

Center of Colorado Water Conservancy District
Meeting of the Board of Directors
October 9, 2024

The monthly meeting of the Center of Colorado Water Conservancy District was held on Wednesday, October 9, 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 1:05 PM.

The members present in the office were Chris Fuller, Lynne Buchanan, Lisa McVicker, Craig Steinmetz, and Wallie Weld. 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

Lynne Buchanan moved to approve the agenda as presented. Wallie Weld seconded and the motion carried unanimously.

APPROVAL OF THE MINUTES

Chris Fuller made a motion to approve the Board's September minutes as presented. The motion was seconded by Wallie Weld and carried unanimously.

ADMINISTRATIVE MATTERS

2.1 Administrator's Report on Accounts: Nola Knudsen reviewed the September check register with the Board. Invoices for September totaled \$16,300.64. Cash assets remaining after payment of September invoices is \$2,513,745.79.

2.2 Treasurer's Report: Lynne Buchanan reported income for the month. Rent for October from Summit Community Care Dental Clinic and Knudsen Counseling. There were some issues with checks being returned due to postal error that will reflect next month. Interest was \$0.36. At Colotrust, property tax income was \$11,487.67 with interest being \$10,810.15. With interest rates lowering, we received notice the interest on the account will go down slightly.

2.2.1 Budget: Lynne Buchanan said she sent out the preliminary budget prepared by Craig Erickson. There were some items she received information on including the Operations Manager's budget to \$55,000, and Craig Steinmetz provided information regarding the funds for the air return project. Lynne Buchanan updated Wallie Weld on the district procedures when preparing a budget. Lynne said we utilize Craig Erickson, CPA to assist in preparation of the

budget and with Nola Knudsen with accounting issues. He puts together a preliminary budget based on what the current expenses are to date. If there are any major changes, we talk about those in November. The notice of budget is advertised in the newspaper that is available for review in November. The Board will vote for approval of the budget at the December meeting.

Lisa McVicker said there are many eyes on the budget process including Lynne Buchanan, Nola Knudsen, Craig Erickson, the auditors and all Board members. Chris Fuller said Chatfield will have an increase. Lisa McVicker said if there are changes, we can do a resolution to amend. Lynne said right now, we have a placeholder of \$100,000, however, if we want to build a reservoir and/or purchase water, then we would do an amendment. The grants budget was left at \$150,000. Chris Fuller moved to approve the Treasurers report and invoices and warrants. Wallie Weld seconded and the motion carried unanimously.

OPERATIONS MANAGER'S REPORT

Smelter Pipeline Reservoir (SPR):

- On September 1st, the gage read 8.55' for 22.12 AF in storage. The staff gage read 8.37' on October 1st, for 21.56 AF in storage.
- I have made several trips in the last couple weeks to clear beaver activity from culvert #1 at the entrance. I am going to pound in a couple stakes and stretch chain link across it to make a rudimentary beaver deceiver that can be easily removed before runoff.
- The design of the headgate has taken longer than expected. The last word was that Wheeler should present it to me by the end of this week.
- I have been updating the accounting spreadsheet, and am waiting for verification that I have done it correctly before I make the fall release for Adventure Placer 2. There is over an acre-foot of "Owe the River" that will need to be released if I have populated the spreadsheet correctly.

Additional Discussion: Lisa McVicker had a question about an article she read regarding Trout Unlimited and their good Samaritan work trying to mitigate the London Mine up there, and the way the EPA is, if anyone tries to mitigate what Trout Creek is trying to deal with, can end up being liable. There is pending litigation both in Colorado and in Congress for a Good Samaritan Law. There was a picture of them doing work, trying to deal with the sludge. Lisa McVicker asked Lisa Brown if she had seen any of that activity. Lisa Brown said she had not by the Smelter. Up at the London Mine, Joe Harrington from Mind Water figured out a way to clean the water. Lisa McVicker said it was interesting what they were attempting to do without doing to the actual source at the mine and dealing with all the water that goes through the sludge. She was thinking it must be observable down by the Smelter. Lisa Brown said it was much clearer than the way it was. Lisa Brown said she has been up to the mine. They have a holding pond. The process used molasses and alcohol to counteract the activity of the pyrites that causes the acid in the water.

Lisa McVicker asked how far back the Owe the River accounting goes. Lisa Brown said it is for the whole water year. However, when we had periods of free river, we were able to book over all the Owe the River up to those points of free river in May and June. We were able to zero that out at that time. It has been accumulating from then to September. Lisa Brown calculated the amount at 1.3af. She is hoping it is less but it may need to be released.

