

Center of Colorado Water Conservancy District
Meeting of the Board of Directors
September 11, 2024

The monthly meeting of the Center of Colorado Water Conservancy District was held on Wednesday, September 11, 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 AM.

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

APPROVAL OF THE AGENDA

Lisa McVicker requested to add 5.2 to new business to discuss purchase of CCWCD District computers for Lisa Brown and Nola Knudsen. Lynne Buchanan moved to approve the agenda as amended. Wallie Weld seconded and the motion carried unanimously.

APPROVAL OF THE MINUTES

Chris Fuller made a motion to approve the Board's August minutes. The motion was seconded by Craig Steinmetz 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 \$22,576.33. Cash assets remaining after payment of September invoices is \$2,505,173.38.

2.2 Appointment of a Budget Officer for 2025: Wallie Weld moved to appoint Lynne Buchanan as the 2025 Budget Officer. Chris Fuller seconded and the motion carried unanimously. Lynne indicated she would use Craig Erickson, CPA for assistance with the Budget with which the Board agreed.

2.3 Treasurer's Review: Lynne Buchanan said in High Country Bank we received the rent from the dental office and rent and utilities from Knudsen Counseling in the amount of \$2,067.14 as well as \$0.39 in interest. In the Colotrust account, Center received taxes in the amount of \$21,869.44 with interest earned of \$11,346.98. Lynne Buchanan indicated

Lynne Buchanan made a motion to approve the invoices and warrants as submitted. Craig Steinmetz seconded and the motion carried unanimously.

Smelter Pipeline Reservoir (SPR):

- On July 31, the staff gage read 8.75' for 22.75 AF in storage. On September 1, the gage read 8.55' for 22.12 AF in storage.
- RNS Excavating has completed the work on the access road. An invoice in the amount of \$4,941.00 was received on September 3rd. The job was completed as quoted, despite some additional work that needed to be done on culvert #2 to open it back up.

Additional discussion: Lisa Brown said culvert #2 was the one she thought had been clogged, however, it had been crushed possibly by the ice. Once the water was flowing down, she could see the culvert was crunched on multiple sides. It hadn't been caused by boulders moving. The operator was able to get the teeth of his backhoe into the culvert and pull it open. Will have to keep an eye on it and may ultimately need to replace it. It is a 3-foot culvert that might have to be replaced. Right now there is a lot more water going through it. Lisa will try to open it more.

- I have been in contact with Christine Mugele regarding progress of the design for the replacement headgate. Wheeler expects to have their initial drawing set to the structural engineers by the end of this week, and then expects those to be turned around within 1-2 weeks.
- I have been working with Amy Jackson at Wheeler to accurately update the new accounting. The accounting has been updated through September 1st, and has been reviewed, with just a couple changes needed on my end. I expect to be all set up for submitting accounting on a monthly basis to DWR during next year's irrigation season.

Chatfield Reallocation Project (CRP):

- Accounting through July 31 was received in August from Wheeler, and CCWCD had 137.88 AF in storage on July 31st.
- The CRMC met for the bi-monthly meeting on August 26, which I attended in person.
 - Chatfield reservoir was utilized by airborne firefighting assets to fight the Quarry Fire last month. The total amount of water consumed was just under one acre-foot.
 - The reservoir elevation was just under an elevation of 5438'. This is about 6' below full pool, with about 14,800 AF in the Reallocation Pool.
 - The site for the new COAGMET all-weather precipitation gage has been prepped, and the equipment is about to be installed.

