

Tuesday, November 14, 2023

## Farmers Union Ditch Meeting

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### Board Present:

John Schram, Paul Akins, Corey Blaine, Bert Browen

Dale Wood – Ditch Rider

Rosalie Cope, Secretary/Bookkeeper

Andrew Waldera, Attorney for FUD

Guests: Chad Kinkela – CK Engineers, Rocking A Ranch Sub.; Neil Jenkins – Eagle Sewer Dist.

John Schram called the meeting to order at 5:26 p.m.

Neil Jenkins with Eagle Sewer District explained that in the process of compiling a 20 year plan for Eagle Sewer District they asked their patrons where they thought the reuse water should go. The majority of those polled thought the water should be treated to Class A and put into a canal. Farmer's Union was identified as the best alternative because the water would be utilized in their service area even though it is not the cheapest option. There is also potential for winter infiltration down the road. Their Board is ready to move forward to upgrade the treatment plant at Ballantyne and State Street. Mr. Jenkins outlined the projects that need to be completed in order to treat to irrigation quality water per DEQ standards to obtain a reuse permit for discharge as well as disinfection and construction of a pipeline extension. They plan to have the projects completed by water year 2029. One option for the pipeline is to continue an existing pipeline that goes to Boise up to Horseshoe Bend Road and connect to the canal at Hill Road. They could also run a pipeline up Ballantyne Road to Beacon Light Road. They plan to do a lot of public outreach letting the public know the water will be Class A recycled water, what it can be used for, etc. It was agreed the Hill Road approach is the best option because it is the least expensive and give the canal more service area to disburse.

As part of the study they looked at five different alternatives to handle the water.

- 1) Continue to treat the water but don't invest additional capital in their treatment plant. As the treatment degrades when flow goes up they would have to pay the City of Boise more. Their contract with the City of Boise is perpetual but their Board would like to be less dependent on the City of Boise.

Invest in upgrades to their facility to treat the water to a better quality and continue to send to Boise. They are charged for gallons, pounds of BOD, TSS

- 1) Ammonia and Phosphorus. This process could save approximately \$6 million over 20 years.
- 2) Invest in upgrades to their facility to treat the water to better quality and decrease the number of gallons they send to Boise by entering into an agreement with an irrigation entity.
- 3) At some time in the future they would like to explore the option of discharging into the canal during the winter months to recharge ground water.
- 4) Build new treatment plan and discharge water straight to the river. This option is extremely expensive and is not likely to get permitted by DEQ.

Paul Akins asked about treatment for pharmaceutical residue. The EPA is in the process of identifying a permit limit but does not have a regulation at this time. The current plan is to monitor pharmaceuticals and other contaminants and when levels are set by the EPA and a treatment process is made available they will install to treat to acceptable levels.

Approval of new reuse permits is anywhere from 5 months to 2 years out with DEQ. They have approximately 6 months to enter into an agreement with an irrigation entity and apply for the permit to stay within their timeline. Eagle Sewer district plans to hold a public open house sometime in March where they will outline the plan. Andy will need approval and authority from the Board to move forward with negotiating an agreement.

The Board has some concerns about year-round discharge. The question was asked if check structures or portable dams could be used to dry out the canal for maintenance. The ground in the proposed discharge location is sandy and the water may not flow very far, it could possibly seep in within ½ mile. Eagle Sewer District plans to maintain the pipeline to Boise so there is an alternative option to send water to them for a short time to allow for maintenance or if issues arise. There is also a possibility for Farmer's Union to enter into a new agreement with the City of Boise. Eagle Sewer District has a pipe that flows to Boise that could be utilized to carry water from Boise to the Farmer's Union canal.

Chad Kinkela with CK Engineers is working on Rocking A Ranch subdivision which is 170 acres at Eagle Road and Beacon Light Road. As part of the conditions of approval for the City of Eagle they are required to bring a 16" water main from Rush Road to the site and through to the north end. He provided the Board with a plan to take the water main under the canal on the east side of Eagle Road. Andy explained the easement is 25' from top of bank in on grade locations. The Board would require the sleeve to extend beyond the easement. The plan is to install the water main 3' below the canal in a steel casing and to extend 5' outside of the easement on both sides. To install they plan to dig an open trench to the bridge and bore under the bridge footings to an open cut on the other side. The plans seem to be in line with Board requirements. The Board would like to get an engineer to review the plans since some of the open cut would be within the easement. Andy explained if the

contractor is willing to bore from easement boundary to easement boundary the Board would be comfortable with that. Mr. Kinkela will look into it and get back to Andy.

Minutes from the September meeting were e-mailed to the Board for review. Paul Akins moved to approve the September minutes with corrections; motion was seconded by Corey Blaine. Motion was unanimously approved.

#### DITCH RIDER REPORT

Dale reported there are 6-7 places where rip rap has been staged and as they are dipping and sloping they will be placing the rip rap. They plan to install 5 new boxes and Seth is getting an estimate from Healthy Tree on a couple of spots that need work. The Ditch Riders are cutting down small trees and Healthy Tree will chip that debris when they come through.

Dale said they have been having problems with people from the apartment complex at Veteran's Parkway parking in front of the gate making it impossible for them to get out with equipment. The area is posted and painted red. They have called Boise P.D. and Dale called Code Enforcement. He was informed the business needs to make an arrangement with a towing company and there is some paperwork that would need to be filled out. Dale is going to get more information and relay to Andy.

#### NEW DRY CREEK DITCH CO.

Rosalie reported New Dry Creek re-hired their old Ditch Rider and have contracted with Corey Blaine to do some of the heavy clean-up work along the canal. They would like to look into hiring Dale to fill in from time to time to give the Ditch Rider a break during the summer months. The Board does not see an issue with that.

