

Tuesday, February 12, 2019

Farmers Union Ditch Meeting

Board Present:

Sam Rosti, Lloyd Akins, Paul Akins, Tom Foster

Craig Waddell, Ditch Rider

Rosalie Cope, Secretary/Bookkeeper

Jerry Kiser, Attorney for FUD

Guests: Richard Lagerstrom – HG 64; John Roldan - City of Boise; Jerron and Margie Porchia - 10201 Horseshoe Bend Rd.; Kate Michaud; Ben Briedergen; Corey Blaine – Thompson Ltd.

Sam Rosti called the meeting to order at 5:10 p.m.

RICHARD LAGERSTROM – HG 64

Mr. Lagerstrom explained there is a small pond on his property and the water users have an agreement from 1975. Along with his water, Ritter's and Fischer's water is delivered to the pond. The Taylor's purchased lot 5 in Pony Hollow subdivision and are trying to get their water out of the pond also. Tom Jones used to get water out of the pond, but when Pony Hollow subdivision was developed a line was run through Mr. Jones field to deliver water to the subdivision and he moved the delivery to headgate 66. Mr. Lagerstrom explained the pond is very small and the addition of water user's would not be good. The Board explained this is a lateral issue and Mr. Lagerstrom needs to speak with the Taylor's. The water has to be taken from where the previous home owner was receiving delivery and if the Taylors want to move their water to a different headgate they would need to obtain approval of the Board and the lateral users.

KATE MICHAUD

Ms. Michaud lives off Bloom and State Street. She said her house backs up to the canal and at her location although Farmer's Union has an easement she said there is no access. Ms. Michaud is having a problem with people using the narrow path along the canal to access her yard and she has safety concerns. She would like to install a gate or something to deter people from walking behind her house and having access to her yard. Craig Waddell said when the construction and State and Collister is complete the gate that used to be there will be replaced. Sam Rosti said since Farmer's Union can't drive through that area the Board would allow her to extend her fence to the water line with the understanding that Farmer's Union retains the right-of-way. Jerry Kiser will issue a license agreement.

COREY BLAINE

Mr. Blaine owns 30 acres off Beacon Light Rd. between Paul Drive and Eagle Road under Thompson Ltd. Partnership. Mr. Blaine has 0.1 shares of Farmer's Union and 16.75 inches of Jacobs's water through Capital View. He would like to move his Jacobs water out of Capital View and have it delivered through the point of delivery he is receiving his Farmer's Union water. Mr. Blaine explained there is also a small pond on his property he would like to remove. He said the pond overflows and either floods his basement or runs back into the ditch. He has already spoken with Capital View and they are fine with him moving the water. Mr. Blaine is currently irrigating approximately 22 acres of orchard and pasture using sprinklers and drip irrigation. Jerry Kiser explained there needs to be an agreement between Capital View and Farmer's Union to move the water. Jerry would like to review the agreements with Capital View and asked Mr. Blaine to attend the March meeting.

BEN BRIEDERGEN

Mr. Briedergen purchased Fitzgerald's property and explained the 2014 litigation between Fitzgerald and Farmer's Union regarding a canal breach was not disclosed in the purchase agreement and he would like access to any records of the lawsuit Farmer's Union would be willing to provide. The Board explained the leak has been taken care of; fill was brought in and the bank was extended and leveled off. There has not been an issue since the work was done.

Mr. Briedergen asked if he could remove the hill. The Board said no, the material in the bank is unstable and time and settling is the best protection. Mr. Briedergen explained he plans to build an air soft Closed Court Combat Training (CQB) facility. Lloyd asked why he couldn't build on top of the hill. Mr. Briedergen said there isn't enough room and provided the Board with pictures of the hill and explained what he would like to do. The Board needs to review Mr. Briedergen's proposal and will do a site visit within the next two weeks.