- The project Coordination Team (PCT) meeting with the ACOE was rescheduled
- to September 10th. The focus of that meeting will be the issue of tree health in the Fluctuation Zone.
- Over 5,000 trees have been marked for removal as dead or imminently dying. The one positive note is that willows in the FZ are rebounding, and cottonwood seedlings are starting to pop up. However, the dead trees will need to be removed for both recreational safety and dam safety. Many scenarios were presented, with a worst-case estimate of \$4.5 million. The Board made a motion to approve the CRMC Project Manager and CRMC Legal Counsel to negotiate a tree removal proposal and fee schedule with Markit! Forestry for tree removal services for a not to exceed budget amount of \$1.5 million. A mixture of ground based and helicopter assisted tree removal of the most critical stands of trees that need to be removed (approximately 1,500 trees) was discussed. The proposal, fee schedule, and final draft contract documents will be presented at a Special CRMC Board Meeting in September. Unfortunately, this necessary tree removal will result in an increased annual assessment.
- The FY '24-'25 budget was presented, with additional costs per share for tree removal calculated for scenarios of 1, 1.5, 2, and 2.5 million dollars for tree removal costs. The base member assessment rate is \$89/share. The additional assessment for tree removal costs at \$1.5 million will be \$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. Expect that additional tree removal costs will need to be assessed for the next 3-5 years, however other operating costs for monitoring, etc. are expected to continue to decrease slightly. The proposed budget is scheduled for adoption at the CRMC Regular and Annual Board meeting on October 23rd.
- Matt Loose provided me with some updates from the OAC meeting held on August 28. Senior calls downstream are in effect, and DWR expects that to continue through the remainder of the water year. Any junior calls have been generated by localized storm events downstream.
- Most of the inflows are native flows on the South Platte River. The flows on Plum Creek are low, with only about 3.5 csf coming into Chatfield.
- Denver Waters releases for the minimum Waterton Canyon flows decrease in mid-September, which could drop the Chatfield native inflows.
- Matt reported that there were no new operations for CCWCD, and that he anticipated CCWCDs storage to remain stable through the winter.

James Tingle Reservoir (JTR)

- Accounting has been updated through July, and CCWCD's storage was at 92.45 AF.

- CCWCD plans to release about 0.76 AF of stored Randall Ditch credits during
- September. No other operations are planned. There were no releases or deliveries made in August.
- Park County utilized the remaining 1 AF of their 5 AF allotment in August.
- The tower that I purchased to make raptor poles out of was delivered to the reservoir on August 15th. I am contacting a local contractor to get a price to pour concrete bases and erect the towers.

Additional Discussion: Swithin Dick has engineers in Centennial looking at what will be needed size wise and how deep that concrete will have to go for those towers to be structurally sound and to be able to withstand the winds they get out there.

- I attended the annual Dam Safety Inspection on August 29, and no new issues were identified. The Dam Safety Engineer was pleased to see the progress on new raptor poles.

Additional Discussion: The report was sent out yesterday afternoon and Lisa Brown was unable to read it in its entirety. There were very minor things identified such as filling in animal burrows on the south side of the dam and where there is another raptor pole location.

- The updated EAP (Emergency Action Plan) and EOP (Emergency Operations Plan) for the upcoming year were just received from Schnabel Engineering. I am currently reviewing these documents. They have been sent to the Dam Safety Branch also.

South Platte Enhancement Board (SPEB):

- I attended the SPEB meeting on August 28.
 - Grant award letters have been sent out to recipients and SPEB is in the process
 - of issuing those grants.
 - There was a discussion regarding the Integrated Target Shooting Project by the USFS. The Board voted to write a letter of comment supporting Alternative 2, which recognizes that “the existing restrictions against recreational shooting near the river corridor supports protection of the ORV’s, and SPEB supports continued dispersed shooting restrictions in these areas. SPEB understands and supports the need for responsible and managed recreational shooting on public lands where appropriate”. I can send out the Forest Service’s full proposed plan to anyone interested.
 - Denver Water increased flow amounts through the Roberts Tunnel to 300-350 cfs over Labor Day weekend to support the Bailey Days whitewater festival.

- The next meeting will be in person at the Centennial Sanitation and Water District offices, which I plan to attend.

CCWCD Website Issues:

- The high data usage issues and threats of the site being suspended by Host Papa have stopped. Daisy did some research and found that our upgraded hosting plan with Host Papa had been paid through September 2026. We have not switched to A2 Hosting yet, and Daisy is monitoring the site for any problems. We can try to stick with them until our subscription runs out, to get our money's worth, or cancel with them if the high data usage alerts resume. The amount paid for the upgraded plan for the three-year subscription was \$575.71.
- The accessiBe tool has been functioning well.

Additional Discussion: Lisa McVicker suggested letting Daisy know we trust her judgement. If Host papa starts going crazy again, she can make the change. The board members agreed as the Board has already previously approved the A2 Hosting.

We need to update the website to add Wallie Weld and change Dan Drucker to Operations Manager Emeritus.

