

Tuesday, April 12, 2022

Farmers Union Ditch Meeting

Board Present:

Sam Rosti, Lloyd Akins, Mike McGowan, John Schram, Paul Akins

Seth Kettering, Sean Kettering, Dale Wood – Ditch Riders

Rosalie Cope, Secretary/Bookkeeper

Jerry Kiser, Attorney for FUD, Andrew Waldera – Sawtooth Law

Guests: Barbara Moyle, – HG 125

Sam Rosti called the meeting to order at 5:30 p.m.

Minutes from the March meeting were mailed to the Board prior to the meeting for review. John Schram moved to approve the February minutes with revisions; motion was seconded by Mike McGowan. Motion was unanimously approved.

DITCH RIDER REPORT

Seth reported he received a bid of \$2,100 from Healthy Tree Services for tree removal at 5353 W Hill Rd. Seth will remove the stumps and roots and Healthy Tree will haul the trees off. Jerry said the property owner needs to have the option to keep the wood since technically it belongs to them. The Board asked Seth to leave the stumps and roots in place until he can determine if they are rotten. At that time they will need to be removed and rip rap brought in. Jerry will notify the property owner the trees will be removed in the fall and reinforce that there are to be no new trees in the right-of-way. He will also include in the letter they have the option to keep the wood and do the clean up.

The River Master reported the basin is supposed to get approximately 2 ½ feet of snow over the weekend. The Board instructed Seth to turn in a small flow on Friday, approximately 20-30 cfs to flush the canal.

A weir box for Toll Brothers is on order from Larken. The Board directed Seth to order a couple of weir boxes to have on hand.

Seth reported headgate 5 which was an old headgate with a pipe attached to the headgate fell off when the shareholder was doing some clean up. They dug back to a good section of pipe and installed a new headgate with a back spicket that attaches to the pipe.

ATTORNEY'S REPORT

Jerry received revised plans for Cresta Del Sol subdivision to include eco blocks on each side of the headwall and other requirements set forth by the Board at a previous meeting.

Jerry reported he received full payment from Mr. Colombowala and Seth met with him and a representative from Dan's pump on Friday. Mr. Colombowala does not want a float switch to shut the pump off when the pond is full. Dan tried to convince him he is better off with the switch because he will more than likely want his pump to run continuously in order to fill his pond with the limited water right. Mr. Colombowala previously had a 5 hp pump with a 2" line and only has 0.3 shares (29.7 gpm) for 6.218 acres. According to Dan he has been pumping approximately 100 gpm which is up to 3 times his water right. Seth informed Mr. Colombowala the circular system would not work. He can't pump water back into the canal. He said the pump was on a timer which malfunctioned and allowed the pump to run continuously. He would like to keep his system on a timer. Jerry stated that is what the float switch is for, to turn the pump off when the pond is full. Dan's pump is not going to do any work until he has approval of plans from the Board. Jerry will communicate to Mr. Colombowala that he can keep his system on a timer; his pump needs to be sized to the water right and must have a safety shut-off. The letter Jerry previously sent also instructed Mr. Colombowala to install a flow meter. Seth stated Rod Wagner was also on-site because he was hired to trench a line from the pond to the pump.

ACHD TRASH RACK

ACHD sent a letter in response to Jerry's February 28th letter along with a new check for \$220,300 to fund installation of the trash rack as initially bid. The Board has been in contact with Bennett Construction and Clayton Ayers but neither of them has had time to review the plans or do a site visit. The letter outlines that Knife River bid the project as a General Contractor and included their typical exclusions. To address the concerns of the Board ACHD is willing to reimburse Farmer's Union separately, any "exclusion" items that are charged by Knife River. Jerry stated one option is to begin a dialogue with Knife River and see if they can clarify some questions the Board has with the bid and what kind of a deal we can make with them independently. If Farmer's Union decides to do the work independently we have to stay consistent with the plans that were submitted and bid. The Board directed Seth to get a set of plans from Jerry to review and see if it is something the Ditch Riders can do. Sam suggested negotiating with Knife River to complete the job. Jerry recommended if the Board comes to an agreement with Knife River to have Andy work with them to negotiate a contract to ensure Farmer's Union is not held responsible for overages, back charges, etc. Jerry stated a decision needs to be made by the end of the month. Paul Akins moved to accept the bid assuming acceptable terms can be negotiated by Andy Waldera with Knife River for eliminating any back charges, cost overruns, etc.; motion was seconded by John Schram. Motion was unanimously approved.

VINE ESTATES BRIDGE

Jerry Kiser sent a letter and email to Aleksey Strelyuk asking for the concrete approach on both sides of the bridge to be completed as per approval. Jerry will follow up and asked the Ditch Riders to keep an eye on it and let him know if any work is done.

Jerry Kiser reported ACHD is going to install a 16' gate at State and Collister. He has been in contact with Kadee Porter with ACHD and there was a mix up with their contractor.

Sean attempted to apply for a learner's permit to prepare for taking the CDL test. In doing that he was informed there is a new Federal mandate requiring new applicants as of Feb 7th to meet the minimum requirements for training which includes Theory (classroom) training and Hands-On Training. There are only a couple of places offering the training and the cost is between \$4,000 and \$5,000. The Board suggested Sean sign up in the fall when he has more time.

