

Signed

**Minutes of Regular Meeting of the Board of Directors  
of the Wood River Valley Irrigation District # 45  
February 10, 2013**

The Regular Meeting of the Board of Directors of the Wood River Valley Irrigation District # 45 was **called to order** by Director Super at 5:00 p.m. on February 10, 2014 at its regular place of meeting located at 110 Honeysuckle Street, Bellevue, Idaho.

**QUORUM**

Director Super declared that a *quorum* was present, consisting of Directors Super, Gardner and Frugard.

**PRIOR MINUTES APPROVED**

Before the minutes of the meeting of January 13, 2013 were presented for reading, correction and approval by the Directors for circulation and signature, Director Gardner asked for clarification of what the board expected in the way of the format for minutes, indicating her dissatisfaction with the format used by Mr. White, commenting that she considered the minutes as being presented by Mr. White were often too much like a transcription and in some instances the minutes as presented appeared to include some "creative freedom" as opposed to exactly what was said. She asked that Director Super, as President, set some guidelines. Director Super indicated he found some of the minutes as presented by Mr. White to be too long, in some instances and too much of a transcription and he would prefer more of a summary of points rather than a transcription, but he acknowledged the recent minutes were more of a summary and that he would speak to Mr. White about the matter. Director Super acknowledged that Mr. White was not present (due to fall last night and injuries sustained which resulted in a trip to the emergency room earlier in the day).

Whereupon, the minutes of the meeting of January 13, 2013, were read and, upon motion by Director Frugard, seconded by Director Gardner, unanimously approved without correction.

**FINANCIAL REPORT**

Director Super presented a financial report from Mr. White, noting substantial delinquencies from three large accounts. The directors discussed the account of Mountain West Bank, indicating that it appears that some water rights were not transferred by the bank when it sold the properties and as a result, one of the purchasers (Mr. Anderson) may not have received all water rights appurtenant to the property he purchased, resulting in an invoice still going to Mountain West Bank. The directors indicated that it was up to the buyer and seller to sort out ownership and transfers of the water rights and in the meantime, we should collect the

assessment from Mountain West Bank, which appears ready and willing to pay the small amount due, noted to be approximately \$86.00 for the 2013 Water Year and approximately \$80.00 for the 214 Water Year, for which the bank is waiting for a W-9 form.

Director Gardner indicated she had no questions on the financial report. Mr. Frugard and Mr. Super made no other inquiries.

#### **FINANCIAL IMPACT OF WITHHOLDING OF PAYMENT BY CERTAIN LARGE LANDOWNERS**

Director Super indicated he was concerned that given the withholding of assessments by certain members, the board may need to delay hiring an assistant for Kelly and defer of other expenses. Director Frugard and Gardner indicated they believed that the large invoices were likely to be paid soon, with Director Gardner noting she believed things would change dramatically by April 15, 2014 but she offered no explanation for her belief; Mr. Frugard commented that given that we have sufficient funds to pay expenses at the current run rate for two months or more, and his expectation that the large delinquencies would be paid soon (although he offered no explanation for his belief), the Board should not spend much time or concern and the matter should be tabled. Whereupon the matter was tabled, but Director Super noted that he hoped the other directors were correct that the large bills would be paid soon.

#### **MANAGER'S REPORT**

MANAGER KELLY SHANNON reported on ditch matters, including his meeting with Craig Wolfrom who Kelly indicated assured the District that the promoters were *not* looking for the district to bear any portion of the costs of the White-Water Park project; that the funds for the project will come from State and Federal funds, and that Craig is expected to be present at the March meeting. Director Frugard suggested that the District should enter into the process for clarification of specifications and the possible hiring of an engineering firm to represent the district's interest in the process and we should discuss the matter of the District's long term interests with Craig. Director Super indicated that the board and Kelly have been involved in several discussions with Craig and Kelly assured the Directors that the district would have final approval right as to any plan. Director Gardner volunteered to contact Craig and have him prepared to respond to inquiries at the next meeting. Mr. Shannon reported further that we have received an anonymous donation of weed abatement chemicals which are the same as used and approved by Blaine County Weed control and we received a donation of a trailer to haul the ATV; that the ATV is in Kelly's name and is insured by Kelly through Farm Bureau; that he will be removing some of the wooden head gates on Highway 75 for repairs and reinstallation; and discussed a demolition project of three houses on properties along the canal in Bellevue impacting our easement and that he is in contact with City officials to protect our interests. Director Frugard indicated he wanted Kelly and the district to interface with the county and others, including PAN BC and document the proper use of all chemicals.

