

July 15, 2009
Minutes-Board Meeting

The regular monthly meeting of the Lower Arkansas Valley Water Conservancy District Board of Directors was held on Wednesday, July 15, 2009 commencing at 10:06 A.M, at 801 Swink Avenue, Rocky Ford, CO 81067.

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

DIRECTORS PRESENT:

Pete Moore-Chairman
Lynden Gill-Vice Chairman
Melissa Esquibel-Secretary
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
Peter Nichols-Attorney

MOTION TO ENTER INTO WATER ACTIVITY ENTERPRISE:

Director Mauch moved that the Board recess the regular Board Meeting and open the Water Activity Enterprise meeting, seconded by Director Whittaker. Motion unanimously carried.

At the conclusion of the Water Activity Enterprise meeting Director Whittaker moved to adjourn the Water Activity Enterprise meeting and reconvene the District Meeting at 10:10 A.M., seconded by Director Mauch. Motion unanimously carried.

OFFICIAL DISTRICT BUSINESS:

Oath of Office:

Notary Carla Quezada swore in the newly elected Director Reeves Brown and notarized the Oath of Office Statement.

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; Jean Van Pelt, SECWCD; Dan Miles, USGS; Larry Collins, Ordway; John Love, Ordway; Lynn Chubbuck, Ordway; Keith Goodwin, Otero County Commissioner; Bill Hancock, LAVWCD; Jim Sandoval, Otero County Commissioner; Kelly Roesch, Pure Cycle; Ken Weber, Pueblo; Del Nimmo, CSU-Pueblo; Fred Heckman, FLCC; Jim Valliant, CAES; Tim Gates, CSU; Brenda Fillmore, LAVWCD; Susan Pieper, Rocky Ford Daily Gazette; Curt Miller, LPI Enterprise.

APPROVAL OF MINUTES:

- ❖ *June 17, 2009 Monthly Board Meeting Minutes*- Chairman Moore asked if the Board members had reviewed the minutes for the June 17, 2009 Board meeting and whether there were any corrections or additions. Director Mauch moved to approve the minutes for June 17, 2009, seconded by Director Gill. Motion unanimously carried.

- ❖ *June 17, 2009 Work Session Meeting Minutes*- Chairman Moore asked if the Board members had reviewed the minutes for the June 17, 2009 Work Session meeting and whether there were any corrections or additions. Director Mauch moved to approve the minutes for June 17, 2009, seconded by Director Gill. Motion unanimously carried.

TREASURER'S REPORT:

Chairman Moore reported that the financial report for the month of June was included in the Board's Monthly Meeting Packet. Treasurer Whittaker reported June total revenues \$222,137.78 and total expenditures \$298,754.92 with total net <76,617.14>. Director Whittaker moved to accept the June Financial Statement, seconded by Director Esquibel. Motion unanimously carried.

GM REPORT:

General Manager Winner introduced the newly elected director Reeves Brown, asked him to talk a little about himself.

Director Brown stated I grew up in Agriculture on a ranch. I'm educated and dedicated to agriculture. I knew my future early. My wife Betsy and I moved to Beulah, Colorado in 1981. We're passionate about where we live and what we do. There's no finer place in the world. The Arkansas Valley has been dear to us. We're in the upper end because the agriculture that happens there is very unique place. So early on in the water trials of the area, it became part of our lives to try to preserve our land to agriculture. The Lower Ark's mission statement is what this organization is all about. I've been working with the Arkansas Basin Roundtable some. I'm grateful to be here and humble by my appointment, it certainly is a challenge that I want to accept and work on.

General Manager Winner introduced Attorney Nichols who gave an update on the Consumptive Use Rules.

General Manager Winner introduced Jim Valliant, Irrigation Specialist – Coordinator, CSU.

Mr. Valliant thanked the LAVWCD for their support. He gave a power point presentation on The Effect on Corn Yield, Nutrient Needs and Economics when Fallowing Land, 1-3 years in the Arkansas Valley of Colorado (2008 Progress Report), which is attached to the minutes as **Exhibits A.**

General Manager Winner introduced Tim Gates, CSU-Fort Collins.

Mr. Gates gave a power point presentation on Studies to Support Improved Management of the Irrigated Stream-Aquifer System of Colorado's Arkansas River which is attached to the minutes as **Exhibit B.** General Manager Winner asked Mr. Gates if he could send a letter with the amount of his request and also have a pilot program to show his progress.

