

Monday, March 11, 2024

Farmers Union Ditch Meeting

Board Present:

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

Seth Kettering, Dale Wood – Ditch Riders

Rosalie Cope, Secretary/Bookkeeper

Andrew Waldera, Attorney for FUD

Guests: Cassidy White – WestWater Research; Kody Daffer, Criterion Land Management - 2385 E Floating Feather; Randy Thomsen – 9605 Horseshoe Bend Rd.

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

Cassidy White with WestWater Research is working with a local municipality to acquire storage water space for mitigation flow to help bolster Boise River flows for fish and recreation and to help maintain water quality as they make changes and improvements to their wastewater treatment facilities. There is currently no space available to be allocated for new uses other than the Anderson Ranch dam raise. Paul Akins said individual Farmer's shareholders own storage space in Anderson Ranch and Arrowrock. Andy stated the Anderson Ranch contract would be with Farmer's Union however there may have been a special levy at some point in time where shareholders bought in. That would mean the only storage space the company would be able to negotiate without shareholder input would be Lucky Peak. Ms. White provided the Board with a letter outlining the storage accounting data through Water District 63 storage reports. Farmers Union's annual carry over for the last 20-25 years is approximately 4,500 acre ft. Their client is hoping to acquire up to 3,500 acre ft. and realize they may have to work with more than one entity but ideally would like to keep each transaction at 1,000 acre ft. or more. WestWater Research is an economic consulting firm and they research water markets. They track transactions across the west and have found water would go for approximately \$3,000 per acre ft. in the Treasure Valley. Sam asked why they haven't considered utilizing the rental pool. Ms. White stated their client is seeking more reliability. Andy stated the last cost estimate for the Anderson Ranch dam raise was around \$10 million for 29,000 additional acre ft. That would be \$3,000 per acre ft. and if the reliability of only filling approximately 60% of the time it would be closer to \$6-\$9,000 per acre ft. Andy asked if they have reached out to Bureau and if there is any indication a NEPA analysis would need to be done. Ms. White replied a transaction like this has not happened since the early 2000's so yes, it would trigger some sort of NEPA but they don't know what level yet. The Lucky Peak contract includes municipal use so there is a precedence. Andy said there is some concern in opening the Company's contract and what it might mean for additional public input and process as it relates to the contract.

Andy is going to respond to Ms. White stating the Board is willing to keep listening depending on the answers regarding the NEPA process and contract opening from the Bureau however \$3,000 per acre ft. is not a price they would be willing to consider.

Criterion Land Management is building Hevostila Estates subdivision on the Pardew-Peck property. They had originally agreed to bore under the canal to install conduit for utilities. The cost to bore is higher than expected and they are asking for approval of an open trench cut since they will already be digging a trench to install the new box and headgate. The Board was provided with an exhibit and bid from Granite Excavation for the proposed open trench. There is an executed license agreement for the bore to be completed by March 25th. It is the policy of the Board that no work is to take place on the canal after April 1st. This is a unique location against existing property lines where the bore would have to go across. The bore is 85' however the total bore will be approximately 250' to get below the bottom of the canal.

Seth thinks the open trench could be an option but not at this time in the season. John Schram would like Ardurra to review the plans and approve before making a decision. The potential change in plans was conveyed to Andy on February 16th, he received the request for the open trench with the alternative plan from Granite on February 29th. Corey and Seth did a site-visit on March 4th. At this time the pump station or headgate have not been installed. John Schram moved to have Criterion pay for an engineering review, and upon approval of the plans from Ardurra the Board would be willing to consider the open trench cut on November 1, 2024; motion was seconded by Paul Akins. Motion was unanimously approved. Seth would also like Andy to communicate to them that the bridge needs to be removed when they are installing the new pump station.

