

## Mayer Domestic Water Improvement District

May 7, 1992

Meeting Called to Order at: 7:35 PM

ROLE CALL: Present Bert Tesky, Robert Houser, Walter Diskin, Duane Hines and Gary Sandy. Motion by Sandy, second by Diskin that minutes be accepted. Approved unanimously.


Due to having out of town speakers on the agenda, the order of business was changed. The Chairman introduced Paul Orme and Bill Baker of the law firm of Ellis, Baker and Porter, of Phoenix. Paul Orme gave a background on their firm and their expertise. They do a great deal of work for the Pima County water users. He explained some of the problems that we may come up against in dealing with the Central Arizona Project, Maricopa County Municipal Water District, and others in regard to exchange or sale of water, make up charges and water rights.

Bill Baker explained that he was responsible for the formation of the Special District concept in Arizona. He felt we would be unable to handle the cost of exchange or sale. He said our make up charges for 1990 alone were \$3474. He explained that a judge has ruled that an upstream entity must prove that they are not pumping water from surface flow belonging to a downstream entity. This is contrary to sixty years of water law that held that the downstream entity must prove that the water being pumped is really theirs. Our allotment is supposed to be 332 acre feet of water. We have three choices: ignore it, exchange for it, or use it. The first might be dangerous, the last might be impossible, they recommend the second. The law firm will draw up a proposed fee agreement for representing us, without obligation on our part.

Duane Hines gave an overview of the meeting he attended with representatives from Prescott, Camp Verde, Cottonwood and Payson. Senator Carole Springer and a representative from Senator McCain's office named Michael Jackson, were also in attendance. They talked about getting together and making a proposal in concert to sell our allotments to the Federal Government. Hines had the documents he had received. The Clerk will copy them and distribute copies to the Board Members and the Manager. Discussion followed in regard to differences between the two groups and costs involved and the consequences of joining one or the other. Duane Hines, Bob Houser and Bill Dunham will meet with the Prescott City Attorney, Moffitt in regard to our joining their group.

MANAGER'S REPORT: Financial sheets were distributed covering April. The water sales is rising now that the area is heating up. We have recovered from the purchase of the Chlorinators. Bill Dunham and JB House took the Certified Operator test for Water Treatment 1 and Water Distribution 1 at Flagstaff and both of them passed.

Chlorinator cabinets have been cut out. Three of the four pads have been poured. The pad at Chimney Ranch needs to be poured. We need to repour the cement for a pad at Lucas well. Dunham is looking for a concrete man, since it is too big a job for JB and him. We also need to cut the weeds at the Poland Jct. yard. A discussion followed on possible people to do the job. We had three shutoffs this month, two of which remain off.



UNFINISHED BUSINESS: Purchase of two wells. The Chairman read a contract, agreed to verbally by Albins, which was substantially what we offered. It will cost \$26,000 plus the \$3800 to put in the electricity. If he can't get the electricity in by the end of the year, then we would not pay the \$3800. We would have use of Jacob's Barn for another year. Discussion followed as to which way to go. It was decided to accept the contract as of May 7, 1992 without the stipulation for Albins to put in the electricity. The amount to be \$26,000. Moved by Clerk Houser, second by Duane Hines to accept the contract. Approved. The balance of the items had been covered by the contract.

Adjourned at: 9:15 PM