

Center of Colorado Water Conservancy District
Meeting of the Board of Directors
July 14, 2021

The monthly meeting of the Center of Colorado Water Conservancy District was held on Wednesday July 14, 2021 at the water district offices located at 548 Front Street in Fairplay. Chairman of the Board Briggs Cunningham called the meeting to order at 1:07 PM.

The members present in the office were Chris Fuller, Lynne Buchanan, Lisa McVicker and Briggs Cunningham. Present by teleconference was Craig Steinmetz. Also present by teleconference was legal counsel David Shohet. Dan Drucker, Operations Manager and District Administrator Nola Knudsen were present in the office.

APPROVAL OF THE AGENDA AND MINUTES

Lynne Buchanan moved to approve the agenda as presented. The motion was seconded by Lisa McVicker and carried unanimously. Chris moved to approve the June minutes as amended and added Dan Drucker as a participant of the June meeting. 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. July's warrants and invoices totaled \$15,085.91. Remaining cash assets after payment of July's bill is \$1,789,113.09.

2.2 Treasurer's report: Lynne Buchanan reviewed the cash deposits to CCWCD and interest earnings for last month.

2.3 Approval of Invoices and Warrants: Lisa McVicker made a motion to approve both the Administrator's report and the Treasurer's report. Chris Fuller seconded and the motion carried unanimously.

David Shohet requested getting a affidavit of publication of the advertisement for Director's for the file and the court records.

OPERATIONS MANAGER'S REPORT

Dan Drucker said he will be talking about Current Creek at the joint HASP meeting on Aug 11th. Yesterday, Dan was in Lakewood and stopped by Dynotek where he saw Troy Russell and his boss. They provided him with a new data manager in case the two he already has malfunctions. If he can't get it going he suggests going to a different firm.

Dan is concerned about the O&M costs on the JTR. This is regarding making releases for the five acre feet that Park County has as well as the cost of storage in the JTR. Dan suggests we break out the cost of O&M for making releases in the name of Park County and submit to Park County. David Shohet was asked what Matt Loose charges us to make the releases. David said Matt just tracks it. Swithin won't take an email from the County, the only contact is the Center. The County emails David and tells him what they want released, then David emails Swithin. Swithin emails David and emails Jarod. David said we are not taking any releases out of the JTR. The only issue that has arisen is when we make a Randall credit, we have to store a certain amount of the diversion in the JTR for our winter return flow obligation. What happened is Swithin shut down diversions at the Sessions head gate; we weren't making any diversions and the County wanted to get a half an acre of water. We physically cannot divert that amount of

water down the Sessions and wet the ditch and get it into the JTR as it is too small of a flow. Swithin took a little bit of water out of Center's Historical Consumptive Use (HCU) water and put it into the return flow component and gave the County half an acre foot of water. That was the first time this happened. David said he doesn't know if we can charge the County for O&M. David reviewed why it wasn't worth billing the County such a small amount. Lisa McVicker appreciates the principle but feels it would cost more to collect the fees with the expense of attorney fees than to pursue this. Lisa said at the 2021 audit time, we could visit the O&M costs and track the releases.

David asked if he should write a letter to the County saying we haven't charged you to date but reserve the right to claim some O&M in the future. The Board members were in agreement.

OLD BUSINESS

4.1 Update on possible projects: Chris Fuller said there are a couple of things we could do outside of grants. One is within Education. Chris said CUSP has a signage project going on with one possible project that is located above Deckers and below Trimble. They will do the planning and design this year and next year she will ask for review and some funds. For the Center participation, is there interest in a couple of boot brush stations? They cost \$750 to \$1200 each; these are at the reservoirs. Chris will figure out what was already funded for weeds and if she is short more than a couple hundred dollars, she will approach the board to see if they can help.

