

**SUNNYSIDE VALLEY IRRIGATION DISTRICT  
MEETING OF THE BOARD OF DIRECTORS**

The regular meeting of the Sunnyside Valley Irrigation District (SVID) was held in-person and via conference call and was called to order by Chairman Simpson on February 4, 2025, at 1:41 PM. Present in addition to Chairman Simpson was Director Dave Michels, Kevin Golob, and Paul Groeneweg; David Felman, SVID Manager/Secretary/Treasurer, Ron Cowin, Assistant Manager-Engineering, Dave Bos, Assistant Manager-Operations, Nikki Musson, SVID Deputy Treasurer/Office Manager; and Norman Semanko, Legal Counsel for the Sunnyside Valley Irrigation District.

The minutes of the January 7, 2025, Board Meeting were reviewed. Upon a motion by Director Golob, that was seconded and unanimously carried, the minutes were approved as written.

The Board considered the Consent Agenda as shown below:

	<b>Parcel</b>	<b>Facility or Description</b>
<b><u>Easements</u></b>		
Rogelio V. Magana and Maria L. Magana	1-3194-201-0782-003	49.90
Gerardo Bernal and Vanessa Magana	1-3194-201-0782-004	49.90

Upon a motion by Director Golob that was seconded and unanimously carried, the Consent Agenda was approved.

Ms. Musson presented the vouchers. The Status of Funds listed investments and other funds totaling \$12,357,998. Vouchers numbered 85895-86042 in the total amount of \$270,844.74 were submitted for approval. Ms. Musson presented a graph showing current funds compared to historical levels. Upon a motion by Director Michels, which was seconded and unanimously carried, the Board approved and authorized payment of the vouchers as listed above.

Ms. Musson updated the Board on the foreclosure process. No foreclosure sale was held, as all assessments were collected prior to the auction date of January 17, 2025.

Mr. Cowin updated the Board on the SCADA project. Upgrades to the upper end check structure controls are ongoing as well as work on the 23.70 reservoir.

Mr. Bos updated the Board on field operations. Crews are performing winter maintenance such as piping, beat repair, equipment maintenance, and building components for the various projects. All ELIPS pipe is installed, crews are working on flowmeters and cleanup.

The Oath of Office was presented to Director Golob, who was not in attendance at the January Board Meeting.

Resolution 2025-02-01, an amendment to Section 19 of the By-Laws, was brought before the board. The resolution would clarify the definition of Share of System Capacity (SSC) and

remove percentages of SSC from the bylaws. Upon a motion by Director Michels which was seconded, and unanimously carried, Resolution 2025-02-01 was approved. Said resolution is attached and by this reference incorporated into these minutes.

Mr. Felman informed the Board that the health and safety position was filled by Todd Means, who will take over that position on February 17, 2025. L & I has approved of the hiring and the requirement of the mediation agreement has been met. Quarter four of 2024 job site and inspection reports have been provided to L & I. The first quarter 2025 reports are due April 15, 2025.

Mr. Felman updated the Board on the 2025 legislative session. The 105-day session began on Monday January 13, 2025 and will end on Sunday April 27, 2025. Bills must be out of committee before February 21, 2025 or they will not advance to the floor.

- HB 1208 – Streamline environmental permitting process for salmon recovery projects. Bill does not cause the District any concern. Will continue to monitor.
- HB 1409 – Clean fuels program. This bill would increase reduction requirements for transportation fuels under the clean fuels program. Will continue to monitor.
- HB 1256 – Build America, Buy America Act amendment. Would amend the Build America, Buy America Act of November 2018. Will continue to monitor.
- HB 1710 & 1750 – Voting rights act enhancement bills. Bills would aim to protect marginalized voters in Washington State. Will continue to monitor.
- HB 1402 – Job Posting requirements bill. Bill would prohibit an employer from including a statement in a job posting that an applicant must have a drivers license. This bill would be harmful to the District.
- HB 1630 – Livestock methane emissions bill. This bill would target dairy farms and feed lots, requiring additional reporting to the department of ecology. Will continue to monitor.
- SB 5384 – Riparian program review. This bill would direct the Joint legislative audit and review committee to conduct a review of the Washington riparian program. The District is in support of this bill.
- SB 5627 – Safe excavation around underground utilities. This bill would amend the underground utility damage prevention act. Will continue to monitor.
- SB 5464 – Commercial drivers license education. Would require the Department of Licensing to update rules clarifying how federal motor carrier safety administration standards impact an applicant's ability to receive or renew a Commercial drivers license. Will continue to monitor.
- SB 5501 – Discriminatory hiring bill. This bill would prohibit employers from requiring a drivers license as a condition of employment. This would be detrimental to the District. Will continue to monitor.

