

Tuesday, March 12, 2019

Farmers Union Ditch Meeting

Board Present:

Sam Rosti, Lloyd Akins, Tom Foster

Craig Waddell - Ditch Rider, Seth Kettering - Ditch Rider

Rosalie Cope, Secretary/Bookkeeper

Jerry Kiser, Attorney for FUD

Guests: John Roldan and Kate Harris - City of Boise; Corey Blaine – Thompson Ltd.; Pam Blackledge - 6633 W Hill Rd.; Paul Forester - 6567 W Hill Road.

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

PAM BLACKLEDGE and PAUL FORESTER

Mrs. Blackledge explained she and her husband purchased 2.67 acres from Jeffrey Symmonds on Hill Road, as did Mr. Forester. Boise Valley water shares were transferred with both properties and they would like clarification on how to access the water. The properties have sprinkler systems in place that were originally tied to Mr. Symmonds main line. Craig Waddell is going to meet with Mr. Forester to help determine what the best option is for getting both property owners access to the water.

COREY BLAINE

Mr. Blaine asked if Jerry Kiser had a chance to review the documents he provided as well as the Farmer's Union agreements with Capital View. Jerry stated the agreements with Farmer's Union would need to be modified in order for Mr. Blaine to move his Jacob's water out of the Capital View system. Jerry is also concerned about being able to change the amount of water currently delivered to each point of delivery under Capital View. Mr. Blaine said he has been contacted by Tom Carlock and has potential to purchase Mr. Carlock's 1.875 shares of Farmer's Union. He asked if it would be easier to purchase Farmer's Union and sell his water in the Capital View system to another Capital View shareholder. The Board agreed it would be much easier, but Jerry Kiser said Mr. Blaine would need to contact IDWR for a water transfer. Lloyd Akins said if there is not Farmer's Union water available to purchase Mr. Blaine might be able to purchase Boise Valley shares. Jerry Kiser advised Mr. Blaine purchase 1/3 more Boise Valley water than needed since he would lose 1/3 of the water to Farmer's Union for delivery. The Capital View water right would have to be reduced and water transferred to him independently. The Board is under the assumption that Mr. Blaine's property is in Capital View's service

area and may not be serviceable by Farmer's Union. Jerry stated he can petition to be excluded from the district but Capital View is an irrigation district and different laws apply. Jerry said Capital View may have to change the district boundaries as far as the water right and the place of use. He would have to petition the Farmer's Union Board to be accepted into the Farmer's Union service area. If the property is not in the Farmer's Union service area then Farmer's Union would have to apply to IDWR to expand place of use which is highly unlikely. Farmer's Union can't legally deliver water outside of the designated service area. The service area map should be available through IDWR. Mr. Blaine needs to find out what service area his property is under, petition to be excluded from the Capital View district then work with IDWR. The Board suggested rather than purchasing additional water he fill the pond and pipe from headgate to pump.

Lloyd Akins stated he was contacted by Earl from the Capital View Board and Capital View intends to move water from CV#2 to CV#1. Craig Waddell said Capital View has also removed the headgate at CV#2.

JOHN ROLDAN – CITY OF BOISE

Mr. Roldan presented drawings representing where water quality testing will be done. Kate Harris said in order to meet their agreement with DEQ they will be closely monitoring water quality in the ponds from April through October. There are sites on Quinn's and Esther Simplot ponds and above and below the Farmer's Union canal. They are working with a consulting company to install aerators throughout the ponds and plan to have installation complete before May 1st. They will be collecting data to ensure aerators are doing what they were intended to do; break up the stratification of the ponds. There are buoys in the ponds with temperature loggers that will take temperature measurements every 15 minutes.

Jerry asked why a sample is not being taken at the Farmer's Union headgate in the river. There needs to be a baseline to determine what water Farmer's Union currently has to compare against the water coming out of the ponds. Craig asked if the two green dots on the map, PFUBES and PFUAES are the sites where they plan to take samples. Ms. Harris agreed to move PFUAES above ESP_Airt1. Craig would also like temperature readings above and below the intake.

