost incurred during the Capacity Assessment review process should not be overly burdensome. This EPA review is mandated any time EPA promulgates a new rule that potentially impacts a water system's financial viability.

**6. Indexing information – keywords (maximum of four, lower case):**
drinking water, funding, capacity development,

The following comments on the Capacity Development Program Rule (UAC R309-352) were received in an e-mail from Bob Reid. The comments were received in connection with the Five-Year Rule Reauthorization and Continuation process. My responses are in **Times New Roman Bold, 10 pt font,** directly below Mr. Reid's comments.

Michael, thanks for calling me today and for taking a moment to discuss concerns I have with the Capacity Assessment Rule. I enclose for your review our comments to the Capacity Assessment Plan revisions. Thanks for taking the revision of this rule under consideration. It will be good to clear up some of the confusion that exists in the current rule.

All comments are by Robert N. Reid, PE
Cedar City, Utah.

1. The Rule does not allow for small users who are not yet public. A development isn't at full capacity until it becomes a public system which is after a fixed minimum number of users have joined the system. The current rule assumes (incorrectly) that the system has enough users to become a public system when the plan is written. The rule should be changed to allow a growth period.

**MJG – The Rule does not apply to systems that are not public, "public water systems" being defined as those serving 15 connections or 25 individuals at least 60 days per year (R309-100-4 and R309-352-3(5)). Furthermore, a development may not even be at full capacity when it becomes a Public Water System. Nowhere does the Rule assume that a system has enough users to become a public system when the plan is written, the Rule simply states that in order for a Public Water System to be approved it must complete the Capacity Assessment Review, among other things. For new systems a growth period is allowed in R309-352-5(4)(c) "Financial plan. The financial *plan shall describe the system's expected revenues, cash flow, income* and issuance and repayment of debt for meeting the costs of construction, *and the costs of operation and maintenance for at least five years from the date the applicant expects to begin system operation*." Emphasis added.**

2. The Rule needs to take into account who will prepare the plan? The owners for small systems should be able to prepare the plan themselves without hiring engineers or accountants.

**MJG – The Rule does not specify who is to prepare the plan. It makes sense that the person or persons most knowledgeable about the system should at least help prepare the plan and/or the capacity assessment worksheets when required. R309-352-5 outlines what is required of new/proposed systems; R309-352-4 gives general criteria that all systems are judged against. Nowhere in these sections does it require an engineer or accountant to prepare the necessary information.**

3. The Rule fails to take into account the cost for clients who must pay for preparation of the plan. How much does the State expect the developers to have to pay for such a plan and has this been reviewed and approved by the State Legislature.

**MJG – EPA is mandated to analyze the potential financial impact on water systems of any rules or programs it requires. For the Capacity Development program, EPA determined that any costs of the program should not be burdensome, even to small or very small water systems. The plan should be a compilation of readily available information that all systems or proposed systems should have. Water rates, number of connections, annual operating expenses or projections of these figures for new/proposed systems are examples of what is required for the plan. In addition, water quality data, source capacity (flow rates), and storage capacity are examples of other required information. This type of information would be needed by any entity in order to know: 1) if it would be financially viable, currently as well as in the future; and, 2) if its facilities would be sufficient to comply with drinking water regulations and provide safe and reliable drinking water. With this information readily available costs to prepare the plan or fill out the worksheets should be minimal.**

4. The Rule expects that financial data will be incorporated into the plan which may be private or personal. On a small system with one operator, the plan discloses this person's pay. This is unfair.

**MJG – As a public utility cost data is public information. However, the rule does not require that owners divulge personal/private financial information; it only requires that relevant O&M cost data be provided to substantiate the system's long-term viability. Also, the Rule does not require that operation and maintenance cost data be itemized to the level that individual salaries are divulged. This information may be provided to the Division, but it is not necessary.**

5. The Division has asked in the past that the Capacity Assessment Plan become a public document and state that it is a public document on the plan. For Security this is not a good idea as it reveals financial data about the water company that should not be a matter of public record. By making the facilities portion of the plan a public document the operator is forced to disclose the facilities locations, sizes, costs, and future plans to people who have no need nor requirement to see this data. (Compromises security of the system.)

**MJG – In addition to the explanation above, the Rule does not require that system infrastructure locations be divulged in the public document or in the worksheets. The Division and USEPA are well aware of the potential hazards inherent in making source and/or storage location data public knowledge. However, the plan must include source capacities (flow rates), storage volume, and expected infrastructure expansion and construction plans, among other information. This information is necessary and must be detailed enough for the Division to accurately determine if sufficient capacity is present in the system or proposed system for the expected development.**

6. The rule has obviously been written around a large system. The Division should test the application of the rule by preparing a model plan for a small system of under 25 users and track all costs to prepare such a plan. This model plan can then be used as a guide for preparation by other entities.

**MJG – The Rule applies to new/proposed or existing public water systems, defined as those serving at least 15 connections or 25 individuals. The Rule is written so that any system, regardless of size, can comply. The type of information required in the Plan is the same for every system. In addition, if a system has fewer that 15 connections or serves fewer than 25 individuals, it is not a public water system and is not yet subject to the Capacity Development Program or R309-352. However, where it is obvious that the development has at least 15 lots (connections) and will qualify as a public water system in the future, a Capacity Assessment is required.**

7. The financial plan states that costs and revenues shall be presented for 5 years. However it should also state that unless the revenue exceeds the costs, the plan will not be approved. (Because this is what is intended.) And it should allow that in the initial years of operations, the system might not show revenues in excess of costs and that that is acceptable.

**MJG – The concept of revenues exceeding costs is presented in R309-352-4(2)(c)(i) "Revenues shall be greater than expenses;". If this is not the case it follows that the system lacks financial capacity and needs to examine rate structures, operation and maintenance costs, and other relative factors to find ways to come into compliance with the Rule. If the system can not comply with the Rule the system will not be approved. Furthermore, it is not necessarily acceptable for a system's expenses to exceed revenue even in the initial years of operation. The system must identify ways to continue operations and provide adequate supplies of safe drinking water in those initial start-up years. Whether the developer foots the bill (and is later reimbursed through collected user fees or rates), the county helps with an infusion of monetary support (also likely to be repaid at a later date), or other means are identified, the system must show that revenues will be adequate to meet expenses and that public health will be protected.**

8. This Rule duplicates other requirements from other rules and should be coordinated with the Divisions other programs. The Source Protection Plan asks for proof of water right. Why should it be included in the Capacity Assessment Plan also? The Notification Form also requires data duplicated by the plan.

**MJG – With the exception of the two instances identified, no specific examples of potential duplication were identified by the commenter. The Capacity Development Program is an integral part of two separate Division functions: 1) new system review and approval, and 2) qualifying existing systems for financial assistance under the Federal DWSRF program. With new systems it is likely that proof of legal, adequate water rights has not yet been provided to the Division and the Source Protection Plan may not have been prepared yet since the location of the source may not yet be known. This information must be submitted to and approved by the Division before the development will be approved, and as such it is included in the information required for the Capacity Assessment Review. In addition, when reviewing plans for approval it is always preferable to have all data in one location, and a single page or paragraph inserted into the Plan that proves a legal, valid water right is not overly burdensome to the preparer. The Project Notification Form is a one page summary of the proposed project and does not provide the level of detail required for an adequate review of a system's capacity. In addition, the PNF is used by the Division to log the project into our database and allows us to track its progress. The PNF and capacity assessment plan are used for different, though complimentary, purposes.**

9. The Rule should include the review and approval process for the division. Right now the rule allows the division to ask for revisions infinitely without stating what the specific approval criteria for a plan is.

**MJG – Approval criteria are in the Rule. Documents submitted for review under the Capacity Development Program should be reviewed within the time period allotted by Rule and either approved or rejected. Only when information is unclear, incomplete, or inadequate for the Division to complete its review should a revision or clarification be requested from the System. Should a PWS believe it is being unfairly treated the appeal process should be followed and Division management consulted for redress.**

10. Originally Capacity Assessment Worksheets were available on the web for plan writers seeking Revolving Loan Funds. Is this check sheet abandoned?

**MJG – Capacity Assessment Worksheets are available from the Division. Electronic copies are available on the Internet at: http://www.drinkingwater.utah.gov/capacity_develop_intro.htm.**

12. There is quite a bit of overlap between the Capacity Assessment Plan and data requested by the Public Utilities Commission. The Commission and Division should coordinate to determine how much of what data is required in each location. It makes little sense to have our clients pay us to prepare a Capacity Assessment Plan for the division of Drinking Water, and then to pay an accounting firm to provide Public Utility Data to the PUC which is very similar data.

**MJG – As stated earlier, there is no requirement for engineers or accountants to prepare the Capacity Assessment Plan or fill out the worksheets. The information should be readily available and easily transferable into a document for submittal to either DDW or the PUC. However, there is an initiative under way for DDW and the PUC to coordinate more fully when new water systems are planned or developed.**

Robert N. Reid, PE
InSite Engineering, PC
1883 W. Royal Hunte Drive
Cedar City, UT 84720
Phone 435-867-4565
Cell 435-590-9410
email bobr@insite-engineering.com

# AGENDA ITEM 14

# LETTERS

State of Utah

Department of Environmental Quality

Richard W. Sprott
*Executive Director*

DIVISION OF DRINKING WATER
Kenneth H. Bousfield, P.E.
*Director*

**Drinking Water Board**
Anne Erickson, Ed.D., *Chair*
Myron Bateman, *Vice-Chair*
Ken Bassett
Daniel Fleming
Jay Franson, P.E.
Helen Graber, Ph.D.
Paul Hansen, P.E.
Petra Rust
Richard W. Sprott
David K. Stevens, Ph.D.
Ron Thompson
Kenneth H. Bousfield, P.E.
*Executive Secretary*

JON M. HUNTSMAN, JR.
*Governor*

GARY HERBERT
*Lieutenant Governor*

January 30, 2008

To County Planners and Building Officials
To Local Health Departments
To District Engineers, DEQ

Dear County Official:

Subject: Meeting Invitation

Many Utah communities and counties are experiencing high rates of population growth. Small subdivisions are being developed with their own small water systems. Once constructed, however, many of these small subdivisions do not have the resources to provide adequate and safe drinking water to the residents. The Drinking Water Board (Board) has been evaluating the problems experienced by existing small water systems and would like to work with county officials to help solve both the existing and potential future small system problems.

The Board, Division of Drinking Water (DDW), Division of Public Utilities (DPU), and Rural Water Association of Utah (RWAU) have recently entered into a partnership to solve problems related to small water systems. We have scheduled a meeting for County Commissioners, planners, and others involved in subdivision planning. We would like to invite you to join us to discuss ways that we can work together to promote the creation of properly run, sustainable water systems.

The meeting will be held **Wednesday, February 27, 2008 at 3:00 pm at the Dixie Conference Center in St. George, Utah, in Ballroom F.** We encourage you to attend this meeting.

To help us prepare the room for the meeting, we would like an estimated count of attendees. Please let us know by February 15 the number of people from your organization who plan to attend. **Please RSVP the RWAU Office at 801-756-5123.** If you have any questions, please feel free to call Kenneth Wilde, DDW, at 801-536-0048.

Sincerely,

Anne Erickson

Anne Erickson, Chairman
Drinking Water Board

150 North 1950 West • PO Box 144830 • Salt Lake City, UT 84114-4830 • phone (801) 536-4200 • fax (801) 536-4211
T.D.D. (801) 536-4414 • *www.deq.utah.gov*

# AGENDA ITEM 15

# NEWS ARTICLES

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# Some say Ogden River is being used as a dumping ground

February 18, 2008

*Whit Johnson reporting*

Some people are claiming that hazardous materials from construction projects are being dumped into the Ogden River. The Weber County Health Department is investigating.

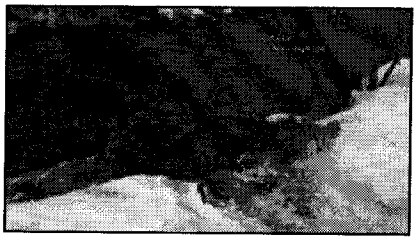
Just off of Washington Blvd. there are several shops are being put in, and just below the buildings are some black tracks leading down to the river. That's the remnants of what some people believe is an example of gross negligence.

Picture after picture shows what appears to be a construction mess spilling into the Ogden River. Bill Critchlow calls it a clear cut environmental violation and says he began noticing the piling up debris more than a week ago.

"I was angry when I went to report it," Critchlow said, "It needs to be cleaned up and mitigated."

Critchlow reported the situation to state Rep. Neil Hansen. On Saturday, both men went and took pictures of the area. The photos show piles of dark snow, bricks, rocks and what looks like dye discoloring the water.

"There was stucco, there was nails, there were screws, there was plastic that was laying here in the snow of debris; and so to me, there was more than just biodegradable things they were dumping in the river," Hansen said.



Dan McEntee is the partial owner of the building under construction. He says most of the debris was biodegradable and got mixed in with large amounts of snow. "No, I don't think anything got down into the river," he said. "You guys understand the snow storms we've had, they were cleaning off an area and piled some snow here. No, I wish they hadn't done that, and we cleaned it right up and threw it away."

McEntee says the cleanliness of the river is an important part of his business and the allegations are being blown out of proportion. Still, some believe tough penalties need to be handed down to those responsible.

"I don't think that that merits a wrist slap. That's intentional," Critchlow said.

The Weber County Health Department says they have collected some samples from this area in an effort to see if any damaging materials made it into the water. Depending on results from those samples, it's possible that other agencies will get involved in the investigation.

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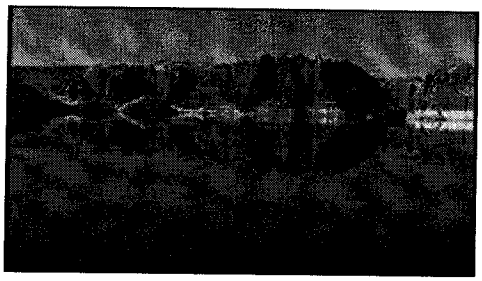
ksl.com

# Potential water crisis looming

February 17, 2008



*John Hollenhorst reporting*

It's the most worrisome forecast yet for the water supply of the desert Southwest. Scientists at a prestigious institution say a crisis is coming unless there are major policy changes.

There have been gloomy forecasts before, but this is the bleakest yet if you love Lake Powell or if you care about water for big cities to our south and west.

Government experts are skeptical about the specifics of the forecast, but they agree there's plenty to worry about.

Even after eight years of drought, Lake Powell and Lake Mead remain about half full. But the surpluses may not last, according to a study by the Scripps Institution of Oceanography. Tim Barnett with the Scripps Institution of Oceanography, says, "If nothing change, the probability that the two lakes will go dry is about 50 percent within 13 to 15 years."

In less than 10 years, water might be too low to generate electricity at the Glen Canyon Dam and Hoover Dam.

More worrisome is the study's conclusion that the Colorado River, which feeds the two reservoirs, is no longer a reliable source of water for growing desert cities. "Well, 50-50 odds and 30 million people hanging in the balance," Barnett says.

Government experts say other studies have used different assumptions and models of climate change. Executive Director of the Upper Colorado River Commission Don Ostler says, "Well, I think the Bureau of Reclamation has modeled the Colorado River out for 60 or 70 years, at least, and is not seeing Lake Powell or Lake Mead go dry."

Barnett says, "If you want to leave your head in the sand and don't see the truck coming, that's fine with me. That's your business."

In fact, government experts agree a potential crisis is looming, even if they disagree with the study's data. Ostler says, "The worry is on target."

The seven states on the Colorado River recently adopted a long-range agreement to manage shortages and to conserve water during droughts. "The plan includes a very aggressive effort to augment the supply of the Colorado River with other water sources," says Ostler.

Both sides acknowledge the river's annual average flow was incorrectly estimated almost a century ago. That led to overdependence on surpluses that may not exist in the future. Barnett says, "So if somebody wants to build a 5,000- or 10,000-unit housing development, somebody has to ask them, 'Where is the water going to come from? And is this a sustainable operation?' To my knowledge, those questions are not being asked by the decision makers at the city and county levels."

The concern is so widely shared there's serious talk about desalting plants for seawater, and even pipelines from other rivers, possibly as far away as the Mississippi. If someone proposes that, you know there's a crisis.

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Article published Feb 17, 2008

# Lake Powell is a reliable source of water for pipeline project

The State of Utah is pursuing a project that will bring water from the Colorado River at Lake Powell to Washington, Kane and Iron Counties. Many who oppose the project have suggested that Lake Powell is not a reliable source of water or that water will not be available during drought years. I disagree. I am confident that Lake Powell is a reliable source of water for Southwest Utah, because of agreements in place with other Colorado River Water users and the federal government.

Utah is a party to the Colorado River Compact of 1922. The compact split the river system into an Upper Basin (Colorado, New Mexico, Utah and Wyoming) and a Lower Basin (Arizona, California and Nevada). In 1948, the Upper Basin States and the federal government signed the Upper Colorado River Compact. That compact allows the Upper Basin States to manage their Upper Basin water allocations. The Lower Basin States do not have a compact. The Secretary of Interior is the water master for the Lower Basin and is charged to develop an annual operating plan for lower basin reservoirs. It has been common practice for all of the Basin States to meet together to manage the river in a cooperative manner and help each other in this spirit of comity.

The Colorado Basin states and the Department of Interior have recently completed negotiations that resulted in the Secretary of Interior's December 2007 Record of Decision for Colorado River Interim Guidelines and Lower Basin Shortages an Coordinated Operations for Lakes Powell and Mead. These guidelines provide for Lake Powell and Lake Mead to be operated to maximize system effectiveness. The guidelines, in effect until 2026, did not reduce the established rights of Utah to its share of Colorado River water, but rather allow Utah to continue development of its water allocation. These arrangements decrease the risk of conflict among the Basin states when shortage conditions occur.

