

**Center of Colorado Water Conservancy District**  
**Meeting of the Board of Directors**  
**March 13, 2024**

The monthly meeting of the Center of Colorado Water Conservancy District was held on Wednesday, March 13, 2024 at the main meeting room of the district offices located at 548 Front Street in Fairplay. Lisa McVicker, Board Chairman, called the meeting to order at 1:03 AM.

The member present in the office was Chris Fuller. Lisa McVicker, Craig Steinmetz, and Lynne Buchanan were present via teleconference; Dan Drucker participated by telephone. Nola Knudsen, Administrator, was present in the office as was Lisa Barden Brown, Operations Manager. David Shohet, legal counsel, was present via teleconference.

**APPROVAL OF THE AGENDA**

Chris Fuller moved to approve the agenda as presented. The motion was seconded by Lynne Buchanan and carried unanimously.

**APPROVAL OF THE MINUTES**

Lynne Buchanan moved to approve the minutes as presented. Chris Fuller seconded and the motion carried unanimously.

**ADMINISTRATIVE MATTERS**

2.1 Administrator's Report on Accounts: Nola Knudsen reviewed the monthly invoices with the Board. Invoices and checks for the month of March totaled \$39,985.84. Cash assets after payment of the invoices totaled \$2,077,627.57.

2.2 Treasurer's Review: Lynne Buchanan presented the month's income. At the High Country Bank, the District received rental income and payment for utilities from Summit County Community Care Dental Clinic and Knudsen Counseling. The total deposited was \$6,491.46. Interest in the amount of \$7,989.68 was received from Colotruster. The property taxes received were \$255,135.19.

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

## **OPERATIONS MANAGER'S REPORT**

### **Snowpack Update:**

- On March 12, the Upper South Platte Basin was at 104%, with 44 days until median peak snow water equivalent. The South Platte Basin was at 96% overall. Local SNOTELs: Hoosier Pass 111%, Buckskin Joe: 101%, Rough & Tumble: 88%, Michigan Creek: 115%. Snow courses: Mosquito Creek: 105%, Horseshoe: 113%, Como: 120%

### **Smelter Pipeline Reservoir (SPR):**

- On Feb. 1st, the staff gage reading was 9.20' for 24.15 AF in storage. I made a mid-month visit on Feb 12 to check on it and to transport stored cardboard to recycling. I visited the SPR on Feb. 29 and obtained the monthly staff gage reading. The gage read 9.23' for 24.25 AF in storage.
- The access road needed to be plowed 3 times during February.
- Matt Loose is about to start working on updating our accounting sheet, and thought it would be fairly straightforward once he gets started on it.

### **Chatfield Reallocation Project (CRP):**

- Accounting through January 31 was received and has been updated to the DWR system. On Jan. 31, we were full at 141 AF in storage. Free River conditions continued until last Thursday, and our storage was completely full at that time. As of January 31, we had 51.40 AF stored under our junior 13CW3148 right, the rest is under the Randall and the Parmalee Ditch rights.
- I attended the CRMC board meeting on Feb. 28. The main topics discussed are as follows:
  - o The annual audit results were presented and there was a clean audit.
  - o Monitoring and vegetation updates were provided for the Sandstone Ranch and Schmidt properties, which are off-site mitigation areas owned by Douglas County

Open Space. This will be the last year of required monitoring in these areas, and two contracts for monitoring and mitigation were approved. After this year, Douglas County will take over monitoring these areas, but CRMC will remain in contact with them on this.

- o ERO gave a presentation on Mitigation Monitoring Achievements at year 5. Positive notes are that mitigation monitoring objectives are being met. Of the 19 identified, five were cleared last year, and they are requesting that six more get cleared this year. One aspect that had not been contemplated is a full pool lasting for close to a year now, and what effect that will have on the trees in the Fluctuation Zone (FZ). The Adaptive Tree Management Plan shows that it would be beneficial to lower the reservoir elevation to 5440', versus the full pool at 5444'. Unfortunately, trees will be lost in the FZ, and varying scenarios and potential outcomes were presented, ranging from the current approach under the ATMP, to an aggressive approach to tree management, to a worst-case scenario at varying reservoir levels. It is assumed that tree decline has been expedited with the long lasting full pool. There is a possibility that increased mitigation efforts will be needed, which may result in increased member assessments or a special assessment. A special meeting has been added for March 21st to discuss this topic further, which I plan on attending. Members are encouraged to look for opportunities to move water into other storage if possible, but with free river persisting, most entities are pretty full elsewhere.

