

September 15, 2010 WORK SESSION MEETING MINUTES

A Work Session meeting of the Lower Arkansas Valley Water Conservancy District was held on Wednesday, September 15, 2010 at 9:00 A.M., at the District office located at 801 Swink Avenue, Rocky Ford, Colorado 81067.

DIRECTORS PRESENT:

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

DISTRICT STAFF:

Jay Winner-General Manager
Bill Hancock-Cons. Program Mgr
Bart Mendenhall-Attorney
Peter Nichols-Attorney

Chairman Moore called the meeting to order at 9:00 A.M. and announced a quorum was present with all Directors present.

Visitors present: Keith Goodwin, Otero County Commissioner; Jim Sandoval, Otero County Commissioner; and Heath Kuntz, Leonard Rice Engineering.

General Manager Winner gave an update on property from the Fort Lyon Canal. Directors will discuss this at their retreat in December or January.

Counsel Peter Nichols gave an update on the Irrigation Efficiency Rules with the Rule 10 Plan. Nichols stated when the State started moving down the path adopting rules to comply with the Arkansas basin compact related to the completion that resolved from improvements of irrigation efficiency. The farmers came to the Lower Arkansas Valley Conservancy District and asked if we would participate in that process. The committee dropped some of the rules dramatically. It came down to drip irrigation and sprinklers. Any drip irrigation and sprinklers after the year 1999 that were installed will need to comply with the State. LAVWCD hired an engineer firm by the name of Leonard Rice Engineering. Heath Kuntz of Leonard Rice Engineering has been working on this for about two (2) years. They want to make this simple for the farmers that have to participate in this program.

Heath Kuntz, Leonard Rice Engineer gave an update on the Rule 10 Plan to the board of Directors.

MOTION TO ENTER INTO EXECUTIVE SESSION:

Director Esquibel moved that the Board convene into Executive Session, seconded by Director Brown. Motion unanimously carried. Chairman Moore recessed the District's work session meeting at 10:15 A.M. to convene into the Executive Session.

Director Esquibel requested that the Board enter into Executive Session for the purpose of: §24-6-402(4) (b) C.R.S., "Conferences with an attorney for the public entity for the purposes of receiving legal advice on specific legal issues."

§24-6-402(4)(e) C.R.S., "Determining positions relative to matters that may be subject to negotiations; Developing strategy for negotiations; and instructing negotiators." In relating to, litigation with, State of Colorado, and Super Ditch.

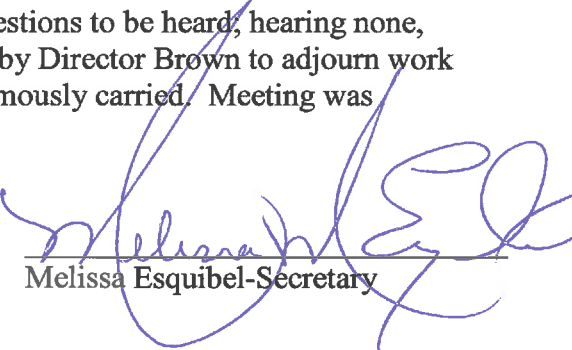
"In the opinion of Attorney Mendenhall, all or a portion of the discussion during the Executive session constituted a privileged attorney-client communication, and therefore no record or recording was kept of that part of the discussion."

Director Esquibel moved that the Board conclude executive session and re-enter Work Session 10:26 A.M., seconded by Director Brown. Motion unanimously carried.

Chairman Moore asked if there were any other questions to be heard, hearing none, motion was made by Director Esquibel, seconded by Director Brown to adjourn work session into regular board meeting. Motion unanimously carried. Meeting was adjourned at 10:28 A.M.



Pete Moore-Chairman



Melissa Esquibel-Secretary