Paul Akins asked Seth if he has been able to renew his applicators license. Seth stated he continues to check the website to find a testing date. The state is still only offering 10 testing slots per month. He will keep checking.

Seth reported Linda Overman is going to haul some more eco blocks this fall. He will use most of the existing inventory to build a wall along Eagle Hills golf course.

HEADGATE 125

The existing weir box was removed by Barbara Moyle's tenant prior to Toll Brothers purchasing the property. Lloyd stated that in order to make the bubbler perform properly it needs a tank around a pipe approximately 3' high that brings the water out of the headgate. The water comes out of the headgate, up the pipe, spills over into a contained screen where the debris falls off. Barbara Moyle said the bubbler is in-tact and Lloyd stated the basic part is in-tact. When the bubbler was originally installed it was put in underground and there were three diversion gates out of the concrete slab. The concrete slab is all that remains in place. The tenant modified the system and when they were no longer farming they removed what they installed. Barbara Moyle asked them to repair the system so they put a 6 – 8' concrete tank over the box which was not embedded in the ground or attached to the concrete. They also installed a pipe to go through the bottom of the concrete tank to deliver water directly. Lloyd thinks that is when the headgate box was destroyed. For the last several seasons the lateral users have been drawing water through the concrete pad without any type of measuring device. Lloyd stated Toll Brothers probably thought they had the right to remove what was in place. He suggested a weir box needs to be installed. Seth has a box on order and hopes to be able to install it within the week. Andy wants to make sure the weir box is placed within the Farmer's Union Right-of-way. Lloyd said a new pipe will have to be installed from the headgate into the canal, under the road and into the weir box. Toll Brothers wants to move headgate 125 to the far northeast corner of the property so it is a straight shot to the work they have already done. Toll Brothers has already installed a headgate box and weir adjacent to their wet wells to divert water to Moyle and Knotts. Paul Akins moved to leave headgate 125 where it is, install new pipe prior to water coming in and connect the weir box when it comes in; motion was seconded by Lloyd Akins. Motion was unanimously approved.

BOISE CITY WHITEWATER PARK

Jerry is still trying to set a meeting with Kathy Muir at the State Parks department. Ms. Muir has not been able to get a response from the State Parks and Rec. Director who also wants to attend the meeting. Jerry is going to contact Sue Buxton's office to try to set a meeting directly. Kathy Muir is the administrator of the land and water conservation Federal program. Jerry would like to meet with her to try to figure out how this came to be since there was an encumbrance on the State land when they applied for Federal funds. Jerry is not sure if it was disclosed, etc. He would also like to know if the State Parks department knew of the Agreement between Farmer's Union and Boise City. He wants to know what their position is since in the 80's a water line was installed and the National Park Service which administers the program said the pipeline does not need to be worried about since it is in the Farmer's Union right-of-way which it is not within the purview of the Land and Water Conservation fund. John and Mike will both try to attend the meeting once Jerry gets a date and time set.

BOISE CITY CANAL CROSSING

Jerry sent a revised version of exhibit A to the Boise City Canal Crossing Agreement to the Board for review. Exhibit C will also need to be revised to remove the notes on diagrams stating different pipes are optional and replace to include C900 pipe as required by the Board. Jerry will send the revised Exhibit with a letter explaining Exhibit C will need to be revised to require the C900 pipe and to return a signed copy of the agreement with the revised Exhibit C.

TRIDENT RIDGE WATER RIGHT APPLICATION

Hayden Homes has applied for a ground water right through I.D.W.R. to serve approximately 20 acres of water within a 93 acre property. The application was sent to Farmer's Union for comments. They have water shares from Farmer's Union to service approximately 60 acres. They acknowledge that the ground water right would be supplemental to the Farmer's Union surface water deliveries. Andy stated it is common practice to protest the application to make sure the surface water is the primary source of irrigation on the property and the well is supplemental. Andy filed the protest and received a response from Lori Graves at SPF stating they will issue a stipulation to sign off on. Andy does not think it needs to be that involved. Andy will email Nick Miller letting him know the parties have met and agree with the departments standards of supplemental use condition. Andy will CC Lori, she would normally state yes, they agree and it should be approved.

Andy stated that as a general matter of business Sawtooth Law compiles a spreadsheet of all applications for new water rights and applications for transfer of water rights filed with I.D.W.R. on a bi-monthly basis. There is a limited protest deadline so they review the applications to make sure there are no client water right impacts.

GREENDALE GROVE SUBDIVISION

Austin Edwards with Hubble Homes sent a revised set of plans for Greendale Grove subdivision to Jerry for review. Jerry had previously informed them the Board wanted

to be able to evacuate the flow out of the pipe so it can be weired and they say they don't have a waste ditch to discharge the water right flow into. They think the 8 inch, 2500 ft. irrigation pipe from the weir box to the pump station will take the flow for long enough to take weir measurements. The flow meter will serve as a backup and according to the plans they will install a flow meter with a reader on the outside of the building. John Schram moved to approve the revised plans with the condition that if the water is not able to be measured they will need to modify their system in order to accommodate the weir box; motion was seconded by Paul Akins. Motion was unanimously approved. Jerry will prepare the agreement.

