

Center of Colorado Water Conservancy District
Meeting of the Board of Directors
January 10, 2024

The monthly meeting of the Center of Colorado Water Conservancy District was held on Wednesday, January 10, 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 11:03 AM.

The members present in the office were Lynne Buchanan and Chris Fuller. Lisa McVicker and Craig Steinmetz were present via teleconference; Dan Drucker participated by telephone. Nola Knudsen, Administrator, was present in the office as was Lisa Barden Brown, Operations Manager. Ryan Farr and Sedona Chavez, legal counsel, were present via teleconference. Also present via teleconference was James Legg, applicant for a grant.

Lisa McVicker saw James Legg was present and asked the Board members and staff to introduce themselves to James Legg who in turn introduced himself to the Board.

APPROVAL OF THE AGENDA

Lynne Buchanan moved to amend the agenda to allow a presentation by James Legg, an applicant for a grant, after the approval of the Minutes. Dan Drucker seconded and the motion carried unanimously.

APPROVAL OF THE MINUTES

Lisa Brown noted a spelling correction at the end of her monthly report. Chris Fuller moved to approve the November minutes as amended. Lynne Buchanan seconded and the motion carried unanimously.

PRESENTATION BY PATRON JAMES LEGG

Lisa Brown provided an introduction to the grant application from Mr. Legg. She stated the District received an application from Mr. Legg who is going to be rebuilding the outlet works on his dam at the Burlingame dam reservoir #2. There is a substantial amount of work that needs to be done. Lisa states she sent out the proposal from Applegate to who has done the engineering, to Board members. There is a danger of failure from the eroded structure of the outlet works; they are necessary repairs. They will be putting in the cut and cover rehab option, replacing the PVC conduit. The estimated total of this \$139,295.00. The applicant is also going to replace the flow meter and reconfigure the whole apparatus. That portion is quoted at \$23,097.00. Lisa Brown asked Mr. Legg if he would be amenable to some community outreach on his property. The applicant stated he was and he will present what he has done. Lisa Brown said the amount Mr. Legg is asking for \$150,000 which more than our grant budget. He can possibly identify a portion of the work that might fall within our grant budget.

Jim Legg: Mr. Legg provided an overview of the history of his ranch. He purchased Winding River Ranch 2 years ago. He stated his Grandfather moved to Meeker in the 1800's to raise cattle and other livestock. On the Winding River Ranch, they have 4 dams and 5 ½ miles of river. He receives about 18 hunting tags a year but we don't allow hunting or fishing on the land. He states his goal is to preserve the land and invest in the property. We have invested over a million dollars to date and we will invest another million in the next year. Two dams are in disrepair; one will be tackled next year. The estimated cost given for engineering is somewhere in the \$175,000 to \$200,000 for each dam. Mr. Legg said he did have the engineering study done and he is ready to break ground in March or April.

Mr. Legg said his water rights date back to the 1800's. He is looking to spend \$400,000 on the project. Mr. Legg states he does use the land for charitable purposes and has set up a charitable fund already. His fund has made numerous donations to charities and one of the most recent donations was to Park County for fallen officers. He has also had discussions about inviting the officers up to the ranch for a day for a BBQ and fishing. He would be willing to do more of that. He also would set up an opportunity for kids with illnesses or disabilities or wounded warriors to come up to the ranch over the summer. Fishing is phenomenal on the ranch.

Mr. Legg said he is not a water person himself but he does have the right people he works with to make sure the project is done properly.

Dan Drucker hasn't seen the grant but he assumes this is not a jurisdictional dam. He asked if it would be more than 10 feet high. Lisa Brown said initially they didn't think it would be, however, it determined it would be over ten feet. Dan asked if the state inspect this dam? Mr. Legg said yes they do.

Lisa McVicker said the community engagement is important as we are tax supported and we want to give back as much as possible to the community. This can be summarized in the application. Lynne Buchanan said our grant cap was around \$64,000. Lisa McVicker said we wish we could help you to the full request, however, it exceeds our present budget at this time.

Chris Fuller made a motion to approve Mr. Legg's grant up to \$64K with the commitment of his public service for the Sheriff's Office, Wounded Warriors, and Park County children being able to engage in fishing and learning something about fishing and the water conservation on the Winding River Ranch. Dan Drucker noted it is important the engineering and the State Engineer recognizes this is a jurisdictional dam. Dan moved to amend the motion that CCWCD will receive approval from the state engineer that they review the Applegate engineering and will ensure it will meet the State Engineer's requirements. The motion was seconded by Dan Drucker with the amendment. Lisa McVicker asked if the Applegate report was done within the context of recognizing if it was a jurisdictional dam. Lisa Brown said she believed so and the dam safety engineer, Brian McCormick, has been a consultant with this project. Lisa Brown will review and confirm the inclusion this project involves a jurisdictional dam in the grant application and the Applegate engineering. The motion carried unanimously.

