

HUERFANO COUNTY WATER CONSERVANCY DISTRICT

Minutes of Board Meeting
January 26, 2009

CALL TO ORDER

The regular monthly meeting of the Huerfano County Water Conservancy District was called to order by President Raymond Harriman on Monday, January 26, 2009 at 6:14 pm. Because of the large attendance, it was moved to the County Commissioners Board Room, Courthouse, Walsenburg.

ROLL CALL

Directors present:

Dawson Jordan

Ray Ryan

Raymond Harriman

Secretary:

Carol Dunn

Consultant:

Ted M. Zorich, Jr.

There were 26 people in attendance, including Division 2 Water Engineer Steve Witte. President Harriman asked water attorney Jim Felt to take the floor. Felt explained that citizens in the Gardner area are in water trouble. The State is planning to shut down Gardner's use of their well for 52 water users in town. There are new water uses on the Huerfano River that are not in priority, and there is no more unappropriated water available. Wells now need to be in priority. He said the HCWCD is the perfect vehicle to help with the problem. The solution is to augment these junior water uses – replace to the river system the same amount of water that is being depleted, the consumptive use. The four uses currently are:

1. Huerfano County for dust suppression and road maintenance.
2. Town of Gardner is taking water from a well dated out of priority.
3. Paradise Acres subdivision residents take water from a well for domestic use.
4. Malachite Spring, maintained by Kent Mace, has been furnishing water to individuals for 110 years, but this is still a junior water right.

Each use appears to have a negligible effect on the River; however, added together, the effect is noticeable. The process for each of the users is an issue, requiring court cases to be filed and money to be spent. Felt suggested the HCWCD take the leadership role in the process once for all the users, obtaining and reselling water rights under a blanket augmentation plan. Steve Witte told the Board there is not a lot of time to get something in place for this crisis situation. Felt gave the Board an estimate of about \$100,000 to complete the engineering and legal work for the blanket augmentation.

Harriman set a work session for the Board and the public on February 4 at 6:00 pm at the Commissioners Board Room at the Courthouse. There will be a special meeting of the Board on February 2 at 5:30 pm at City Hall.

MINUTES

Jordan moved and Ryan seconded to dispense with the reading of the December minutes and approve them as written. Board approved.

TREASURER'S REPORT

The total of all four certificates of deposits is \$86,620.81; total in the First National Bank in Trinidad/Walsenburg checking account is \$8,474.62; for a grand total of \$95,095.43 in all accounts. Jordan moved and Ryan seconded to accept the January Treasurer's Report. Board approved.

Ryan moved and Jordan seconded to hire Tom Ortiz to do the Exemption from Audit for \$150. Board approved.

OLD BUSINESS:

Harriman handed out copies of opposer's disclosures in the Cornelius water cases 06CW43, 06CW54 and 06CW56.

He handed out a copy of the statement of opposition in the Lawrence case 08CW34 – a protest was filed by HCWCD on December 22, 2008. Zorich has talked to the Lawrence attorney. Jordan made a motion and Ryan seconded that the Board wants these changes: making a conditional right and getting a measurement of the spring production.

Case # 06CW56 – Harriman handed out copy of order setting the trial for the case.

Zorich handed out disclosures for the Cornelius cases. Cornelius is working with Randy Yarbrough (related to Golden Cycle Land Corp in the early 1970s – Rio Cucharas development – 937 lots). There are some adjudicated wells. The production amounts are high, but it is possible Cornelius could win. State is trying to say the rights were abandoned since no houses were built. If there is not a good case made for the rights being abandoned, then Cornelius may have a claim on the rights. This could be a source for augmentation water.

NEW BUSINESS

Water Court case # 08CW34 – Thomas and Anita Akin Lawrence, revised the legal description on their application.

Case #07CW119: Growing Roots, amended app for surface water rights, Meses Y Company Ditch.

Case #08CW94: Harold Palmer, underground water right, Silver Spurs subdivision.

Case #08CW95: Robert Damjanovich, underground water right, Majors Ranch.

Case #08CW96: Janet Campbell, underground water right, River Ridge Ranch.

Case #08CW98: Ralph Lindstrom, underground water right, Majors Ranch subdivision.

Case #08CW99: Kenneth Burge, underground water right, La Veta Pines Ranch.

Case #08CW102: Alan Bielski, underground water right, Majors Ranch subdivision.

Case #08CW104: James Modlish, underground water right, Silver Spurs subdivision.

Case #08CW105: James Mobley, underground water right, Silver Spurs subdivision.

Case #08CW107: Alane Wilson, underground water right, Silver Spurs subdivision.

Case #08CW108: Preston Roberts III, underground water right, Silver Spurs subdivision.

Case #08CW110: Brent Kimball, app for surface water rights, Otis-Spike Spring, tributary to Palo Duro Creek.

Case #08CW111: Sierra de Hierro Ranch, app for surface water rights, natural spring tributary to Palo Duro Creek.

Zorich will review these case summaries for anything unusual. Jordan moved and Ryan seconded to take no action on all of the above listed cases. Board approved.

DIRECTOR AND GUEST COMMENTS

None.

BILLS TO PAY

The following vouchers were presented for payment:

Raymond Harriman, file protest in water case – \$158.00
Carol Dunn, clerical fee, mileage, tapes, postage – \$314.17
Ted M. Zorich, Jr. – \$487.90

Total of the bills is \$960.07. Jordan moved and Ryan seconded the payment of the bills.
Board approved.

OTHER

Next meeting: February 2, 2009 at 5:30 pm, City Hall.

ADJOURNMENT

There being no further business, Jordan moved and Ryan seconded to adjourn. Board approved.

Meeting adjourned at 8:40 pm.

Raymond Harriman, President

Carol Dunn, Secretary