

**UPPER ARKANSAS WATER
CONSERVANCY DISTRICT**

Regular Meeting of the Board of Directors

**May 9, 2024
2:30 PM**

A regular meeting of the Board of Directors of the Upper Arkansas Water Conservancy District was held Thursday, May 9, 2024, commencing at 2:30 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 May 8, 2024, at the offices of the Upper Arkansas Water Conservancy District, 339 East Hwy 50, Salida, Colorado.

DIRECTORS PRESENT (IN PERSON)

Timothy C. Canterbury	Gregory W. Felt	Tony Telck
Tom French	Thomas Goodwin	Warren Diesslin
Richard Hilderbrand	Tim Payne	Albert Eggleston
Robert B. (Bill) Donley	Brett McMurry	
Mannie Colon		

DIRECTORS PRESENT (BY REMOTE VIDEO AND AUDIO CONFERENCING)

None

DIRECTORS ABSENT

None

DISTRICT OFFICIALS/STAFF MEMBERS PRESENT

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

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

Denise Sanchez, Office Manager
Richard Brown, Legislative Consultant

DISTRICT OFFICIALS ABSENT

None

STATE OFFICIALS PRESENT

Dan Henrichs, Water Commissioner, District 12
Talon Canterbury, Deputy Water Commissioner, District 12

STATE OFFICIALS PRESENT (BY REMOTE VIDEO AND AUDIO CONFERENCING)

Will Scott, Water Commissioner, District 11

STATE OFFICIALS ABSENT

Brian Sutton, Augmentation Coordinator
Rachel Zancanella, Division Engineer

EX-OFFICIO REPRESENTATIVE PRESENT

Sean Kelly, Poncha Springs Town Administrator

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

Dave Schneider, Round Mountain Water and Sanitation District Manager

RECORD OF PROCEEDING

EX-OFFICIO REPRESENTATIVES ABSENT

Shawn Williams, Buena Vista Public Works Director
Drew Nelson, City of Salida Administrator
Travis Payne, Canon City Water Superintendent
Dwayne McFall, Fremont County Commissioner
Bill Canda, Custer County Commissioner

GUESTS PRESENT

Joe Stone, Heart of the Rockies Radio

GUESTS PRESENT (BY REMOTE VIDEO AND AUDIO CONFERNING)

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 April 11, 2024

The minutes of the meeting on April 11, 2024, were approved upon motion by Director Hilderbrand with second by Director Payne.

FINANCIAL REPORTS

Upon motion by Director Goodwin with second by Director Felt, the Board approved the monthly financial reports dated April 30, 2024.

PROGRAM PRESENTATIONS

None

EX-OFFICIO REPORTS

None

PROJECT MANAGEMENT REPORT- Gracy Goodwin

PM Goodwin provided a written summary of grants in progress. She gave an update on May 2024 projects which included Trout Creek Park Alluvial Storage, Trout Creek Intra-Ditch Exchange, Round Mountain Reservoir Feasibility Study, DCP Upgrade and Expansion, and USGS Study Phase 3.

CONSULTANT REPORT – Richard Brown

Legislative Consultant Brown provided a written report of Legislative Updates for the Board to review. The report included a summary of bills in action and updates on the current water legislature. He summarized several pertinent water bills and reported that the General Assembly adjourn *sine die* at 11:59 PM, May 8, 2024.

HB-1379 on regulation of dredge and fill activities a question arose about who owns the water rights? There appears to be some ambiguity on this question in the bill. It was suggested that there will probably be some supreme court cases springing from the enforcement of this bill that will require clarification due to the complexity of bill.

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

Engineer Manera gave an update regarding the well drilling on the Trout Creek Intra Ditch Project. He stated that the well will pump water into the Trout Creek Ditch to be exchanged back to Cottonwood Creek. He said the well is located near Johnson's Village and benefits the District's yield on Cottonwood Creek. Mr. Manera explained that a condition of the decree is up to 2 cfs of exchange with a minimum of a ½ cfs, approximately 220 gallons per minute. He clarified for a Board member that the well is a standard, residential well with an 8" steel casing and steel inter casing, however, has the potential to be a production well, in which case would require an engineered screening system.

RECORD OF PROCEEDING

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 made available to all Board members prior to meeting.

Atty Burgemeister updated the Board that he has been working with District Engineers, Chris Manera and Wendy Ryan on the evaluation of Triview's engineering on the Bale Ditch. He stated the next deadline in the case is the opposers, including the expert report from the UAWCD.

Atty Burgemeister reported that he assisted Manager Scanga with drafting a resolution for the City of Aurora Purchase and assisted in making revisions on white paper regarding the tabulation of the Priority Administration issue.

MANAGER'S REPORT – Terry Scanga

Resolution regarding UAWCD-Aurora 2003 IGA and recent Aurora Water Rights Purchases:

Manager Scanga reviewed the resolution. A copy of the Resolution was included in all Board member binders for review prior to meeting.

Upon motion by Director Goodwin, seconded by Director Felt, the Board approved the Resolution.

Letter of engagement-McCarty Land and Water Evaluations, Re: South Arkansas Reservoirs SUP fees:

Upon motion by Director Donley, with a second by Director French, the Board approved the appraisal.

Approval of USFS Cost Recovery Agreement for the SUP Application and Analysis of Cottonwood Lake Modifications:

Upon motion by Director Donley, seconded by Director Hilderbrand, the Board approved the Cost recovery agreement for the SUP Application and Analysis of Cottonwood Lake Modifications.

COMMITTEE REPORTS

None

RESUME REVIEW COMMITTEE

Nothing of significance in the March Resume.

