

Wednesday, November 16, 2022

Farmers Union Ditch Meeting

Board Present:

Lloyd Akins, Paul Akins, John Schram, Mike McGowan

Rosalie Cope, Secretary/Bookkeeper

Andrew Waldera, Attorney for FUD

Lloyd Akins called the meeting to order at 5:35 p.m.

TRAVIS CHESLEY – 2351 N BRANDON RD

Marie Chesley provided the Board with a parcel map and narrative of their request. She explained the property has recently been split into two parcels; Parcel A containing 2.071 acres and Parcel B containing 2.940 acres. The Chesley's have 0.25 share of Farmer's Union and would like to retain the quarter share on Parcel A. Lloyd explained the water is to remain with the property it will need to be split upon the sale of one of the parcels.

CRAIG DALE – 5353 W HILL RD

After discussion at the October meeting the Board asked that Mr. Dale attend a Board meeting to discuss removal of trees along the bank and bank reinforcement along his property. The Board did a site visit on October 27th and Lloyd informed Mr. Dale that at some point all of the trees may need to be removed with stumps left in place to help stabilize the bank however at this time the Board has agreed to have the trees along the bank trimmed. There may be two or three large trees that will need to be removed. Once the tree work is done the ditch riders will place rip rap along the bank and under the root balls to help secure the bank. Lloyd also stated Farmer's Union will not take on the responsibility of maintaining the trees and keeping them trimmed. Seth will be in touch with them for a timeline of the work. Mr. Dale was agreeable to the plan.

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

DITCH RIDER REPORT

Seth was not able to attend the meeting but provided a written report for the Board.

- 1) Seth wanted the Board to discuss Sean signing up for the class needed to get a CDL. The Board agreed Sean should proceed with taking the class.
- 2) Twelve (12) new headgates were ordered to have on hand and have been picked up.
- 3) Knife River is progressing with work on the trash rack.

- 4) The new crossing at Big Gulch is under construction.
- 5) The City of Boise is waiting on a license agreement from Farmer's Union to begin work at the ponds.
- 6) They plan to install the new delivery for the HRM the week of Thanksgiving.
- 7) Healthy Tree Service is moving forward with the work between Castle Dr. and Pierce Park. They will just be doing some trimming and sucker removal.
- 8) Seth is meeting with other tree services to get bids for the remainder of the tree work up and down the canal.

Seth also forwarded a quote from Peterson's Stampede Dodge for a Dodge for a 2023 1500 pickup and from Hometown Motors on a used F250 Ford pickup they have in stock. There was some discussion and the Board would also like him to look into Toyota pickups.

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

The Board purchased a 2012 John Deere 710K Backhoe for \$76,000. It has a 26.5' reach which is comparable to the track hoe. The machine came with a 24" bucket and the Board added a 36" bucket and a 48" dipping bucket. Coastline included a participation warranty until April 1, 2023 and new batteries. The funds were transferred from the Equipment Savings account and \$80,000 was removed from the 2023 budget.

Andy reiterated the Board will need to have the survey of the Foster property reviewed and establish survey boundaries, find the pins and stake so a site plan can be drawn for the C.U.P. application.

ATTORNEY'S REPORT VETERAN'S PARK RIGHT-OF-WAY SURVEY

Jerry Kiser confirmed with the National Parks Service and State Parks department the ground is not subject to the land exchange requirement. Susan Buxton wants a better legal description of the property to attach to an agreement at some time.

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

BOISE BREW PUTT

Andy drafted a license agreement based on the conceptual site plan to include the following encroachments.

- 1) Modular removable fencing with sleeved posts located approximately 7-10' from top of canal bank depending on location.
- 2) Installing, operating and maintaining the customer seating area and beer garden which consist of temporary and removable components.
- 3) Constructing or installing the 8'x12' shed with adjacent 8'x8' trash enclosure and the 3'x9' ticket sales and beer sales counter kiosk. The shed would be the

only improvement that may be partially inside the easement. The shed would be the most difficult item to move however it will be very close to 25' off the canal bank and may not encroach at all.

