

Special Meeting of The Board of Directors
of Deer Creek Irrigation District
Held January 27, 2020 at 5:30 p.m.

Directors present: Keith Bantz (chaired meeting), Sue Knox,
Phil Summers, and Linda Pitter

Attendees: Jeff Rabe, Bob Viets, John Pitter, Mike Bolan,
Ryan Edson & John Edson

Minutes from December 9, 2019 meeting read and
approved.

Under maintenance and repairs: Ryan reported he
installed three metal weirs at these locations:

1. 1/2 way from main diversion on 3 Mile
2. Sheep Camp diversion
3. end of South ditch

Ryan did not have a cost for us.

Distributed printouts received January 23, 2020 for
Operation and Maintenance plan from Trout Unlimited
and Memorandum of Agreement from California
Fish and Wildlife with Deer Creek Irrigation
District. Keith received two requests for Rebecca
Smith (our attorney) that were discussed at the
meeting. First was the ownership and liability
for the fish screens. Second item was the
phrase "Sufficient flow".

Meeting adjourned.

Minutes written by Linda Pitter

Approved as amended:

Mike Bolan led a discussion about no rainwater or tailwater leaving a landowner's property as there is a risk of nitrate or E. Coli in the water. Orchardists are required to test their water 7 times per year.

Discussion about the North ditch being replaced with 500' of 36" pipe beginning at the Y.

Ryan Edson estimated it would cost about \$6,000 to clear out the Ruble Dam.

Recommendations for the February agenda:

Our Bill with Senator Nielson to change the requirements for voting in our district
Vote on the MOA from Fish and Wildlife
Our budget needs to be revisited.

Deer Creek Irrigation District

Minutes of the February 10, 2020

Board of Directors Meeting

The Deer Creek Irrigation District board meeting was held on February 10, 2020 at the Vina Women's Club. Those present were Directors Keith Bentz, John Edson, Sue Knox, Linda Pitter and Phil Sunseri. Also present were Secretary/Treasurer Susan Edson, Ellen Stevens, Jeff Rabo, Bill Hobson, Mike Bolen, John Peterson and Mike Stephens.

Open Meeting Comments:

Ellen Stevens asked for clarification of the District By Laws and when the leadership structure of the board will be finalized. She also said that she would be willing to update the district website with information. Secretary Edson will submit to her meeting agendas and minutes for posting.

Jeff Rabo asked what the status of his application for the position on the board for which he submitted papers. He stated that he had contacted the county office as well as the district's attorney with no response from either. He further stated that he had contacted an attorney and was told to take his action to superior court.

John Peterson, representative for the Soske Ranch, asked about the status of the repairs to the ditches on his ranch. He reported that there was a stump that needed to be removed as it was breaking the ditch. He also asked about the possibility of guniteing some of the ditch for repairs.

Director Sunseri stated that we had used Enterprise Gunite in the past but he was extremely busy and may be hard to schedule.

Director Edson reported that the district had budgeted \$62,000 for repairs to the cemetery ditches and four head gates and \$47,000 to repair the ditches across from the Pitter property.

Director Pitter read the minutes from the January 27, 2020 meeting. Director Edson reported that the discussion about E Coli entering into the district water system was not in the minutes. Mike Bolen reported that each land owner was responsible for testing the water on their land three times a year. He stated that this is a federal law not a state law. A motion

was made by Director Edson and seconded by Director Sunseri to approve the minutes with the amendment of the E Coli discussion from the previous meeting entered into the minutes.

Secretary Edson gave the district's financial report. The district currently has \$236,969.08 in the district's checking account.

A motion was made by Director Sunseri and seconded by Director Bentz to accept the MOA as presented by the Department of Fish and Wildlife. The motion was unanimous.

Director Edson reported that there were grants available that could provide the district with actuators that would be placed at the dam and the "Y" to open and control gates to regulate the water flow into the district. The cost could be incurred by Trout Unlimited. A discussion about installing video cameras in those locations as well was held. The cost of the video cameras is about \$400.00.

