

Deer Creek Irrigation District

Minutes of the January 11, 2021

Board of Directors Meeting

The Board of Directors Meeting was held on January 11, 2021 via zoom and conference calls. Those participating were President Keith Bentz, Directors John Edson, Sue Knox and Linda Pitter. Absent was Director Phil Sunseri. Also participating were districts attorney Rebecca Smith, Secretary/Treasurer Susan Edson, Jessica Gullick, Darrell and Callie Wood, Robert Viets, Doug Amado, Jane Daugherty, Water master Shawn Pike, Jeff Rabo, Ryan Edson and John Pitter.

Secretary Susan Edson read the minutes from the previous meeting. Darrell Wood stated that Water master Pikes information regarding Sheep Camp Ditch diverting more water is an opinion not a fact. Director Pitter asked that it be noted that John and Susan Edson left the meeting early and President Bentz then noted that Director Pitter had tendered her resignation. Director Knox made a motion to accept the amended minutes and was seconded by Director Edson. The vote was Directors Knox, Pitter, Edson and Bentz yes.

Water master Shawn Pike reported on the water losses at various points throughout the district, the south main ditch near the Roenspie property, Reed Orchard Road across from the Pitter property and the south main ditch by the Bentz property. He also reported that fences had been put up around the measurement devises at Sheep Camp ditch to protect them from the cattle. Director Edson stated the water currently going to Sheep Camp ditch exceeds the allotted amount according to the decree. Water master Pike also gave a water use report for the district. He reported that the convict crews would be coming to clean the ditches. He also reported what needed to be done to repair the ditch on Leininger Road, Steven's orchard flood repair and replacing a culvert pipe.

President Bentz stated that these people would comprise the budget committee, Susan Edson, Director Linda Pitter, Bob Viets and himself. A motion was made by Director Knox and seconded by Director Edson to form this budget committee. President Bentz asked Secretary/Treasurer Susan Edson to coordinate the meeting. The vote was yes from Linda Pitter, John Edson, Sue Knox and Keith Bentz.

President Bentz said that he would like to have Melvin Quezada be in charge of the district website as he is already an employee of the district. A motion was made by Director Edson but it died from lack of a second. The decision of a website manager was tabled until the next meeting.

President Bentz reported on the district dump truck repair of \$2,034.53 and there was a discussion as to whether the district benefits from having a dump truck.

A motion was made by Director Knox and seconded by Director Pitter to move the Fish Passage MOA cost share and the Fish Passage project Operation and Maintenance agreement to the next board meeting so that people could become more familiar with it and have their questions answered. The vote was Keith Bentz, John Edson, Sue Knox and Linda Pitter, yes.

The remainder of the meeting was public comments focusing on the possible sale or lease of unused district water. Jeff Rabo suggested that the committee size be increased.

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



**DEER CREEK IRRIGATION DISTRICT  
MINUTES OF THE MARCH 8, 2021  
BOARD OF DIRECTORS' MEETING**

**DATE:** Monday, March 8, 2021

**TIME:** 5:00 P.M.

**PLACE:** via teleconference

**DIRECTORS PRESENT:** Sue Knox; Linda Pitter; Phil Sunseri; Keith Bentz

**The meeting was called to order by Board President Keith Bentz at 5:05 pm.**

**Public Comments:**

Jeff Rabo (public) requested that the District apply the tax money collected over the past five years to engage in major infrastructure projects.

Bob Viets (public) requested that the District include on the next meeting's agenda discussion of the Sheep Camp diversion and the Board's position on adopting and enforcing the rules and regulations of the District developed in the 1940s.

**Business**

**1. Consent Items:**

The minutes of the October 12, 2020 meeting were presented by Director Pitter. Director Pitter moved to amend the minutes by indicating President Bentz returned Director Pitter's letter of resignation. Director Knox seconded the amendment and the consent items were approved by roll call vote, with Directors Bentz, Pitter, and Knox voting in favor and Director Sunseri abstaining.

