

**MINUTES OF THE BOARD OF DIRECTORS OF THE
WOOD RIVER VALLEY IRRIGATION DISTRICT #45**

August 15th, 2017

- 1. CALL TO ORDER:** Director Johnson called the meeting to order at 6:30 p.m., August 15th, 2017 at the meeting place, Clearwater Landscaping on Kingsbury Lane, Bellevue, ID.
- 2. ROLL CALL TO ESTABLISH QUORUM:** Director Johnson, Director Bertoni was present at the start of the meeting. Director Casey arrived ten minutes into the meeting only missing the public comment by Mr. Jim White.
- 3. READING AND CORRECTION OF MINUTES FOR:** Director Johnson attested to the meeting minutes for June 9th, 2017 was correct. Motion to accept the minutes passed unanimously.
- 4. PUBLIC COMMENT:**

Jim White; What hasn't been depicted on a main joint works map shown here tonight are where are the mitigation ponds in relation to the legs of the water district and I think that is crucial going forward. One of the things that I have always felt was missing from the discussion about the joint works map was what about the ponds at the southern legs because sooner or later they will become crucial in the mitigation effort and the storage effort and who gets credit for what. They must be identified on the maps for the D45 patrons to be treated fairly in terms to what happens with these ponds. Mr. White continued with, As a D45 Board member he understood that in the future there would be conjunctive management of surface water rights & ground water rights. The full scope of how this works has not been decided. Water that is in our system flows into these ponds. If I do not use all my water it goes on down. Yes, I recognize that I lose legal right to it once it passes my property however, but by the same token the entirety of the system calls out that we all are treated fairly because we are all contributing to the kitty (mitigation ponds). What I sensed is that TID seeks to accumulate for itself whatever benefit can be derived out of the use of those ponds going forward. And the benefit will certainly include credits for recharging the aquifer. And if D45 doesn't stand its ground now the issue of who gets those credits will just fade away. Just like the ponds are not on the maps, this information won't be passed from one member to another and D45 will lose out. Let's not ignore the fact that there is a viable benefit for D45 to participate for whatever credits may come for use as a result of those ponds and don't let them just go to TID.

5. OLD BUSINESS:

a. Final Division Partition Asset Reconciliation.

Shirley Spinelli Spoke with Stacy Brue the TID bookkeeper and went thru the seven questions item by item.

Shirley Spinelli spoke with Sarah Gardner regarding outstanding invoices not on the main spreadsheet report of reconciliation and balanced out these extra invoice between the districts to a value of \$367.32 that D45 owed TID.

Director Johnson made a motion to accept this agreed amount between Shirley Spinelli & TID Director Sarah Gardner as the final settlement on the assets from the 2014 reconciliation and the D45 directors will sign the check presented in the amount of \$367.32. Director Bertoni seconded the motion. Director Johnson will contact TID Director Sarah Gardner and inform her that D45 has approved the final reconciliation and we are sending a check for this amount. It is understood this is the final reconciliation to which both boards have agreed (end of story now and forever).

b. Shared Asset Ownership Documents Updates

There are two issues under this heading.

D45's attorney Andy Waldera prepared a Quitclaim Deed for Co-ownership of land running through the town of Bellevue along the canal. TID had asked that their district be added to the title. This Quitclaim Deed was recorded with Blaine County Recorder's office on August 10th, 2017. A copy of this recorded deed will be sent to Andy Waldera and TID Director Sara Gardner.

Andy Waldera drafted a Letter to IDWR regarding the canal mitigation rights, for those mitigations rights to be held jointly between the two districts. The TID attorney reviewed the letter and approved it. So Andy Waldera sent the letter to the Idaho Department of Water Resources and is waiting on their acceptance of the letter placing the canal mitigations rights in both districts names.

D45 received a bill from Andy Waldera for \$646. As D45 understands this bill includes his time to prepare the draft documents. A bill for time associated with document revisions and sending is still pending, along with any future time associated with addressing IDWR's response. Shirley will forward Mr. Waldera's bill and backup to TID. With the understanding that TID agreed to support a maximum \$600 effort based upon Andy's initial estimate.

c. Gannett Road Property Quit Title Process

The last indication from TID was that we would place this process into the next years' budget, and that D45 would follow TID's lead on how to approach acquiring this property for the two districts.

TID is proposing a Quiet Title Legal Action implemented by TID's attorney Mr. Al. Barker for the two districts to obtain ownership of the property based upon the facts presented.

(See e-mail from Sarah Gardner regarding this action attached at the end of meeting minutes.)

