

Tuesday, April 13, 2021

Farmers Union Ditch Meeting

Board Present:

Lloyd Akins, Paul Akins, Mike McGowan

Rosalie Cope, Secretary/Bookkeeper

Jerry Kiser, Attorney for FUD

Lloyd Akins called the meeting to order at 5:29 p.m.

Minutes from the March meeting were mailed to the Board prior to the meeting for review. Paul Akins moved to approve the minutes with revisions; motion was seconded by Mike McGowan.

Paul Akins moved to approve the financials; motion was seconded by Mike McGowan.

Rosalie reported that Boise Valley Habitat for Humanity returned their shares to Boise Valley and asked if she should refund their \$80.34 assessment which was paid for 2021. Mike McGowan made a motion to refund the assessment; motion was seconded by Paul Akins.

Rosalie provided the Board with a note sent by Capital View Irrigation stating they will not be using storage water this year so they have deducted that fee from their payment. Jerry Kiser is going to let the Rivermaster know Capital View is not to receive storage water in 2021.

Rosalie reported Corey Blaine did purchase 46.29 shares of Boise Valley water to be delivered to pump 34. According to Boise Valley five of the shares were purchased from Stanley Matlock on headgate 23 and the additional 41.29 shares were not previously in the Farmer's Union canal. Jerry Kiser stated Farmer's Union still needs to approve the pump system they intend to install and they will need to purchase a flow meter.

ATTORNEY'S REPORT

Jerry received an update from the prosecutor handling the case for damages to the excavator. They are pleading to a misdemeanor of malicious injury to property if they agree to pay restitution.

TRASH RACK

Jerry asked if the Board had reviewed the design plans for the trash rack. Lloyd likes the updated design with two sections. Jerry reported he has been working with ACHD on contract language. He informed ACHD this project will need to be completed by fall

of 2021. When the water is out the contract needs to be in place and bids are to be complete. Jerry is still working on the language to require the bids to be all inclusive; there will be no add-ons or additional expenses. The bid will be the final price. The agreement states ACHD will put the project out for bid, obtain three bids and pay Farmer's Union the amount of the lowest bid.

5353 W HILL RD

Jerry had Rosalie send copies of emails from Jamie Watts & Craig Dale to the Board prior to the meeting. They do not agree that the bank below their home is stable. They maintain the canal has undercut the bank of their property by 2-3 feet causing erosion and exposing the roots of the tree. They want Farmer's Union to assure them they will not be liable for damages if the tree were to fall. The tree is on their property therefore is their responsibility. Lloyd said there is erosion in that section of the bank that does need to be addressed. There was a wall installed upstream at the expense of the property owner last year. Lloyd is of the opinion that at least 2 layers of rip rap need to be installed or more concrete blocks for $\frac{1}{2}$ to $\frac{3}{4}$ of a mile in that section of the canal. That should help stabilize the trees. However work can't be done until fall when the water is out. Jerry can let Mr. Watts and Mr. Dale know that Farmer's Union will look into putting rip rap in that area in the fall. Lloyd also thinks the Board needs to take a more proactive role in assessing major maintenance projects. The Board would also like the ditch riders to provide a list of maintenance projects by late summer. The Board will assess which projects need to be hired out and what can be done by the ditch riders.

Levi Glynn provided the Board with plans designed by a landscaper to install the pump and flow meter for his property. Jerry responded to Mr. Glynn with additional questions and has not received a response yet. Jerry will follow up.

Lloyd questioned why Farmer's Union continues to allow encroachment through the John's Landing Way area. Farmer's Union owns the property in that area rather than just having an easement. The Board asked Jerry to notify property owners of encroachment/trespassing and give them a certain amount of time to remove gardens, horseshoe pits, etc. Then the ditch riders will be clearing the road and easement. Jerry stated it will take some time to determine which property owners have encroachments.

