

FUD Aug 11<sup>th</sup>, 2015 Meeting

**Board Members Present:** Lloyd Akins, Paul Akins, Sam Rosti, Tom Foster and Brian Harm.

Jerry Kiser, Attorney-Lisa Harm Bookkeeper and Dane Vaughn Ditch Rider also present.

**Guest(s)**

Marcel Lopez Conger Mgmt. Group representing Belmar Estates

Mr. Lopez shared the Preliminary plate for Belmar Estates. Water allocations for Head Gate 9 and 10 discussed. Belmar wants to move all water to HG 9, board requested verification of BV water allocated to HG 10, believing there may be a duplication of 11 inches. Lisa will contact Boise Valley to verify these shares. In general principle the board had no concerns about moving Belmar's water to HG 9, pending verification. No official approval at this point.

**FUD August Meeting called to order**

Brian read the July FUD Minutes; Sam Rosti motioned they be approved as read, Lloyd Akins second. Minutes approved.

**Dane Vaughn Ditch Rider Report:**

On the Camadrie Heights development Dane rebuilt the bank and road around fence & cattle guard. Jerry reported he had written a letter to Gully attorney regarding CCR suggestions, no official response as of yet and this remains a work in progress.

Ditch operations in good condition. Dane shared latest storage report indicating we had enough to run through 25<sup>th</sup> of Sept. Ditch currently running at 135 cfs. The Board directed Dane to maintain current water levels.

Equipment maintenance was reviewed and it was reported that the clutch was out on the Ford Range. A brief discussion followed about where to take vehicles for repair and Dane is to investigate. Jerry recommended Ken and Johns.

Dane reported that his water test of the reported oil slick in the canal came back negative. Jerry and Brian followed up with John Tensen on this concern during a conference call. Testing for DEQ on the Simplot Park project looks only for hazardous materials. Suspect unnamed organic materials as source of slick.

## **Jerry Kiser Report:**

**Late Claim Refill:** Jerry reported on the Summary Judgment Case on the Late Claim Re-fill Issue. Attorneys Stenson and Barker presented a sound argument with mountains of historic documentation. It will be an undetermined time before a decision by Judge Booth.

**Fitzgerald Lawsuit Status Report:** Jerry reported that Mike Mitchell would not be a good witness, John Anderson would be and Alan Funkhouser is considering it. It has been discovered there is an old run-off pipe running under the canal coming out of Dry Creek Cemetery that presents a clear imperative for an extension of the right of way for maintenance along this very narrow stretch of ditch bank. It must be widened and fortified. The Previous Owner of the Fitzgerald property gave his deposition. He wasn't a friendly witness, largely unsubstantiated stories along with a questionable history of walking ditch for years where he reported no observations of maintenance. Jerry got him to admit he never used the property.

## **Simplot Park**

Mr. Tensen forwarded Mort McMillian's letter in response to Jerry's letter regarding concerns about conduct and communications surrounding the project. Jerry shared his email to John regarding bond for Phase One and they send an assumptive draft back for signature. Escrow account proposed instead of Bond. Armoring of the Bank along Veterans Pond discussed. Given the Boards overall lack of confidence in McMillian is generally agreed we needed to have our own engineer to monitor construction as it happens. Board agreed to set a follow-up meeting with Tensen.

## **General Discussion:**

Brian reported that he received a letter from Water District 63 that the cloud seeding program had passed our Assessment was \$2,800.

The Meeting was Adjourned.