

# Staff Report

for the Board of Directors' Meeting of February 26, 2020

**TO:** Board of Directors

**FROM:** Chip Close, Water Operations Manager

**DATE:** February 19, 2020

**SUBJECT:** Release of Moratorium on Kyler Canal and Portions of Maben Canal  
**OPERATIONS**

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## **RECOMMENDATION:**

Release the water sales moratorium on the Kyler Canal and a portion of the Maben Canal, as recommended by the Water and Hydroelectric Operations Committee.

## **BACKGROUND:**

In the recent past, demand for District irrigation water overcame the available capacity of many canals. When this occurred, the District placed a moratorium on increased sales until capital projects could be completed to alleviate the restriction.

The list of canals experiencing moratorium was substantial and included over 31 canals in 2012. Since that time, the District has invested more than 50 million dollars in infrastructure projects to remove bottlenecks and release capacity. To date, nearly all District canals have been released from full moratorium, with only 10 canals remaining under partial moratorium.

The Mayen and Kyler Canals are two canals that have been under moratorium since 1981. Over the last three years, the District invested more than 2.8 million dollars to pipe portions of both canals to fortify and increase the capacity. The project included upgrades to nearly half the Maben Canal, including the supply branch that feeds the Kyler Canal. This has allowed expanded supply to the Kyler Canal.

Staff has tracked interest in increased water sales on the Maben and Kyler Canals since the moratorium took effect. The current waiting list includes 50 potential customers on the Maben, and 21 on the Kyler. Staff is recommending the Board release the moratorium for the portion of the Maben Canal where upgrades are complete (near 10517 Lime Kiln Rd), and a full release of the moratorium for the Kyler Canal. Once lifted, Staff will inform all parties on the interest list within the affected areas.

The release of the moratorium is in alignment with Goal Number 1 of the District's Strategic Plan, "The continued health of the District is dependent upon the proactive management of our physical, financial, and human resources." Through prudent and forward-thinking management, we can ensure resilient and sustainable operations for our systems to benefit our customers.

**BUDGETARY IMPACT:**

A release of moratorium on irrigation water sales on the Maben and Kyler will create increased water sales and revenue. The amount is unknown at this time.

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Attachment (2):

- Minutes on moratorium from Board of Directors December 9, 1981
- Locational Map of Maben and Kyler Canals

MINUTES  
BOARD OF DIRECTORS  
NEVADA IRRIGATION DISTRICT

December 9, 1981

The Board of Directors of the Nevada Irrigation District convened in regular session at the office of the District located at 10836 State Highway 20, Grass Valley, on the 9th day of December 1981 at 10 a.m.

Present were Carole B. Friedrich, President; Charles E. Zahn, Jr., Vice President; Ernst L. Bierwagen, Eddie Ferreira, and William P. Jensen, Directors.

Also present were Frederick G. Bandy, Manager; Robert G. Singleton, Chief Engineer; Delbert R. Hedges, Director of Operations; E. Robert Carr, Hydroelectric Project Manager; and David H. Minasian, Attorney.

The Minutes of the regular meeting held November 25, 1981, were approved as submitted.

WARRANTS

Upon motion by Director Ferreira, seconded by Director Bierwagen and carried unanimously, the following warrants were approved: Yuba-Bear Revolving Fund Nos. 256 through 273, inclusive, and 7802 through 7822, inclusive; General Fund Nos. 0906 through 0920, inclusive, Nos. 0908 and 0917 being void; and General Revolving Fund Nos. 8769 through 8846, inclusive, Nos. 8778, 8785 and 8786 being void and No. 8589 being cancelled.

CLAIMS & SUITS

It was moved by Director Ferreira, seconded by Director Bierwagen and carried unanimously, to deny the claim of Jack M. Clute and Susan C. Clute and refer it to District's insurance carrier.

PROPERTY (Res. 81-82 & -83)

Upon information from the Assistant Right of Way Agent that an easement approved at the previous Board meeting for Marnell Wolters was precipitous inasmuch as the property transaction had failed, it was moved by Director Jensen, seconded by Director Zahn and carried unanimously, to adopt Resolution No. 81-82 (Grant of Quitclaim Deed to Earl R. Felch et ux and Rescind Resolution No. 81-76).

