

February 15, 2017
Minutes-Board Meeting

The regular monthly meeting of the Lower Arkansas Valley Water Conservancy District Board of Directors was held on Wednesday, February 15, 2017 commencing at 10:40 A.M, at 801 Swink Avenue, Rocky Ford, CO 81067.

Chairman Gill announced a quorum is present with Directors' Esquibel and Brown being excused. On February 13, 2017 Director Whittaker unexpectedly passed away.

DIRECTORS PRESENT:

Lynden Gill-Chairman
Leroy Mauch-Vice Chairman
Anthony Nunez
Jim Valliant

DIRECTORS ABSENT:

Melissa Esquibel-Secretary
Reeves Brown

DISTRICT STAFF PRESENT:

Jay Winner-General Manager
Bill Hancock-Conservation Program Manager
Jack Goble, P.E.-District Engineer
Carla Aragon-Quezada-Office Manager
Brenda Fillmore-Finance/Water
Bart Mendenhall-Attorney
Peter Nichols-Attorney

OFFICIAL DISTRICT BUSINESS:

Oath of Office:

In house Attorney Bart Mendenhall swore in re-appointed Directors Leroy Mauch, Anthony Nunez and Jim Valliant and office manager, Carla Quezada notarized the Oath of Office Statement.

Directors make tribute to Past Director, Wayne Whittaker.

Chairman Gill, Director Whittaker who passed away unexpectedly on February 13, 2017, was the Secretary for the LAVWCD. Director Whittaker was a strong voice. He was passionate in

protecting the water in the Lower Arkansas Valley. He was one of the original Directors who was first appointed on the board in 2002, when LAVWCD was formed. He was the Treasurer for the LAVWCD. He was also involved as the Secretary/Treasurer of the Catlin Canal Company, a position he held for 53 years. He has had many, many years of experience in water knowledge. When we had water issues and discussions, he sure was a true gentleman in regards at the board meetings. When there were some things he was concerned about, he would voice his opinion. He never fought against board policy. He understood the complex issues in what we're doing here on the issues of water. From the very beginning, he expressed concerns about water purchases, municipalities taking the water from the area. He was always concerned about that and the consequences. That goes back to the days that Catlin was faced with all the consequences of the ditches. General Manager Winner described Wayne as a person who appeared to be mild on the outside, but he was tough as nails on the inside. And, I don't how that could be said any different. He was a true Champion. He also understood the Conduit in the Arkansas Valley. All of us, the people in the Arkansas Valley have lost a great person and his voice for truthfulness and steadfast, his pursuit in protecting the water. When I was appointed in 2006, Wayne took me to the side and gave me an update. I was honored that he did that.

Director Mauch, Mr. Chairman you pretty well summed it up. When this District was established in 2002, I got to know Wayne. He came to every meeting, whether it was once or twice a week for 6 months. You can say Wayne Whittaker AKA Catlin, Wayne Whittaker AKA Arkansas River. I hope the Catlin boys wrote a book on what he said. He had a lot of water knowledge. He was tough as a nail. He crossed his T's and gave his advice. I remember one deal, when he voted no and the rest of the board voted yes. He voted right and as far as I'm concerned, the Board voted wrong. He will be missed here. His knowledge is unspeakable.

Director Nunez, when I came aboard, I found Wayne to be very passionate about the Arkansas Valley. He was very knowledgeable about his chair. There was a soft comforting side to him. He made me feel very welcome and gave me advice. I learned a lot from him. I certainly join in with the board in saying, he will be truly missed. His knowledge and passion for the water in Arkansas Valley is going to be missed.

Director Valliant, unlike you Director Nunez, one of the things that I'm going to miss are my questions being answered. Let me tell you! He knew everything to know about water in the Arkansas Basin. I'm a Board Member from Crowley County, and yes, we are out of water. And, he didn't let us run out of water. So, he is sure a champion and will be greatly missed.

Peter Nichols, Special Counsel for the District. Wayne was a diehard and to have a living historian with knowledge. Back in the Fry Ark Project, we were trying to be a Board and be responsible. He always tried to accomplish the goals.

Bart Mendenhall, In house Counsel, stated he will miss his knowledge.

Bill Hancock, Conservation Program Manager, unlike most of you guys, with Bart as an exception, I grew up here in Rocky Ford. Wayne was part of the community, as he was part of

the board. My dad was the Superintendent of the Catlin Canal Company 30 years or so ago. And he was close to Wayne. I know Wayne's expertise in water business. When I came along and got involved in different things, he was the go to guy. We formed the Parr Foundation for the City of Rocky Ford. Wayne was the Secretary and he was our go to guy there. He helped the City of Rocky Ford in our water policies. You just can't believe the things he was involved in. He was a true gentleman.

