

Tuesday, February 14, 2023

Farmers Union Ditch Meeting

Board Present:

Sam Rosti, Paul Akins, Mike McGowan, John Schram

Seth Kettering, Sean Kettering, Dale Wood – Ditch Riders

Rosalie Cope, Secretary/Bookkeeper

Andrew Waldera, Attorney for FUD

Guests: Dan Christman - 2141 W Valli Hi Rd.; Corey Blaine - 1164 E Beacon Light Rd.; Bert Browen - Buckhorn Est. West HOA

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

Bert Browen has an interest in filling a vacant seat on the board and attended the meeting to get more information. Mr. Browen is the Watermaster/Board member for Buckhorn West.

DAN CHRISTMAN - 2141 W VALLI HI RD.

Mr. Christman reported he and his neighbors upgraded from a 20 hp to a 30 hp pump with a vfd. Seth became aware of the new pump install this summer when he discovered a trench from the pump to the canal and informed Mr. Christman they were not to do any work in regards to the canal during water season and would need to obtain permission from the Board. Mr. Christman said the line was for a relief drain from the pump house to the canal. Seth installed a weir and informed them they would need to install a flow meter. They are going to dig down and pour a concrete bottom in order to get more volume in the sump. Sam asked if the group addressed installing a flow meter. Sam stated they need to come to the Board with a plan.

Mr. Christman explained in order to access the pump currently they have to go down Ballantyne to Beacon light, access the easement and follow the right-of-way past Crawford's house to the pump. The current access is long and they do not want to travel Ballantyne Rd. on a UTV. They would like to come off Valli Hi, down the property line then go south down the canal easement. They would still need to access Crawford's property to get to the canal road but would not be driving past his house. Paul explained the Board can't give a third party access through private property. Paul reiterated if Crawford is open to allowing access through his property the Board does not have a problem with the change in access points. Mr. Christman would like Farmer's Union to clean up the trees and use equipment to create a new access road. Sam asked if the trees are a problem with water delivery and if they are at risk of falling into the canal? John Schram asked why the Board would spend shareholder's money to do work for a lateral. Seth explained the main access for Farmer's Union is

on the south side of the road. There is a check by their headgate and a bridge was installed for Farmer's Union access. There is a road that comes from Ballantyne to the pump house that is open. John, Corey and Seth will take a look at the area to determine if there is a potential problem with the trees or any other maintenance issues? The other concern is if there is time this year to do tree removal and bank stabilization with water season approaching.

Minutes from the December meeting were mailed to the Board prior to the meeting for review. John Schram moved to approve the December minutes; motion was seconded by Paul Akins. Motion was unanimously approved.

Annual Meeting minutes and January Special Meeting minutes; Mike McGowan moved to approve the minutes from the Annual meeting and the January special meeting; motion was seconded by John Schram. Motion was unanimously approved.

DITCH RIDER REPORT

Seth reported the tree work will be wrapped up in a couple of days. The Ditch Riders are cleaning the trunks out of the canal so the bill will be less than the original estimate.

They will start burning soon. Seth would like to go as far as possible with rip rap along the Boise Brew Putt property and the weed rack still needs rip rap.

Seth reported rip rap has not been installed at the Big Gulch crossing. Western Construction informed him the plans did not show any rip rap. The additional bid from Western Construction to install rip rap was \$85,000. Seth informed Mr. Stubbs that seems to be overkill. He has been working with Alliance to get it done and is going to continue to monitor.

The pickup should be in by the end of February.

Sam stated the ditch work is a priority over any work at the Foster property. After water is in the canal there may be more time to devote to the work there. Sam stated the surveyed showed the property is actually 4.78 acres instead of 5 which is what the Board thought it was. Andy reviewed the purchase agreement to verify the price was a set amount rather than a per acre purchase price. Andy stated the legal description of the property is attached to the agreement as an exhibit.

