

UPPER ARKANSAS WATER  
CONSERVANCY DISTRICT

Regular Meeting of the Board of Directors

November 10, 2022  
1:30 P.M.

A regular meeting of the Board of Directors of the Upper Arkansas Water Conservancy District was held Thursday, November 10, 2022, commencing at 1:30pm 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 November 9, 2022, 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	Warren Diesslin
Gregory W. Felt	Thomas Goodwin	Albert Eggleston
Tom French	Brett McMurry	

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

Mannie Colon	Tony Telck
Tim Payne	Mike Shields

**DIRECTORS ABSENT**

Franklin J. (Jay) Moore, (Honorary)  
Robert B. (Bill) Donley

**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)**

Denise Sanchez, Office Manager  
Richard Brown, Legislative Consultant

**DISTRICT OFFICIALS ABSENT**

None

**STATE OFFICIALS PRESENT**

None

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

Will Scott, Water Commissioner, District 11

**STATE OFFICIALS ABSENT**

Bill Tyner, Division Engineer  
Dan Henrichs, Water Commissioner, District 12  
Brian Sutton, Augmentation Coordinator

**EX-OFFICIO REPRESENTATIVE PRESENT**

Bill Canda, Custer County Commissioner

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

Dwayne McFall, Fremont County Commissioner

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### EX-OFFICIO REPRESENTATIVES ABSENT

John Roorda, Chaffee County Planning Manager  
Brian Berger, Poncha Springs Town Administrative Officer  
Shawn Williams, Buena Vista Public Works Director  
Dave Schneider, Round Mountain Water and Sanitation District Manager  
Drew Nelson, City of Salida Administrator

### GUESTS PRESENT

Talon Canterbury, Deputy Water Commissioner, District 12  
Erik Young, Stotler & Young PC

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

None

### 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 October 13, 2022

The minutes of the meeting of October 13, 2022, were approved upon motion by Director Felt with second by Director Telck.

### FINANCIAL REPORTS

Upon motion by Director Goodwin with second by Director Telck, the Board approved the monthly financial reports dated October 31, 2022.

### 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 November projects which included Round Mountain Reservoir Feasibility Study, DeWeese Enlargement Feasibility Study, Trout Creek Alluvial Storage, Cottonwood Dam Rehabilitation, and Intra-Ditch Exchange. She also displayed a list of Arkansas Basin WSRF and CWP Grants.

Commissioner Canda explained that Custer County is currently submitting their Fire Mitigation plan and proposed that the grant for DeWeese Enlargement construction be used for the Custer County Fire Mitigation plan. He stated that he would like the District to participate in the grant process and use the mitigation plan as a reason to fund the enlargement project so it can be used by the Forest Service and other entities.

Board members approved moving forward with Commissioner Canda's proposal.

Manager Scanga clarified for Director Felt that the annual average per acre feet of consumptive use water available is 1000 acre-feet of Frying-Pan water allocation and 2000 acre feet of average renewable water per year. He further stated that he takes out an evaporation and a transit loss adjustment of .07 percent per mile between Chaffee County and Pueblo Reservoir. He said after figuring the evaporation loss from the District reservoirs, 1875 acre-feet of water is renewable each year. Manager Scanga explained that some of the District water rights that have not been changed for use in our augmentation plans are included with conservatively estimated quantifications.

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### CONSULTANT REPORT – Richard Brown

A current Legislative Update was presented by Legislative Consultant Brown. He provided a written update of election results. His report offered information on Statewide and Federal races, Colorado State Senate, and Colorado House of Representatives. Mr. Brown also addressed statewide ballot issues.

Consultant Baker gave a brief update on the Chaffee County election and thanked Legislative Consultant Brown for an explanatory election report.

Legislative Brown gave a brief update from his election report.

### COMMITTEE REPORTS

None

### RESUME REVIEW COMMITTEE

Nothing of significance in the October Resume.

