

MEETING MINUTES OF THE PUBLIC MEETING OF THE MOHAVE VALLEY IRRIGATION & DRAINAGE DISTRICT

Held September 07, 2021

Public Meeting 4:00PM

Mohave Valley Irrigation & Drainage District
1460 E. Commercial Street, Mohave Valley, AZ 86440

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Mohave Valley Irrigation and Drainage District and to the general public that the Mohave Valley Irrigation and Drainage District will hold a meeting open to the public on Tuesday, September 07, 2021, at 1:00 pm via Zoom teleconference due to the Pandemic. As indicated in the agenda, pursuant to A.R.S. § 38-431.03(A) Items 2a - 2c and 8H – 8J the Mohave Valley Irrigation & Drainage District may vote to go into executive session, which will not be open to the public, to discuss certain matters. The board will reconvene in Open Session via Zoom beginning at 4:00 pm.

Topic: MVIDD Open Session

Time: Sep 7, 2021, 04:00 PM Arizona

Join Zoom Meeting

<https://us02web.zoom.us/j/83540389172?pwd=MWZFeEo0OW1Wa05SRi96WjY3amFPQT09>

Meeting ID: 835 4038 9172

Passcode: 933098

CALL TO ORDER. Chairman, Charles B. Sherrill, Jr., called the meeting to order at 1:11pm.

1. ROLL CALL.

Present: Charles (“Chip”) B. Sherrill, Jr., Chairman/Director Division III
Perry Muscelli, Treasurer/Director at Large
Clay Vanderslice, Director at Large
Kerri Hatz, General Manager

Via Zoom: Vince Vasquez, Director Division II
John Kai, Jr., Director Division I
Michael J. Pearce, District Counsel

Absent: None

2. Consideration of Action to go into Executive Session of the Board for the following purposes:

- a. *Pursuant to A.R.S. §38-431.03(A)(3)(4) & (7), discussion and consultation with legal counsel of the District to obtain legal advice on any matter listed on the agenda.
- b. *Discussion and consultation with legal counsel regarding MCWA subcontract with the District.

- c. *Discussion and consultation with legal counsel regarding Arizona plans for EC-ICS for 2022.

[The discussions and minutes of the executive session shall be kept confidential. The executive session of the Board is not open to the public.]

Perry Muscelli made a motion to go into executive session, Vince Vasquez seconded the motion. All in favor, motion passed. Executive session began at 1:12pm. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

3. RECONVENE IN OPEN SESSION. Open session reconvened at 4:01pm.

4. PLEDGE OF ALLEGIANCE. Perry Muscelli led the Pledge of Allegiance.

5. WAIVER MOTION. Motion to waive the reading of full minutes and resolutions presented for approval or adoption. Perry Muscelli made a motion to waive the reading of the full minutes and or resolutions presented for approval or adoption, Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

6. AGENDA MODIFICATION. Possible action to withdraw from or move any item on the agenda. No action taken.

7. REPORTS.

Water: Staff summarized the District water use for the date ending July 31, 2021 and reported on the current Lake Powell and Lake Mead Elevations and read the press release from ADWR and CAP from August 16, 2021 regarding Tier 1 Colorado River Shortage for 2022 – see exhibit A.

- a. Staff report on District water use.
- b. Bureau of Reclamation Lower Colorado Water Supply Report and Colorado River Basin August 2021 24-Month Study.

Finances: Staff reviewed the financial reports for the last two months with the board of directors.

- c. Profit & Loss Budget vs. Actual year to date July 1, 2020, thru Jun 30, 2021.
- d. Profit & Loss Statement for June 2021.
- e. Balance Sheet as of June 30, 2021.
- f. Profit & Loss Budget vs. Actual year to date July 1, 2021, thru July 31, 2021.
- g. Profit & Loss Statement for July 2021.
- h. Balance Sheet as of July 31, 2021.

Other:

- i. MVIDD Staff Report. – General information to update the board

members.