- Matt Loose participated in the OAC meeting on February 28, and provided a few updates.

- o DWR will be reaching out to each entity to verify stored amounts of carried over water under each water right on April 1 (the start of Chatfield's water year).

- o Katie Seefus at the USACE provided an outlook for spring runoff and flood conditions. At this time, the USACE does not anticipate that the reallocation pool will need to be evacuated for flood control purposes during 2024.

- o In the unlikely event of a release for flood control, DWR would deduct stored

water from each participant based on the pro-rata amount stored in the reallocation pool. (We are 0.68% of the total 20,600 AF in the reallocation pool.)

o OAC is moving back to meeting monthly for the upcoming season and will meet again on March 27th.

### **James Tingle Reservoir (JTR)**

- Accounting for February was received, and CCWCD had 89.55 AF in storage on Feb.29, after releasing 0.93 AF of stored Randall Ditch credits.
- 4.81 AF of stored Randall Ditch credits will be released in March.
- I reviewed the annual billing from Centennial, that was received the day before last month's meeting. The amount due is \$15,077.56, and this was accurate according to calculations derived from the 2008 Operating Agreement. David Shohet consulted on this and agreed that the invoice should be authorized for payment.
- David Shohet and I had a phone conference with Matt Loose last week to discuss the recommended amounts of Randall and Sessions Ditch credits to be retained by CCWCD this year. I am sending a memorandum prepared by Wheeler with this report. To summarize, the minimum amount recommended to be retained by CCWCD is 41.6 AF, and the maximum recommended to be retained is 82.8 AF of consumptive credits. The minimum amount assumes being able to fill storage capacity in JTR and SPR through exchanges out of Chatfield. However, such exchanges would require there to be favorable conditions for those exchanges. The maximum retained amount includes credits to fill both JTR and SPR, with a higher level of certainty to fill both. We can discuss this further during New Business.

### **South Platte Enhancement Board (SPEB):**

- I participated in the SPEB meeting on Feb. 21. The next meeting will be Mar. 20.
- The main topic of discussion is still working on the 20-year report. A rough draft of the report was presented, with editing comments requested by Mar. 1. The report should be released by the end of June.

**Excluded Lands Research:**

- I have compiled information on the excluded properties and have sent my preliminary findings to David Shohet for him to review.

**Scholarship Announcement:**

- I have received one scholarship application so far.
- A scholarship announcement will run in the Flume.

Michigan Creek Restoration Plan (MCR): No changes since last report.

Bar Star Corporation (BSC): No changes since last report.

Indian Mountain Plan (IMP): No changes since last report.

Guffey-area Augmentation Plan (GAP): No changes since last report.

Division Two Delivery (DTD): No changes since last report.

Currant Creek Two (CCT): No changes since last report.

Kenosha Trout Club (KTC): No changes since last report.

**CCWCD Website Issues:**

- The website has been operating smoothly. Daisy just received a renewal notice from Host Papa for our domain. She thought it would renew automatically, but apparently action is required, and she is taking care of it.

**Lost Park Water Rights:**

- As the Board suggested last month, I reached out to a member of the Lost Park Ranches Owner's Association to let them know that CCWCD would welcome the opportunity to talk with them. I consulted with Lisa McVicker and David Shohet on the content of my email before sending it. I did get a reply from Mr. Sypher, Vice-President of the LPROA, and he said that due to the ongoing litigation with the developers, the HOA does not want to engage in discussions at this time. He did express interest in our Grant Opportunity. I thanked him for his reply, and informed him that this year's grant window had been moved up and encouraged him to look at the application guidelines. I have yet to hear back from him.

