

Tuesday, August 14, 2018

Farmers Union Ditch Meeting

Board Present:

Sam Rosti, Lloyd Akins, Tom Foster

Craig Waddell, Ditch Rider

Rosalie Cope, Secretary/Bookkeeper

Jerry Kiser, Attorney for FUD

Guests: Mort McMillen, John Tensen, John Roldan - City of Boise, Mike Chidester - Bristol Co., Chad Kinkela, P.E. – CK Engineering PC, Morgan Masner - Widgeon Lakes HOA

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

WHITEWATER PARK

- Board approval to move forward with River Park
 - Next steps on Lander Street Connection to Canal
 - Ponds
- 1) River Park – John Tensen reported he met with Jerry and Karl to discuss the agreement and said an amount for the bond still needs to be determined. Jerry Kiser stated the new pipe for de-watering also needs to be approved. Mort McMillen explained the revised plan for construction is to keep some flow in the river. They plan to install a 48" pipe on the Boise side and divert water at the slues channel below the intake, go under the greenbelt and back into the river. They will install a sheet pile wall to prevent any seepage into the structure and connect to porta-dams to keep approximately 600' dry. The pipe will be buried and left in place for future maintenance on the Obermeyer gates. The pipe will carry 100 cfs and will be at an elevation of 2,651 ft., the same invert as the Farmer's Union intake. The outlet will be at 2,647 ft. Sam Rosti asked why the pipe is necessary. Mort McMillen said the original plan was to install two pipes on the other side; the revised plan allows them to get into the river in September in order to gain a couple of weeks for construction. They are scheduled to be out of the river in February. Craig Waddell asked how close the pipe will be to the Farmer's Union tunnel. Mr. McMillen stated 10 ft. They will have to cut a hole in the wing wall of the Farmer's Union intake structure. Lloyd Akins asked how that would affect Farmer's Union when the structure needs to be cleaned out. Mr. McMillen said they will mount a set of guides inside the cut in the opening and

install stop logs in the wall with a waterman gate on the intake and a removable grate on the other end. This will allow them to drop the slues channel gate. It will only be open when maintenance is being done on the Obermeyer gates.

Jerry Kiser asked when the project will be staked out. Mr. McMillen said by the first of September. They are waiting for the notice to proceed. Jerry Kiser asked when construction will start on the building. Mr. McMillen said it will not be until the end of September, they have to get the remainder of the building permits and all of the materials on-site. One pedestrian bridge will be rased and the others removed. They propose meeting weekly with Craig and any Board members that would like to attend. Sam asked if the Board should physically check on the project periodically. John Tensen said he would arrange walk-throughs as he sees necessary.

- 2) Bond – Jerry Kiser suggests \$2 million for the bond. The bond is to ensure Farmer’s Union the funds necessary to get water back in the canal in the event construction does not go as planned. Jerry Kiser would like to see the bond extend one year past construction. Mort McMillen stated he should be able to get a warranty for the year past construction. He will check into it.
- 3) Lander Street – John Tensen reported the Lander Street project is moving forward. The City will apply for a water reuse permit through the State DEQ which removes the EPA from the approval process. The treated water will be class A so it appears the DEQ is in favor of approval. The permit process requires DEQ to post the application on their website for 30 days. Anyone who views the DEQ website will have the opportunity to protest. Mr. Tensen proposes drafting a joint letter from the City and Farmer’s Union to Farmer’s Union shareholders explaining the proposal and what they are applying for, why and the benefits to all parties. The letter would go out prior to the City applying for the permit. The EPA will still require a permit to discharge into the river but it is John’s understanding they do not need a permit from the EPA to discharge into the canal. Sam asked about the timeframe which was originally 2020 or 2021. John does not think that is feasible at this time. He said there is a lot of work at Lander Street to be done on the plant and then work to be done to bring the water to Class A. Craig Waddell asked how much water will potentially be discharged into the canal. Mr. Tensen said as much as 25 cfs, 1,250 inches of additional water. The City will send a draft of the letter to Jerry Kiser for approval. They intend to submit the application within the next couple of months.
- 4) Ponds – John Tensen reported the City would like to find a way to put water into Quinn’s pond which would then flow through the two Esther Simplot ponds and into the canal this year. Sam doesn’t think they have enough time to make that work this year. He suggests they develop a long-term plan and execute next year. Sam recommended the City apply for 20 cfs, 1,000 inches of water to sufficiently flush the ponds. He recommended they get everything in place and start the flush process prior to any problems arising in the ponds as a preventative

measure rather than trying to deal with the algae after it becomes a problem. The City and Jerry Kiser will work on a new agreement to be patterned after a crossing agreement which would be for a set period of time. At that time the plan would be evaluated and if it is a problem for the canal they would need to run a pipe under the canal and downstream. Farmer's Union would like an additional small pipe to flush the end. Craig Waddell suggested the City install an additional aerator near the Farmer's Union intake. John said they added aerators to the ponds this year. Craig asked if the flush water could be turned on prior to Farmer's Union water coming in, around March 15th while the Farmer's Union gates are still closed. The Board agreed if there is an issue with water quality they will have to stop flushing into the canal. John agreed there would be more time to work on an agreement and implement the plan to start next spring.

