

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

CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE

Vice President, David Stix, Jr. called the meeting to order at 9:05 a.m. in compliance with NRS Chapter 241. The following Directors were present constituting a quorum:

Present:	Ernest C. Schank Dave Stix, Jr. Bob Oakden Lester deBraga Eric Olsen Joe Gomes Wade Workman	President-Excused Vice President/Director Secretary/Director Treasurer/Director Director-Arrived 11:10 a.m. Director-Excused Director
Others Present:	Rusty Jardine Walter Winder Kate Rutan Paula Utter	District Manager, General Counsel-Excused at 12:15 p.m. O&M Foreman, Deputy District Manager Assistant Secretary/Office Manager Board Secretary

Guests	Representing
Steve Puterski	Lahontan Valley News
Richard Grimes	USFWS
Nancy Hoffman	USFWS
Terri Edwards	Bureau of Reclamation
Lee Berget	Bureau of Reclamation
Rod Windle	FHTC
Dwight Orton	FHTC

The following Agenda items are not necessarily in the order they were heard or decided but in the order as approved on the agenda.

Pledge of Allegiance was led by Lester deBraga.

General Public Comment

Dwight Orton asked about the replacement or installation of gates on the Truckee Canal in the Fernley Reach. Many ATV's are ridden up and down the canal bank at high rates of speed. Mr. Orton was informed that this issue will be addressed as soon as possible as there are other issues at hand, such as installations of measuring devices and seeps, that are high priority at this time. The measuring devices will be completely installed by irrigation season resumes in the spring. The Board appreciates the patience of those in Fernley.

Rusty Jardine stated that in regards to the seeps, TCID is experiencing issues due to the dewatering of the Truckee Canal that have not been seen for quite some time. Clay has been set at the dam from the old bridge to the concrete liner. The flow down below by the power stations has slowed. It is also confirmed that the Red Barn Seep in Hazen is not due to cleaning of the canal in that area.

Approval of Agenda

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

Approval of Prior Meeting(s) Minutes

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

There has been a new policy established with the scheduling of water delivers in that the former farm unit policy has been repealed. A letter will be provided to the Bureau today regarding that new policy.

Consideration/Possible Action – Treasurer’s Report – 2012 Monthly Disbursements

A **motion** was made by **Director Lester deBraga** to approve check nos. 30739-30831 with the exception of check no. 30742 dated August 31, 2012. Also approved is the Treasurer’s Report, and payment of the bills seconded by **Director Eric Olsen**, board requested public comment, and the motion was unanimously approved.

Review of District Matters with District Manager and Supervisors

- **Rusty D. Jardine, Esq., District Manager**

Creation of an Equipment Replacement Plan and Succession Plan is being worked on by the District. This will be part of the Project Improvement Master Plan. This must be done in order to continue to discharge the District duties in years to come. These, as well as, the bonding process on behalf of the District and several other issues will be discussed at each Board meeting until a final product has been produced.

Rusty reported that he attended a funeral for Tribal Chairman Wayne Burke. This is a great loss to the entire community. The District will continue to forge ahead in a relationship with the Tribe.

Rusty and Ernie Schank attended the National Water Resources Association conference in San Diego. They met with the Mike Conner, Commissioner of the Bureau of Reclamation, as well as, Don Glasier. Incentive credits were discussed. There is a process in which to be taken in pursuing the issue.

Chris Pauley, Editor of Irrigation Leader Magazine will be visiting Fallon in November to do a story on the District. The thesis statement of the story is the District, being an old project with many needs and how an entity such as ours, with such a small revenue base, attack the issue. This is not a problem solely of the District.

• **Kate Rutan, Office Manager**

Kate reported that the new database will be ready for staff review in January or February with Access 2010 being installed by that time. Phase I of the new program should be ready for use in the upcoming water season. Phase I is converting all current data into the new program. Phase II will be the integration of the software into the TCID website. Allocations for each division will be able to be updated much more easily rather than individually and without a default percentage.

The Integrated Pest Management Plan has been completed and submitted to the Bureau for review and approval. The Bureau has indicated that the plan is good however; it requires an environmental assessment that will be performed by the Bureau for a fee.

The District is currently working on the Project Improvement Master Plan. It will be nearly completed in approximately six-months.

