

**August 19, 2009**  
**Minutes-Board Meeting**

The regular monthly meeting of the Lower Arkansas Valley Water Conservancy District Board of Directors was held on Wednesday, August 19, 2009 commencing at 10:03 A.M, at 801 Swink Avenue, Rocky Ford, CO 81067.

Chairman Moore announced a quorum was present with all Directors being present.

**DIRECTORS PRESENT:**

Pete Moore-Chairman  
Lynden Gill-Vice Chairman  
Melissa Esquibel-Secretary  
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

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

Director Whittaker 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 Esquibel moved to adjourn the Water Activity Enterprise meeting and reconvene the District Meeting at 10:05A.M., seconded by Director Gill. 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:**

Gregg Ten Eyck, Leonard Rice Engineer; Heath Kuntz, Leonard Rice Engineer; Logan Burba, Leonard Rice Engineer; Bud Scranton, Lamar; Steve Witte, Division Engineer; Dan Henrichs, Rocky Ford Highline; Bill Hancock, LAVWCD; Jim Sandoval, Otero County Commissioner; Keith Goodwin, Otero County Commissioner; Curt Miller, LPI Enterprise; Forbes Guthrie, SEC/Bio2Solution; Bill Tyner, DWR; Kelly Roesch, Pure Cycle; Mike Bartolo, CSU-Research Center; Rick Kientz, Aurora; Brenda Fillmore, LAVWCD; John Schweizer, Rocky Ford; Chris

Woodka, Pueblo Chieftain; Dan Caprioglio, CSU-Pueblo; Henry Schnabel, Prowers County Commissioner; President Joe Garcia, CSU-Pueblo; Dr. Rick Kreminski, CSU-Pueblo; Kat McGarvy, CSU-Pueblo; Brian Vanden Heuvel, CSU-Pueblo; Pueblo-CSU; Del Nimmo, CSU-Pueblo; Scott Herrmann, CSU-Pueblo; Ken Weber, Pueblo; Kevin Salter, KS-KDA; Don McBee, Lamar; Fred Heckman, FLCC; Dale Mauch, Lamar; Alan Ward, PBWW; Lonnie Losh, Bio2Solution; Wayne Snider, Fowler; Judy Fosdick, Fowler, Solarway; GW Werdel, Larkspur; Loretta Kennedy, Congressman Salazar's Office; Roy Vaughn, USBR.

#### **APPROVAL OF MINUTES:**

- ❖ *July 15, 2009 Monthly Board Meeting Minutes-* Chairman Moore asked if the Board members had reviewed the minutes for the July 15, 2009 Board meeting and whether there were any corrections or additions. Director Esquibel moved to approve the minutes for July 15, 2009, seconded by Director Mauch. Motion unanimously carried.
- ❖ *July 15, 2009 Work Session Meeting Minutes-* Chairman Moore asked if the Board members had reviewed the minutes for the July 15, 2009 Work Session meeting and whether there were any corrections or additions. Director Nunez moved to approve the minutes for July 15, 2009, seconded by Director Esquibel. Motion unanimously carried.

#### **TREASURER'S REPORT:**

Chairman Moore reported that the financial report for the month of July was included in the Board's Monthly Meeting Packet. Treasurer Whittaker reported July total revenues \$376,603.03 and total expenditures \$86,596.82 with total net \$290,006.21. Director Whittaker moved to accept the July Financial Statement, seconded by Director Gill. Motion unanimously carried.

#### **GM REPORT:**

General Manager Winner introduced President Joe Garcia of Colorado State University of Pueblo.

#### **PRESENTATION:**

President Joe Garcia thanked the Lower Arkansas Valley Water Conservancy District (LAVWCD) for all their support. He stated that LAVWCD has been a tremendous help to CSU-Pueblo. The University is really committed in making a difference in the economic growth and vitality of all Southeast Colorado.

General Manager Winner introduced Professor Brian Vanden Heuvel, CSU-Pueblo. Professor Vanden Heuvel gave a power point presentation on the Preliminary Results of Human Bacteroides Marker in Fountain Creek, very preliminary, needs replication and more data analysis which is attached to the minutes as Exhibit A.

General Manager Winner introduced Dr. Scott Herrmann, CSU-Pueblo who is presenting a power point for Lisa Helland who could not be at the Lower Arkansas Valley Water Conservancy District's board meeting. Dr. Herrmann gave a power point on Assessment of Chironomid (Midge) Community Structure in the Fountain Creek Drainage which is attached to the minutes as **Exhibit B.**

General Manager Winner introduced Kat McGarvy, Student from CSU-Pueblo. Ms. McGarvy presented a power point on Bioaccumulation of metal and metalloids in fish tissues of the Fountain Creek Watershed, Colorado which is attached to the minutes as **Exhibit C.**

General Manager Winner introduced Gregg Ten Eyck, Leonard Rice Engineer. Mr. Ten Eyck presented a power point on Compact Rules Governing Improvements to surface water irrigation system in the Arkansas River Basin in Colorado, which is attached to the minutes as **Exhibit D.**

Mr. Ten Eyck stated that there are two plans, one separating the valley into regions where flows are returned either above or below John Martin Reservoir. Two there are different requirements in timing, the types of water and how they respond to the rest of the river system.

