

Wednesday, June 10, 2020

## Farmers Union Ditch Meeting

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Board Present:

Sam Rosti, Lloyd Akins, Paul Akins, Tom Foster, Mike McGowan

Craig Waddell, Seth Kettering – Ditch Riders

Rosalie Cope, Secretary/Bookkeeper

Jerry Kiser, Attorney for FUD

Sam Rosti called the meeting to order at 5:49 p.m.

**TED SPENCER – 4742 N WATERFRONT WAY**

Mr. Spencer is in the process of moving a shed in his backyard and was notified by the Ditch Riders that the shed was encroaching into the Farmer's Union easement. Mr. Spencer was not aware of the easement restrictions and is asking the Board for permission for his shed to extend into the easement an additional 18" from the fence line. The easement in that location is currently on 13 ½' to 15' which is less than the statute calls for. Mr. Spencer explained there is a retaining wall and landscaping in his yard that drops off and placement of the shed into the easement allows him easier access to the shed. Jerry Kiser asked if the shed also has an eave. Mr. Spencer replied the shed does have an eave that would extend past the foundation. Lloyd Akins explained the encroachment of the shed would prohibit maintenance of the canal with the excavator and other equipment. The Board agreed to allow the shed to be placed as far out as the previous chain link fence line was. Jerry Kiser reminded Mr. Spencer if in the process of doing maintenance any part of the shed is damaged Farmer's Union will not be responsible.

Minutes from the March meeting were mailed to the Board prior to the meeting for review.

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

Rosalie Cope reported Paul Akins moved \$150,000 from checking to savings.

Rosalie Cope reported there is \$9,383.19 in outstanding assessments. Only a couple of payments have come in the last month. Rosalie stated typically after Jerry sends a pre-lien notice in August quite a few of the remaining payments are made.

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

Rosalie reported she received a call from Daniel Beal regarding the \$17.18 in finance charges accrued for being late on paying his assessment. Mr. Beal asked if the fees could be waived because he had not been able to work due to COVID 19 and has never been late with his payment in the past. The Board agreed to waive the finance charges.

#### DITCH RIDER REPORT

Craig Waddell informed the Board headgate 133 is not running water. Jerry Kiser thinks they are doing limited watering because all of the properties with the exception of Steve Bruneel's have been purchased by a development company. Lloyd Akins thinks they may have also shut the water off because of the recent heavy rains. Lloyd thinks Bruneel might be the only property currently using the water.

Seth Kettering reported Greg Olson on headgate 21 wants to put his own lock on the headgate. Seth has told him no several times.

Seth Kettering provided Rosalie with pump readings. Seth reported Roselands does not have a flow meter and the flow meter at Belmar is not working. Jerry Kiser asked if Triple Ridge and CV 1 share a pump. He was under the impression they each had a pump. Seth explained there is only one pump with several pipes running out of it. The flow meters are on the pipes. Jerry Kiser stated he has had a hard time figuring out the readings on the pumps because the pumps can be set with different multipliers. Jerry asked if the Ditch Riders have access to the pump settings. They do not. The Board directed the Ditch Riders to meet with the pump owners to find out what the settings are. If possible the Board would like the pumps to be set at gallons per day to provide the flow reading to make the calculations easier. At a minimum Farmer's Union needs to know what multiplier they are using. Sam and Lloyd are both of the opinion the pump settings are set by whoever installs the pumps and the pump owners probably have no idea what the settings are. Sam Rosti suggested the Ditch Riders contact John Stone. He retired from Suez and probably has a lot of knowledge on pumps and flow meters.

Sam Rosti asked what the canal is running at. Craig reported 95 of Farmer's Union, 54 of Boise Valley and 7 of Capital View.

Sam Reported the recent rain and snow may have pushed the day of allocation back. Currently Lucky Peak is at 99%, Arrowrock is at 88% and Anderson Ranch is at 87%.

#### ATTORNEY'S REPORT

Jerry Kiser reported Treasure Valley Water Users is starting a public campaign to educate the public on easements and rights-of-way.

#### TRASH RACK

The Board met with ACHD onsite to discuss options for the trash rack upstream of Willow Lane. There are some ideas for a temporary trash rack. Eco blocks could be placed at the bridge abutments and fabricate the rack. Build the rack so it has an

open compartment that would go over the eco blocks at an angle and the top bar would sit halfway down the eco block then add a bar that butts up against the eco blocks. Bury a few eco blocks in the canal and build a system to anchor the bottom of the rack to the blocks in the canal. Jerry said some stemwall will have to be installed because there is a drain. Lloyd said the wing walls may need to be evened up as well. ACHD is going to run the rough plans by their engineer. Jerry said Farmer's Union needs to find someone to draw a diagram with general measurements to provide to ACHD. Lloyd suggested contacting Karl Gebhardt. Jerry said based on his skill set he may want to make the plans too perfect and we just need something really rough. Sam Rosti suggested Karl's assistant, Angie may be able to draw the plans. Sam also suggested Kevin McCarthy with KM Engineering or Mike Sheppard with the City of Boise.