Jim Less said he will reach out after completion on first dam and the outreach he has done. At that time, he will also be coming to the Board regarding the second dam. Lisa McVicker said

Lisa Brown and Nola Knudsen will work with you regarding when the funds will be made available to you with proof of improvements made.

Lisa McVicker thanks Mr. Legg for attending the Board meeting today and the District is happy to be able to assist in his efforts. Mr. Legg left the meeting at 11:22 AM.

ADMINISTRATIVE MATTERS

Administrator's Report on Accounts: Nola Knudsen reviewed the January invoices and warrants with the Board that totaled \$30,078.07. The cash assets after payment of the January invoices is \$1,839,196.90. Nola said the telephones were installed in the CCWCD and the USPWCD District offices.

Treasurer's Review: Lynne Buchanan reviewed the current deposit detail. The District received \$15,968.59 from Centennial for leased water. The other income came from 2023 rent from HASP in the amount of \$5,711.92. We also received the annual rent of \$50 from HASP for Soda Springs, and January rent/utilities from Knudsen Counseling and rent from Summit Community Care Dental Clinic.

The total amount deposited into High Country Bank was \$21,730.51. The interest at Colotrust was \$8,584.84. Lynne said we do not have the deposited income from Colotrust yet this month.

Lynne Buchanan said she discussed with Nola receipt of the Qualis invoice. Lynne said we had not approved the expenditure and last month we talked about getting bills in by Friday and anything coming in later would wait until following month. Lynne said first we will need to put the approval in the minutes and will we approve for payment now or leave it until next month. Lisa McVicker said there is some language in the original bill that there would be additional work installing the heat tape and considered it previously approved.

Lynne Buchanan said we did approve the \$15,087 for the gutters and downspouts. Lisa McVicker said it didn't include the \$6,100 charged for the heat tape. Chris Fuller asked if we had a prior estimate. Chris Fuller made a motion to pay Qualis Electric for the installation of the heat tape, materials for circuits, and labor and expenses. The motion was seconded by Lynne Buchanan and carried unanimously.

Chris Fuller made a motion to approve the warrants and Treasurer's report. Lynne Buchanan seconded and carried unanimously.

Lynne Buchanan received an engagement letter from Hoelting and Company regarding the 2023 audit. If the Board wishes to engage them for this audit, we will need approval. Chris Fuller moved to engage Hoelting and Company to complete the District's 2023 audit. The motion was seconded by Craig Steinmetz and carried unanimously.

STATE OF THE DISTRICT REPORT

Lisa McVicker said thanks to Lisa Barden Brown and David Shohet for providing highlights of 2023. She read the State of the District Report sent to all Board members.

Center of Colorado Water Conservancy District

State of the District—January 10, 2024

2023 was a momentous year for the Center of Colorado Water Conservancy District (CCWCD). Thanks to our Operations Manager, Lisa Barden Brown, and our Counsel, David Shoheit, for their assistance in preparing the following brief summary of our accomplishments.

1. CCWCD closed on the purchase of the building at 548 Front Street, Fairplay, CO, 80440. We are fortunate that Nola Knudsen, our Administrative Assistant, had the foresight to purchase the building many years ago and care for it, offering it to the District for our office space and meetings for many years.

2. CCWCD implemented capital improvements on the building including stuccoing the exterior of the building, paving the parking area and installing sidewalks and an accessible entrance ramp, securing a property improvement grant through the Town of Fairplay to offset some of that work, painting the exterior trim and interior of the building, installing a new AV system in the large conference room, upgrading the lighting to new energy efficient LED fixtures and obtaining an energy rebate, installing new signage on the Front Street, the 6th Street and alley sides of the building. These signs alert everyone to the tenants offering services to our community (see #3 below). 2024 will usher in some final work including gutters and downspouts and changes to the HVAC system for efficient cooling, heating and air exchange throughout the building. Many thanks to Lisa Barden Brown, Nola Knudsen, Lynne Buchanan, Craig Steinmetz and Chris Fuller for their diligence in assisting with these renovations.

3. 548 Front Street is now fully leased, offering essential services to the community. The Upper South Platte Water Conservancy District (USP), the Headwater Authority of the South Platte (HASP), Knudsen Counseling, offering Master Mental Health Counseling, and the Summit Community Care Clinic, offering dental services, all share the space at 548 Front Street.