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 returned to the property on September 7th.
 - Loose nails were replaced with screws in the deck as needed. Weeds were pulled around the cabin. I will get back down there to re-stain the deck while the weather is favorable. The cabin was dry and in good condition.
 - I bought a new lock for the entrance gate, since it had been brought to my attention that unauthorized people had been encountered on the property. They had probably intuited the combination from the address, or from a Board member not scrambling the lock while they were at the property. There is a new random combination for that lock. I have given the combination to John Matteson and Bob Slagle.

- A revised, more limited grazing proposal was presented to me and the Upper South Platte Board last week. The revised plan calls for limiting the amount of cattle to only 5 pairs of cows and calves. The rancher will install internal fencing that restricts cattle from the corner near the entrance gate, northward and uphill toward the property line with the neighbors (formerly the Smiths). The proposed fence line would follow along where the property gets quite steep. Cattle would not be allowed anywhere near the cabin, barn or foundation. I met with Bob Slagle at the property and set some flags for proposed fence boundaries. I expressed concern to him about how the cattle would be permitted to access the creek; whether or not it would be mostly fenced off with limited access points, or just left open to them throughout the length of the property. Bob would like the CCWCD Board to decide whether they would be in favor of this plan, to be implemented immediately if in favor. The duration proposed is five years, with the stipulation that if HASP determines that the property is becoming overgrazed, the cattle will immediately be moved elsewhere.

Additional Discussion: Lisa McVicker said the Currant Creek 2 property is riparian land and she expects it would only take five days to impact the water in a degraded manner. Lisa McVicker said if USP and the rancher think five pairs could be placed there, Lisa thinks they need a water tank and to fence off the riparian area. She doesn't think access to Currant Creek is appropriate and voiced strong concern for the damage that would be made for this riparian area and the time it would take for it to replenish itself. Lisa McVicker is opposed to this lease. Lisa Brown said the rancher proposing this is the property manager for the former Smith area who doesn't want cattle on their property. Lisa Brown said they will want to go onto the Smith property.

Nola Knudsen asked Lisa Brown if it was appropriate to purchase additional batteries for use of equipment at the Currant Creek 2 property. Lisa Brown will price out and purchase a small generator since there is no electricity on the property. The Board will authorize purchasing a generator not to exceed \$1,000.

OLD BUSINESS

4.1. 2024 Grant Project Updates: Chris Fuller said in regards to the Lake George fish passage project, we are still doing design and planning fund raising. She shared where money has been received and stated they are still working on raising more. The Shawnee grant was executed, the agreement signed and funds received by them. Lisa Brown plans to visit that site and take pictures next week. Chris Fuller said the contract with CUSP is signed and will be returned.

4.2 548 Front St. Building Updates: Craig Steinmetz said he had a conversation with Alex at the building department. Craig asked Lisa Brown if she knew about the availability of the PIP check. Lisa had placed a call into Alex and he has a check for Lisa to pick up this afternoon. He didn't receive the as-built with the notices on it. Craig said they keep telling him they are confused. They co-mingled the as-built plans with the air exchange plans. Craig asked Lisa Brown to ask Alex when we might see the permit for the exchange air.

Lisa Brown finally received a door quote from Valley Glass today. The cost was \$3,956.80. She called Bear Country Glass and will also call Gregory Door and Window in Breckenridge for a quote. The Valley Glass quote is for an all-aluminum commercial door with panic hardware on it. Craig mentioned to Lisa Brown that he would like a wooden door with aluminum on the outside to replace that. Lisa Brown said Valley Glass doesn't have access to a door like that.

Nola Knudsen asked the Boards permission to use a wall mount for the television in her conference room. She would also like to purchase a shade with a remote for the skylight in her conference room. Lisa McVicker said that would be a CCWCD upgrade. CCWCD will consider that an upgrade and cost will be added to the lease as an amendment.

4.3 South Platte Forum Registration Updates: Lisa Brown said the early registration is open until October 1st. She will get the sponsor registration taken care of. CCWCD and USPWCD will have just one table for all three logos (includes HASP). Lisa McVicker said one of the popup items is something that can be used going forward. Lisa McVicker explained the Forum to Wallie Weld and invited him to attend. He would like to attend; Lisa Brown will forward the registration information to Wallie Weld to complete.

