

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

December 6, 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
Anna Franz
John McCourtie
Nate Andreini
Jon Erickson

Staff

Julio Gonzalez
Wendy Lange
Maria Garza

Visitors present: Marc Maynard, Amy Rodman, and Jennifer Hickenbottom USBR; Kristina Ribellia, CBCD; Lynn Olsen, Gavin Johnson, Frank Baxter, Jake Wollman, Jr., and Paul Wollman.

Visitors

Visitors via teleconference: Randall Fox, Jake Wollman, Jr., Randy Kiesz, Brian Kuest, Michele Kiesz, and Eli Stahl.

President Anderson announced that the Board of Equalization was now in session as required by law to equalize the 2024 assessment roll. The notice of this meeting was published according to law and the 2024 assessment roll has been available for public inspection.

Convene Board
of Equalization

Minutes of the regular meeting of November 1, 2023, had been mailed to the Directors. Following discussion, Director Swinger moved to approve the regular meeting minutes of November 1, 2023, as written. Director Baker seconded, and the motion carried.

Minutes
Approved

Ms. Michele Kiesz requested time to discuss the O&M increase for OGWRP from 75% to 80% with landowners. It was clarified that the increase of 5% is not to the OGWRP water service contracts during their 10-yr development period at this time.

Public Comment
Period

Mr. Jake Wollman commented the increase from 75% to 80% of the O&M charge to water service contracts is affecting all water service contracts, stating he does not in agree with an increase. President Anderson stated platted Farm Unit have been paying full the O&M fee from the beginning.

Manager Simpson presented the following contracts a. through h., for board consideration:

District Improvements

Contracts

- a. Renewal Interruptible First Phase Continuation Water Service Contract, Wheeler Trust, 190-001-805, 650 acres
- b. Renewal Interruptible First Phase Continuation Water Service Contract, Maiers Irrevocable Farming Trust, 190-003-805, 160 acres
- c. Renewal Interruptible First Phase Continuation Water Service Contract, Wheeler Ranch, LLC, 190-006-805, 80 acres
- d. Renewal Interruptible First Phase Continuation Water Service Contract, Kagele-Erickson I, LLC, 190-012-805, 375 acres
- e. Renewal Interruptible First Phase Continuation Water Service Contract, Wheeler Ranch, LLC, 190-023-805, 439 acres
- f. Renewal Interruptible First Phase Continuation Water Service Contract, Getzinger Land, LLC, 190-025-805, 221 acres
- g. Renewal Interruptible Water Service Contract for Temporarily Deferred Lands, Campbell Kirson Farms, LLC, 290-004-809, 553 acres
- h. Renewal Interruptible Water Service Contract for Temporarily Deferred Lands, Barnum Farms, LLC, 290-006-806, 224 acres

Following discussion, Director Baker moved to approve contracts a. through h., as presented. Director Lyle seconded, and the motion carried.

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

Approved & Issued Permits

- | | | | |
|----|---------------------|-----------------------------|---------------------|
| a. | Grant PUD | Overhead Fiber Crossing | Block 40 |
| b. | Cascade Natural Gas | Buried Natural Gas Crossing | Block 41 |
| c. | Cascade Natural Gas | Buried Natural Gas Crossing | Block 41, FU 79-1 |
| d. | Cascade Natural Gas | Buried Natural Gas Crossing | Block 41, FU 84, 85 |
| e. | Grant PUD | Overhead Fiber Crossing (7) | Block 42 |
| f. | Grant PUD | Overhead Fiber Crossing | Block 42, FU 1 |
| g. | Grant PUD | Buried Fiber Crossing | Block 42, FU 10 |
| h. | CenturyLink | Buried Utility Crossing | Block 41, FU 80 |
| i. | CenturyLink | Buried Utility Crossing | Block 41, FU 226 |
| j. | Keith Kofoed | Connect to Weir Structure | Block 42, FU 116 |
| k. | Grant PUD | Overhead Fiber Crossing | Block 42, FU 157 |
| l. | Grant PUD | Buried Fiber Crossing | Block 42, FU 159 |
| m. | Grant PUD | Buried Fiber Crossing (2) | Block 42, FU 160 |
| n. | Grant PUD | Overhead Fiber Crossing | Block 42, FU 290 |
| o. | Grant PUD | Overhead Fiber Crossing | Block 42, FU 296 |
| p. | Grant PUD | Overhead Fiber Crossing (3) | Block 42, FU 306 |
| q. | Grant PUD | Overhead Fiber Crossing (3) | Block 42, FU 317 |

