

Tuesday, January 5, 2021

Farmers Union Ditch Meeting

Board Present:

Sam Rosti, Lloyd Akins, Paul Akins, Mike McGowan

Rosalie Cope, Secretary/Bookkeeper

Jerry Kiser, Attorney for FUD

Sam Rosti called the meeting to order at 4:59 p.m.

TRASH RACK

Jerry Kiser reported the ACHD engineers have reviewed the plans for the temporary trash rack designed by River Structures. Jerry has been in contact with Ryan Cutler from ACHD and their main concern is how the railroad iron is going to be secured to the concrete blocks. They would also like to have an additional concrete block downstream. The Board proposes welding the top and the cross members of rail the width of the block. It would sit on top of the top member and the next member down will butt against the block. The rail will be secure by pushing against the block then the top rail can be secured directly to the block.

Jerry will instruct River Structures to revise the plans to show how the rails will sit on the blocks. Once ACHD approves the plans Jerry will draft an Addendum to the agreement.

The Board would like to hire a contractor to build and install the rack rather than have the Ditch Rider's do the work.

Jerry reported he sent invoices for his work up to August 1st and has not received payment yet. He also informed the Board that ACHD has not sent out a bid for the flow meter either. Jerry provided the Board with a draft letter he will be sending to ACHD outlining the outstanding items and reiterating the importance of the flow meter needing to be installed prior to this irrigation season.

Lloyd Akins reported Craig Waddell is going to have surgery on his shoulder tomorrow. The Board would like Craig to take his time getting well and not return to work until he has a release from his doctor. Seth will need to find temporary help. The Board asked Rosalie to contact State Insurance Fund and clarify what if any effect there will be on the worker's compensation premium and what the difference in pay would be for Craig receiving time off benefits vs remaining on his salary.

TRIDENT RIDGE

The Board would like John Carpenter, T/O Engineers to look into installing a tunnel to accommodate the pedestrian traffic and a bridge that would be for fire truck access only. Mr. Carpenter did send Jerry an email in regards to right-of-ways along Wing Road and they did not find anything other than the private road easement for Scenic View and utility easements that the Board was already aware of.

Rosalie presented an updated budget for the Board to review. Mike McGowan made a motion to approve the proposed budget; motion was seconded by Lloyd Akins.

WHITEWATER PARK

Jerry has not received a response from the City in regards to the letter he sent. He did receive an email from the City's Attorney stating they were working on a response. Paul Akins asked what the consequences are for not meeting the terms of the agreement. Jerry stated the City is supposed to suspend use of the recreation area which is defined in the contract as the Whitewater Park facility and related greenbelt. That would put the City in non-compliance of the Federal requirement that the area maintain open for public use.

The City provided the Board with an outline of work being performed at the Whitewater Park such as installing check boards to run water through the spillway, work on the bladder, etc.

WATER RIGHT PROTEST

Jerry provided the Board with an email from Chris Bromley who is the new attorney for the City outlining what the City is proposing to do to satisfy Farmer's Union objection to the water right application. They are proposing to put the additional 35 cfs in a pipe, run it under the canal and take it to the floodway channel. That is what the Board has been asking to be done from the beginning. There is a rough diagram along with the email. The City will block off the pond leaving Crane Creek separate and run the pond water through a Rubicon gate with a measuring device, through a 36" pipe under the canal, north to the flood channel. The Board does not think a 36" pipe is large enough. They propose a minimum of a 5' diameter pipe. Jerry Kiser stated there are still a number of things to be designed and worked out. One question Jerry has is whether they are proposing to run the pipe under the greenbelt or under the canal road. Jerry proposes they run the pipe down the greenbelt path then all that would be required from Farmer's Union is a crossing agreement and approval of design plans. Jerry asked how high the wall at the end of the pond should be to handle water from flood flows. Jerry stated there is an elevation for the bottom wall to be determined, location and design of pipe going under canal, where the pipe will be laid in relation to the other side of the maintenance road. Jerry stated any time anything is done in the park or on the land that is the beneficiary of the federal grant it has to be approved by the National Park Service. The function of the pipe is to remove the water from the pond after it has gone through all three ponds.

Jerry reported there is a telephone conference in the morning regarding the Whitewater application. Jerry will inform the hearing officer things are headed in the right direction and Farmer's Union is working with the City on a resolution.