At this time, the eight year average flow into Lake Powell is at a record low for the gauged record. Even though water has been released from Lake Powell to the Lower Basin during these drought years, as required by the 1922 Compact, the lake is still about half full. This storage reservoir is doing its job, helping to ensure that there will be water for Utah now and in the future.

The Lake Powell Pipeline will be constructed with an intake that is capable of drawing water from an elevation that can't be physically released downriver through the dam. Water flows downhill, so during low flow conditions, water is most likely to be available at the low end, right where the pipeline project will draw Utah's water from. Lake Powell is the safest and most reliable location on the Colorado River system for this project. Jerry Olds, the state engineer in charge of water rights, has also said, "With the Lake Powell Pipeline water rights and the point of diversion occurring in Lake Powell, it is one of the most firm water supplies in Utah's part of the Upper Colorado River Basin."

Dennis J. Strong is the director of the Utah Division of Water Resources and Utah's Interstate Stream Commissioner.

The Salt Lake Tribune

# Wild and scenic: Forest Service should include more Utah rivers

**Tribune Editorial**

Article Last Updated: 02/14/2008 06:46:37 PM MST

If you were to name some Wild and Scenic Rivers in Utah, stretches of the Logan, Ogden and Provo rivers probably would be near the top of any list. Unfortunately, none of those streams is designated a Wild and Scenic River under the 1968 law that Congress created to preserve free-flowing waterways that have outstanding scenic, wildlife and cultural values.

Truth is, no river in Utah is so designated. That's a shame.

The U.S. Forest Service and Bureau of Land Management currently are working through planning processess that could lead to Congress designating eligible Utah rivers as wild, scenic or recreational under the Act. Unfortunately, segments of the Logan, Ogden and Provo rivers have been studied for eligibility by the Forest Service, but they are not among the agency's preferred alternatives.

Consider, for example, the 20 miles of the Provo River between Trial Lake and Utah Highway 35 in Summit County. Portions of this segment parallel the Mirror Lake Highway, a National Scenic Byway. It includes the popular Provo River Falls, and the views in autumn are spectacular.

The area is popular with anglers, campers, picnickers, hikers and snowmobilers. As a recreational river, it is outstanding among Utah's relatively modest mountain streams.

Or consider the left fork of the south fork of the Ogden River between the confluence of Frost and Bear canyons and Causey Reservoir in Weber County. This 4.5 mile segment is truly wild, lush with vegetation and highlighted visually by its cascading waters and rock outcroppings.

Finally, there is the Logan River. The Forest Service studied two segments. One is 6.5 miles long between the Idaho state line and the confluence with Beaver Creek in Cache County. The other is 19 miles between Beaver Creek and the Malibu-Guinavah Campground. The latter is dotted by caves, including Logan Wind Cave, a destination for hikers. The segments also are popular with anglers.

We suggested last month that segments of the Green River below Flaming Gorge Dam and through Desolation, Gray and Labyrinth canyons probably should be Utah's first Wild and Scenic River. But as the short list above suggests, there are others that are worthy, including Red Butte and Little Cottonwood Canyon creeks in Salt Lake County. On this last day of the comment period for the Forest Service plan, we urge the agency to take another, broader look.

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The Salt Lake Tribune

Water study

# Are Lake Mead, Powell at risk of drying up by 2021?

By Patty Henetz
The Salt Lake Tribune

Article Last Updated: 02/14/2008 07:21:11 AM MST

Lake Mead has a good chance of drying up by 2021 if water officials don't change the way they manage the Colorado River, researchers from the Scripps Institution of Oceanography have concluded.

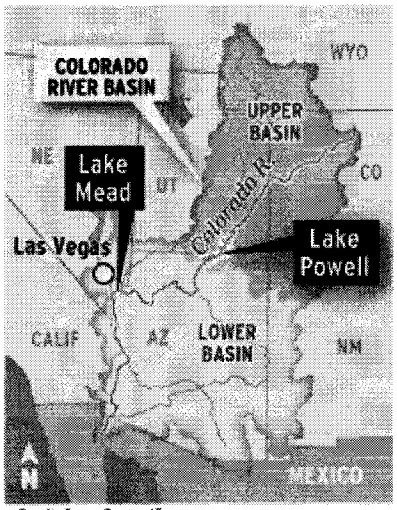
The report, "When will Lake Mead go dry?" says the Nevada reservoir and its upstream neighbor, Lake Powell, could drop so low gravity won't be able to move water downstream.

Researchers Tim Barnett, a marine geophysicist, and David Pierce of Scripps' Climate, Atmospheric Science and Physical Oceanography division - which is based at the University of California, San Diego - conclude there is a 50-50 chance of Lake Mead being a "dead pool" in 13 years if the system of water allocation now in place remains unchanged.

The study, which the authors say was conservative in its assumptions, disputes the river flow model the U.S. Bureau of Reclamation used to develop a landmark agreement signed in November. The interim agreement in effect through 2026 outlines how the seven Colorado River Basin states will share the pain of water shortages, and is the first major change to the Colorado River Compact since its 1922 establishment.

## All dried up?

*A new study by the California-based Scripps Institution of Oceanography says Lake Powell and Lake Mead have a 50-50 chance of going dry by 2021 if water allocations remain unchanged.*




*The Salt Lake Tribune*

"The mitigation strategies [the states] have for water shortages is not going to work. We can see that right now," Barnett said Thursday.

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The Salt Lake Tribune

The Bureau in 1999 began the environmental impact study that underlies the 2007 water-sharing agreement. In that time, the river basin has experienced the worst drought in 100 years of recorded history, and Lake Powell and Lake Mead have gone from being nearly full to just more than half-full.

The agreement lays out how the upper basin states - Utah, Colorado, Wyoming and New Mexico, which have most of the snowpack - will respond to demand from California, Arizona and Nevada, the lower basin states, which have many millions more residents and senior water rights. Under the agreement, Lake Powell and Lake Mead water levels will remain roughly equal.

The Bureau's final EIS implicitly acknowledged that the Colorado River Compact is based on estimates from unusually wet years and it assumed ongoing shortages as the drought continues.

The Scripps study states explicitly the region is in trouble.

Barnett said he and Pierce were surprised at their findings, which in essence measured the amount of water going into the reservoirs versus the water going out to the lower basin states.

The dead-pool scenario is likely if current Colorado River management remains static - a big if, Barnett acknowledged.

"None of us believe this is the final answer," he said. "It tells us there is a major problem coming."

Similar studies have emerged during the past 20 years. In August, the U.S. Geological Survey took a broader look than the Scripps study at how climate change has set up a self-perpetuating chain of events that ensure the river will continue to shrink.

The Bureau of Reclamation is aware of the science, and representatives defended the water-sharing EIS.

"As of today, if nothing changes, I could agree with [the Scripps study]. But what we know about this river basin is hydrology is highly variable," Bureau hydrologist Paul Davidson said Wednesday.

What's most important, he said, is the reservoir system is working as planned.

"It's seen us through this drought and now it's half empty," Davidson said. "If the drought held for another eight years, then yeah, we have a problem with the water budget. But we don't expect that to happen."

Hydrologists predict Lake Powell will rise 50 feet this year if snowmelt occurs according to projections showing runoff will be 128 percent to 130 percent of normal, he said.

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DESERET
Morning News

# Can art, oil mix? Spiral Jetty friends think not

**By Stephen Speckman**
Deseret Morning News

*Published: February 14, 2008*

To read the Dia Art Foundation's recent press release, it might seem like Canadian-based Pearl Exploration and Production Ltd. is about to declare war on the late artist Robert Smithson's Spiral Jetty, located in Utah's Great Salt Lake.

Spiral Jetty is a 1,500-foot-long, 15-foot-wide coil constructed in 1970 of mostly basalt rock that connects with the shore of the lake near Rozel Point.

By 2002 and in years since, repeated lower lake levels in the area have provided spectacular views of Smithson's work, rising up through highly saline water that is sometimes a deep shade of pink, made so in part because of the man-made railroad causeway that isolates part of the north side of the lake. About the only life waters north of the causeway can sustain are microbial halophiles.

Pearl's proposed drilling for oil approximately four miles away from Spiral Jetty will "disrupt the viewshed" for the artwork, introduce the potential for increased noise pollution and "degrade the natural environment" around Smithson's piece, Dia officials state.

The Dia release says drilling also would introduce toxins and chemicals to the "delicate saline water and wetlands that surround the lake." If there was a toxic spill, "the proposed operation would cause irreparable damage to the lake environment and threaten the physical integrity of Smithson's extraordinary sculpture."

Although past drilling activity in the same area yielded only a tarlike product that was heavy, high in sulfur and costly to refine, today's high price of oil is driving Pearl's pursuit of drilling near Rozel Point, and it already has a legitimate lease with the state to do that, said Jim Springer, spokesman for the Utah Division of Oil, Gas & Mining. Phone calls to Pearl for comment were not returned Wednesday.

Laura Raicovich, Dia's deputy director, said in a phone interview Wednesday that her group is trying to make a strong and unconditional case for the Spiral Jetty, which Dia was gifted in 1999 as part of Smithson's estate.

A letter from Smithson's widow, Nancy Holt, also an artist, has been posted on blog sites, accusing officials of trying to slip drilling contracts under the radar and urging people, particularly from foreign countries, to get involved in opposing Pearl's proposal.

Reaction has been fierce during an extended public comment period, which ended Wednesday. Dia even provided a form letter for people who "adamantly oppose" Pearl's application to drill exploratory boreholes.

The National Trust for Historic Preservation, Friends of the Great Salt Lake, art enthusiasts, photographers, fans of the Spiral Jetty and environmentalists have sent 2,750 e-mails and letters and placed 190 phone calls as of Wednesday morning to the Governor's Public Lands Policy Coordination Office. Jonathan Jemming said reaction is coming from Paris, Germany, New Zealand, Australia, the Museum of Modern Art in New York City and "all over the world."

Jemming's role will be to collect all of the comments toward helping his office make any technical or policy recommendations to the lead agency, the Utah Division of Oil, Gas & Mining.

Springer has been to see the Spiral Jetty four times and calls the work "fascinating" and interesting. He pointed out that when it was constructed in 1970 it was 400 yards from an existing, albeit dormant, oil facility and that naturally occurring oil "seeps" in the area can still be seen today. If having a serene, pure "viewshed" was part of Smithson's plan then, "then he chose the wrong place for the jetty," Springer said.

Some have debated Smithson's idea of entropy and its impact on Spiral Jetty. One dictionary definition of entropy describes a process of "degeneration marked variously by increasing degrees of uncertainty, disorder, fragmentation, chaos, etc.; ... such a process regarded as the inevitable, terminal stage in a life of a social system or structure."

Could human activity around his artwork have been part of the plan for Smithson, who died in 1973? Springer hasn't ruled out that possibility. Neither have people who have been leaving comments on blog sites.

Despite the idea of entropy, past industrial activity even when the jetty was built and the causeway's impact on the physical makeup of the north end of the lake, Dia is insisting that the "fragile balance of earth, salt lake, and local flora and fauna, symbolized in the form and structure of the artwork, must be maintained to preserve the experience of the Spiral Jetty in this unique landscape."

Raicovich said Smithson would not have wanted drilling to take place four miles from Spiral Jetty. "He accepted incursions of human activity as preexisting items," she said.

The soonest drilling could start would be in about 30 days, if Pearl meets all of the state's statutory and regulatory guidelines. During exploration a tower would be in place for about two or three weeks, Springer estimated. He said if there is a product worth pumping out, the facility needed to do that would be "barely" visible more than four miles away to the southwest of the Spiral Jetty.

Nevertheless, Springer's office will consider the outpouring of concern over the drilling and its potential impact on Spiral Jetty. But if Pearl meets all of the state's requirements, Springer said stopping or slowing it down after that would likely take a court process.

Raicovich said Dia is only currently trying to raise awareness about the issues with the help of other interested groups and that, even if test drilling takes place, there will be another public process before Pearl can start. However, Springer said that once Pearl has a permit to do exploratory drilling, they will be able to continue ahead with any pumping without further public review.

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DESERET
Morning News

# Carp may actually benefit Utah Lake

*Published: February 13, 2008*

PROVO (AP) — A forthcoming report suggests the presence of millions of carp in Utah Lake may not be as bad as once thought.

The report says phosphorus levels in the lake could be much higher than originally appreciated. That's a problem because phosphorus acts as a fertilizer for algae blooms in the late summer and fall, which are lethal to much of the lake's ecology.

The report suggests millions of carp in the lake stir up mud on the bottom, making the water cloudy enough to prevent the sun from shining on algae and growing it to lethal proportions.

A spokesman for the Utah Division of Water Quality says the report should be completed sometime this month.

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The Salt Lake Tribune

# Logan River cries out for Wild and Scenic River protection

By Christopher Cokinos

Article Last Updated: 02/11/2008 11:38:54 PM MST

What might we have heard? The bass groan of shifting rock as uplift occurred? Before that the sound of inland seas, Paleozoic waters filled with life we know through fossils?

What was the sound of mountain water cutting through quartzite over eons, creating the entrenched meander we call the Logan River?

Sometimes when I'm in Logan Canyon, I imagine more recent events: the mute snowfall of ice ages, the creep of glaciers, their retreat. I wonder if I might have discerned the scrape of ice and rock, the thump of glacial erratics dropped.

Wild, vast forces created these rocks, these mountain rivers. Today beside mountain water live humans, deer, willow. Hermit thrush, yellow warbler, American dipper live above the mountain water, and cutthroat and browns live in it. The Logan River is a thread of dark water, sometimes placid, sometimes rumbling with melt, rapids white as snow, white as a bufflehead's chest in summer.

It's also a river that 80 years ago some folks studied for dams, studies that seem to be at the heart of the U.S. Forest Service's baffling refusal to grant the Logan River - most of which runs wild - the status it deserves as a Wild and Scenic River.

Yes, there are dams on the Logan. Anyone who has visited the lower reaches of Logan Canyon knows them, and their ponds are popular with mallards and students, mergansers and swimmers.

No one is saying those dams should go. But some of us are incredulous that minor dams conceived nearly a century ago may be keeping the Logan from getting its due designation as a Wild and Scenic River.

All that is required for a river to be so defined is a stretch of free-flowing water and one or more "outstandingly remarkable values." Logan Canyon and Logan River are wildlife havens, recreational magnets and geologic wonders. The river runs through a canyon whose road has been designated a National Scenic Byway. How ironic that the road would be called scenic but not the river itself.

Of course, this is because of the sounds behind mountain water: the sound of calculators, the sound of faxes from - I can imagine - the School and Institutional Trust Lands Administration and real-estate developers, and the sound of whirring computers on which, perhaps, blueprints are drawn.

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The Salt Lake Tribune

Wallace Stegner once wrote of how stunned he was by his first encounter with a river in the Rockies, "how it sped by and yet was always there." Again and again, we can experience such wondrous encounters. But for how long?

Including only 24 stretches of river out of 86 potential Wild and Scenic listings in Utah, the Forest Service plan for Utah Wild and Scenic designations falls woefully short. Although the recommendations are better than the current number of Wild and Scenic river miles in Utah - which is zero - many waterways are not part of this plan.

From the Logan River to Bunchgrass Creek, from the Stillwater Fork in the Uintas to Yellowstone Creek, long stretches of eligible creeks and rivers are excluded from the Forest Service draft Environmental Impact Statement's recommendations. If we wish to keep more Utah waters free of dams, we need to convince the Forest Service to cast its net more widely.

The Forest Service will take comments by Friday at utahnfwsdeis@fscomments .org.

In a March 2006 issue of Rocky Mountain Game and Fish , a Utah wildlife official says that the Logan River is "unique." "It's the only major river in the state with no major dams on its headwaters or tributaries." The magazine calls the Logan "untamed." And it notes that through this canyon, beside this river, the Shoshone traveled and camped, frontiersmen such as Peter Skene Ogden brought furs for trading in Cache Valley.

Before that, what was the sound of ancient water, the deep-time symphony of currents, deposition of shells that became accumulations of rock - the mountains we see outside our subdivision windows and on which we hike?

At Tony Grove, I sit beside such boulders, staring at wind-tossed Indian paintbrush. I've driven through Logan Canyon countless times now, and I've stopped beside the Logan River to bird, to watch, to read. To breathe.

History's river is our river.

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* CHRISTOPHER COKINOS is the author of Hope Is the Thing with Feathers: A Personal Chronicle of Vanished Birds and of a forthcoming book on meteorite hunters. He lives in Logan, where he teaches English and natural resources at Utah State University.

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Article published Feb 12, 2008

# Iron County looks at water district's $8M budget

**BY DAVID DEMILLE**
**ddemille@thespectrum.com**

PAROWAN — Iron County Commissioners saw some big numbers in front of them during their meeting Monday, but left feeling they were getting a pretty good bang for their buck.

The commissioners reviewed the budget of the Central Iron County Water Conservancy District, which is scheduled to spend more than $8 million on construction projects this year — most of it on the Phase II pipeline project, which includes water well houses along multiple subdivisions west of Cedar City and Enoch.

The CICWCD, charged with shoring up the water ills facing the district — about 25,000 acre feet of water flow into the district each year, while 40,000 are pulled out — have made noise in recent years by raising taxes and green-lighting large-scale improvement projects, but the results are beginning to show, said Scott Wilson, CICWCD district manager.

The project will only reach about 300 water users to start, but will put the district in position to move, store and treat enough water to service 60,000 people — and to earn revenue from those future connections, Wilson said.