r.	Grant PUD	Overhead Fiber Crossing	Block 42, FU 42, 48
s.	Grant PUD	Overhead Fiber Crossing	Block 42, FU 44/45
t.	Grant PUD	Overhead Fiber Crossing	Block 42, FU 45
u.	Grant PUD	Overhead Fiber Crossing (2)	Block 42, FU 46
v.	Grant PUD	Overhead Fiber Crossing	Block 42, FU 48, 49
w.	Grant PUD	Overhead Fiber Crossing (2)	Block 42, FU 53
x.	Grant PUD	Overhead Fiber Crossing	Block 42, FU 56
y.	Grant PUD	Overhead Fiber Crossing	Block 42, FU 64
z.	Grant PUD	Overhead Fiber Crossing	Block 42, FU 68
aa.	Grant PUD	Overhead Fiber Crossing	Block 42, FU 69
bb.	Grant PUD	Overhead Fiber Crossing	Block 42, FU 70, 71
cc.	Grant PUD	Overhead Fiber Crossing	Block 42, FU 71
dd.	Grant PUD	Overhead Fiber Crossing	Block 42, FU 81, 300
ee.	Grant PUD	Overhead Fiber Crossing	Block 43, FU 11
ff.	Grant PUD	Overhead Fiber Crossing	Block 43, FU 11, 12
gg.	Grant PUD	Overhead Fiber Crossing	Block 43, FU 12
hh.	Grant PUD	Overhead Fiber Crossing	Block 43, FU 13
ii.	Grant PUD	Overhead Fiber Crossing	Block 43, FU 17
jj.	Grant PUD	Overhead Fiber Crossing	Block 43, FU 186
kk.	Grant PUD	Overhead Fiber Crossing	Block 43, FU 2
ll.	Grant PUD	Overhead Fiber Crossing	Block 43, FU 204
mm.	Grant PUD	Overhead Fiber Crossing	Block 43, FU 210
nn.	Grant PUD	Overhead Fiber Crossing	Block 43, FU 211
oo.	Grant PUD	Overhead Fiber Crossing	Block 43, FU 26, 29
pp.	Grant PUD	Overhead Fiber Crossing	Block 43, FU 27
qq.	Grant PUD	Overhead Fiber Crossing	Block 43, FU 27, 195
rr.	Grant PUD	Overhead Fiber Crossing	Block 43, FU 29
ss.	Grant PUD	Overhead Fiber Crossing (2)	Block 43, FU 4
tt.	Grant PUD	Overhead Fiber Crossing	Block 43, FU 42, 45
uu.	Grant PUD	Overhead Fiber Crossing	Block 43, FU 47, 207
vv.	Grant PUD	Overhead Fiber Crossing	Block 43, FU 47, 53
ww.	Grant PUD	Overhead Fiber Crossing (3)	Block 43, FU 48
xx.	Grant PUD	Overhead Fiber Crossing	Block 43, FU 51
yy.	Grant PUD	Overhead Fiber Crossing (2)	Block 43, FU 6, 188
zz.	Grant PUD	Overhead Fiber Crossing	Block 43, FU 64
aaa.	Grant PUD	Overhead Fiber Crossing	Block 43, FU 70
bbb.	Grant PUD	Overhead Fiber Crossing	Block 43, FU 79
ccc.	DDM Enterprises	Cattle Guard	Block 49, FU 50
ddd.	DDM Enterprises	Cattle Guards	Block 49, FU 51
eee.	Grant PUD	Overhead Fiber Crossing (2)	WSC 042-802-803

