

Tuesday, August 10, 2021

Farmers Union Ditch Meeting

Board Present:

Sam Rosti, Lloyd Akins, Paul Akins, John Schram

Seth Kettering – Ditch Rider

Rosalie Cope, Secretary/Bookkeeper

Jerry Kiser, Attorney for FUD

Guests: Josh Mann – Engineering Solutions

Sam Rosti called the meeting to order at 5:35 p.m.

Josh Mann with Engineering Solutions explained the City of Eagle is requiring Rene Place subdivision to have two pumps. The one variable speed pump will be in use to deliver the 200 gpm. The other pump will be a backup as required by the City. Lloyd stated the box with a crested weir and flow meter on the system will restrict flow to 200 gpm. They are also to install a McCrometer McPropeller mechanical flow meter on the outside of the building so the ditch riders have easy access to read. If the meter needs to be on the inside of the pump house then it will need to have a remote reader. The Board also asked that Seth Kettering have the multiplier for the flow meter and password to regulate the settings.

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

GRETCHEN HOYT – 8914 LANDER STREET

The Board discussed Ms. Hoyt's request to install gates at Lander St. and Willow Ln. by Burger & Brew. The residents in that area are concerned with the approval of the proposed homeless shelter they will see more pedestrian traffic in that area. The Board will discuss the situation again at the time the shelter is approved. There are a couple of concerns; one is that the Boise Valley headgate is located in that area and in the future the Board envisions a trash rack there which will need to be cleaned. Jerry stated that as the holder of the canal right-of-way Farmer's Union can express concerns and make comments when the project comes before Planning and Zoning. Jerry will comment that Farmer's Union is concerned with the proximity of the site to Farmer's Union facilities, open canal which is a safety hazard, etc.

DITCH RIDER REPORT

Seth Kettering reported the canal is currently running at 101cfs of Farmer's Union water, 38 cfs of Boise Valley and 6 cfs of Capital View for a total of 145 cfs. He spoke with the River Master and Farmer's Union has used 6,098 acre ft. of storage water and has 6,015 acre ft. remaining. He estimates there to be approximately 6 weeks of water remaining running the canal at 100%. Other companies are planning to shut off the first of September which should allow Farmer's Union to run until the end of September.

Seth spoke to Kyle Coombs and he plans to shut down irrigation on August 20th.

Seth reported water is not spilling out of the tail currently. The water is being turned down the last few headgates to be better utilized which seems to be working. There is approximately 3" spilling at the Klondike. He received notification the pivot on Linder is going to be turned on and it takes 105" to run so he will cut back the spill to approximately 1 ½". The return water is coming from the spill that spills directly into the drain on Pollard then to the Star feeder instead of spilling return water at the tail.

Jerry Kiser reviewed Middleton's water right for wastewater at the tail. At the time they filed for the water right Farmer's Union did not protest. The point of diversion is where the Farmer's Union canal ends and enters into a natural wasteway which follows along the foothills and turns south toward the river. The diversion point at which the claimants take the waste water is where the wasteway enters the claimant's canal system in the southeast or the west section. It is not where the Farmer's Union canal ends and becomes a natural wasteway. IDWR determined that from below Tom Foster's property to where it dumps into Middleton is wasteway. Sam stated that is not Drainage Dist. No. 2 and is not Farmer's Union unless Drainage Dist. No. 2 has taken it on as part of their system. If so, it is their responsibility to maintain. Lloyd stated that clears up what rights there are between the end of Farmer's Union and it dumping into Middleton Mill. Jerry Kiser stated the water that leaves the Farmer's Union system and goes into the wasteway is subject to the Middleton Mill water right.

Seth Kettering reported there is a seep at Seamans Gulch. He received a call from a homeowner in the area who is complaining that water is coming out Hill Rd. and is afraid it is going to seep under his house. Seth stated he did a site inspection and there is a drainage system there. Seth said it is always wet in that area but is not sure the water is seeping from the canal. Lloyd stated there are old springs in that area and that might be where the water is coming from. He said a load of Bentonite has been put in the canal in that area in the past and it might be time to reapply. Seth will apply Bentonite this fall so it can set over the winter and not wash downstream. Sam Rosti suggested Seth apply Bentonite and if the seepage does not stop the Board needs to do a site visit to determine where the water is coming from.