General Manager Winner introduced Lynn Chubbuck, Trustee from the Town of Ordway.

Mr. Chubbuck asked the board if they would be interested in leasing their Twin Lake shares. He stated that the Town of Ordway has had a flexible agreement with the LAVWCD and was thankful. Mr. Chubbuck stated as you all know that Crowley County filed a suit against the Town of Ordway because of the long-term lease. We (Town of Ordway) heard that you wouldn't be interested in the leasing any Twin Lake shares. Is that correct?

General Manager Winner replied we discussed it and did not want to get in the middle of the litigation.

Director Esquibel replied I think you asked Lower Arkansas Valley Water Conservancy District to give some type of statement. What the legal committee consider litigations an issue. As a general policy LAVWCD doesn't want to get involved in litigations, if LAVWCD doesn't absolutely have too. There are obviously contentious issues between Crowley County and the Town of Ordway. LAVWCD doesn't know how it will play out for us. But LAVWCD knows if we purchase the use of the water would put us smack in the middle. We don't think financially or legally that we're in position invite participation in litigation that LAVWCD doesn't have to be part of. That was the concern of the legal committee.

LEGISLATIVE REPORT:

Attorney Nichols presented a State of Opposition recommendation on the application of City of Fountain and Widefield Water & Sanitation District for change of water rights involving the ranch they recently purchased in the wet mountain valley in Custer County. Motion made by Director Mauch to give Attorney Nichols authority to file statement of opposition, Seconded by Director Esquibel. Motion unanimously carried.

DIRECTORS' DISCUSSION:

General Manager Winner gave an update on Fountain Creek IGA. Board will discuss and bring it back to the next board meeting as Board Action on August 19, 2009 to see if they want to do an extension for 1 (one) or 2 (two) years for Fountain Creek IGA.

Chairman Moore received letter from the Editor of the Pueblo Chieftain. Chairman Moore recommended that Attorney Nichols draft letter in response.

COMMITTEE REPORTS:

Personnel: None.

Acquisition: None.

LEGAL REPORT:

Melissa Esquibel: Next month the Legal Committee will come back to the board with recommendations for adopting the policy per statute regarding responsibilities and obligations of directors.

Attorney Bart Mendenhall: Attorney Bart Mendenhall discussed his legal report, a copy of which is attached to the minutes as Exhibit C.

Trout, Raley, Montano, Witwer & Freeman, PC

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

BOARD ACTION:

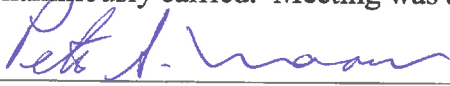
Board agreed to table the agreement between CSU-Research Center Property and LAVWCD. Director Gill moved to table the agreement, seconded by Director Esquibel. Motion unanimously carried.

PUBLIC COMMENT:

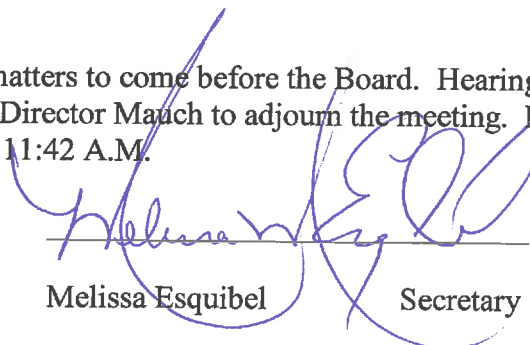
Fred Heckman, McClave, stated I'm member of the Super Ditch and Consumptive Use Rule committee and I want to thank Tim Gates, CSU and Jim Valliant, CAES for the outstanding job they've done throughout the year. They need creditability on what we're trying to achieve here to maintain agriculture in the valley. Mr. Heckman stated I hope the LAVWCD board will continue to support Mr. Gates and Mr. Valliant for their studies.

ADJOURNED:

Chairman Moore asked if there were any other matters to come before the Board. Hearing none, motion was made by Director Gill, seconded by Director Mauch to adjourn the meeting. Motion unanimously carried. Meeting was adjourned at 11:42 A.M.



Pete Moore Chairman



Melissa Esquibel Secretary