

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

The regular monthly meeting of the Lower Arkansas Valley Water Conservancy District Board of Directors was held on Wednesday, November 17, 2010 commencing at 10:40 A.M., at 801 Swink Avenue, Rocky Ford, CO 81067.

Chairman Moore announced a quorum was present with all Directors present.

DIRECTORS PRESENT:

Pete Moore-Chairman
Lynden Gill-Vice Chairman
Melissa Esquibel - Secretary
Whittaker -Treasurer
Leroy Mauch
Anthony Nunez
Reeves Brown

DISTRICT STAFF PRESENT:

Jay Winner-General Manager
Bill Hancock – Conservation Program Manager
Carla Aragon-Quezada-Office Manager
Wayne 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 10:43 A.M., seconded by Director Mauch. 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; Curtis Temple, Ft. Lyon; Perry Cabot, CSU; Mike Bartolo, CSU; Alan Ward, PBWW; G W, Larkspur; Sam Fosdick, Fowler; Jim Valliant, CSU; Pat Edelmann, USGS; Rick Kienitz, Aurora Water; Ann Lopkoff, CWPDA; Burt Heckman, Super Ditch; Fred Heckman, Ft Lyon; Betty McFarren, La Junta Tribune; Gloria Gutierrez, Senator Udall Office; Dwight Gardner, Senator Michael Bennett's Office; Chris Woodka, Pueblo Chieftain; John Schweizer, Super Ditch; Bill Hancock, LAVWCD; Brenda Fillmore, LAVWCD; Phil

Reynolds, SECWCD; Logan Burba, Leonard Rice Engineering; Heath Kuntz, Leonard Rice Engineering; Jim Valliant, CSU.

APPROVAL OF MINUTES:

- ❖ *October 20, 2010 Monthly Board Meeting Minutes-* Chairman Moore asked if the Board members had reviewed the minutes for the October 20, 2010 Board meeting and whether there were any corrections or additions. Director Mauch had one correction the Seep Ditch in Lamar was at Lamar Community Center not at Lamar Community College. Director Mauch moved to approve the minutes for October 20, 2010, seconded by Director Esquibel. Motion unanimously carried.

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

TREASURER'S REPORT:

Chairman Moore reported that the financial report for the month of October was included in the Board's Monthly Meeting Packet. Treasurer Whittaker reported October total revenues \$70,167.05 and total expenditures \$160,523.57 with total net< \$90,356.52>. Director Whittaker moved to accept the October Financial Statements, seconded by Director Brown. Motion unanimously carried.

GM REPORT:

General Manager Winner introduced Heath Kuntz, Leonard Rice Engineering.

PRESENTATION:

Mr. Kuntz gave an update on the Rule 10 Compliance Plan, which is attached to the minutes as Exhibit A.

Director Esquibel moved to adopt the Rule 10 Compliance Plan with the option to come back yearly if necessary to change any dates and fees. Sign up deadline will change from December 1, 2010 to February 1, 2011 giving farmers more time to volunteer to sign up, seconded by Director Gill. Motion was 6-1 with Director Whittaker voting no.

Director Esquibel moved to adopt 2011 Irrigation Efficiency Fees with the option to come back yearly if necessary to change fees, seconded by Director Gill. Motion was 6-1 with Director Whittaker voting no.

General Manager Winner introduced Perry Cabot, CSU. Mr. Cabot gave an update on Effects of Land Fallowing and Water Rights Leasing on Crop Yield, Nutrient Needs and Management, which is attached to the minutes as **Exhibit B.**

General Manager Winner introduced Phil Reynolds, Southeast Colorado Water Conservancy District. Mr. Reynolds gave an update on the completion of State and Tribal Assistance Grant (STAG) Report for the Arkansas Valley Conduit, which is attached to the minutes as **Exhibit C.**

General Manager asked the board to approve two (2) grants, Super Ditch Delivery Engineering for \$254,067.50 with LAVWCD matching funds of \$28,229.50 and Potential Impacts to Long-Term Farm Financial Planning from Temporary Water Transfer for \$28,470.00 with LAVWCD matching funds of \$3,163.00. Director Mauch made a motion to give Special Counsel Nichols to process the grants, seconded by Director Esquibel. Motion unanimously carried.

Director Gill gave update on Seep Ditches. He stated that the State Engineer Dick Wolfe and Division Engineer Steve Witte held a meeting at the Lamar Community Center. There were a lot of attendees and it was very informative. State Engineer Dick Wolfe stated he would like to have more meetings on Seep Ditches.

BOARD ACTION:

LEGAL REPORT:

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

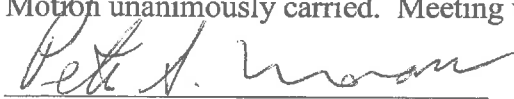
Trout, Raley, Montano, Witwer & Freeman, PC

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

PUBLIC COMMENT: None

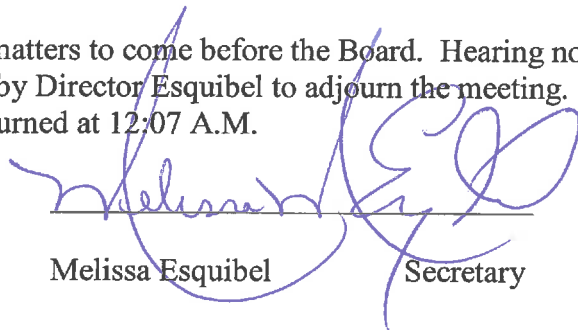
ADJOURNED:

Chairman Moore asked if there were any other matters to come before the Board. Hearing none, motion was made by Director Nunez, seconded by Director Esquibel to adjourn the meeting. Motion unanimously carried. Meeting was adjourned at 12:07 A.M.



Pete Moore

Chairman



Melissa Esquibel

Secretary