WATER SHARE TRANSFERS

The Board had discussion regarding how to get notification of pending development or splits prior to share transfers being done. Typically the property is sold and water shares are transferred before Farmer's Union receives a development application from the City. At that time Farmer's Union can protest the development, submit comments and put requests that an HOA be formed.

Jerry Kiser reported after further investigation Levi Glynn's property is in the Boise Valley service area. Jerry informed Mr. Glynn he needs to revise his plans and move his system close to the road so the pipe will go into the canal near the bridge abutment, similar to the setup Jon Dobson has. Mr. Glynn will need to provide the Board with revised plans and will need to install a flow meter.

Jerry asked what flow meter the Board has decided to recommend. Sam stated Middleton irrigation decided to recommend the mechanical gear driven McCrometer flow meter. Sam suggested Jerry reach out to Allen Funkhouser with Middleton Irrigation for more information on flow meters.

LATERAL 75

Lateral 75 needs to replace approximately 180 feet of pipe and wanted to know if they need Farmer's Union approval to do the work. They also would like input from the Board on someone that would be able to do the work.

TRAPPER RIDGE

Jerry provided the Board with a series of emails regarding the proposed plan for drain installation for lots 21-34. The requirements would be included in the CCR's and notice would be given to builders. The Board approved of the plan. Lloyd Akins made a motion to approve the proposed plan; motion was seconded by Paul Akins.

DOWNING DOWNS WATER USERS

Jerry received a call from Betty Miller with Downing Downs Water Users. They are having problems with property owners that either won't allow anyone to access their property in order to do maintenance on the lateral or refuse to pay their portion for maintenance. Jerry asked if the Board has any opposition to him providing them with basic information and referring them to the sections of Idaho Code that pertain to laterals. Jerry stated the scope has become larger now than when he first spoke to Ms. Miller with the Chase property being developed. Jerry stated there is a lot of lateral within that property and a lot of issues that will need to be addressed. Paul Akins asked if Farmer's Union would be responsible for Jerry's fees. Jerry stated with other laterals the Board has allowed him to give them basic right of way information and the lateral association will pay his fees. The Board approved Jerry to

provide information to Downing Downs and advised the lateral form an association and appoint a lateral manager.

Jerry asked how involved the Board would like to become in development on laterals. He reported there are currently three developments pending. Jerry would like the Board to set a policy that when notifications of development applications come in from the City Farmer's Union would inform the City these properties are served by a lateral. Jerry also proposed sending a letter to all of the property owners on the affected lateral.

Jerry stated there is a lateral that runs through the proposed Spartan Estates Subdivision. Jerry asked what if anything Farmer's Union should do to notify the other water users on the lateral that they need to take action to protect their delivery. He proposed sending a comment letter to the City of Star in regards to the Spartan Estates application stating the subject property is on a private lateral ditch with multiple owners and improvements to the lateral ditch have to be approved by the lateral association. Lloyd asked Jerry to also inform the City of Star there is not enough water for the property to utilize a pressured system. Let them know how much water shares are with the property, how much is in the lateral and how many water users there are on the lateral.

CAPITAL VIEW

Jerry provided the Board with emails between himself and Pete Newton with Capital View. Jerry reported there is 226" of water right including Triple Ridge at the two top pumps. Capital View has 200" and Triple Ridge is entitled to 26" which is part of a Farmer's Union Share, Middleton and 7.5" of Capital View which is Jacob's water. One question is what happens when cutbacks are in effect. Jacob's water is not subject to cutbacks, but when calculating it would be nearly impossible to calculate cutbacks on the amount of Farmer's Union and Middleton Water for Triple Ridge. Jerry suggested if Capital View wants to manage the water then Triple Ridge needs to sign off on that. Historically all water has been delivered to the Capital View headgate and Farmer's Union has not had any involvement past that point. Farmer's Union does not have access to the Capital View facility to manage the water and the Water Master has requested weekly readings on good flow meters. Jerry spoke to Mike Meyers regarding the pump on Eagle Road and the lower pump. Mike said the meter was installed as per manufacturer specs. and is reading correctly according to Burgess.

