

**OFFICIAL MINUTES AND ACTIONS TAKEN  
ARCH HURLEY CONSERVANCY DISTRICT'S  
BOARD OF DIRECTORS**

**Tuesday, June 9, 2009**

**Directors Present:** Larry Perkins; President, Tom Bruhn; Vice President, Pablo Lopez, Director; John Gilbertson, Director

**Directors/Staff** U.V. Henson; Secretary/Treasurer

**Absent:**

**Staff Present:** Franklin McCasland, District Manager; Donna Lafferty, Office Manager; Craig Hoffman, Maintenance Supervision; Mark Preciado, Water Master.

**Guests Present:** Jimmy Speed, Fred Stieg of Big Mesa, Robert Evans, David Foote, Wilbert Pederson, Paul Estrada, Drake Swenson, Daniel Garcia, Ray Bates, Phillip Box, Judy Smith of FSA, Tom Dominguez, Catherine Bugg of KTNM Radio, and Chelle Delaney of the Sun Newspaper.

**MEETING CALLED TO ORDER-**

Finding a quorum present and finding this regularly scheduled meeting of the Arch Hurley Conservancy District's Board of Directors duly advertised, as required by statute, President Perkins called this meeting to order at 9:00 a.m. in the district office.

**APPROVAL OF MINUTES – REGULARLY SCHEDULED MEETING MAY 12, 2009-**

Director Bruhn made the motion to approve the draft minutes of the Arch Hurley Conservancy District's May 12, 2009 meeting. The motion was seconded by Director Gilbertson. Motion carried 4 – 0.

Directors Voted:

Perkins – “YES”

Bruhn – “YES”

Gilbertson – “YES”

Lopez – “YES”

Henson – “ABSENT”

**VISITORS COMMENTS-**

Phillip Box stated that we are still in need of a good rain here and above the water shed. I am interested in seeing what I can find out about the State Engineer's information. I would like to put together a study of past history rainfall in the areas and how much water is put into the lake over the history of the project and if that correlation and relationship

has changed over the last few years. Maybe that would help us isolate some areas if we do have problems of illegal diversion, maybe to target some areas. This is an idea to look at and study this a little more.

Daniel Garcia said that he has received 7 slow rains over the last week and a half totally 2.04 inches and that on the Pajarito side the fence has caved in and no painted signs. Mark Preciado, Water Master, said that the siphon has been painted and we will make repairs to the fence.

Judy Smith said that she didn't have a lot to offer. I'm just here listening on behalf of FSA to see if there is anything we can contribute.

### **MANAGER'S REPORT**

Today the Conchas Lake elevation is at 4162.0 feet. There has not been any large amount of measurable inflow into the lake for the month of May. Last year at this time the elevation of Conchas Lake was 4165.7 feet.

At the last board meeting there were questions about the State Engineers Regional Water Plan. You can go to the [archhurley.com](http://archhurley.com) web site and it will link you to the north eastern regional water plan through the SOE web site.

On May 14<sup>th</sup>, I spoke with Anthony Vigil from the BOR. He is going to start the O&M inspection on June 10<sup>th</sup>. It will take two to three days to complete the inspection.

On May 21<sup>st</sup>, the attorneys held more depositions in the board room. This is in reference to the drowning two years ago. A site visit was done later that afternoon. Chester Mattocks was here completing the last part of our 2008 audit.

There is a copy of a letter from Rep. Dennis Roch to Gov. Richardson in the board's correspondence. Rep. Roch is requesting that the position at the District VII State Engineers office be filled.

On May 28<sup>th</sup>, the 2008 exit audit was held by Chester Mattocks and in attendance was Donna Lafferty, Kandace Zacharias, Pablo Lopez and myself. The 2008 audit has been sent to the O.S.A. for approval. Once it is approved and signed by the State Auditor, it will be sent back for approval by the Arch Hurley Board.

Maintenance is cleaning the canals on the Conchas Canal. They are a little upstream of check 31. The tractors and shredders have been serviced and have been mowing areas where needed. The men are removing trees throughout the delivery system and chemically treating them as soon as they are cut.

At the next Arch Hurley meeting there will be a presentation by Steve Driver from Great Plains Meter. He will answer questions about flow meters and their accuracy and repeatability.

In the information part of the board packet is a letter to the New Mexico Interstate Streams. This is our annual payment for three ISC loans. The three ISC loans are current at this time.

One idea that I would like to get input from the board is if Arch Hurley joined with the other irrigation districts in the Canadian River Basin and formed a MOU to protest any applications filed at the State Engineers Office.

President Perkins gave a directive to Manager McCasland to follow thru on a MOU in forming a group to protest applications and diversions. I would like for you to set up a meeting with other districts to explore this possibly of a group effort to have the numbers and to save money by cost sharing.

