

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

September 19, 2023

A regular meeting of the Board of Directors of the Owyhee Irrigation District was held on September 19, 2023, at Owyhee Irrigation District office located at 422 Thunderegg Blvd., Nyssa, Oregon, at 7:40 p.m. President Dan Tschida presiding.

The following Directors were present:

Dan Tschida	Bruce Corn
Eric White	Frank Ausman
Gregory Clark	

Also present were: Clancy Flynn, District Manager; Michael W. Horton, Attorney; FCA Representatives; Darla Sebasto and Linda Henderson, Members of the Public.

MEETING NOTICE. The meeting agenda showed that public notice of the meeting was given on September 14, 2023.

MINUTES. Minutes of the meeting of the Board of Directors held August 16, 2023, were mailed to the Directors prior to the meeting. Director Ausman noted a needed correction to the minutes in the section titled “Weeds” in that the references to the word “weeds” should be changed to “moss”. The minutes were corrected and a motion was made by Director Ausman, seconded by Director Corn, and unanimously carried approving 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 District is sitting good financially. He said that when he went through the financial report, he noticed that when he prepared the budget, he failed to include a figure for the loan payment on the excavator. He said that once that loan payment is factored in, along with the cost of a fuel tank, there should still be enough money to get the District through the end of the year.

FUEL TANK. Mr. Flynn said that he does not have a completion date for the fuel tank yet, but that he has started the ordering process. Director Corn said that some money could be taken out of the Mitchell Butte Power Project if needed. Mr. Flynn said that the estimated delivery date is somewhere between 8 to 12 weeks out. He said that he spoke with the City Manager and the City will not require any application or permitting for the proposed fueling facility. Mr. Horton said that the Malheur County Building Inspector may require some permitting.

DISTRICT ACCOUNTS PAYABLE. Two lists of District accounts payable for the month were included in the Directors’ packets. Chemical purchases were discussed. A motion was made by Director White, seconded by Director Corn, and unanimously carried approving the 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. Mr. Flynn said that one unit is still running. He said there are no major anticipated costs except for the trash rack. He said that funds are being moved from the project back to the District.

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

AT&T	\$13.31
FATBEAM (Tekfinity)	42.95
Century Link	191.74
OID	<u>33,625.00</u>
TOTAL	\$33,873.00

FCA PRESENTATION. The FCA representatives made a presentation on the PL566 Watershed Plan. They explained that they just held the kickoff meeting earlier today. They said they will be working on the watershed plan and potential environmental effects of proposed District projects. Mr. Flynn said that they are starting with his list of around 60 projects and will then pare that list down. The plan will be good for 10 years. Once the plan is in place, it will allow the District to seek federal funding with a required 25% match by the District which can be made up of District work and state funding. The plan does not require water savings to go instream. The Directors explained that their main concerns are with infrastructure towards the top of the system, including Tunnel Canyon. The FCA representatives explained that the NEEPA process takes a couple of years to get through.

WATER ACQUISITION FEE. Mr. Flynn asked the Board for their input on how much to charge District patrons who want to acquire water rights that are turned back over to the District. The consensus of the Board is that the District should only charge for the paperwork costs and state transfer fees to complete the transfer.

WATER SMART GRANTS. Mr. Flynn explained that he is applying for two different Water Smart Grants. He said that resolutions for the proposed grants are needed. He presented Resolution 2023-1, which is attached to these minutes. A motion was made by Director Corn, seconded by Director White, and unanimously carried adopting Resolution 20-23-1. A motion was made by Director White, seconded by Director Ausman, and unanimously carried adopting Resolution 2023-2, which is attached to these minutes.

OLD OWYHEE DITCH BREAK. Mr. Flynn explained that the District helped Old Owyhee with a recent ditch break and the cost to the District was \$10,246.92. He said that a bill for that amount was sent out. He said he has also been keeping a tally for costs that have gone back and forth with the Road District.

WAGE COMMITTEE REPORT. Director White and Director Clark gave a report on their meetings with the Employee Committee. Director White said the employees are good with

a one-year contract renewal with a 2% base wage increase, with a 2% potential increase for each employee based upon performance. Director Clark said that the District needs to relook at these incentive increases and their potential growth due to compounding interest. Director White said that the Employee Committee proposed a second year wage increase of 1%, with an additional variable percentage increase based upon inflation. The second year proposal was discussed by the Board and rejected.

