

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

August 3, 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

Mark Booker
Bernie Erickson
Orman Johnson
Don Osborne
Boe Clausen

Staff

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

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

Visitors: Sarah Maciel, Harmony Green and Jennifer Hickenbottom, USBR; Melissa Downes, WSDOE; Mike Schwisow, Government Relations Consultant; Jake Wollman, Jr., Michele Kiesz, Dennis Swinger Sr., Ron Krug, Roberta Hodgson, Jerry Gross and Matt Gross, Landowners.

Visitors

Director Osborne joined the meeting at 10:10 a.m.

Minutes of the regular meeting of July 6, 2016, the continued meeting of July 7, 2016, the continued meetings of July 12, 2016 and the continued meeting of July 21, 2016 had been mailed to the Directors. President Booker clarified his question for USBR regarding Reserved Power for landowner owned pumping plants was actually the question if Reserved Power could be available to pumping plants up to their delivery point. Therefore, on page -2016-60- "landowner owned" will be struck from the 6th line in the "Minutes Approved" paragraph. President Booker will be added as attending the continued meeting of July 7, 2016 and arriving at 1:15 p.m. On page -2016-70- of the continued meeting minutes of July 21, 2016, first paragraph, second line, the word "soon" will be replaced with "August meeting". Discussions continued on the availability of Reserved Power. Attorney Lemargie commented USBR would need to provide what construction standards are required to receive Reserved Power. Manager Simpson stated EFO Manager Wertz has not addressed the questions President Booker asked at the July 6, 2016 meeting at this time. Jennifer Hickenbottom, USBR, supplied a copy of the directives and standards for pump plant

Minutes
Approved

design and stated the directive and standards for construction is in digital form and can be provided. Sarah Maciel, USBR, reported information regarding USBR design and construction standards are easily found on the Bureau's website. President Booker mentioned an executive session discussion regarding whether or not Manager Simpson was required to be present in executive sessions. Following further discussion, Director Erickson moved to approve the minutes of the regular meeting of July 6, 2016, the continued meeting of July 7, 2016, the continued meetings of July 12, 2016 and the continued meeting of July 21, 2016 with the changes as stated. Director Johnson seconded and the motion carried.

Mr. Ron Krug joined the meeting to discuss suggested changes to the EL79.2 and EL86.4 delivery systems and the continued development of his 390-020 water service contract system. Mr. Krug's water service contract may be required to join a District delivery system when the EL79.2 and EL86.4 are constructed. Mr. Krug's request is to avoid this requirement. Director Erickson discussed the 17,700 acres that are available now and that the MWSC will need to be amended for the additional 70,000 acres to become available.

Discussions were had on the process of offering water service contracts, the priority list for water service contracts, and allowing landowners who turned down a water service contract the ability to maintain the high priority status should they change their mind and want a water service contract at a later time.

President Booker commented Mr. Krug was here to petition the Board to not be required to go on to a District system when one is available. Manager Simpson cautioned the Board about how too many single systems along the ELC will cause issues of fluctuation in the East Low Canal impacting platted Farm Units. Discussions turned to the 2016 budget and funding set aside for head gate automation, fluctuations of the ELC, and meters controlling Farm Unit turnouts. President Booker polled the Board regarding Mr. Krug's request. Director Erickson agreed that Mr. Krug should not be required to come on to a District system. Director Johnson stated there is not enough information at this time to make a decision. He stated the Board should wait until the other systems are designed and landowners sign contracts before making a decision at this time. Director Clausen concurred with Director Johnson. President Booker stated he would never vote to force a landowner onto a District delivery system. Manager Simpson explained the provisions of the water service contracts. Mr. Krug stated the contract language states it is a Board decision whether a landowner is required to take delivery from a District system. Director Osborne stated management is doing a good job managing the canal and wants it to remain that way.

