

# Regular Meeting Minutes

---

Klamath Project Drought Response Agency  
Regular Board Meeting  
February 10, 2021  
10:00 am

## MEETING CALLED TO ORDER

Marc Staunton, the President, called the regular scheduled Board of Directors meeting of the Klamath Project Drought Response Agency (KPDRA) to order on Wednesday, February 10, 2021, at 10:05 am, at KWUA boardroom at 2312 South Sixth Street and via the on-line conference platform called Zoom.

## ROLL CALL

Directors Present: Marc Staunton, Luther Horsley, Paul Crawford, Jerry Enman, and Mike McKoen  
Guests: Chelsea Shearer, Paul Simmons, Kyle Knutson, Gene Souza, Brad Kirby, Nathan Ratliff, Bill Ganong, Mike Neuman, Moss Driscoll, Pat Nue, Denise Drazil, Jilliam Bowman, Mark Johnson, Debbie Adkins, and Virginia Baurer.

## Agenda

Motion: To amend the agenda to put #7 between agenda item 3-4.

Motion by: Luther Horsley                      Second: Rob Unruh

Motion Carried.

## Minutes

No minutes to review.

## Financials

Nathan stated that bank statements and financials are being shown on the screen. It's estimated \$600,000 is remaining and the pumping program has paid out 99% of all payments, which is reflected in the \$600K. The Domestic Well program total expenditures are estimated at \$35K. Nathan will ask Amy to provide an itemization of checks and vendor by class list. Financials are from January 1, 2020 to current date.

Motion: To approve the financials as presented and pay the outstanding invoices.

Motion by: Mike McKoen                      Second: Luther Horsley

Motion Carried.

## Discuss Status of 2021 Water Situation, Funding and Programs

Mike Neuman presented a PowerPoint slideshow. He spoke of the appropriate vehicle for funding with Amendments to the Enhancement Act, which solves the authority problems and is now non-reimbursable.

Mr. Neuman reviewed the financial assistance approval process. The deadline is February 18<sup>th</sup>. The time frame is 4-6 months but could be shorter with good documentation. Moss Driscoll, of Reclamation, added that NEPA still has to be completed. Paul Simmons asked Moss if he could look at the current EA and see if the project is covered under that for NEPA.

Motion: To authorize staff to compile information for further review and future authorization by Board for 2021 grant application through BOR, in consultation with M. Neuman and G. Driscoll

Motion by: Luther Horsley                      Second: Jerry Neuman

Motion Carried Unanimously

Kyle Knutson stated that they have requested help from OWRD on maps and current levels, however they have yet to acquire that help. Marc Staunton will confer with Nathan Ratliff, Bill Ganong, and MBK staff and then he will send OWRD a letter formally requesting the help.

# Regular Meeting Minutes

---

## Discuss Status of 2020 program Administration

Nathan stated that all 2020 programs except the Domestic Well program have been finalized.

## Board Vote on Modification of previously approved/denied applications

Kyle presented applications presented table 1 for rescinding of Approval of claims paid in error requiring reimbursement to the KPDR. There are five claims, D0255, D0364, D0407, P0019, P0020. Staff recommend denial of 4 and amend approval to D0255 from 33.9 acres to 24.

Motion: to rescind approval and deny claims D0255, D0364, D0407, P0019, P0020, amend approval of D0255 to 24 acres.

Motion by: Paul Crawford                      Second: Jerry Enman

Motion Carried

Kyle discussed table 2 which was presented to board, to consider action on claims for applicants for partial season program who requested change to the full season program. There are three applications, D0147, D0341, and D0460 for a total of 265.3 acres. Paul Crawford stated that given the way the season started, and in good faith they applied and perhaps it was a simple mistake of which program to apply. He recommended approval.

Motion: To Allow Amendment of Applications D0147, D0341 and D0460 to Full Season and authorize payment at full season rate

Motion by Jerry Enman                      Second: Rob Unruh

Motion Carried

Kyle continued with table 3 and asked for the consideration of action on denied claims contested by applicant. Claim- D0157 for 19.8 acres was unable to validate, Rajnus over order, D0371 for 19.3 acres- unable to validate, water was ordered, D0432 for 49.2 acres unable to validate, water was ordered, D0454 for 28.2 unable to validate, water was ordered. The final claim, D0018 for 40.12, the original application was for 83.8 acres, then on 7/31 they were notified that on March 1 through April 4 a partial part was irrigated. MBK reduced the claim to 40.12 eligible acres. On 1/8/2021 applicant requested that portion of land that was irrigated (36.6) be reimbursed consistent with the limited irrigation program.

Gene Souza informed the board that Applicant D0157, Denise Drazil, property is connected to Rajnus property who over watered, Denise order water, and stated that water was at her turnout. She spoke during the meeting and stated that with Gene's clear information she will formally withdraw her request to contest.