Director White said that the Employee Committee also asked for a change in accrued vacation days. He explained their proposal as compared to the current vacation accrual policy. After discussion, a motion was made by Director Clark to offer employees a wage increase of 2% with a potential additional 2% based upon performance, along with vacation accrual being as follows:

- 0-7 years: 3.1 hours per pay period
- 7-12 years: 4.6 hours per pay period
- 12-plus years: 6.2 hours per pay period

with the current policy for additional hours for certain positions remaining unchanged. The motion was seconded by Director Corn, a vote on the motion was had. Directors Clark, Corn, Ausman, and White voted in favor of the motion, Director Tschida voted against, and the motion passed on a vote of 4 to 1.

HEALTH INSURANCE WAIVER. Mr. Flynn said that he had an employee ask about opting out of the District's health insurance, but receiving additional wages to replace the health insurance premium which the District pays. The matter was discussed and after discussion, the consensus was that the Board would take it under advisement.

54.4 PIPING PROJECT. Mr. Flynn said that NRCS has funding for the 54.4 Piping Project. He said that his preference would be to take on other projects and recommends killing this project. The consensus of the Board is to kill the proposed project.

CERTIFIED WATER RIGHTS EXAMINER. Mr. Flynn said that he will be taking the Oregon State test to become a certified water rights examiner. He explained the potential benefits to the District if he receives such certification.

DITCH RIDER HOUSES. Mr. Flynn said that inspections have been done on the ditch rider houses. He gave an update on the repairs made and needed. He said that the District currently has 8 houses which are rented out.

EMPLOYEE REVIEW. Mr. Flynn said that employee reviews are almost done.

FLOW MEASUREMENTS. Mr. Flynn said that representatives from Bonneville Power will be coming out to do flow measurements around the District.

INSURANCE DEDUCTABLE. Mr. Flynn said that he checked on the deductible for the Dead Ox Pumping Plant incident. He said the deductible is \$5,000. He said that the District is

still getting quotes on the rewiring for the Dead Ox Pumping Plant. He said that the work on the Peewee pump is almost done and the pump should be ready to go in when the water goes out.

BOARD TRAINING. Mr. Flynn said that there is a Board training on September 27.

EQUIPMENT PURCHASES. Mr. Flynn reported on recent equipment purchases he made at auction.

CROSSING POLICY. President Tschida asked about the District policy on pivots crossing laterals. Mr. Flynn explained the policy which was discussed by the Directors.

USBR PILOT PROGRAM FOR SOLAR PANELS. Mr. Flynn said that he was approached by USBR staff to see if the District is interested in participating in a USBR pilot program to install solar panels over canals. The matter was discussed and the consensus of the Directors is that they are against participating in such a program.

ADJOURNMENT. There being no further business to come before the Board, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,



Michael W. Horton, General Counsel

APPROVED: _____

**OWYHEE IRRIGATION DISTRICT
Pumping Plant Efficiencies Project
Resolution 2023-1**

WHEREAS, the Owyhee Irrigation District is actively seeking to automate as much of the canal system as possible annually; and

WHEREAS, the District recognizes the benefits that pumping plant automation brings to operations including safety and water savings; and

WHEREAS, the Dunaway and Dead Ox Pumping Plants have no VFDs and very little automation and data acquisition equipment currently installed; and

WHEREAS, said pumping plants provide service to farms on two ditch rides irrigable; and

WHEREAS, by adding VFDs and automation the District will more efficiently pump river water leading to energy and water conservation; and

WHEREAS, the Bureau of Reclamation has available WaterSmart grants to help with financing drought resiliency projects.


NOW THEREFORE, BE IT RESOLVED that the Owyhee Irrigation District authorizes a project to add VFDs and automation to these pumping facilities.

BE IT FURTHER RESOLVED that the Owyhee Irrigation District authorizes the pursuit of Reclamation WaterSmart, Drought Resiliency Project monies to help cover the cost of said project.

BE IT FURTHER RESOLVED that Owyhee Irrigation District is capable of and commits itself to providing the funds/in-kind contributions outlined in the grant application and to work with Reclamation to meet established deadlines for entering into a grant or cooperative agreement.

Dated this 19th day of September 2023.

