

MOHAVE VALLEY IRRIGATION & DRAINAGE DISTRICT

APPROVED: NOVEMBER 5, 2013

MINUTES OF THE REGULAR BOARD MEETING HELD TUESDAY, OCTOBER 01, 2013 AT THE OFFICES OF THE MOHAVE VALLEY IRRIGATION & DRAINAGE DISTRICT ("THE DISTRICT")

CALL TO ORDER.

The meeting was called to order at 4:05 p.m.

PLEDGE OF ALLEGIANCE.

Mr. Joseph Hancock led the Pledge of Allegiance.

ROLL CALL.

Present: Charles B. ("Chip") Sherrill, Jr., Chairman, Director District III
Joseph Hancock, Director Division II
Perry Muscelli, Treasurer, Director At Large
Jamie Kelley, District Counsel
Mark R. Clark, Manager
Cecily ("CeCe") Preusser, Administrative Assistant

Absent: Clay Vanderslice, Director At Large
John Kai, Jr., Director, Division I

WAIVER MOTION. Motion to waive the reading of full minutes and resolutions presented for approval or adoption.

Mr. Muscelli made a motion to waive the reading of full minutes and resolutions presented for approval or adoption. Mr. Hancock seconded the motion. All were in favor, motion passed.

1. REPORTS.

A. Staff report on water use.

Mr. Clark reported that the District used a total of 2,692 acre feet for the month of August. Of that total, 1,960 acre feet were used by agriculture and, 732 acre feet were used by M&I.

B. Bureau of Reclamation Lower Colorado Water Supply Report as of September 30, 2013, Snowpack Report and Lake Powell Water Data Graph.

Chairman Sherrill reported that Lake Powell is currently at 45% of its capacity, with Lake Mead at 47%, Lake Mohave at 93% and Lake Havasu at 93%. The Total System Contents at this time are at 50%.

- C. USDA National Agricultural Statistics Service: Arizona Crop Report for month of September, 2013; Arizona Agri-Weekly for month of September, 2013.

Chairman Sherrill reported that there was nothing out of the ordinary contained in the reports, although the reports did not reflect the recent amount of rainfall we have received in the past few weeks. For instance, the reports show Parker having 2 inches of rain from January to date, and it is known that Parker has received considerably more rain than that.

- D. Arizona Meteorological Network Monthly Summary for September, 2013.

Chairman Sherrill stated that, again, there were no significant facts that stood out in the report.

- 2. **AGENDA MODIFICATION.** Possible action to withdraw from, or move, any item on the Agenda, including the removal of an item from the Consent Agenda.

Chairman Sherrill read off the items contained in the Consent Agenda and inquired as to whether or not anyone had an item they wished to be removed. There were no requests for any items to be removed.

- 3. **CONSENT AGENDA.** *The items listed below will be considered as a group and acted upon by one motion with no separate discussion of said items, unless a Board Member requests an item or items be removed for separate discussion and action.*

- A. Approve the September 10, 2013 Meeting Minutes.
- B. Ratify payment of expenses for September, 2013.

Mr. Muscelli made a motion to approve the Consent Agenda. Mr. Hancock seconded the motion. All were in favor, motion passed.

- 4. **REGULAR AGENDA.**

- A. **Los Lagos Golf Course Contract No. 1992-03 - Reduction of Allocation.** Discussion and possible action to approve reduction of the Los Lagos Golf Course water allocation from 1,000 acre feet to 650 acre foot (based on actual water usage).

Mr. Clark stated that prior water reports indicated that average water usage for the years 2010, 2011 and 2013 by Los Lagos Golf Course was 589 acre feet of water for year. Los Lagos' original Water Order for 2013 was for 400

acre feet and subsequently changed to 500 acre feet pursuant to Los Lagos' request. Los Lagos' Water Order for 2014 is 500 acre feet. They have not been using their full water allocation, so it is recommended by staff that their water allocation be reduced from 1,000 acre feet to 650 acre feet, which still gives Los Lagos some room compared to what they have ordered in the last few years and their average use over the last three years before that. The District did request that Los Lagos provide to us a reduction amount, but they never responded to the request. Therefore, the District decided on the reduction amount based on the last three years of water usage and the last two Water Orders submitted by Los Lagos.

Chairman Sherrill asked Mr. Clark if we had had any communication from Los Lagos Golf Course with regard to the water allocation reduction. Mr. Clark replied that the District had sent several letters to Barnet Resnick, counsel for Los Lagos, and that there had been no response to our correspondence.

Mr. Muscelli made a motion that the Los Lagos Golf Course water allocation be reduced from 1,000 acre feet per year to 650 acre feet. Staff was directed to write a letter to Los Lagos Golf Course advising them of the Board's decision. Mr. Hancock seconded the motion. All were in favor, motion passed.

- B. **Marina Coves Homeowners' Association.** Discussion and possible action to approve Marina Coves' request for an ABU water allocation in the amount of 400 acre feet and the deferred payment plan requested.

Mr. Clark reported that this request was very much like the request made last year by Marina Coves Homeowners' Association ("Marina Coves"). They are requesting 400 acre feet of ABU water at a cost of \$60,000.00. They are further requesting that they be allowed to divide the payment of the full \$60,000 into three payments of \$20,000 each. Mr. Clark advised that we had not yet received approval from the Bureau of Reclamation of our 2014 Water Order and suggested approving Marina Coves' request based upon the Bureau approving the District's 2014 Water Order.

Mr. Muscelli asked if we had approved Marina Coves' request last year and Mr. Clark advised that we had.

District Counsel asked if the deferred payments as requested had been requested for the same months as this year's request. Mr. Clark replied that they had been a little different and had begun earlier in the year that the payments in this year's request, but had ended in the same month – October. Mr. Muscelli inquired as to why they requested paying the months as set forth and Mr. Clark replied that the homeowners' dues were collected

on a quarterly basis, and that was why Marina Coves chose the months they did for payment.

Mr. Muscelli made a motion to approve Marina Coves' request subject to the Bureau of Reclamation approving the District's 2014 Water Order. Mr. Hancock seconded the motion. All were in favor, motion passed.

- C. **Vackar Agreement For Water Entitlement (Agricultural - Term Certain) No. 2013-02 and Water Supply Contract (Amenity Use Entitlement - Term Certain) No. 2013-01.** Discussion and possible action to approve the issuance of the above-referenced contracts, which have been signed by Mr. and Mrs. Vackar.

Mr. Clark explained that there were two contracts for consideration: (1) 2013-02, which is an amenity use contract for the Willow Creek Golf Course and is set to expire on December 31, 2017, just as all of the other amenity contracts with the District are scheduled to do; and (2) 2013-02, which is a five (5) year term certain Agricultural Contract for 54 acre feet of water per year.

Mr. Muscelli questioned the term of Agricultural Contract 2013-02, which Mr. Clark explained was a term certain five (5) year contract which would expire in 2018.

Mr. Muscelli made a motion to approve both contracts as presented to the Board. Mr. Hancock seconded the motion. All were in favor, motion passed.

5. PUBLIC INPUT.

There was no public input.

6. ADJOURNMENT.

There being no further business to be considered by the Board, Mr. Hancock made a motion that the Meeting be adjourned. Mr. Muscelli seconded the motion. All were in favor, motion passed. The Meeting adjourned at 4:39 p.m.