Jolyon asked about the cost for the district to establish claim to the property without pursuing the public route proposed by Mr. Al Barker. What is the value of the dollars D45 will be putting into this? What is the potential risk and reward for success in this endeavor? He suggested that a director of D45 speak with Al Barker and get a better understanding of Al Barker's pathway for success in this endeavor before D45 commits our money to this process.

Director Bertoni made the motion that he would talk to TID's Attorney Al Barker and discuss this subject and clarify if Mr. Barker has reviewed or considered all the avenues for claiming this property.

Director Johnson will respond to TID that D45 Board agreed to consider budgeting \$1400 next year to support this effort, but felt the overall cost was high, and wanted to better understand the advantages of the quiet title process versus just continuing to pay the property taxes in conjunction with showing occupancy of the property (fencing, storage building, etc.) Motion was seconded by Director Casey.

d. Howard Preserve Management Plan Review

Director Johnson asked if any director wanted to review the management plan for the Howard Preserve. The water master John Wright informed the directors how the management plan lays out the physical description for the Howard Preserve and includes the canal. It also identifies for our water district the Statute that allows for the district to manage our canal within their boundary and it accommodates the district needs well.

Director Johnson said the district was satisfied with this explanation as review of the management plan and D45 would not need to discuss this further. Director Casey & Director Bertoni agreed.

e. District Boundary and Joint Works Maps Update

The goal for tonight was to review the map of the joint works. Jolyon shared the attached map, which is a composite of the PUO and Joint Works maps, which he received from Galena Engineering.

D45 understands the Joint Works is the important aspect from the BOC's point of view, however, there were several questions raised about the POU content that D45 did not have time to fully discuss. D45 will create an agenda item for documenting our POU comments at a later date.

Director Johnson made a motion that D45 has reviewed and accepts the Joint Works map at this time and asked that Jolyon Sawyer convey that to the BOC. Director Casey seconded.

f. Belle Ranch Water Rights Assessment

Regarding IDWR water right transfer application 81435 for the Belle Ranch Property on the NE corner of Kingsbury lane and Pero Road, the D45 acknowledges that the TID has agreed to assess the water rights transferred to this property (37-23049, 23050, 23051, 23062, 23053, 23054, and 23055) and that this is appropriate since the Owner desires to be assessed by TID, this property was previously a dry lot and the water rights were transferred from property within the TID. The D45 directors suggest that this property should be annexed into the TID following the proper application and request procedures by the Idaho Statutes.

6. REPORTS:

a. Jolyon Sawrey, BOC Representative:

1. Next BOC Meeting:

October 3rd, 2017 at 8:00 a.m. is the Budget Meeting for the BOC.

Jolyon felt this meeting of the BOC will be too late to get the 2018 budget process approved. He informed D45 that he will be reaching out to the BOC and get the workshops going (one in August and one in September) so by October D45 will know what the BOC is planning to approve and D45 will have the missing piece to plug into D45's 2018 budget.

Jolyon will be working with John Wright and Justin Stevenson going over the Draft Maintenance budget proposed work revising it by going to the same locations and acquire new photos to update what has been completed, what still needs to be accomplished to complete the maintenance on the canals & head gates & diversions with what was originally planned and update the budget for 2018.

2. Wave Park:

Jolyon is going to send the draft letter that he wrote to Greg Wolfrom as the BOC Representative regarding the proposed wave park. The letter will acknowledge the following:

--Everything that the wave park committee intends to do is good with the BOC.

--If they plan to use their own money to make a diversion that creates a wave across the river and also helps improve the water flow into our head gates in the low water years and we get to critique the design the BOC is OK with this proposal.

-- If they want to allow people to be able to get close to the wave action by building a bridge over the head gate, we agree there must be some engineering solution out there that would create a safe bridge over the head gate. The BOC is OK with this proposal.

--However, we are not supporting attending a workshop until you answer our questions presented to you in writing.

The letter will be a positive letter for working with the wave park committee endeavor.

3. Al Barker's recommendation to TID regarding earmarked money in the BOC Budget:

TID's attorney recommended that TID could use the percentage of the \$10,000 contributed by TID earmarked for tree maintenance along the upper canal at the TID's discretion. It was advised by Al Barker to throw out a two year old determination by a non-bias third party attorney, Norm Semanko, and to perform work different then outlined in the BOC budget under their sole judgment using 86% of the \$10,000 without D45 concurrence, ignoring the statutorily clause "Subject to".

What is very important here is that, their attorney Al Barker was recommending throwing out a judgment solicited and accepted by both districts that in the statues when it comes to work related budget items mutually approved the budget and description for work to be performed; and that some people associated with TID were promoting this course of action.

