

MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF DIRECTORS OF THE  
EAST COLUMBIA BASIN IRRIGATION DISTRICT

March 2, 2016

The regular meeting of the Board of Directors of the East Columbia Basin Irrigation District was called to order at 10:00 a.m. in the Board Room of the District Office in Othello by President Mark Booker.

Present were:

Directors

Don Osborne  
Boe Clausen  
Mark Booker  
Bernie Erickson  
Orman Johnson

Staff

Craig Simpson  
Richard Lemargie  
Steve Kimble  
John McCourtie  
Levi Johnson  
Wendy Lange

Visitors: Rick Cornett and Sarah Maciel, USBR; Mike Schwisow, Consultant; Tim Culbertson and Larry Thomas, CBHP; Michele Kiesz, Paul Wollman and Jake Wollman, Jr., Landowner; Brandon Mauseh and Scott Byington, Lamb Weston Quincy; John Turk and Sharonne Park, Brown & Caldwell Quincy; Tim Snead, Jim Hemberry and Allan Galbrath, City of Quincy.

Visitors

President Booker opened the hearing of petition for Inclusions of Lands, the hearing will remain open until the end of the meeting.

Minutes of the regular meeting of February 3, 2016 and the continued meeting of February 10, 2016 had been mailed to the Directors. Director Clausen moved to approve the minutes of the regular meeting of February 3, 2016 and the continued meeting of February 10, 2016. Director Osborne seconded and the motion carried.

Minutes  
Approved

Mr. Tim Snead, Quincy City Administrator, joined the meeting to discuss the City of Quincy's extension request for their crossing agreement allowing a non-agriculture discharge into USBR facilities. The City of Quincy requests the Board's concurrence with an additional two year permit extension. Mr. Snead stated the water discharged into the facilities is good and clean. Manager Simpson reminded the Board the East District sent a letter to USBR in March 2015 stating non-concurrence with the USBR granting an extension to the City of Quincy's non-ag discharge into USBR facilities. Both Quincy and South Districts did concur. USBR approved a two year consent to use agreement that will expire by September 2017. Representatives from Lamb Weston expressed time frame and expense concerns with the existing extension.

City of Quincy  
Non-Ag  
Discharge  
Request

Manager Simpson stated the process to remove the discharge from USBR facilities has already surpassed 10 years. Manager Simpson commented there is a condition in the new USBR Directive and Standards that does not allow for non-agricultural discharges if the irrigation Districts do not concur over reasonable concerns. He also stated more discussions are needed with USBR on how the Directive and Standards will be implemented in this area.

Development Coordinator Johnson presented a WSC Committee meeting summary. He reported it was an informative and beneficial meeting. The landowners expressed similar feedback and concerns as the EL47.5 delivery system landowners, namely cost of water and timing of getting water. Development Coordinator Johnson reported a water service contract was provided for review and the WSC charges were discussed in detail. Development Coordinator Johnson reported the EL47.5 landowners are interested in receiving water sooner rather than later but would like additional funding sources from state and federal entities. He reported another group of system landowners suggested the District move to construct a different delivery system while the EL47.5 landowners decide on their participation. Director Johnson mentioned potential additional funding from WSDOE. Mike Schwisow stated a request for additional funding for the completion of ELC improvements received a positive response from WSDOE. WSDOE questioned whether \$20M over two biennium's would work. This could make funding available for ELC widening in the 2017-2019 capital expenditures budget and also the 2020-2022 capital expenditures budget. Mike Schwisow commented he is optimistic the funding will be requested in the Department of Ecology's budget for completion of the ELC improvements.