Mr. Felman presented the option of a spring landowner newsletter for 2025. The newsletter would showcase 2024 winter projects, provide water forecast information, as well as provide an opportunity for landowner education. Upon a motion by Director Michels which was seconded, and unanimously carried, the Board authorized a Spring newsletter for 2025.

February 4, 2025

Regular

At 2:15 PM Chairman Simpson announced the Board would convene into Executive Session pursuant to RCW 42.30.110(1) (i) to last until 2:45 PM. The purpose of the executive session was to discuss litigation or potential litigation involving or likely to involve the District as a party. At 2:45 PM, Chairman Simpson announced a 15 minute extension to be concluded at 3:00 PM.

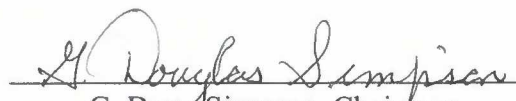
At 3:00 PM the Board reconvened into open session.

The Board discussed a potential to transfer/lease fallowed lands to Roza Irrigation District (RID) for the 2025 water season. The Board discussed giving staff the authority to proceed with developing program requirements, if RID asks SVID to participate in a program. A motion was made by Director Michels which was seconded and unanimously carried, authorizing the development of program requirements.

There being no further business, the meeting was adjourned at 3:05 PM.

  
David Felman, Secretary

Attest:

  
G. Doug Simpson, Chairman

2025-02-01

AMENDING THE BYLAWS, RULES AND REGULATIONS

WATER DELIVERY

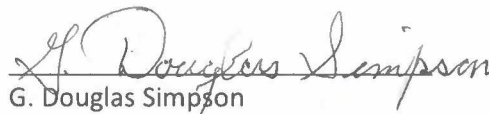
**WHEREAS**, The Board of Directors (Board) of the Sunnyside Valley Irrigation District (SVID) finds it necessary to set, establish, or modify policy from time to time, and

**WHEREAS**, the Board routinely review the Bylaws, Rules and Regulations to assure compliance with state statutes and amends its Bylaws, Rules, and Regulations as necessary.

**THEREFORE, IT IS RESOLVED:**

Section 19. of the Bylaws, Rules, and Regulations is hereby amended as set forth on Attachment "A."

Adopted this 4<sup>th</sup> day of February, 2025.

  
G. Douglas Simpson

Attest:

  
David Felman, Secretary



## EXHIBIT "A"

**SECTION 19: WATER DELIVERY (2024-07-01)**

## H. DEFINITIONS

1. Beneficial Water Rights – Water rights with no restrictions on allotment subject to supply, lateral capacity, and beneficial use.
2. Continuous Flow Allocation (CFA) — The instantaneous quantity that flowing continuously, would utilize the annual allotment (CFS). It is calculated by dividing the annual allotment by the number of days in the irrigation season (203) and by 1.9835.
3. Enclosed Conduit System - A piped irrigation water distribution and delivery system which operates under pressure and with fluctuations in demands which are regulated by the Sunnyside Canal system rather than an operational spillway. Typically these water users have the privilege of turning deliveries on and off at their convenience. This does not eliminate the need to order water in the same manner as other water users.
4. Limited Water Rights - Water rights which are restricted either by delivery or allotment. Within this group, some water rights permit the purchase of additional water after the base allotment has been used.
5. Share of System Capacity (SSC) — This is based on a water duty of 3.0 AF/Ac which on an instantaneous basis is 3.35 GPM / Ac. Recommended design rate for on farm irrigation systems is 6.70 GPM /Ac) but should be capable of functioning at or near ~~100% of SSC~~ 3.35 GPM / AC during periods of rationing

## I. ASSESSMENTS

1. Limited Water rights (Levy I) — O&M is limited to \$1.00 per acre. All other costs are equally distributed per acre. Excess water charges apply except on certain rights noted above.
2. Beneficial Water Rights (Levy II) — All SVID costs are equally distributed per acre. No excess water use charge is applied.
3. There is no charge or assessments for Konewock Ditch Company lands.
4. Piety Flat Ditch Company lands are charged \$0.50 per acre.

