

**MINUTES OF THE BOARD OF DIRECTORS OF THE WOOD RIVER VALLEY
IRRIGATION DISTRICT #5**

MAY 10, 2016

- 1. CALL TO ORDER:** Director Jim White called the meeting to order at 6:30 PM, May 10, 2016, at the meeting place, 213 Kingsbury Lane, Bellevue, ID 83313.
- 2. ROLL CALL TO ESTABLISH QUORUM:** Directors White, Sawrey, and Super were present.
- 3. READING AND CORRECTION OF MINUTES FOR APRIL 12, 2016:** Dir. Super moved to accept the minutes for April 12, 2016, seconded by Director Sawrey.
- 4. PUBLIC COMMENT:** None
- 5. OLD BUSINESS:**

Dir. Jim White:

- a. Addressing "Dry Lot" matters and related assessment authority** – There is some confusion about the rights of Dry Lot owners to include the right to vote and run for office, members of D45, no monetary assessment. There are advantages for Dry Lot owners: They can be in the District and acquire surface water, and go to the water bank.
- b. Lovas Petition for Partition** – May 24 hearing at Blaine County Court House. The discussion went back to the Dry Lot owners, when Dir. White mentioned that Mr. Lovas pointed out that D45 assessments did not include Dry Lot owners, and that would have saved Mr. Lovas money. The discussion included various Dry Lot issues: costs vs. benefits, what other districts are doing, Idaho Code of benefits. Dir. White wants to begin the process of assessing the Dry Lot owners. Dir. Sawrey said that we should continue to research the issue. Dir. White said that our attorney has made it clear that the Dry Lot owners are in the district, since 1915, regardless. Dir. Super said that Myers and Rinker are not part of the partition, and already outside the district. They used our system for delivery of water. Annexation was not done. We need a benefits list. Mrs. Spinelli asked: How would you come up with and expense amount for billing? What is the cost benefit to the Dry Lot owners?

6. DIR. WHITE OPENED THE MEETING FOR PUBLIC COMMENT:

Mrs. Super: She found about 15 Dry Lot properties, however there may be 50-200 more unidentified to date. She asked: What is the benefit of Dry Lot owners to be assessed? She said it will take a lot of research and time to decide how to asses. It could open up a "huge can of worms". It isn't worth it, in her opinion.

John Miley: Before we proceed, we need by-laws, procedures, etc.

Betty Gower: It is her impression that Dir. White is trying to appease Lovas and stop the petition. If partition goes through, D45 will lose a lot of assessment fees and irrigation land to

support the D45 budget.

Dir. Super: To Mr. Miley's comments – By-laws are a mute point. There was an error in 1915 with no benefits list. There is no benefit to the Dry Lot owners.

Dir. White: He explained to Ms. Gower how assessments are established. He also, mentioned to Mr. Miley that by-laws are not necessary – State statutes have what we need.

Dir. Sawrey: Dir. Super would vote NO, Dir. White is on the fence, and he is not sure due to lack of information and knowledge. He needs to do homework and will learn. Put this off until June.

Dir. White: Dir. White made a **motion** to address the issue – put into place a process to identify the Dry Lot owners. Begin the process of identifying the Dry Lot owners, and assign a 3 digit number to their lots. The motion had no second. Motion failed.

5 b. OLD BUSINESS: Continued - Lovas Petition for Partition

Dir. Sawrey: What is it going to cost for Attorney Waldera to do the “bullet points” memo?

Dir Super: The points should be attorney Client privilege first, and then go public. Dir. White agrees. **Dir. Sawrey:** We should present concerns to the attorney. But Dir. Sawrey has opinions after doing research. The bigger concern is why does Lovas want to partition and what is Dir.

Sawrey's response to his constituents? Also – the cost of the attorney. What is the value or cost to fight the partition? Is he (Sawrey) obligated to go all the way with the costs involved? **Dir.**

Super: The points should be attorney/client – confidential. **Dir. White:** Do we want to make comments to the public as a Board of Directors? **Dir. Super:** It is beyond him why someone

would create duplicate expenses to be divided amongst fewer people (insurance, work comp., secretary, treasurer, etc.). **Dir. White:** The TID partition was a huge mistake, confusing, with discord, little gain except for few large land owners. His biggest concern is budget proposals. Large land owners will find a way to make it too expensive to support services (e.g. lining the ditches), making monumental expenses for all. The water that is ending up at the tail end of legs, is feeding large land owners out of the district, who have not paid a dime. We need to continue to watch out for all members of the district.