OGWRP

Development Coordinator Johnson reported EL47.5 water service contracts have not been signed at this time. There is a potential six to eight landowners that could sign by March 19. He reported the EL47.5 landowners continue to state \$200/AC total cost is the maximum they can afford. Jake Wollman, Jr. presented the slideshow he presented at the WSC Committee meeting per President Booker's request. Following the slideshow, more discussions were had on financing, failing wells, pump plants, ELC widening completion, normalized cost, ceiling cost and suggestions on moving to a different delivery system. Manager Simpson commented the District previously stated we would focus on delivering LRIRP water downstream of the Weber Siphons to Lind Coulee Wasteway. If the District is not going to follow the LRIRP guidelines then discussions with WSDOE and legislators will be necessary. Discussions continued on cost per acre, financing, landowner ability to afford the cost, speculation, well operation costs, power costs, reserved power, booster plants and reductions in delivery system lines forcing landowners to come further with their own infrastructure to access federal water.

Development Coordinator Johnson suggested the Board readdress the current deadline for EL47.5 water service contract signing to get landowners ready to take water and build a system to that. President Booker stated the Board will set a deadline after lunch.

The meeting recessed for lunch at 12:54 p.m. and reconvened at 1:48 p.m.

CBHP Manager Culbertson requested authorization for an additional \$140,000.00 per District for expenses due to Kleinschmidt for Task Order No. 4, Change Order No. 1, small hydros and Task Order No. 5, Change Order No. 2, Banks Lake site. Following discussion, Director Clausen moved to authorize payment to CBHP for Kleinschmidt expenses as stated, in the amount of \$140,000.00 per District. Director Johnson seconded and the motion carried.

CBP Hydropower Development

Manager Simpson presented the following contracts a. through c. for approval:

District Improvements

Contracts

- a. Reclassification of Land & Transfer of Water Allotment, Alex and Diane Hampton, Block 44, Farm Unit 217-1, 39.6 acres
- b. Amended Interruptible Water Service Contract, Pipe, ETAL, 390-024-808, 12.7 acres reclassified
- c. Amended Interruptible Water Service Contract, S&C Family, Inc., 390-025-808, 4.8 acre reclassified

Following discussion, Director Johnson moved to approve contracts a. through c. as presented. Director Erickson seconded and the motion carried.

Assistant Manager Andreini presented the following permits a. through i. for approval:

Permits

- |    |                  |                        |                      |
|----|------------------|------------------------|----------------------|
| a. | Skone & Conners  | Pump Plant Withdrawal  | 390-025-808          |
| b. | Olsen Homes, LLC | Pipe Lateral           | Block 40             |
| c. | Ron Treat        | Culvert Crossing       | Block 43, FU 3       |
| d. | Adam Jensen      | Lower Manholes         | Block 43, FU 35      |
| e. | Arrow S, LLC     | Pipe Crossing          | Block 44, FU 226     |
| f. | Port of Othello  | Access Crossing        | Block 46, FU 212     |
| g. | Ross Fox         | Power Crossing         | Block 47, FU 805-803 |
| h. | Ross Fox         | Pivot Pad Encroachment | Block 47, FU 805-803 |
| i. | Trooper, LLC     | Utility Crossing       | Block 49, FU 34-1    |

Following discussion, Director Erickson moved to approve permits a. through i. as presented. Director Clausen seconded and the motion carried.

Manager Simpson reported assents were not received for the following Order for Petition for Inclusion of Lands a.:

Petition for Inclusions of Land

- a. Stahl Hutterian Brethren

Manager Simpson presented Resolution 2016-08, Authorizing Rosa Dekker as a District Check Signer. Director Clausen moved to adopt Resolution 2016-08 as presented. Director Osborne seconded and the motion carried.