**2. Landowner Letter dated February 5, 2021**

Landowners within the District submitted a letter asking the Board to consider concerns that a Director was misusing public office for personal gain. Director Pitter asked to open the discussion to the public. Jeff Rabo (public) stated that the landowner letter arose from concerns about communication and transparency during the past year and a half, as evidenced by the watermaster's most recent report on expenditures for measuring devices and other work made without specific approvals by the Board. Bob Viets (public) voiced support for the watermaster's work and the need for data to explore water marketing opportunities. Darrell Wood (public) inquired about the authority of the watermaster to make such expenditures. President Bentz noted the breakdown in communication during the COVID pandemic, but that under the District rules and regulations, the watermaster has historically been the designated individual to make those expenditure decisions. John Peterson (public) commented on the push to sell water and related expenses despite the lack of budget approval or committee formation to sell water. President Bentz stated a committee on this matter was formed on this issue, though a budget was not formally adopted. Director Pitter stated the watermaster's expenditures should have been approved by the Board. After further discussion, President Bentz suggested the extent and scope of the watermaster's duties be discussed under separate agenda item.

**3. Water Master Report: Report on District Facilities and Activities**

Water master Shawn Pike reported on the logistics for receiving the convict crew. As for the status of District repairs, a faulty flume was repaired and work was done to keep a ditch from flooding. In the cemetery, a broken earthen divider wall with a taller longer concrete divider wall was replaced. Melvin patched a ditch at the Pitter diversion and repaired under the South Main where some water was spilling and threatened to collapse a concrete ditch, with plans to build those walls up at a later time. Director Sunseri inquired about an unused ditch off of his main ditch and Watermaster Pike responded he could

look at it. Director Pitter raised concerns about the report's references to water marketing and the lack of transparency over actions taken in furtherance of those purposes. Bob Viets (public) noted that Senate Bill 88 requires measurements on diversions made within the District. Members of the public commented on the applicability of SB 88 on the District and on individual diverters. Attorney Austin Cho noted that SB 88 generally applies to all individual water use reports and that the District does not own the landowners' water rights. Bob Viets (public) stated that the District is underutilizing the available water and failing to maximize beneficial use. Jeff Rabo (public) commented that the watermaster's report was helpful to the extent it identified the work conducted over the past 1.5 years.

#### **4. District Budget**

Director Pitter moved to table the budget to review expenses for repairs and budget for Shawn Pike. Director Knox seconded the motion, and the motion passed unanimously.

#### **5. District Facilities**

The Sheep Camp data logger subscription is up for renewal, but the Board decided not to take action at this time. As for the Fish Passage, President Bentz noted that the project is closed out. Director Knox moved to approve the Department of Fish and Wildlife maintenance and operations plan for the Fish Passage. Director Pitter seconded and the vote was unanimous. Director Sunseri requested that the District provide a public resource on obligations under the maintenance and operations plan. President Bentz reported on the status of the Headgate Control project proposal for grant funds with Trout Unlimited, noting the presence of elderberries will require a Mitigated Negative Declaration, but no action is needed to be taken at this time. Director Knox noted that she is still in opposition to some of the language that in the proposal that references revisiting the water rights decree and the marketing of water. Director Pitter voiced her agreement with Director Knox.

#### **6. Review and Discussion of Johnson Parcel Request**

President Bentz noted that the District received notice of allocated charges that don't align with irrigated acres on the Johnson Parcel. Director Knox informed that the landowner could produce a map of their parcel to show the smaller irrigable portion. Jeff Rabo (public) noted that the discrepancy for the parcel in question may be due to an incorrect Assessor's Parcel Map that can be corrected by a record map or boundary survey.

#### **7. Irrigation Water Runoff Management**

A recommendation from the watermaster refers to irrigation runoff management based on old rules and regulations of the District. Director Knox moved to form a committee consisting of Director Knox, Director Pitter, and Jake Thompson (public) to investigate runoff management and recommend updates to the rules and regulations.

#### **8. Water Lease Options Committee**

Director Pitter voiced her disagreement with the actions of the committee, as the 1923 Consent Decree establishes water rights for the landowners, not the District. Bob Viets (public) stated the District needs to put the water to its fullest beneficial use. Director Pitter moved to dissolve the committee, seconded by Director Knox. The motion to dissolve was did not receive a majority of vote with 2 in favor (Pitter and Knox) and 2 opposed (Sunseri and Bentz). Director Sunseri stated he would like to see a report from the committee before he would vote to dissolve it.

#### **9. District Governance**

Director Sunseri moved to establish a committee to develop the scope of work for the watermaster to perform. Director Knox seconded and the committee was formed consisting of Directors Knox and Bentz. President Bentz noted that Tehama County has switched to even-year elections and requested that local districts do the same. This item will be up for discussion at the next meeting. As for the District's own voting structure proposals, it was noted that changes must be done through



the State Legislature, but that the District's prior point of contact with Senator Nielsen's office has left and a bill is not up for this year.

**There being no further business, the meeting was adjourned at 7:30 pm.**