• **Mark Solinski, Hydro Foreman**

Mark reported the following on Hydro:

Location	KWs
26' Drop	400
New Power Plant	520
Old Power Plant	410
TOTAL:	1330 KW

Mark reported that he is releasing 400 cfs from the dam today and a steady flow is running at the power plants. Scheduling efforts have resulted in a more continuous flow of water which has not impacted the power plant revenue. The District is running a more efficient operation and the Board is pleased with the work.

Winter maintenance operations will begin with opening up all of the plants to do a visual check. Mark will then have Emerson Power of Las Vegas to visit and do a review all the breakers. They will drop all the breakers out, change the oils out and make sure that they are all safe to run. There will be cavitations repairs done on the 26' Drop. Other than that, general maintenance will progress as normal. Mark will be working on several of the RO&M's assigned by the Bureau.

• **Walter Winder, Deputy District Manager/O&M Foreman**

Walter reported the following water storage levels data:

Lahontan Elevation	419.20	Feet
Lahontan Storage	22700	Acre Feet
Lahontan Out Flow	393	CFS

Carson River Flow At Fort Churchill	2.2	CFS
Truckee River Flow At Vista	454	CFS
Truckee Canal Flow At Wadsworth	341	CFS
Truckee Canal At Hazen (Bango)	306	CFS
Truckee River Below Derby Dam	86	CFS
Spilling At Gilpin Approximately	5	CFS

Diverted Last Month	24768	AF
Delivered Last Month:	19117.30	AF
Efficiency Last Month:	77.2*	%
Year To Date Diverted:	254631	AF
Year To Date Delivered:	175523	AF
Year To Date Efficiency:	68.9	%

- ★ Subject to Bureau of Reclamation review and adjustment.

Walter reported that on Thursday night the bulk of water deliveries will have been completed and the USFWS will be the only ones running water. He reviewed the current seepage issues. The Lahontan Dam area seep will be lined with bentonite this week and the Steam Pad Seep has dried up. He currently has 1,500 yards of bentonite stock piled for use when needed.

The Truckee Canal measurement devices will be under way since the season is coming to an end. All of the old stock water lines have temporarily matched up with the exception of one. Walter has made a submittal to the Bureau for approval on the vaults that will need to be constructed at each of the stock water lines for metering. There will be several structures constructed in the Carson Division.

Walter also reported that the Truckee Division ditch rider has moved on and will not be with the District next year.

APPOINTMENTS

Truckee-Carson Irrigation District Recognition Award.

The Board recognized **Merliza Curtis** for 10 years of service to the TCID Board of Directors and the water users of the Truckee-Carson Irrigation District. Thank you, Merliza.

1. U.S. Fish & Wildlife Service Representative(s) - Wetlands Issues

Nancy Hoffman and Richard Grimes attended. Nancy gave a brief report on the happenings at the refuge. There are approximately 9,000 acres of wetlands. There are approximately 800 swans and a variety of other birds. She has several questions on conflicts of gauge readings which will be addressed at the management meeting.

Richard Grimes reported on the USFWS land sale of last Friday. Out of seven properties up for sale only one sold, a 60-acre piece of property on Curry Road to Cottonwood Dairy for approximately \$48,000. This same property in 2008 appraised for \$115,000 and in 2010 for \$65,000. As soon as they have a group of another four to five properties appraised, they will hold another land sale.

Richard confirmed the two applications filed by Stillwater Farms for water out of the Stillwater Slough, 47786 and 48476. These applications were filed in 1984 and protested by the District, USFWS and the Bureau. The protest is not water reaching Stillwater Farms but the fact that Stillwater Farms is trying to appropriate water from what is believed to be a Newlands Project source. One other protest was filed by Candi Peck and Kathy Mort that was not consistent with the protest filed by the other three.

