

**Center of Colorado Water Conservancy District
Meeting of the Board of Directors
December 12, 2023**

The monthly meeting of the Center of Colorado Water Conservancy District was held on Wednesday, December 12, 2023 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 PM.

The members present in the office were Lisa McVicker and Craig Steinmetz. Lynne Buchanan and Chris Fuller were present via teleconference. 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 amend the agenda to allow a presentation of a bid for striping the parking area of the building. Craig Steinmetz seconded and the motion carried unanimously.

APPROVAL OF THE MINUTES

Lynne Buchanan moved to approve the November minutes as presented. Craig Steinmetz seconded and the motion carried unanimously.

ADMINISTRATIVE MATTERS

2.1 Administrative Report: Nola Knudsen reviewed the December invoices and warrants that totaled \$13,489.70. The check register for December Cash assets after payment of the December invoices is \$1,835,126.47. Nola stated the property tax funds for November were just received and are not included in the deposits as yet. Lisa McVicker asked about payment to the Painter and for the railing installation next week. The roofing contractor will likely provide an invoice before next meeting. These payments have been approved. Nola will prepare checks for invoices from these sub-contractors and Lisa McVicker and Craig Steinmetz will be in Fairplay to sign them and mail prior to the sub-contractors prior to the January meeting. The painting was approved in a prior meeting; there will be some extra for additional services requested. Lozano was also approved. The railing was approved through an email. But the project was approved by the Board for \$5500. Craig will discuss the roofer later.

Dan Drucker joined the meeting at 1:10 pm.

Nola advised the Board that the IRS has changed their system for sending out 1099's and Craig Ericson will still complete CCWCD's as he is set up for electronic filing.

Craig has continued working with the HVAC engineer however, the suggestions are not completed yet.

2.2 Treasurer's Review: Lynne Buchanan said there are no additional property taxes for this month. Income includes rent and utilities from Knudsen Counseling and Summit Community Care Clinic. We did get a rebate from Xcel Energy in the amount of \$718.75. The total amount deposited is \$3,441.98.

2.2.1 Discussion and approval of 2024 budget: The packet includes the budget plan, the Resolutions and transmittal. Chris Fuller made a motion to approve the budget as presented. The motion was seconded by Lynne Buchanan and carried unanimously. Lynne said we will need signatures from Lisa McVicker, Chris Fuller and herself to complete those documents.

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

2.4 South Park Striping: Tobi presented a bid for the striping of the parking area under the. They will try to complete the striping this weekend dependent upon the weather. Generally, they need 40 degrees or higher. The color was not clearly stated but Tobi suggests yellow. The Board would like to have three parking areas plus an area for handicapped parking. Lisa McVicker said they would like to have the 4' ADA parking. Tobi said her proposal was for three parking spaces and if a fourth is added it will increase by \$18.00. Chris Fuller made a motion to approve up to \$350.00 for the striping. The motion was seconded and carried unanimously.

Nola requested that bills for each month's payment be sent to her by the end of the week prior to the Board meeting. The Board was in agreement.

3. OPERATIONS MANAGER'S REPORT

Smelter Pipeline Reservoir (SPR)

- On Oct. 31, I obtained a gage height reading of 9.36' for 24.65 AF in storage as the last reading for the water year. Ice was just starting to form on the reservoir at that time. I visited again on November 8th and the reservoir was iced over at that point.
- The former problem beaver dam had not been rebuilt as of my visit on December 1, and the water level of the creek is not endangering the driveway. The creek is mostly iced over with water flowing freely through the choke point below the ice.
- I obtained a gage height reading on December 1, which was 9.25' for 24.31 AF in storage.
- I worked with David Shohet to complete the accounting, and that as well as the annual report for Adventure Placer 2 has been submitted to the state's Division 1 Accounting and to the District 23 Water Commissioner.

Lisa Brown spoke with Tim Ziegler to handles the plowing at the SPR. She spoke to him about plowing at the 548 Front Street office building on an as needed basis. He estimated \$50 a push including hand shoveling work. Julian Dankis, the sub-contractor we used for painting, also plows. Between the two individuals, we will have snow removal covered.

Chatfield Reallocation Project (CRP)

- Accounting through November was received and there was 133.29 AF in storage as of Nov. 28.
- I will be virtually attending the CRMC regular bi-monthly meeting on Dec. 13.

