

# MOHAVE VALLEY IRRIGATION & DRAINAGE DISTRICT

APPROVED: \*\*

## MINUTES OF THE REGULAR BOARD MEETING HELD TUESDAY, OCTOBER 7, 2014 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.

The Pledge of Allegiance was led by Steve Buck.

### ROLL CALL.

Present: Charles B. ("Chip") Sherrill, Jr., Chairman, Director District III  
Vince Vasquez, Director District II  
John Kai, Director District I  
Perry Muscelli, Treasurer, Director At Large  
Mark R. Clark, CCM, Manager  
Jamie Kelley, District Counsel  
Cecily ("CeCe") Preusser, Administrative Assistant

Absent: Clay Vanderslice, Director At Large

**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. Kai seconded the motion. All were in favor, motion passed.

### 1. REPORTS.

A. Staff report on water use.

Mr. Clark stated that District water usage year to date has been 25,198 acre feet. Last year for the full 12 months the District used 25,283 acre feet of water.

B. Bureau of Reclamation Lower Colorado Water Supply Report as of September, 2014; Upper Colorado River Basin Snowpack Report; Lake Powell Water Data Graph; and Lake Mead Water Data Graph.

Chairman Sherrill stated that the report is showing current storage at Lake Powell at 51%, Lake Mead at 39%, Lake Mohave 93% and Lake Havasu at 94%. Keep in mind that Lake Mohave and Lake Havasu are tiny lakes. Total system contents are at 50%.

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.

Mr. Muscelli made a motion that Agenda Item 4J be removed from the Regular Agenda. Mr. Kai seconded the motion. All were in favor, motion passed.

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 2, 2014 Meeting Minutes.
- B. Ratify payment of expenses for September, 2014.
- C. Approve the Snell & Wilmer Billing Statement for the month of August, 2014.

Mr. Muscelli made a motion that the Consent Agenda be approved in its entirety. Mr. Kai seconded the motion. All were in favor, motion passed.

4. **REGULAR AGENDA.**

- A. **Renewal of District Water Plus Insurance Program Through Alteris.** Discussion and possible action to approve the renewal of the Water Plus Insurance Program coverage for the District Property, Commercial Crime, Commercial General Liability, Public Officials & Management Liability, Business Auto, and Commercial Excess Liability insurance.

Mr. Clark advised that this was the same coverage that the District has had in place for the last year. He also stated that the premium had gone up \$6.00, but that staff was recommending that the Board approve the renewal of the Water Plus Insurance Program.

Mr. Muscelli made a motion that the renewal of the Water Plus Insurance Program be approved. Mr. Vasquez seconded the motion. All were in favor, the motion passed.

- B. **MVIDD Subcontracts.** Discussion and possible action to approve Subcontract No. 2014-1 between Mohave County Water Authority, Mohave Water Conservation District, Bella Vista Community Association ("BVCA") and delivery contract between MVIDD and BVCA.



Mr. Clark stated that Subcontract No. 2014-1 between the Mohave County Water Authority, Mohave Water Conservation District and Bella Vista Community Association ("BVCA"), as well as the Delivery Contract between MVIDD and BVCA, had been provided to the Board for review. Mr. Clark advised that staff was recommending that both contracts be approved by the Board.

Mr. Vasquez made a motion that Subcontract No. 2014-1 between the Mohave County Water Authority, Mohave Water Conservation District and Bella Vista Community Association ("BVCA"), as well as the Delivery Contract between MVIDD and BVCA be approved. Mr. Kai seconded the motion. All were in favor, motion passed.

- C. **District Administrative Assistant Position.** Discussion and possible action to make the District Administrative Assistant Position a full time position. Chairman Sherrill has recommended that this matter be placed on the agenda.

Mr. Clark advised that staff was recommending the District to have the District Administrative Assistant Position changed from being a part-time position to a full time position.

Mr. Muscelli made a motion that the District Administrative Assistant Position become a full time position. Mr. Kai seconded the motion. All were in favor, motion passed.

- D. **Willow Valley Estates 21, Tract 4228 (Formerly Willow Valley Estates 20, Tract 4134-C), T18N, R22W, SEC. 21.** Discussion and possible action to approve the developer's request to grant an extension of the preliminary water allocation in the amount of 10.1 acre feet from October 10, 2014 to and including April 10, 2015.

Mr. Clark advised that the developer had presented all relevant documentation in connection with his request for an extension of the preliminary water allocation. Mr. Clark stated that staff was recommending that the Board approve the request for extension.

Mr. Kai made a motion that the developer's request to grant an extension of the preliminary water allocation in the amount of 10.1 acre feet from October 10, 2014 to and including April 10, 2015 be approved. Mr. Muscelli seconded the motion. All were in favor, motion passed.

- E. **Mohave Landing, Tract 4213, Phases 2 and 3; T18N, R22W, SEC. 23.** Discussion and possible action to approve the developer's request for an extension of the preliminary water allocation in the amount of 21.42 acre feet



in Phase 2 and 17.64 acre feet in Phase 3, as well as a deferment of the payment of the final 1/3 non-refundable fees in the amount of \$27,900.00, from October 10, 2014 to and including April 10, 2015.

Mr. Clark advised that the developer had presented all relevant documentation in connection with the request for the extension of the preliminary water allocation. Mr. Clark further stated that the staff was recommending that the Board approve the request for extension.