It is time again for winter water management. Richard believes that opportunities have been lost in the last several years while there is water remaining in the system. This is water that is in the river below the dam and the system below the dam. There are opportunities in the winter to capture more water than the USFWS has, especially at Sagouspi. The only water that must go down the river is stock water for the ranches below Sagouspi, this is in the decree. It is a relatively a small amount of water. They now have the new D-Line structure releasing into the Vaughn Slough. He would like to request that the USFWS be allowed to try and maximize the winter flows at Sagouspi to the refuge. Project water flowing to the refuge joins other flows in Vaughn Slough and eventually the Diagonal, and is then measured before it enters the refuge. There is a gauge located there and it is measured as part of the USFWS wetlands water supply for the year and is documented. When the USFWS can document that they can add that water to their water supply, they buy less water in the long-term for the wetlands program. Wherever there are places that winter water can be captured, with the priority being leaving it in the reservoir and fill the regulatory reservoirs and making sure Indian Lakes if full for next season. Once the Project has met those goals, then, if there is still water available making it to the wetlands, the more benefit for the District, indirectly. Otherwise that water is lost a various points and does not provide the Project any benefit at all. With all of these criteria met, the flow would be approximately 2.8 cfs is the amount of water flowing past the Tarzan gauge. Richard will address the O&M committee with some structured proposals for capturing water and suggestions for the year.

2. Bureau of Reclamation – Lahontan Basin Area Office Representative(s) – General Updates

Terri Edwards reported the Bureau was told to expect a large amount of Lahontan Cut Throat (LCT) in the river in 2014 and beyond. This will require operation of the fish passage at Derby Dam. It provides an opportunity for the Bureau, USFWS, TCID and the Tribe to partner on getting the fish passage operating and automate the fish passage. In terms of partnering, TCID have installed oilers in several gates that would work towards TCID's contribution in that partnership. The Bureau would consider engineering fixes to the gates so that they can be operated automatically. USFWS could install several weirs to limiting only LCT getting through them. By partnering together the Bureau believes that funding could be received to upgrade the gates and get the operation started. Engineering used by the Bureau on the first two gates could be used on the remaining gates when the time comes, saving money. In March of 2013, a manual test run will be done. After the work is done in spring 2013 and 2014 an automated system should be available later in 2014 to pass the fish. This will maintain a level pool for the fish passage and a level pool for the canal. The structure is called an Alaskan Pike Gate.

Director Stix stated that there is a group of individuals in Fernley who would like to bring the Jackson ranch back into production. The problem is that it is owned by several different individuals. The ditch has been filled in where water was previously delivered. Within the records there is a letter from the Bureau to abandon an easement. Terri stated that she is unaware of any action. Walter stated that drainage would be an issue in this case.

Rusty asked Terri if anything further has been heard about the Canal Planning Study. Terri stated that comments from stakeholders have been received on the pre-draft and the draft should be released in January with public meetings to follow in January or early February with the final study to be released in April, 2013.

Rusty also informed Terri that TCID does not have sufficient information compiled to provide even a tentative draft in response to the denial of incentive credits letter received by the Bureau. He asks that the Board have a workshop with the Bureau and has asked for an extension in order for TCID to respond to the Bureau.

Lee Berget reported on the 150 cfs in the Truckee Canal. **Director deBraga** stated that there may be an issue that the temporary restraining order for 350 cfs in the canal and that it may no longer exist. There has never been a determination received regarding the issue. The Bureau made a strong argument of why the 350 cfs was fit to be a safe level in the canal in front of Judge George. Mr. Berget stated that there were a number of commitments made following the breach of 2005 in re-watering the canal. The commitments raised the level from 150 cfs, determined to be the safe flow, based on a technical evaluation at the time. With commitments and a number of reports, EAP, SOP, Pest Management Action Plan contract, it went from 150 cfs to 250 cfs to 350 cfs. Addressing a number of concerns is how the level of the canal got to 350 cfs. A March 14, 2008 letter stated set the time frame of this being a 1-5 year timeframe for re-evaluation of the canal. The 150 cfs is the original risk level acceptable to operate after the breach. The 150 cfs in the planning study is an alternative that is being evaluated. The 150 cfs referred to as the safe flow is the risk based determination on operating the canal with commitments of various statuses. While progress has been made on the canal, is it still safe to operate at 350 cfs? This will be the primary question. There are still a number of work requests that need to be completed to meet requirement to increase the flows in the Truckee Canal. The planning study assumes that If absolutely no work is to be done on the canal the flow would remain at 150 cfs. To get to 350 cfs or a delivery equivalent to a 350 cfs flow to meet the needs, the planning study will provide insight as to what else will need to be done. There is always a "no action" alternative when a plan is produced. This is not the assumption as the "Safe Flow" evaluation. Part of the safe flow panel is a punch list of commitments identified by the Bureau that TCID would have a chance to review and respond to regarding status of the items on that list. A risk evaluation would then be based on the status of the punch list and the current condition upon evaluation of the canal. These would be the decision points the technical panel would consider.