## **OLD BUSINESS**

4.1 Revisit J. Legg grant: Chris Fuller and Lisa Brown have an agreement and progress final report template and scope of work to send to Mr. Legg. He has received his first billing for a deposit for the work start. We need to make sure there were no other comments on the grant agreement. Lisa noted the Board wanted to have specific language for the philanthropy requirement written in. Mr. Legg has a BBQ and fishing day planned with the Sheriff's Department for August 2024. Lisa and Chris added into the agreement that funds cannot be used for any outside organization. Lisa Brown said she will send the document to Mr. Legg to sign and once agreed to, a check will be disbursed.

4.2 548 Front St. Building Updates: HVAC design progress, progress of new railings: Unfortunately, BSW Iron Works has not worked out. When Lisa Brown first received the quote from BSW, the contractor said he would be able to give us a W-9 and insurance certificate. He was unable to provide this once the check had been prepared. His insurance had lapsed and he was in the process of trying to obtain new insurance. It has been more than a week since she has heard from him. Cesare did get back with a higher quote of \$2,850.00. Chris Fuller moved to authorize Lisa Brown to contract with Cesare, aka Lozano to complete the railing along the side of the building per the requirements of the town in an amount not to exceed \$3,000. The motion was seconded by Craig Steinmetz and carried unanimously.

Craig Steinmetz said on March 10<sup>th</sup>, he had a meeting at the 548 Front Street office. The meeting was with an electrical engineer, Walter Rabinovich, Roger Blank the mechanical engineer on the phone and Jim Pasterkamp, the owner of Pasterkamp Heating and Air Conditioning Lisa Brown and Craig Steinmetz. It will take 70 amps to drive any HVAC system in its entirety. We have to add one more electrical panel to accommodate the HVAC. The latest drawings are out. The mechanical engineer will make a few corrections and Craig will then send them to the Board members. We don't have a price yet. We would have to submit the plans to Fairplay and possibly the County. We had to add cassettes to the USP room. Craig explained where they were on the plans. He said it will be more effective. We have about 300cf of air in the room for CWCD and 150cf of exchange air for the Upper South Platte. Lisa Brown asked what the capacity was for the CCWCD room. Craig said 52 people.

## **NEW BUSINESS**

Lisa Brown said Matt Loose determined the minimum and maximum amount of water to be retained. The minimum retained assumes that we will be able to make exchanges out of Chatfield Reservoir in order to fill the James Tingle and the Smelter Pipeline Reservoir. The maximum level retained provides a higher level of certainty that our capacity in the James Tingle and Smelter will fill this year. The minimum was 41.6 AF and the maximum was 82.8 AF.

David Shohet said Matt Loose provided both numbers, with one of the numbers, we retain less Randall water and lease to Centennial, thereby making more money. The only risk with that, is under that concept we are banking on trying to exchange water out of Chatfield for a variety of reasons. One is all we have done is store water and it would be nice to operate some exchanges and see how they work operationally. Number two is, as Lisa Brown said in her report, that it appears Chatfield is wanting entities to get some of the water out of the reservoir for management purposes of mitigation. Apparently, the high-water line is going into some of the trees they planted and they want to get water out. The risk is if we don't time it right, and we don't have exchange capabilities to fill the SPR or Lininger, we may not have those reservoirs topped off. There isn't a huge risk to this because our reservoirs are full and we don't run a risk of our plans failing but there could be a risk we don't top off our reservoirs this Spring. Again, the first choice is we retain less and sell to Chatfield or we reserve less and exchange out of Chatfield or we retain more Randall water and be a little more conservative and leave a little water on the table to generate revenues or just don't use it.

