

WEST EXTENSION IRRIGATION DISTRICT

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July 18, 2016

Monthly Board Meeting

Chairperson Philippi called the meeting to order on July 18, 2016 at 9:15 a.m. at the Irrigon Fire Hall located at 705 N. Main St. in Irrigon. Those in attendance were: Board members, Dalarie Philippi, Warren Kemper, and Bob Mueller; Board Secretary/Manager, Bev Bridgewater. Directors Vern Frederickson and Abe McNamee were absent.

AGENDA: Mueller moved to approve the agenda as prepared. Kemper seconded. Motion passed.

MONTHLY BUSINESS

APPROVAL OF MINUTES: Mueller moved to approve the minutes of the June 2016 Board meeting. Kemper seconded. Motion passed.

BILLS PAYABLE: After review, Mueller moved to approve the June accounts payable list for the amounts of \$220,181.02. Kemper seconded. Motion passed.

FINANCIAL REPORT: The financial reports for the period ending June 30, 2016 were reviewed and discussed.

REPORTS AND CORRESPONDENCE

MANAGER'S' REPORT: A written report was distributed to the directors and is attached to and a part of the minutes. The report was reviewed and discussed.

KREBS LETTER: A letter had been sent to Board Chairman Philippi about drainage west of the District's spillway. Discussion and review. Bridgewater handed out several documents. In summary, Oregon drainage law has developed without legislative action and is found in the decisions of the courts. An addendum is attached to these minutes that further clarify Oregon Drainage Law. Director Mueller said he would take copies of several documents, including case law to Cameron Krebs. No further action is required.

ROBBINS AREA 4N2522BB TL 1000 – The area is dry now. Test wells do not have water in them. We will revisit this issue after the irrigation season.

DISTRICT BUSINESS

McKAY PROTOCOL REVIEW: The District reviewed a draft from its attorney about the McKay protocol. All documents were privileged and returned to the Manager after the meeting.

IPS SCREEN & RETROFIT PROJECT UPDATE: Mueller discussed his findings about the IPS pumping problems. Decreasing the length of the shaft seems the best solution at this time. If that work is authorized, we will coordinate with James at Layne Pumps. Discussion. We will bring this back to the next meeting.

WRD/DEQ COMMISSION JOINT MEETING: The Commissioners for the Oregon Water Resources Department and the Department of Environmental Quality will have a joint meeting in Hermiston on August 18. Prior to the meeting, Oregon ACWA (Association of Clean Water Agencies) is hosting an informational session to discuss Water Reuse followed by a tour of the Hermiston Wastewater Treatment plant. We are part of the informational session and tour.

WESTLAND MITIGATION WATER TO CTUIR: The amended contract between WID and the Bureau of Reclamation that confirms the 500 af of water from McKay Reservoir as mitigation for the WID boundary change has been signed. As part of the River Operations, the River Ops group has suggested that this water be assigned by WEID to the CTUIR. They can release it, as needed, for fisheries benefit and WEID will get the credit against its conjunctive use water. Mueller moved to allow the Umatilla River Oversight Committee to assign the mitigation water to the CTUIR fisheries program as part of the exchange as long as there is no injury to WEID. Kemper seconded. Discussion. Motion passed.

AUDIT LETTER SIGNATURE APPROVAL: Mueller moved to allow the Chairman or Vice Chairman of the WEID Board to sign financial letters on behalf of the District. Kemper seconded. These would be in conjunction with the annual audit or report to the Secretary of State. This authorization will be in place until removed by Board action, so will not need to be renewed each year. Motion passed.

PORT OF MORROW CROSSING: Reclamation has completed the Port of Morrow request for crossing the main canal near Hwy 730. They plan to do the work this fall/winter. Bridgewater will bring this to the next meeting.

ADJOURNMENT

With no further business, Chairperson Philippi adjourned the meeting at 10:40 a.m.

Signed:

Bev Bridgewater, Secretary

Attest:

Dalarie Philippi, Board Chairperson

ADDENDUM

Oregon Drainage Law

Oregon has adopted the civil law doctrine of drainage. Under this doctrine, adjoining landowners are entitled to have the normal course of natural drainage maintained. The lower owner must accept water which naturally comes to his land from above, but he is entitled not to have the normal drainage changed or substantially increased. The lower landowner may not obstruct the run-off from the upper land, if the upper landowner is properly discharging the water.

For a landowner to drain water onto lands of another in the State of Oregon, two conditions must be satisfied initially: 1) the lands must contain a natural drainage course; and 2) the landowner must have acquired the right of drainage supported by consideration. In addition, because Oregon has adopted the civil law doctrine of drainage, three basic elements must be followed:

1. A landowner may not divert water onto adjoining land that would not otherwise have flowed there. "Divert water" includes but is not necessarily limited to: 1) water diverted from one drainage area to another; and 2) water collected and discharged which normally would infiltrate into the ground, pond, and/or evaporate.
2. The upper landowner may not change the place where the water flows onto the lower owner's land (Most of the diversions not in compliance with this element result from grading and paving work and/or improvements to water collection systems).
3. The upper landowner may not accumulate large quantities of water, then release it, greatly accelerating the flow onto the lower owner's land. This does not mean that the upper landowner can not accelerate the flow of water at all; experience has found drainage to be improper only when acceleration and concentration of the water were substantially increased.