Hazen Ranch Development - Mike Chidester - Bristol Co. and Chad Kinkela, P.E. – CK Engineering PC are working on development of 35 acres on the Merle Hazen property near Henry's N 40. The property will be developed into seventeen, 1.8 or 2 acre lots. The property is on headgate 78 and currently has an open ditch on the north and the south. Mr. Kinkela presented plans for the Board to review. Craig Waddell asked how large the pump and discharge will be. He also said Farmer's Union will want a flow meter on the pump. Craig will provide them with specs on the meter. Sam asked how they will address the rotation since the property is on a lateral. Mr. Kinkela said they have worked with the City of Eagle Engineer. They get the water 4.67 days out of the 8 day rotation. They have installed a 150x150, 15' deep pond in the northwest corner that will store three days of water. Any excess water will discharge water down the old ditch on the south side. Mr. Kinkela said water currently comes out of HG 78 and goes through the Catalpa sub. then into their pond. Catalpa sub. has a discharge pipe that puts water back into the ditch and runs along the north side of the property. Mr. Kinkela set up a headgate structure to dump water into their pond. Overflow water will go down to the sw corner where there is a pump station. They will install a pressurized irrigation system and pipe the ditches. Jerry asked Mr. Kinkela to send him a copy of the narrative for the pressurized irrigation system. Mr. Kinkela said the City of Eagle requires 4/10 inches of water on all irrigatable property per day which is why they put the pond in. The pump station will be at about 188 gpm and 4 lots will each get 4 hours per day. The Board reiterated headgate 78 needs to form a lateral association with a lateral manager and at some point everyone on the lateral should be on a pump with pressurized irrigation. The Board also suggested in the architectural guidelines for the subdivision there is a requirement for dry landscaping in order to be proactive in the event there is a low water year.

Widgeon Lakes HOA - Morgan Masner representing Widgeon lakes HOA on headgate 95 informed the Board Widgeon Lakes HOA has a series of three ponds and they believe pond #3 is leaking. They have been in contact with Ken Fry who has offered to divert water to Widgeon Lakes when he is not irrigating. Mr. Masner is asking for the Board's authorization to divert water from headgate 94 to headgate 95 when they need it. Lloyd Akins said the Board can't grant the movement of water

from one headgate to another for a limited time. The water would have to be transferred for the full water season and with the permission of any other water users on each headgate.

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

DITCH RIDER REPORT

Craig Waddell reported there has been a one inch drop in water in the last month. He believes Veteran's Cemetery is the only water user on that part of the canal capable of taking that much water. Craig said there is not currently a flow meter and he can't weir because the water has to be pumped up hill into two ponds with two headgates plus one additional headgate. Jerry asked Craig to provide him with more information on headgates 25, 28 and 29 and he will issue a letter. Craig said the water loss could also be attributed to Boise Valley. He said BVID has always had a key to the padlock on their headgate. The Board instructed Craig to put a different lock on the gate.

Craig reported there are 52 days left and the water seems to be fine. He is in constant communication with the water master. Craig said every headgate with a few exceptions are locked and he and Kendall Rivers are monitoring.

Craig provided Jerry Kiser with a design for a trash rack for ACHD but it needs to be re-done. The Board suggested Craig work with Mike Sheppard with the City of Boise. Jerry is going to contact Mr. Sheppard.

Jerry Kiser reported he was contacted by Bryce Farris, the attorney for Boise Valley Irrigation. Mr. Farris said the BVID Board would like to meet with Farmer's Union regarding Boise Valley water deliveries. Mr. Dobson purchased 0.38 shares of Boise Valley water in 2010 and has been taking water since then without a delivery agreement. Mr. Dobson recently purchased an additional 5 Boise Valley shares that are currently in the Boise Valley system. BVID and Mr. Dobson are under the impression that Mr. Dobson is in the "Free" water zone. The Board says he is not. The additional 5 shares will need to be transferred into the Farmer's Union system and a delivery agreement will need to be executed. At that time Farmer's Union would also require Mr. Dobson to install a flow meter on his pump. Jerry Kiser is going to send Mr. Dobson a letter informing him a delivery agreement will need to be executed otherwise Farmer's Union will not deliver water and will take necessary measures to remove his pump if he does not.

Craig Waddell said he thinks there is a problem with the flow meter at Belmar Estates and sent Jerry Kiser a picture of the latest reading. Jerry asked Craig to keep an eye on it.

Sam Rosti asked if the new legislation regarding trespassing has any impact on the ditch riders. Sam understood all vehicles need to be marked and the ditch riders have to wear shirts identifying them with Farmer's Union. Sam asked Jerry to look into it. The Board instructed Craig Waddell to have shirts made for himself and Kendall.