Resolution 2016-08

Discussions continued on an acceptable water service contract signing deadline and the \$190/AC ceiling cost for the District construction debt-service charge. Director Erickson stated concerns regarding an open ended contract. Manager Simpson

OGWRP continued

reminded the Board the ceiling cost has been set at not to exceed \$190/AC to remove one of the "open-ended" components of the WSC. Discussions continued on seasonal changes, loss of wells, reclassified lands, outstanding ownership changes, superseding water rights, and potential funding from WSDOE. Director Johnson moved to amend the EL47.5 delivery system water service contract signing deadline to March 30<sup>th</sup>. Director Osborne seconded. President Booker asked the Board about a continued meeting for March 22<sup>nd</sup>, so if the WSC Committee came up with something important the Board could address it. Manager Simpson stated March 30<sup>th</sup> gives the landowners an additional four weeks for consideration. Following discussion, the motion passed unanimously

Development Coordinator Johnson reported a draft prepayment resolution will be sent to the Board for their review. The resolution is structured for Phase 1 prepayment only.

Manager Simpson reported he will draft a new resolution to allow landowners to seasonally change the place of use to lands not owned by them. The land still must be included in the CBP and have an eligible land class to receive federal water.

Development Coordinator Johnson reported a response letter to the EL47.5 landowners has been drafted. President Booker stated he would like to discuss the landowners' letter because it was addressed to the Board and staff drafted the response. He suggested the continued Board Meeting would be a good time to discuss the letter.

Assistant Manager Andreini reported on February 26<sup>th</sup>, District staff led a tour of the siphon projects for USBR, OCR, the Contractor and District staff. The siphon barrels are complete and the tour entailed a walk thru of the barrels.

Development Coordinator Johnson requested authorization to pay a Rotschy, Inc. invoice in the amount of \$678,026.63 for progress completed per contract. Following discussion, Director Erickson moved to authorize payment to Rotschy, Inc. in the amount of \$678,026.63 as requested. Director Johnson seconded and the motion carried.

Development Coordinator Johnson requested authorization to pay a Western Pacific Engineering invoice in the amount of \$6,360.00 for Calloway Road Bridge quality assurance services. Following discussion, Director Erickson moved to authorize payment to Western Pacific Engineering in the amount of \$6,360.00 as requested. Director Clausen seconded and the motion carried.

Treasurer Kimble requested authorization to call for IT Services RFQs. Following discussion, Director Clausen moved to authorize a call for IT Services RFQs, as requested. Director Osborne seconded and the motion carried.

Quotes and Bids

Assistant Manager McCourtie requested authorization to call for Vision and Vanquish herbicide quotes. Following discussion, Director Erickson moved to authorize a call for Vision and Vanquish herbicide quotes, as requested. Director Johnson seconded and the motion carried.

Manager Simpson reported on the NIO Conference he and other District personnel attended. Topics of discussion included Lake Naches drought, media, drones, leak testing, Cascade and Teton, Cascadia fault system, aging infrastructure and invasive species.

NIO Conference Report

Manager Simpson presented a slideshow of the Rubicon tour in Australia that he and Director Clausen attended.

Rubicon Tour Report

Manager Simpson reported on the issues to be discussed and appointments that will be made for the upcoming NWRA 2016 Federal Water Issues Conference in Washington, D.C. Topics may include an update on Odessa Subarea Special Study, MWSC Amendment and Supplement, non-agricultural discharges into USBR facilities, aging infrastructure and Lease of Power Privileges Directives and Standards.

NWRA FWIC Discussion Topics

Assistant Manager McCourtie presented the monthly safety report.

Safety Report

Assistant Manager Andreini reported February was the busiest month for construction, design work, construction issues and field inspections.

Engineer Report

Assistant Manager Andreini reported he had traveled to Thailand and Laos with his Ag Forestry class on the international seminar and will present pictures at the next Board meeting.

Assistant Manager Andreini reported the District received permission to proceed, in Block 47, from the USBR on February 11<sup>th</sup>.

