

Monday, Sept. 12, 2022

Farmers Union Ditch Meeting

Board Present:

Sam Rosti, Lloyd Akins, John Schram, Mike McGowan
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 5:37 p.m.

DITCH RIDER REPORT

The Board previously discussed building an access road along Ritter's property at 1270 West Beacon Light Rd. in order to access Colombowala's pump at 1250 W Meander Drive. Seth looked into installing eco blocks along the canal bank in order to avoid tearing down Ritter's barn and at the point the water goes under the bridge the eco blocks would extend too far out into the canal. He also estimates there would be approximately \$10,000 worth of tree work needed along with the Ditch Rider's removing the stumps in order to make this plan work. Seth suggested installing a flow meter with a remote reader on the pump to avoid spending thousands of dollars to gain access to one pump.

Andy spoke with the new property owner, Vohn Watts and he is willing to work with Farmer's Union. Dan's pump did not do any of the work since Farmer's Union did not sign off on Colombowala's plan. However work was done and Andy is not sure who the contractor was. Mr. Watts asked Andy to provide him with all of the correspondence from Jerry to Colombowala's. He met with the contractor and stated all of the work required by Farmer's Union was complete according to the contractor. There is a float in the lower pond with a shutoff switch and a gate valve that controls the flow out of the canal through the pump. It was evident that Colombowala was pumping far more water than his water share so the contractor shut the valve down to what the entitlement is and zip tied it at that level. Andy would like Seth to meet with Mr. Watts and contractor to review the work once water is out of the canal. The Board would like a pump installed that is sized to the water right or Lloyd suggested installing a variable drive on the pump to possibly save money. Jerry did require Colombowala to install a flow meter but did not request a remote reader so that would need to be requested. It does not appear a meter has been installed yet.

Seth would still like to remove some trees along Ritter's property. He will contact Healthy Tree Service to get a quote.

Seth reported there was an issue with the Klondike overnight. The Aqualastic liner bubbled up and filled with water which blocked the culvert so no water was spilling. He and Sean were able to cut the liner out but it will need to be replaced. Sam asked Seth to contact Bennett Construction and have them take a look at it when the canal is dry. He said they have received some product that doesn't stick and the work should probably be done at their expense.

The Ditch Rider's are continuing to have issues with the contractor's for Culver subdivision. They are using the canal road as a staging area and blocking Ditch Rider access.

Seth reported the canal has been dropped 10 cfs within the last couple of days. Kyle Coombs is done irrigating and Boise Valley has turned down from 45 to 40 cfs. The canal is currently running at 165 cfs total. He estimates to have approximately 4,000 acre feet of storage water remaining at the end of the season.

The Board does not see any advantage to ending the irrigation season early. The estimated shut of date will be October 15th.

Seth reported fuel and oil has been stocked up in preparation for off-season maintenance.

There was some discussion about purchasing a used backhoe vs new. The Board will continue to look for a used machine but is leaning toward purchasing something new that would have a warranty and last the company for many years.

There was also discussion about replacing the Ford Rangers. They both have almost 200,000 miles and are requiring maintenance. The Board asked Seth to look into finding used pickups.

ATTORNEY'S REPORT CITY OF BOISE CANAL CROSSING

Andy informed the City the Board would like the bedding chips in the plan replaced with ¾" road mix. The City disagrees with the change and says the chips are self-compacting stating they are industry standard and achieve the required compaction. The ¾" road mix would pose problems compacting in the void space between the concrete collars. The Board asked Andy to contact Greg Clark for his recommendation. They will approve whatever he recommends.

LUCKY PEAK O&M

There have been several conference calls with Congressional staff spearheaded by Russ Fulcher's office. One of the calls was with Bill Parks, the Snake River Area office economist for B.O.R., Brian Horsburgh the Deputy Area Manager and several people from the Army Corps of Engineers including the District Engineer. Anderson Ranch and Arrowrock were originally built 100% for irrigation and Lucky Peak was 50% irrigation and 50% flood control. Under the 1953 memorandum of agreement the