4. CCWCD, in collaboration with the Upper South Platte Water Conservancy District (USP), hosted an Open House during Burro Days to commemorate the 25th anniversary of CCWCD and the many years of service from USP. Our doors were open, welcoming multiple constituents and interested parties in all water issues in the County and State.

5. CCWCD worked diligently to update our website which features a new logo and many updates about our accomplishments and ongoing work.
6. As a member of the Chatfield Reallocation Project (<https://chatfieldreallocation.org>), CCWCD claims a total of 141 AF. in the enlarged reservoir. Due to “Free River” conditions in 2023, CCWCD was able to fill our available space utilizing our junior water right, 13CW3148, and has filed to make 45.29 AF of the 131 AF absolute. CCWCD was also able to operate an exchange of water from Chatfield Reservoir to the Smelter Pipeline Reservoir, thus making water flow virtually from the Front Range back up to the Headwaters.
7. Our legal counsel continued to help hone CCWCD’s efforts for protecting Park County Water for Park County. CCWCD filed one water application in 2023—an application seeking to make absolute a portion of the Chatfield conditional water right (see above). CCWCD was also a co-applicant with the Upper South Platte Water Conservancy District (USP) for several conditional exchanges as part of augmentation plans. CCWCD, through HASP, also opposed several water court applications, including the Johns Ranch change case filed by Aurora.
8. In collaboration with our partners at Centennial Water and Sanitation District, CCWCD made improvements at the James Tingle Reservoir based on the State’s Dam Safety Engineer’s specifications. CCWCD and Centennial regraded the surface of the dam crest access road and also repaired a crack in the sill wall of the spillway.
9. CCWCD continues to accept offers for grant requests for improvements to Park County waterways. Several grants are still under review. See note below*
10. CCWCD continues to offer scholarships to Park County high school students to pursue their education at colleges, universities or trade schools.
11. CCWCD continues to engage in discussions to obtain additional water rights and storage.
12. CCWCD continues its collaboration with USP in delivering augmentation water to constituents via our joint enterprise, HASP.
13. CCWCD’s Board of Directors changed in 2023. We sadly accepted the resignation of our President, Briggs Cunningham, and welcomed back Dan Drucker, former President of the Board and Operations Manager, as a Board Member.
14. CCWCD’s Operations Manager, Lisa Barden Brown, its Property Manager and Administrative Assistant, Nola Knudsen, as well as our Attorney, David Shohet of Monson,

Cummins & Shohet LLC, made 2023 a year of extraordinary accomplishment for CCWCD on behalf of our constituents in Park County. Our entire Board, Lynne Buchanan, Dan Drucker, Chris Fuller, Lisa McVicker and Craig Steinmetz appreciate the engagement of our community and look forward to serving Park County in 2024.

*There was a delay in the starting dates for grants last year due to the web-site crash. Starting dates this year will be mid-February to mid-April. This allows time for the Board to review and have work started in the summer. Regarding the scholarship grants to students, the award ceremonies will be held May 1st in Fairplay and May 20th in Platte Canyon High School. Lisa Brown suggests requesting applications be in the end of March for review at the April 10th meeting. The scholarship recipients can attend the May 8th meeting.

OPERATIONS MANAGER'S REPORT

January 10, 2024

Operations Manager's Report for December 1, 2023 – December 31, 2023

Smelter Pipeline Reservoir (SPR):

- I visited the SPR on Dec. 1 and obtained a staff gage reading. The gage read 9.25' for 24.31 AF in storage. I made a couple other visits during the month just to monitor that everything was in order.
- The creek is iced over and the level is well below the top of the bank, so no flooding issues with the access road are being encountered. It was plowed twice last month and an invoice was received from Tim Zingler.
- I have started a new accounting sheet for IY-2024, and have begun populating it.

Chatfield Reallocation Project (CRP):

- Accounting through November 30 was received and has been updated to the DWR system. On Nov. 30, there was 133.25 AF in storage. The reported amount in storage through Dec. 18 is 132.95 AF, but that accounting has not yet been finalized or uploaded to the DWR system.
- As mentioned last month, I virtually attended the CRMC on Dec. 13, the morning of our last meeting. One of the issues discussed were the problems with the Plum Creek gage and DWR's plans to rehabilitate it, which I briefly talked about at our last meeting. Since then, I have discussed the issue with Matt Loose, who represents CCWCD on the Chatfield Operations Advisory Committee (OAC) and is familiar with the gage and the problems with it. We talked about how useful the gage is to CCWCD and to Wheeler for their accounting purposes. He said that it doesn't necessarily impact our accounting, but that it helps the reservoir as a whole better account for native flows coming in from Plum Creek, and for reservoir operations. What needs to be worked out with the CRMC group

is how members would be assessed for the cost of being a cooperator on rebuilding the gage. Matt also looked up the costs for building the Deer Creek gage (~\$75,000 in 2019), and he thought that DWR's very rough cost estimate of \$80,000- \$140,000 for rebuilding the Plum Creek gage was in line with that.

