

HUERFANO COUNTY WATER CONSERVANCY DISTRICT

Minutes of Board Meeting July 21, 2014

The monthly meeting of the Huerfano County Water Conservancy District was called to order by President Sandy White on Monday, July 21, 2014 at 6:01 pm.

Directors present: Lewis "Beaver" Edmundson, Michael "Sandy" White, Scott King, Al Garcia.

Secretary: Carol Dunn

Guests: Ray Garcia, Madaline Cardinal, Vincent Cardinal, Amos Mace, Phil Cummings, Tony Arnhold, Rick Moisiso, Joe Potter, Rebecca Cummings, Gail Terry, Doug Brgoch, Gerald Cisneros, Steve Werner, JN Mullens, Max Vezzani, Caitlin Dunn (press), David Rinehart (press).

King moved and Edmundson seconded to approve the agenda. Board approved.

MINUTES – Edmundson moved and King seconded to approve the June 30, 2014 minutes as presented. Board approved.

TREASURER'S REPORT - King moved and Garcia seconded to accept the July Treasurer's reports. Board approved.

OLD BUSINESS -

Al Garcia reported that the recharge pond is still working. The water is shut off during flood events. Garcia continues to monitor it. The augmentation station has also been shut down when the river floods because of silt.

Edmundson moved and King seconded to have Sandy White sign the ditch users' agreement with the Wardells. Board approved.

SWSP update: One of the conditions involves obtaining well permits for the CO61 and Gardner Public Improvement District. The County is hiring out the job and CO61 is using TZA Water Engineers.

Regarding the question of the cost of property insurance, the pro-rated invoice is \$333. For the full year in 2015, the premium will be \$658.

Malachite Spring update: The invoice and cover letter were sent to Malachite Spring earlier in the month. Amos Mace was in attendance speaking on behalf of Kent Mace. Amos said there are people paying to use the spring and maintain it, but that amount is insufficient to pay the invoice and neither he nor his father will pay it. After getting the invoice, he shut off the spring over the weekend. The spring is now open again. Ray Garcia reported that he spoke with Division Engineer Steve Witte and asked if he would allow the spring to operate without replacement water until a water station is installed by the County in Gardner, hopefully by the end of 2014. Garcia said Witte agreed, but Doug Brgoch reported that Witte is only thinking about it and awaiting further information. A county fill station is not part of the SWSP and so it would need to be added to next year's SWSP renewal, and the approval of the revision would need to come from the Denver office. Amos said he will keep the spring open for at least another month. Brgoch felt the meter needs to be relocated to measure actual use, not what the spring produces. Before the August 25 meeting, Brgoch agreed to formulate

an acceptable quantity for consumptive use from the spring, and Amos agreed to determine how much more money could be made available to pay for augmentation water. King moved and Edmundson seconded that further discussion on the matter be continued at the August 25 meeting, when Brgoch and Amos Mace give their reports; and in the meantime augmentation water will continue to be furnished for Malachite Spring in spite of the unpaid invoice. Board approved.

Phil Cummings requested augmentation water for a marijuana grow facility near west Lascar Road. He has exempt wells on the property and needs to augment their usage for the commercial enterprise. He estimated he will need between ½ and 2 acre-feet of water and requested temporary use of water in 2014. He was advised that he would be asked to pay to amend the SWSP if he is added to the plan, in the amount of about \$20K for legal and engineering. White cautioned that involving the marijuana grow facility in the District SWSP may endanger future federal funding for pre-fire watershed work, so HCWCD would need to retain the right to cancel the Cummings contract if that became the case. It was suggested that Cummings contact an engineer about return flows from his property.

NEW BUSINESS -

Doug Brgoch gave a report on both the Cucharas and Huerfano rivers. The Huerfano made it up to the #74 call; as of this date it's back down to #21. The Cucharas was up to #61 and is now at #17. Advertising for the vacant water commissioner position will begin on July 22, and someone should be onboard by late September or early October.

White exhibited the preliminary report of the Pre-fire watershed assessment. The report can be downloaded from the JW Associates website.

Edmundson reported that the plan is to file the 1041 permit application around the first week of August. The County public hearing will be held in October or November, and approval should be granted by the end of year. Edmundson moved and Garcia seconded to authorize Jim Culichia to file the 1041 permit application. Board approved. Technically construction should not start until the permit is approved.

Al Garcia reported that the hay on the south fields at the Ranch has been baled for a total of 217 bales. The weather has been too wet to do the rest. There was nothing to report on the pipeline relocation on the Martinez ditch. Tony Arnhold, NRCS, will have a report at the August meeting.

The Property committee recommended a list of other needs at the Ranch, including: heating for home; headgate; seeding; cleanup; ditch cleaning; grading of road; gravel at river exit; replacing V-notch; recharge pond maintenance; fence around recharge pond; for a total of \$24,800. Garcia moved and Edmundson seconded to commit funding to the needs on the Ranch. Board approved.

There was a Garcia motion, seconded by Edmundson to hire Rick Dunn as a water analyst at \$25 per hour plus mileage. Board approved. Dunn will meet with Ray Garcia on July 24 to learn about downloading the augmentation station readings.

Edmundson moved and Garcia seconded to engage Gary Hanish for legal services to the District that are not water, regulatory or environmental in nature. Hanish's rate is \$200/hour. Board approved.

White reported on the Arkansas Valley Roundtable meeting.

DIRECTOR AND GUEST COMMENTS – None.

Break at 7:27 pm. Reconvened at 7:40 pm.

BILLS -

There was a motion by Edmundson, seconded by King, to pay the following bills, total \$48,544.04. Board approved.

Postmaster, PO Box 442 – \$48.00

Carol Dunn, contract, mileage, postage - \$1,223.24

TZA Water Engineers - \$19,162.33

Walsh Environmental, 1041 & 404 permitting work - \$5,695.18

Felt, Monson & Culichia - \$12,512.55

JW Associates, Pre-fire watershed assessment - \$9,539.74

Beth Harper, meeting room - \$30.00

Glatfelter Public Practice, property insurance for Ranch – \$333.00

Edmundson moved and King seconded to transfer \$19,700 from the ColoTrust account into the checking account. Board approved.

At 7:44 King moved, Garcia seconded and Board approved going into executive session to discuss matters involving the regional augmentation plan, ongoing litigation, SWSP and including the purchase, acquisition or lease of real, personal or other property interest as in CRS 24-6-402(4)(a) 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 8:12 pm, King moved and Garcia seconded closing the executive session and returning to regular session. Board approved. The meeting was called back to regular session at 8:12 pm.

There being no further business, Edmundson moved and King seconded to adjourn. Board approved. Meeting adjourned at 8:13 pm.

Sandy White, President

Carol Dunn, Secretary