

January 15, 2014
Minutes-Board Meeting

The regular monthly meeting of the Lower Arkansas Valley Water Conservancy District Board of Directors was held on Wednesday, January 15, 2014 commencing at 10:34 A.M, at 801 Swink Avenue, Rocky Ford, CO 81067.

Chairman Gill announced a quorum is present with Directors Esquibel and Valliant being excused.

DIRECTORS PRESENT:

Lynden Gill-Chairman
Wayne Whittaker-Treasurer
Leroy Mauch
Anthony Nunez
Reeves Brown

DIRECTOR ABSENT:

Melissa Esquibel-Secretary
Jim Valliant

DISTRICT STAFF PRESENT:

Jay Winner-General Manager
Bill Hancock-Conservation Program Manager
Carla Aragon-Quezada-Office Manager
Brenda Fillmore-Finance/Water
Bart Mendenhall-Attorney
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 Brown. Motion unanimously carried.

At the conclusion of the Water Activity Enterprise meeting Director Brown moved to adjourn the Water Activity Enterprise meeting and reconvene the District Meeting at 10:39 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:

Rick Parsons, P.E., Parsons Water Consulting LLC; Alan Ward, PBWW; Rick Kienitz, Aurora Water; Jolly Rose, Rocky Ford; Lane Simmons CSU-AVRC; Bill Hancock, LAVWCD; Jack Goble, LAVWCD; Gloria Gutierrez, Senator Udall's Office; Tammy Ivahmenko, USGS; Ann Lopkoff, CWPDA; Roy Vaughn, BOR; Fred Heckman, McClave Farmer; Ginger Davidson, Palmer Land Trust; Bette McFarren, La Junta Tribune; Chris Woodka, Pueblo Chieftain.

APPROVAL OF MINUTES:

- ❖ *December 11, 2013 Monthly Board Meeting Minutes-* Chairman Gill asked if the Board members had reviewed the minutes for the December 11, 2013 Board meeting and whether there were any corrections or additions. Director Brown moved to approve the minutes for December 11, 2013, seconded by Director Mauch. Motion unanimously carried.
- ❖ *December 11, 2013 Work Session Meeting Minutes-* Chairman Gill asked if the Board members had reviewed the work minutes for the December 11, 2013 Work Session meeting and whether there were any corrections or additions. Director Brown moved to approve the minutes for December 11, 2013, seconded by Director Mauch. Motion unanimously carried.
- ❖ *December 12, 2013 Special Session Meeting Minutes-* Chairman Gill asked if the Board members had reviewed the work minutes for the December 12, 2013 Special Session meeting and whether there were any corrections or additions. Director Mauch moved to approve the minutes for December 12, 2013, seconded by Director Whittaker. Motion unanimously carried.

TREASURER'S REPORT:

Chairman Gill reported that the financial report for the month of December was included in the Board's Monthly Meeting Packet. Director Whittaker reported December total revenues \$15,941.51 and total expenditures \$148,710.39 with total net< \$132,768.88>. Director Whittaker moved to accept the December Financial Statement, seconded by Director Nunez. Motion unanimously carried.

OFFICIAL DISTRICT BUSINESS:

Oath of Office:

Notary Brenda Fillmore swore in re-appointed Directors Lynden Gill, Wayne Whittaker and Reeves Brown and notarized the Oath of Office Statement.

Legal Postings:

Pursuant to C.R.S. 32-1-903(1), the Board must designate dates and post the time and place for all Board meetings for 2014. General Manager Winner suggested that the Regular Board meeting dates stay the same third Wednesday of the month with the exception of December. Chairman Gill asked if that is acceptable, Director Whittaker made a motion to accept the designated time and place for all Board meetings for 2014, seconded by Director Mauch. Motion unanimously carried. Posting of the Board meetings will be at Lower Arkansas Valley Conservancy District's Office, 801 Swink Avenue, Rocky Ford, Colorado.

