

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

April 4, 2018

The regular meeting of the Board of Directors of the East Columbia Basin Irrigation District was called to order at 10:00 a.m. in the Board Room of the District Office in Othello by President Orman Johnson.

Present were:

Directors

Orman Johnson  
Boe Clausen  
Bernie Erickson  
Dennis Mickelsen  
Duaine Anderson

Staff

Craig Simpson  
Richard Lemargie  
Rosa Dekker  
John McCourtie  
Nate Andreini  
Jed Crowther  
Elaine Little

Visitors: Jennifer Hickenbottom, Marc Maynard USBR; Kevin Brown, DOE; Christina Wyatt, BBEC, Tim Culbertson CBHP; Brien Kuest, Jake Wollman Jr., Mark Booker, Kevin Lyle, Derek Friehe, Reid Phillips, Michele Kiesz, Mike Schwisow, Paul Wollman, Lynn Olsen, Gavin Johnson and Edward Stahl. Visitors

Minutes of the regular meeting of March 7, 2018 had been mailed to the Directors. Director Mickelsen moved to approve the minutes of the regular meeting of March 7, 2018 as written. Director Clausen seconded and the motion carried. Minutes  
Approved

Jake Wollman Jr., of East Basin Irrigators Association, announced that EBIA would be commenting on agenda items. Public Comment

Manager Simpson presented the following contracts a. through k. for approval: District  
Improvements

Contracts

- a. Permanent Release of Water Allotment, G & O Johnson LLC, Block 46, Farm Unit 67-4, 2.3 acres
- b. Renewal Interruptible First Phase Continuation Water Service Contract, Getzinger Land, LLC, 190-014-811
- c. Renewal Interruptible First Phase Continuation Water Service Contract, Getzinger Land, LLC, 190-045-811
- d. Renewal Interruptible First Phase Continuation Water Service Contract, Getzinger Land, LLC, 190-046-811
- e. Renewal Interruptible First Phase Continuation Water Service Contract, Getzinger Land, LLC, 190-048-811

- f. Renewal Interruptible Water Service Contract for Temporary Deferred Lands, Beatriz Carmona, 049-810-803-04
- g. Interruptible First Phase Continuation Water Service Contract, WHB Trust, 390-105-810, 367.5 acres
- h. First Amendment to Interruptible First Phase Continuation Water Service Contract, WHB Trust, 390-101-810, Amended from 725.1 acres to 747.7 acres
- i. First Amendment to Interruptible First Phase Continuation Water Service Contract, WHB Trust, 390-107-810, Amended from 925 acres to 367.5 acres
- j. Second Amendment to Interruptible First Phase Continuation Water Service Contract, WHB Trust, 390-106-810, Amended from 640 acres to 418.5 acres
- k. Second Amendment to Interruptible First Phase Continuation Water Service Contract, WHB Trust, 390-115-810, Amended from 872.3 acres to 875.5 acres

Following discussion, President Johnson made note that he would be abstaining from contract a. due to a conflict of interest. Director Clausen made a motion to approve contract a., as presented. Director Anderson seconded and the motion carried with President Johnson abstaining. Director Mickelsen moved to approve contracts b. through k., as presented. Director Clausen seconded the motion carried.

Assistant Manager Andreini presented the following permits a. through i. for approval:

Permits

- |    |                      |                         |                      |
|----|----------------------|-------------------------|----------------------|
| a. | Cascade Natural Gas  | Crossing                | Block 41             |
| b. | Grant PUD            | Crossing                | Block 41, FU 79      |
| c. | Warden Port District | Connection to Farm Weir | Block 44, FU 138     |
| d. | Kent Legacy, LLC     | Drain Inlet             | Block 45, FU 1       |
| e. | Richard Colley       | Wire Crossing-Multiple  | Block 45, FU 275     |
| f. | Big Bend Electric    | Power Crossing          | Block 46, FU 94      |
| g. | Phil Michel          | Drain Inlet & Crossing  | Block 46, FU 94      |
| h. | Phil Michel          | Mainline Crossing       | Block 46, FU 94 & 97 |
| i. | Kent Legacy, LLC     | Mainline Crossing       | Block 46, FU 129     |

Director Clausen made note that he would be abstaining due to a conflict of interest with permit c. Following discussion Director Anderson moved to approve permits a. through i., as presented. Director Mickelsen seconded and motion carried with Director Clausen abstaining.

