

MINUTES OF THE REGULAR MEETING
OF THE COMMISSIONERS OF THE
HEART MOUNTAIN IRRIGATION DISTRICT
APRIL 10, 2018

The April Regular Meeting of the Heart Mountain Irrigation District's (HMID) Board of Commissioners was held at the Heart Mountain Irrigation District office located at 1206 Road 18, Powell, Wyoming on Tuesday, April 10, 2018. Commissioners present: President Brian Duyck, Vice President Pat Nelson, Brad Ferguson Scott Hecht and Travis Jackson. Staff attendances: District Manager Randy Watts and Secretary/Treasurer Tyler Weckler with guest attendance by Attorney Mary Reed, Joel Hansen and Lyle Casciato and State Engineer Landis Webber. The meeting was called to order at 8:55 a.m. by President Brian Duyck.

President Brian Duyck called for the reading of minutes from the Regular Meeting of Commissioners held on March 13th, 2018. After review Commissioner Travis Jackson made a motion to approve the minutes as amended. Commissioner Brad Ferguson seconded the motion; motion passed.

President Brian Duyck called for the Treasurers report presented by Secretary/Treasurer Tyler Weckler. After the payment of the bills presented, the O&M checking account will have a balance of \$222,536.21. The New Equipment Money Market at Bank of Powell #...2439 has a balance of \$6,791.97; Money Market (MM) at Bank of Powell #...1233 has \$230,759.36; MM Bank of Powell #...2383 holds \$123,229.91. The MM at Pinnacle Bank #...5232 stands at \$301,870.07. Pinnacle bank MM #...5231 has \$204,790.66. Vice President Pat Nelson made a motion to accept the treasurer's Report. Commissioner Scott Hecht seconded the motion; motion passed.

President Brian Duyck called for the review of unpaid bills. Secretary/Treasurer Tyler Weckler presented the unpaid bill detail identifying March-April commitments at \$60,189.65. Commissioner Scott Hecht made a motion to authorize payment of unpaid bills as presented. Commissioner Travis Jackson seconded the motion; motion passed.

President Brian Duyck called on District Manager Randy Watts to provide his managers' report. Mr. Watts began by asking agenda guest Lyle Casciato to discuss a lot line adjustment for landowner Nathan Harder. This involves moving the lot boundary 50' and the detachment of .3 acres of water rights to HMID. Mr. Casciato was hoping to get an exemption from the sprinkler only requirement for subdivisions of 30 acres or less. Mr. Casciato brought the plan to the Board of Commissioners for review. Lengthy discussions were had on general criteria or parameters for exemptions, why exemptions would be granted, waste ditches and natural drainage concerns. The board of commissioners asked District Manager to review the site, coordinate any changes to delivery/waste water plan and bring the findings to the next Regular Meeting of the Commissioners in May. No exemption to sprinkler only was granted during this meeting.

Mr. Watts continued his report by asking Joel Hansen to present his case in requesting an exemption from the sprinkler only requirement. Mr. Hansen has been working on a family exemption with the county for his division of 20 acres. Mr. Hansen provided an aerial view of the property for the commissioner's review. After review, it was decided to have the Manager look at the site and review a water plan for submittal to the board of commissioners. The manager also noted transfer fees; paperwork and water right fees will be required. No exemption to sprinkler only was granted at this meeting.

The District Manager advised of a 100 acre split (into 2 x 50 acre parcels) which landowners have not contacted the district nor submitted transfer or water right paperwork. Secretary Treasurer Tyler Weckler will send transfer forms, landowner agreement notices, and an invoice for transfer and water right split for the new landowners. This was agreed as acceptable by the Board of Commissioners.

Mr. Watts updated the Board of Commissioners on his meeting with Carlie Ronca from the Bureau of Reclamation (BOR). Mr. Watts noted the BOR told him the district should have charged M&I rates for small acreages, houses, yards, hobby farms, and maintain interest free rates for farming. This was one change the District Manager suggested within the upcoming BOR and HMID contract amendment. Any contract amendment would cost the district \$20,000; Mr. Watts suggested putting language in the contract that covers possible future directions of the district so it would only need to be amended one time, including new water rights on grazing lease ground, land classes and M&I rates. Vice President Pat Nelson notes the unsubsidized (interest bearing) rate for water has never been disclosed by the BOR and the Bureau has indirectly approved unsubsidized rates to small acreages by not addressing this with the first subdivisions that began receiving water.

Landis Webber from the State Engineers Office inquired on unpermitted grounds specifically Newton Lakes and asked if the district is charging the Game and Fish for the yearly recharging of the lakes. The district was not currently billing for excess water used during this procedure. General discussions were had on the mitigation ponds below the canal, filling of Newton Lakes and general Permitting process for the Enlargement. Once the permit is finalized, Mr. Webber will inspect these areas to ensure delivery is available and then it will go the Board of Control (BOC) for final review and adjudication.

