

Minutes of the Board Meeting of the  
TRUCKEE-CARSON IRRIGATION DISTRICT  
Regular Session  
**MARCH 7, 2012**

The Board of Directors of the Truckee-Carson Irrigation District, in the Counties of Churchill and Lyon, State of Nevada, met in regular session at the offices of the District, 2666 Harrigan Road, Fallon, Nevada on **Wednesday, March 7, 2012.**

**Call to Order, Roll Call, Pledge of Allegiance**

President, Ernest C. Schank called the meeting to order at 9:00 a.m. in compliance with NRS Chapter 241. The following Directors were present constituting a quorum:

Present:	Ernest C. Schank	President
	Richard Harriman	Vice President-Absent
	Ray Peterson	Secretary
	Dave Stix, Jr.	Director
	Eric Olsen	Director
	Lester deBraga	Treasurer
	Bob Oakden	Director
Others Present:	Rusty Jardine	Project Manager, General Counsel
	Walter Winder	O&M Foreman, Deputy Project Manager
	Mark Solinski	Hydro Foreman
	Kate Rutan	Office Manager
	Paula Utter	Board Secretary

**Guests**

Terri Edwards  
Lee Berget  
Steve Puterski  
Troy Sibsen  
Willie Steve  
Marie Duncan  
William Jones  
Dennis Zubieta  
J. MacMechan  
Jim Struempf  
W.C. Cecil  
Robert Flowers  
Rod Windle  
Dwight Orton

**Representing**

Bureau of Reclamation  
Bureau of Reclamation  
Lahontan Valley News  
NWP  
FPST  
TC Division Water User  
Pine Grove Subdivision  
Curry & Perry Subdivisions  
Friends of the Truckee Canal  
TC Division Water User  
TC Division Water User/FHTC  
TC Division Water User  
Friends of the Truckee Canal  
Friends of the Truckee Canal

**CALL TO ORDER**

The **Pledge of Alliance** was led by Eric Olsen.

**General Public Comment**

**Rusty Jardine** addressed the group with information regarding the progress of work being done on the Fernley Reach of the Truckee Canal Rehabilitation Project. He reported based on information received from Paul Winkelman, Project Engineer, Shaw Engineering and John Boni, Inspector.

There have been some issues regarding meeting specs which have been resolved. According to Mr. Winkelman, the contractor has a full understanding of what they need to do to have the project completed no later than mid-May, the project is progressing on-course. The contractor has been required to go back and deal with the failure of certain specs on some structures, and the structures are being re-built. **Walter** There are three embankment repairs that are complete. There will be re-testing done on site four (4) and site nineteen (19). The end of construction is still slated for May 16, 2012.

**Rod Windle** asked about the allotment percentage. The Carson Division will begin at 90% and the Truckee Division, more than likely, will have 100%, when the project is completed.

**Walter** also answered a question regarding the stock-water lines. He indicated that they were also part of the project and a mailer will be sent to all users in the Truckee Division regarding the stock-water lines, to clear up any confusion.

The public asked about progress reports regarding the Truckee Canal project. It was made clear that the reports began to be posted on the TCID website, last week, and that daily reports are available for anyone's review. Each time a structure has been completed, it will be posted, as complete, on the website.

**Tim MacMechan** stated that there was discussion last month about the possibility of the canal not being completed in the timely manner planned. If this should happen, when can the public expect to hear from the District? **Rusty** responded that the month of March would be the telling of that situation. A picture of the progress and whether or not the project will, in fact, be completed as planned will be able to be determined by the end of this month.

**Dwight Orton** stated that several years ago he had a gate installed on the canal embankment to keep traffic down, that gate has now been removed by the District. Rusty stated that he will look to get this issue resolved after further research. He also asked if the District would be cleaning the canal banks each year. Walter stated that TCID has purchased a mower and that will be used to mow down and keep as much vegetation as possible off the ditch banks. Other than that, chemical treating will be used.

**Marie Duncan**, Swingle Bench water user, asked how long after the water is released on May 16<sup>th</sup> would the users actually see water delivered from canal. **Walter** stated that it would only take about 4-5 days to begin deliveries. It may take a bit longer to get to those on the Bench.

**Rusty** stated that several TCID team members are currently cleaning out the canal as work moves forward, this is also an RO&M recommendation put upon the District by the Bureau. Vegetation is also then removed from the area as it creates habitat for rodents if left on the bank.

