

NEVADA IRRIGATION DISTRICT

BOARD OF DIRECTORS

MINUTES

March 4, 2021

The Board of Directors of the Nevada Irrigation District convened in special session at the District's main office located at 1036 W. Main Street, Grass Valley, on the 4th day of March 2021, at 9:00 a.m.

Present were Chris Bierwagen, President (Division II); Laura L. Peters, Vice President (Division IV); and Directors Ricki Heck (Division I); Karen Hull (Division III); and Rich Johansen (Division V).

Staff members present included Greg Jones, Interim General Manager; Chip Close, Water Operations Manager; Keane Sommers, Hydroelectric Manager; Dustin Cooper, District Counsel; Andrew McClure, District Counsel; and Kris Stepanian, Board Secretary.

PUBLIC COMMENT ON ITEMS TO BE CONSIDERED IN CLOSED SESSION

- None

Dustin Cooper, District Counsel, announced that the Board of Directors would be providing direction to legal counsel during Closed Session.

Open Session was closed, and Closed Session opened at 9:04 a.m.

Closed Session Conference with Real Property Negotiators was declared at 9:04 a.m. regarding South Yuba Canal (FERC Project No. 14530) NID Negotiators - Greg Jones, Keane Sommers, and District General Counsel. Negotiating with Pacific Gas & Electric Company concerning Price and Terms of Payment.

Board Action: Direction was given to Legal Counsel.

The meeting recessed at 10:15 a.m. and reconvened at 10:24 a.m.

Closed Session Conference with Legal Counsel - Initiation of Litigation was declared at 9:04 a.m., pursuant to Government Code 54956.9(d)(4).

Board Action: Direction was given to Legal Counsel.

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Closed Session Conference with Legal Counsel - Pending Litigation was declared at 9:04 a.m., pursuant to Government Code 54956.9 (d)(1). The Board conducted a closed session workshop with District General Counsel to Discuss All Pending Litigation Affecting Nevada Irrigation District, including the following cases:

- (1) Bay-Delta Proceedings, including the California WaterFix (or Delta Conveyance Project), the associated environmental document and change petition before the State Water Resources Control Board, and the planned update to the Bay-Delta Water Quality Control Plan
- (2) In re Nevada Irrigation District Application 5634X01 and Petition for Assignment of State-Filed Application 5634 and Petition to Change State-Filed Application 5634 before the State Water Resources Control Board
- (3) California State Water Resources Control Board v. Federal Energy Regulatory Commission, Ninth Circuit Court of Appeals, Case No. 20-72432;
- (4) South Yuba River Citizens League et al., v. Federal Energy Regulatory Commission, Ninth Circuit Court of Appeals, Case No. 72452.
- (5) Nevada Irrigation District v. State Water Resources Control Board et al., United States District Court for the District of Columbia, Case No. 1:20-cv-03523;
- (6) Nevada Irrigation District v. State Water Resources Control Board et al. Sacramento County Superior Court, Case No. 34-2020-80003544.
- (7) Water Audit California v. Nevada Irrigation District. Third District Court of Appeal, Case No. C092877
- (8) Emerson Pachaud and Michael Rainey v. Nevada Irrigation District. Nevada County Superior Court, Case No. CU19-084309
- (9) Nevada Irrigation District v. Back. Placer County Superior Court, Case No. S-CV- 0040316

The meeting recessed at 12:23 p.m. and reconvened at 12:30 p.m.

Board Action: Direction was given to Legal Counsel.

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MEETING ADJOURNED at 1:20 p.m., to reconvene in regular session on Wednesday, March 10, 2021, at 9:00 a.m. at the District's Business Center located at 1036 West Main Street, Grass Valley, California.

Board Secretary

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

Division I

Division II

Division III

Division IV

Division V

DRAFT