

Tuesday, July 10, 2018

Farmers Union Ditch Meeting

Board Present:

Sam Rosti, Lloyd Akins, Paul Akins, Tom Foster

Craig Waddell and Kendall Rivers, Ditch Riders

Rosalie Cope, Secretary/Bookkeeper

Jerry Kiser, Attorney for FUD

Guests: Mort McMillen, Olivia Weick, John Tensen

Sam Rosti called the meeting to order at 5:37 p.m.

WHITEWATER PARK

John Tensen reported the revised plans for the Whitewater Park were delivered to Jerry Kiser on the 6th along with the new hydraulic review. John stated there were a couple of major issues addressed in the revised plans.

- 1) Remove channel that created the second Island. Upstream of the inlet screen the bank will remain the same. Jerry Kiser asked why the channel looks like it is cut into the bank in the plans. John said, yes the bank does appear to be cut back in the plans but the bank will remain straight. The pool elevation in front of the screen will be 1 ½ feet higher than what it is today. In Jerry's approval letter he will state "no wading area permitted or allowed". John stated this area will be for whitewater access.
- 2) Once 4,000 cfs is hit the slues channel will remain open. The model predicts the intake structure will stay dry at 6,000 cfs.

Sam asked how far the Island is upstream from the inlet structure. The lower end of the island is at 5,850 and the inlet is at 6,200. The lower edge of the island is approximately 350 feet from the inlet stream. Sam asked why this distance was determined. John Tensen stated in high flood flows water comes across the parking lot and breaks the bank so the flow can come back into the river. The other reason is the trees aren't in the best condition so the least impact would be to remove trees in this location. Sam asked what will happen when the trees fall into the river and disrupt flow. John stated he would like the agreement to outline operating details to include removal of debris and maintaining a pool elevation of 2,657. Olivia stated they will be adding rip rap to secure the bank. Craig asked if the bank will remain as it is in order to deter people from trying to enter the river in front of the intake. Sam asked what is the function of the island? To serve as a buffer in flood water however the primary function is to serve as a side channel in the river where people can get in

and out of the river to access for whitewater. Sam asked if the City will replace the island if it is destroyed in a high water year. John said he does not know if the Island would be replaced if it is destroyed. He said there would be some determining factors such as replace the island or clean up and leave what remains. John said they will be raising the road where the Greenbelt comes back to the river on the downstream side of the Farmer's Union canal. John said the model predicts that at 11,000 cfs the water will spill into Veteran's pond.

Jerry stated if any project decisions affect Farmer's Union's ability to deliver water it is covered under the agreement. Jerry said the island is part of the design of the project the Board is approving and will be covered by the agreement. Jerry will review the plans and agreement with more detail. The agreement describes the project and scope of permission. The project will incorporate recreational whitewater and flood control features and to replace the river intake structure with a screened inlet, overlook plaza, box culvert and control gate.

The flood control features are part of the project and part of the recreational area.

John said they will be mobilized right after Labor Day and start in the river the first of October.

Jerry reiterated to the Board that this is the time to review the final plans. John stated revisions will be made to Jerry's satisfaction. Jerry stated the agreement is in place that prescribes all the limitations. Crossing agreements were done for the temporary rail car bridge and the spillways because they weren't covered by the original agreement. Jerry will get the bond information from Mort then he will provide an authorization letter that describes the plans, what the Board is authorizing with any limitations or restrictions the Board has.

Minutes were read by Rosalie Cope.
Minutes approved with corrections.

The Board reviewed June financials.

Rosalie reported she spoke to Ed Priddy regarding HRPG's outstanding assessment payment. Mr. Priddy said the water shares have been turned over to Springview Estates HOA and invoices had gone out to homeowners. Mr. Priddy said the invoice would be paid within a couple of weeks. At this time a payment has not been received. The Board instructed Jerry Kiser to send a letter to HRPG. Other outstanding assessments were discussed and Jerry will issue a letter with August statements.