Mr. Jake Wollman, Jr., stated he had reviewed the EL47.5 delivery systems designs he received at the last meeting as a result of a public records request. He stated the designs were incomplete. Mr. Wollman presented a report with his opinion of the designs and discussed his issues with the designs, at length. Mr. Dennis Swinger stated landowners have not been given opportunity to have input on the designs. Director Clausen reiterated that at the last Board meeting staff had stated the EL47.5 delivery system designs were at 50% and are still in the design process. Director Clausen stated these are engineering professionals the District hired to do their job and landowners were given opportunity at landowner meetings to give input on design

layout. Director Erickson polled the visitors about delaying the bond sales. Ms. Kiesz, presenting as the spokesperson for the EL47.5 landowners, and Mr. Swinger stated they would like the bond sales delayed a year. Director Clausen reminded the visitors that a lack of funding would result in losing engineering staff and designs for the EL47.5 delivery system would stop. Discussions continued on landowner concerns on the delivery system design, bonding, and moving too fast but wanting the water now. Mr. Swinger stated he wanted the bond sale stopped now. President Booker stated he is willing to stop the bond sale until design is further along. Mr. Wollman requested limiting normalized cost to each individual pipeline system and delay bond sales for one year. Treasurer Kimble cautioned of potential higher interest rates that would increase the costs per acre. Director Johnson stated if you change normalized cost to each pipeline then it is no longer normalized throughout the project. He stated other landowners have expressed concerns of the high costs for their delivery systems.

Director Erickson moved to normalize the cost for the EL47.5 delivery system landowners individually. Discussions continued on normalized costs, platted Farm Units and the cost per acre. President Booker stated he would second the motion but he can't as President of the Board. Following discussion, the motion failed to receive a second. President Booker stated he is not in favor of selling bonds without happy landowners. Treasurer Kimble reminded the Board they adopted Resolution 2016-11, which authorized EL47.5 Bond Sales. Discussions continued on the normalized cost.

Manager Simpson stated the District will not have USBR's support if the District does not follow the Preferred Alternative. Development Coordinator Johnson commented Mr. Wollman has a lot of irrigation and farming experience and stated his concerns are items that have been discussed by staff. Mr. Swinger requested delaying the EL47.5 delivery system for one year. Discussions continued on bond sales and the District's water service contract priority list.

The meeting recessed for lunch at 12:25 p.m. and reconvened at 1:25 p.m.

Director Erickson moved to delay bond sales for any costs associated with the EL47.5 delivery system for one year. President Booker stated he would second the motion but can't as Board President. Following discussion, the motion failed to receive a second. Arguments continued on the possibility of future grant funding, normalized cost, ceiling amount, cost per acre, private bank lending, and different approaches to funding. Consultant Mr. Mike Schwisow stated that stalling the EL47.5 delivery system development will impact potential future State funding. Ms. Kiesz stated she has filed a public records request that requested RRA information for Director Clausen, Director Osborne and Director Johnson. She stated she understand that RRA information is protected under the Federal Privacy Act and requested the Directors give her written consent so she can obtain their information. Director Clausen stated he had nothing to hid but chooses not to share his RRA information with Ms. Kiesz. Mr. Jerry Gross, landowner, stated "there is a cost to building a delivery system, it's as simple as that".

Manager Simpson presented the following contract a. for approval:

District
Improvements

Contracts

- a. Permanent Release of Water Allotment, Fernando and Sonia Huerta, Block 49, a portion of Farm Unit 233, Lot 4, Jamn II Short Plat, 2.9 acres

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

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

Permits

- | | | | |
|----|------------------|-------------------------|--------------------|
| a. | Agri Beef Co | Pipe Crossing | Block 41, FU 79-6 |
| b. | Kenneth Goodrich | Additional Turnout | Block 42, FU 86 |
| c. | Charles Clark | Attach to Existing Pipe | Block 44, FU 102 |
| d. | Duane Anderson | Piping EL68VWW3 | Block 45, FU 253-1 |

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

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 Erickson moved to approve for payment check nos. 305976 through 306165 in the amount of \$718,673.69 and electronic Payroll and AP transfer in the amount of \$332,779.27 for a total of \$844,925.03 from the O&M Fund and \$206,527.93 from the Construction Fund. Director Johnson seconded and the motion carried.

