

Monday, June 5, 2017

Farmers Union Ditch Meeting

Board Present:

Lloyd Akins, Paul Akins, Sam Rosti (arrived at 6:20 p.m.), Tom Foster

Ditch Rider, Craig Waddell (arrived at 6:25 p.m.)

Rosalie Cope, Secretary/Bookkeeper

Jerry Kiser, Attorney for FUD

Guests: Mort McMillen, Olivia Weick, John Tensen, Victoria Craig, Jon Haakenstad, Mike Harrison

Lloyd Akins called the meeting called to order at 6:03 p.m.

First order of business, Mike Harrison with Boise City Canal reported Boise City Canal has been working with Victoria Craig to replace the rotted pipe which ran across the FUD canal to deliver water to Ms. Craig and Mr. Haakenstad's lateral. Mr. Harrison located a 40'x 6" seamless steel pipe which would clear span the canal. The pipe would be installed on the upstream side and they would improve the ditch so water will flow into the pipe, then install a gate so water would spill when they are not using it. Boise City Canal, Ms. Craig and Mr. Haakenstad are asking for FUD's approval to put the pipe back as it has been in the past. The water would be delivered to the lateral 2 days a week. Mr. Harrison brought up FUD's previous request to pipe under the ditch and stated that Boise City Canal deems this proposal too costly and too labor intensive to be a viable solution. Lloyd stated that at the previous meeting where this matter was discussed Craig Waddell said he does not have access in that location and replacing the pipe does not help to address the problem. Lloyd stated he, Sam Rosti and Jerry Kiser discussed this and if Boise City Canal is willing to furnish the materials FUD will install the pipe under the ditch with boxes on both sides. FUD would take responsibility for maintenance of the bank but not the pipe itself. Ms. Craig and Mr. Haakenstad are worried if they are not allowed to put the pipe back over the ditch they will not have water again this season. Lloyd said water was supposed to come back to FUD last year from Boise City Canal for allowing the property owners to utilize FUD water and is not sure that ever happened. Mr. Harrison said it was taken care of with the watermaster Rex Barry. Ms. Craig said she bought a 3" pump last season and could never get water due to the amount of lift so she did not use water after the pipe collapsed in 2016. Lloyd asked Jerry what is needed to move forward. Jerry said an exchange agreement would need to be drafted, similar to what was used in 2016. Craig Waddell would rather see the pipe go under the canal however Sam questioned whether a siphon would work. The question was asked if it would be helpful for the landowners to give FUD an

easement on both sides of the canal. The second easement would come off Collister. Mr. Harrison said Boise City Canal would give FUD the use of their right of way. Craig said that would work if when Boise City Canal pours a wall for the pipe to set they make it so the pipe can be lifted out for ditch maintenance and debris removal. Mr. Harrison asked if Craig would like to meet on site to review the plans. The Board would also like to see the plans before an agreement is drafted.

Mr. Harrison inquired about FUD's issue with Boise City Canal spilling into the FUD canal in the winter. He stated Boise City Canal has 5 points of diversion and he is not sure what else they can do to prevent it. Sam asked if the geothermal spilling was grandfathered in. Geothermal is currently dumping into Boise City Canal from two different locations. Mr. Harrison said FUD is getting ACHD drainage and the two geothermals are spilling 2 cfs 24/7 which is creating much of the problem. Mr. Harrison said he will work more closely with Craig and can try to divert some of the water if he knows Craig will be working in a certain area to help dry up the canal for maintenance.

