

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

June 21, 2022

A regular meeting of the Board of Directors of the Owyhee Irrigation District was held on June 21, 2022, at Owyhee Irrigation District office located at 422 Thunderegg Blvd., Nyssa, Oregon, at 7:33 p.m. President Dan Tschida presiding.

The following Directors were present:

Dan Tschida	Bruce Corn
Eric White	Frank Ausman
Greg Clark	

Also present were: Clancy Flynn, District Manager; Michael W. Horton, Attorney; and Darla Sebasto and Linda Henderson, Members of the Public.

MEETING NOTICE. The meeting agenda showed that public notice of the meeting was given on June 16, 2022.

MINUTES. Minutes of the meeting of the Board of Directors held on May 17, 2022, were mailed to the Directors prior to the meeting. A motion was made by Director Ausman, seconded by Director White, 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 some of the items in the report will need to be cleaned up as the person at Nichols Accounting who normally does the financial report is out on maternity leave. He said the fuel budget is getting hammered with the rising fuel costs. He said that diesel fuel has held up because the mowers have not been run. He said that spraying has seemed to work better this year.

WEEDS AND SPRAYING. The current conditions around the District as to weeds was discussed. Spraying of weeds was also discussed. Director Ausman said that there are some trees along the ditches which are needing to be taken care of.

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. President Tschida asked if the report can show totals. Mr. Flynn said that he will ask. A motion was made by Director White, seconded by Director Corn, 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. Mr. Flynn said that only one unit will be run this year. He said that the trash rack is limping along.

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	\$82.18
Nichols Accounting Group	185.00
Tefkinity	42.95
Century Link	<u>198.57</u>
TOTAL	\$508.70

DEAD OX PUMPING PLANT. Mr. Flynn reported on the operation of the Dead Ox Pumping Plant. He updated the Board on plans for staffing the facility. He said the new trash rack is working well. He said that it is rapidly paying for itself. A cleaning schedule for the channel was discussed.

BACKHOE. Mr. Flynn said that a District backhoe is being repaired. He said that he has not found the cause for the failure. He said that as far as staff can tell, neglect does not appear to be a cause of the failure.

LINING OF NORTH CANAL 42.3. Mr. Flynn said that the liner at 42.3 on the North Canal needs replaced. He said that he would like to apply for some grants with the Bureau of Reclamation to fund the repairs. He presented proposed Resolution 2022-5 to apply for a grant. Mr. Horton read the proposed resolution which the Directors discussed. After discussion, a motion was made by Director Ausman, seconded by Director White, and unanimously carried adopting Resolution 2022-5, a copy of which is attached to these minutes.

NRCS WATERSHED GRANT AGREEMENT. Mr. Flynn said that he finally received a beginning draft of the NRCS Watershed Grant Agreement. He said that Mr. Horton has reviewed the draft agreement and there are a lot of changes in the document which need made. He said that NRCS is wanting to shift all liability to the District in the agreement.

EMPLOYEE HEALTH INSURANCE. Mr. Flynn said that not many of the employees' spouses are using the spousal coverage on the employee health insurance. He said that he would propose to eliminate spousal coverage after talking to an employee representative. The Directors discussed the matter and it was the consensus of the Directors that they would like to hear a formal report on the matter from the Employee Committee. Mr. Flynn said that he will check on the District's ability to change the insurance after it renews or if the Board will need to have a special meeting prior to renewal.

AUDIT REPORT. Mr. Flynn said that Mr. Richins provided him with the audit, but that he could not attend the meeting. He said that overall, the audit was a good report. He said that Mr. Richins can come in September and present the audit. It was the consensus of the Board to have Mr. Richins come in September.

WORKERS' COMPENSATION COVERAGE FOR VOLUNTEERS. Mr. Flynn presented a proposed resolution extending Workers' Compensation coverage to volunteers. Resolution 2022-6 was reviewed and discussed. A motion was made by Director Corn, seconded by Director Ausman, and unanimously carried adopting Resolution 2022-6, a copy of which is attached to these minutes.

