

**CALL TO ORDER**

At 7:00 PM, President Bailey called the October 10, 2023 Regular Board Meeting of the Moses Lake Irrigation and Rehabilitation District to order. The record shows President Bailey, Vice President Teals, Director Perry, Director Dexter, and Legal Counsel Brian Iller were present. The record indicates that this meeting was recorded. The Pledge of Allegiance was then recited.

**DISCUSSION OF AGENDA ITEM(S)**

President Bailey called for discussion on any agenda items, and Russ Torrison and Bob Morgan wanted to discuss the 2024 assessment methodology.

**DISCUSSION OF NON-AGENDA ITEM(S)**

President Bailey called for discussion on any non-agenda items, and Lloyd Petersen asked to discuss non-agenda items.

**APPROVAL OF THE AGENDA**

President Bailey called on the board members to approve the agenda. Director Dexter made a motion to approve the agenda. Director Perry seconded the motion. The motion carried unanimously.

**APPROVAL OF CONSENT AGENDA**

President Bailey called on the board members to approve the consent agenda. The consent agenda consisted of the meeting minutes from the 09/12/23 Regular Meeting, the Bills/Checks (#18945-#18963), and Voucher #1000265, totaling \$82,343.77. Director Dexter made a motion to approve the consent agenda. Vice President Teals seconded the motion. President Bailey abstained from voting on anything related to Basin Property Management. The motion carried unanimously.

**PUBLIC COMMENT ON DRAFT ASSESSMENT METHODOLOGY**

Russ Torrison, 3107 W Lakeside Drive, who wrote the Board an email suggesting the Board lower the "Waterfront Residential" points from five to three stating that he believes the five points would be a penalty to waterfront property owners versus three points would be more realistic. He created a list of twenty three parcels that are on the waterfront of Lakeside Drive in the neighborhood that he owns property in and a smaller list of approximately eight parcels across the street on Lakeside Drive that are not on the waterfront. He stated from the information he gathered, the parcels on the waterfront with the new 2024 assessment methodology, will have an approximately 200% average annual increase versus the way the parcels were assessed in 2020 with the old assessment methodology. He also stated from the information he gathered, the eight non-waterfront parcels will have an approximately 40% average annual decrease on their assessments in 2024. He also spoke with the Grant County Health District and gathered data from their website on the microcystin testing that was done this year on Moses Lake. The data from the years 2018, 2019, and 2020 all showed microcystin tests that were above the state of Washington guidelines for safe recreational water. Mr. Torrison asked if MLIRD had a budget in 2018, 2019 and 2020, what is going to be different in 2024 when MLIRD has the same budget again that will make the lake safe. He stated that he put the

data sheet together to make his case to simply say as a MLIRD ratepayer, he does not think it's reasonable to penalize him because he lives on a body of water that is essentially a "look but don't touch" lake and the waterfront parcels should be assessed three points for being on the waterfront and not the five points that the MLIRD Board approved.

President Bailey stated that Moses Lake did not look like it does now back in the 1970's before the Columbia River Water started flowing through. MLIRD is working towards a cleaner Moses Lake. The toxin tests for toxic algae used to not exist until approximately five to six years ago. However, the sediment samples from the lake bottom show that toxic blue green algae has been in Moses Lake forever. There are many lakes across Washington state and in the country that are dealing with the problem of toxic algae. MLIRD has a toxic algae sampling program and takes samples in the same locations every week that are sent off to a lab to be tested. MLIRD knows that the toxic algae problem exists and that the algae is more prevalent in some places than others according to MLIRD's limnologist consultant, Dr. Gene Welch. Mr. Welch has also stated the wind has a large part in moving the toxic algae around the lake and there are places where it will collect and some places where it won't. MLIRD also owns and operates the Parker Horn Pump Station that pumps water across town and into the McCosh area of the lake which in theory is helping that side of the lake by diluting the water. A large source of phosphorus comes in from Crab Creek. There is also approximately 50% of phosphorus that comes back into Moses Lake from the sediment that is on the bottom of the lake. President Bailey believes one way to make Moses Lake cleaner is to dredge all the old sediment from the bottom of the lake that is high in phosphorus out. This would financially be a huge undertaking for the District. MLIRD also does other water quality testing approximately every two weeks in the same 29 locations as well. President Bailey also reminded Mr. Torrison that he is comparing apples to oranges when looking at the old assessments and the new assessments. MLIRD was told by the Court of appeals that the District was no longer authorized to assess the MLIRD ratepayers using the old assessment methodology which was a \$1.00 or less per thousand of total assessed valuation of the property.

