

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

**Tuesday, December 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, Ray Bates, Phillip Box, Thomas Evans, Daniel Garcia, Albert Lopez, Jack Smith, Drake Swenson, Tom Dominguez, Catherine Bugg, Wilbert Pederson, Rex Kirksey, Bob Stubbs and David Foote

**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. President Perkins stated that he would like to have the Manager's Report before Visitor's Comments and item #11 with District VII Manager Tim Farmer and Greg Quartieri will not be addressed since weather conditions didn't permit them to attend the meeting.

**PLEDGE OF ALLEGIANCE AND INVOCATION**

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

**APPROVAL OF MINUTES – REGULARLY SCHEDULED MEETING  
NOVEMBER 10, 2009-**

Director Bruhn made the motion to approve the draft minutes of the Arch Hurley Conservancy District’s November 10, 2009 meeting. The motion was seconded by Director Henson. Motion carried 5 – 0.

Directors Voted:

Perkins – “YES”  
Bruhn – “YES”

Gilbertson – “YES”

Lopez – “YES”  
Henson – “YES”

**MANAGER’S REPORT**

Today the Conchas Lake elevation is at 4162.9 feet. Conchas Lake received 159 acre feet of inflow for the month of November. Last year at this time the elevation of Conchas lake was 4161.9 feet.

On November 19<sup>th</sup>, I met with the BOR Commissioner Mike Conner, his staff and the Upper Colorado Regional Director Larry Walkoviak during the NWRA conference. There were three topics of discussion.

1. Unauthorized diversions on the Canadian River and its tributaries. Larry Walkoviak has been in contact with the State Engineer and was informed that the State was looking into and resolving this issue.
2. We asked that the BOR revisit the grant application policy- mostly the Water for America Grant. The one million dollar minimum application is out of reach for small Conservancy Districts.
3. Revisit the BOR position on Arch Hurley’s access to surplus military equipment.

On November 24<sup>th</sup>, I met with Congressman Lujan in Tucumcari and we discussed the same topics that I spoke to the BOR Commissioner about on Nov.19<sup>th</sup>. Rep. Lujan was going to call Commissioner Conner and follow up with our requests.

On December 2<sup>nd</sup> we were inspected by NM Dept. of Agriculture. This was regarding the use of restricted herbicide, the required paper work documentation, checked our storage, disposal and PPE. There were no violations documented.

Mark is working on Arch Hurley’s year end inventory and the men are working on maintenance projects. We pumped most of the water out of tunnel #5 that goes through town. Craig and his staff cleaned out and inspected the interior of the tunnel. There were no problems or concerns identified in tunnel #5.

I spoke with Bob Bruce and the BOR Grants will be released soon. We will review them all and hopefully find one that will fit our budget. We will work closely on this to ensure that all of the deadlines for submission are met.

I would like to remind the Board that the Arch Hurley Christmas Dinner will be at noon on December 18<sup>th</sup> at the Rural 2 Fire Station.

### **VISITORS COMMENTS-**

Craig Hoffman stated that the excavator is at the Blue Water Check. In ten months time, 37 miles of canals have been cleaned.

Ray Bates stated that in view of past years with limited water and last year with no water, we need action. We will have to take action and that action needs to come from the Board. Arch Hurley has an attorney, we need to use him. If we aren't going to have water, we need to go to the Court House and have irrigated lands designated as dry lands.

Catherine Bugg stated that we need to go for it in reference to taking action.

David Foote stated that he had obtained some information from USGS. It stated that Taylor Springs reported 41" and Sanchez reported 10". No way to losing 31". That is the only documentation that there is. If we allow this mistake to propagate and go on, we are just cutting our own throats. I think this is an easy fix with the USGS. David Foote made a comment about the November minutes and the Skip Vernon item on the agenda.

Rex Kirksey is looking into NMSU doing an analysis about the economic impact of the lack of water on Arch Hurley and the community. When that report is available, he will get it to Manager McCasland.

Drake Swenson met with Representative Ben Lujan and asked him what government agency is protecting his personal water rights. He received an e-mail today as a response to that question and the answer is that the State Engineer's Office protects personal water rights. Rep. Lujan advised Mr. Swenson that any time a political person is in town, constituents and the Arch Hurley Board should speak with that person.

Tom Dominguez wanted to commend Manager McCasland for the meeting he conducted to small acreage, beginning farmers and ranchers. It was a good presentation and everyone was pleased.

Jack Smith stated that this reminds him of a case when Texas sued NM over the Pecos and Texas won big time. Arch Hurley is a much smaller scale, but a similar scenario.

