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Utah Division of Water Rights



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Barbara Andrews

I witness Barbara Andrews SW

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[Signature]



NOTARY PUBLIC
LYLE C. VANCE
Commission No. 576118
Commission Expires
JULY 8, 2012
STATE OF UTAH

Zoom In Mode

Map Tools

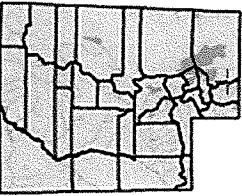
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Historic	<input type="checkbox"/>
Sites	<input type="checkbox"/>
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Address	<input type="checkbox"/>
Points of Diversion	<input type="checkbox"/>
POD Labels	<input type="checkbox"/>

Aerial Photographs ▾ Base Map

Legend

- ☒ County Parcels
- ☒ Location
- ☒ Townships
- ☒ Sections
- ☒ Forties



Utah Division of Water Rights | 1594 West North Temple Suite 220, P.O. Box 146300, Salt Lake City, Utah 84114-6300 | 801-636-7240

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11/20/2011

Keith and Barbara Anderson's recommendation:

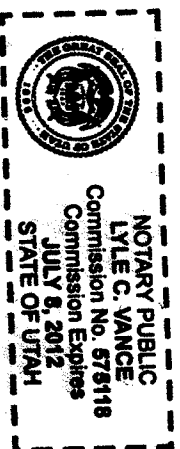
David gets the \$190,000. NO stipulations that it be used only for water purposes. Meters go in as soon as possible. David provides the installation labor and equipment. Must be in by a certain date. Homeowners pay for the hardware. Lawyer bills approved by the division will be divided in half. David pays half, customers pay half. But that is capped. After today nothing more is paid for by the customers. (Maybe some minimal paperwork for tonight's meeting). The pump repair bills are paid for by David. If people feel strongly that he deserves it they can refuse to accept repayment on their \$970. Leaks on company side are paid for half and half. Customers pay all for fixes on their side. He doesn't have to repair the 1986 loan payments. A reserve for emergencies etc. is put in by him after state folks tell us what a good minimum # is.

Prepared in 1 hour

Keith and Barbara Anderson

Barbara Anderson
Keith J. Anderson

THIS I WITNESSED Barbara Anderson & Keith J.
Anderson sign this Document.



Keith
Lyle C Vance

The account of Barbara Anderson

In 1983 my husband, Keith, and I bought a lot in the Cedar Ridge subdivision and contracted with David Z. Thompson to build our first (and so far only) home. There were only a few homes built at that time and although the area was dry, and lots were over an acre each, David assured us (and other prospective homeowners) that the subdivision well had enough water to supply 350 homes. The monthly water bill was \$25 per connection. Animals were allowed, so we fenced off a pasture area, paid to have it planted in grass and bought a horse.

Time passed, more homes were built. The neighbors were great and we began building lifelong friendships. We put in lawns, gardens and orchards. Then in 1986, just two years after we moved in, David called a meeting of the 18 homeowners and shocked us with the revelation that the well was failing and would need to be replaced! A second, perhaps bigger, shock came when David informed us that WE would have pay for it!! He couldn't get money on his own, so he said every homeowner would have to loan the company \$1250 or we would be without water and our homes would be worthless. It was a very frightening situation.

A heated discussion ensued. But in the end we reached the unhappy conclusion that we had no viable option but to agree to the loans. David, in turn, agreed to homeowners' demands for quarterly financial statements and regularly-held water meetings. But, unfortunately, he didn't keep either of those promises and we didn't hold him to them. It's hard to explain how we let that slip. We got busy with life, tired of feeling crabby and upset. David and his family were neighbors and friends and we wanted to get along. Ours was then, and still is, a good neighborhood, where we help one another, care about each other and are fairly forgiving of each other's imperfections. For the most part we just go about our busy lives trying to be good people. And most of us here do consider David, his wife and family to be friends. But sadly, water problems have caused us a huge amount of contention and frustration.

Within a couple of years our monthly fees were bumped up to \$45, but happily the new well was wonderfully successful. During the next seven years (the term of the loans) quite a bit of money went into the system from the monthly water payments. Lawrence Behrman, a retired neighbor, voluntarily collected and recorded the monthly customer payments for a number of years. When he died Keith (Anderson) took over. But although they took the money to the bank for deposit, the bank statements went directly to David. No one else was privy to company financial information and only he knew how the money was used. We found that to be extremely troubling and David's assertion that the State of Utah was monitoring the company, (therefore, we didn't need to be involved), failed to put us at ease. At least one neighbor, who has since moved, called the State about the situation.