B.O.R. and the Corps converted the entire system to 50-50. The water user's costs were reallocated system wide based on the 50-50 percentage. Only 52,000 acre feet of the 283,000 acre feet in Lucky Peak is under contract which is 12% of the reservoir space the water users are responsible for. This was all re-negotiated in 2017 as part of the refill issue. The Corps sends the B.O.R. their O&M cost projections for three years along with cost codes and what each item is attributed to. The B.O.R. runs the budget and codes through a formula to get to the O&M number that would be charged to the water users and B.O.R. The question the water users have is what the breakdown of the etc. charge in the budget is. The B.O.R. is working to provide the water users with the cost codes and copies of the formula so there is a detailed accounting of the proposed O&M expenses. The B.O.R. holds an annual O&M budget meeting with the Basin 1 water users. Andy asked if they would do the same thing in Basin 63 so the water users can get clarification on the expenses. It sounds like they will try to implement the meeting starting in July of 2023. This will not help for the 2023 Farmer's Union budget but will help projecting several years out. Andy asked Brian Horsburgh what the Army Corps provides to them as far as what each item costs and if they could pass that information along to the water users.

Fulcher's office organized a small tour of the Lucky Peak operations building which is what the B.O.R. is trying to replace. The Corps confirmed construction of the building is off the table for at least the next two budget cycles. That means the significant increase in O&M will not take effect in the near future. Representatives from Fulcher's and Crapo's offices, Roger Batt, Andy Waldera, Paul Arrington with I.W.U.A. and Alan Fiestner the District Engineer for the Army Corps were in attendance. They met with the Operations Manager for Lucky Peak and the O&M Maintenance lead for the office building and shop. Mr. Fiestner provided the group with a list of items wrong with the existing building. It was built in 1956, concrete block building, lead and asbestos issues, sanitary water supply issues, bad septic system and is too small to accommodate the current staffing level. The building has gone through three renovations and is definitely in need of being replaced. Andy explained if they were able to provide the water users with the actual cost of the new building and more detail they may be able to accept the project. Is the building projected to cost \$4 million or is it \$8 million with \$4 million being passed on to the water users? Andy asked why with more technology is there more staffing rather than less as should be expected. The Lucky Peak O&M lead explained there is more staff to deal with technological issues. He asked why the water users care because Lucky Peak is a flood control facility. Andy stated Alan Fiestner from the Corps did not like that at all. The Operations Manager and O&M lead later explained to Andy that the increase in staff is also due to the increase in recreational use such as security, trash pick-up, incident management at the boat docks, etc. Andy explained that although the increased staffing is necessary for the facility the water users are only responsible for costs associated with the storage and release of irrigation water. That would pose the question of the total building cost what portion is attributable to the storage and release of irrigation water and what portion is necessary to deal with recreation in other words?

The Bureau is working on providing the water users with more information and now it is a matter of getting the Army Corps to participate in the conversation. Andy stated that at the time of the refill issue the water users wanted to ask the B.O.R. to do a cost allocation study on the Lucky Peak facility through their economist department. The question was what is the estimated flood damage today with all of the new building vs what it was in 1953. Is the facility no longer 50-50 flood control or 70-30, etc. The water users would have to fund the study which could be as much as \$15,000 therefore the outcome of the study would have had to be pretty significant to justify the cost. At that time, in 2017 the water users thought the 50-50 agreement was good and decided to leave it alone. The Board thinks it might be good to have a discussion with the other water user entities about conducting a study. Brian Horsburgh is working to get the water users a detailed list of issues with the existing building.

The Board discussed the need to increase assessments by \$100 per share for the 2023 irrigation season in preparation for the significant increase from B.O.R. to come.

GREEN MEADOW SPILL

Andy received an email with several attachments from Lynette Davis asking what Farmer's Union is going to do to work with ACHD in regards to the Green Meadow Spill. Andy forwarded to Jerry since he had been working with her. Andy then received another email from Ms. Davis and he reiterated that after the 2021 season there is no way runoff water can enter the canal, it has been cut and capped and everything flumes over the canal and goes into the spill. ACHD did the work to flume the water over the canal and Seth concreted the spill from the canal side therefore Farmer's Union can't release water from the canal anymore. Andy explained concreting the spill is an act of abandonment of easement interest however Farmer's Union can't abandon a fee simple interest. He reminded Ms. Davis that Farmer's Union would Quit Claim that strip of property to her client then they could work with ACHD since they would then be the property owner. Farmer's Union has no interest in getting into this with ACHD. Andy explained to her that her client would not be liable for any damages because they would not be the owner of the ditch as they don't use any water out of it.