Mr. Torrison again said that he agrees with the point system for the assessment methodology, he just feels that five points for the waterfront residential homes is too much. He said he appreciates President Bailey's review of what was discussed at the September Regular Board meeting. However, he would like to walk away from the meeting tonight knowing the Board will rethink the assessment of five points versus three points for the waterfront residential parcels.

Vice President Teals stated the properties across the street from Mr. Torrison have to buy their irrigation water from the City of Moses Lake. A small 60 foot lot across the street from waterfront parcels will pay around \$700 for city water to irrigate the property. Vice President Teals also stated regarding the Health District, they make a ruling and says that there is toxic algae in the lake. However, it is probably only in one little isolated area. He also said that Mr. Torrison has probably noticed that the water quality in front of his property has been very nice and clear all year long. He reiterated what President Bailey said earlier, the Grant County Health District was not able to identify the toxicity of the algae until just recently in the last few years and all years prior were never tested. In 2017, the algae was really bad in Moses Lake due to the low flows of the Columbia River water coming through Moses Lake and the Health District shut down the lake because there was a certain amount of spots that tested positive for blue-green algae. Since then, the Moses Lake Watershed Council was developed, which MLIRD is apart of and has worked hard to develop a system for the blue-green algae. There have been very few times when Moses Lake has been shut down or when its been suggested to watch out for the toxic algae. Vice President Teals also stated the amount of Columbia River water flowing

through Moses Lake is beyond MLIRD's control; however, MLIRD will continue to clean up the weeds in the lake using herbicides and the harvesters, will continue possible dredging projects, supplying water with the Parker Horn Pump Station to the Pelican Horn side of the lake, upkeep of the Moses Lake North Dam, water quality testing, and many other projects in order to make this lake as good of a lake as it can be. Vice President Teals said that he understands there are two parts to the 2024 assessment methodology, the irrigation and the rehabilitation, and suggested that maybe the irrigation assessments should be higher because the only property owners that can use the irrigation are those that live on the waterfront and or live in an association that has a pump in the lake that pumps irrigation water to all of the parcels in that specific HOA. Mr. Torrison disagreed with the statement that only property owners on the lake since they are the only ones that can use the irrigation water. Legal Counsel, Brian Iller stated there is a right to privately condemn an easement to put in ditches and pipes to pump irrigation water to their property if they wanted to spend the money to do that to access the lake which is an argument MLIRD made to the courts, in which they still said MLIRD had to have at least two classes of assessments for irrigation purposes for waterfront and non-waterfront properties. Legal Counsel, Brian Iller said he assumes Vice President Teals meant that it would be prohibitively expensive to run a pipeline through roads and yards to install an irrigation pump to the lake; however there certainly is a legal right to get access to the water. Legal Counsel, Brian Iller also stated when everyone is looking at the data of the microcystin testing provided by Mr. Torrison, everything that President Bailey and Vice President Teals said is true; however, as far as the benefit side of things, what would the numbers be like without the MLIRD's efforts. How much worse would the lake be because MLIRD has over the years spent a lot of the ratepayers money, dredging, applying weed treatments, and algae treatments, etc.

Director Dexter agreed with Mr. Torrison and believes it's the benefits of living on the lake. He stated he has not heard exactly what the benefits are. He stated he thinks money has made what the benefits are. Director Dexter stated he can buy a lot for \$100,000 off the water and it would be a nice lot. If you buy a nice waterfront lot, you will pay approximately \$200,000 which would make it a 1 to 2 ratio in difference. Director Dexter believes the point system needs to be changed in a way that if you are off the lake, you are one point, and if you are on the lake it could be 2 points, or perhaps 3. However, he personally thinks 5 points is excessive and has voted against the 5 points and stated he will continue to vote against the 5 points again because he does not feel it is fair and reasonable and hopes that the Board of Directors will reconsider and bring it down to 3 points.

