



Minutes

Special Meeting of the KID Board of Directors
Carl W. Petersen Board Room
Friday, February 9, 2018, 9:00 a.m.

President Dennis called the meeting to order at 9:00 a.m. and Mr. Freeman called roll.

Directors Present:

Dean Dennis, President
Kirk Rathbun, Vice President
Gene Huffman
David McKenzie
Raman Venkata

Staff Present:

Chuck Freeman, District Manager
Kipp Drummond, District Treasurer
Seth Defoe, Land & Water Resources Manager
Lori Gibson, Executive Assistant
Doris Rakowski, Executive Assistant

Other Persons Present:

Brian Iller, KID Legal Counsel

Via telephone:

Jason McShane, Engineering/Operations Manager

APPROVAL OF AGENDA: Vice President Rathbun moved to approve the agenda. Director Huffman seconded the motion and it carried unanimously.

CONSENT AGENDA: Director McKenzie moved to approve the consent agenda. Vice President Rathbun seconded the motion and it carried unanimously.

Items on the consent agenda were:

1. Amended Minutes, KID Board Meeting, January 2, 2018
2. Amended Minutes, KID Board Meeting, January 16, 2018

EXECUTIVE SESSION: At 9:03 a.m., on behalf of the presiding officer, Mr. Iller announced that the Board would go into executive session to discuss with legal counsel pending litigation as authorized under RCW 42.30.110(1)(i) as it related to Ecology v. Acquavella, et al, and to discuss with legal counsel the potential litigation in the form of the legal risks of a proposed action and/or current practice as authorized by RCW 42.30.110(1)(i)(iii), as it related to Acquavella litigation and water rights, for 30 minutes from 9:05 a.m. until 9:35 a.m. He noted that action in open session was expected following executive session.

Executive Session was extended for 10 minutes at 9:35 a.m., 10 minutes at 9:45 a.m., and 10 minutes at 9:55 a.m. At 10:05 a.m., the meeting returned to open session.

OPEN SESSION:

Direction to staff and legal counsel regarding Ecology v. Acquavella, et al: Without revealing executive session discussion, Mr. Iller provided background on the policy decision of whether to join in opposition to Yakama Nation's (YN) motion to increase acres on which it can use its water beyond that in YN's Conditional Final Order (CFO) or to not to oppose the motion in consideration of the YN's support of KID's proposed projects.

Mr. Iller said a general risk of any party exceeding acreage watered was a negative impact to KID from reduced return flows. He said, to the extent water spreading occurred, it increased consumptive use and reduced total water supply and flows available for diversion at Prosser.

Mr. Freeman said YN's request was included in Integrated Plan documents and incorporated in extensive river modeling, so the impact was known. He said good relations with YN were paramount. He said staff suggested KID not join the opposition and file its own brief.

Mr. Defoe spoke about KID working with others in the lower Yakima River Basin to benefit salmon and increase KID water supply. He said Chandler electrification would benefit both.

Director Huffman spoke of the Board's duty to protect its customers' interests. He said cooperating with others to solve problems through electrification was the right fiduciary choice.

Mr. Freeman asked for direction on whether or not to support section 3.6 of brief 77-2-01484-5. Language for the Board's direction was discussed.

Vice President Rathbun spoke about the modeling results and said KID's main concern was retaining full water supply in drought years. Since Chandler electrification was a key component and YN support was critical, he favored not joining the opposition to section 3.6.

Vice President Rathbun moved to not join the other irrigators in supporting section 3.6. Director McKenzie seconded the motion. The motion carried unanimously.

Director Huffman moved to adjourn the meeting at 10:19 a.m. Director McKenzie seconded the motion and it carried unanimously.

Attest:

Witness:



Dean Dennis, Board President
Approved February 16, 2018



Charles Freeman, District Manager

Prepared by Doris Rakowski