It was moved by Director Ferreira, seconded by Director Zahn and carried unanimously, to adopt Resolution No. 81-83 (Conveying an Easement Deed to Pacific Gas and Electric Co. and The Pacific Telephone and Telegraph Co. - APN 38-03-20 - Nevada County) for pole line erection and necessary appurtenances.

GREEN TREATMENT PLANT - GREEN RESERVOIR

Engineer Tim McCall reviewed the scope of the proposed Green Treatment Plant project and pointed out certain minor esthetic impacts. Construction of the plant would occur on the site of the Green Reservoir which would be filled and leveled. Final consideration of the proposed project will occur at the January 13, 1982, regular Board meeting.

EDUCATION

Upon the recommendation of the Administrative Practices and Public Relations Committee, it was moved by Director Bierwagen, seconded by Director Ferreira and carried unanimously, that any Board members and up to six staff members be authorized to attend the U. S. Department of the Interior Fifteenth Regional Water Users' Conference to be held January 13-15, 1982, in Sacramento.

PUBLIC INFORMATION

Upon the recommendation of the Administrative Practices and Public Relations Committee, it was moved by Director Jensen, seconded by Director Zahn and carried unanimously, to authorize staff to reserve space at the 1982 Nevada County Fair at this time.

PERSONNEL

Upon the recommendation of the Administrative Practices and Public Relations Committee, the following actions were taken on requests for early retirement by Carl A. Pinter, to become effective June 1, 1982, and Jeannette Dutcher, to become effective March 1, 1982:

It was moved by Director Jensen, seconded by Director Zahn and carried unanimously, that Carl Pinter's request be approved with normal retirement benefits inasmuch as he will be 61 1/2 years of age at that time.

It was moved by Director Bierwagen, seconded by Director Ferreira and carried unanimously, that Jeanne Dutcher's request be approved without insurance benefits but with all other normal retirement benefits inasmuch as she is retiring far ahead of the normal retirement age.

EDUCATION

It was moved by Director Ferreira, seconded by Director Bierwagen and carried unanimously, that Administrative Aide Jim Chatigny be authorized to attend the Public Agency Risk Managers Association Conference to be held January 21-22, 1982, in Sacramento.

DAVIS-GRUNSKY RECREATION PROJECT

It was moved by Director Bierwagen, seconded by Director Ferreira and carried unanimously, that Jim Chatigny be authorized to attend the annual meeting of the State Fish and Game Commission to be held January 8, 1982, in San Jose inasmuch as the commission will be setting recreation rates for all Davis-Grunsky recreation projects at that time. District transportation was authorized.

EDUCATION

Upon the recommendation of the Administrative Practices and Public Relations Committee, it was moved by Director Ferreira, seconded by Director Bierwagen and carried unanimously, that the Manager be authorized to designate one person to attend the University of California/Berkeley course on Building and Operating a Small-Scale Hydroelectric Power Plant to be held January 27-28, 1982, in Berkeley at a cost of \$300.

AGREEMENTS - CARPENTER DITCH

The Director of Operations informed the Board that Mr. and Mrs. Don Edwards had appeared at the Water and Hydroelectric Operations Committee to request a continuous raw water service for household use from District's Carpenter Ditch, a part of the Tarr Ditch system. Their property is located near the intersection of Wolf and Garden Bar Roads. The State Health Department highly recommends

AGREEMENTS - CARPENTER DITCH (Cont'd)

that water from the Carpenter Ditch not be utilized for residential use due to upstream sewage discharge from the City of Grass Valley; however, the Edwards explained that they had drilled four dry or low yield wells. After lengthy discussion, it was the committee's recommendation that the District accept a continuous service application after the following conditions are satisfied:

1. County Health Department provide a letter granting their approval for the use of water from the Carpenter Ditch in a residence. Additionally, the letter shall also contain their approval that an adequate water purifying system will be provided.
2. State Health Department provide in writing their approval to utilize this water for residential use and approve of the water treatment facility recommended by the County.
3. The Edwards enter into a recordable non-liability agreement with the District similar to the one dated April 22, 1976, between District and Dangerfield/Robbins.
4. The Edwards pay the appropriate fee for development of a special agreement.