Chairman Gill stated it was great to hear a comment from somebody who grew up here. Those were all kind words that everybody spoke.

General Manager Winner stated that, he had visited with Wayne on Thursday, before he passed away, for an hour or so. When I left, he gave me a hug. I told him, what are you doing. Wayne was good.

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 Nunez. Motion unanimously carried.

At the conclusion of the Water Activity Enterprise meeting Director Valliant moved to adjourn the Water Activity Enterprise meeting and reconvene the District Meeting at 10:55 A.M., seconded by Director Mauch. Motion unanimously carried.

INTRODUCTION OF VISITORS: Chairman Gill welcomed each of the visitors to the meeting, asked them to introduce themselves and identify the organization which they represent.

VISITORS PRESENT:

Scott Lorenz, CSU; Rick Kienitz, Aurora Water; Alan Ward, Pueblo Water; Jack Goble, LAVWCD; Lane Simmons, CSU-AVRC; Bill Hancock, LAVWCD; John Knapp, ARBWF; Roy Vaughan, BOR; Donny Hansen, Super Ditch; Joel Lundquist, Super Ditch; Fred Heckman, Super Ditch; Burt Heckman, Super Ditch; Michael Weber, LAVWCD; Nick Rusler, Rusler Producer; Mike Bartolo, CSU-AVRC; Erika Chaves, Congressman Buck's Office; Gilbert Groves, Ordway; John Schweizer, Super Ditch; Phillip Chavez, Super Ditch; Tom Grasmick, Prowers County Commissioner; Lee Schweizer, Super Ditch; Dorothy Perea, Rocky Ford Daily Gazette; Bette McFarren, La Junta Tribune; Bill Banks, USGS; and Glenn Hirakata, Rocky Ford Farmer.

APPROVAL OF MINUTES:

- ❖ *January 18, 2017 Monthly Board Meeting Minutes-* Chairman Gill asked if the Board members had reviewed the minutes for the January 18, 2017 Board meeting and whether there were any corrections or additions. Director Nunez moved to approve the minutes for January 18, 2017, seconded by Director Valliant. Motion unanimously carried.

TREASURER'S REPORT:

Chairman Gill reported that the financial report for the month of January was included in the Board's monthly meeting packet. Brenda Fillmore, Finance/Water, reported January total revenues were \$98,945.10 and the total expenditures were \$513,384.61 with the total net income <\$414,439.51>. Director Mauch moved to accept the January 2017 Financial Statement, seconded by Director Nunez. Motion unanimously carried.

GM REPORT:

General Manager Winner introduced Mike Weber, E.I.T. for LAVWCD. Mr. Weber gave a presentation on Fountain Creek flows at the Arkansas River, which is attached to the minutes as Exhibit A.

General Manager Winner introduced Roy Vaughan, BOR. Mr. Vaughan gave a presentation on Reclamation Managing Water in the West as of February 13, 2017, which is attached to the minutes as Exhibit B.

General Manager Winner introduced Special Counsel Peter Nichols. Mr. Nichols gave a presentation on Water transfers and the Federal Clean Water Act, which is attached to the minutes as Exhibit C.

COMMITTEE REPORTS:

Personnel: None.

Acquisition: None.

Legal: None

DIRECTORS DISCUSSION: None

BOARD ACTION: None

LEGAL REPORT:

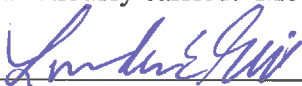
Attorney Bart Mendenhall: A copy of Attorney Mendenhalls' legal report is attached to the minutes as Exhibit D.

Berg Hill Greenleaf & Ruscitti LLP Peter Nichols: A copy of Attorney Nichols' legal report is attached to the minutes as Exhibit E.

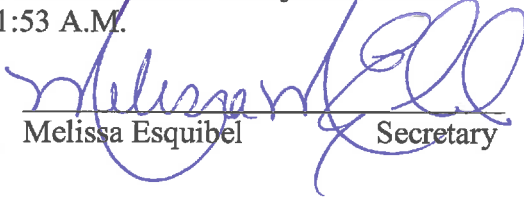
PUBLIC COMMENT: None

ADJOURNED:

Chairman Gill 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. Motion unanimously carried. Meeting was adjourned at 11:53 A.M.



Lynden Gill Chairman



Melissa Esquibel Secretary