CULVER SUBDIVISION

Jerry provided the Board with the final plat application for the Culver Subdivision. Jerry Kiser contacted the City and asked what the irrigation plan is. The City replied the details of the irrigation system have not been finalized. The City is going to require a pressurized system however the source of the water is not clear and due to historical reasons it sounds like access to the irrigation district's facilities are not readily available. Jerry informed the Board this property is to receive water from headgate 11 and houses have been built up to the canal bank so access to the ditch

for delivery has been eliminated. The developer is proposing to relocate and put in a new headgate and install the pump for the development. Jerry reminded the Board that several years ago when Culver's split off all of those subdivision lots and sold the property Farmer's Union sent a letter to Alice Culver stating they are responsible to make sure irrigation water is deliverable to each property. That did not happen and at this time none of the homes currently there are using water because they don't have access. The City responded to Jerry stating they will be including a condition of approval requiring the developer to include written approval from Farmer's Union prior to the City signing the final plat.

Jerry reported he submitted a change of address form to the Department of Water Resources with the P.O. Box and Secretary's phone number as the point of contact. They had Ron Schreiner's address on file.

CANDAU BRIDGE

Jerry has not heard back from Mr. Candau in regards to the bridge. Jerry asked if he is supposed to be working with the Emmett Lateral on this. Sam stated the Emmett Lateral is getting piped and they have been working with Becky McKay, Kay Engineering Solutions. She toured the property with Sam and knows where Barbara Moyle's water needs to come from, the headgate will more than likely have to be moved to the far northeast corner. Sam asked Jerry to check with Becky. Jerry asked how close the pipe for Star Acres east through Gillis' property is to the property line. Jerry said there will be a subdivision with fences prohibiting access to the lateral. He said the plat shows lots all the way to the property line. There will be a right of way in backyards that is not accessible. Sam said he instructed Becky that it would have to be a berm, walkway or some kind of open space. Sam stated yes, Jerry is to represent the Emmett Lateral.

VINE ESTATES BRIDGE

Vine Estates sent an emailing informing Farmer's Union they are ready to install the bridge approved by the Board in 2018. Jerry sent Mr. Strelyuk an email reminding him they are to be done with work by March 15th and the Board will need a construction schedule and plan from the contractor. Jerry received an email Mr. Strelyuk received from Oldcastle stating if the drawing submitted is approved they can have the bridge manufactured by mid to late January. The manufacturing process will be done prior to the March 15th deadline. They are not sure what the installation schedule is but would like to get the structure built as they have other orders. Jerry sent Mr. Strelyuk a response asking for a construction schedule from the contractor he is using to build the bridge. Jerry thinks Mr. Strelyuk thought Oldcastle was handling the entire project and do not have anyone to do the installation. Jerry has not received a response.

Jerry reported he has video Seth took while walking the canal behind the Thomas' property. There is a lot of overhanging material and things that need to be taken care of. Jerry would like the Board to walk the canal with Mr. Thomas to point out the work that needs to be done. Craig thinks water is leaking out of their pond into the

canal and the east end of the canal has a lot of sand build up. The Board would like Jerry to attend the walkthrough. Jerry will contact Mr. Thomas to set up a site visit.

Ken Fry provided the Board with bridge plans. The plans are not plans the Board can approve and Lloyd stated he would need ACHD approval as well.

Rosalie received an email from Kimberly Lee on Hill Road regarding erosion below their property, along the canal. Jerry reported he drove by the property and noticed the retaining wall is leaning. They can hire a contractor to remove the retaining wall, move it back from the canal and replace. Jerry will respond to Ms. Lee.

Minutes from the November meeting were mailed to the Board prior to the meeting for review. Lloyd Akins moved to approve the minutes with revisions; motion was seconded by Paul Akins.

Paul Akins moved to approve the financials; motion was seconded by Lloyd Akins.

Lloyd Akins stated the gates Marty Goldsmith was authorized to install in 2019 are not working and need to be removed. Sam thinks they need to be removed prior to the 2021 irrigation season. Paul asked what the issues are. Lloyd stated the gates get locked, keypads don't function properly and the ditch riders have remotes but the Board does not have access. Jerry will issue a letter.

Mike McGowan moved to adjourn the meeting; motion was seconded by Paul Akins. Meeting adjourned at 8:40 p.m.