

August 18, 2010
Minutes-Board Meeting

The regular monthly meeting of the Lower Arkansas Valley Water Conservancy District Board of Directors was held on Wednesday, August 18, 2010 commencing at 10:10 A.M., at 801 Swink Avenue, Rocky Ford, CO 81067.

Chairman Moore announced a quorum was present with all Directors 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 Mauch moved that the Board recess the regular Board Meeting and open the Water Activity Enterprise meeting, seconded by Director Esquibel. Motion unanimously carried.

At the conclusion of the Water Activity Enterprise meeting Director Nunez moved to adjourn the Water Activity Enterprise meeting and reconvene the District Meeting at 10:15 A.M., seconded by Director Esquibel. 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:

Heath Kuntz, Leonard Rice Engineering; Bill Tyner, Division II; Dan Henrichs, Rocky Ford Highline; Rick Kienitz, Aurora; Alan Ward, Pueblo Board of Water; Chris Woodka, Pueblo Chieftain; Jim Broderick, SECWCD; Ann Lopkoff, CWPDA; Henry Schnabel, Prowers County Commissioner; Keith Goodwin, Otero County Commissioner; Dwight Gardner, Senator Bennet's office; Loretta Kennedy, Congressman John Salazar's office; Gloria Gutierrez, Senator Udall's office; Kevin Salter, KSDWR-KDA; Kelly Roesch, Pure Cycle; Betty McFarren, La Junta Tribune; Bill Hancock, LAVWCD; Brenda Fillmore, LAVWCD.

APPROVAL OF MINUTES:

- ❖ *June 15, 2010 Monthly Board Meeting Minutes-* Chairman Moore asked if the Board members had reviewed the minutes for the June 15, 2010 Board meeting and whether there were any corrections or additions. Director Esquibel moved to approve the minutes for June 15, 2010, seconded by Director Nunez. Motion unanimously carried.
- ❖ *June 15, 2010, Work Session Meeting Minutes -* Chairman Moore asked if the Board members had reviewed the minutes for the June 15, 2010 Work Session meeting and whether there were any corrections or additions. Director Esquibel moved to approve the minutes for June 15, 2010, seconded by Director Nunez. Motion unanimously carried.

TREASURER'S REPORT:

Chairman Moore reported that the financial report for the month of June was included in the Board's Monthly Meeting Packet. Treasurer Whittaker reported June total revenues \$451,233.98 and total expenditures \$84,238.39 with total net \$366,995.59. Treasurer Whittaker reported July total revenues \$51,262.33 and total expenditures \$109,183.24 with total net \$(<\$57,920.91>). Director Whittaker moved to accept the June and July Financial Statements, seconded by Director Esquibel. Motion unanimously carried.

GM REPORT:

General Manager Winner introduced Jim Broderick, Southeast Colorado Water Conservancy District (SECWCD).

PRESENTATION:

Mr. Broderick gave a power point presentation on Long-Term Excess Capacity Storage Master Contract, which is attached to the minutes as Exhibit A.

General Manager Winner introduced Heath Kuntz, Leonard Rice Engineering.

Mr. Kuntz gave a power point presentation on Rule 10 Compliance Plan, Potential Policies and Operations, which is attached to the minutes as Exhibit B.

General Manager directed board members to Tab four (4) of the board packets. Conservation Easements which a law suit was filed in August 2008, by tax credit buyers against three landowners.

BOARD ACTION:

Resolution 10-03

Director Brown moved for adoption the Lower Arkansas Valley Water Conservancy District's resolution to adopt and create the "LAVWCD Policy Phasing of Conservation Easements," "LAVWCD's Conservation Easement Written Records Policy," and "Policy and Procedure for

the enforcement of Conservation Easement Terms,” as policy of the District. As it benefits our mission to conserve and protect water quality, seconded by Director Gill, to adopt Resolution 10-03. Motion unanimously carried.

Director Whittaker made motion to sign a memorandum of agreement between the United States Department of the Interior Bureau of Reclamation and LAVWCD for preparation of an environmental impact statement for the Arkansas Valley Conduit Project and Long-Term Excess Capacity Master Contract, Fryingpan-Arkansas Project Colorado, seconded by Director Esquibel. Motion unanimously carried.

LEGAL REPORT:

Attorney Bart Mendenhall: A copy of Attorney Mendenhall’s legal report is attached to the minutes as Exhibit C.

Trout, Raley, Montano, Witwer & Freeman, PC

Attorney Peter Nichols: A copy of Attorney Nichols legal report is attached to the minutes as Exhibit D.

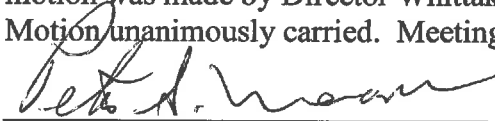
Counsel recommends filing a statement of opposition in Woodmoor’s diligence application (10CW41) for its decreed exchanges from the Tri-Lake Wastewater Treatment Plant to three of its wells. Director Esquibel made motion to file statement of opposition 10CW41 as it benefits our mission to conserve and protect water quality, seconded by Director Nunez. Motion unanimously carried.

PUBLIC COMMENT:

Commissioner Henry Schnabel of Prowers County thanked the board of Directors on their contribution for removing tamarisk in the Southeast part of the Colorado.

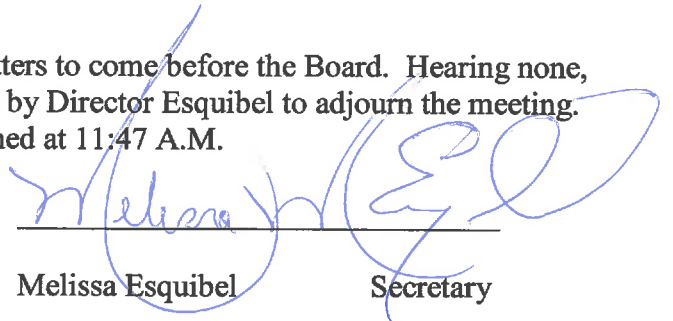
ADJOURNED:

Chairman Moore asked if there were any other matters to come before the Board. Hearing none, motion was made by Director Whittaker, seconded by Director Esquibel to adjourn the meeting. Motion unanimously carried. Meeting was adjourned at 11:47 A.M.



Pete Moore

Chairman



Melissa Esquibel

Secretary