

MINUTES

KENNEWICK IRRIGATION DISTRICT REGULAR MEETING OF THE BOARD OF DIRECTORS CARL W. PETERSEN BOARD ROOM FEBRUARY 17, 2009, 9:00 A.M.

CALL TO ORDER/ROLL CALL – BOARD SECRETARY: The meeting was called to order at 9:03 a.m. by Vice President Pringle. Secretary/Manager Grover took roll call as follows:

PRESENT: John C. Pringle
David McKenzie
Patrick McGuire
Gene Huffman

STAFF: Doug Grover, Secretary/Manager
Margo Hines, Assistant Manager-Administration
Scott Revell, District Planner
Richard Evans, Professional Engineer
Jason McShane, Interim Engineering Lead
Doris Fiske, Executive Assistant

I. APPROVAL OF AGENDA: Director Huffman moved to approve the agenda. Director McGuire seconded the motion and it carried unanimously.

II. CONSENT AGENDA: Discussion ensued regarding several voucher items. Manager Grover will provide answers to Director McGuire by the next meeting. Director McKenzie moved to approve the consent agenda. Director McGuire seconded the motion and it carried unanimously. Items on the consent agenda were:

- A. KID O&M Vouchers
- B. Minutes, KID Regular Board Meeting, February 3, 2009

III. SCHEDULED VISITORS:

A. Marcella Appel and Heather Wendt, Benton Conservation District: Heather Wendt presented Temperature Profile of the Lower Yakima River: Locating Pockets of Thermal Refugia for Salmonids. A copy of the presentation is on file. Ground water recharge from irrigation cooled the river .5 to two degrees centigrade. This is especially important at critical hot times when fish are stressed and would have to change their physiology if they are unable to find cool areas. Following the presentation Ms. Wendt answered questions from Director Huffman regarding fish population and slack water. Manager Grover noted the influx of a few cfs of cool water made a significant difference in this study and suggested the KID's plans to put 80 cfs back in the lower Yakima may make a big difference in temperature. Mr. Revell inquired about the temperature of the influxes studied versus the effect of increased volume.

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B. Gary Schaefer, residing at 54807 E Badger Rd, addressed the board concerning his Water Allotment Transfer request, the related fees and forms, and the policy and procedure governing the request. Mr. Schaefer raised the issue of the possible removal of a bridge which he uses to access his property. Mr. Schaefer said, on the advice of KID staff, he has spoken with Carron Helberg at the USBR regarding the bridge. Mr. Schaefer asked why he was not included on the agenda as a scheduled visitor.

Manager Grover said Mr. Schaefer was removed from the agenda due to a misunderstanding after a telephone conversation between Mr. Schaefer and himself. Vice President Pringle said Mr. Schaefer will be considered a scheduled visitor.

Manager Grover said the KID has no plans regarding the bridge as it is not the KID's bridge and the KID does not have permit authority. The USBR is the only entity that can permit crossings. Mr. McShane said the KID has a master crossing permit with the USBR through which bridges are permitted, reviewed and approved by the USBR. Discussion continued regarding the history of the bridge, its condition and ownership, and permitting issues. Mr. McShane will meet with the USBR in March and will discuss this issue. Discussion continued regarding primary versus secondary access and differences in permitting for private and county roads.

Discussion ensued regarding Mr. Schaefer's application for a water allotment transfer and the related fees. Assistant Manager Hines reviewed the history of the applications currently being processed. Discussion continued on the nature of the agreement constituted by the application for a water allotment transfer, the governing policy and procedure and progress being made on a new revised policy and procedure.

Manager Grover asked Mr. Schaefer what action he would ask of the Board. Director McGuire said Mr. Schaefer has two months to make a decision. Manager Grover said the KID will contact Mr. Schaefer in two months to allow him time to work with the USBR.

Discussion continued regarding legal concerns over whether changing the fee charged would be altering of a contract, and whether charging a fee less than the current actual cost of the water allotment transfer would be considered an illegal gifting of public funds. Manager Grover asked if he should get a legal opinion.

IV. UNSCHEDULED VISITORS:

A. Chris Haueter, developer in Badger Canyon area, addressed the Board regarding his Water Allotment Transfer request and an issue with a difference bridge across the canal. Discussion ensued regarding the Water Allotment Transfer request.

