

Tuesday, May 10, 2022

Farmers Union Ditch Meeting

Board Present:

Lloyd Akins, John Schram, Paul Akins

Seth Kettering, Sean Kettering, Dale Wood – Ditch Riders

Rosalie Cope, Secretary/Bookkeeper

Andrew Waldera, Attorney for FUD

Guests: Keri and Katie Pardew-Peck; Gretchen Hoyt

Lloyd Akins called the meeting to order at 5:28 p.m.

GRETCHEN HOYT – 8914 LANDER STREET

Gretchen Hoyt attended the July 2021 meeting to discuss installation of two gates; one at Lander and one at Willow by Burger & Brew to deter pedestrian traffic on the canal road from the proposed homeless shelter in the old Salvation Army Building. The City of Boise has since approved the Interfaith Alliance shelter and is also moving the intake center to that location. She and her neighbors believe the shelter residents will be crossing State Street and using the canal road from Willow to Lander to access the park. Lloyd stated the Board will need to discuss and take a closer look at the situation. He reiterated the property owner, not the ditch company can file a complaint for trespassing. Lloyd stated the Boise Valley headgate is in that area and the ditch riders as well as the Watermaster need access to check that portion of the ditch daily. The Board will discuss options to help alleviate the problem and get back to Ms. Hoyt.

Keri and Katie Pardew-Peck inherited the property at 2385 Floating Feather. Their dad recently sold the adjacent property to Sterling Land Development which is under development as part of Rene Place and Rene Commons subdivisions. The Pardew-Peck's pump and power pole is currently on the south side of the canal and they have an easement for access. They would like the Board to consider allowing them to relocate the pump to their property on the north side of the canal near the bridge. If they were to relocate the pump the bridge may be able to be removed. The Board would consider relocation of the pump however the work would need to be done in the off-season and they would need to provide engineered plans for the new pump station.

Minutes from the April meeting were mailed to the Board prior to the meeting for review. John Schram moved to approve the April minutes with revisions; motion was seconded by Paul Akins. Motion was unanimously approved.

DITCH RIDER REPORT

Seth reported Healthy Tree will be out tomorrow to clear a clump of black locust that rolled across the canal due to the recent storms.

Water is running smoothly with approximately 3" spilling out of the tail. There is nothing being spilled at the Klondike or New Dry Creek. The canal is at 120 cfs with 80 cfs of Farmer's Union water.

The River Master reported 25,000 acre feet of storage water has filled within the last 10 days. The Boise Basin has gone from 63% to 102%. They estimate 30 ½" of moisture in the entire system. If that is the case there will be runoff water. The projected day of allocation is the end of June.

The excavator is repaired. The Banjo bolt screens were plugged in the fuel lines. Ryan would like to remove the tank and thoroughly clean it to prevent them from plugging again.

More "No Trespassing" signs will be installed in the coming weeks.

Seth will need to order new weir plates for the new deliveries at Rene Place, West Beacon Light and headgate 125.

ATTORNEY'S REPORT

FOSTER LAND PURCHASE

Andy Waldera suggested the Board ask Ms. Foster for an extension on the closing date. THE CUP application will more than likely not be submitted to the County by then and could take 6-8 months to be considered. Lloyd, Sam and Mike discussed previously in the day and agreed they would like to go ahead with the purchase without approval of the CUP. John and Paul agreed. John Schram moved to go ahead with purchase of the property; motion was seconded by Paul Akins. Motion was unanimously approved.

Jerry Kiser provided a list of items he has been working on.

Aleksey Strelyuk the owner of Vine Estates informed Jerry the new bridge may not work and may need to be moved to the location of the old bridge near Beacon Light. Mr. Strelyuk will get back to Jerry once he has more information from the engineer.

The engineer for Torch Light subdivision reported the agreement has been signed and Jerry should be receiving soon.

