

## **Center of Colorado Water Conservancy District**

### **Meeting of the Board of Directors**

**January 13, 2021**

The monthly meeting of the Center of Colorado Water Conservancy District was held on Wednesday, January 13, 2021 at the water district offices located at 548 Front Street in Fairplay. Board Vice-Chair Lisa McVicker called the meeting to order at 3:04 PM.

The member present in the office was Chris Fuller. Members of the Board who were present by telephone conference were Lynne Buchanan, Lisa McVicker and Craig Steinmetz. Dan Drucker and Nola Knudsen were present in the office. Legal counsel David Shohet was present by telephone conference.

#### **APPROVAL OF THE AGENDA**

Items 2.4 and 2.5 will be moved to the February agenda. The CUSP project will be added under Discussion of future CCW projects. Lynne Buchanan moved to approve the agenda as amended. Chris Fuller seconded and the motion carried unanimously. Chris Fuller made a motion to approve the December minutes as presented. Lynne Buchanan seconded and the motion carried unanimously.

#### **ADMINISTRATIVE MATTERS**

2.1 Administrator's report on accounts: Nola Knudsen reviewed the month's expenses with the Board. January's warrants and invoices totaled \$15,415.77. Total cash assets after payment of January invoices is \$1,435,207.88.

2.2 Treasurer's Review: The Treasurer has reviewed all warrants/invoices and cash assets.

2.3 Approval of Invoices and Warrants: Chris Fuller moved to approve the invoices and warrants with the addition of the invoice to Leesa Bush for web-site work. Craig Steinmetz seconded and the motion carried unanimously.

Nola Knudsen discussed whether or not we should add email addresses in the CCW web-site. David Shohet will handle establishing an email address that can be used for notifying property owners of the obligation to pay CCWCD.

Nola also suggested Board members consider projects that should be added to the web-site. Lisa McVicker asked Dan Drucker and David Shohet to get together and decide what projects should be added.

## **OPERATIONS MANAGER'S REPORT**

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

Update on Chatfield Reallocation Project: In the Operations Manager's report, Dan refers to the issue that Mortensen Construction is playing hard ball with providing the necessary work for CRMC's warranty work. There may be a need to sue the contractor. Lisa McVicker asked Dan's opinion whether there would be litigation. Dan said there are concrete blocks and 55 gallon drums that were not removed at the end of their work. Dan Drucker said that Mortenson, according to Denver County news, have been fined and will not be allowed to bid on any Denver projects for three years resulting from their participation in the Denver Conference Center.

Lisa McVicker asked if their work had to be finalized before we can start filling the reservoir. Dan said no, it is to prevent marina vessels, should the water drop, it is to prevent damage to the hulls. There is no reason to leave 55 gallon drums to rust in the bottom of the water.

David Shohet said the Division 2 Engineer and staff have provided some comments in regard to the Guffey area plan, Current Creek 2. LRA is working on getting construction drawings developed based on those comments and will submit to the Division 2 Engineer with a revised cost estimate to us. This should come out this month or next month.

David Shohet said he met with the Silver Tip Lodge representative 6 weeks ago and walked the property. They have a series of ponds in succession and want to get the commercial development going again but they are a little short on money. Conceptually, what we're trying to work with HASP is that we give them water to augment ponds, because there are going to be periods when their ponds are out of priority and they will need to have their evaporation covered. They're also going to need water for a restaurant, an event center, and hotel. David is trying to think about ways where they give us 10 acre feet of storage in one of their ponds and we give them 5 acre feet of water to use for their commercial development to cover their needs. We are in preliminary discussions right now. We will need a lot of due diligence, but this is the direction we're headed in.

## **OLD BUSINESS**

The discussion of scholarships will be placed on the agenda for March. David Shohet has no new updates.

## **NEW BUSINESS**

Discussion of Future CCWCD Projects: David Shohet said we always have our traditional projects such as buying a water right, changing it, getting storage. If we are going to focus in on something, Division 2 may be an appropriate next step. To make it work, the Dell Ditches makes a lot of sense for Center, HASP or USP to start exploring. One of David's other items include an Educational component. We added a scholarship but he doesn't know if we want to look at school projects, maybe hiring or consulting with an elementary educator and supplement with a 2- hour water learning project, or give a water law 101 course for the County. David continued, maybe we could have a publication possibility for Park County residents. Part of education could be conservation programs. Other things could be stream restoration or water quality projects. There are some other groups involved in this but perhaps we could partner with them. Certainly stream measurement is a possibility. Perhaps we could approach Tim and Garver and see what Center could do with stream administration overall. Then there are water user projects, people who have trouble with replacement of flumes, head gates or cost share with water users.

The last concept David had was in regard to partnerships such as with CPW, Park County, getting out into the community more and to make our presence known in the community.

Lisa McVicker asked about the Dell Ditches. David Shohet said they are right on Current Creek, high up on the basin. They are above the property we purchased several years ago and are owned by the Smiths. This is the only irrigating water right on Current Creek. It is the only water available. Current Creek goes dry for a stretch from below Guffey to the Fremont County line. For replacement purposes, it's the only water really available, for making something work with Division 2 and looking at some of the ponds that will have to be augmented.

