

# Staff Report

**TO:** Board of Directors  
**FROM:** Jennifer Hanson, General Manager  
**DATE:** March 12, 2025  
**SUBJECT:** Hemphill Diversion Fish Passage Project

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## *HYDROELECTRIC*

### **RECOMMENDATION:**

Approve a Resolution amending the 2025 Annual Budget (Fund 15 Water Capital) to include \$785,000 to pay for the completion of the Hemphill Diversion Fish Passage Project.

### **BACKGROUND:**

The contract for the instream construction of the roughened rock ramp portion of the Hemphill Diversion Fish Passage project was awarded to Westcon Construction Corporation. Substantial completion of the work required by the contract occurred in November 2022. Since that time, the District and Westcon Construction Corporation have been in a dispute regarding final payment of requested change orders under the contract. To resolve the dispute, the parties agreed to third party mediation. Based on the results of the mediation, the parties agreed to resolve the dispute and all legal claims for a lump sum payment of \$785,000 to Westcon Construction.

### **BUDGETARY IMPACT:**

The 2025 Water Capital Budget (Fund 15) will need to be amended in the amount of \$785,000 to allow the District to pay the final settlement.

### Attachment (1)

- Resolution No. 2025-19 – Approval of 2025 Capital Budget Amendment for the completion of the Hemphill Diversion Fish Passage Project



**RESOLUTION NO. 2025-19**

**OF THE BOARD OF DIRECTORS OF THE NEVADA IRRIGATION DISTRICT**

**Approval of 2025 Capital Budget Amendment  
for the Completion of the Hemphill Diversion Fish Passage Project**

**WHEREAS**, The contract for the instream construction of the roughened rock ramp portion of the Hemphill Diversion Fish Passage project was awarded to Westcon Construction Corporation; and

**WHEREAS**, Substantial completion of the work required by the contract occurred in November 2022; and

**WHEREAS**, to resolve a dispute regarding final payment of requested change orders under the contract, the District and Westcon Construction Corporation agreed to third party mediation; and

**WHEREAS**, based on the results of the mediation, the parties agreed to resolve the dispute and all legal claims for a lump sum payment of \$785,000 to Westcon Construction.

**NOW, THEREFORE, BE IT RESOLVED**, the Board of Directors hereby approves amending the 2025 Annual Budget (Fund 15 Water Capital) to include \$785,000 to pay for the completion of the Hemphill Diversion Fish Passage Project.

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**PASSED AND ADOPTED** by the Board of Directors of the Nevada Irrigation District at a regular meeting held on the 12th day of March, 2025, by the following vote:

**AYES:** Directors:  
**NOES:** Directors:  
**ABSENT:** Directors:  
**ABSTAINS:** Directors:

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President of the Board of Directors

**Attest:**

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Secretary to the Board of Directors