

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

Tuesday, July 14, 2009

Directors Present: Larry Perkins; President, Tom Bruhn; Vice President, U.V. Henson; Secretary/Treasurer, Pablo Lopez, Director; John Gilbertson, Director

**Directors/Staff
Absent:**

Staff Present: Franklin McCasland, District Manager; Donna Lafferty, Office Manager; Craig Hoffman, Maintenance Supervisor.

Guests Present: Jimmy Speed, Fred Stieg of Big Mesa, Robert Evans, David Foote, Paul Estrada, Drake Swenson, Ray Bates, Phillip Box, Thomas Evans, Ron Wilmont of Congressman Lujan's Office, Rex Kirksey, Steve Driewer of Great Plains Meter, Tom Dominguez, and Catherine Bugg of KTNM Radio.

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 9:03 a.m. in the district office.

PLEDGE OF ALLEGIANCE AND INVOCATION

The Pledge of Allegiance and Invocation was lead by President Perkins. President Perkins stated that in future meetings if an individual would like to lead the Pledge of Allegiance and give the Invocation to just let him know before the meeting.

APPROVAL OF MINUTES – REGULARLY SCHEDULED MEETING JUNE 9, 2009-

Director Bruhn made the motion to approve the draft minutes of the Arch Hurley Conservancy District's June 9, 2009 meeting. The motion was seconded by Director Lopez. Motion carried 5 – 0.

Directors Voted:

Perkins – “YES”
Bruhn – “YES”

Gilbertson – “YES”

Lopez – “YES”
Henson – “YES”

VISITORS COMMENTS-

Catherine Bugg asked that we pray for rain and President Perkins stated that she just missed it.

MANAGER'S REPORT

Today the Conchas Lake elevation is at 4161.3 feet. There has not been any large amount of measurable inflow into the lake for the month of June. Last year at this time the elevation of Conchas lake was 4163.4 feet.

On June 10th, Anthony Vigil and Michael Sanchez arrived from the BOR to begin the O&M inspection of the Arch Hurley delivery system. They completed the inspection the following day. There were no category 1 findings with the inspection. There were three category 2 findings and thirteen category 3. They identified some areas that needed some riprap to stop soil erosion and some dirt work with the dozer above tunnel 3 and removal of woody vegetation along the canal banks and laterals. The main recommendation was that after our next water run is completed we need to drain three siphons and contact them when they are drained. The BOR will bring over a camera video system that can be lowered down each end of the siphon to the bottom and record as it is lowered. Arch Hurley will have a written report of the inspection in 90 days from the BOR.

On June 24th, the mediation hearing between Arch Hurley and Skip Vernon was held in Las Vegas N.M. There was no resolution to any issues discussed.

On July 1st, I attended the N.M. Attorney Generals workshop. This workshop was to update public agencies on newly passed legislation and a review of the open meetings act and inspection of public records act.

I spoke with Roberta Ball with the USACE about researching previous year's rain and snow pack reports and the inflow into Conchas Lake and comparing them with the present year's projection and inflows into Conchas Lake. She advised me that there was no funding in their budget for this type of study. I followed up this request with Rex Kirksey. He will look into this as a project for a grad student from NMSU.

On July 3rd, I meet with Phillip Box to review discussion topics and concerns of the Arch Hurley Conservancy District for a meeting with Congressman Ben Ray Lujan Jr. Then on the 6th I had a follow up meeting with Phillip and the Congressman's Field Representative Ron Wilmot.

The excavators are below the Span Check on the Conchas canal. They have run into areas in the canal with three to four feet of soil that had to be removed. The mowers are running throughout the district. Mark and the staff are working on addressing the issues

that were identified by the BOR during the O&M inspection.

Included in the board packet is a registration form for the 54th Annual New Mexico Water Conference to be held on October 15th & 16th in Albuquerque

WATER ALLOCATION REVIEW OF CONCHAS LAKE

Director Lopez made the motion that no water be allocated at this time. The motion was seconded by Director Bruhn. Motion carried 5-0.

Directors Voted:

Perkins – “YES”

Bruhn – “YES”

Gilbertson – “YES”

Lopez – “YES”

Henson – “YES”

FILE LIENS ON PAST DUE ASSESSMENTS

Manager McCasland was given a directive to file the liens on past due assessments at the Clerk’s Office.

MEMORANDUM OF UNDERSTANDIN FOR QCCWM

Director Lopez made the motion to accept the MOU with QCCWM. The motion was seconded by Director Bruhn. Motion carried 4-1. A copy of the MOU is attached and is a part of these minutes.

Directors Voted:

Perkins – “YES”

Bruhn – “YES”

Gilbertson – “NO”

Lopez – “YES”

Henson – “YES”

RESOLUTION 2009-006

Director Bruhn made the motion to approve Resolution 2009-006 which pertains to the final budget for 2010. The motion was seconded by Director Henson. Motion carried 5-0. Resolution 2009-006 is attached and a part of these minutes.

Directors Voted:

Perkins – “YES”

Bruhn – “YES”

Gilbertson – “YES”

Lopez – “YES”

Henson – “YES”

2008 FINANCIAL REPORT AND ANNUAL INDEPENDENT AUDIT

Director Bruhn made the motion to approve 2008 Financial Report and Independent Audit. The motion was seconded by Director Henson. Motion carried 5-0.