It was moved by Director Jensen, seconded by Director Zahn and carried unanimously, to adopt the committee's recommendation.

MABEN DITCH

The Water and Hydroelectric Operations Committee reviewed the request of two residents of Clivus Drive who are requesting water from the Maben-Fickett Pipeline. They were informed the District does not have capacity in its Maben System to meet their requests. The District currently has 97 customers on the Maben Ditch, 11 of which did not buy water during 1981. The 1981 Maben Ditch seasonal water sales totaled 64 miners inches. The 11 customers are paying an account charge and have a potential of purchasing water which would increase the demands on the facility.

After discussion, the committee recommended that

1. A moratorium be immediately adopted on new water applications for that portion of the Maben Ditch that is downstream of the Kyler Diversion; and
2. The 11 property owners paying an account/outlet charge be notified of the moratorium and advised that if they desire water for the 1982 irrigation season they must contract for it by April 15, 1982; otherwise, the District will make the water available to property owners who have requests on file with the District.

It was moved by Director Zahn, seconded by Director Bierwagen and carried upon the unanimous vote of those present, to adopt the committee's recommendation.

It was noted the two residents (Lloyd White and Jack Spann) would have a high priority. Any of the 11 property owners desiring water service in 1982 would be limited to 1/4 miners inch. If they do not wish to purchase water in 1982, they would be advised water would not again be available until the moratorium is lifted.

POLICY

The Water and Hydroelectric Operations Committee were informed that an application for an outlet box (\$175) as well as seasonal water for the 1981 season had been accepted for property owner

POLICY (Cont'd)

Murray Hall. The application had inadvertently been coded as Inside District and therefore was neither reviewed nor approved by the Board. It has been District policy not to accept new Outside District applications. Water was transported to the Hall property in 1981 via a private conduit owned by an adjoining neighbor.

Upon the recommendation of the committee, it was moved by Director Zahn, seconded by Director Ferreira and carried unanimously, that the outlet charge of \$175 be refunded and the property owner be notified that surplus water would not be available.

FUND SIGNATURE CARDS (Res. 81-84, -85, -86)

As a result of the recent designation of a new Treasurer, it was necessary to change fund signature cards for maturing certificates of deposit. It was therefore moved by Director Jensen, seconded by Director Ferreira and carried unanimously, to adopt Resolution No. 81-84 (Re Fund Signature Card - General Fund Savings Account - Great Western Savings and Loan Association), Resolution No. 81-85 (Approving a Contract for Deposit of Moneys in Bank of Alex Brown), and Resolution No. 81-86 (Fund Signature Card - Placer Savings and Loan Association - Time Deposit).

EXECUTIVE SESSION was declared at 10:38 a.m. for the purpose of discussing pending litigation with counsel and for discussing meet-and-confer matters. Meeting reconvened in regular session at 11:48 a.m.

OPHIR CANAL

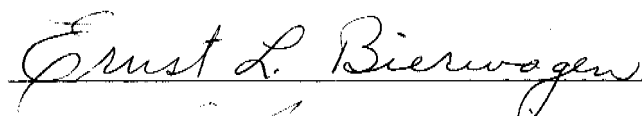
Administrative Aide Jim Chatigny informed the Board that George Williams of 2441 Cottage Drive, Auburn, has on two occasions been of assistance to the District when the Ophir Siphon has failed by preventing water damage to both his property and that of two others. During the course of his diverting water around potential damage areas, he has ruined a pair of work shoes. Upon the recommendation of Mr. Chatigny, it was moved by Director Jensen, seconded by Director Ferreira and carried unanimously, that the Board authorize a \$50 payment to George Williams in recompense for his shoes.


MEETING ADJOURNED at 11:50 a.m., to reconvene on December 23, 1981, at 10 a.m. in the District office.


  
Secretary

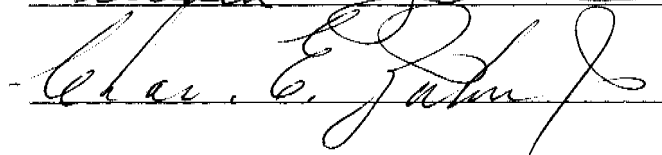
Attest a true record of proceedings had and taken at the above and foregoing meeting our presence thereat and our consent thereto.

