

Tuesday, December 13, 2022

Farmers Union Ditch Meeting

Board Present:

Sam Rosti, Lloyd Akins, Paul Akins, John Schram, Mike McGowan

Seth Kettering, Dale Wood – Ditch Riders

Rosalie Cope, Secretary/Bookkeeper

Andrew Waldera, Attorney for FUD

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

TOMMY WALL – 5727 HILL LLC (BEND SUB.)

In December 2021 Mr. Wall provided the Board with design plans for the 5727 Hill LLC development off Hill Road. They are proposing to bore under the canal to install a sewer line in order to connect to sewer through the neighboring subdivision. The revised plans include a 25' common lot along the southern lot line bordering the canal as requested by the Board. The plans also include two 17' access points. Mr. Wall informed the Board the pre-plat for Bend Subdivision has been approved. They are proposing to change the location of the pressurized irrigation system for better access. They propose to replace the existing submersible pump and install an intake vault and a wet well outside of the 25' easement. The Board does not want the intake pipe sticking out into the canal, it needs to be set back in the bank, secured with rip rap and a flow meter installed.

TOLL BROTHERS – CRESTA DEL SOL

Representatives from Toll Brothers provided the Board with proposed plans for relocating headgate 125. They are proposing to move the headgate upstream to bring it in line with the property line in order to eliminate the current 90 degree angles. The Board will review the plans and communicate any changes however the plans will not be considered for approval until an agreement is signed by all lateral water users. The plans with any revisions along with a signed lateral agreement are to be presented at the January 14th meeting. John Schram moved to accept the plans from Toll Brothers for review and the Board will communicate any changes within the next couple of weeks; motion was seconded by Paul Akins. Motion was approved.

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

DITCH RIDER REPORT

Seth received a bid for \$28,750 from Boise Tree for proposed tree work along the canal. The bid is comparable to Healthy Tree's bid therefore the Board authorized Seth to continue working with Healthy Tree.

A new pickup from Peterson Toyota will be \$33,488 plus \$399 doc fee and \$14 Title fee. Lloyd Akins moved to purchase the pickup from Peterson Toyota; motion was seconded by Paul Akins. Motion was approved. Lloyd will deliver the \$1,000 deposit required to order the pickup.

Seth reported the trash rack is in place and backfill is complete. Knife River is working on installing the flow meter and Shane Livingston is going to set up the electronics. Knife River asked if Shane could invoice Farmer's Union and Farmer's Union could deduct the set up charges from the final invoice. The flow meter is included in the plan so the Board agrees Knife River needs to pay the set up directly. The Board asked Seth to have Knife River contact Andy Waldera.

The law requiring new CDL applicants to take a class prior to being allowed to take the test has been rescinded so Sean is working on getting a permit in order to prepare for the test.

Seth currently has all three applicator's licenses. Sean still needs to pass the test for the aquatic license and Dale needs to re-take all three. The Board doesn't think it is necessary for Dale to have the licenses as long as Sean and Seth are licensed.

ATTORNEY'S REPORT

Andy reported a pre-lien letter was hand delivered to Nicholas Genna at 2661 N Park Lane, formerly part of Ripcord Ranch HOA. Rosalie also sent the water share certificate to the address on file with the Ada County Assessor's office and it was returned as undeliverable. A lien will be filed this month.

The Board has agreed to rent the house at Clover to Dale Wood for \$300 per month plus a flat fee of \$100 for utilities. Dale has agreed to pay utilities and will make some improvements to the house. He will turn in receipts for reimbursement on improvements.

ACHD is planning improvements for the corridor along Hill Road and Pierce Park and Lynette Davis who represents Chad Erpelding at 6633 W Hill Rd. sent an email to Steve Price at ACHD requesting repair work on the Green Meadow Spill. Mr. Price responded and Andy has questions regarding the accuracy of Mr. Price's statements. Mr. Price stated ACHD has a prescriptive easement statutory right to maintain the Green Meadow Drain. Both ACHD and Farmer's Union have no obligation to improve the drain but have a shared responsibility to provide maintenance when needed. Andy partially agrees because Farmer's Union is a ditch owner and Title 42-12-03 states if a ditch owner is spilling to the ditch and knowingly turns more water into the drain that it can safely handle without doing damage to the property of others the ditch owner is

