

Wednesday, September 8, 2020

Farmers Union Ditch Meeting

Board Present:

Sam Rosti, Lloyd Akins, Paul Akins, Mike McGowan

Craig Waddell, Seth Kettering – Ditch Riders

Rosalie Cope, Secretary/Bookkeeper

Jerry Kiser, Attorney for FUD

Sam Rosti called the meeting to order at 5:34 p.m.

LEVI GLYNN – 4330 N JOHNS LANDING WAY

Mr. Glynn has approximately a quarter acre lot with a house and has been working with Jon Dobson at 4329 Johns Landing Way to purchase one share of his Boise Valley water. Mr. Dobson also has approximately a quarter acre and currently has two shares of Boise Valley water. Jerry Kiser is going to review the pump readings and usage to this point in the season on Dobson's pump to determine if there is an inch available to sell to Mr. Glynn. Sam stated at this time the Board is requiring flow meters to be installed on all new pumps. Jerry also asked Mr. Glynn for a diagram of where he plans to install the pump. Craig Waddell requested that any pipes under the canal road be buried at least 3'.

PRESTON and EMILY APSLEY – 355 E BEACON LIGHT RD.

The Apsley's recently purchased property at 355 E Beacon Light Road and installed a new pump and irrigation lines. They stated the property has not been irrigated for quite a while and presented the Board with a plan for what they would like to do with the property. The Board determined the Apsley's have 0.114 of a share of Farmer's Union for 1.73 acres. This leaves them short on water to irrigate the property, however there is a house and their plan is to utilize quite a bit of drip irrigation. Mrs. Apsely is a landscape designer and has put a lot of thought into their plan. The Board will require the Apsley's to install a flow meter on their pump and asked that it either have a remote reader so the Ditch Riders can easily get readings or they will have to go through the yard twice a month to read the meter as there is not access on their side of the canal road.

WAYNE STACEY & TODD AMYX – 801 E BEACON LIGHT ROAD

Mr. Stacey and Mr. Amyx are in the process of purchasing property at 801 E Beacon Light Road and are currently doing their due diligence. The property is 16.05 acres and there are 0.78 shares of Farmer's Union along with 5" of Developed water for the property. They plan to develop eight single family lots, similar to the Vizcaya

subdivision. The City of Eagle is requiring them to put in a holding pond. Craig asked if they are planning to install a supplemental well. They said yes, if need be, but will write an irrigation schedule into the CC&R's. There is an existing well that needs to be tested. The information they received said the existing well has a flow of 50 gpm which should be sufficient to subsidize the irrigation. At this time they need a letter from Farmer's Union verifying the amount of shares for the property. Jerry Kiser said the Board will need to approve plans for a headgate, pump, retention pond and irrigation system prior to installation. Craig Waddell said a new box and weir will need to be installed.

Teri Murrison at 2380 W Beacon Light Rd. attended the meeting just to observe and get a feel for what goes on at monthly meetings.

Henry's Fork HOA is on the agenda but did not send a representative to the meeting. Henry's Fork has 2.625 shares of Farmer's Union and 3 shares of New Dry Creek. The HOA Board thinks they are only using the New Dry Creek water and are looking into selling the Farmer's Union water. After more investigation they found they are using Farmer's Union water but are trying to figure out how much. They will attend a meeting once they have all the information.

Minutes from the June meeting were mailed to the Board prior to the meeting for review.

Paul Akins moved to approve the minutes; motion was seconded by Lloyd Akins.

Rosalie Cope reported Jerry Kiser sent out pre-lien notices for the remaining outstanding assessments. Since the letters have gone out Rosalie has received calls on two accounts and will get those taken care of. Jerry stated he sent a different letter to the Brower's informing them Farmer's Union will be starting the foreclosure process as their account is now three years past due.

Sam asked the Board to take a little more time to review the financials.

DITCH RIDER REPORT

Craig Waddell said he will need to purchase two more 8" headgates to accommodate Mr. Glynn and the 801E Beacon Light property. Sam suggested using 6" headgates if possible.

Sam asked if they are keeping up with the sago pondweed. Craig replied yes, they have only used 1 ½ pallets of copper. Typically they will go through three pallets in a season. Craig reported they are doing well on other chemicals also. Craig reported the new mower is working great. He said there is a lot of tree maintenance that still needs to be done. The bad areas are Pierce Park, along 1650 W Beacon Light and at the Green Meadow spill. Craig also reported there are several locations along the bank that need to be shored up with the remaining eco blocks. Again, along 1650 W Beacon Light. He said the property owners filled in the pond and possibly plugged the drain pipe that runs through the property. Sam asked the ditch riders to get bids

for tree removal. Craig would like to clean up debris, weeds and trees at the Green Meadow spill. Discussion ensued about the ownership dispute over the spill and ACHD refusing to take responsibility for it. The Board agreed to do a site visit and think about the possibility of abandoning the property, doing the repair work or selling to the adjacent property owners who have been trespassing on the property to begin with. They are going to discuss further at the October meeting and make a decision.