Jeff Rabo asked why and when the repairs the board approved had not yet been started by M. Peacher construction. The board stated it was in the process of finalizing who would be the person to oversee the project.

With there being no further business before the board the meeting was adjourned. The next board meeting is scheduled for February 24, 2020.

Susan Edson, Secretary

Keith Bentz, Director

John Edson, Director

Sue Knox, Director

Linda Pitter, Director

Phil Sunseri, Director

Deer Creek Irrigation District

Minutes of the February 24, 2020

Board of Directors Meeting

The Deer Creek Irrigation District board meeting was held on February 24, 2020 at the Vina Women's Club. Those present were Directors Keith Bentz, John Edson, Sue Knox, and Phil Sunseri. Also present were Secretary/Treasurer Susan Edson, Jeff Rabo, Maureen and Bill Hobson, Bob Viets, Jessica Gullick, John Peterson, Darryl and Callie Woods, Mike Stephens and districts attorney Rebecca Smith. Absent was director Linda Pitter.

A motion was made by Director Edson and seconded by Director Sunseri to accept the minutes of the February 10, 2020 meeting as read. Motion was unanimous.

Secretary/Treasurer gave the district's financial report. Currently the district has \$229,709.89 in the district's checking account.

Meeting adjourned to closed session.

Meeting reopened to public session.

The board directed district's attorney Rebecca Smith to contact Tehama County Counsel regarding whether or not it intends to act on board appointments.

A motion was made by Director Knox to nominate Keith Bentz as president of the board. Director Edson seconded the nomination. Motion carried. Director Knox made a motion to nominate Director Sunseri as vice president of the board and was seconded by Director Edson. Motion carried.

Director Edson presented the budget to the board for discussion. The directors requested time to study the budget and to take action to adopt the budget at the next board meeting.

A motion was made by Director Sunseri and seconded by Director Edson to proceed working with David's Engineering and Trout Unlimited for funding of gate control equipment. Motion carried.

President Bentz reported that the board would be finalizing what the job description would be for Shawn Pike as well as prioritizing the work for the ditch repairs. A discussion of water accountability and keeping track of who is irrigating and when the landowner receives the water and when they are finished was had. It is important that the district have accurate records for reporting purposes.

With there being no further business before the board the meeting was adjourned. The next scheduled meeting is March 9, 2020.

Susan Edson, Secretary

Keith Bentz, President

John Edson, Director

Sue Knox, Director

Phil Sunseri, Director

Deer Creek Irrigation District

Minutes of the March 9, 2020

Board of Directors Meeting

The Deer Creek Irrigation District board meeting was held on March 9, 2020, at the Vina Women's Club. Those present were President Keith Bentz, directors John Edson, Phil Sunseri, Sue Knox, and Linda Pitter. Also present were Secretary/Treasurer Susan Edson, Jeff Rabo, Ellen and Scott Stephens, Jake and Laura Thompson, Darrell and Callie Wood, Bob Viets, Shawn Pike, Doug Amato, Jessica Pitter, John Pitter, Chris Fultz, Larry and Amy Roenspie, Gene Amato, Jane Daugherty, Michael Bolen, John Peterson and Dee Hill.

Secretary/Treasurer Susan Edson read the minutes from the February 24, 2020, meeting. A motion by Director Knox and seconded by Director Edson to accept the minutes as read. Motion carried

Open meeting comments:

Jeff Rabo addressed the letter that he had written to the board stating his concerns regarding the district. (Letter attached with the minutes) He urged the board to agendize the items in his letter.

President Bentz informed the board that the M. Peacher bid for repairing the ditches had been withdrawn.

Shawn Pike introduced himself and explained what duties/jobs he has completed for the district. Mr. Pike charges \$125.00 per hour for his work in the district.

Land owners expressed their concerns regarding board decisions and transparency regarding Secretary/Treasurer Edson's paying of the district bills. The directors requested that there be two signatures on the checks when paying the bills.

After a discussion of the proposed budget for the district a motion was made by Director Knox and seconded by Director Pitter to establish another budget committee to reevaluate the budget. The new subcommittee consists of Bob Viets, Linda Pitter, Keith Bentz, and Amy Roenspie. They would be meeting within the next 30 days and report back to the board.

