

Wednesday, January 21, 2026

## Farmers Union Ditch Meeting

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Board Present:

Corey Blaine, Cheryl Bloom, Luke Erlebach, Robert Netzly, Jacob Zwygart

Seth Kettering, Sean Kettering – Ditch Riders

Rosalie Cope, Administrative Assistant

Andrew Waldera, Attorney for FUD

Corey Blaine called the meeting to order at 5:30 p.m.

Board and staff introductions.

### GRETCHYN HOYT – 8914 LANDER STREET

Gretchen Hoyt has been working with the City of Boise Parks department on plans for a gate upstream by her property and a second gate downstream by State Street. The City of Boise has secured funding and have plans for the Board to review. Seth met with Trevor Kesner from the City on-site and approves of the preliminary design but reiterated they will need to add a commercial gate opener to the design. Mr. Kesner with the City was unable to attend the meeting but will coordinate with Andy on the license agreement.

Will Mason reported he has not received revised plans from Orton Engineering for Sagemont.

### ISAAC JOSIFEK, ARDURRA – CALIBER COVE SUBDIVISION

Mr. Josifek explained his client plans to install a new bridge to replace an existing wooden bridge. The proposed bridge will be just east of the existing bridge in order to get the approach required by the fire department. The City gave their approval to move forward with the bridge while the preliminary plat is under review. As per the City's requirements the bridge will also include pedestrian access to the new City park with sidewalk and railing on one side. Seth stated the old bridge does not have adequate clearance and would like to see more "free board" on the new bridge. He also asked Mr. Josifek to make a notation to remove the old wooden bridge as part of the plans. Isaac said they went back more to a stiff leg box culvert with a concrete floor. It is higher on one side to compensate for the grade. Corey also suggested they add conduit to the bridge for utilities if that is something they are going to need in the future. The Board asked Will Mason to send Mr. Josifek plans from the Scenic View bridge for reference.

Will Mason gave a brief overview of the property on Blessinger Road. He explained it is a long narrow piece of property and the tail of the canal runs through it and setbacks will be required on the north side since the County expects to extend Willis Road in the distant future. At the October 7<sup>th</sup> meeting the Board approved the revised road plan and the sale of 0.667acre parcel to CHD4 in principle based on the alignment dated September 30, 2025. The Board did not accept the initial offer from CHD4 and Bert Browen was working with Mike Ballentyne at TOK to obtain more data to formalize a counter offer. Andy will discuss the arrangement with TOK later in the meeting. Will provided the Board with an overview of the property and shop placement. He explained the placement of the shop is outside of the proposed highway corridor and at this time Canyon County is not requiring a rezone of the property or a C.U.P. More grading will need to be done to accommodate the septic and Will suggests doing that now, before Idaho Power does their work. He said it is staked so Idaho Power can proceed. The Board agreed to obtain grading bids and have the grading done before giving Idaho Power the go ahead. They also thought it would be good to dig a test hole for the septic for Southwest District Health while the grading is being done. Will also mentioned the Alta survey is being done on the Clover property at this time. Corey Blaine and Luke Erlebach will work on getting some bids for the grading.

There are some conflicts with the proposed February 9<sup>th</sup> meeting date so an alternative date of Thursday, February 19<sup>th</sup> was agreed upon. Rosalie is going to look into the Eagle Community Center as a possible meeting location.

Since Corey Blaine is the only Board member that was in attendance at the December meeting Andy stated he make a motion to approve the minutes if the current Board is comfortable taking his position as to accuracy. Cheryl Bloom made a motion to waive reading of the minutes; motion was seconded by Corey Blaine. Corey Blaine moved to approve the December regular and special meeting minutes; motion was seconded by Luke Erlebach. Motion was unanimously approved.

#### ATTORNEY'S REPORT

Andy has been working with Will Mason on Focus Engineering's request for a license agreement to install a culvert for Scenicview Subdivision. Once Andy receives the correct deed he will issue the license agreement.

The attorney for the City of Eagle sent Andy proposed revisions on the retaining wall and road grading for review for the Eagle Regional Athletic Park off Highway 55 at Equest Lane. They have repaired the slope and are building a retaining wall with a drain. Once the plans are approved Andy will issue a license agreement. If the City desired to allow pedestrian traffic on the canal bank they would not be subject to trespass concerns because they own the horseshoe-shaped piece of property in the Eagle Regional Sports Park. However, if the city encourages competing uses of the easement that conflict with the purposes of the easement Farmers Union has the ability to claim it is unreasonable material interference.

The head of the canal in Esther Simplot Park was significantly reconfigured in 2016 under an agreement between Farmers Union and the City of Boise in 2014. The city altered the intake of the canal when they constructed the Whitewater park. They constructed a concrete culvert in order to build a portion of the Whitewater park over the top of the old canal channel. As part of that concrete culvert the intake on the river where one of the wave drops is located is a passive intake, an open culvert with a trash rack. On the downstream side of the culvert where the canal daylight again is a gate control structure. There was always a need for mechanization to make it easier to open and control the 5 gates and at some time during the project it was agreed the gates would be automated. The city is currently doing work on the wave shaping machinery in the river and they need to dewater the river by bypassing winter flows through the canal in order to spill back into the river downstream of the Whitewater park. Andy suggests now would be a good time to request the automation work be done. McMillen who is the general contractor on the project agreed to install the conduit and electric motors necessary for automation as part of the work they are currently doing. They also agree automation was part of the agreement at some point but also can't find written documentation. McMillen has ordered the necessary parts, are installing electrical conduit and will provide and install the motors on the stems of the gates. Farmers Union will be responsible for completing the software automation to actuate the motors and will be responsible for the infrastructure upon completion.

Andy reported Idaho Power is running line through the conduits for Rene Place and the license agreement is nearly completed.

