

Tuesday, June 12, 2018

Farmers Union Ditch Meeting

Board Present:

Sam Rosti, Lloyd Akins, Paul Akins, Tom Foster

Craig Waddell, Ditch Rider

Rosalie Cope, Secretary/Bookkeeper

Jerry Kiser, Attorney for FUD

Sam Rosti called the meeting to order at 5:51 p.m.

Minutes were read by Rosalie Cope.

Minutes approved with corrections.

Sam Rosti asked what options Farmer's Union has in regards to allowing Sand Creek to spill into the canal. There is a historical precedence of the ponds spilling into the canal for years. Lloyd Akins thinks the bridge was installed between 1979-1980. Quinn's Pond was first and what used to be Esther Simplot Pond and Veteran's Pond were not put in for approximately another 20 years. Lloyd Akins thinks the influx of mud and debris running into the Farmer's Union Canal is from the new Esther Simplot pond. Craig Waddell said the City dug in Sand Creek this past winter and he noticed the mud running into the canal after heavy rains this spring. Craig has photos of the mud running from Sand Creek into the canal.

As discussed at the May meeting, an alternative to allowing Sand Creek to spill into the canal is 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. If Farmer's Union does not allow the flush water to spill into the canal, Crane Creek will go under the canal and discharge back into the river or into Veteran's Pond.

Sam asked if the water quality monitoring proposed for this season is just for e-coli. He asked if we could also monitor the sediment running into the canal. Lloyd Akins said Farmer's Union needs to see the results of the water quality samples before any decisions are made. Jerry Kiser stated Farmer's Union is buffering a pollution source for ACHD. The non-consumptive water right the City has applied for along with trying to address storm water and irrigation run-off from outside sources seems to be the only solution to the e-coli problem at this time. Lloyd stated the Board needs to keep in mind the canal is not a waste drain. If the flush water is not suitable to be turned back into the river then it is not suitable to spill into the canal. Lloyd believes this is a DEQ issue but doesn't think DEQ will address the problem until

there is a solution. The Board reviewed the water quality report provided by Boise City. Jerry Kiser said the results are ambiguous and the City needs to provide a narrative or an expert to convey the results.

Sam Rosti asked if any work has been done to deepen the channel. Work on the bank and the control building will begin 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. Sam also asked what the proposed width is. Paul Akins said he is under the impression the plan is to remove the existing concrete, which will deepen the channel, but they are not actually digging it deeper. Sam asked what a Worthington Boom is. Craig Waddell stated it is the City's solution to removing debris, rather than installing a weed rack.

The Board reviewed May financials. Tom Foster moved to approve the financials; motion was seconded by Paul Akins.

Rosalie Cope reported statements along with pre-lien letters were sent out the first of the month. Letters were also sent to those with outstanding finance charges. There is still almost \$6,500 outstanding to include \$2,749.56 owed by HRPB.

The Board authorized Craig Waddell to purchase two new chainsaws.

Craig Waddell asked Jerry Kiser to drive by Alice Culver's property on Pierce Park. He said there is a new home under construction which he believes is inside the Farmer's Union easement.

Craig reported they have been doing a lot of road work this spring. Sam Rosti asked if they have been putting bentonite in the canal. Craig said everything seems to be sealed and he hasn't had to use any yet.

WHITEWATER PARK

The Board reviewed the newest plans for the Whitewater Park illustrating removal of the second Island. The plans show the bank drastically cut back where the second Island was originally intended and questioned why the revised plans show such a deep cut in the bank. Jerry Kiser believes the idea is to create a larger pool size and better head pressure and controllability. Jerry stated Olivia Weick said the remaining island is 340' from existing push up berm to downstream point. (See revised plans C101, C131 comments and G005). The Board does not like the idea of making such a deep cut in the bank. They would like the river bank to remain straight. Jerry Kiser is going to speak with Karl Gebhardt and get his input on the latest plans. He is also going to ask if the model was run on the latest version of the plans.

