

HUERFANO COUNTY WATER CONSERVANCY DISTRICT

Minutes of Board Meeting

April 17, 2023

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 17, 2023 at 6:04 pm.

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

Secretary: Carol Dunn; **Attorney:** Ryan Farr.

Guests: Rick Dunn, John Galusha, Doug Brgoch, Lenna Rauber, Jeff Montoya, Amos Mace, Karl Sporleder, Dick Keyes, Tor Tschanz, Dawn Tschanz.

Agenda: Accepted on a White/Mace **motion**.

Minutes: The minutes for the March 27, 2022 board meeting were approved on a White/Edmundson **motion**.

Financial Reports: There was a White/Brown **motion** to accept the financial reports as presented. Board approved.

OLD BUSINESS:

Thorne Ranch: Farr presented an outline on Thorne Ranch consumptive use and yield. There was discussion about how to move forward on an agreement with Huerfano County. HCWCD would be prosecuting the case to add water to the existing aug plan. How to get the water the County wants back to them. Use the outline to work toward an IGA with the County. Farr suggested a pre-filing meeting with State DWR to see if they have any issues with it.

NEW BUSINESS: No new water cases.

River Reports: Lenna Rauber reported Huerfano River call went from #18 to #15 on this date. Rauber introduced Southern Regional Lead Water Commissioner Jeff Montoya. He reported the river is being handled by a team 2-3 days a week. Repairs are being made to Daigre Reservoir; dam safety inspector is involved. The call on the Cucharas River has been Walsenburg infrastructure, which is problematic.

Huerfano River Futile Call Model: To be discussed in executive session.

Huerfano Regional Augmentation Plan

Aspen River Ranch Tier 2 augmentation application – CWCB comment has been answered and Farr is waiting for reply. The public notice has been published, and June 9 is the end of the comment period.

Bear Bottom Ranch Tier 1 aug application – Attorney Cassidy Woodard said the applicant wants to purchase ½ acre-foot of aug water. She asked if it's possible to lease 3.5 af for 2023 while they are waiting to be added as a plan participant. There was a White/Edmundson **motion** to table further discussion until applicant submits a revised application.

Mace Tier 2 aug application – After further calculations, it was determined Mace will need 2.7 af (rounded up to 3), which is 1 af less than the amended application requested. No refill is covered in the application; it would have to be applied for when it's needed. Tier 2 water is expected to be available 7 out of 10 years. There was a White/Brown **motion** to move forward with the Mace application. Board approved, with Mace abstaining.

Siete Corp: Farr reported the company is working on the I-25 bridge across Highway 10. They need water for soil conditioning and dust suppression at the gravel pit they will be using. The quantity needed is about 18 af until the summer of 2024.

Smith's calculations show that, of the augmentation firm yield amount, 30 af have been committed. Smith prepared a graph that shows 96% of the time the firm yield will be available.

Recharge Pond – Mace reported he will water jet the perforated pipe at the recharge pond hopefully in a couple weeks.

SMAF – Mace reported they are testing local-sourced rock on the SMAF embankment to mitigate the wind and wave runoff. It can be tested once water is added to the pond.

SCF Flood Mitigation Project – Brown reported the Core Group met on April 14 in La Veta. David Steffan laid out his recommendation to focus on work in Middle Creek in the vicinity of the emergency gage. The next meeting will be a site visit. The agreement with David Steffan was discussed. Dunn and Farr will work to finish Steffan’s agreement.

Arkansas Basin Roundtable report – White reported on the ABRT meeting. Of concern is Senate bill 23-270 to construct stream restoration structures senior to adjudicated water rights. A CWCB rep spoke about Colorado River Compact negotiations.

Break – King called a break at 8:02; meeting reconvened at 8:13.

Bills – On a White/Mace **motion**, the board authorized the transfer of up to \$37,000 to ColoTrust savings and approved paying the following bills, which total \$20,977.72:

Mountain States Financial group: bookkeeping	\$200.00
Monson, Cummins, Shohet & Farr: bd mtg, aug plan, GPIC, aug app, reservoirs	\$8,413.14
Dunn Write: contract, mileage, internet, phone, meeting & office supplies	\$1,990.55
Admin SCF Flood Mitigation grant	\$1,132.21
La Veta Carpentry: monthly website admin + monthly water analyst duties	\$400.00
World Journal, Legal ad Aspen River Ranch notice of inclusion	\$64.68
Applegate Group: water acctg, diligence engineering, aug plan participants	\$7,067.50
Mountain View Baptist Church	\$25.00
Doug Brgoch, monthly contract	\$500.00
Lonnie Brown: hotel & mileage to attend Colorado Water Congress convention	\$901.76
San Isabel Electric: Monthly usage at SMAF	\$217.88
Spanish Peaks Library: February rent	\$65.00

At 8:18, there was a **motion** by White, seconded by Edmundson and approved by the board to go into executive session, joined by the District’s consultant, to discuss: Mace aug application, terms and conditions of a potential IGA with Huerfano County; NuGro delinquency; exchanging Twin Lakes water; Thorne Ranch; futile call legal memo; aug water request by Siete Corp. 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 9:18 pm, and the regular session was reconvened.

On a White/Mace motion, it was decided to send a letter to NuGro that they have 60 days to pay in full or HCWCD will begin the process to remove them from augmentation plan. Board approved.

On a White/Brown motion, it was decided to have Steve Monson send a position paper to the State Engineer and Division Engineer about the positions HCWCD is taking on the new futile call doctrine, as discussed in executive session. Board approved.

There being no further business, the meeting adjourned at 9:25 pm.