President Bentz reported on the Water Smart Grant Resolution. The grant would provide motorized head gates, the ability to set the flow rates using a cell phone as well as a monitoring device at the "Y". This is a follow up from the February 24, 2020 meeting where the board voted to continue working with David's Engineering and Trout

Unlimited for funding of gate control equipment. The district has two months to apply for the grant. The districts cost was not given.

President Bentz presented to the board his position on what the District's manager's job would look like. (Position statement attached with the minutes)

Director Edson made the motion and seconded by Director Knox to hire Shawn Pike as the districts water master. Motion passes.

A motion was made by Director Edson to pay Rights to Water Engineering (Shawn Pike) bill of \$4075.00. No second. Director Sunseri asked Shawn Pike to reformat his bill.

With there being no further business before the board the meeting was adjourned.

Susan Edson, Secretary

Keith Bentz, President

John Edson, Director

Sue Knox, Director

Linda Pitter, Director

Phil Sunseri, Director

DCID Board members and constituents,

I would like the Board to address the following questions at the March 9, 2020 Board meeting. I have made a concerted effort to investigate these matters myself, but have been unable to have my questions satisfactorily answered.

1. The hiring of Mr. Pike to analyze the district infrastructure was approved by the board and was supposed to result in some form of written or verbal report identifying points of potential flow measurement within the district. Where is the report, or when did Mr. Pike present the information to the Board?
2. Mr. Pike continues to perform work outside of the Board's originally approved scope of services. Who is authorizing this work? What has he been authorized to do? How much does his work cost? Why aren't his bills being presented to the board for approval of payment?
3. Who approved the purchase and installation of three measuring devices and data loggers in the district ditches? How much did they cost to purchase? How much did they cost to install? Why aren't the bills being presented to the board for approval of payment?
4. In June of last year the Board approved a \$76,000 contract with Peacher Construction to perform excavation, cleaning and repairs on the North Ditch and at the Cemetery. Why has none of the work been completed? Is the Board going to follow through on the contract or cancel it?
5. Approximately two years ago at a District Board meeting, many of the landowners as well as the district's attorney, asked and recommended that the Board not pursue the sale of water. Why is the Board continuing to spend money installing measuring devices geared towards the sale of water?
6. The Board voted to approve the preparation of a grant proposal for the purchase and installation of automated gate structures. No information has been provided regarding the potential additional costs of CEQA and NEPA documents or the grant funding administration and management. Why are we approving the installation of two electronic gates at an approximate cost of \$65,000 or more? Why isn't the grant funding being proposed for repair work?
7. For almost two years the Board has been asked to prepare a new set of District By-Laws. Why hasn't there been any action from the Board to get this done?
8. There has been continued discussion regarding the installation of a pipe to repair the ditch along Leininger Road adjacent to the Pitter's property. Who decided that a pipe should be installed? Who sized the pipe? What is the scope of services for installation of the pipe? Who is providing the cost proposal of \$47,000? What other options of repair were researched and what do they cost?
9. There has been continued discussion regarding the hiring of someone to spray ditches. Who has been contacted? Where is their proposal? How many people have been contacted and asked for proposals? Why would we need someone with a right-of-way permit if the ditches are not located in the right-of-way? Why would we authorize someone to spray extremely toxic herbicides that require permits in order to purchase and use when we can use Round-Up? If we are spraying such toxic herbicides, why do we need to spray 4 or 5 times a year? Shouldn't it be only necessary once or twice a year?
10. Preparation of the budget by the budget sub-committee last year was asked to delineate between yearly operating costs and capital improvement costs. Why is that not being done now? Where is the cost of Mike's position in the budget? In the last 9 months approximately \$100,000 has been spent by the district. What was that money spent on?
11. Is the Board aware of SB 871, drafted and introduced to the State Senate by Senator Jim Nielsen, which would allow for absentee land owners to sit on the DCID board and direct the

districts actions and spending? Is the Board in favor of this bill? If not, will the board take action to oppose the bill before it becomes CA state law? (Bill text is attached)

I have spent many hours over the past several months trying to understand where and how the district's money is being spent and who is authorizing these expenditures. It seems that many of the actions that appear to be taken by the board have actually been authorized by one individual without the knowledge or approval of the other Board members. It also appears that this board member continues to approve actions and expenditures that will facilitate the sale of district water, without the Board's approval and in direct opposition of the expressed will of most of the district's land owners.

