

Monday, March 10, 2025

Farmers Union Ditch Meeting

Board Present:

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

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 5:30 p.m.

Larry Fisher on headgate #64 explained there is a pond on Hipwell's property where he gets his water from. Hipwell doesn't like the liability of the pond wants to get rid of it. Historically the pond has been able to overflow if necessary, however the area around them has been developed and there isn't anywhere for the water to go. Taylor installed a pipe under Beacon Light Road and wants to put his own pump in. Mr. Fisher is exploring alternative options for getting his water. He offered to install a new pump in the pond if he could utilize Taylor's pipe under the road. The other option is to move his water share to headgate #63 and install a new box to get his water from. The Board explained he would need to get approval in writing from the headgate #64 water users to take his water out and from the headgate #63 water users to accept the water. The pipe on lateral #63 is old and needs a lot of repair. The Board advised Mr. Fisher to be careful joining a lateral that needs a lot of work as he will then be responsible for his portion of the repairs. Andy stated Hipwell can't get rid of the pond without approval of the other water users.

IPCO POLE REPLACEMENT

Representatives from Idaho Power attended the meeting to discuss installation of new power poles at Seamans Gulch and Hill Road. They had a Geotech study done and feel that replacement of the poles in place is a viable option. There is a huge jump in cost to go underground. The pole that is in the canal road will be relocated and is shown off to the side in the revised plans. If they install the steel sleeve it is a much bigger excavation. Usually the sleeves are used in soft ground to keep the hole open and there is better compaction filling in the sleeve with crushed rock and Bentonite. Sam asked about the option of installing the new poles on the uphill side of the canal. There are walking trails on that side of the canal and ACHD would have to authorize roads on the trails. It is also very steep and they would have to blade each knoll to level. Also, if they do move the poles to the north side of the canal the existing poles would remain. Sam then asked about utilizing the existing poles on the south side of Hill road. There are a number of houses on that side and they would need to research their easement and could receive a lot of complaints from homeowners. Andy

suggested a concrete liner or piping the canal to mitigate the possibility of a leak. Either of these options would push the project to the fall when water is out. Idaho Power reiterated that replacing the existing poles in place is the best option for them. If the Board were to agree to replacement of the poles in place they do not want the culverts. There was also discussion that Farmer's Union would put down some Bentonite in the fall as a preventative measure. Idaho Power expressed an interest in helping with the cost of Bentonite. John Schram stated if the Board were to come to an agreement about lining the ditch, Bentonite, etc. the Board's concern is the long-term impacts to the canal. Rhen does not think Bentonite is a long-term solution. Andy explained the license agreement for the poles would require Idaho Power to hold harmless and indemnify Farmer's Union for anything arising for the work done. Is Idaho Power willing to take on that liability from replacement of the existing poles? Bobby with Flatline Construction will research cost to line or pipe that section of the canal and Idaho Power will go back and see what alternative options might be doable. Rhen reiterated the 2 poles that are currently in the way need to be removed no matter what.

ATTORNEY'S REPORT

Andy received an email from Erlebach Properties demanding Farmer's Union fix Luke Erlebach's property or they will turn Farmer's Union in to the EPA. Andy had a conversation with Rhen and he does not see it as a Clean Water Act issue. You are only required to put together a SWIFT plan where there is a threat to release to Waters of the U.S. The canal may be considered Waters of the U.S. but we are exempt from 404 permitting on projects pertaining to our own facilities. The runoff problem came from the property above Farmer's Union property. Rhen sent a brief response stating we are looking into it and will get back to you. Rhen involved his environmental team and they think because more than an acre was disturbed there could be a 404 violation. Andy asked where the threat to discharge is. Andy said there are some grading thresholds in some City and County ordinances that even if you are not building something but are leveling the ground there could be flooding. Also, the silt did not originate on Farmer's Union property, it came through the property. The issue is the hillside subdivision owner and we are not the insurer of them. What is Luke's proposed damages? Several Board members met with him on-site and he has not provided the Board with a response. John suggested we seed the south edge, along the fence to help with erosion control.

Rhen said he has not had a response to the email he sent Dave Erlebach regarding the retaining wall. After the December Board meeting Rhen was going to request they hire a surveyor to stake the location of the wall so he can verify and determine if a license agreement is needed or if the work is outside the jurisdiction of Farmer's Union. He will touch base with him again.

Bobby Grenke with Flatline Construction reported they still need to raise the pipe where it ties into the canal and install some eco blocks around it.

DITCH RIDER REPORT

Seth has been using LJ Kuhn, the Ditch Rider for New Dry Creek to help with Ditch cleaning and he will continue to help while Dale is out. They are picking up the dump truck from the shop tomorrow. It had to have DOT and they replaced the starter. They will be delivering blocks to Bobby and he will be working on replacing the pipe.

Andy received revised plans with dimensions and more detail from Derek Cooper at 7129 Goodale Trail Road for the bridge. The License Agreement has been executed.

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

Rosalie received a letter from the IRS stating the dishonored check fee was removed from our account and we are in good standing.

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

ATTORNEY'S REPORT CONT.

Andy sent the Board an email regarding discussions taking place in the Idaho House. In the Governor's State of the State address he requested a \$30 million annual appropriation to go to the Idaho Water Resource Board for water infrastructure project grants. It has been through the Senate and is going through the House. Some members of the House don't like the appropriation and don't want any money being appropriated for water infrastructure projects. There are some that are ok with the \$30 million being a one-time appropriation and others that agree it should be recurring annually through a policy bill. Some in the House think the appropriation will go to Eastern Idaho. It is a State-wide bill including 4 Water Resource Board Districts. Legislation has drafted to ensure that no more than 50% of grant awards can go to any one District.

John Schram would like to resign as Vice President and stay on as a Board member. John Schram made a motion to appoint Corey Blaine as Vice President; motion was seconded by Bert Browen. Motion was unanimously approved.

John Schram made a motion to appoint Bert Browen to the vacant Treasurer position; motion was seconded by Corey Blaine. Motion was unanimously approved.

Corey Blaine moved to adjourn the meeting; motion was seconded by Paul Akins. Motion was unanimously approved. Meeting adjourned at 8:56 p.m.