

Tuesday, October 13, 2021

Farmers Union Ditch Meeting

Board Present:

Sam Rosti, Lloyd Akins, Paul Akins, Mike McGowan

Seth Kettering, Dale Wood – Ditch Riders

Rosalie Cope, Secretary/Bookkeeper

Jerry Kiser, Attorney for FUD

Guests: Jadon Schneider – Amberly Ranch Sub.

Sam Rosti called the meeting to order at 5:34 p.m.

Jadon Schneider representing Bronze Bow Land provided the Board with pressurized irrigation design plans for Amberly Ranch subdivision. The property is 7 acres which is to be split into three lots. There currently is a 24" corrugated pipe that runs under Beacon Light Road to the property where there is a box with two pvc pipes going west. The first pipe is 15" and runs the length of the property to the lateral ditch and the second pipe is 12" pvc that sits approximately 2" above the lateral pipe that connects to a wet well on the property. The Board advised Mr. Schneider to reach out to the other water users on headgate 74 to find out if there is a rotation schedule and if that will work with the pressurized system they are proposing. The other option is to remove the delivery from the lateral and put into a weir box at the diversion box that would service the wet well. They would need to install a pump with a variable drive and a flow meter. In order to do this they would need to get approval from 50+% of the water users on the lateral. If they obtain approval from the lateral to remove the delivery Mr. Schneider will need to return to the Board with design plans for approval.

DITCH RIDER REPORT

Seth reported he and Dale are in the process of locking headgates. As part of the process they are compiling a condition report for each headgate which consists of documenting any maintenance needs or identifying headgates that need to be replaced.

Seth reported the equipment is serviced and they are staging to repair the landslide between Ritter's and Vine Estates. Seth requested the Board consider purchasing a backhoe.

Jerry asked if there is anywhere else the water from Colombowala's pond can be drained. Seth stated there is an upper and lower pond and the canal is the low point so he doesn't know where else it would drain to. Lloyd asked if Colombowala's have

made any attempt to deal with the drainage problem from their pond that caused the landslide. Seth stated they have not. Seth suggested they should build up the bank/levee between the pond and the Farmer's Union right of way then if the pond does get any higher the water would not run across. Seth stated there is a culvert coming from the pond into the canal. When the culvert gets plugged which is what happened this year the pump continues to run causing the top pond to overflow to the second pond then water is continuously draining into the canal. Jerry Kiser will issue another letter instructing them to remove their pump and irrigation system from the canal so the repairs to the canal bank can be done. Jerry will also inform Colombowala's that prior to next irrigation season the system needs to be fixed so they are only pumping their water right, they can't pump a continuous flow and return to the canal. The system needs to be set up so the pump will shut off.

The Board instructed the Ditch Riders to keep an eye on the Candau bridge project once construction begins to ensure they are complying with the agreement.

Seth reported he is planning to clean out the Green Meadow spill and clean in the canal then have Aqualastic sprayed in where the clamshell is leaking. Sam said if the metal is deteriorated then we might need to pour a concrete wall or apply some Bentonite rather than spending money on Aqualastic.

Seth is meeting with Healthy Tree Service tomorrow to get a bid for removal of trees and clean up in the section from Bloom to John's Landing then around Maplewood, off Castle. He is also planning to get a bid from Parker Tree Service.

They are going to pump out the Dry Creek siphon within the next week. Seth reported the canal at the Linder Bridge is filled in with sand. He is planning to rent a mini excavator to do some cleaning.

Jerry Kiser said the crossing agreement with Culver Subdivision was drafted when Farmer's Union was installing the new headgates. Jerry suggested Farmer's Union go ahead and install. He will provide Seth with the Developer's name to coordinate with. He said everything is in place; they just need a box installed that can be connected to their system.

ATTORNEY'S REPORT

Lynette Davis received a response from Steve Price with ACHD and they are planning to dredge the drain. Ms. Davis asked him to describe the scope of work. Jerry provided the Board with a copy of the response email from Mr. Price. Ms. Davis responded to the email and included a copy of the memo from ACHD in regards to the meeting with the ACHD engineer and Dane Vaughn in 2013. The memo basically says if the concrete is touched it will collapse and fall apart. There is nothing in that structure that can be used to convey water.

Jerry Kiser explained the engineer with ACHD contacted the state Historical Society a few months ago and they stated the Green Meadow spill might be eligible for

preservation but an evaluation has to be done. Jerry has already looked into this and from what he has been able to find out the State Historical Preservation office has no jurisdiction. Jerry asked Ms. Davis to also look into it and she said they only have any type of authority if the project had been funded by federal money or somehow has involvement with the federal government. If the project qualifies then it can be asked to be deemed eligible. Even if eligible that doesn't mean work can't be done.

Jerry suggested the easiest solution would be to Quit Claim Deed the property to the adjacent landowners with an easement from ACHD for the \$5,000 that was offered. Mike McGowan moved to authorize Jerry Kiser negotiate the sale as per Jerry's suggestion; motion was seconded by Lloyd Akins. Motion was unanimously approved.

Lloyd Akins reported Farmer's Union is not going to be able to obtain access to the Foster property through Camadre Heights because they don't want the ditch riders in and out on their road. In order to access the property some work would need to be done to the canal road behind Foster's house from Can Ada Road. The road will need to be widened to 10'. Lloyd suggested work on the road be done after maintenance and cleaning is done on the canal for the season.

Rosalie read an email from someone wanting to volunteer to help pick up trash, etc. on the canal road above Wing Road. The Board asked Rosalie to respond that the Board thanks him for the offer but for liability reasons the road is only to be utilized by canal company employees.

