

Monday, October 17, 2022

Farmers Union Ditch Meeting

Board Present:

Sam Rosti, Lloyd Akins, Paul Akins, John Schram, Mike McGowan

Seth Kettering, Sean Kettering – Ditch Riders

Rosalie Cope, Secretary/Bookkeeper

Andrew Waldera, Attorney for FUD

Sam Rosti called the meeting to order at 5:27 p.m.

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

DITCH RIDER REPORT

Bennett Construction will be out within a week to look at the Klondike.

Seth reported the canal was shut down on the 14th and there is approximately 6,000 acre feet remaining in storage.

The River Master has new meters he would like implemented in the canal to monitor water levels. The meters include a transducer that drops into the water and is attached to a staff gauge. Seth thinks they would be beneficial in areas such as at the Big Time check, at the tail and at the Klondike. The Big Time check has a weir and the gauge would measure how many cfs are going out the check and would send Seth warnings so he could make adjustments at the Klondike. It is \$1,000 for a transducer and box with an additional \$10 monthly fee to operate. They can also be attached to a flow meter on a pump to give real time data rather than reading meters bi-monthly. The cost of the meter to attach to a flow meter is \$500. Mike is going to meet with Seth on the River to show him how the existing devices work.

Healthy Tree Service is going to start work at the Dale property at 5353 W Hill Road. Seth provided the Board with a bid from Healthy Tree for work along Ritter's property, a section from Eagle Road to Beacon Light Road and a section along Beacon Light Road and N Glen Stuart Lane. The Board asked Seth to get one or two more bids for any work above \$2,500. Seth will solicit another bid and schedule the work once the Board signs off.

Seth received a quote from Corwin Ford for approximately \$39,000 for a new four wheel drive standard cab F150. He also spoke to Hometown Chevrolet and they get

in U-Haul and Enterprise rental vehicles with 20-30,000 miles. The salesman is looking into inventory and pricing.

The Ditch Riders are going to start locking and inspecting headgates this week. They will also pump out the Siphon. Seth has been in contact with the City employee in charge of the wave maker at the Whitewater Park and he is going to cut the river back in January so the tunnel can be inspected. The Board thinks someone from the City should be in attendance when the inspection is done.

There is a site meeting with Knife River on October 27th at 10 a.m. to discuss the Trash Rack. They plan to start work the first or second week in November.

Barbara Moyle, Kari Knotts and Ken Broadhead were in attendance to again discuss the new system installed by Toll Brothers on headgate 125. They would like to install a bubbler above the concrete structure. The Board is strongly against that idea and stated it would not work in the current situation. The Board previously suggested relocating the headgate to alleviate issues with the lateral and have not been approached by Toll Brothers with a plan. It was reiterated that a written request of all lateral members would be needed in order to approve relocating the headgate.

ATTORNEY'S REPORT

Rosalie received an email from Craig Dale at 5353 W Hill Road. The Board has been discussing removal of trees along the bank and bank reinforcement at that location for months. Mr. Dale does not want the trees removed and thinks installing rip rap would be a much more viable solution. The Board asked Rosalie to invite Mr. Dale to the November meeting to discuss the matter. They also asked Seth to do a site visit and determine what he thinks the best course of action is.

A Notice of Tort Claim letter was received from Miguel and Mandy Legarretta at 851 N River Path Lane. They are claiming there was significant standing water in their crawl space a couple times in May and think it is related to a drainage system next to the Willow Lane Athletic Complex. The Board searched the property on Google Earth and it does not appear to be near the Farmer's Union Canal however they will be that area for the meeting regarding the trash rack and will further investigate.

Andy reported License agreements for Spring Valley and Intermountain Gas to the Candau property have been signed and recorded.

Andy has not pursued any work on a Master Agreement with ACHD and/or the City of Boise to deal with storm drain runoff at this time. He suggested the case by case scenario is probably the best for Farmer's Union for now.

CITY OF BOISE CANAL CROSSING

Greg Clark reviewed the City's request to us $\frac{3}{4}$ " road mix and agrees with the Board's request that bedding chips are to be used. Andy needs to make a few minor changes

to the agreement and still needs the final corrected plan then will send to the City for signature.

Mr. Chesley is agreeable to the Farmer's Union protest that ground water cannot be used for irrigation until surface water is maximized. Therefore the protest will be added to his ground water right application.

Andy has not received Greg Clark's approval of the draft canal encroachment/crossing procedures and engineering standards yet.

Andy was not able to find record of Ripcord Ranch as a legal entity through the Secretary of State's office. Andy stated if there is no legal entity the original transfer of shares would be void. The Board approved splitting the Ripcord Ranch HOA shares amongst the three property owners and issuing new water share certificates in their names. The Board also agreed to waive the transfer fee.