John Roldan would like to rent water for in-basin use from Farmer's Union if there is excess storage water. Lloyd Akins said it is too late for this year as we have committed 2,500 AF to the waterbank. Sam said we can't sell waterbank storage water and use it after it flows through the ponds. Jerry explained it would come out of Farmer's Union storage and spill above the Farmer's Union headgate then go back into the river. It will be up to the Rivermaster to measure. The deadline for the BOR to determine how much water they need is quickly approaching. John doesn't know at this time if they will need water from Farmer's Union. They filed for a temporary water right with IDWR for floodwater which will provide approximately 10-15 cfs running through the ponds if approved. Jerry Kiser explained flood flows are not counted as storage water, they run before water rights dates of use are in effect.

Flood control flows will exceed natural flow or water rights in the river. Jerry explained Farmer's Union would have to submit an application to add a point of diversion. If approved, Farmer's Union can divert at either point of diversion and put the water to the headgate where we measure. Jerry does think we should file for future use. If the additional point of diversion is approved the City can then pay Farmer's Union to run stream flow water through. John Roldan and Jerry Kiser are going to meet at the Western Region office and draft the application. Sam asked if in the future the City would rent storage water from Farmer's Union before other entities.

DITCH RIDER REPORT

Jerry asked if Vine Estates has removed the bridge. Craig said no work has been done.

Craig reported they placed more rock at Pierce Park. Tree removal is not complete there are 19 of the 36 trees left to be removed. Craig informed the contractor he can keep working until water is in the canal, but the payment will be prorated to remove the trees that do not get taken care of.

Rod Wagner's second wall needs more rock. They plan to do that this week.

There are a couple of bridges in Star that still need to be cleaned out and one by the water pond near the water tank. They need to rent a skidsteer to do the work. Sam said to have Star Sewer and Water clean that bridge out, it is their responsibility.

Some of the Boise Valley deliveries need new boxes. Jerry thinks it is the obligation of Farmer's Union to maintain deliveries for those in the "Free Water Zone" and those below the "Free Zone" with water delivery agreements in place are different. The water delivery agreement states the water user is responsible for any repairs or replacement of the diversions.

Seth Kettering, the new ditch rider introduced himself to the Board. Seth has health insurance through his wife's work and would like to remain on that insurance. The Board agreed to reimburse Seth for the amount Farmer's Union would pay on their policy to insure him, similar to Rosalie Cope.

Jerry presented a letter sent to JUB regarding Suez Water digging into the canal bank. Craig and Jerry are going to meet with Suez and their Contractor in the morning.

Minutes were read by Rosalie Cope.

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

ATTORNEY'S REPORT

Sam Rosti and Lloyd Akins met with Ben Briedergen at his property following the February meeting. They now have a better understanding of what he wants to do. Sam and Lloyd agreed he could move the dirt and design the Closed Court Combat Training (CQB) facility the way he described it to them. The Board requested he provide designs for approval prior to starting the work.

Sam and Lloyd drove the Porchia property and reported they did not see the level of maintenance as presented by the Porchia's. Lloyd thinks the fence is on what the Porchia's believe is the 25' easement line and no maintenance has been done between the fence and the canal bank. Jerry reviewed the diagram provided by the Porchia's and their property line from the top of the canal is approximately 18 ½' on the Horseshoe Bend Road end and goes to approximately 21'. Lloyd stated that is where the fence is. Jerry explained where they want to put the landscaping is in the 6' to 4' strip on their side of the fence. Jerry presented Easement Exhibit A for the Board to review. The Board approved Exhibit A.

Jerry provided the Board with an Agreement for Ms. Michaud. The Agreement includes a diagram of the proposed fence labeled Exhibit B. The Board approved the Agreement and Exhibit B.

Jerry Kiser reported the attorney for Lexington Hills HOA would like to know the details of the Farmer's Union settlement with Suez and Lexington Hills Inc. The HOA also dismissed their protest. The Board did not approve release of the information.

Rosalie received a call from Elaine Young at 2850 W Beacon Light Rd. regarding lateral 78 that runs in front of their house flooding her driveway and mailbox every year. She called last year and Craig tried to help alleviate the problem but the lateral has not been maintained. Rosalie provided her with a contact list for the lateral and she made contact last season. Mrs. Young said a few people came out with hand tools and did some work but the ditch needs to be cleaned with a tractor and ditcher. Jerry drafted a letter to the lateral outlining that they are legally obligated to maintain the ditch so it doesn't cause injury or damage to the public and maintain their water delivery. The Board approved of sending the letter.