President Booker asked for the status of his draft permit regarding the filling in a portion of the East Low Canal. The ELC fill in this section of canal was built to ultimate section dimensions originally. President Booker state that filling in the portion would allow for the O&M road to run a straighter path and allow for encroaching circle stops to remain in place. Development Coordinator Johnson stated staff does not recommend filling in a portion of the ELC and to do so would not benefit the District. President Booker stated the important part is that it doesn't restrict the conveyance of water. He stated he doesn't believe this is undoable, stating it is something that can be done and at no cost to the District. Manager Simpson commented another issue would be the District permitting this activity which would aid in and allow unauthorized delivery of water to land that isn't authorized to receive CBP water. President Booker commented that's a pretty poor excuse. Assistant Manager Andreini commented he does not recommend the permit. President Booker stated that sounds like another weak excuse from staff. Director Osborne questioned President Booker if he wanted this permit because he didn't want to move his circle stops from within the easement so he could continue to farm the easement. Director Clausen stated this is a personal item and should be listed on the agenda as a topic so President Booker can address the Board as a landowner and not as the President of the Board. He also stated it seemed President Booker was requesting special treatment as a Director to get his issues taken care of. President Booker stated he is a landowner. Director Clausen commented let staff draft the permit and then the permit can be listed as an agenda item. Manager Simpson started to explain the reason for the federal easements. President Booker struck the gavel down and stated this was a waste of time.

Treasurer Kimble presented the monthly Treasurer's report. He reported no investments were made and there were no maturities during the month.

Treasurer  
Report

Assistant Manager McCourtie gave the monthly O&M report.

Assistant  
Manager O&M

Manager Simpson reported on past and upcoming meetings and conferences he will be attending.

Manager Report

Manager Simpson requested authorization to execute the consent and permission to collect water samples with UCDavis as discussed last month. This data will be valuable for verifying the results of our new lab equipment. Following discussion, Director Osborne moved to authorize execution of the consent and permission to collect water samples with UCDavis, as requested. Director Clausen seconded and the motion carried.

Manager Simpson reported there were no Relief Ditchrider applications received on our third in-house posting. He plans to discuss the issues or concerns with the current Ditchriders to get a better understanding of why no one wants the position.

Vouchers audited and certified by the Auditing Officer as required by RCW 42.24.080 and those expense reimbursement claims certified as required by RCW 42.24.090 have been recorded on a listing, which has been made available to the Board. After reviewing the vouchers submitted for payment approval, Director Clausen moved to approve for payment check nos. 304783 through 305024 in the amount of \$2,047,793.25 and electronic Payroll and AP transfer in the amount of \$311,121.83 for a total of \$2,334,731.33 from the O&M Fund, \$2,992.98 from the Construction Fund, \$79.11 from the Emergency Reserve Fund, \$20,124.00 from the Odessa Development Fund, \$748.47 from the Debt Service 2006 Fund and \$239.19 from the Debt Service 2007 Fund. Director Johnson seconded and the motion carried.

Approve  
Vouchers

Director Erickson requested Board support on requesting emergency water for the 2016 irrigation season from the USBR. Director Erickson stated his well is still down due to mechanical failure and is needing an alternate source of water. Manager Simpson commented the USBR has stated it would only allow emergency water for last year when he was granted emergency water during the 2015 irrigation season. Attorney Lemargie stated USBR has taken the stance of granting emergency water only once so that it is not requested all the time. President Booker commented he is in favor of emergency water. Director Johnson asked if Director Erickson could re-drill the well or pursue another solution. Director Erickson stated he did not plan to re-drill the well. President Booker asked if there were any objections on emergency water for wells with mechanical failures. No objection was received. Manager Simpson stated Director Erickson was eligible for an OGWRP 390 water service contract and requested he contact the office to discuss it further. Manager Simpson will check on the USBR's position of granting another year of emergency water.

Other

Director Erickson moved to authorize two Engineers to attend Large Diameter PVC Pipe Product Review & Open House, March 29-30, 2016, Grand Island, NE, an Assistant Manager or Engineer to attend the Concrete Repair School, April 26-28, 2016, USBR Denver Federal Center, Denver, CO and Director Johnson to travel to

Authorize Travel

Washington, D.C. with the Columbia Basin Development League on April 25, 2016. Director Clausen seconded and the motion carried.

