

**UPPER ARKANSAS WATER  
CONSERVANCY DISTRICT**

**Regular Meeting of the Board of Directors**

**July 11, 2024  
1:30 PM**

A regular meeting of the Board of Directors of the Upper Arkansas Water Conservancy District was held Thursday, July 11, 2024, 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 July 10, 2024, at the offices of the Upper Arkansas Water Conservancy District, 339 East Hwy 50, Salida, Colorado.

**DIRECTORS PRESENT (IN PERSON)**

Mannie Colon	Gregory W. Felt (acting Chair)	Warren Diesslin
Tom French	Tim Payne	Albert Eggleston
Richard Hilderbrand	Brett McMurry	
Robert B. (Bill) Donley		
Thomas Goodwin		

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

Tony Telck

**DIRECTORS ABSENT**

Timothy C. Canterbury                      Mike Shields

**DISTRICT OFFICIALS/STAFF MEMBERS PRESENT**

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

**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**

Talon Canterbury, Deputy Water Commissioner, District 11

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

None

**STATE OFFICIALS ABSENT**

Rachel Zancanella, Division Engineer  
Dan Henrichs, Water Commissioner, District 12  
Joe Crabb, Augmentation Coordinator  
Will Scott, Water Commissioner, District 11

**EX-OFFICIO REPRESENTATIVE PRESENT**

None

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

None

## 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  
Sean Kelly, Poncha Springs Town Administrator  
Dave Schneider, Round Mountain Water and Sanitation District Manager  
Bill Canda, Custer County Commissioner  
Dwayne McFall, Fremont County Commissioner

### **GUESTS PRESENT**

None

### **GUESTS PRESENT (BY REMOTE VIDEO AND AUDIO CONFERRING)**

Joe Stone, Heart of the Rockies Radio News  
Blake Osborn, Water Resource Specialist, Lower Arkansas Valley Water Conservancy District  
Chris Olney, Colorado Springs Utilities

### **PLEDGE OF ALLEGIANCE**

Vice Chairman Felt led attendees in the Pledge of Allegiance.

### **INTRODUCTION OF GUESTS**

Guests were asked to introduce themselves.

### **MINUTES OF THE MEETING OF June 13, 2024**

The minutes of the meeting on June 13, 2024, were approved upon motion by Director French with second by Director Payne.

### **FINANCIAL REPORTS**

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

### **PROGRAM PRESENTATIONS**

None

### **EX-OFFICIO REPORTS**

None

### **PROJECT MANAGEMENT REPORT- Gracy Goodwin**

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

Engineer Manera explained the test well for the Trout Creek Intra-Ditch Exchange Project. He stated that the well that was completed was 120 feet deep, with an 8' surface casing to a solid steel 6" casing. He further stated that it doesn't have a permanent pump installed. Engineer Manera said it cost more due to the solid steel casing and when he first received cost estimates from national companies larger diameter wells, the estimates were around \$250-\$325 thousand for 50-80 foot deep wells, which is almost triple from the original grant request. He stated that is why it was decided to go with a smaller diameter, residential type well. He added that a second well will be drilled in the near future on Moltz family property. He explained that the second well will be a 10" surface casing with a an 8" internal casing which is important for receiving more capacity. He said that this second test well has the potential to be a production well. He further stated that the wells will be 100 feet apart and we will be shooting for one hundred gpm flow rate.

### **CONSULTANT REPORT – Richard Brown**

Legislative Consultant Brown provided an oral report of Legislative Updates for the Board to review. The update included a summary of bills in action and updates on the current water legislature.

## RECORD OF PROCEEDING

---

### COMMITTEE REPORTS

None

### RESUME REVIEW COMMITTEE

Nothing of significance in the May Resume

### MANAGER'S REPORT – Terry Scanga

#### Water Conservation Program Resolution:

Manager Scanga explained that the resolution cites legislation from 2013 amended in 2017. He explained that the program is a method by which an individual water right owner can cease using all or part of his water right up to 5 out of every 10 consecutive years and the unused water gets left in the stream and the historic consumptive use does not get reduced for the period of non-use.

Mr. Scanga stated that there are two pieces to the program and the part that got his attention was the preservation of historic consumptive use within the basin. He further stated that Colorado Water Trust came to him with a water right on the Pickett Ditch which was owned by a former UAWCD Board member. He said this particular water right is a combination of hydraulic and irrigation use. Mr. Scanga explained that for years the family had been trying to sell the property and it was finally sold to a fishing club. The club is leasing water for irrigation on the historic lands. Manager Scanga expressed that he is interested in the preservation of Historic Consumptive Use. He stated that any years they do not want to lease the water it will remain in the river which means that with a change in water rights, those would be zero years and does not benefit the Upper District or Upper Arkansas Basin by losing the consumptive use. He further stated that it increases flows in the river so he doesn't see the program as being injurious to the District but can be a tool for the District to use in certain circumstances at the Board's discretion as to which water rights may be accepted into the program.

Manager Scanga explained that the program has to be created by entities such as water conservation and water conservancy districts. The Colorado River Water Conservation District has one in place that Manager Scanga stated he researched and it includes a resolution, an application, and eligibility criteria. He said the other piece requires a report to the Division Engineer so they know which water rights are involved, when diversions are ceasing, and by how much, so it can be notated in the state diversion records. Mr. Scanga said he has contacted Engineer Zancanella. He explained the process to Board members and what would be included in the application and said the requirements are made clear in the resolution.

Upon motion by Director Hilderbrand, with a second by Director Eggleston, the Board approved the Resolution.

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

Engineer Manera gave a brief update on the expert report in the objection to the Triview Bales Ditch Water Right change case.

He said the report identifies the acreage which knocks their consumptive use claim from about 100 acre-feet down to 80 acre-feet.

