

# ***WESTLAND IRRIGATION DISTRICT***

## ***NEWSLETTER - OCTOBER 2016***

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October Greetings Westland patrons,

Fall weather is settling in to our area and I hope you have been able to enjoy some of the autumn sunshine that still makes an appearance in-between the overcast skies and rain showers that move in this time of year.

Now on to news and information...

### **LITIGATION: ELH LLC et al vs. WESTLAND IRRIGATION DISTRICT**

In late June, a complaint was filed in federal court against the District by two entities and seven individual Westland Irrigation District water users alleging that the District has not been following Oregon water law in the distribution of irrigation water to its patrons. The entities and individuals who filed the complaint were:

- ELH LLC, owned by Patrick and Dixie Echeverria;
- Oregon Hereford Ranch LLC, owned by Doug and Don Bennett;
- Paul Gelissen;
- Frank Mueller;
- Maurice and Lucy Ziemer;
- Craig and Cynthia Parks; and
- Richard and Kristine Carpenter.

The District strongly disagrees with the claims filed against it and looks forward to the allegations made in the complaint being resolved.

Here is a short summary of the procedural steps which have occurred to date:

Following the filing of the complaint against the District in federal court, the District filed a motion to dismiss the complaint, arguing that the plaintiffs failed to properly exhaust their remedies in state court before filing in federal court, and further arguing that the District is immune from the tort claims based on the fact that the actions alleged as tortious were within the District's discretionary authorities under state law.

The plaintiffs then filed a response to the District's motion to dismiss, and in turn, the District filed a reply to the plaintiffs' response.

Meanwhile, the plaintiffs filed a motion to amend their complaint against the District to add a claim that the District had violated the plaintiffs' due process rights. The District file a response to this motion, and the plaintiffs filed a reply to the District's response.

Finally, the District moved to hold discovery in abeyance pending the outcome of the motion to dismiss, and the plaintiffs filed a response.

These various motions were heard by U.S. District Court Judge Michael Simon in Portland on October 18. Judge Simon indicated it may be thirty to forty-five days from the day of the hearing before he issues a ruling.

If the District's motion to dismiss is granted, the District anticipates that the plaintiffs will then file a new complaint in state court.

While the District's attorneys have advised that the District not engage in discussions and communications about the litigation itself, information that can be shared will be made available as the legal process move forward.

## **ELECTIONS FOR BOARD OF DIRECTOR POSITIONS**

Each year, at least one position on the five-member District board of directors comes up for election. Eligible District patrons may file a nominating petition to run for the open position of director to represent one of the five division areas into which the District is divided. Two director positions came up for election this year: director of division number two – Mike Taylor, incumbent; and director of division number three – Philip Sharkey, incumbent.

Director Taylor chose not to file for the position again. District patron Jordan Bennett filed a nominating petition as a challenger for Director Taylor's position, and, by virtue of his petition being the only one filed by the date to receive completed petitions, he was declared elected at the October regular board meeting. He will take the oath of office and begin his three-year term as director at the District's organizational meeting in January 2017. Congratulations to Jordan and thank you for being willing to serve.

Two nominating petitions for director of division number three were received; one from incumbent Philip Sharkey, and one from challenger Cynthia Parks. As a result, an election has been scheduled for Tuesday, November 8<sup>th</sup> with ballots to be cast at the District office, located at 77096 Highway 207, Echo from 7 a.m. to 8 p.m. that day. If you need directions to the office, please call 541-667-2030 and we will be happy to help you. Signs will be posted on Highway 207 near the office driveway on the day of the election as well.

Registration to vote may be completed prior to the day of election or on election day prior to balloting. There are voting provisions for absentee landowners, multiple ownership of land, and ownership by corporation, LLC, trusts, etc. Please contact the Westland office to determine your voting eligibility or for absentee ballot information. The phone number is (541) 667-2030.

## **CENTRAL PROJECT**

The Central Project to bring water from the Columbia River to currently irrigated lands in the District, primarily north of Westland Road, continues to be evaluated for long-term viability. Initial work to determine pipeline easement locations and necessary road, and other existing infrastructure, crossing agreements prior to construction is in progress. Project funding methods and alternatives continue to be explored. Once enough pre-construction information is gathered to reach a decision point, both in terms of project construction and funding, a decision will be made determining if the project is viable for implementation.

## **WINTERIZING**

Finally, please take some time this fall to open any irrigation drain valves you may have in order to protect pumps, pipes, and fittings from the effects of freezing weather.

## **DISTRICT CONTACT INFORMATION**

District Manager, Mike Wick	541-571-1200
Office Manager, Christine Hewlett	541-667-2030
Field Supervisor, Bobby Bailey	541-571-1202
Ditch Rider, Alex Troppman	541-571-1201
Maintenance, Clifton Wade	541-571-1203

## **BOARD OF DIRECTORS**

Bob Levy, Chairman	Division 1
Jack Bellinger, Vice Chairman	Division 4
Mike Taylor	Division 2
Philip Sharkey	Division 3
Justin Terry	Division 5