Rosalie reported the sale of 0.5 shares from Martha J. George to David Marvin is complete however when she discussed transferring all of the water currently under individuals to Sunnybrae Subdivision Mr. Marvin said the neighbors are no longer willing to do that. It was the understanding of the Board all shares would be

transferred to the HOA however since the other shares are currently under individual homeowners agreed to allow transfer of the 0.5 share directly to Mr. Marvin. The Board asked Rosalie to follow up on installation of the flow meter.

BOISE CITY CANAL CROSSING

Jerry received an email from Chris Bromley stating that due to supply chain issues the City is not able to secure the C-900 (PVC) pipe Farmer's Union is requiring. They are proposing to use 42" gasketed reinforced concrete pipe (class III). The concrete pipe is sourced locally and available. The City already has in its possession the necessary amount of 36" C-900 pvc pipe to be used from the Rubicon intake structure to the manhole, after the manhole they would switch over to the concrete pipe. Lloyd is not in favor of the proposed 42" gasketed concrete pipe because the joints will leak over time. If they would agree to pour a 4' cap at each joint the Board may consider. Paul asked if the Board would provide several acceptable pipe options in order to avoid continued back and forth.

- 1) 42" C900 as originally agreed with a 12-inch thick concrete cap over the top for the width of the canal channel;
- 2) 42" Class III concrete gasketed pipe with 4 foot-wide concrete collars at each joint (spanning 2 feet each direction from joint), with a 12-inch thick concrete cap over the top for the width of the canal channel;
- 3) 42" SDR 32.5 with a 12-inch thick concrete cap over the top for the width of the canal channel; or
- 4) 42" ribbed CDX pipe encased in concrete (maximum 3 pours to avoid extra joints) with a 12-inch thick concrete cap over the top for the width of the canal channel.

Andy Waldera will reply to Mr. Bromley with the approved options and amend the agreement to the agreed upon pipe.

SPRING VALLEY CROSSING AGREEMENT

Jerry spoke to the engineer for Spring Valley and at this time they are unsure they are going to use the method of dust abatement agreed upon. They will however sign and return the agreement so the option is available to the chosen contractor. They will need to pay for legal fees and present a new plan to the Board and another license agreement will need to be issued if they choose to go with a different method. The Board will not consider a permanent crossing agreement until Farmer's Union has been reimbursed for legal fees and the temporary agreement is in place.

Jerry sent Mr. Colombowala a follow up letter on April 15th restating Farmer's Union's requirements and requesting he contact Jerry to confirm he will abide by the requirements. Jerry has not received a response and has Seth checking to make sure he does not try to put something in the canal that has not been approved. Seth has not received any communication from either Mr. Colombowala or Dan's pump. Andy is going to work with Jerry to follow up on this.

RENE COMMONS SUBDIVISION

Jerry sent the engineer an agreement in January that requires no pathway or other improvements to the canal road. The engineer responded stating there is still an issue with the pathway Eagle City is requiring. They need to make sure the developer can trust fund for it before the agreement is signed. Andy explained the City has a development condition under which nothing goes in the canal right of way without prior permission of the company. The Developer is approaching the City to propose they accept a Bond so if/when the City and Farmer's Union reach an agreement the City could build a pathway with the Bond money. The City's acceptance of a Bond would allow the Developer to Bond around the improvement allowing them to move forward with the development. Farmer's Union has not been approached by the City asking for permission to put in the pathway. Andy stated the Developer will more than likely ask for an amendment to the license agreement.

Jerry reported ACHD sent payment for the engineering fees and costs Farmer's Union incurred on the temporary trash rack.

Jerry provided the Board with a draft letter to the owners of 5353 Hill Road regarding tree removal. The Board approved the letter.

