

Tuesday, June 14, 2022

Farmers Union Ditch Meeting

Board Present:

Sam Rosti, Lloyd Akins, John Schram, Paul Akins

Seth Kettering, Sean Kettering, Dale Wood – Ditch Riders

Rosalie Cope, Secretary/Bookkeeper

Andrew Waldera, Attorney for FUD

Guests: Keith Bowhan, Rock Solid Civil – Torchlight Sub.; Jim Pardy, City of Boise

Sam Rosti called the meeting to order at 5:31 p.m.

KEITH BOWHAN – TORCHLIGHT SUB.

Mr. Bowhan provided the Board with a revised set of plans and explained that the original plan was to run the pressurized irrigation line straight from the headgate, through Toll Brother's property to their property line, then install a 90 degree angle at the property line. Toll Brother's would like to move the line to the back side of their property and install the 90 at the top of their property near the headgate. The purpose of moving the location of the 90 is to get the irrigation line away from the back of a few of the lot lines. Lloyd stated the 90 degree angle will not work properly if installed that close to the headgate. The Board suggested two 45 degree angles would help with the pressure. Mr. Bowhan will revise the plans and submit to Andy Waldera within a week to attach as an exhibit to the license agreement.

JIM PARDY – CITY OF BOISE

Mr. Pardy explained that last fall the City was not able to meet the Board's requirements for pipe because of supply chain issues. They would like to revisit the project and move forward with construction this fall. Jerry issued a letter to the City following the May meeting with four pipe options approved by the Board.

- 1) 42" C900 as originally agreed with a 12-inch thick concrete cap over the top for the width of the canal channel;
- 2) 42" Class III concrete gasketed pipe with 4 foot-wide concrete collars at each joint (spanning 2 feet each direction from joint), with a 12-inch thick concrete cap over the top for the width of the canal channel;
- 3) 42" SDR 32.5 with a 12-inch thick concrete cap over the top for the width of the canal channel; or
- 4) 42" ribbed CDX pipe encased in concrete (maximum 3 pours to avoid extra joints) with a 12-inch thick concrete cap over the top for the width of the canal channel.

Mr. Pardy stated the City would prefer to use 42" concrete pipe with a cap and collars. The joints are 12' apart. The concrete pipe is locally made and sourced. Sam stated if the pipe is capped and all joints have a concrete collar there should not be any issues for many years. Andy stated the plans do not need to be amended. He will get the license agreement from Jerry and complete. The City plans to have materials on-site to begin work as soon as water is out in the fall.

Sam spoke to the River Master and the Farmer's Union storage account in Lucky Peak is now whole. Sam informed Mr. Pardy if there is extra storage water in the future Farmer's Union would consider selling the City 1,000 acre feet to use as flush water which would then be returned to the canal. The Board does not want to sell water out of basin in the future. Mr. Pardy stated the City is purchasing 2,200 acre feet for flush water this season.

Minutes from the May meeting were mailed to the Board prior to the meeting for review. John Schram moved to approve the May minutes; motion was seconded by Lloyd Akins. Motion was unanimously approved.

DITCH RIDER REPORT

Sam reported with all of the recent rain Anderson Ranch will be within 10,000 acre feet of full.

Seth reported runoff from the recent rain came in behind the wing wall on the upstream side of Candau's bridge and washed out the wall. The Board would like to suggest Mr. Candau install a drain to exit water off the property without eroding the canal. The Board does not want runoff water coming into the canal outside of irrigation season. Drainage was not addressed in the bridge license agreement. Andy stated ACHD will require storm drain runoff to stay on-site once streets are improved. If the streets/roadway is private Andy is not sure what requirements there would be. Andy will issue a letter to Mr. Candau regarding containing the storm runoff water on-site.

Seth reported storm water is running off the road at Seaman's Gulch into the canal. There is also runoff on the east side of Can Ada Road. There is a pipe that comes off the side of the road and dumps in front of the culvert that goes under Can Ada. Andy stated 42-12-09 only applies to improvements from 2004 forward. The Board suggested Seth rip rap the canal bank in those locations in the fall. Andy will contact ACHD to see if they would like to meet on-site to discuss possible solutions for runoff water at Seaman's Gulch. The Board would also like Andy to contact Canyon County and find out what the future plans are for Can Ada Road.

A large tree at Bloom fell across the canal. The property owner hired healthy tree and they removed everything except the stump which is still lying over the canal. Seth can't reach the stump with the excavator and will have to be cleaned up in the fall.

ATTORNEY'S REPORT

Andy has not received an update on possible relocation of the bridge at Vine Estates.

The Board asked Rosalie to follow up on installation of the flow meter.

Andy has not received any new information from the engineer for Spring Valley regarding the planned method of dust abatement. He will reach out and reiterate they will need to pay for legal fees and present a new plan to the Board and another license agreement will need to be issued if they choose to go with a different method. The Board will not consider a permanent crossing agreement until Farmer's Union has been reimbursed for legal fees and the temporary agreement is in place.

