

Tuesday, May 9, 2017

Farmers Union Ditch Meeting

Board Present:

Lloyd Akins, Paul Akins, Sam Rosti, Tom Foster

Ditch Riders, Craig Waddell, Kendall Rivers (arrived at 8:00 p.m.)

Rosalie Cope, Secretary/Bookkeeper

Jerry Kiser, Attorney for FUD

Guests: Jeff Likes, Jane Owen, Ed Priddy, Jack Van Wyk, Ann (Suzanne) Mika, Bert Gillis – Emmett Lateral, Suzanne Canova, Chris Ferguson

Meeting called to order at 6:05 p.m.

First order of business, Suzanne Canova presented the Board with a letter requesting to put up a chain barrier to deter traffic on the canal right of way. She stated that there are quite a few trespassers and she is concerned about liability. There is a NO TRESPASSING sign, however it is ignored. Sam suggested Farmers union work with Ms. Canova to design larger signs with stronger language. Sam stated we want to make future land owners aware that the right of way is not access to their property. Craig suggested Suzanne talk with the Sheriff and find out if they can patrol the area more often to serve as a deterrent to trespassers. Sam asked Jerry what the law is regarding Ms. Canova putting a chain across the right of way. Jerry stated that the interference with the ditch riders is what needs to be taken into consideration. If it at all impedes the ditch riders from efficiently doing their job it would not be allowed and having to get in and out of their vehicle to take chains down and put them back up would be a problem, especially if a precedence is set and many other property owners also want to put up barricades. The Board agreed to pay for two signs, one on each end of the right of way. Craig stated that he has been working with Busy Bee sign shop on State Street and will order the signs. They will say PRIVATE PROPERTY, NO TRESPASSING VIOLATORS WILL BE PROSECUTED. Tom said he also has a problem and asked if he could get a sign.

Jeff Likes (208/941-7261 jeff@alcarchitecture.com) and Ed Priddy were in attendance to request authorization for Mr. Likes to construct a crossing over the Emmett Lateral to access a parcel of property he purchased from Mr. Priddy on Pollard Lane. Currently the entire property has one access over the lateral to a pre-existing home. Mr. Likes purchased lot #4 and plans to build a house in the near future. He plans to access the property through the existing access for construction but wishes to build a crossing for use after that. Mr. Likes presented a map of the

property along with an engineered plan for the crossing. The Board reviewed the plans and commented that the design does not have a wing wall on the discharge side. Craig also said they will need more concrete.

Mr. Priddy is selling a total of 4 lots and it is the intention that all purchasers will construct similar crossings which would total 5 crossings. Sam asked why one approach would not be sufficient to allow access for all properties. Mr. Priddy stated that Mr. Likes property would be hard to access from the other side. He stated that lots #1 and #2 could probably share an access. Mr. Likes asked if the land owners have the right to build a bridge over the lateral to access their property. In discussion with Bert Gillis representing the Emmett Lateral board it was agreed by both boards that the best solution would be to pipe the entire lateral in order to prevent problems with erosion, problems with debris, etc. getting caught on the crossings, safety and many other reasons. Mr. Gillis stated they would prefer if it were piped rather than to allow multiple crossings. Ms. Canova asked about the cost. She owns the property above the subject properties. Sam stated there is approximately 1,000 ft. that would need to be addressed. Craig said it would cost approximately \$1,000 per 80 ft. for materials. Sam asked what size pipe. Craig would like it to be 42" but the board felt 30" would be sufficient. Tom said pipe would fix the problem permanently and accommodate all parties. Sam asked if Mr. Likes could go back to the engineers who designed his crossing plan and have them draft a plan and cost estimate to pipe the ditch. Ms. Canova asked if Farmer's Union would be open to paying for part. The Board explained that Farmer's Union simply delivers water to the Emmett Lateral and Farmer's Union is only facilitating the discussion to help mitigate any future problems. The decision for access will ultimately be up to the Emmett Lateral board. Mr. Priddy said they plan to install a static box on the side of the canal this fall where the pipe is currently at the headgate.

