

Office of the Secretary Manager
Kittitas Reclamation District Board of Directors Meeting
August 2, 2022 Minutes

The Board of Directors of the Kittitas Reclamation District (KRD) met in Regular Session on August 2, 2022 at 1:00 p.m. Attending the meeting, were Division Three Director and Chairman Fred Schnebly, Division One Director and Vice Chairman Mark Hansen, Division Two Director Sherry Swanson, Division Five Director Brad Haberman, Division Four Director Bart Bland, Secretary Manager Urban Eberhart, Assistant Manager Kevin Eslinger, Field Supervisor Bob Main, Construction Supervisor Robby Main, Treasurer Stacy Berg, KRD Land Clerk/RRA Specialist Sara Vickers, Legal Counsel Jeff Slothower and KRD Landowners Mark Charlton, Keith Winters, Zach Deffinbaugh and Jason Bjorkman.

The agenda was approved with the addition of an executive session for reasons consistent with RCW 42.30.110(1)(b), RCW 42.30.110(1)(g) and RCW 42.30.110(1)(i):(i). The motion was made by Director Hansen and a second was made by Director Haberman. The motion passed unanimously.

The minutes for the July 12, 2022 Board Meeting were approved with a motion made by Director Haberman. The second was made by Director Hansen. The motion passed unanimously.

Public Comment: Mr. Jason Bjorkman spoke to the board regarding a spring that is on his property. He stated that when the open canal was piped it eliminated the ability for the spring to refill his pond when he pumped it out. The pond was intended to be used for emergency water in the event of a fire as well as for recreational use. Mr. Bjorkman asked the board to consider alternative ways for a water source. The board said they would discuss the situation further and get back to him.

Mr. Keith Winters explained that he has a prescriptive easement to access water but it is through an area that is currently filled with brush and he would have to cut it down. After speaking to his neighbors, they both agreed that they didn't want to remove the vegetation and Mr. Winters is asking the board to consider access to a headgate off of Robinson Canyon Rd. In the last few years, he has been allowed to access the water through a neighbor but he is concerned that when it gets wet that he will be damaging the neighbor's property. Mr. Eberhart asked Mr. Winters if

the pipe feeds any other property's and was told it is exclusive to his property. The board said they would consider the request and respond back to him.

Mr. Zachary Deffinbaugh expressed his appreciation to speak to the board and relayed an experience he had the prior weekend when he was walking on the KRD ditchbank in the area of Vanderbilt Rd and was approached by an employee who explained to him that he was trespassing. The employee was in a uniform and marked vehicle when he approached Mr. Deffinbaugh. Later, he spoke to Field Supervisor Bob Main over the phone who explained that trespassing will be enforced at any time, even outside of business hours. Mr. Deffinbaugh felt the response was excessive and spoke to the Kittitas County Sherriff's Office who stated that the KRD had the ability to trespass subjects from the property and would site subjects if need be. The group discussed the safety concerns and liability, Mr. Deffinbaugh proposed that he could have an attorney draw up a release of liability for residents to use the area for recreational use. The board stated they would consider the request and respond back to him via email or phone.

Water Master Report: As of August 2, 2022 the five reservoirs are at 83% capacity and the storage is at 119.1% of average. There was no measurable precipitation at the five reservoirs through August 1. Precipitation for the water year to date is 252.59 inches, or 116% of average. There is 1,078 cfs currently being diverted into the main canal.

Maintenance Report: Field Supervisor Bob Main reported that maintenance crews have been spraying and weed eating. The Little Creek Bridge repair is complete. A landowner reported a small seepage that caused a wet spot in his field. When KRD personnel responded they saw an 18-inch hole near the head end of the gravity lateral. The water was shut-down and the repair was made the same evening.

Secretary Manager's Activity Report: The KRD is continuing to operate under the latest Governor Proclamation for Covid restrictions. The public meeting requirements remain the same, the KRD will monitor those as requirements change.

The insurance company's Roofing Contractor has replaced the roof for the Ellensburg Shop.

The New York Times interviewed Mr. Eberhart on July 14, 2022. After a tour the photographer returned July 17, 2022 and took photos at Director Hansen's property and at the pumping plant.

The KRD was represented at the Yakama Nation 25-year anniversary of the Cle Elum Fish Hatchery on July 15, 2022.

Mr. Eberhart along with Department of Ecology, Melissa Downes and Department of Agriculture, Jaclyn Hancock gave a presentation on the Yakima Basin Integrated Plan at the 2022 Western Association of State Departments of Agriculture (WASDA) Conference on July 19, 2022.