BLUE SKY FARMS

In February Jerry received a C.U.P. application regarding a 5 acre property on Haven Drive for a u-pick flower business. He sent a comment letter requiring a fence that will restrict access to the canal right-of-way. He also included that trees in the right-of-way will not be allowed. Jerry received an email response with revised plans for review. It was pointed out there is an existing barbed 3-wire fence between the proposed parking area and existing canal. This fence will remain and blocks access to the canal. They are also proposing to reduce the parking area and relocate it further away from the canal as originally planned. There is 21' from centerline of canal to property line and another 25' from property line to setback line with an additional 26' from setback line to existing fence. At its closest point the parking area is 81' from the centerline of the canal and 161' at its furthest point. It was also explained that what the Board originally thought were proposed new trees and landscaping between the fence and canal is native/riparian groundcover and existing riparian trees and shrubs. This will remain in its natural, uninviting state to hinder interaction with the canal. There are no proposed plantings within the Farmers Unions right-of-way. The Board is agreeable to the changes. Jerry will follow up reiterating everything needs to be kept out of the right-of-way.

Jerry reported he is continuing to try to set a meeting with Kathy Muir at the State Parks department and Sue Buxton, State Parks Director.

Andy received a call from Jim Riley the new president of Brookwood HOA. He had several questions regarding the Farmer's Union right-of-way and Ditch Company responsibilities vs. Homeowner responsibilities along the canal. Andy explained Farmer's Union does not have an obligation to make the canal bank attractive. The only obligation is to maintain the easement to serve the company's purposes. If the individual homeowners want to do weed abatement, burn, remove debris, etc. they would first need to notify the Ditch Riders. He also asked about the backhoe that sits on the canal behind Brookwood. Lloyd explained the cut in the canal at that location is approximately 12 feet and may be as deep as 20' before it goes over the hill to the Dry

Creek spill. When it rains it is difficult to get from Dry Creek uphill so the excavator is parked at the siphon under Dry Creek to clean debris and moss off the rack daily. He also asked about the trash and debris cleaned off the rack. Andy explained Farmer's Union has the right to deposit spoils and is under no obligation to haul away. If Brookwood would like to enter into an agreement to removed the debris they would need to work with the Ditch Riders. He acknowledged some of the homeowners have been dumping grass clippings over the fence into the easement. The HOA will be sending out a letter to homeowners reminding them that is a violation of Idaho Code. Mr. Riley also brought up that approximately 6 years ago Dry Creek blew out and caused some damage through Brookwood. The HOA Board is looking into grant opportunities to help repair some of the un-repaired flood damage and are also looking into improving or piping the lateral system. They would like to know if Farmer's Union would lend their name or support to a grant application that Brookwood would draft and have Farmer's Union submit to BOR or other entities. Andy stated anything beyond the headgate is their responsibility however if they would put together a list of things they would like to accomplish which might also be an improvement to the Farmer's Union system the Board would be willing to discuss.

Andy reported T.V.W.U.A met following the last Farmer's Union meeting and approved for Roger Batt to work on the Lucky Peak O&M assessment increase issue and contact Idaho Congressionals starting with Fulcher's office to try to bring some Congressional weight to the necessity of the assessments including the office building. Andy is going to assist Roger in a T.V.W.U.A. Board member capacity.

Andy reported Suez changed their name to Veolia Water Idaho. They hired Dr. Christian Patrick to update and expand the scope of the 2016 study he was commissioned to conduct by I.D.W.R. The 2016 report studied projections for domestic, commercial, municipal and industrial water supplies out to 2065. At that time he reported the new increased water demand to be approximately 120,000 acre feet. The report did not get into details about where the water would be sourced. Veolia wants the study to address the population growth curve which is much steeper than what was projected in 2016 and expand the scope to include viable ideas as to where the water might come from. Dr. Patrick contacted Sawtooth Law after he drafted the report to ask if they would review the draft report and offer comments. Sawtooth Law addressed one of the misnomers that one of the sources of water in the valley which should be used to address municipal demand is reallocation of irrigation water. The theory that when you build rooftops, roadways, sidewalks, etc. on what was once a 40 acre farm field is now 20 acres of turf grass there should be 20 acres of water leftover. The study outlines it is not that simple but Sawtooth expanded on the idea with the following information; residential and commercial pressurized irrigation systems are having unintended consequences on what are historically gravity based irrigation systems.

