

**February 17, 2010
Minutes-Board Meeting**

The regular monthly meeting of the Lower Arkansas Valley Water Conservancy District Board of Directors was held on Wednesday, February 17, 2010 commencing at 10:12 A.M., at 801 Swink Avenue, Rocky Ford, CO 81067.

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

DIRECTORS PRESENT:

Pete Moore-Chairman
Lynden Gill-Vice Chairman
Melissa Esquibel-Secretary
Wayne Whittaker -Treasurer
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:

Leroy Mauch

STAFF ABSENT:

Peter Nichols-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 Esquibel. 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 10:16 A.M., seconded by Director Whittaker. 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:

G.W., Larkspur; Loretta Kennedy, Congressman Salazar's Office; Del Nimmo, CSU; Alan Ward, PBWW; Ken Weber, Pueblo; Dwight Gardner, Senator Bennet's Office; Fred Heckman, FLCC; John Schweizer, Super Ditch; Jim Sandoval, Otero County Commissioner; Keith

Goodwin, Otero County Commissioner; Chris Woodka, Pueblo Chieftain; Rick Kienitz, Aurora Water; Kelly Roesch, Pure Cycle; Curt Miller, LLP; Ollie Ridley, Las Animas; Dave ?????, USGS

APPROVAL OF MINUTES:

- ❖ *January 20, 2010 Monthly Board Meeting Minutes-* Chairman Moore asked if the Board members had reviewed the minutes for the January 20, 2010 Board meeting and whether there were any corrections or additions. Director Nunez moved to approve the minutes for January 20, 2010, seconded by Director Gill. Motion unanimously carried.
- ❖ *January 20, 2010, Work Session Meeting Minutes-* Chairman Moore asked if the Board members had reviewed the minutes for the January 20, 2010 Work Session meeting and whether there were any corrections or additions. Director Gill moved to approve the minutes for January 20, 2010, seconded by Director Whittaker. Motion unanimously carried.
- ❖ *January 20, 2010, Special Meeting Minutes-* Chairman Moore asked if the Board members had reviewed the minutes for the January 28, 2010 Special Session meeting and whether there were any corrections or additions. Director Gill moved to approve the minutes for January 28, 2010, seconded by Director Nunez. Motion unanimously carried.

TREASURER'S REPORT:

Chairman Moore reported that the financial report for the month of January was included in the Board's Monthly Meeting Packet. Treasurer Whittaker reported January total revenues \$18,188.67 and total expenditures \$80,500.43 with total net <\$62,311.76>. Director Whittaker moved to accept the January Financial Statement, seconded by Director Brown. Motion unanimously carried.

OFFICIAL DISTRICT BUSINESS:

Oath of Office:

Notary Carla Quezada swore in re-elected Director Reeves Brown and notarized the Oath of Office Statement.

GM REPORT:

General Manager Winner welcomed Director Esquibel back and congratulated her with her new addition to her family. A beautiful girl named Sophia Rose Perez.

General Manager Winner stated Aurora was on February's agenda but could not make it. They will be added to the March agenda.

General Manager Winner directed Board Directors to Tab (1) one of the board packet. He stated the Bill 1197; Conservation Easements is going to the House. He said this will help clean up the Conservation Easements.

General Manager Winner directed Board Directors to Tab (2) two of the board packet. He stated he would like to discuss the Water Supply information and table it until all of the Directors are present.

General Manager Winner directed Board Directors to Tab (3) three of the board packet. He stated Future studies to develop strategies to conserve water and maintain viable Agriculture in the Lower Arkansas Valley: (1) Development of strategies to conserve water and maintain a viable agriculture economy in the lower Arkansas Valley through improved irrigation management, (2) Lease fallowing as a form of water transfer: the Rocky Ford Highline-Aurora Case, (3) Rotational Fallowing Project.

PRESENTATION: None

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 A.

Trout, Raley, Montano, Witwer & Freeman, PC

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

BOARD ACTION:

Director Brown stated I move on behalf of the board to have Chairman Moore sign the grant application \$150,000.00 for the second phase of the Compact Compliance grant from Colorado Water Conservancy Board (CWCB), it will benefit our mission to conserve and protect water quality, seconded by Director Esquibel. Motion unanimously carried.

Counsel recommends filing statements of opposition in Case Nos. 09CW140 (Woodmoor exchange), 09CW272 (Div. 1)/09Cw142(Div 2)/09CW186(Div.5) (Aurora: Busk Ivanhoe change application), 09CW278(Div.1)/09Cw143(Div.2)/09CW187(Div.5)(Aurora: Columbine

Ditch change application), and 09CW188(Div.5)(Aurora: Columbine Ditch new appropriation) this month.

Director Brown stated I move that we give permission to Special Counsel Nichols to file oppositions in Case No. 09CW140, 09CW272, 09CW142, 09CW186, 09CW278, 09CW143, 09CW187 and 09CW188. To benefit our mission and conserve and protect water quality, seconded by Director Nunez. Motion unanimously carried.

Director Nunez stated I move that we sign the 2010 Legal Services Agreement between Trout, Raley, Montano, Witwer & Freeman, P. C. and the District signed by Peter Nichols on behalf of the firm, seconded by Director Esquibel. Motion unanimously carried.

BOARD ACTION TAKEN:

Director Nunez made motion to adopt Resolution 2010-01, Intent to appropriate conditional rights of exchange, seconded by Director Mauch. Board meeting held in Greenwood Village, Colorado on January 28, 2010. Motion unanimously carried.

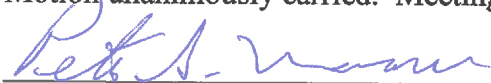
John Scheweizer, Chairman of the Super Ditch Company stated they (Super Ditch) signed the documentation to be filed for the Water Court Exchange.

PUBLIC COMMENT:

Del Nimmo, CSU gave a progress report on the fish on the Fountain Creek. More data will be available in March.

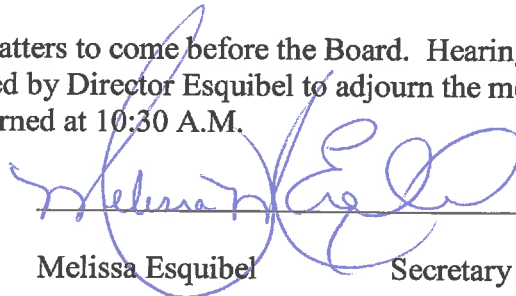
ADJOURNED:

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 10:30 A.M.



Pete Moore

Chairman



Melissa Esquibel

Secretary