

Tuesday, May 8, 2018

Farmers Union Ditch Meeting

Board Present:

Lloyd Akins, Paul Akins, Tom Foster

Craig Waddell, Ditch Rider, Kendall Rivers, Ditch Rider

Rosalie Cope, Secretary/Bookkeeper

Jerry Kiser, Attorney for FUD

Guests: Mort McMillen, Olivia Weick, John Tensen, Shane and Karl Gebhardt.

Lloyd Akins called the meeting to order at 5:36 p.m.

WHITEWATER PARK

John Tensen stated he had met with Jerry Kiser to review the list of concerns the Farmer's Union Board has.

- 1) Control Gate – McMillen will review and assess the extent, severity and possible fix to the leaks. However, as the Board suspected it may be the way it is going to work due to the amount of pressure.
- 2) Powered Headgate Control – The City of Boise will evaluate the best approach for providing a powered gate lift and discuss with Farmer's Union. Mr. Tensen said they might be able to bring in a portable lift for this year. They can control the headgate pool with the flashboards they are installing in front of the screen up to flows of 4,000 cfs. They are going to dig the bottom of the river deeper in front of the headgate. Mr. Tensen said we could expect a 3' deeper channel across that section of the river. He said once the control building is built there will be power to run a portable lift. Craig Waddell said once the gates are automated the main headgate and the second gate will both have sensors so there won't be a need to run wires down the road.
- 3) Signage – Mr. Tensen stated that upon project completion a fence will surround the headgate structure and tie into the control building. The new greenbelt will be located at a different elevation, aiding in keeping people away from the canal. Mr. Tensen said additional signage would be provided by the City if still needed.
- 4) Tree Removal – Done
- 5) Items to Remain
 - a. Mort McMillen stated bonding will be done similar to what was done previously. The bonding will be included in the Improvement/Crossing agreement. He will send the draft to Jerry Kiser.
 - b. Mr. Tensen said the sill of drop structure 1 is at elevation 2,651 for flood capacity, compared to 2,651.5 at the intake structure. The river elevation

is 3-4' lower than the existing concrete, etc. Once the gate is installed they can divert the entire river flow into the Farmer's Union Canal if necessary. They plan to maintain a pool elevation of 2,657 with a 5 ½ ft. pool. In the summer months they will run 320cfs into Farmer's Union and 8-900 cfs through the wave shaper with a side/bypass channel to fine tune. There will be four flash boards with a programmable control they can raise or lower to maintain the flow level. The City will send out a summary memo as to how everything is supposed to operate. (See items 6, 7 and Drop Structure 1 Operation in handout)

- c. Mr. Tensen stated that for a majority of the canal road the greenbelt will remain the same with the exception of filling potholes, adding gravel, etc. Just before Farmer's Union property starts the Greenbelt will be 7' below the Farmer's Union maintenance road but as they get closer to Farmer's Union property the gap narrows. There are a couple of options; 1) The Greenbelt can come up to a couple of feet below the Farmer's Union road and the gap can be filled with vegetation 2) The roads can be the same elevation divided by a 3-rail fence to deter pedestrian traffic which can be removed if either party needs to widen the road for access. Mr. Tensen said the City would prefer option 2, same elevation with a fence. Craig Waddell said he is agreeable to the roads being the same elevation.
- d. Mr. Tensen wanted to clarify the plans do not call for the addition of islands, the river bank will stay where the trees currently are and they plan to create a side channel around the remaining trees. There is not going to be sand on the beach as shown in the plan, it has been replaced with cobble. Mr. McMillen said they will be installing a Worthington Debris Boom on the right bank of the channel to keep material away from the Farmer's Union intake. The berm will be cleaned out and they will clean across the island so the channel is 5 ½ ft. deep across the river to create a pool. The islands will be rip rapped all the way around and willow trees planted for habitat vegetation as required by permitting agencies. Lloyd Akins insists the islands are too close to the Farmer's Union headgate. Mr. McMillen said they can leave the one island upstream for boat access and remove the island closest to the intake. Carl said there would be some loss of volume in the pool if the second island is removed. Lloyd asked about vegetation growing up and impeding the fish ladder. Mr. McMillen said the fish ladder has a concrete channel.
- 6) The City is working to design a solution to the Sand Creek issues. They have applied for a non-consumptive water right in order to bring water through Quinn's pond and the two ponds in the park then flush into the canal. If Farmer's Union will not allow them to flush the water back into the canal they would have to dyke off between the canal and the ponds and install a pipe under the canal close to where waste way #3 spill is so the ponds would be isolated from the canal. The structure would be in the upstream pond to pull cooler water into Veteran's pond. They need to keep the water as cool as possible. The idea is that running more water through the ponds will keep bacteria out.

