

MOHAVE VALLEY IRRIGATION & DRAINAGE DISTRICT

Approved
05-02-17

MEETING MINUTES FOR THE REGULAR BOARD MEETING HELD APRIL 04, 2017 AT THE OFFICES OF THE MOHAVE VALLEY IRRIGATION & DRAINAGE DISTRICT

CALL TO ORDER. Chairman, Charles B. Sherrill, Jr., called the meeting to order at 4:05 pm.

PLEDGE OF ALLEGIANCE. Perry Muscelli lead the Pledge of Allegiance.

ROLL CALL.

Present: Charles B. Sherrill, Jr., Chairman/Director Division III
Vince Vasquez, Director Division II
Clay Vanderslice, Director at Large
Perry Muscelli, Treasurer/Director at Large
John Kai, Jr., Director Division I
Mark R. Clark, CCM, Manager
Michael J. Pearce, District Counsel
Kerri Hatz, Administrative Assistant

Absent: None

WAIVER MOTION. Motion to waive the reading of full minutes and resolutions presented for approval or adoption. John Kai Jr., made a motion to waive the reading, Perry Muscelli seconded the motion. All in favor, motion passed.

1. REPORTS.

- A. Staff report on water use.
Manager Mark Clark reported that for the two months ending February of this year we have used 2,476 acre feet of water. Last year at this time we used 3,282 acre feet of water to about 800 acre feet less this year than last year. We have had a lot of wet weather the first part of this year so we have started off a little lower than we had anticipated.
- B. Bureau of Reclamation Lower Colorado Water Supply Report.
Mark Clark reported that for March 27, 2017 water report that Lake Powell is 46% full and Lake Mead at 41% full at an elevation of 1,088 and as of yesterday we are still at an elevation of 1,088. All indicators are showing that this is going to be a wet winter, most of the Colorado River Snowpack is above or at record levels. The overall numbers for the Colorado River Snowpack show us ahead of the last seven years including 2011 when we had record breaking Snowpack that brought the levels of Lake Mead up. We are anticipating a very good year.

- 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.

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.

Perry Muscelli made a motion to approve the Consent Agenda, John Kai, Jr., seconded the motion. All in favor, motion passed.

- A. Approve the March 07, 2017 Executive Meeting Minutes.
- B. Approve the March 07, 2017 Regular Meeting Minutes.
- C. Approve the March 15, 2017 Special Regular Meeting Minutes.
- D. Ratify payment of expenses for March 2017

4. **REGULAR AGENDA.**

- A. **Grand Hoarding, LLC (Dennis Owen); T9N, R23E, Section 18. APN(s): 216-11-103, 216-11-104, 216-11-105, 216-11-106. Application for Residential Water Allocation of 1.36 acre feet of water.** Discussion and possible action to approve the water allocation application for four (4) residential lots each at .34 acre feet of water per lot for a total of 1.36 acre feet of water. Mark Clark reported that this entity had come to us in the past to get an allocation, however they never paid the fees. They are now ready to move forward and have reapplied for an allocation and have paid the fees this time, everything is in order and staff is recommending approval. Perry Muscelli asked if the taxes were current with Mohave County Assessor, Mark said we have not checked on that and that staff can do that. Vince Vasquez made a motion to approve, Perry Muscelli seconded that motion. All in favor motion passed with the following changes: staff to check on all parcels to see if they are current with property taxes, water allocation pending proof of paid property taxes.
- B. **Diann Albert; T9N, R23E, Section 19; APN:216-12-012; 10071 S. Dike Rd. Application for Residential Water Allocation of .34 acre feet of water.** Discussion and possible action to approve the water allocation application for one (1) residential lot for .34 acre feet of water. Mark Clark reported that we received an application for one (1) residential allocation for one (1) residential lot, they have paid all of their fees, everything is in order and staff is recommending approval. John Kai, Jr., made a motion to approve, Vince Vasquez seconded the motion, Clay Vanderslice abstained. All in favor motion passed.
- C. **Mohave Landing Tract 4213B & 4213C; T18N, R22W, Section 23; Expiration of Preliminary Water Allocation.** Discussion and possible action to approve the expiration of Preliminary Water Allocation for 21.42 acre feet of water for Tract 4213B and 17.64 acre feet of water for Tract 4213C. No request for an extension

or communication from Mr. Roger Sayles, President of Cimarron Land Company. Mark Clark reported that in February of 2017 we sent a courtesy letter to Mr. Sayles letting him know that the Preliminary Water Allocation was expiring and that he needed to request an extension. The District did not hear from him. In March 2017 we sent another letter to him that he needed to respond if he wanted to continue his allocation. Subsequently we have tried a phone call and an email and we still have had no response from Mr. Sayles. Staff is recommending that we rescind his allocation and take the water back and place it in the Districts Inventory. He has a cure period of sixty (60) days, which the District will send him a letter advising him of this in which he has to come in and show proof of forward moving progress on his development. If he is unable to do so, then the water will go back into the Districts Inventory. Perry Muscelli asked if the District was required to send the letters certified, Mark replied that we are not required to send anything to him but we take a proactive approach and try to help the developers, that is why we have tried communicating so much with Mr. Sayles to try and make him understand that the allocation is at risk. He did communicate with his agricultural water and paid for that. I'm speculating by saying that perhaps he has not made forward progress on this development and that he figures that this is just going to go away. Dewey David spoke up and addressed the board members and said that Roger Sayles asked him to speak on his behalf. He does want to continue he just has not responded for what ever reason, but he did speak with Mr. Sayles and his wish is to get an extension if possible. Mark stated that Mr. Sayles would have to come in and provide proof of forward progress meaning new engineering plans, documentation from the county showing that he has made applications, there has to be proof of forward progress. Angelo Rinaldi spoke up and said that a lot of that property is already approved. Vince Vasquez stated that he believes we should table this item until next board meeting, Clay Vanderslice seconded that motion. All in favor motion passed. Charles B. Sherrill, Jr., advised staff that they need to send Mr. Sayles a certified letter as to what happened here today and asked Dewey David to relay back to Mr. Sayles what happened here today. If we don't hear anything by next month this will be back on the Agenda and we will be taking the water back. He will still have sixty (60) days after that to cure it. The board is going to hold off at the motion and not take action but he has within the next 30 days to respond to the District and talk to Mark. Charles B. Sherrill, Jr., wants these types of items to be sent certified mail going forward. Chip expressed that we don't like taking water allocations back, especially when they have paid so much in fees to get this subdivision going and making something great for our community. We have to have communication and the processes followed, we cannot speculate on forward progress and just hold water. We will table this to the next Board Meeting.

5. **PUBLIC INPUT.** Charles B. Sherrill, Jr., asked if anyone present had any public input, Mark Kelley told the Board they are doing a heck of job for the District and he really appreciates it. They board thanked him.
6. **ADJOURNMENT.** John Kai, Jr., made a motion to adjourn, Vince Vasquez seconded the motion. All in favor, meeting adjourned at 4:20 pm.