



**Casper Alcova Irrigation District
Monthly Board Meeting Minutes - February 14, 2023**

February 14, at 12:04 pm the board of commissioners meeting was called to order by Ron Richner, President. All Board Members were present including Ron Richner, Ric Herman, Len Camp, Dan Robinette, Brad Olson and Melanie Peterson. Also in attendance was Drew James and Tony Jensen. Several members were also in attendance. Please see sign in sheet.

Public comments: Notes for public comments are in short hand form, so please forgive any grammatical errors.

Ben Toucher – Questions: Per acre fee increase. Have we budgeted and projected

Drew – We are prioritizing projects and plan on some of those fees to go to maintenance and cleaning when the weather clears up.

Ben – Question: Pump storage project – History been in work since 2019 and projections for regulatory approval in 2025. Do they want 10,000 acre ft?? how much is that in acres?

Drew – 15,000 acre/ft approx. 7500 acres

Ben – the company identified CAID as stakeholders. Wants to know when CAID initiated negotiations. What is the objective of the negotiations? Who is doing the negotiations? Ben is supportive of finding revenue source but wants to know details and whether CAID could get the bad side of a deal. Would caid end up paying for their venture. What is our negotiating strategy? When we get this revenue how will it be shared? Are they shared at discretion of board or with members?

Ric – We are very concerned with the negotiations and attorneys are assisting and have been since late 2021

Drew – With the help of the state engineer we were able to bring CAID to the table.

Tony interjected a question of why is the members separate than CAID?

Tony expressed views/recognition that the board is attempting to do the best for the community as a whole. The elections are meant to give representatives that talk to the community and execute decisions that will help the community.

Ben – Makes the concerned comment that the negotiations have been occurring since 2021 and that it could possibly not benefit community

Drew – The attorneys are assisting with negotiations Drew says that we will always maintain primacy. This meshes with City of Casper and BOR where we have been told we can sell the water previously gone to City of Casper.

Ben – Who approached who?

Ron - Rplus approached CAID in 2015

Drew – 2018 BOR tried to take complete control of the water. Drew forced the hand of BOR from being able to take our water rights through the attorneys and the State engineer.



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BOR has a first water right. Secondary water right establishes CAID's water right to irrigate. Our water right is a complete storage right. They don't want to pass all costs to irrigators, but have another water source that can assist with costs.

Rplus has been good to deal with

Drew – one of the increases. It could potentially be a 50 year contract that will have an increase for inflation. The big money comes with the initial fill of the water of 15,000. After that there will be approx. 400 acre/ft annually.

Ben discusses wind turbines will be significant landfill issues

Drew – One thing we are fighting currently is that Rplus can go to anyone to get their water rights and cut us out. Drew is attempting to get them their water without causing any losses for the users. Drew said we can walk away from the table if we can't get what we would like to negotiate.

John Winke – John has rules and regulations concerns. Wants to assist and address potential disconnects. 2.02. Confiscating pumps needs have a lien prior to confiscate. And have a board meeting to discuss what the penalty should be. It can be a civil penalty and theft. It can be a fine or loss of use, but due process has to be maintained. You should seize it with a lien on it. – the pump is then the evidence. There must also be a way for the member can get back their pump. 2.04 – Our saying that we are sending treated water puts a liability on CAID because now the water is potentially identified as contaminated and could cause livestock loss, so on and so forth. 2.06 if you already have chemicals in it, how are you going to prove the member puts in excess chemicals 2.07 3rd party complaints can be a liability – water waste is an equal issue for water users and : 3.01 Access and easements – not necessary to go past our current access rights. It sounds like we can go across all acreage rather than only our easement. 3.04 – without notice. Concern that without notice infringes on person's property rights. Basically need to have a process for noticing people for activities. CAID does have the civil right to get across properties and cut chains. 4.01 – you have to address fences and gate with group because there is a statute that states that you can't just down fences and gates and leave livestock to run. John emphasizes cooperation with owners/CAID. Bridges don't happen overnight, and negotiations need to be performed to get them out when they illegally are put in. 4.06 – Landowners will have to be contacted for modifications. John has seen that often times the managers are heavily weighted with the complaints and the resolution of the complaints.

Dan – Would like to see these rewritten

Drew – I propose that we pool the public comment, revise and send the modifications out for another review.

Ric – we may need subcommittees because the workload could be too much for all board members

Kenny Waters – Disconnect between board and users is inherent in the way the board is set up. As a group he would like to see the board members speak to their constituents. Ken believed that the changes were because there was not transparency that the changes were coming. He suggests to get a



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committee (the members) to go through the new modifications and work back and forth with CAID to fix them. He volunteered, John Winke, Ben Toucher, and Connie Williams. He is volunteering to call people

RPlus Wants to know how much water it will consume. The BOR says we have an excess water amount Ken is wondering how much impact there will be in later years because consumption of the public typically goes up and not down.

Drew says we currently have 28 acre/ft in evap loss in the winter and in the summer it is 200 acre/ft

Ken – Will this reflag the water right monitor group in the state of Nebraska.

Drew – Simino allows water rights for Hydro – the State had set it up. The CAID has only storage right

Dan – We got twice as much storage currently because only a portion of the irrigation project for acreage was executed

Ken – if water rights are relinquished back to the state then 20% will be given to NB.