### MANAGER'S REPORT – Terry Scanga

#### 2:00 pm BUDGET HEARING

Chairman Canterbury invited guests to comment or ask any questions as part of the budget hearing. Hearing none, Manager Scanga read the proposed 2023 Budget Resolution. He reported that the mill levy has been temporarily reduced to 0.438 mills but there will be an increase in revenue based on an increase in property values.

There being no questions or comments from the public, a motion was made by Director Payne with a second by Director Goodwin to adopt the 2023 Budget and Resolution. It was unanimously approved by the Board.

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

Engineer Manera deferred his Engineering report to the Legal Report.

### 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.

### Executive Session 2:28pm:

Upon motion by Director French, seconded by Director Felt, the Board approved the consideration of executive session to determine positions and strategies for negotiation positions relative to pending district water right applications filling of water right change applications, and water right change application objections pursuant to CRS 24-6-402 (4) (a), (b), & (e).

### Out of Executive Session: 4:26pm

Upon motion by Director Goodwin, seconded by Director French, the Board moved to end executive session.

### CHAIRMAN AND DIRECTOR REPORTS

Discussion of Staff and Board Holiday party.

Commissioner Talen Canterbury updated the Board on some alleged public misinformation regarding the Division 2 pond initiative. He made Directors aware of the rumors surrounding the District's involvement. Some discussion pursued with Manager Scanga explaining the pond augmentation process and the calculation of surface area methodology. He clarified that the surface area calculations are verified through the State Augmentation Coordinator, Brian Sutton.

Hydrologist Gertson asked Commissioner McFall if the focus is only on surface area? He said that the concern is surface area. Manager Scanga commented that due to the Fire Suppression Pond Statute there are many people who believe they could use the fire suppression pond exemption in place of augmentation. Manager Scanga stated that fire suppression ponds must be pre 1972 and most ponds in the area were created after 1972 and a public official needs to be very diligent with ponds chosen for fire

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suppression. He added that it is a motivating factor for illegal ponds. Director Felt said each county is allotted 6 ponds, with a total of 30 acre-feet in surface area.

### **NOTICES & MEETINGS**

Arkansas Basin Round Table Meeting- 12 Noon, December 14, Pueblo Community College  
Board and Staff Holiday Celebration: Thursday, January 12, 2023, at 2pm.

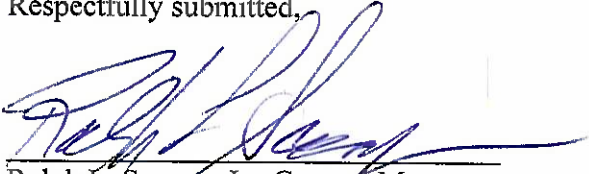
### **ADJOURN**

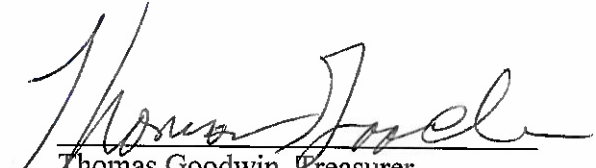
There being no further business to come before the Board or Enterprise and upon motion by Director Colon seconded by Director Hilderbrand and approval of the Board, the meeting adjourned at 4:28pm.

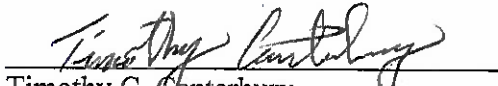
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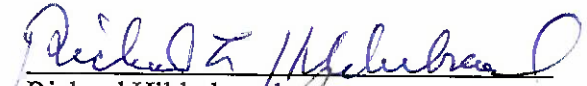
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Respectfully submitted,

  
Ralph L. Scanga, Jr., General Manager

  
Thomas Goodwin, Treasurer


  
Timothy C. Canterbury

  
Richard Hilderbrand

  
Mannie Colon


  
Albert Eggleston


*absent - no signature*  
Robert B. Donley

  
Warren Diesslin

  
Gregory W. Felt

  
Tim Payne

  
Tom E. French

  
Tony Telek

  
Brett A. McMurry

*approved remotely - no signature*  
Mike Shields