**Tim Jones, Pine Grove** stated that from the canal to the individual properties that the stock-water lines will be put in by TCID. If this is not completed as A&K completes the other piping and conduits, will this impeded the receipt of the regular irrigation water delivery? Rusty stated that the District has an obligation to get water to the users and, should it occur, the stock-water lines would not keep water from being delivered to the fields.

There currently is no plan in place to take action on should the construction not be completed. The reason for this is that this simply is not an option and the construction will be completed. A plan such as that would need to be put into place well in advance, but, construction is moving along and there is not a reason to believe that the project would not be completed on schedule. Again, March is the critical and the end of this month should tell the status of the project. **Director Olsen** stated that this has been addressed, to date, with the addition of three crews by A&K. The issue will continually be revisited and should more crews need to be added, then they will be.

**Rusty** stated that the District is putting forth such a great effort to make the canal the best that it has ever been and expects a return on the effort in the form of a canal that is flowing hard with increase flows.

### **Approval of Agenda**

A **motion** was made by **Director Eric Olsen** to approve the agenda, seconded by **Director Bob Oakden**, and the motion was unanimously approved.

### **Approval of Minutes of Prior Meeting(s)**

A **motion** was made by **Director Lester deBraga** to approve the Regular Session Meeting Minutes of February 7, 2012 seconded by **Director Bob Oakden**, board requested public comment, and the motion was unanimously approved.

### **Consideration/Possible Action – Treasurer’s Report - FEBRUARY, 2012 Disbursements**

**Director deBraga** reported that after review the District continues to be online with the budget. The District is hopeful that all District General funds due the District will continue to be received. A request has come in to hire Jimmy Johnson, Accountant, and continue to review the books and make sure that things are running as determined and light the cost of the audit that is required annually. A budget has been requested prior to this taking place. The District continues to be under budget for legal according to the records. Rusty stated that the Board has done everything possible to virtually eliminate the Hanson Bridgett account that was owed by the District. A big debt is nearly retired. The District feels a bit affronted that the Bureau has brought them back in to litigation by filing a petition to appeal the recoupment decision.

A **motion** was made by **Director Lester deBraga** to approve the disbursements with a \$350,000 transfer being made to pay the bills with check numbers 29907 through 30019, from the Wells Fargo account and two payroll checks being approved, 33671 and 33672, also from the Wells Fargo account seconded by **Director Eric Olsen**, board requested public comment, and the motion was unanimously approved.

### **Review of District Matters with District Manager and Supervisors**

#### **Mark Solinski, Hydro Foreman**

Mark reported that winter maintenance is nearly complete. He will be test firing all four units at Lahontan this week to make sure everything is working properly and according to schedule. Rusty stated that Mark and some on his team will attain special training in confined spaces, as required by the insurance company. This way TCID will not have to rely on independent contractors to come in and do the work required in the confined spaces.

#### **Kate Rutan, Office Manager**

Kate is working on a recommendation regarding hazardous waste called “Project Wide Waste Minimization Plan.” It will require a new waste minimization policy to be approved by the Board. Hazardous waste created by the District is mainly grease, oil, etc.

The District now has a contract with Information Systems Technologies to update the Access Water Program into the 2010 database. The program is intended to be more efficient and workable rather than purchasing a completely new program, like TruPoint, to try to make what we already have work more efficiently. Rusty stated that this is something that can be accessed, eventually, by the water users to help with information necessary. Kate stated that this will not happen all at once, and that the District is in the process of working towards being able to provide an internet type program for use by the water users.

## Walter Winder, Deputy Project Manager/O&M Foreman

Walter reported the following water storage levels data:

Lahontan Elevation	4,154.67	Feet
Lahontan Storage	212,900	Acre Feet
Lahontan Out Flow	5.7	CFS
Carson River Flow At Fort Churchill	166	CFS
Truckee River Flow At Vista	604	CFS
Truckee Canal Flow At Wadsworth	⊖	CFS
Truckee Canal At Hazen (Bango)	⊖	CFS
Truckee River Below Derby Dam	646	CFS
Spilling At Gilpin Approximately	⊖	CFS

Diverted Last Month	_____	⊖	AF
Delivered Last Month:	_____	⊖	AF
Efficiency Last Month:	_____	*	%
Year To Date Diverted:	_____	⊖	AF
Year To Date Delivered:	_____	⊖	AF
Year To Date Efficiency:	_____	⊖	%

\* Subject to Bureau of Reclamation review and adjustment.