PIPING PROJECTS. Mr. Flynn said that he checked on a couple of pipeline projects. He said the Hartley-Sisson Project is on hold as there has not been any funding received to complete the project. He said that NRCS is seeking funding for the Arabian Pipeline Project.

ONLINE WATER REPORTS. Mr. Flynn said that water reports are not available online through the current software.

COMPUTER SYSTEM. Mr. Flynn said that the SCATA computer system went down and needs replaced. He said the total estimated cost is between \$11,000 and \$12,000.

NEW HEAT AND SMOKE RULES. Mr. Flynn said that new heat and smoke rules for employees are going into effect soon. The matter was discussed. Mr. Flynn said that policies will be in place when the new rules go into effect.

CONCRETE PUMP. Mr. Flynn said that the concrete pump has arrived. He said that he can purchase a one-ton diesel truck to carry the concrete pump for \$4,500. The Board discussed the matter and were impressed that a truck can be purchased for that amount. After discussion, it was the consensus to purchase a truck for \$4,500 and to purchase a second truck at that price if it is available.

SDAO TRAINING. Mr. Flynn said that SDAO training is scheduled for August 31. He said the training is virtual. It was discussed that new Director Greg Clark should attend the training.

KINGMAN LATERAL GRANT APPLICATION. Mr. Flynn said that a site visit is coming up next week with regard to the Kingman Lateral Grant Application. The matter was discussed.

MANAGER'S REPORT. Mr. Flynn said that he is working on standard operating procedures for the ditch riders. He also gave an update on the District's radio system which may need to have more money spent on it. He said that janitorial services at the District office needs to be addressed.

AUSMAN PIVOT. Director Ausman said that he would like to put in a new pivot which will cross a lateral that is already piped. He said that a new weir will need to be put in on the neighbor's property. He showed a map and explained the proposed pivot. The Directors discussed the matter with Mr. Ausman abstaining. After discussion, it was the consensus of the Directors (excluding Director Ausman) to allow the installation of the pivot.

DIRECTOR COMMENTS. President Tschida relayed a complaint he received from a landowner who was not introduced to his ditch rider.

PUBLIC COMMENT. Darla Sebasto said that the Dead Ox trash rack is awesome. Director Corn said that he is glad to hear positive comments like that. Director Clark said that kudos need to go out to the employees for planning out the Dead Ox trash rack system.

Linda Henderson said that she had a past experience with not knowing the name of her ditch rider.


EXECUTIVE SESSION. Mr. Horton said that an executive session is needed pursuant to ORS 192.660(2)(h) to confer with legal counsel. At 8:58 p.m., the Board entered executive session and the audience members left the meeting.

At 9:20 p.m., the Board returned to regular session.

WBH FARMS DITCH BREAK SETTLEMENT. A motion was made by Director Tschida, seconded by Director Ausman, and unanimously carried that the District pay WBH Farms \$10,500 for damages arising from the April 14, 2022, ditch break so long as WBH Farms signs a release.

ADJOURNMENT. There being no further business to come before the Board, the meeting was adjourned at 9:25 p.m.

Respectfully submitted,



Michael W. Horton, General Counsel

APPROVED: _____

Owyhee Irrigation District
422 Thunderegg Blvd.
Nyssa, Oregon 97913

Phone: (541) 372-3540
Fax: (541) 372-2437



Resolution No.: 2022-6

A RESOLUTION EXTENDING WORKERS' COMPENSATION
COVERAGE TO VOLUNTEERS OF:

Owyhee Irrigation District

WHEREAS, the above district elects the following:

Pursuant to ORS 656.031, workers' compensation coverage will be provided to the classes of volunteer workers as indicated below (checked "Applicable") and listed on the attached Volunteer Election Form(s).

Board Members Applicable Not Applicable

Public Officials on unpaid boards will be covered only for administrative and clerical functions while performing their authorized duties as elected officials.

