

**April 20, 2011**  
**Minutes-Board Meeting**

The regular monthly meeting of the Lower Arkansas Valley Water Conservancy District Board of Directors was held on Wednesday, April 20, 2011 commencing at 10:10 A.M., at 801 Swink Avenue, Rocky Ford, CO 81067.

Chairman Moore announced a quorum was present with Director Esquibel being excused.

**DIRECTORS PRESENT:**

Pete Moore-Chairman  
Lynden Gill-Vice Chairman  
Wayne Whittaker –Treasurer  
Leroy Mauch  
Anthony Nunez  
Reeves Brown

**DISTRICT STAFF PRESENT:**

Jay Winner-General Manager  
Bill Hancock-Conservation Program Manager  
Carla Aragon-Quezada-Office Manager  
Brenda Fillmore-Finance/Water  
Bart Mendenhall-Attorney

**DIRECTOR ABSENT:**

Melissa Esquibel-Secretary

**DISTRICT STAFF ABSENT:**

Peter Nichols-Attorney

**MOTION TO ENTER INTO WATER ACTIVITY ENTERPRISE:**

Director Reeves moved that the Board recess the regular Board Meeting and open the Water Activity Enterprise meeting, seconded by Director Nunez. Motion unanimously carried.

At the conclusion of the Water Activity Enterprise meeting Director Whittaker moved to adjourn the Water Activity Enterprise meeting and reconvene the District Meeting at 10:15 A.M., seconded by Director Brown. Motion unanimously carried.

**INTRODUCTION OF VISITORS:**

Chairman Moore welcomed each of the visitors to the meeting, asked them to introduce themselves and identify the organization which they represent.

**VISITORS PRESENT:**

Kelly Roesch, Pure Cycle; Rick Kienitz, Aurora; Doris Morgan, Congressman Cory Gardner's office; Alan Ward, PBWW; G.W., Larkspur; Pat Edelmann, USGS; John Schweizer, Super Ditch; Gloria Gutierrez, Senator Udall's office; Fred Heckman, FLCC; Burt Heckman, Ft Lyon; Henry Schnabel, Prowers County Commissioner; Chris Woodka, Pueblo Chieftain; Bette McFarren, LJ Tribune; Curtis Mitchell, Fountain Colorado; Sean Chambers, Cherokee Metro; Perry Cabot, CSU-Pueblo; Ann Lopkoff, CWPDA; Michael Daskam, NRCS-Holly; GW Werdel, Larkspur Ditch; Mike Bartolo, CSU/AVRC; Lane Simmons, CSU/AVRC; Roy Vaughan, BOR; Floyd Ciruli, Ciruli Associates; Dale Straw, Colorado Division of Water Resources; Allan Andales, CSU; Dale Mauch, Ft Lyon.

**APPROVAL OF MINUTES:**

- ❖ *February 16, 2011 Monthly Board Meeting Minutes*- Chairman Moore asked if the Board members had reviewed the minutes for the February 16, 2011 Board meeting and whether there were any corrections or additions. Director Mauch moved to approve the minutes for February 16, 2011, seconded by Director Gill. Motion unanimously carried.
  
- ❖ *February 16, 2011 Work Session Meeting Minutes*- Chairman Moore asked if the Board members had reviewed the minutes for the February 16, 2011 Work Session meeting and whether there were any corrections or additions. Director Whittaker moved to approve the minutes for February 16, 2011, seconded by Director Brown. Motion unanimously carried.

**TREASURER'S REPORT:**

Chairman Moore reported that the financial report for the month of February was included in the Board's Monthly Meeting Packet. Treasurer Whittaker reported February total revenues \$503,378.99 and total expenditures \$204,933.80 with total net \$298,445.19. Director Whittaker moved to accept the February Financial Statement, seconded by Director Brown. Motion unanimously carried.

Chairman Moore reported that the financial report for the month of March was included in the Board's Monthly Meeting Packet. Treasurer Whittaker reported March total revenues \$198,861.83 and total expenditures \$177,805.56 with total net \$20,055.97. Director Whittaker moved to accept the February Financial Statement, seconded by Director Brown. Motion unanimously carried.

**GM REPORT:** General Manager Winner introduced Floyd Circuli, of Circuli Associates.

**PRESENTATION:**

Mr. Circuli gave a power point presentation on A New Era for Colorado Water Development “The Status Quo is Not Acceptable”, A Time for Implementation, which is attached to the minutes as **Exhibit A.**

General Manager Winner introduced Dale Straw of Colorado Division of Water Resources and Allan Andales, Colorado State University. The gentlemen presented a power point presentation on Requirements for E-T Research in the Arkansas River Valley, which is attached to the minutes as **Exhibit B.**

General Manager Winner introduced Henry Schnabel, Prowers County Commissioner and Michael Daskam, NRCS-Holly. Mr. Daskam gave a power point presentation on Prowers County Tamarisk Project, which is attached to the minutes as **Exhibit C.**

Director Whittaker moved to support \$10,000.00 now and then another \$20,000.00 when other partners get involved to help support Prowers County’s Tamarisk Eradication Program, as this benefits our mission to remove tamarisk and conserve and protect water quality, seconded by Director Brown. Motion unanimously carried.

