

Presented at 1/20/15 Meeting
~~DRAFT VER-1~~

**Minutes of Meeting of the Board of Directors
of the Wood River Valley Irrigation District # 45
December 8, 2014**

1/26/15
Approved on 1/26/15

The Regular Meeting of the Board of Directors of the Wood River Valley Irrigation District # 45 was **called to order** by Director Super at 5:30 p.m. on December 8, 2014 at the office of the district located at Unit 4B, 1411 S. Main Street, Bellevue, Idaho.

QUORUM

Director Super assumed the chair and declared that a **quorum** was present, consisting of Directors, Super and Frugard.

APPROVAL OF MINUTES OF MEETING OF NOV. 10, 2014

The minutes of the meeting of November 10, 2014 were read, corrected, approved and signed by the Directors.

REPORTS

Jim White, the Sec/Treas provided his report. Mr. White reported on the financial condition of the district, the status of invoicing and collections for 2015 Water Year and the payables, including the payable to Moffitt Thomas.

On motion by Mr. Frugard, seconded by Mr. Super, and unanimously approved, the board authorized a payment of \$5,000 on account to Moffitt Thomas.

On motion by Mr. Frugard, seconded by Mr. Super, and unanimously approved, the board authorized a payment of \$ 95.73 to Jane's Artifacts.

Mr. White reported on the publication of the notice for conducting the Board of Corrections meeting and the results of the County Commissioners' approval on November 18, 2014 of the new Division Lines as previously approved by the Board of District 45 under the Partition Order.

PUBLIC COMMENT

Judy Cash inquired if all of Griffin Ranch is in Division 3, to which Mr. Super explained that a portion of Griffin Ranch is still outside of the District and

that annexation of that portion cannot occur without written application by the property owners affected and that he hopes that the District receives an application for annexation in the near future and explained the process.

Ralph Lapham encouraged anyone present to contact anyone they know in Griffin Ranch to put their name up for consideration for the director seat for Division 3.

BOARD OF CORRECTION

Pursuant to Idaho Code, the Board of Directors, pursuant to statute, is constituted as a Board of Corrections and, notice having been duly published in the Idaho Mountain Express, the Directors then, sitting as a Board of Corrections, opened the Board of Corrections and offered to review, upon the request of any interested person, and correct, if necessary, any of the assessments heretofore levied under section 43-701 for the current fiscal year.

No persons present made any request for any corrections. Mr. Super indicated he had two letters to read into the record. The first from Nick Purdy, who leases Mr. Rinker's property. Mr. Rinker's email was read into the record, and a copy is to be attached to the minutes. A second letter, this one from Keith and Judy Myers, was read into the record and a copy is to be attached to the minutes.

Mr. Super commented that until Rinker and Myers formally petition the TID and are accepted for annexation into the TID, to protect deliveries for Rinker and Myers under the historical implied contracts under which they have received water for decades, D-45 will continue to carry the Rinker and Myers assessments on the D 45 assessment rolls pending further formal action by Rinker, Myers and the TID and any adjustments, as may be necessary, to protect the landowners and the District, all to be reviewed at a later date and after consultation with District counsel.

No further business coming before the Board of Corrections, Mr. Super then declared the Board of Corrections adjourned.

OLD BUSINESS

Mr. Super reported that he has made multiple requests to the directors of the TID for joint meetings to deal with the many issues which face both districts under

the Partition Order. Mr. Super reported that he seeks to address with the TID and the BOC the authority issues of the BOC regarding how it intends to manage the joint works as to hiring and firing of employees needed to operate the system and how the various legs of the ditch are to be determined as to whether sections of each leg are jointly owned or not and how that determination is to be made and the implications of such determination for each district, including financial implications for each district. Mr. Super reported that his requests are being ignored by the TID. Mr. Super indicated that he was informed that the next BOC meeting is scheduled for January 6, 2015 and he hopes that the BOC may act to help clarify the situation soon.

Mr. Super commented that he is in communications with a potential candidate for the Division 3 seat on the Board of D 45, now that we have the new division lines under the Partition Order approved by the county commissioners.

