

**SPECIAL MEETING MINUTES**  
**April 27, 2017 1:30 p.m.**  
**TUMALO IRRIGATION DISTRICT OFFICE**  
**64697 Cook Avenue**  
**Bend, Oregon 97703**

**BOARD:** Ron Cochran, Shirley DeMaris, Steve Putnam, Wally Zimmerman, Martin Warbington  
**STAFF:** Kenneth Rieck, April Harris  
**ATTORNEY:** Mark Reinecke  
**GUESTS:** Nunzie Gould

Chairman Cochran called the regular board meeting to order at 1:35 p.m. and appointed April Harris scribe.

**TUMALO LEGISLATION**

The Board discussed Legislative Bill H.R.352, introduced by Mr. Walden and enacted on January 8, 2009, authorizing the Secretary of the Interior to assist in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon. This authority will expire 10 years after the date of the enactment of this Act. This bill was passed but never funded. The Board must make a decision on whether the District should move forward in amending the bill to increase the dollar amount, extend the deadline, and increase the cost share. This process could take years and would most likely be expensive, with no guarantee of funding.

It was determined by the Board that it would be in the best interest of the District not to pursue this option at this time, but may consider it again in the future.

**EXECUTIVE SESSION ANNOUNCEMENT**

At 2:04 p.m. the Board recessed the Regular Session and asked the Board to convene into Executive Session per:

- 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 the Executive Session, the Regular Session was reconvened at 2:30 p.m.

**FERGUSON/CONTECH PIPE**

Chairman Cochran made a motion approving Attorney Reinecke to write a letter to Ferguson Waterworks in Redmond, advising them that the material that they provided to the District by contract from Contech does not meet the specifications that Contech represented them to be and that Ferguson must find a way to remove and replace the existing pipe, in order to install pipe that does meet the original specifications represented by the manufacturer. Vice Chair DeMaris seconded the motion and it passed unanimously.

**OWRD CASE**

Director Zimmerman made a motion to instruct attorney's Martha and Elizabeth, of Schwabe Williamson & Wyatt, to contact the State to negotiate a consent order, on the condition that the KCDG ponds do not have to be drained and agreement on how the District will respond to requests for water by KCDG. This consent order must state that the District did not break any laws and does not admit to any wrongdoing. Vice Chair DeMaris seconded the motion and it passed unanimously.

**ADJOURN**

Vice Chair DeMaris made a motion to adjourn the regular board meeting at 2:41 p.m. Director Zimmerman seconded the motion and it passed unanimously.

APPROVED