

MINUTES OF THE REGULAR MEETING OF THE
BOARD OF DIRECTORS OF THE
EAST COLUMBIA BASIN IRRIGATION DISTRICT

June 7, 2023

The regular meeting of the Board of Directors of the East Columbia Basin Irrigation District was called to order at 10:00 a.m. by President Duaine Anderson.

Present were:

Directors

Duaine Anderson
Kevin Lyle
Don Osborne
Dennis Swinger, Jr.
Reid Baker

Staff

Craig Simpson
Rosa Dekker
John McCourtie
Nate Andreini
Jon Erickson
Wendy Lange
Anna Franz

Visitors present: Clyde Lay and Amy Rodman, USBR; Kevin Brown, WDOE; Kristina Ribellia and Cari Cortez, CBCD; Darvin Fales, CBHP; Michele Kiesz, Jennifer Korfiatis, Lynn Olsen, Orman Johnson, Eli Stahl, and Clark Kagele.

Visitors

Visitors via teleconference: Melissa Downes, WDOE; Mike Schwisow, Consultant; Kirk Rathbun, Randall Fox, Paul Wollman and Brian Kuest.

Minutes of the regular meeting of May 3, 2023, had been mailed to the Directors. Following discussion, Director Swinger moved to approve the regular meeting minutes of May 3, 2023, as written. Director Osborne seconded, and the motion carried.

Minutes
Approved

Ms. Michele Kiesz requested the board re-evaluate the \$120 Development Fee for the private system water service contracts. She stated landowners with smaller farms have financial constraints versus the larger farm operations. Lowering the Development Fee would enable more deep wells to be taken offline while landowners wait for the PL-566 funding.

Public Comment
Period

Manager Simpson presented the following contract a., for board consideration:

District
Improvements

Contracts

- a. Interruptible First Phase Continuation Water Service Contract, WHB Trust, 390-073-809, 488.5 acres

Manager Simpson reported these acres are to be served by the EL80.6 Delivery System but due to difficulties with their well, WHB requested a water service contract delivered

from an existing turnout on an interim basis. He reported a permit for a metered turnout from an existing pump facility has been drawn up. Following discussion, Director Swinger moved to approve contract a. as presented and discussed. Director Baker seconded, and the motion carried.

Manager Simpson presented the following permit a., for board consideration:

Permits

- a. Good Faith 4 All, LLC Temp. Culvert Crossings Block 41, FU 89

Following discussion, Director Lyle moved to approve permit a. as presented and discussed. Director Baker seconded, and the motion carried.

Manager Simpson reported staff approved and issued the following permits, consistent with board authorization:

Approved & Issued Permits

- a. Gary Whitaker Stock Water Block 40, FU 72
- b. Grant PUD Buried Utility Crossing Block 43, FU 64
- c. Grant PUD Overhead Utility Crossing Block 44, FU 71
- d. Grant PUD Overhead Utility Crossing Block 44, FU 72
- e. Grant PUD Overhead Utility Crossing Block 44, FU 73
- f. Grant PUD Overhead Utility Crossing Block 44, FU 74
- g. Grant PUD Overhead Utility Crossing Block 44, FU 90
- h. Grant PUD Buried Utility Crossing Block 44, FU 106
- i. Grant PUD Overhead Utility Crossing Block 44, FU 145
- j. Grant PUD Overhead Utility Crossing Block 44, FU 260, 284
- k. Grant PUD Overhead Utility Crossing Block 44, FU 266
- l. Grant PUD Buried Utility Crossing Block 44, FU 285
- m. Grant PUD Utility Encroachment Block 49, FU 71
- n. Steve Butcher Temp. Utility Crossing Block 49, FU 71
- o. Grant PUD Utility Crossing Block 44, FU 280-253-03
- p. Citation Farms, LLC Metered Diversion WSC 390-069-809
- q. Chris & Nancy Hyer Metered Diversion WSC 390-071-809

Manager Simpson presented the following agreements a. through c., for board consideration:

Agreements

- a. Consent to Water Delivery Changes, Prior Sisters, LLC, Block 44, Farm Unit 210
- b. Permanent Release of Water Allotment, Dowers Land, LLC, Block 40, Farm Unit 217-01, 0.3 acres
- c. Permanent Release of Water Allotment, Good Faith 4 All, LLC, Block 41, Farm Unit 089-376-004-01, 58.5 acres

Following discussion, Director Osborne moved to approve agreement a., as presented and discussed. Director Baker seconded, and the motion carried. Following further discussion, Director Osborne moved to approve agreements b. and c., as presented and discussed. Director Baker seconded, and the motion carried.