Chatfield Reallocation Project (CRP):

- Accounting through August 31st was received at the end of September from Wheeler, and CCWCD had 136.00 AF in storage on August 31st.
- The CRMC had a special meeting on September 25th to discuss the contract with Markit! Forestry for tree removal.
 - the focus will be removal of approximately 3,000 trees that have been identified as a priority for dam and recreational safety.
 - Ground operations in dry areas are expected to start as early as this week. The helicopter will start aerial removal at the beginning of December and is planned to work through March.
 - The not to exceed amount was set at \$1.5 million. The additional assessment for tree removal costs at \$1.5 million is still \$72.82/share for a total of \$161.82/share. CCWCD's assessment will be \$22,816.62 for 2025. We will be invoiced for this in January, 2025.
 - I plan to attend the CRMC Regular and Annual Board meeting on October 23rd, at which the proposed budget will be adopted.
- Matt Loose provided me with some updates from the OAC meeting held on September 25th:
 - DWR is anticipating that calls downstream of Chatfield will range from 1909 to 1936 during October. Junior calls will be more likely in December and January
 - The new Plum Creek gage has been working well.
 - Denver Water's releases from Strontia Springs Reservoir are down to 30 cfs to maintain minimum stream flows in Waterton Canyon.
 - Matt reported that there were no new operations for CCWCD, and that he anticipated CCWCD's storage to remain stable through the winter. The OAC will meet again on October 30th.

Additional Discussion: Craig Steinmetz asked what was causing the tree damage. Lisa Brown explained it was because of excessive water in the reservoir. The reallocation pool filled and remained full for a year and the trees have been inundated for the year. At first, they weren't showing signs of stress but then there was rapid decline and dying. Lisa Brown said the participants wanted to move their water elsewhere but there was no demand and all the other reservoirs were full. In the original planning stages, there was expectation there would be some tree die off, but they thought it would be more extended and periods where the reallocation pool

would fill briefly but then get emptied back out. Another consideration is the tree canopy and the bird environmental units that they measure it by.

James Tingle Reservoir (JTR)

- Accounting has been updated through September, and CCWCD's storage was at 86.20 AF.
- 0.76 AF of stored Randall Ditch credits was released during September for CCWCD. 4.10 AF of stored Randall credits are planned to be released during October.
- I met with Swithin Dick after the SPEB meeting to discuss ideas for the construction of the raptor towers.
- I met with a local contractor, Jason Spann, to get a price to pour concrete bases and erect the towers on September 26th. He sent me an estimate yesterday of \$2,765 per tower to excavate and pour concrete for the bases, build perches on and erect the towers. He can do the job this fall.

Additional: Lisa Brown said she read the operating agreement with Centennial again and discussed it with David Shohet. This is something we can split the cost of with Centennial. Lisa has sent the proposal to Swithin Dick and is waiting to hear back from him.

South Platte Enhancement Board (SPEB):

- I attended the SPEB meeting on September 18th at the Centennial Water and Sanitation District Headquarters. (Their name will soon be changing to Highlands Ranch WSD).
 - One grant recipient (PECIA) has submitted their request for release of their grant funds. I would like to visit the Pine Railroad Park to see the progress of their project this fall.
 - A presentation was given by Colorado Springs discussing the Continental Hoosier System and the planned expansion of Montgomery Reservoir. They are currently in the pre-application phase, and expect to submit their complete application to the ACOE in 2025, with state and local permits planned for submittal in 2026. Right now, they are aiming for project completion by 2030. No lawsuits opposing the expansion have yet been filed. The dam will be raised by approximately 50', which will be an 8,100 AF enlargement. The current capacity is about 5,700 AF. Colorado Springs is currently developing plans for stakeholder and community outreach.

Additional Discussion: The Dam is an asphalt earthen dam and is reaching the end of its term. They will build up the side of the reservoir on one side, lower the level of the dam, build up that side, then build it out on the downstream side and build it higher. It will come out as far as where the valve house is. They have been doing a lot of water quality studies this summer. Lisa asked if the road would be inundated. There are portions where they will have to rebuild the road. The water level will not be any higher than the mouth of the tunnel coming in.

- Denver Water expects the Roberts Tunnel to run through October, depending on customer demand.