liable. Mr. Price also stated Farmer's Union has an easement and a statutory right to maintain which is incorrect. Farmer's Union owns the property and has a statutory right to maintain as long as the company is spilling to the ditch. The installation of concrete and capping the headgate is an act of abandonment under the law. Any water in the ditch is a result of drainage from ACHD. The flume over the canal is stormwater runoff or irrigation overspray from the subdivision that comes down the pipe in the hill and flumes over the canal. The ACHD flume drops into the drain behind the gate. Mr. Price states the flooding issue is a result of the overflow of irrigation water from the Farmer's Union canal and the headgate leaking. Andy reiterated the wall has been concreted and nothing is leaking out of the canal. Mr. Price tells Ms. Davis ACHD will not agree to construct a new piped ditch adjacent to the existing ditch and they are investigating the dredging of the ditch. He states ACHD has proposed to construct a new earthen ditch and stated Farmer's Union has not accepted any maintenance responsibility for the drain although it has used the facility for decades which is incorrect. Andy stated the position of Farmer's Union remains the same. The company has offered to Quit Claim Deed the property to Mr. Erpelding then he may enter into an agreement with ACHD.

Andy sent a letter to the City of Star regarding stormwater runoff from Candau Estates as discussed last month. Ryan Morgan, the City Engineer sent storm water design plans to Andy that were part of the application which Farmer's Union did not originally receive. The City did require ACHD requirements be followed even though the streets are to be private. The storm water design is for two seepage basins (engineered drainage ponds) and V ditches on each side of the road containing gravel in-ditch dams to cascade the water and direct to the basins. Andy is concerned about infiltration of water from the drainage basin near the bridge saturating the sub surface above the canal. The drainage basin is designed for a 100 year storm so the concern of overflow is minimal however percolation/seepage at the canal level could threaten the integrity of the canal bank. A stormwater report was conducted and the design concept is good however it may not be the appropriate design for a development above the canal. Andy recommended having Greg Clark review the plans and suggested the only way to handle post-development runoff is a much bigger pond that is lined or a pipeline under the canal connecting to Cresta Del Sol's system. The Board agreed to have Andy forward the plans to Greg Clark for review.

Andy has not received Greg Clark's approval of the draft canal encroachment/crossing procedures and engineering standards yet. After the first of the year Andy will send Rosalie a copy of the application and policies and procedures for development/license agreements to post on the website. This will at least get the information out until Greg Clark has a chance to sign off.

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

BUDGET

Rosalie provided the Board with a revised draft of the 2023 budget for review. There has not been any current communication from the B.O.R. The most recent

communication proposes a jump from \$4.47 to \$10.29 per acre ft. A backhoe has been purchased and the cost of a pickup has been determined so Rosalie removed the adjusted the asset purchase line item to \$35,000. The Training line item was reduced from \$5,100 to \$100 since Sean will no longer need to take a CDL class. The proposed budget includes \$150 increase to assessments however the Board would only like to increase assessments by \$100 which would leave a deficit of \$31,481. The Board does not think the B.O.R. increase will be as significant as originally projected and there is enough money in savings from past increases to cover the deficit if the projected increase does happen.

John Schram made a motion to increase the assessment rate by \$100 to \$973.76 for 2023 and to approve the proposed budget; motion was seconded by Lloyd Akins. Motion passed.

Rosalie provided the Board with a spreadsheet tracking completed and pending license agreements. Rosalie is not aware of utility companies receiving an invoice for license agreements in the past. The Board asked Rosalie to contact Jerry Kiser to find out if he billed utility companies directly.

John Schram reported the accounts with PNC Bank are for individuals and are not available to businesses. CapEd is offering a 1 year CD at 4.1%. John asked the Board to identify how much money is available for investment. John also asked how long until the existing CD's mature. The Board directed Rosalie to find out what the penalties are to close out the existing CD's and if Farmer's Union is eligible for any of their promotional rates.

John Schram moved to adjourn the meeting; motion was seconded by Mike McGowan. Motion was unanimously approved. Meeting adjourned at 9:32 p.m.