

Tuesday, July 12, 2022

## Farmers Union Ditch Meeting

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### Board Present:

Sam Rosti, Lloyd Akins, Mike McGowan, John Schram, Paul Akins

Seth Kettering, Sean Kettering – Ditch Riders

Rosalie Cope, Secretary/Bookkeeper

Andrew Waldera, Attorney for FUD

Guests: Gretchen Hoyt - 8914 Lander St.; Paula Murphy, Chris Wilson – Boise Brew Putt; Barbara Moyle – HG 125

Sam Rosti called the meeting to order at 5:30 p.m.

### PAULA MURPHY – BOISE BREW PUTT

Ms. Murphy and Chris Wilson submitted an application to the City of Boise to put in an adult Miniature Golf Course to include concessions, alcohol, etc. Andy submitted a comment letter on the behalf of Farmer's Union regarding the close proximity to the canal and the required 25' right-of-way. Ms. Murphy explained they are proposing a 6' black chain link fence between Boise Brew Putt and the canal. The plans to not include any permanent structure, they will be bringing in a portable shed and all golf holes will be movable. They would like to install the fence 10' inside of the property line. It appears Farmer's Union may own the strip of land along the canal in that location which is approximately 6-7'. With that in mind the fence would be approximately 10' from the toe of bank and the shed would be placed an additional 10' inside of the fence. The property is very odd shaped and a 25' right-of-way would significantly cut into the space. Ms. Murphy explained there is a wide access for ditch maintenance on the opposite side of the canal. The ditch riders confirmed they utilize the opposite side of the canal for access. The Board is open to reducing the required right-of-way. They asked Ms. Murphy to submit property maps and deeds along with a map of the proposed layout of the improvements. The Board will review at the August meeting and upon approval Andy Waldera will issue a license agreement.

### GRETCHEN HOYT – 8914 LANDER STREET

Ms. Hoyt attended the May meeting to revisit the discussion of installing two gates to deter pedestrian traffic on the canal road from the proposed 205 bed homeless shelter. Ms. Hoyt explained the shelter is accepting "low barrier" occupants which make up 10-25% of the homeless population as well as women, children, etc. The "low barrier" occupants are not required to have an ID, can be intoxicated, etc. They are moving the Interfaith Sanctuary operation to the new location. The Board asked Ms. Hoyt to poll the neighbors along the canal and find out what the proposed solution is. If

Farmer's Union were to install gates would the landowners maintain and attend the August meeting to discuss further.

#### BARBARA MOYLE – HEADGATE 125

Andy Waldera sent an email to Toll Brothers stating that Farmer's Union would entertain relocation of the headgate if the lateral water users present a unified plan. The water users need to present an engineered plan to the Board for approval. Ms. Moyle explained that according to the engineer the system that was installed was not built according to the engineered plans. The water users are working with the City Engineer and have hired legal council to try to encourage Toll Brothers to correct the problem.

#### DITCH RIDER REPORT

Seth reported they have been putting Bentonite in the canal along Hill Road and had to put in more east of Seaman's Gulch.

A landowner installed a boat ramp in the side of the canal. Seth asked them to remove it but may need to involve Andy if they do not.

The canal is at 160 cfs with 112 cfs of Farmer's Union water. Day of allocation was June 30<sup>th</sup>. The Stuart Decree cuts will take place on July 13<sup>th</sup> and we will have to start using storage water at that time.

Seth and Sean are registered to take the chemical applicator's exam on July 27<sup>th</sup>.

Paul asked how the water quality is in relation to Simplot ponds. Seth hasn't noticed a lot of bad water or weeds. From the headgate through the top half of the canal is pretty clean. They have been applying copper sulfate approximately every two weeks.

Minutes from the June meeting were mailed to the Board prior to the meeting for review. John Schram moved to approve the June minutes with corrections; motion was seconded by Mike McGowan. Motion was unanimously approved.

#### ATTORNEY'S REPORT

Andy Waldera met with Jerry Kiser to review items Jerry has pending and pick up files.

#### SPRING VALLEY CROSSING

Andy drafted a license agreement for the bridge box culvert with utility sleeves. They are sleeving 125' and will be 1 ½' below the box culvert. The agreement confirms this is not a public road it is a private access road for the purpose of the future wastewater treatment plant and emergency vehicles, it is not to be used for subdivision access, common areas or residences. Andy will send for their review.

