

Tuesday, November 13, 2018

Farmers Union Ditch Meeting

Board Present:

Sam Rosti, Lloyd Akins, Paul Akins, Tom Foster

Craig Waddell, Ditch Rider

Rosalie Cope, Secretary/Bookkeeper

Jerry Kiser, Attorney for FUD

Guests: Aleksey Strelyuk (Vine Estates); Josh Elliott – JUB (Suez crossing); Marty Goldsmith (White Sturgeon, LLC)

Sam Rosti called the meeting to order at 5:05 p.m.

JOSH ELLIOTT – SUEZ CROSSING

Josh Elliott with JUB Engineers has been working with Jerry Kiser to draft construction plans for SUEZ water to install a 24" water main in a 36" steel casing, 5' under the canal at Seaman's Gulch. The line will run water from Eagle Water 7 miles away to a tank approximately 1/2 mile north of Seaman's Gulch. Along with the pipe, SUEZ will also be installing a flushing station on the upstream side of the bridge to flush sediment out of the line annually. The flush will be approximately 3,800 gpm for approximately 30 minutes. The Board asked Mr. Elliott to revise the construction plans to include concrete approx. 12' on both sides and the floor of the canal so the bank doesn't wash out when they flush. The Board also directed Mr. Elliott to mix Bentonite in with the soil that is to be backfilled and compacted into the trench. Sam suggested they attach the walls to the bridge for stability. Mr. Elliott said the current construction plans include a concrete apron around the flushing station, down the bank and up the other side. Lloyd Akins asked why the flushing station isn't installed on the east side of the bridge. Mr. Elliott said he could take a look at that location. The Board also asked that SUEZ notify Craig Waddell at least 24 hours prior to running the flush.

VINE ESTATES

Aleksey Strelyuk presented plans to replace the existing bridge on their property. Craig Waddell said the plans look good, but he would like to see a concrete floor. The Board approved the plans with the addition of a concrete floor with footings going down approximately 24". They would also like approximately 4' of rip rap added to the bottom of the bridge on the downstream side. Jerry Kiser asked for revised plans to attach to the crossing agreement.

MARTY GOLDSMITH

As discussed at the October meeting, Mr. Goldsmith would like to install gates on the canal road in two locations. Mr. Goldsmith presented enlarged site plans showing the proposed gate locations. Mr. Martin met with Craig Waddell to mark the locations. Mr. Goldsmith also presented specs. for 30' gates with Mighty Mule automated gate openers. The gates will be set in concrete so they don't sag. The Board asked they also install an additional latch post at each location and suggested they put a sleeve in so the post can be removed for maintenance. Jerry Kiser will draft a crossing agreement.

Minutes were read by Rosalie Cope.

Sam Rosti moved to approve the minutes with corrections; motion was seconded by Lloyd Akins.

DITCH RIDER REPORT

Craig Waddell reported Kendall Rivers has been put back on as an hourly employee to help with canal maintenance and clean-up through the winter. The Board directed Craig to inform Kendall he has 30 days to pass the applicator's license test or his employment will again be terminated.

Craig reported he has spoken with a representative from AR Boise, M3 and they are willing to make the necessary repairs to their irrigation system however they would like a recommendation on a contractor. Sam suggested Craig put them in contact with the contractor that worked on the Emmett Lateral.

Craig informed the Board as part of the work on State Street there are now concrete barricades preventing a left turn out of Clover onto State Street. From now on the ditch riders will have to use the canal road, make a 90 degree turn onto the bridge and out onto Veteran's Parkway. Craig would like to ask the City of Boise to widen the gate and put up signage so pedestrians will be aware of equipment crossing. Craig said Parks & Rec. has already had to install a pad to allow construction equipment to access. The Board asked why that access can't be left in once construction is complete. Craig is going to talk to John Tensen.

Craig reported he is going to construct a walkway out to headgate 6 rather than replacing the headgate. He said headgate 114 at Roselands subdivision still needs to be replaced. Sam said we need to get in touch with K&M Engineering to find out where they are with construction. Sam also asked Jerry Kiser to send a letter to the developer, Don Newell who had agreed to have the work done.

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

Jerry Kiser has not sent lien letters out to the remaining delinquent shareholders. The Board directed Jerry to go ahead and file liens.

Jerry asked Rosalie to mail an invoice to Bruce Dietz at the address water is being used along with a letter that if not paid a lien will be filed.

Rosalie reported she spoke with Richard Brower in regards to his outstanding assessment. Mr. Brower is not using the water and would like to sell. The Board said Mr. Brower can relinquish his shares to Farmer's Union and will not be assessed in the future however the outstanding assessment for 2018 still needs to be paid.