~~Levy X is a temporary levy rate for past incremental priced deliveries which were originally a beneficial water right. Incremental deliveries were deliveries providing water directly from the Sunnyside Canal, enclosed conduit systems, or other location where water is available on a modified demand basis.~~

5. Payment of all assessments is required before water will be delivered to any parcel. In the event of payment of assessments with a NSF check and /or water is inadvertently turned prior to payment and contact information is available, the landowner will be given 24 hours following notification before water is turned off.

#### J. BENEFICIAL WATER RIGHTS

1. Warren Act (WA) — Allotment may be 3.0 AF/Ac, 3.5 AF/Ac, or 4.5 AF/Ac.
2. District Special Warren Act (DSWA) – Allotment is 3.0 AF/Ac.
3. Public Notice (PN) – Allotment may be 3.0 AF/Ac, 3.5 AF/Ac, or 4.5 AF/Ac.
4. New Supplemental (NS) – Allotment may be 3.0 AF/Ac, 3.5 AF/Ac, or 4.5 AF/Ac.
5. Amended Supplemental (AS) – Allotment may be 3.0 AF/Ac, 3.5 AF/Ac, 4.0 AF/Ac, or 5.0 AF/Ac.
6. Amended Special Old Supplemental (ASOS) – Allotment may be 3.0 AF/Ac, 3.5 AF/Ac, 4.0 AF/Ac, or 5.0 AF/Ac.
7. Amended Special Supplemental (ASS) – Allotment may be 3.0 AF/Ac, 3.5 AF/Ac, 4.0 AF/Ac, or 5.0 AF/Ac.
8. District Supplemental (DS) – Allotment is 3.0 AF/Ac.
9. District Water Right (D) – Allotment is 3.0 AF/Ac.

#### K. ENCLOSED CONDUIT SYSTEMS (2019-11-01)

1. Individual turnout maximum flow rate shall not exceed ~~300% approximately~~ 10 GPM / Ac and must be designed to operate at a minimum flow rate of 3.35 GPM / Ac. Excessively high flows through flow meters are discouraged because:
  - a. Rapid shutoff can cause damage to the District delivery systems and,
  - b. High flows can affect neighboring delivery pressures and degrade the District's infrastructure.
2. The restriction will be set by total acres on delivery.

3. Rotation agreements will only be allowed on same lateral.
4. City Deliveries, consisting of one acre or smaller parcels, will be restricted to 200%6.70 GPM / AC. If the district determines the delivery is largely used for agricultural purposes the restriction may not apply and may be waived at management's discretion.
5. A landowner may have the limit raised up to 450%-(15 GPM/AC) on a delivery for a fee of \$30/AC, if it is determined it can be done without harm to district facilities. The fee applies to total parcel acreage on the delivery owned by the landowner. Fee is for the current water season only and will still apply if the lateral is at maximum capacity at peak season and landowner is unable to obtain more than 300%10 GPM / AC. Refunds will not be allowed if we cannot deliver more than 300%10 GPM / AC (situations such as capacity limits, water short year, etc.).
6. All landowners operating valves which may be used for cleaning screens, changing sets, testing lines, etc. shall close them slowly to avoid water hammer and resulting damage to SVID's facilities. The landowner shall not have access to facilities upstream of the "farmer flange."
7. An enclosed system is intended to be a modified demand system. Intent of the closed system is to give the landowner as much flexibility as possible without negatively impacting other district landowners. Water is to be ordered on and off at each delivery. The change can be made by a landowner at his or her convenience with proper communication between the landowner and ditch rider and if the proposed change does not negatively impact another landowner. Changes in flow shall be ordered also. Ordering water on and off, including changes, helps SVID control the overall system and assists the ditch rider to manage the water and water records of his beat.
8. The water volume shall be recorded in the District records using the meter volume indicator or instantaneous indicator to measure water use over time. The ditch rider will estimate the daily volume if a meter is not functioning properly.
9. Flow meter size shall be determined using the following table (based on assessed acres):

Greater than	Less than or equal to	Flow meter size
0 meter)	2	3/4" Gate Valve (no
2	6	2" flow meter
6	15	3" flow meter
15	30	4" flow meter
30	70	6" flow meter
70	125	8" flow meter
125	200	10" flow meter

#### L. EXCESS WATER FOR LIMITED WATER RIGHTS

1. The cost of excess water shall be established annually by the Board of Directors.
2. Water users shall be notified not more than 15 days nor less than 5 days before the allotment is used. Water will be shut off when full allotment has been delivered if excess water has not been purchased.
3. Excess must be purchased in sufficient quantities to pay for continuous flow until the next schedule ditch rider regulation.
4. At the end of the season, the water user will be refunded for all unused excess water purchased, provided however, no refunds will be issued for less than \$15.00.