CableOne contacted Jerry in March regarding a crossing at 2970 N Glen Stuart. They are piggybacking Idaho Power poles to attach a cable crossing at same location. Jerry

responded with an email that there are to be no poles in the easement and there is to be no more than 20' sag over the canal. Andy will draft a license agreement.

Andy has not received any new information from the engineer for Spring Valley regarding the planned method of dust abatement.

#### STARGAZER SUBDIVISION NO. 1

Stargazer Subdivision No. 1 is in Star, south of the canal, south of Beacon Light Rd. Andy responded to the City transmittal stating Farmer's Union delivers water to the property however it is on a lateral. They must make provisions to provide irrigation to the other lateral water users and cannot cut off service to anyone up or downstream. Jerry brought to Andy's attention that when a subdivision goes in under Farmer's Union the company requires shares to be transferred to an HOA. Andy will communicate that to Bailey Engineering.

#### TORCHLIGHT ESTATES SUB.

Andy received the new design plan reflecting two 45 degree angles instead of the originally proposed 90 degree pipe. Jerry will issue a license agreement with the plans as an exhibit and send to them for approval and signature.

#### SUNNYBRAE SUBDIVISION

Rosalie received a response from David Marvin stating the flow meter for their pump is in the works. Rosalie asked if it is a McCrometer McPropeller as required by the Board and is awaiting response.

#### CITY OF BOISE CANAL CROSSING

Andy sent a draft agreement to the City for review. They chose the option of 42" reinforced concrete pipe with 4' concrete collars centered on the joints. The Design plan was updated and described in the agreement. Andy reinserted that all materials need to be onsite and Farmer's Union has the right to inspect. No construction is to be until all materials are onsite. Once materials are onsite Farmer's Union has the option to inspect. If Farmer's Union does not exercise the option within 7 business days of notification we waive the right to inspect. Andy said the design plans have a notation that suggests the concrete cap will be along bottom and sidewalls rather than a cap. He sent an email to Chris Bromely to get clarification that there is to be a 5' wide, 1' thick concrete cap over the top of the pipeline to the point it exits the pathway. He has not received a response yet. Once that notation is corrected the agreement should be ready to sign.

Andy will be sending the land use consultant for Spring Valley a draft of the permanent agreement for review but will remind him that Farmer's Union will not sign the permanent agreement until legal fees for drafting the temporary agreement are paid. When final signature is acquired on the permanent agreement they will be billed for legal work on that.

Andy reported the Colombowala's sold their property. Once the new owner has a chance to settle in he will reach out and see if they are aware of the irrigation issues.

#### RENE COMMONS SUBDIVISION

Jerry has still 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. Andy stated the license agreement is still not signed.

#### ACHD TRASH RACK

Andy reported Farmer's Union is under contract with Knife River for the trash rack and the check has been deposited. He received a call from the Knife River project lead and he would like to have a pre-con meeting onsite. Andy will work with him to schedule a meeting.

Jerry received an email complaint regarding the Blue Sky Farms u-pick flower and event venue on Haven Drive. The neighbor is concerned about parking from an event Red Chair Lavender that used Blue Sky's parking stating cars were parked against the canal. Andy stated as long as they are operating within the conditions of their C.U.P. there is nothing for Farmer's Union to be concerned with.

#### CRESTA DEL SOL

The borings were taking place from July 12<sup>th</sup> – 14<sup>th</sup>. The boring analysis reports won't be done for several months. Lloyd overheard Toll Brothers may put this project on hold until spring. Toll doesn't think there is a problem. Andy mentioned they are still in the pre-plat approval stage with the City.

#### FOSTER LAND PURCHASE

The Board still needs to meet on-site to discuss locations and layout of the shop and draft plans that can be attached to the C.U.P. application. Work can begin on filling in the ditch at any time.

Andy has not written a letter to Canyon Highway District No. 4 yet regarding future improvements to Can Ada Rd. Lloyd thinks there is a plan to extend Can Ada Road to the west through Debbie Foster's property. Debbie told Mike they are taking some of her property under eminent domain. Mike has a copy of the map with the proposed relocation and it does not appear that Can Ada Road is going to be relocated; it may be a road to the new development.