The Board reviewed July financials.

Rosalie reported Jerry Kiser issued pre-lien letters with August statements and she has received payments from Sheila Lundquist and John and Suzanne Mika. There are still six outstanding assessments. Rosalie will continue to issue finance charges and send out statements.

Rosalie reported the only large bill to be expected for the remainder of the year is to BOR for the \$14,319.26 due in November on the Construction contract. Rosalie also reported she received a letter from Water District No. 63 informing water users they plan to hire an assistant water master in 2019 so Farmer's Union assessment will increase from \$ 6,040.76 to \$8,200.

Rosalie informed the Board there are several areas where the budget has been exceeded; auto maintenance, yard diesel, equipment repairs and herbicides. The majority of auto maintenance is for the Dodge pickup which should be mostly done now. Sam Rosti asked if the increase in yard diesel is due to the increased cost. Rosalie is going to look into it. Sam also said the overage in herbicides is very likely as the ditch riders have been doing a lot of spraying this year. We will need to look into increasing the budget for fuel and herbicides for 2019.

Sam asked Rosalie to report her findings on transferring the checking account to a different bank. Rosalie reported she checked with Columbia Bank and Idaho Central Credit Union. Rosalie received an in depth report from I.C.C.U. with recommendations on how to divide the funds between a money market checking, savings and a cd in order to maximize earnings. The Board asked what would be involved in opening the account with I.C.C.U. and what is involved in transferring the money. The Board authorized Rosalie to work with I.C.C.U. to determine the amounts to divide between checking, savings and a cd and to get more information in regards to transferring the funds from US Bank and what is required to open the account. Tom Foster made a motion to move the checking account to I.C.C.U.; motion was seconded by Lloyd Akins. Motion was approved by unanimous vote.

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

ATTORNEY'S REPORT

The Board received a letter from White Sturgeon; LLC informing them the company will be installing gates on the Farmer's Union easement. Jerry Kiser is going to

respond with a letter informing them nothing can be installed without written consent of the Board.

Jerry said Tom Turgeon and Dawn Kelly have applied to the City of Eagle to split their 5 acre parcel into two lots. They have 0.3864 shares which is 36 gallons per minute. The application says the developer will provide flood irrigation to each lot which will be subject to the acceptance of Farmer's Union. Jerry is going to contact the property owner and the City of Eagle and inform them flood irrigation will not adequately water the ground, and they need to install a pressurized or drip irrigation system. The subject property is also on headgate 78 so the Board instructed Jerry to suggest to them to get involved in setting up a water users association for the lateral.

Jerry received a letter from Dave Shaw, he has a client who owns property in the Farmer's Union service area who believes they have excess water and are evaluating whether or not they should withhold water from the developer and move the water to other land in the service area. Jerry responded saying they more than likely do not have excess water and anything they want to do would need to be approved by the Board.

There is a pre-hearing conference on the Lexington Hills protest on October 9th. Jerry recommended the Board appoint a representative to attend the conference and negotiate a settlement which would be contingent upon Board approval. Sam asked what the Board would consider in a settlement. The main objective is to keep the water in the canal. Jerry stated the loss of assessment is not part of the equation. The question becomes, is a water right Farmer's Union has impacted or affected by removing the water from the canal? Jerry believes there is some impact because it is Jacobs's water which is not cut and late in the season if the water was not in the canal Farmers Union would have to make up the difference at 100% vs. 60% in order to get the same carrying effect. The other detriment is, because it is Jacobs's water when it was decreed Farmer's union received a carrying allowance of 1/3. If the water is removed Farmer's Union would have to make up the 69.25 inches of water. The injury is making up the 40% difference in water. Dave Shaw is reviewing. Jerry will be the appointed spokesperson at the conference.

Jerry reported he received revised plans from Century Link to run utilities under State Street. He has drafted a standard crossing agreement which is ready to be signed.

Jerry was contacted by Suez Water requesting to trench through the Farmer's Union canal and install a 24" steel encased pipe with bell joints to get to the south side of Seaman's Gulch. They are planning on trenching on the east side of the bridge to the landfill and cross the canal east (upstream) of the bridge. The pipe would be 5' under the canal. The Board is concerned that any disturbance of the canal bank could lead to a breach. The Board would like Suez to reinforce the bank with steel sheeting, concrete or something that will prevent the bank from eroding. Jerry is going to talk to someone from the New York Canal to find out how they have repaired their canal where trenching has been done.

Jerry received plans from ACHD for a crosswalk at Collister and State Street. ACHD is planning to install a sign post with a traffic light over the top and a lower light for pedestrians in the turn out area at Wylie Lane. There doesn't seem to be any negative impact to Farmer's Union access to the ditch bank.

Lloyd Akins moved to adjourn the meeting; motion was seconded by Tom Foster.
Meeting adjourned at 10:04 p.m.