

MSHOA BOD Special Meeting Summary 8/21/18

MOUNTAIN SHADOWS 'BOD SPECIAL MEETING – PHASE 4/5 STEERING COMMITTEE' SUMMARY

Date/Time: August 21, 2018 / 10:00 AM – 12:00 PM

Location: Garden Valley Library Conference Room

Meeting Called By: Cherry VanCour

Members Present:

Scott Brown, BOD President

Stacy Perryman, BOD Vice President

Cherry VanCour, BOD Treasurer/Secretary

Thor Oden, BOD

Jim Sipple, Water Committee Representative

Bob Hammond, Water Committee Representative

Ralph Pond, Legal Knowledge

Don Thompson, Legal Knowledge

NEW BUSINESS:

1. **Added to the Agenda - Thor to engage council:** Larry has provided unsigned documents that, in the Phase 4/5 Steering Committee's opinion, required expertise with issues regarding Real Property, Easements and Water Rights/Licenses. The Board (Scott, Cherry, Thor and Stacy) approved Thor to engage council.

On 8/20/18 Thor, Cherry, Don and Bob interviewed an attorney, Steve Millemann, who specializes in Real Property, Easements and Water Rights/Licenses. Steve was provided with several documents to review along with the unsigned documents Mountain Shadow Development (MSD) has provided.

The request to Steve was to review the provided documents, answer 6 specific questions, provide the Phase 4/5 Steering Committee his opinion(s) and identify any concerns. We also asked Steve his thoughts on best approach towards contract negotiations, given the situation.

OLD BUSINESS:

2. **Review and answer questions/concerns HOA Member have submitted:** There are 6 questions asked by HOA Member(s):
 - 2.1. How/If the new system (Phase 4&5) will affect the water quality of the current supply aquifer/table? Answer: See below.
 - 2.2. Will the new well access a confined aquifer? Answer: See below.
 - 2.3. What will be the effects of the new system?
 - 2.3.1.Recharge rate of the supply?
 - 2.3.2.Expected depletion rate?
 - 2.3.3.Aquifer shallow/permeable enough to allow for water to move at a rapid-enough rate, with the increased withdraw?
 - 2.3.4.Answer: See below.
 - 2.4. What methodology/technology was used to determine effects? Answer: See below.

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- 2.5. If determined to have a negative influence the quality/quantity of present system – What will be the reparation given to the HOA and the system to correct the deficiency? Answer: See below.
- 2.6. Will the Diocese engage in agricultural activities that will influence the quality/quantities? Answer: To date, the Board has not been presented with a proposed land plan nor a proposed operations plan from the Diocese, therefore we do not know the consumption rate.

For questions 2.1 through 2.5, Answer: The questions raised are controlled by regulations and standards from the Idaho Department of Environmental Quality (IDEQ) and Idaho Department of Water Resources (IDWR). Impact on Public water is addressed by the regulatory agencies.

Thank you for these questions. We will identify question presented to us from our Membership and try to provide answers to such questions.

3. **REVISED AGENDA ITEM, FROM: “Review of the Domestic Water Agreement in relation to the documents Larry provided” TO: “Review of Larry’s proposed ‘Domestic Water Agreement’ and proposed ‘Declaration of Amendment to Revise Declaration of CC&R’s for Mountain Shadows Subdivision No 1, 2, 3 and 4 (future)’ (i.e. Amendment to Article VI of the Revised CC&R’s):** The Steering Committee engaged an attorney to review these documents, as well as other documents presented by MSD. In the meantime, the Steering Committee has created a list of Talking Points for review with Larry/MSD.

The majority of the Phase 4/5 Steering Committee decided it was pertinent to review the list of 18 concerns. This list started as 10 items of concerns at the end of the 8/2/18 Phase 4/5 Steering Committee Meeting yet evolved, via email, to a list of 18 items. It was determined the list needed to be revised as there were duplications. The Committee brought the list of 18 items down to a list of 9 items.

ACTION ITEM: Item to remain on Agenda.