

**PURGATOIRE RIVER WATER CONSERVANCY DISTRICT  
MINUTES, THURSDAY, July 6, 2023**

**Board Meeting:** Purgatoire River Water Conservancy District monthly meeting was held on Thursday, July 6, 2023, at 7:30 P.M. City Hall Chambers, Trinidad, CO.81082

**Directors Present:**

Tom Verquer, Frank Milinazzo, Joey DeGarbo, David Philpott, Tony Paradisa, Jeremy Yoder, Jarrod Tortorelli, Joe Amato & Daryl Aubuchon

**Directors Absent:** None

**District Staff:**

Steve Kastner; General Manager, Connie Mantelli; District Secretary

**Guests:** Clint Winter (PicketWire Ditch) & Connor Philpott (New John Flood Ditch), Sammie Molinaro (NRCS), Art Winter (PicketWire), Jacob Atencio (PicketWire), Jim Jolly (PicketWire), Sherry Jacobs (PicketWire, Hattie Jolly (PicketWire), Kim Falen (Corps of Engineers), Jeff Montoya (Water Commissioner), Ront Arant (Baca), Michael Yoder (Enlarged SouthSide), Ramone Zamora (PicketWire) Julie Knudson (PWP)

**Enterprise Account**

Two payments for the water lease from the City of Trinidad were deposited.

**Board Meeting Minutes**

Tom Verquer made a motion to accept the minutes of the June 2023 meeting. Joe Amato seconded the motion which was voted upon and passed.

Joe DeGarbo made a motion to approve the Financial Statements and Cash Disbursements for the June 2023 as printed. Frank Milinazzo seconded the motion which was voted upon and passed.

**Chairman's Report:**

Nothing to report at this time.

**NRCS:**

Sammie Molinaro reported that the month of June produced 8/10" of moisture at Whiskey Creek. It is dry on top of the watershed. The yearly (July 2022-June 30, 2023) total of water is 20.4" which is 89% of normal.

Monsoon season is expected to kick in at any time; there are still 6-12" of snow in some areas.

**District Manager's Report – July 6, 2023**

**A. Trinidad Reservoir and PRWCD Operations Report**

- The total content of Trinidad Reservoir on May 30<sup>th</sup> was 24,420 acre-feet. A net increase of 2,457 acre-feet from the end of the previous month. This net increase in storage is principally due to Irrigation Season storage during June when the District's Model Reservoir storage water right came into priority to store in Trinidad Reservoir. The District was able to store 3,192 acre-feet under this storage right from June 8 - 23. This storage right continued to be available after June 23 but irrigation demands limited storage to this period.
- The Project Account currently contains 6,993 acre-feet. An increase from the preceding month of 3,115 acre-feet.
- The Model Account currently contains 962 acre-feet. A decrease from the preceding month of 610 acre-feet.
- The Joint Use Pool currently contains 3,684 acre-feet. A net increase of 334 acre-feet, which increase is principally due to City of Trinidad's storage of its change John Flood Ditch and Model Canal changed water rights.
- The Permanent Fishery Pool currently contains 13,079 acre-feet.

- Purgatoire River flows for the month of June averaged 191 cfs at the PURMADCO stream gage. Historical June flows average 196 cfs.
- The District remains in Project Administration. All District ditches continue to receive at least some direct flow river waters at this time.
- Approximately 20 cfs is currently being bypassed through the District to meet the downstream Highland Canal's first water right of 16 cfs. Precipitation events below the District area continue to provide for multiple flow peaks on the lower Purgatoire River.
- Hoehne Ditch diversions through June total 2,599 acre-feet. The District's remaining obligation to the Hoehne Ditch is 2,373 acre-feet. The Hoehne Ditch's storage account currently contains 2,564-acre feet. 850 acre-feet of water was transferred from the Hoehne Ditch's storage account to the other Project Account ditches at the end of June.
- Sprinkler system diversions through May totaled 445 acre-feet. Total diversions through June totaled 879 acre-feet.
- The new Rubicon automatic headgates on the Southside Ditch, Hoehne Ditch and Model Canal presently all appear to be functioning properly. The gates appear to be maintaining set diversion rates into these ditches relative to changing river flows and are also making remote control diversion rate changes.

#### **B. Division Engineer's Office Administration Number Administration**

The Division Engineer's Office began administering the large canal water rights along the lower mainstem of the Arkansas River this irrigation season by their calculated Administration Number as opposed to the historical practice of administering these water rights solely by their appropriation dates relative to each other. The board held a discussion on the potential affect this change in administration may have on District water supplies.

**C. Irrigation Improvement Rules Approval**

The District's Irrigation Improvement Rules Plan application for the 2023 Irrigation Year was approved by the Division Engineer on June 16<sup>th</sup>. This plan was approved for 26 sprinklers and for an estimated 70 acre-feet of reduced return flows. Unexpectedly higher spring runoff flows may result in an increase in this estimated return flow deficit value. The District believes however that it has adequate replacement supplies.

**D. Sprinkler System Policy Amendment**

At its regular monthly May 2023 meeting, the board voted to charge sprinkler system users a per acre-foot fee for reusable return flow waters generated by one ditch system which reusable return flows were relied upon by sprinkler system owners under a differing ditch system. This fee being payable to the District's Activity Enterprise at the end of the irrigation year.

