

## **MINUTES**

Oakdale, California  
September 21, 2004

The Board of Directors of the Oakdale Irrigation District invited all to recite the Pledge of Allegiance and then met in Regular Session at the hour of 9:00 a.m. Upon roll call, there were present:

Directors: Frank B. Clark, President  
Steve Webb, Vice President  
Jack D. Alpers  
Louis Brichetto  
Tony Taro

Staff Present: Steve Knell, P.E., General Manager/Secretary  
Gary Jernigan, P.E., Support Services Manager  
Kathy Cook, Chief Financial Officer  
Kevin King, Special Projects Coordinator  
Tom Laidlaw, Assistant Watermaster

### **ADDITION OR DELETION OF AGENDA ITEMS**

There were no additions or deletions of agenda items.

### **ACTION TO TAKE VARIOUS ITEMS OUT OF SEQUENCE**

Director Brichetto requested that he not be present for Items No. 7 and No. 8 as they pertain to his property.

General Manager Steve Knell requested to pull the approval of the minutes from the consent calendar. Director Clark stated that the minutes had an incorrect tally of votes on Item No. 5 regarding Golden West Nuts application for annexation, a copy of the corrected votes was given to the Directors.

### **CONSENT ITEMS ITEMS NO. 2, 3, 4, 5, 6, 9, 10**

#### **ITEM NO. 2**

#### **APPROVE OAKDALE IRRIGATION DISTRICT STATEMENT OF OBLIGATIONS**

A motion was made by Director Alpers, seconded by Director Webb and unanimously supported to approve the Oakdale Irrigation District Statement of Obligations.

#### **ITEM NO. 3**

#### **APPROVE OAKDALE IRRIGATION IMPROVEMENT DISTRICT STATEMENT OF OBLIGATIONS**

A motion was made by Director Alpers, seconded by Director Webb and unanimously supported to approve Oakdale Irrigation Improvements District Statement of Obligations.

**ITEM NO. 4**  
**APPROVE THE TREASURER AND CHIEF FINANCIAL OFFICER'S REPORT FOR THE MONTH**  
**ENDING AUGUST 31, 2004**

A motion was made by Director Alpers, seconded by Director Webb and unanimously supported to approve the Treasurer and Chief Financial Officer's Report for the month ending August 31, 2004.

**ITEM NO. 5**  
**APPROVE THE DITCHTENDERS' TRANSFER TO CONSTRUCTION AND MAINTENANCE**  
**DEPARTMENT FOR THE WINTER SEASON 2004-2005**

A motion was made by Director Alpers, seconded by Director Webb and unanimously supported to approve the Distribution System Operators Transfer to Construction and Maintenance Department for the Winter Season 2004-2005.

**ITEM NO. 6**  
**APPROVE ENCROACHMENT AGREEMENT ON THE LESNINI LATERAL NO. 1**

A motion was made by Director Alpers, seconded by Director Webb and unanimously supported to approve Encroachment Agreement on the Lesnini Lateral No. 1.

**ITEM NO. 9**  
**APPROVE QUITCLAIM OF EXISTING EASEMENT ON THE OAKDALE LATERAL**

A motion was made by Director Alpers, seconded by Director Webb and unanimously supported to approve Quitclaim of Existing Easement on the Oakdale Lateral.

**ITEM NO. 10**  
**APPROVE A GRANT OF EASEMENT ON THE OAKDALE LATERAL**

A motion was made by Director Alpers, seconded by Director Webb and unanimously supported to approve a Grant of Easement on the Oakdale Lateral.

**ACTION ITEMS**  
**ITEMS NO. 1, 7, 8, 11, 12, 13, 14, 15, 16**

**ITEM NO. 1**  
**APPROVE THE BOARD OF DIRECTORS MINUTES OF THE REGULAR MEETING OF**  
**SEPTEMBER 7, 2004**

A motion was made by Director Brichetto, seconded by Director Webb and unanimously supported to approve the Board of Directors Minutes of the regular meeting of September 7, 2004.

**ITEM NO. 7**  
**APPROVE ENCROACHMENT AGREEMENT ON THE CLARIBEL LATERAL**

A motion was made by Director Alpers, seconded by Director Taro to approve Encroachment Agreement on the Claribel Lateral and was voted as follows:

Ayes: Alpers, Taro, Clark, Webb  
Abstained: Brichetto (left room before vote)

**ITEM NO. 8**  
**APPROVE ENCROACHMENT AGREEMENT ON THE BRICHETTO LATERAL**

A motion was made by Director Alpers, seconded by Director Webb to approve Encroachment Agreement on the Brichetto Lateral and was voted as follows:

Ayes: Alpers, Taro, Clark, Webb  
Abstained: Brichetto (left room before vote)

**ITEM NO. 11**  
**REVIEW AND TAKE POSSIBLE ACTION ON REJECTION OF THE KERRY O'DONNELL FLOODING CLAIM**

Director Clark stated that due to the amount of the claim which is in excess of \$20,000 the board felt that rather than address the issue it would be better to reject the claim and turn it over our insurance carrier.