Bob Morgan, 3020 Wildgoose Road, stated he lives in an HOA called the Wildgoose Tracts that has a pump on the lake and pumps irrigation water to all the surrounding residences and each are charged \$100 an acre for irrigation. He stated the Board needs to come up with a system that is fair and consistent and not arbitrarily do a second evaluation of his property at MLIRD's level and not County level. Legal Counsel Brian Iller stated MLIRD's statute has changed and no longer has the authority to rely on the county assessment and apply a rate. Mr. Morgan believes the Board should have two tiers, one being irrigation water delivered and one not and take the acreage and divide it up between all parcels in the District. Legal Counsel Brian Iller also stated the Board has an equalization process that applies through the District under RCW chapter 87.03 and Mr. Morgan is more than welcome to come to that hearing and provide his information on why his assessment is unjust to his particular property and the Board can decide whether to equalize his assessment in the terms of the statutes. Once the Board has decided, Mr. Morgan can then accept the decision or proceed to appeal it in court. The 2024 assessment methodology was not arbitrarily created by the Board. The Board is always open for discussions and has the

right to reconsider or modify the formula by which it calculates and classifies the property as the benefits.

Mr. Torrison stated he appreciated Director Dexter's observation of what seems like propensity to see the point of view of the lake front consumer and added to his point that while the Grant County Assessor and MLIRD are mutually exclusive organizations, he does pay 3 times what the property owner across the street pays in a home approximately the same size in taxes based on assessments. In his opinion, he is paying his dues to live on the East side of Lakeside Drive. Director Perry made a comment that the Board has had endless discussions regarding the point system and has tried extremely hard to make it a fair assessment for the benefits that the lake provides for the people who live on the lake and off the lake. He also stated that he lives on the lake and believes there is a huge amount of benefits to him compared to his neighbor across the street who has no access. If his neighbor across the street wants to go fishing, boating, swimming, etc., he has to drive to a boat/lake access whereas he does not. The Board of Directors are trying to keep the lake as clean as possible and improving on it each year. He believes that keeping open communication with USBR as MLIRD has done so in the past years to keep the Columbia River water flowing is crucial. The CRW has made amazing gains in helping the clarity of the lake and a lot of it benefits directly to the property owners who live on the lake and not to the people who live off the lake. Director Perry stated he is happy with the point system. Mr. Torrison stated he was happy with it as well and that he believes the irrigation portion of the assessment methodology is fair and the point system for the rehabilitation portion of the assessment methodology is very easy to explain and disseminate. However, he feels the founding documents of the irrigation district wasn't to say there is a special group of people who live on the lake, it was to make the water readily available to people in the irrigation district. Mr. Torrison only wishes to assert that he feels 5 points is a penalty and 3 points would be better. Director Perry stated that the irrigation district was formed in the first place to make sure agricultural property owners that lived around the lake got enough water to grow their crop. Now there are homeowners involved and he reiterated again that the Board has tried to make the assessment methodology as fair as possible for the benefits that each property gets for the existence of MLIRD.

Mr. Torrison also stated that he recently spoke with some people who stated MLIRD is asserting to the City of Moses Lake that they should start using lake water to irrigate the parks and in a roundabout way of going to become a backdoor source of revenue for MLIRD in that the City of Moses Lake is going to pass that cost onto the consumers of Moses Lake and asked if this was true. The Board announced that the City of Moses Lake is already pumping water out of the lake to irrigate the parks currently. President Bailey also said that Mr. Torrison's statement is incorrect. The City of Moses Lake and other surrounding cities are in water trouble as the ground water is disappearing. The Odessa aquifer has been suffering for years. The City of Moses Lake and MLIRD have been discussing the possibilities of using Moses Lake water to help alleviate the water crisis. One of those possibilities was to put in an irrigation system throughout Moses Lake which would cost hundreds of millions of dollars. Another possibility is to set up a treatment plant that will treat the water out of the lake to make it potable and inject the water back into the city of Moses Lake's system and that water would be considered irrigation water. During the winter months, the City of Moses Lake property owners use approximately 4 million gallons a day and during the heat of the summer, uses approximately 20 million gallons a day. A case could be made that the difference in the gallons would be considered irrigation water. MLIRD cannot sell the City of Moses Lake water; however, MLIRD can provide water to the ratepayers of the District. There has only been discussions regarding this possibility and it will probably be another year or two longer to come up with a plan that works. This will ensure that

not only everyone on the lake will be able to irrigate their property with lake water, but possibly everyone in the community.