Manager Simpson presented the following agreements a. and b. for approval:

Agreements

- a. Consent to Water Delivery Changes, Milton Allen, LLC, Block 46, Farm Units 4, 5 & 6
- b. Consent to Water Delivery Changes, Ko and Kees, LLC, Block 46, Farm Units 2 & 3

Following discussion Director Clausen moved to accept the agreements a. and b. as presented. Director Anderson seconded and the motion carried.

Manager Simpson presented the following annual variance request, for approval:

Variance

a. Berend Friehe Common Delivery Combination

Following discussion, Director Mickelsen moved to approve the variance with the variance fee waived, as presented. Director Erickson seconded and the motion carried.

Manager Simpson presented a request for reversal of charges for a 2017 assessment for Block 40, Farm Unit 91-1. Following discussion, Director Mickelsen moved that the landowner is to pay the 2017 assessment and to waive interest accrued, as they used District water in 2017. Director Clausen seconded and the motion carried. Request for Reversal of Charges

Assistant Manager Andreini presented Resolution 2018-08, WaterSMART Grant to seek approval to apply for the grant. Board members encouraged staff to pursue all sources of grant money. Following discussion, Director Mickelsen moved to adopt Resolution 2018-08, WaterSMART Grant, as presented. Director Erickson seconded and the motion carried. Resolution 2018-08

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 Clausen moved to approve for payment check nos. 310441 through 310786 in the amount of \$1,196,365.81 and electronic Payroll and AP transfer in the amount of \$487,080.82 for a total of \$1,018,403.93 from the O&M Fund, \$665,042.70 from the 2016 Project Fund. Director Anderson seconded and the motion carried. Vouchers

Development Coordinator Crowther distributed an outline of OGWRP updates. He reported he attended the March 13<sup>th</sup> CBDL meeting. Development Coordinator Crowther reported there are two USBR Grant opportunities for OGWRP that the District will be reviewing this spring and summer. He reported the Warden Siphon walk-through inspection was conducted on March 12<sup>th</sup> and stated the project is of high quality and there were no issues found. OGWRP a. Development Office Report

Development Coordinator Crowther reported the EL47.5 delivery map has been refined to show the contracted acreage to be served. These changes are due to four WHB amended contracts, one additional WSC contract and water right certificate changes. Development Coordinator Crowther reported pipeline easements have yet to be signed. DNR is in their final steps of signing the donated easements. He reported the Governor signed the Supplemental Capital Budget on March 27<sup>th</sup>. The Office of the Columbia River has instructed the District that the \$10 million for OGWRP can be added by another amendment to the existing grant agreement. The \$5 million for the EL47.5 delivery system will need a separate grant agreement prepared. This process could take a few months. The District will seek clarification of the agreements effective date in order cover grant expenditures back to the March 27<sup>th</sup> signing by the Governor. EL47.5 Update

Assistant Manager Andreini reported on cost estimates for utilization of the \$5 million from the capital budget for oversizing the EL47.5 delivery system. The cost estimates were made available late yesterday. There has not been sufficient time to do a thorough analysis of these figures. Assistant Manager Andreini added that the estimates are higher than the \$5 million provided by the capital budget. A large portion is due to the BBEC upgrades that are necessary to carry the additional power load. Christine Wyatt of BBEC will be contacting landowners once again to verify any redistribution of horsepower from deep wells.

BBEC sent an application for a new southern substation to serve EL54, EL73.3 and EL79.2 to BPA on March 20<sup>th</sup>.

1) BBEC Scope of Services

Development Coordinator Crowther reported the EL11.8 and EL22.1 delivery systems are looking into efficiencies that may help lower the initial cost estimates. Brian Kuest noted that possibly the landowners may invest \$10 per acre of private money to further the design process. Development Coordinator Crowther added that there is a potential for an OCR grant to the District to be used for preliminary design work of the potential delivery systems.

