

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

October 17, 2023

A meeting of the Joint Committee of the Owyhee Project was held on October 17, 2023, at the Owyhee Irrigation District office located at 422 Thunderegg Blvd., Nyssa, Oregon, at 7:00 p.m. Eric White, Chairman of the Joint Committee presiding.

The following members of the Joint Committee were present:

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|-------------|---------------|
| Eric White | Bruce Corn |
| Dan Tschida | Frank Ausman |
| Chris Landa | Brett Nielsen |

Also present were: Clancy Flynn, Manager of the Hydro Projects; Michael W. Horton, Secretary and Legal Counsel; Gregory Clark, OID Alternate; Scott Porter, South Board Employee; Steve Clapier, Ryan Nash, and Gayle Sieders, South Board Members; Lars Dorr, R-Plus Energy; and Linda Henderson, Member of the Public.

MEETING NOTICE. The meeting agenda showed that public notice of the meeting was given on October 12, 2023.

PLEDGE OF ALLEGIANCE. Chairman Eric White led the Pledge of Allegiance.

MINUTES. The minutes of the meeting of the Joint Committee held on September 19, 2023, were mailed to the Committee members prior to this meeting. A motion was made by Mr. Corn, seconded by Mr. Ausman, and unanimously carried approving the minutes as mailed.

TUNNEL #1 POWER PROJECT.

Tunnel #1 Financial Report. Mr. Flynn handed out a financial report for the Tunnel #1 Power Project which was reviewed by the Committee members. Mr. Flynn said that the Tunnel Hydro ran until the water was shut off for irrigation.

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. Nielsen, seconded by Mr. Corn, and unanimously carried approving payment of the accounts payable as follows:

| | |
|---------------------------|---------------|
| AT&T | \$58.45 |
| Five Rivers Law, P.C. | 1,270.00 |
| Spiegel & McDiarmid, LLP | 3,714.01 |
| E4 Connect (Formerly OIU) | <u>114.12</u> |
| TOTAL | \$5,156.58 |

OWYHEE DAM POWER PROJECT.

Owyhee Dam Financial Report. Mr. Flynn handed out a financial report for the Owyhee Dam Power Project which was reviewed by the Committee members.

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

| | |
|---------------------------|-----------------|
| AT&T | \$58.77 |
| E4 Connect (Formerly OIU) | 114.12 |
| Spiegel & McDiarmid, LLP | 3,714.01 |
| Five Rivers Law, P.C. | <u>1,270.00</u> |
| | |
| TOTAL | \$5,156.90 |

WATER YEAR REVIEW. Mr. Flynn handed out a printout on water usage for the year. The handout was reviewed and discussed by the Committee members. Mr. Flynn said that the water is being shut off with approximately 350,000 acre feet of water in the reservoir.

PROPOSED PUMP BACK SYSTEM. Lars Dorr with R-Plus Energy made a presentation on their proposed pump back storage system. He said they intend to build an upper reservoir which will hold 3,500 acre feet of water. He said they are currently working on a similar project near Rawlins, Wyoming. The Joint Committee members expressed that their main concern is that all of the water in the Owyhee reservoir is for agriculture and any impacts to the reservoir would be negative to the water users and not acceptable. The Committee members suggested to Mr. Dorr that R-Plus Energy look at other projects in other areas and go away and leave this area alone. They made it very clear that they do not support the proposed project and expressed their concerns that no matter what incentives R-Plus Energy tries to entice the Districts with in order to acquire water rights for approval of the proposed system, the Joint Committee and the Districts would remain opposed to the proposed project.

At 7:45 p.m., Mr. Dorr left the meeting.

BOAT RAMP AT RESERVOIR. Mr. Flynn said that he received a letter from USBR stating that the boat ramp must be shut down. The matter was discussed. Mr. Flynn was directed to post a copy of the notice at the boat ramp.

QUAGGA MUSSELS. Mr. Flynn said that with the quagga mussel infestation in the Snake River, Oregon Department of Fish and Wildlife is setting up boat check stations near Fruitland and Adrian. He said he will contact the Idaho Department of Agriculture to see what actions they may be taking to protect the waters of the Owyhee.

SOUTH BOARD MANAGER. Chris Landa said that John Eells has resigned as South Board manager. He said they will be looking to hire a new manager to start the first of the year. He said that a retirement party is scheduled for December 8.

USBR TOUR. Mr. Flynn said that the John Keys Tour was completed today. He explained the tour.

ADJOURNMENT. There being no further business to come before the Board, the meeting was adjourned at 8:20 p.m.

Respectfully submitted,



Michael W. Horton, Secretary

APPROVED: _____

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

October 17, 2023

A regular meeting of the Board of Directors of the Owyhee Irrigation District was held on October 17, 2023, at Owyhee Irrigation District office located at 422 Thunderegg Blvd., Nyssa, Oregon, at 8:25 p.m. President Dan Tschida presiding.

The following Directors were present:

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|---------------|--------------|
| Dan Tschida | Bruce Corn |
| Eric White | Frank Ausman |
| Gregory Clark | |

Also present were: Clancy Flynn, District Manager; Michael W. Horton, Attorney; and Linda Henderson, Member of the Public.

