

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

March 22, 2022

A regular meeting of the Board of Directors of the Owyhee Irrigation District was held on March 22, 2022, at Owyhee Irrigation District office located at 422 Thunderegg Blvd., Nyssa, Oregon, at 10:00 a.m. Dan Tschida, President of the District presiding.

The following Directors were present:

Dan Tschida	Bruce Corn
Eric White	Frank Ausman

Also present were: Clancy Flynn, District Manager; Michael W. Horton, Attorney; Jerry Nagaki, Outgoing Director; Jay Chamberlin, Outgoing Manager; Lynn Larsen, NRCS; Linda Henderson, Debra Odette, Darla Sebasto, Greg Clark, Bryan Bachelder, Craig Froerer, and Rod Frahm, Members of the Public.

MEETING NOTICE. The meeting agenda showed that public notice of the meeting was given on March 17, 2022.

PLEDGE OF ALLEGIANCE. President Tschida led the Pledge of Allegiance.

MINUTES. Minutes of the meeting of the Board of Directors held on February 22, 2022, were mailed to the Directors prior to the meeting. A motion was made by Director White, seconded by Director Corn, and unanimously carried approving the minutes as mailed.

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 water payments are continuing to come in steady. He said the employees are working a lot of overtime right now. He said they have not started burning ditches yet.

DISTRICT ACCOUNTS PAYABLE. Two lists of District accounts payable for the month were included in the Directors' packets. Questions were asked and answered on some of the bills. A motion was made by Director Corn, seconded by Director Ausman, and unanimously carried approving 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. The Directors reviewed the report. The Directors discussed the timing of transferring funds from the Mitchell Butte Project as set out in the budget.

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

AT&T	\$3.94
Nichols Accounting Group	185.00
Tefkinity	<u>42.95</u>
 TOTAL	 \$231.89

BOARD VACANCY. The Directors discussed filling Mr. Nagaki's vacant Board position. A motion was made by Director Corn and was seconded by Director White to have Bryan Bachelder fill the vacant position. A vote on the motion was had. Directors Corn and White voted in favor and Directors Ausman and Tschida voted against. The motion failed for lack of a majority vote. Mr. Horton said that the irrigation statutes provide that the remaining Directors "shall" fill the position. He then gave a report on how an election for the position would occur in November. Possible solutions to fill the position were discussed.

GRADALL PURCHASE. Mr. Flynn gave an update on purchasing a Gradall. He said that after investigating the matter further, the deal on the Gradall did not work out. Director Corn asked about trailering the backhoes to save wear and tear from driving on the roads. Director Ausman said that he would be in favor of a policy requiring the backhoes to be trailered if a set distance is reached. President Tschida asked if CDLs are required to drive the trailer. Mr. Chamberlin said that all of the backhoe operators have CDL licenses. Driving the backhoes on the roads were discussed. Mr. Flynn said that he will work on educating the District employees and encourage them not to be driving the backhoes on the roads if they need to travel for much of a distance.

OLD DISTRICT BACKHOE. Mr. Flynn said that the trade-in value for the old district backhoe is \$42,000. The Directors discussed selling the backhoe to the Joint Committee for use at the Owyhee Dam Compound. After discussion, it was the consensus of the Directors not to sell at this time. They said they would like to see how it goes with three backhoes. They said the backhoe could be used up at the dam compound if it is needed and that it could be billed to the dam at an hourly rate.

FEDERAL APPROPRIATIONS. Mr. Flynn said that the deadline for applying for federal appropriations is April 1. He said that FCA helped put together an application. He said he will work on finding matching funds from State of Oregon entities. He said the appropriation is for \$5,000,000 projects, but they are really looking for \$2,000,000 to \$3,000,000 projects. He said that he will be applying for a \$2,500,000 federal grant for a \$3,000,000 project. He said he will seek \$500,000 from the Oregon Clean Water Fund since that amount can potentially be forgiven. President Tschida asked if there are any grant writers for hire. The matter was discussed and Mr. Flynn said that he will look into it.

LYNN LARSEN – NRCS. Mr. Larsen said that the funding of \$1,400,000 came in for the watershed plan. He gave an overview of what the District might expect in putting the plan together. He said the District will receive \$100,000 to administer the funds. He said the rest of the money is to be used for writing the plan. He said NRCS and the District will need to enter into an agreement for management of the funds. He said after that, the District will do an RFP to have the plan drafted. He said he expects that to be in the fall. Director Ausman voiced his frustration with having to continually be spending money on these plans. He said the money spent on plans could have gone a long ways towards improving District infrastructure. Mr. Larsen said that by getting the plans in place, it will open up the availability to acquire up to \$25,000,000 of funding for projects. He said that he does not think there will be very much required matching funds, but he is not sure at this point. He said there will probably be some fund matching required. Mr. Chamberlin encouraged the Board to hang in there. The Board members then thanked Mr. Larsen for his hard work. He said that he anticipates having a draft contract for the Board to review at the next Board meeting. At 10:50 a.m., Lynn Larsen left the meeting.