Kate has worked on an "Integrated Pest Management Plan," is a plan including everything from weeds on the ditch bank to algae in the water and rodents that burrow inside embankments and rodent outside of embankments, that must be addressed. **Terri** stated that in 2008 the plan was the District's contract with Critter Control. The plan that Kate has put together is a very good plan and is far and beyond the contract with Critter Control.

Lee stated that TCID was required to conduct an emergency action exercise in 2012. It does not seem practical that there is enough time for this to be done by the end of the year but things can be put in motion to begin to address the exercise. A full facility exercise is due in 2015 and planning should begin on this as well. In the evaluation of TCID, it is a follow through on these types of commitments that the Bureau will need to see. The facility improvement plan could be worked into the Project Improvement Master Plan. The facility improvement plan is a commitment that was made to improve automation and the responsiveness to a future breach. The thing that would take the 150 cfs to 350 cfs is an acceptable rodent control plan, which the District has a great start on and should not be an issue as long as progress continues to be made. The evaluation process is completed in the Fernley Reach but

one of the recommendations was for 350 cfs throughout the entire canal and that work has only been done in the Fernley Reach and a risk assessment completed. Overall the District is making progress in the right direction to maintain 350 cfs. The technical determination to reopen the canal after the breach is where the Bureau originally set the flow of 150 cfs. This was February 22, 2008.

3. **Fallon Paiute Shoshone Tribe Representative(s) - General Updates**

Not in attendance.

NEW BUSINESS

Consideration/Possible Action:

1. **Swift Water Rescue Training - Request for Emergency Equipment - City of Fernley Fire Dept.**

Storey County, North Lyon Fire District in Fernley and the Tribe put together the ability for different entities to help in a rescue. This was prompted by an incident in Fernley where a girl became lodged in the canal in Fernley. The Fernley Fire Department is looking for a \$1,300 donation to help in the purchase of minimal rescue gear. The Board decided to table this issue. Fallon has managed to put together a very good volunteer dive and rescue team for this type of incident without asking for money from the District. The value of volunteerism comes at a very reasonable cost.

The Bureau has offered to research the issue to determine what has been done in other irrigation district areas.

A **motion** was made by **Director Eric Olsen** to table the Swift Water Rescue Training equipment request seconded by **Director Lester deBraga**, board requested public comment, and the motion was unanimously approved.

2. **Response to the Bureau regarding the Denial of Incentive Credits to the District for Years 2008-2011**

This item is tabled for review at a later date. The Board would like to have a workshop with the Bureau to discuss the issue.

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

Consideration/Possible Action: Director's Compensation

Ernest C. Schank	\$200.00
Dave Stix	\$391.00
Bob Oakden	\$120.00
Lester deBraga	\$105.00
Eric Olsen	\$110.00
Joe Gomes	\$
Wade Workman	\$120.00

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

COMMITTEE REPORTS

1. O&M Committee Recommendations

Bob Oakden, Acting Committee Chair Reported

USFWS was represented by Nancy Hoffman. Nancy asked about different readings at the Harmon Reservoir Spill Meter and the USGS meter. On October 29th the USGS meter read 42 cfs with the Harmon Spill Meter reading at 44 cfs. On the October 30th the USGS meter read 36 cfs and the Harmon Spill Meter reading was at 42. The USGS meter reading should be the higher reading. There seems to be some gauge reading discrepancies. Walter Winder will have Dave Watkins check the meters and make sure all is well and report back to USFWS. Walter stated that there are several reasons why there were discrepancies.

Walter will contact Nancy Hoffman when they are ready to resume a tour of the project when they are both available, maybe the first part of December.

1. Review Accident/Incident Reports and Damage Claims

A **motion** was made by **Director Joe Gomes** to approve payment of \$1,500 to Christine Fairbanks to cover damages related to the washout seconded by **Director Bob Oakden**, no public comment when requested and the motion was unanimously approved.

No Board Action Required.

