

Tuesday, May 14, 2019

Farmers Union Ditch Meeting

Board Present:

Sam Rosti, Lloyd Akins, Paul Akins, Tom Foster

Craig Waddell - Ditch Rider, Seth Kettering- Ditch Rider

Rosalie Cope, Secretary/Bookkeeper

Jerry Kiser, Attorney for FUD

Guests: Scott King – SPF; Adam Capell – Toll Bros; Lyle Dennison – Toll Bros.; Paul & Cheryl Rachetto - 6188 N Pierce Park Lane; Jay Camp – HG 72

Sam Rosti called the meeting to order at 5:38 p.m.

NEW DRY CREEK BOUNDARY

Mr. Capell with Toll Brothers explained they are developing the property owned by North Eagle 413. The property is within both the Farmer's Union and New Dry Creek service areas. The property has 0.25 share of Farmer's Union which may have been delivered to a small portion of the property at one time from a lateral on the east side of the existing office. It is such a small amount of water Farmer's Union cannot guarantee delivery. Sam suggested they try to purchase water shares from New Dry Creek. Mr. Capell explained they currently have enough Dry Creek shares to irrigate 108 acres and enough ground water to cover the remainder of the 205 total irrigated acres. They would like to comingle the New Dry Creek water with the ground water into a pond where they would install a pressurized system. IDWR would not have a problem taking the New Dry Creek water out of New Dry Creek service area or enlarging the service area. They are requesting to expand New Dry Creek's boundary to cover the entire property. In expanding the service area New Dry Creek and Farmer's Union boundaries would overlap. There is currently a small overlap. Mr. Capell asked the Board if they have any concerns with expanding the New Dry Creek service area. Jerry explained once IDWR approves the change and place of use for the New Dry Creek water there should not be a problem. Lloyd asked if the Farmer's Union 0.25 share is causing a problem with their proposal to IDWR. Mr. Capell explained the boundary modification is being requested in the event New Dry Creek shares become available North Eagle 413 would be eligible to purchase. There are two issues, expanding the New Dry Creek boundary and removing the property from the Farmer's Union service area or leaving the Farmer's Union boundary the way it is and having an overlap. Sam said for future use he suggests the property be removed from the Farmer's Union service area and the 0.25 share

relinquished back to Farmer's Union. Mr. Capell will provide Jerry Kiser with a copy of the transfer application.

PAUL & CHERYL RACHETTO

Mr. and Mrs. Rachetto purchased property on Pierce Park Lane from Alice Culver. The Rachetto's built a house on the property and are in the process of landscaping. They are asking the Board if they can add 3' wide steps from the house up to the canal road. Lloyd stated they own the property and Farmer's Union can't tell them what they can and can't do. However, they need to maintain the 25' right-of-way so Farmer's Union can access to maintain the canal. Jerry explained the Idaho Code dealing with right-of-ways and provided the Rachetto's with a copy. The Board agreed to allow the steps as long as the public does not have access. Mr. Rachetto asked the Board for suggestions on acceptable plant material. It was suggested they use a weed barrier with perma bark and a few plants.

DITCH RIDER REPORT

Craig Waddell reported the canal is currently running at 180 cfs, down 10-15 cfs from a year ago. There is more spilling more at the Klondike because they are not spilling at Dry Creek.

They have installed a lot of new weirs this week and have regulated headgates because the day of allocation is nearing. There has been some problem with HG 35, the headgate book shows the City of Eagle's water at hg 31 which goes to the nursery. The City of Eagle is taking their water out of HG 35. The pipe going into the box was turned up, Seth and Craig adjusted the pipe but the headgate sits at the top of the canal. And the water is so low in the box that it is hardly going over the weir. They are going to have to adjust their pump down to compensate.

Widgeon Lakes is complaining again that they can't keep their third pond full. Craig checked and they are getting a full headgate and have a full pipe. They have not done any maintenance or addressed the gopher problem which was causing problems last year. The Board instructed Craig to continue to deliver and suggest they put Bentonite in the pond to stop the seepage.

Craig Waddell reported they are going to be cleaning up Dry Creek and through Eagle Road next week.

Sam asked if spray has been purchased. Craig said they have purchased a truck load and will probably need two more. They are going to put copper in the ditch for the third time already because the water is turning green by the Whitewater Park. Lloyd asked what Craig is finding coming out of the ponds. The water has been dirty and there has been a lot of sand. Paul asked if they are testing the ponds. Craig said yes, he took the head of Parks & Rec. and Kate Harris around to look at the canal. They said they are testing by the BVID delivery. Jerry is going to contact the City and find out why they are not testing at the agreed upon locations.

Craig would like to put a meter at Tom Foster's headgate that reads the water level and will send a notification to Craig's phone of fluctuations.

Lloyd said Suez has put asphalt along the ditch bank at Bob West's driveway on the top of Seaman's Gulch. Lloyd thought there was an agreement to put concrete in rather than asphalt. The driveway is 15-20 ft. wide x 45 ft. long. It had to be sloped to meet fire code and when the ditch riders drive equipment along the canal bank the trucks go down onto his driveway and back up onto the road. The trucks chip the asphalt. Jerry Kiser is going to issue a letter to Suez, Farmer's Union did not give written consent to pave in the right-of-way.

Sam Rosti asked Craig Waddell to make notes and keep a log regarding incidents involving the gates installed by Mr. Goldsmith. Sam stated Rusty, the caretaker for Mr. Goldsmith had an altercation with someone trespassing on the canal road and the person ran over the gate. The gate was down for several days and the Ditch Riders could hardly get around it.

