

Center of Colorado Water Conservancy District
Meeting of the Board of Directors
July 10, 2019

The monthly meeting of the Center of Colorado Water Conservancy District was held on Wednesday, July 10, 2019 at the water district offices located at 548 Front Street in Fairplay. Board President Briggs Cunningham called the meeting to order at 3:07 PM.

Members present in the office were Chris Fuller and Briggs Cunningham. Members of the Board who were present by telephone conference were Lisa McVicker and Craig Steinmetz. Dan Drucker and Nola Knudsen were present in the office; legal counsel David Shohet was also present by telephone conference.

APPROVAL OF THE AGENDA AND MINUTES

Chris Fuller moved to approve the agenda as amended. The motion was seconded by Lisa McVicker and the motion carried unanimously. Lisa McVicker made a motion to approve the June minutes as amended. Chris Fuller seconded and the motion carried unanimously.

ADMINISTRATIVE MATTERS

1. Administrator's report on accounts: Nola Knudsen reviewed the monthly warrants with the Board. Invoices for July totaled \$40,865.46. This is comprised of \$ 10,635.94 of monthly warrants and a \$30,22.52 payment to CRMC.
2. Treasurer's Review: None
3. Approval of Invoices and Warrants: Chris Fuller moved to approve the invoices and warrants as presented. Lisa McVicker seconded and the motion carried unanimously.

OPERATIONS MANAGER'S REPORT

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

In the Operations Manager's report, Briggs Cunningham asked about who LRA was. Dan Drucker clarified it is the change of name from TZA to LRA.

Briggs asked if the gate was unfrozen at the Lininger Lake. It is unknown at this time.

OLD BUSINESS

4.1 Update on Deer Creek flow meter design and installation: David Shohet said that reports have gone out to all parties, and all have commented. He is currently waiting on CPW for comments on design. David said they are going forward with design and continuing to work with other Deer Creek users to determine costs.

4.2 Update on IMMD pipeline: David said there will be a HASP meeting on Friday to discuss this project and see how they want to move forward. There may be a change to the IGA as to who pays what. There needs to be a consideration about the size of the pipeline. We only have to release 5-6 GPM right now, but there may be some standing water at that low level. There may need to be a higher flow pump that might only have to be run a few hours per day.

4.3 Update on JTR storage and releases for Park County's 5 acre feet of water: This will be discussed in executive session.

NEW BUSINESS

5.1 Discussion of a Director's Survey: Dan Drucker asked for permission to get a survey from board members and staff as to their future work/participation plans. The general consensus was to move ahead.

UPDATE ON LEGAL ISSUES

David Shohet provided a written update on his legal issues report.

David said there are currently four Court applications to review in which HASP represents as an opposer in three and as an applicant in one. Legal counsel is providing comments and receiving proposed revised comments back.

Case No. 16CW3184 – Bureau of Land Management. The BLM case is the only one set for trial in October 2020. No progress is being made. HASP's initial disclosures are due at the end of July. David Shohet's office will prepare and file the disclosures at the end of the month. The BLM is switching attorneys.

Case No. 17CW3214 - Lininger Lake. David Shohet said that Park County has stipulated out and the opposers are getting narrowed down.

Case No. 17CW3205 - City of Aurora and Case No. 18CW3100 Retreat Lane. In both cases, David said they are making progress. He has filed opposition to ensure our rights. David is mostly monitoring these cases.

Bar Star Application – HASP entered into a letter agreement with Bar Star. David Shohet said he is monitoring and making sure language we agreed to remains there.

Water Operations – The South Platte has been under free water most of June and all of July. Given the free water conditions, HASP will need to make little to no replacement of depletions for the last thirty days.

HASP – HASP closed on the commercial application for Retreat Land. They received \$17,000 as part of the closing. This lease will generate over \$4,000 per year for HASP.

ADJOURN TO EXECUTIVE SESSION

Chris Fuller moved to enter executive session pursuant to Section 24-6-402(4)(b) C.R.S. for the purposes of receiving legal advice on a water use agreement with Park County. Lisa McVicker seconded and the regular session moved to executive session at 3:44 pm. The Board returned to regular session at 3:58 pm. No decisions were made in executive session.

PATRONS COMMENTS

None

DIRECTOR'S ISSUES

None

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 4:01 PM.

Nola Knudsen, District Administrator

Center of Colorado Water Conservancy District

Executive Session of the Board of Directors

July 10, 2019

Members present in the office were Chris Fuller and Briggs Cunningham. Members of the Board who were present by telephone conference were Lisa McVicker and Craig Steinmetz. Dan Drucker and Nola Knudsen were present in the office; legal counsel David Shohet was also present by telephone conference. The board entered into executive session at 3:44 PM.

David Shohet said the Center has been going back and forth with Park County regarding the storage of their 5 acre feet of water in the JTR. David Shohet proposed if we had space available we would lease water storage to the County at \$50 per acre foot and \$50 at each release. The County felt this was unreasonable. They want a firm commitment of 7 ½ acre feet every year in the JTR. David doesn't feel we have that ability. We only have about 30 acre feet remaining in the JTR. We probably don't have the ability to give that firm commitment. If we have operational space available, we could lease up to 7 ½ feet to make up that amount. Chris asked what their needs have been each year.

David explained that the County will mail Dan Drucker sporadically and ask for a release. Dan said they use up that 5 acre feet. The last 3-4 years, Swithin Dick has been storing the county's 5 acre feet and they have never exceeded that amount.

In a year like this year, the County will not take their full 5 acre feet of water and they want the ability to carry over the excess portion they don't use this year to the following year. This is how they desire to have 7 ½ acre feet of storage.

Lisa McVicker would like to know what could be a firm number they could count on every year. She believes we should let Park County know the cost, that we can't fulfill their request, but that we could offer "X" amount on a firm basis.

David Shohet said we are still "feeling our legs" in HASP. Briggs Cunningham asked for an analysis of how much we are allocating and can continue to do on a firm basis. David will talk to Matt Loose. For the 2020 water year, we could put together an agreement.

David will try to gather the numbers of what the County uses and discuss with Matt Loose.

Lisa McVicker moved to adjourn from the executive session. Chris Fuller seconded and the meeting adjourned at 3:58 PM.