

**Center of Colorado Water Conservancy District
Meeting of the Board of Directors
June 12, 2024**

The monthly meeting of the Center of Colorado Water Conservancy District was held on Wednesday, June 12, 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 1:25 AM.

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

Patrons present: Wallie Weld. Mr. Vincent Tolpo of Shawnee Water and Roger Blank were present via teleconference.

APPROVAL OF THE AGENDA

Chris Fuller moved to approve the agenda as amended. The introduction of the Scholarship recipients (items 2.2) will be moved to August. The motion was seconded by Craig Steinmetz and carried unanimously.

APPROVAL OF THE MINUTES

Chris Fuller made a motion to approve the minutes as presented. The motion was seconded by Craig Steinmetz and carried unanimously.

OLD BUSINESS

2.1 2024 Grant Applicants' Presentations: Vincent Tolpo, President of Shawnee Water. Mr. Tolpo said he has been President for approximately 33-35 years. He presented a slide presentation. It included pictures of ditches and reservoirs. The reservoir was dug in 1947, and currently holds 5af of water. It should be 6.47af of water and in the near future, Shawnee Water plans on doing a large excavation and make the reservoir the original size or slightly bigger. Mr. Tolpo provided a map of the 28 homes serviced. They have storage rights in Lake Shawnee and they have the Matt 2 Ditch which is 1863 water. They also have Kennedy Gulch water (1880 water) and the Price Ditch (1890 water) that flows into the Shawnee Reservoir. Mr. Tolpo said their augmentation plan allows them to use an alternative point of diversion for that 1880 water to run it down Price Ditch to the reservoir. Mr. Tolpo described a slide of open ditches that run for a mile and a half. They have decided to put in pipe to save water loss that happens in an open ditch. In 2022, they put in a double pipeline. They don't cover it to avoid environmental documentation they cannot afford. Mr. Tolpo described each slide that shows the flow of water. He states they have a certified water operator, a state number, and are supervised by Water Commissioner Tim Buckley. Mr. Buckley wants to see the water going into the river which means they needed another pipe from the reservoir all the way to the river down Pierson Gulch to the treatment facility. When it gets to the treatment facility, it will leave Forest Service land. This is where they will need funds to help them put in the long culvert. They want to avoid two wells and also going underneath the driveway. They will bury a length of 8" pipe that they have into which they will put the 4 inch corrugated pipe. Part of this project is being funded by the Water Land and Trust

Board who is providing \$4500. Because of a change in configuration, Shawnee Water is asking for \$1500. Chris Fuller said she is excited for the small community. It's great what they are doing.

2.1.1 Decision on Grant Awards: Chris Fuller made a motion to approve the grant request for Shawnee Water in the amount of \$1500. The motion was seconded by Craig Steinmetz and carried unanimously.

The CUSP presentation was made by Chris Fuller. CUSP is seeking a grant of \$10K. Chris described the location which is downstream from the Eleven Mile Dam that was just removed. There is a fish ladder that is failing. It is also the last place where fish are having difficulty freely coming upstream. The owners, the Johnsons, have done some temporary repairs last year to the tune of \$75K and now CUSP along with SPEB, the Johnsons, SPNHA, the Land and Water Trust Board, and now CCWCD are asked to help with funds to do phase two. Phase two would be finding funding for design and planning and talking up the project down the road. The river goes around Lake George. At one point, this old concrete rebar fish ladder, which was built in the 1950's, was built all the way across the river. It is about 32 wide at that point. The project will remove the ladder and restore the river to its natural flow and elevation height. The work history was the removal of the natural materials dam at Sportsman's in the last decade and we now have removed the spillway dam at Eleven Mile. We have made improvements for usage of Happy Meadows and we have worked with John Gun at Able Ranch, Happy Meadows and the Johnsons. We have worked at every part of the river and now we want to finish by removing this ladder and improving fish passage. Lisa McVicker said this means there will be free water all the way to Cheesman.

Dan Drucker moved to approve the Grant request to CUSP for the amount of \$10,000. Craig Steinmetz seconded and the motion carried unanimously. Chris Fuller abstained.

Lisa McVicker addressed Wallie Weld to let him know previously the Board approved one grant earlier this year for work on Winding River Ranch. The owner's reservoir was in deep need of repair. When repair was started, the outlet works failed as they were opened up. They are now almost done with the project.

2.2 Introduction of 2024 Scholarship Recipients: Moved to August.

2.3 Discuss Lost Park Water – will be discussed under legal issues.

2.4 548 Front St. Building Updates

2.4.1 Presentation by Roger Blank on the HVAC system and discussion: Mr. Blank presented on zoom. Board members were already in receipt of plans, a letter from Mr. Blank, an email from Kyle, Building Dept. inspector, and receipt of an email from Lynne Buchanan.

