

Tuesday, May 11, 2021

Farmers Union Ditch Meeting

Board Present:

Sam Rosti, Lloyd Akins, Paul Akins, Mike McGowan

Craig Waddell, Seth Kettering – Ditch Riders

Rosalie Cope, Secretary/Bookkeeper

Jerry Kiser, Attorney for FUD

Lloyd Akins called the meeting to order at 5:39 p.m.

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

DITCH RIDER REPORT

Craig reported the canal is currently running at 140 cfs. Lloyd asked what is being diverted into Boise Valley right now. Craig stated 86 cfs.

Craig also asked Jerry Kiser to remind ACHD they still need to replace a gate on the ditch road that was removed on the southwest side of the canal by Bloom.

Sam reported the day of allocation is expected to be June 10th. Lloyd stated the Board needs to discuss reducing water flow to 80% shortly after the day of allocation.

Seth reported the Thomas' have installed a new box. He had to remove a tree that had fallen into the canal close to the road and he saw the box at that time. He has not inspected it closely.

Craig reported the tail is not spilling any water. The canal is running at 90 by Tom Foster's.

ATTORNEY'S REPORT

Jerry Kiser sent a copy of the note and invoice Capital View sent with their payment to the Water Master and informed him Capital View is not to receive storage water this year. Jerry stated we need to keep in contact with the River Master. The Farmer's Union agreement with Capital View differs from the Capital View water right shown on the State's records. Farmer's Union is only obligated to deliver 200 inches rather than the 225 inches of Jacob's water the River Master has on file at the upstream diversion.

Jerry spoke to the Attorney for Chad Erpelding and Pam Blackledge following the April meeting to discuss the potential of them purchasing the Green Meadow Spill property from Farmer's Union. ACHD uses the drain but maintains they don't. Jerry thinks everyone involved needs to be in the loop in order to get this done. Jerry mentioned the ACHD memo from a meeting with Dane in 2013 which has the representative from ACHD stating the drain does belong to ACHD and they do in fact use it. Jerry asked the Board for approval to share the memo with Ms. Davis. The Board gave Jerry approval to forward a copy of the memo to Ms. Davis. Jerry suggested Ms. Davis contact ACHD and explain what her clients are trying to do.

Jerry sent a public records request to ACHD asking for a copy of the plans for the drain and the response did not include the plans referred to in the ACHD memo that talked about ACHD's use of the drain. Ms. Davis said she spoke to Justin Friedan and he recalled there are some issues as to whether ACHD is actually draining into the Canal or the Spillway and said he would get back to her. Mr. Friedan thinks the proposal is reasonable. Jerry also told Ms. Davis there is a culvert that runs under Hill Road which is numbered and maintained by ACHD and drains into the spill. When Jerry spoke to Mr. Friedan in 2020 he stated ACHD does not use the spill so Farmer's Union could go ahead and block it off. Sam asked if the Board had made a decision to block off the spill and sell it. Jerry stated no decision was final but the Board sees no reason to use it so they are inclined to discontinue it and sell. Lloyd said the side of the canal could be formed and the drain concreted closed. The question is where is the storm water going to drain? Jerry stated that is why all parties need to be in the loop and ACHD needs to make sure they have an easement for their storm water but it ultimately would be between ACHD and the property owners.

RENE PLACE SUBDIVISION

Jerry has been corresponding with Josh Mann with Engineering Solutions for approval of a pump station for Rene Place Subdivision. The existing pump is located in the canal at the edge of the property where the road comes in from Floating Feather. Jerry provided the Board with a revised set of plans. The plans show the pump station being relocated. Jerry thinks the current location is not part of the property that is platted and it may fit better into the plan on the side near the golf course. Jerry stated the plans show a pumping capacity that is twice their water right. Mr. Mann stated the City of Eagle is requiring them to have that much pumping capacity. Jerry stated there are a total of 18 acres and two shares of water. Lloyd stated the pump station is way overdeveloped for the water right they have. The proposal in terms of inlet screen, pump station and physical layout is fine but they have too much pump horsepower and the pipe is oversized. They will need to revise the plans with an appropriately sized pump and can show a backup pump if that is what the City is calling for.

Jerry reported he responded to the Lee's on Hill Road informing them Farmer's Union would not be assisting in paying for the work they had done by Wagner Farms.

Following the April meeting Jerry responded to Jamie Watts & Craig Dale at 5353 W Hill Rd. to let them know Farmer's Union would take a look at the canal bank in that area in the fall.

WHITEWATER PARK

Jerry provided the Board with an email stream between himself and the City of Boise's attorney, Mary Grant. Jerry reiterated the City is dealing with the State Department of Parks and he thinks the National Park Service also. If the City is successful in getting the property exempted from the Federal Statute then they have the ability to uphold the agreement. Jerry is optimistic that at least the City is now acknowledging what was agreed to in regards to signage. Following the last meeting with the City Jerry provided them with the revised plans showing the river bank straight to the intake structure, plans for a 2' high rock wall showing and the exact location. Jerry is going to follow up.

The Board suggested Jerry propose the City enclose the Canal in a box culvert to the spillway as an alternative solution. They have already enclosed 500 ft. Lloyd stated the spillway has to be retained if the canal is covered. Jerry stated the City needs the spillway as well because the piping under the canal for the ponds has to drain into the spillway. Lloyd stated the spillway is on Farmer's Union property. Jerry said the City will need to get an easement and a crossing agreement in order to put the pipe under the canal because they can only take the pipe to the property line which does not get the pipe to the spillway.

Jerry reminded the Board the canal is on state land and Farmer's Union is subject to the principle that the right-of-way allows Farmer's Union to do what is necessary to maintain the canal however the landowner still has a right to use their land in a way that does not materially interfere with the right-of-way. The restrictions on public access are not based on the right-of-way, but on the agreement.

Jerry spoke to Levi Glynn. Mr. Glynn agreed the plans for his pump are not going to work. He stated he needs the pipe to be on his property in case he needs to do repairs. Jerry also reminded him the flow meter needs to be located so it can be read from the road. Mr. Glynn is going to get revised plans.

Jerry reported Boise Valley sent a response to his email to Bryce Farris. They responded that the Board's concern is unwarranted. They are not issuing more shares than they have. The 46.29 shares issued to Mr. Blaine were owned by Matlock and have been carried on their books for years. Water delivery for 41.29 of those shares was made by the Boise Valley system. The other 5 shares have historically been delivered by Boise Valley. When Mr. Blaine acquired the shares he requested all the water be delivered by Farmer's Union.

Rosalie reported she also received an updated list of Boise Valley shareholder's with water being delivered by Farmer's Union. The list includes information on

shareholders who have water delivered at headgate 3. Rosalie stated the list is very thorough and has been very helpful in cleaning up the headgate book.

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

Rosalie reported that G. Lance & Cynthia Sallady returned their shares to Boise Valley and asked if she should refund their \$80.34 assessment which was paid for 2021. Lloyd Akins made a motion to refund the assessment; motion was seconded by Mike McGowan.

Paul Akins moved to adjourn the meeting; motion was seconded by Mike McGowan. Meeting adjourned at 8:15 p.m.