- **Christine Fairbanks** did not attend. Her damage claim as a result of a washout. A gate was left open at the completion of her irrigation. Walter believes that a stick or rock may have gotten caught in the gate keeping it from closing all the way. There was damage to some hay and a road. Walter phoned Ms. Fairbanks and asked if she would be willing to accept the \$1,500 in damages that the committee and the District Manager would be able to approve without taking the matter to the Board for approval. She agreed and will be asked to sign a settlement agreement and release form indicating that this issue will be concluded and no longer be able to bring back to the District at a later date.

	<ul style="list-style-type: none"> • Accident/Incident Report –Vehicle #4 Kelly Herwick was working on October 26, 2012 and went to fuel up the truck. Kelly turned short at the fuel pump ballards and dented the rear bed panel on the driver’s side. The damage is minimal and will be taken care of in this winter’s maintenance period.
<p>2. <u>Review Conservation Work Orders Balance Sheets for July 2012</u></p> <p>No Board Action Required.</p>	<p>The committee reviewed the Conservation Work Orders report for the month of July. Walter stated that there had not been much work done under conservation as most construction work is done in the Off Season after the water is turned off. Now that the water is out of the system the conservation work will resume. Dave Watkins has been provided with a list of sites to review and answer questions on the 6,600 ft. rule where the delivery was lost to several sites. He will be installing new gauges at several of the sites.</p>
<p>3. <u>Pipe a Drain – Pete Olsen</u></p> <p>A <u>motion</u> was made by Director Joe Gomes to approve installation of a drain at Hillside Dairy pending Bureau approval including a 35 ft. easement to the center of the pipe seconded by Walter Winder, no public comment when requested as no public was in attendance, and the motion was unanimously approved.</p> <p>No Board Action Required.</p>	<p>Walter reviewed the latest set of plans provided by NRCS with the committee and with Pete Neugebauer and Bob Edwards of the Bureau. This project has been on the table for quite some time.</p>
<p>4. <u>Application for Crossings on T-Line, Lower Soda Drain, Wade Drain, T13-NDOT</u></p> <p>A <u>motion</u> was made by Walter Winder to approve the NDOT project pending Bureau approval and review of the next set of plans available in February seconded by Director Bob Oakden, no public comment when requested and the motion was unanimously approved.</p> <p>No Board Action Required.</p>	<p>Carrie Byron, Right-of-Way Agent for NDOT attended. NDOT is submitting an application for construction in an easement area along US-95 from 0.16 miles south of the Junction SR-726 to south of B-680, milepost CH 28.00 to CH 57.00. There will be four crossings impacted. This has been reviewed by the committee previously. Walter Winder does not have any issue with the project. The Bureau is working with NDOT and they do not have issue with the project either. Walter recommended that the project be approved by the committee pending Bureau approval.</p>
<p><u>Other Matters that May Arise</u></p> <p>Bob Oakden informed Walter that Dave Hollingsworth’s water had been given to someone else when he completed his run but the gate dropped back down and water ran back on to his field causing some damage. He will be contacting the District.</p>	
<p><u>Related Matters</u></p> <p>There was no Public Comment.</p> <p><u>In the Field</u></p> <p>The committee did not go into the field.</p>	

2. **Carson Lake Pasture**

A copy of the minutes of September 12, 2012 including a motion made by Mike Brown of NDOW requesting an increase in the number of cattle allowed for grazing was sent to the Bureau of Reclamation. The committee also asked that Rusty address the issue in a letter to the Bureau, as well. There are several other issues being addressed such as fencing.

3. **Employee Relations Committee Recommendations**

- **Holiday Luncheon & Staff Gift Card**

A **motion** was made by **Director Eric Olsen** to approve a Holiday Luncheon for TCID staff, the Board and retirees to be held on December 7, 2012 and provide a staff gift card in the amount \$25 for Thanksgiving and a staff gift card in the amount of \$50 for Christmas. Also approved is a day off for staff on December 24, 2012 seconded by **Director Lester deBraga**, board requested public comment, and the motion was unanimously approved.

RECESS

A **motion** was made by **Director Lester deBraga** to go into a closed session recess at 11:36 a.m. seconded by **Director Eric Olsen**, and the motion was unanimously approved.

The Board Reconvened at 12:17 p.m.

ADJOURN

The meeting was adjourned at 12:32 p.m. subject to the call of the Chair.

Dave Stix, Jr., Vice President
Acting Chairman of the Board

Bob Oakden, Secretary

December 7, 2012
Date