Staff advised the board of directors of the Agribusiness & Water Council Annual Meeting and Water Conference will be on Friday, September 17, 2021, and registration needs to be complete by this Friday if anyone would like to attend in person or virtually.

Staff advised the board of directors that the 2nd payment for 2021 SCIA is here, and checks will be mailed out this week to the participants.

Staff advised the board of directors that the Bureau of Reclamation workshop #3 for the Exploration of Quantification Methods of Ag Water Conservation will be held on September 22, 2021 from 10am-2pm PST.

8. REGULAR AGENDA

A. Approve the July 06, 2021, Regular Session Meeting Minutes.

Discussion and possible action to approve the regular meeting minutes for July, there was no meeting in August. Clay Vanderslice made a motion to approve the July 06, 2021, regular meeting minutes, Vince Vasquez seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

B. Approve the July 06, 2021, Executive Session Meeting Minutes.

Discussion and possible action to approve the executive session meeting minutes for July, there was no meeting in August. Vince Vasquez made a motion to approve the July 06, 2021, executive session minutes, Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

C. Ratify payment of Expenses for July 2021 and August 2021.

Discussion and possible action to ratify the payment of expenses for both months. Staff reviewed the payment of expenses for July and August with the board members. Perry Muscelli made a motion to ratify the payment of expenses for both months, Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

D. H2Oasis Car Wash; T17N, R22W, Section 15; APN(s): 224-30-012C; 1277 E. Levee D., Mohave Valley, AZ.

Discussion and possible action to rescind the commercial water allocation for 2.2-acre feet of water previously approved at the June 01, 2021, regular board meeting. Staff advised the board that this item is on the agenda for lack of payment of the fees for the approved commercial water allocation. The owner of the project is not moving forward with the expansion at this time. Staff advised the owner that when the project is ready to move forward that they will need to reapply for an additional commercial water allocation.

Perry Muscelli made a motion to rescind the previously approved commercial water allocation of 2.2-acre feet, Clay Vanderslice seconded the motion. All in favor motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

E. Becky Pedersen; T18N, R22W, Section 35; APN(s): 225-27-043A & 225-27-042D; 2.45 Irrigable Acres. Application to transfer a portion of Contract 2014-01 Maverick Farms, Inc. to a new AG contract.

Discussion and possible action to approve the transfer of 17.15 acre-feet of water to a new AG Contract 2021-04 to the new landowner. Staff reviewed the application with the board of directors, Chip Sherrill recused himself from this item. The applicant recently purchased a portion of land that is being farmed in alfalfa and will continue to have it farmed in alfalfa. The new irrigable acres have been measured at 2.45 acres and will require a transfer of 17.15-acre feet of water to Becky Pedersen. Vince Vasquez made a motion to approve the transfer of 17.15-acre feet of water to a new Ag Contract, Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – A.

F. Santiago Communities Inc.; Santiago Rodeo Villas Development; T19N, R22W, S25; APN(s): 227-02-095 & 227-02-072. Application for a preliminary water allocation for 13 new mobile home spaces in an existing mobile home park.

Discussion and possible action to approve a preliminary water allocation for up to 36 months from date of approval for 13 new mobile home spaces at .34-acre feet of water per year per home. Staff reviewed the application with the board of directors. Staff advised that a rolling average of the past 8 years of water usage at Sunrise Vistas in Fort Mohave, shows that 261 gallons per day per mobile home is the average being used. The original allocation for this development was granted at 200 gpd in 1992. Staff is recommending 0.30-acre feet of water per year per mobile home site, which is 267gpd. Perry Muscelli made a motion to approve 0.30-acre feet of water per year for each new mobile home space, Clay Vanderslice seconded the motion. The approved preliminary allocation will be 3.9-acre feet of water and the preliminary allocation will expire 24-months from today's approval. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