NEW BUSINESS

5.1 Discuss revised grazing proposal at Soda Springs Property: Lisa McVicker said the USP has requested input from CCWCD regarding this proposal. Lisa McVicker is against approval of this lease for reasons previously discussed. Chris Fuller made a motion to inform USP and HASP that CCWCD is not in favor of any grazing on that Soda Springs property. Lynne Buchanan seconded and the motion carried unanimously.

5.2 Purchase of Computer: Lisa McVicker said the USP is buying all board members computers. Lisa McVicker suggests we authorize Lisa Barden Brown to purchase a dedicated laptop for CCWCD on which she can save all the decrees David sends her. Information on that dedicated computer would be separate from her personal information. David suggests a backup protocol with that computer. Lisa Brown suggests a separate external hard drive. Lisa McVicker asked if Nola Knudsen needs a new computer for Administrative use with the external hard drive. She indicated the prior computer is outdated and no longer supported by Microsoft. Chris Fuller made a motion to purchase an Administrative and an Operations Manager computer with hard drive backup for both, dedicated to district work up to a maximum purchase price of \$5K. The motion was seconded by Lynne Buchanan and carried unanimously.

UPDATE ON LEGAL ISSUES

David Shohet previously distributed a written summary of all current legal issues via email. He summarized a few issues for the Board. The first water court application is for John's Ranch. He said that Aurora has been working on storage facilities they will need on site to replace return flows. Aurora doesn't want to do recharge facilities because they see it isn't working well for Centennial on the Kline Ranch and they are having a hard time finding a location on their property for a reservoir. The ground is not great to support a reservoir. That case will be on hold for a while until Aurora can get through all their engineering and figure out what they are going

to do for delayed return flows. David would not be surprised if at some time they would look to HASP, Center, or Upper South Platte to be a partner on something that we have not discussed in the past. Aurora will have to get creative for that to work for them on that change case.

David said that Center filed an application for diligence on the SPR. We received a final decree on that case in August 2024, so that case is done. We have another six years to make the remaining portion of that water absolute.

24CW3092 is the joint application filed by Center and Centennial for diligence on the JTR. David said we didn't receive any statements of opposition and David is not anticipating any issues being raised by the State in terms of diligence. He said we have done so much work for the last 6 years while operating the JTR. That case should be wrapped up soon.

David said we are involved in twelve cases. There are no pressing court dates, nothing set for trial, no reports due but we do have a lot of going back and forth with proposed rulings and engineering reports. No other legal matters. David did send out Matt Looses' operations report.

Lisa Brown asked about the application of Schattinger Ranch. She said the amount to make absolute appears high. David Shohet said it was about 600-700 acre feet of water. It was a really high rate of 8 to 10 csf and we are not sure if they actually diverted that amount. The other reason it appeared high is because they are adding two different diversion dates (one in 2021 and one in 2023) together to get their absolute amount. Typically, you are only allowed to take the diversion record during a twelve-month period. You are not supposed to cherry pick diversions out of several different years to make the full amount. It usually has to be done in one year to get the full amount.

PATRONS COMMENTS

Dan Drucker said if anyone needs a copy of the History of the District to give him a call.

DIRECTOR'S ISSUES

Chris Fuller is trying to schedule to get out to both reservoirs to take care of the weeds. Chris thinks the first frost will be before the end of September. Chris asked the board about any interest in doing a water class for the public in the next 6-8 months. Lisa McVicker suggested doing that in the Spring.

Wallie Weld said he is available Monday, Wednesday, and Thursday to ride along with Lisa Brown.

Lisa McVicker said she would send Wallie Weld a link about a Water Study Certificate available that he might be interested in. Center bought tickets for Craig Steinmetz and Lisa McVicker to the Water Education Colorado annual fund raiser which is also the President's Recognition dinner. This year they honored Doug Kemper who has been the President of the Colorado Water Congress for the last 30 years as well as Laura Lorelei Cloud from the Ute Reservation and is a new member of the Board of the Upper Colorado Commission. Lisa thanked the board for approving that donation.

Lynne Buchanan moved to adjourn the meeting. Chris Fuller seconded and the Board adjourned at 2:20PM.