Rosalie reported she received an invoice from Idaho Irrigation Pumpers Association for membership dues. Rosalie stated the Board opted to not pay dues in 2017 and asked what they would like to do. Discussion ensued and the Board decided membership was not beneficial to Farmer's Union and will not renew dues for 2018.

Paul Akins moved to approve the financials; motion was seconded by Tom Foster.

DITCH RIDER REPORT

Lloyd Akins reported that he, Sam Rosti and Craig Waddell met with Bob Heim who owns property adjacent to the Farmer's Union Canal. Mr. Heim does not want the ditch riders, traffic or signage on the canal bank behind his home. Lloyd reiterated that if Farmer's Union gives up their right of way and allows property owners to dictate to Farmer's Union what we can and cannot do within the right of way we would be setting a precedence that he does not believe is in the best interest of Farmer's Union. Lloyd would like something in writing sent to the property owner outlining the rights of Farmer's Union. Jerry Kiser stated a copy of the notice of right of way was not sent, however on July 9th he sent a letter to Mr. Heim describing all of Farmer's Union' rights under the statute and the rights recorded in the notice of right of way. Jerry Kiser received a written response from Mr. Heim the same day. Jerry reported a notice of right of way was recorded in Canyon County at the time of development of phase II of Camadre Heights which also includes the right of way to vegetation on the ditch bank to prevent erosion. Paul asked what kind of decision needs to be made. Craig said a sign was placed on the bridge and one at Tom Foster's on Can Ada Road. Mr. Heim thinks the signage needs to be at the entrances to the road. Jerry stated the best place for a sign is adjacent to the road. He said the road is a lot, it is owned by the HOA and not by any individual property owner. It was decided to put a sign in a sleeve next to the south wing-wall on the bridge at the entrance to the canal road.

Sam said he spoke to the water master and Farmer's Union started using storage water on July 4th. To date about 600 ft. has been used leaving approximately 15,600. Craig Waddell is concerned we are going to run short on water. He is meeting with the water master on Wednesday to compare where we are now with where we were at the same time last year. Lloyd asked why there is only 15,000 feet remaining since we started with 19,000 feet. Sam reminded the Board Farmer's Union sold 2,500 ft. back to the BOR. Craig said we are currently running at 147 cfs. and he thinks 20 cfs needs to be cut in order to have enough water to last the season. Sam stated last year there was almost 6,000 feet of carryover even after selling 2,500 feet. Lloyd said the standard usage is 1,200 feet of storage water per week from the first of August to the end of the season. The Board said they will work with Craig weekly to monitor, but think we will be fine on water.

Sam asked about algae blooms in the Whitewater Park. Craig said the City of Boise is treating the ponds and he is trying to coordinate when they treat and wait a few days before he treats the canal in order to not have too much of a concentration.

Paul asked if head gates need to be locked now that Farmer's Union is using storage water. Craig said he and Kendall Rivers have been locking head gates for approximately three weeks. Lloyd said there has been a problem on the HRM lateral

head gate box. They are having a problem getting water from one side of the box to the other side. If the problem cannot be corrected then some work may need to be done to that head gate in the fall.

ATTORNEY'S REPORT

Jerry asked Craig about debris and grass clippings on the canal road at 2700 Eagle Rd. Craig said he is going to let it go until they harvest their garden. At that time they are going to remove the railroad ties and clean it up.

Jerry reported Aaron Dubie filled in the cut he made in the canal bank. Craig said he is staging landscaping on the canal road and it is blocking the road. Kendall Rivers is going to talk to him.

Jerry asked Craig for an update on David Llewellyn at head gate 24. Craig is going to take another head gate that has a weir just like Mr. Llewellyn's to measure against his head gate so he knows how much it needs to open. Then he is going to lock it at the appropriate height.

Jerry asked Craig to provide him with specs on flow meters for ACHD and to meet with the Engineer to see if they can help prepare plans for a trash rack Farmer's Union would approve to have put in at Collister and State Street. Craig said he would also ask Olivia Weick with McMillen if they could help design a trash rack. Sam said Mike Shepard might also help. The Board asked if there is an existing trash rack we might be able to have them look at for reference to prepare plans and diagrams to get bids on. Sam asked Craig to take a look at the trash rack on the Phyllis Canal, at the head of Pioneer.

