

**UPPER ARKANSAS WATER
CONSERVANCY DISTRICT**

Regular Meeting of the Board of Directors

**February 9, 2023
1:30 PM**

A regular meeting of the Board of Directors of the Upper Arkansas Water Conservancy District was held Thursday, February 9, 2023, commencing at 1:30 pm at the District offices, 339 East Hwy 50, Salida, Colorado, following the Water Activity Enterprise committee meeting, notice having been given by posting of Notice and Agenda on February 8, 2023, at the offices of the Upper Arkansas Water Conservancy District, 339 East Hwy 50, Salida, Colorado.

DIRECTORS PRESENT (IN PERSON)

Tim C. Canterbury	Richard Hilderbrand	Tony Telck
Gregory W. Felt	Thomas Goodwin	Warren Diesslin
Tom French	Brett McMurry	Albert Eggleston
Mannie Colon	Mike Shields	

DIRECTORS PRESENT (BY REMOTE VIDEO AND AUDIO CONFERENCING)

Robert B. (Bill) Donley
Tim Payne

DIRECTORS ABSENT

None

DISTRICT OFFICIALS/STAFF MEMBERS PRESENT

Ralph L. (Terry) Scanga, General Manager	Kendall Burgemeister, Attorney
Ken Baker, Consultant	Gracy Goodwin, Projects Manager
Jord Gertson, Hydrologist	Jennifer A. Scanga, Administrative Assistant
Chris Manera, Engineer	

DISTRICT OFFICIALS/STAFF MEMBERS PRESENT (BY REMOTE VIDEO AND AUDIO CONFERENCING)

Richard Brown, Legislative Consultant
Wendy Ryan, Engineer

DISTRICT OFFICIALS ABSENT

Denise Sanchez, Office Manager

STATE OFFICIALS PRESENT

Dan Henrichs, Water Commissioner, District 12
Rachel Zancanella, Division Engineer
Ashleigh Cogan, Deputy Water Commissioner, District 11
Jerry Livengood, Water Commissioner, District 13

STATE OFFICIALS PRESENT (BY REMOTE VIDEO AND AUDIO CONFERENCING)

Will Scott, Water Commissioner District 11

STATE OFFICIALS ABSENT

Brian Sutton, Augmentation Coordinator

EX-OFFICIO REPRESENTATIVE PRESENT

None

EX-OFFICIO REPRESENTATIVES PRESENT (BY REMOTE VIDEO AND AUDIO CONFERENCING)

Dwayne McFall, Fremont County Commissioner
Dave Schneider, Round Mountain Water and Sanitation District Manager

RECORD OF PROCEEDING

EX-OFFICIO REPRESENTATIVES ABSENT

John Roorda, Chaffee County Planning Manager
Brian Berger, Poncha Springs Town Administrative Officer
Shawn Williams, Buena Vista Public Works Director
Drew Nelson, City of Salida Administrator
Bill Canda, Commissioner, Custer County

GUESTS PRESENT

None

GUESTS PRESENT (BY REMOTE VIDEO AND AUDIO CONFERENCING)

Joe Stone, Heart of the Rockies Radio
Travis Payne, Canon City Water Superintendent

PLEDGE OF ALLEGIANCE

Chairman Canterbury led attendees in the Pledge of Allegiance.

INTRODUCTION OF GUESTS

Guests were asked to introduce themselves.

MINUTES OF THE MEETING OF January 12, 2023

The minutes of the meeting of January 12, 2023, were approved upon motion by Director Felt with second by Director Hilderbrand.

FINANCIAL REPORTS

Upon motion by Director Colon with second by Director Goodwin, the Board approved the monthly financial reports dated January 31, 2023.

PROGRAM PRESENTATIONS

None

EX-OFFICIO REPORTS

None

PROJECT MANAGEMENT REPORT- Gracy Goodwin

PM Goodwin provided a summary of grants in progress via a power point presentation. She gave an update on February 2023 projects in progress which included Round Mountain Reservoir Feasibility Study, DeWeese Enlargement Feasibility Study, USGS Study Phase 3, Trout Creek Park Alluvial Storage, Trout Creek Intra-Ditch Exchange, and Data Collection Platforms (DCP) Upgrade and Expansion.

Engineer Manera asked if UAWCD has been awarded the full amount for the Intra-Ditch Exchange? PM Goodwin said the grant has been approved by the CWCB but the amount has not yet been decided.

