

Tuesday, August 8, 2023

Farmers Union Ditch Meeting

Board Present:

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

Seth Kettering, Sean Kettering – Ditch Riders

Rosalie Cope, Secretary/Bookkeeper

Andrew Waldera, Attorney for FUD

Guests: David Erlebach - 23853 Can Ada Rd; Rhen Thurgood – Ardurra

Sam Rosti called the meeting to order at 5:36 p.m.

Mr. Erlebach, Rhen Thurgood, Sam Rosti, Bert Browen and John Schram met at Mr. Erlebach's property to inspect the canal seepage. Rhen took some pictures and observed some weeping in the bottom of the trench but there does not appear to be running water. Mr. Erlebach explained they modified the plans to move the building locations for the two houses down the hill 20' in order to get back from the seepage and they plan to install an engineered retaining wall so they won't disturb the canal bank. With the additional 20' they will be approximately 49' from the toe of the bank. All work appears to be outside of the easement however the toe around the bend could be lower than what is proposed. Rhen is going to determine where toe of bank is. If they are in the right-of-way with the road they will need a license agreement. If a retaining wall is going to be in the red area shown in the plans Rhen is going to request a Geotek study to determine stability of the slope. He thinks the retaining wall would help divert the water but won't solve the seepage problem. The majority of the canal is located on the neighboring property. It only runs through Erlebach's property in a small area. Sam is of the opinion if there is a catastrophic rain the seepage could be a problem in the future, the bank from Can Ada down is not wide enough for the high fill situation. The pump system to the pond will also need to be addressed in the future. The diversion may have to be relocated downstream. Mr. Erlebach wants to start work on the road and install the retaining wall right away. The Board asked Rhen if the location of the road is going to cause failure in the slope. Sam suggested piping the canal with a 36" double walled HDPE pipe from the point to the end of the property for approximately 1,400-1,500 ft. to prevent seepage. Piping makes the most sense but poses a problem for the ditch riders. A weed rack would need to be installed in front of the pipe or a catch basin in front of the pipe to catch debris. They will also need at least two clean outs installed in the turns. ACHD plans to move Can Ada Road in the future and a portion of the canal will have to be piped at that time. That

also might be the right time to relocate the headgate. Mr. Erlebach's engineer stated they received a bid of \$100,000 for the pipe shown in green on the plans. The bid is for 300 ft. of ADS M12 pipe. If Farmer's Union is willing to consider straightening the alignment of the canal it would cut down on the cost of pipe. The Board would like to see engineered plans for piping the ditch. If building or ground work is done in the gully it will also have to be piped in the future. The Board asked Rhen to reach out to Erlebach's engineer and let him know Ardurra is providing the company with an opinion on where the tow of bank is which will determine where the right-of-way is. The Board is agreeable to work starting on the road from station 15+.04 to 10 but no road work is to be done between stations 10 and 6 until Ardurra can formulate an opinion on tow of bank.

NEW DRY CREEK DITCH CO.

Seth, Sean and Dale drove as much of the New Dry Creek canal as they could and took pictures of different areas. There are fences and multiple gates on the canal right-of-way. It looks like the easement has not been enforced and it will take several years to get things under control. Seth is supposed to meet with Ron Sedlacek next week to take a look at the diversion and the remainder of the canal. Sam would like Andy to follow up with Bryce on the diversion structure issue. Rosalie provided the Board with financials from new Dry Creek and Sam pointed out the cost per acre for New Dry Creek to operate is currently \$44 vs \$84 it cost Farmer's Union to operate. Sam stated if Farmer's Union were to enter into a maintenance agreement they would manage all aspects of running water to include purchasing chemicals. Tree work and major maintenance would need to be done by outside contractors. Seth stated there is a lot of burning and weed clean up that needs to be taken care of. Sam has a contract labor company consisting of 5 guys that can be hired for \$20 per hour per man.

DITCH RIDER REPORT

Wilbur Ellis may no longer be selling some of the products needed. Seth is going to contact Simplot for pricing.

Seth would like to look into getting a 3-point deck mower that goes on the back of the tractor.

Seth reported the wind storm last night caused some damage at the Clover house. A tree limb from the neighboring property tore the power line down and ripped the box off the house. Dale hired an electrician to replace the box and Idaho Power repaired the line.

Seth reported we are now using storage water and have approximately 15,000 AF remaining. Almost 3,000 AF has been used.

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 Paul Akins. Motion was unanimously approved.

ATTORNEY'S REPORT

Andy stated Mr. Erlebach still needs to submit plans for the UTV bridge in order for the license agreement to be completed.

Andy has not received comments from Capital View regarding the draft agreement.

Pre-lien letters to shareholders with delinquent accounts will be sent within the week.

Andy reported I.D.W.R. entered into an M.O.U. with Region 10 of FEMA. FEMA is requiring Idaho to strike out the statutory carve outs for irrigation O&M that were put added in 2010 by 2025. He is not sure where the irrigation entity responsibility is going to be for flood plain development permit requirements.

I.D.W.R. denied a water right transfer application from Grandview Irrigation District. The application was for an additional point of diversion of water for its water right from the river on CJ strike and for an additional point of use within the Irrigation District. The application was not to use more water but for operational flexibility. Western Region denied the application possibly because of a trust water rights issue regarding the Swan Falls agreement. The denial was based on the idea the application was not the highest and best use of water supply available, suggesting that other more worthy non irrigation district related water uses could be made or should be protected through denial of the application. This is the first time there has been a decision by I.D.W.R. seemingly putting other uses above irrigation.

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

Corey Blaine moved to adjourn the meeting; motion was seconded by Paul Akins. Motion was unanimously approved. Meeting adjourned at 8:06 p.m.