

Tuesday, November 10, 2020

Farmers Union Ditch Meeting

Board Present:

Sam Rosti, Lloyd Akins, Paul Akins, Mike McGowan

Craig Waddell, Seth Kettering – Ditch Riders

Rosalie Cope, Secretary/Bookkeeper

Jerry Kiser, Attorney for FUD

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

ERIC SCHECK, HAYDEN HOMES AND JOHN CARPENTER, T/O ENGINEERING - TRIDENT RIDGE SUB.

Hayden Homes would like to remove some old corrugated pipe and install new pvc pipe from the box to the headgate. The Board approved the pipe installation and Jerry Kiser will issue a crossing agreement.

John Carpenter explained Hayden Homes has been conditioned by the City of Star and ACHD to extend the bridge where the road currently is. As part of the development agreement Hayden Homes is gifting the property on the north side of the bridge to the City of Star for a park. Currently the bridge allows Mr. Pickens access to his property. The City is requiring a 20' bridge however the Board does not think that is wide enough. The Board suggested a 25' bridge minimum with a pedestrian crossing attached. Mr. Scheck explained the bridge is not meant for public access. It is solely for Mr. Pickens and Fire Department access. If the bridge is any wider than 20' it may interfere with the HRM box culvert. The box culvert is old and may need to be replaced anyway. Sam Rosti suggested if there are wing walls on the new bridge they could install a new waterman on the wing wall and install new plastic pipe to divert water into the HRM. The weir would be on the outside in a new box. There are some easement questions in regards to ACHD, Mr. Pickens and Dick Phillips. Jerry Kiser stated the HRM will need to be brought into the discussion as well if their headgate will be affected. T/O Engineering will do some more research on the easements and report their findings to Jerry Kiser.

Realistically the bridge work won't be able to take place until fall of 2021. There will also have to be a temporary access for Mr. Pickens while the bridge work is being done. They would like to span the canal to the side or may have to install a pipe to carry the flow that might come through in the event of a storm. Sam said they would

probably be better off to span the canal than to install a temporary pipe. The Board would like Hayden Homes to meet with Mr. Pickens and get his comments.

Mr. Scheck asked if there are any questions on the revised plans for Phase 5 and would like to discuss the line along Wing Road. Sam said there are concerns about seepage in Phase 5. Mr. Scheck explained there is a drain outside of the easement that will tie into the storm drains. Jerry reported he had an outside Geotek engineer review Hayden Homes Geotek report and generally he is in agreement with the findings and recommendations however you don't really know what issues there may be until grading work begins. The concern is the exposure needs to be determined and if there is an issue of excessive seepage the canal may need to be lined. It is not likely there will be an issue.

Minutes from the September meeting were mailed to the Board prior to the meeting for review.

Mike McGowan moved to approve the minutes with revisions; motion was seconded by Lloyd Akins.

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

DITCH RIDER REPORT

Craig Waddell reported Farmer's Union ended the season with 3,100 acre ft. of storage water to carry over. Craig and Seth provided the Board with video of the State Street Tunnel. They reported there is approximately an inch of sediment but the tunnel is relatively clean and free of debris.

Rosalie Cope provided the board with three options for flow meters designed for smaller pumps. Craig likes the Ultra Mag Flow Meter from McCrometer. He thinks it is easier to read and doesn't require batteries.

Craig is trying to get 2 ¾ or 3" drill pipe for the weed racks through Rocky Mt. Steel but has not been notified that any is available yet.

Craig reported there are four locations on the canal where the bank needs to be reinforced with blocks. There are two locations on or near Strelyuk's property off west Beacon Light, a location in Eagle Hills Golf Course and one by the Dry Creek spillway. There also needs to be some cleaning done on the uphill side between the siphon and the weed rack.

Craig would like to install a small box with a weir near Tom Foster's property.

Craig reported the dump truck does not pass inspection for DOT and needs some more work done. He is going to get a bid from Northwest Equipment and one other.

Sam Rosti asked if we still have some echo blocks on hand and where they are stored. Craig said they are still stored on the lot.

Craig and Seth are trying to find a tree removal service to do some cleanup in the Pierce Park area and by Ritter's off Beacon Light.

ATTORNEY'S REPORT

TRIDENT RIDGE

Jerry Kiser received an email from Eric Scheck regarding seepage and the Geotek reports for Trident Ridge. Jerry has been working with MTI to review plans and the Geotek reports provided by Hayden Homes. The plans look good to MTI however until material is removed it is hard to know for sure what the issues are. MTI is going to do inspections as grading is being done. Jerry would also like to require that if excess seepage from the canal is experienced Hayden Homes will agree to pipe or concrete the canal. An agreement is in place that Hayden Home is required to pay for engineering work requested by Farmer's Union. Jerry would like the Board to ask for Hayden Home's Geotek professional to provide inspections every other day or as needed if issues arise. Paul Akins asked if a provision could be written into the agreement to require Hayden Homes to pipe or concrete the canal if an issue comes up down the road. Jerry said an agreement could be recorded that would bind future homeowners or the HOA in Phase 5 to ensure there is someone that could be held responsible.

Jerry received a revised set of plans for Trapper Ridge which includes the French drains as discussed at the October meeting. The revised plans state each builder must provide foundation drainage systems, drain tile wrapping around the rear and sides of structure or equivalent. All lots are to have engineered grading plans. Jerry's question is who is responsible for approving plans and making sure the drains are installed. He will follow up with Hayden Homes.

Jerry received a notice for public comment for Hunter's Creek subdivision. Jerry stated the Emmett Lateral is impacted and asked if the Board feels like Farmer's Union needs to comment. The Board does not think Farmer's union needs to be involved but the Emmett Lateral Board does need to be notified of the proposed project.

