

5

**Minutes of Meeting of the Board of Directors
of the Wood River Valley Irrigation District # 45
May 13, 2013**

The meeting of the Board of Directors of the Wood River Valley Irrigation District # 45, noticed for May 13, 2013, was **called to order** by Director Wilson at 5:01 p.m. on May 13, 2013 at its regular place of meeting located at 110 Honeysuckle Street, Bellevue, Idaho.

Director Wilson declared that a *quorum* was present, consisting of Directors Wilson and Super.

The **minutes of the prior meeting of April 8, 2013 were read, approved** by the consent of Directors Super and Wilson, and then signed.

Director Wilson opened the meeting for initial "Public Comments":

Bette Gower inquired if the Board is tracking use of the web site and what we could do to improve member use of the web site. Mr. Wilson commented that the information is there and Mr. Super noted that his understanding is that the web site address is on the District's invoicing.

Pepin Corso-Harris indicated she would have comments at the closing comment period.

REPORTS

By Law Committee Report was given by its Chairman, Mark Gower. Mr. Gower reported that the committee had summarized the results of the survey previously conducted. Most common responses were as follows: members were pleased with the level of communication and transparency exhibited by the Board; members recommended visits be arranged at both large and

small member's properties to share perspectives to support open communications, understanding and transparency; members recommended moving forward as soon as possible with measuring device improvements in the various legs of the system; members responded positively to the rate structure put into place by the Board for the current year and recommended putting by laws into place to support and memorialize the recent rate structure. Mr. Gower reported that the committee is considering an attempt to "translate" Title 43 into "lay" language from "legaleze" for purposes of incorporating statutory requirements into the By-Laws for broader understanding and more ready availability for our members.

Director Super reported on the status of his work with Michael Hobbs, a computer programmer, on a programming project which they hope will lead to the creation of a data base which could be created soon and be viewable on line on the District's website and which would simplify the annual Assessment, record keeping and billing projects. Mr. Super reported that he hoped to have more information soon.

Ditch Manger's Report was given by Kelly Shannon. Kelly reported a lot of water in the ditches. No flooding of any concern reported, except some minor flooding in Bellevue Farms at Cheval Circle which Kelly addressed. He felt it was a result of improper adjustment of their own gates and check boards. Kelly also reported that Heart Rock Ranch's Rocky Sherbine, on Base Line Canal, and Brian Fox asked Kelly for our district to take more water to relieve pressure on their system, which Kelly did as an accommodation for our neighbors.

Kelly then reported about the new walk ways which are in process; the recent burn on Highway 75 which was successful; Kelly reported he purposely kept all burning away from pine trees.

Nick Purdy commented that Kelly is doing a great job.

Kelly commented that Crested Wheat Grass would be used eventually on the ditch banks which could be burned regularly and would keep weed growth down.

Kelly reported that Chris is still working well and is very valuable for the District. Kelly wants to keep him on for at least another month. Mr. Super and Mr. Wilson indicated the budget anticipated keeping Chris on for at least another month.

Mr. White reported his recent observations that the ditch on the Moore property had overflowed the banks on the Moore property. Mr. White commented that it appears that the issue as to where the points or lines of distinction are located (between the District's responsibilities and member's responsibilities for their own laterals) is still ripe for consideration. Mr. Wilson commented that as he understands it, there is no clear distinction between where the District's responsibility ends and the owners' responsibility begins on the sub-laterals.

Kelly reported that the "sink hole" problem at the northern end of the system has been filled in. He will keep an eye on how the repair work holds up.

Kelly reported on his plans for improvements for the system for the near term: He reported that he was working with Jim Super continuing to gather data as to "who has what" in terms of water rights and access; Kelly reported that the ground water mitigation project presented earlier by Mr. Tuttle is drawing criticism. Mr. Wilson noted that we had rejected Mr. Tuttle's proposal and that our district is not a part of Mr. Tuttle's program.

Secretary/ Treasurer Report:

Mr. White presented his report on the following topics and the following discussions took place:

The monthly financial statements and accounts receivable report which have been prepared by the book-keeper have been provided to the Board.

Mr. White reported that on line banking access has been obtained for the Book keeper, the Secretary/Treasure and the Board.

The Board asked to continue with monthly (as opposed to quarterly) reporting of financials.

Mr. White reported that he would be trying to develop the with the book keeper comparative financials to be presented to the Board soon.

Checks were signed and bills reviewed for approval: a Myers' excavation bill for \$1,600.00 was referred by the Board to Kelly for review and comment. Kelly reported that the bill was correct. Whereupon it was approved; Stacie's Brew's book keeping bill for \$281.50 was also approved.

Mr. White reported that he and Mr. Super have finished the supplemental invoice project and all are out except for John Stevenson's, which will go out tonight. Mr. Super reiterated that the project is only as good as the records obtained from IDWR and District 37.

Overdue accounts on the Accounts Receivable list were discussed and are being pursued.

Among accounts discussed:

Dion account: Mr. White reported that we appear to lack invoices earlier than 2011 in hard files. The Dion account goes back to 2008. Mr. White reported that the Buzotto accounting firm which had done the work previously claims all data was on a disc given to the book keeper. Mr. White reported that Stacie indicated that she has found old invoices on the disc she got from Buzotto. Mr. White will report back to the Board as to what he has been able to determine from the disc provided to Stacie.