Public Safety Volunteers Applicable Not Applicable

Public Safety Volunteers are covered at the assumed monthly wage indicated on the attached Volunteer Election Form(s).

Other Volunteers Applicable Not Applicable

Non-public safety volunteers and board members volunteering for duties other than administration and clerical functions will use the attached Volunteer Election Form(s) to keep track of their hours and have their assumed payroll reported in the correct Class Code for all their types of work using Oregon minimum wage.

A roster of active board members and volunteers will be kept monthly for reporting purposes and submitted to SDAO quarterly or more frequently upon request.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of

Owyhee Irrigation District to provide workers' compensation coverage as indicated above.

ADOPTED by the Board of Directors of Dan Tschion Owyhee Irrigation District

on 21 June 2022
(date)

DAN TSCHION PRES.
Name and Title of Authorized Representative

ATTEST BY: [Signature] DATE: 6-21-2022

Print Name and Title: Clancy Flynn, Manager

OWYHEE IRRIGATION DISTRICT
Lining of the North Canal 42.3 mile
Resolution 2022-5

WHEREAS, the Owyhee Irrigation District has had difficulty with seepage and slope stability in this canal reach; and

WHEREAS, these difficulties have in years past resulted in settling of the Malheur River Siphon; and

WHEREAS, the District would like to protect against future damage to the Malheur River Siphon; and

WHEREAS, the project would save an estimated 200AF each irrigation season; and

WHEREAS, the United States Bureau of Reclamation makes money available through WaterSmart grants for this type of water saving project; and

NOW THEREFORE, BE IT RESOLVED that the Owyhee Irrigation District authorizes a project to line the North Canal beginning at the outlet of the Malheur siphon and continuing downstream;

BE IT FURTHER RESOLVED that the Owyhee Irrigation District authorizes the pursuit of Reclamation WaterSmart, Water and Energy Efficiency monies to help cover the cost of said project.

BE IT FURTHER RESOLVED that Owyhee Irrigation District is capable of and commits itself to providing the funds/in-kind contributions outlined in the grant application and to work with Reclamation to meet established deadlines for entering into a grant or cooperative agreement.

Dated this 21st day of June 2022.

OWYHEE IRRIGATION DISTRICT



Dan Tschida, President

RELEASE

In consideration of \$10,500.00 paid by Owyhee Irrigation District, WBH Farms, LLC releases Owyhee Irrigation District, its employees, and agents from any and all claims known or unknown that it may have against Owyhee Irrigation District, its employees, and agents for any and all damages arising from the ditch break that occurred on April 14, 2022. WBH Farms, LLC acknowledges that payment of the \$10,500 is not an admission of liability for the ditch break.

Date: July 24, 2022, 2022.

WBH FARMS, LLC

By: Dennis Bowns
Dennis Bowns, Manager

by John Bowns POA

6-19-22

WBH FARMS
743 Beet Dump Rd.
Nyssa Oregon 97913
541-372-3845

Invoice for Water Washout from Canal Break

Approximately 30 acres

Seed: Sugar Beet	# 300.00 per Acre	9000.00
Planting:	# 25.00 per Acre	750.00
Bedding:	# 25.00 per Acre	750.00
		<hr/>
		10,500.00

The Owyhee Irrigation district helped put dirt around pipe line, and will also fill dirt in when Wheat is Harvested which will help fill Trench through the Wheat field.

WBH Farms will fix the trench through the Beet field after Harvest.

Robert L. Wynn

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

June 21, 2022

A meeting of the Joint Committee of the Owyhee Project was held on June 21, 2022, at the Owyhee Irrigation District office located at 422 Thunderegg Blvd., Nyssa, Oregon, at 7:00 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; John Eells, Manager of South Board; Greg Clark, OID Alternate; and Linda Henderson and Darla Sebasto, Members of the Public.