Round Mountain IGA Storage Agreement:

Manager Scanga explained that the agreement concerns sharing cost and space. The agreement was made available to Board members to review. Manager Scanga summarized the agreement stating that it includes the management of cost sharing and storage space. PM Goodwin said space and cost is shared in a 2/3-1/3 split. Round Mountain picks up 2/3rds (66%) of the reservoir and the UAWCD 1/3 (50 acre-feet) of space and 100 acre feet for Round Mountain. She added that the District was awarded a \$500,000 grant from CWCB to go toward the cost of construction.

Chairman Canterbury clarified for Director Colon that termination can occur if the UAWCD does not follow through with terms of the agreement, as stated in the contract.

After some discussion, Director Colon made a motion, seconded by Director French, the Board voted to approve the IGA agreement with Round Mountain.

RECORD OF PROCEEDING

CONSULTANT REPORT – Richard Brown

A current Legislative Update was presented by Legislative Consultant Brown. He provided a written update of status of Bills of interest, newly enacted laws, and previously reported bills.

Mr. Baker asked Legislative Consultant Brown to discuss the piece of legislation that would direct the Division Engineer to administer certain irrigation wells. He said he feels it should not apply to the District because every augmented well in our District is jointly managed by the UAWCD and the Division Engineer.

Legislative Consultant Brown explained that the Division of Water Resources (DWR) bill Mr. Baker is referring to is put forward by the Division as an attempt to modernize the record keeping and filing system for the ownership of wells. He said he believes it applies to all wells and not limited to irrigation wells. He further stated that the bill is confusing and he feels the division hasn't done a good job explaining it, but the bill will move forward and be passed.

Manager Scanga expressed that the concern for the District is the difficulty in changing ownership because it is a common occurrence. He said that historically filing a change of ownership could be accomplished by filling out an online form and now the authority for any change of ownership must be processed through a title company.

Division Engineer Zancanella explained why the process changed and expressed that a change of ownership is a misnomer and should be regarded as a primary contact form since change of ownership happens so frequently and it's mostly for domestic wells, whereas there is an entirely different database for non-exempt type wells. She added that any change of ownership does not have to be done by a title company. She further added that when the pandemic happened the process changed into an electronic form, requiring a log in that is automatically entered into the database, making the process easier and more efficient.

Mr. Brown briefly discussed a DWR bill regarding the restoration of streams. He said that one of the big issues is that it is very vague concerning what constitutes the historical configuration of the stream. He stated that Manager Scanga pointed out that it may depend largely on not only the physical dimensions but also when the riparian area was established. Mr. Brown added that the bill has not been introduced yet.

Manager Scanga expressed that a positive part of the bill is that the compacts cannot be violated. He said the historical footprint should be better defined including what a natural stream system is, if in fact there is a "natural" stream after man began putting his footprint on it or pre-anthropogenic. He added streams have changed due to man's use of water throughout time. Manager Scanga further stated that the bill defines the historical footprint as being the "existing and historic natural stream system" He expressed that he doesn't think it can be existing and historic at the same time. He added that it needs to be determined what that time period was. Mr. Brown stated that the bill is not well thought out and was concerned about the motivation of the bill to be able to tap into anticipated federal funding and it may not be as liberal as was seen during the Covid pandemic. He added that the historical footprint provision is not drafted to be part of the organic law but only goes into session laws.

A final bill discussed by Mr. Brown will prohibit the acquisition of farmland, natural resources, and water rights by a foreign entity designated by the United States Department of State. He stated that it is a big issue all around the country and is largely coming from concerns about China and Saudi Arabia buying agricultural land throughout the US, raising crops, and taking them back to their home countries as opposed to putting them into market.

COMMITTEE REPORTS

None

RESUME REVIEW COMMITTEE

The January 2023 Resume was not available at time of meeting.

RECORD OF PROCEEDING

MANAGER'S REPORT – Terry Scanga

Arkansas River Basin Water Forum Sponsorship:

Upon motion by Director Colon, with a second by Director Goodwin, the Board approved a \$2500 sponsorship for the Annual Water Forum Convention. Manager Scanga stated that the \$2500 sponsorship entitles the District to three registrations and the VIP dinner.

Submission of comments to fire suppression pond rule making:

Manager Scanga asked for approval from Board members to submit comments in the form of a letter regarding the District's areas to be considered during rule making. A copy of the letter was presented to Board members to review. Upon motion by Director French, seconded by Director Hilderbrand, the Board approved submittal of the letter.

ENGINEER'S REPORT – Chris Manera, Colorado River Engineering (CRE)

Mr. Manera gave an update on the Cottonwood dam improvement and replacement project. He presented a power point presentation that provided an outline of existing conditions and proposed improvements. He explained the design plan and Inflow Design Flood (IDF) as well as the replacement and upgrade of the concrete spillway and outlet. Engineer Manera displayed a map of the reservoirs of UAWCD and explained how Cottonwood began. Mr. Manera added that the improvements will double the operational capacity of the dam.

