

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

Tuesday, September 13, 2011

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: Margaret Horner Young, Ray Bates, David Foote, Pete Tatschl, George Evetts, JD McEwen, Robert Evans, Tom Evans and Bob Carter from Congressman Steve Pearce's office.

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 Larry Perkins and the Invocation was given by Director Tom Bruhn.

**APPROVAL OF MINUTES – REGULARLY SCHEDULED MEETING
August 9, 2011**

Director Gilbertson made the motion to approve the draft minutes of the Arch Hurley Conservancy District's August 9, 2011 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 4157.7 feet. Last year at this time the elevation of Conchas Lake was 4165.2 feet. Conchas Lake received 752 acre feet of inflow for the month of August. Last year, during the month of August we received 9,569 acre feet of inflow into Conchas Lake.

In the board's packet with financial report is a report from the NM Water Resource Research Institute and an article from Federal climate scientists. They reported that 2011 is the driest year recorded in New Mexico history. The monsoon rainfall was non-existence for most of New Mexico with parts of the northeast receiving no monsoon rainfall. Last month the chance that La Nina would be repeat in 2012 increased from 26% to 44%. This month with the Pacific Ocean water temperatures still decreasing along the equator, that occurrence increased the odds to 50% that La Nina will return next year.

On August 17, the USACE informed us that the contractor hired to clean out the debris from the inlet side of the Conchas channel at Conchas Lake had arrived and would start the cleaning that afternoon. They were contracted to clean out only in front of the grates to the edge of the concrete apron. I spoke with Joe Martinez from the USACE and he said his staff would remove the rest of the weeds in the channel and burn them.

The maintenance department is still cleaning sediment from the main canal and applying bentonite for the water conservation grant. We have received all of the bentonite for this grant and should be closing this grant out later in the month. Craig will start spraying some salt cedars around the project this month. This is one of the goals in Arch Hurley's Strategic Plan.

The water department is doing maintenance projects on the delivery system and pumping water out of siphons. The BOR wants to walk into and inspect siphons #24, 25, 26, 27, 28 and the #1 Hudson siphon. All are pumped out except siphons 25 and 27. They should be finished with them by the end of the week.

Mark and Carlos also replaced the staff gauge at the USGS gauging station located at tunnel #1.

On Sept 1, Craig, Carlos, Mark and I traveled to Albuquerque and met with Matt Martinez and David Gensler from the MRGCD. They took the day and showed us their overshot flow control gates they use to control and measure flow in their district and gave us a demonstration of their Acoustic Doppler Current Profilers (ADCP) used to measure water flow in open canals and rivers. Arch Hurley will be purchasing an ADCP with funds from the current BOR grant. The grant will pay 100% of the purchase of the ADCP.

In May of this year, I was contacted by Bob Carter from Rep. Pearce's office. He asked if Arch Hurley cared if he asked some questions and visited with the State Engineers office

regarding the Canadian River. I had no problems with that and gave Mr. Carter copies of all the past letters that have been written to State and Federal officials.

I would like to remind everyone that early/absent voting begins on September 20th and ends on October 10th in the district office during normal office hours. The Election Day will follow on October 11th with voting from 7:00am to 7:00pm. The board of directors will meet on Wednesday, October 12th @ 9:00am to canvas the election results and hold their monthly meeting.

Manager McCasland gave a power point presentation. It contained pictures of maintenance projects within the district. Some of the pictures are of completed projects and pictures of issues that need to be addressed. There were also pictures of the siphons that are to be inspected by BOR in the near future. There were pictures of the ADCP located in the MRGCD that was demonstrated to Franklin, Craig, Mark, and Carlos.

Director Henson asked if the BOR was aware that some of the siphons are ready for inspection. Manager McCasland stated that the BOR wanted to inspect all of the siphons in one visit.

VISITORS

Bob Carter of Congressman Steve Pearce's office spoke to the Board and constituents about ideas and future projects that could affect Arch Hurley. One of these future projects is the pipeline from Ute Lake to Clovis and Portales. A possible project along with this pipeline is to install a pipeline from Conchas Lake to the County Line Check. What is an additional 35 million when 450 million is being asked to fund this project to Clovis and Portales? Mr. Carter asked why we don't have the run-off into Conchas Lake like we did in the 50, 60, and 70's. Mr. Carter can be reached at 575 631-8350 and e-mail address is bobgcarter@aol.com.

Pete Tatschl expressed concern about the size of pipeline, should it to be large enough to handle full duty of water.

George Evetts commented about Clovis' water from Ute Lake and Tukumcari and Quay County's position with their water. Clovis is wanting the intake structure in place first to get the funding. Past state engineers didn't care about what we were doing. I believe that has changed now.

David Foote stated that the current system is designed to handle 300,000 af of permitted water. If a pipeline system will not handle that amount of water, Arch Hurley would probably not have that full amount in our permit. Arch Hurley might have to give up part of the 300,000. Could an escrow account of some type be set up for all affected parties to give up what will affect them at the same time?