- As part of the Eleven Mile Canyon Dam Removal project, the road at the mouth of the canyon was widened a bit and a new ranger station is being built.
- Annual Pawnee Montane Skipper monitoring was done in August. The population appears to be holding steady, but the Forest Service is still processing the data. It is still listed as endangered.
- The next meeting will on October 16th, which I plan to attend virtually. They are trying to have more in-person meetings, and I suggested that our conference room is a possibility for a meeting next year, perhaps coupled with a field trip to Montgomery Reservoir.

CCWCD Website Issues:

- The website has been functioning well. The invoice for fourth quarter maintenance was received at the end of September.
- The accessiBe tool has been functioning well.

Kenosha Trout Club (KTC): No changes since last report.

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 didn't get a chance to get back down to Guffey later in September, but plan to finish off work down there this month. Also, I've been researching generators.
- I spoke with a potential client for augmentation water in Division 2, which caused me to think about the future of the property.

Additional Conversation: Lisa Brown received a call from Alexander Flores out of Oklahoma. He was looking to purchase horse property and wanted information about augmentation water. Lisa Brown talked to him about the plan in Division 2 but that we don't have facilities yet to provide augmentation water. Mr. Flores said if he purchases land, he will become a customer.

David Shohet said about 5 years ago they went into a heavy pond enforcement deal. We spent quite a bit of time trying to determine if there was interest for us. We don't have augmentation water for ponds. We spent years looking at it to determine if we should build a reservoir and be able to augment ponds but we didn't get interest from the locals to pursue it. The Division 2 engineer has been very actively looking at things like the futile call, people diverting under the futile call. She is ceasing those diversions and making them get augmentation plans. She is also

trying to rewrite the administration numbers, looking at decrees and changing priority numbers which is a larger concern to David. The fact they are going after diversions, that may drive again the need for some persons looking for augmentation water in the Division 2 portion of our District. David says one or two people say they are interested, but we haven't had enough interest. Maybe we need to start putting Division 2 back on the radar.

David Shohet said we appropriated a water right called the CR Bridge 59. This was supposed to be a pump to get water from Division 1 to Division 2. We may get some interest from others that makes this worth another look.

Lisa McVicker said that water decree (with pumping), the concept was to store it on Currant Creek property in tanks. She doesn't know how it would work to get water to the Oklahoma man for his horses. Lisa Brown said if he bought augmentation water that we would deliver into the creek for what his well would deplete. David Shohet said it would make more sense and be easier to deliver water to him to fill his cisterns. David, we got close to applying for a grant to Park County Water and Trust Fund. We may want to revisit this under the HASP umbrella and look at the Land, Water and Trust for assistance with trucking. Lynne Buchanan said there is a property owner above the property Mr. Flores is looking to buy, has a cistern.

Wildhorse reservoir meetings have continued to be canceled. They are planning to talk about Aurora's water quality modeling approach. Chris Fuller said there is still a lot of activity down there this summer.

OLD BUSINESS

4.1 2024 Grant Project Updates (LBB/CSF): Lisa sent an email to Jim Legg to send in his final report. She offered to help him with any assistance filling it out. Chris Fuller said it is important to get it before the end of the year. Chris will be touching base with him.

Shawnee Water Consumers Association. Lisa Brown met with Vincent Tolpo last week and took a tour of the whole water collection facility, their treatment facility, and the small water system that serves 29 households. It has been in existence almost 100 years. Their 100-year anniversary will be in 2029. Lisa Brown went to their augmentation reservoir above Shawnee, his vision is to expand reservoir. They have more water rights than they need to serve all their houses. He would like to expand the reservoir. Mr. Tolpo showed Lisa Brown the piping he put in. The grant money went to the purchasing of the piping. The reason for the piping is the District 80 Water Commissioner wanted to see they were not losing water through seepage or evaporation as it runs through the ditch system. Phase 3 of piping is for next year where they will run pipe across from the collection gallery down to the river. Eventually they will get a meter on it.

4.2 548 Front St. Building Updates (PCS/NWK/LBB): Craig Steinmetz sent Lynne Buchanan a spread sheet of costs for the 2025 Budget for the exchange air and for changing from propane to natural gas. It was \$223,782. It did not include the gas work or carpentry. We have one proposal

from Pasterkamp who will do the air exchange work. We had one verbal estimate for \$2500 from a site in Denver. We are waiting on a proposal from IDS Plumbing. We need a permit for the gas; it will be inspected. We will also get certificates of insurance as additionally insured.