After fifteen years, when the loans came due, David first said he could not repay them, but, when pressured, he eventually did, (except those of a few neighbors who had moved). The whole affair was an unpleasant thing between neighbors, and it was made worse by poor communication and David's maddening lack of financial transparency.

Still, maybe all of that could have been water under the bridge if problems hadn't started with the NEW well. Things went okay at first but before long it seemed there was some sort of problem every year.

Often, and usually in the heat of the summer, someone would look up and see the dreaded LOW-WATER-LIGHT on at the pump house and start making frantic calls. Word would go out that everyone had to stop using any outside (and sometimes any inside) water "until further notice." Even the notification process--always a hit and miss affair--was extremely aggravating because sometimes YOU got the message but your neighbor did not. During many of those crises David was out of town and we were often left wondering who was in charge and what should be done.

We came to realize that water would always be an issue, so we did our best to cooperate. We modified our landscaping and adopted an every-other-day watering schedule and all became very water-conscious, even critical of each other's usage. Still that stupid light came on! And when an occasional new house was built or a new user added to the system, instead of feeling warm and welcoming, neighbors felt threatened and wondered where in the world the extra water was going to come from. David told us there was plenty of water...it was just that the pump couldn't keep up, or lightening had struck the pump house or the gauges failed because mice ate the wires or whatever. Most aggravating of all he blamed us for overusing. But because he had never installed meters (as he told the state he would) there was no way to verify what was really going on. Meanwhile, peoples' lawns burned, and garden plants were lost and patience grew thin. A drive through our neighborhood right now would evidence that many of us have not even tried to utilize more than a portion of our properties.

Can you imagine then how we as neighbors felt when we started hearing rumors that Tremonton was buying our "extra" water? (Or our whole system or the unused water rights? Or...or...) We didn't know what was going on, therefore didn't know whether to feel relieved or panicked. Little bits of information, often contradictory, trickled in and were pooled together by concerned neighbors but we had no way to learn what was actually going on. One neighbor who did venture to ask David personally was pretty much told to mind her own business. Some of us DID hear that David was watching out for our interests, that OUR water needs would come first. But that bit of hear-say was far from reassuring.

It's important that the Division understand that several families in our neighborhood are relatives of David and/or work in his cabinet business. That fact complicates just about every part of this problem. Some of those individuals seemed to know more than we did about the plan but didn't share what they knew. No one really wanted to take on the role of private investigator and risk bringing back those bad feelings from the past, or to create new ones for no good reason, so we waited. And we watched and worried as back-hoes and Caterpillars and trailers hauling huge water pipes rolled up the road above our houses toward the well. We knew something was going on that would affect us in a very big way, but were left in the dark as to what and how.

Then we received a flyer from David announcing a water meeting to be held Aug. 9, 2010 during which we would be given an "UPDATE on Tremonton's involvement with the well." An UPDATE? That struck many of us as a curious choice of words, since we had been denied any earlier information. To say we were flabbergasted upon learning that David's deal had been in the works since early in 2009 would be a real understatement. We felt that we should have been given a least some information along the way about something that would affect us all so profoundly in the future.

When asked, at the meeting, about the proceeds from the sale, David said the \$190,000 was his, "personal money" from the sale of "his" well. Then, astoundingly, he presented each customer an "assessment" of \$970, (due in FIVE days) for repairs made to "our" pumps over a year earlier. The roof all but came off the building. A "lively" discussion followed, during which most customers adamantly asserted this opinion: The notion that David could sell off the company's only real asset (the well), pocket all the proceeds, assign all the liabilities, past and future, to us, and not meet with severe opposition was absurd. We and most of the other customers refused to pay it. And the frustrations of that evening, combined with those of previous years, kindled a fire of revolution and ultimately led to THIS hearing tonight.

