

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

November 1, 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

Staff

Julio Gonzalez  
Bobby Bischoff  
Wendy Lange  
Anna Franz

Visitors present: Senator Mark Schoesler and Representative Tom Dent; Tom Tebb and Melissa Downes, OCR; Marc Maynard and Amy Rodman, USBR; Kristina Ribellia and Cari Cortez, CBCD; Lynn Olsen, Gavin Johnson, and Eli Stahl.

Visitors

Visitors via teleconference: Jennifer Hickenbottom, USBR; Mike Schwisow, Consultant; Randall Fox, Jake Wollman, Jr., Kirk Rathdrum, Brian Kuest and Michele Kiesz.

Minutes of the regular meeting of October 4, 2023, had been mailed to the Directors. Following discussion, Director Baker moved to approve the regular meeting minutes of October 4, 2023, as written. Director Lyle seconded, and the motion carried.

Minutes  
Approved

Manager Simpson presented the following contracts a. and b., for board consideration:

District  
Improvements

Contracts

- a. Renewal Interruptible First Phase Continuation Water Service Contract, Kelly J. Shinn, 190-018-805, 146 acres
- b. Renewal Interruptible Water Service Contract for Temporarily Deferred Lands, Jose Guzman, 049-806-803-01, 8.1 acres

Following discussion, Director Osborne moved to approve contract a. and b., as presented. Director Baker seconded, and the motion carried.

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

Agreements

- a. Seasonal Change in Place of Use, Roger Wakins, 290-025

Following discussion, Director Osborne moved to approve agreement a., as presented. 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. 324631 through 324829 in the amount of \$659,159.82 and electronic Payroll and AP transfer in the amount of \$499,691.31 for a total of \$1,158,851.13 from the O&M Fund. Director Osborne seconded, and the motion carried.

Vouchers

Manager Simpson reported, as required by statute, Assistant-Secretary/Treasurer Dekker will display the assessment roll for public viewing in November until it is equalized by the Board of Equalization.

Set Board of Equalization

Director Swinger moved to set the Board of Equalization meeting for 10:00 a.m. on Wednesday, December 6, 2023, in the boardroom of the District Office in Othello. Director Lyle seconded, and the motion carried.

Manager Simpson reported Mr. Eli Stahl is present today to discuss an existing temporary permit for Stahl HB Trust. The temporary permit was for the 2023 irrigation season for an existing pumping plant to give them time to address the return flow of an existing pumping plant. Assistant Manager Andreini commented that the existing pumping plant was put in years ago when the Board allowed return flows and the temporary permit was conditioned for only one year. He reported Special Projects Administrator Bischoff is currently working with Mr. Stahl regarding their options. Unfortunately, there aren't any inexpensive options to not return flow in the East Low Canal. The ELC is subject to daily fluctuations due to return flows that are not desirable, as existing canal capacity is dedicated to new contract deliveries. Manager Simpson stated the ELC runs at max capacity at times. As a result power outages can cause operational issues that could lean to the potential of overtopping the ELC. Discussions continued on costs of the return flow, existing infrastructure, connection to the EL22.1 Delivery System, and drains. Manager Simpson suggested continuing the discussion in December in order to look at solutions or remedies. Director Lyle moved to table the temporary permit discussion to the December meeting. Director Osborne seconded, and the motion carried.

Stahl HB Trust Temporary Permit

Development Coordinator Erickson introduced Senator Mark Schoesler, Representative Tom Dent and OCR Director Tom Tebb. OCR Director Tebb thanked the State legislature for their support and momentum of the capital funding. Senator Schoesler commented discussions began many years ago and is excited to see projects on the ground. Representative Dent stated he is proud to be a part of this project and won't quit until it's done. Development Coordinator Erickson thanked Senator Schoesler, Senator Warnick, Representative Dent, and Representative Dye. Stating it was an honor working with them and a great learning experience. President Anderson expressed gratitude on behalf of the East Columbia Basin Irrigation District for the much appreciated legislative support, and that the \$32.8M grant is game changing funding for the OGWRP. Manager Simpson thanked the legislature for the 20 years of support throughout the project.

OGWRP

OCR Grant Signing

Twenty-five percent of the eligible lands are now under contract. The \$32.8M grant is substantial funding making it possible for three more systems to break ground in 2024.