Vouchers audited and certified by the Auditing Officer as required by RCW 42.24.080 and those expense reimbursement claims certified as required by RCW 42.24.090 have been recorded on a listing, which has been made available to the Board. After reviewing the vouchers submitted for payment approval, Director Baker moved to approve for payment check nos. 323593 through 323799 in the amount of \$863,307.52 and electronic Payroll and AP transfer in the amount of \$501,414.35 for a total of \$1,364,721.87 from the O&M Fund. Director Swinger seconded, and the motion carried.

Vouchers

Manager Simpson presented Resolution 2023-08, Surplus Office Equipment. Following discussion, Director Osborne moved to adopt Resolution 2023-08 as presented and discussed. Director Lyle seconded, and the motion carried.

Resolution 2023-08

Manager Simpson reported the board had previously authorized a temporary water service contract for Round Lake Farms for 2023. He reported the contract has been approved by Reclamation and is now fully executed and ready for recording.

Round Lake Farms Temp WSC

Manager Simpson reported no assents were received from Reclamation nor were any other comments received for the following Petitions for Inclusion of Land:

Order for Hearing for Petition for Inclusion of Land

- a. Loeffelbein Family Trust, Inclusion No. 235
- b. Kevin J. Lyle, Inclusion No. 236

Manager Simpson also reported Reclamation has informed the District to expect the assents later this month.

Development Coordinator Erickson reported on last month's OGWRP tours and the upcoming tour with NRCS Chief Cosby on June 12th.

OGWRP:

Development Coordinator Erickson reported the system is now moving forward to 90% design.

EL22.1 Delivery System Update

Development Coordinator Erickson reported a request has been made for water delivery to approximately 1,900 acres to be delivered from the EL47.5 Delivery System. He reported the beginning stages are underway with Ecology and the landowner.

EL47.5 Delivery System Update

Development Coordinator Erickson reported easement work is in process for both the EL80.6 and EL84.7 Delivery Systems.

EL80.6 & EL84.7 Delivery System Update

Assistant Manager Andreini presented Erlandsen & Associates Task Order No. 4, for EL80.6 Delivery System additional easement exhibits. The task order is associated with landowner requested system extensions and in the amount of \$9,800. Following discussion, Director Osborne moved to approve Erlandsen & Associates Task Order No. 4, as discussed. Director Baker seconded, and the motion carried.

Erlandsen & Assoc. Task Order No. 4

Assistant Manager Andreini presented Erlandsen & Associates Task Order No. 5, for EL84.7 Delivery System additional easement work. The task order is associated with landowner requested system extensions and in the amount of \$23,100. Following discussion, Director Osborne moved to approve Erlandsen & Associates Task Order No. 5, as discussed. Director Baker seconded, and the motion carried.

Erlandsen & Assoc. Task Order No. 5

Assistant Manager Andreini presented Erlandsen & Associates Task Order No. 6, for the EL 80.6 and EL84.7 Delivery Systems. The task order is for the easement for the new power lines for the two plants and in the amount of \$55,600. Following discussion, Director Baker moved to approve Erlandsen & Associates Task Order No. 6, as discussed. Director Osborne seconded, and the motion carried.

Erlandsen &
Assoc. Task
Order No. 6

Development Coordinator Erickson reported there is a 30% design acceptance meeting with Reclamation today at 3:00 p.m.