Roger Grant, 2595 Westshore Drive, stated he is very thankful to be living on the lake and understands that there is a benefit to living on the lake versus off the lake. However, he does not believe it is five times the difference because you have wakeboarders, people staring in your bedroom window and other inconveniences. He spent a few hours going over all of the parcels and acreage that is in the District and believes that the ratepayers that live on the lake and all of the lake water irrigation users should be paying more for the irrigation assessment. He believes \$200 a year for under an acre parcel of irrigation water is not nearly enough because he pays over \$200 a month to the City of Moses Lake just to irrigate his lawn as he is not currently utilizing the lake water for irrigation purposes yet. He feels the irrigation assessment should be higher and the rehabilitation assessment should be more evenly spread out. He also feels that the fact that the District has not had a General Manager in over two years is a bad decision because it shows that the District does not want to move forward and be healthy. He understands that it is a financial decision. Vice President Teals stated the Board is in agreement and that the District is diligently looking now for a General Manager since there are funds coming in next year.

President Bailey stated that as the Board of Directors started working on the 2024 assessment methodology many months ago and one of the goals was to try and make it as fair and simple as it could be. He understands that Director Dexter has been adamant that 5 points for waterfront is a penalty. Legal Counsel Brian Iller stated there is no mathematical equation of  $2+2=4$  for the point system. The Board of Directors has three reasons to believe that 5 points is equitable and fair for the waterfront properties. The MLIRD Board has a right to decide as an entity and a whole on what the Board believes is a reasonable weighting of the benefit to the waterfront properties as opposed to the non-waterfront properties. The Board has done everything possible to not be arbitrary and capricious in putting together the point system. He stated just because the point system can be debated, whether 5 or 3 points is the right weighting, does not mean that it is arbitrary or unreasonable. Vice President Teals said he feels the Board has listened and will continue to listen to the MLIRD ratepayers and that this is the first time the Board has had a chance to do this kind of assessment and it may not be perfect, it won't be cast in stone, and can be changed when the Board feels it is important.

Glen Zuger, 3182 Wild Goose Road NE, encouraged the Board to equalize the 5 points for waterfront properties as well so the waterfront properties are not paying most of the share of all the assessments because he feels the lake is available to anybody that wants use it. The lake is free to property owners that do not live in the district as well as everybody else who lives in Washington state. He stated all of the boat launches are free and for the MLIRD ratepayers that are waterfront to have to pay most of the share in his opinion isn't fair. Vice President Teals stated that the fact that the waterfront property owners can irrigate out of the lake is worth hundreds of dollars. He believes that being able to irrigate from the lake is part of the 5 points for waterfront properties.

Director Dexter stated he is also planning on discussing the \$200 irrigation assessment for waterfront parcels or water user parcels that are an acre and under. He feels if waterfront parcels are not using lake water to irrigate, they should not be charged, just like the City of Moses Lake does. Especially if the parcel is an empty lot and it doesn't even have electricity to get the water out. On the rehabilitation side, he stated that every parcel in the District gets one point and if your parcel is zero to one acres it gets another point. Then on top of those, the waterfront parcels receive another 5 points. He believes it should be 3 points and not the current 5 points.