Upon more calculation it was concluded that the cost for materials to pipe the ditch would be approximately \$3,200 per property owner plus labor which would be close to \$5,000. Mr. Likes stated the cost for the crossing he is proposing is \$2,200. Mr. Gillis stated that the Emmett Lateral Board and the Fire Department would have the final say on what type of access/crossing will be allowed. Mr. Likes asked if two crossings would be more agreeable than the proposed 4 new crossings. Mr. Priddy asked if Emmett Lateral would split the cost. Mr. Gillis stated it was not likely. Sam asked if those involved would come back to the June meeting with the plans and cost for piping the ditch. Mr. Likes said the title company will not finalize his closing until he has legal access. Sam deferred to Jerry and he said approval can't be given for something that hasn't been approved. Jerry can draft a letter for Mr. Likes stating that access will be granted but the letter does not have to state what type of access specifically. Jerry will also have to prepare a crossing agreement for each lot. Sam stated that typically the developer covers this type of expense.

Jerry asked Mr. Priddy about the status of origination of the HOA and the CC&R's. Mr. Priddy has not yet had any of the buyers sign the agreement.

Chris Ferguson currently owns 10 acres at 4450 Park Lane and is considering splitting the property into two 5 acre parcels. He currently has .5 shares of water. Mr. Ferguson asked how much water that is. The board explained that 1 share of Farmer's Union water is equal to 11 miners inches. A miners inch is 9 gallons per minutes or 0.02 CFS (cubic foot per second). Mr. Ferguson's ½ share is approximately 50 gpm which is enough for a couple of garden hoses, not enough to water any type of crop. Mr. Ferguson currently has a pond on his property and he is not exactly sure where it fills from. He would like to dig another pond on the other parcel. The Board said he does not have enough water for that to work. Craig suggested Mr. Ferguson put in a concrete box rather than a second pond. The board explained that Mr. Ferguson should split the water share if he splits the property, however he does not have to. He could sell his second lot as dry and the purchaser(s) could drill a 9" well. Craig said to follow the pipe up to the canal and find the headgate number. Mr. Ferguson is on headgate 91 which is shared with Buckhorn Estates West HOA. The Board suggested Mr. Ferguson reach out to Buckhorn Estates just so they know who he is.

Jack Van Wyk and Ann Mika presented the Board with specs on a 2 ½ HP pump they have found to replace the existing 3 hp pump on the property. Mr. Van Wyk asked if the Board will still require Mrs. Mika to also purchase a flow meter. The cost for the pump is \$250 and the cost for a 2" flow meter is approximately \$350-\$375. Jerry asked what their plan would be for flow control in a year where there were cutbacks on water. Mr. Van Wyk thinks they can regulate it by reducing the use. The Board asked that Mrs. Mika purchase a sign that will hold up in weather for many years and put the installation date of the pump, how much water is allowed per Mrs. Mika's shares and for questions to contact Farmer's Union and the phone number. Mrs. Mika agreed.

Minutes were read by Sam Rosti.
Minutes approved with amendments.

Lloyd and Sam met with I.T.D. on Thursday, May 4th. I.T.D. will have a proposal for a grate. There will be space on Willow Lane to pile debris and unload equipment. Nothing has changed in the proposed plan except there will be a more gradual turn. Eventually they plan to cover the ditch all the way to Willow Lane. Farmer's Union will contact I.T.D. to see if they or A.C.H.D. will trim and remove the trees and plant material in the off season but not sure if they will. The grate at Willow is outside of the Federal project area so A.C.H.D. may have to fund separately.

Lloyd spoke to Rex Barrie and Rex does not have a problem with Capital View accessing the surplus water for 60 days. He did say it will take 48 hours to get water from Anderson ranch to them. It may be able to come out of Lucky Peak but Rex is not sure if they will allow that or not. Sam asked if Craig was going to coordinate when the water is released and stopped. Sam said Capital View needs to have Craig order the water rather than calling themselves since Craig is the one who will have to manage it.

Jerry reported that he has drafted a letter to the Eberhardt's buyers and it will go out tomorrow with a copy of the 1996 Canal Maintenance Agreement.

Jerry reported that he does not believe the sale on Clay Landry's property went through. There is still a for sale sign up. The Board asked Rosalie to call the Title Company and follow up just to make sure.