I would strongly urge the Board to agendaize this letter for discussion in a public forum so that the DCID tax payers can hear the Board's position, as well as have an opportunity to provide public comment, regarding these items. I would also request that the Board suspend the individual that is taking action on behalf of the Board without approval from all future Board activities and communications until a review can be made to determine the repercussions of their unlawful representation and authorizations as a Board member.

Sincerely,

Jeff Rabo

POSITION SUMMARY

The Deer Creek Irrigation District Manager (Manager) works under direction of the Deer Creek Irrigation District (district) Board of Directors (Board). The work includes preparation of annual budgets; organizing grant applications; planning District facilities repairs, improvements, and replacement; checking, approving, and signing daily or weekly contractor work documents and invoices; supervision of a Ditch Tender; distribution of water to District members; documenting and protecting the District's water right, obtaining water quality tests, advising on improvements to protect water quality, responding to water user requests and complaints, program budgeting, billing, measurement device installation, operation and maintenance; and measurement of flows for billing, prioritization of facilities installation or repairs, and water conservation efforts.

ESSENTIAL FUNCTIONS

The Manager is required to work cooperatively with others; attend board meetings is required; communicate effectively and provide weekly or daily telephone or email updates on work progress to the Board; exercise good judgment; coordinate with groups and agencies that have oversight or common interests; maintain an agreeable demeanor and positive outlook in stressful and sometimes hostile situations. The specific essential duties are as follows:

Manage the distribution of water according to the needs and written, emailed, or phoned requests of District members. Supervise a Water Master and a Ditch Tender. Provide technical support for, and be prepared to accept supervision and administrative responsibility for, the distribution, measurement, accounting, and reporting of water within the District. Update maps, descriptions, plans, and billing as needed. Collect, analyze, compile and report flows at measurement devices and diversions to members.

Contract for water quality testing, obtain water quality reports, and present results to the Board. Advise members on measures needed to protect water quality, including modification of drainages from properties, recirculation of water within a property, and protection of neighboring properties.

Meet, communicate, consult with, provide documents to, develop agreements with oversight agencies including the California Department of Fish and Wildlife. Meet, communicate, consult with, provide documents to, develop agreements with cooperating groups with interests in Deer Creek water, including those with funding for District facilities improvements and water conservation. Prepare an annual report detailing major facilities improvements, repairs, and replacement; water distribution to members; water loss and conservation measures; expenditures and income; and other subjects as directed by the Board. Arbitrate disputes among members, and prepare and send correspondence in response to questions and complaints. Consult with attorneys to solve disputes. Supervise construction to repair, improve, or replace needed conveyance, diversion, control, and measuring structures.

Develop the abilities of the Water Master and Ditch Tender, which includes training, evaluating performance, handling personnel issues and problems, and developing and maintaining a strong technical ability to coordinate with members, measure flows at structures and members' diversions, distribute water efficiently, and make decisions in the field to maintain the supply of water and improve conservation.

OTHER RESPONSIBILITIES

Provide fiscal control, check and approve time reports, expense accounts and invoices for contracts. Prepare annual billing statements for all members, submit them to the Board for approval, send them to members, and collect payments.

SPECIAL REQUIREMENTS

Requires a valid license as a Professional Engineer in the field of Civil Engineering issued by the State of California, or other degree or certification acceptable to the Board.

Requires a valid California driver's license and a good driving record. Willingness to travel out of town and to remote locations for meetings, evaluation of the performance of the Water Master and Ditch Tender, review and approval of construction and maintenance activities.