JAN GEORGE WATER SHARE TRANSFER

Jan George on headgate 140 has two one acre properties. There are 0.2 shares for one of the properties and 0.7 shares for the other. She would like to be able to sell 0.5 of the shares out of certificate 3250 with the 0.7 shares. David Marvin at 2970 N Glen Stuart Lane would like to purchase the 0.5 shares. Mr. Marvin's property is part of the Sunnybrae Subdivision which consists of four properties. Only three of the properties have water shares however all four have been utilizing the water. This came to the Board's attention last summer when one of the properties sold. Mr. Marvin does not currently have any water shares and is in need to be able to continue irrigating his property. The entire subdivision consists of 24.386 and currently only has 14.25 inches of water. The addition of the 5.5 inches from Ms. George would still leave them short but would be adequate to add the fourth property.

Mike McGowan is also on headgate 140 and has been communicating with Ms. George. As part of the process to obtain approval from the majority of the shares on the lateral the question was posed as to whether or not the seller had a vote. Jerry reported the statute says you can withdraw from a lateral if you can prove you can't get access to the water or you are not entitled to receive the water from that point of diversion anymore. The Board agreed the seller must obtain the majority of the remaining water on the lateral the seller does not have a vote. The Board approved the transfer of the 0.5 share to David Marvin under the condition all shares under Sunnybrae Subdivision are transferred to the HOA; they install a flow meter and understand that all properties in the HOA are subject to lien in the event the assessment is not paid.

CREEKSIDE ESTATES

Jerry received a set of plans from Matrix Engineering for Creekside Estates Sub. at 4520 N Linder Rd. (Kathryn McPeak property). They plan to deliver water via gravity flow system. The property on the north side of the canal will remain dry. The lot that had previously been split off will be included in the delivery. They will need a delivery agreement that involves the developer of the subdivision and the owner of the property that was split off. Lloyd stated when he spoke to the developer they intended to use a gravity flow system rather than a pressurized system. The developer wanted each lot to have their own water supply and system. The lower lot in the southwest corner and the property to the south will require a capped headgate box that is 10-12' high. Sam stated there is also a wastewater issue. Jerry stated there is a drain on the south end of the property that goes into New Dry Creek. The

design plans show a hydrostatic pressurized irrigation system with notes the irrigation weir structure is to be supplied by "Farmer's Union Canal Co. at the developer's expense.

CRESTA DEL SOL

Andy received an email stating that Toll Brothers wants to build the rock retaining wall in 50' increments during the irrigation season. Greg Clark at McMillen does not like the Geotek work to this point and will not address the final rock wall design until Toll Brothers addresses the slope stability issues. They need to do better testing and send the electronic file of the model to McMillen so they can see how the results were derived. Until the modeling is resolved the rock wall will not be started. They have come back with the fully engineered, designed rock wall but there are other hillside stability issues that the Toll Brothers Geotek analysis modeled where McMillen disagrees with components of the model and the rock wall is not going to work as designed unless the assumptions of the model are correct.

Rosalie received an email from Darin Sorensen at Idaho Veteran's Cemetery. They applied to turn a monitoring well into a pumping well to supplement irrigation in short water seasons. They would like Farmer's Union to supply a letter of support to IDWR. The Board agreed it is not the position of Farmer's Union to support applications of others.

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

John Schram provided the Board with a spreadsheet comparing investment companies and retirement investment options for employees. John also included an article outlining the differences between Index Funds and Mutual Funds. John suggested the Index Fund might be the best option for Farmer's Union employees since they have the lowest annual fee and no sales fee. These funds are not managed but there is staff at ICCU that will assist in setting up the accounts, meet with staff to review their investment options and answer questions. Mike McGowan moved to set up an Index Fund account with Black Rock through ICCU with the option for employees to make changes to their contribution semi-annually and the company will agree to a 3% match; motion was seconded by Paul Akins. Motion was unanimously approved.

Sam wanted to discuss the February letter from the B.O.R. regarding Lucky Peak projected costs of O&M. The projected budget shows a billed rate of \$7.84 with an actual of \$5.36 for 2021. For 2022 the budgeted billed rate is set at \$4.47 but then jumps to \$10.29 in 2023 and \$21.59 in 2024. Several years ago the Board voted to increase assessments \$100 per share for three consecutive years in order to prepare for the significant increases the Bureau was projecting. At the rate they are projecting to increase rates Farmer's Union won't be able to keep up. The Board agreed more discussion is needed to determine how to deal with the significant increases and inform shareholders.

Rosalie received an email from Boise Valley for approval of West Beacon Light to purchase a share of Boise Valley from Shoni Davis. Ms. Davis is not receiving the water currently and has no use for it. The Board agreed to the transfer with the standard 1/3 conveyance loss.

John Schram moved to adjourn the meeting; motion was seconded by Paul Akins. Motion was unanimously approved. Meeting adjourned at 10:02 p.m.