Approve
Vouchers

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

- a. WHB Trust

Order for Hearing
of Petition for
Inclusion of
Lands

Manager Simpson reported he will be updating the purchase of materials, supplies and equipment resolution. Minor changes will be recommended for the ability to purchase from State Surplus more expediently, newspaper publishing and requirements to call for quotes. The updated resolution will be presented at the next Board meeting.

Purchase of
Materials,
Supplies and
Equipment

Development Coordinator Johnson reported on a credit rating review interview with the District's finance team. Bond sale was anticipated for the week of August 23, 2016 but will likely be postponed a couple weeks as the District awaits conclusion of the current audit. Development Coordinator Johnson reported engineering staff continues to work on the EL47.5 delivery system designs.

OGWRP
a. EL47.5
Delivery System

Assistant Manager Andreini reported HDR Task Order No. 2, EL47.5 Electrical Design was not ready to present at this time.

b. HDR Task
Order No. 2

Development Coordinator Johnson reported on the current water service contracts and current offered water service contracts. He reported members of Marlin Hutterian Brethren (MHB) are present to discuss their potential offer, from the priority list, for groundwater replacement water on 3,840 eligible acres. These acres are located in the northern part of the OSSS. Development Coordinator Johnson requested Board direction to offer MHB contracts for a non-District or a District delivery system to delivery in that area primarily owned by MHB. MHB currently have numerous water service contracts with the District and these eligible acres would be located five miles from a District delivery point. Mr. Jerry Gross commented five miles is very far to go for the District delivery point (on the contemplated EL22.1 system). Director Clausen asked if MHB had a preference on who owned the delivery system, for the Board to consider both options. Mr. Gross stated he can see the District's view point but the District has an issue of coming up with a plan to get a system out in his area. Manager Simpson reported a cost analysis has not been completed at this time but it is not likely that it would be economical to require MHB to take delivery from a District delivery system, as currently contemplated in preliminary EL22.1 designs. Manager Simpson stated the Board needs to consider whether the District builds a pumping plant or if it should be a landowner owned delivery system. Director Johnson stated he would like more cost information in order to make a decision. Manager Simpson stated staff would prefer a District delivery system. President Booker and Director Johnson stated they would like more time for all involved to analyze. Mr. Gross commented he will bring his proposal to the District for engineering staff to review. Director Clausen stated it is worth analyzing and considering both non-District and District owned delivery systems. Manager Simpson stated it is the understanding that MHB will take a water service contract and the District is holding the acres for them while this is reviewed. Manager Simpson reported there is another potential private or public owned pumping plant. Mr. David Stevens has approximately 2,000 eligible acres and would like to take delivery from Brooke Lake or Billy Clapp Lake.

c. Development Office Report

Assistant Manager McCourtie requested authorization to call for 10,000 gallon fuel tank quotes. Following discussion, Director Erickson moved to authorize staff to call for 10,000 gallon fuel tank quotes, as requested. Director Johnson seconded and the motion carried.

Quotes and Bids

Development Coordinator Johnson presented the following quotes for Internet Based Project Management – Work Flow System for Board consideration:

Vendor	Quote
EADOC	\$3,400.00
Procore	\$4,000.00

Following discussion, Director Erickson moved to accept the quote for Internet Based Project Management – Work Flow System from EADOC in the amount of \$3,400.00, plus sales tax as the lowest responsive quote, contingent upon the vender and District coming to agreement on a service contract. Director Johnson seconded and the motion carried.

Manager Simpson recommended the Board set the last day for Saturday ditch service. Manager Simpson stated that delivery on Saturday, September 3rd, the last Saturday before Labor Day, would be consistent with the past few years. Following discussion, Director Johnson moved to make September 3, 2016 the last day for Saturday ditchriding. Director Clausen seconded and the motion carried. [Last Saturday Delivery](#)

Manager Simpson reported canal shut-off dates will be set at the August 8th Reserved Works meeting. Manager Simpson recommended the District shut-off all deliveries on Friday, October 21, 2016. Last day for delivery changes would be October 20th. He noted October 21st falls within the range of dates previously determined by the Reserved Works Committee for shut-off. Following discussion, Director Clausen moved to set the canal shut-off date for Monday, October 24, 2016 and the last day for delivery changes will be Friday, October 21, 2016. Director Osborne seconded and the motion carried. [ELC Turnoff Date](#)