G. Fiscal Year End June 30, 2021, Financial Review. Discussion and possible action to approve the statement of cash receipts and disbursements from our financial review with HintonBurdick CPAs held on July 12, 2021. Staff reviewed the statement of cash receipts and disbursements from our financial review with the board of directors. Perry Muscelli made a motion to approve the statement of cash receipts and disbursements, Clay Vanderslice seconded the motion. All in favor,

motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

- H. *Contract 1991-01 Bureau of Land Management; T17N, R21W, Section 19; 101.40 Irrigable Acres; 664-acre feet of water.** Discussion and possible action to cancel the contract and return the water back to the District's water inventory. Staff advised the board of directors that the lease agreement between the Chesney's and BLM expired December 31, 2020, and the lease was not renewed. Staff reached out to BLM in February and was advised that there would not be any new leases for farming that land and it will be going back to its natural state. The District sent a letter to Bureau of Land Management advising that since there has not been any interest from BLM in maintaining the contract or putting the water to beneficial use, it would be on this agenda to cancel the contract and return the water back to the District's water inventory. The District has not had any response to this letter. Clay Vanderslice was also advised by Sheri Ahrens, with the Lake Havasu field office, that the land will go back to its natural state and the canals and jack gates will need to be removed. Perry Muscelli made a motion to cancel contract 1991-01 and return the water back to the District's water inventory, Clay Vanderslice seconded the motion. All in favor, motion passed.
- I. *System Conservation (SCIA) with Bureau of Reclamation (BOR) for 2022.** Discussion and possible action to approve a plan of creation to participate in system conservation with BOR for 2022. Staff review the Plan of Creation with the board of directors and advised that the supporting documents in the board packet are not the final numbers and the new conservation yield analysis from this morning is 8,530-acre feet of conserved water. This change reflects some of the fields in the program are going to have a seasonal crop planted which has slightly changed the conservation yield. The Plan of Creation will need to be modified this week to show the changes along with the exhibits and will need to be submitted by September 15th to the Bureau of Reclamation (BOR). Perry Muscelli made a motion to approve the Plan of Creation for 2022 System Conservation with a plus or minus for the acre feet of conservation and contingent upon approval from the BOR, Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.
- J. *2022 Annual Water Order.** Discussion and possible action to approve MVIDD's annual water order with Bureau of Reclamation (BOR) for calendar year 2022. Staff advised that the water order will slightly change from what is in the board packet due to the changes of the system conservation just approved. This will also be modified this week and be submitted to BOR on or before September 15th. Perry Muscelli made a motion to approve the Water Order that will reflect the changes made from

2022 system conservation plan of creation, Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

- 9. CALL TO THE PUBLIC.** *Those wishing to address the Board at the Call to the Public regarding matters not on the Board agenda can request to do so at this time. Due to the Pandemic, meetings are being held via Zoom. Action Taken as a result of public comments will be limited to responding to criticism, referral to staff, or placing a matter on a future Agenda. Comments are restricted to items **NOT** on the Regular Agenda and must relate to matters within the jurisdiction of the Board.*

No members of the public were present at the District office, however, in attendance via zoom was:

Sam Elters
Jaimie Kelley,
Karen Summit

No one addressed the board of directors in the call to the public.

- 10. ADJOURNMENT.** Perry Muscelli made a motion to adjourn the meeting, Clay Vanderslice seconded the motion. All in favor, meeting adjourned at 4:45pm.

Agendas are available on our website www.mvidd.net, as well as posted outside the District office bulletin board outside the office door located at 1460 E. Commercial Street, Mohave Valley, AZ 86440. To subscribe to agenda notifications please visit our website.

Pursuant to the Americans with Disabilities Act (ADA), Mohave Valley Irrigation & Drainage District endeavors to ensure the accessibility of all its programs, facilities, and services to all persons with disabilities. For an accommodation, please contact the District office at 928-768-3325. Requests should be made 48 hours prior to the meeting to arrange the accommodation.

Items on Agenda marked with an asterisk (*) will be discussed in executive session with District counsel in accordance with A.R.S. § 38-431.03(A)(3)(4) & (7).

Vote Key: Y – YES; N = NO; A = ABSTAIN