Paul Akins asked if this drawing will be for getting more bids. Jerry said the idea now is to install a temporary system to be in place for 5-10 years until State Street is expanded to full width. ACHD hopes to roll the permanent trash rack into a future project. ACHD will still be obligated to install the rack.

#### GREEN MEADOW SPILL

Jerry Kiser reported he spoke with Shelly Davis regarding the letter she sent on behalf of Chad Erpelding and Pam Blackledge about the Green Meadow Spill. Jerry stated Mr. Erpelding and Ms. Blackledge have withdrawn their complaint and no further action will be taken. Ms. Davis explained the letter was never supposed to go out. Jerry explained to Ms. Davis this has been an issue for years. Farmer's Union is dealing with ACHD on the issue and if something is decided that may affect her clients she will be notified. Jerry asked if the Board wanted to continue pursuing the issue with ACHD to get them to acknowledge use of the spill so they will be responsible for any cost of repairs if they plan to continue to use it. Jerry said the memo he included with his letter refers to what the drain is. It is a stormwater drain from the subdivision. Hill Road had to have a bridge and box culvert with and ACHD designated number. Jerry is going to send an email to ACHD. Lloyd said we also need to direct Stevens Historical to move forward with research on ownership. Lloyd Akins made a motion to pursue the historical research as well as discussion with ACHD. Motion was seconded by Tom Foster. Motion passed.

#### JASON ELLSWORTH – 6100 PIERCE PARK

Jason Ellsworth purchased 6016 and 6100 Pierce Park from the Culver estate. There are 0.13 shares of Farmer's Union, 8 shares of Boise Valley and 2.5 acre feet of Anderson Ranch for 6100 Pierce Park. There are 2 shares of Boise Valley for 6016 Pierce Park. Mr. Ellsworth inquired about selling the 2.5 acre feet of Anderson Ranch storage water. The Board explained the Anderson Ranch water is a part of the Farmer's Union share and Mr. Ellsworth would have to sell the 0.13 share of Farmer's Union along with the storage water.

## CAPITAL VIEW IRRIGATION PUMP ADJUSTMENT

Capital View sent the Board a letter requesting to move water from CV1 to CV2. They decided not to move the water.

## BELMAR FLOW METER

Jerry Kiser sent a letter to the management company for Belmar Estates informing them the flow meter is not functioning and does not measure water used by the subdivision. Development Services responded via email stating the HOA is working on getting the flow meter replaced. When the pump company connected the permanent power to the meter they discovered it had water damage. They have ordered a new flow meter but it is on backorder. Paul Akins asked, if the water can't be measured is Farmer's Union obligated to deliver the water. Jerry Kiser stated there is still an obligation to deliver the water. Lloyd said until the HOA has a system that is approved to deliver the water with there will be no delivery. The Board asked Jerry Kiser to respond the Development Services asking for the flow meter to be in place and functioning within 30 days or to respond with a reason as to why it is not.

## DEBIT CARD

Rosalie reported Seth asked if he could also be issued a debit/credit card. He said a lot of the time he and Craig are not together and if he needs to take a load of wood waste to the dump for example, he has to catch up with Craig or drive back to the shop to pick up the card. It would be more convenient if they both had a card. The Board approved a card for Seth and instructed Rosalie to set the limit for both cards at \$1,500. The Board would like to approve any purchase over that amount.

## HEADGATE BOOK REVIEW

Rosalie reported most of the questions with the headgate book have been resolved with the exception of a headgate and a couple of pumps on Beacon Light Road. Jerry Kiser said there is also still a question regarding headgate #3 near the Boise Valley diversion. The Board directed Craig to lock headgate #3 and the headgate in question at Beacon Light, adjacent to pump 36. When Rosalie spoke to Mitch Tain at 546 E Beacon Light he said the pipe to the headgate was cut when the road for the subdivision was put in. The committee will still need to meet with the property owners at the pumps on Beacon Light to clear up the remaining questions.

## PUMP SIGNAGE

Rosalie reported Sam Rosti asked her to look into options for new signage to mark the pumps. The Board reviewed several options and asked Rosalie to order a sample of one so they could determine if it would work. They will make a decision after that.

