

November 18, 2009
Minutes-Board Meeting

The regular monthly meeting of the Lower Arkansas Valley Water Conservancy District Board of Directors was held on Wednesday, November 18, 2009 commencing at 10:10 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
Peter Nichols-Attorney

DIRECTOR ABSENT:

Melissa Esquibel-Secretary

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 Nunez. 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 10:12 A.M., seconded by Director Brown. 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:

Chris Woodka, Pueblo Chieftain; Rick Kienitz, Aurora Water; Mike Bartolo, CSU-AURL; Pat Edelmann, USGS; Bill Hancock, LAVWCD; Brenda Fillmore, LAVWCD; Jim Sandoval, Otero County Commissioner; Keith Goodwin, Otero County Commissioner; Ken Weber, Pueblo; Kelly Roesch, Pure Cycle; John Schweizer, Super Ditch; Loretta Kennedy, Congressman Salazar's

Office; Alan Ward, PPBW; Dwight Gardner, Senator Bennet's office; Donny Hansen, Super Ditch; Ann Lopkoff, CWPDA; Curt Miller, LPI; Peter Sartucci, Appraiser; Steve Witte, Div. 2 Eng; David Vickers, La Junta Tribune Democrat.

APPROVAL OF MINUTES:

- ❖ *October 21, 2009 Monthly Board Meeting Minutes*- Chairman Moore asked if the Board members had reviewed the minutes for the October 21, 2009 Board meeting and whether there were any corrections or additions. Director Mauch moved to approve the minutes for October 21, 2009, seconded by Director Gill. Motion unanimously carried.

- ❖ *October 21, 2009 Work Session Meeting Minutes*- Chairman Moore asked if the Board members had reviewed the minutes for the October 21, 2009 Work Session meeting and whether there were any corrections or additions. Director Nunez moved to approve the minutes for October 21, 2009, seconded by Director Whittaker. 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 \$38,830.17 and total expenditures \$179,707.36 with total net <\$140,877.19>. Director Whittaker moved to accept the October Financial Statement, seconded by Director Brown. Motion unanimously carried.

GM REPORT:

General Manager Winner gave an update on what is going to take place for Lower Arkansas Valley Water Conservancy District (LAVWCD) the next few months. The board will have to approve the final 2010 budget for LAVWCD which will be on the December agenda. Also, the staff is working on a retreat for board directors to discuss the goals for 2010.

General Manager Winner asked Attorney Peter Nichols to give an update on the Lower Arkansas Valley Super Ditch.

Attorney Nichols stated the President of the Super Ditch, John Schweizer is sitting in the audience and asked if he could give the board an update on what's happening with the Super Ditch.

John Schweizer, President of the Super Ditch announced that they have been working on an agreement with Peaks Pike Regional Water Authority (PPRWA). There has been a lease agreement to provide 2,000 acre feet of water annually for \$500.00 an acre foot to PPRWA. Mr. Schweizer stated we hope this sets a precedent and we can go on from here. "We do not have a signed lease, but we are making excellent progress." "The beauty of the whole thing is that it is

a lease, not a sale.” Mr. Schweizer stated he was surprised by the speed of the deal by the Super Ditch, which was incorporated last year.

Attorney Nichols stated the amount of water leased to the PPRWA could increase to up to 8,000 acre feet annually over the next 20 years.

General Manager Winner replied the numbers will increase as we prove the ability to move the water.

General Manager Winner introduced Steve Witte, Division Engineer, Division II.

PRESENTATION:

Mr. Witte presented to the board a power point presentation on “What is an Exchange?” A copy of which is attached to the minutes as **Exhibit A.**

General Manager Winner introduced Peter Sartucci.

Mr. Sartucci presented to the board a power point presentation on “The appraisal of conservation easements.” A copy of which is attached to the minutes as **Exhibit B.**

LEGISLATIVE REPORT: None

DIRECTORS’ DISCUSSION: None

COMMITTEE REPORTS:

Personnel: None.

Acquisition: None.

LEGAL REPORT:

Melissa Esquibel: None

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 Nichols the Board packet as **Exhibit D.**

Counsel recommends filing a statement of opposition in Case No. 09CW110, the State Engineer’s application to approve Compact Rules Governing Improvements to surface water irrigation systems. Motion made by Director Mauch to file statement of opposition in Case No. 09CW110, seconded by Director Brown. Motion unanimously carried.

Motion made by Director Gill to give Attorney Peter Nichols authority to file application for a change of use case for the Super Ditch, seconded by Director Nunez. Motion unanimously carried.

BOARD ACTION: None

PUBLIC COMMENT: None

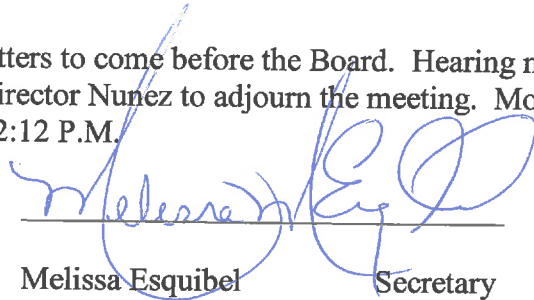
ADJOURNED:

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



Pete Moore

Chairman



Melissa Esquibel

Secretary