Vice President Pat Nelson brought up a landowner request by Earl Claudson. Mr. Claudson wants to include non-irrigated land to the 5th Enlargement Petition. Mr. Webber mentioned, if approved, this type of request could possibly be included while the petition is in temporary filing status at the SEO. Earl Claudson's area of discussion had not been irrigated for years and did not meet the historical standard for inclusion into the 5th enlargement petition. The Board of Commissioners asked Mr. Watts to do a boots on the ground review of the site for confirmation.

Mr. Watts continued by presenting SW2 permit applications for review. The initial \$250 district fee (application and pump permit) and \$50 State application fee would be needed for each SW-2 applicant. If approved by the SEO and adjudicated by the state BOC, the landowner will have 0-1 acres of adjudicated water rights added to their assessment. If a landowner is not currently assessed, they will have new account created and acres assessed for these acres just as with the SW-2 Enlargement application acres. After review, the Board of Commissioners approved HMID pump permits and SW-2 for Denning, Carter, Cundall and Hecht.

Mr. Watts continued his Managers Report with updates on easement issues within the district with landowners Hamman and Riolo. District Attorney Mary Reed's discussions with Riolo's indicate that they will move the bowl and contribute to the costs. Mrs. Reed will set up a meeting with Joey Derrah, the attorney for Mr. Hamman, in regards to the HMID access road and water flows with the original delivery ditch to Riolo's property, now buried. Mrs. Reed said there is progress between the two parties and will update the board during the next regular meeting.

General discussions on HMID responsibilities past the headgate and within subdivisions in respect to infrastructure, delivery plans and wastewater control. HMID position is to stay out of issues after a headgate specifically with respect to subdivisions. Mr. Watts mentioned his time with subdivisions, review of plans and zoning meetings requires substantially more time with subdivisions vs the farming community. Mr. Webber noted HMID responsibility should be in the administering of water.

Mr. Watts continued with a special use permit for signature for a foot race with the Nature Conservancy, on BOR land. Board approved the manager to sign as long as participants are not on the canal.

District Manager informed the board on another easement issue with landowner Mark Ringler. Mr. Ringler has a new attorney who has been in contact with Mr. Watts. Mr. Ringler is land locked and has no access to his property unless he uses the canal easement through Mr. Ringler's property. Mr. Watts let the new attorney, Nick Crandall know that Ringler will need to have legal access granted up to his property, other than using the districts canal easement.

The District Manager briefed the Board on the Rattlesnake Liner prep and coating beginning this week. The Aqualastics team will also be spraying infrastructure within the Deaver Franny Irrigation District. Vice President Pat Nelson suggested drafting a Memorandum of Understanding between Deaver and HMID.

Board of Commissioners agreed unanimously, to turn the canal water on the week of April 23rd, weather permitting.

Mr. Watts has completed dialog with the Army Core of Engineers and Department of Environmental Quality in regards to a complaint filed during the construction of the Syphon Gland concrete pad. No further actions are needed.

The weed screen will need a new interface; Board of Commissioners asked Mr. Watts for bids.

Vice President Pat Nelson made a motion to go into Executive Session to discuss employee issues. Commissioner Scott Hecht seconded the motion; motion passed.

Commissioner Travis Jackson made a motion to come out of Executive Session. Commissioner Brad Ferguson seconded the motion; motion passed.

The Draft Budget for Fiscal Year 2019 was passed out to the Board of Commissioners for discussion and reviews. General round table on budget line items continued. The board will have further comment and make a determination on the final budget at the next regular meeting.

Brian Deter from J-U-B advised Mr. Watts that the funds for the water smart program have been released. In support of the Water Smart Application, Mr. Deter has requested some support in regards to flow records showing releases prior to the Rattlesnake Liner failures as compared to current releases. Also mentioned is the point system used to score and rank applications; the district manager will be coordinating with Mr. Deter in obtaining increased points and in the overall application support. Mr. Watts said the application approval will be available in September.

Mr. Watts passed out a letter from Bill Brewer form the Wyoming Water Development Office (WWDO) asking to sign the project agreement for the Rattlesnake liner. Prior to signing, the Board of Commissioners had questions regarding this agreement and asked Mr. Watts to speak with WWDO about any conflicts with this agreement and the direction of obtaining additional Water Smart Program grant funds.

County Commissioners meeting at 10:45 on Thursday; President, Vice President and District Manager have tentatively scheduled time to be at the meeting.

Brief discussion on looking at proposals for access to BOR; Board has asked for input from Rorie from Natural Resource Conservation Services (NRCS) to look into other options.

Hearing no further business to come before the Board, President Brian Duyck adjourned the April 10th, 2018 Regular Meeting of the Heart Mountain Irrigation District's Board of Commissioners at 1:10 pm.

RESPECTFULLY SUBMITTED,

ATTEST:

Brian Duyck, Board President

Tyler Weckler, Secretary/Treasurer