"You've got to put the train on the tracks before anybody can buy a ticket and go," he said. "This has put us in the position where we're ahead of the growth curve."

Wilson said the CICWCD would also be able to stretch its funds further than anticipated after the bids for the Phase II project came in lower than anticipated. The CICWCD caught a break when pipe prices dropped because of the national slowdown of housing development.

As a result, Wilson said, the CICWCD will completely scrap its plans for a Phase III project, because it can pay for those improvements with the bonds for Phase II.

"What we're able to do with that is achieve all of the objectives of Phase III," he said.

The savings will pay for a connection between the district's two separate systems, linking the lines as far north as Three Peaks Recreation Center, and as far south as the Northridge and Westview subdivisions west of Cedar City. The two work well together because they are at similar elevations, Wilson said.

"It's almost a perfect hydrologic balance between these two systems," he said.
Construction on the Phase II project is slated to begin in March and be completed by the fall, said Kelly Crane, district engineer.

Commissioner Wayne Smith said he wants to be sure the CICWCD facilitates good agreements with developers as they go forward so the revenue from new connections, rather than taxpayers, pays off the bills.

CICWCD officials say they anticipate more than enough growth to make that happen.

The total budget predicts $9,611,500 in total revenue, and $9,509,476 in total expenses.

"Generally, I think they're doing a pretty good job," said Commissioner Alma Adams. "I was glad to see some of the things they had on there."

DESERET Morning News

# State says 6 water suppliers are out of compliance

**By Joe Bauman**
Deseret Morning News

*Published: February 9, 2008*

Six companies or districts that supply water throughout Utah are out of compliance with a state act, says the Utah Division of Water Resources.

Of the six the Deseret Morning News managed to contact, five agreed that they were not in compliance and another wasn't certain.

The Water Conservation Plan Act requires that water conservancy districts and water retailers with more than 500 drinking water connections must prepare conservation plans and submit them to the division, according to a press release from the Utah Department of Natural Resources. The plans are to be updated and resubmitted every five years.

The act also requires that the public be informed of those who don't comply.

• West Corinne Water Co. "has never submitted a water conservation plan, as required by the WCPA," says the division.

"How do you like them apples?" asked Curtis Marble of West Corinne Water Co. "Well, we actually do have that water conservation plan."

One was done, but it went on the back burner, he said. However, the company will get it to the state, Marble added.

• Brian Head Water Supply has not filed its required five-year update, the division says.

"I am in the process of completing the new one," said Jo-Ann Necochea, public works assistant for Brian Head Water Supply. She said the original plan was finished in 1999.

• Escalante Culinary Water hasn't filed its required update, the division says.

The only entity of the six that the Deseret Morning News was unable to contact for comment was Escalante Culinary Water.

• North Logan Culinary Water System has not filed the update, according to the division.

Terrel Jay Huppi, production manager for North Logan, said, "If we have failed to do it, I'm not aware of it, let's put it that way. I know we've done it before," and the update could be ready to go in.

• South Salt Lake Culinary also is on the state's list of systems that have not filed an update in a timely fashion.

Dennis Pay, director of public works for South Salt Lake City, said, "We have a plan. We just need to update it and get it in, which we are working on."

• St. George City has failed to file its required five-year update, the division adds.

Rene Fleming of St. George City said, "I am working on it, and it should be submitted by the end of the

month, but it is late. But we are doing a lot for water conservation."

The director of the Division of Water Resources, Dennis Strong, said water conservation plans are an important part of meeting the goal of reducing water use through the year 2050. "The plans are meeting their intended goals," he added in the release.

West Jordan was praised for a multifaceted plan submitted three years ago. Strong commended the 145 water companies that have complied with the act.

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Article published Feb 10, 2008

# Will there be water?

Perhaps the meeting last month between the Washington County Water Conservancy District and area developers was premature. Considering that the federal government has restricted the West's most essential water source, the Colorado River, with a potential declaration of a shortage that could go into effect as soon as 2010, where does that leave the proposed Lake Powell pipeline? Will there or won't there be water and if there's a chance there won't be, shouldn't alternatives to the pipeline be planned?

According to published accounts, federal guidelines - which are in effect for the next 18 years - will permit federal water managers to turn the control of the Colorado River deliveries over to the Department of the Interior when an official shortage has been stated. In the last decade, Lake Powell and Lake Mead, which are both tributaries of the Colorado River, have experienced receding shorelines evident by the contrasting white rock walls against the half-empty reservoirs that once covered them.

The cause for such a drastic decline in water is the decade-long drought that has been called the worst in the historic record of the Colorado River by scientists, environmentalists and area residents who have witnessed the depletion over the years. Federal hydrologists have even projected that Lake Mead, which receives water from Lake Powell, may never refill again.

Anticipating a potential water war, the federal guidelines - ironically called "an agreement to share adversity" - set forth amendments to the law of the 1922 Colorado River Compact without changing the designated flow to the seven states that rely on the river as a major water source. This flow was divided equally between upper and lower basin states, with the demarcation line set at Lee's Ferry, located in northern Arizona's canyon country close to the Utah border.

Wyoming, Colorado, Utah and New Mexico are designated upper basin states and California, Arizona and Nevada are lower basin states. Each basin was to receive 7.5 million acre-feet per year. Among the new guidelines that will impact the allocations is a set water-level of Lake Mead that would constitute cutbacks, which have been estimated to total less than 10 percent of the lower basin's allocation.

Should it be deemed necessary to enforce reductions, the guidelines also say that Lake Powell and Lake Mead will be operated as one reservoir system to make it easier to control shortages. States will be able to hold their water in that combined reservoir annually but may require conservation standards, which will limit what the states can and cannot use from year to year.

Most Utahns can remember the $60 million pumps installed in the late 80s at the Great Salt Lake to drain excess water to the Bonneville Salt Flats. Initially they worked, but as the lake's water level fell, so did the use of pumps that are now more of a remnant of history than a water drainage system. Can Southern Utah afford to take lofty economic chances when water deliveries are so unsure in the near future? This a question deserving of a firm, solid answer before multi-millions are invested into a pipeline that may have its spigot turned off by the feds.

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Article published Feb 7, 2008

# Snow levels better than 150 percent

**DAVID DEMILLE**
**ddemille@thespectrum.com**

CEDAR CITY - Thanks to two months of heavy storms, snow-pack levels are well above average in the mountains above Cedar City, and officials are hopeful it will mean more water coming down Coal Creek this spring.

The snow water equivalent level, which is a measure of the actual water content in the local snow pack, is at better than 150 percent of normal for this part of the year, according to Natural Resources Conservation Service figures.

Brent Hunter, a member of the board of directors with Coal Creek Irrigation Co., said farmers appreciate every drop.

"More water is always better," he said. "It makes a big difference for the farmers."

On average, the county's water sources - mostly that means Coal Creek - bring about 25,000 acre feet of water to the district annually - while 40,000 acre feet are used. If water equivalent levels stay where they are, the district could have a surplus.

The sudden wealth of snow has come in a relatively short time, thanks to the heavy storms, said Brian McInerney, a hydrologist with the National Weather Service. He said there was essentially zero snow pack at the start of December, but the persistent storms packed about three months worth of snow into the past six weeks.

Still, there are a lot of variables to consider before projecting how much water there will actually be come spring, McInerney said. When it comes to filling the aquifers, anticipating flood dangers and other considerations, the next few months will tell the tale, he said.

"It's very early in the game to talk about flood conditions," he said.

Snow water is at about 80 percent of the seasonal expectation across the state, which is pretty good, McInerney said, but a couple of dry months could drag the numbers back down.

For now, the future is looking wet, and for thirsty Iron County communities, the extra water would be a welcome reprieve.

"It's not an abundance, but it's sure more than we've had for two or three years," said Eldon Schmutz, chairman of the board with the Central Iron County Water Conservancy District.

Schmutz said the CICWCD is working with local water right owners to develop the infrastructure to take advantage of any water that comes off the mountain.

Crews have spent recent years building gravel pits to help keep water in the local aquifer, and ditches and waterways were cleaned out in 2005.

"We need to be very proactive and take advantage of this situation," said Scott Wilson, CICWCD district manager.

Wilson said the district still has a lot of work to do to make sure they maximize utilization of the water, but just knowing the water could be there is a positive.

"I hope we can have this problem every year," he said.

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DESERET Morning News

# Request for $3 million to size up a Utah Lake road falls flat

## *Sumsion's plea elicits a warning: Set aside $$ for a litigation fund*

**By Nicole Warburton**
Deseret Morning News

*Published: February 7, 2008*

A plea to the transportation budget committee Wednesday for money to study the construction of a road over Utah Lake didn't appear to get a favorable reception, with one lawmaker saying money should also be allocated for a litigation fund if the road is built.

Rep. Kenneth Sumsion, R-American Fork, asked the committee for $3 million to study the road as a way to prepare for future growth on the west side of Utah Lake. He said it would help air quality because people could travel seven to eight miles over the lake instead of 40 miles around the lake, reducing emissions.

Sen. Carlene Walker, R- Cottonwood Heights, made the comment about a litigation fund.

"Looking at what we did with Legacy, I think this would be just as big a fight," said Walker, co-chairwoman of the transportation budget committee.

The Legacy Parkway in Davis County is located near the Great Salt Lake wetlands. It was delayed for several years as a result of litigation over the environmental effects of the road on the nearby lake. The state recently settled the litigation and is scheduled to open the road this fall.

Sumsion told the committee he was aware of environmental concerns with building a road over the lake. He said he had been in contact with groups such as the Sierra Club and was anticipating a possible fight.

John Njord, director of the Utah Department of Transportation, gave little comment on the issue except to tell the committee that using money from the state's transportation fund to pay for the study was troubling because he has limited funds to take care of existing roads. He said using the state's general fund would have less impact on the state's highway system.

"I've got to preserve that resource so we can take care of our existing services," Njord said of the request for $3 million to fund a study of the Utah Lake road.

Sumsion said he didn't anticipate asking the state for additional funding to build the road. He said he believed the road could be built as a toll facility, with help from impact fees from residents living on the west side of Utah Lake.

The transportation budget committee will make a recommendation today on what issues it would like to fund with transportation dollars. The committee's recommendation will then go to the Executive Appropriations Committee for approval.

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*E-mail: nwarburton@desnews.com*

Thursday, 07 February 2008

# Utah Lake bridge has 'legitimate proposals'

**Joe Pyrah** - DAILY HERALD

Staring in the faces of a half-million new residents by 2020, Utah County lawmakers say it's time to figure out a way across the lake.

In front of a transportation appropriation subcommittee, Rep. Kenneth Sumsion, R-American Fork, made his case Wednesday for $3 million to cover the cost of an environmental impact study.

A road across the lake ahead of the population boom would save Happy Valley the grief of east-west travel that Salt Lake County struggles with daily. Going across the lake is about 7 miles while going north and around is about 40 miles.

"I realized that if there's some way I could help move that area forward and try and help get ahead of the curve that we've had in Salt Lake County, then I'm here to do that," he said.

Rep. Becky Lockhart, R-Provo, said for years people have speculated about a lake crossing, but it may now actually be time for one.

"I think there are legitimate proposals," she said.

If the environmental impact statement comes back positive, Sumsion said a combination bridge/causeway across the lake would be funded by private money through home fees on the west side of the lake and "a very viable" toll proposal.

One environmental group begs to differ and claims to have federal law on its side.

"It's essentially unimaginable to me that the corps of engineers would ever allow the filling of wetlands," said Mark Clemens, manager of the Utah chapter of the Sierra Club. He added that "it's pretty much a waste of money" to fund an impact study.

He said that building anything that massive across the lake would have a devastating effect on the endangered June sucker and bird life.

The other problem with the idea is that taxpayers shouldn't be "creating a one-way bet for land speculators," Clemens said. Population growth will occur when and where it's feasible. And the idea that part of the money from a toll road could go toward improving the lake? "This is lipstick on a pig. I'm extremely skeptical of that idea," he said.

The $500 million price tag alone is enough to stop the project in its tracks, he said.

But developer David Gardner says a full bridge would probably be more than that, but he can do it for far less using a causeway/bridge combination. Gardner's plan shows a cost of about $150 million paid for via a fee on new homes on the west side of the lake and a $2 or $3 toll each way. The two revenues could produce a combined billion dollars over the life of the road, more than enough to pay for it and pump millions of dollars into lake improvement.

He's not blind to the idea that it may not be environmentally feasible, but says it's "worth studying."

In the appropriations meeting Wednesday, Sen. Carlene Walker, R-Salt Lake City, gave Sumsion a friendly word of advice if the plan ever reaches a building phase: "Have a pot of money for the lawsuit."

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Article published Feb 7, 2008

# City council works through water issues

**TANYA Y. SPENCER**
**tspencer2@thespectrum.com**

CEDAR CITY - After more than a month of discussion, the Cedar City Council is ready to take action on an amendment to the water acquisition ordinance.

City Attorney Paul Bitteman highlighted some of the changes to the ordinance.

One of the provisions allows any landowner who is forced into annexation to come in dry.

Bitteman said when drafting the ordinance, he considered allowing a forced landowner to come in dry as an acceptable trade-off.

Another provision is to allow up to 10 percent of landowners and 10 percent of water shareholders to defer conveying water to the city.

"The condition is the landowner must have signed the petition to annex and be willing to sign the notice (for the need of water at a later date) on the title to the property," Bitteman said.

Councilwoman Nina Barnes asked, "Is 10 percent too generous?"

Barnes' concern is that the city could be taken advantage of by developers.

Bitteman said, "I started out at 30 percent, but Kit (Wareham, city engineer) talked me down."

Wareham said he arrived at the figure by looking at current and previous annexation proposals and rounding up to the nearest 5 percent.

Bitteman said that if the council felt it was being taken advantage of it could choose not to approve the annexation as requested and require the developer to adjust the proposal.

In other matters, Scott Wilson, from the Central Iron County Water Conservancy District, presented the 2008 budget.

Wilson said, "A significant portion of the 2008 budget is for our phase two system."

The district also considers the Lake Powell pipeline project a top priority.

"We're committed to that," he said.

"As we look at growth, it's obvious we're going to need to bring water in from outside the area. We are on the participants list for that project and as we move along, feasibility will become clearer," he continued.

Wilson said the district is "facing some challenges in balancing the aquifer. We have too much water north of state Route 56 so we are looking at transferring water to the south."

Jonathan Stathis presented bids for the waterline replacement at 200 East and 225 West.

"With pipe prices being what they are right now, we are well under budget," he told the council.

The project is expected to begin on March 1 and last about 90 days.

Councilman Steve Wood asked, "Will we be ready for asphalt by then?"

Stathis said that as long as the weather cooperates the asphalt could go down around the first of April.

Stathis also presented a change order for the water system master plan.

The order is for updates and repairs to the water system computer model.

City engineers use the model to map water flow requirements for new subdivisions and to lay out new water system projects.

As is, the system does not comply with Geographic Information System (GIS) maps.

Councilman Dale Brinkerhoff acted as Mayor Pro Tem for the vacationing Mayor Gerald Sherratt.

The city council will reconvene on Wednesday, Feb. 13, in its chambers at 5:30 p.m.

# Conference big on new water

Preston McConkie
In an effort to demonstrate the need for additional water resources in the Uintah Basin, three water conservation districts have paid an engineering firm to look both at the region's current needs and how those needs will likely grow soon.

"The [Utah] Board of Water Resources is saying. 'We don't know if you really need this water,'" Uintah County Water Conservancy District Manager Scott Ruppe told attendees at last week's Uintah Basin Water Conference in Vernal. "We tell them this area is growing and they keep asking, 'How fast will it develop?' Who knows? But when it does, this water will be needed."

Ruppe said his first goal is to persuade state water officials not to take away 99,000 acre feet of water currently allocated to Uintah County from the Green River, despite implied promises from the Central Utah Project that the Basin would eventually be granted 450,000 acre feet to make up for water diverted long ago to the Wasatch Front.

The UCWCD is also laying plans to recover more water from the Uintah River by building a new dam on U.S. Forest Service land, as well as building pumps and pipeline to bring water from Flaming Gorge to Pelican Lake.

The two-day water conference included a presentation on the Uintah and Green River Water Projects Study prepared by engineering firm CH2M Hill – a study paid for by the Duchesne, Central Utah and Uintah water conservancy districts.

The study showed the region's present water needs and supply, as well as possible future needs based on the likely development of oil shale extraction. To extract only a hundredth of the recoverable oil shale in Utah each year – about 1 million barrels per day – would require 100,000 acre feet of water per year, or about two gallons of water for each gallon of oil, the study said.

Virtually all of that water would have to come from the Uintah and Green rivers.

According to the study, the Basin is currently allotted a total of 314,200 acre feet from those rivers, of which only 198,800 are being delivered in peak years – far short of the 261,900 acre feet it would take to fully supply agricultural shareholders. Planned pipelines could divert another 16,000 acre feet of water from the Uintah, leaving 99,400 feet of allocated Green River water that hasn't been touched yet.

But while tapping that allocated water would meet present demands and leave 52,300 acre feet remaining, before the infrastructure needed to deliver it was built, demand could have already climbed past the 314,200 acre foot mark, according to growth projections.

The river study predicts an eventual demand of more than 542,000 acre feet, leaving a deficit of 228,000 acre feet, or more than is already being consumed. At that point, instead of irrigating for crops, farmers might find themselves selling their water at speculator prices.

Ruppe told the conference that local water officials would be asking the state to at least permanently grant the 99,400 acre feet of Green River water.

"But once oil shale extraction begins we could use that plus a whole lot more," Ruppe said. "Then you'll see agricultural water converted to other purposes."