Rosalie presented a revised budget for the Board to review however the proposed budget for Lucky Peak O&M has not yet been received so there are still a few line items remaining for review.

ATTORNEY'S REPORT

Jerry Kiser said a new fence was installed around the concrete flume below the Green Meadow spill. Jerry informed the Board that Farmer's Union owns 14' of ground at that location from the canal to the drain. Craig Waddell was directed to see if any survey stakes are visible and if the fence is impeding on Farmer's Union property.

Paul Akins asked if the letter to shareholders from the City of Boise has gone out. Jerry said it has not, but has a revised copy for Sam Rosti to sign.

Jerry provided a written update from the City of Boise regarding construction at the Whitewater Park. Sam asked if Jerry has been to the park. He said he is planning to do a site-visit next week if any Board members would like to go. Sam asked Jerry to address the higher use of chemicals and additional cost to Farmer's Union with John Tensen. Craig reported Copper Sulfate is no longer working and we are going to need to switch to another chemical. The Board is going to have Craig Waddell do some research and come up with a recommendation on what chemical to try. Jerry will need an approximate quantity and cost and will draft a letter to the City requesting them to reimburse Farmer's Union for the additional cost based on our best estimate of increased cost due to receiving spill water from the ponds.

Jerry provided a Memorandum from Gary Spackman in regards to Floodplain Management, NFIP Irrigation and Drainage Permit Guidance. Jerry Stated Mr. Spackman intends to enter into an agreement with the Federal Government to implement permitting requirements for work done in the floodway by irrigation and drainage districts. The special flood hazard area is from the headgate to approximately Wylie Lane where the Boise Valley headgate is. The work done by Farmer's Union in that area such as grading the road to get out of the shop with equipment, mowing, cutting, removal of beaver dams, piling silt, etc. will fall under the act. Farmer's Union will have to apply for a permit through the City of Boise. There will be general permits, but we may have to apply for multiple permits.

Jerry said there was an MOU that was prepared stating permitting would go into effect on October 1st and IDWR would notify the cities, irrigation districts, etc. To

date Jerry has not heard any more. Sam asked if anyone has tried to go through Legislators or Congress to address concerns. Jerry said it is a very low priority item because only region 10 is implementing. Legislation was passed that said irrigation works and drainage works are not subject to these FEMA requirements so Jerry is not sure how irrigation and drainage districts can now be mandated to file for these permits.

Jerry Kiser reported he was contacted by ACHD regarding brush removal along State and Collister up to Wylie Lane. Does the Board want Craig Waddell to be the point of contact to work with them on what needs to be removed?

Jerry has a notice from Ada County in regards to a building permit for a home in Buckhorn Estates on Croft, near the canal road proposing a new outbuilding. The post for the awning goes out 25'. Is it in the Farmer's Union Easement? Craig is going to take a look and report back to Jerry.

All utilities with State and Collister re-alignment have been in contact with Jerry. He provided the Board with plans from Idaho Power regarding removing power poles and putting in new poles. There are two different crossings involved with the locations of the new power poles. Jerry is going to draft a standard crossing agreement.

Jerry Kiser reviewed new delivery agreements from Boise Valley. Jerry said Farmer's Union has a problem measuring water used by those with pumps. Craig Waddell is going to need to start collecting information on each pump so we can research what each pump is capable of, compare to the water right and identify any blatant abuse. At that time we can address each pump individually and potentially require the owners install a flow meter to measure annual usage. Jerry asked that delivery agreements not be returned until we can get an approximate cost on flow meters for the smaller pumps.

The Board went into executive session to discuss legal matters.

Paul asked if Jerry Kiser followed through with a letter to the Sheriff's office regarding trespassing on the canal easement. Jerry said yes, he did provide Mr. Martin with a letter.

Rosalie reported she followed up with ICCU on questions from the Board members regarding providing personal information in order to be a signor on the Farmer's Union account. Rosalie said the Patriot Act requires signors be thoroughly identified. If a Board member is already a member of ICCU they would not need to provide their information. There is no personal liability for agents, just the organization.

The Board approved Rosalie to set up the pay-as-you-go credit card processing and see how much demand there is. The Board instructed Rosalie to add verbiage to

invoices for shareholders to call the office to pay with a credit card. At that time Rosalie can calculate the fees.

Lloyd reported the cd is mature and would like to bring it up to \$100,000 and reinvest for another 24 months. The Board authorized Rosalie to cut a check for the \$19,247.31 out of the checking and leave the second cd alone until maturity. Rosalie is going to work with the bank to divide funds currently in the checking account into a money market checking, money market savings and a 12 month cd.

Paul Akins moved to adjourn the meeting; motion was seconded by Tom Foster. Meeting adjourned at 8:50 p.m.