Addendum to written report: Lisa Brown said the Chatfield meeting was held this morning and ran until approximately 12:20 pm. The biggest thing that has come up is Plum Creek gage. DWR would like to rework the gage. DWR did a presentation on the problems with the gage. The convex shape of the control is a stream that causes the water to be spread too far to the outer edges. When there are really low flows, the gage is inaccurate. They are looking for groups willing to partner with DWR for the cost of rebuilding the gage. They brought this in front of

Chatfield Reservoir Mitigation Company because so many of that group are involved in Plum Creek and part of the water going into Chatfield comes from Plum Creek. Some on the board feel Plum Creek doesn't affect them as much and doesn't see it as a CRMC expenditure. DWR is looking for groups that would want to cooperate. Lisa Brown asked about CCW's interest in Plumb Creek gage? Does it affect CCW? David Shohet says yes. David Shohet said our appropriation for Chatfield names both the South Platte River and Plum Creek as the sources to fill Center's junior water right in Chatfield. It isn't a huge impact and he wouldn't suggest the District becoming the primary party for this, but he could see the District providing some money toward it. Lisa Brown continued with discussion from the meeting saying the idea was tossed around that if CRMC didn't assess its members the way they assess per share, but spread it out differently. Central is saying because they have such a large chunk we wouldn't want to bear the largest of the cost. Ongoing monitoring and mitigation work going well and according to the five-year plan. We will see how trees do after being inundated for so long. Charlie said we are at 26af below full pool.

James Tingle Reservoir (JTR)

- CCWCD had 98.84 AF in storage on October 31. Accounting for November has not yet been received.
- 0.94 AF of stored Randall Ditch credits will be released during December.
- A revised invoice has been sent to CWSD for their lease of reserved water. The amount of leased water was adjusted down slightly to 102.56 AF at a rate of \$155.70 per AF, for a total due of \$15,968.59. The reason for the adjustment is that there had been a revision to the original accounting for June and David Shohet had not been copied on the corrected accounting that was submitted.
- Repairs to the crack in the spillway sill wall have been made by a contractor for Schnabel Engineering. Polyurethane grout (chemical grout) was used to fill the crack and then cementitious grout was used on the outside of the chemical grout to protect it from the sun. Schnabel's contractor was supposed to be making another visit around the end of November to inspect the repair and make any additional repairs if needed. I am currently waiting for an update on his last visit.

South Platte Enhancement Board (SPEB)

- I virtually attended the monthly SPEB meeting on November 15th.
- The main focus of the meeting was discussing the upcoming end of the Moratorium, which will happen on June 21, 2024. Denver Water has been working to find another 64,000 AF of firm yield. They were hoping that the expansion of Gross Reservoir would provide some of that, but there is an ongoing lawsuit fighting the expansion, and a decision on that is not expected until September of 2024. They are conducting a study, known as the Integrated Resource Plan, to help identify how the additional water needs can be met. The IRP is expected to take 3-5 years to complete.
- In conjunction with the Moratorium, the implementation of the South Platte Protection Plan twenty years ago was discussed. Part of the SPPP was the formation of SPEB. SPEB will be composing a letter to the USFS Regional Forester in support of continuing the SPPP, as an alternative to the Wild & Scenic designation of those segments of the South Platte River. This year, in addition to an annual report, SPEB will be compiling a twenty-year report to highlight

the achievements of SPEB and the SPPP. The idea of having an event along the river to celebrate the twentieth anniversary of SPEB was also discussed.

- Work on the removal of the Lake George diversion dam was supposed to wrap up last week for the winter. The dam has been completely removed, the mass excavation is mostly done, and revegetation work is in progress. A new parking lot is being built, as well as an ADA bench overlooking the canyon.

South Platte Forum 2023

- The theme of this year's Forum was the 100-year anniversary of the South Platte Compact between Colorado and Nebraska. An interesting panel discussion talked about the history of the Compact and how they did studies that showed that the development of diversion ditches and reservoirs actually helped to sustain the river through return flows. Before development on the river, there would be a short, intense spring run-off and then the river would eventually run dry during the summer. The Compact states that from October 15- April 1, Colorado has full and uninterrupted use of the river, unless Nebraska builds the Perkins County Canal. If the canal is built, then 500 c.f.s. would be delivered to Nebraska after an aggregate of 35,000 AF is diverted by Colorado on the lower section of the river (near the town of Julesburg). From April 1- October 15, if the flow at the interstate gaging station is less than 120 c.f.s., then rights in District 64 that are junior to June 14, 1897, will be curtailed. Nebraska is now looking at building the canal, but the cost to build it is estimated in the hundreds of millions of dollars.

