

Tuesday, December 11, 2018

## Farmers Union Ditch Meeting

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Board Present:

Sam Rosti, Lloyd Akins, Paul Akins, Tom Foster

Craig Waddell, Ditch Rider

Rosalie Cope, Secretary/Bookkeeper

Jerry Kiser, Attorney for FUD

Guests: Matt McCarthy, Don Newell, Terry Scanlon – SPF (Roselands Sub); Dave Koeppen – HG 114

Sam Rosti called the meeting to order at 5:30 p.m.

**DON NEWELL – ROSELANDS SUB.**

Mr. Newell attended the meeting to discuss installation of the static system at Roselands. Mr. Newell now owns the property and Peterson Development is no longer involved. Jerry Kiser has received the deed and will begin work on the license agreement. They are prepared to do the work this winter. Kevin McCarthy, Mr. Newell and Sam Rosti have met at the site many times. They are prepared to hire Farmer's Union to install the new headgate or will have it installed. Mr. Newell wanted to clarify when the work needs to be complete. Craig Waddell stated the box is on order. The original plans show installation of new pipe and relocation of the headgate. Craig Waddell said there has to be a 4x4 box on the inside of the canal and the pipe has to come out to the new system. Craig would like the box on the water side of the wall. The side of the box should be flush with the canal. Craig Waddell said the existing box will not be able to be reused that all new material will be needed. Jerry Kiser asked for the plans to be revised and sent to him so the plans can be attached to the license agreement.

Sam Rosti asked what the status is on the well. Mr. Scanlon said in order to avoid protest from the City of Star the well is required to be 1,000 feet horizontally away from the City's well. They will be drilling on the west side so all pressurized irrigation facilities are in one location. The static pump system will be sized to pump the Farmer's Union water right. The well pump will be on the pressure side to maximize the Farmers Union water up to the water right and when that is not sufficient they will pump off the well to provide adequate water.

Sam, Mr. McCarthy and Mr. Newell plan to meet next week to go over the plans and make final revisions.

## DAVE KOEPPEN

Mr. Koeppen shares headgate 114 with AR Boise/M3. Sam Rosti looked at the box which is slipping off the hill and has cracked the pipe. Mr. Koeppen said the box was originally on the outside of the bank, but has now cracked the pipe and needs to be fixed. Craig Waddell originally planned to move the box below the canal, but it was decided that is not going to work. A weir needs to be installed on the edge of the bank with a pipe across the bank then Mr. Koeppen will be able to hook onto the pipe. It will be a closed system. Mr. Koeppen is concerned about filtering larger debris before it comes into his pipe. Craig will put a screen on but reiterated to Mr. Koeppen that it will need to be cleaned daily when he is irrigating. Craig said he will also try to get the old box out of the way.

Minutes for Executive Session were read and approved.

Minutes were read by Rosalie Cope.

Paul Akins moved to approve the minutes with corrections; motion was seconded by Tom Foster.

## DITCH RIDER REPORT

Craig Waddell reported a box for headgate 114 is on order.

Craig reported Kendall Rivers has taken the chemical applicators test but is unsure of whether or not he passed. Lloyd Akins proposed Farmer's Union continue to look for an Assistant Ditch Rider, reduce Kendall's pay and keep him on as an hourly employee. The Board instructed Rosalie to advertise the position with IDWR. Paul Akins made a motion to reduce Kendall's pay to \$15.00 per hour, continue providing health insurance and offer for Kendall to remain in the house for \$50 per month rent to include utilities. If Kendall accepts the new terms of employment he will receive a bonus for 2018. Motion was seconded by Lloyd Akins. Jerry Kiser is going to issue a letter to Mr. Rivers outlining the Board's offer.

Lloyd Akins asked if Craig has spoken to John Tensen in regards to the level of the pond pool in relationship to the floor of the concrete pad. Craig said Mr. Tensen has assured him the level of the pond will come up a foot over where it typically ran during regular season. Craig said the last time he walked the area with Mr. Tensen he asked what the City is planning to do with the debris in the bottom and Mr. Tensen said they have already taken it out. Craig said they have not. Craig is concerned if the debris is not taken out during this construction phase it will never be. Craig said the debris has been removed below where they are putting in footings but nothing was taken out above. The coffer dam appears to be placed on the existing floor of the river. Lloyd Akins stated that is 2 feet too high. Jerry Kiser reiterated the base elevation across the river is in the plans in order to provide Farmer's Union a 5 ½ to 6' pool. Jerry Kiser is going to communicate with the City to find out when the debris in front of the dam is going to be removed.

Craig reported the new bridge top over the Klondike spillway is going in.

Craig reported the bottom of the tunnel at Collister looks like it comes directly off the bottom of the existing bridge instead of having a drop. He is concerned water will run slower around the corner and when it comes off it will drop 4 feet and cause a water check that will cause problems. He also thinks the elevation of the tunnel is too high. Craig said they excavated in the bottom but took the slope out and pushed the material off to the side. They didn't really remove any material then brought in more material and built a pad for the concrete. He thinks the floor of the canal has been elevated.

Craig said after the first of the year he is going to have a new clutch put in the ranger. It also needs a new motor but because of cost he is going to hold off on that for now.

Rosalie Cope asked the Board to review the invoice from Mike Krebs. The Board directed Rosalie to inform Mr. Krebs Farmer's Union will not pay him to trap raccoons or rabbits in the future.

#### ATTORNEY'S REPORT

Jerry Kiser presented the Board with a copy of the letter sent to Mr. Krebs outlining the scope of activities while performing pest and rodent removal along the canal. Mr. Krebs had an altercation with a shareholder on Thanksgiving Day and Sam Rosti was contacted. Sam asked Jerry to send a letter to Mr. Krebs.

