

Wednesday, November 12, 2019

Farmers Union Ditch Meeting

Board Present:

Sam Rosti, Lloyd Akins, Paul Akins, Tom Foster, Mike McGowan

Craig Waddell - Ditch Rider, Seth Kettering

Rosalie Cope, Secretary/Bookkeeper

Jerry Kiser, Attorney for FUD

Guests: Jay Camp; Ann Ritter, Richard and Jona Lagerstrom – HG 64; J&M Land - Rusty Brummer and Jennifer Landers; Mickey Pengre; Marty Goldsmith; Stan Phipps – 4534 N Waterfront Way

Sam Rosti called the meeting to order at 5:35 p.m.

ANN RITTER – HEADGATE 64

Ms. Ritter explained George Fischer her neighbor to the south is developing his property. She explained there is a pond on her property that services two properties south of Beacon Light, hers and the Lagerstrom's. Ms. Ritter and the other users of HG 64 are asking the Board for a recommendation to provide to the City of Eagle when responding to the development application. Ms. Ritter said the water users on headgate 64 are in the process of forming a lateral association. Jerry Kiser stated Idaho Statute Title 42; Chapter 13 outlines the formation of a lateral association. Jerry explained any new development is required to abide by the "historical" use of the water. Typically the developer will install their own pond to irrigate out of when they don't have the rotation. The Board explained nothing in the current rotation should change.

STAN PHIPPS – 4534 N WATERFRONT WAY

Mr. Phipps explained he purchased the land between his yard fence and the canal from the City of Boise. Mr. Phipps said he and his wife have maintained the easement for the 24 years they have lived there and have always had a garden on the easement. Mr. Phipps said the blackberries, part of the raspberries and part of the garden were sprayed. He would like to take care of that section of the canal and asked there to be no spraying. The Board suggested Mr. Phipps put up signs on both ends of the property explicitly stating "no spray", garden, maintained by property owner. Sam explained the canal company has a 25ft. easement to maintain the canal. If Mr. Phipps is 12 ft. from the edge of the water he is encroaching quite a way into the right-of way. Sam asked him to not plant any closer to the canal and find a new location to re-plant the berries.

J&M LAND

The Board asked Mr. Brummer and Mr. Goldsmith to attend the meeting in order to review the agreement to install gates on the Farmer's Union right-of-way along their property. Sam said the gates have been in for a year and there have been some problems. Sam reiterated the agreement was for the gates to be closed from September 1st through January 31st and stated the gates were closed throughout the summer impeding the Ditch Riders and Board members access. Mr. Goldsmith has been working closely with Craig Waddell and explained if the keypad at the gate on Hartley is blocked by a vehicle it can't communicate with the motor. Mr. Goldsmith said at one time a tree was blocking sunlight from the solar panel so the gate was not working. The other gate was vandalized by someone attempting to trespass and is not in working order. The Board would like to see a better system in place and would like Mr. Brummer and Mr. Goldsmith to come up with some viable solutions.

Mickey Pengre also attended the meeting; he explained he purchased property near Hartley and is concerned about trespassers on the canal road also. Currently Hanson's gate secures his property.

The Board is going to have further discussion about the gates and will be in contact with Mr. Brummer and Mr. Goldsmith.

Minutes from the October meeting were read by Rosalie Cope.

Paul Akins moved to approve the minutes with corrections; motion was seconded by Mike McGowan.

DITCH RIDER REPORT

Craig Waddell reported he had Bennett Construction inspect the Klondike spill and they will do repairs when it dries out a little more. They also raised the gate and serviced it so it will be ready to go in the spring.

Sam asked about the flume at Dry Creek. Craig said they pumped the siphon out but still need to get a little bit of water out.

Craig and Seth are installing the new boxes. Sam said they look good. The box for headgate 104 is installed now the pump and flow meter will need to be installed by J&M Land.

Jerry reported he, Lloyd, Mike and Rosalie spent two days on the canal reviewing the headgate book. There are some pumps along Hill road that need to be identified and numbered and a few pumps on Beacon Light that also need to be matched to properties and numbered. There is also a problem with headgate numbering and delivery through the Buckhorn Estates area. The group will need to spend another day on the canal in the near future.

Craig has purchased concrete blocks for \$40 each from Sunrock. They are 2 ½'x2 ½'x5' and two stacked comes up just below the water line. Installing the blocks is

faster and more stable than rip rap for stabilizing the bank. The blocks connect vertically, but not horizontally. Craig said they have used four so far. Lloyd said at Dry Creek where the power pole is the bank is very narrow. He thinks if blocks were stacked two high on the south side of the bank from the bridge, upstream for approximately 260' directly in line with the bend around the corner Farmer's Union could gain 6' of bank. The same thing needs to be done on the other side also because there is a pond and a draw with very little bank. Some of the bank would have to be dug out to install the blocks. Craig would like to do the same thing through the Hillcrest Golf Course. Jerry Kiser would also like to see some blocks to reinforce the bank by Llewellyn's. The Board authorized Craig to purchase approximately 520 blocks and do some of this work. Sam said to dig a trench and set the blocks 4" below the bottom of the ditch and make sure the blocks are level when they are installed.