Tom Bruhn stated that the whole secret is to get water into that lake. It all comes down to the up-stream diversions that no one wants to talk about, handle, or take on is the problem.

Manager McCasland stated that Arch Hurley’s canals recharge the City of Tucumcari’s wells. It has been proven from their levels after two years of no water in the canal and how the levels of their wells changed after the canals were full of water.

WATER ALLOCATION

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

Directors Voted:

Perkins – “YES”
Bruhn – “YES”

Gilbertson – “YES”

Lopez – “YES”
Henson – “YES”

PROPOSE NEW FEDERAL PERMIT PROGRAM FOR PESTICIDE USE ON CANALS

Manager McCasland informed the Board of the proposed restrictions on herbicide applications. The compliance costs will increase and applicators may face fines of \$37,500 per day per violation and there is even a minimum fine of \$11,000 which could be applied for simple paperwork mistakes. The closest federal EPA office for a permit is Dallas, TX. Irrigation and conservancy groups are fighting this legislation. Manager McCasland will keep the directors posted of the legislative process on this bill.

REVIEW OF ISC RE-LOAN DOCUMENTS OF B & H RANCH

Included in the board packet are the documents that were prepared by Catherine Robinson and signed by B & H Ranch, Inc. The loan is for 15 years @ 4%.

REVIEW MATERIAL & APPROVE PURCHASE OF RIVER SURVEYOR

Director Henson made the motion to approve the purchase of the River Surveyor and any additional equipment necessary for the operation of the Surveyor. The motion was seconded by Director Bruhn. Motion carried 5-0.

Directors Voted:

Perkins – “YES”
Bruhn – “YES”

Gilbertson – “YES”

Lopez – “YES”
Henson – “YES”

LAND & WATER CLERK WILL BE TEMPORARY POSITION

Manager McCasland stated that Tara Hatfield had resigned. She has agreed to help cross train. Manager McCasland stated that the position, when filled, will be an irrigation season only position.

UPDATE ON 2010 AUDIT

Manager McCasland stated that Auditor Sandra Rush was waiting on a “related party questionnaire” letter from Tom Bruhn and a copy of fixed assets. When she receives these two items, she will finish the 2010 Audit and send it to Santa Fe.

LETTER OF CONSENT TO ENCROACH ON BOR EASEMENT ON FARM LATERAL

This is in reference to the re-use line from the Tucumcari Waste Water Plant to the NM Ag Science Center. They will bore under the farm lateral, put in a 16” steel casing and then put an 8” PVC pipe in the casing. All fees and permits have been paid by the City to BOR.

REQUEST FOR PROPOSAL ON LEASE OF LAND SECT. 16, TWN. 10, RNG. 31

Director Bruhn made the motion to go out for bids on this property. Within the sealed bids it should state that Arch Hurley has the right to reject any and all of the bids. There is no water on this property. The motion was seconded by Director Lopez. Motion carried 5-0.

Directors Voted:

Perkins – “YES”

Bruhn – “YES”

Gilbertson – “YES”

Lopez – “YES”

Henson – “YES”

DIRECTOR’S COMMENTS

Director Gilbertson wanted to thank Bob Carter for coming to the meeting. We needed to start doing something for a long time and really appreciate Bob attending the board meeting.

President Perkins appreciated Bob coming, presenting his ideas, and having enthusiasm to get started. We need to have the board and constituents take advantage of Bob’s position to help Arch Hurley with their current dilemma and possibilities of the future. I would like to set up a meeting with BOR, SEO, ISC, Clovis, and Tucumcari. Bob Carter

suggested to include Representative Ben Ray Lujan on any future meetings or work sessions. I would like to try it plan a direction for Arch Hurley in reference to the money request for the pipeline from Conchas Lake to County Line Check.

EXECUTIVE SESSION

Director Gilbertson made the motion to go into executive session. The motion was seconded by Director Lopez. A roll call was taken and each of the directors voted yes. Directors went into executive session at 10:58 a.m.

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

EXECUTIVE SESSION

Director Gilbertson made the motion to come out of executive session. The motion was seconded by Director Bruhn. A roll call was taken and each of the directors voted yes. Directors came out of executive session at 11:18 a.m. President Perkins stated that only threatened or pending litigation was discussed.

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

SKIP VERNON SETTLEMENT PROPOSAL

Director Bruhn made a motion to not accept the proposal. The motion was seconded by Director Gilbertson. Motion carried 5-0. A roll call was taken and each of the Directors voted yes.

	Directors Voted:	
Perkins – “YES”		Lopez – “YES”
Bruhn – “YES”	Gilbertson – “YES”	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 11:20 a.m. with a unanimous vote.

ARCH HURLEY CONSERVANCY DISTRICT

President Larry Perkins

ATTEST:

Secretary/Treasurer UV Henson

