

# Regular Meeting Minutes

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**Klamath Project Drought Response Agency  
Regular Board Meeting  
October 13, 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, October 13, 2021, at 10:06 am at KWUA boardroom at 2312 South Sixth Street and via the online conference platform called Zoom.

## **ROLL CALL**

Directors Present: Marc Staunton, Luther Horsley, Jerry Enman, and Mike McKoen

Guests: Chelsea Shearer, Kyle Knutson, Gene Souza, Nathan Ratliff, Bill Ganong, Laurie Askew, Tim and Darla Parks, Ted Lindow, Jon Hall, Marcy Anderson, Hannah Whitley, and Pat Nue.

Media Presence: Jessica Fu

Motion: Amend Agenda to Consider Disposition of KWAPA Records held by KDD

Motion by: Luther Horsley                      Second: Mike McKoen

Roll Call Vote: Unanimous

Motion Carried.

## Public Comment

Tim Parks addressed the Board regarding late applications. He stated that he missed the 1<sup>st</sup> window and respectively asked the agency to extend the 1<sup>st</sup> program as it has been an extremely rough year on everyone, and those that missed could surely use the help.

Jon Hall also addressed the Board and requested his late application be accepted. He filed late to the 1<sup>st</sup> program, he stated he did not know the program was going, no one contacted him, he did not receive a letter, was not notified by districts, he does not read the "herald and no news", nor listen to local radio. He stated that there is no consistency of when programs start and when deadlines run. He stated that the last two years, there had been extensions, and he does not understand why this year can't be the same. He then stated that DRA allocated 10K to publicity; he wants to know who they used it and why they do not spend it on mailers as they have access to everyone's addresses.

Ted Lindow also stated he too filed late, mentioned the past practice of allowing extensions, and pointed out his opinion of inconsistencies in notifying the public. He quoted information laws and stated that the DRA has a clear issue with the dissemination of information. "this is a critical time, and people are suffering, and you're going to have a hard stop date this year." He stated that it does not seem fair when the program is not producing water. He too echoed that effective notice must be given, and he also stated they must start mailing out announcements.

Marcy Anderson shared her displeasure in how the Board is ethically ok with allowing applicants in the 1<sup>st</sup> program when they are entered in the Preventative Plant program. She feels that the DRA is not helpful to livestock producers who can't afford to raise a small herd right now. She stated she feels it is "big producers vs. livestock producers, and it is dividing the community." She ended her comments by stating that "anyone who has crop insurance should not be allowed to apply for the 1<sup>st</sup> program."

Nathan Ratliff read a letter from Barron Knoll and Colton Sargent, who were unable to attend the meeting. They have requested this letter to be in the minutes. The note reads as follows: *To the Board of Directors of KPDRA  
In the past the "dryland" program was intended to compensate those who were willing to not irrigate to allow the limited Project water supply to be applied to fewer acres and extend the season for those irrigating. The dryland program combined with the*

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groundwater pumping program ensured that the rest of the Project land had an adequate supply of Project water. In the past, the deadline for signing up for the dryland program was very important for the managers of the water allocation to be able to calculate when the A Land demand was satisfied and whether there was allocation available for B Land. An early deadline for the dryland program was understandable.

The irrigation season of 2021 is an entirely different story. We will not go into the list of events and uncertainties that made 2021 such a difficult year because you know more about that than we do. If the purpose of the dryland program was not to enable the rest of the Project to use our allocation of Project water, then why is the July 30 deadline so critical? At that time there still remained considerable confusion in all aspects of farming here on the Project. Considering all that we were trying to accomplish at that time (waiting on Reclamation to determine the amount of allocation and when deliveries would begin, waiting on drought permits, wondering if OWRD would recognize the court rulings in the case by KID, figuring out how to get water to critical fields, plus the usual business of farming), there was not time to cover all the bases.

Our point is that the loss to our operation for the land that was not irrigated is the same as those who did get an application submitted by the deadline. If the purpose of the program was not to allow the Project allocation to cover fewer acres as in the past, then the purpose must be to compensate for the denial of Project water. If the purpose is to compensate for the denial of Project water, then why is the July 30 deadline so critical?

Our request is that the dryland program deadline be extended to allow land that has not been irrigated during the 2021 irrigation season to enter the program.

Hannah Whitley also spoke in public comment. She is a student at Penn State, and a Doctoral Candidate and looking for information as a rural sociologist in time of water shortage. She is looking for more information and a chance to discuss with members informally.

### Financials

Nathan stated that there are no updates on the banking; the local branch lobby is closed due to no personnel. They have not received the September bank statement as of yet.

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

Motion by: Mike McKoen                      Second: Jerry Enman

Roll Call Vote: Unanimous

Motion Carried.

Nathan stated that the Board needs to authorize the audit for 2021 fiscal year. A copy of the engagement letter has been presented for \$12,500 for the required level of funding received.

