

HUERFANO COUNTY WATER CONSERVANCY DISTRICT

Minutes of Board Meeting

April 22, 2024

The monthly meeting of the Huerfano County Water Conservancy District, which had been properly noticed and was available for public participation, was called to order by President Scott King in person at Walsenburg Housing Authority, 220 Russell St, Walsenburg on April 22, 2024 at 6:00 pm.

Directors: Scott King, Kent Mace, Sandy White, Beaver Edmundson, Lonnie Brown.

Secretary: Carol Dunn; **Engineer:** Steve Smith; **Attorney:** Ryan Farr (by Zoom).

Guests: Dale Lyon and David Steffan (by Zoom); Doug Brgoch, Ed Diemer, Mitchell Wardell.

Agenda: Added item for Legislative hearing at White's suggestion on a Mace/Brown **motion**.

Minutes: The minutes for the March 18, 2024 board meeting were approved on a Mace/White **motion**.

Financial Reports: The financial reports were accepted as presented on a White/Brown **motion**.

OLD BUSINESS: none.

NEW BUSINESS:

Water case 2024CW3013: Flying Rockin' R LLC, application for reasonable diligence, enlargement of Reservoir Ditch (10 cfs) and Aragon Ditch (9 cfs); Huerfano River Basin.

The June board meeting was changed to June 17 on an Edmundson/Mace **motion**.

Aught Six SWSP: Applicant is looking to change the point of diversion for their SWSP – involves Greaser Creek, Spider Web Ditch, and a new point of diversion using Baker Rialto No. 2 Ditch. The app is deficient because it fails to show no injury. On a White/Edmundson **motion**, Farr and Steve Smith will develop a letter to DWR Division 2 requesting the injury parameters in this case.

Intro: Roger Tinklenberg, interim Walsenburg City Administrator for 6 months, introduced himself.

DWR river reports: For the Huerfano River, Lenna Rauber reported: 15' on the upper Huerfano at Manzanaras, 15' at Badito, and 3' at I-25. Rauber had a tour of the Welton Ditch (11 miles long) and the Welton Reservoir. New structures have been added, including a new headgate. The new owner, High Plains Irrigation, wants to increase their call. Brgoch gave a summary on the Welton information. Ed Diemer reported on the Cucharas River: 21' at Boyd Ranch, 43' at Harrison Bridge, and 10' at I-25.

House Bill 2024-1379: White attended a legislative hearing about "waters of the state" and testified against the legislation. The aim is to regulate all the water in Colorado, with proposed CDPHE permitting programs for any water diversion within the state and run under state law. Nearly all water development would be regulated, which will cause problems for water rights holders and hurt municipal uses in rural areas. This harkens back to a federal bill that was defeated. There would be exemptions for irrigation, but not for mixed uses. There is a similar bill in the Senate.

Meeting with CSWD: White, Brown and Brgoch met with Cucharas Sanitation & Water District board members, some of whom are relatively new, about the Cucharas Basin Storage Collaborative. They discussed benefits of being in the 8-year-old Collaborative, why the Collaborative exists, the big picture concerning water, how increasing storage in Huerfano County benefits all parties involved, and an overview of the proposed PL-566 project involving Bruce Canyon and Maria Lakes.

Bo Boyce Water Right: White suggested discussing this in executive session.

Spring Creek Fire Mitigation Project: David Steffan reported by Zoom. The temporary access permit from the State Land Board has been issued, requiring updated plans and maps that will be submitted by Steffan at the end of April. The final worksite map has 3 priority objectives, including seeding NRCS suggested. The goal is to work after snowmelt runoff and before monsoon rains. Points have been chosen for before/after photos. He would like to use a different site for the fish barrier and plunge pool, pending Colorado Parks & Wildlife review/ approval. A project sign is in process to be posted at the worksite. Larry Morgan, who lives nearby and can utilize one mobilization for both upcoming tasks, is developing an estimate for the priority work; Steffan will get his proof/certificate of liability insurance.

Huerfano Regional Augmentation Plan

Siete, Inc: Siete Inc Request – Siete asked HCWCD to waive the additional admin fee assessed due to erratic scheduling of aug water. On a White/Edmundson **motion**, the Board declined to waive the fee.

Aug water application: Flying Rockin’ R LLC application was received with the \$10,000 application fee. No amount of augmentation water needed is specified. There was a White/Mace **motion** to accept the application and refer it to the attorney and engineer for review. Approved.

SMAF: Kent Mace reported he has been working with Steve Smith on valve details and specifications for the SMAF pond. They will start putting water in the pond as soon as Smith gives the go-ahead.

Recharge pond at Wm. Craig Ranch is accepting and recharging all the water being sent to it.

Wm. Craig Ranch: Jasper Kenney, the owner, has questions about seeding the dryup acreage; return flow from the aug station; and ditch cleaning. Wardells will find out if there’s a specific area he doesn’t want HCWCD personnel to drive on. They will remove a tangle of sticks from the aug station outlet.

Flood Emergency Warning Gages: Matt Hardesty, Steve Smith and Doug Brgoch met with Wade and Caleb of SkyHi Engineering today to tour the five remaining gages and pare down the original estimate of \$36,068.50 for monitoring and operation. Estimated weekly operations will be reduced: May 1 to October 1. Smith and Brgoch negotiated a reduced amount – maximum \$30,652 and more likely around \$20,000 – with part fixed and part time and materials. There was a White/Mace **motion** for Smith to develop the contract based on the negotiated estimate. Approved.

Arkansas Basin Roundtable report: King reported that a new vice-chair was appointed to replace Steve Kastner, who retired. The pending water legislation was discussed.

Break – King called a break at 8:26; meeting reconvened at 8:56 pm.

Bills: On a Mace/Brown **motion**, the board authorized the transfer of up to \$33,700 to ColoTrust savings and approved paying the following bills, which total \$23,759.04:

Mountain States Financial group: monthly bookkeeping	\$220.00
Monson, Cummins, Shohet, Farr: mtg, aug plan, Flood warning gages	\$4,812.25
Dunn Write: contract, mileage, internet, phone, office supplies	\$2,194.81
Admin SCF Flood Mitigation grant	\$1,001.25
La Veta Carpentry: monthly website admin	\$200.00
Monthly water analyst contract	\$200.00
Doug Brgoch: monthly water consultant contract	\$500.00
Applegate Group: Aug plan acctg, admin, bd mtg, DRMS permit, flood warn gages	\$11,980.21
David Steffan: remediation coordinator contract for April 2024	\$822.15
Sadie Wardell: Wm Craig water operations; ditch ripping and maintenance	\$417.00
Mace Water & Land: Operations of SMAF Mar 2024	\$1,082.00
San Isabel Electric: monthly usage at SMAF	\$204.37
Spanish Peaks Library: monthly rent	\$65.00

At 8:59, there was a **motion** by White/Brown and approved by the board to go into executive session, joined by HCWCD consultant Brgoch and engineer Smith to discuss: exploration of potential purchase of water rights and any commensurate terms and conditions therewith; legal issues concerning decree requirements, easement requirements and land use for the William Craig Ranch. Discussion in the executive session included purchase, acquisition, lease or sale of real, personal or other property interest as in CRS 24-6-402(4)(a); conference with an attorney representing the District for the purposes of receiving legal advice on specific legal questions pursuant to CRS 24-6-402(4)(b); and determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators pursuant to CRS 24-6-402(4)(e).

On a White/Edmundson **motion**, the executive session was closed at 9:57 pm, and the regular session was reconvened. There being no further business, the meeting adjourned at 9:58 pm.

Scott King, President

Carol Dunn, Secretary