The forecast was originally for 214,000 but Walter believes that we will exceed that number by a fair amount. There are still some good flows coming through the Carson River.

Walter has burning going on around the Project. TCID is now required to call the Sheriff's department to report where the burn crews will be working, in advance. Several structures continue to be installed at different locations and gate installation and maintenance is nearly complete. Walter has crews working on a Category I RO&M recommendation set by the Bureau on the Truckee Canal meaning "clear and eminent danger". This recommendation is #2010-1-A, "establish a program to clear vegetation and mow the inner and outer banks of the canal. This is the reason for the purchase of the tractor and mower, recently. The excavator and dump trucks are also being used to haul the cleared vegetation away". He plans to have the vegetation cleared all the way to the Hazen Bridge when the RO&M tour is held later this month to get it off the books. **Terri Edwards, Bureau**, will have the targeted end location clarified by her regional office so that TCID is clear as to how far down the Truckee Canal the cleaning is required. Having a Category I recommendation on the books is not a good thing.

### U.S. Fish and Wildlife Service Representative(s) – Wetlands Issues

**Carl Lunderstadt** reported that as soon as water season opens they plan to put in an order for 3,000 af. A purchase order will be sent to TCID for the USGS gage. Kate will then provide the information required to ORCA and IPP so that payment can be received.

The D-Line structure is complete and has been invoiced to the USFWS. The By-Pass canal is now working. Spring Wings will be held May 18<sup>th</sup>-20<sup>th</sup>. It will be operated out of the fairgrounds this year. There will be several tours held coming up and it would be a good idea for the TCID Board to conduct a Newlands Project Tour this year. The museum should be offered, as well.

The property on Curry Road will be burned as requested by Walter Winder. Lima Lane burning has begun, as well.

### Bureau of Reclamation – Lahontan Basin Area Office Representative(s)

**Terri Edwards** invited to comment on a letter from the City of Fernley sent to TCID, Churchill County Board of Commissioners, Lyon County Board of Commissioners and City of Fallon regarding the importance of the Truckee Canal and why federal funding for canal repairs is important. **President Schank** asked for the Board's approval for him to sign the letter on behalf of TCID.

A **motion** was made by **Director Lester deBraga** to approve President Ernie Schank signing a joint letter between TCID, Churchill County Board of Commissioners, Lyon County Board of Commissioners and City of Fallon on behalf of TCID regarding the importance of the Truckee Canal and why federal funding for canal repairs is important seconded by **Director Eric Olsen**, board requested public comment, and the motion was unanimously approved.

**Terri** reported that the District should be receiving a draft letter agreement on the Truckee Canal measurement devices by the end of the week. This will include a description of the responsibilities for operation. This will be in the form a letter agreement to the contract. The United States and the Tribe have filed their appeals to the recoupment decision. This is only appealing on the four year that the judge did not rule on.

**Rusty** commented that one of the things that is dealt with is a concern over the communication that was being had relative to the construction project. He thanked the Bureau for addressing the issue of inspections very quickly. Rusty sent a letter to Kenneth Parr stating what is was hearing from the field. The contract administrator informed Rusty that the contractor was receiving conflicting reports as to the inspection processes and test results. He stated that there could only be one source for this type of thing with a means of channeling that information through that process. The Bureau agreed to this and things are now running smoothly. The process is that as communication flows, if the contractor has a question, it goes to TCID. Walter has the ultimate word for TCID. If the Bureau has some sort of issue to signal, it goes to Walter Winder. Walter will then take that to Paul Winkelman, Shaw Engineering, and Paul will, through his representatives, take it through the process for information exchange. Any other way aggravates the communication process.

It will be TCID's engineer that the work is done and done according to the specifications.

**NEW BUSINESS**

**Consideration/Possible Action:**

1) **Approval of Inspectors and Clerks for April 3, 2012 Election:**

A **motion** was made by **Director Ray Peterson** to approve the Inspectors and Clerks for the April 3, 2012 Election seconded by **Director Dave Stix**, board requested public comment, and the motion was unanimously approved.