PUBLIC COMMENT:

Mrs. Super: Re: Partition – D45 will have less voting power. We have tried to build good relationships with the BOC and large landowners. BOC is getting bids for ditch lining. Tail end water users have been brought to the attention of the BOC – no action. We will have a smaller voice. Expenses will get higher. Lovas can't vote because he is not a resident. Tell the county that this can continue to happen and more expenses. D45 should spend some time with the attorney to represent D45 to the county. Voice our opinion and tell the commissioners: “They need to do their job”.

5 b. OLD BUSINESS CONTINUED:

Dir. Sawrey:

a. By-laws/SOP Update – Nothing new.

b. Stevenson Water Bank Application Status – Re: Contingencies – Water hold back, can't use water for greater irrigation acreage – left in the hands of the IDWR – received replies from our and Stevenson's attorneys, meeting the conditions – passed on to the IDWR. **Dir. White:** Prior to this application, the BOD used to have to make a motion. Dir. Sawrey and Super agreed to send the application to IDWR. Dir. White wants to be sure steps have been followed.

6. REPORTS

A. D-45 Designated Representatives to the Board of Control Status Report:

Dir. Sawrey: The past water master owes D45 money. Dir. Sawrey has repayment contract of money owed us. In addition, he has our weed wacker. There is a June BOC meeting coming up. Dir. Sawrey is excited about our new water master, John Wright, especially weekly reporting, logging, pictures, etc. There are a lot of willows that were cut down and not chipped. Sub-contractors are not available. Piles are left. There is a concern about the safety and access from west side of H75.

John Wright: He has a frank vision of where he can make the most difference in the least amount of time. He will take Dir. Sawrey's list and evaluate the priorities, and gave some examples. There was a discussion about shifting some money to allow for a shifting of priorities. Dir. Sawrey said it was a safety issue. Mrs. Super said that during the budget, we spent a lot of time and shouldn't start changing priorities. Dir. Super said that priorities will change, but stay in the budget – shifting is OK. At this point the discussion was about several different areas to be addressed and, perhaps, re-prioritized. Some of the issues will require owners' permission. Dir. White said that several of his constituents are in the areas being discussed and wants to be involved. Directors Super and Sawrey are in agreement to have Mr. Wright do the shifts in projects, if he can find the money in less priority projects. Dir. White expects that Mr. Wright and he will talk to all the property owners involved.

B. Secretary's Report: Mr. Spinelli completed the draft description of Protocol Officer for D45. Dir. White said he had some changes he will make. Mr. Spinelli and Dir. Sawrey gave a web status report which is "work in progress".

C. Treasurer's Report: Mrs. Spinelli gave the regular monthly financial reports. She conferred with John Miley, and they agreed on \$3500 for D45 monthly payment to the BOC. She provided a "delinquent assessments report". All have been contacted. There was a discussion regarding stopping the water flow to those delinquent members. Dir. White said that he hasn't talked to our attorney for some time about this matter. Now, however, Mr. Waldera cautioned about the statutory procedures before cut off. It was decided to send a list to the water master of delinquent accounts to cut off water.

7. NEW BUSINESS AND OTHER ITEMS THE BOARD DEEMS PERTINENT:

Dir. White: Effective Meeting Seminar – No attendees.

Dir. Sawrey: He has a request from a constituent that wants to know if a director needs permission from the BOD to approach or district attorney. Review of prior minutes does not show any requirement; however, January 2015 minutes are missing. Is there any protocol regarding needing 2 directors to agree to talk to the attorney?

Dir Super: A couple of years ago that was the SOP. It was informal advice.

Dir. White: It was informal in the past, but it was resisted. Each director has a fiduciary responsibility to individual constituents to talk to the attorney.

EXECUTIVE SESSION: Public meeting was recessed at 9:50 PM to go into Executive Session.

PUBLIC MEETING: The Public Meeting was reconvened. Regarding the “Lovas Petition for Partition”, Dir. Jim White motioned to authorize District Attorney Andy Waldera, up to 13 hours of work to prepare appropriate opposition D45 documents, and appear at the Blaine County hearing for the Petition for Partition. Dir. Sawrey seconded the motion – Dir. White and Sawrey voted in favor, Dir. Super abstained. Motion passed 2 to 1.

8. SETTING DATE FOR NEXT MEETING: Tuesday, June 14, 2016

9. ADJOURNMENT: 10:30 PM

Approved 