

Monday, August 12, 2024

## Farmers Union Ditch Meeting

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### Board Present:

Sam Rosti, Paul Akins, John Schram, Corey Blaine, Bert Browen

Seth Kettering, Sean Kettering, Dale Wood – Ditch Riders

Rosalie Cope, Secretary/Bookkeeper

Andrew Waldera, Attorney for FUD

Sam Rosti called the meeting to order at 5:28 p.m.

### ANNE RITTER – 1270 W BEACON LIGHT RD.

Mrs. Ritter attended the meeting representing headgate 64. She explained there are two water users north of Beacon Light and two water users south of Beacon Light. The pond is on Hipwell's property and Larry Fisher has a pump in the pond. The pond is seeping and flooding Stiner's property. They are proposing to utilize headgate 64 for the water users north of Beacon Light and install a wet well toward the back of Ritter's in order to eliminate the pond. Seth explained the pipe from headgate 63 that goes through Stiner's and under Beacon Light is rusted out and leaking which may be causing the majority of the problem. The water users on headgate 63 are aware there is a problem and they are required to repair or replace the pipe. Mrs. Ritter asked if Farmer's Union would allow them to transfer water delivery for the water users south of beacon light, Larry Fisher and Taylor to headgate 63. There is a lateral that goes beneath their property with a valve so there would be no need to install a new valve. Andy stated if Taylor and Fisher are good with the plan and the pipe is sufficiently sized the Board would not have an issue. They would need to get authorization from the majority of the water users on headgate 63 to accept Fisher and Taylor's water shares and authorization from the majority of the water users on headgate 64 to transfer the shares out of the lateral.

### SETH JARSKY – ACHD

ACHD is in the preliminary stages of designing a new bridge/roundabout at the intersection of Pierce Park Lane and Hill Road. Mr. Jarsky provided the Board with renderings for the project. They are in the design phase now and construction won't begin until 2030. Sidewalk and bike facilities between Hill Road and State Street will be added in the far future. It appears there is approximately 150' of canal that would be impacted. The next step is to do robust Geotek work on the berm because that is a high fill area of the canal. They are also in the process of conducting a Clomr study because that area is in the flood plain and there is a lot of water in small ponds along Pierce Gulch. Seth said that water currently runs down Hill Road. Sam explained approximately 90% of the full flow of the canal runs through that area so the box culvert will need to be designed accordingly. ACHD will be submitting Design Plans to

Farmer's Union in 2027 but plan to work with Farmers Union in the interim. John asked if a fence with a gate for Farmer's Union access could be added to deter pedestrian traffic near the canal or on the canal road and Sam said a sturdy trash rack will need to be added on the front to catch debris. The Ditch Rider's have to be able to get a dump truck and trailer to the canal road on both sides. Based on the current design Seth would not be able to make the corner. There is a gauge in the canal at that location that has to be checked daily. Design will take place over the next year and a half which includes the Clomr study and Geotek.

Minutes from the July meeting were e-mailed to the Board for review. John Schram moved to approve the July minutes with corrections; motion was seconded by Bert Browen. Motion was unanimously approved.

#### DITCH RIDER REPORT

Seth provided the Board with an off-season to-do list. He believes the first priority should be to clean up the section between State and Collister "the jungle" so at least one side of the canal can be accessed by pickup. Seth is concerned the time it is going to take to pipe the tail is going to take away from projects directly related to the canal. Last year Seth had Healthy Tree clear some trees and brush and brought the excavator in the clear a wide spot for a staging area. There is a road on the west side of the canal that goes part of the way in. He plans to have Healthy Tree come back this fall and drop some trees and debris into the canal then Seth can clean it out with the excavator and bring it back to the wide spot where it can be chipped. Seth estimates there is approximately  $\frac{1}{2}$  to  $\frac{3}{4}$  of a mile of jungle to be cleared out. There is no way to go all the way through on one side of the canal. Lloyd informed Seth the pipe that crosses the canal is a wastewater pipe belonging to Boise City Canal that goes through to the Pierce Park area. Sam thinks we can put material over the pipe and build it up so it can be driven over. The east side of the road that comes from Collister comes out by the trampoline park and the other side comes out at Bloom but there is a pipe that crosses at the Bloom check and runs under a house. We would have to build a bridge to cross from one side of the canal to the other in order to drive all the way through. Seth also said the root balls from the trees have narrowed the canal and made it deep enough that it is over his head in places. There is water in the canal year-round. In order to do the work they will have to continuously pump water.

Corey asked about the cost and probability of piping that section of the canal to eliminate the issue. Sam said the tree and brush work would still have to be done to even access the canal to set pipe. Seth said there are a few deliveries through there that would have to be taken into consideration if it is piped.

There are also 3-4 headgates at a minimum to replace this off-season. Seth plans to rip rap around the Emmett Lateral headgate but the headgate is old and may need to be replaced. He won't know until he starts to work on it. He thinks it is eroding from the back side.

Vegetation work is done over the winter in between other projects. There is brush on the north side of the New Dry Creek weed rack that needs attention as well as other areas.

Seth estimates about a week to put Bentonite in the Big Gulch area. Andy suggested we ask GWC Capital to pay for the Bentonite and as a courtesy we will put it in since it seemed to slow down the seepage. Seth said they have dug a french drain that takes the water away. He also needs to redo Bentonite at Hill Road and the cabin.