Mr. Tensen thinks water quality has always been an issue but since the ponds are now open for swimming they are being more closely monitored. Lloyd Akins thinks they are proceeding in the proper manner. If they can flush the ponds will it be necessary to recapture the water and spill back into the river or can it go through the canal? The City would prefer to spill the flush water into the canal to help solve the problem with temperature among others. The problem is the water will mix with the canal water. Mr. Tensen doesn't think regulatory agencies would prohibit them from flushing into the canal. Lloyd said if the water coming out of the pond is the same quality as what is currently being diverted out of the river there wouldn't be a problem. Mr. Tensen is comfortable the quality will be fine based on their need to keep the pond open for swimming. He said the concentrations would be diluted by 90% by the time the water reached the canal.

It would be easier for everyone if the canal could be isolated however it is more economical to spill the water into the canal. On a trial basis they would like to flush the water into the canal and take regular measurements as to water quality. The flush system would have to remain in place for a full season as a pipe could not be installed under the canal mid-season. Craig Waddell said a temporary solution would be to put a dam in and pump the water into Veteran's pond if the water was deemed unsuitable for the canal. Craig stated even if the water quality is ok there can't be any of the green material getting into the Farmer's Union canal.

Jerry Kiser asked about the status of the water right application. Mr. Tensen said it has been applied for, however they don't have the money budgeted to install a pipe. Paul Akins asked for a timeframe. Mr. Tensen said if there is another summer where the ponds are closed due to e-coli it will be pushed to the forefront. They are trying to address storm water and irrigation run-off from outside sources to help control the ecoli problem. Jerry asked Mr. Tensen to provide Farmer's Union with the water quality test results from 2017 to use as a baseline. Mr. Tensen said they can also use river water quality as the baseline since that is what is currently going into the Farmer's Union canal. Jerry asked that testing start now and would like testing done where spillway #3 is, above the intake and again where the water comes into the headgate.

- 7) Mr. Tensen stated the Garden City side of the river is under a conservation easement. That area is located below the canal intake and has no impact on Farmer's Union water delivery. There is a side channel between the greenbelt and the river that with the improvements will now have enough water to run all the time which will help keep debris from building up.
- 8) The City plans to reseed the area between the Greenbelt and the canal road with native grasses as there is no irrigation for that area. Mr. Tensen believes the elevation separation and paving the Greenbelt will deter traffic

on the canal road. Craig Waddell asked if the spur of asphalt that shoots off toward the canal road can be removed.

- 9) The control building is located outside of the canal bank on the plans. Mr. Tensen said the building will house the Farmer's Union stop logs and the control panels for the drop structure. He also mentioned there would be power for possible future automation of the headgates. The City plans to install security cameras on the building to monitor the headgates. Mr. Tensen also said there will be a fence around the control building that will tie into the existing fence at the headgates. Jerry Kiser asked how wide the path between the control building and Esther Simplot pond will be with the building there. Mr. Tensen stated the path is 12' wide.
- 10) Mr. Tensen reported the left bank of the waste way 2 overflow will be built back up above the original elevation. Craig Waddell said there is a lot of tree removal that needs to be done above Veteran's Pond.

In summary, McMillen Jacobs has modeled the river at various flows to make sure there will not be sediment deposit. They will remove the second island as discussed and run the model again.