Ms. Kristinia Ribellia with the Columbia Basin Conservation District (CBCD) reported seven RCPP applications were submitted by CBCD. She reported she has just received confirmation that three of those applications have been awarded funding in the amount of \$39.9M. With this funding the lower three OGWRP delivery systems will be fully funded.

District Engineer Gonzalez presented the Allwest Task Order No. 1, for EL71.5 material testing services in the amount of \$3,051.00 for board approval. Following discussion, Director Osborne moved to approve the Allwest Task Order No. 1 in the amount of \$3,051.00, as presented. Director Baker seconded, and the motion carried.

Allwest Task Order No. 1

District Engineer Gonzalez presented Budinger & Associates Task Order No. 4, for Phase 1 ESA for the distribution power line for the EL80.6 and EL84.7 Delivery Systems for board approval. He reported the task order is in the amount of \$17,200.00. Following discussion, Director Swinger moved to approve Budinger & Associates Task Order No. 4 in the amount of \$17,200.00 as presented. Director Lyle seconded, and the motion carried.

Budinger & Associates Task Order No.

Assistant Manager Andreini reported IRZ has submitted the 60% design to the District and Reclamation for review.

EL11.8 Delivery System

Development Coordinator Erickson reported the Colville Tribes had requested more inspections on two sites as part of the cultural resources review and nothing was found that required additional action. He reported staff continues to work with the landowner group regarding additional funding opportunities.

EL22.1 Delivery System Update

Assistant Manager Andreini reported the task order for the construction of the substation is expected to be presented at the December board meeting.

Development Coordinator Erickson presented two Interruptible First Phase Continuation Water Service Contracts for Stahl HB Trust, 390-075-809 for 1,000 acres and 390-076-809 for 250 acres, for board approval. He reported these lands will be served by the EL22.1 Delivery system when constructed. Deliveries will be made at an existing diversion for the Hyers. Staff recommends approval of both contracts conditioned upon review and acceptance of the contracts by management. Following discussion, Director Lyle moved to approve contracts 390-075-809 and 390-075-809, conditioned upon review and approval by management. Director Swinger seconded, and the motion carried.

Development Coordinator Erickson reported the EL54 landowners have requested the District move forward with design efforts and have pledged a \$20/acre deposit to begin. He reported an MOU with the landowners has not been signed at this time. Manager Simpson reported the EL54 Delivery Systems as a potential to be split into multiple systems similar to the EL79.2.

EL54 Delivery System MOU

Development Coordinator Erickson reported the EL40.2 landowners have requested an MOU meeting. That meeting has been set for November 13<sup>th</sup>.

Assistant Manager Andreini reported Reclamation is finishing up the report of the physical model and the District expects to receive acceptance of the 60% design.

EL80.6 Delivery System Update

Assistant Manager Andreini reported RH2 has submitted the 60% design and the District's has submitted comments. He reported the new cost estimate with the landowner changes included which have increased the delivery system by an estimated \$4M.

EL84.7 Delivery System Update

Assistant Manager Andreini reported staff is working on response to Reclamation's 60% design comments. The estimated cost for the delivery system is \$15.3 M. He also reported staff is hopeful to have the 90% design completed at the end of this month.

EL86.4 Delivery System Update

Development Coordinator Erickson reported the Fox easement is ready to go to the title company who then will work on the closing process. He requested authorization for Manager Simpson to sign the closing documents for the Fox easement. Following discussion, Director Baker moved to authorize Manager Simpson to execute the closing documents for the Fox easement. Director Lyle seconded, and the motion carried.

Development Coordinator Erickson reported the federal Notice of Intent has been published and available for public comment. Work continues for the adoption of Reclamation's EIS for the Odessa Subarea Special Study.

Watershed Plan Project Update

Manager Simpson reported that the normalized cost of the OGWRP continues to be "bought down" with the award of the \$32.8M grant. The Construction Debt Service Charge (CDSC) has been lowered. The normalized cost for the OGWRP delivery systems for 2024 is currently \$120.32 per acre.

Manager Simpson reported on a Reclamation drainage easement in the middle of Simplot's construction improvements. He reported the Reclamation easement is associated with an unconstructed drain. Assistant Manager Andreini reported new Reclamation drainage has not been constructed in recent years. There is potential of the District being asked to accept O&M responsibilities for the rerouted drain being proposed by Simplot. EFO Manager Maynard reported Simplot is in trespass right now. They did not get the easement abandoned and began construction. He stated the easement will need to be abandoned and relocated at a minimum to address the issue as the drain may be needed in the future. Manager Simpson noted that the new alignment proposed by Simplot is not acceptable for District O&M purposes as it extends the route resulting in less velocity, larger facilities, and more siltation at a minimum.