A Motion was made by Director Webb, seconded by Director Alpers and unanimously supported to reject the Kerry O'Donnell Flooding Claim.

**ITEM NO. 12**  
**REVIEW AND TAKE POSSIBLE ACTION ON OUT-OF-DISTRICT SERVICE AGREEMENT FOR GROHL CATTLE COMPANY**

Mr. Grohl owns land near the Paulsell Valley and has relied on discharges from Cashman Dam into Cashman Creek for stock water serving his out of district range land. Better control and management by OID is reducing the spill into Cashman Creek. Mr. Grohl is in need of a minimal amount of water to meet his needs and has applied for an Out-of-District Service Agreement.

OID has no surface water available this year for compliance with this request. To meet Mr. Grohl's needs it is recommended he pay OID to run a deep well into an OID Lateral for the amount of water he needs and then pay OID's costs for such service at the deep well operations rate. That rate this year is \$51 per acre-foot for electrical use and \$7 for labor/transportation/material costs, for a total of \$58 per acre-foot.

Mr. Grohl would need to pay the \$100 Application Fee for setting up the Out-of-District Service Agreement plus \$580 for 10 acre-feet of water for a total of \$680. The Service Agreement carries with it the full knowledge that OID makes no guarantee that 10 acre-feet turned into Cashman Creek at Cashman Dam will make it to the areas needed by Mr. Grohl. The estimate of needed water is an estimate provided by Mr. Grohl, not OID.

A motion was made by Director Webb, seconded by Director Taro and unanimously supported to supply water on an Out-of-District Service Agreement for Grohl Cattle Company.

**ITEM NO. 13**  
**REVIEW AND TAKE POSSIBLE ACTION ON GILLUM LANDS SEEKING ANNEXATION TO OID AND USE OF OID WATER COUNSEL**

A procedural problem exists with Mr. Gillum's annexation request. When the Board approved the pursuit of annexations on July 15, 2003 the motion was, "To approve the pursuit of annexation of eligible lands by landowners that have out-of-District water service agreements in place as of July 1, 2003". At issue is that only one of the three parcels submitted for annexation by Mr. Gillum is

eligible for annexation and one of the other two parcels does not meet the 10 acre minimum criteria under the Annexation Policy. The Board will need to vote on two issues;

1. To allow a variance to the Board's action of July 15, 2003 regarding the two parcels that did not meet the eligibility requirements for having an out-of-District service agreement in place.
2. To vote on a variance to the 10 acre minimum criteria contained in the Annexation Policy.

At the Board's meeting of September 7, 2004 the Gillum annexation request was tabled until answers to questions could be provided by Mr. Gillum. Attached to this agenda is a memo stating the questions needing answers. The Board is requested to vote to approve the use of OID's Water Counsel by Mr. Gillum and for Mr. Gillum to be billed on this matter.

A motion was made by Director Brichetto, seconded by Director Taro and unanimously supported to move Mr. Gillum to the next phase of the annexation process.

**ITEM NO. 14**  
**REVIEW AND TAKE POSSIBLE ACTION ON ALLOWING THE GENERAL MANAGER TO**  
**EXECUTE A CONTRACT WITH CH2M HILL FOR THE DEVELOPMENT OF A WATER**  
**RESOURCES PLAN**

The Board's Ad Hoc Committee and staff have been meeting with CH2M Hill regarding the preparation of a Scope of Work and a cost to perform services for the development of a Water Resources Plan. Herein find attached the Scope of Work for the \$1.38 million dollar cost to prepare the Water Resources Plan.

The General Manager gave a brief summation of the Scope and provided other project component costs associated with this project. That being that the CEQA processing of the Water Resources Plan could be as little as \$250,000 for a Negative Declaration and as much as \$1 million if challenged by an environmental group. These costs would be in addition to the plans development costs.