Lloyd Petersen, 1700 W Marina Drive, stated that he agrees that if waterfront parcels are not using the lake water to irrigate then they should not have to pay the irrigation assessment. He also agrees that he thinks that the 3 points for the waterfront parcels is more reasonable. He also asked if the 5 points for the waterfront parcels will calculate the rehabilitation budget to be approximately \$1.5 million. Legal Counsel Brian Iller stated the point system is applied to the budget. President Bailey said the value of the points will adjust to the rehabilitation budget each year. If the waterfront parcels points were changed to 3 points, the total number of points will be recalculated and divided by the rehabilitation budget again. Legal Counsel Brian Iller stated it is one of the reasons the Board likes the point system because those adjustments can be made if the Board decides the points are not fair and an equitable distribution of the benefit to each parcel. Vice President Teals stated again that his opinion of the waterfront parcels at 5 points is fair because those parcels receive many more benefits than the person across the street. Mr. Petersen also suggested that there be changes made to the budgets on where some of the money goes to the non-essential areas. Some of the top non-essential area he suggested to be changed was the employees wages and compensation, building rentals, and the Moses Lake fountain. He understands that the Moses Lake fountain is not an actual budget item. However, he believes it is the responsibility of MLIRD to maintain, store it, supply a tractor trailer, flatbeds, cranes and boats to maintain it and put it in and out of the lake. He feels the money that is spent on the fountain could be used much better doing something else. He doesn't even think anybody that drives across the Alder Street bridge has even heard of the District; so how would they appreciate that the District maintains and puts the fountain in and out every year. Mr. Petersen suggested giving the fountain to the City of Moses Lake. Mr. Petersen then spoke in regards to Connelly Park and doesn't think it should be MLIRD's responsibility. Mr. Petersen believes Grant County should take the responsibility of maintaining Connelly Park and save 5% of MLIRD's budgets and use the money elsewhere. Roger Grant stated a good General Manager would turn Connelly Park into a revenue source and create more revenue for the District. Mr. Petersen asked for comment on why the District keeps Connelly Park when it costs \$70,000-\$80,000 a year to maintain. President Bailey stated the District is mandated by rehabilitation to provide recreation. Connelly Park is a recreational opportunity and an asset to the community that the District provides. Mr. Petersen also suggested giving the Moses Lake North Dam owned by MLIRD to the Bureau to stop that expense as well. Director Dexter stated the main reason the Board of Directors does not want to do that is because of the water rights. Water is a valuable commodity and the Board feels the community should keep the water rights.

An audience member stated she had not seen the Harvester out in the lake this year. Interim Manager Beth Yonko said the MLIRD office only received two phone calls this year requesting the Harvester. Also, as it has been mentioned prior, MLIRD only has one staff member "out in the field" who covers all of the responsibilities of the Moses Lake North Dam, Connelly Park, Parker Horn Pump Station, the fountain and one person can only do so much. An audience member asked if the driver of the Harvester has to be a paid position or if it could be a volunteer. It was stated that for liability reasons, the position is paid. However, in the past there has been Harvester drivers that were retired volunteers who helped out but finding someone willing to volunteer their time is getting harder to find.

Roger Grant stated he wanted to comment on some of the budget items mentioned earlier. He stated MLIRD can't fight the battle and forget about the war. He said if MLIRD ever gives up the water rights, it loses a bigger war or if MLIRD gives away the fountain. He stated the fountain is iconic to Moses Lake and is what the Moses Lake community loves. Giving things away may save pennies on the budgets today.

## **MLIRD STAFF REPORTS**

Interim Manager Beth Yonko reported the following:

- Lake elevation on October 10, 2023 was 1046.70.
- The equalization meeting advertisement will be advertised in the Columbia Basin Herald on October 23, October 30, and November 6 and will take place at 6:45pm before the Regular Board meeting on November 14.
- MLIRD has been in contact with Todd Knittel, and Marc Maynard with the USBR who said the dewatering process from the canals will begin on approximately October 23 and the process generally takes 10-14 days. Moses Lake water elevation will begin to drop the first Monday in November on the 6.
- The MLIRD office received Director Jeff Foster's resignation letter today, October 10.
- Resolution 2023-003 Land Petitions was advertised in the Columbia Basin Herald on September 25, October 2, and October 9.
- MLIRD has received two more land petitions for the Board to consider, Cherie M. Harris and Jeffrey and Rebecca Earl.
- Board Position #2 held currently by Mr. Chuck Perry will be up for election.
- On Friday, October 20, MLIRD staff will post for the two board positions that will be open in 3 public places and also on the MLIRD website.
- The weed harvester and fountain will be removed from the lake this week.
- Connelly Park will be closing for the season on October 31.

