

HUERFANO COUNTY WATER CONSERVANCY DISTRICT

Minutes of Board Meeting March 18, 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 March 18, 2024 at 6:01 pm.

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

Secretary: Carol Dunn

Engineer: Steve Smith (by Zoom); **Attorney:** Ryan Farr

Guests: David Steffan, Doug Brgoch, Dale Lyon, Lenna Rauber, Ed Diemer, Dan Pabon.

Agenda: Items for fire suppression ponds and the SCG request for more augmentation water were added on a Mace/White **motion**.

Minutes: The minutes for the February 26, 2024 board meeting were approved on a Mace/White **motion**.

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

OLD BUSINESS: none.

NEW BUSINESS: There were no new water cases.

SCG request for more aug water: Dan Pabon spoke about the desire for SCG/Medicine Man Technologies to expand their operations. They want HCWCD to revise its cap of 10 af for MRBE and allocate more augmentation water, so they can have access to more aug water to do that. There was a White/Edmundson **motion**, "in keeping with the board's original policy resolution, HCWCD will keep the original 10 acre-feet limitation for marijuana related business enterprises, which is 20% of the plan's available water." Board approved.

Fire suppression ponds – Huerfano County has recommended 19 ponds on private land be designated for fire suppression purposes and exempt from DWR water rules. White said the exemptions result in a loss of water by water rights holders, and there may be litigation coming regarding this. This was discussed further in executive session.

DWR river reports: Lenna Rauber reported on the Huerfano River: 11' on the upper Huerfano at Manzanares, 4' at Badito, 3' at I-25; the call is #23. Ed Diemer reported on the Cucharas: 9' at Boyd Ranch and 13' at Harrison Bridge; the call is #3, with City of Walsenburg taking most. Futile call is in effect until Diemer gets calls for irrigation.

The Wm. Craig ditches going to the HCWCD aug plan recharge pond have been cleaned. The water has been turned on.

Spring Creek Fire Mitigation Project – David Steffan provided a written report. He has chosen Larry Morgan to do the work at the site of the flood emergency stream gage in Middle Creek. Full grown willows will be selected by Morgan and planted at the location for erosion control. The cost estimate is \$42,000. There was a White/Brown **motion** to approve the work/expense. Morgan has obtained permission from the downstream landowner, David Andreatta, for the work. The next tasks will include: building a cutoff wall dam; Tollgate ditch diversion; rebuilding stream channel; using riprap to trap sediment.

Ryan Farr reported HCWCD will need to sign a lease with State Land Board for the land adjacent to the emergency warning gage at a cost of \$700/year.

Huerfano Regional Augmentation Plan

Siete, Inc – Siete owes HCWCD for the back-and-forth with Applegate Group regarding the water they needed and used. They have not used all the water they contracted and paid for. There are still about 2 af left in La Veta Lakes.

SMAF – Kent Mace reported the IR reader for the meter has been purchased. Meter readings are being fine-tuned and will be certified after everything is set. There was a White/Brown **motion** allocating up to \$10,000 for installing a gate valve at pond for urgent shut offs. Approved.

Site revegetation – Kent will be responsible for getting a no-till drill and seeding the SMAF site with the approved seed mix in the Fall of 2024.

Flood Emergency Warning Gages – Based on the review of bids received in response to the RFP developed by Applegate Group to monitor and operate the five remaining gages, there was a White/Edmundson **motion** to choose SkyHi Engineering to manage the flood emergency warning gages. Approved. A site visit will be arranged with Brgoch and Matt Hardesty after April 20, and Steve Smith will narrow the scope in order to negotiate a lower contract amount.

Ark River Water Forum – King reported on the event, for which HCWCD was a sponsor. Speaker topics including farming, water activities and the Shoshone water plant and water right. CWCB funding may help with the purchase of the Shoshone right, which may become a recreational right.

Arkansas Basin Roundtable report – The newest member on the Roundtable is Tony Arnhold, who replaced Steve Kastner as District Manager at the Purgatoire River Water Conservancy District.

Break – King called a break at 7:49; meeting reconvened at 8:00 pm.

Bills – On a White/Edmundson **motion**, the board authorized the transfer of up to \$42,500 to ColoTrust savings and approved paying the following bills, which total \$13,862.00:

Mountain States Financial group: monthly bookkeeping & 1099 forms filing	\$437.54
Monson, Cummins, Shoheit, Farr: mtg, Pryor Ditch, aug plan	\$5,279.05
Dunn Write: contract, mileage, internet, phone, office supplies	\$2,157.00
Admin SCF Flood Mitigation grant	\$517.50
La Veta Carpentry: monthly website admin	\$200.00
Monthly water analyst contract and data logger cord for repair	\$240.43
Doug Brgoch: monthly water consultant contract	\$500.00
David Steffan: remediation coordinator contract for March 2024	\$482.32
Scott King: Expenses to attend Ark River Water Forum	\$299.25
Mace Water & Land: Operations of SMAF Dec, Jan, Feb + IrDA cable	\$3,448.97
San Isabel Electric: monthly usage at SMAF	\$234.94
Spanish Peaks Library: monthly rent	\$65.00

At 8:13, there was a **motion** by Mace/Edmundson and approved by the board to go into executive session, joined by HCWCD consultant Brgoch and engineer Smith to discuss: water rights acquisition and commensurate terms and conditions; legal ramifications for continuing monitoring well installation, maintenance and modeling; legal issues concerning decree requirements, easement requirements and land use for William Craig Ranch; County proposal for fire suppression ponds. 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 9:00 pm, and the regular session was reconvened. There being no further business, the meeting adjourned at 9:00 pm.

Scott King, President

Carol Dunn, Secretary