

**MINUTES OF REGULAR MEETING OF THE BOARD OF DIRECTORS  
OF THE OWYHEE IRRIGATION DISTRICT**

May 19, 2020

A regular monthly meeting of the Board of Directors of the Owyhee Irrigation District was held on May 19, 2020, telephonically due to the ongoing COVID-19 emergency at 10:00 a.m. Jerry Nagaki, President of the District, presiding.

The following Directors were present:

Bruce Corn  
Frank Ausman  
Dan Tschida  
Eric White  
Jerry Nagaki

Also present were: Jay Chamberlin, Manager; Michael W. Horton, Attorney; Jake Conde, Attorney; Harvey Manser, Assistant Manager; Darla Sebasto, Linda Henderson, and Derek Pearson, District Patrons.

MEETING NOTICE. The meeting agenda showed that public notice as to the meeting was given on May 14, 2020.

MINUTES. Minutes of the meeting of the Board of Directors held on April 21, 2020, were mailed to the Directors prior to the meeting. A motion was made by Director Corn, was seconded by Director Ausman, and unanimously carried approving the minutes as mailed.

DISTRICT FINANCIAL REPORT. A financial report was sent to the Directors prior to the meeting. They reviewed the report and asked questions. Mr. Chamberlin said that the gopher tails program has been open for a couple of days now. He said the tails are coming in pretty steady. It was noted that the District's Facebook page shows that the gopher tail program is open, but the District's website does not. Mr. Chamberlin said that he will get the District's website updated to notify water users that the gopher tail program is currently open.

ACCOUNTS PAYABLE: Two lists of the District accounts payable for the month were included in the Directors' packets. A motion was made by Director White, and seconded by Director Corn, and unanimously carried approving the payment of the accounts payable.

MITCHELL BUTTE POWER PROJECT.

Financial Report. The financial report for the Mitchell Butte Power Project was in the Directors' packets. President Nagaki noted that it looks like the Power Plant had a pretty good April. Mr. Chamberlin said that they have had a good generation season so far. He said that both units are running right now. He said that the demand has dropped off with the recent rains.

Accounts Payable. The agenda listed accounts payable for the Mitchell Butte Power Project. A motion was made by Director Ausman to approve payment of the bills, the motion was seconded by Director Tschida and passed unanimously approving payment of the following:

Tekfinity	\$42.95
Owyhee Irrigation District	14,707.17
Century Link	505.07
Sierra Controls	202.50
Nichols Accounting	<u>125.00</u>

\$15,582.69

WILL AND CHERYL HALL AGREEMENT: At the last meeting, the board decided by a vote of 3-2 to structure an Agreement that would allow Will and Cheryl Hall, patrons, to pay past bills owing in order to get water delivery in 2020. Mr. Chamberlin reported that the Agreement has been signed and so far the Halls were in compliance.

CHAD AND TIFFANY CRUICKSHANK UPDATE. Mr. Chamberlin said that he met with Chad Cruickshank, along with the District Watermaster, and Mr. Cruickshank's neighbor. He said the purpose of the meeting was to discuss changes Mr. Cruickshank made to the lateral without District permission. Mr. Chamberlin said that Mr. Cruickshank advised him that he did not get funding to put in pipe and a crossing which he intended to do when he installed his pivot. As a result, the bank has been torn down, an illegal crossing has been installed, which is collecting debris and plugging the lateral, and runoff from the pivot is getting into the lateral. Mr. Chamberlin said that he explained to Mr. Cruickshank the multiple violations and how to correct them. He said the pivot is also watering ground, which does not have a water right. He said that he explained to Mr. Cruickshank how to go through the water transfer process. He said that Mr. Cruickshank agreed to raise the bridge, work on the runoff, do a temporary water transfer, and get a special use permit from the District. Mr. Chamberlin said that Mr. Cruickshank has started the process to correct the problems. Mr. Chamberlin said there are still issues with the bank being torn down and it needs to be put back to the way it was next fall. Director Corn expressed his belief that piping is the only solution and it needs to happen before next season in order to prevent a washout of the system. Mr. Chamberlin said that he will get Mr. Cruickshank written notice and if necessary, will confer with legal counsel.