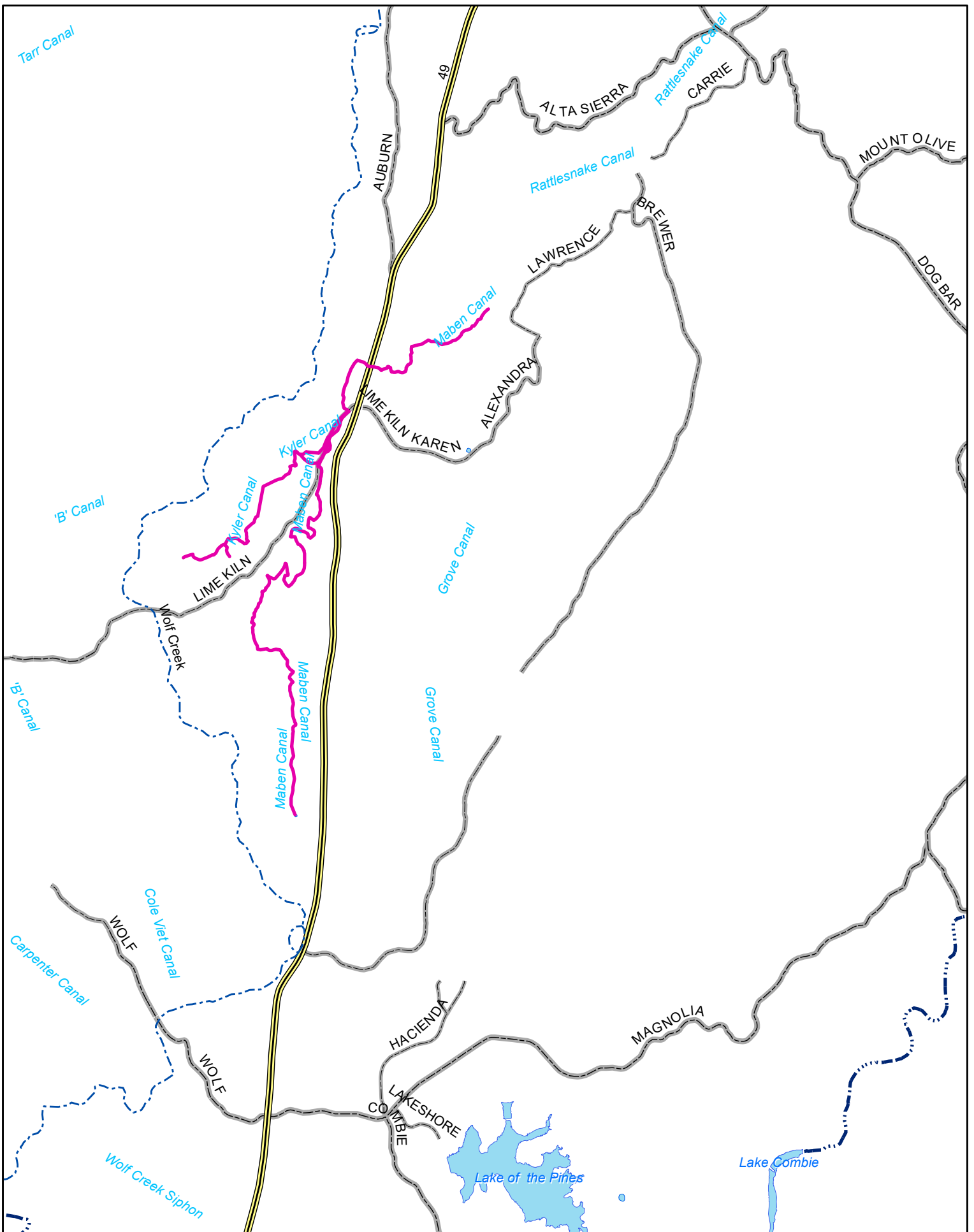
 Director  
Division I

 Division II

 Division III

 Division IV

 Division V



MABEN AND KYLER CANALS MORATORIUM ANALYSIS