A motion was made by Director Alpers, seconded by Director Webb to allow the General Manager to execute a contract with CH2M Hill for the development of a Water Resources Plan and was voted as follows:

Ayes: Alpers, Webb, Clark  
Noes: Brichetto, Taro

**ITEM NO. 15**  
**REVIEW AND TAKE POSSIBLE ACTION ON REPLACEMENT OF ONE-TON SPRAY**  
**TRUCK CHASSIS FOR THE WEED/PEST CONTROL DEPARTMENT**

The 2004 budget included the cost of replacement of OID's high mileage weed spray truck. Bids were sent out to 6 dealers with all 6 responding. Haidlen Ford of Oakdale was the lowest bidder with a price of \$21,445.55 for the spray truck chassis. The 2004 budgeted amount for this vehicle was \$23,000 under account No. 15184.

A motion was made by Director Brichetto, seconded by Director Alpers to approve replacement of One-Ton Spray Truck Chassis for the Weed/Pest Control Department and was voted on as follows:

Ayes: Brichetto, Alpers, Clark, Taro  
Noes: Webb

**ITEM NO. 16**  
**REVIEW AND TAKE POSSIBLE ACTION ON THE INSTALLATION OF NEW HEATER FOR THE WELDING SHOP**

The current source of heat for the welding shop is a shop made wood stove that had to be modified to meet work place safety codes. The heat put out by the stove is limited and only provides localized heat in the shop area. Bids were sent out to seven heating and air conditioning dealers for a radiant tube ceiling mount gas fired furnace. This type of heater heats the person not the space. Only one bidder, Quality Air Conditioning Inc. of Modesto responded with a price of \$4,160.00. The 2004 budget amount for this is \$4,200 under account No. 15185.

A motion was made by Director Brichetto, seconded by Director Taro and unanimously supported to approve installation of a new heater for the Welding Shop.

**DISCUSSION ITEMS**  
**ITEMS NO. 17, 18, 19, 20, 21**

**ITEM NO. 17**  
**DISCUSSION ON DRAFT RESERVE STUDIES FOR ALL DOMESTIC WATER IMPROVEMENT DISTRICTS**

General Manager Steve Knell stated that back in June the board directed the staff to go out and seek an individual to provide a reserve study for all OID improvement districts (ID) that OID manages. We secured someone; the board approved the bid; and he has completed his survey. He assessed what the infrastructure was; assigned a present worth value; put a replacement timeline together; assigned a cost to each ID; and then put together a dollar amount on an annual basis that would meet the replacement needs of each of the improvement districts.

Director Taro asked if there was funding available to these people.

General Manager Steve Knell stated that Bob Neilsen, Water Utilities Supervisor recently attended a seminar regarding funding for these types of needs. There is (as low as) 2% money for domestic water systems that are facing these kinds of issues. The first step is a presentation to these people to let these groups know the types of issues they are facing and what they need to do next.

The board agreed that the Domestic Water Committee would meet with each group to go over how their system works and what their responsibilities are versus OID's.

**ITEM NO. 18**  
**DISCUSSION ON THE STATUS OF SEEKING GRANT FUNDING FOR ON-FARM WATER CONSERVATION IMPROVEMENTS**

Kevin King, Special Projects Coordinator presented to the board the status of Grant Funding. The approval at the last board meeting for Bookman-Edmunston (BE) to develop a PSP (application for Prop 50 money) for on-farm tailwater recovery system, since that time we have sent the contract to BE for signatures. BE has started work on the PSP. The deadline for application is sometime in mid December. BE delivered some draft documents for review and will be presented at the next board meeting for approval. It looks like there is a good chance of receiving this money, but nothing is for sure.

Director Taro asked if this is on-farm only or a combination of OID and farmers. Kevin said no, the program that we identified BE to develop for the PSP was an on-farm tailwater recovery system.

One of the requirements we put in the PSP is that it be properties over one hundred (100) acres which was suggested by BE for the application. The General Manager stated that BE is using criteria that is more acceptable to the state since we are competing for these grants with the state using these criteria's.

**ITEM NO. 19**  
**DISCUSSION ON THE STATUS OF VEHICLE PURCHASES THIS YEAR**

The General Manager Steve Knell stated that the status of vehicle purchases this year is presented in a printout attached to the Board Agenda Report.

Director Webb stated that was not what his question was. His point was when we started this we were going to replace vehicles that didn't get a lot of mileage with used vehicles. Then we go out and buy a used vehicle to replace one being driven every day. That is what I was trying to avoid when we started this program. That vehicle to me should have been bid out. I understand the used vehicle is in good shape but I think we are going to start losing our bid status here pretty soon.

**ITEM NO. 20**  
**DISCUSSION ON THE RESULT-TO-DATE OF THE WATER MEASUREMENT PROGRAM**

General Manager, Steve Knell stated that Kevin King would present the results as to date on the Water Measurement program and what was found in the monitoring that has been done. Kevin King gave a slide show presentation of the findings from April 1st through the end of August and explained how the current eleven water measurement sites work and the statistics gathered so far.