Ron – we have 24,249 acres of water rights

Drew – we have a JR water right. The past season we were close to 500 acre/ft call.

Ken – Brought to the attention that a water user plans to lease his water rights to another person on a different property.

Drew – Water rights are not transferrable by lease.

Ken stated that the person said the office told them they could

Drew – If it has been done in the past, that is not what the rules currently allow for.

Ken – Would like the board to identify to members if they are within the window of losing their water rights. There is a 5 year limit of if they don't use it, it can be lost.

Board of control – has to approve water right transfer. We have 2000 acres that are now roads and houses that could potentially be used for elsewhere.

Ken- The annual meeting the proxy – he would like some forethought in how the following elections done. He was concerned that there was back door negotiations that were transpiring at meetings.

Drew – I think that the 417-317 statute needs to be modified because it is way to vague

Ken – Liked the comment about the workorder system work request sheets will help with disputes

Melanie/Connie – Maintenance and Operations section was taken out of the Rules and Regs – please put it back in

Price – Section 36 is a school section. Is there any water allocated to that section?

Drew – No



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Price – There is a large issue with tailwater. The tailwater is seeping by the ditch on Zero Rd and Ten mile. – The ditch is right by Price’s property and his field is getting seepage from it.

Randy Welsh – Are there any fish/wildlife concerns? With Rplus –

Drew – They are required to perform a wildlife study – Irrigation will have precedence. Their water rights will be the overflow

Randy Welsh concerned that fish and wildlife can override our rights because there are cases in MT that the issue has ensued. Brad commented that we should have gotten a little more detail on the front side about why CAID was involved.

He is all for it only if the RPlus deal does not effect our water rights. If there is a chance that we could lose them or a portion then he is not for it.

Brad Olson and Dan Robinette both take the Oath of Office

Previous Minutes of the Board Meeting

Board read minutes. Ric makes a motion to approve. Brad Seconds. All in favor to approve the minutes.

Treasury report:

Melanie Identified account balances.

The group took time to evaluate the current income statement ending January 31, 2023.

Ric motioned to accept the treasury report. Dan seconded the motion. All were in favor.

District Manager’s Report:

Drew: Snow report 126% snow

823301 acre/ft are with a daily loss of 28 acre/ft

Drew talked with Chase Development – we did not qualify for the ARPA funds. We are able to get into the WaterSmart plan the fund can be up to \$6M. We have to have our application in by March 28th. Chase does not think that we will be able to get all of the data collected for the application in time. There are multiple studies including an ecological and selenium studies. The point is to show selenium reduction. Submittal date was previously supposed to be during the summer, but the government moved up the date. We have to get the level 1 study before any construction project. Tony and Drew will be trying to get the data compiled to get the application in on time.

102 line 256-68 overflow – Bert is getting back to CAID for a start date of the project. Drew has requested quotes for pipeline and still has not received any back yet. Brad identified that the current shortage is creating large problems getting back quotes.



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NACD grant potentially submitted in March to bring in an in house engineer. There is a potential that landowners could use the engineer at a fee. There are category 2 projects (106) that he could work on as well as level 1 study

Maintenance request form should be up within the next several weeks.

The Board of Control State Engineer had a 400 acre discrepancy on their quarterly audit that was deleted off a previous audit. Drew is having them research.

Tony: The weed burner has been fixed and is now running. It will be ready for season. Fire truck was also fixed. Boardroom is currently being remodeled. There is one additional ditch rider that has been hired, for a total of 3. Quotes for Automation is \$10,000 per site and we need 6 total.

Drew: Meters are being ordered. There will be a Watersmart efficiency grant to hopefully cover costs for new construction. The plan is to phase out radial gates for slide gates.

District Reports:

District 1: Concrete ditch that failed and patched last year needs a permanent fix.

District 2: Herman did not receive his packet.

District 3: No comments for this month.

District 4: Dan has had many phone calls to discuss the new bylaws.

District 5: Nothing new. There are several meters on Welsh's property that are in need of maintenance. Tony and Randy will work together to get that going.

Old Business:

Ric would like to get out elections quicker and more efficiently so that it goes quicker.

Emergency Service Account: Ric makes a motion; Lyn seconds the motion to discuss how much can go into the emergency service account (account used only for emergencies). All are in favor. The fund is useful because it will enhance probability for CAID to get States emergency funds. Rick Motions for \$20,000. Brad seconds. All are in favor. The emergency fund is only to be utilized in the event of an emergency with the boards discretion.

New Business:

Motion to appoint Melanie as the Secretary/Treasurer. Ric Motioned and Lyn Seconded. All in favor.

Voting Officers: Brad nominated Ric Herman to be vice president. Lyn 2nds. All in favor.

Dan nominates Ron Richner for President, Ric Herman seconds. All in favor. Motion carries.

Motion from Ric for 20 minute executive session. Brad seconds. All in favor.



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Adjourn at 3:15 pm

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ron Richner", written over a horizontal line.

Ron Richner, President

A handwritten signature in black ink, appearing to read "Melanie Peterson", written over a horizontal line.

Melanie Peterson, Treasurer/Secretary