

Record of Proceedings
Minutes of the Meeting of The La Plata Archuleta Water District
Held September 14, 2023

The regular meeting of the Board of Directors (“Board”) of the La Plata Archuleta Water District, Sundance/Farraday Subdistrict, and Fox Fire Subdistrict, La Plata County, Colorado, (“District”) was held on September 14, 2023, at 9:00 a.m., at 255 Ute Street, Ignacio Colorado 81137.

ATTENDANCE:

Directors in Attendance Were:

Dick Lunceford
Dan Lynn
Ron Dent
Kent Curtis
Mark Williams

In Attendance, Also, Were:

Ed Tolen, La Plata Archuleta Water District Manager
Yvonne Brunson, La Plata Archuleta Water District Customer Service Representative
Steve Harris, Harris Water Engineering
Dave Henry, Harris Water Engineering
Barb Prose, FredrickZink and Associates
Paul Schrank, LAPLAWD Property Owner
Cheryl Lynn, Secretary to the Board

In Attendance, Also, via Telephone, Were:

Joe Norris, Cockrel Ela Glesne Greher & Ruhland

CALL TO ORDER

Chairman Lunceford called the meeting to order at 9:00 a.m.

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Disclosure of potential conflicts of interest will be a topic of discussion at every Board meeting to address potential conflicts of interests that may arise as new agenda items are introduced. District Directors who have disclosed potential conflicts of interest can vote as issues arise. Directors present reported no conflicts of interest.

PUBLIC COMMENTS

There were no public comments.

APPROVAL OF MINUTES

Upon motion duly made by Director Dent, seconded by Director Lynn, and unanimously carried, the Minutes of the August 10, 2023, Regular Board Meeting were approved as presented.

FINANCIAL REPORT

Approval and Payment of Invoices

Directors reviewed the August 2023 Accounts Payable and the August 2023 Accountant's Compilation Reports. Upon motion duly made by Director Williams, seconded by Director Dent, and unanimously carried, payment of the invoices as shown on the attached Accounts Payable Statement dated September 13, 2023, were approved as submitted.

FINANCE COMMITTEE REPORT.

Certification of Value from La Plata County Assessor

Mr. Tolen reported that estimated tax collections for 2023 and 2024 are \$1,557,000 and \$2,000,000 respectively. If Proposition HH passes the assessed valuation will decrease due to a lower assessment rate for many property classes.

Sky View Subdistrict

Mr. Tolen has received notice that the Sky View Subdistrict is required to file an audit or audit exemption. Because there was no income and there were no expenditures it was decided to file an audit exemption. Mr. Tolen will distribute electronic signature documents to meet the requirement of having all board member signatures on the audit exemption.

PUBLIC RELATIONS/COMMUNICATIONS COMMITTEE REPORT

Mr. Tolen reported that there was nothing new to report.

LEGAL REPORT

Approval of a Resolution in Opposition to Proposition HH

Upon motion duly made by Director Lynn, seconded by Director Dent, and unanimously carried the Board approved the Resolution in Opposition to Proposition HH as drafted by legal counsel.

ENGINEER REPORT

City of Durango Water

Mr. Harris reported that six years have passed since the LAPLAWD, Southern Ute Indian Tribe, Ute Mountain Ute Indian Tribe, Animas La Plata Operation Maintenance and Replacement Association, and the City of Durango worked with the Bureau of Reclamation on plans to develop and construct a pipeline out of the outlet structure at Ridges Basin Dam, noting that, in the intervening years, costs of building such infrastructure have only increased and no one is stepping forward to resurrect this long term water delivery planning.

