

**July 16, 2014**  
**Minutes-Board Meeting**

The regular monthly meeting of the Lower Arkansas Valley Water Conservancy District Board of Directors was held on Wednesday, July 16, 2014 commencing at 10:34 A.M, at 801 Swink Avenue, Rocky Ford, CO 81067.

Chairman Gill announced a quorum is present with Director Esquibel being excused.

**DIRECTORS PRESENT:**

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

**DIRECTOR ABSENT:**

Melissa Esquibel-Secretary

**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

**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 Mauch. 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 10:37A.M., seconded by Director Brown. 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:**

Lane Simmons, CSU-AVRC; Donny Hansen, Holbrook; Mark Pifper, CSU; Henry Schnabel, Prowers County Commissioner; Dwight Gardner, Senator Bennet's office; Ann Lopkoff, CWPDA; Chris Woodka, Pueblo Chieftain; Bette McFarren, La Junta Tribune; Jack Goble, LAVWCD; Bill Hancock, LAVWCD

**APPROVAL OF MINUTES:**

- ❖ *June 18, 2014 Monthly Board Meeting Minutes-* Chairman Gill asked if the Board members had reviewed the minutes for the June 18, 2014 Board meeting and whether there were any corrections or additions. Director Nunez moved to approve the minutes for June 18, 2014, seconded by Director Brown. Motion unanimously carried.
- ❖ *June 18, 2014 Work Session Meeting Minutes-* Chairman Gill asked if the Board members had reviewed the work minutes for the June 18, 2014 Work Session meeting and whether there were any corrections or additions. Director Whittaker moved to approve the minutes for June 18, 2014, seconded by Director Brown. Motion unanimously carried.

**TREASURER'S REPORT:**

Chairman Gill reported that the financial report for the month of June was included in the Board's Monthly Meeting Packet. Director Whittaker reported June total revenues \$389,259.36 and total expenditures \$60,117.76 with total net \$329,141.60. Director Whittaker moved to accept the June Financial Statement, seconded by Director Brown. Motion unanimously carried.

**GM REPORT:**

General Manager Winner gave an update on Rule 10 Plan.

General Manager Winner gave an update on the Phase II on the Tailwater Grant.

General Manager Winner gave an update on the Pond Study.

General Manager Winner gave an update on the Colorado State Water Plan.

General Manager Winner asked Mark Pifher of Colorado Springs Utilities (CSU) to give an update on stormwater issues. He stated, the rules are an attempt to resolve conflicting U.S. Supreme Court decisions that center on the issue of “navigable water.”

Mr. Pifher who represents the Arkansas River basin on the Colorado Water Quality Commission, stated, east of the Mississippi River, all water may be navigable, but it doesn’t make sense for the arid west.

Director Mauch stated, we the LAVWCD need to research this and send out a letter objecting.

Director Whittaker said the new policy sounds like a continuation of years of federal attempts to insert control into state water issues.

**COMMITTEE REPORTS:**

Personnel: None.

Acquisition: None.

Legal: None

**BOARD ACTION:**

Director Mauch moved to send a formal comment to the Environmental Protection Agency (EPA) on its proposed Waters of the United States, claiming that it goes too far in regulating wetlands and even groundwater connected to streams , seconded by Director Brown. 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 A.

**Berg Hill Greenleaf & Ruscitti LLP**

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

**PUBLIC COMMENT:**

**ADJOURNED:**

Chairman Gill asked if there were any other matters to come before the Board. Hearing none, motion was made by Director Nunez, seconded by Director Brown to adjourn. Motion unanimously carried. Meeting was adjourned at 11:17 A.M.

  
Lynden Gill Chairman

  
Melissa Esquibel Secretary