

Wednesday, December 10, 2019

Farmers Union Ditch Meeting

Board Present:

Sam Rosti, Lloyd Akins, Tom Foster, Mike McGowan

Craig Waddell - Ditch Rider, Seth Kettering

Rosalie Cope, Secretary/Bookkeeper

Jerry Kiser, Attorney for FUD

Guests: Jay Camp; Scott McCauley; John Carpenter, TO Engineers - Trident Ridge

Sam Rosti called the meeting to order at 5:28 p.m.

JOHN CARPENTER, TO ENGINEERS – TRIDENT RIDGE

Same explained to Mr. Carpenter there was no follow through with Farmer's Union for approval of the system for Trident Ridge prior to installation. The Board needed to review the final plans for the system and issue a license agreement prior to work starting. Craig installed a new weir and the system is in place. Sam stated he and Jerry looked at the system and it appears they are 25' from the canal which is far enough away. Jerry stated everything needs to be restored to pre-construction condition. The canal road needs to be finished, compacted and some road mix applied. Jerry asked if they are feeding into a wet well. Is the elevation of the water level and wet well below the pipe so the water can be measured? Mr. Carpenter provided the Board with a set of plans for the pressurized system. Jerry Kiser will draft a license agreement.

SCOTT McCAULEY – TRIPLE RIDGE SUB.

Mr. McCauley explained he purchased property in the Triple Ridge subdivision on the north side of Beacon Light Rd. He provided the Board with a map of the property and said he has 5 acres which is split by the Farmer's Union canal. He would like to get water and power to the 2 ½ acres across the canal from his home so he can irrigate and possibly put it into hay or pasture. Mr. McCauley asked the Board if he could attach the infrastructure to the existing bridge. Sam said the Board would need to take a look at the bridge and he doesn't think Idaho Power will attach power to the bridge. Mr. McCauley also proposed a second location for review off Beacon Light Road. He has a call scheduled with Idaho Power to find out what the options are for power. Sam said the first thing he needs to do is find out from the HOA if he has enough water right to irrigate the additional acreage. If he does have an adequate water right then it needs to be determined if the property is in the Farmer's Union service area. If so, can he use Triple Ridge water in the Farmer's Union system?

Jerry thinks the water rights are under the Capital View system. The Board suggested Mr. McCauley talk with the neighbor and find out where they are getting water. If he doesn't have enough water right at least 0.25 share of Farmer's Union would need to be purchased if some ever becomes available or he could look into purchasing water from Boise Valley. Mr. McCauley is going to do some research and get back to the Board.

DITCH RIDER REPORT

Craig reported he purchased 370 blocks and would like to purchase an additional 75 to reinforce the bank across from Llewellyn's place on Hill Road. He would also like to do some bank work through Eagle Hills Golf Course. Sam said the blocks won't prevent a leak but will shore up the bank. He said on the uphill portion of the Golf Course area the blocks need to be placed about a foot below the water and fabric and chips put down, not just placement of the blocks. With general canal maintenance Craig and Seth are not going to be able to place all of the blocks this year. The Board does not want the blocks already purchased to sit so they suggested Craig get a quote from Wagner to do the work at Dry Creek and hold off on purchasing any more until they use what has already been purchased.

Craig purchased a furnace for the house for approximately \$2,500.

ATTORNEY'S REPORT

Jerry provided the Board with plans from Capital View for installation of a fence around their pump station. The existing fence has a 16' gate at the end and Lloyd thinks the remainder of the fence was torn down. Jerry stated he likes plan A better because it allows room for Farmers Union to get equipment along the bank on the north side, behind the fence. As part of Plan A they propose to move the gate but leave the gap open and continue the fencing to the fence at the side of the pump station. The Board would like to see a 4' walkthrough gate so the ditch riders have access to read the flow meter. In Plan B they propose to continue the fence and move the 16' gate in front of the pump station then replace the gate with chain link. The Board approved Plan A.

Jerry provided the Board with a survey of Culver's property. They are requesting to put in a driveway along the Farmer's Union right-of-way to access a back lot. Jerry said the driveway will be outside of the 25' easement and he does not see any issues. Jerry will reply that Farmer's Union does not have any issues with the driveway as long as none of it falls within the 25' easement. Farmer's Union will be using the easement so they are not to install anything such as curb and gutter, hydrants, etc.

The Board discussed Alan Lusk's request for a letter to provide to the City of Eagle stating he does in fact have a water right and it is adequate to irrigate his 5 acres. Jerry would like Rosalie to write the letter stating he may split his shares but can't change the time place or point of delivery and it is their responsibility to get water to both of the parcels. Mr. Lusk has Middleton water therefore there is no

documentation for his water shares. Lloyd would like Mr. Lusk to complete an affidavit so there is something to re-establish the water right and Farmer's Union acknowledges it.

Sam explained there is Middleton water company water in the Farmer's Union canal. Lloyd thinks the water was transferred from Middleton Water Company to Farmer's Union in 1926. He has one of the only surviving water certificates. Lloyd thinks Middleton Water Co. sold their canal and water rights in 1926 and some of the water was sold into Farmer's Union however the majority of the water stayed in the Foothill Ditch which is serviced by Middleton Irrigation and Middleton Mill. Jerry Kiser said Mel Schulte composed a memo outlining the history of the various rights and IDWR did stipulate that the water was recognized as water delivered by Farmers Union canal in the adjudication.