## **ACTION ITEMS**

The 2024 Irrigation and Rehabilitation Assessment Roll and Schedule of Rates has been prepared and filed with the Board of Directors. President Bailey stated he handed out a draft 2024 Irrigation and Rehabilitation budget at the last regular board meeting.

The 2024 Rehabilitation Budget was then discussed. Vice Chairman Teals stated he knows that personnel in any organization is the major expense. However, he thinks it is important for MLIRD to have another person in the field that MLIRD can count on. With this, he also feels MLIRD will be able to eliminate the service with the employment office that MLIRD currently uses. President Bailey stated he believes another full time position is currently in the budget for next year. Director Dexter made a motion to approve the 2024 Rehabilitation Budget. Vice President Teals seconded the motion. The motion carried unanimously.

The 2024 Irrigation Budget was then discussed. The current 2024 Irrigation budget is set at \$551,636 and the current irrigation assessments coming in is at \$445,758. MLIRD staff are currently going through all the properties, making sure all the irrigation assessments have been done accurately. Depending on the final results of what the irrigation assessments will be, the 2024 irrigation budget may be adjusted slightly to match the 2024 irrigation assessments. President Bailey suggested the Board may drop \$100,000 off of line item "Dredge Operations." Mr. Grant stated as the Board knows, his parcel is on the lake and he knows he will be paying for both the rehabilitation and irrigation assessments. He currently pays approximately \$1,000 a month to water his lawn, as he has not utilized using lake water for irrigation purposes yet. He suggested not taking money away from the irrigation budget, but simply raising the charge for the irrigation assessments from \$200 to \$250 or more to cover the irrigation budget. Legal Counsel Brian Iller stated that it is dangerous for the Board to compare the cost difference of Districts such as MLIRD and the City of

Moses Lake who do not just maintain the reservoir and the dams but also have pumps, pipes and delivery systems to every parcel. He stated he appreciates that MLIRD's is reasonably priced water, however it is dangerous for the Board to use a rate based on what another Irrigation District does that provides a lot more infrastructure. President Bailey stated the information is always good to have and it may not change for this year, but in the future it may. Director Dexter made a motion to approve the 2024 Irrigation Budget for \$445,758. Director Perry seconded the motion. The motion carried unanimously.

Director Dexter stated there has been a lot of discussion regarding waterfront residential property owners getting 3 points versus the current set rate of 5 points. Director Dexter made a motion to adjust the point system for the waterfront residential property owners to 3 points for being waterfront residential, 1 point for being in the District and 1 point for the parcel being 0-1 acres for a total of 5 points. President Bailey seconded the motion. President Bailey stated he was not sure the motion was appropriate because the Board has approved the tentative budgets; however, this motion would not affect the budgets, just will affect the points be assessed to the individual property owners. If the motion is approved, the value per point will change. Director Perry stated because of the issues and the complexity of reallocating the points, he feels it is premature to approve the motion and the Board should discuss it at a later time. He stated the Board has received input from the public and feels the Board needs to consider their arguments. Legal Counsel Brian Iller stated the Board has the equalization hearing coming up and the rolls do not have to be finalized until mid-January of 2024. President Bailey said if the Board was to change the point value for any of the classes, it is not very complex to do so as everything is computerized. The Board started out with approximately 25 classes of benefits to the properties and then narrowed it down to the current 5 or so classes. President Bailey stated the Board felt simplification was critical and is a lot easier to explain to the MLIRD ratepayers even if they don't agree. Legal Counsel Brian Iller stated the Board is classifying benefits and not properties. Director Dexter said again that his reasoning is that a nice lot off of the lake could be around the \$100,000 range and a nice lot on the lake could be around the \$200,000 range which is a one to two ratio. Legal Counsel Brian Iller stated it may be helpful for Director Dexter to support his case with documentation of those numbers. Legal Counsel Brian Iller stated Director Dexter is talking about fair market value between a waterfront lot and non-waterfront lot and the Board is supposed to be classifying benefits from the rehabilitation efforts on the lake. Director Dexter stated it is benefits because there is historical market values that properties sell for and that value is the benefits to each different lot. He knows the sales are not a five to one ratio such as a non-waterfront lot selling for \$100,000 and a waterfront lot selling for \$500,000. Legal Counsel Brian Iller stated that he and the Board does not know if that is a true statement or not and what he is saying is that for the Board to adopt his motion on that basis for changing the equitable adjustment, the non-waterfront ratepayers could be coming into the next meeting stating it is not fair. Director Perry stated he feels that this would be edging back towards the old assessment methodology that the court said MLIRD could not assess by anymore. Legal Counsel Brian Iller stated that fair market value could be a factor, by not keeping it involved, at least the Board would avoid being sued again. The Board does not have to show mathematical certainty or equality. Vice President Teals asked why the Board does not have more assessments for the Irrigation and less assessments for the Rehabilitation. He stated when he looks at the advantages of the irrigation on the lake, it's a major issue. He does not have to pay any extra to irrigate his lawn and garden. His neighbor across the street who has an even smaller lawn has to pay \$500 more a year for irrigation from the City of Moses Lake because he does not have the benefit of irrigating from the lake. Vice President Teals would like to go over the Irrigation and Rehabilitation assessment methodology again because of the input the public has given to the Board.