On July 20, 2022, Mr. Eberhart spoke on the Yakima Basin Integrated Plan at a Kittitas County Conservation District (KCCD) Project Tour for the Washington State Conservation Commission.

KNDO News broadcasted in Yakima and the Tri-Cities Areas a Canal Safety Story on July 27. The message reiterated that the canals are not for recreation, there are significant risks to being in the water and violators can be cited for trespass.

A Capital Press Article was published on July 28, 2022 on the Yakima Basin Integrated Plan.

Mr. Eberhart will attend a meeting with Commodity Futures Trading Commission Chairman Benham along with Derek Sandison and Representative Schrier.

The American Fisheries Society National Conference will be held in Spokane, WA on the week of August 21-25, 2022. The conference is available in person or electronically. Mr. Eberhart will participate in a video presentation at the conference.

Mr. Eberhart will be presenting at the Water Law in Central Washington Panel Discussion on September 9, 2022.

The Water Marketing Report is expected to be complete this fall.

The Yakima Basin Joint Board is continuing to work with the United States Bureau of Reclamation (USBR) on the cost allocation.

A committee is working with the Water Supply Technical Work Group and continues to make progress.

Upper Yakima System Storage (UYSS) Phase II is complete, the scoping and the feasibility process will be next.

The Yakima Basin Focused Managed Aquifer Recharge (MAR), Taneum Creek Pilot Test is in the permitting process at this time.

The contracting for the Easton Bull Trout Research Facility is in progress at this time.

The KRD will continue to monitor the FY22 Appropriations as the fiscal year comes to a close. If there is any additional funding available the KRD has projects available.

A request for the FY23 Appropriations has been submitted for \$16 Million for the North Branch and \$16 Million for the South Branch.

Director Hansen made a motion to approve the employee leave transfer for Austin Gordon. A second was made by Director Bland, the motion passed unanimously.

Project Updates: The South Branch Phase I Canal Lining Reach 4 and 5 are complete. The remaining portion of this project is waiting for the subcontractors to submit their affidavits and then the entire process will be complete.

The South Branch Phase II Robinson MP 10.4 Piping Project to MP 10.8 is complete. Change Order #5 (Closeout) and the certificate of completion was presented to the board.

Treasurer's Report: The Director's monthly payroll vouchers were presented for signatures. Summary Vouchers for the July 2022 expenses and payroll which included check numbers 46448 - 46537, direct deposit numbers 9902477 through 9902497 in the sum of \$1,457,470.14 were approved with a motion made by Director Haberman. The second was made by Director Bland, the motion passed unanimously.

The alternative investment options for the funds currently being held in the Wells Fargo Bank was tabled at this time due to projected expenses that are expected to come up in the next year.

The 2021 Financial Audit is ongoing. The entrance meeting is scheduled for August 5, 2022.

Old Business: After considerable discussions it is determined that the KRD will need to sign and participate in the USBR Kachess Dam Repairs Repayment Project. The KRD will continue to facilitate discussions with the USBR on the subject. This will be an ongoing process. Director Swanson made a motion to approve the USBR Kachess Dam Repairs Repayment Contract. A second was made by Director Bland, the motion passed unanimously.

A draft of the procedure and policy updates have been provided to the board members for their review. If there are no further updates or concerns, the documents will be ready for implementation after the upcoming board meeting.

The 2022 Foreclosure List has one account remaining. Legal Counsel Slothower explained that the remaining resident lives in Alpine Estates and the KRD is unable to deliver water to the property due to the property being land locked. The board was agreed to defer the foreclosure process until next year as the KRD explores a more global solution to working through the inclusion/exclusion process and eliminating the water from the development.

New Business: Director Swanson made a motion to change the date for the October Board Meeting to October 14, 2022 at 1:00 p.m. A second was made by Director Haberman, the motion passed unanimously.

Other Business: The Board adjourned to Executive Session at 1:39 p.m. for 15 minutes per RCW 42.30.110(1)(b), RCW 42.30.110(1)(g) and RCW 42.30.110(1)(i):(iii) there was motion made by Director Hansen and a second made by Director Swanson. The motion passed unanimously. The Board returned to Regular Session at 1:54 p.m. with a motion made by Director Haberman, and the second was made by Director Hansen. The motion passed unanimously.

All business having been concluded the meeting was adjourned.

Mr. Schnebly KRD Board of Directors Chairman

Mr. Eberhart KRD Secretary Manager