Boise City is through the canal and under the Greenbelt. They may need to go over on their timeline by approximately a week. They will be done with the canal section of the project by the end of February.

ATTORNEY'S REPORT

Andy reported the license agreement with Toll Brothers for relocating headgate 125 has been signed. They have materials and contractors lined up and plan to start work on February 27th. They estimate the job will take 3-4 days.

The Idaho Supreme Court issued a Ditch Dispute opinion last November specifically held under section 42-12-07 which is the statute that deals with relocation of piping of ditches whereas the written permission of the ditch owner is required first. The statute unlike statutes 42-11-02 and 42-12-09 doesn't provide the ditch owner the right of self help. This means if someone installs the wrong size pipe or installs incorrectly and it impedes the flow of water the ditch owner would be required to pursue the matter in court rather than being able to tear out the improvement and fix so the system works correctly. The water users association wanted to amend 42-12-07 to modify the common law right of self-help then it was determined that the statutes are a compilation of additions throughout the years in response to different court opinions. It was decided that instead of taking one statute before legislature all of the statutes should be looked at, cleaned up and streamlined to be taken before legislature at one time. This is a large undertaking so the Water User's association legislative committee decided to take time with the changes and submit during the 2024 legislative session.

The remaining items including surface water first are going through legislature fine.

It has been determined the ground water users in Bingham and Jefferson County have been over pumping and have breached the 2015 settlement agreement between ground water pumpers and surface water users. There was a hearing in which the Department of Water Resources determined there was a breach. This determination was made based on hydrologic modeling from the interaction between ground and surface water. The Governor's office has mandated this dispute be settled before the 2023 irrigation season. Negotiations are ongoing at this time. This is not affecting Basin 63 yet however IDWR just released a model on the Treasure Valley which is the precursor for conjunctive management in this valley. The aquifer is treated as a whole rather than studying areas of declining drain flows, lined aquifer, etc. separately. There is conjunctive management coming. Declining drain flows affect return flow credits that Farmer's Union benefits from. If some of the Lucky Peak space is freed up for irrigation that can prevent a large scale problem.

Andy provided the Board with a draft of the lease agreement for Dale Wood to rent the house at Clover Drive. The Board did not have any changes so Andy will send the agreement to Dale for review and signature.

Greg Clark is still going back and forth with Toll Brothers on the retaining wall project. The seepage study is complete and was favorable meaning the retaining wall should work if properly designed and additional drainage is included behind it. There is another component of water seepage or drainage they are working through. It is too close to water season to begin work on the project this year.

The Board agreed to continue to work with Greg on large projects such as Cresta Del Sol and pursue alternative options for an Engineering firm to handle basic plan approval.

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

John reiterated the Board agreed to cash out the existing CD's with Idaho Central Credit Union and renew for the new promotional rate. That has been done and there are now two \$250,000 24 month CD's.

Sam suggested the Board consider leasing water to Veolia this year. Andy stated in order to come to an agreement with Veolia they want first right of refusal for a 15 year period. Sam stated the Board has until the day of allocation to make a decision. The most water the company has sold is 2,500 acre ft.

Rosalie provided the Board with a draft of the Capital View assessment for review. Rosalie also sent the assessment to Jerry Kiser for review since he has been involved with it in the past. John Schram asked why equipment purchases such as the backhoe are not included in the overall O&M costs as part of the assessment. Andy is going to review the worksheet and look into the agreement with Capital View before an invoice is to be sent.

Lloyd Akins retired from the Board effective the first of the year. Lloyd's retirement leaves the Vice President office vacant therefore an election of officers was held. Sam Rosti will retain the office of President, John Schram will assume the Vice President position, Paul Akins will remain as the Secretary, Corey Blaine will fill the vacant Board position and Bert Browen will fill Mike McGowan's seat on the Board when he moves.

John Schram moved to adjourn the meeting; motion was seconded by Paul Akins. Motion was unanimously approved. Meeting adjourned at 8:09 p.m.