**FLATHEAD JOINT BOARD OF CONTROL**

REGULAR MEETING MINUTES

**ST. IGNATIUS, MONTANA**

November 12, 2014

**PRESENT**

**Flathead: Wayne Blevins, Paul Guenzler, Shane Orien, Bruce White (Trent Coleman – Absent)**

**Jocko: Boone Cole, Kerry Doney (John Trimble – Absent)**

**Mission: Tim Orr, Gene Posivio, (Jerry Laskody – Absent)**

**Member at Large: Ted Hein**

**Consultant:**  **WWC Engineering**

**Staff: Johanna Clark**

**Project:** Absent

**CTO** – 11:05 p.m.

Pledge of Allegiance was conducted.

Commissioner Boone Cole motion to approve current Agenda as presented and was 2nd by Commissioner Jerry Laskody. Motion Carried.

Billing Statements and Warrants as listed in the November Budget were approved as presented by Executive Secretary Shane Orien.

Chairman Boone Cole motion to approve October 17, and October 28, 2014 minutes as presented and was seconded by Commissioner Gene Posivio. Motion carried.

**Agenda Item #1 – Discussion and Possible Action regarding Ed Evereart, WWC Engineering.**

 Attorney of Record Bruce Fredrickson presented Consultant Ed Evereart (WWC Engineering) to the Board Members. Evereart gave a brief description of his working history with various irrigation projects throughout the United States. Jon Metropoulos contracted with his firm on behalf of the FJBC to review the Compact, Water Use Agreement and TRO Lawsuit. Maximum irrigable acres and allotment will give estimate delivery figures for any given year. Evereart believes that existing structures and programs within the irrigation project are adequate to meet the needs and with proper maintenance and management, water can be used with a higher success rate/less waste. Irrigable acres need to be listed more accurately within the current reservation. Irrigation boards have the ability to move land parcels into irrigation roles and/or assist in better management allowing additional lands to receive water delivery Evereart believes. Grant funded laptop computers have been used to log delivery information on various projects by ditch riders and has proven extremely useful.

 Member at Large Ted Hein questioned waste water management and a specific right to such waters. Evereart responded that there is not listed right to his knowledge to waste waters. Evereart commented on Hydropower and its ability to put much needed funding back into an irrigation project for ongoing maintenance. Member at Large Ted Hein questioned the condition report provided by Evereart and his relationship with the formation of the CME. Evereart responded that his report provided a staffing report that was never utilized. Evereart believes there is still three project employees on the CME payroll and that Bud Moran is also working on an extension. Member at Large Ted Hein questioned measurement devices and the cost associated with such uses. Evereart responded that automated devices have been used that communicate data via satellite. Costs associated with such devices were provided in the report provided to the CME. He estimates about $2,000.00 per ditch rider for well needed equipment. Member at Large Ted Hein questioned if Evereart had been given access to information being stored at the Flathead Irrigation Project Office. Evereart responded that all information was opened for his review pending its relation to current conditions of the irrigation facility. Member at Large Ted Hein questioned how much it would cost to automate the project. Evereart responded that all figures were in the 2007 report and that prices will have fluctuated as of this date. Evereart’s report was listed estimated cost to get the project to “state of the art”.

 Evereart commented that all information should be provided by FOIA requests. Commissioner Shane Orien questioned lowest quota among other irrigation projects from his experience. Evereart responded that there are a great number of factors that play into quota/allotment information. Websites should provide a link that provides water users with measurement data. Attorney of Record Bruce Frederickson questioned Evereart’s responsibilities with Jon Metropoulos and the FJBC at the time of contracting. Evereart responded that his engineering knowledge provided technical expertise to the data being used in the multiple issues concerning the FJBC. Evereart believes through his experience that the BIA will keep title of the irrigation project but management of irrigation project historically is delivered to the land users/local control. Personnel cost are higher associated with the BIA than with local control. Fredrickson questioned Evereart’s goal over the coming months. Evereart responded that technical advice as well as a liaison for the FJBC. He believes he can be a strong tool in finding a resolution and/or settlement. (A good compact and settlement agreement that allows for betterment of the project.) Evereart would like to see the work performed and have the project operating with higher efficiency as well as assisting the FJBC with applying for maintenance grants.

 Evereart believes that priorities need to be put into place as per levels of importance. Member at Large Ted Hein asked which project had a transfer of title/ownership. Evereart responded that his was unsure of the name. Member at Large Ted Hein commented on accessing the reclamation funds for the purpose of maintaining the project.

**Public Comment –** Gene E. questioned how to locate water rights on various other irrigation projects. Evereart responded BOR websites may contain such information. Evereart provided various requirements for water right consideration on various other irrigation projects. Commissioner Paul Guenzler and Evereart discussed the importance of an Operation Model to acquire accurate delivery information requirements. Member at Large Ted Hein questioned HKM and who paid the costs associated. John S. commented his support of Evereart as a representative of the FJBC while giving a brief explanation of Gene E. concerns communicated earlier.

**Agenda Item #2 – BIA Reassumption and Project Transfer to Local Control Update.**

Commissioner Tim Orr presented some recommendations gathered from separate meetings for board consideration in the upcoming negotiations for transfer of the Flathead Irrigation Project.  (A written report will be provided at a later date.)

Public comment was taken. Evereart stated that rumors have stated the BIA takeover is considered permanent at this time and that initiating negotiations with all parties would be a favorable option of available.

* **WMWUA vs. FJBC** – No movement at this time. A possible scheduling conference in March. Fredrickson would like to dismiss this case carefully due to pertinent orders that were issued.
* **Ingraham vs. FJBC** – No movement at this time with the Plaintiff being deceased.
* **CSKT vs. Water Court, 20th Judicial District Court, FID, MID, JVID, 6 named individual project irrigators and an “unknown number” of Project irrigators to obtain ownership of all Project water rights by the CSKT.** - Response due in three weeks to complaint. Legal firm is reviewing whether a dismissal is a good move at this time. More information will be provided to the board over the coming weeks.
* **FID vs. BIA/DOI** – to require Turnover. – No movement at this time.

**FJBC Lobbyist. –** Preliminary discussions have taken place withKeith Olson, Former Sec. of State Bob Brown and various others by Fredrickson and associates of the firm. The FJBC needs a fresh view, utilizing someone who is not politically connected Fredrickson believes. None of the suggestions have been contacted personally at this time. Jamie D. (Helena), Stuart D. (Helena), Attorneys that could be a good option. Tom Ebzery is a natural resource attorney with an outstanding reputation. Final suggestion, Blaire Strong (Spokane) worked with utility companies. The names provided again have not been contacted individually and the legal firm is only making recommendations. Fredrickson believes that the board should consider bringing in a consultant/lobbyist from the eastern part of the state. Commissioner Wayne Blevins questions why the board would consider contracting with someone who is entangled elsewhere and has personal interests in our water. Commissioner Shane Orien commented his disagreement with bringing on a lobbyist that was uneducated as to the issues.

Public Comment was taken.

**FIIP/BIA Project Reports:** Commissioner Shane Orien presented the Project Report to Board and Irrigators. November 19, 2014 - Open meeting on behalf of the BIA/Project was announced to irrigators.

* Regular Meetings of the Joint Board was discussed at the direction of Chairman Boone Cole due to recent scheduling difficulties. Commissioner Paul Guenzler requested that Agenda be sent out earlier allowing interested party’s time to research the issues.
* Regular meetings will be the 2nd Tuesday of each month at 11:00 a.m.

**Executive Session was called @ 2:10 p.m.**

**FJBC Meeting Adjourned @ 2:58 p.m.**