Elections:

General Manager Winner announced a re-organization meeting of the Board is needed to elect Board Officers. Director Brown moved to re-nominate and re-elect the current slate of officers for 2014, as follows: Director Gill as Chairman; Director Mauch as Vice-Chairman; Director Esquibel as Secretary; Director Whittaker as Treasurer; seconded by Director Mauch. Vote was unanimous for election of each officer.

LAVWCD Board Directors for 2014: Chairman, Lynden Gill; Vice-Chairman, Leroy Mauch; Secretary, Melissa Esquibel; Treasurer, Wayne Whittaker; Directors Anthony Nunez, Reeves Brown and Jim Valliant.

GM REPORT:

General Manager Winner brought to the board's attention that the Lower Arkansas Valley Water Conservancy District's meeting will be held on every Wednesday of each month, for one acceptance the December meeting to be held on December 10, 2014. Also, all committees will stay the same.

General Manager Winner introduced Roy Vaughn with the Bureau of Reclamation (BOR). Mr. Vaughn gave a power point presentation on the Reclamation Managing Water in the West as of January 13, 2014, which is attached to the minutes as Exhibit A.

General Manager Winner introduced Rick Parsons, P.E., Parson Water consulting LLC. Mr. Parson gave update on a comprehensive study of the Arkansas River water use that will help the Super Ditch Company in the Lower Arkansas Valley. He stated the objective is to develop a tool to look at lease-fallowing effects and quantify the amount of water to be exchanged. He stated the study should be completed by June 2014.

COMMITTEE REPORTS:

Personnel: None.

Acquisition: None.

Legal: None

BOARD ACTION:

Director Mauch moved to accept the 2014 Legal Services Agreement between Berg Hill Greenleaf & Ruscitti LLP and the District. Directors give authorization to General Manager Jay Winner to sign agreement, seconded by Director Nunez. Motion unanimously carried.

Resolution 14-01

The Lower Arkansas Valley Water Conservancy District has been offered Temporary Water Storage Contracts #14XX6C0022 (temporary storage for non-project irrigation water) and contract #14XX6C0021 (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 Whittaker, seconded by Director Nunez, to adopt Resolution 14-01, motion unanimously carried.

Resolution 14-02

The Lower Arkansas Valley Water Conservancy District nominates a representative from the Lower Arkansas Valley Water Conservancy District to be appointed to the Fountain Creek Watershed, Flood Control, and Greenway District. Lower Arkansas Valley Water Conservancy District wishes to nominate Melissa Esquibel, as Director, and Leroy Mauch, as alternate. Motion was made by Director Brown, seconded by Director Nunez, to adopt Resolution 14-02, motion unanimously carried.

Resolution 14-03

The Lower Arkansas Valley Water Conservancy District is the holder of several Conservation Easements on ground served by various canal companies and Whereas, the District is required, through the terms of the Conservation Easement Deeds and by the laws, rules and regulations of the United States Internal Revenue Code, to provide stewardship to that land and Whereas, the main purpose of the Conservation Easements are to conserve irrigated farmland, and Whereas, stewardship requires that the District ensure that the appropriate amount of water is delivered to said land: Now, Therefore, be it resolved as follows: Staff are hereby authorized to acquire and install, with the cooperation of the farmers, such measuring devices on each farm for which the District holds a Conservation Easement, as may be appropriate to ensure that each farm is having the appropriated amount of water delivered to it. Motion was made by Director Mauch, seconded by Director Brown, to adopt Resolution 14-03, motion unanimously carried.

LEGAL REPORT:

Attorney Bart Mendenhall: Attorney Mendenhall's stated that a copy of his legal report is attached to the minutes as Exhibit B.

Berg Hill Greenleaf & Ruscitti LLP

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

PUBLIC COMMENT:

Fred Heckman, farmer from McClave, Colorado asked, where's the water stored?


General Manager Winner replied it's stored in the Pueblo Reservoir.

ADJOURNED:

Chairman Gill asked if there were any other matters to come before the Board. Hearing none, motion was made by Director Brown, seconded by Director Nunez to adjourn. Motion unanimously carried. Meeting was adjourned at 11:20 A.M.



Lynden Gill Chairman



Melissa Esquibel Secretary