- The annual member assessment for FY 23-24 was received on January 2nd. CCWCD's share is \$12,690, due by Feb 16th, 2024. The rate is \$90/share.

James Tingle Reservoir (JTR):

- CCWCD had 92.60 AF in storage on December 31.
- 0.94 AF of stored Randall Ditch credits was released during December. 0.94 AF were planned to be released during January, however, there was a brief period of free river from the end of December through the first week of January, so that amount may be revised slightly.
- The annual monitoring report was received from Schnabel engineering, and the conclusion was that the dam and reservoir appear to be functioning as designed. In addition to the usual monitoring, the dam crest resurfacing and sill wall crack repair were described.
- A proposal for monitoring for 2024 was just sent out by Schnabel Engineering. The total amount proposed is \$35,900, which will be split between CCWCD and CWSD according to the operating agreements. This is higher than last year's cost of \$27,600, due mostly to required surveying of the monuments and an as built of the dam crest resurfacing. The last survey was done in 2019, and the State Engineer's Office (SEO) requires it again in 2024. A copy of the proposal accompanies this report.

Lisa McVicker asked Lisa Brown if this would come up in terms of a need of approval for Schnabel going forward or shall we wait for Centennial to approve it and then we review it? Lisa Brown said she understands Centennial is ready to move forward and this is the time frame when we approved the proposal for Schnabel last year. The District would pay 1/7th of the cost. Lynne Buchanan moved to approve the proposal from Schnabel Engineering for the monitoring of the James Tingle dam per our agreement with Centennial for 2024. The motion was seconded by Chris Fuller and carried unanimously.

South Platte Enhancement Board (SPEB):

- There was no SPEB meeting for December 2023. The next meeting will be January 17th.
- Items that are being worked on are writing a letter to the USFS Regional Forester in support of continuing the South Park Protection Plan (SPPP), to keep these segments of the South Platte from being designated Wild and Scenic and maintaining local control. SPEB will also be creating a 20-year report, in place of the usual annual report which comes out in the spring. This report will focus on all of the achievements and projects implemented and funded by SPEB, and the success of maintaining the "corpus" of the \$1,000,000 original endowment, while awarding nearly \$1,000,000 in grants over the last two decades. I plan to talk with Dan Drucker about this, since he was a member of SPEB from its inception.

Excluded Lands Research:

I have been able to spend some time researching the properties excluded from the CCWCD mill levy. Although I haven't been able to locate the actual court exhibits, I have been able to identify the properties referenced in case 97 CV 64. I will be compiling a separate report that details my findings.

Scholarship Announcement:

- I have contacted both South Park H.S. and Platte Canyon H.S to find out the dates of their awards ceremonies. South Park's is scheduled for May 1st, with graduation on May 18th. Platte Canyon's graduation is June 1st.
- I propose that we make the application deadline April 9th, for consideration and a decision to be made at our April 10th meeting. Then, the recipients can be acknowledged at their May 1st ceremony, followed by attending our May 8th meeting to receive their scholarships.

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 functioning well. Daisy is still looking into a new theme for the website going forward.
- All meeting dates have been updated for 2024. After discussion with Lisa McVicker and David Shohet, I will have our agendas posted to the website before each meeting.
- Once scholarship deadline dates are approved, I will get those to Daisy immediately.

Additional Items Added to Report:

- Lisa Brown received an insurance quote from Glatfelter for an insurance renewal quote which will renew on February 10, 2024. Last year's premium was \$4,722.00. This year's quote is \$4,818.00, which is a slight increase in property coverage from \$1,723 to \$2,069.00 and a decrease in public officials and management liability from \$1,000 to \$750.00. She has inquired with agent about the possible use by other groups of the conference room and if we would need to increase coverage but has not heard back yet. There has been interest expressed by Dave Wissel for property owner's group. Suggests we keep open to the idea of small groups.

