

Monday, Dec. 9, 2024

Farmers Union Ditch Meeting

Board Present:

Sam Rosti, Paul Akins, John Schram, Corey Blaine, Bert Browen

Seth Kettering, Sean Kettering, Dale Wood – Ditch Riders

Rosalie Cope, Secretary/Bookkeeper

Andrew Waldera, Attorney for FUD

Sam Rosti called the meeting to order at 5:29 p.m.

Rhen Thurgood drafted a response letter to Mr. Erlebach and ABCO Engineering. Rhen went back to the site and provided the Board with an old aerial map. Using drawings provided by Mr. Erlebach, he drew a line to represent the retaining wall and a solid black line showing top of slope and the canal jurisdiction 25' from the slope. The wall is approximately 40-50' from the canal. Rhen stated any excavation done behind the wall will fall under the jurisdiction of Farmer's Union. He proposes having them stake the location of the wall then he can verify and determine if a license agreement is needed or if the work is outside the jurisdiction of Farmer's Union. The height of the existing wall is 10-12' and the proposed wall could be just as tall. The Board would like Rhen to require a 30 day response from Mr. Erlebach.

Derek Cooper at 7129 W Goodale Trail Road is requesting to install a bridge on his property. He owns property on both sides of the canal and wants to be able to access his property on the south side of the canal. Mr. Cooper provided the Board with a map of the property including the proposed location of the bridge and tentative plans. The proposed bridge would have approximately 2' of clearance from the water and would be level with the canal road. The Board asked him to add measurements to the plans and communicate with Andy on a license agreement.

The Board asked Will Mason with Mason & Associates Engineering and Chris Hopper with Canyon Highway District #4 to attend the meeting to discuss the Conditional Use Permit for the shop. Corey and John went to Canyon County and initially were told the property is not buildable due to a non-recognized split done by the Fosters. The County has the property zoned as Rural Residential along with the proposed subdivision to the north. They filed a research inquiry with the County and put in a preliminary application meeting request. John and Corey also stopped by the Highway District office and met with Chris Hopper, the District Engineer. He said Luke Erlebach was in earlier this year inquiring if Willis Road was abandoned and if not he would like Canyon Highway District to abandon it. Mr. Hopper confirmed the road has not been abandoned and CCHD is not interested in abandoning the ROW as they

have a long-term plan to connect Can Ada Road to Blessinger Road via Willis Road. Canyon Highway District is interested in working with Farmer's Union to obtain a ROW through the property. They would like to come through the property about midway with a 60', 2 lane road and move west along the south edge of the property. They have a 40' ROW on Erlebach's property on the south side and would only need 20' from Farmer's Union. The Right of way would be a total width of 80'; 40' on each side of the section line. Mr. Hopper explained while Willis Road is a public road it is privately maintained and does not have public access at this time. There is public right of way that extends almost to Blessinger Road with a small piece east of Blessinger Road where there is no public right-of-way. The historic users were granted an easement. Erlebach's shop is built in the right-of-way and part of it may be on Farmer's Union property. Farmer's Union has frontage on the public right-of-way. Mr. Hopper provided the Board with a rough sketch outlining the proposed location of the road. As shown the property would be split into 1.28 acres on the west side and 2.63 acres on the east side that could possibly be split and developed. There is flexibility in the exact location of the road in order to change parcel sizes. Ultimately the Highway District would have to purchase the strip of property adjacent to Blessinger Road in order to construct the connecting road. Development of the property on the northeast corner would be the catalyst for connection from Blessinger Road to Can Ada. In order to obtain a building permit it would be best if Farmer's Union could work with the property owner to obtain an easement to access the property from Can Ada. At this time the County does not have plans to develop and would have a hard time justifying purchasing the connecting piece of property. The County approval process is currently about 18-24 months.

The Board asked Mr. Mason if he would assist with the conditional use permit application with the County. If it is determined the split was illegal the County will require Farmer's Union to go through a conditional use permit or a rezone. If the property is zoned Ag. And the use is determined to be for agriculture it would be a matter of access and obtaining a building permit. The addition of a septic and well for restrooms and a break room may add complications. The County will put conditions on a rezone and it could take 18-24 months. A survey would need to be completed including topography and grading prior to submitting an application. Mr. Mason estimates the cost of the survey and his time to submit the application will be around \$15,000.

ATTORNEY'S REPORT

Andy contacted the in-house Council for the Army Corps of Engineers in Walla Walla, Tyler Moore who referred him to another attorney in the general council office. Water Users are in the process of gathering information to determine where the change in the jurisdictional waiver process is coming from in order to determine who to meet with. The issue was brought up at the TVWUA meeting in November and Roger Batt was authorized to engage in the issue and work with irrigators. The question is whether the Army Corps is concerned about the clean water aspect of wetlands preservation or is it more a National Historic Preservation Act program platform? If it is not necessarily Clean Water Act the jurisdictional determination process takes 8-12

months and if it is determined to be jurisdictional the National Historic Preservation Act overlay is another 4 months. The EPA and Army Corps of Engineers have considered applications from landowners as concession of jurisdiction. That is where the jurisdictional condition becomes out of the irrigators control. In the process of obtaining a permit from the Army Corps to bypass the jurisdictional determination process the landowner has conceded that the facility is jurisdictional. At this time coalition building with other entities to include Cities, Highway Districts, etc. is in the works, then it is more than likely the Idaho Congressional will have to be engaged.