#### M. LIMITED WATER RIGHTS

1. Piety Flat (PF) – Allotment is 4.15 AF/Ac Assessments are \$0.50 / Ac. Additional water after the allotment is used (4.15 AF/Ac) can be purchased at the excess water rate.
2. Konewock – Restricted by number of shares owned by landowner. No provision for additional capacity. Note: 1 share = 0.11 CFS.
3. Washington Irrigation (W.I.) — Restricted to 1 CFS / 160 Ac or 2.62 AF / Ac. No provision for additional capacity or allotment.
4. Supplemental (S) — Allotment is 3.0 AF / Ac, 4.0 AF / Ac, 5.0 AF / Ac. Additional water may be purchased at the excess water rate.
5. Special Supplemental (SS) — Allotment is 2.62 AF / Ac. Additional water may be purchased at the excess water rate.
6. Special Old Supplemental (SOS) — Allotment is 2.62 AF / Ac. Additional water may be purchased at the excess water rate.
7. Special Warren Act (SWA) — Allotment is limited to 3.0 AF / Ac. Additional water may be purchased at the excess water rate.

#### N. SPECIAL CONTRACTS



1. Special Contract billed at Levy I rate (SPC1) — Allotment is 3.0 AF / Ac. These are contracts with the cities and towns without a Billing Agreement.
2. Special Contract billed at Levy II rate (SPC2)—Allotment is 3.0 AF / Ac. These are the contracts with cities and towns with a Billing Agreement.
3. Water Right Reserved (WR/R) Water right that was issued at one time and has since been cancelled.
4. Water Rental (R)—Water service contract between the landowner and SVID. The contract is not attached to the land and is not perpetual. The annual charge is 105% of the Levy II.
5. SVID / USBR Property (IDBR)

O. IRRIGATION SERVICE

9. Water orders must be placed on the “Automated System”.
10. Water deliveries/changes will be made Monday through Friday during SVID work hours except for holidays that are observed on the week day.
11. The maximum amount of water to be delivered to any land will be limited by the available supply, carrying capacity of the system, and beneficial use. Water users on laterals of limited capacity will be prorated equally subject to water rights.
12. If a landowner requests a non-emergency water delivery change during a time other than established work schedule, SVID may at its sole discretion make the change and charge the landowner as set forth in SVID’s fee schedule elsewhere in these Bylaws, Rules, and Regulations.
13. The amount of water turned into any lateral or branch canal will be determined by management, based on capacity and available supply.
14. Land with Piety Flat (PF) rights will be delivered water according to CFA unless otherwise requested.
15. Land with Konewock (K) rights will be delivered water upon request based on Konewock Ditch Co. shares owned. There is no provision to purchase excess water.
16. Land with W.I. rights will be delivered upon request not to exceed the CFA based on allotment 2.62 AF / Ac. There is no provision to purchase excess water.
17. Delivery with Multiple Water Rights of One or More Owners:

- a. K, WI, (Includes \$0.50 WI rights mixed with beneficial rights — The instantaneous flow shall be the sum of the flow for the K, and WI plus 150% times the flow based on the beneficial right seasonal allotment.
  - b. K, or WI, rights mixed with other limited water rights (PF, S, SS, SOS, or SWA) —Instantaneous delivery is subject to supply and lateral capacity. That annual allotment for delivery shall be the sum of the allotment for the K, WI, and PF, and the limited water rights. The aggregate water usage will be charged against the seasonal allotment and if additional water is requested beyond seasonal allotment, excess water must be purchased by the limited right holder(s).
  - c. Limited water rights with beneficial rights – No limit on instantaneous delivery subject to supply and lateral capacity. Unless excess water is purchased, delivery for the remainder of the season will be limited to 150% of beneficial use rights' allocation.
18. Delivery to a turnout with multiple parcels some of which are unpaid will be according to allotment for the acres paid.
- a. Less than 25% of assigned acres paid — Delivery limited to 100% of CFA for the turnout.
  - b. 25% and 50% of acres paid — Delivery limited to 150% of CFA for the turnout.
  - c. Between 51% and 75% of acres paid — Delivery limited to 200% of CFA for the turnout.
  - d. Greater than 75% of assigned acres paid — No restriction on delivery for the turnout.