Andy questioned the \$300 lien fee and the ability of Farmer's Union to lien against it. The statute states under no circumstances can an assessment charge more than a \$50 administrative fee. Andy has been talking with Bryce Farris about the matter and would like to push legislation to make the ditch companies statute look more like the district statute in that they do not have a cap. Administrative costs are pooled and split equally across shareholder accounts and the O&M assessment is based on benefit.

Mr. Watt's, the new owner of the Colombowala property would like to meet on-site with Seth to review the work that has been done and make sure everything is as Farmer's Union requested with the exception of the flow meter.

The Biden Administration's Council on Environmental Quality which is an executive appointed Council, not a part of the EPA, was also looking into and working in parallel with the joint Federal-State evaluation of the feasibility of breaching the Lower Snake River Dams. The Council issued its final report basically saying that as close to possible as dam breaching is necessary it is not quite time.

BOISE BREW PUTT

Andy received an updated site plan however the drawing is not to scale. The property line is surveyed but the drawing does not show relation of the property line to top of bank. It has been determined the property line is not top of bank however. In some places it is 7' from top of bank and in other 10-15' from top of bank. The 8'x16' storage shed which will serve as the ticket sales office and beer/wine booth is the only structure that can't be easily moved. According to the plan the shed is at least 10' from the property line. The question is where is the property line in relation to top of bank in that section. Andy asked if they would consider putting signage posts in sleeves and installing 8' fence panels with sleeves so they can be easily removed. They are willing to work with Farmer's Union on these items and will look into the cost on the fencing panels. The golf holes are mobile and can be easily moved with a cart and a couple of people. The beer garden consists of folding tables and chairs. Andy

stated if the shed can be placed 25' from top of bank and they can find a solution for the fencing the project should not interfere with canal operations. Most of the Farmer's Union access and maintenance is done from the other side of the canal in this location. Andy will reiterate in the License Agreement that Farmer's Union is not liable for any damage in the event the company needs to go through there. Ms. Murphy would like Seth or Sean help measure and mark the 25' easement. The Board is agreeable.

Andy attended a meeting several weeks ago for the Master Planning effort at Veteran's Memorial Park. The Veteran's groups have raised funds along with \$500,000 the City has to spend on park improvements. The plan is to construct a building to house an educational exhibit area, more memorial monuments, horseshoe pits, bbq installations, general clean up to include asphalt replacement, interpretative signage, etc. A proposed Master Plan comments solicitation will be sent out by Boise Parks and Recreation. The only comment Farmer's Union would have is keep organized activities and/or improvements away from the canal.

LUCKY PEAK O&M

Andy is still waiting for the cost codes and copies of the formula used to calculate O&M expenses from the B.O.R. The annual O&M budget meeting for July of 2023 has been approved.

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

BUDGET

Rosalie provided the Board with a draft of the 2023 budget for review. The most recent communication from the B.O.R. proposes a jump from \$4.47 to \$10.29 per acre ft. Based on the communication Andy has had with the B.O.R. it sounds like the assessment should be less but there may not be any new budget information from the B.O.R. until the end of November. The Board estimated \$73,000 for a backhoe and \$40,000 for a new pickup and rounded up the budget for asset purchases to \$120,000. Discussion ensued about improvements to the Foster property and it appears any work or improvements for 2023 would be done in-house. The shop and structural improvements will not likely take place for a while.

Rosalie provided the Board with a salary comparison for review. The Board agreed to implement a 3% increase in salaries across the board and raise Sean Kettering's salary to reflect \$20.60 per hour.

Craig McClintock with Catalpa Subdivision HOA, on headgate 78 has a meeting scheduled with ACHD for tomorrow October 18th to discuss work they are planning to do that could impact headgates 78 and 79. Mr. McClintock would like someone from the Board to attend also. ACHD plans to increase the right of way an additional 27' for the road in that location and have told the lateral owners it is their responsibility to hook their systems up to the pipe. The increase in right of way would move the system 27' south on the south side of Beacon Light Road which will be changing the alignment of the existing lateral. Andy stated ACHD would need to pay for the re-

alignment and according to statute 42-12-07 if ACHD would need written permission from the ditch owners to relocate or modify the irrigation delivery facilities. Statute 42-12-09 also requires the written permission of the ditch owner other improvements that would encroach on the lateral rights of way.

Paul Akins moved to adjourn the meeting; motion was seconded by John Schram. Motion was unanimously approved. Meeting adjourned at 10:20 p.m.