Jerry sent a letter to Victoria Craig and talked to the ditch rider, Mike Harrison, for Boise City Canal. Boise City Canal may end up helping Ms. Craig with the cost of replacing the pipe. Jerry has not heard back.

The Board asked Rosalie if everything is going ok. Rosalie reported that there have been some issues with mail getting lost through the Eagle post office. The Board suggested she talk to the Postmaster. Rosalie reported that letters and invoices with finance charges were sent on April 28th. We have received quite a few payments since but Rosalie will follow up with phone calls and another letter the end of May. Rosalie shared information from the bank regarding a debit card for the ditch riders. The bank suggested we get a debit card rather than credit card. They said a limit can be placed on the card and we will receive a statement just like a credit card. The board approved a \$1,500 limit. Rosalie will get the necessary information to the bank. The Board asked what Rosalie had found out in regards to health insurance. Rosalie reported that she spoke to Bianca at Farm Bureau and the premium for Rosalie would be \$338.30 per month. Rosalie's premium through her current insurance is \$465.69. Rosalie stated that she has a lower deductible and thinks it would be fair for F.U.D. to just reimburse her what they would be paying rather than what her premium is. The board agreed and Rosalie will put the reimbursement in with her \$100 fuel reimbursement check monthly.

Sam asked when Lloyd, Craig and Rosalie are going to tour the system and suggested we make it an annual tour. Lloyd said any time now. Rosalie stated she has not made updates to the headgate book or the "red book" yet, she would like to wait until after the tour in case there are discrepancies found at that time.

Jerry is in review of a water delivery agreement from Boise Valley for property on Pierce Park. The property consists of two parcels totaling approximately four acres. The original two parcels were 6201 and 6263 and each had 2 shares of Boise Valley water. The two parcels have now been split into three parcels each. 6201 has become 6201, 6225 and 6239. There is one owner for 6201 and 6225 and Jerry is not sure who owns 6239 or if it has any shares. Ponder is the owner of 6201 and 6225. We do currently assess Ponder for two shares. We also have Subia on record as the owner of 2 shares. He purchased 6263 which is now 6263, 6255 and 6247. Jerry is going back to Boise Valley to ask them to provide Farmer's Union with documentation of clear ownership of the shares. We will need a new agreement for each property.

Jerry suggested the Board consider increasing the administrative fee in 2018 from \$10, under the new law the fees can be up to \$50 to help cover the cost of dealing with these types of matters which seem to be increasing.

Jerry presented an email from Roger Batt with information on grants Farmer's Union and water users may be eligible to apply for.

Jerry was supposed to have a meeting with the Bureau of Reclamation on Friday, May 12 to address the questions in the letter he had sent regarding O & M costs charged to space holders at Lucky Peak reservoir. He reported the meeting will not take place. Jerry reported that Ryan Patterson and Larry Parsons with B.O.R. both recently retired. B.O.R. will provide a full response to Jerry's letter by the end of May and a meeting is scheduled for the first week in June. The position has been to see what the response is before taking the matter to the Congressional delegation. The Assistant Regional Manager assures Jerry they are trying to prioritize the concerns and Jerry feels B.O.R. has no desire for litigation. The Board asked why there is no cost allocation to flood control. It was discussed that the primary reason for the dam was flood control and irrigation was secondary. Paul asked if they have actually sent us a bill. Jerry believed we had received a bill for \$31,900 which is \$3.19 per acre ft. and a supplemental bill will be sent. It was agreed this needs to be discussed with the delegation. Sam said to get more information from Treasure Valley Water Users and disseminate to all Congressional delegates. Paul asked if we had made a decision about sending the information to Farmer's Union shareholders. Jerry stated we do not have enough information or a plan at this time to share with the shareholders. Sam clarified Jerry is on the Treasure Valley Water Users board and is working on F.U.D.'s behalf.

Jerry asked if the June meeting could be moved. The Board agreed to move the meeting to Monday, June 5th.

Lloyd Akins moved to adjourn the meeting; motion was seconded by Paul Akins. Meeting adjourned at 9:56 p.m.