OWYHEE IRRIGATION DISTRICT



Dan Tschida, Chairman

OWYHEE IRRIGATION DISTRICT
Shoestring Canal Automated Gates Phase One
Resolution 2023-2

WHEREAS, the Owyhee Irrigation District is actively seeking to automate as much of the canal system as possible annually; and

WHEREAS, the District recognizes the benefits that canal automation brings to operations including safety and water savings; and

WHEREAS, the Shoestring Canal (aka Ontario-Nyssa Canal) captures considerable return waters while only having some automated wasteway gates; and

WHEREAS, said lateral provides service to an estimated 5,491 irrigable acres; and

WHEREAS, by adding automated gates the District will more efficiently use these return waters and conserve water to ensure reliable service to these acres; and

WHEREAS, the Bureau of Reclamation has available WaterSmart grants to help with financing drought resiliency projects.

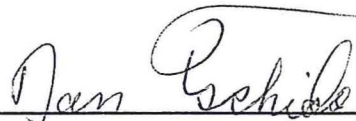
NOW THEREFORE, BE IT RESOLVED that the Owyhee Irrigation District authorizes a project to add six automated gates to the Shoestring canal.

BE IT FURTHER RESOLVED that the Owyhee Irrigation District authorizes the pursuit of Reclamation WaterSmart, Drought Resiliency Projects monies to help cover the cost of said project.

BE IT FURTHER RESOLVED that Owyhee Irrigation District is capable of and commits itself to providing the funds/in-kind contributions outlined in the grant application and to work with Reclamation to meet established deadlines for entering into a grant or cooperative agreement.

Dated this 19th day of September 2023.

OWYHEE IRRIGATION DISTRICT



Dan Tschida, Chairman

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

September 19, 2023

A meeting of the Joint Committee of the Owyhee Project was held on September 19, 2023, at the Owyhee Irrigation District office located at 422 Thunderegg Blvd., Nyssa, Oregon, at 9:00 p.m. Eric White, Chairman of the Joint Committee presiding.

The following members of the Joint Committee were present:

Eric White	Bruce Corn
Dan Tschida	Frank Ausman
Chris Landa	

Also present were: Clancy Flynn, Manager of the Hydro Projects; Michael W. Horton, Secretary and Legal Counsel; John Eells, South Board Manager; Gregory Clark, OID Alternate; Scott Porter, South Board Employee; Monty Culbertson, Manager of Old Owyhee Ditch; FCA Representatives; Darla Sebasto, and Linda Henderson, Members of the Public.

MEETING NOTICE. The meeting agenda showed that public notice of the meeting was given on September 14, 2023.

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

MINUTES. The minutes of the meeting of the Joint Committee held on August 16, 2023, were mailed to the Committee members prior to this meeting. A motion was made by Mr. Landa, seconded by Mr. Corn, 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 there is still good head for the power plant. He said that he ran the numbers and if the loan with the State of Oregon is paid off in November and if production holds, there should be approximately \$350,000 left over.

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

AT&T	\$108.37
Five Rivers Law, P.C.	620.00
E4Connect (Formerly OIU)	<u>225.64</u>
 TOTAL	 \$954.01

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

AT&T	\$60.52
E4 Connect (Formerly OIU)	225.64
Five Rivers Law, P.C.	<u>620.00</u>
 TOTAL	 \$906.16

PUMP BACK MEETING REPORT. Mr. Flynn reported on FERC's scoping meetings and tour on the proposed pump back system. Mr. Horton reported on a meeting he and Mr. Flynn had with Bureau staff regarding the proposal. He said that USBR and the Joint Committee will be submitting written comments on the proposed system to FERC. Mr. Flynn said that the CEO proposing the project wants to come to next month's meeting and be on the agenda. The proposed project was discussed.

PENSTOCK VALVE LID. Mr. Flynn said that the penstock valve lid needs to be freed up as it is rusted in place. He said that staff will be working on this.

SHUT OFF DATE. The Committee members discussed setting a firm shut off date. Last month the Committee set a tentative shut off date of October 13 to be revisited at this meeting. The matter was discussed and after discussion, a motion was made by Mr. Ausman to set the shut off date for October 6. The motion was seconded by Mr. Tschida. A vote on the motion was had. Mr. Ausman, Mr. Tschida, and Mr. Corn voted in favor of the motion. Mr. Landa and Mr. White voted against the motion. The motion passed on a vote of three to two.

QUAGGA MUSSELS. The Committee members discussed news reports that quagga mussels were found in the Snake River and Lake Lowell.

ADJOURNMENT. There being no further business to come before the Board, the meeting was adjourned at 7:40 p.m.

Respectfully submitted,



Michael W. Horton, Secretary

APPROVED: _____