EL11.8 & EL22.1 MOUS

Development Coordinator Crowther reported the EL79.2 landowner group met on March 5<sup>th</sup> and 28<sup>th</sup>. Of the landowners on the potential delivery system the only ones who weren't able to attend and sign the document were Connors and Michel. President Johnson noted that he would not be voting on EL79.2 issues due to a conflict of interest. Director Erickson noted that he would not vote. Director Clausen made a motion to accept the MOU with EL79.2 landowners once the remaining two landowners are given an opportunity to sign. Director Anderson seconded and the motion carried with Director Erickson abstaining. Director Mickelsen moved for Manager Simpson to have authority to sign the MOU. Director Anderson seconded and the motion carried with Director Erickson abstaining.

EL79.2 MOU

Development Coordinator Crowther reported the EL 86.4 landowner group met on March 2<sup>nd</sup> and 19<sup>th</sup>. They are researching easements, addressing water right questions and working towards execution of a MOU.

EL86.4 MOU

Manager Simpson reported District staff traveled to Seattle on March 20<sup>th</sup> to meet with PFM financial advisors and Foster Pepper bond counsel to discuss structure for uniform costs and bond repayment obligations. Susan Musselman is retiring and they are training their staff for a smooth transition.

EBIA comments for the EL79.2 MOU were addressed by staff and both mailed and emailed on March 30<sup>th</sup> to the Board and landowners. Their comments for the MWSC and WSC are being addressed by District staff and should be sent out later in the week. Draft comments to questions regarding the MWSC were provided to the Board for their review.

Manager Simpson reported that he was contacted by USBR asking for dates in April and May for MWSC negotiation sessions. He took this as a hopeful sign that a revised contract and negotiations are forthcoming. Jennifer Hickenbottom announced that the Revised Basis of Negotiations was signed on April 3<sup>rd</sup> by the Commissioner.

MWSC Amendment

Assistant Manager McCourtie presented the Used Long Reach Excavator bids for Board approval:

Quotes and Bids

Vendor	Make/Model	Amount
Budget		\$225,000.00
Central Machinery	Case CX240BLR	\$137,500.00
Pape Machinery	John Deere 250G	\$189,257.00
Modern Machinery	Komatsu PC240LC-10	\$238,693.00

Director Clausen moved to accept the bid from Central Machine for the Used Long Reach Excavator in the amount of \$137,500.00 plus tax, as the lowest responsive bid. Director Mickelsen seconded and the motion carried.

Manager Simpson presented the insurance renewal quotes from PayneWest for 2018 property, travel, errors and omissions, and bonds. Following discussion, Director Clausen moved to approve the insurance renewal with our existing coverage. Director Anderson seconded and the motion carried. Manager Simpson added that the insurance broker will be at the June board meeting to provide information and answer questions on policy marketing efforts.

Insurance  
Renewal

Manager Simpson notified the Board that a complaint has been filed against Reclamation for a declaratory judgment regarding wheeling responsibilities. The District has met with USBR to discuss ways to lower costs. District and USBR will be meeting with Grant PUD on April 17<sup>th</sup> to discuss a new wheeling contract.

Grant PUD  
Reserved Power  
Wheeling

CBHP Manager Culbertson requested authorization to use the existing CBHP Project Development funds for a feasibility study on the North Dam project that. He commented he needs Board approval due to the total being over \$50,000. The total is \$100,000 and will be divided between the three Districts. Director Mickelsen moved to approve the budgeted expense for the feasibility study. Director Clausen seconded and the motion carried.

CBHP

Manager Simpson presented the WDFW proposal for deer removal from the ELC. They are proposing a removable burlap covered wooden fence ramp structure to make it easier for deer to get out of the canal when there is no water. They believe this is an affordable solution, as the concrete ramps are costly. They would be installed and retrieved by volunteers and would need to be removed before the canals are filled. This would be subject to approval of a *Consent to Use* permit by USBR.

