

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

**Tuesday, February 9, 2010**

**Directors Present:** Larry Perkins; President, UV Henson; Secretary/Treasurer, Pablo Lopez, Director; John Gilbertson, Director

**Directors/Staff** Tom Bruhn; Vice President

**Absent:**

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

**Guests Present:** Thomas Evans, Robert Evans, Catherine Bugg, Judy Smith, Jimmy Speed, Drake Swenson, Phillip Box, Pete Tatschl, and George Evetts.

**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 9:04 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 President Perkins.

**APPROVAL OF MINUTES – REGULARLY SCHEDULED MEETING JANUARY 14, 2010-**

Director Lopez made the motion to approve the draft minutes of the Arch Hurley Conservancy District's January 14, 2010 meeting. The motion was seconded by Director Henson. Motion carried 4 – 0.

Directors Voted:

Perkins – “YES”

Bruhn – “ABSENT”

Gilbertson – “YES”

Lopez – “YES”

Henson – “YES”

## MANAGER'S REPORT

Today the Conchas Lake elevation is at 4162.95 feet. Conchas Lake received 1301 acre feet of inflow for the month of January. Last year at this time the elevation of Conchas Lake was 4162.1 feet.

On January 15, Joe Alderete from the BOR called me and said that there was a grant available of up to \$25k. It is an in-kind Water Conservation Grant. The only catch was that the application was due back on February 5, 2010. We have submitted a proposal for this grant. The proposal was for the purchase and application of bentonite in high seepage areas in the main canal. Arch Hurley will know if the proposal was approved on February 26.

The men have cleared trees and rebuilt the Peanut Lateral in A-Unit. The land owner has thanked the men for the work that was performed on his property.

On January 21, I met with the BOR in Albuquerque and passed on to them Arch Hurley's Resolution 2010-001. They wouldn't comment on the resolution, but they are committed on resolving the ongoing dispute with Skip Vernon. I informed them about our last board meeting and asked that they become more proactive with the OSE on diversions and the need for there to be a water master in Mora area. There was not comment to that request.

On January 22, I spoke with Anthony Vigil from the BOR. He informed me that he has secured funding to inspect five siphons this year. The crews are going to start working on removing the water on more siphons. He wants us purchase an exhaust fan to force air through the siphon while they are inside it. He is going to e-mail me the model and size that is required for this process. He also informed me that the BOR would be holding a one day class in Albuquerque on Confined Space Training. Arch Hurley personnel would be allowed to attend. I plan to send four employees to this class. The date for the training has not been set yet.

On February 1, an Arch Hurley employee was involved in an automobile accident. Our employee was cited for failure to yield. There were no serious injuries as a result of the accident. The employee was sent to the hospital for a post accident drug and alcohol test. The claims have been turned over to the company's insurance provider. I think our pickup can be repaired, but we are still waiting on cost estimates.

On February 2, I had a meeting with Sarah Cobb from Tom Udall's office. I informed her about last month's board meeting and gave her copies of our request to the BOR Commissioner Michael Conner. I told her that there has been very little support from the Albuquerque area BOR office on our issues. She feels that the BOR should be taking a more active role in our discussions with the State Engineers Office on oversight of diversions in our watershed. She will have personnel in the Senator's office in Washington contact the BOR and request more local involvement.

The excavators are past Madrid Bridge. We have stopped cleaning the main canal until it dries up a little. We will start draining more siphons as soon as we can get to them.

## **VISITORS COMMENTS**

Judy Smith of the FSA Office will be sending information out on the Sure Program. She'll be sending out this information from the office to let everyone know about the Program which is part of their requirements.

Drake Swenson asked about the leakage by the Main Dam at the headworks. The Corps of Engineers is going out for RFP to hire someone to perform this repair. This is a good time for this repair. Mr. Swenson suggested that Congressman Lujan be kept informed to the BOR involvement of Arch Hurley's issues.

Pete Tatschl asked about using the gas-powered evac units that the local fire departments have to pull the air during the inspection of the siphons.

Phillip Box suggested that Arch Hurley possibly rent the fans from another district that are necessary for inspecting the siphons instead of purchasing the fans. Information the State Engineer's Office provided at the last meeting have been questions that have been raised a long time ago and it is time for it to be resolved. The water rights aren't disputed- it is the amount and measuring that is questioned and requested, and an independent party needs to do the measuring.

George Evetts stated that he appreciates the efforts of the Board of Directors and would like to have a good paper trail in reference to the BOR.

## **UPDATE ON STATE LEGISLATURE STATUTE CHANGES**

Manager McCasland stated that the statute changes were presented by Daniel Ivey-Soto, however they were not accepted because they were non-germane to the 30 day session. Arch Hurley can approve resolutions of the statute changes and then submit the forms to the County Clerk and hold elections as to the new statutes. This type of statute change has been accomplished in the past in the form of a resolution, for an example the amount the judges are to be paid. The statute changes will be presented again at the 60 day session.

## **APPROVAL OF RESOLUTION 2010-002**

Director Gilbertson made the motion to approve Resolution 2010-002 which pertains to applying for federal assistance and the Conservation Grant from the BOR. The motion was seconded by Director Henson. Motion carried 4-0.

Directors Voted:

Perkins – “YES”

Bruhn – “ABSENT”

Gilbertson – “YES”

Lopez – “YES”

Henson – “YES”

## **UPDATE FROM MANAGER ON OSE'S AND ATTORNEY'S PROGRESS**

On February 3, Tim and Greg meet with G. Hughes Abel of Buena Vista Ranch. Mr. Abel was accommodating about the metering and location of a meter. He invited the manager and board members to the next field visit. With the current snow conditions on the ranch, it was difficult to reach areas for possible locations of meters. Mr. Farmer was concerned about funding for the meters.

Manager McCasland received an e-mail from Arch Hurley's attorney and attached were aerial photos from 1938 to fairly current. The attorney stated that the photos indicate that the lakes have been very large since the 1940's. Using google earth, the 3 largest lakes currently cover about 500 acres, which is consistent with the engineering report which was listed in the abstract that Tim Farmer prepared. The question is if the lakes are being filled in accordance with the various agreements that were made at various times. Manager McCasland was asked to get information from Tim Farmer and from the State Engineer's Office and then have a meeting with the attorney in Albuquerque.

## **DIRECTORS COMMENTS**

President Perkins stated that it was a good idea to halt excavator work in the canals because the excess moisture in the bottom has caused extra work to get the mud off the bucket. I have noticed water standing in the canals from one drop to another. That is an indication that the bentonite is still in the bottom of the canal. I am thankful for the snow.

## **EXECUTIVE SESSION**

Director Henson made the motion to go into executive session at 9:55 a.m. The motion was seconded by Director Lopez. Results of Director's roll call follow:

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

### **COME OUT OF EXECUTIVE SESSION**

Director Gilbertson made the motion to come out of executive session at 11:00 a.m. The motion was seconded by Director Lopez. Results of Director’s roll call follow:

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

President Perkins stated that nothing but limited personnel matters and pending litigation and representation thereof was discussed.

Director Henson made the motion to approve the memorandum of settlement agreement between Arch Hurley Conservancy District and L. Skip and Lee Ann Vernon pending the legal description of the property directly adjacent and above Tunnel #1, referring to the Pecan Orchard, is added. The motion was seconded by Director Lopez. Motion carried 3-1.

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

### **CONSIDERATION OF BILLS**

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

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

### **ADJOURNMENT OF REGULAR MEETING-**

With no further business to discuss, the meeting was adjourned at 11:07 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