Colorado River Water

Mr. Harris also advised the Board that Becky Mitchell is Colorado's one and only representative on the Colorado River Commission. Governor Polis and Senator Bennett support her efforts to provide the best outcomes for Colorado; Senator Hickenlooper does not actively support these efforts. Federal Fiscal Year 2022 water numbers reflect that Upper Basin states' (Colorado, New Mexico, Utah, and Wyoming) actual use of Colorado River Water was 3.8 million acre-feet; the actual use for the Lower Basin states (Arizona, California, and Nevada) was 9.5 million acre-feet. The balancing agreement made in 2008, and expiring in September 2026, keeps water artificially low in Lake Powell to increase water to Lake Meade. Two major problems are that nowhere is 1.5 million acre-feet of evaporation accounted for and that the Bureau of Reclamation allowed an intentionally created surplus to be stored in Lake Meade for use by the Lower Basin states. California refuses to build reservoirs and 26 feet of groundwater storage in that state has been depleted which cannot be pumped back into the system.

Lake Nighthorse Reservoir

Lake Nighthorse was built to supply water for Municipal and Industrial (M and I) purposes. In that context it's possible that the best use of the water is for a power plant. The water cannot be used for agriculture, cannot be leased, and when water rights users begin to use their allocation they must pay Operating and Maintenance (O & M) costs.

Fox Fire Pipeline

Mr. Henry has received an estimate for pumps for the Fox Fire Pipeline System. Because we propose to use Drinking Water Revolving Funds for the project, we will have to meet American Iron & Steel requirements.

Phase 2D Pipeline/Easements

Mr. Henry is focusing on the Phase 2D pipeline and its 22 sheets of drawings for the next 1 to 2 months.

Phase 2C

County Road 509 Rights of Way – Confirmed County Road 509 Right of Way by LAPLAWD has yet to be issued by La Plata County who, through their attorneys, are requesting that LAPLAWD provide a survey of the existing road as compared to the initial road surveyed in 1909. Mr. Henry will confer with Frank Gibbons, surveyor, for additional information.

ENVIRONMENTAL REPORT

Ms. King, through Mr. Tolen, requested copies of the Phase 2D drawings which will be forthcoming within the next 2 months.

GENERAL MANAGER REPORT

Approval of the Purchase of 30 Acre-Feet Depletion of Animas La Plata Project Water

Due to water purchase and use agreements it is necessary to purchase water this year. Upon motion duly made by Director Lynn, seconded by Director Dent, and unanimously carried, the Board agreed to purchase 30 acre-feet of Animas La Plata Project Water. The cost will be approximately \$207,300. Ms. Prose advised the Board that approximately \$120,000 of PILT (Payment In Lieu of Taxes) funding has been set aside in the LAPLAWD bank account to purchase this 30 acre-feet Depletion of Animas La Plata Water. This accounts for 59.9 acre-feet of storage and .1 acre-feet of direct diversion. Mr. Harris suggested that water could be released in Basin Creek, to be served by a water treatment plant on the east side. This would require less pipeline and could, sooner than later, serve customers on Florida Mesa which has a reasonable population base for water delivery.

Approval of the Purchase of a Mobile Data Collector

Upon motion duly made by Director Williams, seconded by Director Lynn, and unanimously carried the Board approved purchase of a Mobile Data Collector. An explanation of necessity of the device is included in the General Manager's September 2023 Report.

Easement Documents

Mr. Tolen advised the Board that he had received easement documents from Russ Knight and his mother that allow the pipeline to be run under the Morrison Ditch.

Please see the September 2023 General Manager's Report for additional information.

EXECUTIVE SESSION

No Executive Session was conducted.

ANY OTHER MATTER WHICH MAY COME BEFORE THE BOARD

No other matters were discussed by the Board.

ADJOURNMENT

The meeting adjourned at 9:37 a.m. The next regular meeting of LAPLAWD is scheduled for Thursday, October 12, 2023, at 9:00 a.m. at 255 Ute Street, Ignacio, Colorado, unless it is necessary to meet in another matter to satisfy governmental requirements.

Prepared By

Cheryl Lynn
Secretary for the Meeting

Approved

Richard T. Lunceford

Daniel R. Lynn, III

Mark Williams

Ron Dent

Kent Curtis