Manager Scanga provided a memo for the Board and the Town of Buena Vista to obtain a new permit with United States Forest Service (USFS) for Cottonwood Lake Reservoir in order to rehabilitate the outlet and spillway allowing for the use of additional storage space. He explained that in 2017 the District applied to USFS and on January 31, 2023, the USFS met with the District to move the application and approval process forward. Manager Scanga further explained that under the present special use permit, the District provides augmentation of these depletions in exchange for the authority to expand the reservoir and utilize this expanded space for storage of water. He added that District has been operating under this permit since the mid 1990's. Mr. Scanga stated that in the agreement with the USFS, the District authorizes the USFS to conduct an environmental analysis of the uses beginning in the Fall of 2023 and the USFS will bill on per acre basis for the new permit. The acreage will be calculated based upon the size of the pool that existed before the enlargement, minus the natural pool. Likewise, the District will be able to bill the USFS for the augmentation of the depletions caused by the USFS.

Engineer Zancanella expressed her approval of the Cottonwood dam rehabilitation and feels like the Forest Service has specific targets for illegal storage facilities. She stated that this is a good opportunity for cooperation for reservoirs that require upgrading.

LEGAL REPORT – Law of the Rockies, Kendall Burgemeister

Opposition updates, transactional matters, applications, and updates were included in the Law of the Rockies legal report made available to all Board members prior to the meeting.

CHAIRMAN AND DIRECTOR REPORTS

Chairman Canterbury informed Board members of Manager Scanga's future attendance to the Family Farm Alliance Annual Convention in Reno scheduled at the end of the month.

There was some discussion regarding the Colorado River Crisis. Several Board members gave comments. Manager Scanga expressed the issue of power production.

NOTICES & MEETINGS

February 14, Time TBD, Van Norman Project Tour

February 15, 10:00 AM, IBCC Meeting, CSU Spur, 4817 National Western Dr, Denver, CO 80216

February 23rd - 24th, Family Farm Alliance Annual Convention, Reno, Nevada

March 8, 12 Noon, Arkansas Basin Round Table Meeting, Pueblo Community College

April 25th & 26th Arkansas River Basin Water Forum, Colorado Springs, Hilton Doubletree

RECORD OF PROCEEDING

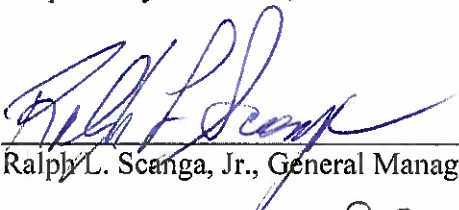
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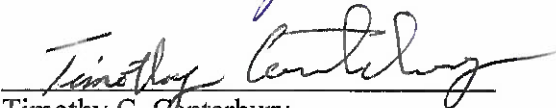
There being no further business to come before the Board or Enterprise and upon motion by Director Donley seconded by Director Colon and approval of the Board, the meeting adjourned at 3:07pm.

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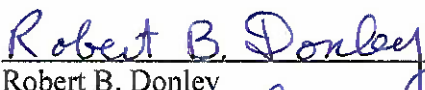
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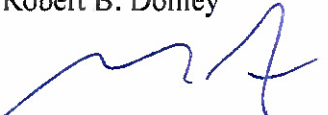
Respectfully submitted,



Ralph L. Scanga, Jr., General Manager

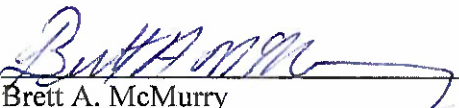

Timothy C. Canterbury

approved remotely - no signature
Mannie Colon

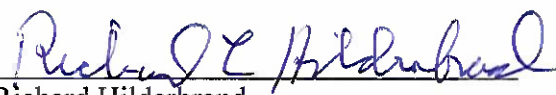

Robert B. Donley

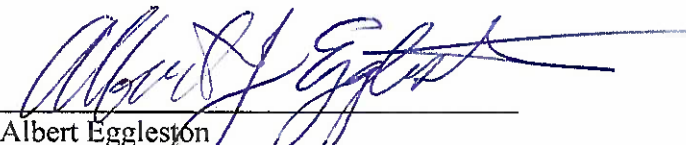

Gregory W. Felt



Tom E. French



Brett A. McMurry

absent - no signature
Thomas Goodwin, Treasurer


Richard Hilderbrand


Albert Eggleston


Warren Diesslin


Tim Payne


Tony Telck

absent - no signature
Mike Shields