Mr. Manera stated that the other big issue with the property is the historic high ground water table. He said he was able to document through excavations on the property and other ways to measure ground water that the applicant did not address the high water table issue in their proposed ruling and engineering report. He said the historic consumptive use analysis has to show how much of the historic consumptive use was associated with the water right. He stated that there could be other consumptive uses, such as rainfall, other water rights used, or in this case, ground water. Mr. Manera explained that looking at it from a historical perspective if there was a wetland or native vegetation that was already using water, that water was not available to the stream system so when you develop a water right and put the water on that same ground, you can't put all the credit toward the irrigation right. Engineer Manera stated that there are methods to reduce historic consumptive use based on how high the ground water is to the surface.

## 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 oral report presented by Atty Burgemeister.

Mr. Burgemeister explained that the Wenke Pond situation with the Geroux's continued to make progress and stipulations are being filed with the court, although the Geroux's have not yet countersigned the agreement.

Atty Burgemeister added that he wrapped up a memorandum regarding the postponement doctrine and tabulation issues that has been discussed over the past few months. Manager Scanga reported that he and Greg Felt, as a member of CWCB, met with Robert Sakata, the Agricultural Water Advisor in the State Department of Agriculture, and the State Engineer, Jason Ullmann. He said that based upon Mr. Burgemeister's memo, Mr. Ullmann likes the idea and supports historical practices and believes that as long as he has the authority to fix this to match up to historical practices that is what he desires to do. After he has an opportunity to discuss this in detail with the Colorado State Attorney General staff to determine his extent of authority in this situation he will get back to us.

### **ENTER INTO EXECUTIVE SESSION: 2:36pm**

Upon motion by Director Colon, seconded by Director Donley, the Board approved to enter executive session pursuant to C.R.S. § 24-6-402(4)(b) for a 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, and C.R.S. § 24-6-402(4)(e)(I) for 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).

After the vote to enter Executive Session, Acting Chair Felt recused himself from the meeting due to him being a GM finalist and left the premises. Manager Scanga Served as Acting Chair during the Executive Session and the portion of the Open Session prior to Acting Chair Felt's return.

### **EXIT EXECUTIVE SESSION: 3:54pm**

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

Upon motion by Director Hilderbrand, seconded by Director French, the Board approved the contract to hire Greg Felt as the next General Manager to replace Manager Scanga as of January 1, 2025.

### **CHAIRMAN AND DIRECTOR REPORTS**

None

### **NOTICES & MEETINGS**

- ABRT Meeting, August 14, 2024, Pueblo, CO
- CWC 2024 Summer Conference, August 20-22<sup>nd</sup>

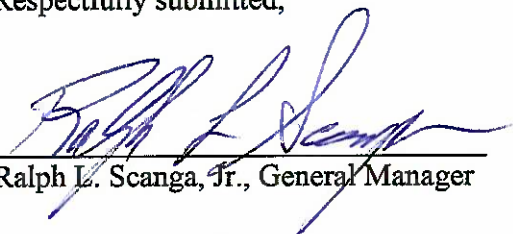
### **ADJOURN**

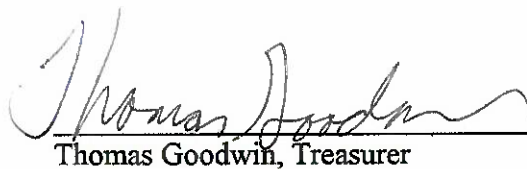
There being no further business to come before the Board or Enterprise and upon motion by Director Donley seconded by Director Colon and approval of the Board, the meeting adjourned at 3:57pm.

*[The remainder of this page is intentionally left blank.]*

RECORD OF PROCEEDING

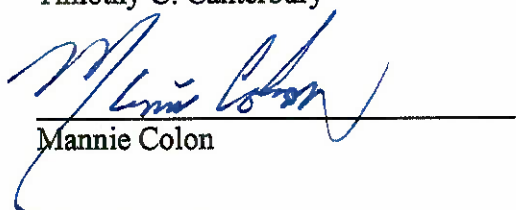
Respectfully submitted,

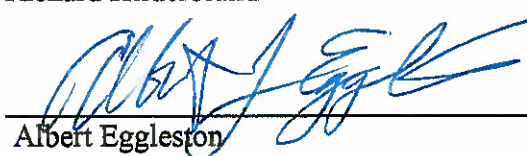
  
Ralph L. Scanga, Jr., General Manager

  
Thomas Goodwin, Treasurer

*Absent*  
Timothy C. Canterbury

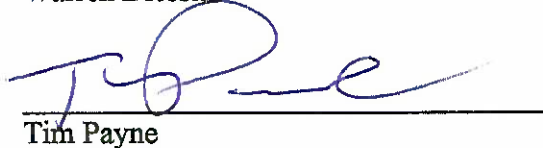
*approved Remotely - no sign*  
Richard Hilderbrand

  
Mannie Colon

  
Albert Eggleston

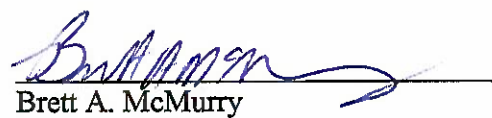
*Robert B. Donley*  
Robert B. Donley

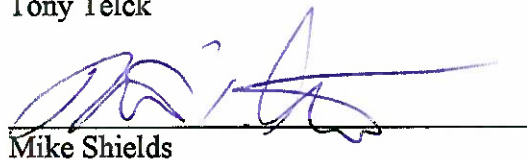
*absent - no signature*  
Warren Diesslin

  
Tim Payne

*Tom French*  
Tom E. French

*Tony Telck*  
Tony Telck

  
Brett A. McMurry

  
Mike Shields