Legal Counsel Brian Iller stated there is nothing that prevents the Board from revisiting or amending the assessments and/or budget. Vice President Teals made a motion to table Director Dexter's motion until the next Board meeting. Director Perry seconded the motion. The motion carried unanimously. Glen Zuger mentioned if the Board was going to be revisiting the irrigation assessment methodology, they should take into account the number of properties that have wells should not be charged. Legal Counsel Brian Iller stated there are two different factors, and the Board is discussing access to the water source. There is a statute that authorizes a private combination action to get access to the water source, meaning if you have a water right, you can condemn an easement to get to it. However, condemning an easement across the middle of the city to build a pipeline is not financially feasible. Under the law, if the Irrigation District has water available to you when you have a waterfront property, the District can legally assess the property whether or not the property owner uses the water or not. Legal Counsel Brian Iller stated property owners do not get avoid the assessment for operations and maintenance of the District by just not using the water. Director Dexter stated while the Board is discussing the irrigation assessment methodology, he feels that \$200 for a 0-1 acre parcel is fair if the property owner is irrigating from the lake; however, if the property owner is not irrigating from the lake or they do not even have electricity on the parcel and the lot is obviously not being irrigated, he does not think it is fair for MLIRD to charge them \$200 when they are not utilizing the irrigation water from the lake and would like the Board to consider changing that as well. President Bailey also mentioned that the MLIRD office is looking at current parcels not in the District that have pumps in the lake and will be sending them another letter letting them know that they should not be doing that unless they join the District.

Director Dexter made a motion to approve and start the petition process for adding parcel #314248000, Cherie M. Harris, and parcel #121126008, Jeffrey and Rebecca Earl to MLIRD. Vice President Teals seconded the motion. The motion carried unanimously.

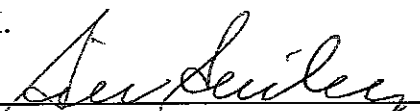
## RESOLUTIONS

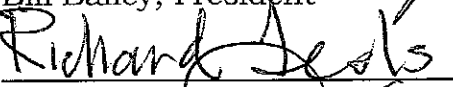
### Resolution 2023-003 – Land Petitions

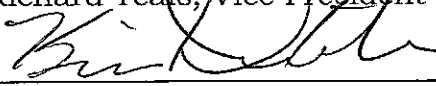
Director Dexter made a motion to approve Resolution 2023-003 Land Petitions for parcel #111885139 owned by Owen Miller, parcel #312783000 owned by Dino Cacchiotti, parcel #161722000 owned by Susan Lamb, parcel #161737000 owned by Sugar Daddy Properties, LLC, and parcel #120755000 owned by William and Julie Baxter. Vice President Teals seconded the motion. The motion carried unanimously.

## ADJOURNMENT

The meeting was adjourned at 9:34 PM.

  
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Bill Bailey, President

  
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Richard Teals, Vice President

  
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Kris Dexter, Director

  
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Chuck Perry, Director

By:   
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Secretary to the Board of Directors