Jerry Kiser asked if Mr. Briedergen received a copy of the settlement agreement with his title report. Jerry said there are obligations for gopher control which are binding on future owners under that agreement. He did not and will contact the Title Company for a copy. Mr. Briedergen will also be in touch with Jerry Kiser to review documents related to the lawsuit.

JERRON and MARGIE PORCHIA

Mr. and Mrs. Porchia own property on Horseshoe Bend Road across from Veteran's Cemetery. The Porchia's have plans to develop the 2.5 acres into a mixed use development and would like permission from Farmer's Union to maintain the easement with landscaping and sprinklers. The Porchia's have already been maintaining the easement but would like to add landscaping. The Board approved and asked Jerry Kiser to draft an agreement.

JOHN ROLDAN – CITY OF BOISE

Mr. Roldan asked if the Board was ready to send the letter out to shareholders regarding the reuse project. Jerry Kiser provided Mr. Roldan with the signed letter and Rosalie Cope will provide Mr. Roldan with a new set of mailing labels.

Mr. Roldan reported the City is going to run a pilot program at Esther Simplot Park to run water through in an effort to prevent what has happened in the past with water quality problems. Mr. Roldan presented a preliminary plan for the project and asked to attend the March meeting where he will provide a more detailed plan. The plan shows a breach of the river bank and installation of a 24" pipe with a waterman. The City has obtained a 404 permit and a temporary permit from the Department of Water Resources to breach the bank. Water will come in on the 24" pipe and go out into Quinn's pond. There are two 18" pipes to allow two channels to open into Esther Simplot pond. The water will go under the footbridge from Esther Simplot Pond 1 to Esther Simplot Pond 2 then merge with Crane Creek and the Farmers Union intake. Because this is a pilot program the City doesn't think they are going to have enough water to properly flush the ponds. They applied for a temporary water right for surface water remediation which was denied and are currently in the rental pool and plan to buy water from Boise City Canal and South Boise Water Company. Sam stated Farmer's Union would probably sell them some storage water through the water pool also. Mr. Roldan said they would like to run 10-12 cfs through the pipe which is why they might go through their water quickly. If Farmer's Union chooses to sell water it can be rented to Boise City rather than to BOR through the water bank. Jerry asked what the purpose of use is for the water. Once the City has used it to flush the ponds can it go into the Farmer's Union canal? If the water is for consumptive use does it have to be returned to the river or can Farmer's Union utilize the water? Jerry Kiser asked for a copy of the water right application to review.

John also said they are going to continue monitoring the water quality and more aerators are in the design he will present in March.

It would be a benefit to Farmer's Union if they start the flush process in March rather than waiting until there is a water quality problem. Mr. Roldan said they are authorized to flush from March through October.

Sam Rosti asked Jerry Kiser for his input on the work the City of Boise is doing in the river. Jerry said he has been in communication with John Tensen and John confirmed the whole pool will be graded as per the plans.

Minutes were read by Sam Rosti.

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

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

Paul Akins asked what the status is on electronic payment processing. Rosalie reported the account had been set up but in order to verify Board members the company runs a credit check but Board members do not want to release their personal information so Rosalie cancelled the application. Rosalie is going to look into other options.

DITCH RIDER REPORT

Sam Rosti reported the box for Roselands has been installed and Keoppen's headgate is installed.

Jerry asked if Vine Estates contacted anyone about removing a bridge. Jerry said the upper bridge is going to be replaced and the bridge by Beacon Light needs to be removed.

Craig reported they are cleaning the canal at Hill Road and Belmar then will go out from Ballantyne instead of starting at the tail of the canal. They will be installing rock behind Bloom when snow is melted.

ATTORNEY'S REPORT

Jerry Kiser presented a draft of the Addendum to Boise Valley Delivery Agreements requiring water users to install a flow meter to pumps. Jerry will send the Addendum to Bryce Farris for review and reiterate the need for Farmer's Union to have the means to measure water. Once Mr. Farris has reviewed the Addendum Rosalie will provide to Megan with Boise Valley for those with pending Delivery Agreements to sign and return. Once Rosalie receives signed Addendums the completed Delivery Agreements can be fully executed.