### **PUBLIC COMMENT TIME**

Sheri Hicks from Griffin Ranch commented that they are continuing to investigate the matter of a possible petition for annexation for those lots that appear to be outside the district's boundary.

Ray Goettsch inquired about possibility of a supplement assessment to cover the shortfall caused by the delinquencies of the large owners; suggested the district consider a fee for approval of a Water Park to allow the district to engage an engineer.

No other persons asked to speak at public comment time, whereupon the meeting proceeded as follows.

### **NEED FOR A NEW MEETING PLACE**

Director Gardner and Director Super indicated they have had no success in finding a new meeting place. Director Super reiterated his belief that the district needs a "home".

### **ASSESSMENT MODEL**

Director Super passed out copies of a revised draft for next year's assessment model for discussion. Director Super encouraged the other directors to evaluate the draft soon so as not to wait too long in developing next year's assessment model as delay will complicate appropriate planning.

### **STATUS OF POSSIBLE NEW PETITION FOR PARTITION**

Director Gardner indicated no one was present due to a scheduling conflict on the petition to partition/ refiling of petition to run parallel with the May 20 election with the hearing being set to occur after the election results are known.

### **ISSUES TO BE DIRECTED TO DISTRICT'S LEGAL COUNSEL**

Director FRUGARD indicated he had working on coordinating the issues that should be presented to our attorney; issues include whether the district has the legal authority to require users in the district to install measuring devices, whether more modern measuring devices can be required; what is the impact on voting rights of owners of lots that are bisected by the division boundary.

### **DISTRICT MAP MATTERS**

Director FRUGARD indicated he has met with Galena Engineering and reported that they have reviewed the external boundary lines they drew on different prior versions of maps for the district as described in the 1915 orders by the county and now have confirmed the external

boundary line for the district on a new map provided to Mr. Frugard, and as to the second question of the whether the 1915 descriptions of properties included all the property within the external boundary line, Director Frugard reported that four parcels have been identified by Galena Engineering which appear to have a portion of each parcel including in the descriptions and a portion excluded. Director Frugard will supply the updated map and information to Mr. White for further action.

Director FRUGARD indicated he is making progress on the concept of the formation of an *Ad Hoc* working group, but he is not yet ready to fully implement the program without input from the other directors. Director Super indicated he had no problem with Mr. Frugard proceeding with the program, but that he wanted the meetings of the group to be open for all members to attend and that if he, as a director were to attend, and other directors were also present, he (Mr. Super), would be an observer only and not be commenting on account of open meeting requirements. Mr. Frugard indicated he would proceed with the project and keep the other directors informed.

Director SUPER indicated Mr. Rinker has asked that certain property he owns outside the district be considered for annexation; indicated that the matter of annexation will require formal notification for three weeks and we should discuss the matter further at the March meeting.

### **NEW BUSINESS**

DIRECTOR GARDNER indicated she wanted Mr. White to regularly check the district's email and Director Super wanted Mr. Shannon to also check the email account.

### **CLOSING PUBLIC COMMENT TIME**

Sheri Hicks commented on the assessment model construct.

Ray Goettsch inquired as to whether Mr. Rinker is being assessed and whether the four part in and part out lots are being assessed. Mr. Super and Mr. Frugard indicated that all were being assessed. Mr. Goettsch then inquired if dry lots can be and are being assessed, to which, Mr. Super indicated they could be assessed a share of the assessment fund, but he believes the matter should be reviewed and revisited.

Pepin Corso-Harris commented that she has checked with the county and the district has not filed a delinquency list since she left office in 2012 and that interest and penalties have not been applied to delinquent accounts since then and that she would object to any current application of interest or penalties to current delinquencies (of which she is one) unless prior delinquencies are also charged penalties and interest. Mr. Super explained that the Board was in the process of evaluating the irregular assessments of the past and the impact of those irregular assessments on delinquencies, interest and penalties.

## NEXT MEETING


NEXT MEETING DATE of March 10, 2014 is CONFIRMED and the place to be determined and noticed.

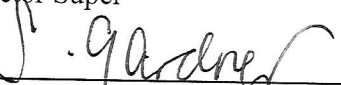
WHEREUPON the board went into EXECUTIVE SESSION.

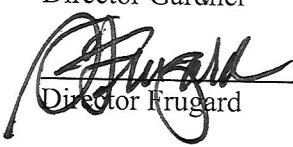
After Executive Session, the board announced that the amount of \$1.00 showing on the District's Accounts Receivable list is to be written off.

*1 for user #*  
**ADJOURNMENT**

The meeting was adjourned at 7:05 p.m..

  
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Director Super

  
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Director Gardner

  
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Director Frugard