

HEART MOUNTAIN IRRIGATION DISTRICT
MINUTES OF THE REGULAR MEETING
OF THE COMMISSIONERS OF THE
HEART MOUNTAIN IRRIGATION DISTRICT
NOVEMBER 13, 2018

The November 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, November 13, 2018. Commissioners present: President Brian Duyck, Vice President Pat Nelson, Brad Ferguson, Scott Hecht and Travis Jackson. Staff attendances: District Manager Tyler Weckler, Secretary/Treasurer Tiara Wagar, Ditch Riders Rusty McKeen, Tim Harvey, District Attorney Mary Reed and agenda guests Rorie Karhu, Ed Widmore, Brian Deeter, and Dave Wadman. The meeting was called to order at 8:57 a.m. by President Brian Duyck.

President Brian Duyck called for the reading of minutes from the Regular Meeting of Commissioners held on October 9, 2018. After reviews, Commissioner Brad Ferguson made a motion to approve the minutes. Commissioner Travis Jackson seconded the motion; motion passed.

President Brian Duyck called for the Treasurers Report presented by District Manager Tyler Weckler. After the payment of the bills presented, the O&M checking account will have a balance of \$176,838.60. The New Equipment Money Market at Bank of Powell #...2439 has a balance of \$6,798.74; Money Market (MM) at Bank of Powell #...1233 has \$167,191.09; 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.

After discussions, Commissioner Travis Jackson made a motion to accept the Treasurer's Report. Vice President Pat Nelson seconded the motion; motion passed.

President Brian Duyck called for the review of unpaid bills. District Manager Tyler Weckler presented the unpaid bill detail identifying October-November commitments at \$53,310.91. Commissioner Brad Ferguson made a motion to authorize payment of unpaid bills as presented. Commissioner Travis Jackson seconded the motion; motion passed.

President Brian Duyck asked District Manager Tyler Weckler to give the Managers Report. Mr. Weckler noted that he had spoken to Jay with the Wyoming State Engineer's Office (SEO). Jay stated that they are in the last stages of the Enlargement.

District Manager Tyler Weckler introduced the first agenda guest, Ed Vidmar, Franson Civil Engineers of Utah. Mr. Vidmar specializes in pressurized irrigation systems. At the request of Commissioner Scott Hecht, Mr. Vidmar took a look at Lateral R9N to identify the potential for future pressurization. Ditch Rider Tim Harvey offered his knowledge about Lateral R9N; the drop above and at San Coulee is the same elevation. Go to the Musser's and pressurize everything east and west of the highway. Mr. Harvey stated that the max total CFS for the effected pivots with a pressurized system is 43, and that it is an open ditch before the pickup. Mr. Harvey recommended going 6 miles with pipe from Lateral 141 to head gate 8 & 9; from there, upgrade the pipe from 12" to 15" or 18", and fall from Alkali Creek, which would be enough to pressurize. Commissioner Brad Ferguson stated that they make pressurized sprinkler systems; .25-mile pivot takes 2 CFS. Commissioner Scott Hecht wants to look into getting Wyoming Development Commission (WWDC), and Natural Resources Conservation (NRCS) to help fund the potential pressurized system project.

Next agenda guest, Rorie Karhu with NRCS. Mr. Karhu is the liaison for the grants. Mr. Karhu works directly with landowners on funding irrigation concern projects such as the pressurized system that Commissioner Scott Hecht and Ed Vidmar presented. The question is, who applies and what is the process? Mr. Karhu reported that the NRCS would work directly with the landowner on the pressurized system project, not an entity (HMID). If the

project impacts multiple landowner's, they all have to reach an agreement on one point of contact (POC) for the grant. The designated POC is required to have a Social Security number. Once the funds are received, the monies count toward the applicant's (POC) yearly income with the Internal Revenue Service (IRS), which is the biggest issue. The other qualification to apply for a grant through NRCS; the land has to have been historically irrigating for two out of the last five years, or with the transfer of adjudicated water rights. Even though the landowner seeks out the funding, the District will own the infrastructure.

Mr. Karhu presented visual and verbal information on an active funding project for HMID landowner, Jessie Fowler. Mr. Fowler is in the process of having three pivots funded. Mr. Karhu informed everyone that the NRCS favors those who have different types of things to get a score. To open more funding option doors, the applicant would benefit from an Energy Audit. The first step to apply for a grant is a landowner signing the application. The deadline to apply for year 2019 is December 31, 2018.

Third agenda guest, Dave Wadman, with the Tres Amigos Water Association. Mr. Wadman uses Lateral R9N Turnout 12. Due to the subdivision's delivery underdevelopment, Mr. Wadman is having an issue receiving irrigation water. He has informed the District that a neighbor, Brian Shumard is in the process of subdividing his land. Mr. Wadman does not believe the proper steps will be taken in order to fix the current issues of undersized line, prior to Shumard subdividing. That would enable the surrounding landowners from receiving their irrigation water, passed the head gate. Mr. Wadman is asking the Board of Commissioners permission to put a hole in the Districts box to extend to a new box. Mr. Wadman stated it would be at his expense, not any expense of the District. Commissioner Travis Jackson asked if after it falls over the weir blade, can it be divided? Ditch Rider Tim Harvey noted it can. The District responsibility ends at the measuring device, at the head gate. Mr. Shumard needs a submitted Water Distribution Plan. District Manager Tyler Weckler informed everyone that he has contacted the Granite Engineering Services to discuss the items needed on the Shumard subdivision plat. There have not been any changes made at this time. The Board of Commissioners agreed that Mr. Wadman can put his own hole in the District box, at his own expense.