CONSIDERATION OF AN EXECUTIVE SESSION: 2:25PM:

Upon motion by Director French, seconded by Director Eggleston, the Board approved to enter into executive session for HR Committee Report pursuant to: C.R.S. § 24-6-402(4)(c), to protect matters required to be kept confidential by state law, which are the application materials and information for non-finalist candidates for the General Manager position pursuant to § 24-72-204(3)(a)(XI)(A); C.R.S. § 24-6-402(4)(f)(I) to discuss personnel matters related to the search for a new General Manager; C.R.S. § 24-6-402(4)(b) Conference with an attorney for the District for the purposes of receiving legal advice on specific legal questions relating to the search for a new General Manager. C.R.S. § 24-6-402(4)(e)(I) Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators regarding the selection of one or more finalists for the General Manager position and negotiating the terms of a contract with such finalist(s).

OUT OF EXECUTIVE SESSION: 3:25PM:

Upon motion by Director Hilderbrand, with a second by Director Goodwin, the Board approved to exit executive session.

Following the executive session, a public, formal, written vote for the new General Manager position was conducted among all Board members. After ballots were tallied, Chairman Canterbury announced Blake Osborn having the majority of votes.

Upon motion by Director Payne, seconded by Director Goodwin, the Board approved Blake Osborn as finalist for the General Manager position.

RECORD OF PROCEEDING

Discussion pursued regarding the managing of business negotiations between Mr. Osborn and Atty Burgemeister.

CHAIRMAN AND DIRECTOR REPORTS

None

NOTICES & MEETINGS

- Aurora-Catlin Purchase Presentation, June 13
- IBCC Meeting, June 18, 2024, Durango, CO.

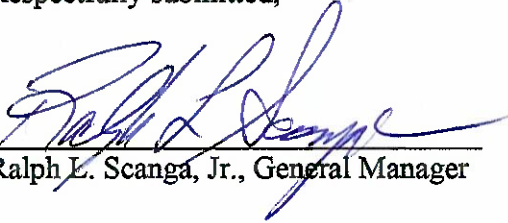
ADJOURN

There being no further business to come before the Board or Enterprise and upon motion by Director Colon seconded by Director Donley and approval of the Board, the meeting adjourned at 3:36pm.

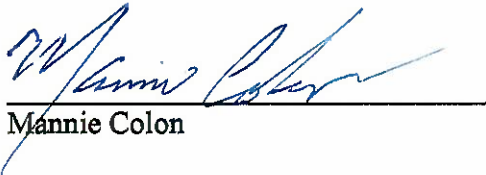
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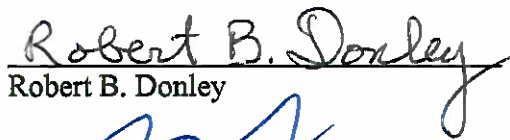
RECORD OF PROCEEDING

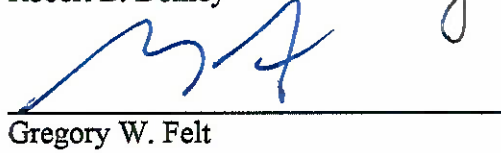
Respectfully submitted,

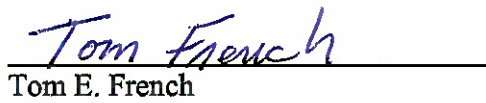

Ralph L. Scanga, Jr., General Manager

absent - no signature
Timothy C. Canterbury

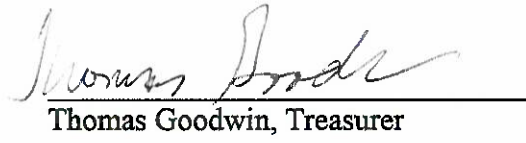

Mannie Colon

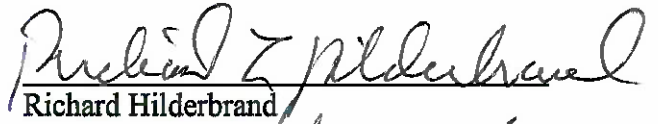

Robert B. Donley

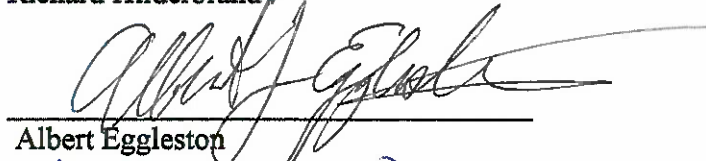

Gregory W. Felt

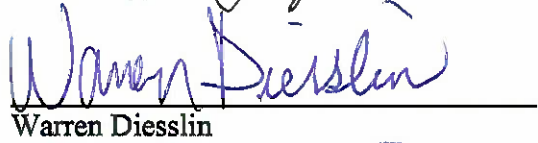

Tom E. French

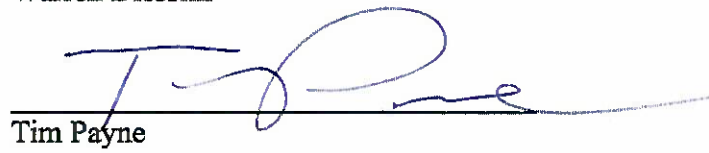

Brett A. McMurry


Thomas Goodwin, Treasurer

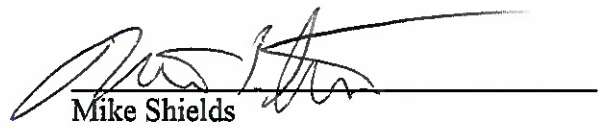

Richard Hilderbrand


Albert Eggleston


Warren Diesslin


Tim Payne


Tony Telck


Mike Shields