PHYSICAL ABILITIES

Incumbent must be able to:

1. Operate Class C and offroad vehicles.
2. Work around fast and deep flowing water.
3. Swim or stay afloat in case of falls into water.
4. Perform heavy manual work, move heavy objects such as concrete, lumber, steel, gates, and other construction or operation equipment, tools, and supplies.
5. Have full range of movement to bend, stoop, and twist.
6. Traverse rugged terrain.

Deer Creek Irrigation District

Minutes of the October 12, 2020

Board of Directors Meeting

The Deer Creek Irrigation District board meeting was held on October 12, 2020 at Vina Elementary School. Those present were President Keith Bentz, directors John Edson, Sue Knox, Linda Pitter and Phil Sunseri. Also present were Secretary/Treasurer Susan Edson, districts attorney Rebecca Smith, Bob Viets, Jeff Rabo, Darrell and Callie Wood, Ellen Stephens, Doug Amato, Water master Shawn Pike, Melvin Quezada and John Pitter.

Secretary/Treasurer Susan Edson read the minutes from the March 9, 2020 meeting. Director Pitter added Jeff Rabo urged the board to agendaize the items that he presented in his letter to the board and that two signatures are required on checks for the district bills. A motion to accept the minutes as amended was made by Director Knox and seconded by Director Edson.

Secretary/Treasurer Edson reported that the district currently has \$172,138.55 in the districts checking account.

Water master Shawn Pike reported to the board the water delivery status-monthly diversion amounts, measurement devices that are installed at the diversion, Leininger's, the "Y", South Main, JJB Farms and 4 locations on the South Main ditch. He also reported on Runoff water requirements – all diverters must keep runoff on their property. Pastures need some type of retention and recirculation ponds. If this isn't done by March 2021, then that water user will not divert water until the system is installed. It can be inexpensive and rough but the water user has to do something. There are grants available four times between now and September through NRCS.

Water master Pike reported on the DWR water use assessment. He stated the Water Board fee increases apply only to post 1914 water rights so there are no fee increases for DCID.

Mr. Pike reported on Sheep Camp Diversion for beneficial use. Currently Sheep Camp Ditch diverts more than its water right. Ruble Spill is actually the original Sheep Camp Ditch, and any water released at Ruble is done under the Sheep Camp Ditch water right. Darrell Wood said that this is an opinion not a fact.

Mr. Pike also reported on the DWR reporting error. The 2014 -2018 Supplemental Statements had errors in the maximum diversion rates. Instead of being 20-35cfs, they were listed as around 40 to 680 cfs. This error made Trout Unlimited wonder if any of the numbers in these statements were correct. The Water Board could potentially fine DCID \$500 per day for uncorrected numbers. Trout Unlimited, California Fish and Wildlife or anyone else might not fund future DCID conservation projects with numbers that were not correct.

President Bentz reported on the auditor's report. A motion was made by Director Sunseri and seconded by Director Edson to accept the report with the following changes that all bills are paid with the president's approval and both the treasurer and president sign the checks. The board also requested that Water master Pike send all of his bills via email to each board member.

President Bentz reported that SB871 has been withdrawn until 2021 due to the shortened legislative year brought about by COVID 19.

Attorney Rebecca Smith reported that Grant and Meghan Leininger's attorney reported they are comfortable with no boundaries and not claiming water rights. The board agreed that they would like to have a subcommittee consisting of Directors Sunseri and Knox meet with Wagner and Bonsignore to determine the impact to the district of removing the Leininger property from DCID tax rolls.

President Bentz reported on the Automated Gate Control grant application. There would be a monitoring device at the north diversion of the "Y". The cost to the district potentially would be \$16,000 for the parshal flume and \$3,500 for materials which would allow for more accurate water measurements. There is a possibility of a credit back to the district for work performed by district employees.

Attorney Smith reported on the election status. The DCID board has no vacancy until the next election in 2021 unless a board member steps down. Director Pitter handed in her resignation.

Director Pitter wanted it recorded that John and Susan Edson left the meeting early.

The remainder of the meeting was public meeting comments. With there being no further business before the board the meeting was adjourned.