KINGMAN LATERAL. Mr. Flynn gave an update on work done on the Kingman Lateral. He gave a video presentation. He said he hopes the lateral will hold up better than it did last year.

DEAD OX PUMPING PLANT. Mr. Flynn said that completion of the Dead Ox Pumping Plant rehab is getting close. He then showed photos of the work done.

DISTRICT PIPELINES. Mr. Flynn gave an update on pipelines going in throughout the District. He said that the crews have about six days of ditching and burning left.

COMPUTER SOFTWARE. Mr. Flynn said that the software switchover is still going on. He said they are waiting for a server.

MENDIOLA FIRE BLM MATTER. Mr. Flynn said that he had a meeting with BLM to negotiate the trespass claim. He said that he thought that it went well and he is waiting to hear back.

DISTRICT EQUIPMENT. Mr. Flynn said that the concrete mixer truck engine burnt up. He recommends replacing the engine. He said that staff are looking around for parts.

COW HOLLOW TRASH RACKS. Mr. Flynn said that the Cow Hollow trash racks are in and getting wired in right now. He said the electrical panel at Jacobson's Gulch is now in.


DUNAWAY PUMPING PLANT. Mr. Flynn gave an update on the Dunaway Pumping Plant. He said that they are waiting for an impeller for the Owyhee pump. He said that the Dead Ox refurbishment should be done today or tomorrow.

EXECUTIVE SESSION. At 11:07 a.m., the Board entered into executive session pursuant to ORS 192.660(2)(e) and (h) to discuss real estate matters and discuss litigation with legal counsel.

At 11:54 a.m., the Board returned to regular session.

ADJOURNMENT. There being no further business to come before the Board, the meeting was adjourned at 11:55 a.m.

Respectfully submitted,



Michael W. Horton, General Counsel

APPROVED: _____

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

March 22, 2022

A meeting of the Joint Committee of the Owyhee Project was held on March 22, 2022, at the Owyhee Irrigation District office located at 422 Thunderegg Blvd., Nyssa, Oregon, at 1:00 p.m. Eric White, Chairman of the Joint Committee presiding.

The following members of the Joint Committee were present:

Eric White	Frank Ausman
Chris Landa	Bruce Corn
Dan Tschida	Brett Nielsen

Also present were: Clancy Flynn, Manager of the Hydro Projects; Michael W. Horton, Secretary and Legal Counsel; Jerry Nagaki, Outgoing OID Board Member; Monty Culbertson, Old Owyhee Manager; John Eells, South Board Manager; Leslie Thompson, *Argus Observer* (by conference telephone); Michael Blackaby, Old Owyhee Secretary; Jay Chamberlin, Outgoing OID Manager; and Linda Henderson, Kirk Sessions, Lance Peterson, Rob Wagstaff, Stoney Schulthies, Terry Oft, Darla Sebasto, Debra Odette, Theodore Frahm, Greg Clark, Jeremy Peterson, and Logan Skeen, Members of the Public.

MEETING NOTICE. The meeting agenda showed that public notice of the meeting was given on March 17, 2022.

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

MINUTES. The minutes of the regular meeting of the Joint Committee held on February 22, 2022, were reviewed by the Committee members. A motion was made by Mr. Tschida, seconded by Mr. Corn, and unanimously carried approving the minutes.

TUNNEL #1 POWER PROJECT.

Tunnel #1 Financial Report. Mr. Flynn handed out financial reports for the Tunnel #1 Power Project which were reviewed by the Committee members.

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

AT&T	\$18.18
Nichols Accounting Group	425.00
FERC	28.26
Five Rivers Law, P.C.	481.00
Oregon-Idaho Utilities	<u>244.59</u>
Total	\$1,197.03

OWYHEE DAM POWER PROJECT.

Owyhee Dam Financial Report. Mr. Flynn handed out financial reports for the Owyhee Dam Power Project which were 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	\$145.46
Nichols Accounting Group	425.00
Oregon-Idaho Utilities	<u>166.32</u>
Total	\$736.78

WATER OUTLOOK. Mr. Flynn presented photos and videos of his recent snow flight. He said the reservoir picked up 40,000 acre feet in the last nine days. He said there is currently six inches of snow with a 2.4 foot snow/water equivalent at Mud Flat. Mr. Chamberlin, who flew with Mr. Flynn, said that the Jordan drainage still has snow. He said that warmer temperatures are projected for the next week, which is just what is needed. He said the warm weather will start to bring the water out, but that it won't be much.