Andy reported Roger Batt has been in contact with Congressman Fulcher's office. Andy has been working with Roger to draft responses to Congressman Fulcher's questions. A question that was asked is if the lion's share of non-routine O&M is the office building why is the Bureau not applying for Federal funding that is readily available rather than passing the cost on to spaceholders.

#### CREEKSIDE ESTATES

Andy drafted a license agreement for them to tie into headgate 96 with a new weir box but has not sent for review and approval yet. There are two lots of the subdivision on

the north side of the canal that do not have irrigation and there is an unplatted 5 acre parcel to the south of the canal that will also share in the irrigation system. The Board typically requires the Developer to transfer shares to the HOA once development is complete. Andy drafted a section in the license agreement titled Irrigation System Water Delivery which states the Developer needs to consolidate the subdivision shares to the HOA. The Developer acknowledges and agrees to make provisions to deliver water to the adjacent outparcel located on Linder Rd. The property shall continue to share irrigation water from headgate 96.

There are three crossing agreements Jerry and Andy have been working on. Andy sent draft license agreements to Idaho Power for review and signature. One is for a power pole east of the intersection of Hill Rd. and Seaman's Gulch and the second is for the crossing using the existing conduit on Candau's bridge. The third was discussed with Jerry and the Board in March and did not get passed on to Andy. Idaho Power will need three crossings for the Spring Valley development. There are three poles which will not sit in the right-of-way and the maximum amount of sag is 35'. There doesn't appear to be any issues so Andy will draft an agreement.

Andy still needs to draft a letter to ACHD regarding stormwater runoff and bank sloughing at Seaman's Gulch. Andy asked if the Board has a relationship with anyone at ACHD or if they would be opposed to Andy drafting the letter directly to Steve Price. The Board approved Andy corresponding directly with Steve Price.

Rosalie received an email from Cheryl Rachetto at 6188 N Pierce Park Lane regarding damage to the easement and shoulder of their property as well as a photo on the website with their house in the background. The Board asked Rosalie to find a new photo to use on the website and Seth was going to reach out to her to address her concerns regarding the right-of-way.

Andy reported the City of Boise has put together a lease application for rentable water to run through the Esther Simplot ponds with Farmer's Union to utilize once it spills into the canal. Andy received an email from Mary Grant asking if the Board would be open to entering into an MOU outlining the agreement between the City and Farmer's Union for Farmer's Union's use of the consumptive water. This would avoid back and forth between IDWR, the City and Farmer's Union when IDWR is reviewing the application. Andy will work with Ms. Grant to draft the MOU.

Andy submitted a letter to the City of Boise regarding Stadium View Subdivision which is a piece of ground above the old gravel pit off Hwy. 55 and Hill Road. Andy reiterated the Farmer's Union easement is 25' from top of bank they are not to encroach on the canal, etc. The property does receive water delivery from Farmer's Union therefore he included language that an association will need to be formed to cover all property owners on the property and they are to retain operate and maintain the shares in the system.

Andy reviewed the Farmer's Union Articles of Incorporation, 1913 Bylaws and Idaho Code Section 30-30-611 of Idaho Non-Profit Corporation Act regarding compensation of directors and officers. The act authorizes the payment of directors if that is what the non-profit corporation chooses to do provide the articles and/or bylaws do not prohibit it. It is Andy's opinion Farmer's Union can offer and set a fair measure of director compensation if it chooses to do so. Andy also spoke with Jerry and he does not see any reason the Board may set a compensation rate for Board members. John Schram suggested a monthly stipend of \$2,000 for the President and Vice President as they tend to handle the majority of the meetings, on-site meetings and direction of the ditch riders and a \$250 monthly stipend for Board members. John Schram moved to compensate the President and Vice President \$2,000 per month and Board members \$250 per month beginning August 1<sup>st</sup>; motion was seconded by Mike McGowan. Motion was approved. Motion was opposed by Lloyd Akins.

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

Mike McGowan moved to adjourn the meeting; motion was seconded by John Schram. Motion was unanimously approved. Meeting adjourned at 9:47 p.m.