Jason Lilliwhite, an engineer with CH2M Hill, said today the Basin uses 96 percent of its water for agriculture, with 2 percent going for municipal use and 2 percent for energy extraction. In years ahead those percentages are bound to shift, with as little as 52 percent to agriculture, 3 percent

for municipal and as much as 45 percent to energy.

Before the area can support that level of industry, though, expensive pumping and storage projects must be built, and unprecedented cooperation will be needed from by state and regional water agencies and shareholders, conference speakers agreed.

"The only way they're going to get these things built is if people are willing to get together," Lilliwhite said. "It will require multiple water rights changes. It will take cooperation from many people, and it will work only if there is a lot of support for it."

# Water line ruptures into sewer system

Geoff Liesik
BREAK CALLED 'FREAKISH COINCIDENCE'

An aging water line cracked on Roosevelt's south side Thursday dropping the water pressure in many homes and businesses to a trickle.

"Everything's gone south today," Assistant Roosevelt City Manager Roger Eschler said Friday after a trackhoe owned by BBS Construction fell into a sinkhole at 600 South and 200 East while trying to uncover the damaged line.

In addition to the water problem, Eschler said a sewer line backed up behind the UBTA-UBET Communications building and TriCounty Health Department Office in Roosevelt on Friday afternoon. The back-up caused sewage to flood the health department building's basement. City crews were called in to fix the problem.

"We're stretched pretty thin today and it looks like it's going to be a long night tonight," Eschler said.

The trouble began Thursday afternoon when the city began receiving complaints of little or no water coming out of taps at homes and businesses south and west of U.S. 40, including the industrial park near the airport. Eschler said public works employees scoured the city for hours trying to determine where a leak had occurred, but no water surfaced.

By Thursday night crews had divided the city into zones and where "back-feeding" from high pressure areas to find out which effected areas would hold pressure and which wouldn't.

"They're trying to isolate it that way," Eschler said Thursday.

In addition to back-feeding water lines, crews also spent Thursday night inspecting the drainages on the south and west ends of Roosevelt. They combed gulches looking for water that Eschler said "had to surface somewhere."

At one point during the night, Roosevelt Water Master Rick Stewart suggested that the search include the city's sewer lagoons in Ballard. Eschler said the lagoons were running high with muddy water, which prompted crews to start opening manholes as they worked their way back toward the areas effected by the leak.

Eschler said what they discovered was a "very freakish coincidence."

"(The water) was able to wash out or blow a hole at the base of one of our manholes and it was all going in the manhole and down the sewer," he said. "We've never seen that happen."

But even with the source of the problem identified, things still didn't improve. Eschler said much of Thursday night and Friday morning was spent defrosting frozen valves that would shut off the flow of water from the leak site.

Then the trackhoe fell through the road as it tried to expose the leak. The driver tried to free the machine, but its left track was wedged between slabs of asphalt and dug in when he tried to extricate himself. Around the edges of the hole, a void – up to one foot deep in some areas – was visible between the bottom of the road and the soupy mud.

A crane eventually pulled the trackhoe free and a smaller machine was brought in to complete the job.

The pipe that ruptured was installed in the '80s and constructed of thinner gauge plastic. There are no immediate plans to replace the pipe, and Eschler said the repair made Friday is not temporary.

"We're fixing it so it will hold," he said. "We can't take chances."

Eschler said the Roosevelt's wells were running at full capacity during the leak – something typically seen only in the summer – to maintain safe levels of water in the city's storage tanks. He did not know how much water went into the sewer system before the source of the leak was isolated.

"There was no way to meter it," he said.

Eschler said the city did receive reports Friday morning from six homeowners of frozen pipes. He said those reports were outside the area effected by the water line break, and do not appear to be related.

Water was still not on Saturday morning in some areas of the city. Eschler said it would take some time to fully re-pressurize the lines.

City officials are asking water users to leave a small stream of water running from one tap, day and night, until March 1 to help prevent pipes from freezing.

# OSEC will re-open White River oil shale mine

Mary Bernard
Oil Shale Exploration Co. expects to begin production soon at its White River Mine south of Bonanza, a company official said late last month.

"OSEC will re-open the White River Mine to process oil shale in southern Uintah County," company spokeswoman Amy Hansen told Jan. 25 meeting of Vernal City and Uintah County officials. "I know there has been some skepticism that this day would never really happen, but methodically and slowly we are moving in on our commitment to make this a reality."

OSEC signed a lease with the Bureau of Land Management in July to re-open the old mine and begin extracting fresh shale, Hansen said. As part of completing the first phase of research and development, the company removed some of the 25-year-old stockpiled shale from the mine surface and sent it to Calgary, Canada, to test its quality.

White River's original oil shale operation ended decades ago after the energy market collapsed and extraction technology lagged. That's not the case today, Hansen said.

"Today, modern oil shale technology is processing volumes of oil across the globe," she said. "Our Canadian shale oil retort test indicated highly positive results. The quality of the old shale we provided is projected to return 30 gallons of oil per ton of rock. And at $30 a barrel in extraction costs."

Hansen said the second phase of the OSEC's plan, which is expected to last several years, calls for the re-opening of the mine itself.

"We are submitting a detailed re-operation plan to the BLM with an anticipated opening date in April," she said. "Right now, we are working with the Environmental Protection Agency to eliminate the accumulated water in the mine."

The abandoned White River Mine extends some 1,200 feet below the surface and has an opening 30 feet in diameter. The current lease is a 10-year authorization for OSEC to develop oil shale resources on-site. The EPA and OSEC are also working to evaluate gas emissions associated with processing the retort.

"Depending on tests of fresh shale removed from the mine in phase two, OSEC will expand operations for commercial production," Hansen said. "Right now, moving the potential product is an issue. Refinement has shown that there is too much nitrogen in the oil to pipe it."

One possible solution for that problem is that OSEC may build a "hydro-treater" on-site to help in piping, Hansen said. There has also been talk of paving the Seep Ridge Road to transport processed materials.

"We could develop as much as a 250 tons per hour processing plant like the one in Calgary, so moving the resource is essential," Hansen said.

Processing, according to Hansen, may use the Canadian technology that cooks the shale to separate the oil from the rock in an enclosed furnace. No external water is used in this retort process.

Hansen said that the water needs for phase two have already been met. With the retort using no water, the only water needed in OSEC's activities will be used either to cool the spent shale or for dust control in the mine area.

"The retort process is energy positive as the residual carbon from the oil shale keeps the retort process working," Hansen said. "Additionally, we can use the spent shale for road base or other construction applications. That would be an additional revenue stream from the extraction process."

Hansen noted that the country's energy independence is of critical importance to the economy. The Department of Energy estimates that 72 percent of the world's 2.5 trillion barrels of shale-trapped oil is located in the United States. Of that amount, 60 percent is found in the Intermountain West, representing more than 40 percent of the worldwide reserves of oil shale.

"Eastern European countries like Russia and Estonia have been extracting shale oil since the 1940s and '50s," Hansen said. "Joint ventures with China, India and Russia [are] estimated to result in production of roughly 12 million barrels of shale oil per year by 2015."

Hansen added that the United States is the largest importer of oil in the world.

"We need to eliminate our dependence on foreign oil," she said. "Within the next few years, fast-growing countries like Mexico will no longer be exporting oil. But, in eight years, we could be extracting 50,000 barrels of oil per day from this very area. That's energy independence."

DESERET Morning News

# Water firms fall short on conservation act

**Associated Press**

*Published: February 6, 2008*

The Utah Division of Water Resources says six Utah water companies have failed to meet requirements of the Water Conservation Plan Act.

The agency says the West Corrine Water Company has never filed a conservation plan. Five others — Brian Head Water Supply, Escalante Culinary Water, North Logan Culinary Water System, South Salt Lake Culinary Water and St. George City — have not met deadlines for updating and resubmitting five-year plans.

Water Resources division director Dennis Strong says the plans are a key part of a statewide effort to reduce per-capita water use by 25 percent through 2050.

The law requires the names of non-compliant companies be made public.

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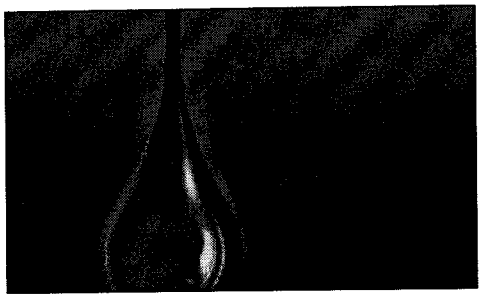
# State: Six Utah companies non-compliant with water conservation

February 5, 2008



SALT LAKE CITY (AP) -- The Utah Division of Water Resources says six Utah water companies have failed to meet requirements of the Water Conservation Plan Act.

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# Above_average_snowpack_has_water_experts_o

by Sarah Miley

STAFF WRITER

An extremely snowy January has put Tooele County in great shape for spring runoff, according to natural resource experts.

With nearly two months left in the accumulation season, Randy Julander, snow survey supervisor at the Salt Lake office of the Natural Resources Conservation Service, said, "If we get average from here on out we'll be in great shape and have some decent runoff."

As of this morning, the Mining Fork measuring station in the Stansbury Mountains was 144 percent of average, Vernon Creek was 128 percent of average and Rocky Basin in the Oquirrh Mountains was 101 percent of normal.

"We're looking for some really good streamflow coming down to Grantsville and Vernon reservoirs, and even to Settlement Canyon Reservoir," Julander said.

The consecutive, heavy-hitting storms have given the county one of the best snowpacks in several years, excluding 2005, which was an extremely wet winter that yielded some snowpack records.

"We're good, but we are nowhere near that good," he said.

While there is a chance things may go dry, Julander said he's optimistic that snowpacks will stay at least at average.

"It'll have to go pretty dry to reverse the trend of fortune we have right now," he said.

Bear River is the driest area in the state, Julander said, with snowpack totals sitting right at average. But Southern Utah has phenomenal snowpack.

"Southern Utah has just gone gangbusters, ranging from 130 to 200 percent of average," he said. "We look at that and they are already, in some cases, over their April 1 average. If they didn't get another snowflake at all, they'd be fine."

Several inches of new snow are expected in the Tooele Valley Wednesday as another storm is projected to roll into the state.

"We've got another storm coming in, but things can get really dry really fast in this area," he said. "However, we are very optimistic and are wearing our snow grins."

He added the runoff water captured in reservoirs this year will assist with next year's water situation as well.

"What you don't use this year you can save for next year," he said.

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The Salt Lake Tribune

# Ted Wilson is new head of Utah Rivers Council

**The Salt Lake Tribune**

Article Last Updated: 02/06/2008 01:25:40 AM MST

Former Salt Lake City Mayor Ted Wilson has been named executive director of the Utah Rivers Council.

He replaces Merritt Frey, who has accepted a position with River Network, a national alliance of river protection managers.

She will manage the Western Clean Water Project. Wilson was the capital city's mayor from 1976 to 1985. He directed the University of Utah's Hinckley Institute of Politics for 18 years, retiring in 2004.

The Utah Rivers Council encourages conservation as an alternative to large water projects.

The conservation organization also encourages protection of river wildlife and advocates for river-related recreation.

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DESERET Morning News

# $2.4 billion budget proposed for U.S. Park Service

## *Congress to begin negotiating funds affecting Utah sites*

**By Suzanne Struglinski**
Deseret Morning News

*Published: February 5, 2008*

WASHINGTON — The White House proposed a $2.4 billion budget Monday for the National Park Service, which could grow by an additional $200 million based on the Centennial Challenge.

Utah's national parks and areas controlled by the Bureau of Land Management or other federal agencies are subject to the Interior Department's budget, which President Bush unveiled Monday and now Congress will begin to negotiate. The overall Interior Department budget request is $10.7 billion.

Interior Secretary Dirk Kempthorne said Monday the country will be ready for the National Park Service's 100th Birthday in 2016, based on the administration's continue support of the Centennial Challenge — a program unveiled last year.

On top of the $2.4 billion for the National Park Service, the president has proposed an additional $100 million to match donations to the parks, which could then lead to $200 million additional dollars.

The latest budget request calls for legislation to create a mandatory fund for the Centennial Challenge money.

"The potential power of the Centennial Challenge is unprecedented in the history of our organization," said National Park Service director Mary Bomar. "We are hopeful that Congress will seize this opportunity to be part of an historic moment."

The Fiscal Year 2009 budget request for the Interior Department also includes:

• $1 billion for the Bureau of Land Management.

• A decrease of $1 million to the Central Utah Project, a system of dams and aqueducts designed to bring water from the Uinta Basin to the Wasatch Front. President Bush requested $42 million for the project, which is about $1 million less than Congress enacted for 2008.

"The decrease is not expected to adversely affect timely completion of the project," according to the budget.

• A $195 million request for payment in lieu of taxes (PILT) — about $5 million more than the 2008 request, but about $34 million less than what Congress enacted, according to the department. PILT pays local governments for federal land located within the counties on which counties cannot collect taxes.

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DESERET Morning News

# Pond in Pleasant Grove park upsets neighbors

**By Ethan Thomas**
Deseret Morning News

*Published: February 5, 2008*

PLEASANT GROVE — Pleasant Grove residents say they would have liked more input into a decision by the city to allow a large irrigation pond to be built in a new park at about 900 West and 3300 North.

The City Council voted 4-1 last week to amend an ordinance that will allow the permitted construction of the pond and possibly others like it in the future.

Those living near the park have several concerns, including sanitation issues and fear of increased mosquitos. Many also worry about safety risks from having a large body of water near their homes.

But by far, the biggest worry for residents was that if the amendment allowing the pond went in as a permitted use, opposed to being allowed as a conditional use, it would remove public involvement on similar issues facing the community.

Many residents felt they knew about a park that could be built in the area, but that they were not aware of the large pond that would be part of it until the digging began.

"I think it's not having the feeling of transparency that bothers me most," said Jacob Bryant, a Pleasant Grove citizen who built his dream home near the park in 2005.

If the council amended the ordinance for conditional use, it would require a public hearing before moving forward with projects such as the regional irrigation pond in this and other rural residential zones.

While the permitted use that was granted will now not require a public hearing, it has been a Pleasant Grove custom that when the public is interested in speaking at meetings, they are usually allowed the opportunity.

"There have been times where it's not even a public meeting, and the council will look at each other and say that we'll take public opinion," Pleasant Grove Mayor Mike Daniels said.

The decision last Tuesday also went against the recommendation of the city Planning Commission, which met on Jan. 24 and discussed concerns that many citizens expressed to them.

While some left the meeting visibly upset, others understood the reasoning for the council's decision.

"I understand why they did it," said Jeff Cope, who also lives near the future park. "Based on what I heard, with either permanent or conditional, they are going to have to have some open meetings that we can attend."

Work on the park has been delayed because of a temporary restraining order placed on the construction by Robert Schow, the former landowner. The court recently lifted the restraining order but Schow spoke passionately during the meeting, hoping to persuade the council to make the amendment conditional.

Council members said they understood their constituents' concerns, but didn't want to burden citizens

with the costs that would stem from delaying the project further by making it a conditional use.

"I think you heard our public works director say that as it stands right now, we are looking at possibly $700,000 of cost because of the delays," City Councilman Bruce Call said. "That doesn't come out of dream money. It is right out of the pockets of our citizens."

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The Salt Lake Tribune

# Utah snowpack: Levels exceed historical averages statewide

By Brandon Loomis
The Salt Lake Tribune

Article Last Updated: 02/02/2008 07:08:12 AM MST

If you think it looks white out there this winter, just think of the green that will follow.

Utah's glorious snow year is also shaping into that most elusive of 21st century seasons: a lush spring. Snowpack is better than historical averages right across the state, in some places way better. And ranchers hurt by drought and monstrous range fires last year are smiling about a possible reprieve.

Alta ski area tied a January record with 178.5 inches, and that snowfall's water content of 15.43 inches broke the 1996 record, the National Weather Service announced.

It doesn't end there in the mountain canyons. Snowpack ranges from 170 percent of a normal winter in southern Utah to 100 percent at the Idaho border, National Weather Service hydrologist Brian McInerney said. Friday morning found him skiing in Park City.

"It's killer," he reported by cell phone. The Wasatch Mountains are ranging from 120 percent to 140 percent of normal snowfall.

"It's the first year in a long time we've had snow cover from one end of the state to the other, north to south," Utah Farm Bureau Federation executive Randy Parker said Friday by cell phone as he drove through snow in Cedar City. He was heading home from a St. George rangeland conference where everyone was thrilled with the outlook.

The wet winter bodes well for re-seeded grasslands where last summer's fires forced ranchers to pare their herds, he said. Sales at the Salina livestock auction, for instance, were up 40 percent last year because ranchers lacked forage and hay.

"Some of the [regional] snowpacks and moistures in southern Utah are at April levels, which is really exciting," Parker said.

If the weather holds - that is, if spring doesn't heat up too quickly and the snowmelt comes down in an orderly fashion - it should fill reservoirs that were mostly depleted at the end of summer, Parker said. And because Utah's agriculture industry is 80 percent livestock, soil moisture and thick grass on the range is crucial.

U.S. Bureau of Land Management spokeswoman Lola Bird said the soil moisture outlook is good so far, but thick grass isn't assured just yet.

"It's important that we also get

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The Salt Lake Tribune

moisture during the growth period in April, May and June," she said.

Northern Utah's winter so far is typical of a La Niña year such as this, when cold surface water temperatures in the South Pacific tend to cause the jet stream to funnel wet weather in from the Pacific Northwest, McInerney said. What's unusual about this year is that southern Utah is sharing in the wealth, whereas a La Niña usually dries out the American Southwest.

