

**December 9, 2010, 2010  
Minutes-Board Meeting**

The regular monthly meeting of the Lower Arkansas Valley Water Conservancy District Board of Directors was held on Thursday, December 9, 2010 commencing at 10:00 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  
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  
Wayne Brenda Fillmore-Finance/Water  
Bart Mendenhall-Attorney

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

Director Nunez moved that the Board recess the regular Board Meeting and open the Water Activity Enterprise meeting, seconded by Director Gill. 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 10:43 A.M., seconded by Director Nunez. 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:**

Pat Edelmann, USGS; Nancy Moore, Ordway; Raymond Mauch, Lamar.

**APPROVAL OF MINUTES:**

- ❖ *November 17, 2010 Monthly Board Meeting Minutes-* Chairman Moore asked if the Board members had reviewed the minutes for the November 17, 2010 Board meeting and whether there were any corrections or additions. Director Mauch

moved to approve the minutes for November 17, 2010, seconded by Director Esquibel. Motion unanimously carried.

- ❖ *November 17, 2010, Work Session Meeting Minutes* - Chairman Moore asked if the Board members had reviewed the minutes for the November 17, 2010 Work Session meeting and whether there were any corrections or additions. Director Mauch moved to approve the minutes November 17, 2010, seconded by Director Esquibel. Motion unanimously carried.

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

Chairman Moore reported that the financial report for the month of November was included in the Board's Monthly Meeting Packet. Treasurer Whittaker reported November total revenues \$26,218.42 and total expenditures \$180,911.70 with total net< \$154,693.28>. Director Whittaker moved to accept the November Financial Statements, seconded by Director Esquibel. Motion unanimously carried.

#### **2010 FINAL BUDGET RESOLUTION: Resolution and Order 10-08**

Director Esquibel moved to adopt the Resolution and Order 10-08 passed and adopted in a regular meeting of the Board of Directors of the Lower Arkansas Valley Water Conservancy District to accept the 2011 Final Budget, seconded by Director Whittaker. Motion unanimously carried.

#### **GM REPORT:**

General Manager Winner directed Board Directors to Tab (1) one of the board packets. He stated that Lower Arkansas Valley Water Conservancy District's Decree that formed us and read to the directors, "To protect and enhance the water resources of the Lower Arkansas Valley to sustain agriculture and benefit the future of the area's economy and keep water in the area's streams for fish and wildlife habitat."

#### **PRESENTATION:**

Bill Hancock – Conservation Program Manager gave a power point presentation on two (2) conservation easements, Gerald L Jordan and Wesley and Brenda Herman.

#### **BOARD ACTION:**

##### **Resolution 10-06**

The Lower Arkansas Valley Water Conservancy District holds a conservation easement donated by Gerald L Jordan and has respectively proposed a conservation easement to be donated to the District in 2010, consisting of 191.96 acres of irrigated farmland and 171 shares of Colorado Canal and Lake Meredith Reservoir Company, in Crowley County, Colorado. Motion was made by Director Whittaker, seconded by Director Brown, to adopt Resolution 10-06, Director

Esquibel indicated in making the motion, that this furthers the purpose of the District and that it does preserve the water rights associated with the rural property and therefore the adoption of the conservation easement is appropriate based on our goals and mission. Motion unanimously carried.

**Resolution 10-07**

The Lower Arkansas Valley Water Conservancy District holds a conservation easement donated by Wesley and Brenda Herman and has respectively proposed a conservation easement to be conveyed to the District in 2010, consisting of 231.03 acres of farmland and 10 shares of High Line Canal Company, in Otero County, Colorado. Motion was made by Director Esquibel, seconded by Director Gill, to adopt Resolution 10-07, motion unanimously carried.

**Resolution 10-09**

The Lower Arkansas Valley Water Conservancy District has been offered Temporary Water Storage Contracts #11XX6C0030 (temporary storage for non-project irrigation water) and contract #11XX6C0029 (temporary storage of non-project municipal and or domestic water) – Fryingpan Arkansas Project, Colorado by the United States Department of Interior, Bureau of Reclamation. Motion was made By Director Gill, seconded by Director Whittaker, to adopt Resolution 10-09, motion unanimously carried.

**LEGAL REPORT:**

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

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

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

Attorney Mendenhall stated that legislation is being prepared to simplify the process of leasing water allowing the process to be approved administratively by using the H-I model as an appropriate standard for use in the Arkansas Valley. It is consisted in reference to preserving water in the valley and we foster alternatives permanent buy and dry.

Director Esquibel made a motion to give authorization to General Manager Winner and Attorney Nichols as may be necessary in pursuit of legislation to simplify temporary water transfers. So far it's a simplification of the engineering and litigation that would normally be require to make sure changes not injuries. First, making the H-I model the rebuttal presumption serves to save much money and secondly, it also shifts the burden to opposers of any sort of request to transfer and therefore, makes people think twice before doing it. Director Esquibel stated this type of legislation is apparent to making many of the projects that LAVWCD is undertaking, especially the Super Ditch possible. Seconded by Director Brown, motion unanimously carried.

Directors agreed to have plaques presented to John Schweizer, Jr of Rocky Ford and George Tempel of Mc Clave at February's board meeting. To honor them in receiving an award for the Ag Hall of Fame.

**PUBLIC COMMENT: None**

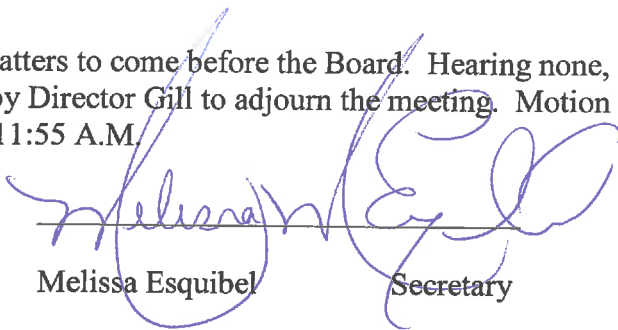
**ADJOURNED:**

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 Gill to adjourn the meeting. Motion unanimously carried. Meeting was adjourned at 11:55 A.M.



Pete Moore

Chairman



Melissa Esquibel

Secretary