DEREK PEARSON: Derek Pearson addressed the Board. He said that he is a landowner who continues to get impacted from his upstream neighbor in the Jacobson Gulch area. He explained the problems between him and the neighbor go back 15 years and the problems have hindered his ability to water his farmland. Mr. Pearson explained that his neighbor does not have an overflow on his pivots and when they shut off, they end up flooding him. He told the Board that attempts to rectify the situation with the neighbor and with the District Manager have been unsuccessful. Mr. Chamberlin explained that there are multiple issues, but that the District is not responsible for the neighbor's tail water and that needs to be addressed between Mr. Pearson and the neighbor. Mr. Chamberlin said that the water delivery to Mr. Pearson was going to be piped in order to isolate the neighbors from each other, but that never occurred. He said that the piping of the Jacobson Gulch area which Lynn Larson explained at last month's meeting, may end up fixing the situation. Ultimately it was determined that Directors Tschida, Ausman, and Mr. Chamberlin will meet with Mr. Pearson on his property tomorrow morning to view the property and try to come up with some resolutions to the situation.

STEPS TAKEN BY THE DISTRICT FOR CORONA VIRUS. Mr. Chamberlin said that under the newly-lowered COVID standards, the District has taken steps to reopen its offices to patrons while still maintaining health and safety standards as advised by the Governor's office.

RECESS. At 11:00 a.m., President Nagaki recessed the meeting to reconvene after the Joint Committee meeting.

MEETING RECONVENED. At 11:22 a.m., the meeting was reconvened.

CORONA VIRUS FUNDING. Mr. Chamberlin reported that South Board received money from the Federal Government for small business relief. He said that the District did not apply for any funds as assessments have come in better than usual. The Directors discussed the matter and after discussion, it was their consensus not to apply for stimulus money in order to allow those funds to be available for businesses and water users that need it.

EVENING MEETINGS. The Directors discussed having next-month's meeting start in the evening. Mr. Chamberlin said that he can set the boardroom up in order to have social distancing.

BILLINGS FOR LATE CHARGES. Mr. Chamberlin said that the Petersons were notified of the Board's decision not to grant them the relief requested and that they went ahead and paid the past-due charges. He said the District's billing practices have been modified and that patrons who pay late will receive an additional billing showing the late charges.

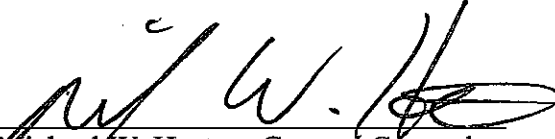
EXCESS WATER. Director Ausman asked if the Board should make a decision on excess water. The matter was discussed and after discussion, it was the consensus of the Board not to allow excess water. Mr. Chamberlin said that he will get the matter on the Joint Committee agenda for next month.

DEAD OX PUMPING PLANT. Mr. Chamberlin said that the Dead Ox Pumping Plant is doing good. He said that the water came on pretty slow.

DATE AND TIME OF NEXT BOARD MEETING. The Directors discussed the next Board meeting and it was determined that the next meeting will be in the evening at the District office on June 16 following the 7:00 p.m., Joint Committee meeting.

ADJOURNMENT. There being no further business to come before the Board, the meeting was adjourned at 11:46 a.m.

Respectfully submitted,

  
Michael W. Horton, General Counsel

APPROVED: \_\_\_\_\_

**MINUTES OF MEETING OF JOINT COMMITTEE  
OF THE OWYHEE PROJECT**

May 19, 2020

A meeting of the Joint Committee of the Owyhee Project was held telephonically on May 19, 2020, at 11:00 a.m. Eric White, Chairman, presiding.

The following members of the Joint Committee were present:

Eric White	Frank Ausman
Dan Tschida	Chris Landa (who joined the meeting at 11:04 a.m.)
Jerry Nagaki	Brett Nielsen (who joined the meeting at 11:04 a.m.)

