

HUERFANO COUNTY WATER CONSERVANCY DISTRICT

Minutes of Board Meeting

November 22, 2021

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 Ave, Walsenburg on November 22, 2021 at 6:02 pm.

Directors: Scott King, Kent Mace, Beaver Edmundson, and Michael “Sandy” White.

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

Guests: Rick Dunn, Carl Young, Charles Bryant, Tor Tschanz, Bill Trujillo, Travis Nelson (press).

The meeting **agenda** was approved on a White/Mace **motion**.

MINUTES – The minutes for the October 25, 2021 board meeting were approved as presented on a White/Mace **motion**. Board approved.

FINANCIAL REPORTS – There was a White/Edmundson **motion**, to accept the financial reports. Board approved. Dunn summarized the cash flow report and reported Bruce Canyon grant will expire 12/31/21.

OLD BUSINESS – None.

NEW BUSINESS – The board agreed to draft a letter of support for an invasive phreatophyte control CWCB grant application by Huerfano County Weed Control District. Congratulations to Mr. Bryant as new mayor of Walsenburg effective December 7, 2021.

Carl Young, Huerfano County Administrator, addressed the Gardner Public Improvement District water lease. GPID used 5.404 acre-feet of augmentation water, which was more than its contracted amount of 5 af. Huerfano County Road & Bridge used 1.687 af, which was less than its contracted amount of 3 af. Young asked if the two leased amounts could be combined and the two usages subtracted. The total of 8 acre-feet is greater than the usage of 7.091. On a White/Edmundson **motion**, the board agreed to this, so no additional payment will be due from GPID.

Sheep Mountain Augmentation Facility Phase 5 – Dunn will find out from the insurance company how far apart the “No Trespassing” signs need to be and if there is required wording. The sign required by the Division of Mined Land Reclamation has been posted.

Collaborative Storage Phase 5: Steve Smith, Applegate Group, provided a written report and participated by Zoom. The project will be finished up in December.

Huerfano Augmentation Plan: The Mace participating diversion has been added to the Regional Augmentation Plan and invoiced for 1 af of Tier 1 water.

ABRT – White reported the roundtable is discussing the Demand Management Program involving the Colorado River compact and how an anticipated call will be enforced.

Guest Comments: Travis Nelson, Colorado City Metro District News, asked for the board’s “take on flushing 30,000 acre-feet of storage down the river” in 2011 or 2013, specifically the breach of Cucharas #2 (sic). White and King pointed out that Cucharas #5 Reservoir was non-operating storage breached by the State because of safety issues. Once owned by Two Rivers Holding Company, it was full of silt when breached and has been taken over by Huerfano Irrigation Company; King pointed out “we don’t know their plans.” Mace said two separate groups “have talked about rebuilding it.” King explained it is “not abandoned, it’s privately owned,” and “HCWCD has no control over private storage rights. Water rights are privately held, not under the

authority of HCWCD.” If someone is planning to move water outside Huerfano County, “we can only oppose that in court.”

Nelson also asked, “What about Doug Brgoch buying the #1 priority water right from his neighbor? Wouldn’t that be a conflict?” Nelson was not clear on when that was supposed to happen: “Maybe a few years back; I could pull the actual sale for you. I’ve got it in my notes somewhere.” Board members suggested he do that. Nelson said, “That’s bound to be a conflict.” White said, “It’s also bound to be defamation if it’s not true. I’ve heard it, and I’ve asked for documentation, but nobody brings the documentation.” Nelson assured, “I’ll bring it. I’ll get the exact information for you. He added, “It’s sensitive information; you’ve got a water commissioner inside dealing on water in the County here.”

King pointed out, “Brgoch ranch has a #1 water right that goes back a hundred years. Again, we have no jurisdiction over that. If the family ranch bought water rights, they’re allowed to do that. We’re not in the business of adjudicating.” Nelson added, “Undervalued for a low price.” King answered, “If you believe that, then you go to the courts.”

BILLS – On an Edmundson/Mace **motion**, board authorized the transfer of up to \$10,000 from ColoTrust savings and approved the following bills, which total \$46,391.36:

Mountain States Financial group: bookkeeping	\$120.00
Monson, Cummins & Shoheit: SMAF, aug plan, misc.	\$8,637.25
Dunn Write: contract, supplies, mileage	\$1,970.64
Admin SCF Flood Mitigation grant	\$1,052.16
Admin Collab Storage Phase 5 BCR	\$210.37
La Veta Carpentry: Water analyst for diversion & website maintenance	\$363.98
Ark River Watershed Collaborative: Natl Forest Fdn grant match	\$5,000.00
Applegate Group: 50% eng’g BCR, MSRE; water admin; aug applic; SMAF; Tier2	\$17,867.38
Colorado Water Congress, membership fee	\$500.00
World Journal, legal ad for publishing the 2022 budget	\$168.96
Division of Water Resources	\$2,310.00
San Isabel Electric: monthly usage + access fee at SMAF	\$223.12
Bar 7 LLC: Fence at SMAF reservoir, down pmt	\$7,754.50
Huerfano Co. Clerk: recording fee for augmentation certificates	\$148.00
<u>Spanish Peaks Library: November rent</u>	<u>\$65.00</u>

King called for a break at 7:12; meeting reconvened at 7:23.

At 7:23 pm there was a **motion** by Edmundson, seconded by Mace and approved by the board, to go into executive session to discuss matters involving 90% design on Maria Stevens Reservoir Enlargement, Camp Ranch and Thorne Ranch. Discussion 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).

At 8:29 pm there was a Mace/Edmundson **motion** to leave executive session and return to regular session. Board approved. There being no further business, meeting adjourned at 8:30 pm.