EL86.4 Delivery
System Update

Assistant Manager Andreini presented Anderson Perry & Associates Task Order No. 2022-03 for the EL86.4 Delivery System cultural resource survey. The task order is in the amount of \$15,000. Following discussion, Director Osborne moved to authorize Anderson Perry & Associates Task Order No. 2022-03, as discussed. Director Baker seconded, and the motion carried.

Assistant Manager Andreini requested authorization to call for Engineering Services RFQs for various tasks with the EL86.4 Delivery System, corrosion protection and other projects. Following discussion, Director Baker moved to authorize a call for Engineering Services RFQs, as requested. Director Lyle seconded, and the motion carried.

Development Coordinator Erickson reported FCA is continuing their efforts on the project and there have been several discussions focused on public outreach and public hearings. ESA reviews are being performed on two endangered species.

Watershed Plan
Update

Development Coordinator Erickson reported staff has been working on an analysis to best utilize the \$32.8M grant funds awarded for OGWRP. A copy of staff's public system build-out analysis was provided to the board. He reported on July 1st the grants will become available to be applied for from OCR and staff would like to begin the process beforehand to be ready to submit on July 1st. Manager Simpson commented the legislators have been active in supporting OGWRP and are wanting to utilize the funds to get water on the ground as soon as possible. After discussing and considering the criteria presented, Development Coordinator Erickson stated staff recommends moving forward with the EL86.4 Delivery System funded with the State grant money. Director Baker asked whether construction could begin this winter on the EL86.4. Manager Simpson responded that it is very likely construction could begin this winter if easements are in place. Development Coordinator Erickson commented the District cannot hold onto the State funding without risking having it taken back. The State has been adamant about using the funding to get water on the ground now and not spreading it thinly over multiple systems.

OGWRP
Additional
Activities

Discussions continued on current grants, proviso language, utilizing past and present State funding and the watershed plan. President Anderson asked the visitors present for their opinion on the best use of the State funding to get water on the ground the soonest. Mr. Eli Stahl commented the urgency needs to be with the northern delivery systems as he hasn't heard of any problems with wells further south. Mr. Orman Johnson stated they have lost wells and would like to see water on the ground as soon as possible. Mr. Jake Wollman, Jr., commented the funding needs to go where it will have the most affect. Mr. Clark Kagele commented if all the funding ended up on the

EL22.1 Delivery System it still wouldn't be enough to construct the system and agrees that getting water on the ground in the next two years is important.

Following further discussion, Director Baker moved to authorize staff to prioritize development of the EL86.4 Delivery System and proceed with applying for the grant funds to complete the EL86.4. Director Swinger seconded, and the motion carried.

Director Baker moved to authorize staff to proceed with applying for remainder capital funds to develop the EL80.6 and EL84.7 Delivery Systems. Director Swinger seconded, and the motion carried.

Director Baker added he wants the other systems to continue to utilize the grant funding they currently have available. Director Baker also stated he would like the board to discuss lowering the Development Fee.

Ms. Jennifer Korfiatis reported on the monthly update of the District's website, social media following remains low, an e-newsletter is in the works and there are two articles coming out in Irrigation Leader later this year.

Public Relations Update

CBHP Manager Fales presented a WECC certificate for board approval. He reported it is a requirement of the power purchase agreement with Avista. Following discussion, Director Swinger moved to approve execution of the WECC certificate. Director Baker seconded, and the motion carried.

Columbia Basin Hydropower

The meeting recessed for lunch at 12:10 p.m., and the meeting reconvened at 1:10 p.m.

Manager Simpson reported TSC is reworking the risk analysis after visiting the site for a tour.

Trail Lake

Assistant Manager Andreini reported he attended a kickoff meeting with all three Districts and Casne. He reported it will need to be decided whether the system will be a Reclamation SCADA system or a CBP Irrigation Districts' SCADA system.

SCADA

Manager Simpson briefly reported on the meeting with Reclamation regarding their Water Right Permit S-328586, to be proved up to a certificated water right.

