

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

**Tuesday, September 8, 2009**

**Directors Present:** Larry Perkins; President, Tom Bruhn; Vice President, UV 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, Robert Evans, David Foote, Paul Estrada, Drake  
Swenson, Ray Bates, Phillip Box, Thomas Evans, Donnie  
Bidegain, Tommy Evans, Daniel Garcia, Wilbert Pederson,  
Johnny Irving, 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 9:00 a.m. in the district office.

**PLEDGE OF ALLEGIANCE AND INVOCATION**

The Pledge of Allegiance was lead by President Perkins and the Invocation was given by Larry Perkins.

**APPROVAL OF MINUTES – REGULARLY SCHEDULED MEETING AUGUST  
11, 2009-**

Director Lopez made the motion to approve the draft minutes of the Arch Hurley Conservancy District's August 11, 2009 meeting. The motion was seconded by Director Gilbertson. Motion carried 5 – 0.

Directors Voted:

Perkins – “YES”

Bruhn – “YES”

Gilbertson – “YES”

Lopez – “YES”

Henson – “YES”

## **VISITORS COMMENTS-**

Phillip Box reported that he spoke with Congressman Ben Lujan, Jr., Ron Wilmont and Legislative Assistant Aaron Trujillo on August 15. He spoke with Lynn Ditto of Senator Bingaman's Roswell Office on August 18. The entire report is attached and a part of these minutes.

Craig Hoffman suggested that the digital recording of the minutes could be put on a CD for those who want the entire dialog of the meeting.

Tommy Evans stated that he is on the San Jon School Board and some of the items on the Arch Hurley minutes could be eliminated.

## **MANAGER'S REPORT**

Today the Conchas Lake elevation is at 4163.36 feet. Conchas Lake received 4,683 acre feet of inflow for the month of August. Last year at this time the elevation of Conchas Lake was 4164.4 feet.

During the late evening hour of August 11<sup>th</sup> two juveniles broke into the main yard on Campbell Street and broke out 22 windows from our heavy equipment. The Police report is in the board packet. The cost of the repairs to this equipment will have to come out of the O&M budget.

On August 18, I attended an ENMRWS meeting in Clovis. Senator Jeff Bingaman and State Engineer John D. Antonio as well as State Representative Dennis Roch were in attendance. When the meeting was over I spoke to the Senator Bingaman about Arch Hurley's concerns and he said that they would be in contact with the B.O.R. and the State Engineer in the near future.

State Rep. Dennis Roch and I met with State Engineer John D` Antonio, he introduced us to John Romero Jr., P.E. He is the director of the Water Resource Allocation Program. John D` Antonio informed us that it would take about two years to fully staff the District VII office in Cimarron to a staff level adequate to oversee the Canadian River watershed. Budget deficits were the reason for this delay in staffing. He suggested that Arch Hurley continue to report illegal water diversions to the State Engineer's Office and said they would be investigated.

On September 3, Senator Tom Udall was in Tucumcari. I tried to arrange a meeting with him, but was told that every minute was accounted for on this visit. I was assured that Jeanette Lyman in the DC office was aware of our concerns and would continue to work with us on these problems. She would be in contact with me in the near future.

On September 4, Sara Cobb from Udall`s office called and informed me that a meeting was being scheduled with the BOR during the later part of September to address Arch Hurley`s concerns. The exact date of the meeting hasn't been set.

For the Board's information, I was informed by Tammie Padilla from the BOR that the Area Director John Polling had resigned from his position. Lisa Croft has been appointed to serve in that position. I will set up a time to meet with her in the near future.

The men have removed the condemned bridge just above the Tucumcari Check. The timbers were salvaged and moved to the main yard and a barricade was installed to warn and stop traffic. We have sprayed the salt cedars on the main canal. The excavators and men are cleaning the Main Canal above the Y. They are directly below Tucumcari Mountain at this time. There is a large amount of sediment in the canal in this area. The water in Siphon 30 has been drained out for future BOR inspection.

#### **RECOMMENDATIONS FOR LEGAL COUNSEL**

Director Henson made a motion to hire Chuck DuMars of Law & Resource Planning Associates, P.C. as Arch Hurley's water rights attorney. Director Lopez seconded the motion. Motion carried 5-0.

Directors Voted:

Perkins – “YES”  
Bruhn – “YES”

Lopez – “YES”  
Henson – “YES”

#### **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 5-0.

Directors Voted:

Perkins – “YES”  
Bruhn – “YES”

Lopez – “YES”  
Henson – “YES”

#### **RESOLUTION 2009-008**

Director Bruhn made the motion to approve Resolution 2009-008 which pertains to increasing the payment of the election judges to \$100.00. The motion was seconded by Director Henson. Motion carried 5-0. Resolution 2009-008 is attached and a part of these minutes.

Directors Voted:

Perkins – “YES”  
Bruhn – “YES”

Lopez – “YES”  
Henson – “YES”

## **LETTERS AND DISCUSSION WITH US CONGRESSION STAFF**

Within the Board packet are the recent correspondences concerning issues regarding State Engineer's Office, Bureau of Reclamation, illegal diversion upstream in the water shed and under staffed District VII.

### **BIG MESA**

Enclosed in the Board packet is the response letter to Charles N. Lakins of the Domenici Law Firm concerning the letter that Director Gilbertson presented at the August Board Meeting. Copies of the board minutes that refer to the actions taken are in the board packet also. This matter was put on hold by advice from Attorney Shoenfeld until the Skip Vernon case was resolved. President Larry Perkins stated that he would like to attend a Big Mesa board meeting and request that they join with Arch Hurley in writing letters to the State Engineer's Office and congressmen requesting attention to illegal diversions affecting the in-flow to Conchas Lake.

### **PRESIDENT'S COMMENTS**

President Perkins stated that he really enjoyed the power point presentation. People continue to tell me how good everything looks. I appreciate the extra effort from the crews. My district looks great. I encourage the pulling of the trees out of the canal and piling along the banks. I have hung on some trees when driving past them. Craig Hoffman stated that the piles of trees will be burned.

### **DIRECTORS COMMENTS –**

Director Henson asked about absentee voting. Absentee voting is not provided for in the up-coming election. Any changes in the election rules require a statute change by the legislature.

Director Gilbertson stated that the minutes will need a little work and possibly transcribing of the minutes could be an option. Manager McCasland was instructed to bring information to the board on requirements for Arch Hurley board minutes. Director Gilbertson asked if the letter on "structures on Arch Hurley's right-of-way" is sent out every year. Director Gilbertson was informed that letter goes out in the spring of each year with the assessment notice. Director Gilbertson stated that a landowner has a sign right next to the ditch. Manager McCasland will look into this matter.

Director Lopez had no comments.

Director Bruhn had no comments

**CONSIDERATION OF BILLS-**

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

Directors Voted:

Perkins – “YES”  
Bruhn – “YES”

Gilbertson – “YES”

Lopez – “YES”  
Henson – “YES”

**ADJOURNMENT OF REGULAR MEETING-**

With no further business to discuss, the meeting was adjourned at 10:40 a.m. with unanimous vote.

ARCH HURLEY CONSERVANCY DISTRICT

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President Larry Perkins

**ATTEST:**

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Secretary/Treasurer UV Henson

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