

**November 21, 2012**  
**Minutes-Board Meeting**

The regular monthly meeting of the Lower Arkansas Valley Water Conservancy District Board of Directors was held on Wednesday, October 17, 2012 commencing at 10:32 A.M. at 801 Swink Avenue, Rocky Ford, CO 81067.

Chairman Gill announced a quorum is present with all the Directors present.

**DIRECTORS PRESENT:**

Lynden Gill-Chairman  
Melissa Esquibel-Secretary  
Wayne Whittaker-Treasurer  
Leroy Mauch  
Anthony Nunez  
Reeves Brown  
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 Valliant. Motion unanimously carried.

At the conclusion of the Water Activity Enterprise meeting Director Mauch moved to adjourn the Water Activity Enterprise meeting and reconvene the District Meeting at 10:35 A.M., seconded by Director Nunez. 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:**

Lee Sommers, CSU-AVRC; Perry Cabot, CSU-Pueblo; Allan Andales, CSU-Fort Collins; Ann Mauss, CWCB; Ryan Edwards, CWCB; Fred Heckman, Fort Lyon Canal; Jeff Davidson, CSU\_AVRC; Lane Simmons, CSU-AVRC; Ann Lopkoff, CWPDA; Henry Schnabel, Commissioner for Prowers County; Burt Heckman, Fort Lyon Canal and Super Ditch; Alan Ward, PBWW; Chris Woodka, Pueblo Chieftain; Don McBee, Fort Lyon Canal; Johns Schweizer, Super Ditch; Dale Mauch, Fort Lyon Canal and Super Ditch; Bette McFarren, La Junta Tribune; Keith Goodwin, Commissioner for Otero County; Jim Baldwin, Commissioner for Otero County; Bill Hancock, LAVWCD; Mark Pifher, Colorado Springs Utilities (CSU); Kathy Mauch, Lamar; John Knapp, NRCS, Elise Bergsten, Colorado Springs.

**APPROVAL OF MINUTES:**

- ❖ *October 17, 2012 Monthly Board Meeting Minutes*- Chairman Gill asked if the Board members had reviewed the minutes for the October 17, 2012 Board meeting and whether there were any corrections or additions. Director Mauch moved to approve the minutes for October 17, 2012, seconded by Director Nunez. Motion unanimously carried.
- ❖ *October 17, 2012 Work Session Meeting Minutes*- Chairman Gill asked if the Board members had reviewed the work minutes for the October 17, 2012 Work Session meeting and whether there were any corrections or additions. Director Whittaker moved to approve the minutes for October 17, 2012, seconded by Director Esquibel. Motion unanimously carried.

**TREASURER'S REPORT:**

Chairman Gill reported that the financial report for the month of October was included in the Board's Monthly Meeting Packet. Director Whittaker reported October total revenues \$27,269.00 and total expenditures \$53,474.89 with total net \$(26,205.89). Director Whittaker moved to accept the October Financial Statement, seconded by Director Valliant. Motion unanimously carried.

**GM REPORT:**

General Manger Winner introduced Anna Mauss, PE, Colorado Water Conservation Board (CWCB).

**PRESENTATION:**

Ms. Mauss presented a power point presentation on Meeting Colorado's Future Water Needs: CWCB's Loan Program, which is attached to the minutes as Exhibit A. General Manger Winner introduced Allan Andales, Ph.D. Assistant Professor and Extension Specialist, Colorado State University.

Mr. Andales presented a power point presentation on Lysimeter Studies in the Arkansas River Valley, which is attached to the minutes as **Exhibit B.**

**COMMITTEE REPORTS:**

*Personnel:* None.

*Acquisition:* None.

*Legal:* None

**BOARD ACTION:**

**Resolution 12-05**

The Lower Arkansas Valley Water Conservancy District has been offered Temporary Water Storage Contracts #13XX6C0017 (temporary storage for non-project irrigation water) and contract #13XX6C0016 (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 Esquibel, seconded by Director Nunez, to adopt Resolution 12-05, 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 C.**

**Berg Hill Greenleaf & Ruscitti LLP**

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

Special Counsel Nichols gave an update on the lawsuits with New York and 7 other states and also with Canada. Ask the board of directors for permission to intervene in the challenges to EPA's Water Transfers Rule pending in the Southern District of New York as a party. Special Counsel Nichols asked the board for support of \$1,000.00.

Director Whittaker made a motion to intervene in the challenges to EPA's Water Transfers Rule pending in the Southern District of New York as a party, and to that effort with \$1,000.00, seconded by Director Esquibel, motion unanimously carried.

**PUBLIC COMMENT:** None

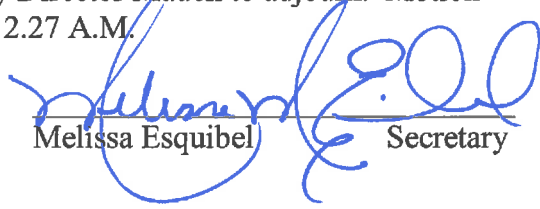
**ADJOURNED:**

Chairman Gill asked if there were any other matters to come before the Board. Hearing none, motion was made by Director Nunez, seconded by Director Mauch to adjourn. Motion unanimously carried. Meeting was adjourned at 12.27 A.M.



Lynden Gill

Chairman



Melissa Esquibel

Secretary