Lisa McVicker thinks these are fabulous ideas. Regarding the educational component, Lisa has been approached to present to Girl Scouts and others that she has enjoyed speaking to, but has also turned them over to CUSP. Maybe we could take both the children's and adult's program and teach teachers how to teach the basics. Lisa suggested David Shohet send out a memo for the Board to comment on and prioritize what we like. David said he would send out a brain storming outline for members to look at and could flesh out more in the next meeting. Lisa also said forging other groups we've had trouble with and could be proactive with is saying we want to collaborate and not fight.

Dan Drucker remembers when Teresa Springer was doing a lot of education with CUSP. He suggested we could possibly bring in some knowledge about the watershed. Dan thinks we should provide some compensation for those to help. Lisa mention this is the time when Interns are looking for things to do and may be a resource.

Chris Fuller spoke about The trails. She said she has several projects she isn't sure would fit with CCW's intended mission, but she wanted to make the Board aware of them. The first is the North Fork sediment assessment from last year. The South Park River Social Trail work that she sent out information on, has some prioritized places that will need work. Aurora has already committed to funding some of these improvements. Mostly they are access to the river or improving trails. She stated the handout is not a proposal at this time; it is just informative. If any of these improve any of our holdings, she will pursue a more formal proposal with budgeting and funding, matching etc. Lisa McVicker thinks this works with David's suggestions. Chris is working on the scope of work and budgets. Last year they did stairs at Deckers and they are anxious to see how it is doing in the spring.

Another possibility is for a neighborhood in the Weston burn scar area. They have put over \$20K into improvements to decrease erosion and unfortunately some of their roads had to be improved. The end result is some of the erosion ends up in the South Fork of the South Platte in Black Mountain Ranches off of CR 20. The Black Mountain Ranches Board reached out to Carol because part of the lands borders federal lands. The Board of the subdivision was hoping to find federal money, but Chris Fuller said that won't happen. It is a direct impact on the South Fork of the South Platte. Chris thought they could help them. They have done a scope of work and a budget; CUSP wants to help them seek funding to do the work. The forest service is hands off with this. There are some Park County roads affected and Chris can also pull that together. Lisa said this dovetails with David's list and we are in the position to fund projects that benefits our water supply. When you see the amount of sediment that is coming into the South Fork, Lisa said to think about Spinney and Eleven Mile all the way down to Chatfield that is being impacted.

Chris mentioned one more deal that is not totally funded. CUSP is going to help Eleven Mile with building some hiking trail boardwalks. They will be raised trails because right now, in one of their coves, the waves are washing these away. A wetland needs to be protected where hikers are going off trail. Denver water owns this particular trail.

Lisa suggested that David should think about an application process for grants from CCW for different projects for needs like these that would mirror something similar to a water application would be smart to have consistent loan application project that we could jump into what we did with scholarships. David will think about how to identify those projects that would come to CCW. Chris Fuller said we would need a consistent baseline that is always the same formatting wise. If there is money available under another project, CCW might just supplement that project rather than do an engineering review etc.

Chris said some of the CUSP staff see projects that others are doing in the water shed that are water related; she will keep an eye out for those two.

Dan Drucker said they could go back to the strategic plan and review how they can implement that. Lynne Buchanan agrees that any projects should tie to that plan. David, may need to have separate work session to discuss one or two items i.e., future projects.

Early March will be a target for adding time to make time for project discussion.

#### **UPDATE ON LEGAL ISSUES:**

David Shohet review legal issues with the Board.

**Case 16CW3184 Bureau of Land Management:** David Shohet said we are very close to getting a stipulation in that case. We should have the stipulation in the next 7-14 days.

**Case 19CW3154 Opposer Mountain Mutual:** In this case, Mountain Mutual will provide new engineering. We are presently providing comments back and forth.

**Case 19CW3257 Opposer Centennial Water and Sanitation District:** An application filed by Centennial only involved Chatfield, Randall and Session water rights. We have been providing comments to Centennial, and we will be receiving a revised proposed ruling in January.

#### **Other Legal Matters**

**Item B** – HASP received the application for water to cover augmentation of their ponds from Magness Land and Cattle. They have 18 ponds on Elk Creek. John Matteson’s initial determination is this will add over \$600,000 water into HASP account.

**Deer Creek Measurement Device:** The agreement made its way through CPW and the Controller’s office with all approvals including the Governor himself. Now we have to establish a committee for management and operations.

**Bar Star** – HASP has been talking about purchasing the augmentation plan from them. There were discussions with IMMD. We are having trouble figuring out how to buy this and make it work.

**Elk Horn** – We are in discussions with them trying to set up meeting.

**Item F Purchase of Water Stored in Spinney Mountain:** David Shohet said he has a client with water for sale. The HASP Board has decided to go forward with a contract to purchase that water. As David represents the seller, any further information can be received by talking with Madoline Wallace-Gross.

#### **DIRECTORS ISSUES**

None

David Shohet informed the Board he is having back surgery on 1-25-21.

Chris Fuller made a motion to adjourn the CCWCD Board of Director's meeting. The motion was seconded by Lynne Buchanan and the meeting adjourned at 4:00 pm.