

BOARD MEETING MINUTES
July 13, 2021
64697 Cook Avenue
Bend, Oregon 97703

BOARD: Ron Cochran, Jack Farley, Steve Putnam, Martin Warbington, Carol Shull
STAFF: Chris Schull, April Harris Spath, Bob Varco
ATTORNEY: Mark Reinecke
GUESTS: Greg Osborne, Bruce Hoover, Joseph Cannon, Todd Peplin, Karl Findling, Scott Maricle,
Tom Bishop, Curt Millington, Michael Mills, Christine Benton

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

EXECUTIVE SESSION ANNOUNCEMENT

At 10:02 a.m. the Board recessed the regular session and entered 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 your attorney regarding your legal rights and duties in regard to current litigation or litigation that is more likely than not to be filed.

RECONVENE

Following the executive session, the regular session was reconvened at 11:30 a.m.

APPROVE MINUTES OF JUNE 2021 BOARD MEETING

Director Putnam made a motion to approve the minutes of the June 2021 board meeting. Director Shull seconded the motion and it passed unanimously.

WATER SUPPLY REPORT

Manager Schull reviewed the current water supply report and attached graphs, which indicated that Crescent Lake was 25% full. We had to begin the rotation Wednesday July 7th when the flow in Tumalo Creek suddenly crashed. As a result, the south side of the District was shut off. The normal 7-day rotation began Monday July 12th with the south side being turned back on and the north side being shut off. The field crew will begin making the switch at 8 a.m. every Monday morning for the remainder of the irrigation season. Field Supervisor Bob Varco stated that it went much more smoothly than it did back in the early 90's, which was the last time the district had to do a rotation.

CW-116 PROTEST

A Preliminary Determination for Conserved Water Agreement #116 was issued on April 29, 2021. On June 28, 2021, the District received notice of a protest of the Preliminary Determination filed by Central Oregon LandWatch.

CHECK FRAUD

Office staff discovered 4 counterfeit checks that cleared the bank. The bank was notified, and the checks have been credited back to our account. The bank recommended we close that account and open a new one. Vice Chair Farley made a motion authorizing a new checking account to be opened with First

Interstate Bank and authorizing the closing of the existing checking account. Director Putnam seconded the motion and Resolution No. 2021-02 was signed by all board members.

WATER TRANSFER

The Board reviewed a proposed water transfer of 7.9 acres to be transferred from Barr Equestrian LLC, with 5 acres going to Randal & Patricia Emerson and 2.9 acres going to William Hammock. Both recipients are new water users. Director Putnam made a motion approving the transfer. Director Warbington seconded the motion and it passed unanimously.

BLM LANDS

Back in April, the District was notified that the Bureau of Land Management (BLM) was communicating with the Oregon Water Resources Department and Oregon Department of State Lands about a quitclaim deed that they issued to TID for two parcels in 2008, stating that BLM records indicate that the parcels never left Federal ownership. Oregon Department of State Lands has decided they are not going to contest the notice.

PUBLIC COMMENT

Joe Cannon heard a rumor that TID was selling water rights to the City of Bend. Manager Schull clarified that the District is not and never has sold water rights to the city. The City of Bend pays an annual assessment to the District for the 692 acres of water that they receive from Tumalo Creek. The District has had an agreement with the city for the past 65 years.

Bruce Hoover asked why we can't just deliver 50% to both sides instead of doing a 7-day rotation. Manager Schull and Bob Varco explained how TID's system works and with the known inefficiencies of the open ditch delivery system, there would not be enough available water to deliver to the entire district on a constant basis, as we need that full amount to carry the water down to the north side.

Mike Mills asked how long the city has been paying an assessment to the District, Schull restated that the District has had an agreement with the city since 1957. Mills also asked for clarification on the Conserved Water letter that was mailed to all patrons in November 2019. Schull explained that the state requires districts to notify the patrons about the conserved water resulting from piping projects, but that it does not mean that the District has extra water rights available. Mills asked about the legal fee that was added to the annual assessments this year and what it was for. Schull explained that the legal defense line item is for defending the District in the lawsuit that was filed last year by select patrons for piping. The general legal line item that is part of the annual operating budget is for miscellaneous legal fees, such as the costs of reviewing contracts and other general counsel.

Greg Osborne feels that the ditch riders are not cleaning screens often enough. Osborne asked what we are doing to conserve water during the off-season and asked if we can request "non-farmers" to not use their water, leaving more water for those with animals and growing crops. Manager Schull answered his questions about water conservation and explained that we are following Oregon state water law and delivering water to all patrons who have a water right, as required by law. Whether we agree with Oregon's definition of beneficial use or not, we must treat all patrons equally. Osborne asked about stock runs. Schull stated that it will depend on if water is available, weather conditions, and if we are doing construction. Schull also answered several other questions about piping.

Christie Benton asked about the tail end of the laterals and if there was a way to capture that water to put back into the system. Manager Schull stated that it would be great if there was, but at this time we don't have a way to do that and that the only solution at this time is piping. Benton asked if there were grants available to help with Juniper tree removal. Someone suggested the Natural Resources Conservation

Service may have grant opportunities. Todd Peplin, Programs Lead with the Deschutes Soil and Water Conservation District explained that there are not currently any programs here in Deschutes County for Juniper trees but encouraged her to look into other programs that may be available through other departments.

Tom Bishop asked about the KCDG ponds and their storage water. Attorney Reinecke explained that they purchased quasi-municipality water from Roats Water System, operating under Arnold Irrigation District, and that it was approved by the Oregon Water Resources Department. TID is still delivering their allotment of irrigation rights and closely monitors their delivery.

MOTION TO APPROVE JULY 2021 VOUCHER LIST

Director Putnam made a motion to approve the July 2021 voucher list. Director Warbington seconded the motion and it passed unanimously.

NEXT MEETING DATE

The date of the next regular board meeting was set for August 10, 2021.

ADJOURN

Director Putnam made a motion to adjourn the regular board meeting at 12:30 p.m. Director Shull seconded the motion and it passed unanimously.