Craig Steinmetz said the Board is looking at a project costing in the realm on \$200K for an HVAC System. The building does not have any exchange air. In Lynne's email she appreciates that having fresh air in the building is the thing to do. Craig said what we are doing is bringing in

air and exchanging for inside air. The heating system in the building is an in-floor hydronic system. What we get for ambient air is what comes in or out of doors. Craig described businesses in the building and stated the dental office is expanding and having more days of operation. Craig showed the patron the plans for the air exchange and explained the installation plan. He said once the work on the roof was complete, the District would get a warranty. Craig pointed to areas on a sketch that would have 4 units and all the items going into the units with flashing.

Roger Blank is a mechanical engineer of 5280. He said his father started 5280 in the 60's. Roger looked at the office building and said some areas did not have access to natural ventilation. He provided an understanding of how the project proposal would solve the indoor air issues. He stated commercial buildings typically do well with a mini split systems and described how that product works. This will heat and cool respectively. Everything is basically electric. Lisa McVicker said there will be individual thermostats in each area. Chris Fuller asked what the difference was in the system if temperature control was not part of it, with just bringing in air. Roger responded just bringing in outside air to satisfy air code would be different equipment.

There was a discussion to clarify code. Chris Fuller said if this is not a luxury, that's one thing. It is taxpayer money. Lisa McVicker said it is not luxury, it is complying with code. Craig Steinmetz read the email from Kyle, the building inspector. "Craig, for new construction, the IMC table 403.3.11 does require outdoor air at .06CSM per square foot. It is questionable if the building required that outdoor rate be installed at the time of renovation." If it was required, the building is technically in noncompliance. Craig recommends installing the system as proposed. Roger Blank said sometimes things in the code aren't followed or are more pronounced than years ago. One would be if outside air is being enforced. There are different upgrade systems that could be used than what is proposed right now but this is a substantial system that will be good for years.

Dan Drucker asked if the windows that were not operable were replaced with operable windows and the transoms over the doors were fitted with fans, would we be able to meet code minimums for exchange air. Roger said technically they might be a way to make the natural ventilation requirements work.

Roger Blank left the meeting at 2:22 PM.

Craig said it is everyone's concern about the cost of \$200,000. This is an upgrade. Lisa McVicker said we bought the building because it is classic. We have been here 20 years and made it work for us. Whether it is necessary stucco or foundation, gutter repair etc., we have made the needed upgrades. We have this building with our water district partners, if we don't do it now, then when.

Dan Drucker asked if the Board could respond to public questions about why air conditioning was installed in this building. Lisa McVicker said when joint meetings are held, it can be uncomfortable. Dan believes it will cause grief. Dan requested a secret vote be made to David Shohet. Lisa McVicker directed all board members to email David Shohet with their vote.

Craig said this system will exchange the air and we won't know it. It will maintain the same degree of air throughout the building. Philosophically, he would like it to be known he took the additional step.

2.5 Discuss Open House Action Plan – Lisa Brown said the new guides have been ordered and delivered. She will meet with Amy who works at Zuccaro's to decide on desserts. She has agreed to provide cupcakes and cookies. Lisa Brown has looked at sandwich boards from 4Imprint and Zuni. She will get a quote from Zuni. Lisa also asked Zuni to send a mockup of a handicapped parking sign to replace the current parking sign. Lisa Brown will order large dog bowls in green and the smaller in blue. Lisa said she didn't plant any plants yet due to the poor weather. She is looking for ceramic planters and has found a half barrel.

Chris Fuller is thinking of providing BBQ for lunch. Lisa Brown has yet to reach out to the Flume for advertising. The Advocate is another newsletter she can reach out to.

Lisa McVicker will send emails to Dave Wissel and John Matteson and invite them to join in the open house. Daisy will put an announcement on the website.

ADMINISTRATIVE MATTERS

2.1 e

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

OPERATIONS MANAGER'S REPORT

Snowpack Update:

- With our above average snowpack lasting through most of May, once it finally warmed up, the creeks and rivers have been running well above average so far.

Smelter Pipeline Reservoir (SPR):

- I visited two times during May, once mid-month to check on conditions and take measurements and sketch the head gate, and at the end of the month to obtain the gage height, which was 9.51' for 25.12 AF in storage.
- As discussed at last month's meeting, I contacted Wheeler and asked them to produce a scope of work for replacing the head gate structure. I sent them my measurements and rendering, as well as maps and elevations that we already have. They have provided me with a proposed scope of work, which accompanies this report.
- Since last week, I have been going over there every day to monitor the rising creek level. Mosquito Creek is running higher than I remember seeing it, and there has been water coming over the access road. I placed sandbags at the head gate to reinforce it. The road is holding in there, as it is reinforced with willows and vegetation. We will need to bring in more road base, and might consider an additional upstream culvert.

