



**Minutes of Special Meeting of the Board of Directors  
of the Wood River Valley Irrigation District # 45  
March 25 2014**

A Special 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 March 25, 2014 at the Bellevue City Hall, Bellevue, Idaho, as noticed.

**QUORUM**

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

**PRIOR MINUTES APPROVED**

The minutes of the meeting of March 11, 2014 were presented, read, approved and signed by the Directors.

**SECRETARY/TREASURER'S REPORT/AND ACTIONS THEREON**

Jim White reported as follows:

that he has provided the Directors with his *Preliminary Report Regarding Analysis of Eight Accounts Showing Overdue Balances for Certain Water Years* and that he expects to have additional information for final recommendations to the board at the next meeting to correct certain irregular assessments;

that the district has rented office and meeting space at Unit 4B, 1411 S. Main Street, Bellevue, Idaho commencing April 1, 2014 for \$540 per month on a month to month basis;

that the easement project affecting the Beck/ Gardner/ Browning/ Campbell properties continues in process and that the surveyor, Steve Schwartz, will prepare a revised drawing to reflect the ditch as built which drawing will be attached to a single formal easement document which will be prepared by the Moffatt Thomas firm for signature by all four property owners;

that he has gathered documents and information in connection with the allegations and on going investigation of Voter Fraud in connection with the November 5, 2013 election and is prepared to provide a preliminary report to the board, which the board indicated it wished to take up in executive session;

that as to the issue of whether "Dry Lot" properties are considered as "in the district" or not under the statutory language of Title 43 of the Idaho Code, he reported that he has received written statements from Grace Eakin and Pepin Corso-Harris, both of whom have been past officers of the district, expressing reservations and disagreement with the conclusion of counsel that was the basis for treating dry lot owners as "in the district" at the November 5, 2013 election unless a dry lot parcel had been formally excluded from the district by a recorded instrument; he also reported that he has had discussions with dry lot owners who had voted and who wish to remain in the district as to some of the reasons for a dry lot owner to remain in the district; that Ms. Eakin and Ms. Harris's statements and Mr. White statement which he read into the record should become part of the record; that the question of how to clarify the dry lot questions respecting inclusion (*i.e.*, "opting in"), exclusion (*i.e.*, "opting out"), and assessment matters for dry lots still need to be evaluated and addressed by the board and legal counsel, particularly before the election of May 20, 2014; whereupon he was instructed to request Attorney Waldera to revisit and up date, as may be necessary, his opinion on the issue of dry lot voting eligibility and in particular to address whether the issue of dry lot voting is discretionary or not;

Whereupon, Pepin Corso-Harris was recognized for comment on the question of dry lot voting and she commented that she was of the opinion that the dry lot owners should not be entitled to vote and that she had spoken with representatives of IDWR who she said shook their heads when told of this district's position and she had spoken with representatives of Napa Meridian Irrigation District and she indicated they take the position that dry lot owner are not allowed to vote in their elections, and she claimed to know lawyers who would provide an alternative opinion on the issue;

Whereupon Mr. White reiterated his position that with only anecdotal information being offered by those against dry lot owners voting and absent an alternative legal opinion being offered, that the district should consider requesting Mr. Waldera to re-visit his earlier opinion respecting dry lot lands and voting issues, and the directors authorized Mr. White to request Mr. Waldera to do so.

Whereupon the board discussed at length the question of whether to allow absentee voting; and the board instructed Mr. White to seek an updated opinion from Attorney Waldera on his views on the issue of absentee voting.

Mr. White then reported that the planning continues for the May 20, 2014 election

on the three issues to be put to the electors, but that Directors Gardner and Frugard still need to designate a judge from their divisions (Director Super has already designated Jan Super as a judge from Division 2) and that the draft election instruction manual needs to be reviewed and vetted by the District's attorney;

Whereupon, on motion by Director Gardner, seconded by Director Frugard, and unanimously passed, Mr. White was authorized to engage Attorney Waldera to vet and revise the draft election instruction manual for use in connection with the May 20, 2014 election;

Mr. White then reported on the possible need to revise the form of the earlier resolution approving the Turco Water Bank renewal application; whereupon Director Gardner moved that the board adopt a resolution approving the Turco renewal application on condition that there be a 20% hold back in the District 45 system and on the further condition that there be no adverse impact on minimum stream flow in the river and that carriage loss sufficient to convey water to the 45 headgate must be left in the river if the water right is to be leased upstream, seconded by Director Frugard, whereupon the resolution was unanimously approved.

Mr. White then reported that the district had responded to a public information request by Pepin Corso-Harris respecting the historical process employed by the district to charge and collect penalties and interest on overdue accounts; that he had provided a QuickBooks historical report provided by the book keeper in this regard, but he cautioned that the data reflected in the report is only as good as the data that was entered into the system in the first place and that it appeared that the system has not historically been set up to charge penalties and interest except on a case by case basis.

That the Rinker Annexation Request is being evaluated and a draft notice for publication has been prepared and will be revised now that the district has procured office and meeting space.

### **MANAGER'S REPORT**

MANAGER KELLY SHANNON was not present, but Director Gardner reported on a bid for concrete work she received and she reported on a fire on the west side of Glendale Rd and south of Belleview Farm in the Eastfield HOA sub-division ditch. Kelly reported that homeowners were burning a ditch and the burning process got out of control and as a result the authorities had to be called. Kelly arrived on the scene to observe the burn, as the fire had burned a large portion of the WRVID 45 canal, but the ditch burning process and resulting fire was not started by Kelly and had nothing to do with the WRVID #45 staff.

Mr. White indicated he had not been advised of any concrete work or bid documentation. Director Gardner indicated she would provide the documentation on the bid to Mr. White.

### **PUBLIC COMMENT TIME**

Pepin Corso-Harris commented that she had spoken with the past book keeper about Mr. White's assertion that the third quarter 2013 withholding tax report had been filed late, whereupon Mr. White pointed out that Ms. Harris was misquoting Mr. White and that it was the third quarter report for 2012 that had been filed and paid late.

Pepin Corso-Harris commented on the need for the judge's manual to be provided in advance of the election day to the designated judges.

Ray Goettsch commented that in his experience in two elections for which he served as a judge, that the instructions provided by Mr. White were similar to, but expanded, from those provided by Ms. Harris at an earlier election for which he served as a judge. He encouraged the district to provide the instruction manual to the judges prior to election day to improve the process.

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

### **NEW BUSINESS**

Mr. Super announced that the district has engaged a seasonal helper (Kelly Shannon Junior) to help with the ditch during the season.

Director Gardner indicated she had no announcement to make regarding the planning for a new petition for partition of the district.

Mr. Super announced that since the last meeting the City of Bellevue has opted out of support for the "Wave Park".

### **NEXT MEETING**

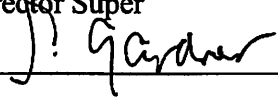
The Board then confirmed the NEXT MEETING DATE for Tuesday, April 8, 2014 at Unit 4B, 1411 S. Main Street, Bellevue, Idaho.

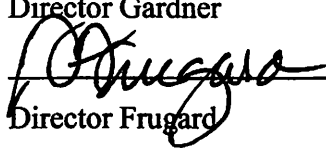
WHEREUPON the board went into EXECUTIVE SESSION.

**ADJOURNMENT**

The meeting was adjourned at 7:15 p.m.

  
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Director Super

  
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Director Gardner

  
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Director Frugard