Jerry also received a notice for public comment on the Moyle property. They will be developing 28 acres under Phase I. Jerry Kiser will issue a standard response letter to the City of Star. Jerry reported they want to move the 12.97" of Boise Valley water to the north side of the property. Jerry said in order to move the water they will have to request that IDWR expand the Boise Valley service area to include that ground. If approved the 12.97" of water will not be available to be delivered to the lower portion. Jerry reported they have an application drafted to include that ground into the service area. In order for the service area to be expanded an equivalent amount of ground will have to be removed from the service area somewhere. There are 79 acres below the canal 70.125 inches of Farmer's Union water, 13.29 inches of Middleton for a total of 96.385 inches of water. Lloyd and Sam both think the 79 acres is what is below the canal and there is approximately 27 acres above the canal. Jerry stated

we need to get more information on the total number of acres. Jerry will submit a standard comment letter to the City of Star to include that there are questions and concerns about transferring the water rights and expanding or changing the place of use for the water.

The Board went into executive session to discuss legal matters.

CAPITAL VIEW

Jerry provided the Board with an email from Pete Newton with Capital View.

Jerry stated the billing difference for 2019 is \$403.92. Capital View was billed for 30" which should have been the same as 2018 which was 22.22 inches. The 2020 assessment was billed for 30" and did not use any storage water so should get a full credit for the 2020 assessment.

Jerry would still like to know how many shares of Capital View Triple Ridge are entitled to. Jerry stated it does not matter if they use the water or not. If it is ordered and turned into the canal they are to be billed for it. During the 2020 season they were running at approximately 5 cfs which is 50" under their allotment. When cutbacks are in effect Triple Ridge will be subject to the cutbacks on their Farmer's Union shares. Lloyd does not think Capital View was really running that much under their allotment. He is under the impression the flow meter on pump #3 is not mounted correctly and is not taking accurate readings. Jerry Kiser will check with Mike Meyers in regards to the flow meter placement.

TRASH RACK

Jerry Kiser has not received any further correspondence from ACHD in regards to the temporary trash rack. Jerry is going to communicate that the Board is extremely unhappy that we are not getting a response and if this can't be resolved the Board will require the payment of \$160,000, get bids on the flow meter and do the work in-house.

Jerry spoke to Mr. Thomas regarding a meeting to walk the ditch bank and identify maintenance issues and discuss the possibility of Farmer's Union taking back maintenance of that portion of the easement. Mr. Thomas stated he will not be available to meet until sometime in January. He also stated he may not want Farmer's Union to take over the maintenance. He has some concrete and is going to fix erosion on the west end of the property. The other half of the 10 acres is now owned by his son in law and he is not interested in turning maintenance back over to Farmer's Union. Jerry stated the headgate is in poor condition; the pond is leaking into the canal in the winter and causing problems downstream in the winter. Mr. Thomas said he is planning to replace the headgate and he cleaned the sediment from the bottom of the canal. He said if the Board has any specific issues to let him know.

Jerry would like to reach back out and ask Mr. Thomas for permission for the Board to access the ditch bank while the water is out in order to assess and provide him with a list of maintenance items that need to be addressed such as root balls, sediment, erosion, headgate replacement, etc. Then Jerry can attach the list to a copy of the letter he previously sent.

Rosalie will send the Board a revised Annual Meeting notice for review. Due to COVID restrictions the Annual Meeting may have to be postponed until meetings are allowed again. The Board suggested sending the notice out earlier than usual and then may have to follow up with a second letter regarding postponement when it gets closer to the meeting date. The postponement letter can include that the budget and financial reports will be available upon request after January 9th.

Jerry read a letter from Pam and Stan Phipps regarding the Lander Street Water Reuse project. Jerry reported the group opposed to the project has started a facebook page and there is a law firm representing the group. Jerry found a letter the group sent to Boise City Council prior to the consideration of the plan. Jerry reported the Water Reuse Plan was unanimously approved. The approval is of the overall Plan, not any specific projects.

WATER RIGHT PROTEST

The meeting has been rescheduled for 10:00 a.m. on January 6th. Between now and the meeting Farmer's Union is supposed to be getting more information.

Comments from Jerry and Bryce Farris are:

- 1) The water has to be measured
- 2) The water needs to be kept out of the canal.

WHITEWATER PARK

Jerry provided the Board with a draft letter to the City of Boise in regards to signage and other items the City agreed to and have not completed as part of development of the Whitewater Park. Jerry pointed out a legal description for the box culvert was never prepared and recorded. The Board approved the letter with the addition of the "optional" bank issue. Jerry reiterated if the issues are not remedied Farmer's Union has the option to file litigation for "specific performance". Lloyd Akins moved to send the letter with the addition of the "optional" items; motion was seconded by Mike McGowan. Motion passed.

The Board decided to leave the meeting time at 5:30 through the winter.

BUDGET

Lloyd Akins moved to leave the assessment rate at \$873.76 for 2021; motion was seconded by Paul Akins. Motion passed. Rosalie will provide the Board with a final draft for approval at the December meeting.

Rosalie provided the Board with a quote for a new copier from BOE. The purchase price for the proposed copier is \$2,666 with a trade in value on the current copier of

\$900 leaving the actual cost at \$1,766. Paul Akins moved to purchase the new copier and trade in the existing copier; motion was seconded by Lloyd Akins. Motion passed.

Mike McGowan moved to adjourn the meeting; motion was seconded by Lloyd Akins. Meeting adjourned at 9:33 p.m.