"It's just the weather," he said. "There's really no way of knowing why, other than that it's cyclical."

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# Snowpack level above normal

Contributed by Janice Peterson -DAILY HERALD
Friday, 01 February 2008

Officials are optimistic about Utah's water level

Storms have pounded Utah one after another for the past month, and the state should have a good water year to show for it.
David James, BYU weather station overseer, said most areas of the state have snow-pack levels above normal for this time of year. Provo River drainage was 114 percent of the normal levels Thursday, while Snowbird and the Virgin River were close to 160 percent.

"If you average everything together, we're definitely above normal," he said.

As long as snow continues to fall for the next couple of months, the state should have a good year with plenty of water in streams, rivers and reservoirs. James said the water levels will be gauged around April 1, when snow is usually finished accumulating.

Brian McInerney, hydrologist for the National Weather Service in Salt Lake City, said the snowpack throughout the state is in good shape. The lowest water levels are in the north at 90 percent, while areas in the south are around 150 percent. The snow started late this year, with not much to speak of until December. Since then, storms have cycled through one after another.

"Our low-elevation snow is huge," he said. "It's down into the valleys. People's yards are full."

There are three important parts of the water cycle through the winter, McInerney said. The first part is the fall rain, which was good for Utah in September and October. The rain is important because it moisturizes the soil and provides a better runoff in the spring.

The second part of the cycle is the winter snow collection, which has so far been above normal. The third stage of the cycle is the spring runoff. If the spring is cool and wet, McInerney said the snow will last longer and there is a better chance of it melting all at once. If the snow gradually melts, some moisture will be lost to evaporation.

Although the snowpack level is high for this time of year, the winter snow cycle is only halfway finished. McInerney said the rest of the winter snow months will play an important role in determining the strength of the water year. If the snow storms drop off, levels may dip below normal.

"We're doing great right now, but we still have February and March to be seen," he said.

When high-pressure ridges exist, snow is usually absent, McInerney said. Last year, there was often a high-pressure system, which kept water levels low, only about 50 percent when spring came around. This year, however, the high pressure moved out and storms have produced a lot of snow over the last two months.

"If we keep storms coming the way they are, we'll be above normal," he said.

A heavy snow warning is in affect until 6 p.m. today, and more storms should move through the valley over the weekend and in the middle of next week, said Mike Seaman, lead forecaster for the National Weather Service in Salt Lake City.

Four to eight inches of snow are expected through today around Utah County, and up to two feet may fall in higher elevations. A weekend storm may bring at least six inches of snow before the weather dries out for awhile, Seaman said.

"The way things have been going this winter, it may just be a short break," he said.

The Salt Lake Tribune

# Contentious water bill advances

By Patty Henetz
The Salt Lake Tribune

Article Last Updated: 02/01/2008 01:18:54 AM MST

The latest version of HB51, sponsored by Rep. Patrick Painter, R-Nephi, would relax current law to protect municipalities from water-right forfeiture.

The law now says those who hold water rights have a continual responsibility to put the water to beneficial use and to apply every five years for a so-called non-use permit to retain the right. If the non-use application is not filed, the State Engineer can terminate the right.

Painter's bill would extend the filing period to seven years, a provision that has broad support. But the proposed law also would curtail the State Engineer's power to end municipal water rights.

Painter crafted the bill this year after the city of Roosevelt lost a portion of its water rights when it requested in 2005 to change a water diversion point. The city sued; the case is in state court.

Bill supporters include municipalities and those who run big water projects such as the Central Utah Project, whose junior rights could be disrupted if those who hold older rights on paper managed to put them to actual use. That is because more water has been promised than the state actually has.

Bill opponents include Mike Styler, executive director of the Utah Department of Natural Resources, the Utah Farm Bureau, the attorney general's office and the Utah Water Users Association, which includes irrigators, municipal users, industry, federal, state, county and local agencies and private entities.

HB51

A bill that would upend 150 years of water law in Utah advanced through a legislative committee Thursday, setting up a political war that could pit city dwellers against ranchers and farmers.

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The Salt Lake Tribune http://www.sltrib.com

# Bill: Give company right to stop fluoride

**By Cathy McKitrick**
**The Salt Lake Tribune**
**Salt Lake Tribune**
Article Last Updated:01/30/2008 01:58:04 AM MST

Although Salt Lake County voters said yes to fluoridation in 2000, one private water company in Holladay said no. Although Holliday Water Company purchased the necessary equipment to fluoridate, shareholders oppose adding the chemical to the water, so it sits idle.

Rep. Sylvia Andersen, R-Sandy, is sponsoring HB116 to allow the 3,000 shareholders that make up Holliday Water to decide for themselves rather than being forced to comply with the countywide mandate. The small company services 15,000 customers with 4,000 connections. After vigorous discussion Tuesday, the bill passed out of the House Political Subdivisions Committee on a 5-to-4 vote.

Paul Ashton, attorney for Holliday Water, questioned whether the 2000 referendum extended to private water companies.

"Government entities have immunity if someone sues, but a small private company does not," Ashton said. "A lawsuit could wipe it out."

Sen. Allen Christensen, R-North Ogden, opposed the legislation.

"Whenever we have a countywide vote, I feel it's binding on all the citizens in that county. It's my understanding this company's water co-mingles with Salt Lake City's and is not a self-contained system."

Gary Edwards, executive director of the Salt Lake Valley Health Department, also spoke against the bill, viewing it as a matter of oral heath.

In 2006, Salt Lake County sued Holliday Water Co. and its users association in hopes of getting a court order to force compliance.

That case could be settled in 3rd District Court sometime next month.

***cmckitrick@sltrib.com***

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Wednesday, 30 January 2008

**P.G. council changes law to legalize irrigation pond**

**Caleb Warnock** - DAILY HERALD

Defying both public protest and its Planning Commission, Pleasant Grove made its 9-acre irrigation pond legal on Tuesday.

Council members listened to 90 minutes of public protest over the issue before voting 4-1 to change city law to permanently allow utility lakes in a specific zone. The vote means the city may continue work on its irrigation lake already under construction. Resident Robert Schow, who sold 15 acres to the city at a discount for a park, sued to obtain a court order, idling bulldozers that had already dug huge valleys into the earth in the historic Manila neighborhood. The stop-work order also delayed American Fork, which was using the earth from Pleasant Grove to construct its own irrigation lagoon.

The stop-work order has been withdrawn.

Permitted uses, by law, do not require the city to hold a public hearing. During Tuesday's public hearing, residents said repeatedly that the city must make utility lakes a conditional use, which would require public hearings. Residents said it was unfair to wake up to find the city constructing a lake in their backyard without notice.

Several council members then said they agreed the city must act to assure the public that the city wants and values public input.

"It will keep the city on its toes to make sure notice gets out," Councilman Mark Atwood said of requiring public hearings.

But after listening to council members say they agreed with the public, the city attorney said changing the law to require public hearings could have negative consequences for a lawsuit against the city over the lake, and the city's countersuit. The city has filed a countersuit against Schow claiming $500,000 to $800,000 in damages because of the delay brought by Schow's lawsuit.

The attorney then said she could not say more in public, and council asked the public to leave so they could speak to the attorney in a closed session.

Upon inviting the public to return, council members voted, without further public discussion, to make utility lakes a permitted use, which does not require public hearings, saying they feared damages in the lawsuit if they did otherwise.

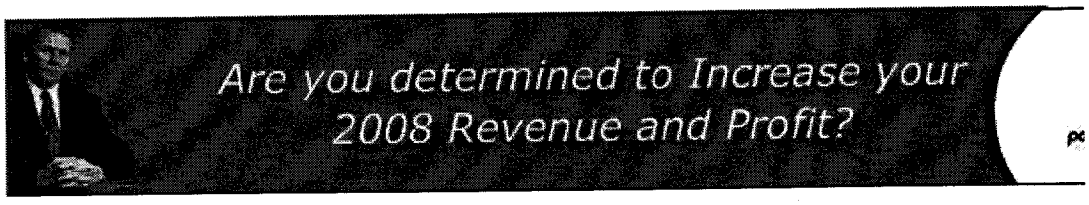
Mayor Mike Daniels said delays from the lawsuit had already cost the city $700,000.

"I don't know how much to say legally," Councilman Bruce Call said, saying to vote otherwise may have cost Pleasant Grove taxpayers "more money because of work stoppages on the project."

"We had a great discussion about being transparent," Atwood said. "It is the taxpayer's money we are dealing with and it is a risk that we take if we make it a conditional use that something else does not happen and we incur a lot more cost. That is a big risk." A

After their vote, the mayor agreed to extend an agreement to allow work on the irrigation lake 24 hours a day.

City staff said the extension was necessary because of the work stoppage and would cost the city several hundred thousand dollars if the extension was not granted, forcing the work to slow significantly.




The Salt Lake Tribune

TUESDAY, January 29, 2008



More Utah News

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- Thomas S. Monson likely to become the 16th LDS president
- Thousands expected to attend Hinckley's Saturday funeral
- Namesake at BYU now a memorial
- The globe reacts to Gordon B. Hinckley's passing
- Leaders of Utah's other faiths praise late Mormon leader
- Hinckley Memories: Excerpts from Thomas S. Monson's self-published autobiography
- LDS president had vibrant vision for Salt Lake City
- Ex-USU Q.B. to undergo evaluation
- Man accused of gunning down wife outside church charged with capital murder
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# Waste solution wins prize

U., Palestinian team finds way to handle dirty water created in olive oil producti

**By Brian Maffly**
**The Salt Lake Tribune**

Article Last Updated: 01/29/2008 12:44:12 AM MST

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The Holy Land's ancient olive orchards produce a crucial export commodity for the occupied Mediterranean area.

But olive oil mills also produce an environmental headache in the form of gummy wastewater that would wreak havoc in a treatment plant were it poured down the sewer.

Olives naturally bear chemicals that stymie anaerobic digestion, the biological process by which dirty water is cost-effectively cleaned.

Last year, a group of University of Utah students - in partnership with students from the Palestinian territories - proposed a way to extract these chemicals as part of an international engineering project. Their achievement recently won the Mondialogo Engineering Award. The prize means their project was one of 10 selected in a United Nations program to promote cross-cultural dialogue.

The prize money, worth nearly $30,000, will go toward implementing a pilot proje year.

"The state of art is to dump wastewater onto the ground," said Eric Mortenson, a U major who co-led the project with Awad Nasser, a civil engineer at Birzeit University territories. "It's a problem that contaminates the groundwater, so it's a big deal there."

The other U. students sharing in the award are Christopher Fox, Madhuvanthi Kanc and Samuel Grenlie.

For every ton of produced oil, olive presses generate 264 gallons of a dark viscous without regard to environr to Nasser's online stateme

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residents fall victim to developers

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- Proposal may threaten public recreation
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- Dozens of vehicles collide on I-15

project.

In a single olive-growin District, 65 mills spew nea wastewater a year. Every 1 olive harvest, mill dischar, stinking ponds, so operato spread it around on uncult

The offending substanc squalene, have value to th cosmetics industries, so M removing them in a marke the project would not only operators to dispose of wa economically and environ but also achieve another re recovered chemicals, chiefly useful phenol compounds, such as tocopherol and hydro antioxidant. Squalene is used in moisturizing lotions.

"You take them out and sell them," Mortenson said. "Some of the estimates are for money. It will infuse economic vitality into that poor region."

In more industrially advanced areas with an olive industry, oil milling is done in a t avoids massive discharges of wastewater, producing a slurry known as pomace, accor University of California-Davis's new Olive Center. Without investment capital to upg Land's olive oil industry is wedded to the traditional three-phase process, which result called *jifet* and streams of contaminated water.

"Some nations burn the *jifet* as a fuel, but it has a lot of emissions," Flynn said. "Th identified for that water, such as spraying as an herbicide, but you don't want to do it i concentration; otherwise you'll affect the fertility of the soil."

Olive oil is the Palestinian territories' main agricultural enterprise. About 45 percen Bank's agricultural lands are covered in olive orchards. In addition to setting the scene stories, the territories are where olive husbandry began and some of its groves date ba these arid hills. About 90 percent of the region's 10 million trees are pressed into oil. ' tons a year, half of which are exported, according to production figures compiled by t Council.

***bmaffly@sltrib.com***

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Friday, 25 January 2008

# P.G. commissioners recommend proceeding with irrigation plan

Caleb Warnock - DAILY HERALD

Pleasant Grove Planning Commissioners defied the city Thursday night, recommending a conditional permit for an irrigation lake, even as the resident who sued to stop work on the lake said he has asked the court to lift the order.

Commissioners voted unanimously to recommend to the City Council that the city seek a conditional permit for the irrigation lake rather than change city law to permanently allow utility lakes. Council members are expected to vote on the measure at a special meeting on Tuesday.

Resident Robert Schow, who sold 15 acres to the city at a discount for a park, sued to obtain a court order, idling bulldozers that had already dug huge valleys into the earth in the historic Manila neighborhood. The stop-work order also delayed American Fork, which was using the earth from Pleasant Grove to construct its own irrigation lagoon.

City staffers called the lake a regional detention pond, which commissioners said made it sound like it would only fill with rainwater, but in fact will be a permanent lake.

Staffers said utility lakes should be permanently allowed because they are public and not private, so "we don't have to worry about a number of them popping up." In addition, the lake "will not negatively impact the health, safety or welfare of the residents of Pleasant Grove."

The city would like to start work again as soon as possible in order to be finished by April, staffers said.

"This is what I am concerned about," said Commission Chairman Curtis Miner. "I don't think it would be good for these big, deep retention ponds to begin showing up without public input. If we were to make it a conditional-use permit, wouldn't that force the public-hearing process?"

Staffers said the commission should just deal with the issue of whether to allow utility ponds, saying safety issues at the site would be addressed later, when the city asks for a permit for the beach and fishing activity.

When commissioners expressed concern about acting on a matter that was the subject of litigation, staffers said they had applied for the permit before the litigation was filed.

Three residents spoke against the project, saying they had not been given any notice by the city that a lake was being constructed near their homes. They said the lake would breed mosquitoes, present a drowning danger to their children, and bring crowds and noise.

Calling the city sneaky and dubious, residents said the city had a duty to include residents in the planning process and make the city's intentions and actions transparent. Residents asked for studies to prove the weight of the water would not cause settling of nearby homes.

Schow, who filed for the court-ordered restraining order that brought city crews to halt, said he had ordered his attorneys to drop the request for the restraining order as of 5 p.m. Thursday. He hoped to ease pressure from the city on planning commissioners to give permanent permission rather than conditional permission for the pond.

"My purpose in filing for the temporary restraining order was to encourage Pleasant Grove to address the concerns of neighbors," he said. "The mayor's promise (in a private meeting with homeowners) to deed the entire creek to homeowners and allow them to construct a fence is more than generous. ... Neighbors were never allowed proper due process."

Schow said the city was acting only "so they can go back to a judge and say this is legal" and said the city should never have left residents out of the planning process.

Miner said the city had only raised the suspicion of residents by not involving them and that the city "ought to maintain transparency and allow the community to participate," noting he believed the permit should be conditional.

"In the future, something like this should come before us so people could have input," said Commissioner Gail Christiansen.

Commissioner Pete Blake agreed the lake could bring mosquitoes and pose a hazard to children, and said that by making utility ponds an automatically permitted use, "we open up a lot of possibility beyond the one expressed here, and I think we need to look at a broader picture."

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DESERET Morning News

# 'Flow' leaks shockers of water industry and access

**By Stephen Speckman**
Deseret Morning News

*Published: January 26, 2008*

PARK CITY — You may conclude that the glass is half empty after watching director Irena Salina's revealing Sundance documentary, "Flow: For Love of Water."

Salina received a standing ovation for her work Thursday after a packed Library Center Theatre showing of her film. She stuck around for audience questions on a wide array of subjects, including where she gets her own drinking water.

"I drink tap water," she said.

Salina spent five years on her documentary, taking her camera all over the world to explore who owns water, what chemicals we unknowingly consume in our water and how to solve problems associated with its collection and consumption.

"The world is running out of fresh water," a woman in the documentary declares near its beginning.

"Flow" is full of shockers that pop up on the screen, like how Atrazine appears to be essentially castrating or feminizing frogs and fish or that Prozac was found in the tissue of fish in a certain part of Texas. As the film's credits rolled, it was pointed out that among southwest states, a component of rocket fuel can be found in drinking water supplies.

It was estimated in the film that 500,000 to as many as seven billion people a year in the U.S. get sick just from their own tap water, noting that no accurate government records are kept on the subject.

Overseas, Salina filmed poor people in places like Bolivia and communities all over South Africa and India that don't have access to clean drinking water or can't afford the price of water being charged by private companies that have gained control of scarce supplies.

Big corporations like Coca-Cola and Pepsi, both huge water users, take hits in the film. But none get slammed more than Nestle, which won in court the right to pump huge amounts of water in Michigan and other states to sell under several different bottled-water brands, despite attempts to show the courts what critics believe is Nestle's apparent negative impact on the environment.

Solutions offered at the end of the film center around getting involved as an activist or by organizing protests and educating yourself on what matters, in particular with regard to water supplies.

Afterward, one woman stood and told Salina that halfway through the film she committed to never buying bottled water again.

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*E-mail: sspeckman@desnews.com*

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DESERET Morning News

# A better Utah Lake

## *Panel signs contract to develop a master plan to improve area*

**By Catherine Smith**
Deseret Morning News

*Published: January 28, 2008*

PROVO — A cleaner, more usable Utah Lake may be a bit closer to reality.

Board members of the Utah Lake Commission signed a contract with URS Corp. to outline in a master plan the vision the commission has for Utah Lake.

