

**UPPER ARKANSAS WATER  
CONSERVANCY DISTRICT**

**Regular Meeting of the Board of Directors**

**April 10, 2025  
1:30 PM**

A regular meeting of the Board of Directors of the Upper Arkansas Water Conservancy District was held Thursday, April 10, 2025, 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 April 9, 2025, at the offices of the Upper Arkansas Water Conservancy District, 339 East Hwy 50, Salida, Colorado.

**DIRECTORS PRESENT (IN PERSON)**

Robert B. (Bill) Donley	Tim Payne	Warren Diesslin
Tom E. French (acting Chair)	Tony Telck	Albert Eggleston
Brett A. McMurry	Mike Shields	Ben Lenth

**DIRECTORS PRESENT (BY REMOTE VIDEO AND AUDIO CONFERENCING)**

Thomas Goodwin

**DIRECTORS ABSENT**

Timothy C. Canterbury	Mannie Colon	Richard Hilderbrand
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**DISTRICT OFFICIALS/STAFF MEMBERS PRESENT**

Gregory W. Felt, General Manager	Gracy Goodwin, Projects Manager
Ralph L. (Terry) Scanga, District Advisor	Chris Manera, Engineer
Jord Gertson, Hydrologist	Jennifer A. Scanga, Administrative Assistant
Kendall Burgemeister, Attorney	

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

Richard Brown, Legislative Consultant

**DISTRICT OFFICIALS ABSENT**

Denise Sanchez, Office Manager

**STATE OFFICIALS PRESENT**

Dan Henrichs, Water Commissioner, District 12  
Allen Keeling, Water Commissioner, District 13  
Robert Canda, Deputy Water Commissioner, District 12  
Talon Canterbury, Deputy Water Commissioner, District 11

**STATE OFFICIALS PRESENT (BY REMOTE VIDEO AND AUDIO CONFERENCING)**

Will Scott, Water Commissioner, District 11

**STATE OFFICIALS ABSENT**

Rachel Zancanella, Division Engineer  
Tanner Camper, Augmentation Coordinator

**EX-OFFICIO REPRESENTATIVE PRESENT**

Bill Canda, Custer County Commissioner

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

None

**EX-OFFICIO REPRESENTATIVES ABSENT**

Shawn Williams, Buena Vista Public Works Director

RECORD OF PROCEEDING

Christy Doon, City of Salida Administrator  
Travis Payne, Canon City Water Superintendent  
Dave Schneider, Round Mountain Water and Sanitation District Manager  
Dwayne McFall, Fremont County Commissioner  
Sean Kelly, Town of Poncha Springs

**GUESTS PRESENT**

Joe Stone, Heart of the Rockies Radio News  
Kristie Nackord, Lower Arkansas Valley Conservancy District (LAVWCD)  
Joel Benson, Town of Buena Vista  
Robert Sakata, Colorado Agricultural Water Policy Advisor  
John Kuhlman, City of Colorado Springs

**GUESTS PRESENT (BY REMOTE VIDEO AND AUDIO CONFERENCING)**

Katie Garrett, Colorado Springs Utilities

**PLEDGE OF ALLEGIANCE**

Secretary French led attendees in the Pledge of Allegiance.

**INTRODUCTION OF GUESTS**

Guests were asked to introduce themselves.

**APPROVAL OF AGENDA**

Upon motion by Director Payne, with a second by Director Telck, the Board approved the agenda as is.

**MINUTES OF THE MEETING OF March 13, 2025**

The minutes of the meeting on March 13, 2025, were approved upon motion by Director Donley with a second by Director Telck.

**FINANCIAL REPORTS**

Upon motion by Director Donley with a second by Director Payne, the Board approved the monthly financial reports dated March 31, 2025.

**PROJECT MANAGEMENT REPORT- Gracy Goodwin**

PM Goodwin presented the April 2025 Projects Update. Included in the update was Round Mountain Reservoir Feasibility Study, DeWeese Reservoir, Cottonwood Dam and Spillway, USGS Study, and the County Roadshow Presentations.

Engineer Manera provided the Board with a brief update on the dam design for Cottonwood Lake. He stated that the goal is to have the design completed by the end of the month. He further stated that the drawings will be submitted to the State for review and approval. Mr. Manera explained that the structure has a low or no hazard rating since the dam is only 2&1/2 feet tall. He added that the design drawings will be submitted to the Forest Service and wrap up the Special Use Permitting requirements.