- a. McMillen is in the process of getting pricing on the most recent plans. Mr. Tensen said there is a redline set and they will get copies to Jerry and the Board this week. There is still some permitting left and a conditional use permit application was submitted to Garden City today. They also need an easement from the waterfront HOA. Mr. Tensen said the PO for the Obermeyer gates will go in within the next few weeks. Mr. McMillen said they should have the final drawings in July and will have a Crossing Agreement with Bond information to the Board for approval. They will start with work on the bank and the control building in August then when the river flow starts to drop they will access the river to start deepening and clearing the channel along with the remainder of the work. *(See Next Steps page in handout)*

March Minutes were approved as read by the Board and April Minutes were read by Rosalie Cope.

April Minutes approved with corrections.

Lloyd Akins asked for an update on the refill issue. Jerry Kiser said there is another meeting scheduled for May 20th. Lloyd asked that Jerry propose the TVWUA support Bruce Bistline who is running against Lawrence Wasden for Attorney General. Lloyd thinks it would be beneficial to closing the issue if Mr. Wasden were out of office.

Craig Waddell reported the ditch is cleaned out but there are still issues with people dumping yard debris in and along the canal. He plans to build boxes and install dummy cameras with signage then mount working cameras elsewhere. The biggest problem is from Pierce Park to State Street. Craig asked if Jerry would send a letter to David Llewelyn on headgate #24 requiring him to install a flow meter. Craig said

there is no weir and he can't measure the water. Craig said Mr. Llewelyn is taking far more water than he has rights to and believes he is running it across the road to a neighboring property. Craig said there is a mess at the weed rack and the debris will have to be hauled to the dump. Craig reported the canal is running at 201 cfs currently.

Craig reported he has been working with a representative from Livingston to program the headgate.

Jerry Kiser reported Suez Water completed the water discharge at Seaman's Gulch and Suez Water said they did not put any water in the canal. Jerry had been working on an agreement and was not notified by Suez prior to them performing the discharge.

The Board reviewed March and April financials.

Rosalie Cope reported there are quite a few shareholders who she assessed finance charges on that paid their assessment less the finance charges. She asked if the Board wants her to void the finance charges, keep sending statements or how they want to handle it. Jerry Kiser suggested Rosalie draft a letter stating no further statements will be issued, however the charges remain outstanding and will continue to accrue interest which will be added to next year's assessment. Lloyd Akins made a motion to send letters to those with outstanding finance charges; motion was seconded by Paul Akins.

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

Jerry Kiser reported he sent a letter to 3701 Collister last August asking if they were subdividing the property. The owner responded and yes, they are splitting the property into two parcels, 1.1 acres and .4 acres which is being divided between their son and daughter. In the e-mail response they recognize the Farmer's Union right-of-way.

Jerry received a call from Scott Wonders at JUB inquiring about a property on W Valli Hi. Mr. Wonders is inquiring about water rights for the property. He says the neighboring properties have water rights and are on pump 49. Mr. Wonders wants to know if there are water rights available and if so how would he get water to the property. Jerry told Mr. Wonders there are currently no surplus water rights but if there were Mr. Wonders would have to work with the users on pump 49 to get the water. Jerry asked if the Board would consider letting him purchase the 0.25 share from Richard Brower on headgate 42. Jerry said the seller would have to get permission from his lateral to move the water out of the lateral and Mr. Wonders would have to work with the users on pump 49 to put the water into their system. The Board agreed this would work and Jerry is going to contact Mr. Wonders.

The Board reviewed the letter from the BOR outlining the new fee structure.

Jerry reported he received an email from Pete Newton with Capital View regarding their plans for replacing Capital View's structure with a concrete box with screens on the sides to set a vertical turbine pump on. Mr. Newton is now proposing to use the existing weir box as a platform for the new pump. The board approved of the revised plan.

Jerry Kiser reported he received a request from Albert Barker at Sawtooth Law asking Farmer's Union to contribute to paying the expenses billed by Dave Shaw with ERO Resources Corporation for his work on the refill issue. Farmer's Union is being asked to pay 3% of the most recent invoice which is \$10,719.50. Of that the ditch companies share is \$4,502.19 and Farmer's Union portion would be \$135.07.

Lloyd Akins moved to adjourn the meeting; motion was seconded by Tom Foster. Meeting adjourned at 8:45 p.m.