

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

The monthly meeting of the Center of Colorado Water Conservancy District was held on Wednesday, July 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 1:40 AM.

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

Patrons: Steve Sypher, President, Lost Park Ranch Homeowners Association and Griffin White, scholarship recipient.

Lisa McVicker extended apologies because of the late start due to technology difficulties.

**APPROVAL OF THE AGENDA**

The agenda was amended to allow Griffin White address the Board and also to move comments up for Steve Sypher before the administrative matters. Chris Fuller moved to approve the agenda as amended with those suggestions. The motion was seconded by Craig Steinmetz and carried unanimously.

**APPROVAL OF THE MINUTES**

Lynne Buchanan made a motion to approve the June minutes as presented. The motion was seconded by Craig Steinmetz and carried unanimously.

**Scholarship Recipient:** Griffin White addressed the board and told them he graduated from Platte Canyon High School and will attend Colorado School of Mines for engineering in the Fall. He discussed his time with River Watch at school and about raising trout for the South Platte River. He stated they were released a couple of months ago at McGraw Park (approved by CPW) and now they monitor the water to make sure it is healthy and nothing has happened to it, and supplement work when professionals can't get out to monitor the water. He is certified with them and was very passionate about that which is why he decided to apply for the scholarship provided by the District. Lisa McVicker said they have a robust program on water studies at the School of Mines and he should be proud of himself to achieve admission. Lisa McVicker said when he graduates and decided to return to Park County perhaps he would want to be a Board member. Craig Steinmetz asked about the point of release. Griffin said at McGraw park. They release approximately 20 the last round. He said there is only about a 10% survival rate for 200 eggs.

**Lost Park:** Steve Sypher addressed the Board and said that Lost Park has an augmentation reservoir with a storage capacity that is available. They have also recently acquired additional water rights. It is his understanding there have been quite a few discussions regarding the augmentation pond in the past and water rights. He is wondering if this organization is still

interested in pursuing some sort of agreement and if so, he would look forward to some sort of proposal. David Shohet said he was talking with their counsel and talking a little with the developers at times. He understands the developers had some extra McManus Ditch credits and they also had some storage capacity in the reservoir there. David knows there has been litigation between the parties but he doesn't know what they are offering or wanting at this point in time. He asked, is this just an offer that Lost Park has the extra McManus Ditch credits that is something they are looking to off load, would there be storage opportunities in addition to that? David doesn't know enough to even make an offer to advise Center as to what offer to put together to know what they would be acquiring. Steve Sypher replied Lost Park has enough water rights to keep that pond up around 24af. We also acquired those water rights the Developers had which are 8af of which has never had any beneficial use associated. About 1.6af have pulled out of the Tarryall and kept in storage per the augmentation requirements and we would intend to keep that 1.6af. He hasn't approached this organization with any proposal. He is interested in seeing what interest CCW might have. We are looking at having a partner to help us keep it filled at 40 or possibly shrinking it down to 24. David Shohet asked about making it larger. Mr. Sypher said they could be open to that. He said they hadn't consider making it larger unless someone comes along with an offer to make it larger. David said the storage component is more attractive than the stream credit component. CCW has quite a bit of water rights on Michigan Creek which is a tributary to Tarryall Creek. We have quite a bit of water we could directly fill in the reservoir. David said the developers water rights have not been used and there is some concern there with the Developers water rights, Lost Park may have acquired. The value to Center is in the storage component, not necessarily the direct flow water rights. If we could make use of that water, then great. Center is more interested in the storage. Steve said they will make the necessary repairs so we're not losing leaking. Whether we go minor replacement or some other technology to prevent leakage. Lisa McVicker thanked Mr. Sypher for speaking with the Board said we will discuss this latter in executive session. She will ask Lisa Brown or David Shohet to contact him no matter what goes forward. Lisa McVicker advised Mr. Sypher that CCWCD does have grant opportunities and ask they put their plans together, feel free to put a grant application to the District for financial needs they might have apart from the possible negotiations. Lisa McVicker said Lisa Brown would be the contact for that. Lisa McVicker said the District would definitely be in touch with Mr. Sypher in a timely manner; by next week.

### **Administrative Matters**

2.1 New Director's Oath of Office for Lynne Buchanan: Lisa McVicker said she understood David Shohet had not heard yet from the courts. David said it was best to wait.

2.2 Administrator's Report on Accounts: Nola Knudsen reviewed the check register with the Board. She stated she put a check in for the Coalition for Upper South Platte. She will hold that check until the contract is finalized. Nola asked the Board about invoices from Wheeler for general water rights accounting for the JTR and Smelter. There was a third one just for general water rights. David Shohet said it would be all for the JTR and allocating storage space between Center and Centennial. Nola will bill the new accounting under the JTR.