WDFW Proposal

USBR EFO Manager Maynard reported he is settling into his new position in Ephrata. They are interviewing for additional staff this week. Columbia River flow at the Dalles is at 112% of the 5 year average. Banks Lake and Potholes Reservoir will be filled to max capacity to facilitate the drawdown for pump repair at Grand Coulee. Staff continues the work on title review of easements for OGWRP.

USBR Report

Assistant Manager McCourtie gave the monthly safety report.

Safety Report

The meeting recessed for lunch at 11:56 a.m. and reconvened at 1:08 p.m.

Assistant Manager Andreini gave a report on the automated gates. He reported there are potentially 85 sites south of the EL11.8 that could benefit from automation. The District has automated seven sites in the last two years. They have been very successful even with fluctuations in water flows and have proven to be a valuable tool. Assistant Manager Andreini reported the 2018 budget provides for installation of automated gates at three more sites. Staff proposed to install at eight sites, with the expectation of receiving \$150,000 of BPA incentives that will be applied for in June-September. The funds will not be awarded until November but the gates need to be ordered this spring for installation during the maintenance season. Following discussion, Director Mickelsen moved to order eight automated gates for installation in 2018. Director Clausen seconded and the motion carried.

Technical  
Services Report

Assistant Manager Andreini reported Grant County has requested an upgrade to USBR Facilities on Road 4 NE to facilitate road widening. There is a *Blanket Crossing Agreement* between the county and USBR, which makes it the District's responsibility to upgrade facilities in this situation. Staff would like to use the situation to encourage cooperation for the bridge widening that needs done on the ELC as a result of ELC widening. Staff are requesting that the county act in accordance with the *Blanket Crossing Agreement*. The Board advised to meet with the County to work together to see these projects through.

Treasurer Dekker presented the monthly Treasurer's report. She reported on investments and maturities for the month.

Treasurer  
Report

Assistant Manager McCourtie gave the monthly O&M report. He reported that start-up went well. Burning and priming in Moses Lake will be complete later in the week. Assistant Manager McCourtie presented a slide show of some winter projects that were completed during the maintenance season.

Assistant  
Manager O&M  
Report

Manager Simpson reported on Ditchrider meetings held in March. Interviews for Engineers have been done. He met with WDFW on deer escapement. He covered some of the topics that will be discussed at the NWRA Conference next week in Washington D.C., such as the MWSC, RRA, funding design work and possibly the CBHP North Dam project.

Manager Report

Manager Simpson reported the CBHP Board of Directors Meeting has been changed to Monday, April 23, 2018, 9:30 a.m., CBHP Board Room, Ephrata. There is a stakeholders meeting during the Lake Roosevelt Forum in Spokane on April 24-25. He also reported CBHP will be traveling to Washington D.C. on May 7<sup>th</sup>. Following discussion, Director Erickson moved to send three people to Washington D.C. to represent the District. Director Clausen seconded and the motion carried.

Authorize Travel

Michelle Kiesz, speaking as the representative of EBIA, once again requested a place at the negotiation table with USBR on the MWSC. Director Mickelsen asked how many representatives and whom they were. Ms. Kiesz answered that it would be herself and Jake Wollman Jr. Jennifer Hickenbottom of USBR responded to the request. Stating the Bureau has been clear on this subject, there will not be a spot at the negotiation table for the landowners.

Public Comment


Jake Wollman Jr. continued to express that the District never listens to their concerns or requests. Manager Simpson reassured him that the District listens and has implemented many changes and incurred delays because of them. Mr. Wollman Jr. expressed concerns of delays regarding the use of the \$5 million for the EL47.5. Director Mickelsen reminded the group that the Governor only signed the Supplemental Budget 8 days ago. The money was only requested until that point as he has a line item veto. At the March ECBID Board meeting staff was directed to plan for use of the additional \$5M for the full 10,500 acres.

Mark Booker suggested the District hire consultants.