2) **Opening of Herbicide Bids for 2012**

The following bids were received:

COMPANY	AQUATIC HERBICIDE	2, 4-D (LV6)	SPREADER
WILBUR-ELLIS	\$14.09 / GAL.	\$27.14 / GAL.	\$16.73 / GAL.
RED RIVER SPECIALTIES	\$13.82 / GAL.	\$25.47 / GAL.	NO BID
CPS, INC.	\$12.09 / GAL.	\$24.75 / GAL.	\$13.50 / GAL.
ALLIGARE	\$13.97 / GAL.	NO BID	\$7.97 / GAL.
HELENA CHEMICAL CO.	\$14.50 / GAL.	\$29.75 / GAL.	\$15.00 / GAL.
TARGET SPECIALTY PRODUCTS	\$17.37 / GAL.	\$28.54 / GAL.	\$15.19 / GAL.

A **motion** was made by **Director Eric Olsen** to take the herbicide bids under advisement of TCID management who will select the lowest bids seconded by **Director Bob Oakden**, and the motion was unanimously approved. No public present for comment.

3) **Opening of Vaccine Bids for 2012**

Norman Norcutt stated that the Pinenut Livestock Supply has two items that are generic. He also has the same ear tags that Norman has used for years and it would be a good idea to make a change, at the same fee as the previous ear tags.

**Pinenut Livestock Supply, Inc.**

Product	Quantity	Cost
Anthrax Serum	2,520 Doses	\$27.72 per 50 doses
Vision 8	5,020 Doses	\$24.84 per 50 doses
Patriot Ear Tags	4,000-5,020 Tags	\$1.46 each
Saber Pour-On	18-1 Gallon Bottles	\$132.25

**Animal Health Intl. – WALCO International**

Product	Quantity	Cost
Anthrax Serum	2,520 Doses	\$26.00 per 50 doses
Vision 8	5,020 Doses	\$23.00 per 50 doses
Patriot Ear Tags	4,000-5,020 Tags	\$1.45 each
Saber Pour-On	18-1 Gallon Bottles	\$99.50

A **motion** was made by **Director Bob Oakden** to assign management the task of analyzing and awarding the bid to the lowest bidder seconded by **Director Dave Stix**, and the motion was unanimously approved. No public in attendance for comment.

4) **Establishment of Date to Commence Water Season**

**Walter Winder** recommended a commencement date of March 26, 2012 with deliveries to begin upon receiving water orders in the amount of 1,000 AF.

For the Truckee Division, Walter recommends postponing the setting of a date until a re-water date has been given by the Bureau. At that point, the allocation will be 100%. If orders are taken too soon, there is a chance of duplication of orders, such as what happened last year. After further discussion, May 15, 2012 was the tentative recommendation to begin taking water orders for the Truckee Division.

**Establishment of Allocation Percentage for Carson and Truckee Divisions**

**Walter Winder** recommended beginning the year at an 85% allocation for the Carson Division, to be re-visited again in April, 2012, with a good possibility of an increase due to exceedence numbers. This is based on the rest of the season being average or above average. For a 100% year in the Carson Division there should be approximately 290,000 AF in Lahontan.

After further discussion the following motion was made.

A **motion** was made by **Director Bob Oakden** to approve a 90% allocation for the Carson Division and begin taking orders on March 26, 2012 with deliveries to begin once 1,000 AF of water has been sold; in the Truckee Division water orders will be taken beginning May 15, 2012 at a 100% allocation seconded by **Director Dave Stix**, board requested public comment, and the motion was unanimously approved.

## **Dates for Water User Meetings – Fallon & Fernley**

The Board decided to hold the Carson Division Water Users Meeting for Tuesday, March 20, 2012, 7:00 p.m. at the Churchill County Commissioners Chambers.

The Truckee Division Water Users Meeting will be held Tuesday, April 16, 2012, 7:00 p.m. at the Fernley City Complex.

## **Review of Water Delivery Rules & Regulations, 2012**

A **motion** was made by **Director Lester deBraga** to approve the 2012 Water Delivery Rules & Regulations seconded by **Director Ray Peterson**, board requested public comment, and the motion was unanimously approved.

**President Schank** stated that there must be a solution to getting the ditch riders to check the canals for leaks as water users are irrigating so that if they are overcharged for the water an adjustment can be made and justified due to the ditch rider noting leaks during irrigation.

### 5) **Approval of Resolution Authorizing Bond for Rehabilitation of the Truckee Canal (Fernley Reach)**

This item will be addressed at the time of the apportionment.

### 6) **Approval of Documents Evidencing Indebtedness to First Independent Bank of Nevada for the Rehabilitation of the Truckee Canal (Fernley Reach) and Security for Repayment Relating Thereto**

A **motion** was made by **Director Eric Olsen** to approve the signature of loan documents from First Independent Bank of Nevada seconded by **Director Bob Oakden**, and the motion was unanimously approved. No public present for comment.