Seth asked Lloyd when Farmer's Union storage water runs out is Farmer's Union still responsible for delivering Jacobs and Boise Valley water. Lloyd stated the Ditch Riders would need to build a berm below the Boise Valley headgate and divert water

to Boise Valley until they are done. Sam stated the Board and Ditch Riders will have to come up with a plan when the time comes. John Patton told Seth if Farmer's Union could go until the 20th of September Boise Valley would be prepared to shut down then also. Sam stated if Farmer's Union can run until September 20th no concessions would be made to continue delivering to Boise Valley and Capital View.

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

Rosalie Cope reported Jerry Kiser sent out pre-lien notices for the remaining outstanding assessments.

Sam Rosti asked Rosalie to look into options for providing retirement contributions to staff. Rosalie reported she spoke to Gloria with Middleton Irrigation and they contribute \$3,000 per year to an IRA or investment account of the employee's choice after one year of employment. John Schram will look into alternate options.

ATTORNEY'S REPORT

Jerry has not received a response from Justin Friedan with ACHD regarding language in the trash rack bid package, flow meter installation or ACHD's use of the Green Meadow spill. Jerry will follow up with an e-mail.

Jerry Kiser reported he has not received any communication from Mary Grant, Boise City Attorney. Jerry provided the Board with a copy of the last e-mail he sent her regarding Simplot Ponds and issues involving the Whitewater Park.

Jerry provided the Board with copies of the City of Boise's plans for the pipe under the canal along with the tax assessor's map of the Clover area. The crossing is designed so the pipe will go under the canal then up to the first spillway and appears to be south of the property line. Jerry still wants to know if the City has obtained permission from the Parks service to install the facility in Veteran's Park. The agreement requires the City to have authorization from any governmental entity. Jerry explained the City is constructing the facility on their property. They are only asking to cross the canal and put things in the right of way. The only basis the Board would have for denying the crossing agreement is if it interferes with Farmer's Union's ability to clean, maintain and repair the canal. The City would like to do a site visit with the Board.

Jerry spoke to Bryce Farris regarding the City of Eagle's request for walking paths along canals. Mr. Farris said there are some agreements in place in Nampa and Meridian that are consultation agreements. The agreement allows municipalities to come before irrigation entities to inform them of what they would like to do. The irrigation entities are under no obligation to enter into any agreements. What has been allowed in some places where appropriate is pathways on the opposite side of the canal from where the maintenance roads are; fenced off, along with other requirements. Maintenance roads are never shared with pedestrian pathways. They do not allow any pathways in high canal locations. There are some agreements in

place to the west and Mr. Farris sent the Eagle City attorney some of those agreements as samples. Jerry and Bryce would like to involve Treasure Valley Water Users to coordinate with irrigation entities and municipalities to have a discussion to prevent a patchwork of paths. Jerry is going to discuss with Roger Batt and have him present to the TVWUA Board to see if they would be willing to step in. Mr. Farris brought up the idea of using Drainage Ditch right-of-ways predominately. They are much less utilized than canal rights-of-way. It keeps the right-of-way open for the drainage district so it is easily accessible.

Jerry Kiser reported as part of the infrastructure bill there is \$213 million of Federal Funding coming in to Idaho for water that the Board should consider budgeting for cost sharing funds or a low interest loan use for any structure improvements that need to be made. At the last meeting the Board identified three structures.

- 1) Dry Creek Siphon (\$300, 000 - \$1,000,000)
- 2) Green Meadow Spill (\$250,000 – \$500,000)
- 3) Main Headgate/Re-diversion Headgate (\$500,000 – \$1,000,000)

Roger Batt will be submitting proposals for aging infrastructure projects to Legislature in order to give them an idea of how much Federal Funding Idaho should be requesting. Jerry is going to estimate costs on the three projects as identified by the Board and submit a brief history of the system to show how antiquated the structures are and the need to update or replace. A lot of the information is in the water right application from SRBA. The main headgate was installed somewhere around 1904 and the Siphon has CCC markings in the concrete of 1933.