****Additional comments during the Board meeting:** Lisa Brown said the District might want to consider putting in the additional culvert upstream of the third culvert which is a release

culvert, a reliever valve. That has been going full bore. The level is still below where you come off the county road, it hasn't come across there yet, it is further up towards the little shed where there is a low point. Last Thursday night it had warmed up and it started ragging overnight. A beaver dam upstream blew out and the beaver dam is now in our beaver deceiver at one culvert. The culverts are completely submerged and swirling. It is dangerous to try to clear out the debris. In the last few days, Lisa has been able to see down and that the obstructions are in the culvert. She will have to wait until the water goes down to be able to clear it.

- Wheeler has produced new accounting for the SPR, and David Shohet and I met with Matt Loose and Amy Jackson to discuss it. Once I am confident in updating it, we will start updating it to the DWR system monthly during the irrigation season.

** Additional comments during the Board meeting: Lisa Brown said this is a much more complex plan, much like we have for Chatfield. It is what the state wants to see. David Shohet said the old accounting system was very basic and outdated. He said we spent time going over it and the way it measures different colors of water; it meets all the standards required. It is more complicated than he thought it would be but it is in compliance for what the state wants in terms of measurement reporting. Lisa Brown said in the past we have submitted our accounting at the end of the water year. The state is now looking for monthly reporting even though it is an off stream reservoir, however, she talked to the water commissioner and he said he wouldn't need monthly accounting when the reservoir is covered with ice. It will only be done during irrigation season.

Chatfield Reallocation Project (CRP):

- Accounting through April 30th was received from Wheeler, and CCWCD had 140.62 AF in storage going into May. On Monday, June 10, all calls on the South Platte River were released, and Matt Loose asked that CCWCD's water right be filled. As of now we are full at 141 AF.
- The next CRMC meeting is June 19th, but it is the same day as the SPEB field trip to visit proposed grant projects. I will ask Charly Hoehn to share the meeting recording with me, as it will be a virtual meeting this month.
- Charly sent out a newsletter with updates regarding the full pool.
- An additional ASO flight took place last week over the Upper South Platte, and they indicated that there is still 67,000 AF of water sitting in the snow pack.
- Matt Loose participated in the OAC meeting on May 22nd, and provided me with updates:
 - o The USACE continues to indicate that they don't anticipate the need to vacate space in the reallocation pool for flood control purposes.
 - o A drone flight is planned to assess tree health. There was a Project Coordination Team meeting scheduled for June 6th to discuss planned operations, tree health, etc.
 - o DWR asked if there were any issues with the updated master accounting sheet, and no issues were identified.
 - o The OAC will meet again on June 26th.

James Tingle Reservoir (JTR)

- Accounting has been updated through April, and CCWCD's storage was at 83.69 AF.
- CCWCD plans to store around 18 AF of Randall Ditch credits during May, and leave about 9.36 AF of Randall Ditch credits in the stream. We are not planning to take any Sessions Ditch credits due to limited available space. For June, we plan to leave about 12.72 AF of Randall Ditch Credits in the stream, and not take any Sessions Ditch credits.
- Matt Loose has written a memo detailing a proposed allocation of water in JTR and David Shohet has been in contact with Centennial's legal team discussing this and the upcoming diligence, due at the end of this month.
- Park County has opted to not lease the excess water this year.

South Platte Enhancement Board (SPEB):

- I participated in the SPEB meeting on May 15th. Next month's meeting will be a field trip to two of this year's potential grant recipients, the Pine Elk Creek Improvement Association's Historic Railroad Park, and the Gill Trail near Cheesman Reservoir.
- Cheesman is full and spilling and is expected to spill for the foreseeable future. We may get to visit the dam on the field trip.
- The contractors at the Lake George dam removal project will be off site by May 31st. The parking area has been finished, new vault toilets have been installed, and they are finishing up the accessible trail and landscaping.
- The SPPP/ Denver Water Planning Task Force met just following the SPEB meeting. They are an advisory committee on projects that are an alternative to Two Forks. They will be discussing options on extending the Moratorium, set to expire on June 21st. Currently, there is no plan to build Two Forks. The alternative projects being worked on are estimated to generate firm yield of 39,300 to 59,400 acre-feet of water. Twenty years ago, they estimated that 60,000 AF would be needed to replace Two Forks. Denver Water continues to work on alternative projects. They were set to make a decision on extension of the Moratorium at that meeting.

