

**Center of Colorado Water Conservancy District**  
**Meeting of the Board of Directors**  
**February 14, 2024**

The monthly meeting of the Center of Colorado Water Conservancy District was held on Wednesday, February 14, 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 1:06 PM.

The members present in the office were Lynne Buchanan, Chris Fuller, Lisa McVicker, Craig Steinmetz and Dan Drucker. Nola Knudsen, Administrator, was present in the office as was Lisa Barden Brown, Operations Manager. David Shohet and Sedona Chavez, legal counsel, were present in the office.

**APPROVAL OF THE AGENDA**

David Shohet requested to add and approval of the Colorado Open Records Act under old business. Lynne Buchanan moved to approve the agenda as amended. Chris Fuller seconded and the motion carried unanimously.

**APPROVAL OF THE MINUTES**

Dan Drucker moved to approve the January minutes as presented. Chris Fuller seconded and the motion carried unanimously.

**ADMINISTRATIVE MATTERS**

**2.1 Approval of Executive Board Positions:** The Board members agreed to maintain their Board positions from 2023 through 2024. Lisa McVicker will remain as President and Chair of the Board, Craig Steinmetz will continue as Vice-Chair, Chris Fuller will continue as Secretary, Lynne Buchanan will continue as Treasurer, and Dan Drucker will remain as Director at large.

**2.2 Administrator's Report on Accounts:** Nola Knudsen reviewed the check register with the Board. Expenses for February totaled \$16,122.41. Nola explained that the individual who has been plowing snow around the building has done a good job. However, after plowing, the town had come by and covered our walks again with their plow blades. Nola will discuss the problem with the town again.

**2.3 Treasurer's Review:** Lynne Buchanan reported the balances of the asset accounts. The Colotrust balance is \$1,844,896.82. We received deposits from Centennial for the lease water agreement in the amount of \$17,323.23. Interest from High Country Bank was \$0.51. At last

month's board meeting, we had not been notified of the collected property tax income. This month we have recorded both January and February income. The January property tax income was \$4,146.50 and the February income is \$5,865.34. Interest from Colotrust last month was \$8,540.79.

Lynne Buchanan said she was advised the invoicing from Lisa Brown was a little over what we are anticipating paying in the budget. Lisa McVicker thinks it is a good idea for Lisa Brown to maintain her own details of time as there will be months she may bill more or less.

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

## **OPERATIONS MANAGER'S REPORT**

Smelter Pipeline Reservoir (SPR):

- I visited the SPR on Jan. 1 and obtained a staff gage reading. The gage read 9.22' for 24.21 AF in storage. I visited on Jan. 22 to make sure that the road was clear and that everything was in order. On Feb. 1, I obtained the monthly staff gage reading: 9.20' for 24.15 AF in storage.
- The access road needed to be plowed three times during January.
- After starting a new accounting sheet for IY-2024, issues relating to tracking exchanges were discovered and the idea of engaging Wheeler to update and modernize our accounting for the reservoir came up. This would be beneficial to track different accounts more accurately as we plan to put the reservoir to more use. A conservative cost estimate from Matt Loose to do this was \$5,000. David Shohet and I will discuss this more during "New Business".

Meeting Note: David Shohet said that TZA used to do the accounting there. David has completed the accounting for the last three years. He feels it is better to engage Wheeler and Matt Loose for the job of devising a better water accounting sheet. Chris Fuller moved to engage Wheeler and Matt Loose for modernizing the accounting sheet for the Smelter. Lynne Buchanan seconded and the motion carried unanimously.

Chatfield Reallocation Project (CRP):

- Accounting through December 31 was received and has been updated to the DWR system. On Dec. 31, there was 134.12 AF in storage. With Free River conditions occurring again at the beginning of the year, CCWCD's account was refilled to 141 AF. The last update from the accounting team last week is that the reservoir is remaining full. We should keep this in mind if we want to utilize this water for potential future exchanges.
- Matt Loose participated in the Operations Advisory Committee (OAC) meeting on January 17, and provided a few updates. The item of most concern right now is that the DWR accounting team would like the participants to align their reporting times. Some entities

report at 12 AM and others report at 8 AM, which has caused issues with the master accounting. This will be discussed further at the next OAC meeting and probably at the CRMC meeting as well.

- The next scheduled CRMC meeting is Feb. 28.

#### James Tingle Reservoir (JTR)

- Accounting for January has just been received. On Jan 31, CCWCD had 90.85 AF in storage.
- 0.94 AF were released during January, and the same amount will be released during February.
- Annual billing for JTR 2023 operations and maintenance was just received today. The amount due is \$15,077.56, due ASAP.

Meeting Note: Lisa Brown was informed that the gate to the JTR was “down”. She asked Swithin Dick what had happened. The rancher had accidentally knocked it down when receiving a delivery. It does not compromise reservoir security. The rancher is responsible for the repairs.

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

- I participated in the SPEB meeting on Jan. 17. The next meeting will be Feb. 22.
- The main topic of discussion was writing the 20-year report. An outline of the report was presented, and a draft was anticipated to be done by the end of January. The report should be released by the end of June. One interesting point that came up was that the Hayman Fire occurred almost simultaneously with the Record of Decision on the South Platte Protection Plan. The fire caused an immense amount of sedimentation to those segments of the river covered in the SPPP. Despite this, and with the efforts of the 17 entities from different backgrounds working together as SPEB, the ORV’s for those segments of the river were maintained.