Mr. Kai made a motion that the request for an extension of the preliminary water allocation in the amount of 21.42 acre feet in Phase 2 and 17.64 acre feet in Phase 3, as well as a deferment of the payment of the final 1/3 non-refundable fees in the amount of \$27,900.00, from October 10, 2014 to and including April 10, 2015 be approved. Mr. Muscelli seconded the motion. All were in favor, motion passed.

- F. **Compliance of the "Consortium Farms" with Resolution 2008-09, Policy to Require Lined Irrigation Ditches.** Discussion and possible action regarding the status of completion of the project initiated by the Water Users within the "Consortium Farms" to bring their properties into compliance with Resolution 2008-09, Policy to Require Lined Irrigation Ditches, as listed below:

APN Investments	Contract No. 2010-01
Desert Land, LLC	Contract No. 2012-03
Beth Dinkin	Contract No. 2014-
Gem Land Company	Contract No. 1993-01
SMK, LP	Contract No. 2009-05
Anthony and Cherie Vackar	Contract No. 2013-02

Mr. Clark advised that documentation had been provided by Wayne McKellips, spokesman for the Consortium Farms, that show the properties in question are in substantial compliance with Resolution 2008-09. The only remaining item is the installation of the remainder of the valves and turnouts, etc., which have not yet been placed due to the owners' fear that they will be stolen. Mr. Clark stated that the staff was recommending the Board find the Consortium Farms to be in substantial compliance and further require the Consortium complete the installation of the remainder of the valves and turnouts, etc., prior to placing the facilities in production and to advise the District when the facilities are ready to be placed into production so that the District may inspect the project prior to being placed into production.

Mr. Kai made a motion finding the Consortium Farms to be in substantial compliance and further require the Consortium complete the installation of the remainder of the valves and turnouts, etc., prior to placing the facilities



in production and to advise the District when the facilities are ready to be placed into production so that the District may inspect the project prior to being placed into production. Mr. Vasquez seconded the motion. All were in favor, motion passed.

- G. **John Kai, Jr., T18N, R22W, SEC. 27.** Discussion and possible action to approve the Application For Water Entitlement submitted by John Kai, Jr. requesting a water allocation of 459.2 acre feet for 65.6 irrigable acres.

Mr. Clark advised that all relative documentation in connection with Mr. Kai's request for a water allocation had been provided. Mr. Clark further stated that the staff was recommending that the Board approve Mr. Kai's request for a water allocation in the amount of 459.2 acre feet for 65.6 irrigable acres.

Mr. Muscelli made a motion to approve Mr. Kai's request for a water allocation in the amount of 459.2 acre feet for 65.6 irrigable acres. Mr. Vasquez seconded the motion. Mr. Kai abstained.

- H. **Sarah S. Chesney, Attorney in Fact for Robert H. Chesney, III, Managing Member for Mohave Valley Farms, LLC, T9N, R23E, SEC. 33 and 34 (Pelican Bend).** Discussion and possible action to approve the issuance an Agreement for Water Entitlement (Agricultural) for 385 acre feet for 55 irrigable acres.

Mr. Clark stated that the water allocation contained in the Agreement for Water Entitlement (Agricultural) was not a new allocation, but that this water had been already been set aside. Mr. Clark further added that staff was recommending that the Board approve the issuance of the Agreement for Water Entitlement (Agricultural) for 385 acre feet for 55 irrigable acres.

Mr. Muscelli made a motion to approve the issuance of the Agreement for Water Entitlement (Agricultural) for 385 acre feet for 55 irrigable acres for Mohave Valley Farms, LLC. Mr. Kai seconded the motion. All were in favor, motion passed.

- I. **Arizona Power Authority.** Discussion and possible action to approve the engagement of the law firm of Curtis, Goodwin, Sullivan, Udall and Schwab to represent the District in the matter of Hoover Re Marketing by the Arizona Power Authority.

Mr. Clark advised that the engagement of the law firm of Curtis, Goodwin, Sullivan, Udall and Schwab to represent the District in the matter of Hoover Re Marketing by the Arizona Power Authority would cost the District \$100.00. Mr. Clark further stated that staff was recommending that the Board approve

the engagement of Curtis, Goodwin, Sullivan, Udall and Schwab to represent the District in the matter of Hoover Re Marketing by the Arizona Power Authority and to direct Staff to prepare a letter of retention effective September 29, 2014.

Mr. Muscelli made a motion to approve the engagement of the law firm of Curtis, Goodwin, Sullivan, Udall and Schwab to represent the District in the matter of Hoover Re Marketing by the Arizona Power Authority and that staff be directed to prepare a letter of retention effective September 29, 2014. Mr. Kai seconded the motion. All were in favor, motion passed.

- J. **Sherrill Ventures, R17N, R21W, Sec. 31.** Discussion and possible action to approve the ratification of the PPR Agreement between Sherrill Ventures, Green Acres Mohave and WPI-919 Farm AZ.

This matter was tabled until a later date.

**5. PUBLIC INPUT.**

Mr. Steve Buck gave a brief update with regard to the progress made by Bella Vista Community Association in its efforts to obtain effluent.

**6. ADJOURNMENT.**

There being no further business to discuss, Mr. Kai made a motion that the meeting be adjourned. Mr. Muscelli seconded the motion. All were in favor, the meeting adjourned at 4:30 p.m.