Jerry Kiser presented the Board with the agreement White Sturgeon for installation of gates and Idaho Power – State & Collister agreement to be signed.

Suez is no longer planning to flush into the canal instead they are going to work with ACHD. They are now considering boring under the canal and have some revisions on the crossing agreement. Suez will need to provide the Board with new plans.

John Roldan with the City of Boise was contacted by DEQ. They requested the City submit an unofficial preliminary application so they can review that way when the application is submitted it includes everything they require. Jerry has not provided the letter to shareholders yet.

Jerry reported Alice Culver applied to put in a driveway to the vacant lot upstream from her house. The only way the lot can be accessed is to go around because of a fire lane along Belmar. A record of survey was submitted for approval showing two driveways to the two remaining Culver lots. Jerry replied to public comments stating the area shown for the driveways is Farmer's Union right of way and nothing can be in that right of way. Jerry spoke with Development Services and received a message that the Culver's have to re-submit plans and they are aware nothing can be put on the Farmer's Union right-of-way.

Jerry submitted a comment on the building permit application for the outbuilding on Croft Lane but has not heard anything on approval of the application.

Jerry has not received plans for Vine Estates yet.

Jerry received a settlement agreement from Suez. He stated there are a couple of modifications he wants to make. The first is Paragraph II; Farmer's Union does not approve the transfer application, it is only withdrawing the protest. The other is #11; which Jerry would like to see removed completely. Number 11 is a confidentiality agreement and Farmer's Union records are available to shareholders therefore Farmer's Union can't control what is done with the information and cannot be responsible for shareholders actions. Jerry asked the Board to review the agreement and get back to him with comments. Jerry said Farmer's Union needs to make sure the watermaster knows the water is in the canal. Lloyd said the water will have to be cut out of the HOA's water. Jerry said the HOA has their own water, but Lloyd thinks they are using this water also. The Board discussed requiring the HOA to install meters with totalizers on their pumps.

Jerry reiterated there is a problem measuring water pumped by Boise Valley shareholders. He looked into the statute and it states companies that charge for water shall be responsible for measuring the water. Farmer's Union does not charge Boise Valley shareholders for water, just O&M therefore it is the responsibility of Boise Valley to make sure the cost of measuring water is not on Farmer's Union. Farmer's Union needs to let Boise Valley know the pumps measuring small quantities will be required to have flow meters. Farmer's Union is obligated to make sure the Boise Valley shareholders are not using Farmer's Union water. Jerry said the delivery agreement needs to be modified with an addendum requiring a meter on pumps which measures by the gallon with a totalizer. The addendum also needs to state once they have reached their seasonal quantity of water the pump will be turned off. Farmer's union receives 1/3 of the water for delivery which needs to be deducted from their total. Boise Valley shareholders are also subject to cutbacks and will have to adjust in that event. Lloyd said Boise Valley rights are senior to Farmer's Union and may not be subject to the same cutbacks. Jerry is going to look into that. The Board will direct Craig Waddell to collect information on all pumps on the canal so water consumption can be evaluated and any potentially taking more water than they have rights to can be addressed.

Liens have been filed on the three delinquent accounts. Paul Akins asked Jerry to clarify the lien process. Jerry said the lien has to be cleared before the property can be sold otherwise the property would have to be auctioned off. Farmer's Union has three years to file a lawsuit to foreclose.

Jerry said Nampa/Meridian is proposing legislation to revise statutes which give canal/irrigation companies the right to clean, deposit spoils, etc. Through IWUA they are trying to pass legislation to include removal of trees, shrubs and vegetation. This will help clarify the statute so when people complain about trees along the canal being removed the law clearly states the irrigation companies have the right to remove and deposit debris along the canal bank.

The Board discussed purchasing a chipper to clean up tree and shrub debris.

Financials were tabled until February meeting.

Rosalie Cope reported the accounts have been set up with ICCU and funds have been transferred. Rosalie stated enough funds were left in the US Bank checking account to cover outstanding checks and bills that may need to be paid before checks arrive for the new account. Rosalie is still waiting on the account number so checks and a deposit stamp can be ordered.

Once Rosalie finalizes the accounts with ICCU she will set up the electronic payment processing.

Rosalie reported the preliminary budget for Lucky Peak O&M has not been received yet so she and Jerry worked together to estimate that portion of the budget. The Board agreed to increase the assessment by \$100 per share again for 2019 in anticipation of the increased O&M expenses on Lucky Peak in 2020.

Rosalie presented the health insurance renewal information. The Board reviewed and Sam Rosti made motion to approve the renewal; motion was seconded by Paul Akins.

Sam Rosti moved to approve the proposed budget; motion was seconded by Tom Foster.

Rosalie presented a draft of the invoice for Capital View for the Board to review. Rosalie will input 2019 budget numbers now that the budget has been approved and finalize once the 2018 budget is closed.

Rosalie said Criag Waddell asked her to see if Jerry or the Board can communicate with Buckhorn Estates West to identify how much water is to be delivered at each headgate. The headgate book lists headgates 83, 85, 87, 88, 90A and 90B but does not break out the inches of water to be delivered at each headgate. Craig thinks they are using more water than what is allotted but needs some help getting a handle on it.

Rosalie presented a letter from Richard Lagerstrom questioning users on headgate 64. The Board asked Rosalie to provide Mr. Lagerstrom with the records Farmer's Union has of shareholders on headgate 64 and if he does not agree Mr. Lagerstrom can attend the February meeting to discuss.

Paul Akins moved to adjourn the meeting; motion was seconded by Sam Rosti. Meeting adjourned at 9:12 p.m.