

**October 20, 2010, 2010
Minutes-Board Meeting**

The regular monthly meeting of the Lower Arkansas Valley Water Conservancy District Board of Directors was held on Wednesday, October 20, 2010 commencing at 10:32 A.M, at 801 Swink Avenue, Rocky Ford, CO 81067.

Chairman Moore announced a quorum was present with Director Esquibel being excused.

DIRECTORS PRESENT:

Pete Moore-Chairman
Lynden Gill-Vice Chairman
Wayne 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
Brenda Fillmore-Finance/Water
Bart Mendenhall-Attorney

DIRECTOR ABSENT:

Melissa Esquibel - Secretary

MOTION TO ENTER INTO WATER ACTIVITY ENTERPRISE:

Director Whittaker 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 10:35 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:

Rick Kienitz, Aurora Water; Jim Valliant, CSU; Pat Edelmann, USGS; Betty McFarren, La Junta Tribune; David Vidikan, Jacobs; Mike Bartolo, CSU-Research Center; Ann Lopkoff, CWPDA; Fred Heckman, Ft Lyon; Kelly Roesch, Pure Cycle; Henry Schnabel, Prowers Commissioner; Gloria Gutierrez, Senator Udall Office; Loretta Kennedy, Congressman Salazar's Office; Dwight

Gardner, Senator Michael Bennett's Office; Chris Woodka, Pueblo Chieftain; John Schweizer, Super Ditch; Bill Hancock, LAVWCD; Brenda Fillmore, LAVWCD.

APPROVAL OF MINUTES:

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

TREASURER'S REPORT:

Chairman Moore reported that the financial report for the month of September was included in the Board's Monthly Meeting Packet. Treasurer Whittaker reported September total revenues \$35,047.75 and total expenditures \$312,670.59 with total net< \$277,622.84>. Director Whittaker moved to accept the September Financial Statements, seconded by Director Brown. Motion unanimously carried.

GM REPORT:

General Manager Winner introduced Jim Valliant, CSU.

PRESENTATION:

Mr. Valliant gave an update on the Corn Following, which is attached to the minutes as **Exhibit A**.

Mr. Valliant was asking for \$11,042.00 for 2009 and \$12,312.00 for 2010. Mr. Valliant stated I was out of commission for a few months and thought I needed to come to the board. General Manager stated that was already in the budget for last year.

General Manager Winner introduced Pat Edelmann, USGS. Mr. Edelmann gave an update on Flathead Chub movement, Fountain Creek, which is attached to the minutes as **Exhibit B**.

Director Gill gave update on Seep Ditches. He stated that State Engineer Dick Wolfe and Division Engineer Steve Witte came to the LAVWCD Office to answer questions for the farmers that had questions. This meeting was very informative for the people that participated in this special meeting.

General Manager Winner stated that State Engineer Dick Wolfe and Division Engineer Steve Witte will hold another public meeting on November 12, 2010 in Lamar, Colorado at 1:00 p.m. at the Lamar Community College. The topic will be seep ditches.

BOARD ACTION:

Resolution 10-04

Director Whittaker made motion to adopt Resolution 2010-04 an IGA (Intergovernmental Agreement) which needs to be adopted by the Lower Arkansas Valley Water Conservancy District and the County of Otero, seconded by Director Nunez. Motion unanimously carried.

Resolution 10-05

Director Brown made a motion for Resolution 2010-05 a policy of the Lower Arkansas Valley Water Conservancy District to preserve and to encourage the preservation of water rights in the Lower Arkansas Valley. Wesley and Brenda Herman are in the process of attempting to purchase land with attached water rights to farm. The use of Conservation Easements has been employed by the District to preserve water rights and agricultural property. The LAVWCD shall purchase a Conservation Easement upon the land and water rights being purchased by the Herman's. It benefits our mission to conserve and protect water quality, seconded by Director Gill. Motion unanimously carried.

Director Mauch made motion to direct Special Counsel Nichols to include the District as co-signer in the Amicus curiae brief, "friend of the court", before the Supreme Court of the United States Court 10-196 and 10-252, seconded by Director Nunez. Motion unanimously carried.

LEGAL REPORT:

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

Trout, Raley, Montano, Witwer & Freeman, PC

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

PUBLIC COMMENT:

Henry Schnabel, Prowers Commissioner wanted to thank the Lower Arkansas Valley Water Conservancy District for their support on the tamarisk project.

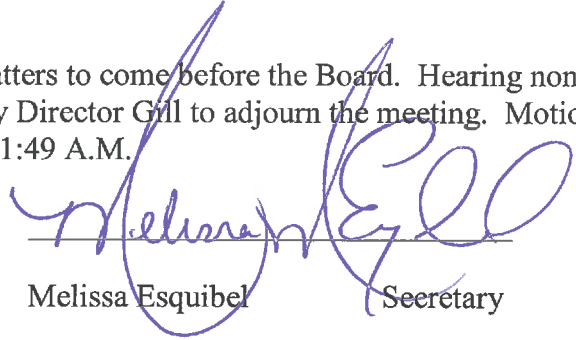
ADJOURNED:

Chairman Moore asked if there were any other matters to come before the Board. Hearing none, motion was made by Director Brown, seconded by Director Gill to adjourn the meeting. Motion unanimously carried. Meeting was adjourned at 11:49 A.M.



Pete Moore

Chairman



Melissa Esquibel

Secretary