Jerry received an email from John Tensen regarding the status of work at the Whitewater Park. Craig Waddell doesn't think the grading in front of the intake screen has been done according to the agreement. Sam said at this time we can only wait until the water goes down to evaluate and do further work if necessary. Lloyd said if there is anything left it will be on the upper side of the coffer dam. He thinks the angle at which the coffer dam is placed will be a deflection into the Farmer's Union headgate unless there is a lot of obstruction on the upstream side of the coffer dam, which he did not see. The Board thinks Craig had a different idea of what he thought the pool would look like than the way it was designed. Jerry explained the structure is designed so that when the gates come up there will be a 5-6 ft. steady pool above that structure and the sensors and monitors will adjust how

much water goes down to maintain the desired level in the pool. Lloyd thinks the bottom of the river is at the agreed upon depth which is the same depth as the intake. Instead of the concrete and rip rap that was in the river before there is now a diversion dam that was not there. The mechanisms of the hinges on the bladders are at least 8" to a ft. of water stoppage in addition to the base of the structure and when it is inflated the pool will rise.

Jerry reported the refill hearing on the motions to approve the refill language is set for May 21st before the Snake River Basin adjudication judge. No objections have been filed to date.

Bryce Farris sent the addendum to Boise Valley and John Patton's main concern is trying to enforce the delivery agreements and addendums with all Boise Valley deliveries. Jerry explained he thought the intention of the Board was to issue a delivery agreement and addendum on all properties changing hands from now into the future. It sounds like Boise Valley would be agreeable to that.

Jerry is going to send a letter to Mr. Dobson to include a Delivery Agreement and Addendum informing him the Agreement and Addendum need to be fully executed before he will receive water delivery. Jerry will also include the location, water amount and Mr. Dobson will be required to provide Farmer's Union with place of use for the water.

Jerry reported when he was preparing to file the Statement of Assessment it was discovered that the assessment for Boise Valley and "Other" water users had not been increased in 2018 and 2019 in accordance with the increase in Farmer's Union assessments. Rosalie was not aware those assessments were to be calculated to meet the fee assessed to Famer's Union shareholders per inch. It was left at \$52.16 as shares increased to \$61.25 per inch in 2018 and \$70.34 per inch in 2019. Discussion ensued and the Board agreed at this time to leave the 2018 and 2019 assessments as sent out and not send an additional invoice. The subject will be revisited when 2020 fees are determined.

Rosalie Cope reported she was able sign up for Square to process credit cards. The rate is 3.5% plus \$0.15 per transaction. Rosalie thinks the fee will deter quite a few from utilizing electronic processing as a means to pay their assessments however it is available for those that want it.

Rosalie reported she sent a letter out to all pump owners on file requesting information on their pump. Once a majority of the information is received Rosalie will provide to the Board and Craig Waddell for review.

John Tensen reviewed the application for the Water Smart Grant and informed Rosalie there were a lot of restrictions that would be a result of receiving the Grant he thought the Farmer's Union Board would not like to be subject to. John asked

Rosalie to send an invoice to the City of Boise for the automation equipment and said they would take care of it.

Rosalie explained to the Board now that there are two employees on hourly wages rather than salary the process of getting payroll checks signed and delivered to employees will be more difficult. Rosalie asked if Lloyd would pre-sign enough checks for monthly payroll or offered direct deposit as an option to alleviate the problem. The Board approved moving forward with direct deposit for payroll.

Rosalie reported the membership for Treasure Valley Water Users is the same as 2018; \$0.26 for a total of \$2,080.00. The Board agreed it was worth the money and approved to pay.

The Board approved a meeting time of 6:00 through the spring and summer. They would also like to limit guests to 15 minutes each unless otherwise approved by the Board.

Rosalie reported Scott Wonders and Doug Jayo have come to an agreement for Mr. Wonders to purchase Mr. Jayo's 0.25 share. She asked what the process is to move forward. The Board said Mr. Jayo will need written authorization from the majority of the shareholders on HG 42 to move the 0.25 share out of the lateral and Mr. Wonders will need written authorization from the majority of the shareholders on the lateral he wishes to move the water to. Mr. Jayo would also need written approval from the majority of shareholders on HG 42 in order to revert the 0.25 share back to Farmer's Union. He will be obligated to pay the assessment on the water until written authorization is obtained.

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.

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

Lloyd Akins informed the Board he would like to purchase the backhoe. The Board approved a sale price of \$6,000.

Lloyd Akins moved to adjourn the meeting; motion was seconded by Tom Foster. Meeting adjourned at 10:35 p.m.