

Greenfields

IRRIGATION DISTRICT

Minutes from a Special Meeting of the Greenfields Irrigation District's (GID) Board held on Tuesday, November 14th at 5:30 P.M. that preceded the Regular Board Meeting. Those in attendance were: Board President Tim Brunner, Vice President Bill Norris, Commissioners Chase Brady, Pat Brosten and Dave Gulick. Also in attendance were District Manager Erling Juel and Board Secretary Jenny Gulick. Also present via teleconference was GID's Attorney, Steph Oblander.

The meeting had been called so that Steph could give the Board an update on the WCFC Lawsuit. She began by summarizing the site visit that took place last month. President Brunner, O&M Foreman Mayer and GID's expert witness were all present. Ed Jackson, who is an appraiser out of Bozeman, requested some information to complete his appraisal. Dana Pepper who is our Water Rights Attorney reported that the Sabatos and Troys water rights claims were not submitted timely but unfortunately, Neals claim was. The Plaintiffs Expert Disclosure-Liability issues are to be made by experts from Hydro Solutions. In January, the experts are to make disclosures on the damage incurred, after their review. There is no requirement that if the Plaintiffs are successful in obtaining the requested financial award, they do not have to use monies to mitigate or fix the damage. There is a \$750,000 limitation in place and State law helps protect irrigation districts, limiting their liability.

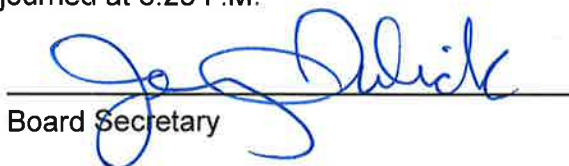
The depositions for Pat Troy and Sabato are to be held in early December. Admissions and testimony should help to present the fact that erosion was realized and accepted years prior to the claims. A motion will be made for the court to declare the scope and extent of the canal easement. Other Federal easement cases will be used to compare legally what the scope is in this case and the Judge will hopefully provide some guidance. Oblander explained to the Board that Molly McCarthy, the attorney who is taking Mark Higgins position with MACO upon his retirement, will be asking the questions during Lloyd Neals deposition, but Steph will ask the remainder of the questions. Both ladies, as well as Kaitlyn, will be present during the trial. She also explained that only the corporal person can sit in for the depositions, so that will have to be Erling. The Board was informed that the Bureau's deposition went well, and all the key admission questions were addressed. Steph went on to explain that the preexisting conditions were built on an easement secured 30 to 40 years before the construction of the WCFC. The owners purchased the ground years after the erosion had begun by the running water present. It was also disclosed that this system built by the Bureau would likely cause the Frenchie Lake to fill in.

The appraiser will put together an assessment of the value of the land when it was purchased versus the value of the land to-date. Between the 1950s and the 2000s, the change in physical acres incurred was only roughly 5 acres due to erosion.

Commissioner Brosten made a motion to adjourn the meeting and Commissioner Brady seconded. All in favor and the meeting is adjourned at 6:25 P.M.



Board President



Board Secretary