The monthly checks were \$46,427.70. After the bills were paid we have cash assets of \$2,465,036.22.

2.3 Treasurer's Review: Lynne Buchanan said as far as deposits into High Country Bank, we have July rent from Knudsen Counseling and Summit Community Care Dental Clinic, and utilities from Summit. The total deposits were \$3,916.70. In to Colotrust, we received taxes minus the treasurer's fee \$161,958.45 plus interest of \$10,385.06.

Lynne Buchanan said the audit findings were in order. The only issue they find is segregation of duties. Because we are small, they say that every year. They recognize we are a small organization and do not have staff to segregate duties. Lisa McVicker said it is important that Nola Knudsen maintains a relationship with Craig Erickson, CPA and the Treasurer for work review, so we have checks and balances.

Nola Knudsen said last week, the dental group were having a problem again with power. Nola found the GFI had gone bad where they plug in their sanitizing equipment. She found an electrician to come out and fix the problem quickly. This was the charge for Mark Kelly.

Nola also shared she had talked with Carlos regarding the additional receptor the dental office wanted installed. The plans and permits were estimated at approximately \$2500 and the fee for service is approximately \$2500. Nola asked if the dental group would be expected to pay the full amount or include possible repayment in the amended lease should the dental group leave before the lease term. Craig Steinmetz will discuss this in under 548 business.

2.4 Approval of Invoices and Warrants: Lynne Buchanan moved to approve the invoices and warrants as submitted. Dan Drucker seconded and the motion carried unanimously.

## **OPERATIONS MANAGER'S REPORT**

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

- On May 31, there was 25.12 AF in storage. On July 1, the staff gage read 9.12' for 23.90 AF in storage.
- The high water that began in early June continued all month. On July 2nd, I was finally able to get some debris cleared from the upstream culvert, which dropped the water level by the next morning. The road is now drying out, but a hole has opened up that will need to be filled when more road base is brought in. I have a bid from one excavator for adding material to the road, decreasing the incline of the entrance, and compacting it. His bid is attached to this report. I have contacted two other excavators for bids as well.
- Wheeler will be coming in to do mapping and draw plans for the new head gate when the road has dried out. I am planning on this visit for the end of the month.

### **Additional Board Meeting Discussion:**

Lisa Brown has a bid from one excavator, and she is waiting for bids from some others. Christian Bjornnes, an excavator, was detailed about how he would layer the rock and he gave Lisa Brown two options, one with a cobble layer. Lisa said that's the larger rock that would be the first layer. Christian estimated that would take four loads of cobble which would come out to

\$2900 and then he would do another two loads of inch and a half of wash rock followed by 4 loads of road base. That option one comes out to \$6,850.00. Option two added an additional layer of ¾" rock between the 1 ½" and the road base. He thought adding that ¾" rock would fill in the void in between the larger rock. This he estimated at \$8200. That is to do approximately 100ft of road. The hole that has opened up is about 2ft deep and about 3ft across, so he will need to add some material to that. Lisa is waiting on other bids to compare. Christian can do this "before the snow flies". This is imperative if we are going to be getting the head gate fixed. They will be needing to bring in a concrete truck to pour the head gate. She has talked to Wheeler and they know about the road. They want to wait until the road dries out. Lisa is trying to get Wheeler out to do their mapping and design work at the end of this month.

Dan Drucker moved to approve a bid up to \$8,500 for excavating work needed on the SPR road if Lisa Brown doesn't receive another bid by 7/25/24. Lynne Buchanan seconded and the motion carried unanimously.

Dan said there are some rocks that need to be pulled out of some places. He suggests dropping those rocks in the whole before adding cobbles. With the smaller ¾ material, it would fill it in automatically. ¾" material will work its way down. He would like to see the road base compacted. Lisa Brown said he will compact in between. There is machine time figured in for machine time after the loads are brought in and compacted. Dan said we might have to use a concrete pumper. It's about a 100 feet to the head gate. Lisa will see what Wheeler will come up with.