David is okay with leasing Centennial more water. The cost will be around \$160 AF x about 40 AF. That is about \$7,000 more if leased to them. Lisa McVicker said Centennial could probably use the water. David Shohet or Lisa Brown can reach out to Swithin Dick. David said this is shaping up to be a weird water year. He said we can reach out to Centennial and tell them we will have the minimum amount but we may have an additional amount we can exchange out of Chatfield and see how they would respond to telling them this. Chris Fuller likes the idea of offering the regular lease amount and we will let them know if we have more. Lynne Buchanan agrees. Lynne Buchanan made a motion the Directors direct David Shohet and Lisa Brown to contact Centennial about leasing the excess Randall water based upon a possible minimum 112.2 AF and

maximum 153.4 AF amount. The motion was seconded by Chris Fuller and carried unanimously.

5.1 Discussion of 2024 water operations. This was covered by David Shohet and Lisa Brown in other areas.

5.2 Discuss proposed asphalt/concrete plant at Ellie Belle Mine: The group is in a wait and see mode. The application for that plant has been withdrawn.

## **UPDATE ON LEGAL ISSUES**

6.1 Adjourn to Executive Session – not required.

**Case 22CW3185 – Application of City of Aurora.** Aurora circulated a revised decree and engineering at the end of December. HASP is required to respond to those documents by April 19, 2024. This case is moving along well. The Johns Change case is also progressing along well.

**Case 22CW3200 – Application of HASP.** David Shohet said the Rosalie progressing well. Opposers are required to provide comments to HASP on the revised proposed ruling and engineering on April 12, 2024.

Alison has entered into a stipulation with Denver Water

**22CW3212 – Application of McGowan.** HASP and the applicant are close to reaching a stipulation in this case. This would be a cross stipulation as they are an opposer in the Rosalie. If they stipulate out, we could stipulate out of the McGowan case.

**23CW3092 – Chatfield Absolute Application.** The water referee entered a ruling of referee in this case on March 5<sup>th</sup>. The Water Judge should enter a final decree on or around March 28, 2024.

**Case 23CW3153 – Application of CCWCD & USPWCD.**

We have a diligence case that Center and the Upper South Platte filed jointly on exchanges for Deer Creek water rights. David wasn't sure what the status is but they are making some sort of argument that we need their permission to store in Spinney Reservoir. The Colorado State Board of Land Commissioners filed a Statement of Opposition to this case. A status conference to establish a case management plan is scheduled for March 19<sup>th</sup>.

**Case 23CW3166 – Application of CPW.** Center filed a statement of Opposition in this case. They are claiming an absolute, 3cfs direct flow water right that will be diverted into a ditch located within the Teter-Michigan Creek State Wildlife area for the irrigation of 525 acres.

**Case 23CW3170 – Application of the Girl Scouts of Colorado.** They have an augmentation plan for some wells and ponds for a camp.

**Case 23CW3180 – Central Colorado Water Conservancy District.** Central Colorado is trying to change a fairly large portion of their Chatfield water rights for storage in other locations.

**Case 23CW3054 – Application of Dennis and Judy Britten.** There is an exchange case in Division 2 on Tallahassee Creek which goes up Current Creek. None of the last four cases have much going on. All the cases will be set for case management plans and will start the process of trying to negotiate some of them.

### **Other Legal Matters**

HASP received one new application for an additional household use only in Indian Mountain and another for a new ADU near Alma.

David said he and Lisa Brown spent some time looking at a Storm Water Permit that was pulled for the SPR construction period. We have been trying to close out that permit.

### **PATRON'S COMMENTS**

None



## **DIRECTOR'S ISSUES**

The Board discussed issues with the sound in the conference room. Lisa Brown and Nola Knudsen will trouble shoot the sound system.

Lisa McVicker discussed the effort put into the After the Flames conference and workshops. She will send information to the Board for those that may be interested in attending.

Lynne Buchanan sent out a memo regarding the CUSP report on the structure at Elevenmile Canyon River Restoration Project. Lynne asked if the Board was interested in another open house during Burro Days in July 2024. The Board was in favor.

Dan Drucker received a request for some information on Tipton Cook who may be involved in some environmental issues.

Lynne Buchanan moved to adjourn the meeting. Chris Fuller seconded and the meeting was adjourned at 2:11 PM.