MEETING NOTICE. The meeting agenda showed that public notice of the meeting was given on October 12, 2023.

MINUTES. Minutes of the meeting of the Board of Directors held September 19, 2023, were mailed to the Directors prior to the meeting. Director White noted a needed correction to the minutes in the section titled “Wage Committee Report”. The reference in that paragraph to “a second year wage increase of 1%, with an additional variable percentage increase based upon inflation.” Should be changed to read “a second year wage increase based upon the consumer price index, plus a 2% potential increase for each employee based upon performance.” The matter was discussed. A motion was made by Director White, seconded by Director Ausman, and unanimously carried to correct the minutes as Director White suggested, and to accept the minutes as corrected.

DISTRICT FINANCIAL REPORT. Mr. Flynn handed out a financial report for the month. The Directors reviewed and discussed the financial report. Mr. Flynn said that the finances are still in good shape to get through the end of the year.

DISTRICT ACCOUNTS PAYABLE. Two lists of District accounts payable for the month were included in the Directors’ packets. Clancy Flynn also handed out a breakdown of the credit card charges. The Directors reviewed the accounts payable and asked questions about specific bills. Aquatic treatments were discussed. A motion was made by Director White, seconded by Director Corn, and unanimously carried approving payment of the accounts payable.

MITCHELL BUTTE POWER PROJECT:

Financial Report. A financial report for the Mitchell Butte Power Project was included in the Directors’ packets. The Directors reviewed the report.

Accounts Payable. A list of accounts payable for the Mitchell Butte Power Project was listed on the agenda. A motion was made by Director Ausman, seconded by Director Clark, and unanimously carried approving payment of the following accounts payable:

| | |
|--------------------------|---------------|
| AT&T | \$38.84 |
| FATBEAM (Tekfinity) | 42.95 |
| Century Link | 192.41 |
| Spiegel & McDiarmid, LLP | 3,714.01 |
| Martin Manufacturing | <u>705.00</u> |
| | |
| TOTAL | \$4,693.21 |

LOIS LANEY DAMAGE CLAIM. Mr. Flynn explained that the Dead Ox drainage ditch had plugging issues which seems to have been caused by crossings of that ditch. He said he received a claim from Lois Laney for damages caused by flooding of her basement in the amount of \$8,000, plus an estimated repair bill of \$11,000, plus the cost of replacement flooring which she does not have an estimate of yet. Mr. Flynn said that he believes the drainage ditch was installed by the Bureau with local landowner funds. He said that the District has historically cleaned the ditch and it sounds like Lois Laney’s basement floods every year. He said he advised Mrs. Laney that it appears that the landowners who own the crossings should be responsible for her damages. He said he has sent letters out to the owners of the crossings and will be doing a field visit soon. The matter was discussed and after discussion, it was the consensus of the Directors to submit Mrs. Laney’s claim to the District’s insurance carrier.

DIRECTOR POSITIONS. Mr. Horton explained that after publishing notice of the right to submit petitions for Director positions for the Second and Fourth Divisions of the District, only one petition for each division was filed. He explained that Oregon law provides that in such event, an election is not necessary and the individual submitting the petition for the division can be appointed as a Director. He said that Frank Ausman submitted the only petition for the Second Division and that Dan Tschida submitted the only petition for the Fourth Division. A motion was made by Director Corn, seconded by Director White, and unanimously carried appointing Frank Ausman as Director of the Second Division and Dan Tschida as Director of the Fourth Division, each for a 3-year term beginning the third Tuesday in January, 2024.

FUEL TANKS. Mr. Flynn said that the estimated delivery date for the fuel tank is December 9. He said that he received a quote on a second tank and that the quote came in at \$124,000. He said the tank that is coming in costs \$84,000. He said in addition to that cost, there will be the installation cost, plus the cost of a card lock in the amount of \$7,800.

DRAFT BUDGET. Mr. Flynn said that he has started his first run at a budget for next year. He said that with inflation, his initial budget came in requiring a \$10 per acre increase. He said that he knew this would not work and he is still working on the draft budget.

EXCESS WATER. Mr. Flynn asked about how to deal with situations where even though excess water was not authorized, some ditch rider accounts show that some water users may have used excess water before their water could be shut off. The matter was discussed and it was noted that the ditch rider books need to be verified.

LAND ACROSS FROM DISTRICT OFFICE. President Tschida asked if the land across from the District office is still for sale. The Board consensus is that it is and Mr. Flynn was directed to put a for sale sign up on the property.

BOOKKEEPING SOFTWARE COSTS. Mr. Flynn said that the District is now using QuickBooks which limits the number of accounts you can have before it increases to a more expensive tier. He asked which accounts might be eliminated in order to stay in the lower tier. The matter was discussed and it was the consensus of the Board to eliminate zero balance accounts which are not expected to be used and that Mr. Richins, CPA, be consulted on the matter.

ADJOURNMENT. There being no further business to come before the Board, the meeting was adjourned at 9:34 p.m.

Respectfully submitted,



Michael W. Horton, General Counsel

APPROVED: _____