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

- Accounting through May 31 was received from Wheeler, and CCWCD had 139.53 AF in storage on May 31.
- The CRMC meeting was held on June 19th, but it is the same day as the SPEB field trip to visit proposed grant projects, which I went on. Unfortunately, the meeting was not recorded, but I did get a few updates from Charly Hoehn, relating to the full pool. Tree health and net steps for monitoring were discussed, which include drone flights to assess the canopy. The draft budget was also discussed, and after the drone flights, they will have a better idea if and how much of a special assessment will need to be charged to participants for additional tree removal. The next meeting will be in person on August 26, immediately following a meeting with the ACOE.
- Matt Loose participated in the OAC meeting on June 20th and provided me with updates:
  - The Chatfield Reservoir level is starting to drop, and was about 1,000 AF below flood pool.
  - CCWCD's capacity was refilled earlier in June, during the period of free river. We anticipate trying to operate some exchanges for CCWCD later in the summer.
  - The drone flight data on tree health was being processed, and will be available mid-July. Another flight is planned for the end of the month.
  - The OAC will meet again on July 24th.

### **Additional Information at Board Meeting:**

Rick McCloud told Lisa Brown some of the trees are doing fine where others have completely died. The dead trees and branches are their concern with as hazards for dam safety and also to recreation in the lake. Lisa McVicker asked if the drone footage on their website. Lisa Brown thinks they probably will.

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

- Accounting has been updated though May, and CCWCD's storage was at 99.72 AF.
- The targets for July operations are to leave about 12.25 AF of Randall Ditch credits in the stream, not take any Sessions Ditch credits, and no releases from JTR are planned.
- Diligence for the SPR was filed at the end of June.
- Park County has requested that 2 AF be left in the stream for their use so far this season, which has been accommodated.

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

- I attended the 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. The site for the CUSP grant application was not visited, as most members are familiar with the fish ladder structure and have been to that area recently to view the diversion dam removal.
- I have received printed copies of the 20-year report, and will have one available at the office for any interested parties to read.
- The next meeting is July 17<sup>th</sup> and grant recipients will be decided upon. I plan to attend.

### **Additional Information at Board Meeting:**

The Historic Park is wanting to put in an informative sign and do work to maintain the train cars they have there in the center of town. They are set on rails that were put in place years ago and it is an ongoing project for them. Ultimately their dream is to get an engine. Right now they just want to make it a more accessible park and pave a pathway to make it ADA accessible; Also make a shade pavilion, and benches and historical signs. The Gill trail is to do improvements to the lower part of the trail. There is a lot of erosion going on. They suffered damage late last summer when the storm came through around the Cheesman area.

### **CCWCD Website Issues:**

- Daisy installed the accessiBe tool prior to the July 1 deadline, and it has been running as planned. There were some items detected in a scan that she thinks will be cleared up once we have a new Theme in place for the website.
- Daisy has created a new website on a new, more robust platform. Please let me know your comments on it so that she can continue the process.

Lynne Buchanan, Chris Fuller and Lisa McVicker said the website looks great. Lisa Brown will have Daisy Design go forward with development with that design.

### **Lost Park Water Rights:**

- I had a very cordial meeting with Steve Sypher and Gil Moore of the LPROA a couple weeks ago. The LPROA would like to know of any interest in the excess water and storage in their reservoir. The water rights are about 8 AF, and the storage available is about 15 AF. Separately, they are in need of a new liner for the reservoir, and are seeking ways to help fund that project.

**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):**

- KTC's invoice was received and is included in this month's financials.

Craig Steinmetz asked Lisa Brown about the new head gate at the SPR. He said Wheeler should be up to speed about placing concrete. He suggested Lisa Brown call Wheeler and ask about placement. Lisa said because of placement there may be a more creative and less impactful way of getting in there without bringing in a concrete truck.

### **OLD BUSINESS**

4.1 Introduction of 2024 Scholarship Recipients: Agenda was amended and moved Griffin White address to the Board at beginning of meeting.

4.2 Progress of 2024 Grant Contracts: Shawnee Water Consumers Association. Lisa Brown just heard back from Vincent Topol and a check should be going out to them for \$1500. Lisa will get the contracts finalized with David Shoet.

4.3 Discuss Lost Park Water and comments from Steve Sypher, President of LPROA: Agenda was amended and Steve Sypher addressed the Board at the beginning of the meeting.

4.4 548 Front Street Building Updates: Lisa Brown said she emailed Craig that a description of the new railings with their measurements added to the plans. Craig said he has sent plans to the architect regarding the railing. Lisa Brown did talk to Alex Wagner, the project coordinator for the town. They have the check signed and ready once they receive the as-built.

Steve Sypher left the meeting at 2:35.

Craig Steinmetz said we got the permit for the electrical for the HVAC system. All he is waiting for permit-wise, is a roof plan. The roof plan will call out the items, the size and weight of the items in detail. He will meet a structural engineer on Monday the 15<sup>th</sup>. We have an agreement

from Anchor Engineering for the Board to approve. In their proposal, they didn't call out a maximum price, they say site observation including mileage \$1,000. The estimate, for report calculations, drawings etc., this value to be determined after site observation, \$2,000 to \$3,800. Lynne Buchanan made a motion to approve up to \$5,000 to Anchor Engineering, structural engineer who will be visiting the building on Monday July 15th. Chris Fuller seconded and the motion carried unanimously.