Andy sent the Board a copy of email correspondence with Brandi Martinez at Idaho Power regarding an upcoming pole replacement project that crosses the canal along N Eagle Road, south of W Beacon Light Road in regards to the Ada County Landfill. This section of the canal is high fill above Old Hill Road and is extremely steep. The project includes an electrical line bore under the canal in the Seaman's Gulch corridor through the existing box culvert. There are a couple of poles on the flat which should not be an issue however when Idaho Power says "remove and replace" they do not remove a pole and put the new pole in its place. They actually drill new holes approximately 12-18 inches from the existing pole location. They would be drilling new holes in the canal bank. Pole #22 is shown in the canal road. They can move it off the road and down the hill by extending from the new pole with an arm. Poles numbered 19-21 appear to be in the canal bank. Andy suggested the Board would require its on-call engineer to review plan and will more than likely want a Geotek report. A possible solution would be to line or pipe that section of the canal. Sam asked if it would be possible to install the new poles on the uphill side of the canal. Andy will continue communicating with Brandi.

Corey reached out to Jake Swan with Idaho Power to ask them to hold off on installing the power poles while Farmer's Union does some research on the Foster property through Canyon County.

DITCH RIDER REPORT

Seth reported Flatline Construction is waiting on the pre-form materials and will be on-site to start work in the next few days. Once the concrete box connecting the pond to the pipe is installed Sean will build a weed rack.

Healthy Tree provided Seth with an estimate to do some major tree work in a couple of spots. The estimate for the area from Castle to Pierce Park which has about 24 huge cottonwood trees is \$5,700. He will drop in the canal and Seth will remove the big wood with the excavator. There is another spot at Big Gulch with a group of approximately 40 medium Cottonwood and Black Locust trees falling in the canal, the estimate for that section is \$16,275.

John Schram moved to accept the bid for tree work from Healthy Tree; motion was seconded by Corey Blaine. Motion was unanimously approved.

They are working on putting some rip rap in on Seaman's Gulch and will install the new headgate box at headgate 24.

Rosalie will e-mail minutes from the November and December meeting to the Board for review.

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

ATTORNEY'S REPORT CONT.

There was a meeting with the Bureau of Reclamation regarding the possibility of "freeing up" at least 30,000 acre ft. of Lucky Peak space to be available in the instance River flow is drying up with the exception of flow augmentation water. If the situation arises where there is water right administration in the Valley triggered by low flows at the Star Bridge the Bureau could push storage water into the river to cover the shortfall. The Bureau is receptive to the idea and will look into the possibility. The Department of Water Resources is willing to allow the water users in Water District 63 to let the existing rule stand. After getting support from the Department they also met with the Bureau and the Bureau is not going to take an adverse position on the last to fill rule. Andy thinks at the Water District 63 meeting in January a resolution will be adopted or something will be put in writing to reflect the District 63 Water Users vote in support of maintaining the last to fill rule.

BUDGET

Sam had a question regarding the significant increase in health insurance premiums for 2025. The premiums will increase per month as follows:

Sean \$152.10 to \$224.60 (*change in age bracket*)

Seth \$257.70 to \$323.90

Rosalie \$461.90 to \$580.80

After some discussion the Board asked Rosalie to contact the current agent and get a quote for a policy with higher premiums and/or higher deductibles to see if that would make a difference and Sam suggested reaching out to his agent for a quote for a different health insurance provider.

Sam said Emmett Irrigation charges a \$90 clerical fee on annual assessments. Andy said according to statute 42-22-01 the maximum administrative charge a ditch company can charge is \$50. John Schram moved to accept increase the Administrative fee from \$10 to \$25 in 2025 and to \$50 in 2026; motion was seconded by Corey Blaine. Motion was unanimously approved.

Rosalie received an email from the Land Group who is working on the Women and Children's Alliance Project on the south side of Willow Lane between the Boise Valley canal and Farmer's Union canal. They are in the early stages of design and want to know if Farmer's Union would allow them to spill drainage water from the site into the canal. She stated they are on a tight budget and any water they would be allowed to

route to the canal would reduce the square footage of pavers needed to help alleviate the project budget. According to their calculations the highest flow that would be routed to the canal would be 0.5 cfs during the peak minutes of a 100-year storm. Andy will communicate the Board's position is not to allow stormwater runoff to drain into the canal.

Rosalie informed the Board that Star Fire now has CPR classes every other Saturday and their facility will not be available for the annual meeting. She is working with the City of Star to reserve the meeting room at City Hall. Once the space is confirmed she will send out the notification letters and post the meeting information on the website.

Bert Browen moved to adjourn the meeting; motion was seconded by John Schram. Motion was unanimously approved. Meeting adjourned at 9:00 p.m.