Reed Price, executive director for the Utah Lake Commission, which started work in March 2007, said URS and the commission's attorneys had negotiated the contract to make the contract and the subsequent master plan the best it could be.

URS will work on the master plan "aggressively," believing that the commission wants the plan to be done quickly, said Rick Cox, a URS representative who answered questions and worked with the commission on the contract.

The company will also have open houses for the public to receive information about the planning process, Cox said.

"This is meant to be a policy development, what provisions the commission has for Utah Lake," he said. "(We'll have) open houses to the public to describe the master plan process and show the public what, as a commission, we have developed."

The commission also voted on a steering committee, including Price and members of the commission's technical committee, along with Lindon Mayor Jim Dane. The steering committee will meet with those writing the master plan and help with the direction of the plan. Although there is a specific committee, any member of the commission can attend meetings for the planning process, Price said.

Lewis Billings, Provo mayor and chairman of the Utah Lake Commission, said the public outreach is a positive for the planning process.

"The executive committee shares that sense that the public is engaged in this conversation," he said.

The Utah Lake Commission chose URS' proposal in a November meeting. Three companies had submitted proposals.

"(They were) chosen for several reasons," Price said in the November meeting when URS' selection was announced. "Their overall approach to the planning process was clear, an expertise in design with lake management plans and good recommendations from people who have used them before. (There's) an excellent team put together with different areas of expertise to guide them through the planning process."

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*E-mail: csmith@desnews.com*

DESERET Morning News

# Waterline break a pain in Ogden

## *Service may be restored today to thousands in area*

**By Lynn Arave**
Deseret Morning News

*Published: January 26, 2008*

OGDEN — City public works officials say it may take until this morning until they can restore water to thousands of Ogden residents after a huge break in a primary water main near the mouth of Ogden Canyon required emergency repair.

George Benford, Ogden city's public works director, said they had expected to have water restored by Friday evening but now expect water to be restored Saturday morning.

A break in the 36-inch water main was found about noon Thursday, near an artificial waterfall a few hundred yards east of Rainbow Gardens. It created a large geyser.

"I've never seen one this bad," Benford said, citing his 20 years' experience with Ogden's water system.

The massive leak meant water service was out from 12th Street to the north city limits, east of Monroe Boulevard. The outage affected up to one-third of the city.

Benford said as many as 100 city employees have been involved in the repair effort and related work.

He said crews tried to weld the break during the night, but the pipe cracked more and would not hold. Parts finally had to be ordered to rebuild the pipe, as well as a concrete valve. The parts were to arrive sometime Friday afternoon. One of the necessary parts had to be manufactured by a local welder, since it wasn't available commercially.

The pipe carries drinking water from six artesian wells north of Pineview Reservoir, about seven miles down Ogden Canyon.

A large amount of excavating and cement cutting were part of the repair project. The pipe also had to be drained.

What caused the break?

"It's hard to say," Benford said. He suspects unusually cold temperatures caused a small shift in the ground and that's probably all it took.

Four schools were shut down Friday, including Ben Lomond High School, Horace Mann Elementary, Hillcrest Elementary and the School for the Deaf and Blind.

Officials said there was no running water or heat in those schools, which affects restrooms, drinking fountains, boilers and the cold-water refrigeration system.

Fortunately, the outage didn't affect the downtown area or many businesses would have had to close as well. However, the outage still forced some business enterprises to close and lose customers.

For example, the Greenery Restaurant at Rainbow Gardens closed Thursday night and Friday. It had

very low water pressure — not enough to operate a restaurant. It was uncertain if it could open Friday evening.

The Red Cross was stationed at Horace Mann Elementary with bottled water. Other water was available for filling jugs at Hillcrest Elementary and at the LDS Church parking lot at 3rd Street and Tyler Avenue.

Shower facilities were available for residents at Gold's Gym, the Marshall White Center, Highland Middle School and Mound Fort Middle School.

Residents were encouraged to fill their bathtubs with snow and use the melted snow for flushing toilets.

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# USU hosting climate discussion

*By Kim Burgess*

A national discussion on global warming is coming to Utah State University, and organizers say that skeptics are welcome.

State climatologist Rob Gillies explained that Focusing Cache is designed to answer community members' questions about the controversial topic.

"We want everyone to come," Gillies said. "It would be great if we could get those bloggers or people who write letters to the editor (who don't believe in global warming)."

At the Jan. 31 event, more than 30 panelists will be divided into six discussion groups, each covering a different aspect of global warming, from agriculture to air quality.

One panel, "The Science of Climate", will address the evidence that global warming is happening and look at weather patterns that are projected for Utah.

Among those changes are higher temperatures and more precipitation in northern Utah. The state is expected to change more than the global average, Gillies said.

During the 20th century, Utah's temperature rose 3 degrees on average and precipitation went up 13 percent, according to USU Wildland Resources professor Fred Wagner, who is helping Gillies organize the event.

Gillies and Wagner say that the vast majority of scientists worldwide believe that global warming is a serious problem and is man-made. They also cited statistics that three quarters of Americans agree with the conclusions.

With that starting point, another panel will highlight the ethics of stopping global warming. It will include local religious experts like Episcopal bishop Carolyn Tanner Irish and LDS physician Ed Redd.

Wagner explained that his views are shaped by considering other countries that will be harmed by the changes in climate.

"If we keep going, Bangladesh will be flooded," he explained. "That's a country of 70 million people. What are the ethics of us keeping on with what we are doing if it impacts Bangladesh that way?"

Wagner and Gillies are prepared for attendees who don't agree with their stances and said that their responses will focus on scientific evidence.

"This is an educational event," Gillies continued. "We want to have a dialog."

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DESERET
Morning News

# Scientists firm — CO2 must be cut

**By Gerry Shih**
Cox News Service

*Published: January 25, 2008*

WASHINGTON — The world's foremost coalition of climate scientists warned Thursday that sea levels will rise by several meters unless annual CO2 emissions are cut in half globally by 2100.

A day after European Union officials defined a plan to collectively cut emissions by 20 percent before 2020, the American Geophysical Union, a 45,000-strong society of earth, atmospheric, and ocean scientists worldwide, moved to banish any remaining skepticism over human-caused global warming. The group markedly changed its tone from tentative to unequivocal since the release of its last statement on climate change four years ago.

The scientists said that if the severe emissions cuts are not made within the century, a probable 2 degree Celsius warming would reduce global agricultural productivity and cause widespread loss of biodiversity. The Greenland ice sheet may also melt, and the ensuing rise in sea levels of several meters would submerge many continental areas.

The statement was written by a panel of members and passed after an organizational vote. It represents the official stance of the organization in future scientific and policy discussions.

AGU president Timothy Killeen said the union used strong, concise language to convey urgency and to try to firmly dispel the skepticism of climate change among a minority of climatologists that has lingered over the mainstream scientific consensus.

"Its significantly stronger in tone but consistent with our position," said AGU president Timothy Killeen. "We felt the science got to the point where a very short statement was needed."<

The AGU said its assured stance was made possible by the progress enjoyed by climate change research in recent years as public attention, funding, and young scientific talent have poured into field. AGU researchers said that significant advances in technology, observation and modeling efforts have just now confirmed long held suspicions that the human footprint on Earth's climate change is apparent and tied to energy use.

The organization called for "collaborations across science, technology, industry, and government" and encouraged scientists to step outside research and engage the public in educational efforts.

"We're not asking scientists to go protest outside 1600 Pennsylvania Avenue, but we should be talking with high school and junior high school students," said University of California, Irvine professor Michael Prather, a key contributor to the AGU statement as well as the Intergovernmental Panel on Climate Change report that received the 2007 Nobel Peace Prize.

"Does it take scientists out of their comfort zone?" Killeen added, chuckling. "I would say yes."

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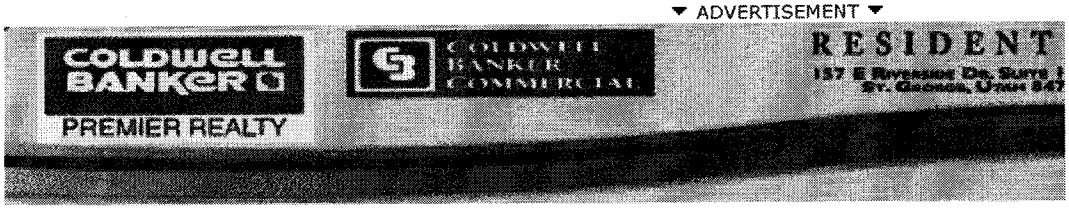


# Water and sewer issues flood Cedar City Council

TANYA Y. SPENCER
For the Daily News

CEDAR CITY - Discussion concerning changes to the North Field sewer line and the wate
Cedar City Council work meeting.

The North Field line has experienced some failures that have cost the city and residents a
increase if changes to the line are not made soon.

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Councilwoman Nina Barnes asked city emplo
priority list?"

He replied, "If you talk to collection staff, if you
the priority list."

Holman estimates that approximately 1200 ft.
inch to 18 inch pipe from Rosewood Circle to

City Engineer Kit Wareham estimates the cos

The council heard several financing options fc
enough in the special impact fee account to fu

The proposed changes to the water ordinance

Wareham and the council are concerned that
from the property as the property is transferred to a succession of owners.

There was much discussion about the title carrying the notification of the need for water if t

Justin Wayment, who is proposing the change, told the city that as long as the city notes th
the notification.

Wayment pointed out that the new ordinance will penalize those involved in annexations w
annexation by requiring more water when the property is developed at a later date.

In other matters, Ron Larsen, representing the Stone Glen Development, presented the pr
agreement to the council.

The proposed development will include 212 single-family dwellings and 71 multifamily units

Bulloch Brothers Engineering asked the council to consider its request for final plat approv

Both project approval requests will be on next week's agenda.

The council received the bids for the pipe and concrete vault for the 5300 West pressure re

The lowest bidders were Southwest Plumbing Supply for the pipe and Geneva Pipe for the

Councilman Dale Brinkerhoff said, "The current system is dangerous. We have to relieve tl the station."

Corey Childs presented a request for a fleet maintenance service truck.

The truck will be used to support Cedar Area Transportation Service.

Approximately 80 percent of the cost of the vehicle will be covered by the Utah Departmen

With the UDOT funding, Childs requested the council consider allowing him to spend more purchase a larger vehicle.

The additional expense, $3,880, to the city will be offset by a recent savings on a forklift pu

Mayor Gerald Sherratt announced his Library Board Appointees.

Stanley Shakespeare, a retired educator, will serve through June 2010.

He replaces Todd R. Christensen, who resigned from the board in November.

Ann Frehener, a local teacher, will fill the vacancy left by Shelly Goodwin, who completed l

Steve Matheson, the librarian at Canyon View Middle School, will serve in a newly created

The council will reconvene on Wednesday, Jan. 30, for an action meeting in the council ch

**STORYCHAT** Post a Comment

This article does not have any comments associated with it

**Originally published January 24, 2008**

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The Salt Lake Tribune

# Water main break affects 1,800 N. Ogden residents, closes four schools

By Melinda Rogers
The Salt Lake Tribune

Article Last Updated: 01/25/2008 11:16:55 AM MST

NEW! Enter your Zip code to find news and events in your neighborhood or city:

Updated 7:45 AM- Several Ogden neighborhoods continued to be without water Friday as the city's public utility department worked to fix a water main break.

The break affected more than 1,800 residents who live near 12th Street through the city's north section to the city limits, according to the City of Ogden's Water Utility Division. And that lack of water service also gave an unplanned vacation to students at Ben Lomond High School and the Hillcrest and Horace Mann elementary schools, which depend on water for their boilers to heat classrooms. The Ogden campus of the Utah School for the Deaf and Blind also was closed.

Workers responded to a leak on a 3-foot pipe early Thursday morning, said George Benford, Ogden's public services director. Repairs were expected to be finished sometime late today or early tomorrow.

"It's not clear how long it's going to take. It's a significant break that's going to take a long time to fix," said George Benford, Ogden's public works director.

Residents in the affected areas were without water or experienced a drop in water pressure, he said.

The lack of water was prompting many residents to improvise, including employees at the Trinity Mission Wide Horizons Residential Care Facility, which is home to about 80 developmentally disabled patients.

A nurse reached at the facility on Thursday evening said employees brought in cases of bottled water and put water in containers to help patients bathe and wash their hands.

The facility has a 200-gallon water tank to use should repairs to the water main leave Trinity Mission, 910 Monroe Blvd., without water for longer than expected, the nurse said.

(2News contributed to this story)

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The Salt Lake Tribune

Restoration

# Committee to study Utah Lake's future

By Donald W. Meyers
The Salt Lake Tribune

Article Last Updated: 01/25/2008 02:49:45 AM MST

NEW! Enter your Zip code to find news and events in your neighborhood or city:

PROVO - Brent Craghead has fished for Utah Lake catfish, not giving too much thought to the water's cloudy appearance or its smell.

"I haven't known it any different," Craghead, a Payson resident, said. The lake was just "different" from other fishing holes.

Then he saw a documentary about the lake on public television and was sickened to see how far the lake had fallen from its past glory and the fish that were gone or on the brink of extinction.

But there's hope that the damage from years of pollution and excessive carp can be undone.

The Utah Lake Commission is going to spend $210,000 to find out if the 150-square-mile body of water can be restored.

The commission approved a contract for writing a master plan. San Francisco-based URS Corp. will create, by November, a document to guide land use, natural resources and recreation at the lake.

Provo Mayor Lewis Billings, commission chairman, said past efforts to address lake issues usually stalled because of the competing interests of cities, environmental groups and water users.

"There were some who said this couldn't happen," Billings said after signing the document. "But we are doing it." The commission was formed last year, with state and local representatives, as well as water users.

Rick Cox, URS project manager and a Provo native, said the master plan will be unlike any other policy document because it will take a broad look and not be confined to only studying land-use policy.

The drafting process will involve three public meetings and creation of an Internet page to keep the public apprised and to seek comment.

For Cox, the job of writing the master plan is personal. He said his father's family lived on fish from the lake during The Great Depression.

"It is a great jewel. It has gotten a bum rap," the consultant said.

And, said Craghead, "I'm all for it."

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The Salt Lake Tribune

dmeyers@sltrib.com

Consultant hired to write a master plan to tackle pollution, carp

Does the solution to Utah Lake's carp problem lie in Iraq?

Reed Harris, director of the state's June Sucker Recovery Implementation Program, said that a humanitarian group in Minnesota has offered to take carp from the lake and deliver them in Iraq and other countries as food.

Harris said he was contacted by Mike Powell, of MN Direct Trade, who offered to remove 5 million to 10 million fish a year. Powell's group would send the fish to people in Iraq, Bosnia and the Baltic.

Harris said Powell told him that carp have been a part of the Iraqi people's diet, and that fish there today go for $4 a pound.

While the fish may be popular in Baghdad, Utahns have been strongly advised not to each too much of the Utah Lake fish because of PCB pollution. The state advised people to eat no more than four ounces of fish a month, while children and pregnant women should abstain.

Harris explained that the guidelines were based on U.S. Environmental Protection Agency standards, which are more stringent than U.S. Food and Drug Administration rules for fish.

"This fish is marketed all over the world," Harris said.

- Donald W. Meyers

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# Water may come from Mississippi River

Melinda Williams
NORTH SALT LAKE — Utah may one day get water from the Mississippi River, or perhaps desalinized water from the Pacific Ocean.

These are both ideas being considered as water in Utah and the rest of the west becomes more scarce. Don Ostler, a Bountiful resident and the executive director of the Upper Colorado River Commission, shared the history of the Colorado River Compact with members of the Bountiful Breakfast Exchange Club last week.

The Colorado River supplies water to seven western states and is divvied up based on a compact signed in 1922. That compact gives Utah 23 percent of the river's water. Today, the river supplies 30 million people throughout the west.

When the compact was signed, the river was divided into the upper and lower basins and 7.5 million acre feet was granted to both the upper and lower basins in perpetuity, but the lower basin, which included southern California, was given the right of consumptive use, meaning they could use up to an additional million acre feet per year.

Because the lower basin was using all the water, eventually California was cut back to 4.5 million acre feet.

Under the agreement, the upper basin was the junior basin and could not deplete the flow of water below 75 million acre feet for any 10- year period.

At the time, officials thought the Colorado River would always have enough water to supply the needs of the west.

Ostler said that while the promise was for 75 million acre feet, the reality is that there may not be that much water there. Officials today say there may be only 6 million acre feet, and the river may be over apportioned.

Ostler pointed out the river does not stop in California, but flows into Mexico, eventually exiting through the Gulf of Mexico.

Under the compact, Mexico receives any surplus water and they are guaranteed 1.5 million acre feet of water.

Ostler said because most of the water is now being used in urban rather than agricultural settings, and the west has three of the fastest growing states in the nation, the supply of water is being depleted.

Still, it may be 50 years before the upper basin states of Utah, Wyoming, New Mexico, Colorado and Arizona develop any new water projects, Ostler said, adding that it takes 20-25 years for a project to be developed.

The need has prompted the U.S. Department of the Interior to investigate options of where the West may turn for water in the future and two ideas under consideration include desalinating ocean water and bringing it in from California. The other idea is to build canals through the midwest to bring water in from the Mississippi River. Ostler said the plans are near equal in cost.

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# Water__sewer_top_priorities_for_Stockton

by Sarah Miley

STAFF WRITER

Stockton Town Council members aim to tackle infrastructure upgrades, emergency plans and an annexation policy for the fast-growing town in 2008.

Councilwoman Teresa Powell and Councilman Donnie West -- both of whom are newly elected -- said they are excited for the opportunity to push the improvements on behalf of residents.