CBP Water Rights

Manager Simpson reported on a meeting with the three District managers and the Regional Director regarding a Basin Study in association with CBP completion. He reported both East and South District don't see a value in the study as the CBP has been approved and has a water right. The study is not a requirement for completion of the CBP. Manager Simpson reported the Basin Study would be a much broader study and not just the CBP, adding unnecessary delays. He reported a plan of study would be performed in order to scope out the Basin Study. He recommends supporting the plan of study to be cooperative and not the full Basin Study. Following further discussion, it was the consensus of the board to support the plan of study.

Basin Study for CBP Completion

Assistant Manager McCourtie reported the board had previously authorized staff to call for SUV bids at the April board meeting. He reported after having no luck on the DES website, staff was able to find and purchase a VW Atlas in the amount of \$54,549.20. The budgeted amount for a new SUV was \$70,000. Quotes & Bids

Manager Simpson reported a preliminary Diversion Rate meeting was held. The next scheduled meetings are June 30th and September 21st. Diversion Rate

Manager Simpson presented the contract for Professional Services between the East District and Attorney Franz for board consideration. He reported the contract hourly rate is \$260/hour, an increase of \$60 over the current rate. Following discussion, Director Lyle moved to approve the contract for Professional Services with Attorney Franz, as presented and discussed. Director Swinger seconded, and the motion carried. Legal Services Agreement

Attorney Franz reported Steven Heeb had previously sued the District over his assessment foreclosure proceeding. She reported he is now suing her personally for her participation in the assessment foreclosure proceeding and requested the board authorize her partner Katherine Kenison to defend her in the litigation by Steven Heeb pursuant to RCW 87.03.158. Following discussion, Director Swinger moved to authorize engagement of Katherine Kenison to defend Attorney Franz in litigation by Steven Heeb, as requested. Director Lyle seconded, and the motion carried. Heeb Complaint

Manager Simpson reported the 2nd Half Reserved Works payment is due at the end of the month, in the amount of \$1,640,419.79. He stated he will review the billing before payment is made. 2nd Half Reserved Works Payment

Manager Simpson reported a U.S. Geological Survey study results show 6 million acre-feet of water within the CBP and located in the Pasco Basin. There has been a question on whether it was State water or Reclamation water. Recently, the legislature has made it possible for both entities to work on allocating the water versus who has claim on the water. Information is currently being gathered for rulemaking and to delineate the boundary. Pasco Basin Groundwater Management

Manager Simpson requested time in executive session to report briefly on personnel. Personnel

Safety Supervisor Walraf presented the monthly safety report. She reported on incidents/accidents and provided a staffing update. Safety Supervisor

District Engineer Gonzalez briefly reported on the Engineering Department's activities last month. Engineer Report

Assistant Manager Andreini reported his focus last month was on the OGWRP delivery systems, the close out of a 2014 grant from Ecology, and tours and meetings he attended. Asst Manager Technical Services

Treasurer Dekker reported the debt service payment has been made in the amount of \$1,319,887.56. There were no maturities or investments last month, and the District's financial statements have been submitted. Treasurer Report

Assistant Manager McCourtie reported on both Watermaster section activities, the Saddle Gap Pumping Plant Pump #3 issue and the feed water to the Potholes Reservoir has been shut off. Assistant Manager O&M

Manager Simpson reported Special Projects Administrator Bischoff will be working locating opportunities to free up water on Article 28 water service contracts. To give more flexibility to different forms of contract especially in places like subdivisions where M&I water can be utilized. He reported staff will look into updating the subdivision policy to require the water allotment be released before a plat is approved. M&I water is a better option of a water source for subdivisions. Manager Report

Jennifer Hickenbottom stated TSC will be live streaming the scale model testing of the EL84.7 Delivery System on June 20th. Public Comment

President Anderson declared an executive session at 2:55 p.m., for a total of 15 minutes, to discuss litigation with legal counsel under RCW 42.30.110(i) and to review the performance of a public employee under RCW 42.30.110(g). The meeting came out of executive session at 3:10 p.m. with no action taken. Executive Session

At 3:10 p.m., there being no further business to come before the Board at that time, President Anderson continued the Hearing for Petition for Inclusion of Lands to the next regular meeting and adjourned the meeting. Meeting Adjourned


Secretary


President