

Center of Colorado Water Conservancy District
Meeting of the Board of Directors
September 12, 2018

The monthly meeting of the Center of Colorado Water Conservancy District was held on Wednesday, September 12, 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, Craig Steinmetz and Geri Salsig were attending by telephone conference. Also present at the offices were Dan Drucker and Nola Knudsen. Legal counsel, David Shohet was present by telephone conference. Gary and Joy Minke were present as patrons.

APPROVAL OF THE AGENDA AND MINUTES

Chris Fuller moved to approve the agenda as amended removing item 2.6 review of audit. Geri Salsig seconded and the motion carried unanimously. Geri Salsig moved to accept the August 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 September totaled \$ 24,528.42. Chris Fuller moved to approve the invoices and warrants as presented. Lisa McVicker seconded and the motion carried unanimously.

2.2 Treasurer's Review. None provided.

2.3 Approval of Invoices and Warrants: Craig Steinmetz moved to approve the invoices as presented; Chris Fuller seconded and the motion carried unanimously.

2.4 Appointment of Budget Officer: Chris Fuller made a motion to appointment Craig Steinmetz budget officer for the 2019 budget period. Geri Salsig seconded and the motion carried unanimously.

2.5 Authorization for Craig Erickson to aid the Budget Officer. The board discussed utilizing Craig Erickson for assistance in preparing the 2019 Budget and agreed his services can be used as needed.

OPERATIONS MANAGER'S REPORT

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

Dan Drucker and David Shohet discussed attendance at the Chatfield meetings. David Shohet is close in proximity to the meetings and will attend when legal issues are discussed. Once forms and procedures are in place David Shohet can cease to attend and Dan Drucker can replace him.

3.1 Discussion of Indian Mountain Metro District water issues: Dave Wilson dug the test pits and put in piezometers in those pits to check the ground water level. CCWCD is paying him for the service and CCW will be reimbursed by HASP.

Dan Drucker said the land the piping is placed on is a revocable easement. Briggs asked if it was appropriate to push Park County for an irrevocable easement. David Shohet would have some concerns about going forward with this, however, this is an HASP issue.

3.2 Update on Division 2 Augmentation plan, organization, and logistics: Dan Drucker said we still haven't found an operator to haul water as yet. However, the South Park Fire Protection District may handle the water for their use but will not expand hauling for other use.

David said after the last joint meeting, there was a revised IGA that was sent to them. The fire district doesn't want to pay a \$5,000 annual and administration fee; we are not making progress to get them on board to become a HASP member.

OLD BUSINESS

4.1 David Shohet said he and Madoline Wallace-Gross and he met with the Division Engineer and their attorneys about the measurement device. He felt they didn't get anywhere in the meeting. David is trying to figure out how to move forward. He is investigating funding for the measurement device and how to handle all these legal cases.

On Deer Creek we only divert 5% of the water, but the Division Engineer wants us to spend \$100K to install the device to administer for all the other water users. The Deer Creek Association pays nothing and they are approximately 45% of the diversions.

NEW BUSINESS

5.1 None

Patrons Comments

6.0 Gary Minke had a question related to HASP about splitting augmentation with Indian Mountain between HASP and Bar Star. When the consumptive use for all the wells is calculated by the state engineer there is an amount of water that has to be released. This has to be split

between the two. How will that determination be made? He suggests the consumptive use be based on a formula. HASP is doing the measurement but Bar Star is not.

David Shohet replied the Bar Star decree has been making the release for all the wells in Indian Mountain including those in HASP's plan. Garver Brown said he will tally the number of wells that have joined HASP and Bar Star will be responsible for augmenting those remaining wells. There is a way of measuring augmentation needs in the plan. David Shohet said there will be a total of 411 wells that will be part of the HASP plan by next year.

UPDATE ON LEGAL ISSUES

7.1 Acquisitions, IGA's, MOU's, and statements of opposition

Case 08CW268 Park County Augmentation Plan. CCWCD has been an opposer through HASP. The update in this case is that Road and Bridge received a final decree yesterday. The final decree is consistent with our stipulation with Park County. This case is now complete.

Case 15CW3145 Winding River Ranch. CCWCD was an opposer to this case through HASP. A final decree was entered in this case on July 16, 2018 and the case is now complete.

Case 16-CW3127 Forest Glen. This case is set for trial starting February 18, 2020. David Shohet has been working with the applicant to resolve our differences.

Case 16CW3184 Bureau of Land Management. David Shohet's office is the lead for HASP in this case. HASP has authorized the hiring of TZA to review the engineering of this case. David contacted John Fox with TZA and is trying to schedule a field trip to take a look at the pond. The plan is in late September or early October he will meet with the Bureau to resolve this. The BLM has a pond on trout creek off highway 9. They propose to replace 2 acre feet of water. We believe there is some engineering error.

Case 16CW3197 Mountain Mutual Reservoir Company. Madoline Wallace-Gross is the lead attorney for HASP in this case. She worked out a proposed decree with Mountain Mutual's counsel that was acceptable to HASP. HASP has stipulated out.

Case 17CW3168 Mountain Mutual Water and Sanitation District. MWSD file a motion to dismiss this case without prejudice and the Water Referee dismissed the case; it is now complete.

Case 17CW3214 Lininger Lake. HASP was substituted in this case as the Applicant. David Shohet said they are waiting for the statements of opposition to come in and they will begin working on responses.

Case 17CW3201 City of Aurora. This case is before the Referee. HASP is the Opposer. HASP provided commits to Aurora and a response is expected by October 12th.

Indian Mountain. There are 57 new wells bringing the number up to 411 once this second application is approved. The notice of inclusion of these lots will be out to Opposers this Fall and it is anticipated they will be added late 2018 or early 2019.

Cline. ERO has completed their review of the Cline Ranch and has been working with the US Army Corp of Engineers on obtaining a nationwide permit for this project.

Chatfield. Dan Drucker and David Shohet attended the first operational meeting for Chatfield Reservoir. The meeting provided background on the need for an operational committee and focused on some of the preliminary matters in organizing the operational committee. David Shohet will continue to attend these meetings.

ADJOURN TO EXECUTIVE SESSION

None

PATRONS COMMENTS

Gary Minke discussed the ongoing “badgering” from Bar Star. He is questioning Bar Star’s comment that HASP has no legal standing. David Shohet said when Indian Mountain joined HASP they had to re-permit their wells. The Division Engineer said they were being allowed to re-permit the wells. David said he is uncertain where things stand at this time and he is hesitant to provide legal advice without researching the issue.

Gary said he was concerned about paying bills to Bar Star. Can Bar Star continue to bill the patrons? David said there is not a mechanism in place to allow them to bill the individual land owners. HASP can’t control what Bar Star does. David suggests talking to the Indian Mountain Metropolitan District. David said we’re not the best equipped to make that determination.

DIRECTOR’S ISSUES

Chris Fuller said the local scuttlebutt about Wild Horse Reservoir is that Aurora has made a bunch of offers for more land.

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