- Lisa Brown did purchase and install the additional microphones and holders and install them.
- Lisa Brown visited the forest service after an individual came in looking for maps. Being here on front street, Lisa Brown has had some people come in from time to time. Lisa went to the Forest Service and find they have some free maps but they have detailed topo maps of the area which show access points for fishing etc. The Forest Service sells those for \$14 apiece. They sell to other entities. They offer a bulk rate. Lisa will look at bulk rate.

Chris Fuller made a motion to approve the present insurance quote from Glatfelter. Lynne Buchanan seconded and the motion carried unanimously.

- Lisa Brown said she was invited to attend the USP meeting last week. They plan to pay the 2024 rent up front.

OLD BUSINESS

Contracts: Lisa McVicker said there was discussion about the contract renewal for Lisa Barden Brown. They talked about an hourly fee as opposed to an annual fee and Lisa McVicker thought it made more sense than having to detailed all items. Lisa Brown is very attentive to the needs of the District, but thinks an annual fee might be more appropriate. The Board discussed their thoughts. Chris Fuller thought it made more time and more sense. Chris made a motion to pay an annual fee to the contractor of \$55,000 in 12 increments. The motion was seconded by Lynne Buchanan and carried unanimously.

Lisa McVicker continued with a review of the contracts for Nola Knudsen as Administrative Manager and as Property Manager. Nola stated she was satisfied with the present contracts. Chris Fuller made a motion to approve Nola Knudsen's contracts for 2024 as CCWCD's Property Manager and as the Administrative Manager. Craig Steinmetz seconded and the motion carried unanimously.

548 Front Street Building Updates: Lisa Brown has nothing new on HVAC. Regarding the railing by the ramp, the town signed off on the ramp and sidewalks but are requiring two additional railings on the building side. It can be railing mounted onto the building. Lisa has located a local welder to possibly complete these rails. Once completed, the town will issue the PIP grant. Lisa met with the building inspector and asked if we needed a railing that would come in front of the window on one side. She was told we did need one to the end of the ramp. On the other side, the window starts where the ramp is low and will waive the requirement at the windows edge. The town will also still provide the PIP grant into 2024.

Craig Steinmetz said he sent a photograph of the double rail on a 600-occupant building. We can save money by attaching the handrail to the side of the building and don't need additional posts. It needs to be powder coated so we never have to pain the handrail. We will need brackets every four feet.

HVAC. Craig Steinmetz said he found a unit in a restaurant. It is a smaller unit with a grill in the ceiling. We have to penetrate through roof and we are 50% through the design.

UPDATE ON LEGAL ISSUES

Lost Park Water Rights: Ryan Farr spoke with the developer's attorney. It appears the litigation has been increasing between the developers and the homeowners have made part of the settlement discussion that the repairs be done by developers who state they aren't going to do that. If a settlement is not reached, David feels the developer's will file to motion to abandon the McManus Ditch and the water rights stored in the reservoir. He thinks they are still interested in deeding their interest in the water rights to CCW. The HOA wants others to pay for the reservoir but doesn't want anyone else storing or releasing water in the reservoir. Ryan said it sounds like litigation will probably move forward.

Case 22CW3185, Application of City of Aurora case - HASP has provided comments to Aurora. Aurora has circulated their new decree and we have until April 19th to respond.

Case 22CW3200, Application of HASP - USP filing for Rosalie that HASP took over and substituted as applicant. Opposers are required to provide comments to HASP on the revised proposed ruling and engineering on April 12th.

Case 22CW3212, Application of McGowan – HASP and the Applicant are close to stipulation in the case from our position.

Case 23CW3092, Application of CCWCD – This is an application of Center to made absolute portions of the Chatfield water. A proposed decree was sent out. A status conference is scheduled for tomorrow.

Case 23CW3153, Application of CCWCD & USPWCD – This is an application to obtain conditional exchanges on Deer Creek. Statements of opposition won't be due until end of January.

Other Legal Matters

HASP has not received any new applications in the last 30 days.

Wheeler's December operation report wasn't in place to be sent out in time of this legal report.

2024 Leased Water – Ryan indicated his office sent Centennial an invoice for the leased water for the 2024 water year. This year there was a price adjustment and the invoice is for \$17,323.23.

DIRECTOR'S ISSUES

Chris: check with Jim Legg from CUSP standpoint about weeds about recovery work if not in his plan. Winding river is adjacent to DM ranch and they have a lot of thistle.

On Dan's behalf, Lisa Brown said he had talked to his neighbor who may have some interest for being a Director with the Board.

Chris Fuller moved to adjourn the meeting. Lynne Buchanan seconded and the meeting adjourned at 12:30 PM.