- There was a panel discussing the future of food. Jennifer Bousselot, Professor of Horticulture at CSU, described green roofs and rooftop gardening. Of particular interest is how she incorporated solar panels and how she's been successful with planting below them and that the water usage is 1/3 less under the panels. She calls this technique "agrivoltaics". She also found that the plants flower earlier than on the ground, are larger at harvest, and attract more pollinators. Todd Olander, of Heritage Farm and Root Shoot Malting, talked about his family farm's focus on soil health, utilizing the practices of no till farming, surface cover plants, crop rotation, living roots being left in the soil, and integrating livestock. Raj Khosla, of K-State, talked about robotics, using machine intelligence, and sensors and sensing technologies for agriculture.

- The climate change panel informed us that the projected future change will see warmer temperatures, but precipitation changes are uncertain. The biggest observed changes have been in the fall, with the most warming and decreasing precipitation. Colorado's water outlook is for a lower spring snowpack and earlier run-off. The state climate report will be coming out in January, and can be found at: climatechange.colostate.edu. Jeff Deems presented about the Airborne Snow Observatory. Last year's flights expanded the mapping area, giving a much more comprehensive view of the South Platte River Basin. This more complete view alleviates the uncertainty in water supply forecasting.

- Funding opportunities were discussed, with matching loan programs through CWCB and NRCS. • Dave Skoudas of the Mile High Flood District talked about the 2013 floods and lessons learned from those events.

- Shanti Zaid of the Blair-Caldwell African American Research Library in Denver, talked about the Black Experience in South Platte River Agriculture. He discussed the African American settlement of Dearfield, that was formed by people utilizing the Homestead Act during the late 1800's- early 1900's. By the 1920's, the population was approximately 300 people, but by 1936,

it was nearly deserted. Some of the buildings remain, and there is an effort to restore and preserve the remaining buildings.

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: No changes since last report.

Building Insurance:

Lisa Brown said the insurance for CCWCD will be renewing at the end of February. She has received a notice to review coverages update to see we are adequately covered.

Lisa Brown's contract: Lisa reminded the Board that her contract will be up for renewal. The current contract cancels December 31st. David Shohet said he will send her a contract for renewal. Lisa Brown was asked if the contract terms to remain the same. Lisa McVicker asked about her compensation. Lisa Brown said she is currently at \$60 per hour and she thinks it was very fair. David Shohet said according to the 2023 budget, Lisa Brown's compensation was not to exceed \$48,000 a year. Lisa Brown estimates the cost to date is approximately \$40K. Chris Fuller made a motion to increase Lisa Brown's hourly rate to \$70.00 per hour, not to exceed \$50K per year. Lynne Buchanan seconded and the motion carried unanimously. David Shohet will also review Nola Knudsen's contract.

4. OLD BUSINESS

4.1 548 Front St. Building Updates

4.1.1 Snow plowing, HVAC, gutter installation

Craig Steinmetz said the stripping cost will increase a couple of dollars. There will be two parking spots on the right side of the column and one handicapped park space on the left side. We will be putting in curb stops as well. South Park Striping will send a revised proposal and Craig send it out to the Board.

The roofer was here to measure the accuracy of the dimensions they had of the building and now will purchase the needed materials. Once the snow is gone, they will install gutters. Lisa McVicker said the roofers (Luna) are providing all gutters, downspouts, gravel stop will be a total of \$15,087.00. This includes new gutters and downspout at the tile roof, new gutter at the back of the building and the gravel stop edge metal around the parapet to keep the water from penetrating the walls. Lynne Buchanan made a motion to approve the sum of \$15,087.00. Dan Drucker seconded and the motion carried unanimously. Craig Steinmetz said there will be an additional charge to put heat tape in all the gutters. Craig Steinmetz said the electrician will return to repair prior items done and he will provide the heat tape and connection. No price has been provided yet.

Craig Steinmetz he has a mechanical engineer designing equipment to cool the building and/or if there are cold spots to take care of the atmosphere inside the building. We will have exchange air

coming through the building. The exchange air may need to be tempered. Craig and the engineer needs to measure in the dental office and the Upper South Platte office area. He wants to place everything in the ceiling. He needs to get a price from the sub-contractor. Name of company is 5280.

Lisa Brown was asked to find where the District approved the railing expense. She found the email exchange was right after the last board meeting. The estimate is \$5500. She received a response from Lisa McVicker, Lynne Buchanan and Craig Steinmetz to approve that purchase amount. Lynne Buchanan made a motion for the purchase and installation of the decorative railing for \$5500. Craig Steinmetz seconded and the motion carried unanimously.

Lisa Brown asked about the old black checkered chairs on wheels that had been around the conference table. Chris was interested in the chairs but suggested asking HASP or USP if they need them first.