MEETING NOTICE. The meeting agenda showed that public notice of the meeting was given on June 16, 2022.

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

MINUTES. The minutes of the May 17, 2022, meeting of the Joint Committee were mailed out prior to the meeting. A motion was made by Mr. Landa, seconded by Mr. Corn, and unanimously carried approving the minutes as mailed.

TUNNEL #1 POWER PROJECT.

Tunnel #1 Financial Report. Mr. Flynn handed out a financial report for the Tunnel #1 Power Project which was reviewed by the Committee members. Mr. Flynn said that the power plant is running good. He said that there was a small rate increase for power produced.

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

AT&T	\$50.84
Nichols Accounting Group	425.00
Five Rivers Law, P.C.	610.50
Oregon-Idaho Utilities	<u>244.50</u>
Total	\$1,330.84

OWYHEE DAM POWER PROJECT.

Owyhee Dam Financial Report. Mr. Flynn handed out a financial report for the Owyhee Dam Power Project which was reviewed by the Committee members. Mr. Flynn said that the \$5,401 of income, which was asked about last month, was an insurance longevity credit.

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

AT&T	\$49.12
Oregon-Idaho Utilities	166.23
Nichols Accounting Group	<u>425.00</u>
Total	\$640.35

RESERVIOR STORAGE. Mr. Flynn reported on the current reservoir storage. He said that there is currently 298,656 acre feet of water in the reservoir. He said he looked at similar years with the storage levels at this amount at this time of year, which were 1955 and 1991. He said that in both years the reservoir water lasted into October with a little bit of storage left over. He said the allotment in 1991 was 3.75 acre feet and in 1955 it was 4 acre feet, although there was less acreage in the project in 1955.

WATER ALLOTMENT. The Committee members discussed resetting the allotment. Mr. Flynn said that he would be comfortable with a 3 acre foot allotment. Following discussion, a motion was made by Mr. Landa to increase the allotment to 3.1 acre feet. The motion was seconded by Mr. Corn. A vote on the motion was had. Mr. Landa, Mr. Corn, Mr. Nielsen, Mr. Ausman, and Mr. Tschida voted in favor of the motion and Mr. White voted against. The motion passed on a vote of five to one.

AUDIT REPORT. Mr. Flynn said that he received the audit from Brian Richins, but that Mr. Richins could not attend the meeting. He said that Mr. Richins reported that it was a clean audit.

RING GATE INSPECTION REPORT. Mr. Flynn said that USBR issued their report following their inspection of the ring gate. He said that according to the report the ring gate is in pretty good repair for its age. He said the Bureau is wanting the hatch gaskets replaced. He said that after receiving the report, the gaskets have been replaced. He said that the Bureau is also recommending off-season venting. He said there are some small rust spots that need coating. The needed repairs were discussed.

DAM TENDER TRAINING. Mr. Flynn reported on dam tender training which occurred last week. He said that he was not especially happy with the training as it seemed more like a USBR staff tour than training. He said the first part of the training was okay. He said that he would like to have another training session and is figuring out how to accomplish that.

DAM TOURS. Mr. Flynn said that all of the dam tours went well.

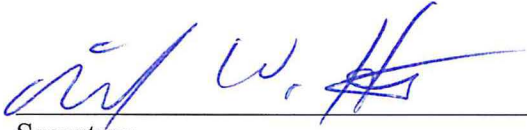
POWER LINE CROSS ARM REPAIRS. Mr. Flynn said that the cross arms on the power line in the desert were recently repaired. He said that work is now completed.

B2H POWER LINE. Mr. Flynn said that he has nothing to report on the B2H power line. Mr. Eells said that he has contact with a staff member working on the project and he will get that contact information to Mr. Flynn.

FISHING. Mr. Eells said that the crappie are biting well right now.

ADJOURNMENT. There being no further business to come before the Committee, the meeting was adjourned at 7:31 p.m.

Respectfully submitted,


Secretary

APPROVED: _____