

Approval of Payment to Producer In Extraordinary Circumstances

§ 10.1-505. Duties of Board.

In addition to other duties and powers conferred upon the Board, it shall have the following duties and powers:

1. To give or loan appropriate financial and other assistance to district directors in carrying out any of their powers and programs.
3. To oversee the programs of the districts.
11. To provide, from such funds appropriated for districts, financial assistance for the administrative, operational and technical support of districts.

§ 10.1-546.1. Delivery of Agricultural Best Management Practices Cost-Share Program.

Districts shall locally deliver the Virginia Agricultural Best Management Practices Cost-Share Program described under §10.1-2128.1, under the direction of the Board, as a means of promoting voluntary adoption of conservation management practices by farmers and land managers in support of the Department's nonpoint source pollution management program.

Background Information

During FY2021, Mr. Scott Bell applied for a livestock stream exclusion practice (SL-6W) with the Clinch Valley Soil and Water Conservation District (District). The District approved the practice (Contract # 25-21-0005) and, following standard operating procedures for a structural practice, planned for a new well to be drilled as part of the project. The well was drilled, at the producer's expense. However, even at a depth of 520 feet, the well recharge rate was approximately 0.5 pints per minute (100 gallons per day). This rate is not sufficient to meet the required demand; additionally, any change in the subsurface flow or an error in the initial measurement would make the project unviable. A new, alternative water source would be necessary for the project to be feasible.

Currently, there is an existing "home developed" spring on site that is part of the exclusion area. During a site visit by the District in May, the spring produced up to 0.33 gallons per minute (475 gallons per day). During an additional site visit in June, which included Department staff, the spring was only producing 0.125 gallons per minutes (180 gallons per day); this site visit was conducted during drought conditions. Even if this spring was able to double its production of water and the well was drilled, there would still not be enough water for the demand. Continuing to examine options, an additional possible spring development location was found in a different area of the operation, but the same issues were found there.

There are two options for this project.

1. Continue with the project. This would require a significant increase in funds allocated to the project. It is anticipated that the project would require the redevelopment of the existing spring, development of a new spring, installation of a new reservoir, three pumps, and a power supply to allow all the systems to work together to meet the needed demand. Even with the

redevelopment and development of the springs, the amount of water each spring would produce is unknown; the practice could still be unviable.

2. Cancel the project and provide payment for the well that was drilled to the producer. Through no fault of the producer's, the practice will not work for this operation; there is not a reasonable solution to provide the necessary amounts of water.

Recommended Motion:

The Virginia Soil and Water Conservation Board approves the payment of \$10,067 by the Clinch Valley Soil and Water Conservation District (District) to Mr. Scott Bell for Contract # 25-21-0005. The District is authorize to utilize FY2021 Virginia Agricultural Best Management Practices Cost-Share Program funds to make this payment.

DIRECTORS:

Zac Ketron, Chairman
Kelly Gilmer, Vice-Chairman
Jason Bush, Treasurer
Scott Jessee, VT Coop Extension
Andy Smith

ASSOCIATE DIRECTORS:

Mike Altizer
Gary Breeding
Bill Worrell



We work with the people who work the land.

**Clinch Valley Soil and Water
Conservation District**

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24266

Phone: (276) 415-3526

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July 13, 2021

Mr. Darryl Glover
Director, DCR Division of Soil and Water Conservation

RE: VACS Program Variance Request

Dear Mr. Glover,

This letter is to notify you of the discussions between the Clinch Valley SWCD staff and Board of Directors, DCR Engineering Staff, and David Bryan regarding Mr. Scott Bell's PY21 SL-6W practice, CN#25-21-0005.

Per the summary note written by Mr. Ben Chester and DCR Engineering staff on 7/6/21, it is their conclusion that the SL-6W project as proposed is no longer feasible – due to a virtually dry well and springs suffering a similar fate. The note suggests cancellation of the contract and discusses paying for the work already performed take place. To date, the only expense occurred is for the drilling of the well: \$10,067.

The Clinch Valley Board of Directors is aware that this is an unusual request. As DCR Engineering staff recommends cancellation of the project as the only viable alternative, and given that Mr. Bell neither caused nor could have prevented the issues encountered, the Clinch Valley Board of Directors requests DCR to allow Mr. Bell's contract to be cancelled and to allow the use of VACS funds to pay for the well.

Clinch Valley staff and Board of Directors appreciate your attention on this matter. If we can provide any additional information, please don't not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Zac Ketron", is written over a horizontal line.

Zac Ketron
Clinch Valley SWCD Chairman

Paul Barton Well Pump Inc.

3621 U.S. Highway 19
Lebanon , Virginia 24266

Invoice

Date Invoice #
7/8/2021 4873

Bill To

Scott Bell

Location :		Customer Phone	Terms	P.O. No.	Service Date
Farm Well			Due on receipt		05/18/2021
Qty	Description	Price Each		Amount	
525	Drilling	16.00		8,400.00	
42	Casing 6 5/8" .188 Wall Steel Plain End	16.00		672.00	
1	Chlorinate	10.00		10.00	
1	Drive Shoe Cable Tool Style	130.00		130.00	
1	Well Cap #758 Water Tight	55.00		55.00	
1	Fuel Charge	200.00		200.00	
1	Well Permit	300.00		300.00	
1	Grout IV20	300.00		300.00	
Thank You. We Appreciate Your Business.			Total \$10,067.00		
David Barton : Owner Water Well Systems Provider Master # 21719001184 / 21719001185 Virginia Contractor License # 2705017558 Phone : (276) 889-1810		All customers - the GW2 Well Completion Report will not be released to the Health Department for authorization of power hook-up until account has been cleared in full. A 2% finance charge per month will be added to any accounts over 30 days. We reserve the right to correct clerical errors.			