"I do really like the residents of this town and feel honored that they have placed their trust in my decision making," Powell said. "It is my goal to make sure that their voices and concerns are heard and acted upon."

Completion of a well this year in Stockton is a top priority. Councilman David Durtschi said the well, which will provide a secondary water source to the town, was originally slotted for completion before the spring runoff. However, because of problems with drilling, that timetable has been pushed back.

The well will go down 650 feet, Durtschi said, though it has only been drilled to about 380 feet at present. It will be 15 inches in diameter.

"It could conceivably give us enough water for the whole town, if our main water source -- which is the runoff down the canyon -- were to fail on us," he said.

Powell, who spent four years on the town's Planning and Zoning Board, said it's been about two years since the well's conception and she's also hoping it's completed this year.

"The single source of water that we have at this point could be in jeopardy depending on Mother Nature in the spring with snowmelt and runoff," Powell said.

West said getting the well finished is his top priority. In addition, he will push to get some of the town's old, outdated equipment upgraded. He'd also like to see an emergency plan put in place for the residents of Stockton.

"Recently we had the power outage [during a severe windstorm Jan. 4], and in the past we've had water shortages, so I'd like to have something in place to make sure that the townspeople are OK and that any problems they may face can be met," he said.

Durtschi said he thinks the biggest issue that many citizens have concerns about, besides water, is the town's annexation policy.

"We have a policy, but it's not workable to accept annexations," he said. "If someone wants to annex into our town, we have to have more stringent guidelines than what we currently have."

Durtschi would like to make sure that when annexation requests come in the town knows the exact logistics of any new development -- i.e., lot sizes, whether curb and gutter are present, and zoning designations.

"That's a big issue because we try to keep the rural atmosphere around Stockton, and yet there are some that want to be annexed in that would change the whole nature of our town," Durtschi said.

Powell said she would also like to see some progress toward a new sewer system and sewage treatment plant. Currently, the town relies on septic systems.

"The biggest problem as far as the septic tanks and leach fields would be aimed at the older, smaller, undersized lots that have been absorbing waste for a very long time," she said. "We need to be planning on a system in case the ground just cannot absorb it anymore."

She said a sewer system would be beneficial to keep pace with future growth.

"A sewer system would also enable the town to have some type of growth if the citizens decide that is the direction they would like to go," she said.

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The Salt Lake Tribune

# Dirty snowpack could mean less drinking water, says U of U researcher

By Brian Maffly
The Salt Lake Tribune

Article Last Updated: 01/21/2008 02:37:38 AM MST

Posted: 7:04 PM- During the night of March 13, 1918, a massive dust storm swept across Colorado. That spring, the San Juan Mountains shed their snowpack a month early, despite lower-than-usual temperatures, observers recorded at the time.

There is a lot of anecdotal evidence such as this that suggests dirty snowpacks melt off sooner. But the phenomenon is now receiving systematic study by scientists such as Thomas Painter, who recently joined the University of Utah's geography department to head the Snow Optics Laboratory.

"Dust is coming off the disturbed lands of the Colorado Plateau and shortens the snow-cover duration by a month," Painter said last week during a lecture at the Salt Lake City Public Library. "That has enormous implications up and down the line."

The dirt on the snowpack comes from dust lifting off the arid West's arid lands, long disturbed by agriculture, grazing and urbanization, said Painter, a snow hydrologist who most recently worked for the National Snow and Ice Data Center in Boulder, Colo. His field of study is albedo, or the reflectivity of the snowpack. Dust deposition dulls the snow's albedo, and as a result, less solar radiation is reflected into space. Today's dirty snowpacks are absorbing twice as much heat as they would were they clean and are disappearing more quickly in the spring.

"Dust also decreases albedo by making the grains [of snow] bigger," Painter said. "The dust accumulates at the surface layers and does entrain out with the melt."

Dust emissions tend to grow during spring's warm-up, exactly when they'll have the largest impact on the snowpack. In other words, as the spring progresses, the snow just gets dirtier. And when snow cover leaves earlier than it should, the dark ground is exposed at a time when the sun is highest in the sky.

"That has some impact on regional climate. We're seeing a 1.5 degree centigrade temperature increase," Painter said. And for Utah's tourism industry, this means a shorter ski season.

Painter said dust-related impacts to snow albedo are a global problem. The disappearance of central Asia's Aral Sea, for example, magnifies its ecological devastation by sending up plumes of dust off the dry lake bed. The dust blows east and

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The Salt Lake Tribune

settles in China's Tienshan mountain range, where it disrupts the snowpack's hydrologic cycles.

Old lakebed sediments document changes in dust emissions over time, like the way historic weather patterns are written into tree rings. Reading these sediments reveals an alarming surge in dust emissions around the world, Painter said.

"Since 1850, there has been a 2--fold increase in dust deposition in the Himalayas," Painter said. "In China, dust emission has doubled in the past 40 years because of intensive land use. This has dramatic implications for the mountains of Asia."

Since 1930, an era corresponding with the rise of sheep grazing in Patagonia, dust deposition has been recorded in Antarctica, the earth's most pristine snowscape. Likewise, peak dust emissions were observed in southwest Colorado at the early part of the last century when unfettered stock grazing was scouring the arid lowlands of grassy vegetation, Painter said. Dust emissions settled down after the 1934 passage of the Taylor Grazing Act, which regulated public land grazing for the first time.

Painter is now studying Wasatch, whose canyons provide the bulk of Salt Lake City's water, not to mention winter recreation. The snowpack here is under serious assault from dust and soot from a variety of sources. But Painter sees a silver lining in the dirt-lined snows.

"If it's possible to clean up the snowpack, we can buy significant time to increase snowpack duration," he said. "We have enormous amounts of research to do. I look forward to doing it over the next decade." **bmaffly@sltrib.com**

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DESERET Morning News

# SunCrest water inadequate?

**By Rebecca Palmer**
Deseret Morning News

*Published: January 21, 2008*

DRAPER — Preliminary figures on water capacity in the SunCrest development on Traverse Ridge have left a nearby developer crying foul.

The early numbers show that the residential development that straddles the Utah County/Salt Lake County line may have to double its storage facilities and pumping capacity by the time it is built out. They also suggest that new home growth would have to be predicated on increased water capacity.

The figures are part of a study commissioned by the city as part of its water master-plan update, said city manager Lane Long. The study has not been completed and won't be formally accepted by the city for a few months, but correspondence between the engineering group doing the study and the city is public information.

Officials say they are not concerned about the numbers, but Draper resident and investor David Mast, along with a few other developers, is upset.

Mast is concerned that perceived water shortages could be dangerous, he said. He sent a letter to the Draper City Council and mayor Dec. 18, calling the water system deficient.

"The city better hope that there is not a fire this summer," he wrote, implying that the system would not support firefighting efforts.

But Bill Bigelow, an engineer for Hansen, Allen. & Luce Inc., which performed the study, said there is no need to create a sense of panic. The city would be able to supply water to fight a fire, he said.

Draper City Council member Bill Colbert agreed.

"I would never approve a system that had that problem," he said.

Mast has filed a civil suit against both SunCrest and the city regarding the water-shortage issue, among other things. He and his partners are unable to build on their property because any homes they might build have no way to get water, he said.

He expected water capacity to be available for them to hook up to and believes they have a contractual right to it, based on development agreements signed with the city.

Draper city engineers and City Attorney Doug Ahlstrom have said that whether Mast is entitled to culinary water under his development agreement is a matter for the courts to decide.

The water study, a draft of which was sent to the city in November 2007, found that new home growth at SunCrest has surpassed water capacity, though the city and development have remained within the bounds of state requirements. One pump would need to pump 135 gallons more water per minute than it does now just to meet current demand on a peak day, factoring in redundancy and safety needs, according to the study. When the 4,500-home project, which includes SunCrest and smaller developers around it, is complete, the pump station will need more than twice the capacity it now has.

"There are some difficulties with the system because growth has kind of outstripped some of the water systems," said Bigelow. "Growth is happening faster than the city thought it would."

SunCrest is responsible for building water pumping capacity into its Centennial Pump Station as per its development agreement, finalized with the city in 1999. Draper City engineer Dave Decker said it isn't uncommon for developers to continue building infrastructure, such as water pump capacity, as their developments grow.

"For the development to continue, they have obligations," he said.

SunCrest attorney Bruce Baird said his client has always been in compliance with a water master plan, which regulates the amount of water capacity the development is required to supply.

"There's always been a plan to build increased water capacity as development requires," Baird said. SunCrest refused to comment on matters of litigation.

Any problems with SunCrest that may come out of the city's water master plan study would be added to SunCrest's problems with its major road. A study commissioned by the city found that the road, built just a few years ago, is already cracking in several places. It may need to be completely redone and could cost $25 million, according to a letter sent to SunCrest by the City Council.

The problems are not unusual for developers and quickly growing cities, Long said. The issues with SunCrest can be partly blamed on the development's unique terrain, he said.

The water master plan update will be presented in a public hearing in coming months, Long said. After the hearing the City Council will have a chance to accept it.

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DESERET Morning News

# Protect Utah's spectacular Green River

**By Mark Danenhauer**

*Published: January 21, 2008*

Unbelievable. That is the first word that comes to my mind when I think of how fortunate we are to live in a state blessed by so many natural wonders. Utah is home to Zion, Bryce and Arches national parks, red-rock worlds, towering mountains and incredible world-famous rivers. People from across the United States and the world dream about traveling to Utah to visit these amazing places. We are the few, the lucky who call Utah home.

Some of Utah's lands have been recognized for their outstanding qualities and protected as national parks. Unfortunately, the same is not true of Utah's rivers. We are one of only 12 states in the country without a single river designated for inclusion in the National Wild and Scenic River System. Even states like Alabama and Ohio have Wild and Scenic Rivers. I have a hard time imagining that any river in Ohio could ever match up to any river that we have here in Utah.

Luckily, we have a truly unique opportunity to change that and protect the entire Green River in Utah as a Wild and Scenic River. At over 420 miles, the Green River would be the longest Wild and Scenic River anywhere in the United States. We have an opportunity to add the amazing Green River to the list of Utah's spectacular natural wonders and to ensure that it will remain as it is today into the future. The Green River is the premier river in Utah, traveling more than 400 miles in Utah through many of the state's treasures, including national parks, state parks, wildlife refuges and millions of acres of wilderness areas. This iconic river played an important role in history, with the explorations of John Wesley Powell and the Fremont people before him.

We have a responsibility to our children to protect the outstanding values of this amazing river. It is up to us to ensure that when our children visit the Green, they can have the same experience that we have there today. Let's make sure our children can know the joy of landing a 16-inch trout in Red Canyon, escape into the depths and remoteness of Desolation Canyon or float the calm, peaceful waters of Labyrinth and Stillwater canyons. The only way to be certain of accomplishing this is to designate the entire Green River in Utah as a Wild and Scenic River.

Fortunately, there are a number of efforts under way considering various segments of the Green for potential inclusion in the National Wild and Scenic River System. The Forest Service is considering the northernmost section of the Green River below Flaming Gorge Dam, and three different Bureau of Land Management field offices are considering the Green River from Dinosaur National Monument down to Canyonlands National Park. These are incredible opportunities to make sure the Green River receives the protection it deserves.

As a father and resident of Utah, I fully support the entire Green River becoming a Wild and Scenic River, and I encourage you to do so, too. Your children will thank you for doing so when they go fishing or boating on the Green with their children. Please encourage the governor, your elected officials, the Forest Service and the BLM to protect this special river.

---

*Mark Danenhauer is the river solutions coordinator for the Utah Rivers Council.*

DESERET Morning News

# Surge of water through Grand Canyon planned soon

*Published: January 20, 2008*

GRAND CANYON NATIONAL PARK, Ariz. — A surge of water up to four times greater than normal will cascade through the Grand Canyon in March if plans being completed by federal officials are approved.

The release of water from the Glen Canyon Dam upstream from the canyon is designed to scour sand from the bed of the Colorado River and rebuild beaches that support wildlife and are used for camping by rafters. It will also provide habitat for endangered native fish and will protect archaeological sites, according to the Interior Department.

The Glen Canyon Dam was completed in the early 1960s and cut natural flood cycles that ranged from heavy springtime flooding that cleansed the river's sand and gravel bars to slow late fall flows. In the past decade, half the camping sites in the canyon have been lost to shrinking beaches.

If environmental reviews of the project are approved as expected and the releases happen, it would be the third time the dam has been opened beyond power-generating capacity. Similar experiments were done in 1996 and 2004.

This year's high-flow test is expected to be more successful than the previous efforts because federal scientists have determined that much more sand is available in the riverbed.

The Bureau of Reclamation operates the dam and plans to open bypass gates and run the maximum amount of water possible through the dam's power plant, bureau officials said Thursday. Flows would increase to 41,000 cubic feet per second for nearly three days, up from the normal 8,000 cfs to 20,000 cfs.

The river will rise significantly, affecting rafting and campsites.

A full environmental assessment is expected to be released early next month by the Bureau of Reclamation and a final decision made by the end of February. A series of scientific studies will be done during and after the high flows to gauge their effect on beaches, wildlife habitat and fish.

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Article published Jan 18, 2008

# Pipeline project moves ahead

**DAVID DEMILLE**
**ddemille@thespectrum.com**

CEDAR CITY - The Central Iron County Water Conservancy District is moving ahead with the second phase of its ongoing $12 million pipeline project.

During a meeting Thursday, the CICWCD board of directors authorized bids for some $2.3 million in construction as part of the Phase II project, which includes water lines and well houses along several subdivisions west of Cedar City.

The engineer's estimate is $7.8 million for the entirety of the Phase II project.

"Phase II will replace a couple of dilapidated systems, will provide us with resources of water and give us pipelines to areas that will benefit more people in the valley," said district engineer Kelly Crane.

The project is the next step in a continuing effort to improve Iron County's water systems, said Scott Wilson, general manager.

"Phase II really opens up a lot of options for us in terms of water delivery, and of course it'll be nice to have another well online, also," he said.

The CICWCD has faced criticism for tax hikes and water user fees, as well as protest for efforts to tap into the proposed Lake Powell pipeline and additional water sources in the West Desert area. Each project comes with a hefty price tag - the Lake Powell project is estimated at $500 million, although Iron County's cost is unclear - but CICWCD representatives say the effort is necessary to ensure residents have the water they need for the future.

While snow-pack levels are at 126 percent of average in Iron County, according to reports from the National Resources Conservation Service, CICWCD officials say above average just doesn't cut it anymore.

Even if the number stays that high - a few more weeks of sunshine could bring it back below average - officials say the county will still use up more water than it brings in during 2008 - and that's nothing new. District engineers estimated it would take about 140 percent of average just to break even this year, and that number will increase with growth.

On average, the county's water sources - mostly that means Coal Creek - bring about 25,000 acre-feet of water into the valley, which is hardly enough, Wilson said.

"Even with a substantial number of water rights idle, we're still pulling out 40,000 acre-feet," Wilson said.

Wilson said the CICWCD, tasked with providing regional water solutions, is doing its best to save the community from major economic trouble down the line.

"There's a train wreck coming," he said. "We don't know when and where, but we're working our butts off to prevent it."

The Salt Lake Tribune

Washington County

# Opponent: Pipeline plan has its perils

By Mark Havnes
The Salt Lake Tribune

Article Last Updated: 01/17/2008 07:41:35 AM MST

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ST. GEORGE - A group of Washington County residents wants the push for a Lake Powell pipeline to dry up.

Lin Alder, executive director of Citizens for Dixie's Future, warns that the proposed 158-mile-long pipeline would be too costly, would spawn more sprawl, could prove unreliable and, ultimately, would not be needed to meet the region's water demands.

But the Washington County Conservancy District sees the $842 million project as vital to providing reasonably priced water to southwestern Utah's surging population - expected to swell by 600,000 people in the next 40 years.

The pipeline - construction could start as soon as 2018 - also would deliver smaller shares of water to neighboring Kane and Iron counties. And four proposed hydroelectric plants along the yet-to-be-determined route could help satisfy energy demands.

But Alder, who huddled with pipeline opponents this week, worries that building the pipeline will spur growth. In addition, he notes, the $4,781 impact fee charged by cities on new construction to help pay for it requires a constant influx of people.

"If you build the pipeline," he says, "they must come" to help pay for the project.

An environmental activist, Alder urges residents to study the pipeline plan, tell friends and neighbors about it, and organize grass-roots meetings.

He says the politics of Colorado River water, which fills Lake Powell, and the threat of global warming could affect the pipeline's reliability. He says drought conditions - coupled with priority demands on the water by California, Arizona and Nevada - could prevent the pipeline from delivering the promised water.

Alder argues that conservation and development of other water projects could satisfy area water needs.

Barbara Hjelle, assistant director of the Washington County Water Conservancy District, agrees conservation is important

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The Salt Lake Tribune

but warns that it would be too pricey to deliver water from other sources in the county.

"The amount and quality are not comparable to what the pipeline could deliver," she says.

But pipeline foe Amanda Hixson isn't sold.

"Cutting [water] use and developing other projects is the way to go," she says. "People still landscape with grass."

**mhavnes@sltrib.com**

* **Size:** A 158-mile-long, 66-inch-diameter pipeline from Lake Powell to a reservoir in Washington County, along with a 38-mile-long, 30-inch pipeline from Washington to Iron County.
* **Cost:** Construction would run about $842 million, including the Powell pipeline and several other water projects.
* **Recipients:** Washington County would get 70,000 acre-feet of water, Kane County would get 10,000 and Iron County 20,000.
* **Web links:** www.lakepowellpipeline.org, www.citizensfordixie.org, http://wcwcd.state.ut.us.