Jerry stated the existing water delivery agreements require water users pay for facilities and maintenance or repair to those. Has Farmer's Union been billing Boise Valley shareholders for repairs? Craig Waddell said we have not in the past. Jerry Kiser said we need to verify which shareholders we have water delivery agreements with.

Lloyd Akins asked Jerry Kiser for his opinion on Mr. Briedergen's request. The Farmer's Union right-of-way is limited but includes the right to have the canal. Mr. Briedergen needs to establish what he is proposing will work. He needs to have a geotechnical engineering report done, be specific on how far back he intends to cut the bank and more than likely install a retaining wall. The Board asked Jerry Kiser to give Mr. Briedergen access to records from the Fitzgerald settlement. Jerry Kiser stated the next step would be to require Mr. Briedergen to have a full geotek report completed that shows material makeup, stability of soil and how much width there needs to be in order to maintain a degree of safety plus another half degree of safety along with plans for a retaining wall.

Lloyd Akins reported Suez water installed a manhole in the side of the canal bank on Hill Road where Suez crosses Seaman's Gulch. Craig Waddell provided the Board

with photos. Jerry Kiser is going to issue a letter to Suez water stating if there are any issues with the breach of the canal they will be responsible which could include flooding the valley.

Minutes from the Special Meeting on January 12th were read by Sam Rosti. Lloyd Akins moved to approve the minutes with corrections; motion was seconded by Paul Akins.

Jerry Kiser reported the Kallas property survey is complete, but the Surveyor has to obtain permission from the other property owners to place pins. The Surveyor estimates another two weeks to complete the entire survey. Sam Rosti asked if we should get a cost estimate to complete the entire survey. Lloyd Akins stated he would like to see the entire survey completed. Jerry Kiser presented the Board with the survey of the Kallas property. The fence and retaining wall are on Farmer's Union property. Jerry reported the Kallas' attorney is asking if Farmer's Union has come up with a solution for the canal bank. The Kallas' attorney would like members of Farmer's Union Board to meet with the Kallas' on-site so they can see what is being done by Farmer's Union and work together on a solution for the fence and retaining wall. Jerry Kiser suggested a couple of Board members meet with Dave Kallas the property owner. Craig Waddell reported the concrete blocks have been installed along the canal bank. Sam Rosti stated Farmer's Union has gone over and above what was necessary to shore up the canal bank by engineering a concrete wall along the canal bank in that location. Jerry Kiser is going to the set up a meeting.

Jerry Kiser presented the Board with a construction status report on the Boise Whitewater Park from John Tensen.

Jerry Kiser provided the fully signed stipulation sent to IDWR on Suez/Lexington settlement. The \$8,500 settlement has been paid.

Jerry reported the State and Collister project is projected to be done on time.

The Board reviewed a letter from BOR regarding Lucky Peak O&M charges.

Rosalie Cope reported a letter was sent to Water District 63 asking for funds to assist with automation of the spill gate. Rosalie said the request was denied and Water District 63 suggested Farmer's Union apply for one of the Water Smart grants available through IDWR. In order to apply for a Government grant Farmer's Union must first apply for a DUN number and register with SAM. Rosalie reported those steps have been taken and there are over 50 pages of instructions for the application. Rosalie has spoken with Mike at Dist. 63 and he offered assistance. Rosalie has also spoken with John Tensen and asked if the City of Boise has someone who works with grants that can help. John is reviewing the application and said they would help with the application.

Jerry reported the motions to be filed with SRBA court on the refill issue is being prepared to file.

The Board reviewed plans for a schematic gravity irrigation plan provided by Ed Priddy for Springview Estates subdivision.

Paul Akins moved to adjourn the meeting; motion was seconded by Tom Foster. Meeting adjourned at 10:09 p.m.