Andy filed a protest to the application for a ground water irrigation right filed by Travis Chelsey. Mr. Chelsey has approximately five acres and has 0.25 shares of Farmer's Union on the HRM lateral. His complaint is the HRM is unreliable and he is not able to get his water. In the protest Andy reiterated that ground water cannot be used for irrigation until surface water is maximized. Andy stated he is also trying to annex and rezone into the City of Star and IDWR will include the "supplemental use" remark on any permit they issue.

Andy emailed the draft canal encroachment/crossing procedures and engineering standards to the Board for review. Upon Board approval he would like to send to Greg Clark to review, sign, and stamp the Standards and Specifications document.

Andy suggested the Board consider entering into a Master Agreement with ACHD and the City of Boise to deal with storm drain runoff. He said the key component of these agreements is to inventory existing drains and grandfather into the agreement. He explained the Clean Water Act storm water permit application requires municipalities to map and update outfalls therefore each outfall is already mapped on ACHD and/or the City's GIS program so there would be no additional work for them to provide the map to Farmer's Union. The Master Agreement builds in protections to include an indemnity clause to indemnify Farmer's Union and hold the owner liable in the event something arises from the outfall(s). As long as storm water runoff into an existing that accepts storm water runoff is covered under NPES permit the irrigation entity does not need to get a second permit as a conduit. If the canal company by court order or government regulation has to participate in some new permitting program directly attributable to the outfalls being present in the canal the City or ACHD would have to remove the outfalls so the canal company would not be subject to the permitting or has to pay for the staffing, etc. that would be needed to participate in the new government permitting programming. These entities already have this type of agreement with other irrigation and/or canal companies so they would have no reason to deny entering into an agreement with Farmer's Union. In exchange for grandfathering existing drains the agreement would require them to approach the company for approval of any new outfalls. The Board would like Andy to obtain the MS4 map from ACHD and proceed with drafting an agreement.

Andy sent pre-lien letters out with September statements.

In May Andy reported Suez hired Dr. Christian Patrick to update and expand the scope of the 2016 study he was commissioned to conduct by I.D.W.R. which studied projections for domestic, commercial, municipal and industrial water supplies out to 2065.

The joint Federal-State evaluation of the feasibility of breaching the Lower Snake River Dams as a way of protecting endangered salmon and steelhead species was finalized in August and there are two Democratic Senators from Washington, Patty Murray and Jay Inslee who will not support Mike Simpson's plan to breach the four lower Snake River Dams. Washington State has legislation on the books requiring the conversion of fossil fuels to green power sources and they determined there is no way to replace the hydro power generated by these facilities, fish, transportation, etc. aside.

Andy also reported in a meeting of Water District 63 Mike Meyers said Riverside Irrigation District is pitching the thought of a delivery call. Mike is looking into what that would mean for the system. He has been looking at the North side of the River and the drain return flow measurements. As long as water is available the District will not allow Riverside to upset the drain side of the system and ignore their river rights. They can't compel others to waste water for their benefit. Their water rights are not overly senior and if they file a delivery call in the basin their administrative break at the Star bridge could be eliminated and they would then be battling 1865-1884 priorities senior to their water right.

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

Andy sent out pre-lien notices to those with outstanding assessments.

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

Lloyd asked the Board to consider approval for the HRM to move their headgate to the current location of headgate 130A and move headgate 130A upstream approximately 10 ft. The plan is to abandon the old headgate and system in place on the west side of the road and build a new headgate and chute on the east side of the road. They have spoken to John Pickens and he would grant the HRM an easement on the east side of his driveway in order to access the headgate. They are currently replacing the pipe on the HRM so the entire system will be new. Lloyd would like Farmer's Union to do the work and bill Hayden Homes to ensure the headgates are installed properly. The Board is agreeable with the plan.

Mike McGowan moved to adjourn the meeting; motion was seconded by John Schram. Motion was unanimously approved. Meeting adjourned at 9:29 p.m.