At 5:25 p.m., there being no further business to come before the Board at that time, President Booker continued the meeting to 11:30 a.m. on March 22<sup>nd</sup> in the Board Room of the CBHP's office in Ephrata and continued the Hearing for Petition for Inclusion of Lands. Meeting Continued



\_\_\_\_\_  
President



\_\_\_\_\_  
Secretary

MINUTES OF THE CONTINUED REGULAR MEETING OF THE  
BOARD OF DIRECTORS OF THE  
EAST COLUMBIA BASIN IRRIGATION DISTRICT

March 22, 2016

The continued meeting of the Board of Directors of the East Columbia Basin Irrigation District was called to order at 10:00 a.m. in the Board Room of the District Office in Othello by President Mark Booker.

Present were:

Directors

Mark Booker  
Orman Johnson  
Boe Clausen  
Don Osborne  
Bernie Erickson

Staff

Craig Simpson  
Richard Lemargie  
John McCourtie  
Levi Johnson  
Nate Andreini  
Wendy Lange

Visitors: Mike Schwisow, Consultant; Dave Solem, SCBID; Mike LaPlant and Phil Stadelman, QCBID.

President Booker opened the hearing of petition for Inclusions of Lands, the hearing will remain open until the end of the meeting. Visitors

President Booker stated he would like to begin the meeting with visitors who are interested in agenda item 7. OGWRP. Director Clausen moved to stay with the agenda as written. Director Osborne seconded. President Booker commented there are visitors present who are interested in OGWRP discussions. Director Clausen commented he would just like to keep to the order of the agenda, the other items are short. President Booker asked Director Clausen if he wrote the agenda. President Booker stated he was not calling for a vote on the motion, he did not hear it, the motion was out of order.

Development Coordinator Johnson requested authorization to pay a Nichols Kovich invoice in the amount of \$5,400.99 for Calloway Road Bridge technical services, per contract. Following discussion, Director Johnson moved to authorize payment to Nichols Kovich in the amount of \$5,400.99 as requested. Director Erickson seconded and the motion carried. OGWRP

Development Coordinator Johnson requested authorization to add 9,800 gallons of diesel to the CHS Sun Basin contract. The additional gallons would be at the same contract rate and terms. No additional storage fees. This should be enough fuel for the ELC widening crews for the next month. Following discussion, Director Erickson moved to authorize an additional 9,800 gallons of diesel to the current CHS Sun Basin contract, as requested. Director Clausen seconded and the motion carried.

Development Coordinator Johnson requested authorization to call for diesel bids for ELC widening activities. Following discussion, Director Erickson moved to authorize a call for diesel. Director Johnson seconded and the motion carried.

Development Coordinator Johnson reported staff is working with WSDOE on a grant extension for OGWRP related activities for continued ELC improvements. It would extend the current grant from July 31, 2016 to July 31, 2017. Following discussion, it was the consensus of the Board for staff to continue working with WSDEO on a grant extension, as discussed.

Development Coordinator Johnson gave a EL47.5 delivery system update. He reported S&C Family Farms has signed a water service contract and DNR is expected to sign a water service contract by March 30<sup>th</sup>. Development Coordinator Johnson reported a landowner had discovered an administrative issue regarding the difference between non-District systems and District system contract charges. The contract currently provides a credit and is prorated for non-District system. It has been requested the Board address and change the discrepancy. Development Coordinator Johnson read aloud the current contract language and the language corrected by staff. Those changes are reflected as follows:

5. (a) *The Landowner will pay to the District a nonrefundable annual minimum sum equal to the per acre charges determined in accordance with Article 5(b) multiplied by the number of acres irrigated hereunder immediately upon being notified of the execution of this contract by the District. Minimum annual payments thereafter shall be paid to the District in advance of delivery of water under this contract and, in any event, on or before April 30 of each year. Utilization of water prior to payment thereof shall, in addition to interest, subject the Landowner to a penalty of*

5 percent (5%) of the annual minimum sum.