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# Water cleared, but probe continues

## Investigators try to figure out why contamination levels spiked in Thaynes

by Jay Hamburger OF THE RECORD STAFF
The Park Record

Article Launched:01/15/2008 04:35:48 PM MST

Public Works Department crews have cleared most of the contaminants out of the water system in Thaynes Canyon, but in' probe what caused a spike in the numbers in December.

Kathy Lundborg, the city's water manager, says one theory is a bolt of high-voltage electricity hit the underground water p That could have caused the contaminants to dislodge from the sides of the pipes and enter the water system, she says.

Another possibility is a small earthquake with its epicenter near the S.R. 248-Brown's Canyon Road, east of Park City, coul releasing some contaminants. The investigators are not focusing on that theory, though, Lundborg says.

Another less likely explanation is whether restarting the water pipes in the Thiriot Spring after about four weeks might hav into the system. Lundborg says the investigation determined that probably did not cause the spike.

The Public Works crews found high concentrations of the contaminants on the sides of the pipes in two locations in Thayne: neighborhood off S.R. 224 on the city's entryway.

Lundborg says it is likely that the contamination came from those spots, and the investigation has advanced to trying to fig the water system.

The investigation continues a month after widespread reports of discolored water in Thaynes Canyon. Public Works repeate neighborhood by running fast-flowing water through them. That operation cleared much of the water.

Officials found elevated levels of arsenic, iron, lead, thallium and manganese in the water in some locations. The arsenic ar quickly after the flush, and manganese levels dropped after subsequent flushes.

However, thallium levels remained high in one place -- Double Jack Court -- at the beginning of the week, and Lundborg cl "barely elevated."

"It's decreased with every flush. It's just taken longer to go down compared to the other metals," she says, adding that so quantities of the water -- 1,500 liters per day over time -- to suffer health effects.

Lundborg says state toxicologists have said the thallium in the water is "inconsequential."

City Hall on Friday lifted an advisory in Thaynes Canyon, saying state drinking-water officials and Park City's Water Departr "water is safe to drink and that a water quality advisory is no longer necessary," according to a release from the local gove

City officials continue to test the water, though, and a 'Water Hotline' remains in operation. Its phone number is 615-5320.

The pipe flushing in December was limited to about 400 residences and businesses. At the time, Public Works officials said Canyon are about 30 years old.

Jerry Gibbs, the Public Works director, said in December the problems in Thaynes Canyon were the most widespread since discovered in sediment found inside the pipes in Old Town.

Park City has long faced issues with the quality of its drinking-water system. Much of the water comes from underground s susceptible to contamination than aboveground sources like reservoirs.

There have been ongoing talks about building a pipeline to the nearby Rockport Reservoir, but the Rockport pipeline is only

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DESERET Morning News

# Salt Lake Council restricts use of private land near creeks

**By Jared Page**
Deseret Morning News

*Published: January 16, 2008*

JT Martin called it "a helluva way to break in a new councilman."

Despite a parade to the podium of residents opposed to restrictions on how private property owners can utilize their land near creek and stream banks, the Salt Lake City Council voted 6-1 Tuesday night to do just that.

"It would certainly be an understatement to say this has been anything less than controversial," Martin said.

The overwhelming majority of people who spoke during a public hearing Tuesday did so in opposition to the ordinance, saying it decreases the value of their property and unfairly blames owners with steams or creeks on their property for water pollution.

"This ordinance will adversely affect rights of property owners," said Susan Webster, who lives near Red Butte Creek. "It will effectively wipe out the economic value (of our property). ... We will not stand for this."

The ordinance puts restrictions in place on new construction, changes to existing structures and other ground disturbances within 100 feet of waterways in the city east of I-215, specifically Emigration, Red Butte, Parleys and City creeks.

The ordinance sets guidelines for what can and can't be done on property within 100 feet, 50 feet and 25 feet of creek or stream banks, growing more restrictive closer to the waterway. All existing construction and structures are grandfathered in.

Webster and others who spoke during the public hearing hinted at legal action against the city if the ordinance was approved.

Reasons for the zoning change, according to the ordinance, include minimizing erosion, stabilizing stream banks, improving water quality, preserving fish and wildlife habitat and reducing potential for flood damage.

Several residents have disputed those claims, saying the real reason for the ordinance is the council's desire to stop a proposed development in the Wasatch Hollow community.

Last July, the council put a six-month moratorium on any development within 100 feet of stream and creek corridors to study what type of permanent protection needed to be put in place. The council reaffirmed its commitment to those studies Tuesday, though they haven't been done yet.

Council members have said the moratorium stemmed from discussion about a proposed development of roughly two acres of land behind Wasatch Hollow Park and along Emigration Creek. The proposed development brought to the council's attention the lack of protection for stream corridors in city code.

Van Turner, the lone council member to vote against the ordinance, said stopping the development "may have been the reason" for the moratorium.

Marjie Brown, who doesn't own property along a waterway but described herself as an environmental activist, called the ordinance "grossly incomplete and written in reverse," saying studies should be done before the ordinance is passed.

Others pointed out that the city is more to blame for pollution of waterways for using them as dumping points for storm drains.

Council chairwoman Jill Remington Love said the City Council has a legal responsibility to take action before the moratorium ends Thursday.

"We're publicly saying we have heard you," Love told members of the public. "We know this in only one little piece, and we're going to get to the rest of the puzzle."

Martin's motion to approve the ordinance included stipulations that the public hearing be continued for 180 days, during which the council will work with city staff and residents to refine the ordinance.

In other actions:

• The City Council unanimously passed a revamped resolution reaffirming the goals, policies and recommendations of the Sugar House Community Master Plan and encouraging the preservation of historic buildings.

The resolution takes a softer tone than the one proposed in November by Soren Simonsen, who represents much of Sugar House on the Salt Lake City Council. Some council members said they felt the original resolution unfairly singled out recent and current projects and implied that the city incorrectly issued permits leading to demolition or alterations to historically significant buildings.

The revised resolution acknowledges community concerns about the losses or alterations of significant buildings as a catalyst for the reaffirmation of the master plan but does not point to specific projects or imply that the city didn't follow the master plan.

The city has spent about $52,000 on a historic building survey of the Sugar House Business District, identifying 45 buildings of potential historic significance. Those buildings now are undergoing a intensive-level survey, which will be used to develop design guidelines for historic structures.

• At the request of the City Council, Provo attorney Neil Lindberg gave a legal review of Salt Lake City's sexually oriented business ordinance during Tuesday's work session.

Lindberg was hired by the council to offer a second opinion on the city's actions regarding the Blue Boutique opening in a neighborhood commercial zone in Sugar House.

Despite objections from Sugar House residents, Salt Lake City attorney Ed Rutan last month said the adult-novelty store does not qualify as an SOB, allowing it to locate at the corner of 1400 East and 2100 South. Lindberg supported that assessment, saying Salt Lake City attorneys and staff "did an excellent job" in interpreting city code.

• Meeting in its capacity as the city's Redevelopment Agency board of directors earlier Tuesday, the City Council allocated up to $2,500 from its arts budget to cover costs of removing, storing and reinstalling the sidewalk compass on 1100 East in Sugar House.

Community leaders and activists have been fighting to save the compass, a fixture of the Sugar House Business District for about 50 years, from being destroyed during the redevelopment of the Granite Block.

Demolition work began earlier this month for a development by Craig Mecham Investments that will replace existing structures on part of the Granite Block with two seven-story buildings with a mix of retail, office and residential space.

The Salt Lake Tribune

# Springville OKs borrowing $12M for sewer

Public will have 30 days to comment on plan to upgrade plant

**By Donald W. Meyers**
**The Salt Lake Tribune**

Article Last Updated: 01/16/2008 01:05:19 AM MST

SPRINGVILLE - Residents have 30 days to comment on whether they want the city to borrow almost $12 million to fix its aging sewage treatment plant.

The City Council unanimously approved a resolution Tuesday night that would limit the city to borrowing $11.75 million for a 25-year period. The sewer revenue bonds would be used to expand and upgrade the city's wastewater treatment plant as well as install new sewer lines on 1500 West. After a 30-day comment period, the council will then be able to borrow the money.

Mayor Gene Mangum said the city is at a point where growth has forced the city to take action.

The facility was built in the 1950s, and has reached operating capacity. City Administrator Troy Fitzgerald said the building is the second-oldest operating treatment plant in the state, and it needs an overhaul to keep up with the city's growth.

"In this phase, we are anticipating serving a population of 40,000," Fitzgerald said. The city's population is currently pushing toward 30,000.

Fitzgerald said the building's equipment also needs to be upgraded as well. One planned upgrade is an ultraviolet system to treat the wastewater, eliminating the need to store chlorine on the premises. Fitzgerald said that change would make it safer for residents.

David Allen, the city's finance director, said the price of the project is estimated at $10.2 million, but the city needs to be able to borrow more in case there is a need to maintain a 10 percent reserve if lenders insist on that contingency.

"We prepare for the worst and hope for best," Allen said. He pointed out that waiting until now has worked to the city's advantage as interest rates are at 4.5 percent and are likely to go down in the near future. The resolution states that the city will not exceed 6 percent interest.

Mangum said the city's sewer fees are adequate at this time to cover the bond, but that could change if the city does not grow as anticipated.

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Article published Jan 16, 2008

# Water district gives update

**PATRICE ST. GERMAIN**
**patrices@thespectrum.com**

ST. GEORGE - Given the current water resources and plans for local water development, Washington County could grow to approximately 220,000 people.

Add in water from the proposed Lake Powell pipeline, however, and that figure more than doubles to approximately 450,000 to 480,000 residents.

Tuesday, the Washington County Water Conservancy District met with local developers at the St. George Library to bring them up to date on water projects and to ask them to speak out in favor of the pipeline, which has an estimated $500 million price tag.

"Quite frankly, if we sit on our hands and do nothing and no-growthers like Lin (Alder) stop this project you will see this economy come to a screeching halt," Ron Thompson, General Manager, Washington County Water Conservancy District, said. "I just want to lay this out point blank and make sure you understand. Frankly, I would like you to become spokesmen (of the pipeline) and the importance of it."

Alder is the executive director for Citizens For Dixie's Future, which supports smart growth.

Alder was at Tuesday's developer's meeting. He didn't comment, although Thompson made several references to him.

Alder gave a Lake Powell Pipeline presentation Tuesday evening at the Book Cellar.

Thompson gave an overview of projects the water district is working on now, including wells at Sand Hollow, the Kolob Water Project and the Warner Valley reservoir, which would serve the Washington Fields area.

Mike Gardner, president of Suncor Utah, Inc., which is developing the Coral Canyon Community, said he found the meeting informative.

"I'm all for it," Gardner said of the pipeline. "If you can't provide water in the future it will be an issue and it's important to plan for the future."

The Coral Canyon Community in Washington is at about half of its build-out of 2,200 residences and although Suncor has the water for that project, Gardner said the company would like another parcel to develop.

Gardner said the water district held a similar meeting with developers before about water for the county and said this was a continuation of that.

Talking about the future of water for the county, Thompson said you "don't turn on a spigot and water comes out."

"It takes years and years to plan," Thompson said.

Thompson said with the water resources the district now has or is developing locally, by 2020, the area would start seeing real water restrictions.

The Salt Lake Tribune

# Council may amend rules to safeguard streams

The proposed temporary fix has some property owners feeling left out of the pollution discussion

**By Derek P. Jensen**
**The Salt Lake Tribune**

Article Last Updated: 01/15/2008 03:31:05 AM MST

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The conflict is nothing novel: creating a balance between protecting the environment and preserving property rights.

But for Salt Lake City leaders, revelations about the level of pollution plaguing east-side stream corridors have spawned a sudden sense of urgency.

So, tonight, the City Council is poised to amend zoning rules to stamp out new construction and erosion-related additions within 100 feet of stream banks along the city's east bench.

The council must act since a six-month moratorium on development near creek corridors is set to expire this week.

The move may affect more than 2,000 property owners who live near Red Butte, Emigration, Parleys and City creeks.

Though existing properties would be grandfathered, the measure sets increasingly stringent restrictions within 100 feet, 50 feet and 25 feet of the streams. If it passed, for instance, residents would be required to get permits for such things as new steps and decks within 25 feet of a bank.

During a public-comment period last week, some affected property owners lambasted the council for leaving them out of the discussion. The natural-habitat argument is "nonsense," the critics cried, alleging that through storm-drain dumping, the city actually is the biggest polluter.

Still others argue the council has a hidden agenda - to stop a now-stalled development plan for homes in Wasatch Hollow.

Council Chairwoman Jill Remington Love says it is fair to say the Wasatch Hollow debate spurred the issue. But since then, she says, the council has recognized the breadth of the pollution problem and the lack of rules safeguarding streams.

"It's really no longer about that development," she says. "It's about trying to protect our stream corridors."

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The Salt Lake Tribune

Love notes that tonight's action would be temporary; the city will take six months to devise a comprehensive compromise. Some future fixes may include working with Salt Lake County leaders to rid the area of septic tanks, offering more education on pollution and considering separate master plans for each stream corridor.

A public hearing in the council chamber is scheduled for about 7:30 p.m., before any vote.

**djensen@sltrib.com**

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# Water rights fight brews on the Hill

## New law could protect governments from needing to forfeit supply

Patrick Parkinson, Of the Record staff
The Park Record

Article Launched:01/11/2008 04:04:06 PM MST

A Kamas dairyman who served in the state House of Representatives criticized a bill he claims would allow cities along the up water rights in Utah.

House Bill 51 would cause "major change in the philosophy of water law in the state of Utah, and I don't think it's necessar telephone interview.

"I'm afraid that the bigger cities and the richer cities will get bigger and richer. Salt Lake City and the Wasatch Front have already have a lot of water that they have stored," said Ure, who owns a slew of water rights in Utah. "Even though the do is quite high, Park City still will not be able to compete against Salt Lake City."

The spat began when Utah State Engineer Jerry Olds recently forced officials in Roosevelt to forfeit water rights because th water in accordance with the law, which irked city officials across the state.

"If these political subdivisions think they have been wronged, then they need to go to the Legislature and change the auth engineer so he can't be so dominating," Ure said.

But a law that would allow governments to stockpile water without placing it to "beneficial use" would encourage "hording,'

"Once this law goes into effect, [governments] don't have to prove a beneficial use and they can just let it sit for years and said.

Today, water not used within a limited timeframe must be forfeited to the state, Ure explained.

"I'm afraid that by exempting out forfeiture for all political subdivisions, it will affect the smaller cities more than what the

But state Rep. Patrick Painter, a Republican from Nephi who sponsored HB 51, insisted that to rein in the state engineer th

"Do we want to make the state engineer the ultimate county planner, or do we want to leave that with you?" Painter asked officials Wednesday in Coalville.

Francis Mayor John Bergen asked his fellow mayors and members of the Summit County Commission to join him in suppor

"Jerry Olds has taken away some water," Bergen said. "It just hammers the development problem for us."

Cities must be able to hold water to use decades from now, Bergen said.

"I'm so strong behind this bill because we need this for planning," the mayor said.

HB 51 would lessen forfeiture requirements for public water suppliers that "hold the water for reasonable future water requ legislation states.

But the bill currently does not provide the same relief from forfeiture to private enterprise, Ure said.

"Why should I have to keep proving up my water every year and making sure it's used, and yet, a political subdivision does

Still, HB 51 will likely pass after an interim legislative committee endorsed the bill in December, Painter said.

"I think there are benefits to every water user in the state," he said.

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The Salt Lake Tribune

Winter weather

# Snowpack a little above normal

Precipitation outlook bodes well for replenishing the state's half-full reservoirs

By Nathan C. Gonzalez
The Salt Lake Tribune

Article Last Updated: 01/14/2008 01:16:39 AM MST

Weeks of pounding snowstorms have helped quench a thirsty Utah, which may offset last summer's depletion of water amid record-setting temperatures.

Winter storms have brought the state's total snowpack to 115 percent of average, which is unusual because drier conditions had been expected for winter, according to the National Weather Service.

The region is currently in a La Niña year, meaning that waters in the eastern Pacific Ocean are cooler. That typically translates to drier conditions across the southwest - and in Southern Utah. To the north, however, the state typically sees above-average snowpacks.

"It's definitely made improvements," National Weather Service meteorologist Monica Traphagan said of the recent snowfall. "December was the fourth wettest [on record]. That's going to help the snowpack. We are in much better shape than we were in last year."

According to a recent hydrologic outlook released by the weather service, snowpack levels around the state vary from 85 percent of average in northern Utah to 167 percent in the southeast.

Mountains in Weber County are about 101 percent of average, while the Provo Watershed is about 104 percent of normal. In the Sevier Basin, the snowpack sits at 143 percent of normal, according to the National Weather Service.

The state's reservoirs stand to benefit from the increased snowpack, despite the fact that water levels at 41 key irrigation sources are down 15 percent from a year ago, the hydrology outlook says. In all, Utah's reservoirs are at 52 percent of capacity.

"Reservoirs across the state declined substantially this past year due to a very long, hot and dry summer period," the outlook states.

**ngonzalez@sltrib.com**

Weather outlook

Additional snow is possible in the Salt Lake Valley this week, beginning with a 30

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percent chance on Tuesday, the National Weather Service said. Highs are expected to be about 33 degrees Fahrenheit on Tuesday, with a low of minus 8 degrees into the night. A 20-percent chance of snow remains Wednesday night into Thursday. In St. George, skies are expected to be mostly sunny with highs in the mid-50s today and Tuesday, and lows around 30 degrees throughout the week. On Wednesday and Thursday, high temperatures are expected to be in the mid-40s.

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