Discussion continued about permitting issues Mr. Haueter is having with the USBR and Benton County regarding the bridge at his development. Mr. McShane said he called Carron Helberg at the Yakima USBR office a couple weeks ago on Mr. Haueter's behalf. Ms. Helberg told Mr. McShane there are final inspections they need to perform and that the USBR would like a letter

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from the KID. Manager Grover asked Mr. Haueter if he wished to ask anything further of the Board that is not already being done by KID staff. Mr. Haueter expressed a hope that the KID might be able to facilitate the permitting process with the USBR. Manager Grover said the KID is trying to help, but the issue is between the USBR and the county.

B. Dale Walter, residing at 5624 W 10th Avenue in Kennewick, addressed the Board regarding assessments, the operating budget and the Attorney General's Opinion letter. Vice President Pringle asked him to provide his sources to the Board. Mr. Walter said he would do so at a charge of \$.25 per page because he is not governed by RCWs.

V. DISTRICT BUSINESS:

A. District Manager:

1. Saturday Open House Board Meetings: Discussion ensued. Director McGuire said the special Saturday meetings will be in addition to two regular board meetings per month. A decision will be made after the first Saturday meeting regarding possible meetings in July and on October 24, 2009. Director McGuire moved the Board of Directors hold a Special Meeting/Open House on May 23, 2009 at 9:00 a.m. Director McKenzie seconded the motion and it carried unanimously. Manager Grover requested Director McGuire provide a short statement about the purpose and format of the meeting for a press release.

2. Yakima Basin Joint Board (YBJB) Meetings Agenda and Report: Manager Grover reported recent YBJB meetings. The YBJB will conduct and pay for an Amon Wasteway habitat study. Mr. Revell requested copies of agendas for these meetings be forwarded to the Real Estate Department before the meetings.

3. Water Transfers and Recalibration Update: Discussion ensued regarding progress on existing water allotment transfer requests for water, appropriate application fees, and establishment of a new policy and procedure for water allotment transfers. The Board said to change the fees for the next round of transfers but not for the applications in process. Discussion continued.

Richard Evans spoke regarding recalibration and reviewed the elements of the flowchart, "Recalibration and Continuous Water Allocation Management." Among topics discussed were reporting to the Board and other agencies, modification to the plat review and annexation processes, and water trusting. Mr. Evans will provide a list of policies needing modification in a few months.

Vice President Pringle called a ten minute break at 10:45 a.m.
The meeting reconvened in open public session at 10:55 a.m.

Richard Evans and Scott Revell answered questions from the Board on 4H and M&I water.

B. Operations and Engineering:

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1. Chandler Car Incident Update: Manager Grover reported the vehicle has been removed from the USBR canal which was being used to generate power at the time of the accident. There appears to be no damage to the canal. The KID had no role in the incident or the recovery operation.

2. Water-On Update: The KID expects to receive water to the canals on April 1st. Work continues towards having water in the canals prior to April 1st for charging the canals and to be available for possible emergency protection of crops from damage by frost. Discussion ensued regarding possible channels for accomplishing this goal.

C. Business Administration: Assistant Manager Hines updated the Board on public records requests. The Board asked to be provided copies of time tracking for these requests.

D. Finance: February 5, 2009 Finance Committee Meeting Report: Minutes of the Finance Committee meeting were distributed to the Board. Discussion ensued. Director McGuire asked staff to give him a report of the number of rate payers past due. Vice President Pringle requested committee minutes be distributed earlier or in the Board meeting packets.

VI. REALTY: Mr. Revell will be acting in Real Estate Manager Rupert's stead while she is out. Ms. Rupert will be available by cell phone while she is in Olympia.

VII. EXECUTIVE SESSION: None

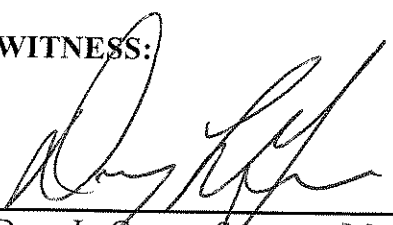
Director Huffman moved to adjourn the meeting at 11:15 a.m. Director McGuire seconded the motion and it carried unanimously.

ATTEST:



John Pringle, Board Vice President

WITNESS:



Doug L. Grover, Secretary/Manager