Applicant D0371, Pat Goodell, stated that he contested the denial as he feels that the error was on KID. Gene confirms that KID had made an error and he would recommend to the board to rescind the denial.

Motion: To rescind denial of D0371 and approve the application for full season payment as presented

Motion by Mike McKoen                      Second: Luther Horsley

Motion Carried

Gene stated that similar to the Drazil property, claim D0432 claims water was at turnout and goes to multiple lands. There was over watering happening at the location. He continued that his ditch rider does not believe that the land was watered, but it did not make more water available for others, as the program states. The applicant stated that she did not water the 49.2 acres, and she did not know that she went over her total water allocation on other acres. She turned off her water as soon as she received a letter stating that she over watered. Paul Crawford stated that KID water policy of over irrigated is beyond the scope of the board and their policy. Mike McKoen agrees the KID's policy is a bad policy.

Motion: To rescind denial of D0432 and approve the application for full season payment as presented

Motion by Mike McKoen                      Second: Rob Unruh

Motion Carried

## Regular Meeting Minutes

---

Gene stated that they could not make a verification on claim D0454. The applicant provided power bills that indicated that they did not turn on their pumps to take water from the river. Applicant states he can only get water from pumps. The board asks Kyle to pull up satellite imagery which is updated every other week and report back next board meeting.

Motion: To authorize MBK to obtain satellite imagery regarding the application of water to ground in application D0454 for further consideration by Board.

Motion by: Jerry Enman Second: Mike McKoen

Motion Carried.

Motion: To allow amendment of application D0018 to include application of 36.6 acres previously withdrawn from full-season Drought Response Program, and approve payment of application under limited irrigation program

Kyle presented table 4 titled, Rescind denial of claim denied in error. Application D0158 for 65 Acres in KID. Gene stated that KID confirmed a transfer for water that was submitted for that ground did not occur in the end. Mr. Adkins stated that he did not withdraw the 36.6 acres but that they were entered under partial season program. Therefore, he understood they would be paid under that program. He went on to say that he did not know his tenant had watered. Paul Crawford stated that he felt he followed the rules, he informed the KPDR. Crawford said this situation is just like the 2018 Hartman claim, and he feels it should be approved. Mike McKoen disagreed and said it is a very different situation. Marc Staunton asked staff if they have been verified as a limited season approval. Pat Nue confirmed with KID that it was administratively removed and would have met the criteria for limited season. Applicant stated that as soon as it was brought to his attention, he moved it to the limited program. Rob Unruh stated that the program is here to help farmers and it sounds like there was poor communication. Mike agrees, but is fearful to set a precedent of changing programs.

Motion: To allow amendment of application D0018 to include application of 36.6 acres previously withdrawn from full-season Drought Response Program, and approve payment of application under limited irrigation program.

Motion by: Mike McKoen Second: Rob Unruh

Motion Carried.

Motion: To rescind denial of Application D0158 and approve application.

Motion by: Mike McKoen Second: Luther Horsley

Motion Carried.

Board broke for a break and returned at 12:15 pm. Meeting attendee's remaining are, Gene Souza, Bill Ganong, Pat Nue, Kyle Knutson, Will Bowen, Luther Horsley, Jerry Enman, Marc Staunton, Mike McKoen, Rob Unruh, Nathan Ratiiff, and Chelsea Shearer. Meeting returned to Agenda #6.

### Approve Additional Action for Payment on Domestic Well Program

Staff recommended to approve six wells on presented in spreadsheet.

Motion: To approve payment of Domestic Well Program Applications DWP.01.1; DWP01.2, DWP02, DWP03, DWP04, DWP07 and DWP09, as set forth in spreadsheet presented.

Motion by: Mike McKoen Second: Luther Horsley

Motion Carried.

At 12:26 pm President Marc Staunton called the meeting into Executive Session pursuant to ORS 192.660(2)(h). MBK staff asked to stay for the session. Discussion of legal actions. The board exited session at 12:33 pm.

## Regular Meeting Minutes

---

Motion: To authorize legal counsel to file suit for interpleader regarding disputed claims between applicants Jeff Wood, D0013, and Rich Timm, D0456

Motion by: Jerry Enman                      Second: Rob Unruh

Motion Carried.

The board will start the application process to meet the February 17<sup>th</sup> deadline for 2021 programs

Being no further business, the meeting was adjourned the meeting at 12:46 pm.

Motion: To adjourn the meeting.

Motion by: Luther Horsley                      Second: Mike McKoen

Motion Carried.

Minutes prepared by Chelsea Shearer

Approved: Marc Staunton , President

Approved: Rob Unruh , Secretary