The last agenda guest, Brian Deeter with J-U-B Engineering is giving an update on the recent awarding of the Water Smart grant for the Rattlesnake Liner. Mr. Deeter informed the Board of Commissioners that the next step is receiving a call from the Bureau of Reclamation (BOR), which usually takes one months' time. The BOR is focusing their time on those who have their matching money approved and those who have their environmental clearance study in place. The bidding process has been followed though and a written procurement in place before the BOR will pay an engineering service. The District is responsible for setting up the qualification criteria. Mr. Deeter noted that the full environmental process takes one year. In the spring, a biological, or cultural survey needs to take place in order to meet the requirements of The National Environmental Policy Act (NEPA).

District Manager Tyler Weckler reported on an SW2 permit for Welsh. Mr. Weckler reiterated that an SW2 permit is expanding a current system. The Welsh's can not show historic use. The Board of Commissioners previously denied this application. Management at the time had advised staff to go ahead with the approval of the application, regardless of its denial. Mr. Weckler presented the application to the Board of Commissioners for reassurance of the original decision of denied. The Board of Commissioners agreed that the application is denied.

District Manager Tyler Weckler brought up the topic of raising the hourly equipment rate due to the high volume of requests to clean landowner's waste ditches. Mr. Weckler stated that the rates cannot undercut the local businesses; they need to be competitive. The Board of Commissioners requested a copy of the Fee Schedule for their yearly review in March. Attorney Mary Reed suggested revisiting the Districts Rules and Regulations to better define drains vs. spills.

District Manager Tyler Weckler requested an approval, and effective date of the recently revised Employee Handbook. President Brian Duyck requested electronic copies of the Employee Handbook for last review before Board of Commissioner approval. The handbook will be in effect upon approval and signature. President Duyck requested a copy be presented at the December Board meeting.

Commissioner Scott Hecht made a motion that proper authority be given to District Manager Tyler Weckler, and Secretary/Treasurer Tiara Wagar for financial signing authority with the limit being \$2,400. Vice President Pat Nelson seconded the motion; motion passed.

Commissioner Scott Hecht made a motion to amend the motion giving financial signing authority with the limit being \$2,400 to District Manager Tyler Weckler and Secretary/Treasurer Tiara Wagar. The motion is to remove the \$2,400. Commissioner Hecht noted the \$2,400 limit is not to purchase outside of the scope, but used for payment on an invoice to avoid interest. Vice President Pat Nelson seconded the motion; motion passed.

District Manager Tyler Weckler presented the case of Charles Smith who is requesting information on water right detachment. President Brian Duyck suggested the District compile a list of landowners wanting to buy additional water rights, and present it to Mr. Smith; that way the district would not lose them. The list would include: Earl Claudson, Scott Hecht, and Jesse Fowler. Commissioner Scott Hecht suggested the process of water right detachment be performed by the District, under a licensed engineer. In order to detach the water rights, five years of historic use must be shown.

District Manager Tyler Weckler is reporting that the District and Carlie Ronca with the BOR, are still waiting for the County to acknowledge the Lane 17 Crossing issue to move forward in the process. Vice President Pat Nelson added that County Commissioner Livingston informed her that a letter is actively being drafted for the BOR. Vice President Pat Nelson informed County Commissioner Livingston that the letter needs to go to the District first.

President Brian Duyck stated that he would like to have a meeting with the local Title Companies and Realtors to go over the Districts Policies and Procedures.

The topic of the Annual Christmas Party came up. The Board of Commissioners agreed to have it at the Holiday Inn in Cody, just as last year. A discussion about the date of the Annual Christmas Party be Tuesday, December 11. District Manager Tyler Weckler would ask the District staff members if that day would work for their schedules.

Commissioner Scott Hecht made a motion to hire Rusty McKeen as Supervisor of Field Operations. Vice President Pat Nelson seconded the motion; motion passed.

Supervisor of Field Operations Rusty McKeen reported that the Mini Excavator has to have a cylinder rebuilt. He noted that the District may need to look into either purchasing or leasing a new Mini Excavator in the near future.

Vice President Pat Nelson made a motion to go into executive session with the District Attorney to discuss the Ringler/McMillan hearing. Commissioner Scott Hecht seconded the motion; motion passed.

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

Hearing no further business to come before the Board, President Brian Duyck adjourned the November 13, 2018 Regular Meeting of the Heart Mountain Irrigation District's Board of Commissioners at 12:35 pm.

RESPECTFULLY SUBMITTED,

ATTEST:

Brian Duyck, Board President

Tiara Wagar, Secretary/Treasurer