4) Installing the temporary and portable miniature golf holes.

5) Advertisement sign along State Street will be installed with sleeved posts.

Andy also included a section called Portability of Licensed Improvements. "The company acknowledges and agrees the primary canal access, operations and maintenance occur on the opposite bank. Notwithstanding this acknowledgement, Developer acknowledges and agrees the company canal operations and maintenance activities can necessitate use of the property side of the canal on occasion.

Consequently Developer agrees the portions of the improvements licensed herein located in the canal easement with the exception of the shed shall be portable and not permanently anchored or affixed to the property. The Developer agrees to move the licensed improvements located within the canal easement with the exception of the shed within 72 hours of the company's request."

Last month Andy reported there was discussion at the most recent Water District 63 meeting about implications if Riverside Irrigation were to make a water delivery call. District 63 is working with ETR to secure grant money to install more drain network monitoring. District 63 is reviewing the USGS drain flow monitoring data that has been collected since 2017. The main tributary inflows are monitored and the data shows drain flows have been consistently declining. Urbanization has caused far less seepage and recovery efforts by Nampa/Meridian on their pump stations are responsible for a portion of the decrease. District 63 would like more data points throughout the system the help determine if there is in fact a problem; quantify the problem and determine collectively as water users how to solve the problem or slow the trend in order to eliminate future ESPA litigation.

The Board did a site visit of the property at 851 N River Path Lane and determined a culvert on the Greenbelt which comes off the Willow Lane sports complex was installed too low and the water has to drain uphill. The flooding occurred in May when there was a large amount of rain. The culvert is lower than the drain ditch and the Legarretta's house is at the end of the low spot. The Board determined the flooding was not related to Farmer's Union. The Legarretta's attorney requested Andy draft a letter stating that.

Andy reported there is a new statute put forth to legislation by I.D.W.R. in response to an appeal of a Director decision that was reversed on appeal by Judge Wildman. The issue had to deal with the use of groundwater for supplemental irrigation purposes as opposed to primary irrigation purposes. The statute would be under Title 42 to continue to require the use of surface water for irrigation purposes rather than ground water. It is currently in an I.D.W.R. workgroup and it appears the exceptions now being included may negate the statute. I.D.W.R. will continue to protest the use of ground water for irrigation unless the statute changes. I.W.U.A. also has a work group looking into the 13,000 gallons per day domestic exemption and the effect on ground water.

Star held a hearing for the final plat application for Candau Estates. Andy sent a letter to Star City Council asking the City to require installation of centralized storm water control facilities. The final plat application does not appear to include plans for storm water infrastructure.

At Sam's request Andy looked into whether or not Director's stipends should be going through payroll taxes. Payroll taxes apply to an employee/employer relationship whereas Directors are shareholder/co-owners serve as supervisors to employees. Therefore stipends should not be run through payroll. Andy does have a message out for the Idaho Industrial Commission to clarify the statute under Title 72 requiring workman's compensation insurance be provided to anyone in an organization making more than \$2,000 per year.

Rosalie also reached out to Ripley Doorn and Bryan sent a link to the IRS website which states "Directors of a corporation – members of the governing board – are defined by statute as non-employees. If an exempt organization pays its board members to attend board meetings or otherwise compensates them for performing their duties as directors, the organization should treat them as independent contractors. (The director fee is reported on Form 1099-NEC.) This is the most common type of statutory non-employee that may be involved in an exempt organization."

John Schram did some research on money market accounts and recommends moving the money in CD's with Idaho Central Credit Union to online accounts which are currently fluctuating between 3.5% - 3.7%. John identified accounts through Capital One, SoFi, Discover and PNC Bank. They are FDIC insured. The Board was in agreement this would be a good option so John will do more research and provide more information at the December meeting.

Paul Akins moved to adjourn the meeting; motion was seconded by John Schram. Motion was unanimously approved. Meeting adjourned at 8:38 p.m.