Was modified to the following:

5. (a) The Landowner will pay to the District a nonrefundable annual minimum sum equal to the per acre charges determined in accordance with Article 5(b) multiplied by the number of acres authorized for irrigation hereunder immediately upon being notified of the execution of this contract and water availability by the District. Minimum annual payments thereafter shall be paid to the District in advance of delivery of water under this contract and, in any event, on or before April 30 of each year. Utilization of water prior to payment thereof shall, in addition to interest, subject the Landowner to a penalty of 5 percent (5%) of the annual minimum sum.

And:

5. (c) In the event the Landowner is unable to utilize any First Phase Continuation Water provided for in the year this contract is entered into, any charges so paid shall be credited against the charges to be paid by the Landowner for the following year. In the event that the Landowner utilizes less than 50 percent (50%) of the minimum quantity of water provided for hereunder during the year the contract is entered into, the charges for that year shall be prorated based upon the amount of water actually utilized and any credit to which the Landowner is entitled to shall be applied against the charges to be paid under this contract for the following year. In no event shall the provisions of this paragraph extend the payment of charges, or the prorating thereof, beyond the year following the year that the contract is entered into for a non-District operated and maintained delivery system water service contract. In the case of a District operated and maintained delivery system water service contract, the year the first payment of charges is enforced will be the year water is made available to the Landowner under this contract.

Was modified to the following:

5. (c) In the event the Landowner is unable to utilize any First Phase Continuation Water provided for in the year this contract is entered into and notice of water availability is given, any charges, except for District construction debt-service charges, so paid shall be credited against the charges to be paid by the Landowner for the following year. In the event that the Landowner utilizes less than 50 percent (50%) of the minimum quantity of water provided for hereunder during the year the contract is entered into and notice of water availability is given, the charges for that year, except District construction debt-service charges, shall be prorated based upon the amount of water actually utilized and any credit to which the Landowner is entitled to shall be applied against the charges to be paid under this contract for the following year. In no event shall the provisions of this paragraph extend the payment of charges, or the prorating thereof, beyond the year following the year that the contract is entered into and notice of water availability is given. In the case of a District operated and maintained delivery system water service contract, the year the first payment of charges is enforced will be the year water is made available to the Landowner under this contract.

Director Johnson commented other landowners are frustrated that the EL47.5 landowners are setting the pace of OGWRP development; other landowners want water now and are ready to sign contracts now. Manager Simpson suggested having another continued meeting for the Board to make a decision on the water service contract as revised, in order to maintain the March 30<sup>th</sup> deadline for contract signing. Director Erickson stated that his understanding is that staff has not addressed the last letter from the EL47.5 landowners and that is the issue preventing them from not signing contracts. Director Johnson stated the EL47.5 landowners did not bring up the issues of the second letter at the informal EL47.5 committee meeting yesterday. Director Erickson stated the EL47.5 landowners won't sign contracts until staff addresses the issues. Manager Simpson reported staff has continuously addressed the issues of the EL47.5 landowners, including those in the landowner letters, at numerous landowner meetings. President Booker questioned whether prorated payment would be acceptable. Manager Simpson stated the land couldn't be cleared for delivery if water is not paid ahead of time. He also stated the Board would have to direct staff to collect money after harvest, but it goes against the repayment contract with USBR.