Jerry provided the Board with a draft letter to the City of Boise regarding issues related to the Whitewater Park. The Board approved the letter and would like the City to receive it prior to their site visit on Friday.

Jerry provided the Board with a draft letter to J&M Land regarding the gates on the right-of-way. There was a time this fall when Lloyd tried to access the right-of-way and the keypad was disabled as well as the gate locked. Jerry reiterated the keypad needs to be operational and have a code that is easy for everyone involved to remember. If there are future problems with the gates they will need to be removed.

The Board went into executive session to discuss legal matters.

Rosalie mentioned she would like to sign both Craig and Seth up for the applicator's seminar during the Western Idaho Ag. Show in January. In order to renew the license they are required to attend 15 hours of class per year.

Jerry provided the Board with a copy of the survey conducted by J.J. Howard showing the lot-lines and various encroachments. Some of the encroachments are significant, for example lot 9 has a deck, wall and steps adding up to 24.4 feet into Farmer's Union property and lot 10 has a deck that is 28 feet into the property. Farmer's Union has allowed the encroachments over time therefore notice needs to be posted that Farmer's Union is going to reclaim the area than can be. Jerry stated the structures probably can't be removed however a structure needs to be in place for 20+ years without permission for adverse possession to be in effect. The Board directed Jerry to have J.J. Howard record the survey and set the pins then when there becomes a problem with erosion, etc. Farmer's Union can utilize it. Setting the pins with flagged wooden survey stakes will serve as notice.

Jerry reported he received water sampling results from the City of Boise for the ponds in the Whitewater Park. The City is compiling a summary but it won't be complete before spring. This is the conclusion of a year of monitoring the e-coli and there is still a problem with the locations of the monitoring stations. There is a

measuring station in Veterans Park below the headgate, halfway to Veterans Parkway which would be measuring the outlet below Esther Simplot Pond. That leaves the question as to whether the water is coming out of the ponds or Crane Creek. The Board asked for a monitoring station where the discharge is and it doesn't appear a device was ever placed there. A diversion structure was installed to pull water out of the river and run through Quinn's Pond and based on the results it appears there was enough water pushed through Quinn's Pond to dilute the bacteria. Jerry said there are high levels from the points farthest up Crane Creek (PCCESF) almost to Whitewater Blvd. There are maybe only two other monitoring points below that location. The other monitoring points are on the upper end of Esther Simplot Pond #1. The Board asked several times for the locations of the devices to be moved. There was supposed to be a testing station at the outlet. Jerry said the highest readings are at the footbridge then at (PCCFU) which is halfway between the footbridge and where the pond exits into the canal. The monitoring points need to be changed to the locations Farmer's Union originally requested, at the Crane Creek spill above the canal. The readings are confusing and do not present a clear picture as to what is going on with the ponds.

Craig would also like to place some of the Eco Blocks at the Crane Creek spill to build up the bank to keep the pond elevation higher than the canal elevation. He thinks this will prevent canal water being used to fill the lower end of Esther Simplot pond. The water diverts up Crane Creek and levels out the water of the pond which affects head pressure in the canal. Lloyd said Farmer's Union may not need to worry about the issue because at some point in time DEQ is going to mandate the City take care of the problems at Crane Creek. They are going to have to run the water into a drain pipe to the sewer plant or have something upstream that is going to clean up the water.

Jerry informed the Board the TVWUA annual meeting is January 28th. He and a representative from the City of Boise are going to speak on the water reuse issue.

Jerry attended a meeting where a representative from the Department of Agriculture spoke on invasive species primarily dealing with issues related to waterways. The Department of Agriculture has programs to eliminate milfoil and combating invasive species.

Jerry explained there are approximately 10 Boise Valley Water Delivery Agreements that were returned without signed Addendums. The majority were sent to Farmer's Union on November 2nd of 2018 which was after the Board initiated discussion on the Addendums. The second batch was mailed in mid-January after Boise Valley had been notified the Board was requiring the Addendums. Jerry has been in contact with Bryce Farris several times to request the Addendums. He has reiterated that until the agreements are signed by Farmer's Union they are not accepted agreements, just an agreement between Boise Valley and the water user. Jerry said at some point these properties will transfer ownership again and we will be able to get new delivery agreements with addendums. However, there is one that is still an

issue. In March Cory Barton transferred water to Cedarfield HOA. That water will never be transferred again therefore an addendum still needs to be signed. The other issue is the properties that were transferred prior to 2019 assessments going out were billed to the new owners therefore Farmer's Union has treated the agreements as being in place. Jerry recommends the Board sign the existing agreements and ask for an executed Addendum from Cedarfield HOA.

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

Tom Foster moved to approve the minutes with corrections; motion was seconded by Mike McGowan.

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

Jerry is in the process of filing liens on the delinquent properties. He will be recording the liens tomorrow.

Rosalie presented an updated budget for the Board to review. Jerry reported the Bureau of Reclamation is working on the budget for Lucky Peak and the Army Core of Engineers is asking for \$7million for a new operations center building at Lucky Peak. There will be a note with the budget that comes out stating that request is not included into the actual projections because it is not likely the request will be approved. Jerry is going to get in touch with the BOR to see if he can get a budget projection.

Rosalie reported all of the changes that are confirmed have been made in the headgate book and she has made phone calls to several other shareholders to clear up questions. There are just a couple of areas that are going to require another site visit to clean up. When the canal road is frozen or dried out the group can take care of those.

Tom Foster moved to adjourn the meeting; motion was seconded by Mike McGowan. Meeting adjourned at 10:26 p.m.