Murt McMillen, Olivia Weick (Design Engineer with McMillen) and John Tensen (Whitewater Park) presented concept plans and a schedule for the additional work at the Whitewater Park. This fall and winter they plan to do significant bank restoration and canal work. The bridges will go in early so they can do the bank restoration up to the FUD intake screen section and allow flow to come back to the river rather than over the greenbelt. Next spring and summer they will build the greenbelt and when the river drops to 500 cfs they will start diverting water and doing the gate work possibly by the first of September. Sam asked what will be on the bank between the greenbelt and the canal in the transition area. At this time there is no definite plan. They are going to replace the concrete structure at the spill with a box culvert rated for 80,000 lbs. The front will have stop log guides, wing walls and cut-offs for seepage control. The bridge structure will go full width, 13' wide at flow level and 14' on top for crossing. The structure will be a little wider than what currently exists and the same depth. Sam asked if 16' would not be better with larger equipment. On the second structure they plan to take off the wood deck and put new concrete on either end with a railroad bridge on the lower side. They will connect to the automated headgate. The structure will carry 900 cfs and will run 250-300 cfs all the way down. They have talked to Craig Waddell and plan to follow the model at Hwy. 16 which is currently in use. The third page outlines details on the concrete. Drawing C433 is replacement of the gate and pipe in the canal by the swinging bridge. The plan there is to replace with a 48" pipe with a steeper slope and go under the canal and spill. It will take 250-260 cfs. Sam asked if FUD could have control of the gate. John said Craig has shut it down before and said it can be double locked if that will work. At this time nothing is going to be done at Sand Creek. Lloyd said something will have to be done there at some point in time. John asked if Lloyd thought the automated spillway will help correct the problems at Sand Creek. Lloyd said it might but will not solve the problem long-term. Sam asked if they plan to have any guard rails on the sides for safety. John said yes, that is the plan. The next step is to add the rest of

the details and get back to the board. Sam asked if John would take the plans to Craig Waddell and bring him up to speed.

Becky Reeder from Ripcord Ranch HOA was on the agenda however did not attend the meeting. Rosalie reported Ms. Reeder had called and inquired about splitting her water off from the HOA and paying her own bill. Ms. Reeder said there are only three homes in the HOA and the HOA has no other purpose than to manage the water. Ripcord Ranch HOA water bill is currently outstanding and Ms. Reeder would like to make sure her portion is paid. It sounds like there is currently no one responsible for making the payment or managing the water. The board said Ripcord Ranch HOA does not have enough water to warrant splitting the shares. They asked Rosalie to get back to Ms. Reeder and let her know that FUD delivers to the HOA and maybe the HOA needs to have a meeting and elect a new contact person. The water is undeliverable individually because it is basically a lateral.

Barbara Moyle was also on the agenda however was not in attendance. Lloyd stated that Ms. Moyle wants to transfer a share of FUD from her mother's property to her property. Currently Ms. Moyle has ½ share for 10 acres. Sam said there is a 6" pipe delivering the water and the pipe is not large enough to deliver to Ms. Moyle. There is currently no delivery system in place to deliver the water to Ms. Moyle even if she is able to transfer a share. Sam said there is a mainline that goes to Ms. Moyle's fence line and she could access water there and sprinkle her property.

Sam reported on the Pollard Lane – Priddy access request. Sam said he spoke with Mr. Likes and the property owners are now proposing two point of access rather than the four they had originally requested. Mr. Likes mentioned that he is planning to tile his portion anyway. Jerry said the crossing agreement he drafted will need to be modified if he does that.

Minutes were read by Sam Rosti.
Minutes approved as read.

Jerry reported he spoke to Megan with Boise Valley regarding the Pierce Park properties. He explained that each of the original two lots had been split into a one acre lot and two ½ acre lots. Warren Ponder purchased the large lot at 6201 N Pierce Park and one of the smaller lots and Raymond Subia purchased the large lot at 6263 N Pierce Park. At this time Boise Valley does not have record of ownership on the other properties. Jerry said FUD's only responsibility is to deliver water to the lateral. The property owners have to figure out how to utilize the water from there. Jerry also said that each of the property owners will have to sign a delivery agreement which will give FUD 1/3 of the water for delivery. It was determined that headgate 12 delivers to those properties. The board asked Rosalie to make sure that is the correct headgate and have Craig confirm.

Jerry asked Rosalie to get the names of the property owners Alice Culver transferred shares to. Jerry also asked if we have a record of water delivery to 5909 Hill Rd. He

has seen a pump on the north side serving that property. The board said regardless of transfer of water shares the water will be delivered where it has historically been delivered which is headgate 11, pump 19. Jerry said we will also need a water delivery agreement for each share/property. Jerry asked if we have delivery agreements for the first two shares that were transferred. Jerry suggested FUD send Ms. Culver a letter informing her that delivery will not be changing and FUD will need a copy of the deed for each property as well as a signed delivery agreement. The letter should also state that either Ms. Culver or the property owners are responsible for disbursement of the water. Lloyd asked why these properties are not in an HOA. Jerry said he doesn't think there is a subdivision, that Ms. Culver got lot splits.