Craig said there is a lot of rip rap work to do this fall. They plan to do work at headgates 67 and 68, by Bloom, Belmar Estates and on the north side by Mr. Ostrogorsky's.

Craig reported there is an illegal pump running into Jordan's Landing below head gate 8. Jerry asked Craig to verify the information and once we verify and/or determine there is no water right then it needs to be reported to the sheriff as it is a misdemeanor.

Lloyd spoke to the Deputy Sheriff about head gate 78 and Jerry received a call that someone is interfering with the lateral and blocking the water. Craig said he has been out there and the house across from head gate 78 at 2141 W Beacon Light is taking all of the water.

Jerry reported the refill agreement is complete with the exception of signatures. Jerry thinks they were received by the secretary of IDWR today so it should be signed off on. Paul asked what prompted everyone to finally get on Board. Jerry thinks the unrealistic timeframe was pointed out by legislators and they wanted to avoid a

special session. We have until August or September of 2019 to get the details buttoned up. He said the outcome is very positive. Jerry said the legislature will review at the beginning of session and get things rolling. Paul asked if water rights will remain the same or if they will change. Jerry said the refill just pertains to storage water rights, the reservoir system and what water counts against water rights when the melt begins. There will be new water rights which they are asking the SRBA court to decree which define quantities, time of use, refill 1 and refill 2. Water Users with storage water have a water right under refill 1 of approximately 3.6 million acre feet that can be used to fill at any time. All of the water that is released for flood control counts against that. Refill 2 is just less than 600,000 acre feet which can be turned on and off at any time as need be to adjust for a full fill to 600,000 acre feet. Jerry said the existing natural flow rights will remain intact and hopefully there will be no issues with the court in decreeing the water rights. Jerry said the only issue may be the reset provision which outlines when the count starts against the water right. Under the new provision the runoff into the system would start on November 1st. Runoff is what is used to fill the reservoirs. The carryover is space that already exists, but the question arises when there is too much water and flood control water has to be passed down the canal. The new water that is coming in is what is passed which counts against refill water. The 500,000 can be bumped up by part of refill 1 and then refill 2.

Jerry suggested the Board institute a memorandum of protocol to be followed by the ditch riders under generalized scenarios such as contact on the ditch bank, marking of right-of-ways, etc.

Jerry was contacted by RJ Thomas, the owner of the former Eberhardt property at 880 E Beacon Light Rd. asking for information about the Farmer's Union easement. He is planning to build a barn. Jerry thinks this is a good opportunity to send Mr. Thomas a copy of the Eberhardt settlement agreement that identifies the Farmer's Union agreement and other obligations of both parties including his obligation to maintain the ditch and keep it clean and free of brush and debris. Jerry sent a copy of the agreement in May of 2017 but will send him a letter along with another copy of the agreement.

Jerry reported Century Link is requesting a crossing agreement to run utilities under State Street. Jerry said the plans Century Link provided are outdated and will ask for new plans to incorporate the new design by ACHD.

Rosalie Cope asked the Board what the process is for transferring Developed Water. There are no certificates for Developed water shareholders, so it was recommended Rosalie keep a log of all those with Developed water, how much, etc. and make notations if/when a property changes ownership.

Rosalie reported to the Board that in the process of inquiring with US Bank on how to set up online banking and credit card processing through QuickBooks that Board members were switched from signors to owners on the account. US Bank told

Rosalie in order to change the Board back to signors they would require minutes from the Board meeting stating the wishes of the Board and that all members would be required to come in to a branch and sign a new signature card. The Board suggested Rosalie inquire with Idaho Central Credit Union and Columbia Bank about opening a checking account with them. Farmer's Union already has a savings set up with Idaho Central Credit Union, so it might be good to transition.

Paul Akins moved to adjourn the meeting; motion was seconded by Tom Foster.
Meeting adjourned at 9:56 p.m.