

BOARD MEETING MINUTES
June 13, 2017 10:00 a.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, Bob Varco, Chris Schull
ATTORNEY: Mark Reinecke
GUESTS: Greg Mohnen, Tom Bishop, Dorbina Bishop, Brianna Cadwell, David Bilyeu

Chairman Cochran called the regular board meeting to order at 10:02 a.m. and appointed April Harris scribe.

EXECUTIVE SESSION ANNOUNCEMENT

At 10:02 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 the Executive Session, the Regular Session was reconvened at 11:30 a.m.

APPROVE MINUTES OF APRIL & MAY 2017 BOARD MEETINGS

Chairman Cochran suggested two corrections in the wording of the executive and regular minutes for the special meeting held on April 27th. Director Putnam made a motion to approve the April 27th and May 9th regular and executive board meeting minutes with the corrections that were discussed. Vice Chair DeMaris seconded the motion and it passed unanimously.

WELCOME - CHRIS SCHULL

Manager Rieck introduced new employee Chris Schull, who was hired to fill the District's open position of Watermaster. Rieck described Schull's job duties and provided a brief summary of his background. Rieck stated that Schull was driving the Ford Ranger, which is the District's spare vehicle. TID has begun looking for a new vehicle to purchase in order to put the Ranger back into service as a backup truck.

WATER SUPPLY REPORT

Manager Rieck reviewed the current water supply report and the attached graphs, which showed that Crescent Lake had increased by 10% over the last month and was 85% full. Rieck stated that snow has been melting fairly slowly and expected that the District would not be fully pulling water from the lake until the end of July.

WATERSHED PLAN – PL566

Manager Rieck updated the board on the status of the PL566 funding that may become available for Irrigation Efficiency Projects in the Deschutes River Basin. Districts are required to have a Watershed Plan before becoming eligible for funding. The District has been researching options for matching funds up to \$5 million.

The District will hold a meeting on July 6, 2017 at the Tumalo Community Church at 5:30 p.m. The purpose of the meeting will be to inform the community of the proposed Tumalo Irrigation District Irrigation Modernization Project to conserve water, improve fish habitat and enable in-conduit hydroelectric power generation, pressurize the system, and to gather community comments on the proposed project. Invitations to attend the meeting will be mailed to every water patron in the District.

GROUND WATER MITIGATION CREDITS

The District is in the process of applying for mitigation credits from the State for the water that is being released from Crescent Lake for the Oregon spotted frog during the winter months. If the application is approved, the income could be used as a source of funds for matching the PL566 grant.

PHASE V

The District was unable to come to an agreement with all of the property owners involved with the upcoming proposed piping project. Therefore, it will not be able to reroute the Tumalo Feel Canal to reduce costs on the fifth phase of piping the canal. Manager Rieck has directed engineer Kevin Crew to begin the design for Phase IV B and V in order to be prepared should the PL566 funds become available this year at which time the District will pipe the canal as far as funds will allow.

WATER TRANSFER

Director Warbington made a motion approving the transfer of 0.4 acres of water rights from Scott Alan Wilson & Hongyao Wang to Trevor Lugers & Jessica LeBlanc, and a self-to-self transfer of 0.5 acres for Lugers/LeBlanc. Vice Chair DeMaris seconded the motion and it passed unanimously.

BISHOP v. TID LAWSUIT

The District has been sued by Thomas Bishop and Dorbina Bishop, Trustees of the Bishop Family Trust. Attorney Reinecke provided a brief background, in which Tom & Dorbina have filed a complaint for Declaratory Judgement and Injunctive Relief against the Defendants: Tumalo Irrigation District, KC Development Group, the Cadwell Family Trust, Nancy & Harris Kimble, and Deschutes County.

The District's legal counsel will review the complaint and make recommendations to the Board.

PUBLIC COMMENT

Manager Rieck opened the meeting up to public comment. Guest Greg Mohnen stated that there is plenty of water this year and everything looks good. Guest David Bilyeu introduced himself and inquired about sources the District would use for fill material during the Phase V piping project. Manager Rieck stated that the District would most likely purchase material. However, the District has not made any plans at this time.

EXECUTIVE SESSION ANNOUNCEMENT

At 12:15 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

The regular board meeting was reconvened at 12:47 p.m.

MOTION FOR JOINT LEGAL REPRESENTATION

Director Putnam made a motion to allow joint representation for the District in relation to the Bishop lawsuit. Both Tumalo Irrigation and KC Development Group (KCDG) will be represented by Schwabe, Williamson & Wyatt. Vice Chair DeMaris seconded the motion and it passed unanimously.

MOTION TO DELIVER WATER TO KCDG

The Oregon Water Resource Department revoked the settlement offer that had previously been presented to the District. The Board discussed options in going forward. Vice Chair DeMaris made a motion authorizing Manager Rieck to work with KCDG in finding a solution that would allow them to receive their irrigation water without using the ponds. If no solution is found, the District will release water the way the system is currently structured.

MOTION TO APPROVE JUNE 2017 VOUCHER LIST

Director Putnam made a motion to approve the June 2017 voucher list. Vice Chair DeMaris seconded the motion and it passed unanimously.

ADJOURN

The next board meeting date was set for July 11, 2017. Director Putnam made a motion to adjourn the regular board meeting at 12:51 p.m. Vice Chair DeMaris seconded the motion and it passed unanimously.

APPROVED