Craig reported both Rangers have new brakes and he had new tires put on the F150.

Craig reported he has received two bids to install a new furnace in the house. Both bids are for approximately \$5,500. Craig explained it is a 1950's heater that is very small and vents directly through the chimney. Finding a replacement to fit the space is difficult. He purchased an electric heater which seems to be adequate. The shop currently only has wood heat and Craig found a propane heater that would be good but would need to install a propane tank.

Rosalie reported there are still five outstanding assessments. She is continuing to issue finance charges and sent out statements again the first of the month. Jerry Kiser stated he will start the lien process in December.

Rosalie presented a preliminary budget for the Board to review.

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

ATTORNEY'S REPORT

Jerry Kiser provided the Board with an agreement for Roselands 345, LLC. Jerry stated it is similar to the Roselands' agreement but includes more detail on requirements and easements that need to be complied with.

- 1) Approve new pressurized irrigation system. The Board has only seen plans diversion works, not the plans for the pumping system.
- 2) A flow meter still needs to be installed on the Roselands system.
- 3) There also needs to be an easement granted to Roselands for the pump system currently running across the Colina Vista property.
- 4) Construction restrictions. All work needs to be done from November 15th to March 15th.
- 5) Jerry received e-mails between Colina Vista and the Roselands HOA Board. In the e-mails the Roselands HOA states they do not want a shared system, and give consent to Roselands 345 to complete the p.i. pump house site.

Jerry Kiser provided the Board with a draft of a letter to Mr. Newell regarding the wet hillside above the Colina Vista development.

Rosalie reported Roselands 345, LLC has transferred the water to the Roselands HOA Board and Roselands 345, LLC has completed the purchase of water shares from Hillview Development and Tom Carlock.

Jerry provided the Board with a draft letter in regards to the Green Meadow spill to the property owners on both sides of the spill as well as the property owner to the west. Jerry reported Pam Blackledge attended the meeting in March and stated she and her husband purchased property from Jeffrey Symmonds and have concerns about how to get access to the water. At that time the Board mentioned their fence was too close to the Farmer's Union waste way. Jerry reported when he began drafting the letter he determined the property owner to the west which has been pumping illegally out of the drain is Mrs. Blackledge's husband. They own land on both sides.

Jerry is going to follow up with JJ Howard in regards to completion of the survey.

Jerry said John Roldan with the City of Boise approved Farmer's Union using the FAQ on the Lander Street Wastewater Discharge. Jerry reported the City of Boise is submitting the water right application to run water through the Park ponds. They are going to expand the season of use as suggested by the Farmer's Union Board. Sam asked when the Board will get updates on the water quality testing.

Lloyd asked where the Board stands if they don't want to take the water out of the ponds. Jerry said the original plans need to be reviewed to see if the original intent was to siphon. Lloyd said he remembers a glory hole and a siphon under the canal.

Sam asked if the website will be functioning prior to the annual meeting. Rosalie reported the website is up but still has some issues to be worked out.

Jerry asked for the Board's input for a letter to the City of Boise regarding the Whitewater Park. Jerry provided the Board with page 13 of the agreement which outlines the Public Use Restrictions the City agreed to uphold. Items to be included in the letter are:

- 1) River Channel
- 2) Fencing/Gate
- 3) Signage

Paul Akins asked about cleaning of the screens and Jerry stated that will have to be addressed in an amendment to the Agreement.

Jerry spoke to Dave Tuthill regarding Cat Creek Development's proposal to sell storage water. Mr. Tuthill is going to provide Jerry with a copy of the MOU they are

using along with more information. Pioneer Irrigation, Meridian and Suez currently have signed the MOU. Settlers declined. The reservoir they are building for Cat Creek is approximately 100,000 acre feet. They plan to pump it full with flood water, run it through the power plant, pump it back up out of Anderson ranch and continue with the process. They only need 8,000 acre feet to run the power plant so they are proposing to build another reservoir and lease the storage water. Jerry stated they do not have a water right for that, just for power production. They are submitting an application to store water for supplemental use, but in order to file the application they need to have water users committing to the use if it becomes available. They are estimating \$50-\$200 per acre ft. Jerry stated IDWR would have to control and determine whether there would be water available to divert. There are a lot of unknowns at this point.

Jerry reported there are still Boise Valley agreements pending signed addendums. He reiterated that just because the delivery agreement is signed by the shareholder and the Boise Valley Board the agreement is not fully executed until signed by Farmer's Union. Jerry has spoken with Bryce Farris several times and Mr. Farris is not getting a response from the Boise Valley Board. Jerry asked Rosalie to send him a list of pending agreements with date received.

Lloyd Akins explained the vacant position on the Board was filled by Mike McGowan however Jay Camp has also been attending meetings and getting up to speed with responsibilities of the Board. The Board would like Mr. Camp to continue attending meetings and getting more education so he can fill a vacant seat in the future. The Board also discussed creating a committee that Mr. Camp can serve on. Jay agreed to continue attending meetings.

Paul Akins moved to adjourn the meeting; motion was seconded by Mike McGowan. Meeting adjourned at 9:26 p.m.