

Tuesday, June 8, 2021

## Farmers Union Ditch Meeting

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### Board Present:

Sam Rosti, Lloyd Akins, Mike McGowan  
Craig Waddell, Seth Kettering – Ditch Riders  
Rosalie Cope, Secretary/Bookkeeper  
Jerry Kiser, Attorney for FUD

Guests: John Schram

Sam Rosti called the meeting to order at 5:36 p.m.

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

### DITCH RIDER REPORT

The day of allocation was Monday, June 7<sup>th</sup> which is approximately three weeks earlier than normal. Seth reported he has started adjusting headgates to 80%. They have painted blue marks on the headgates to identify the cutback measurement. Craig reported they have been running the canal at 30% less up to this point in an effort to conserve.

Lloyd asked if Developed water is uncuttable. Jerry stated it would not be cost effective to research each adjudicated water right carried by Farmer's Union to determine if the water is subject to cutbacks. The quantity of water it would amount to would be minimal. Jerry suggested he could look at each of the listed water rights in the comments section which would specify if the water right is subject to cutbacks of the Stewart Decree.

Craig reported the leak on Hill Road and Pierce Park has stopped since Seth applied Bentonite.

Craig reported they usually start treating for Moss around May 15<sup>th</sup> but haven't seen much yet this year, so have held off.

The canal is currently running at 115 cfs of Farmer's Union water and 30 cfs of Boise Valley.

Seth reported a small amount is spilling at the Klondike and the tail is only spilling about two inches. Also, after some adjustments headgate 110 is working well now.

Mike Meyers from District 63 informed Lloyd they received information regarding the storage water the City of Boise purchased and the 2,000 acre feet will be added to Farmer's Union's storage account.

#### ATTORNEY'S REPORT

Jerry Kiser provided the Board with agreements for both the Culver and Rene Place Subdivisions. Jerry stated, in general, developer's do not have plans for pressurized systems in place at the time they submit development plans for approval. The projects are midway or close to completion before plans for the irrigation systems are given any thought. He stated the second paragraph of the agreements have been revised to provide that Farmer's Union has to give written approval for the pressurized irrigation systems separately from approval for the subdivision. The Board approved the agreements with revisions.

A new headgate will be installed for the Culver Subdivision at their expense. Both Rene Place and Culver Subdivisions are changing the location of their diversions. The Board will need to review plans for a weired diversion for Rene Place so water can be measured.

Jerry stated he will need to order a Litigation guarantee for Brower in order to file a lawsuit to foreclose the liens. He thinks the Bank may want to clear up the liens prior to a lawsuit being filed. The litigation guarantee will cost approximately \$400 and will be passed on. The Board is in favor of Jerry ordering the Litigation now rather than later and exploring the options with the Bank.

Jerry reported Justin Friedan was supposed to get back to Ms. Davis, the Attorney for Chad Erpelding and Pam Blackledge. She has not heard from him and Jerry has not been able to get a response. Mr. Friedan is supposed to be reviewing the history and whether or not ACHD uses the spill.

Jerry Kiser reported he was in the process of drafting letters to the property owners along Collister and John's Landing that have encroachments on Farmer's Union property. When reviewing the Ada County tax notices he discovered the properties in question are on right-of-way, not property owned by Farmer's Union. The property ends prior to that section and picks up again where the check for the drain is located. Lloyd asked what Jerry's thoughts are on removing the encroachments to keep the right-of-way established. Jerry stated if in fact the encroachments are in the way notice should be given to the property owners under the statute telling them the items need to be removed; issue a date which they are to be removed by; and inform them if not removed Farmer's Union will remove at their expense. Jerry will draft a notice for the Board to review.

Mr. Schram asked what the right-of-way is. Lloyd stated 25 feet from top of bank but in that area the right-of-way may only be 12 feet wide at the most. Jerry stated the statute is very clear that the right-of-ways cannot be adversely possessed.

#### HEADGATE 19

Rosalie reported she spoke to Don Dodson and his daughter-in-law, Marnie Dodson who manages the RV Park on Casa Real Lane. They both confirmed they are utilizing both headgates 19 and 20 to deliver water to their property. Mr. Dodson stated the first point of delivery is at the driveway out of the main canal. There is an intake pipe that goes down the driveway to the pump. Ms. Dodson confirmed the configuration of the second point of delivery which is what Seth found to be headgate 20. She did not know how much water is being diverted at either headgate. Her husband will be out of town until July 1<sup>st</sup> but may have more knowledge.

#### WHITEWATER PARK

Jerry stated as previously discussed there will be 2,000 acre feet going into Farmer's Union's storage account from the ponds. Jerry asked what the Board's position is on the water quality and temperature issues. Sam suggested Farmer's Union allow the water to spill into the canal for this year only. There is a plan in place to pipe under the canal in the future. Jerry stated the City does need to coordinate chemical application with Farmer's Union. In order to do mitigation the City has 35 cfs of non-consumptive water right and 2 or 2.5 cfs from Thurman Mill which should handle evaporation etc. in order to return the full 35 cfs as part of their non-consumptive right. Jerry stated their system requires the water to be piped under the canal because they can't measure the water otherwise. The water right requires they measure the diversion at Quinn's pond and what is discharged into the spillway. They have new gates that are capable of calculating the measurement. Jerry sent an email to Chris Bromley requesting plans for the pipe for the Board's review.

#### CANDAU BRIDGE

Brad Candau contacted Jerry in regards to the bridge. Mr. Candau seems to understand he needs to submit plans to the Board this summer so the Board has time to review and grant approval in time to begin installation this fall. Mr. Candau also called Sam regarding point of diversion. Sam explained that when he is ready to install a pressurized system he can pip to his pump and will need to install a flow meter.

Lloyd Akins moved to approve the financials; motion was seconded by Mike McGowan. Motion was unanimously approved.

Lloyd Akins asked Mr. Schram if he would be interested in filling the vacant seat on the board. Mr. Schram attended the meeting to obtain more information. Lloyd Akins moved to appoint John Schram to the Board; motion was seconded by Mike McGowan. Motion was unanimously approved.

Mike McGowan moved to adjourn the meeting; motion was seconded by Lloyd Akins. Motion was unanimously approved. Meeting adjourned at 9:43 p.m.