Motion to: Authorize MSP Audit Proposal and for Chair to execute Letter of Engagement

Motion by: Luther Horsley                      Second: Paul Crawford

Roll Call Vote: Unanimous

Motion Carried.

### Review Status of Bureau of Reclamation Grant Programs

Kyle stated that the No-Irrigation dryland program has closed with 39,000 acres enrolled. Currently, they are waiting till the closed of the season, November 1, to verify that all the acres stayed in the program. Kyle has confirmed with most districts that they will be able to conduct the verification needed at that time.

The Board discussed late claims in-depth and what to do with the extra \$5 million. Luther stated that the DRA is tasked to serve the public; he continued that the DRA is to move money to the community. He asked the Board, "how arduous is that?" Paul Crawford is also in favor of opening the No-Irrigation dryland program up. He would also state that if the Board does a domestic well mitigation program that lets the state of Oregon off the hook to send money to Klamath as KWUA has requested. He wants to help families who are suffering but feels the additional \$5 million dollars should go to producers, not domestic well users.

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Marc Staunton agrees with Luther and stated that he feels the state funds are out of our control, and we don't have proper advocacy and the DRA needs to step up and help the community; if they don't, they will be frowned upon.

Mike McKoen states that he feels for the domestic well users. However, he feels that it is not the DRA's problem; it is a federal problem; they created this "pile," and they need to deal with it. Paul Crawford asks for a "straw poll" for what to do with the \$5 million. Paul stated that he would vote to put in the dry Program, Luther stated he's just an advocate, and he wants it put in the community somehow. Mike shared his displeasure with the Bureau of Reclamation, stating that there is 40TAF in the lake that could recharge the canal and shallow aquifers, but he feels they are sitting on it and doing nothing, so they can later say they are going to have to spill it soon and it will go down the river.

Luther again stated that the money needs to be in the community ASAP; he suggests moving the deadlines and getting money out there; he wants the money to go into all programs.

Paul motioned to put the money in the dry land program

Motion to: Motion to allocate an additional \$5million in 2021 BOR relief funds into No Irrigation Program

Motion by: Paul Crawford                      Second: Jerry Enman

Roll Call Vote:

Discussion: Luther clarified that means zero funds for a domestic well mitigation program. Marc Staunton stated that is how he understands the motion. Luther stated he could not support this as it would make him a liar saying the DRA is will help.

Luther calls to question:

Luther: No

Mike: Aye

Paul: Aye

Marc: No

Jerry: Aye

Motion Fails due to lack of needed votes

Paul Crawford circled back to late applications. He clarified that there was no action taken due to lack of want, he suggested that the DRA opens another round of applications, especially since nothing can be done until November 1. He questioned the Board about what would another two-week extension push the DRA out. Jerry stated that he could not support extending the deadline, Mike agreed and therefore, the motion, if made, would look like the last one. The result of this conversation is no action to be taken.

### Discuss CARES Act Assistance Program

Kyle stated that there are currently about 300 applications totaling about 120,000 acres. A small chunk of that is outside of the program, which is 15,000 acres for an estimated total of 105,000 acres. Although there are still two more days till the program closes, he is prepared that the end total will be about 140,000 acres. Kyle believes that with the excluded noncompliant districts, the total could be about 160,000 acres. Pat Nue added that this is the largest program yet.

### Discussion Regarding Future BOR Programs/Cooperative Agreement

Nathan stated that there had been discussions of long-term agreements and what that would look like. The DRA counsel and others are looking into that process and have a draft outline; however, there have been no real meetings with BOR. Anyone is able to participate in the discussion.

Mike Neuman stated that Reclamation received an inquiry for a lessor of Area K and called into question why they can not apply to the program. Mike went on to state that his understanding is that Reclamations view is that the federal lease lands of Area K are in compliance with the 2021 Operations plan even though they are in KDD, which is excluded from the programs. This statement agitated the board members and Gene Souza stated that the August 10 letter from Jared Botcher states that NO lands in the district qualify. Mike Neuman stated that he would look into the clarification of compliance.

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Luther asks about the necessity for KDD to keep the KWAPA records. Bill Ganong stated that they are legal public records and he recommends KDD speak to their attorney and find out what their liability is. He reiterated that they should not destroy them.

In accordance with ORD 192.660(2)(h) Marc Staunton calls the meeting into executive session to discuss pending litigation at 12:36 pm. The Board exited the executive session at 12:51 pm.

Being no further business, the meeting was adjourned the meeting at 12:52 pm.

Motion: To adjourn the meeting.

Motion by: Paul Crawford                      Second: Mike McKoen

Motion Carried.

Next meeting will be November 10, 2021 at 10:00 am.

Minutes prepared by Chelsea Shearer



Approved: Marc Staunton \_\_\_\_\_, President

Approved: Rob Unruh \_\_\_\_\_, Secretary