

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

Held August 17, 2022

Special 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 Wednesday, August 17, 2022 at 2:00 pm via Zoom teleconference. As indicated in the agenda, pursuant to A.R.S. § 38-431.03(A) Item 2a 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 4:00pm.

Topic: MVIDD Special Regular Session

Time: Aug 17, 2022 04:00 PM Arizona

Join Zoom Meeting

<https://us02web.zoom.us/j/84856830656?pwd=QmJRS3grclg2Vm51TzlydjBkWDZrUT09>

Meeting ID: 848 5683 0656

Passcode: 263797

**CALL TO ORDER.** Chairman, Charles B. Sherrill, Jr., called the meeting to order at 2:02pm.

## 1. ROLL CALL.

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

Via Zoom: Vince Vasquez, Director Division II  
John Kai, Jr., Director Division I  
Perry Muscelli, Treasurer/Director at Large  
Michael J. Pearce, District Counsel

Absent: None

**2. Consideration of Action to go into Executive Session of the Board for the following purposes:** Perry Muscelli made a motion to go into executive session, John Kai, Jr., seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

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.

- i. System Conservation options for 2023.
- ii. Status of Water Allocations within the District.
- iii. Possible Shortage impacts based on the 24 Month Study.

*[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 adjourn the executive session at 3:58pm, Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

**3. RECONVENE IN OPEN SESSION.** Open Session reconvened at 4:04pm.

**4. REGULAR AGENDA.** Perry Muscelli made a motion to switch the discussion of items 4C and 4A, Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

**A. System Conservation for 2023.** Discussion and possible action regarding System Conservation for 2023. **Item 4A was Discussed Last.** District counsel, Michael Pearce, discussed that MVIDD is in an existing agreement with BOR for 2022 and we plan to do similar conservation for 2023. There are other program discussions right now in the Yuma area that will be discussed over the next few weeks and the District may contribute to that cause when we have more detail.

**B. MVIDD Water Allocations.** Discussion and possible action regarding Mohave Valley Irrigation & Drainage Districts status of water allocations. District counsel, Michael Pearce, shared that with the Colorado River conditions deteriorating and the shortage possibilities increasing, the District over the last few months has taken a serious and careful look its current water allocations and water use within the District. The result of the analysis indicates the District is really close to having allocated its full entitlement of Colorado River water, including 4<sup>th</sup> priority, PPRs and its 4<sup>th</sup> priority subcontract with MCWA. General Manager, Kerri Hatz, shared that the District is within 2.5 to 3 % of its water being fully allocated. Board members commented that our obligation is to our current customers, and it is our duty to protect them as much as we can. With the uncertainty of real shortages within the District in mind, and only a small margin of unallocated water, it is not responsible to continue to allocate water to new uses at this time. The discussion turned to the fact that the District is not out of water, but the severe drought and now with the “Tier 2a” or worse shortage, the District is looking at other avenues to maybe reallocate some of the water within the District. The good news in reviewing all District use is that there is water allocated but not entirely used. We may be able to work with some of our constituents within the District to reallocate that unused water to other uses with immediate needs so that we can still have economic growth even in these uncertain

times. We have recently passed new Resolutions which allow transfers of water from different projects. Based on the discussion as a whole, Perry Muscelli made a motion to temporarily suspend all new water allocations until we know what BOR and AZ will do with on river water allocations during the shortage years; Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.

**C. Bureau of Reclamation 24 Month Study.** Discussion only regarding the August 24 Month Study. **Item 4C was Discussed First.** District Counsel, Michael Pearce, discussed the release of the August 24 Month Study and the declaration of a “Tier 2a” shortage for the lower basin states for 2023. Arizona must forego 592,000 acre-feet of water which is 21% of the state’s annual allocation, and Nevada will lose 25,000 acre-feet, about 8% of its allocation, and Mexico will lose 104,000 acre-feet, about 7% of its annual allotment. California will not see any reductions in its water use under the “Tier 2a” shortage. These reductions are consistent with the 2007 Guidelines and 2019 Drought Contingency Plan (DCP) Agreement. Reclamation did not announce how the reductions will be shared within Arizona and warned if more severe drought conditions occur, there could be additional reductions in the future. It is almost certain that additional reductions within Arizona will be required. Mr. Pearce also answered a couple of questions from Jaime Kelley. If the District continues to participate in system conservation programs, is the water committed to the system conservation program included in any cuts imposed to the District? Mr. Pearce indicated his belief that if cuts are made on the basis of entitlement and water is already being conserved, that volume of conservation water should be part of the cut because that water is already in the lake. Jamie asked how the District plans the cuts within the District? Mr. Pearce responded that the District does not have a plan that is completely designed but we have considered it. There has been a long-standing policy that Amenity water users are the lower priority, however, we are looking at ways to avoid a catastrophic effect on anybody in the District and we welcome any suggestions. We do not have all the answers. We will put this as top priority over the next couple of months. Jaime asked if the District plans to establish a policy, will the District take into account the general priorities under AZ law for water use. Mr. Pearce responded that while the general priorities may not apply within the District’s contracting system of allocation, we will have to be mindful of the impact to every water user within the District. Municipal water is difficult to cut in significant quantities.

**5. ADJOURNMENT.** Perry Muscelli made a motion to adjourn the meeting, Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y. Meeting Adjourned at 4:33pm.

Approved 09/06/2022

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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