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

Agreements

- a. Agreement for Permanent Release of Water Allotment, Public Hospital District #1, Block 41, Farm Unit 121-3, 16.1 acres
- b. Agreement for Permanent Release of Water Allotment, Adams County, Block 45, a portion of Farm Unit 97-3 and Farm Unit 100-2, 0.3 acres

Following discussion, Director Osborne moved to approve agreements a. and b., as presented. Director Kevin 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. 324830 through 325115 in the amount of \$1,742,075.65 and electronic Payroll and AP transfer in the amount of \$764,543.82 for a total of \$2,506,619.47 from the O&M Fund. Director Swinger seconded, and the motion carried.

Vouchers

Manager Simpson presented the following Order for Hearing for Petition for Inclusion of Land:

Order for Hearing for Petition for Inclusion of Land

- a. G&O Johnson, LLC, Inclusion No. 237

Following discussion, Director Osborne moved to approve the Order for Hearing for Inclusion No. 237 for G&O Johnson, LLC, as presented. Director Baker seconded, and the motion carried

District Engineer Gonzalez presented the 2024/2025 BPA Energy Smart Reserve Power Incentive for board approval. He reported the Incentive is in the amount of \$346,244.00 for conservation pipeline projects in 2024/2025. Following discussion, Director Swinger moved to authorize execution of the 2024/2025 BPA Energy Smart Reserve Power Incentive as discussed. Director Lyle seconded, and the motion carried.

2024/2025 BPA Energy Smart Reserve Power Incentive

Development Coordinator Erickson reported staff is working on comments to IRZ's 60% design submittal.

OGWRP EL11.8 Delivery System

Development Coordinator Erickson reported the 90% design package is expected at the end of the month. Manager Simpson reported he and Development Coordinator Erickson met with the landowner group to discuss paths forward and financing options. The CBCD is currently working on applications for RCPP grants.

EL22.1 Delivery System Update

Assistant Manager Andreini presented Grant County PUD Task Authorization No. 5 for substation construction for board consideration. The \$9.55M grant from Ecology is for power infrastructure construction for the EL22.1 Delivery System. He reported the total cost of the power infrastructure for the project is expected to be \$12.3M. Following discussions on delaying the approval of the task order, grant funding, matching funds for RCPP grant applications and utilizing the grant funds for what it is intended for,

Grant County PUD Task Authorization No. 5

Assistant Manager Andreini stated he will call Grant PUD during the lunch hour to inquire on the construction timeline.

Development Coordinator Erickson reported landowners along the proposed EL40.2 Delivery System are showing interest in an MOU with the District. Landowners have met with District staff a couple times and are waiting until 2024 to move forward with MOU discussions. He reported Ms. Michele Kiesz has requested the EL40.2 delivery system be allowed to use money from the Development Fund or to borrow from the Development Fund in lieu of landowner contributions until other funds become available. Development Coordinator Erickson shared the benefits of landowner contributions in the beginning of the design process, it shows a serious landowner commitment to the State legislature when grant funding is being requested. It also defines which acres will be served and the amount of those acres. Following President Anderson's motion request, Director Lyle moved to use the Development Fund for the EL40.2 landowners for only three months until they have an MOU in place. Director Baker seconded. Director Osborne commented on the lack of known commitment if the landowners don't invest up front. Following further discussion, Director Lyle withdrew his motion.

EL40.2 Delivery System MOU

Development Coordinator Erickson reported that some EL54 landowners have pledged a \$20/acre deposit for the District to begin design efforts. The District is currently collecting landowner signatures on the MOU.

EL54 Delivery System MOU

Development Coordinator Erickson reported the District expects to receive acceptance of the 60% design this month. Alignment and studies for easement acquisition have begun. Assistant Manager Andreini reported on co-authored letters with BBEC to landowners regarding powerline easements. Director Lyle inquired on the status of the bridges. Development Coordinator Erickson reported there are no funding updates from the legislature at this time. He also reported the Road "W" Bridge is at an impasse. Grant County is requesting more in-kind crane services than the District staff had been authorized to provide.