Simplot Unconstructed Drain Realignment

Special Projects Administrator Bischoff reported staff has interviewed three firms and will begin negotiations with Bernardo Wills Architects, P.C., located in Spokane. He stated staff expects to present a negotiated contract next month for board approval.

Space Utilization Study

Manager Simpson reported CHBP will re-engage Lloyd Reed's services for analysis of the Banks Lake Project. The analysis is in the not to exceed amount of \$21,000.00. This is shared cost with the other two Districts, with each District contributing \$7,000.00.

Columbia Basin Hydropower

Following discussion, Director Lyle moved to approve payment of up to \$7,000.00 to CBHP for Lloyd Reed's services. Director Swinger seconded, and the motion carried.

Assistant Manager Andreini reported on a meeting with Reclamation to discuss the SCADA master plan the consultant is preparing. The plan is expected to be completed in January and designs are expected to move forward upon the plan's completion.

CBP SCADA

Manager Simpson reported the South District has hired a water rights examiner, Dan Haller from Aspect Consulting, through district attorney Larry Martin's office.

CBP Water Rights

Manager Simpson briefly reported on the past Diversion Rate meeting. He expressed that it was not a good use of the District's time. The next meeting is scheduled for November 15<sup>th</sup>.

Diversion Rate

Manager Simpson reported the final renewal amount was not available at the time of the meeting. An increase of 10% to the premium is expected due to market conditions. Following discussion, Director Lyle moved to approve the CIAW 2024 insurance renewal up to the amount of last year's premium plus ten percent, as presented and discussed. Director Swinger seconded, and the motion carried.

CIAW Insurance Renewal

The meeting recessed at 12:05 p.m., and reconvened at 1:05 p.m.

Assistant Manager McCourtie reported on this summer's lightning damage to the EL47.5 and EL61 pumping plants. He reported the insurance deductible for major property is \$100,000. Damage to the pumping plants amounted to \$29,970.00 and has been paid.

Lightning Damage Claim

Assistant Manager McCourtie requested authorization to call for polyurea sealant application bids. Director Osborne moved to approve a call for polyurea sealant application bids, as requested. Director Baker seconded, and the motion carried.

Quotes & Bids

Assistant Manager McCourtie requested authorization to call for copper sulfate bids. Director Swinger moved to approve a call for copper sulfate bids and purchase of the copper sulfate not to exceed \$62,660.00, as requested. Director Osborne seconded, and the motion carried.

Assistant Manager McCourtie requested authorization to call for Endothal products bids. Director Swinger moved to approve a call for Endothal products bids and to purchase the Endothal products not to exceed \$170,713.00, as requested. Director Osborne seconded, and the motion carried.

Assistant Manager McCourtie requested authorization to purchase (2) ½ ton pickups, (3) ½ 4x4 crew cab pickups, (1) ½ ton 4x4 crew cab pickup with canopy, and semi floor jacks through the WA State Department of Enterprise Services. Following discussion, Director Lyle moved to approve the above stated purchase requests through the WA State Department of Enterprise Services. Director Baker seconded, and the motion carried.

Assistant Manager McCourtie requested authorization to purchase a grader in the amount of \$283,850.14 and a D5 dozer in the amount of \$226,195.68 through Sourcewell. Both pieces of equipment are new. Following discussion, Director Swinger moved to approve the purchase of a grader in the amount of \$283,850.14 and a D5 dozer in the amount of \$226,195.68 through Sourcewell. Director Osborne seconded, and the motion carried.

Assistant Manager McCourtie reported the District received a bid from Kenworth Sales Company for a used dump truck. The bid consisted of four identical used dump trucks, 2020 Peterbilt 567s, in the amount of \$245,250.00 plus sales tax. He reported the budgeted amount for a used dump truck is \$120,000.00 plus sales tax. Due to each used dump truck in the bid being over 10% of the budget amount staff has no recommendations. No action board action was taken.

Manager Simpson reported Water Strategies has been a consultant for the District since 2009 through WSWRA and presented a draft Water Strategies CBP Agreement for board consideration. In order for CBHP to utilize Water Strategies services the three District's will change the arrangement and pay dues directly to Water Strategies. Manager Simpson reported the monthly amount will increase to \$3,000.00 per entity, up from \$1,750.00 monthly. He reported there has been no rate increase since 2009. Following discussion, Director Baker moved to approve the Water Strategies CBP Agreement at the rate of \$3,000 per month. Director Swinger seconded, and the motion carried.