Randy Thomsen found a letter from 1978 in his mother Beth Thomsen's files stating as long as a member of the Thomsen family resides on the property they would not have to pay Farmer's Union the Boise Valley delivery charge. Mr. Thomsen forwarded the letter to Andy for review. In the Boise Valley files passed on to Andy there are documents from a stipulated settlement in 1999 between Thomsen and Farmer's Union. Ron & Beth Thomsen filed suit against Farmer's Union and in the terms of the settlement from 1999 forward, they were to pay Farmer's Union assessments and in return Farmer's Union would dismiss prior outstanding assessments. In the original agreement Boise Valley put a few extra inches of carriage water into Farmer's Union above and beyond what they would normally do in exchange for Thomsen's not being subject to the Farmer's Union assessment. Andy has the settlement agreement and the stipulation that was filed with the court. He is going to get a copy of the judgment from Ada County and forward copies of the documents to Mr. Thomsen for his records.

DITCH RIDER REPORT

Seth reported the eco block wall at Park Lane is completed. They are going to install the new delivery upstream of the Klondike this week. Tree work is wrapping up. Seth is going to clean the tail past the Foster property and they will do some burning right before water is turned in.

The Ditch Riders are anticipating trouble with utv's and atv's trespassing on the Star Sewer & Water road between Roselands and Collina Vista to the water tower. Seth has the poles and cable and is going to install a cable across the easement road. Star Sewer and water has an easement for the road to access the tank which overlaps with the Farmer's Union easement. Farmer's Union has the ability to protect its easement however the underlying land owner owns fee simple title has the right of reasonable use of all of their property. The Board asked Andy to send a letter to Star Sewer & Water to get their approval of the barricade and determine if they will install a lock box with a key for the fire department. The barricade will just be outside of the Collina Vista property on BLM ground on a good faith basis that we have the right to fence conflicting uses out and protect our easement.

ATTORNEY'S REPORT

Under the license agreement with Toll Brothers the deadline for completion of the rock wall is March 15th with penalties of \$1,500 per day from March 16-31 and \$3,500 per day for work continuing between April 1st and April 5th. Instead of the penalties outlined in the license agreement they are requesting to make a balloon payment of \$30,000 if the work is not completed by April 5th. Seth has concerns about the condition of the canal road and would like to see Toll repair it. John Schram moved to accept Toll's proposed balloon penalty payment of \$30,000 if the licensed improvements are not complete by April 5, 2024. In addition, Toll agrees to repair the canal road between Pollard and Wing once the rock wall construction is complete and conditions allow. The repair is to include ruts be scraped clean, 4" of road mix be laid and the road mix final-graded; motion was seconded by Paul Akins. Motion was unanimously approved.

Andy reported the work on the gas line for Spring Valley development is on schedule. Upon completion of the work if the road is not repaired Andy will communicate with them. Seth has been in contact with them and they are aware of the damage to the road.

Idaho Power signed the Opper agreement and delivered it to Andy. In addition to the trench Idaho Power has to put in another power pole on the Opper side of Can Ada Road. Andy included the updated drawings including the power pole in the license agreement. The power pole will be a minimum of 2 ½' from tow of bank and the trench is going to be 2 ½ - 3 1/2' from tow of bank. Idaho Power asked if they can begin work prior to the Board signing the agreement. The Board is agreeable to them getting started.

Rosalie received an email from Fil Southerland at 2729 N Haven Drive requesting a new headgate to service his property. He currently shares pump 52 with one other water user. Each of them has 0.333 of a share for a total of 7.326 inches of water being delivered. He will be in attendance at the April meeting.

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

John reported the NRCS grant application did not meet the water conservation criteria and was declined. They suggested there are other grant opportunities the project might qualify for. The Board may need to consider alternative solutions such as concrete liner, rip rap, eco block wall, etc. At some point, sooner rather than later, the ditch needs to be straightened out and the Board needs to determine dimensions for a shop. Sam is going to meet with Bennett on-site to take a look at the property and determine what can be done.

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

On March 7th the Army Corps of Engineers said flood control release will begin late March or early April. There is currently a 92% snowpack with 72% system fill.

Paul Akins moved to adjourn the meeting; motion was seconded by Bert Browen. Motion was unanimously approved. Meeting adjourned at 9:31 p.m.