That said, having Tremonton take over our water delivery has been a good thing. This is the first year in recent memory without a water shortage. In July of 2010 we had been directed TWICE to "USE NO WATER." On July 24, a fire, started by fireworks, raced through the tall grasses in the vacant lot next to our property. It burned through our fence, and into our dry pasture, where Keith fought to hold it back with a garden hose. For a few very nervous minutes our house and at least one other were seriously threatened. Thank heavens alert neighbors came running with hoses and were able to help put the fire out. And (!) THANK HEAVENS it hadn't happen the week before--when we had been notified, yet AGAIN, that there was not enough water in the subdivision. When the fire was out David's secretary said: "I'd better go see if there's water in the well." David, as is often the case, was out of town. GRRR

So, again, please understand that we are grateful for the improved water delivery service we've enjoyed since Tremonton took over the system. Nevertheless, we are facing the probability of both less water AND a big rate hike, (how big we can't know without meters). So it's hard to feel completely grateful or to be at ease about anything water-related at this point.

Please know that our homes in the Cedar Ridge subdivision are a huge investment--both in money and emotion and physical effort--for all of us. AND so are our relationships as neighbors and friends. We are so anxious to get this resolved and get on with life. These problems have gone on so long it's just very, very unfortunate. In the past, most of us knew almost nothing about water systems, water companies or the state agencies that deal with them. When the community lid finally blew off in 2010 some of us decided that indeed, ignorance isn't bliss. We learned we could appeal to the state for help, (despite David's warning that we'd regret it), and we discovered Shauna and her team. She and they have been absolutely wonderful to work with, patient and thorough and gracious as they have listened to and educated us. It has taken a ton of work, both on their part and on ours. We only hope that now we are close to a resolution.

When the Division sent the first and second recommendation drafts for us to look over, many of the customers agreed with those recommendations. There were, however, some things I would have liked to have discussed at the Nov. 16 hearing, and I came that night prepared for that. But David's last-minute counter-proposal ambushed that plan. In the interest of fairness (and because you state officials suggested it) we agreed to consider his proposal. But after having it explained to us that night (for four hours) and later after reading it for ourselves we found it to be unacceptable.

Barbara Anderson

Since then many of us have tried very hard, in the short time we've had, to come up with an acceptable compromise or counter-proposal. But the question of whether the proceeds of the sale belong to David or to the company creates a seemingly-impassable roadblock. The Cedar Ridge water Distribution Company has lots of debts and obligations, some known, some as yet unknown. In each instance either the company is responsible to pay the bill or we, the customers, are. That determination needs to be made before we can really move forward.

We believe the decision about the \$190,000 should be based on laws and regulations, rather than just on what someone (or even everyone) feels good about. We all want to be nice people and see David through this trouble but times are scary for everyone right now and MANY peoples' resources are tightly stretched. It doesn't seem right that we would, because of friendship or gratitude or sympathy, fight harder for one man's rights than we would for another's. Rights and laws and contracts are LEGAL matters. We have ALL invested in Cedar Ridge--whether in the form of homes and property or in the development project--and we all have the right to work to protect those investments under the law. Yes, David's investment was bigger but his rights are no more valid than anyone else's. The delivery of water is and has to be regulated by laws and regulations, not emotions.

We have sent in to the Division all the information we have been able to find and also our personal version of events. We don't, however, have all the information the state does. For instance, we don't have the water company financial records. Therefore, it's all but impossible for us to put this puzzle together using only some of the pieces. Although we've put a lot of time into this, the state has more expertise, more resources, more experience with this kind of thing than we will ever have. (It has only lately become a full-time job for a few of us.) We've done our best and learned a lot, but even so just when we think we understand something we discover a new website containing new information.

The hardest part of this problem has to be the emotional toll it has taken on a generally happy neighborhood. As mentioned earlier it's so much more complicated than it might be if there weren't so many family relationships, friendships, business connections, etc., involved. Every one of us has suffered due to the loss of peace and harmony we've experienced. Although, as neighbors, we have put forth a tremendous amount of time and effort for YEARS, trying to figure things out and to come to a satisfactory resolution, on our own we simply haven't been able to do it. We have tried and tried and tried again. For that reason some of us appealed to the state for help and help is what we found, educated, impartial third-party HELP. For that we offer our sincerest thanks.

Therefore, I respectfully request that after careful review of all the available, pertinent information the COMMISSION help us make the determination as to whether the \$190,000 belongs to the water company or to David Thompson. Is it even an option that it be given to him as personal money? We feel that only after that decision has been made will it be possible to move on to a next step.

Barbara Anderson
David Thompson
Barbara Anderson
David Thompson