Jerry Kiser has been trying to get in touch with the attorney for ACHD to get plans for the trash rack to go upstream from Wylie Lane so Farmer's Union can get bids in order for ACHD to reimburse for installation.

Minutes were read by Rosalie Cope.

Paul Akins moved to approve the minutes with corrections; motion was seconded by Tom Foster.

Jay Camp expressed an interest in filling the vacant seat on the board and attended the meeting to get an idea of the commitment. Mr. Camp lives near Floating Feather and Ballantyne on what was part of the original Ballantyne farm. Mr. Camp has been the Secretary/Treasurer for lateral 72 for approximately 15 years.

ATTORNEY'S REPORT

Jerry Kiser provided the Board with a copy of the letter he prepared for Roselands/Don Newell.

Jerry has received the recorded survey on the Kallas property. The surveyor said the post on the north corner is approximately a foot inside the existing fence line, the south side is approximately 1.2 feet inside and the middle is approximately 2.6 feet. The lot is a little inverted along the back property line. The new law which allows surveyors to access property without the owner's consent takes effect on July 1st. Jerry asked if the Board would like the survey complete prior to the law taking effect or wait until after July 1st in order to possibly save on cost. The other question is does the Board want a diagram showing the property boundary and any structures/improvements diagram to be included. The Board agreed that was a good idea and to let the surveyor know the remainder of the survey could be completed

after July 1st. Jerry forwarded survey to Mr. Kallas' attorney. Since the property line pins are inside of the fence line the fence is on Farmer's Union property.

Jerry provided the Board with a copy of the letter provided by IWUA to Waters of the United States including his comments.

Jerry presented the Board with a letter from John Patten with Boise Valley Irrigation Ditch Co. regarding Mr. Dobson. Mr. Patten acknowledges that Mr. Dobson is not in the Free Zone and needs to have a delivery agreement with Farmer's Union.

Jerry reported he Met with Bryce Farris, the attorney for BVID and went through the history between Farmer's Union and Boise Valley. They discussed the free zone, free zone properties and non-free zone. Jerry said the Boise Valley Board is also meeting tonight and believes the addendum to the delivery agreements will be discussed. Jerry expects more progress on the Boise Valley resolution and discussions to be moving forward.

Jerry reported Mr. Dobson's pump is still mounted on the bridge but the pipe has been pulled out of the canal.

Jerry drafted a letter to Eagle Fire Department after Craig Waddell notified him a fire truck was parked on Eberhardt's bridge at 800 Beacon Light Rd., pumping water out of the canal.

Jerry discovered Mr. Soggs is applying for approval to develop 7 lots on his property. Jerry provided the Board with the comment letter he sent to Canyon County Planning and Development. Farmer's Union has some concerns, not sure where Drainage District No. 2 begins and the Farmer's Union Canal ends. Regardless, the water needs to continue flowing. The development can't do anything to interfere with the flow of the water it needs to be kept open, clean and capable of conveying water.

Jerry provided the Board with a letter he sent to the neighbor upstream from Kallas'. He trimmed weeds along the right-of-way and deposited the cuttings into the canal.

The City of Boise is almost ready to submit the DEQ application for the Lander Street facility. Jerry should receive a copy within the next week and Farmer's Union will have approximately a month to review and provide input before the application is submitted.

Jerry has spoken to John Roldan regarding the IDWR application to add a point of diversion so they can begin running water through the ponds. Jerry informed Mr. Roldan that an MOU or agreement of some kind needs to be executed to include the City paying for Jerry's Kiser's fees for work done on the application. The next step is to meet with Nick Miller with IDWR and discuss the plan and see if there are any big issues to be addressed before an application is submitted.

The Whitewater Park Construction Bond has been released. The structure is in place and delivering water.

Jerry provided the Board with a crossing agreement for Intermountain Gas for the property going in on the north side of the canal near Eberhardt's (880 E. Beacon Light Rd. Eagle). Intermountain Gas is going to bore now to get at least 6 feet under the canal and put a concrete cap on in the fall after the water is out of the canal.

Jerry Kiser reported he sent a standard subdivision application letter to Ada County Development Services regarding Flicker Estates Subdivision. They plan to develop 39.297 acres on the north side of Linder. In the letter Jerry outlined the delivery system can't be changed without approval of the three other water users on the lateral and they can not injure water delivery in the way it has historically been delivered. An HOA will need to be formed and water shares must be transferred to the HOA.

The neighboring property to the west of Roselands subdivision is in Phase I of development for Trapper Ridge Estates. Phase I includes 16 ½ acres on the southeast corner. The engineering firm delivered a set of plans to Jerry Kiser which show Phase I with service to individual lots and the main irrigation line ends at the edge of the plans. Jerry contacted the Engineer and in approx. 3 weeks Farmer's Union will be receiving another set of plans that show a pressurized system with a pump house, pump station, etc.

Jerry reported one of the attorney's on the refill issue is trying to move the date of the hearing because of a conflict. Boise City and one other City have filed participation briefing type motions. Elmore County wants to join in now and Jerry says it is too late for them to join. Otherwise there is no opposition

Lloyd Akins moved to approve the financials; motion was seconded by Tom Foster.

Rosalie asked if the Board would entertain creating an informational brochure to be sent out to new shareholders with their certificates. Jerry Kiser asked if Rosalie would put a list of questions/information together that she would like to see in the brochure and he would ask TVWUA if they would have any interest in putting together a brochure for new property owners in the Treasure Valley regarding water rights, safety, etc.

Rosalie also asked for the Board's thoughts on creating a website for Farmer's Union. The Board is not opposed to the idea.

Paul Akins moved to adjourn the meeting; motion was seconded by Sam Rosti. Meeting adjourned at 8:56 p.m.