Lisa Brown talked with Jim Pasterkamp and their plan for where they would store the equipment when they were here doing the work. He wants to park a box truck under the portico. There are two individuals that will take care of the openings in the ceilings. Craig is meeting an individual now to get on the roof and looking at the plans for the penetration on the roof.

Regarding the dental office area, Nola Knudsen said she spoke with Carlos, the electrician, who told her to get a list together of the equipment in the two service rooms. After speaking with the staff, it turns out they were turning on heaters and didn't understand how to turn up the thermostat. They will use the in-floor heat appropriately,

Lisa Brown talked with Gregory Door and Window in Breckenridge; they charge \$150 to come out and take measurements. They are six weeks out. She then went to Alpine Lumber in Buena Vista and showed her a number of door options. He priced out solid wood, they don't have aluminum clad. Their cost is \$3,062 and with frosted glass \$3,760. Fiberglass laminate doors, are durable and are half the price with the wood grain look. Clear glass would be \$1,568 and frosted glass \$1,782. This is in contrast to Valley Glass who estimated \$3,956 installed with the panic bar built in. One other place Lisa Brown hasn't looked at was Mariposa in Salida.

There was a discussion that discussed the egress requirement of 75'. There are no issues in the conference room which means the front door could be regular hardware or even a push door with a deadbolt.

NEW BUSINESS

5.1 Discuss development of a water education class for the public: Chris Fuller said she wants to do a class like Jim Felt did for the district, for the public. David Shohet asked if she would want a panel for discussion? Chris said as long as there is educational basis. She wants people to understand the basics of water law. Lisa McVicker said it might be a starting point to understand the property tax they pay. Advertise to come for an hour and do an overview of how we started and what we started. Then specifically about the history of water rights in Park County, the beginning of CCWCD and Sportsman Ranch and then open it up to questions for a panel. Chris Fuller feels like it is our duty to do this.

Lisa McVicker said she could put together a summary of the points she made and circulate it for additions. David Shohet would be happy to donate his time to the District to teach that class. With the expansion of Montgomery, the public will want to learn how they have the right to do that.

Lisa Brown will ask Garver Brown if he would be willing to participate also. May is beginning of irrigation season. April might be best time for the class.

UPDATE ON LEGAL ISSUES

David Shohet said we are in eleven cases, but in these cases, there are no pending trial or court dates. We are the process of circulating proposals, decrees, and engineering.

Case 24CW3032 Application of CCWCD & USPWCD: We just obtained a decree from the water court finding that CCWCD and USPWCD received a finding of diligence in this case. We now have another six years to do what we want to with that water right.

Other than that case, there are no new HASP applications in the last 30 days. David said he just did received Wheelers Operations Memo for September and he will forward on.

Johns Ranch is on hold. Aurora is doing additional investigations related to the reservoir site and the Johns property. David said that is probably the biggest case we are involved in along with the Rosalie change case.

David Shohet said he will not be at the joint meeting; it is David's 25th wedding anniversary.

DIRECTORS ISSUES

Lisa McVicker will be here for the joint meeting. We have 12 students and 2 professors from the WOW center. It is happening and that Wednesday is the pre-meeting trip with the students. She will join them at 12:30 to see if she can join for twenty minutes to say hi to the students.

Craig Steinmetz asked for an email vote for the proposal to go forward with the natural gas conversion with Colorado Natural Gas. The cost was for less that \$5K. The board passed to install natural gas. The approval from the plumber has not been received as yet.

Chris Fuller made a motion to authorize Lisa Barden Brown to go forward with the vendor Jason Spann to install the raptor towers at the James Tingle Reservoir, splitting the cost 50/50 with Centennial and depending upon agreement with Swithin Dick. Lisa Brown said the quote is estimated at \$2,765 per tower, times two towers. The cost is not to exceed \$6,000 split 50/50. Wallie Weld seconded and the motion passed unanimously.

Chris Fuller went to the James Tingle Reservoir to assess noxious weed growth. She said all the places treated are looking very good. Down below there is one long side with a drainage strip of gravel where there are two populations of Canada Chris hasn't seen. She has treated one and will return to treat the other. They are not really tall, approximately just 36 inches.

Wallie Weld said his wife's father is in hospice and his time is getting close.

Chris Fuller moved to adjourn. The motion was seconded by Lynne Buchanan and the meeting adjourned at 2:45 PM.