At the March meeting Jerry reported the Lee's on Hill Road hired Wagner Farms to install blocks along the bank. The Lee's had the work done then sent Jerry an email asking Farmer's Union to pay for a portion of the wall stating the cost was more than they expected. Jerry stated they knew the cost up front and went forward with the work. The wall saved their deck that is encroaching in the Farmer's Union right-of-way. The Board is in agreement that Farmer's Union will not be paying for any work done there.

Jerry reported the Attorney for Chad Erpelding and Pam Blackledge contacted him asking if Farmer's Union would entertain selling the Green Meadow spill property and retaining an easement. They are offering \$4 - \$5,000. The Board agreed to entertain a formal offer.

WHITEWATER PARK

Jerry reported he received a memo from the Boise City Attorney regarding the meeting on Veteran's Park issues. The two issues that need further action are:

- 1) Signage – Currently there are standard signs installed by Farmer's Union along the canal as an attempt to keep pedestrians out of the canal and off the maintenance road. The current signage is ineffective and additional signage needs to be added as per the agreement. If the National Park Service feels that is Section 6 ground which they can't restrict people from then they need to find replacement ground and do a swap. If that can't be done the Park will need to be shut down. The City needs to find out if the position of the Park Service is different than it was in the 80's.
- 2) Item 6 which addresses improper construction at the intake structure where the City cut into the bank. Two years ago there was a sediment accumulation. The last two years there have not been flood flows and it doesn't appear that there has been sediment build up because there has not been the water. There is not enough of a track record to determine how bad the issue is.

WATER RIGHT PROTEST

Jerry is certain the City has obtained water bank water they plan to run through the ponds. The Board thinks it is going to be difficult to keep the spill water out of the canal this year. Jerry proposed asking the City to get I.D.W.R. to approve Farmer's Union's use of the storage water the City has purchased since their use is to be non-consumptive. The best scenario might be for Farmer's Union to accept the water with stringent requirements on the water quality, i.e. temperature and contaminants. Farmer's Union will need to hire a water quality expert to outline what those quality standards should be. The river water inflow needs to be compared against what is coming out of the ponds with tolerance of a certain amount of increase in contaminants and temperature that Farmer's Union is willing to accept. If at any time the standards are not met the water will have to be shut off. The Board is of the opinion it is going to be a short water year and the additional water might be an advantage. The City has proposed to pay Farmer's Union \$5,000 for additional chemical expense.

Lloyd made a motion to approve of Farmer's Union taking water from the ponds if the City of Boise can get I.D.W.R. approval for Farmer's Union to use the water, the City agrees to pay for water analysis and comparison of River water and flow out of ponds so if water quality reaches unacceptable levels we can shut down and City is to pay for additional chemicals. They will also need to work closely with the ditch riders to coordinate chemical applications. If the standards are not met Farmer's Union would have the option to have the flush water shut down unless Farmer's Union approves contingent flow. Motion was seconded by Paul Akins.

Jerry is going to meet with the City. He will inform them Farmer's Union is willing to take the water this year only but will not pursue details concerning water quality until the City provides approval from I.D.W.R. for Farmer's Union to use the water without charge to the storage account or natural flow rights. Then the details will be worked out.

Jerry provided the Board with a copy of the City's water right application with proposed stipulations. It states Farmer's Union will withdraw the protest in exchange for the Department including stipulated conditions on the water right and including the agreement with the water right. It states the City will return the amount of water they are taking out of the river. The water will be weired and measured according to what the Director accepts. If the diversion of water (since it is above the Thurman Mill and Farmer's Union diversions) causes any problems or impacts the ability of Thurman Mill or Farmer's Union to divert from the River their diversion will be shut down. It also sets a scale of how quickly the City has to return water to correct flows. The restriction on return flow not to go into the canal is included in both the water right and the private agreement.

The Board amended the meeting time of 5:00 through the spring and summer to 5:30.

Lloyd proposed giving Seth a dollar increase in pay. Mike and Paul were in agreement.

Paul Akins moved to adjourn the meeting; motion was seconded by Mike McGowan. Meeting adjourned at 8:54 p.m.