**PROGRAM PRESENTATION**

Robert Sakata, Colorado Agricultural Water Policy Advisor presented to the Board a PowerPoint presentation regarding some of his findings after 16 months on the job. . His presentation included several graphs of USDA data indicating a decrease of agricultural water from 1997-2022, irrigated acres of land by county, the change in irrigated acreage, and the Colorado statewide temperature anomaly from 1900-2020. One graph revealed a 32.197% decline in irrigated counties depicting Crowley with the biggest decrease.

Mr. Sakata indicated Broomfield as being the smallest county in the State of Colorado. He presented the County Economic Development Capacity Index (EDCI) stating the IDCI uses publicly available data to assess critical elements that contribute to a county's overall economic development capacity. He added that economic development capacity is comprised of the knowledge, skills, assets, and resources that foster prosperity, innovation, entrepreneurship, and high quality of life in a community.

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Mr. Sakata encompassed Colorado's Water Plan in his presentation demonstrating 10 strategies to protect irrigated agriculture. These included minimizing buy and dry, promoting the Ecosystem benefits of agriculture, Implement conservation easements to protect agricultural land, recognize irrigated agriculture and energy nexus, expand market pathways for producers, elevate agriculture in urban planning, invest in agriculture career and learning opportunities, promote drought resiliency, invest in innovative infrastructure and technology, and explore funding opportunities.

Additionally, Mr. Sakata included in his presentation topics around the state, such as housing demand, wildfire/watershed protection, futile call, instream flow designations, Republican River Compact Compliance, groundwater sustainability, postponement doctrine, measurement rules, Colorado River Post 2026 negotiations, Perkins County Canal, Texas vs New Mexico on the Rio Grande River, lower Arkansas loss of water, modernization of aging agricultural infrastructure, invasive species, stream temperature standards, dredge and fill, and revegetation/reclamation.

Mr. Sakata highlighted a developing policy issue in his new position: the potential necessity of legislation mandating revegetation. His analysis revealed a widespread drying of irrigated land, particularly in the Lower Arkansas Valley and Rio Grande, leading to concerns about subsequent development. He pointed out that the prolonged irrigation has fundamentally altered these landscapes, meaning they won't naturally revert to their original state.

Mr. Sakata stressed the importance of local leadership in water management, particularly highlighting the Rio Grande well shutdowns as distinct from the change of use occurring in the Lower Arkansas Valley. He noted the county-specific impacts of agricultural dry-up and proposed engaging local groups to identify locally viable revegetation requirements. Furthermore, he suggested exploring barriers to 1041 regulations and opportunities within water right change cases to address revegetation.

Mr. Sakata's in-depth report covered water transparency, and water sharing. He concluded by addressing issues such as ditch manager education and the alarmingly high suicide rate among farmers, which is 3.5 times greater than the general public. He stressed the importance of both physical and mental well-being and the need for increased public awareness of these challenges.

In regard to water transparency in water transactions, Mr. Sakata expressed that as a water right owner himself he would like individuals to have the right to put water to beneficial use and the right to sell water to another person. He stated that from a community perspective it is important to find ways to encourage transparency of water transactions so individuals know in advance when water is going to be sold from one party to another. He added that if there is an effort to move water out of the community, the community would have the opportunity to step up and match the offer.

After his presentation, Mr. Sakata invited discussion and questions.

Advisor Scanga highlighted transparency concerns in water transactions, stating that buyers would likely be hesitant to make offers without a nondisclosure agreement. He noted that buyers need sufficient information to determine value and might then look elsewhere to acquire water.

Advisor Scanga emphasized the need to define "revegetation" and "native vegetation." He questioned the long-term sustainability of water after a change case due to potential soil changes and suggested that any statutory revegetation requirements should be reasonable and workable, potentially non-mandatory.

Manager Felt inquired whether the issues related to water sales and revegetation should be addressed by Division 2 or through the development of region-specific criteria. He also noted the difficulty in ensuring transparency when water sales involve changes in agricultural use.

Advisor Scanga stated that many political entities/counties lack expertise in water utilization compared to individual sellers who have a need or reason to sell. He questioned if individuals would be willing to risk losing water utilization if an entity chose not to use it.

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Atty Burgemeister recalled DOLA's unsuccessful "right of first refusal" proposal and suggested reviewing it. He highlighted the challenges of water court processes impacting water right offers and noted historical allowances for crop changes without expanded use concerns, raising the concepts of beneficial and consumptive uses.

### EX-OFFICIO REPORTS

None

### CONSULTANT REPORT – Richard Brown

A written report from Legislative Consultant Brown was made available for Board Members to review prior to the meeting.

Manager Felt commended Mr. Brown for the valuable Legislative reports he provides to the District and expressed his appreciation for the project funding information shared with the Board and staff.