Paul asked about the Eco block work. Seth said it is the ACHD crosswalk at Floating Feather. He needs to remove the rip rap that is currently there, drag it around the corner and prep with weed fabric, gravel, etc. He wants to take some time with it because he won't be able to access again after the project is complete. Seth estimates at least a week to do that work. The other project is canal bank repair where Larry Christensen's irrigation pipe failed and caused a landslide into the canal. Since the Eco block work is being reimbursed back to Farmer's Union for both projects Paul Akins moved to contract Wagner Farms to do the Eco block work for the ACHD crosswalk and landslide area; motion was seconded by John Schram. Motion was unanimously approved. The Board asked Andy to send Larry Christensen a letter informing him the work will be hired out and he will need to pay for damages.

The month of March is dedicated to dipping and sloping and preparing the canal for water.

The Board would like to focus on leveling the Foster property, digging the pond and getting the pipe installed the work on "the jungle" over the next few off-seasons.

There is an attachment that goes on the front of the excavator that chews up brush and debris and chips it. Corey also said there is someone in McCall that has one and may be able to be contracted to do some of the work. The Board authorized Seth to look into purchasing the attachment.

Corey spoke with Luke Erlebach again about getting an easement for power from him and it is a hard no. Healthy Tree submitted a bid of \$11,750 to remove the trees in the Idaho Power easement. Idaho Power's cost to do tree removal was approximately \$25,000. The Board agreed that for the additional \$13,250 it would be better to have Idaho Power take care of tree removal in order to stay out of any conflict with Erlebach. Corey will contact Idaho Power and have them move forward with tree removal and installation of the power poles.

John reported David Erlebach put a bridge in. Andy said he does not have a license agreement. The Board let him put the piers in with the understanding he was supposed to bring plans for the deck back for approval in order to obtain a license agreement.

John also brought a new set of plans Erlebach submitted to the City for development of his subdivision. The plans include an additional retaining wall and another house on the point which is a really high fill area. John would like to have Ardurra inspect the site and plans for the additional retaining wall.

## ATTORNEY'S REPORT

Bryce and Andy met with Bryan Horsburgh with the Bureau of Reclamation, the Walla Walla District Council for the Army Corps of Engineers and the Walla Walla District representative regarding Lucky Peak O&M. The main issues driving the meetings are:

- 1) Better timing for budgeting purposes on anticipated costs for Lucky Peak O&M
- 2) Better transparency on what the various costs are
- 3) New operations center and how relevant it is to storage and delivery of water

Irrigation entities are requesting better lead time on projected assessments as well as better explanation of those costs in order to pass on to shareholders during annual meetings. The Bureau of Reclamation explained that for routine costs the Army Corps submits a budget to the Federal Government 2 ½ years prior to funding and requests for funding of non-routine costs are submitted 5 years prior to funding. Since there is no way to get certain numbers a year or two out Andy asked if the Bureau and Army Corps would compile a 15-20 year record showing routine and non-routine expenditures in order to get an average. This would provide the water users with better numbers to budget with. The Army Corps has cost code numbers under WCC in the budget which are broad descriptions and are not detailed. The Bureau agreed to put a spreadsheet together with actual costs over the last 20 years and include the major components that have been accomplished as well as what the Army Corps is projecting over the next 5 years. The additional information may not reduce the assessments but will at least provide irrigators with more information. The new Operations Center is back in the budget for 2029. Andy said there is no projected budget for it at this time but we should have that information by the end of the year. Andy explained, of the overall cost to operate and maintain Lucky Peak the irrigators pay 12% and the Federal Government bears the remainder of the cost. He said the State of Idaho doesn't pay any O&M assessment and the Idaho Fish and Game has 50,000 acre feet of storage water used for river flow maintenance. That is not part of the irrigator's 12% however it seems inequitable. The new local dam manager said they are in the process of reviewing operations under the 1953 Operations Manual. The Operations Manual is the effort that was updated in 1986 to adjust storage space requirements for flood control purposes and all of the components that outline the storage and release of water. The Manual was negotiated between IDWR, the Governor's office and Water Users with storage space in Lucky Peak and specifically provides that nothing in it can change without written permission from all parties involved.

As a result of negotiations over the Columbia River Treaty the Canadian Government agreed to guarantee the United States 2-3.6 million acre ft. of flood storage space. That is significantly less than 9 million acre ft. in the original agreement however the Army Corps says that of the 9 million acre ft. the United States has only ever needed 5 million acre ft. so the real delta is between 3.6 and 5 million acre ft. The Army Corps says that with 3.6 million acre ft. of storage offered by Canada the only affected facilities for potential operational changes are the Treaty Dams. Arrowrock, Lucky Peak, etc. should not be affected however final modeling won't be complete until later this fall.

Andy will be sending out pre-lien letters to shareholders that still have not paid their assessments.

Follow up meetings on the Nez Perce agreement with the Water Users, the office of Species Conservation and the Attorney General's office are set for July 16<sup>th</sup>.

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

John Schram moved to adjourn the meeting; motion was seconded by Paul Akins. Motion was unanimously approved. Meeting adjourned at 8:33 p.m.