Jerry reported the five year period starts when the recreation park begins. When the park opens and there is a wave feature the five year period begins. During that five year period Farmer's Union is entitled to have flow monitoring and water quality testing done at the City's expense. Jerry is going to make additional copies of the

agreement and asked that the Board become familiar with the terms prior to operating beginning.

ACHD – STATE & COLLISTER

Jerry Kiser reported he received the agreement back from ACHD to include the Board's request for ACHD to do a one-time removal of brush and trees. Paul asked if Farmer's Union is still going to install the brush rack. Jerry stated yes, ACHD is going to get plans and send out to bid. They will then reimburse Farmer's Union the amount of the lowest bid as well as the cost for the flow meter and stick gauges. Sam Rosti said he has not found any railroad track, but he will find some. The Board agreed the track still needs to be installed as a trash rack.

Sam asked what the situation is with Mr. Llewelyn on headgate #24. Jerry stated Mr. Llewelyn has 11 inches of water for 7 acres of which a small portion is irrigatable as the majority is very steep hillside. Once the canal is no longer operating on flood water Jerry intends to send Mr. Llewelyn a letter informing him that he is not authorized to irrigate property other than his own with his water shares. The place of use authorized is only his property. Sam thinks a weir can be installed during the off-season. He said there is something that can be welded onto the stem so the headgate will only open a certain amount. Sam will work with Craig.

Jerry Kiser reported Suez Water has requested a crossing agreement for their water main that runs under the culvert at State and Collister. Jerry said they are 2' below the bottom of the box culvert with 16" steel pipe sleeved in a 32" steel casing and 86' wide with bell restraints. The Board does not see any issues and authorized Jerry to issue the crossing agreement.

REFILL ISSUE

Jerry reported the agreement is almost in place with the only remaining issue being the sequencing, which is in regards to how and when Supreme Court cases get dismissed. When the SRBA court issues decrees for water rights that require a special session there is a time for appeal of the decreed water rights. Once the time for appeal has passed and if there are no appeals pending then a joint motion is signed for the Supreme Court to disregard the rest and the case is settled. The Deputy Attorney General has now told the SRBA Court they have to consider and rule on the issue by November 30th. If there are no decreed water rights issued by November 30th then the entire agreement is null and void and the case goes to court the first week of December. Jerry said there are 42 days to appeal a water right as decree of the court which would give the SRBA Court until mid-October to consider and rule on the water rights. As part of that process there has to be public notice and an opportunity for objection. As of right now the issue is unresolved and scheduled for Supreme Court oral arguments a week from tomorrow. There may be one more opportunity to get the Supreme Court to stay the oral argument for a couple more weeks or a month to try to iron out the remaining issues and come to an agreement.

Jerry reported back that the Treasure Valley Water Users Association cannot endorse any candidate.

Jerry Kiser said a protest has been filed on the transfer application of Lexington Hills. Jerry thinks the strongest point is the conveyance push that will be lost when cutbacks happen Farmer's Union would have to make up the difference from what would normally be cut back and what a full right is which comes out to approximately 30 inches. Jerry said it is not much water but Farmer's Union needs to get an expert opinion.

Idaho Power is requesting a crossing agreement for property on Homer. The wire will be 30' above the canal, 5' from the edge of the canal road and 40' from Homer Road. Jerry said Farmer's Union needs to have a conversation with the property owner, Aaron Dubie in regards to cutting into the canal bank. Jerry will send a letter to Mr. Dubie informing him he will need to discontinue use of the canal road as access to his property. Mr. Dubie will then more than likely need to request a crossing agreement to install a bridge for access. Lloyd does not like the pole only 5' from the canal road. The Board asked Jerry to propose the pole be at least 10' from the edge of the canal road. The clearance should be 30' from the top of the canal bank on each side.

Sam Rosti mentioned the property previously discussed with the heat pump draining into the canal. Jerry Kiser said a letter was sent to the property owner. Sam stated nothing has changed; the heat pump is still draining into the canal. Sam said it needs to be looked at in the fall and addressed then.

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