4.2 Discussion of the Scholarship Plan

Lisa McVicker asked if we received more qualified applicants than the three, could we take more? Lynne Buchanan thinks we should stick with the three and that we want them to remain competitive. Three have applied so far. Next year we will start the scholarship process a month earlier so they do not conflict with a joint meeting

4.3 Matching funds application

Chris Fuller asked board members to email her comments regarding the matching funds documents. She will incorporate the comments and bring a possible final draft to the August meeting to vote upon. Briggs Cunningham said he does not agree in this program. He believes he voted to keep Park County water in Park County and he thinks if we are going to perform "enhancements" it should be a ballot measure. Lisa McVicker said the purpose of CCWCD is not to keep Park County water in Park County, it is to protect Park County water. Briggs said it is to procure it for our use. Lisa said not only procurement and that is where the conversation came in to a previous meeting. If you read the Colorado Revised Statutes that allows us to operate, it is very broad in nature. It clearly says it is our charge to protect the water because if there is a

great deal of mud in the water, it is unavailable to Park County constituents. Briggs doesn't agree with the statute. Within the statute it uses the word interpret and although legally we may make the case that we can do it, the question is should we do it. It is not our money; it is the tax payer's money. Lisa does not agree with the word enhancements. Lynne Buchanan said as a Board we have a broad remit to protect park county money.

NEW BUSINESS

None

UPDATE ON LEGAL ISSUES

Water Court Applications:

David Shohet said there are three pending water court applications. One is with Mountain Mutual and we have stipulated out of this case. The second one is with Centennial who is trying

to exchange their Randall and Sessions water rights credits into Chatfield Reservoir after they run it through their waste water sewer plant to the South Platte River below Chatfield. We have been close to stipulation in that case. The third case is 21CW3032 where we are the applicant and we are filing for diligence and to make some of our exchanges absolute in the original 02 blanket plan. The city of Aurora did file a statement of opposition to this application. He is not sure what their opposition is and Madoline Wallace-Gross is the lead attorney in this case. David said there will be a new application filed this month for diligence on the exchange as part of the second link to the augmentation plan 12CW50 case.

Other legal matters:

HASP received two new applications in the last thirty days for domestic water supplies. HASP is still processing the Magness Land Holdings and Dunwoody applications, both of which are replacing pond evaporation.

HASP has an account, #72 Cranford, that owes \$1900 to HASP. After attempting unsuccessfully to work with the owner, it was shut down and a lien filed against this customer's property. A new party is purchasing the property and they will have to join themselves.

HASP entered into several spot leases for two different construction projects and to refill several ponds drained last year to complete am and outlet repairs.

Deer Creek Measurement Device: John Matteson has formed the required maintenance committee that will meet in August. This committee will determine future funding and payment associated with ongoing O&M for the gauge.

Elk Horn HOA: HASP representatives met in June to continue their conversations regarding a potential partnership between Elkhorn and HASP. There will be another telephone conference in August. There may be further information at the joint meeting

Spinney Reservoir: HASP terminated the deal to purchase 10 annual acre feet of water stored in Spinney after conversations with Aurora were not productive.

Water operations are getting more complex as we're running water all over this county, making releases all over. We asked Matt Loose to prepare a monthly report for the HASP board David attached that memo to the legal report.

Briggs said CCWCD, HASP, and USPWCD owns about 251 acre feet of storage. David said there is 131 in Chatfield, 25 in the SPR, our JTR storage is skewed because we actually have about 200 af of storage in the JTR but a portion of that has to be used for return flow component of our Randall credits. Technically we only have 30 acre feet of firm dedicated space in the JTR. The rest of it fluctuates based on how much Randall credits we take because we have to store water in there for the winter return flows. We also have Lininger. David estimates 210 acre feet and USP has 30 in Spinney Reservoir. The Sessions and Randall have 195 acre feet but we don't need it all so we lease that out to Centennial.

Briggs Cunningham said now that we have this much storage, how much should we have?

David Shohet said our plans limit us. Matt Loose and Wheeler has done a lot of work to determine what is our firm yield to sustain a three-year drought and that number is 131 acre feet. As an organization our water supplies are meant to sustain it for three years. Briggs asked if we are in a drought. David said the south Platte is not in as bad a condition as some of the other river drainages. David is unsure if we in a true drought right now. He believes we are slightly below average on the South Platte.

Dan Drucker said you don't protect Park County water by making large purchases of water for evaporative purposes. Lisa McVicker said if an ideal storage opportunity came up at the right place, we will look at it. Lisa said we are doing our fiduciary duty for our constituents.

Lisa McVicker asked David Shohet about the call on the South Platte. David said the call is an 1876 affecting district 23. He doesn't know if there are any local calls on district 23. Current Creek is District 12 and there is not a call on Current Creek. The David ditch is diverting on an 1876 call. The Arkansas is an 1887 toward the state line.

Directors issues: None

Lisa McVicker made a motion to adjourn. Chris Fuller seconded and the meeting was adjourned at 2:20 PM.