## **OLD BUSINESS**

### 1) **Consideration/Possible Action: Closed Session Litigation Meeting**

- 2) **Consideration/Possible Action: Authorization by the Board of Directors directing legal counsel, for the Truckee-Carson Irrigation District (District) to do or assert, or to make application for, or to do or perform such other act or acts, duty or duties, as is/are/or may be necessary, as to any/all lawsuits now pending or threatened in which the District is or may be a party, in the Courts of the State of Nevada, or of the United States of America, consisting of the advancement, cessation, or dismissal, or settlement thereof, any/all case(s), claim(s), defenses(s), immunity(ies), remedy(ies) at law or in equity, entitlement(s), negotiations(s), protection(s), right(s) or the waiver(s) thereof, resolution(s), or dismissal(s), existing under, or accruing from, applicable state or federal rule or law, in any such pending or threatened litigation, including, without limitation, the breach of the Truckee Canal at Fernley, Nevada, in January, 2008.**

### **Possible Recess to Convene Attorney/Client Consultation**

### 3) **Consideration/Possible Action: Approval of Cowboy Contract for Management of Carson Lake Pasture**

**Rusty** reviewed the contract with the Board and Norman Norcutt as to the content of the Cowboy Contract for Carson Lake Pasture. Norman stated several points that had been previously discussed, such as when there is more than one owner occupying a field, that all bulls enter and exit at the same time. Users are having calves before they are ready when the

bulls are put into the pasture too soon. The Board would like Norman to evaluate the condition of the pasture before any cattle are let in and give an assessment to the Board. He will be asked to provide regular reports to the Board, as well. **Director deBraga** also suggested that the Cattle Association get together and determine a date of entry with Norman reporting that date to the Board. A firm date should be set and enforced.

It was suggested that if the Cowboy has an area that needs more cattle the Bureau be contacted to determine how the numbers can be raised. **Terri Edwards** stated that the Bureau had done a range study some time ago but may not have included the Carson Lake Pasture.

A **motion** was made by **Director Lester deBraga** to approve the Cowboy Contract for the management of Carson Lake Pasture seconded by **Director Bob Oakden**, board requested public comment, and the motion was unanimously approved.

**Consideration/Possible Action: FEBRUARY, 2012 Director's Compensation**

Ernest C. Schank	\$280.00
Richard Harriman	
Ray Peterson	\$80.00
Dave Stix	\$197.00
Eric Olsen	\$130.00
Lester deBraga	\$105.00
Bob Oakden	\$80.00

A **motion** was made by **Director Lester deBraga** to approve payment of the Directors Compensation for the month of February, 2012, seconded by **Director Eric Olsen**, board requested public comment, and the motion was unanimously approved.

**RECESS**

A **motion** was made by **Director Ray Peterson** to go into recess for purposes of litigation seconded by **Director Lester deBraga**, and the motion was unanimously approved.

**The Board Reconvened at 12:30 p.m.**

**Committee Reports**

**O&M Committee Recommendations**

**Director Ray Peterson, Committee Chair**, reported that there was no O&M meeting held in February. President Schank asked that the O&M committee discuss the issue of the water measurement devices as to what those users responsibility is as opposed to TCIDs responsibility along the way down to 6,600 feet to make sure they are getting accurate water measurements and that they are not withstanding a loss for losses within the ditch.

Walter stated that he has asked water user to record what they find spilling over the gates and what is going past the check structure. This will be addressed with Dr. Stuart Styles from CalPoly when he visits to hold a water measurement class later this month.

**Public Relations Committee Recommendations**

Churchill County Junior Livestock Show Sponsorship.

A **motion** was made by **Director Eric Olsen** to sponsor the Churchill County Junior Livestock Show and the Lyon County Livestock Show with \$100 each seconded by **Director Dave Stix**, and the motion was unanimously approved. No public present for comment.

The Board will also participate with Ag in the Classroom this year on May 3, 2012.

Eric thanked Ernie for his effort in the groundbreaking ceremony for the Truckee Canal Rehabilitation.

**General Public Comment**

**ADJOURN**

A **motion** was made by **Director Dave Stix** to adjourn the meeting at 2:03 p.m. subject to the call of the chair seconded by **Director Lester deBraga**, and the motion was unanimously approved.

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Ernest C. Schank, President

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Ray Peterson, Secretary

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April 9, 2012

Date