## HG 72 – WALCKER PROJECT APPROVAL

Jerry reported there was a request by a water user on headgate 72 to make modifications to the lateral. The issue was resolved within the lateral association.

## FILE ARCHIVES

Rosalie reported Sam Rosti asked her to go through the boxes of files currently stored in the house on Clover. Rosalie stated she has started scanning and filing the documents and asked how many years of financials the Board wants to retain. Jerry asked if Rosalie has gone through the file cabinets downstairs in the house. Rosalie will ask Craig and Seth if there are still files downstairs. The Board directed Rosalie to retain the most current 10 years of financials and dispose of the older financial records. Jerry Kiser and Lloyd also have files that need to be stored. The Board is going to look into purchasing a small container for file storage.

## SUMMERHILL

Jerry Kiser mailed the Board a draft letter to the property owners at Summer Hill Drive regarding the survey for review. The Board approved and Jerry will send.

Jerry reported he received a request for approval from the City of Boise in regards to a new subdivision at 5716 N Pierce Park. It is toward State Street on Pierce Park where Farmer's Union delivers water. The property goes from Pierce Park to the drain. The City planner may have been under the impression that was the Farmer's Union Canal. Jerry did not respond because it is not. Jerry then received an e-mail regarding the subdivision stating it is adjacent to the spoils bank canal. The City wants to include conditions that will help allow for future connectivity in the area of the golf course to the east as it develops. Jerry responded stating the spoils bank canal is not a part of the Farmer's Union system, he thinks it is a drain under the jurisdiction of Drainage District #2. Farmer's Union canal is on the east side of Pierce Park Greens golf facility and north of the proposed development. Jerry pointed out Farmer's Union does not allow use of its right of way for public use or access and along those lines public pathways are not allowed.

Jerry suggested the Board meet with the developer of the Culver subdivision. Jerry has some concerns about what they are proposing on a very limited amount of ground. To avoid issues in the future there are some items that need to be discussed.

- 1) Maintaining right-of-way
- 2) Are they planning to cut into the canal bank
- 3) No use of canal bank as road access to lots

Paul asked how far into the canal bank they would be allowed to dig under the right-of-way requirements. Jerry stated Farmer's Union has a right of way that is generally asserted at 25' from the top of the ditch bank, however if there is slope that supports the canal the right-of-way will go far enough out to ensure adequate support of the canal.

Jerry reported he received an approval request from the City of Eagle for a development to be called Quarry Village. The proposed property is the old gravel pit at the corner of Highway 55, Hill Road and old Horseshoe Bend Road. The Board is under the impression the wetlands area in the northern part of the property is owned

by the City of Eagle. That is the worst area for the canal. Jerry will send the City of Eagle a comment letter to include a reference that it is the understanding of Farmer's Union the City of Eagle imposed requirements the slope below the canal be restored to a 3:1 grade before any development could be permitted.

Jerry reported a City of Eagle deputy observed a truck with a tanker trailer taking water out of the canal. The truck went back to the Vine's subdivision. Jerry sent a letter to Aleksey Strelyuk stating it is illegal to pump water out of the canal into a tanker. Their water right is out of the headgate only.

#### CITY OF BOISE

Jerry has still not received a response from the City of Boise regarding the letter he sent on April 29<sup>th</sup>.

The Board is scheduled to meet with Capital View and the Watermaster at the District 63 office at 9:00 a.m. on Friday, June 26<sup>th</sup> to review how the Capital View storage water is accounted for. Jerry has reviewed with the Watermaster and is under the impression the accounting is simply paperwork. They go off of what Farmer's Union reports Capital View has requested. The Watermaster would like the water to be metered and actual usage reported to them. Jerry explained to Pete Newton that Farmer's Union did not receive a response to the letter outlining deliveries be coordinated through the ditch rider. Instead they ordered water directly through the Watermaster. It also needs to be verified that the full Jacob's water right is being delivered and not cut back. The 300 full inches from Capital View to the end of the canal and the full 1,000 inches at the headgate will make a significant difference.

Sam Rosti asked if the City of Boise has provided any more information regarding the Lander Street water reuse project. Rosalie reported a link to an FAQ page on the City's website had been added to the Farmer's Union website. Jerry said the latest information on the website says the project has been pushed out to 2026. He thinks they are working to educate the people that have complaints so when they submit an application to DEQ they have covered all of the questions. Jerry and Hailey Faulkner from the City of Boise did a presentation on the project to TVWUA. Sam would like an update from the City.

Tom Foster moved to adjourn the meeting; motion was seconded by Mike McGowan. Meeting adjourned at 9:20 p.m.