Mr. Ten Eyck came up with a 10 year average, calculated for each farm in the plan. This would be used to determine how much water the Lower Arkansas would be expected to provide. When the farmer signs on, the Lower Ark District would keep track of the hydrologic cycle, which would provide a more predictable flow for each farmer.

Dale Mauch, farmer from Lamar asked if pond seepage was taken into consideration, noting that several farmers from Lamar have put measuring devices on the ponds and sprinklers which should let them know exactly how much seepage is occurring.

Mr. Ten Eyck replied leakage was minimal, and getting data expensive, but the numbers could be plugged into the state model.

Mr. Mauch replied those ponds are seeping more than you think and the farmers don't agree with these numbers and they will let you know.

General Manager Winner introduced Lonnie Losh, Co-Founder and President of Bio2Solution. Mr. Losh then turned it over to Forbes Guthrie, SEC/Bio2Solution. Mr. Guthrie presented a power point on Biomass to Energy, which is attached to the minutes as **Exhibit E.**

**LEGISLATIVE REPORT:** None

**DIRECTORS' DISCUSSION:** None

**COMMITTEE REPORTS:**

Personnel: None.

Acquisition: None.

**LEGAL REPORT:**

**Melissa Esquibel:** Director Esquibel made motion to adopt the policy per statute regarding responsibilities and obligations for the directors and staff, seconded by Director Whittaker. Motion unanimously carried.

**Attorney Bart Mendenhall:** Attorney Bart Mendenhall discussed his legal report, a copy of which is attached to the minutes as Exhibit F.

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

**Attorney Peter Nichols:** Attorney Mendenhall advised that Attorney Peter Nichols is included in the Board packet as Exhibit G.

Counsel recommends filing a statement of opposition in Case No. 09CW91, Application of St. Charles Mesa Water District involving 180.34 shares of the Bessemer Ditch.

Motion made by Director Esquibel to file statement of opposition in Case No. 09CW91, application of St. Charles Mesa Water District involving 180.34 shares of the Bessemer Ditch, Second by Director Whittaker. Motion unanimously carried.

**BOARD ACTION:**

Director Whittaker made motion to accept the agreement (Land Lease, Right of First Refusal Agreement and Agreement to exchange interests in real property) between Board of Governors of the Colorado State University System (CSU-Research Center Property) and LAVWCD, seconded by Director Mauch. Motion unanimously carried.

Director Mauch made motion to give \$20,000.00 to Tim Gates, CSU-Ft Collins to continue his study, seconded by Director Whittaker. Motion unanimously carried.

Director Esquibel made motion to extend the Intergovernmental Agreement (IGA) with City of Colorado Springs, Fountain Creek Watershed, Flood Control, Greenway District and Lower Arkansas Valley Water Conservancy District with an option of a 30 day opt out, seconded by Director Mauch. Motion unanimously carried.

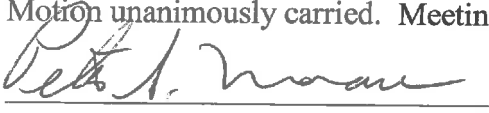
**PUBLIC COMMENT:**

Judy Fosdick of Otero County Commissioner's office wanted everybody to know that there will be a Energy Forum (Weatherization, Insulation, Grants, Saving energy) on August 27, 2009 at the La Junta Senior Citizen Center, 114 E. Second Street in La Junta, Colorado from 6:00 PM to 8:30 PM and on September 3, 2009 at the Rocky Ford Events Center located at the Fair Grounds in Rocky Ford, Colorado from 6:00 PM to 8:30 PM.

Henry Schnabel, Prowers County Commissioners gave an update on Tamarisk. He stated the project is looking good, so far they've completed 400 ac/ft and their goal is to do 800 ac/ft.

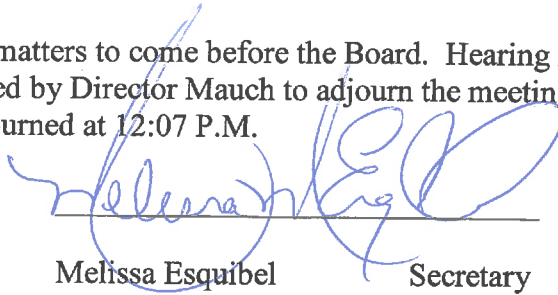
**ADJOURNED:**

Chairman Moore asked if there were any other matters to come before the Board. Hearing none, motion was made by Director Esquibel, seconded by Director Mauch to adjourn the meeting. Motion unanimously carried. Meeting was adjourned at 12:07 P.M.



Pete Moore

Chairman



Melissa Esquibel

Secretary