A lengthy discussion ensued between Mr. Super and Mr. Frugard about communicating with Griffin Ranch landowners about finding a suitable person for the Division 3 seat. Each agreed that they would continue their individual efforts in that regard.

Mr. Frugard then commented that he was concerned about the situation with the payment of Kelly's wages. Mr. Frugard indicated he had obtained a report from Kelly as to work being done on the ditch and Mr. Frugard wanted to address the issue of Kelly's wages since November 15, 2014; when he was laid off by D 45. Mr. Frugard indicated he did not understand why D 45 doesn't just keep paying Kelly. *Since he is working on projects that benefit D45*

Mr. Super and Mr. White explained that D 45 paid Kelly in full through November 15, 2014, at which point in time he was laid off by D 45 and that Sarah Gardner, a director of the TID had indicated to Mr. Super and Mr. White that the TID intended to pay Kelly thereafter and that she and the others on the TID would meet with Mr. Super and Mr. White again to discuss the matter further, but no such meeting has occurred despite Mr. Super's repeated requests for a joint meeting. Mr. Super explained that under the Partition Law, as we have been advised by our attorney, it is the BOC's responsibility to manage and maintain the ditch and thus, hire and pay employees to do so; it is no longer withing D 45's authority or responsibility. D 45 paid Kelly in full thru November 15, 2014 and if the TID, acting for the BOC, has not paid Kelly and if the BOC has not paid Kelly,

*JMS 1/24/15
1/26/15*

then that is not D 45's responsibility nor should it be.

NEW BUSINESS

There was no other business addressed.

PUBLIC COMMENT

Ralph Lapham commented that the problems we are experiencing with the TID and the BOC, and the legal fees being incurred to address those problems, have been caused by the large landowners who filed the petitions for partition; the legal expenses being incurred are not the fault of D 45. All that the D 45 board has done is try to protect the interests of the members of the district and even that was not fully supported by one director, Mr. Frugard, causing some individuals to have to pick up the slack and file an individual law suit to protect the members of D 45.

Judy Grigsby commented that she hoped to see a clear list in writing of the responsibilities of the BOC created by the BOC soon, whereupon, Gary Frugard interrupted Ms. Grigsby's comment time and he was declared out of order.

Sheila White commented that the Petitioners have not yet identified what ditches are joint and what are not joint. Whereupon, acting out of order again, Mr. Frugard interrupted Ms. White's comment. Mr. Frugard asserted that he is informed that the BOC have tasked Kelly Shannon and Sarah Gardner, of the TID, to report by January 6, 2015 to the BOC on what ditches should be considered joint and what are non-joint ditches and that D 45 would be getting a copy of that report for D 45's evaluation and input. Mr. Frugard went on to assert that D 45 has not designated anyone for the seats allocated to the D 45 on the BOC.

Mr. Super and Mr. White explained their ongoing efforts to get clear information on the insurance issue for coverage of any D 45 representatives to the BOC. Mr. Frugard commented that he understood that insurance coverage of D 45 representatives to the BOC is a necessity. Mr. Super reiterated his multiple requests to the TID to meet in open public meeting to discuss insurance issues, but the TID has continued to refuse to do so.

Whereupon, Sheila White continued with her public comment, commenting that her understanding is that the Petition for Partition should have identified the joint ditches and the non joint ditches, but the Petition did not do so; which is just

another example of how poorly the petitioners addressed the issue in the petition and their failure to do anything about the joint vs non joint ditches issue to this point.

SETTING DATE FOR NEXT MEETING

There being no further requests for public comment, the Board then set the next REGULAR MEETING DATE for Monday, January 12 , 2015 at 5:30 p.m., at the office of the district located at Unit 4B, 1411 S. Main Street, Bellevue, Idaho.

EXECUTIVE SESSION

No director asked for any time in Executive Session.

ADJOURNMENT

Whereupon, Mr. Frugard moved to Adjourn the meeting, seconded by Director Super, and having been unanimously agreed, the meeting was adjourned at approximately 6:50 p.m..



Director Super

Director Frugard