The Clover property has a somewhat undocumented easement history and at their expense, Michael Ballentyne with TOK did a lot of research and mapped out easement discrepancies across the property. In exchange they asked Farmers Union for a listing agreement if/when the Company listed the property. That concept was approved by the prior Board. Mr. Ballentyne sent Andy a proposed listing agreement which Andy redlined and sent back. He just received comments back with some additional redlines. As part of the agreement, TOK will help research data points to test the offer from CHD4 on the Blessinger Road property. Andy explained as part of the process to list the Clover property an Alta Survey is currently being done and ultimately an appraisal will be done. The Board approved for Andy to continue work on formalizing the agreement with TOK.

Andy mentioned the proposed Costco project at Highway 55 and Hill Road is currently going through the City of Eagle's Planning and Zoning Department. He said according to Lloyd Akins and former Board members there is some sort of understanding that the City was going to require any future landowner to address the canal cuts on the property.

Andy reported there is a proposed new subdivision across from the Optimist Sports Park off Old Horseshoe Bend Road that is encroaching on the high fill canal bank. The Developer is aware of the concerns Farmers Union may have.

Andy gave a brief update on Legislative issues.

There was discussion in regards to the Class A recycled water agreement with the Eagle Sewer District. Andy said there is no question there is a signed contract and the best-case option is to approach Eagle Sewer District and ask for voluntary termination. Andy recommends the Farmers Union Board schedule a meeting with the Eagle Sewer District Board to have a conversation. From a contractual standpoint it is a valid contract, dually executed and the only way to get out of such a contract is to prove it was induced fraudulently, signed under duress and is not void for public policy. Andy explained Farmers Union is a private company and not subject to public records laws or open meeting laws like Eagle Sewer District is. He imagines Eagle Sewer District will want to meet in Executive Session. Jacob Zwygart asked what the weak points in the agreement might be, specifically the Dry Creek spill. Andy said there will have to be a regulatory disconnect of spills to Dry Creek. How DEQ will word that in a permit or what they will require he doesn't know. There is no draft permit at this time, it is still under review by the DEQ. The public comment period will open on the issuance of a draft permit for public consumption. There is an issuance of a draft permit to the applicant before it is released for public comment. Andy doesn't know where they are in the permit process. In reviewing the permit application DEQ will review the waters of the US potential connections and the percentages of the water in the canal as it relates to the constituents that are governed by Class A standards. The DEQ is required to review public comment and directly respond to the comments received. Whether that will result in any change to the draft permit parameters is not certain. Seth stated the Dry Creek spill is used daily in the spring until everyone starts using their water and the rest of the season it is very random, dependent on storms and runoff. Farmers Union needs access to it at all times. Andy stated Farmers Union informed Eagle Sewer District their engineering plans could not take away Farmers Union's operational ability to spill. Jacob said the application states that during the two-week period Eagle Sewer District will not discharge water until the canal is leveled off. The Board would like Andy to review the permit application. Upon elections at this meeting the Board President will reach out to Eagle Sewer District to set up a meeting.

Rosalie provided the Board with financial reports for review. There are some concerns regarding unforeseen expenditures early in the year that will adversely affect the budget. The Board agreed there was a need to reopen the 2026 budget. Rosalie is to provide the Board with a new proposed budget in Excel via email prior to February meeting for review. She will include the additional payroll costs and a reduction in hours for Dale Wood. At that time, they can make a decision to deficit spend in 2026 and utilize reserve funds or issue a special assessment to cover the deficit.

Corey Blaine made a motion to retain Andy Waldera as legal counsel; motion was seconded by Luke Erlebach. Motion was unanimously approved.

#### OFFICER ELECTIONS

Luke Erlebach nominated Corey Blaine for the position of President; motion was seconded by Cheryl Bloom. Motion was unanimously approved.

Cheryl Bloom nominated Luke Erlebach for the position of Vice President; motion was seconded by Robert Netzly. Motion was unanimously approved.

Luke Erlebach nominated Cheryl Bloom for the position of Secretary; motion was seconded by Corey Blaine. Motion was unanimously approved.

Robert Netzly recused himself from being a signer on the bank accounts. Corey Blaine, Luke Erlebach, Cheryl Bloom and Jacob Zwygart will all be recognized signers on the accounts and the Board will carry on the policy of two signatures on checks.

The Board would like to send an update letter to shareholders to include:

- 1) Introduction of the new Board, retained legal counsel and staff and that they are committed to having a good irrigation season
- 2) Exploring options with Eagle Sewer District
- 3) Exploring what the procedure is for updating bylaws

Cheryl Bloom volunteered to create a draft of the letter for the Board to review. Rosalie will include the letter with annual assessments and there was some discussion about sending a supplemental email and posting it on the website.

Andy explained amendments to the Bylaws requires 66% of the capital stock and amendments do not have to be done at an annual meeting. It is legal to appoint a committee to red line proposed amendments for the Board to discuss and upon Board approval it can be sent out for shareholders to vote via written consent.

#### DITCH RIDER REPORT

In the Seamans Gulch area, to the east of Hill Road there has historically been problems with seepage. They are going to remove approximately 6-8" out of the bottom of the canal, put down Bentonite and cover with the material to create a good seal. They will need to rent a larger excavator to do the work.

Healthy Tree will be working to clean up the section of the canal bank from State Street to Bloom where there currently is no maintenance access.

Dale will be slowly moving toward retirement and Seth would like to hire a full-time person to start in March so they can begin training prior to the water season and help with the major maintenance projects leading up to the beginning of the season.

Luke Erlebach moved to adjourn the meeting; motion was seconded by Cheryl Bloom. Motion was unanimously approved. Meeting adjourned at 8:43 p.m.