#### Excluded Lands Research:

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

#### Scholarship Announcement:

- The 2024 scholarship announcement has been posted on our website, and both High Schools have been notified.
- One date change that was made was to have students attend our June 12<sup>th</sup> meeting, instead of the May 8<sup>th</sup> meeting. The reason for the change is that school will still be in session for both schools on May 8.

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:

- As mentioned, the new scholarship has been posted. The grant opportunity page has also been updated for this year, with the dates posted: open- Feb. 14 to close- April 15. Candidates are invited to give a presentation at our May 8 meeting, with a decision given to applicants by May 15. These dates are based off of the timeline of the previous grant cycle, but perhaps the decision could get pushed to the June 12 meeting, since the May meeting will be a joint meeting. A notice needs to be posted in the Flume, as well.

Meeting Note: The Board agreed to advertise for two weeks.

- Dan noticed that our section about augmentation for the Arkansas River part of the County on the “Who We Are” page needed to be updated. I consulted with David Shohet on new language for that section and Daisy has made that change.

#### CCWCD Insurance:

- Our policy has been renewed effective Feb. 10, 2024. The premium that will be due is \$4,818, as previously quoted.
- I discussed with our agent the possibility of allowing our conference room space to be used by other entities. She did not recommend adding extra coverage for such usage on our part, but did recommend that if we do allow the use, that we have as part of the contract that they are to list CCWCD as additional insured and provide a Certificate of Insurance from the party utilizing the room.

#### **OLD BUSINESS**

**4.0 Open Records Act:** David Shohet said the Colorado Open Records Act allows people to request public documents from CCWCD. We did receive a CORA request from the Lost Park attorney. They are in litigation with the developers. The developers co-own the water rights of the reservoir and they are in litigation to repair the reservoir. When the CORE request came in they asked if we had a policy. David said it had been documented, however, the draft from 2015 was apparently never approved. David went back at rewriting and modernizing it and adding some language to the original policy about how we calculate the time frames and what we are doing. He sent the board a proposed CORE policy and recommends passing it. Lynne Buchanan moved to approve the new CORE policy as presented by council. The motion was seconded by Craig Steinmetz.

**4.1 Revisit the J. Legg Grant:** Dan Drucker asked that Lisa Brown make sure Mr. Legg was working with the state engineer's office. Lisa Brown has sent out two requests and has yet to hear back from them. Chris Fuller said she is preparing a simple agreement that covers the major things she is aware of that is needed but she needs Exhibit A which would be some templates of reports and Exhibit B, the statement of work. Chris will work from the information in the report from Applegate. Lisa McVicker would like to get more specific language regarding what he will do for the requested philanthropy, i.e., I will add four days, three times per year for a site recreational day.

**4.2 548 Front Street Building Updates:** Craig Steinmetz presented preliminary blue prints completed by the mechanical engineer. Craig said we have heating. The conference room needs to have exchange air. An electrical engineer will have to look at the plans. An HVHC contractor will have to look at how we take care of the condensate. No one got up into the attic space; it was drawn based on square footage. He anticipates receiving a price estimate in the next month.

Nola Knudsen advised the Board that the Summit Care Community Dental Clinic would like to remove the carpet in one of their rooms, replace the carpet with matching flooring already in the office area in order to increase capacity for another dental exam room. The Board was in agreement. Nola will monitor the process to ensure a satisfactory installation.

Lisa Brown reported that BSW Iron Works has discussed the additional need for railing by the ramp. The owner states he can match the upper existing rail style. Lisa didn't hear back from Cesare or the other vendor contacted. BSW can start work March 1<sup>st</sup>. Chris Fuller made a motion to engage BSW to complete both railings, powder coated, to match the upper rail of the existing railing for a cost of \$1,800.00. Lynne Buchanan seconded and the motion carried unanimously.

## **NEW BUSINESS**

**5.1** Discuss filing with the Water Court to maintain conditional water right for 16.69 acre-feet under the SPR's junior right: Tabled

**5.2** Discuss hiring Wheeler to modernize and update the SPR Accounting sheet. Discussed during the Operations Manager's report.

## **UPDATE ON LEGAL ISSUES**

**6.1** Adjourn to Executive Session – not required

**6.2** Reconvene as Public Meeting.

Smelter Pipeline Reservoir: David Shohet told the board his office adjudicated a 15-acre-foot conditional water right for the SPR when it was acquired from the Jan Leach Trust. We appropriated that and we made 35 acre feet of that absolute. There is about 16 acre feet of a conditional water right remaining associated with the SPR. David said to go fully absolute on that that 50 acre feet we would have to divert the full 50 acre feet in one water year. Given the way the SPR was designed when constructed, it would be difficult to divert that full amount. He and Lisa Brown suggest filing an application to maintain the conditional 16 acre feet that still remains, allow them some time to work to figure if there is a feasible way to divert the full 50 acre feet and we can make a decision whether it is work pursuing. Chris Fuller made a motion for David Shohet to file the application to seek diligence on the remaining conditional water right on the SPR. Lynne Buchanan seconded and the motion carried unanimously.

### **PATRONS COMMENTS**

None

### **DIRECTOR'S ISSUES**

Dan Drucker reported his neighbor has decided he doesn't want to be a Board Member. Dan said he would like to offer a board position to a younger person. Lynne Buchanan's position ends this May.

Lynne Buchanan moved to adjourn the meeting. Chris Fuller seconded and the meeting adjourned at 2:03 PM.