Jerry reported he had a conversation with an attorney representing Belmar Estates subdivision. He had previously sent a letter to the developer letting them know the ditch riders would be through to do routine maintenance on the ditch and the trees near the ditch. Belmar Estates wants to keep the trees and does not want FUD to remove them. Sam asked what the next step is if the trees or debris falls into the ditch. The representative from Belmar assured Jerry they want to work with FUD and agree that routine maintenance is necessary. Jerry would like to set a meeting with representatives from Belmar and the Board so a maintenance plan can be agreed upon. Sam asked how many feet of the ditch is affected by the trees. Jerry said approximately 1/4 mile. Lloyd said some of the trees have been removed to make way for development of the subdivision but there is still 5-10 feet of trees lining the ditch. Jerry also stated there is a natural gas pipeline that runs near the canal. Jerry has done some research and found that in 1894 several property owners granted FUD a 50' easement for the ditch and maintenance access. The problem is there is no record of where exactly the easement is. Jerry would like to have Craig measure the ditch. He also found references in the old agreements to a survey. Jerry would like the Board's approval to try to locate the survey. He hopes it may shed some light on the easement. If the canal and the existing road are nearly 50' there won't be any room on the north side of the canal bank to access for maintenance.

Lloyd and Jerry met with was the Bureau of Reclamation regarding O & M costs charged to space holders at Lucky Peak reservoir. They reported it was not a very positive meeting. B.O.R. anticipates in 2019-2020, irrigation season of 2019 costs will go up to \$15.50 per acre ft. Half of that bill will come in 2018. B.O.R. estimates the cost for the flood control gate to range from \$100,000 to \$6 million. Jerry said we will have no choice but to take the matter to the Congressional delegation. B.O.R. does not recognize any of the water as flood control. Jerry said B.O.R.'s formula for calculating cost is very hard to figure out. The Core of Engineers send B.O.R. a bill broken down by Flood Control, Environmental and Recreation. B.O.R. then recalculates and breaks their billing into Regular, Distributive, Administrative and Other. Jerry said of the 278,200 acre feet of water in Lucky Peak, irrigation only makes up 71,000. He said storing and delivery is what FUD is obligated to pay for. Jerry stated flood control has been deemed the first purpose of Lucky Peak in all previous litigation. Jerry thinks we could have some luck getting help from Congress

however it would be in the form of Federal relief for a limited time. FUD may have to raise the cost of shares by as much as \$200 per share just to maintain the current budget.

Sam questioned why FUD is only charging \$.30 per inch for delivery of storage water from Anderson Dam and Arrowrock. Jerry stated the contracts do not put a limit on what can be charged. Lloyd said there is a significant amount of people on the canal that did not purchase storage water but still have access to it. The Canal owns the Lucky Peak storage water. Lloyd said the property owners that did purchase storage water do not have full use of their water because everyone on the canal uses it. Jerry asked how the storage water is measured in the canal. Lloyd said one foot of water is 50" of water for the irrigation season. The ditch rider measures the 50" which is 100% of the allotted water. Lloyd said if a property owner thinks they need 1 1/2' they can irrigate until they have reached their allotted amount of storage water and then it gets turned off. It was brought up that if FUD raises the rate for delivery of storage water it would have to be regulated much more closely so only those who own the water are getting it. A larger portion of the water is currently used on those who do not have shares. B.O.R. states the entire amount of storage water has to be used in the whole ditch. Jerry suggested it might be best to leave the rates where they are and address the cost in the FUD shares as indirect cost sharing among all water users.

Rosalie reported that upon receipt of Jerry's letter Shane Stahl sent full payment of \$4,636.84 which has been accumulating since 2014. That brings the outstanding receivables to \$1,820.05. Rosalie stated all shareholders that FUD has contact information on have been called and letters and statements were sent out again on June 1st. Sam would like to see the second invoice sent out earlier in 2018 and start assessing finance charges earlier as well. The board discussed other options for getting payment for water assessments sooner. Rosalie mentioned she has had several shareholders ask if they could pay with a credit card. The board asked Rosalie to look into the fees associated with taking credit card payments.

Lloyd Akins moved to adjourn the meeting; motion was seconded by Paul Akins. Meeting adjourned at 10:40 p.m.