Lynne Buchanan said in regard to the AV system, she was originally told the two microphones would be sufficient but as they were doing the install, they thought getting a third one might be a better set up. The mics come with a holder that would fit better where the wiring comes up through the holes in the tables. Lynne suggests having a few meetings and see how it goes with the existing set up. Lynne said currently we just have two. A third mic would cost approx. \$300-\$350 and holder is up to \$100 a piece. Lisa McVicker encourages the District to go forward because of the way AV equipment changes. Chris Fuller made a motion to purchase one microphone and three holders not to exceed \$750. The motion was modified to a not to exceed figure of \$1,000 with shipping. Lynne Buchanan seconded and the motion carried unanimously. Craig Steinmetz said the District has gone through a pretty good sized budget with the upgrades, and he asked for comment from those not actively involved in the process if they see anything else that might be needed.

4.2 Revisit grant applications

Lisa Brown has reached out to Mr. Legg with Winding River Ranch, who submitted a grant application. Lisa asked him if could break down the proposal into chunks. Mr. Legg requested \$150K which is well over our grant budget. She is waiting for a response. She asked Mr. Legg if he was willing to include an educational component or community outreach in his grant request. From what Lisa has hear from other water resources, he has not begun any of the project to date. She let him know his proposal was still being considered.

4.3 Discuss future use of 548 Front St. main conference room by other groups: Postponed

5. NEW BUSINESS

5.1 Discuss posting scholarship notice on website:

Lisa Brown said she though the District should think about getting information out early this year. Nola Knudsen will contact the counselors and ask to participate in the distribution of scholarships at their award ceremony.

6. UPDATE ON LEGAL ISSUES

David Shohet sent his legal report out to the Board prior to the meeting. In review, David said there are a couple of water court cases. The only one with CCWCD as the applicant is regarding Chatfield Reservoir. This is the application to make a portions of its water right decreed to Chatfield Reservoir absolute. We did receive one statement of opposition from Denver Water. Their counsel called David before they filed the statement of opposition and indicated they are not opposed to Center's application but there were some oddities last year with administration with the free water and they were more interested in what the state and division engineers position would be and wanted to monitor the accounting and measuring that happened in Chatfield. We did receive the consultation report back from the division engineer and they have indicated they have no problem with Center making 45 acre feet of that water right absolute. We are drafting a proposed decree and we are hopeful Denver Water will sign off on it.

David Shohet said the other cases we are in are all through HASP. The Rosalie Ditch change case is going forward with Lyons Gaddis as the primary attorneys who are negotiating with opposers. We have the diligence case just filed with the Lone Rock exchanges. We just found out last month that we won't get statements of opposition until the end of January.

HASP is an opposer in two cases. One is with the City of Aurora regarding the Johns Ranch and the second is the application of McGowan. The HASP Board authorized us to stipulate out of the McGowan case. We should be out of that case in the next 30-60 days. They will then withdraw their opposition to the Rosalie change case.

David sent out Wheeler's report for November. We have fairly high storage and now we are just making releases for the HASP plans.

6.1 Adjourn to Executive Session – not required

6.1.1 Discuss State Engineer's revised Futile Call Policy (in regular session)

David wanted to bring the Futile Call Policy to the Board's attention but did not have time to bring a summarized briefing to today's meeting. This item will be placed on the January meeting agenda.

6.1.2 Discuss acquisition of Lost Park Water rights (in regular session)

David said we are still continuing looking at the Lost Park water rights. We did present some of our findings to the HASP board. The USP members were not ready to move forward and make any decisions yet. They wanted David to reach out to Madoline Wallace-Gross and try to discuss what is going on with Lost Park. Six or seven years ago, Madoline investigated Lost Park for the USP and they walked away from the deal. The Board wanted David to discuss what Madoline found out when she

Lisa McVicker told the Board that Wheeler sent out a memo on October 24th and approved payment for that study. It is an updated snapshot of Wheeler's assessment of the Lost Park water and storage. It is very different from what the USP was recalling. She sent David to reach out to Madoline so Dave Wissel and Jon Rice could be updated. Lisa believes we should not walk away from this and be thorough about our discussions.

7. PATRON'S COMMENTS

None

8. DIRECTOR'S ISSUES

Dan Drucker asked how Briggs was doing. Nola Knudsen mentioned she had lunch with him a while back and said he would not be able to return to the Board. Nola suggested calls to Briggs as well as Dan would be appreciated.

Lisa McVicker suggested all Board members reach out to anyone they know who might have interest in become a Board member of CCWCD.

Chris Fuller made a motion to adjourn the meeting. Dan Drucker seconded and the Board adjourned at 2:32 PM.