

**BOARD MEETING MINUTES**  
**December 14, 2017 10:00 a.m.**  
**TUMALO IRRIGATION DISTRICT OFFICE**  
**64697 Cook Avenue**  
**Bend, Oregon 97703**

**BOARD:** Ron Cochran, Shirley DeMaris, Steve Putnam, Martin Warbington  
**STAFF:** Kenneth Rieck, April Harris-Spath, Bob Varco  
**ATTORNEY:** Mark Reinecke  
**GUESTS:** Jack Farley, Greg Mohnen, Nunzie Gould, Dale Callen

Chairman Cochran called the regular board meeting to order at 10:00 a.m. and appointed April Harris-Spath scribe.

**ELECTION TIE BREAKER**

As discussed at the November 20<sup>th</sup> special board meeting, the election held on November 14, 2017 resulted in a tie vote between Shirley DeMaris and John Farley (Jack) and it was decided that at the next Regular board meeting on December 14, 2017 the Board would decide on a "fair and impartial" procedure for deciding who wins. The method of rolling dice for the highest number was determined to be both fair and impartial by the Board.

The District provided a new, unopened package of dice with each dice numbered 1 through 6. The District election official, Office Manager April Harris Spath opened the new package of dice and allowed the challenger, John (Jack) Farley to choose two dice, which were then handed to the incumbent, Shirley DeMaris. The incumbent, Shirley DeMaris, rolled the two dice and the sum of the two dice added together was seven. The challenger, Jack Farley, then rolled the same two dice. The sum of the two dice added together was nine. With the highest number rolled, Jack Farley won the election.

**EXECUTIVE SESSION ANNOUNCEMENT**

At 10:10 a.m. the Board recessed the Regular Session and asked the Board to convene into Executive Session per:

- ORS 192.660(2)(f) to consider information or records that are exempt from disclosure by law, including written advice from your attorney.
- ORS 192.660(2)(h) to consult with counsel concerning the legal rights and duties of a public body with regards to current litigation or litigation likely to be filed.

**RECONVENE**

Following Executive Session, the Regular Session was reconvened at 11:35 a.m.

**APPROVE MINUTES OF NOVEMBER 2017 BOARD MEETINGS**

Director Putnam made a motion to approve the minutes for the November board meetings. Vice Chair DeMaris seconded the motion and it passed unanimously.

**WATER SUPPLY REPORT**

Manager Rieck reviewed the current water supply report and the attached graphs. Crescent Lake was 88% full. Rieck stated that the District has kept the outflow of the lake the same. However, a

reassessment will need to be made next month to determine if the outflow needs to be increased. The District has been working closely with U.S. Fish and Wildlife to comply with the biological requirements for the benefit of the Oregon spotted frog.

### **OWRC ANNUAL CONFERENCE**

Manager Rieck, Chairman Cochran, Watermaster Chris Schull, and Office Manager April Harris attended Oregon Water Resource Congress's annual conference in Hood River again this year. Rieck commented that these conferences always provide a great opportunity to meet new vendors, as well as representatives from the Oregon Water Resources Department and the Bureau of Reclamation. Rieck and Cochran spoke about a couple of the topics that were discussed at the conference. Both State and Federal representatives discussed regulations in regards to growing cannabis and hemp.

### **WATERSHED PLAN – PL 566**

The Watershed Plan is still under review in Washington D.C. It is expected to be released to the public between January 8, 2018 and January 10, 2018. Two weeks after the release another public meeting will be held, at which time the public will have an opportunity to ask questions and make verbal comments. Following the meeting, the public will have an additional two weeks to submit written comments.

The District has reserved the Tumalo Community Church for Wednesday, January 24, 2018 at 5:30 p.m. Post cards will be mailed around the 10<sup>th</sup> of January to all of the District's patrons inviting them to attend the meeting.

### **PHASE 5 UPDATE**

Latham Excavation has begun construction on the fifth phase of piping the Tumalo Feed Canal. Manager Rieck updated the Board on Latham's progress and the process they are using.

### **540 ACRES REZONE**

Manager Rieck and Chair Cochran attended the hearing on December 12, 2017 for the rezone application that the District submitted. Bryant, Lovlien & Jarvis' attorney Garrett Chostek represented the District. The County must decide if rezoning the land to MUA-10 is the appropriate type zoning for that property. Comments will be accepted by the County between December 22, 2017 and January 2, 2018. The District will then have until the close of business on January 12, 2018 to respond to comments and submit final rebuttals.

### **2018 INSTREAM LEASE MOU**

Deschutes River Conservancy sent the District the MOU and Exhibit A for 2018 instream leases, which stays the same from year to year except for the rate that the District charges our patrons for the instream lease. The Board will need to decide if the District should change the rate this year for the mapping and administrative cost of completing the applications. The return to patrons will be \$8.50 per acre if 5 acres of water or more is leased. Vice Chair DeMaris made a motion to approve the MOU. Director Warbington seconded the motion and it passed unanimously.

### **MUNSON PLAN LIQUIDATING TRUST**

The Board was updated on the status of an outstanding debt that is owed by the Munson Plan Liquidating Trust, a current water patron. The Board decided not to include previous legal fees in the lien that will be filed this year to collect the balance of their 2017 assessment. Director Warbington made a motion supporting the decision. Director Putnam seconded the motion and it passed unanimously.

A second motion was made by Director Warbington granting the Attorney Reinecke permission to move forward with a small claim court action to collect the portion of the Trust's outstanding balance that is legal fees from previous years. Vice Chair DeMaris seconded the motion and it passed unanimously.

**PUBLIC COMMENT**

Patron Dale Callen questioned the Board on the subject of new storage reservoirs, piping projects, and the Watershed Plan. Manager Rieck stated that the District has no current plans to build any new reservoirs yet although they may be needed in the future but it is not part of the current piping project. Manager Rieck answered Callen's questions and recommended that he attend the public meeting that has been scheduled for January 24, 2018.

Patron Nunzie Gould requested that the District post the Watershed Plan on our website once it is released to the public. Gould would also like the District to create an Asset Management Plan. Gould expressed her concerns about the District rezoning the 540 acres, questioning why the District chose to rezone it to MUA-10 instead of EFU. The Board pointed out that it was a requirement of the County that the land be rezoned, as it is no longer a surface mine. Manager Rieck stated that the District chose MUA-10 based on a recommendation by Paul Dewey, an attorney of Central Oregon LandWatch, after discussing all of the pros and cons of choosing MUA-10.

**MOTION TO APPROVE DECEMBER 2017 VOUCHER LIST**

Director Putnam made a motion to approve the December 2017 voucher list. Director Warbington seconded the motion and it passed unanimously.

**ADJOURN**

The date of the annual board meeting was set for Tuesday, January 9, 2018. Director Putnam made a motion to adjourn the regular board meeting at 12:18 p.m. Vice Chair DeMaris seconded the motion and it passed unanimously.