Also present were: Jay Chamberlin, Manager of the Hydro Projects; John Eells, South Board Manager; Harvey Manser, OID Assistant Manager; Michael W. Horton, Secretary and Legal Counsel; Jake Conde, Attorney; Darla Sebasto, District Patron, Linda Henderson; and Bruce Corn, (OID Alternate);

MEETING NOTICE. The meeting agenda showed that public notice of the meeting was given on May 14, 2020.

PLEDGE OF ALLEGIANCE. The pledge of allegiance was dispensed with given the telephonic nature of the meeting.

MINUTES. The minutes of the meeting of the Joint Committee held on April 21, 2020, were mailed to the Committee members prior to this meeting. A motion was made by Mr. Nagaki, seconded by Mr. Ausman, and unanimously carried approving the minutes.

TUNNEL HYDRO REPORT.

Tunnel #1 Financial Report. The financial report for the Tunnel #1 was included in the meeting packet which each Committee member received. The Committee members reviewed the financial report.

Tunnel #1 Power Project Accounts Payable. The Committee members reviewed the accounts payable listed on the agenda for the Tunnel #1 Power Project. A motion was made by Mr. Tschida, seconded by Mr. Landa, and unanimously carried approving payment of the accounts payable as follows:

Stunz, Fonda, Kiyuna & Horton	703.00
AT&T	134.86
Nationwide/Blackaby Insurance	348.00
Owyhee Irrigation	17,675.91
Sierra Controls	2,670.00
Nichols Accounting	<u>375.00</u>
 TOTAL	 \$21,610.77

OWYHEE DAM POWER PROJECT.

Owyhee Dam Financial Report. The financial report for the Owyhee Dam Power Project was included in the meeting packet which each Committee member received. The Committee members reviewed and discussed the financial report.

Owyhee Dam Accounts Payable. The Committee members reviewed the accounts payable listed on the agenda for the Owyhee Dam Power Project. A motion authorizing payment of the following accounts payable was made by Mr. Nagaki, seconded by Mr. Nielsen, and unanimously carried:

AT&T	94.91
Sierra Controls	202.50
Owyhee Irrigation	18,046.05
Nichols Accounting	<u>375.00</u>
 TOTAL	 \$18,718.46

DAM TENDER. Mr. Chamberlin said that the Dam Tender resigned at the Owyhee Dam and they are working on filling the position. He said they have received a number of applicants. He said the position will be filled in the next three to four weeks. He said the backup operators are filling in on the duties until a new employee gets hired and up to speed.

DAM PLANT OPERATIONS. Mr. Chamberlin reported that the Dam Plant is operating well. Reservoir storage is about 80 percent. Mr. Chamberlin said that Wild Horse Reservoir has filled and inflows are around 700 cfs at Rome. He said he does not anticipate a lot of inflows.

TUNNEL #1 PLANT OPERATIONS. Mr. Chamberlin said the Tunnel Power Plant is operating well. He said that the battery changeout is to happen this fall.

SDAO SAFETY GRANT. Mr. Chamberlin said a SDAO safety grant has enabled the purchase of cameras and buoys for the Tunnel intake structure. He said they will be installed once crews are done chasing water and weeds.

CORONA VIRUS UPDATES. Mr. Chamberlin said that with the new Governor's order, the offices have been unlocked and patrons are coming for services subject to the Governor's recommended guidelines.

STORAGE. Mr. Corn noted that storage at the reservoir should end up around 200,000 acre feet at the end of the season. He said that the rest of the state is extremely dry with the Northwest in drought. He said the Klamath and Deschutes Basins are both hurting.

PUMPING PLANT OPERATIONS. Mr. Chamberlin said that OID is planning on chemical treatment in their system starting soon. He said that the Dunaway Pumping Plant will be started depending upon what the weather does. Chairman White said that he would like to see the Committee err on the side of caution with water conservation this year.

JUNE JOINT COMMITTEE MEETING. The Committee members discussed the June Joint Committee meeting. After discussion, it was the consensus of the members to go back to in person evening meetings this summer as Oregon law will allow.

ADJOURNMENT. There being no further business, the meeting was adjourned at 11:22 a.m.

Respectfully submitted,

  
Secretary

APPROVED: \_\_\_\_\_