12. Pooling:

- a. Deliveries:
  - i. Water allotment for two or more parcels may be pooled between lands of the same ownership or operator, with like water rights, on the same ditch rider beat, and having limited water rights, subject to lateral capacity.
  - ii. These pooling records will be maintained by the ditch riders. Timely notification for the cessation of service or purchase of excess water will be the responsibility of the ditch riders.

13. Rotation for capacity purposes will be permitted, subject to lateral capacity, if the following conditions exist:

- a. Same ownership or operator
- b. Same ditch rider beat
- c. Lands have same category of water rights
- d. In a short water year, upon a declaration by the Board of Directors of emergency water delivery procedures, the following additional water delivery procedures shall apply.
  - i. Rotation of water will be permitted for different ownerships operated by one or more individuals, and for parcels on separate beats or divisions upon execution of a rotation agreement.
  - ii. Water allocation and resultant capacity can be transferred from a parcel on one ditch rider beat to another parcel on another ditch rider beat once per season. This is a temporary transfer for the season and requires execution of a rotation agreement.
  - iii. Upon the execution of a rotation agreement and approval of the management, water allocation and resultant capacity can be rotated among deliveries in an operation supervisor's jurisdiction. This will be coordinated between the landowner and the operations supervisor.

14. Rationing — Water delivery will be curtailed uniformly by delivery acres applied as a percentage of SSC (100% of SSC — 3.35 GPM / Ac).

15. Water for Frost Control (2019-11-01)

- a. SVID policy regarding advance payment for delivery of irrigation service applies to the delivery of water for frost control.
- b. Diversions for frost control will be limited to incremental deliveries, a drain, or a wasteway.
- c. Any structure change to allow for the delivery of additional capacity will be at the expense of the landowner.
- d. The maximum instantaneous flow permitted shall not exceed ~~400% of SSC~~ (13.4 GPM / Ac) unless on an Enclosed System, which is limited at ~~300% of SSC~~ (10 GPM / Ac).
- e. SVID will not be responsible for the non-availability of water delivery in part or in total.

- f. The irrigation season will not be advanced for the benefit of frost control.
  - g. Delivery of water for frost control will be charged for on the same bases as irrigation service.
  - h. Frost water service for landowners with Konewock shares will be limited by their CFA.
- 16. A ditch rider will honor a landowner's request to turn his / her pump on or off subject to the following conditions:
  - a. The landowner will sign a release holding SVID harmless for any damage caused by operating the landowner's pump controls.
  - b. The access to the pump controls will be approved for safe passage by SVID management.
  - c. The electric control switch and associated installation will meet current electrical codes.
- 17. Any landowner violating SVID's Bylaws, Rules, and Regulations in a manner the District Manager determines threatens or endangers public safety, property, or SVID facilities, including any water delivery systems, or is in violation of any local, state, or federal regulations is subject to SVID stopping delivery of water. (2013-01-01)
  - a. The landowner's irrigation service will not be turned on at the beginning of an irrigation season unless or until the infraction is satisfactorily resolved. The landowner will be notified in writing no later than March 20<sup>th</sup> of the year this method of enforcement is to be implemented.
  - b. During the irrigation season, SVID may provide any landowner violating the Bylaws, Rules, and Regulations as set forth in Section 1 above with a thirty (30) day notice of violation. If landowner does not resolve the violation within the 30 days, SVID shall have authority to shut off all irrigation service until such time as the violation has been corrected.
  - c. In an emergency situation that threatens injury to persons or property, SVID retains the right to make an immediate shut off of the water, and will provide notice to the landowner within a reasonable time, but SVID is not required to give such notice prior to shutting off the water.
  - d. Except for emergency situations described in Article 4, above, the District Manager will not cause water delivery to be terminated without express authority from the Board of Directors. If cases in which the District Manager makes the determination that he must take immediate action, he will report the same at the next meeting of the Board of Directors.