Thomas Evans stated that we need to sue the State Engineer. We've got the money and the time and we need to get this done.

### **APPROVAL OF RESOLUTION 2009-009**

Director Henson made the motion to approve Resolution 2009-009 which pertains to notification of Public Meetings. The motion was seconded by Director Lopez. Motion carried 5-0. Director Bruhn stated that he would like for Arch Hurley Board meetings to be held in the evening.

Directors Voted:

Perkins – “YES”

Bruhn – “YES”

Gilbertson – “YES”

Lopez – “YES”

Henson – “YES”

### **REVIEW OF BOR OPERATIONS AND MAINTENANCE REPORT**

Manager McCasland gave a slide presentation of the findings from the BOR. In the presentation, it was demonstrated how the finding were corrected. Finding 2009-3-F will be addressed when the excavator gets to that area. Some findings from previous years had been completed, however no report was sent. Manager McCasland will report all completed recommendations to BOR.

### **PHILLIP BOX – ROCKY MT. FARMERS UNION NM POLICY**

Phillip Box attended the Rocky Mountain Farmers Union Annual Convention November 19-21 in Denver. Colorado and Wyoming are dealing with similar issues as New Mexico in illegal diversions. A copy of that letter is attached and a part of these minutes.

### **NM DEPT. OF AG. PESTICIDE COMPLIANCE INSPECTION**

Manager McCasland reported that on December 2, 2009 Tiffany Aragon performed an inspection and Arch Hurley had no violations. Craig Hoffman, who has been doing an excellent job, has a Public Applicator License and 4 people have a Private Applicator License.

### **APPROVAL OF EMPLOYEE HOLIDAY BONUS**

Director Henson made the motion to approve a \$500.00 bonus to each of Arch Hurley’s employees. The motion was seconded by Director Lopez. Motion carried 5-0.

Directors Voted:

Perkins – “YES”  
Bruhn – “YES”

Gilbertson – “YES”

Lopez – “YES”  
Henson – “YES”

### **APPROVAL OF MOA BETWEEN ARCH HURLEY AND SKIP VERNON**

Director Gilbertson made the motion to table this issue and to discuss this issue with BOR and Attorney Chuck DuMars. The motion was seconded by Director Henson. Motion carried 5-0.

Directors Voted:

Perkins – “YES”  
Bruhn – “YES”

Gilbertson – “YES”

Lopez – “YES”  
Henson – “YES”

### **OTHER BUSINESS OR DIRECTORS COMMENTS**

President Perkins would like to contact our Attorney Chuck DuMars in reference to the comments from Ray Bates and other constituents about getting something done. I think we need to schedule Mr. DuMars to be at the next Board Meeting. I would like Board Member’s input on what we can do on filing a law suit against the State Engineer and what it would do to file against the District at Mora. The issue is to find out who we can sue and what we can do to get this thing moving. We need water and would like measuring devices to be installed and someone to check them.

President Perkins stated that Manager McCasland and the crew have done a good job this year and with cleaning 37 miles of canals. President Perkins stated that he was at the Amarillo Farm Show and someone thought that Arch Hurley had new canals.

Director Gilbertson stated he could put together some ideas as to why we need to file a law suit.

### **EXECUTIVE SESSION**

Director Bruhn made the motion to go into executive session at 10:40 a.m. for Review of the District Manager’s Job Performance. The motion was seconded by Director Gilbertson. Motion carried 5-0.

Directors Voted:

Perkins – “YES”  
Bruhn – “YES”

Gilbertson – “YES”

Lopez – “YES”  
Henson – “YES”

Director Bruhn made the motion to come out of executive session at 11:55 a.m. The motion was seconded by Director Lopez. Motion carried 5-0. President Perkins stated that only limited personnel matters reviewing District’s Manager’s Job Performance was discussed.

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

Director Lopez made the motion to give Manager McCasland an annual increase of \$5,000.00 starting January 2010. The motion was seconded by Director Henson. Motion carried 3-2.

	Directors Voted:	
Perkins – “YES”		Lopez – “YES”
Bruhn – “NO”	Gilbertson – “NO”	Henson – “YES”

**CONSIDERATION OF BILLS-**

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

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

**ADJOURNMENT OF REGULAR MEETING-**

With no further business to discuss, the meeting was adjourned at 11:58 a.m. with a unanimous vote.

ARCH HURLEY CONSERVANCY DISTRICT

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President Larry Perkins

**ATTEST:**

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Secretary/Treasurer UV Henson