Andy Waldera started to look into the New Dry Creek water rights and was able to determine they are good senior rights. There may be some value. He is in the process of determining what per acre entitlement is and if there could be some flexibility in moving water around.

The Board reviewed the A/R Aging Summary and at this time there are three properties liens will need to be filed on. One of those is in bankruptcy so Andy is going to follow up on that.

Corey Blaine moved to approve the financials; motion was seconded by Bert Browen. Motion was unanimously approved.

Andy met with Capital View and they agree to the assessment due under the new calculation and agree to pay  $\frac{1}{2}$  of the amount due as a result of the "true up" from 2022. They had to make an unexpected repair on their west pipeline and are asking if the Farmer's Union Board would let them pay \$17,000 of the 2023 assessment now and pay the remainder with the 2024 assessment. The Board approved extending the payment terms. Andy also asked Rosalie to send him a copy of the 2023 budget to forward to Capital View.

Paul Akins moved to allow Capital View to pay \$17,000 now and the remainder of the 2023 assessment and 2022 "true up" with the 2024 assessment; motion was seconded by Corey Blaine. Motion was unanimously approved.

#### ATTORNEY'S REPORT

Erpelding signed the agreement to accept a Quit Claim from Farmer's Union for the Green Meadow spill property. Andy stated there was also another old easement on the property that Farmer's Union also disclaimed.

GWC Capital's land use consultant reached out to Andy in regards to a new plan from Intermountain Gas to install a direct bury, 6" steel line instead of using the joint trench under the box culvert. GWC Capital installed a joint trench for utilities under the box culvert then from initial design to completion of the box culvert Intermountain Gas changed their joint trench standards and are requiring different spacing and are not using steel sleeves anymore. The original idea of crossing under the box culvert will no longer work. Intermountain Gas created a crossing plan upstream of the box culvert on a diagonal bore rather than a right angle. Andy asked why the plan is for a diagonal crossing. Intermountain Gas is requiring a 6' core depth and plan to bore on a diagonal because the box culvert and crossing area are in the vicinity of the Marathon pipeline and they also want to stay on a particular side of Big Gulch Parkway. According to the plan it looks like the crossing will take up approximately 80'. The Board approved the plan and Andy will draft a license agreement. The Board asked if Intermountain Gas could put in markers to identify the crossing area so they can see it when they are cleaning or doing work.

Jerry would like to know if the Board has any intent of filing suit against the City of Boise for breach of contract over the 2014 Whitewater Park agreement and the failure of the City to restrict access to the right-of-way. The statute of limitations is approaching. The Board agreed there is still interest and Andy is going to get more information from Jerry on the statute of limitations.

Bert reported Sam and Seth did a site visit on the Grellas' property and agreed Seth could do the majority of the work from inside the canal and work around the fence at this time. They are still aware the fence may have to be removed at some time in the future.

Andy previously sent out an email regarding Robert Woodford selling his house at 4775 N Linder Road. In 1994 Mr. Woodford granted Farmer's Union some express easements on the property and in the process of selling it came to light that corners of the house encroach 1-2 feet into the easements he granted. There are trees, bushes, shrubs and other landscaping in the easement which Seth actually prefers at this time because it helps hold the north bank. Andy drafted a license agreement and "reset" the Company's 25 feet from top of bank (north side) and 25 feet from toe of bank south side. He also "licensed" the house encroachment and the landscaping (allowing them to stay unless and until he or the new owners seek changes/modifications of the same

at which point they are required to come back to Farmer's Union for review). In addition to resetting the easement, under the agreement Farmer's Union committed to continue its use of its best efforts to operate and maintain the canal from the south side which is how maintenance is currently being done. The agreement does clarify that the north bank easement exists and that if Farmer's Union must use it we are not liable for any damages to encroaching improvements. The potential buyer tried to make changes to the license agreement going back to some of the verbiage in the 1994 agreement with a 35' easement on one side and a 15' easement on the other. Andy received a voicemail in response to his opposition to the changes but is not sure where things lie.

John Schram previously asked the Board for approval to hire someone to draft a water management plan needed for the grant application for piping the tail of the ditch. Andy reached out to a few people and their rates seemed high. The Board agreed the plan needs to be something simple that can be used for the grant application and fleshed out at a later date. Time is of the essence and with Andy's knowledge of the project and the timeline the Board agreed to have him work on it.

There was previous discussion about making a donation to Star Fire for use of the meeting room. They do not charge a fee for use of the room. Bert Brown moved to make a \$100 per month, \$1,200 annual donation to Star Fire for use of the Community Room for monthly and annual meetings; motion was seconded by Corey Blaine. Motion was unanimously approved.

Rosalie provided the Board with the renewal application for Health Insurance to review. Rates are expected to increase slightly in 2024. The Board agreed to retain the current plan.

## BUDGET

Rosalie provided the Board with a draft of the 2024 budget. She requested the Board review and consider any equipment purchases, additional concrete blocks, shop construction or any other capital improvements or large purchases that need to be budgeted for.

Corey met with Mike Meyers with Water District 63 and he asked if the Farmer's Union would be interested in grant money available to help purchase additional water monitoring devices. He has a draft application we could use. The devices are probes that can be installed in headgate boxes, spillways, etc. to help monitor usage or allow for more monitoring of flow in different areas of the canal. The Board will ask Seth if there are more places along the canal he thinks monitoring devices could be helpful.

Paul Akins moved to adjourn the meeting; motion was seconded by Corey Blaine. Motion was unanimously approved. Meeting adjourned at 9:04 p.m.