

**MALHEUR COUNTY COURT MINUTES**  
**September 20, 2017**

County Court met with Judge Dan Joyce presiding with Commissioner Don Hodge present. Also present was John Braese of the Malheur Enterprise.

**IRRIGATION WATER ON ROADWAYS**

Road Supervisor Richard Moulton met with the Court to discuss irrigation water on roadways. Also present was State District 9 Watermaster Ron Jacobs, Surveyor/Engineer Tom Edwards, and Sheriff Brian Wolfe. Mr. Moulton explained that irrigation water going on roads has become a big problem. Watering the roads causes damage to the roads and is expensive to repair. Last year, Mr. Moulton issued over 30 written warnings to landowners for irrigation water on roadways. The warnings did help to educate people, but there are still some who continue to allow the irrigation water to spray onto the roads. Mr. Jacobs has been working with the various irrigation companies regarding the problem and encouraging them to correct the problem with the landowners; the irrigation companies do have the authority to shut the head gates off if the water is being used incorrectly. Warmsprings Irrigation has been responsive to the issue. Violations in the other irrigation districts continue. Citations can be issued if the problem is not corrected with the warning notice. Citations can be served by a Sheriff's Deputy; County Code also allows for Mr. Moulton to issue/serve the citations by mail or in-person as the Road Supervisor is an enforcement officer. Sheriff Wolfe explained that his office does not have an ordinance deputy and does not have the resources to issue/serve the citations. A first time violation carries a fine of \$500; subsequent violations are \$1000.

Administrative Officer Lorinda DuBois joined the meeting.

Judge Joyce asked Mr. Jacobs what assistance he could offer as a State Watermaster. Mr. Jacobs explained that he supports the County in this matter and that there are no water rights to water the roads. Mr. Jacobs has the authority to write notices of violation and start the process of fining the landowners; and also has the authority to take control of the head gate at the point of diversion.

The Court was supportive of Mr. Moulton issuing warnings and citations as needed; and continuing work with Mr. Jacobs and the irrigation districts to correct the water problems.

**COURT MINUTES**

Commissioner Hodge moved to approve Court Minutes of September 13, 2017 as written. Judge Joyce seconded and the motion passed.

**SUPPLEMENTAL BUDGET**

Commissioner Hodge moved to approve Resolution R17-36: In the Matter of Fiscal Year 2017/2018 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471. Judge Joyce seconded and the motion passed. The supplemental budget allocates State Strategic Reserve Funds that were received but not anticipated when the adopted budget was prepared - the funds are to be used to remove building debris from damaged County land; and allocates State Marine Board funds that were received but not anticipated when the adopted budget was

prepared that are to be used to pay for overlay and restriping of the boat trailer parking area at Bully Creek. See instrument #[2017-3677](#)

### **BUDGET TRANSFER**

Commissioner Hodge moved to approve Resolution No. R17-37: In the Matter of Fund Transfers Under Local Budget Law ORS 294.463. Judge Joyce seconded and the motion passed. Funds in the amount of \$7,720 are transferred from Economic Development Technical Assistance to Marine and Park for the Bully Creek overlay/restriping project. See instrument # [2017-3678](#)

Ms. DuBois left the meeting.

### **JCP PROVIDER CONTRACT - BOYS AND GIRLS CLUB**

Commissioner Hodge moved to approve Provider Contract for Juvenile Crime Prevention (JCP) Services 2017-2019 with Boys and Girls Club of Western Treasure Valley. Judge Joyce seconded and the motion passed. JCP Prevention Services target youths 10 to 17 years of age who are at high risk for commission of juvenile crime and who have the basic risk factors; and Boys and Girls Club is a provider that employs authorized professionals to provide youth services. See instrument # [2017-3679](#)

### **ORDER LIFTING BURN BAN**

Commissioner Hodge moved to approve Order No. GO-09-17: Order Lifting Burn Ban in Unincorporated Areas of Malheur County Located Outside of a Fire District. Judge Joyce seconded and the motion passed. See instrument # [2017-3680](#)

### **DEMOLITION CONTRACT - CLARK IRRIGATION AND CONSTRUCTION**

Commissioner Hodge moved to approve Demolition Contract with Clark Irrigation and Construction Inc. Judge Joyce seconded and the motion passed. The contract is for demolition and removal of the existing structure and concrete basement located at 122 S Main St., Vale ("Slipper/Welcome Inn" property). See instrument # [2017-3681](#)

### **COURT ADJOURNMENT**

The meeting was adjourned.