President Johnson declared an executive session at 2:45 p.m. to discuss personnel and pending litigation. The meeting returned to regular session at 4:45 p.m. Executive Session

At 4:45 p.m., there being no further business to come before the Board at that time, President Johnson continued the meeting to Monday, April 23<sup>rd</sup> at 1:00 p.m. in the CBHP Boardroom. Meeting Adjourned

  
Secretary

  
President

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

April 23, 2018

The continued meeting of the Board of Directors of the East Columbia Basin Irrigation District was called to order at 1:05 p.m. in the Board Room of the CBHP Office in Ephrata by President Orman Johnson.

Present were:

Directors

Orman Johnson  
Boe Clausen  
Bernie Erickson  
Dennis Mickelsen  
Duaine Anderson

Staff

Craig Simpson  
Richard Lemargie  
Nate Andreini  
John McCourtie  
Jed Crowther  
Wendy Lange

Manager Simpson began by listing ideas for discussion as follows; uniform capital cost policy, State capital budget funding structure, EL47.5 oversizing, Kansas Prairie siphons, MWSC strategies, development system MOU method and the District's role on bridges.

Discussions began on the EL47.5 delivery system's budget, \$5M grant to oversize the system, the cons of using steel pipe and the timeline for water delivery. OGWRP

Director Mickelsen asked whether the District would be able to apply funds from the \$10 million grant to cover the additional costs the EL47.5 has incurred. Manager Simpson reported it wasn't clear at this time whether the District would be allowed to do that under the grant. The State has made it very clear that the grants are to be used toward the East Low Canal improvements. President Johnson asked whether 2019 deliveries were still possible for the EL47.5. Assistant Manager Andreini stated it was not likely. Director Erickson asked whether it was time to look into an outside engineering firm due to recent District staff turnover. Manager Simpson stated this would cause even more delays. The District already has 99% designs and working relationship with USBR. Discussions continued on the use of outside engineering firms. Manager Simpson described the large amount of cost savings on recently completed projects and attributed much of the savings to the use of District staff for design and construction. Assistant Manager Andreini reported he will present a full breakdown of costs to oversize the EL47.5 at the May board meeting and the best use of the \$5M. He also stated the estimate to perform the oversizing exceeds the \$5M grant.

Discussions were had on donated easements. Director Mickelsen asked whether the donated easements were in place. Development Coordinator Crowther reported the District has one easement pledged to be donated at this time by WDNR. No other easements have been donated. President Johnson asked how the District was making the bond payments. Manager Simpson reported the funds available in the Project Development Fund are enough to make the 2018 and 2019 bond payments.

Discussions continued on easement acquisition, normalization of costs, state grants, ELC improvements and bridges. Director Anderson asked Attorney Lemargie how the District could solve the easement issue before moving on to the other delivery systems. Attorney Lemargie recommended setting a deadline for easements to be secured, if easements aren't secured at that time move onto a delivery system that is ready to receive water. Manager Simpson added the District would not go to the bond market until all the easements are secured.

Manager Simpson polled the Board on the MOU process. President Johnson commented the MOU process has been a good way for landowner involvement and gives direction in moving forward. Director Anderson commented on the benefit of other engineering firms letting landowners know the cost to build rather it always coming from the District.

Development Coordinator Crowther gave a report on a meeting regarding bridge replacement/improvements. Manager Simpson suggested that the Board think of a political maneuver on getting the bridge issue solved in a timely manner. Manager Simpson also commented the Board think on normalized cost of the delivery system



project or normalized for each specific system and whether to charge a higher rate now to offset the jump when other systems come on.


President Johnson declared an executive session at 4:05 p.m. to discuss personnel performance. The meeting returned to regular session at 4:28 p.m.

Executive  
Session

Director Mickelsen moved to authorize a one-time exemption to our residency requirements for Watermasters to allow Othello Watermaster Bischoff to reside in Moses Lake recognizing benefit to District O&M responsibilities. Director Clausen seconded and the motion carried.

Meeting  
Adjourned

At 4:30 p.m., there being no further business to come before the Board at that time, President Johnson adjourned the meeting.

  
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President

  
\_\_\_\_\_  
Secretary