Craig Waddell asked the Board for an estimate on a shut off date so he can communicate the date to water users. The Board said tentatively October 20th.

Craig said the trash rack at Dry Creek needs to be replaced and he would like to install a grate on the Siphon. Craig would like to look into the cost of well casing pipe to build the grate. Sam would like to look into purchasing more railroad iron but there may not be any available.

ATTORNEY'S REPORT

TRASH RACK

Jerry Kiser provided the Board with a draft of plans for the temporary trash rack to be installed upstream of Willow Lane to provide to ACHD. Jerry sent comments and has not received a revised set of plans yet. The walls need to go out to the end of the wing walls not the end of the bridge and Jerry thought it could set on eco blocks so it would be lower, but he is not sure if it needs to be done the way it is shown for engineering purposes. It is shown with blocks in the middle for support. Sam said if there is a catastrophic event the rack needs to be above the high water level. Jerry said Craig sent him some measurements and the high water mark is around 50" so he added 3-4 more inches to the height. Jerry asked the Board to review and get back to him with any other recommendations or changes.

Jerry Kiser reported he met with Mike Meyers, Rex Barry and Pete Newton regarding storage water usage by Capital View. Mike has been reading the Capital View flow meters and reported they are running at about 5 ½ cfs which is under their water right of 7 cfs. Capital View is to receive storage water now, but they are receiving about 275 inches between both pumps. Capital view is entitled to their 300 inches of storage water. The River Master asked what the conveyance loss factor is. Jerry said he already provided them with the information, that 7cfs is turned in at the river and Capital View is to get 300 inches. The remainder is conveyance to Farmer's Union. In 2019 the charge for storage water usage was calculated on the two week use and the conversion. Jerry was informed that Capital View did not actually use any storage. The River Masters assured Jerry that Capital View was not charged for storage and it was not deducted from the Farmer's Union account either. Capital View asked for the same amount of storage water in 2019 as they had used in 2018. Mike was new last year and entered the usage incorrectly but has since gone back and made the correction. It was determined that Capital View used the same amount of storage water in the same manner in 2019 as they did in 2018. Therefore, Farmer's Union will need to issue a credit for the difference charged for storage water

in 2019 over what the charge was for 2018. And, currently Capital View has not used any storage water in 2020. Rex and Mike did ask for Farmer's Union to provide them with weekly flow meter readings on the Capital View pumps going forward. The readings need to be done on Sunday and turned in to Mike Meyers on Monday mornings.

Jerry said one of the issues this summer with flow meter readings seems to be communication of the numbers. Jerry would like to have the Ditch Riders take bi-monthly pictures of the flow meter with a description as to what meter it is. Jerry suggested reaching out to Mike Meyers to see if he can tutor the Ditch Riders, himself and/or Board Members on calculating consumption based off the flow meter readings.

Jerry needs to talk to Pete Newton to clarify how much, if any Capital View water is going to Triple Ridge along with their Farmer's Union water. He is going to follow up with Pete.

Lloyd reported the flow meter at Belmar is working. Craig reported Roselands has still not installed a flow meter. Jerry Kiser will issue a letter to Don Newell and cc Roselands HOA.

WHITEWATER PARK

Jerry has been communicating with the City of Boise since April regarding signage and other issues that need to be addressed as per the Agreement with the City on the Whitewater Park. The City is citing the park is on land that was acquired through a water conservation grant which prohibits keeping the public out of any part of the park. Jerry has done extensive research and looked at all deeds that make up Veterans Park. He can't find where any of the property was acquired with a federal grant. Jerry wrote another letter stating he has communicated with the State Parks Dept. and they have no record of any federal grant funds being involved with the property. The City responded with a letter stating the grant funding was not used to acquire the land, but was used in building park improvements. Jerry is working to get records on the grant funding to show what exactly the money was used for. In the process another box of records was discovered that Jerry needs to get access to and review.

Jerry explained Veteran's Park is State owned land which is operated and maintained by the City of Boise under a lease with the State of Idaho. The lease identifies the land which is the park through exhibit A to the lease and exhibit B to the lease identifies easements the park is subject to. Jerry has looked at the original lease in the State Parks files and can't find either exhibit A or B in any copy held by the State or City. One of the provisions in the lease is that the State, through legislature had to pass a law approving of the Parks dept. entering into the lease with the City of Boise. The statute has a legal description and Jerry suspects the legal description only describes the original 40 acres of the park. He doesn't think the statute includes the Cascade pond portion. If that is the case and the exhibits can't be produced Jerry

doesn't think the City has a lease for the rest of the Park. The Park was originally sold to the State in the early 1900's; the other parcels were not added until the 1970's. A section of the lease between the State of Idaho and the City of Boise states the City can't sub lease and can't prevent full use by the public but does have the authority and responsibility to manage the premises and provide safety and security to the visiting public. The last portion regarding safety and security outlines the whole purpose of keeping the public off the Farmer's Union right-of-way. Farmer's Union has the option to notify the City they are in default, cure the default within 30 days or shut down the recreational facilities.