RENE COMMONS SUBDIVISION

Andy has not received any information from the City regarding acceptance of a Bond to allow the Developer to Bond around the improvement allowing them to move forward with the development.

ACHD TRASH RACK

Andy reviewed the draft contract from Knife River and has a few suggested changes or additions. Section 2 – provide assurance Knife River reviewed the plans and they were detailed enough to allow Knife River to complete the work without incurring additional costs. Section 7 – additional language clarifying the sum of \$223,500 is final. The amount of contract will not exceed the sum unless Farmer's Union requests change orders. The proposal will be attached as an exhibit and included a number of exclusions that were going to be additional charges if Knife River were to encounter. Andy added language stating Farmer's Union will not be liable for any expenses arising from the exclusions. Knife River or ACHD will have to incur. Section 8 – clarification that Knife River will be paid nothing more than the sum of their monthly billings subtracted from the total sum. Farmer's Union will pay whatever is left unpaid at the end of the contract. Section 10 – Farmer's Union will pay up to and not exceeding the sum of \$223,500 and the full payment of that amount satisfies all of Farmer's Union's obligations under the contract unless Farmer's Union requests change orders. Andy added section 17 – Knife River is to agree to fix any utility or irrigation lines in the right-of-way that may be torn out or damaged during construction. They are also to leave the construction site left clear of extra material, debris, etc. and grade or compact the bank if necessary.

John Schram moved to execute the contract with changes and corrections made by Andy Waldera; motion was seconded by Lloyd Akins. Motion was unanimously approved.

INTERFAITH SANCTUARY

Sam suggested the Board work in collaboration with the landowners along Lander Street to implement the installation of gates and possible fencing at the edge of the right-of-way to prevent pedestrians from using the canal road from Willow to Lander to access the park. Andy suggested the Board along with property owners approach the City and/or Interfaith Sanctuary to ask if they will require a fence be installed at the

edge of the right-of-way. The Board asked Rosalie to invite Ms. Hoyt to the July meeting to discuss installation of the two gates as proposed or other possible solutions. The ditch riders as well as the Watermaster need access to check the Boise Valley headgate daily. The first gate would need to be upstream of the Boise Valley headgate and the second could be installed at Lander Street. Andy would like to review the conditions of approval in the development agreement for Interfaith Sanctuary.

CRESTA DEL SOL

Cresta Del Sol proposed four bores in the canal road with locations to be determined and approved. Farmer's Union previously made a motion via email approving Toll Brother's Geotek firm to move forward and recommend the four bore locations along with the other conditions of having Bentonite onsite and immediately stopping drilling if water is detected. Geotek would like to meet with Greg Clark and Farmer's Union to take a look at the four proposed bore locations and approve. Lloyd and John will inspect the bore locations.

The original design was to move headgate 125 to the northeast corner of the property. Instead they left the original headgate in place. Does the Board have any inclination to revisit the subject and discuss relocation of the headgate? Sam suggested it might be in the best interest of all parties involved to allow the headgate to be moved in order to come to a long term solution. It was agreed that the Board would entertain a conversation but it is up to the Lateral as a united group to approach Farmer's Union with an engineered plan and request relocation of the headgate. If the plan is approved by all lateral water users the Board would reconsider.

Andy drafted a memo with data and talking points for Roger Batt's meeting with the Congressional delegation. Roger is going to contact Russ Fulcher's office first.

CREEKSIDE ESTATES

For purpose of the license agreement they will tie into the headgate with a new weir box. The license agreement will reference that the two northern parcels do not have access to water. Andy will also clarify that the proposed gravity irrigation line is located outside of the Farmer's Union right-of-way. The plan measures the right-of-way from center of the canal channel but they are allowing 42' on either side of the channel. The Board agreed that would be adequate.

FOSTER LAND PURCHASE

Andy reported the purchase of the Foster property is closed and recorded. The Board needs to meet on-site to discuss locations and layout of the shop to draft plans that can be attached to the C.U.P. application.

John Schram moved to approve the financials; motion was seconded by Paul Akins. Motion was unanimously approved.

Sam Rosti suggested the Board increase the monthly mileage reimbursement for Rosalie from \$100 to \$200 per month in consideration of increasing fuel costs. John Schram moved to increase the mileage reimbursement to \$200 per month; motion was seconded by Lloyd Akins. Motion was unanimously approved.

Sam Rosti informed the Board that he is no longer able to be as active on the Board as he has been in the past. He would like the Board to consider him taking a less active role on the Board or possibly stepping down and entering into a consulting agreement. Andy is going to research the non-profit corporation act and bylaws to see if there are any legal limitations for reimbursing Board members for mileage or retaining a shareholder as a paid consultant.

John Schram moved to adjourn the meeting; motion was seconded by Paul Akins. Motion was unanimously approved. Meeting adjourned at 9:28 p.m.

DRAFT