Manager Simpson presented the KLBehrens & Associates 2024 contract for approval. The contract includes the monitoring of 27 wells in the amount of \$6,868.80, this includes an increase of \$100/month to the 2023 contract amount. Following discussion, Director Lyle moved to authorize execution of the KLBehrens & Associates 2024 contract in the amount of \$6,868.80, as presented. Director Osborne seconded, and the motion carried.

KLBehrens & Associates Well Monitoring 2024 Contract

Manager Simpson presented the Schwisow & Associates 2024 contract for approval, with no changes to the 2023 contract amount. Following discussion, Director Osborne moved to authorize execution of the Schwisow & Associates 2024 contract, as presented. Director Lyle seconded, and the motion carried.

Schwisow & Associates 2024 Contract

Development Coordinator Erickson briefly reported on the Reclamation Stakeholders meeting he attended along with Manager Simpson in Denver. He reported on break out sessions, funding opportunities sessions, and a meeting with the Deputy Commissioner.

USBR Stakeholders Meeting Report

Executive Secretary Lange reported at this time Dennis Swinger, Jr. has turned in a petition for Director Division No. 3 and Don Osborne is expected to turn in a petition for Director Division No. 1 later this week.

Director Elections Update

Manager Simpson reported the District currently requires Ditchriders live within 10 miles of their ditchride. This requirement allows for a reasonable response time should an emergency occur. He reported it is becoming an issue with finding new employees that can find places to live that meet this requirement in the more rural areas. Manager Simpson reported staff is reviewing different options to help with this matter. Those

Ditchrider Housing Requirements

being buying or building houses in the Warden area or changing the 10 mile residency requirement.

EFO Manager Maynard reported Reclamation met with NRCS to memorialize the relationship with an MOU. He reported the Potholes Supplemental Feed Route is expected to start operating in June or July next year. And the Fox drainage study is at TSC for review.

USBR Report

Safety Supervisor Walraf presented the monthly safety report.

Safety Report

District Engineer Gonzalez reported the engineering department has been busy with EL86.4 design, winter pipelines, locates and permits. He reported the District was awarded a \$500,000 WaterSMART grant for next year's conservation pipeline projects.

Engineer Report

Assistant Manager Andreini reported he has been reviewing design packages as they arrive. He also reported on working with Eli Stahl on return flow ideas.

Technical Services Report

Treasurer Dekker reported there were five investments and seven maturities last month. She also reported the assessment roll is ready for public view.

Treasurer Report

Assistant Manager McCourtie reported on both Watermaster section activities and ELC dewatering. He reported a Moses Lake District house has had asbestos removed.

Assistant Manager O&M

Manager Simpson briefly reported on discussions of upcoming staffing due to the increased number of District projects and the potential hiring of a District Realty Specialist.

Manager Report

Director Swinger moved to approve the Board, Manager Simpson and appropriate staff to travel to the PNWA CRT Update, December 13, 2023, at the U.S. Army Corps of Engineers Northwestern Division office, Portland, OR; the Diversion Rate Meeting, January 18, 2024, at the Bonneville Power Administration office, Portland, OR; the Irrigation Leaders Workshop, January 23-25, 2024, at the Crown Plaza Phoenix-Chandler Golf Resort, Chandler, AZ; and the Family Farm Alliance Annual Conference, February 22-23, 2024, in Reno, NV. Director Lyle seconded, and the motion carried.

Travel Authorization

Mr. Jake Wollman, Jr. expressed his concerns regarding the allowance of return flows on existing private systems and not allowing return flows on new systems.

Public Comment


Mr. Lynn Olsen commented District staff could consider raising the ditchrider housing requirements to 12 or 13 miles to alleviate the burden of building houses. He also suggested sending more directors and staff to the Family Farm Alliance Annual Conference.

President Anderson declared an executive session at 3:06 p.m., for a total of 10 minutes, to discuss litigation and potential litigation with legal counsel under RCW 42.30.110(i). The meeting came out of executive session at 3:16 p.m.

Executive Session

At 3:16 p.m., there being no further business to come before the Board at that time, President Anderson adjourned the meeting.

Meeting  
Adjourned

  
Secretary

  
President