**LEGISLATIVE REPORT:** None

**DIRECTORS’ DISCUSSION:** None

**COMMITTEE REPORTS:**

Personnel: None.

Acquisition: None.

**LEGAL REPORT:**

**Melissa Esquibel:** None

**Attorney Bart Mendenhall:** Attorney Mendenhall’s legal report, a copy of which is attached to the minutes as **Exhibit D.**

**Trout, Raley, Montano, Witwer & Freeman, PC**

**Attorney Peter Nichols:** Attorney Nichols legal report, a copy of which is attached to the minutes as **Exhibit E.**

**BOARD ACTION:**

Director Whittaker moved to support the MOA (Memorandum of Agreement) between Southeastern Colorado Water Conservancy District and Excess Capacity Storage Participant (Lower Arkansas Valley Water Conservancy District) \$400,000 over a three (3) year period, seconded by Director Nunez. Motion unanimously carried.

Director Brown moved to sell 50 shares of Fort Lyon Canal Company to Raymond Mauch of Lamar, Colorado, seconded by Director Nunez. Motion unanimously carried.

Chairman Moore read a statement to the Board of Directors, staff and visitors.

He stated a few weeks ago an editorial in the Pueblo Chieftain strongly criticized the Lower Arkansas Valley Water Conservancy District and the District's water attorney, Peter Nichols; the editorial was especially harsh in its treatment of Mr. Nichols. In fact, the editorial ended with a bit of sage advice – that the District fire Mr. Nichols. While there can be no denying that the Chieftain publisher is truly concerned about the always controversial and often convoluted issues involving the Valley's irrigation water rights, there is no justification for such a blatant and totally unfounded attack on an individual who has worked diligently for the District to protect and preserve the valley's irrigation water rights.

That same editorial accused the District of failing to abide by its mission statement by not only allowing but also aiding in the removal of water rights from the valley. While long on accusation, the editorial was extremely short in two very important components – proof and truth. The fact of the matter is that since the District was formed no irrigation water has been permanently removed from the valley. It's time the Chieftain's editorial board was challenged and that is the purpose of my statement: I challenge the Chieftain to produce any documentation proving that the District knowingly allowed or was a knowing participant in any action which resulted in permanent removal of irrigation water rights from the valley.

As to the advice concerning firing our Water Attorney – given that the unsolicited advice was based on totally unfounded assumptions, we will most certainly give the suggested action the consideration it warrants.

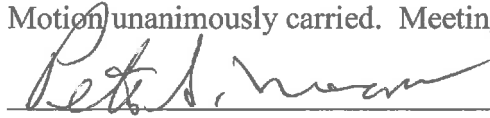
**PUBLIC COMMENT:**

Jim Valliant, CSU, stated he would like to invite everyone to the Corn Fallow Workshop on May 18, 2011, held at the CSU extension office, 411 North 11<sup>th</sup> Street, Rocky Ford. The workshop will start at 1:00 – 3:00 p.m. and lunch will be provided.

Don McBee, Lamar, wanted to invite everyone to the Pond Study on April 26, 2011. The pond study will start at 10:00 a.m. and everyone will be meeting at the Post Office in Hasty and from there we'll go to different pond studies throughout Bent and Prowers Counties.

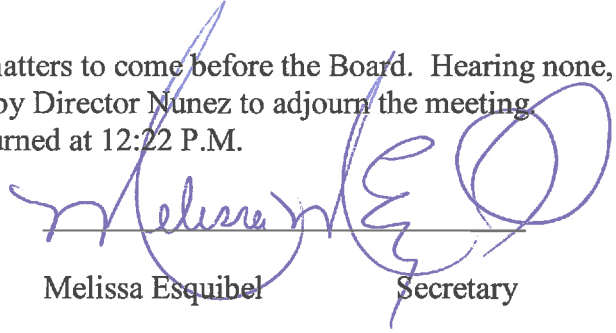
**ADJOURNED:**

Chairman Moore asked if there were any other matters to come before the Board. Hearing none, motion was made by Director Mauch, seconded by Director Nunez to adjourn the meeting. Motion unanimously carried. Meeting was adjourned at 12:22 P.M.



Pete Moore

Chairman



Melissa Esquibel

Secretary