

**June 15, 2011**  
**Minutes-Board Meeting**

The regular monthly meeting of the Lower Arkansas Valley Water Conservancy District Board of Directors was held on Wednesday, June 15, 2011 commencing at 10:35 A.M, at 801 Swink Avenue, Rocky Ford, CO 81067.

Chairman Moore announced a quorum is present with Directors Mauch and Nunez excused.

**DIRECTORS PRESENT:**

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

**DIRECTORS ABSENT:**

Leroy Mauch  
Anthony Nunez

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

Director Esquibel 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 Gill moved to adjourn the Water Activity Enterprise meeting and reconvene the District Meeting at 10:39 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:**

Kelly Roesch, Pure Cycle; Rick Kienitz, Aurora; Doris Morgan, Congressman Cory Gardner's office; David Mau, USGS; Gloria Gutierrez, Senator Udall's office; Fred Heckman, FLCC;

Henry Schnabel, Prowers County Commissioner; Chris Woodka, Pueblo Chieftain; Bette Mc Farren, LJ Tribune; Keith Goodwin, Otero County Commissioner; Jim Valliant, CSU; Perry Cabot, CSU; GW, Larkspur, Bill Hancock, LAVWCD.

#### **APPROVAL OF MINUTES:**

- ❖ *May 18, 2011 Monthly Board Meeting Minutes-* Chairman Moore asked if the Board members had reviewed the minutes for the May 18, 2011 Board meeting and whether there were any corrections or additions. Director Brown moved to approve the minutes for May 18, 2011, seconded by Director Gill. Motion unanimously carried.
  
- ❖ *May 18, 2011 Work Session Meeting Minutes-* Chairman Moore asked if the Board members had reviewed the minutes for the May 18, 2011 Work Session meeting and whether there were any corrections or additions. Director Gill moved to approve the minutes for May 18, 2011, seconded by Director Esquibel. Motion unanimously carried.

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

Chairman Moore reported that the financial report for the month of May was included in the Board's Monthly Meeting Packet. Treasurer Whittaker reported May total revenues \$449,753.63 and total expenditures \$225,853.10 with total net \$223,900.53. Director Whittaker moved to accept the May Financial Statement, seconded by Director Gill. Motion unanimously carried.

**GM REPORT:** General Manager Winner introduced Perry Cabot, Colorado State University (CSU) Extension Water Resources Specialist.

#### **PRESENTATION:**

*Perry Cabot, CSU Extension Water Resources Specialist.*

Mr. Cabot presented to the Directors a power point presentation on Water Resources Education Curriculum which is attached to the minutes as **Exhibit A.**

*General Manager Winner introduced Bill Hancock, Conservation Program Manager of LAVWC.* Mr. Hancock presented to the Directors two (2) power point presentation on Conservation Easements one (1) Jed Smith LLC and two (2) Gerald Jordan, which are attached to the minutes as **Exhibit B.**

**Resolution 11-01**

The Lower Arkansas Valley Water Conservancy District holds a conservation easement donated by Jed Smith LLC and has respectively proposed a conservation easement to be donated to the District in 2011, consisting of 120 acres of native rangeland used for cattle and horse pasture, in the Beulah area of Pueblo County, Colorado. Motion was made by Director Brown, seconded by Director Esquibel, to adopt Resolution 11-01. Motion unanimously carried.

**Resolution 11-02**

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 2011, consisting of 240 acres of irrigated farmland and 111.6 shares of Colorado Canal and Lake Meredith Reservoir Company, in Crowley County, Colorado. Motion was made by Director Whittaker, seconded by Director Esquibel, to adopt Resolution 11-02. Motion unanimously carried.

General Manager Winner directed board members to tab one (1) of the board packets, Colorado Ag Water Alliance.

General Manager Winner directed board members to tab (2) two of the board packets. Draft questions for NEPA (National Environmental Policy Act).

General Manager Winner directed board members to tab (3) three of the board packets. Water 2012, this committee is moving forward, trying to educate people and focus on people who are not acquainted with Colorado laws, water distribution and conservation.

General Manager Winner gave an update on the Super Ditch who will start a pilot study with shareholders from the Catlin Canal. We hope this pilot program will be successful.

**LEGISLATIVE REPORT:** General Manager Winner stated that Legislature is out of session.

**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 C.

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

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

Counsel recommends that the Board authorize entering into a stipulated settlement in this case (Case No. 09CW91).with St. Charles Mesa, Stonewall Springs, and Tri-State.

Director Esquibel made motion to give authorization to Special Counsel, Peter Nichols to enter into a stipulation with the St. Charles Mesa Water District in case no. 09CW91, which the applicant has agreed to include the terms and conditions requested by Counsel regarding revegetation of land taken out of irrigation, seconded by Director Whittaker. Motion unanimously carried.

Counsel recommends that the Board authorize filing an application to change the District's Larkspur Ditch water rights to allow their use for augmentation and other purposes in the Arkansas River basin.

Director Esquibel made motion to give Special Counsel, Peter Nichols to file application to change the use of water from Larkspur Ditch, seconded by Director Gill. Vote was 4-1 with Director Whittaker abstained from the vote.

**BOARD ACTION:**

Director Brown made motion to support \$12,000.00 to the Colorado Agriculture in the Classroom, seconded by Director Esquibel. Motion unanimously carried.

Director Brown suggested that \$6,000.00 will go towards Material and \$6,000.00 towards tuition for the teachers who participate in the summer classes.

Director Brown made motion to accept the Consulting Services Agreement between LAVWCD and Adaptive Resources, Inc (Heath Kuntz), seconded by Director Esquibel. Motion unanimously carried.

**PUBLIC COMMENT:**

Jim Valliant, CSU, stated he would like to thank the support on the Corn Fallow Workshop, on May 18, 2011. The turnout was great.

Perry Cabot, CSU stated if anybody is interested in Soil and Crop Science Program at Otero Junior College. You need to contact the Dr. Joel Gray, Department head of Chemistry who can assist those who are interested in this program.

<http://www.ojc.edu/pressReleaseDetail.aspx?prID=1490>.