Jolyon shared with the board that he contacted Mr. Stevenson regarding this matter and understood that he would speak to the people involved about ceasing these efforts.

4. BOC Tree Maintenance Budget Allocation:

Jolyon informed D45 that the BOC and Justin Stevenson have determined that the subject budget is excessive for only the section of the upper canal as defined in the budget (only the portion of the canal owned by the districts), and that the BOC is requesting the D45 consider and approve extending the defined work area for two parcels to the north and one parcel to the south of the original parcel, to do the exact same work as defined in the original description. All three Directors gave their permission for this change.

5. Forwarding John Wright's reports:

Jolyon has been making sure that he forwards John Wright's reports to the D45 directors. Jolyon gave several compliments to and about John Wright's work as water master.

b. John Wright, Water Master:

Water Flow level:

1. The river flow has stayed the same for the last three weeks and John reported that he expected it to continue and the good news is that the canals are running full.
2. Canal maintenance work during the dry season: John explained that normally things are drying out and some canals are dry by this time of year. Thus he is usually able to do more maintenance work by this time. But it looks like they will be trying to squeeze a lot of budget work into a much shorter time due to the canals carrying so much water so late in the season.
3. Spraying: With the water so clear and no debris he has been able to switch from running back & forth clearing debris to spraying. Utilizing a backpack sprayer he has been able to access all canals more easily and spot spray. Last year he logged every load of backpack spray and where he went. This year he started spraying two weeks earlier than last year and as of today it appears that he will only spend half the amount of spray this year as last year. So it appears we are making progress on the necessity of spraying.
4. Keith will continue dozing: The BOC will continue to have Keith Meyer remove much of the gravel deposits out of the canals. And John has earmarked places where the canals are dry and Keith can clear gravel and to clear road right of way next to the canal.
 - Eastside of 75 from the ski pond and south along Silver Creek Farms
 - Hanson's by Derby Lane
 - Gannett road eastside in Henry's Kennel area
 - Eastside of Gannett road along the west side of Belle Ranch
 - Eastside of the East ditch along Gannett road at Griffin Ranch
5. Work at the Main Head gate:

The priority is rebuilding the retaining wall and removing the gravel.

c. Treasurer, Shirley Spinelli;

Shirley handed out balance sheets & budget sheets for the current standing.

Shirley had checks for SV storage (July-August-September), Secretary, Treasurer, BOC and legal work.

We have received money from some delinquent accounts.

d. **Secretary, Bette Gower;**

Item 1) Directors position for Zone 2 comes up for election this fall. I have provided Clair with a Nomination Petition. I also have two more copies if anyone is contacted by a patron of our water district interested in running for the Directors position for Zone 2.

Petitions can be signed by any patron of the district, with the name and signature on file in the Records Office for Elections. Please note as acknowledged by our 2017 Assessment Decree Book we only have 86 resident electors, thus Nominating Petition only needs to be signed by six (6) electors of the district.

The secretary needs to receive this form between September 8th and September 28th. Not before the 8th and not after the 28th. So the secretary can have them verified by the county that the signatures are Blaine County voters.

Item 2) I called and checked with IDWR regarding the Abandonment of Water Rights by the Mountain West Bank. The letter was a notification and as of 30 days from June 22 when they received the notification from the Mountain West Bank's Attorney it will be final. I also call the Mountain West Bank's Attorney a Mr. R. Wayne Sweney and spoke with him regarding the Abandonment of the water rights. He informed me that they had contacted the residence in the subdivision and no one wanted to purchase these water rights. He was also unaware of the water bank and indicated that they would not pursue this route.

What happens to these water rights now? They cease to exist so the water in essence remains in the river.

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

a. **Tail water catch pond (Recharge) ponds**

Director Bertoni asked Jolyon and John Wright to clarify more about the ponds at the end of the canal legs. John Wright explained how the ponds do show that they recharge the Aquifer but also how they are management tools for stabilizing the water flow in the canals without extra trips to the main head gate at the river. And adjusting the flow of water at the main head gate at the river is the most difficult to adjust.

b. **2018 Budget Process**

The D45 administrative budget will be discussed at the next meeting. The BOC budget is not expected to be available at that time.

8. PUBLIC COMMENT:

9. SETTING DATE FOR NEXT MEETING: Due to conflicts the next meeting will be held on September 19th, 2017 at 6:30 p.m.

10. ADJOURNMENT: Director Johnson motioned to adjourn the meeting at 7:30 p.m. Director Casey seconded the motion.



Director Johnson



Director Bertoni



Director Casey