Mr. Flynn said there is currently 226,175 acre feet of water in the reservoir right now. He said that if an allotment were to be set, it would be between 1.6 and 1.75 foot per acre. He said that USBR had projected stream flows back in March, from March through September, of 300,000 acre feet. Mr. Corn and Mr. Landa both suggested that the Joint Committee will need to meet again once the weather warms up. Mr. Flynn said that the next two weeks should bring the rest of the snowpack out and that it may get the allotment up to 2 feet per acre. Chairman White suggested waiting until next week and then look again before setting an allotment. He said that right now if it were set, it would probably be around 1.7 foot per acre.

TENTATIVE TURN ON DATE. Chairman White opened up the meeting for public comment on a possible turn on date. Public comment was split equally between wanting to turn it on early and wanting to hold off and turn it on later. After the public comments, the Joint Committee members discussed a tentative turn on date.

A motion was made by Mr. Tschida to set a tentative turn on date for April 15 to be revisited within the next couple of weeks. The Committee members discussed the motion. Mr. Flynn said that OID is waiting to burn ditches until they know when the water will come on so that they won't fill up with weeds after they burned out. The motion was seconded by Mr. Ausman. A vote on the motion was had. Committee members White, Ausman, Tschida, Corn, and Landa voted in favor of the motion. Mr. Nielsen voted against. The motion passed on a vote of five to six.

TURN ON DATE FOR PUMP DITCHES. Mr. Ausman made a motion to turn the pump ditches on April 11. The motion was discussed. Mr. Flynn said that he would prefer a longer period from the time the pump ditches come on until the water is released from the reservoir. The motion did not receive a second.

A motion was made by Mr. Nielsen to set a tentative turn on date for pump ditches of April 6. A motion was seconded by Mr. Landa. The motion was voted on and Joint Committee members White, Landa, Ausman, Corn, and Nielsen voted in favor of the motion. Mr. Tschida voted against. The motion passed on a vote of five to six.

SPECIAL MEETING. The Committee members discussed having a special Joint Committee meeting to revisit the water allotment and turn on dates. After discussion, it was the consensus of the Joint Committee members to meet on March 31, at 10:00 a.m.

MOU. Mr. Flynn said that he met with Monty Culbertson and John Eells, along with staff for the entities to review the MOU and discuss how it worked in short water years. He then summarized the MOU's terms. He said that currently Old Owyhee Ditch has 18,060 acre feet of water in storage in the reservoir. Mr. Blackaby, Secretary of Old Owyhee Ditch Company, said that he has been secretary of the Old Owyhee Ditch Company since 1974 and he said it is great how well the districts have worked together the last few years. Mr. Horton said that the MOU was the result of meetings and much negotiation in 2014. He said the contracts relating to the water allocation between the entities are quite complex and the MOU was a way to interpret those contracts. He said the 2014 agreement was written to be effective for just the one year with the anticipation that a longer term agreement would be entered into. He said that over the years the entities have all agreed to continue following the MOU during short water years. He suggested that such action be taken again this year.

A motion was made by Mr. Corn, seconded by Mr. Landa, and unanimously carried that the terms of the 2014 MOU be implemented and complied with during this irrigation season. Mr. Chamberlin encouraged those in attendance to explain the importance of the entities working together to others.

STAFFING AT OWYHEE DAM. Mr. Flynn said that the new employee at the Owyhee Dam did not work out. He said he is now looking for a replacement.

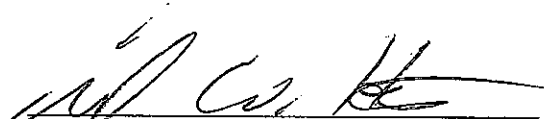
HYDRO REPORT. Mr. Flynn reported on the hydroelectric power plants. He said that the Tunnel #1 wicket gates have been examined.

21. OWYHEE FIELD DAY. Mr. Flynn said that Owyhee Field Day is scheduled for April

OID BACKHOE USE AT DAM COMPOUND. Chairman White said that during OID's meeting the OID Board decided to hold on to its backhoe this year, but that they will run it up to the dam if it is needed up there.

ADJOURNMENT. There being no further business to come before the Committee, the meeting was adjourned at 1:48 p.m.

Respectfully submitted,


Secretary

APPROVED: _____