Craig needs access to the roof. They will make a pilot hole for a cassette. Nola Knudsen suggested in her conference room. Craig asked Lisa Brown to email drywall installers and painters. Lisa McVicker discussed how to complete installation of the HVAC and how to minimize disruption of the Dental and Mental Health areas.

Electrical – Craig Steinmetz said he will talk to Carlos. He said there are two ways we can do it. Any time there is a change in electricity, the building department wants to know about it. Putting in an additional outlet, we will have a permit. We can piggy-back the price and the plans for the electrical they need and then submit this with the other work. Lisa McVicker asked about the time line for installing their new equipment. Nola Knudsen said the dental office is ready to go, but they are waiting for us. There was a discussion regarding the price for the electrical. Lisa McVicker said she likes the same upgrades that was done regarding their other upgrades. Nola said she will combine the two costs for upgrades and amend their list that states if the dental group leaves when their lease is up, they will reimburse CCWCD 100% of the cost. If they leave within 2 years, they reimburse us 50%. Then if they stay another two years, CCWCD will absorb the cost.

Lisa McVicker said per the June meeting, the Board members had a secret ballot to go forward with the HVAC upgrade. The members were to email their vote to David Shohet who reported the vote was 3-2 in favor of going forward with the work.

4.5 Discuss Open House Preparations – Lynne Buchanan said Lisa Brown has been busy on the action plan. She said all the ads for the Flume and the Country News have been done. The power point was shared with everyone and she has more videos and photos ready by the 26<sup>th</sup>. The sandwich boards are on order to set outside. Lisa Brown has done a great job with the planters and the office looks lovely. Chris Fuller is handling lunch for us, the containers are here to hold give aways, dog bowls are here as well as water booklets from Colorado Water Education. Lynne said we have food giveaways that are being worked on. Lynne said she didn't think the Board needed to show up the day before. All can show up at 9:00 on Burro Days. Chris will bring a cooler for water. Nola Knudsen will bring in a buffet server for the food.

## **NEW BUSINESS**

5.1 Update on Smelter Pipeline Reservoir head gate and road repairs: Discussed in Operations Manager's report above.

## **UPDATE ON LEGAL ISSUES**

Public Update: David Shohet said he sent out the legal report to the Board members. This morning most of our water court cases are in that process of circulating draft engineering,

proposed decrees and getting comments back and forth. There are no real pending court deadlines in terms of trial dates or expert disclosures.

Case 24CW3092. The Center filed an application jointly with Centennial for continuing diligence on the James Tingle Reservoir.

David said they are in about 12 cases. There is are a lot of cases going on but he is basically monitoring and trying to get stipulations.

HASP Matters - We did receive two new applications. One is for a 7-lot subdivision for household use only. It is right next to the SPR or near the SPR. There is a new Douglas County Sheriff's that wants to put in a facility near Deckers and is looking for some water. HASP also entered into a one-acre foot spot lease sale.

Lisa Brown was confirming the 7-parcel land is outside of Fairplay, off Hwy 9 before the Snowstorm Gavel pit by Platte Drive and south of where Mosquito comes into Hwy 9. David said the HASP meeting is this Friday and we will talk about both applications.

6.1 Adjourn to Executive Session: Dan Drucker made a motion to enter into executive session pursuant to Section 24-6-402(4)(b) C.R.S. for the purpose of receiving legal advice regarding negotiations related to excess Lost Park Ranches water. The motion was seconded by Chris Fuller and carried unanimously.

During executive session, no decisions made. The Board members took counsel's advice. The Board will not go forward pursuing any partnership with Lost Park Water Association because our needs are different from their needs.

## **DIRECTOR'S ISSUES**

Lisa McVicker thanked everyone about their condolences for the loss of Honey.

Craig Steinmetz said he spoke with the John, the architect and raddled his cage telling him we were waiting on a check. Lisa Brown provided the needed description to be added to the plans and he will get right on it. Lisa McVicker said Mr. Weld didn't prevail in the primary.

Lisa said Mr. Weld did not prevail in the election. He appeared he might be interested in coming back to the Board and would be interested in a Director position. Nola Knudsen has already talked with him and he will attend the Open House; he is interested in a Board position.

Lynne Buchanan made a motion to adjourn. Craig Steinmetz seconded and the Board adjourned at 3:10 PM.