### **PLEDGE OF ALLEGIANCE AND INVOCATION**

Director Perkins made the motion to add the Pledge of Allegiance and Invocation to Arch Hurley Board Meetings. The motion was seconded by Director Bruhn. Motion carried 4 – 0.

|                 |                    |                   |
|-----------------|--------------------|-------------------|
|                 | Directors Voted:   |                   |
| Perkins – “YES” |                    | Lopez – “YES”     |
| Bruhn – “YES”   | Gilbertson – “YES” | Henson – “ABSENT” |

### **WATER ALLOCATION REVIEW OF CONCHAS LAKE**

Director Bruhn made the motion that no water be allocated at this time. The motion was seconded by Director Lopez. Motion carried 4-0.

|                 |                    |                   |
|-----------------|--------------------|-------------------|
|                 | Directors Voted:   |                   |
| Perkins – “YES” |                    | Lopez – “YES”     |
| Bruhn – “YES”   | Gilbertson – “YES” | Henson – “ABSENT” |

### **RELEASE OF MCKENZIE MORTGAGE**

Director Bruhn made the motion to release the mortgage on McKenzie ISC loan. The motion was seconded by Director Gilbertson. Motion carried 4-0.

|                 |                    |                   |
|-----------------|--------------------|-------------------|
|                 | Directors Voted:   |                   |
| Perkins – “YES” |                    | Lopez – “YES”     |
| Bruhn – “YES”   | Gilbertson – “YES” | Henson – “ABSENT” |

### **MEMORANDUM OF UNDERSTANDIN FOR QCCWM**

Director Bruhn made the motion to table the MOU. The motion was seconded by Director Gilbertson. Motion carried 4-0.

Directors Voted:

Perkins – “YES”

Bruhn – “YES”

Gilbertson – “YES”

Lopez – “YES”

Henson – “ABSENT”

### **SKIP VERNON MEDIATION HEARING**

The mediation hearing is set for June 24 and, if necessary, June 25 in the San Miguel Magistrate Court in Las Vegas at 10:00 a.m. This will be advertised because of the possibility of 3 or more Board Members attending. Manager McCasland will keep the Board informed of travel arrangements.

### **COLLECTION OF PAST DUE ASSESSMENTS**

Manager McCasland stated that 45 land owners were sent a letter from the attorney on May 6, 2009. To date, 36 of the letters have been signed for and 6 people have made arrangements to make payments. 14.29 acres have been relinquished. Approximately \$10,000.00 has been collected. At the next Board meeting, I will ask for Board approval to file liens.

### **FILED PROTETS OF UP-STREAM APPLICATIONS AND DIVERSIONS**

Arch Hurley has filed protests to 3 applications for diversions in Colfax County. These applications are to divert water from the Vermejo River into 6 different lakes. Two are from Vermejo Coal, LLC and one from Turner Enterprises, Inc.

### **GREG QUARTIERI, DISTRICT VII STATE ENGINEER WATER SPECIALIST**

Mr. Quartieri was unable to attend the meeting.

### **PRESIDENT’S COMMENTS**

President Perkins appreciates all the work going on in the district. I haven’t been out and about too much, I do know that we are still working hard on maintenance and I appreciate that – Craig and Mark both on what we are getting done. We just need to get some rain.

**DIRECTORS COMMENTS –**

Director Bruhn asked what attorneys were here on the May 21, 2009. Manager McCasland stated that one attorney was hired by Arch Hurley’s insurance company and the other attorney was representing the plaintiffs. Manager McCasland stated that they are fighting to not give them any money. Manager McCasland stated that the maintenance department is repainting siphons in and out of town “Stay alive by staying out”

Director Gilbertson had no comments.

Director Lopez had no comments.

**CONSIDERATION OF BILLS-**

Director Bruhn made a motion to pay the submitted bills. The motion was seconded by Director Lopez. Motion carried 4-0.

Directors Voted:

Perkins – “YES”

Bruhn – “YES”

Gilbertson – “YES”

Lopez – “YES”

Henson – “ABSENT”

**EXECUTIVE SESSION**

Director Bruhn made a motion to go into executive session. The motion was seconded by Director Lopez. Motion carried 4-0. The Board went into executive session at 10:00 a.m.

Directors Voted:

Perkins – “YES”

Bruhn – “YES”

Gilbertson – “YES”

Lopez – “YES”

Henson – “ABSENT”

**EXECUTIVE SESSION**

Director Bruhn made a motion to come out of executive session. The motion was seconded by Director Gilbertson. Motion carried 4-0. The Directors were polled and each one answered yes. President Perkins stated that nothing but threatened or pending litigation was discussed. The Board came out of executive session at 10:55 a.m.

Directors Voted:

Perkins – “YES”

Bruhn – “YES”

Gilbertson – “YES”

Lopez – “YES”

Henson – “ABSENT”

**ADJOURNMENT OF REGULAR MEETING-**

With no further business to discuss, the meeting was adjourned at 10:56 a.m. with unanimous vote.

ARCH HURLEY CONSERVANCY DISTRICT

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President Larry Perkins

**ATTEST:**

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Vice President, Tommy Bruhn