Kevin King explained that in 2005 they would like to add the 10 remaining sites. The Distribution System Operators say the current sites have helped them to be more aware of the amount of water they are using and make changes as needed.

Director Clark asked what do you think the accuracy of the measurements is.

Kevin King stated that they used good quality control when they set up the sites and he believes they are well within 90% accurate on our measurements.

**ITEM NO. 21**  
**DISCUSSION AND FIELD TOUR OF THE KNIGHTS' FERRY WATER DELIVERY SYSTEM**

General Manager, Steve Knell provided an overview of the OID's water delivery system to the area around Knights' Ferry. Maps were provided from a Nolte and Associates (from a contract in the 90's) showing the properties of the historic Knights' Ferry water right entitlement holders. The CP Brooks decision in 1926 determined these properties and set the Knights' Ferry water rights at 4 cfs. it also set the duty for water at \$2.50 per acre. That duty has not changed since 1926. The 4cfs as read in the decision is a perpetual water right, however the OID's water right is not a year round water right. This is an issue to be addressed in the future as well as the fact that the water to Knight's Ferry is not apportioned out to the users. This is problematic in the sense that there are people in Knights' Ferry that take water year round who truly believe in this perpetual delivery of water. Whether it is raining or not, they run water across their lands in a wasteful manner. The GM has asked the DSO to provide a listing of people taking water that have no out-of-district service agreement and are not a part of the Knights Ferry Agreement.

Director Brichetto asked what is your intent? To find out whose entitled to water and whose not.

General Manager, Steve Knell stated yes – we are going to do a survey of the Frymire Ditch and send letters to those people that are taking water and to make sure everyone is compliant with their entitlement and/or district policy.

**ITEM NO. 22**  
**COMMUNICATIONS**  
**ORAL REPORTS AND COMMENTS**

**A. GENERAL MANAGER'S REPORT**

**Irrigation Issues**

1. Review Rotation Schedule and CIMIS data with the Board.

**Current Internal Activities**

1. Pursuing a replacement for the vacant Administrative Assistant position. An offer letter for the successful candidate is being prepared.
2. Through one of OID's drain cleaning efforts we uncovered a small marijuana garden growing about 12 plants. The Sheriff was called and will be contacting the landowners.
3. An OID DSO clipped the back of a pickup truck stopped on Hwy 120 on Sunday, the 12th. A claim form was sent out to the person and ACWA/JPIA has been notified. No injuries were reported by any parties.

**Legal Activities**

1. No new or significant development issues to report.

**B. COMMITTEE REPORTS**

Director Clark stated that they had a meeting with CH2M Hill regarding the Water Resources Plan.

A Personnel Committee Meeting was held regarding exempt staff negotiations.

**C. DIRECTORS' COMMENTS/SUGGESTIONS**

**Director Alpers:**

Our biggest thing on our Agenda probably for the next ten year is Tri-Dam and there is still a conflict going on, it was pretty obvious to all of us. It behooves us to stand our ground. We've got to play a very strong hand next meeting and as long as we stick together like the last one we should be able to protect Tri-Dam Project's best interests.

Director Clark stated that the audience should know that we did not sign an agreement with PG&E. That OID wanted to but SSJID did not, so we are at an impasse at this moment.

**Director Webb:**

Director Webb stated that he felt we had a good water season this year and he felt that everybody seems to be working together to do it and I am pretty impressed on how it came about. We seem to have a lot less flooding this year than in previous years and I think that really helps.

**ITEM NO. 23**  
**PUBLIC COMMENTS**

Ken Krause – Criticized Director Clark’s changing the public comments from “during” action items to “before” discussion by the Board.

Charles Marsoli – Appeared on behalf of the Butterfield family and himself. He discussed his small family orchard and related his mother-in-laws distress regarding the loss of town water. .

Laurens Foard –Stated he thought the Town Water System was to be discussed at this meeting.

At the hour of 11:35 A.M. a motion was made by Director Brichetto, seconded by Director Alpers and unanimously supported to adjourn to the next **regular Board of Directors’ Meeting** to be held on **Tuesday, October 5, 2004 at 9:00 A.M.** at the Oakdale Irrigation District Office, 1205 East F Street, Oakdale, CA 95361.

The next regular Joint Board Meeting for the Tri-Dam Project is scheduled for **Thursday, October 21, 2004** at 9:00 A.M. at the Oakdale Irrigation District, 1205 East F Street, Oakdale, CA 95361.

Attest:

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Steve Knell, P.E.  
General Manager/Secretary