### ENGINEERING REPORT – Colorado River Engineering, Chris Manera

Engineer Manera gave a brief update on ongoing engineering activities. First, he discussed the work with the Town of Buena Vista's engineering staff. This collaboration focuses on developing an accounting method to track the enrollment of an additional well serving the town and on expanding an existing well to meet increased usage, in accordance with agreements with the District. Second, Mr. Manera informed the Board that engineering analysis has begun for the Union Ditch Change Case, noting that that this will involve field work and will require Attorney Burgemeister's support to complete the application.

### COMMITTEE REPORTS

None

### RESUME REVIEW COMMITTEE

No March Resume available at the time of the meeting.

### MANAGER'S REPORT – Greg Felt

Manager Felt provided the Board with a brief overview of recent office operations, highlighting a busy period processing storage and maintenance fees, late meter readings, and ongoing project work. He noted that the pace has slowed since the beginning of the year and that he is gaining familiarity with office practices. Mr. Felt emphasized his appreciation for the assistance of Advisor Scanga, Attorney Burgemeister, and Engineer Manera. He then reported on his continued participation in CWCB and Southeastern meetings, as well as allocation meetings where forecast imports and water allocation strategies are discussed. Regarding water resources, Mr. Felt stated that this year presents a dead average for both Fry-Ark system imports and upper basin snowpack and streamflow projections, concluding that overall, things look good. He finished by expressing his appreciation for the staff's teamwork.

### DISTRICT ADVISOR REPORT- Terry Scanga

Advisor Scanga briefed the Board on several ongoing district matters specifically repairs and building upgrades which began while he was General Manager. He said that work is in progress for a bid on a contractor to install new tile in the kitchen and bathrooms and repairing the fire escape on the outside of the building. He further stated that he helped with the DeWeese agreement and is awaiting a response. He said he worked with Manager Felt and staff on augmentation applicants, stating that not every application is cut and dried, such as long term leases and ponds for applicants not within the District boundary. He also provided an engineering update regarding the 50 acre-foot contract with the Town of Buena Vista and the recent meeting with Colorado Springs Utilities to discuss Homestake and the Otero Pipeline, emphasizing the goal of keeping water within the basin. He added that it was a constructive meeting with information gained to use for negotiations with the Aurora Catlin situation. Mr. Scanga mentioned the release of a second Water Talk podcast and noted his continued participation in Roundtable meetings as a representative, highlighting that Salida was the recent host.

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**LEGAL REPORT – Law of the Rockies, Kendall Burgemeister**

Opposition updates, transactional matters, applications, and updates were included in the Law of the Rockies written report presented by Atty Burgemeister. The report was made available to all Board members prior to the meeting.

**Buena Vista Nonbinding Memorandum (MOU):**

Atty Burgemeister explained that the Nonbinding Memorandum of Understanding between Buena Vista and the UAWCD outlines the process for third-party water service requests requiring augmentation certificates. The Board received a copy of the agreement detailing the terms and conditions.

Upon motion by Director Payne, seconded by Director Telck, acting through the Upper Arkansas Water Activity Enterprise, the Board approved the Nonbinding Memorandum of Understanding with the Town of Buena Vista as presented.

**CHAIRMAN & DIRECTOR REPORTS**

Director McMurry advocated for a non-chemical alternative for land revegetation. He also raised concerns about the negative impact of wolf introduction on local farmers and ranchers. Several board members echoed these concerns, highlighting the mental health challenges landowners face due to the anxiety and stress associated with the wolf population.

**NOTICES & MEETINGS**

- May 21-22, Colorado Water Conservation Board Meeting in Steamboat Springs
- April 17, SECWCD Board Meeting in Pueblo
- May 14, Arkansas Basin Round Table in Pueblo

**ADJOURN**

There being no further business to come before the Board or Enterprise and upon motion by Director Donley with a second by Director Eggleston, and approval of the Board, the meeting adjourned at 2:43pm.

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Respectfully submitted,

  
Gregory W. Felt, General Manager

*Absent*  
Timothy C. Canterbury

*absent- no signature*  
Mannie Colon

*Robert B. Donley*  
Robert B. Donley  
  
Ben Lenth

*Tom French*  
Tom E. French

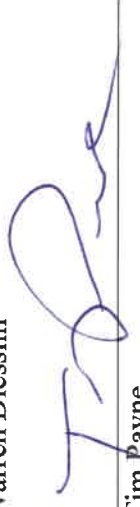
*Brett A. McMurry*  
Brett A. McMurry

*absent- no signature*  
Tom Goodwin, Treasurer

*absent RZH*  
Richard Hilderbrand

  
Albert Eggleston

*Warren Diesslin*  
Warren Diesslin

  
Tim Payne

*absent- no signature*  
Tony Telek

  
Mike Shields