EL80.6 Delivery System Update

Development Coordinator Erickson reported the 60% design package has been submitted for review.

EL84.7 Delivery System Update

Director Lyle reported Orman Johnson's family has requested the EL84.7 Pumping Plant be named in Orman's honor. The family said they will incur the costs of a plaque. Director Lyle moved to name the EL84.7 Pumping Plant the "Orman Johnson Pumping Plant" in honor of Orman Johnson. Director Swinger seconded, and the motion carried.

Manager Simpson reported USBR Commission Camille Calimlim Touton posted recognition of Orman Johnson's passing via Reclamation social media.

Development Coordinator Erickson reported staff continues to work through easement acquisition. He also reported the Fox Family easement is currently in the closing process at Frontier Title. EFO Manager Maynard gave the green light for use of Reclamation's 1890 Reservations to acquire easements across all OGWRP lands. This will expedite the easement acquisition process. District staff is working with the EFO Realty Department and will send a letter out to landowners informing them of the process.

EL86.4 Delivery System Update

District Engineer Gonzalez reported the District has received Reclamation's acceptance letter of the 60% design. He reported the 90% design package is complete and ready to be submitted to Reclamation for review. District Engineer Gonzalez reported Mr. Rathbun has now requested to add an additional 85 acres to the delivery system. Development Coordinator Erickson reported staff has reviewed the request and determined it to be a benefit to the District to allow the additional 85 acres. Per the board's requirements, agreement from all landowners on the delivery system is needed. Mr. Rathbun will also be obligated to incur the additional cost to the system. EFO Manager Maynard commented Reclamation will need to consult the archeologist beforehand to verify any required cultural resource review has been completed for those 85 acres. Manager Simpson responded that the lands being served are not subject to a cultural resource review, only the delivery system is. Following further discussion, Director Swinger moved to approve the addition of 85 acres to the EL86.4 Delivery System contingent upon acceptance from all landowners and Mr. Rathbun incurring additional costs and provided the addition would not impact the cultural resource review already completed. Director Lyle seconded, and the motion carried.

Development Coordinator Erickson reported the public comment period for the federal Notice of Intent closes on December 8th. The planning process will begin after it closes.

Watershed Plan
Project Update

Manager Simpson continued the discussion on the Stahl HB Trust temporary permit for the 2023 irrigation season. The temporary permit was for diversions during 2023 from an existing pumping plant to give them time to address the return flow. Assistant Manager Andreini reported there are unconstructed drain easements in the area. Staff has discussed alternatives to take care of the return flow issue with Mr. Stahl. Director Baker stated Mr. Stahl would like to connect to the EL22.1 Delivery System when it's constructed and has requested to continue with the temporary permit until that time. Mr. Stahl confirmed he would like to connect to the EL22.1 Delivery System when constructed. He is asking for more time to address the return flow, stating there is no easy way to complete the task. Mr. Stahl suggested installing a generator at the pump that would start up and continue pumping water. Manager Simpson stated the ELC is subject to daily fluctuations due to return flows that are not desirable. Additional canal capacity is dedicated to new contract deliveries, not return flows. He stated the ELC currently runs at max capacity at times. Power outages cause operational issues that could lead to the potential overtopping the ELC. Manager Simpson also stated due to the development of new groundwater replacement deliveries the ELC will not have the capacity to new or existing return flows. He stated new water service contracts are likely to have their water delivery interrupted to keep enough space in the ELC to deal with return flows. With the investments being spent on new infrastructure the District staff prefers not to interrupt water delivery to those facilities to allow return flows to continue. Director Swinger asked what will happen if the board denies the temporary permit. Manager Simpson responded if the permit is denied the water service contract wouldn't be cleared to receive water until a valid turnout was in place. Discussions continued on return flow issues, power outages, effects to other landowners, and ELC capacity. Following further discussion, Director Swinger moved to grant a one year extension to the temporary permit with no requirements regarding connection to the EL22.1 Delivery System, and a new permit must be presented to the board by July 2024. Director Lyle seconded, and the motion carried.