Directors Voted:

Perkins – “YES”
Bruhn – “YES”

Gilbertson – “YES”

Lopez – “YES”
Henson – “YES”

PHILLIP BOX

Phillip Box reported on a meeting that was held July 3, 2009 with Ron Wilmont, local Representative of Congressmen Ben Lujan, Jr. In attendance of the meeting were Phillip Box, Tom Evans, Mr. and Mrs. Drake Swenson, Phillip Box and Ron Wilmont. Phillip Box listed some concerns that the group had. The concerns included drought, snow pack with no run in the lake, unapproved and/or unallocated diversion on the water shed, lack of attention about concerns from State Engineer’s Office and BOR, Grants frozen and grants raised to an amount out of Arch Hurley resources. Mr. Wilmont suggested that letters be written to State Engineer’s Office, Bureau of Reclamation, and to Udall, Bingaman, and Lujan. Director Lopez made motion to authorize Manager McCasland to act on the suggestions that are listed below:

- Give Manager McCasland the approval to arrange for similar meetings with Senator Jeff Bingaman and Tom Udall.
- Give manager the approval to send a follow-up letter to Senator Ben Lujan, Jr.
- Give manager the approval to write a letter to the BOR asking for their cooperation and support in asking the OSE to investigate, correct and make whole the farmers.
- Give manager the approval to write the USDA Risk Management asking that the source of irrigation water be separated into tow categories: 1. Well water – it is under the management control of the farmers and 2. Surface Water – is under the control of God and is not a management decision of the farmers during periods of drought.
- Review the line item appropriation for the Middle Rio Grande.
- Ask in writing from each congressman to sponsor and/or support a line item appropriation for AHCD in the amount of \$300,000 to \$1,000,000 with no match

The motion was seconded by Director Henson. Motion carried 5-0. Manager McCasland is to keep the Board informed.

Directors Voted:

Perkins – “YES”
Bruhn – “YES”

Gilbertson – “YES”

Lopez – “YES”
Henson – “YES”

STEVE DRIEWER, GREAT PLAINS METER

Mr. Driewer gave a presentation about the Great Plains meters. He had planned a power point presentation; however the power outage cancelled it. He passed out brochures and answered questions from the Directors and visitors. He stated that an 8” meter would be about \$900.00. Great Plains also handles accessories that are sometimes necessary with certain applications. This meter could be a permanent installation or temporary installation where some additional accessories could make it removable.

BOR RO & M INSPECTION RECOMMENDATIONS

Included in the board packet is the information about the BOR inspection. It lists each of the findings and shows the corrective action.

PRESIDENT’S COMMENTS

President Perkins wanted to thank everyone for coming to the meeting. I want to thank Steve for the presentation. I want to thank Phillip, Drake, Tom and Ron for their participation at their meeting. The BOR is really impressed with how the ditches and district looks. I want to commend Franklin, Mark, Craig and all the crews that are doing a good job. This has been a tough year for us and it isn’t getting any easier. Just keep the maintenance on going and continue pursuing these grants is important.

DIRECTORS COMMENTS –

Director Bruhn asked about the letter from J. Moschetti from Grand Junction, CO. Manager McCasland explained that the correspondences are referring to an invoice mailed to Arch Hurley that was received June 1, 2009 for services in January 2009. Manager McCasland stated that the bill is unwarranted because Mr. Moschetti didn’t provide the services.

Director Gilbertson had no comments.

Director Lopez had no comments.

Director Henson had no comments.

CONSIDERATION OF BILLS-

Director Henson made a motion to pay the submitted bills. The motion was seconded by Director Gilbertson. Motion carried 5-0.

Directors Voted:

Perkins – “YES”
Bruhn – “YES”

Gilbertson – “YES”

Lopez – “YES”
Henson – “YES”

EXECUTIVE SESSION

Director Bruhn made a motion to go into executive session. The motion was seconded by Director Lopez. Motion carried 5-0. The Board went into executive session at 11:05 a.m. President Perkins stated that only threatened or pending litigation and representation thereof will be discussed.

Directors Voted:

Perkins – “YES”
Bruhn – “YES”

Gilbertson – “YES”

Lopez – “YES”
Henson – “YES”

EXECUTIVE SESSION

Director Bruhn made a motion to come out of executive session. The motion was seconded by Director Lopez. Motion carried 5-0. The Board came out of executive session at 11:53 a.m.

Directors Voted:

Perkins – “YES”
Bruhn – “YES”

Gilbertson – “YES”

Lopez – “YES”
Henson – “YES”

Director Lopez made the motion to terminate the services of Attorney Peter Shoenfeld and Director Bruhn amended the motion to include writing a letter to Mr. Shoenfeld and to address the reasons why his services are terminated. A copy of the letter will be provided to the board members so they aren't blind sided at a later date. The motion was seconded by Director Henson. Motion carried 4-1. A copy of the letter will be included in these minutes.

Directors Voted:

Perkins – “YES”
Bruhn – “YES”

Gilbertson – “NO”

Lopez – “YES”
Henson – “YES”

Director Lopez made the motion to dismiss the court case of Arch Hurley Conservancy District against Skip Vernon. The motion was seconded by Director Henson. Motion carried 4-1. A local attorney will be used to dismiss the case.

Perkins – “YES”
Bruhn – “YES”

Directors Voted:
Gilbertson – “NO”

Lopez – “YES”
Henson – “YES”

ADJOURNMENT OF REGULAR MEETING-

With no further business to discuss, the meeting was adjourned at 12:00 noon with unanimous vote.

ARCH HURLEY CONSERVANCY DISTRICT

President Larry Perkins

ATTEST:

Secretary/Treasurer U.V. Henson