Attorney Lemargie stated rather than having another continued meeting, the Board should address and approve the changes to the water service contract and execute the contracts at the April Board meeting. Director Erickson commented he thinks there is a need for another meeting with the WSC Committee and the EL47.5 landowners because the price is too high and other issues with WSDOE. He questioned how staff can expect landowners to sign and pay the first level of payment plus O&M and then later down the road increase the cost for full development. If they fail economically they have lost their water right with WSDOE. Director Johnson stated landowners have expressed great displeasure of having to wait for the EL47.5 landowners to make their decision. Director Johnson spoke of the challenges and efforts for requesting additional funding. He also reminded the Board some deep wells are costing a lot more per acre than the proposed District construction debt-service charge ceiling amount of \$190/AC. Director Erickson stated he would vote to send the water Director Johnson's way. Development Coordinator Johnson reminded them funding is needed to complete all the siphons in order to deliver water further south. President Booker stated he felt the Board needed a continued meeting. Director Erickson suggested building a system up North for Darryll Olson's group. President Booker suggested accepting the changes to the water service contract and meet by phone on Friday. Attorney Lemargie stated the Board could not have a Board meeting by phone.

Director Clausen requested a quick summary of the changes. Development Coordinator Johnson stated the changes to the contract language. Manager Simpson stated the Board should not make design decisions on hearsay, concrete information is needed. If all the landowners don't sign the contract then the Board may reassess and continue to move forward from there. Manager Simpson suggested the deadline remain March 30<sup>th</sup> in order to keep moving forward. Director Clausen moved to accept the language changes to the water service contract as stated by Development Coordinator Johnson and to keep the contract signing deadline March 30<sup>th</sup>. Director Johnson seconded. Director Johnson commented if the amount of signed contract acres is less than 11,000 acres, then go out and try to get more landowners to sign up. Manager Simpson stated once the contracts are signed the acreage total can be

evaluated; then the Board can make a decision on developing the system to that size, lowering the prices or moving onto a different system. President Booker commented that there are landowners downstream that would take contracts now. The capitalized interest period was discussed. President Booker called for a vote on the motion. The motion carried with Director Erickson voting nay, stating opposition to the contract signing deadline.

President Booker would like an agenda item for the next Board meeting to be; "make same contract available to all potential Odessa water users". Director Johnson stated all new Odessa contracts are to be the same already. Manger Simpson commented the District has to wait for the new amendment to the MWSC before it is known what the Odessa water service contracts will look like.

Development Coordinator Johnson requested Board action on sending the EL47.5 landowners a letter addressing the issues from their October 2015 letter to the Board. Director Erickson made a motion to address the second letter received by the EL47.5 landowners and not the October letter. The motion failed to receive a second. President Booker commented he would like to review each point in the letter at a Board meeting. Director Johnson commented he believes the District needs to send a response letter out. Manager Simpson apologized for not addressing the letter formally before now, stating an oversight on staff's part. The issues in the letter had been discussed at several landowner meetings and board meetings and thought the issues had been addressed with the landowners. Following discussion, Director Clausen moved to send a response letter to the October 2015 EL47.5 landowner letter and President Booker is to sign the letter. Director Johnson seconded and the motion carried with Director Erickson voting nay, opposing sending a response to the October 2015 letter.

Manager Simpson reported the District is releasing all temporary OGWRP employees and potentially a construction supervisor due to the irrigation season and grant concerns. Nine OGWRP employees will remain through the summer for ELC improvement activities. Manager Simpson reported the District is losing an OGWRP engineer at the end of the week.

Manager Simpson reported the assent was not received for the following Order for Petition for Inclusion of Lands a.:

Petition for  
Inclusions of  
Land

- a. Stahl Hutterian Brethren

Manager Simpson presented the following contracts a. for approval:

District  
Improvements

Contracts

- d. Permanent Release of Water Allotment, 4E Land, LLC, Lot 2, Eldred Farm Unit 41, Block 49, 1.0 acre

Following discussion, Director Johnson moved to approve contract a. as presented. Director Clausen seconded and the motion carried.