The District Manager presented a proposed amendment to the District's existing Policy 2018-01 to the board for review. This amendment to the District's existing policy seeks to record this May 2023 decision by the board.

The board voted to approve this policy amendment with certain revisions.

**E. Livestock Water Committee Report**

At its regular monthly May 2023 meeting, the president of the board appointed a committee to review the District's past Non-Irrigation Season stockwater operations and to report back at the board's July meeting with any recommendations for changes in operations.

The General Manager, Clint Winter, Daryl Aubuchon and Water Commissioner Jeff Montoya (as an advisor) met twice during the month of June. This committee has discussed all relevant aspects of District stockwater operations since the year 2000. A draft recommendation letter has been prepared but has not yet been approved by all committee members. The committee requests additional time from the board for submission of its

recommendations. The board approved this request.

Discussion from the audience began with a question from Sherry Jacobs asking if the historical use of the stock water was being considered in the discussions.

Clint Winter stated he felt like the first meeting was productive, but the second meeting seemed to be veering away from the consideration of historical use. Clint suggested using the river overflow to offset the stockwater usage.

On average 510 af of water have been used in the non-irrigation season for stock water - for all ditches combined. He believes the PicketWire is being efficient with their water usage. From Clint's perspective October through April is dedicated to stockwater usage and April through October is primarily for irrigation.

Ron Arant (Baca Ditch President) agreed with Clint. He stated that users that need stock water should not be penalized in the irrigation season for using stockwater in the non-irrigation season. Mr. Arant also stated that the water usage in the District is not fair and equitable due to the court rulings for the Hoehne Ditch Company and the Model Ditch Company. Hoehne is guaranteed their water and the Model gets 1/3 of the District's water. That in itself will guarantee that the water allocation in the District cannot be distributed fairly and equitably between all ditches in the District. Mr. Arant also stated that he believes Mr. Kastner has been doing right by allocating stockwater as he has in the past and that the District is spending too much energy debating over 500 af of water.

Daryl Aubuchon clarified that the committee discussions have not focused on "taking" water from any of the ditches.

Jeremy Yoder (SouthSide) stated that the contracts clearly state that the District is to distribute the water equitably and by addressing this issue he was trying to get confirmation that this practice was in use.

Frank Milinazzo stated that if the issue of water efficiency was the main item to be concerned with, then he felt like the PicketWire was doing exactly that. He pointed out that a million dollars had been spent on the PicketWire to make the ditch more efficient.

Chairman, David Philpott suggested one more meeting with the committee to consider the comments made at this meeting. A final suggestion from the committee is to be presented at the September 7, 2023 PRWCD Board meeting.

Connie Mantelli will arrange a time for all committee members to meet.

**F. General Items**

A Consultation Report was provided to the District from the Division Engineer's Office in case No. 23CW3000. This report questioned the ability of the District to perfect the remaining conditional portion of the Joint Use Pool water storage right. The court ordered a response by the District to the court to this consultation report by June 30th. District staff and legal counsel provided a response to the court during June. This response argued that multiple means are available by which the District's conditional water storage right for storage in Trinidad Reservoir can be made absolute in the future and that this water right should be continued as conditional.

The District is still awaiting a Notice to Proceed from the Bureau of Reclamation for its requested WaterSmart grant funds to purchase and install new automatic headgates on the John Flood and Picketwire Ditches.

The Colorado Supreme Court issued its ruling in Case No. 22SC119, State v Hill on June 5<sup>th</sup>. This case involved a fisherman on the Arkansas River asserting his right to fish in the river and upon the riverbed upon the property of private landowners. The court determined that the fisherman had no standing in the case to seek a judgment that he has the right to fish upon other landowner's property. The fisherman's claim was that the navigable river and streambeds in Colorado are owned by the state and therefore are available to the public. The fisherman has no standing to claim this right on behalf of the state.

**Secretary's Report:**

Connie Mantelli reported that the 2022 Audit was completed. She provided each board member with a copy of the audit. She also reported that our current auditor, Dixon, Waller & Co. will be closing its doors on December 31, 2023. Connie has contacted Hancock - Froese & Co. from Rocky Ford to hire as our auditor for future audits.

Ms. Mantelli stated that she had issued the invoices for the 2022

Operations and Maintenance bill due to the Corps of Engineers. Payment is due to the District office by August 15, 2023. The District is obligated to make the total payment to the Corps by August 31, 2023.

Connie paid the Bureau of Reclamation \$85,000.00 for the Construction Repayment Loan.

**Water Commissioner's Report:**

Jeff Montoya reported that District 19 would be coming out of storage on June 10<sup>th</sup>. John Martin Reservoir is still in storage sitting at 80,000 af.

Mr. Montoya addressed the stock water discussion. He stated that the Division Engineer has instructed him to treat the issue as a local issue between the PRWCD and the ditches within it. Jeff commended the Pickewire Ditch Company on their recent water efficiency. He said that his best advice was 'Do not give up anything you already have.'

**Corp of Engineers:**

Nothing to report at this time

**City of Trinidad:**

No one present

**Purgatoire Watershed Project**

Nothing to report at this time

**Other Business:**

Tom Verquer made a motion to adjourn the meeting. Joe Amato seconded the motion. The motion passed. The meeting was adjourned at 8:46 pm.

The next meeting is scheduled for August 3, 2023 at 7:30 pm.

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**Connie Mantelli, Secretary**