- 1) Reducing seepage in an already shallow groundwater table reduces drain flows putting increased pressure on the Boise River. The lack of return flows back to the river requires the need to divert more water from the river or storage to

make up for declining drain flows in order to keep the irrigation systems functioning

- 2) Instantaneous peak demand exceeds the flowing capacity of the delivery system getting water to the laterals. In an agricultural setting there is a rotation built in with different cropping patterns and different harvest schedules each year. Not a full inch to the acre is available 24-7 on demand all season.

The report has not been published yet.

CREEKSIDE ESTATES

Andy reiterated the approved design plans include a gravity flow system rather than a pressurized system and they understand the two lots north of the canal are dry and will not be a part of the irrigation system. He needs to draft a license agreement and would like clarification on what the licensed improvements in the right of way are. Lloyd thinks they want to improve the existing headgate and install a new weir box so they can control and divert water to the 5 individual lots. He confirmed the pipeline conveying water from the headgate and running water east to west is outside of the right of way. Farmer's Union will install the weir structure at the Developer's expense to ensure it is properly installed. Andy has a concern with the easement shown on the plans. It is shown as 42' from center of the canal. They did not measure from top of bank. Lloyd stated the right-of-way needs to be 25' from the waterline on the bank.

Idaho Power submitted two requests for license agreements;

- 1) Installation of a new pole in-line with the existing power line at the intersection of Hill Rd. and Seaman's Gulch. The proposed location is within the Hill Rd. right-of-way, near edge of pavement however is 1' away from tow of bank but well away from the water line. The Board does not think the pole would cause a problem but in order to stay consistent would like a license agreement.
- 2) Idaho Power received a work order for Candau Estates to bring in a joint trench under the box culvert bridge installed by Candau. The bridge is supposed to have four conduit lines underneath it for electricity, sewer, water and an additional for future needs. Lloyd thinks the conduit is 8" and is 6' underneath the water. The box was set on top. Andy will respond to Idaho Power informing them there is existing conduit and will issue a license agreement.

Last month Andy received an email from Steve Hannula with SPF Water regarding two parcels purchased by Toll Brothers to be combined into Milestone Ranch subdivision. The project consists of 80 acres in pivots on the lateral that feeds the golf course which is ground water fed and approximately 26 acres serviced by Farmer's Union. They would like to comingle the ground water and surface water rights into an integrated pressurized irrigation system. Andy stated legally there is no problem with comingling. They are not changing anything with the Farmer's Union delivery, it is a private lateral system and as long as the 80 acres of ground water is within the overall place of use within the Farmer's Union surface water system there is not a water right problem. Andy will respond and confirm the property currently irrigated by ground water is within the Farmer's Union service area.

ACHD TRASH RACK

Andy received a draft contract from Knife River based on the proposal executed by the Board. It is a lump sum contract for \$223,500 with the understanding that for whatever reason the project runs over Knife River is responsible for the overage or will need to work with ACHD to recoup. Knife River forwarded Andy's email to ACHD and ACHD contacted Jerry Kiser stating there will be no overages and ACHD will not be responsible for any overages other than the excluded items in the proposal should the excluded items in the proposal be necessary. Andy reiterated to ACHD's attorney Farmer's Union will not pay any amount over \$223,500. Andy will review the contract and prepare for the Board to sign by the next Board meeting.

CRESTA DEL SOL

Greg Clark sent a comprehensive response to Toll Brother's letting them know he would not approve the boulder retaining wall proposal based on data gaps in the Geotek work. Toll Brother's Geotek firm issued a new work order proposal to include field work, lab testing, etc. Toll Brother's requested a meeting with Greg Clark to make sure the scope of work would address his concerns in order to expedite the process. The meeting is scheduled for May 18th at Star City Hall.

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

Paul Akins moved to adjourn the meeting; motion was seconded by John Schram. Motion was unanimously approved. Meeting adjourned at 9:50 p.m.