Assistant Manager Andreini presented the following permit a.:

Permits

- a. Mighty Columbia, LLC Proposed Fill in on the ELC Block 290-002

Assistant Manager Andreini reported President Booker requested a permit allowing for the fill in a portion of the East Low Canal. The embankment is currently constructed at ultimate design width, which occurred during the original construction of the ELC. Assistant Manager Andreini reported staff does not recommend approval of the permit, because all current construction work is being done in a manner to prevent incurring additional expense when the ELC is widened to ultimate width. Filling in a portion of the ELC is contrary to our efforts. President Booker stated he had not seen a copy of the permit yet and commented his item is on the agenda for discussion. Director Clausen stated he had wanted it on the agenda to discuss. President Booker asked if this was a new special Board member rule of having items on the agenda in order to discuss them. Director Erickson asked why President Booker was being singled out. Director Clausen stated he wanted the item on the agenda to discuss like all landowners have to. It needed to be on the agenda as a discussion item, and not discussed in open meeting as a personal item.

President Booker presented a picture of the cross section of the portion he requested to be back filled. He stated he would like it back filled so the O&M road would be straight instead of curved around the canal. Assistant Manager Andreini reported a permit condition was added to the permit; when full widening takes place, the landowner bears all cost of removal of fill material. He also stated those conditions are very hard to enforce in the future. Director Osborne asked President Booker why he didn't talk about his issue when the ELC tour stopped at this section of the ELC. Director Clausen commented that allowing the permit would be an added cost to the District, would take additional District time and money. It would be difficult to enforce reimbursement of removing the fill material in the future. President Booker called for a motion to approve the permit. Director Erickson moved to approve permit a. as presented. Director Johnson seconded and the motion failed with Director Erickson voting aye, Director Clausen and Director Osborne voting nay and Director Johnson abstaining, as a lessee of the land.

Manager Simpson reported a copy of a draft Seasonal Change Resolution has been provided to the Board. The resolution allows for seasonal changes to land not under the landowner's ownership. Manager Simpson reported RRA regulations apply to land that water is seasonally transferred to. At this time, USBR has not agreed or disagreed to seasonal changes to other lands. Discussions will be had with USBR regarding the seasonal changes. Manager Simpson reported RRA requirements drop off when Blocks are paid off. There is no indication this will be applied to water service contracts in the future. There is no defined amount of time for RRA requirements to apply to water service contracts. Manager Simpson reported the resolution will be ready for execution at the April Board meeting.

Draft Seasonal  
Change  
Resolution

President Booker stated a committee was needed for Trail Lakes. He asked Director Osborne if he would be interested in being on the committee. Director Osborne agreed. President Booker appointed Director Osborne and himself to be on the Trail Lakes Committee. Director Clausen stated the other District managers are on their committee and Manager Simpson needs to be on East District's. Following discussion, President Booker agreed to add Manager Simpson to the Trail Lakes Committee.

Other

Director Erickson asked Attorney Lemargie if he had overstepped boundaries with his emergency water request. He stated he may need the water but also may not. Attorney Lemargie commented he does not think Director Erickson was overstepping boundaries by making the request. Director Erickson had followed the necessary steps needed by asking USBR for approval of emergency water. Manager Simpson reported he received an email from Amy Rodman at USBR stating the USBR will not grant the emergency water because emergency water was given last year and is no longer considered an emergency to USBR. Development Coordinator Johnson reported a groundwater replacement water service contract with the District is available to Director Erickson. President Booker asked if there was any objection to allowing a temporary pump station along the ELC for Director Erickson.

Director Clausen left the meeting at 1:35 p.m. to attend another appointment.

A temporary pump station was discussed briefly.

At 1:40 p.m., there being no further business to come before the Board at that time, President Booker continued the Hearing for Petition for Inclusion of Lands to April 6, 2016 at 10:00 a.m. in the Board Room of the District Office due to lack of assents from the USBR and adjourned the meeting.

Meeting  
Adjourned

  
\_\_\_\_\_  
Secretary

  
\_\_\_\_\_  
President