

The regular meeting of Lower Payette Ditch Company was held May 3, 1994 at the office, 102 N Main, at 8:00 p.m.

Directors Present: Cecil Shurtleff, Allen Solterbeck, Ed Parsons, Jr. Robert Mink, and John Martin, Ditch Manager.

Directors Absent: Phil Ulmer.

Others Present: Brad Aubray, Rocky Mountain Liner Company

The President called the meeting to order.

The minutes of the April meeting were approved as mailed.

The financial statement was rpresented and approved upon motion by Allen, seconded by Ed and carried.

John informed the Board the diversion dam was in, and noted that a portion of the ditch road had been graded.

Cecil noted the adjuster for Jay Jackson's insurance company had taken pictures of the break before the liner was installed, and Lower Payette will need to submit a claim to Jackson. Cecil also has a meeting awith Terry Fritz, May 4th to determine if Fritz is satisfied with his settlement.

Payment of the bills was approved upon motion by Bob, seconded by Allen and carried, with the exception of the bill from Interstate Pest Control.

The President brought before the Board the forming of a corporation called the Payette River Water Users Corporation. The irrigators are dissatisfied with the Dept. of Water Resources accounting program for 1993 and it also appears the BOR may have used irrigators water for the fish augmentation and charged irrigators 210,000 a.f. of storage. This corporation has been formed to provide financial assistance in the event of a lawsuit brought by the irrigators against the BOR and Dept. of Water Resources. Several companies have joined and agreed to contribute 50 cents an acre. An attorney, Scott Campbell, and a hydrologist, Terry Scanlan, have been retained. Following some discussion, Allen moved, seconded by Bob that Lower Payette become a member of the corporation and contribute 50 cents an acre, and motion carried.

Cecil also noted that irrigators face another threat with the Nez Perce Indian filing on the natural flow of 165,000 cfs at Lewiston. This will include all the water in the Snake River.

At this time Brad Aubray arrived.

The President reminded Aubray of his agreement to install the liner for a total of \$3,500.00, but when the statement from Aubray was received, it was for \$6,500.00. Aubray stated he dhad more time and work in the project than he had anticipated, but also stated he

was willing to discuss it. As Lower Payette had furnished equipment and man power, Cecil stated he did not feel \$6,500.00 was justified, and also stated he did not feel Aubray had performed satisfactorily. Aubray asked if Lower Payette would consider paying \$4,500.00 to \$5,000.00. The President also asked Aubray to sign a Lien Release Waiver. Aubray agreed to sign the waiver if he could be paid the \$3,500.00. The Board agreed and Aubray signed the waiver and was given a check in the amount of \$3,500.00.

Upon being asked if he paid for the liner, Aubray said he would mail the money and ask the company to send a receipt of payment to Lower Payette.

The Board thanked Aubray for coming.

It was noted that Herb Mitchell, Dam Supervisor, Lake Reservoir would go to Upper Payette Lake to determine how much snow is left.

Flooding of a portion of Jerry Inouye's field was brought up for discussion. John had pulled a board and had informed Inouye. Cecil raised the point that it was not the policy of the ditch company to inform patrons when the ditch was adjusted, as it leaved the company in the position of being liable for any damage. However, he also noted if the ditch rider wanted to assume the responsibility of notifying patrons, that was acceptable, so long as the company was not involved.

Ed informed the board that Frank Linford was checking up the ditch on the Anderson Wasteway. This could cause serious damage should extra water be released. It was suggested that Bert Osborn be contacted and asked to notify Linford in writing that he cannot check up the ditch and that the drain must be left open at all times.

Helen will contact Osborn. Osborn will also be asked to notify Robert Bumgarner that he is delinquent on his promissory note.

In response to Sam Summerfield's complaint regarding the leaking on the driveway at the ASCS offices, John reported he had plugged the pipe and also was having Wien's dig up the pipeline.

Paul Erickson, Myers Engineering Company had contacted the office asking if Lower Payette wanted Myers to inquire into obtaining grants for the intended diversion. Cecil stated easements from the property owners would have to be obtained first. Perhaps Myers could prepare a feasibility study which would be helpful. Helen will inform Paul of this decision.

Ed submitted his resignation as Director on the Lower Payette Ditch board, as well as the Lake Reservoir Company board, due to health reasons. He suggested Mike Bankhead as a replacement to finish his

term. Contact will be made with Bankhead.

There being no further business, the meeting was adjourned.

Cecil Shurtleff, President

Helen Bivins, Secretary