Jerry needs to review the documentation showing how the federal funds were used before preparing another response to the City.

TRIDENT RIDGE

Jerry provided the Board with a set of plans for Phase 4 of Trident Ridge subdivision for review. Karl Gebhardt has been reviewing and suggested Farmer's Union contract a Geotek expert to review the report. Jerry has a copy of the Geotek report done by Trident Ridge and their expert will be onsite testing soils when excavation starts. Lloyd asked how much dirt they are planning to remove. He estimates they will be cutting approximately 12'. The Board is concerned about the proposed drainage system; will it work and is it going to increase loss of water from the canal. Should Farmer's Union require Trident Ridge to install French drains in Phase 4 like they are doing in the other phases? Jerry suggested notifying the City of Star, the Developer and the Engineer that Farmer's Union is concerned about potential seepage into crawl spaces or basements of these properties and want the Developer to take care of the issue and bear the responsibility. Jerry will send back the agreement for the first three phases to include the additional language covering engineering fees and a note that Farmer's Union is going to have a Geotek firm review their report for Phase 4.

WATER RIGHT PROTEST

Jerry provided the Board with a memo from IDWR regarding the pre-hearing conference for the City of Boise's application for a water right permit. The conference is scheduled for Wednesday, September 23rd via phone conference. Jerry is going to contact John Roldan for more information on their solution to the water quality problem in the ponds. Farmer's Union agreed to let the City spill water into the canal from the ponds for a season. We are nearing the end of the season and it is not working. Farmer's Union would like the City to pipe Crane Creek under the canal and spill back into the river rather than the canal.

Jerry provided the Board with a draft letter in response to the letter from Patrick Galloway, representing Echohawk Estates. Jerry is going to add a statement to the letter reiterating if the problem continues the gate will be removed.

Jerry informed the Board there is a public hearing for the Lander Street water reuse project on Tuesday, September 15th. Jerry provided the Board with a flyer he

received in his utility bill. There is an update as to where the City is in the process of getting the application approved.

Jerry reported a tree fell south of Bloom Street. Lloyd questioned if the property belongs to Farmer's Union. Jerry stated Farmer's Union does not own the property in that location however he received a map showing the parcels owned by Farmer's Union. Farmer's Union basically owns from Bloom to Castle. Through that area there are a lot of encroachments which were believed to be in the right-of-way, but are in fact on Farmer's Union property.

Jerry reported IWUA created a brochure that Farmer's Union can utilize. He thinks it should go out with assessments. It covers rights-of-way, dumping, easements, encroachments, etc. Rosalie will also include a link to the brochure on the website.

Jerry received a notice from IWUA in regards to the BOR taking public comments on a proposed revision to the National Historic Preservation Act to exempt irrigation structures. This would exempt irrigation entities from having to get approval from the historical society when tearing out or repairing irrigation structures. They are hosting a series of webinars to explain the program.

Jerry sent letters out the Summerhill property owners regarding encroachments on Farmer's Union property. He only received a call from one property owner which happens to be the only property owner without anything encroaching on the right-of-way.

Jerry reiterated that a meeting needs to be set this fall with the Thomas' who purchased the Eberhardt property. We need to walk the canal, show them what the issues are, what they are responsible for and find out if they still want to maintain the property as per the agreement with Eberhardt or if they want to revert maintenance of the canal easement back to Farmer's Union. There are several trees that need to be removed

Lloyd Akins moved to approve the financials; motion was seconded by Mike McGowan.

Discussion ensued regarding how much should the Board get involved in lateral issues such as the recent issue when one water user wanted to pipe the lateral to her property across the neighbor's property. Jerry suggested the Board does should need to be involved with every aspect of lateral management but can get involved on a case-by-case basis when the Board can help guide a lateral through a situation.

HEADGATE BOOK REVIEW

Rosalie asked when the committee would be available to meet with the property owners at the pumps on Beacon Light to clear up the remaining questions. Tentatively the group plans to meet on September 25th.

FILE ARCHIVES

Rosalie reported she has reviewed all of the files at the shop and has a few left to scan. She will get together with the Ditch Rider's on which files to dispose of then file the archive documents at the shop again. She will then get in touch with Lloyd and Jerry to start going through the documents they have.

PUMP SIGNAGE

Rosalie ordered a sample of a stake that could potentially be used for pump signage. The cost is \$4.19 each plus shipping and adhesive numbers. The Board approved and directed Rosalie to order 70 plus numbers.

Paul Akins moved to adjourn the meeting; motion was seconded by Mike McGowan. Meeting adjourned at 10:11 p.m.