

Center of Colorado Water Conservancy District
Meeting of the Board of Directors
October 10, 2018

The monthly meeting of the Center of Colorado Water Conservancy District was held on Wednesday, October 10, 2018 in the water district offices at 548 Front Street, Fairplay, CO 80440. Board President Briggs Cunningham called the meeting to order at 3:02 PM.

Members of the Board who were present in the office were Briggs Cunningham and Chris Fuller. Lisa McVicker and Craig Steinmetz attended by telephone conference. Also present at the offices were Dan Drucker and Nola Knudsen. Legal counsel, Ryan Farr was present by telephone conference. Gary and Joy Minke were present as patrons.

APPROVAL OF THE AGENDA AND MINUTES

Lisa McVicker moved to approve the agenda as presented. Chris Fuller seconded and the motion carried unanimously. Lisa McVicker moved to accept the September minutes as amended. Chris Fuller seconded and the motion carried unanimously.

ADMINISTRATIVE MATTERS

2.1 Administrator's report on accounts: Nola Knudsen reviewed the monthly warrants with the Board. Warrants and invoices for October totaled \$ 49,906.07 including the last minute addition of the TZA billing.

2.2 Treasurer's Review. None provided.

2.3 Approval of Invoices and Warrants: Lisa McVicker moved to approve the invoices and warrants as presented. Chris Fuller seconded and the motion carried unanimously

2.4 Discussion of the 2017 Preliminary Budget: There was a brief discussion

OPERATIONS MANAGER'S REPORT

Prior to the meeting, Dan Drucker emailed the Operations Manager's Report to all Board members.

3.1 Chatfield Reservoir Reallocation Project: An operational advisory committee has been added to the end of the usual CRMC meeting. They are necessary to develop the SOPs for distribution of waters when the reservoir is allowed to fill the extra 20,600 acre feet. It is designed to handle droughts as well as extra water in the reservoir.

3.2 Update on Indian Mountain Project issues: A 1041 permit is going to be required for Indian Mountain. It is a HASP project but does involve Dan Drucker's time. Eventually, CCWCD will have to bill HASP for Dan's time. Lisa McVicker asked Dan to maintain a record of time spent on HASP versus CCWCD projects, as well as time spent for Division 2. Craig Steinmetz would like this discussed this at the Joint and HASP meeting in November.

3.3 Update on Division 2 Guffey-area Augmentation Plan (GAP): While talking to Tom Eisenman about the Guffey area, Dan Drucker said we may not have to have a 1041 permit because we may be able to use a special use permit since it is on our property and those using it are less than 5 in number. Tomorrow the surveyors are going to survey the site to allow the TZA engineers to do some design and engineering at that site. In both Guffey and Indian Mountain we are creating storage vessels that will hold the release water conditionally. If the CWCB doesn't call out for minimum stream flow, they may never be used. If the weather changes to the point minimum stream flow measuring device on the Tarryall is placed, we may have to run a lot of trucks. This is preparedness action.

Ryan Farr asked if there is an official or formal process to request an actual yes or no on the 1041 permit on the Guffey property. Dan Drucker said we would have to apply for a conditional use permit and then we would get a formal yes or no response.

OLD BUSINESS

4.1 None

NEW BUSINESS

5.1 None

PATRONS COMMENTS

None

UPDATE ON LEGAL ISSUES

Ryan updated the Board on the following legal issues:

Case 16CW3127 Forest Glen - A trial is set for February 20, 2020. Madoline Wallace-Gross is working to resolve differences with the Forest Glen attorneys.

Case 16CW3184 Bureau of Land Management: There are some issues about how they calculated how much they have to augment and the credit they are taking. They are claiming they only

have to take evaporation off the pond in April. There are some concerns about plant loss. There is a meeting tomorrow to review the site and look for signs of previous construction. BLM is claiming there were two natural ponds that got flooded and created one pond; legal counsel is concerned there may have been some construction according to an aerial view. The site review will allow them to view what vegetation has been eliminated and dried up and what is on the ground.

Case 16CW3197 Mountain Mutual Reservoir Company. HASP entered into a stipulation with Mountain Mutual and a final decree was entered in this case which is now complete.

Case 17CW3214 Lininger Lake. This is now a HASP case. Comments have been received from opposers and a response is being prepared and is due back November 16, 2018.

Case 17CW3201 City of Aurora. Aurora has circulated a proposed decree in this case. HASP provided comments back to Aurora who will respond to those materials by October 12, 2018. HASP is required to respond back by December 14th. Madoline Wallace-Gross is the lead attorney for HASP in this case.

18CW3100 Retreat Land. An entity came in and purchased the Lone Rock Ranch lands and water rights. They have ponds on the property and plan to build three different residences or “compounds” to bring teachers and educators up to learn improved methods of teaching. The case is before the Referee. They have made contact with HASP to have them provide augmentation. They are asking if HASP will provide augmentation water for them. HASP agreed to provide water for the ponds and water for the first compound but not on the future compounds until there is a need.

Other Legal Matters

Indian Mountain – HASP is currently processing IM’s second application with the hope of having the additional wells under the HASP plan in late 2018 or early 2019.

Cline Ranch – Construction plans were sent to the State and the Division Engineer as well as all of the opposers in the 12CW50 case. No comments were received back except by CWCB. These were operational comments rather than design comments.

Deer Creek Measurement Litigation – Negotiations continue on how to resolve the issues. HASP authorized W.W. Wheeler to submit a grant request to the South Platte Basin Roundtable for funds for the measuring device. The deadline to submit the grant application is November 1,

2018. A hearing on the retained jurisdiction has been set for Feb 19, 2019. Ryan Farr said he has sent a proposed proration methodology to the Division Engineer for review and consideration.

Payment of the Sessions Ditch Measurement Device – Repair of the Sessions Ditch is a discussion between Centennial and Center. Ryan said there are two ways to measure proration. One is during the life of the agreement and one after. Center will likely cover 40% but the yearly accounting has to be done to determine this. The approximate cost of the repair of the Sessions Ditch is \$20,000.

Chatfield – Discussed in the Operations Manager’s report.

Division 2 Update – Discussed in the Operations Manager’s report.

Retreat Land Application –Covered above in legal issues.

ADJOURN TO EXECUTIVE SESSION

None

DIRECTOR’S ISSUES

Briggs Cunningham asked about the upcoming election and two ballot issues regarding water. He asked for an explanation. Dan briefly explained one issue has the exact language put before the voters originally. The other one carries verbiage expanding what the money can be used for.

There being no further business brought before the Board, Chris Fuller moved to adjourn the meeting. Lisa McVicker seconded and the meeting was adjourned at 3:59 pm.

Nola Knudsen, District Administrator