

# Cottonwood Mutual Water Company

## Board of Directors Meeting Minutes

Wednesday, Date July 12, 2023; 6:30 PM

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### Board Members:

Earlene Lee	District 1	2022-2025	Present
	District 2	2022-2025	
Heidi Dorius	District 3	2021-2024	Present
Matt Bartol	District 4	2021-2024	Present
Sean Dorius	M at L	2021-2024	Present
Mike Johanson	Manager		Present

Visitors: Eric Plyer, Ray Nettleton, Sheila Wilkinson, Mark Wilkinson, Lynn Stevenson, Matt Kendell, Bill Chipp, and Josh Cragun

\*Unanimous: Due to having only four board members Heidi will **abstain** from voting on any motions presented.

1. Vice-President: Heidi
  - A. Call Meeting to Order 6:31 pm
  - B. Declare any conflicts of interest / No \*unanimous.
  - C. Specify allotted time for each agenda items: 15 minutes.
2. Approved meeting minutes for June 14<sup>th</sup> & June 6<sup>th</sup> will hold minutes for March 15<sup>th</sup> meeting: Motion to approve by Matt 2<sup>nd</sup> Heidi \*Unanimous Will send copy of minutes for March 15<sup>th</sup> to review.  
Move agenda item #13 up after items #9
3. Approve share issuance, cancellations, and re-issues: Motion to approve Earlene, 2<sup>nd</sup> Matt \*Unanimous
4. Discussion regarding Blaine Murray resignation as District 2 representative & Board President: Mike will put out a notification on website and send out notices to shareholder in District 2. Keep open for two weeks for any letters of interest.
5. Discussion regarding audit letter to Chris Bramhall and authorize an officer or manager to sign it: 2022 audit regarding the lawsuit that ended in CMWC favor. Per Mike no other pending litigation. There is an incorrect date on the letter from auditors, once corrected then Heidi will sign it.
6. Discussion of Attorney Matt Jensen letter dated May 30,2023, regarding MGSWC storage in Silver Leaf Reservoir Letter great for clarification. On April 30, 2015, one year after signing a storage agreement with CMWC they signed a Water Delivery Agreement between MGSWC and WFF. Page 3, paragraph 3 & 4. (Starting ...The parties to the Delivery Agreement agree...) (Page 4 top starting at ...Similarly the Delivery Agreement...) His letter claims that MGSWC & WFF share water rights. Question to board if we object for them to share their water rights. Conflicts of Water and Storage rights to WFF & respective tenants & subtenants. Eric Plyer states that he has been getting water for years, hasn't been paid for his water that MGSWC has used. Heidi motioned to allow WFF to have access to their water Sean 2<sup>nd</sup> the motion Heidi will abstain from voting. Matt requests more time to get the paperwork from MGSWC. The same paperwork that we have asked for in past months. Mikes goes on record that CMWC is making huge mistake on their interpretation of Attorney Matt Jensen letter. Matt Bartol requests a week extension to

review the agreement. The rest of the board agree for the extension to check with the storage agreement that ties into it. Eric Plyer comments that they have done everything they have been asked. He just needs the CMWC permission to get their water. Matt is hesitant about the provision regarding the storage and what storage rights the WFF has. Ray Nettleton owns water from WFF and would like permission to pull the water out. Would like to obtain 50 AF that is undisputed. But they will sue to fulfill the agreement. 59:05 Remarks from Bill Chipp remind us that we needed three things, water, storage, and wet source. MGSWC hasn't provided proof of water rights to CMWC. Bill Chipp will try to get us what we have requested. The board will table for one week per Matt's request.

7. CMWC & MGSWC Heidi asked Mike if there are any written agreements that are in place for CMWC to receive payments for outside companies (HOA & MGSWC) Mike states no, just as a favor to the community. Heidi motions that we stop all uncontracted service and no longer give favors. Give both parties 60 days' notice that we will stop collecting payments & separate from each company, including the HOA. Matt 2<sup>nd</sup> \* unanimous. The sign will be taken down and information will be taken off the website. Forward any calls to the proper company.
8. Water flowing into Silver Leaf reservoir. CMWC is contracted for 50 AF for the Weber River Commission and 150 AF for MGSWC In the dan there is now approximately 202 AF, two ft below spill way. A letter will be written to MGSWC stating that we will not hold any more than is contracted to hold and extra will go down the river. We will maintain the dam at the level it is today, No higher. Suggest that we put in a staff gauge to monitor the level of the water.
9. Silver Leaf reservoir recreation update: None
10. Discussion / Decision on signing Cottonwood Spring View, Phase 7B plat. Heidi is uncomfortable signing anything with the concerns regarding the Rollins tank, until we know more about the water that is still available.
11. Discussion / Decision on signing mylar for the West Winds subdivision which is a lot line adjustment. Earlene motion to sign West Winds Matt 2<sup>nd</sup> \*Unanimous.
12. Control gate & piezometer update Mike is working on the draft letter for bids, for proposal and Matt will help get it ready to be sent out as soon as possible so we can get it scheduled for the fall when the reservoir can be emptied.
13. Storage tank No storage used from Rollins Tank for any subdivision due to it being in the middle zone. The Church bought fire storage credit that was paid to Gardner's development. In the agreement they can't use middle storage for a lower storage area to build. Mike explained that the transfer of storage was all for fire suppression and did not include any peek day demand. It helped increase the fire flow that the fire marshal imposed to add the church to the system. CMWC has no contract for the Rollins Ranch tank until we know if we own or have access to water in the tank, however, Will Services have been issued. Hold till next week to get more information before signing on any other will serve.
14. Discussion of Durst Water Company letter from Ray Nettleton: Request for the least to the 50 AF agreement with his water company. Would appreciate any volume of water that CMWC could approve. Ray Wrote up a deed for the easement that he has drawn up for board's approval. Ray Nettleton will modify the agreement & the board will review it at a later date. There is still an offer for Durst to purchase the reservoir also. He requested a draft copy of the road map for developers. Ray will give the offers and warrant deed changes to our attorney to review. Suggestion to merge all three water companies to stop all contention. Mike received approval from JUB Engineering for the lead & copper assistance program.
15. Adjourn: motion Matt, 2<sup>nd</sup> Heidi \*Unanimous

Next work meeting July 19 at 6:00 pm