

Monday, May 12, 2025

Farmers Union Ditch Meeting

Board Present:

Sam Rosti, Paul Akins, John Schram, Bert Browen, Corey Blaine

Seth Kettering, Sean Kettering, Dale Wood– Ditch Riders

Rosalie Cope, Secretary/Bookkeeper

Andrew Waldera, Attorney for FUD

Sam Rosti called the meeting to order at 5:36 p.m.

GRETCHEN HOYT – 8914 Lander St.

Ms. Hoyt reported the homeless shelter near her home is still moving forward. They still need to apply for a C.U.P. however the City Council will be able to push it through. The neighborhood hired an attorney which doesn't leave much money for a gate. She has not heard back from the owner of Burger and Brew on the other end of Lander. One of the neighbors on her end of Lander installed a 6' fence they can tie into. Andy explained the only thing property owners can do is install chains or gates and unless they are fencing the entire right-of-way it won't do much good. The statutory standard for Trespass is against the individual land owners and Farmer's Union does not have standing to file Trespass as an easement owner. The statutory standard for easement owners is not zero interference it is unreasonable or material interference.

CANYON HIGHWAY DIST. NO 4

Chris Hopper was unable to attend the meeting. He sent the revised plans for the proposed location for the road to Will Mason. The proposed road alignment is now more centered with a better balance between the east and west lots and eats up most of FUD's property. They brought the lower section 20' up onto FUD's property. Corey pointed out with the new proposed road plan 2/3 of the pipe will be under the road. Originally the Board was trying to get the road to be as perpendicular as possible. CHD4 can't just put the road wherever they want on FUD's property. Andy explained they don't have the right to encumber the property unless or until they get a dedication for Farmer's Union; whether they buy an easement, condemn or grant us something. They also don't have the last 300' to access Blessinger Road. All FUD has to demonstrate to Canyon County is that we have a valid legal right of ingress/egress of public roadway. There is currently access to Willis and the last 300' we could argue prescriptive easement which connects us to Blessinger Road. Corey said Thunder Ridge subdivision was financed by Builder's Capital and they have hired Tekton Construction to complete it. Tekton is owned by Darren Mann and Will Mason knows him as well. If infrastructure in Thunder Ridge is completed and brings the road to the

edge of FUD's property we can utilize the north for access. Corey will ask Chris Hopper and Will Mason to attend the June meeting.

Corey received a call from Tekton and CHD4 issued them a stop-work order today related to site grading without a SWPP plan in place. Tekton asked if Farmer's Union had any activity underway and Corey told them we do not. This stemmed from a complaint made to the County, possibly from Erlebach but they could not specify who contacted the County.

DITCH RIDER REPORT

The clutch and alternator in the Ranger need to be looked at. The spray truck needs brakes and Seth rebuilt the clutch. There was some discussion about putting the spray rig on a trailer to pull behind the pickup or tractor or build a frame so it can be taken off of a truck when not in use.

Seth said they found a 60 inch riddle rake bucket for \$7,100. He said it would be a great attachment to put on the backhoe to clean weeds out of the pond and weed racks. It would also be good to till in Bentonite.

John Schram made a motion to purchase the bucket for \$7,100; motion was seconded by Paul Akins. Motion was unanimously approved.

Seth also reported the backhoe is due for new front tires and his pickup is going to need new tires.

Minutes from the April meeting were mailed to the Board for review. John Schram moved to approve the April minutes with corrections; motion was seconded by Bert Browen. Motion was unanimously approved.

ATTORNEY'S REPORT

Andy's clients and the Idaho Water User's Association were a part of drafting WOTUS comments submitted to the EPA and the Army Corps of Engineers. Comments were also submitted by the Family Farm Alliance and the National Water Resources Association. The Trump Administration is in favor of no questions asked, irrigation and ditch exemptions. In the Sackets opinion the Supreme Court came back to the core of the clean water act, tied to the commerce clause, tied to navigable water ways that are natural features, things that form based on the erosion of water regular enough to create some form of channel, nothing that is man-made such as irrigation ditches. They are looking for an exemption for irrigation ditches.

Irrigation District law says an Irrigation District can withhold water if they can be isolated. Lateral water users association can do the same. There is nothing in Title 42-22 that directly gives that authority to a ditch company. Andy said legislation can be run next Legislative session to address.

In Jerry's files there is an unsigned draft license agreement between Farmer's Union and all of the Development companies affiliated with the Trapper Ridge development. There is a recorded agreement which Andy believes is the executed document in the file but the scan is too light and is not legible. Andy also found two letters from Jerry, one from November of 2020 to Bailey Engineering stating the Board reviewed the grading plans and are required a note that lots 21-24 of Block 10 must provide foundation drainage systems, drain tile wrapping around the rear sides of the structure or equivalent. It seems the Board had concerns about seepage. Those notes are included in the grading plan. The Board asked how the requirement would be enforced. They sent proposed supplemental CC&R's for Trapper Ridge that include Phase #4 and have it covered by the Master Declaration as well as some other additional grading requirements. Jerry responded with a letter in January of 2021 stating Farmer's Union approves Phase #4 contingent on recording the 3rd supplement to the Declaration of CC&R's with language in Article 4, Section 3 with Ada County. Andy does not know if those were recorded. He received a copy of the foundation detail design sheet, letter from Jerry and CC&R's from Bailey Engineers. FUD inadvertently blessed 25' from center line in common lot 15 however note 6 on the proposed plat says irrigation district may claim a wider easement. Andy would like to know if the lots are being cut in at different dimensions than what is shown on the grading plan. John is concerned they are cutting into the bank, he says across the road they have come out approximately 15 feet. Andy questions where toe of bank is. John will provide the plans to Rhen for review and have him do a site visit.

Bert forwarded a letter drafted by Dana Hofstetter to Buckhorn Estates residents trying to form a committee to oppose the reuse agreement between Farmer's Union Ditch Company and Eagle Sewer District. (Document Attached) Andy, Corey, Bert and John attended the Open House at Eagle Sewer District. Dana Hofstetter's husband was in attendance and asking a lot of questions. Eagle Sewer District's application is on file with DEQ and they expect to have the draft permit out for public comment by October.

There was Board discussion Ms. Hofstetter's concerns over the reuse agreement with the City of Eagle. As a result of the letter the Buckhorn Estates HOA told residents who had concerns and wanted to form a committee on behalf of the HOA they would first need to attend the Open House. Bert said after the Open House several homeowners left with the information they were seeking and no longer had concerns. Andy is working on a response from Farmer's Union.

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

John Schram moved to adjourn the meeting; motion was seconded by Corey Blaine. Motion was unanimously approved. Meeting adjourned at 8:39 p.m.