Manager Simpson reported a copy of an article in the Capital Press was provided to the Board regarding recruiting food processors to Adams County and developing an industrial wastewater treatment facility. Manager Simpson reported the article is problematic in their reference to using irrigation facilities for treated wastewater and will contact the economic development officials. [City of Quincy Non-Ag Discharge](#)

Manager Simpson reported the Tribes have sent a letter to the Federal government opposing termination of the Columbia River Treaty. [CBP Hydropower](#)

Sarah Maciel reported on staffing changes at the Ephrata Field Office. [USBR Report](#)

Safety Supervisor Walraf presented the monthly safety report. [Safety Report](#)

Assistant Manager Andreini reported engineering staff is busy working on design of next winter's projects. [Engineer Report](#)

Treasurer Kimble presented the monthly Treasurer's report. He reported that no investments were made and there were 2 maturities during the month. [Treasurer Report](#)

Assistant Manager McCourtie gave the monthly O&M report. He reported during the two day O&M inspection performed by USBR EFO a void behind a panel at Crab Creek Outlet No. 1. The void has been repaired already. [Assistant Manager O&M](#)

Assistant Manager McCourtie reported James Getzinger, landowner, would like to install a drip line on his 190-014 water service contract. He reported water service contract language states only sprinkler irrigation can be used. Mr. Getzinger would like approval to install sprinkler to drip irrigation. The Board concurred that drip irrigation was an acceptable practice with respect to the sprinkler irrigation provision in the water service contracts. [Manager Report](#)

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

Manager Simpson reported on staffing changes. A Ditchrider position has opened up and advertised to the public. The District has hired a Staff Engineer and two Project Managers. Manager Simpson reported Development Coordinator Johnson and Staff Engineer Gable are leaving the District.

Manager Simpson reported that the annual agreement the District has with the USDA regarding beaver control is due for renewal. The quote for 2016-2017 is not to exceed \$9,659.00. This is an increase from last year's amount of \$9,277.00. The agreement adds the trapping of skunks and voles. Director Clausen moved to approve and authorize execution of the annual agreement with USDA for beaver control as presented. Director Johnson seconded and the motion carried.

Director Erickson moved to authorize the Board, Manager Simpson and appropriate staff to attend the Tri-State Meeting, Friday, September 9, 2016, Wyndham Garden Boise Airport, Boise, ID and the NWRA Annual Conference, November 14-16, 2016, Hotel Del Coronado, Coronado, CA. Director Johnson seconded and the motion carried.

Authorize Travel

President Booker declared an executive session at 3:45 p.m. for approximately 50 minutes to discuss litigation with CSRIA. The meeting returned to regular session at 4:35 p.m.

Executive Session

At 4:35 p.m. President Booker left the boardroom, the meeting returned to executive session for approximately 55 minutes to discuss new litigation with Mighty Columbia, LLC. President Booker was brought back into the room to explain the significance of a November 1st date which relates to his ability to adjust his center pivot after the irrigation season. President Booker left the room after he explained. The meeting returned to regular session at 5:28 p.m. and President Booker returned to the meeting.

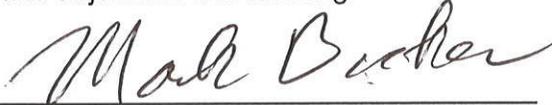
Discussions continued on the construction of the O&M road. Director Johnson moved to build the O&M road within the easement along President Booker's property after November 1, 2016 if President Booker agrees to dismiss the lawsuit against the East District. Further discussion was had on construction of the O&M road. Director Johnson remarked President Booker was belittling the Board and staff and not allowing the Board or staff to work with him. Director Erickson asked if he would be working with President Booker if he seconded the motion. Following discussion, Director Erickson seconded the motion and the motion carried with Director Osborne voting nay.

At 5:45 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 September 7, 2016 in the ECBID Boardroom and adjourned the meeting.

Meeting Adjourned



Secretary



President