

**9/15/20 HEBER CITY COUNCIL MEETING
STAFF COMMUNICATIONS
UPDATE ON NORTH FIELDS IRRIGATION COMPANY / STORM WATER QUESTIONS
(Brief responses to Councilwoman Franco's questions are listed below. Staff will summarize
a meeting with the North Fields Irrigation Company at the Council meeting.)**

From: Heidi Franco
Sent: Friday, September 4, 2020 3:38 PM
To: Matt Brower; City Council; Mark Smedley
Cc: Bart Mumford; Russell Funk
Subject: Question on North Fields Irrigation Letter & Storm Water
Importance: High

Dear Council, Matt, Bart, Russ, and Mark;
I've heard that the North Fields Irrigation Company sent a letter to the City a few weeks ago.
If so, I'd like **all of the City Council review this letter.**

I believe it is about the Company's concerns on storm water from any Sorenson/NVOZ
development. Is this correct? When can we all receive a copy of the letter?
(Letter is attached)

I'm also concerned about storm water in the NVOZ and Sorenson Annexations. We've
discussed this generally within the Council. Yet when can we get specific information on storm
water in Sorenson and the NVOZ, including potential impacts in the North Fields?
(Will provide update at the end of the 9/15/20 Council meeting>)

***Council, Matt, Bart, Russ, and Mark: here are my concerns. Does anyone else have other
concerns or questions?***

Concerns:

***-If the City requires only on-site Storm Drainage for Sorenson and NVOZ, will this prevent
surface storm drainage from getting across Highway 40 and into the North Fields Irrigation
Company jurisdiction? Or not? Yes, it's hard to fight gravity.***

(We do not anticipate the developments will be able to contain all of their development flows
and the historical water that has run through their properties. Provisions will need to be made
to transport some amount of water to the Provo River.)

***-Is the City liable for damages by allowing surface storm drainage into the North Fields
Irrigation Company jurisdiction? Especially if such storm drainage causes harm to existing
wells or agricultural uses?***

(There is the potential for some liability. More needs to be done to understand the nature of
that liability.)

***-Is the City liable for damages by allowing below ground storm drainage into the North Fields
Irrigation Company jurisdiction, or North Fields wells or aquifers?***

(If it could be demonstrated that there is a direct link between the developed storm water
flows from the North Village area and a negative impact to the groundwater basin(s) in the

North Fields there is potential liability. However, this could be difficult to prove, especially on water quality if the City implements the MS4 Storm Water regulations.)

-Can the City protect itself by requiring development to filter its own storm water to a certain level or standard so no matter whether the storm water is surface or below-ground the City and North Fields property owners are protected? I assume this is what the North Village Resort was proposing, yet what does the North Fields Irrigation Company say in their letter?
(Yes, by requiring compliance with the MS4 rules, using "Low Impact Development" (LID) methods to minimize the amount of developed surface runoff, and minimizing or eliminating the amount of flow into the North Fields Irrigation company service area, the City can protect itself.)

-Will the City need to get discharge permits from DEQ because of storm water potentially/eventually discharging into the Provo River or Deer Creek?
(Yes, as the Storm Water Authority for the area, the City will ultimately be responsible for working with, obtaining, and complying with the required permits and agreements from various agencies having jurisdiction over storm water quality, discharges, and routing it to the Provo River.)

-Ultimately, how can the City allow Sorenson and NVOZ development without exposing itself to liability from any Irrigation Company, or individual well/water quality problems, or algal blooms in Deer Creek, etc?
(Ultimately, the City will minimize any liability by having the proper agreements and permits in place, and by developing a good storm water management program. The program will include processes and procedures for storm water, standards for development, and inspections to insure compliance during construction and afterward for the ongoing maintenance.)

Feel free to add to this list and let's ensure our due diligence on these things.

Can any of these things be addressed in the forthcoming Capital Facilities Plan for the Sorenson Annexation and the draft NVOZ? It's hard for me to separate the Capital Facilities Plan for Sorenson and the adjacent capital facility needs of the NVOZ.
(Staff anticipates the Horrocks storm water master plan for the North Village area will lay out the criteria that developers will follow and the regional facilities that will be needed for the backbone system. The development of a storm water management program was deleted from this year's budget due to Covid but will be added back in next year.)

Can we also have a work meeting agenda item on updates on the forthcoming Capital Facilities Plan for Sorenson, etc., and the policy questions within it?

Here's more info on the North Fields Irrigation Company:
<https://www.waterrights.utah.gov/forms/waterCompanies.asp?companyId=1244>

Thank you,
Heidi F.

To Any Affected Public Entities Within Wasatch County:

Numerous discussions have occurred between developers and the North Fields Board of Directors regarding storm drain water being allowed to be co-mingled with North Fields Irrigation water. Recently, the North Fields Board of Directors walked the entire Rock Creek ditch portion of the North Fields Irrigation System with developers from the North Village Crossings Development to study how backers and side head gates would have to be modified to accommodate such water. After careful consideration, the North Fields Board of Directors (including consulting with numerous water shareholders) have unanimously decided not to allow any storm drain water to be co-mingled with North Field Irrigation System water. This decision not only applies to the North Village Crossings Development specifically, but to be any other developments that would affect the North Fields Irrigation system.

Sincerely,

A handwritten signature in cursive script that reads "Mark Wilson".

Mark Wilson

President of North Fields Irrigation Company