John Schram pointed out it would be beneficial to create a book or history of Farmer's Union while there are still Board members in place with a wealth of the knowledge. Sam agreed it was a good idea and said it was discussed at one time but was cost prohibitive.

Jerry e-mailed revised plans from Levi Glynn reflecting all of the changes requested by the Board. Jerry will draft a license agreement then Mr. Glynn will need to purchase the water from Dobson and get the transfer done through Boise Valley. Mr. Glynn will lose 1/3 of the water as per the Farmer's Union agreement. The flow meter will record at full pressure on the 2" pipe. The water will have to be measured on an average rather than daily. Paul Akins moved to approve the plans; motion was seconded by John Schram. Motion was unanimously approved.

CANDAU BVID WATER SHARE PURCHASE

The Board reviewed the information provided by Boise Valley on the water shares Mr. Candau intends to purchase. Jerry Kiser pointed out that Scott Larson on pump 6A currently has 2.0 shares and intends to sell 1.0 share to Mr. Candau. Mr. Larson has approximately 1 ½ acres therefore he doesn't have enough water to sell a full share. Lloyd explained he is subject to the loss of 1/3 of the water under the Farmer's Union agreement. After discussion the Board agreed to approve purchase of the shares

from Gabica, Salladay and the former Habitat for Humanity share but not the transfer of 1.0 share from Larson.

SUNYBRAE SUBDIVISION

Rosalie reported the question of water shares was raised in the process of Boyle at 3200 N Glen Stuart Lane selling their property. Four properties fall under Sunnybrae Subdivision and have formed an HOA. Three of those properties own Farmer's Union water shares however all four properties have been utilizing the water and the owner of the property at 2970 N Glen Stuart Lane has been paying part of the invoice for water belonging to a neighbor. The group would like to transfer the water shares to the HOA and continue utilizing on all four properties. It was explained to them there is a collective total of 1 share or 11 inches of water to cover 18.686 acres belonging to the shareholders the fourth property is an additional 5.7 acres. There is not adequate water for the three properties without adding a fourth property. Rosalie suggested they discuss adding a well to supplement. Jerry Kiser recommended the Board require a flow meter on pump 35 to ensure only the water share is being used. Paul Akins moved to have Jerry Kiser issue a letter to the water users on pump 35 requiring a flow meter; motion was seconded by Lloyd Akins. Motion was unanimously approved.

GREENDALE GROVE

Jerry Kiser received plans for the pressurized system design for Greendale Grove subdivision. The Board will require a new box with a crested weir designed to measure 40", flow meter, new headgate and new pipe to tie into.

Jerry spoke to Dan Steenson with Sawthooth Law and he is working with others on legislation regarding reporting of transfers of water rights. They intend to make into law a requirement for property owners who sell property with water rights be required to notify the district, canal company, etc. of the sale and provide a deed to the irrigation entity. Jerry is not sure how this law would be enforced but stated all irrigation entities are having trouble keeping track of who is entitled to water rights statewide.

Sam Rosti suggested Mike McGowan be appointed to fill the position of Treasurer since he has been on the Board the longest. Jerry Kiser suggested Mike McGowan be appointed Treasurer unless he declines to accept in which case John Schram would be appointed Treasurer. Lloyd Akins made a motion to appoint Michael McGowan to Treasurer unless he declines; motion was seconded by Paul Akins. Motion was unanimously approved.

Sam Rosti reported Suez is struggling to secure additional water sources. Middleton entered into an agreement a year ago for 1,500 acre feet. Sam suggested the Board wait until spring to determine how much storage water is available to make a decision. The sale would be in-basin. Paul Akins asked how the sale of water to Suez would differ from selling water back to the water bank as Farmer's Union has in the past.

Sam stated the sale price would be the same as if being sold to the water bank to avoid any problems.

Paul Akins moved to adjourn the meeting; motion was seconded by Lloyd Akins. Motion was unanimously approved. Meeting adjourned at 9:02 p.m.