Figge account: Noted as still overdue.

Grant property: It has been foreclosed; Mr. White has obtained the Trustee's deed and will follow up with the foreclosing entity.

Stanislaw's property: Kelley reported that head-gate looks closed / The Board authorized Mr. White to inform Mr. Stanislaw and all overdue accounts that the Board intends to proceed with its rights and obligations to terminate delivery of water if an overdue account fails to bring its account current.

Jones property: At the suggestion of the Board, Mr. White is to call Lori Swelle to see if he can get a current telephone number from her for Angie Jones.

O'Keon property: the Board instructed Mr. White to put him on the list of overdue accounts for recording

Oosting property: Mr. White reported that Mr. Oosting indicated he would be mailing in a check soon.

Wes Purdy property: Mr. Wilson commented that Director Gardner has been communicating with Mr. Purdy and we will await Sarah's update when she returns. Kelley reports that the property has no access to water.

Stilo property: Mr. White reports that it has sold and that new contact information is in hand.

Whitaker property: Mr. White reported he had left a voice mail message and that this property is on the list for recording.

Mr. White then reported on software inquiries he has made: District 37 uses Cougar Mountain with whom Mr. White has had a preliminary discussion and will follow up and get an better estimate. The lead obtained from Irrigation Leader Magazine, TruPoint, appears to be prohibitively priced at \$75,000.

The Board then indicated it would want Reminder Notices for the second half installments not already paid to be prepared for mailing.

Old Business

Water Bank Applications from Cassons and Boyers Issue:

Conveyance loss mitigation concerns: Board authorized Mr. White to communicate with IDWR respecting our conditions required for our approval.

Pepin Corzo Harris commented indicating she had studies in her possession which she asserted she had given to Sarah Gardner and that she would get them again to the Board. Ms. Harris indicated she thought these studies would be helpful for the Board in dealing with these and other Water Bank applications. Director Wilson suggested a conference call when Director Gardner returns to review whatever she has from Ms. Harris.

Mr. Wilson indicated he will call the Boyers and the Cassons to inform them of the Board's position on conveyance loss mitigation concerns. Mr. Wilson commented that the Board recognizes the rights of the owners to "Bank" their water rights, but the Board will be seeking some water be left in the system as mitigation for conveyance losses.

Al Barker, Attorney for the District

Mr. Wilson indicated he is still trying to get with Al Barker to discuss the Board's expressed concerns about potential conflicts of interest.

Planning

Mr. Wilson tasked Kelley to prepare a report for the Board for projects as Kelley may see as necessary for budgeting purposes

for next year.

Insurance Matters

The Board then discussed insurance matters. The matter was tabled for further inquiries and discussions. On Motion by Mr. Super, it was moved to acquire and/or renew insurance for liability, errors and omissions and directors and officers insurance, seconded by Wilson. Passed.

Letter from Sun Valley Title Company

Mr. White reported that we received a letter from Sun Valley Title Company respecting the transfer of Mr. Stinson's property to Mr. Thorton, with a quit claim deed. Mr. Super commented that the buyer needs to notify IDWR of the transfer. The Board instructed Mr. White to contact the title company and the buyers and send back to them the Quit Claim deed and tell them, that while we appreciate being informed of the sale, but they need to contact IDWR to formally register the transfer of the water rights.

Nick Purdy

Nick Purdy made a presentation to the Board regarding his concerns about willows on Dr. Beck's property next to an existing ditch which he believes were resulting in substantial water loss in the ditch which serves property he farms. Mr. Purdy indicated he would like to see the ditch moved. The Board requested Kelley to contact Dr. Beck and see what can be done to address the problem, as Mr. Purdy describes it.

District 37 Letter

Kelley reported on a District 37 letter indicating they were re-invoicing over-due accounts with District 37.

Authorization to purchase digital recording device

On motion by Director Super, seconded by Wilson, and passed, Mr. White was authorized to acquire a digital recording device in the range of \$80 to \$100.

ADDITIONAL PUBLIC COMMENT TIME

Pepin Corso-Harris made a presentation on her perception of water bank matters and the Turco matter. She indicated that she had materials in her files that she said might be helpful and she would provide to the Board.

Ms. Harris also commented on Idaho Code section 43-327 which she said need to be reviewed before cutting off water to delinquent members.

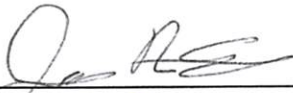
Ms. Harris also had questions and concerns about a recent letter and invoice sent by Mr. White, on behalf of the District, to Barbara Benson, billing her for what the District perceives as a mitigation right being carried by the District in its system. Ms. Harris asserted that this is not correct. Mr. Super asserted that he believed it is correct. Mr. Super asserted that IDWR records reflected that the water is being diverted into District 45's canal. Mr. Wilson indicated that if Ms. Benson believes that there is an error in the billing, she should be the one bringing it to the attention of the Board, not Ms. Harris. Ms. Harris indicated that she believed Ms. Benson would ignore the invoice.

NEXT MEETING DATE SET

The date for the next meeting on June 10, 2013 at 5:00 p.m. was then announced.

The Board then went into Executive Session.

After Executive Session, the meeting was then adjourned.



Director



Director

Director