Stahl HB Trust
Temporary Permit

The meeting recessed at 12:30 p.m., and reconvened at 1:30 p.m.

Ms. Jennifer Korfiatis gave an update on the website and e-newsletter. Current projects underway are the OGWRP video and "Year in Review". The upcoming project is an audit of public relations efforts. Public Relations Update

EFO Manager Maynard reported Reclamation will begin exercising federal 1890 reservation rights to secure all OGWRP land easements on lands that have the reservation to acquire easements. This will help expedite the easement acquisition process. He reported he is working with TSC in Denver regarding another CBP Canal Operations Training. It looks like there are two possible weeks in February to schedule the week-long training. He also reported that Clyde Lay is working on a plan for title transfer including review of contractable items to expedite the process. USBR Report

Development Coordinator Erickson reported Mr. Finkbeiner has requested compensation for an easement through his land for the EL86.4 Delivery System. He is not being served by the delivery system. Following discussion, Director Swinger moved to approve easement compensation to Mr. Finkbeiner not to exceed the fair market value of the easement. Director Lyle seconded, and the motion carried. Easement Compensation Request

Manager Simpson reported staff is currently negotiating a contract with Bernardo Wills Architects, P.C., located in Spokane. He stated the contract amount is estimated to be \$43,500.00. Staff expects to present the contract for approval in January. Space Utilization Study

Manager Simpson reported he and Special Projects Administrator Bischoff spoke briefly to USBR RD Carrington regarding partial title transfers. She commented that she is aware of the request and is working to allocate the resources to it. Partial Title Transfer

Manager Simpson reported Casne is still working on the master plan and expect to have it complete in late January. He reported discussions have begun on who will have ownership of the new SCADA system. CBP SCADA

Manager Simpson reported water rights examiner, Dan Haller from Aspect Consulting, has been engaged by SCBID attorney Larry Martin. CBP Water Rights

Manager Simpson reported the three Districts will be sending a joint letter to RD Carrington stating the Districts will not meet to discuss the Diversion Rate again until the draft rate and methodology is available. Diversion Rate

District Engineer Gonzalez requested ratification for the purchase of PE20D materials from RJB Wholesale in the amount of \$32,120.88 plus sales tax. Following discussion, Director Swinger moved to ratify the purchase of PE20D materials from RJB Wholesale in the amount of \$32,120.88 plus sales tax. Director Osborne seconded, and the motion carried. Quotes & Bids

District Engineer Gonzalez requested ratification for the purchase of EL36.3A/31E materials from LAD Irrigation in the amount of \$44,637.87 plus sales tax. Following discussion, Director Swinger moved to ratify the declaration of HD Fowler as non-responsive and the purchase of EL36.3A/31E materials from LAD Irrigation in the

amount of \$44,637.87 plus sales tax. Director Osborne seconded, and the motion carried.

Assistant Manager McCourtie presented the following Polyurea Sealant bids for board consideration:

	Supplier	Bid Amount
	Budget	\$292,250.92
1.	Columbia Industrial Coatings, LLC	\$257,400.00
2.	Abhe & Svoboda, Inc.	\$461,340.00

Following discussion, Director Osborne moved to accept the bid for Polyurea Sealant from Columbia Industrial Coatings, LLC, in the amount of \$257,400.00, plus sales tax, as the lowest responsive bid. Director Baker seconded, and the motion carried.

Assistant Manager McCourtie presented the following Magnetic Flow Meters quotes for board consideration:

	Supplier	Bid Amount
	Budget	\$38,745.39
1.	Unit Process Company	\$38,507.00
2.	Skone Irrigation	\$43,579.48
3.	Branom	\$52,462.00

Following discussion, Director Osborne moved to accept the quote for Magnetic Flow Meters from Unit Process Company in the amount of \$38,507.00, plus sales tax, as the lowest responsive quote. Director Baker seconded, and the motion carried.

Assistant Manager McCourtie reported copper sulfate and Endothall herbicides have been purchased.

Director Swinger and Manager Simpson briefly reported on the NWRA Annual Conference and Leadership Forum.