** Additional comments during the Board meeting: Lisa Brown said after she had sent out her Operations Manager's report this morning, she received an email saying they voted to extend the moratorium another ten years.

CCWCD Website Issues:

- Daisy has sent us an invoice for quarterly maintenance, plus the accessiBe tool, that she will immediately install once she receives payment. It will be active on our site before the July 1st deadline. She has also been working on our new theme, and informed me that she would have something for us to look at soon.

** Additional comments during the Board meeting: Lisa Brown corrected the statement about the invoice. Daisy sent an invoice for the one-year subscription to accessiBe which

is \$490 and the \$105 was her time spent researching compliance. She didn't bill all of that time to CCWCD because she felt some of her time was benefiting her business and her other clients. We will be getting the quarterly maintenance at the end of this month as usual. The accessiBe tool will be active on our website before the July 1st deadline. Daisy has also been working on our new theme and will have something to look at soon.

Lost Park Water Rights:

- I received an email from Steve Sypher informing me that they had concluded their legal proceedings with the developer. We had a phone call and discussed the excess water that LPROA had obtained from the developer. LPROA would like to know what CCWCD's interest is relating to the reservoir and the excess water.
** Additional comments during the Board meeting: Lisa Brown said the LPROA would like to know the District's thoughts on it. We are looking at 15.51af of excess the developer relinquished to Lost Park Homeowners Association. That is 1.61af in the reservoir as well.

Town of Fairplay Proposed Parking Ordinance:

- I received a reply from the Town Administrator regarding the letter I had sent on this issue. As I observed on the Town's May 6th agenda, the parking topic had been removed from the proposed ordinance, which also concerned noise and construction hours in town. The town administrator confirmed that the Board had postponed adoption of a new parking policy with no definitive date to bring it back up.

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):

- I visited the property on June 2nd. The cabin was in good shape, but could use another coat of stain on the decks. I walked the fence line and identified a few areas that need repairing. I plan to go back down there later this month and take care of those maintenance items.

Kenosha Trout Club (KTC):

- David Shohet and I have discussed this year's lease calculation and Dave Echter has invoiced CCWCD for \$14,306.75. Our lease will expire on December 31, 2026, with an option to renew for another five years at that point.

PIIP Grant

- Lisa Brown reported the District will be receiving the PIIP grant from the Town of Fairplay.

NEW BUSINESS

None

PATRON COMMENTS

Wallie Weld told the Board about himself. His name is related to Weld County, his great, great, great uncle was the first Secretary of the Territory of Colorado, briefly. He joined the Union Army and went back east where he commanded a regiment of negro soldiers and died in the civil war. While there are deep roots on his father's side, he is only the second generation on his mother's side. Those relatives came from Russia after the Russian revolution and when the families lumber mill was confiscated. Wallie has been a resident of Park County for 27 years, and lives in Bailey. He has property in Indian mountain. He has been a real estate broker and prior to that worked for Union Pacific Railroad's mining corporation. He was involved in the geologic exploration and mine evaluation. He worked closely with the environmental department. They made sure they returned the land the way they received it.

He is currently Vice-Commander of the American Legion for the State of Colorado. He retired as a high school baseball umpire. Water interests him and he has enjoyed hearing what he has so far. He stated water trumps real estate every time. He thanked the group for being able to attend.

Lisa McVicker expressed her enjoyment of learning about Mr. Weld and invited him to attend at any time and invited him to come in to the open house at Burro Days.

UPDATE ON LEGAL ISSUES

Lisa McVicker asked about Central Water Conservancy District's case 23CW3180. David Shohet said they have decreed water rights to Chatfield Reservoir. What they want to do is try to "walk the water", meaning move the water rights downstream so they can store under that same priority at downstream reservoirs. David said he has'nt received anything about this from Central at all. Basically what they want to do is divert their Chatfield water right at downstream storage locations.

David said we are in a lot of water court cases; approximately twelve or thirteen cases. None are serious at this time. In terms of the leases, we have sent them to the county. We're not sure what we will do with the Dental Group. They appear to have some federal non-profit status as a result of how they operate. We are hoping they fall into the category of tax exempt.

ADJOURN TO EXECUTIVE SESSION

Chris Fuller made a motion to enter into executive session pursuant to Section 24-6-402(4)(b) C.R.S. for purposes of receiving legal advice re:

- Negotiations relating to excess Lost Park water.
- Allocation proposal of water decreed to James Tingle Reservoir.

Craig Steinmetz seconded and the Board entered executive session at 3:25 PM.

6.1.2 Reconvene as public meeting: The Board returned to regular session at 3:41 PM.