Rosalie read an email from Ron Mayhew in Tahoe Ridge Subdivision requesting to put double locks on headgate 74 to prevent water from flowing over Ballantyne Rd. Paul asked what is causing the water to run over the road and Lloyd stated they do not keep the ditch clean and maintained. Jerry stated if the lateral is not maintaining their lateral and it is causing property damage the water will be shut off until it is maintained. The Board will not allow two locks on any headgates. The ditch rider's are the only ones authorized to control the headgates.

Rosalie also read a letter from Jim Morris at 7141 W Hill Road on headgate 15. Mr. Morris stated he is the last of his neighbors in the spring to be able to access water and the first in the fall to lose water. He says the headgate appears to be sitting too high in the bank and asked if it could be looked at. The Board asked Seth to take a look at the headgate and send them a picture. The Board will evaluate and if the headgate needs to be fixed Farmer's Union will do the work and charge the water users.

Lloyd Akins reported that the last week of September he directed Seth to start cutting water back in increments of 5'. Lloyd stated Farmer's Union loses the ability to deliver water in certain spots at 64'.

Rosalie provided the Board with a new delivery agreement and addendum from Boise Valley for West Beacon Light LLC. The agreement is for a total of 16.97 shares to

include the original 12.97 shares from the Moyle property and 4.0 shares from four other entities. The Board had some discussion and determined the 12.97 shares from the Moyle property has never been subject to conveyance loss but the 4.0 shares would be. Jerry suggested the water be split into two delivery agreements, one for the 12.97 shares with some edits to the agreement and one for the other 4.0 shares. The other issue is there is currently no headgate and a number has not been assigned for water to be used on the north side of the canal. Jerry asked Rosalie to get either a hard copy or digital file of the delivery agreement and addendum. Jerry will reach out to Megan with Boise Valley to discuss Boise Valley re-issuing two agreements.

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

Paul Akins moved to approve the financials; motion was seconded by Mike McGowan. Motion was unanimously approved.

Jerry Kiser reported he met with Mary Grant from the City of Boise yesterday. There is another meeting set for November 2nd. Jerry pointed out several issues he had with her response letter. Ms. Grant is going to review the items in question and will discuss options, possibly meeting with the State Parks Department to find out what they can do about public use of the right-of-way. Jerry stated the City has still not contacted the Park Service at all regarding the issue he is going to push to get the Park Service involved in the conversation. A Park Service official stated in his letter that the canal right-of-way is excluded from Section 6FS of the land and water conservation act. The City has entered into a new agreement with the State that does at least have attached exhibits showing the Park. It does not show any of the easements the Park is subject to. Jerry stated progress is still very slow but at least seems to be moving forward.

Jerry did not have a chance to discuss the Reuse Agreement and ask what the plan is.

Jerry reported he received a revised permit from the State Department of Water Resources that is almost identical to the previous draft. It lists the point of return flow as the same even though a change has been discussed because it is in the same quarter, quarter section. Chris Bromley did tell the Department there is a different proposed point of discharge.

Jerry received an email from property owners at 4907 Bloom asking for right-of-way information. Jerry responded letting them know the right-of-way is 25' measured from the top of the canal bank on each side. They also asked about clearing brush along the edge of the canal. Jerry responded when the water is out they can clear brush and will be able to remove without causing a disruption to water flow.

Jerry reported the property being developed as Iron Mountain subdivision is dry ground. The developer's plan is to take water from Schreiner subdivision, Lot 2, Block 2 and also irrigate Iron Mountain subdivision. Jerry stated the dry ground is not in the

Farmer's Union service area and there is not adequate water to irrigate Schreiner subdivision let alone sharing with Iron Mountain subdivision. Jerry is going to send a comment letter to the City of Star.

Jerry received an email from Idaho Power in regards to a project where they will be replacing an existing underground cable near the Farmers Union Canal which appears to be encroaching on the easement. Jerry will respond asking for plans and diagrams outlining the plan.

LAND PURCHASE

Jerry Kiser reported the property is zoned Agriculture and construction of a shop would require a Conditional Use Permit for a contractor's shop. The earliest it would be before the application got before Planning and Zoning would be three months. Jerry stated the applications are quite extensive and at this time there is not enough of a plan to submit an application.

The Highway District also requires an application for highway access. If approved there would be a condition that Farmer's Union allows access for a road through the property to the new subdivision. Jerry stated the Highway District would need to get Farmer's Union permission and a crossing agreement to construct the road over the tail of the canal.

The agreement sent to Deb Foster has a closing date of 12/31/21 and Deb contacted Jerry asking to close by the end of the year for tax purposes. Jerry stated there is no way to resolve these issues by then. The Board needs to decide to go ahead and purchase the land and take the risk of not getting one or either approval or ask to extend the closing date.

The Board is going to talk to Deb and request a six to seven month extension on closing in order to do due diligence.

Rosalie provided the Board with a draft of the 2022 budget for review. Rosalie requested the Board review and take into consideration any equipment purchases, additional concrete blocks, land purchase, shop construction or any other capital improvements or large purchases that need to be budgeted for.

Rosalie provided the Board with a salary comparison for review. Lloyd Akins moved to raise Seth Kettering's hourly wage to \$25 per hour, Dale Wood to \$20 per hour and to hire Sean Kettering starting at \$18 per hour for a 90 day probationary period upon his acceptance.

Paul Akins moved to adjourn the meeting; motion was seconded by Mike McGowan. Motion was unanimously approved. Meeting adjourned at 10:41p.m.