NWRA Annual
Conference
Report

Manager Simpson reported last month the board approved the draft Water Strategies CBP Agreement. Since then the agreement has been updated for CBHP to add support of the North Dam Project and the date was amended. Following discussion, Director Swinger moved to approve the updated Water Strategies CBP Agreement as discussed. Director Lyle seconded, and the motion carried.

Updated Water
Strategies CBP
Agreement

Manager Simpson requested authorization to bind insurance coverage with CIAW at the invoiced amount. Following discussion, Director Lyle moved to approve binding insurance coverage with CIAW at the invoiced amount as requested. Director Swinger seconded, and the motion carried.

CIAW Insurance
Renewal

Manager Simpson requested authorization to renew the brokerage account with Ron Snyder at Marsh and McLennon Agency, LLC. Following discussion, Director Swinger moved to approve the renewal of the brokerage account with Ron Snyder. Director Lyle seconded, and the motion carried.

Manager Simpson reported on the large attendance at the conference, workshops and that Attorney Franz was a speaker. President Anderson, Assistant Manager Andreini and Accounting Assistant Garza also briefly commented on the conference.

WSWRA Annual
Conference
Report

Manager Simpson reported the only petitions received for Director Divisions were from Don Osborne for Division No. 1 and Dennis Swinger, Jr. for Division No. 3. There will not be an election this year.

Director
Elections Update

Safety Supervisor Walraf presented the monthly safety report.

Safety Report

District Engineer Gonzalez reported the engineering department has been busy with EL86.4 90% design, conservation pipelines, surveying, permits and the EL71.5 radial gates.

Engineer Report

Assistant Manager Andreini reported on the EL71.5 radial gates project and the great teamwork of the parties involved. He reported Grant PUD is fine with delaying the approval of Task Authorization No. 5 for the 22.1 but requested the District respond soon to remain on their construction schedule.

Technical
Services Report

Accounting Assistant Garza reported there were five maturities last month. Total interest earned to date is \$1,011,214.00. She also reported the assessment roll has been available for public viewing and audit entrance meetings have been scheduled for next week.

Treasurer
Report

Assistant Manager McCourtie reported on both Watermaster section winter projects. The metal shop is repairing old turnouts, walkways and weed racks.

Assistant
Manager O&M

Manager Simpson briefly reported on a Columbia River Treaty Flood Risk Management meeting with Reclamation that followed the WSWRA Annual Conference. Called upon storage and flood risk management were discussed along with modeling for flood control. The flood control modeling did not include the full completion of the CBP, only the current acreage and Odessa Subarea.

Manager Report

Manager Simpson reported staffing meetings are coming up due to the increased number of District projects. He reported the District will need more engineering and project management staff and a realty specialist.

Director Lyle moved to approve the Board, Manager Simpson and appropriate staff to travel to the Idaho Water Users Association Annual Convention, Wednesday, January 17, 2024, at the Riverside Hotel in Boise, ID; the Utilities Technology Forum 2024, February 11-14, 2024, at the Silver Legacy Resort Casino in Reno, NV; and the 2024 USBR Water Management Workshop, February 13-15, 2024, at the Denver Federal Center in Denver, CO. Director Swinger seconded, and the motion carried.


Travel
Authorization

Director Swinger moved to defer the Grant PUD Task Authorization No. 5 discussion to the January meeting. Director Lyle seconded, and the motion carried. Other

President Anderson called for any further comments or objections to the assessment roll, seeing none he requested the Board of Equalization be closed. Director Swinger moved to close the Board of Equalization and to adopt Resolution 2023-11, equalizing the assessment roll and setting the 2024 assessments. Director Lyle seconded, and the motion carried. Close Board of Equalization – Resolution 2023-11

President Anderson declared an executive session at 3:15 p.m., for a total of 5 minutes, to discuss litigation and potential litigation with legal counsel under RCW 42.30.110(i). The meeting came out of executive session at 3:20 p.m. Executive Session

At 3:20 p.m., there being no further business to come before the Board at that time, President Anderson adjourned the meeting. Meeting Adjourned


Secretary


President