

**UPPER ARKANSAS WATER  
CONSERVANCY DISTRICT**

**Water Activity Enterprise Committee**

**March 11, 2021  
1:00 P.M.**

The Upper Arkansas Water Conservancy District Water Activity Enterprise committee held its regular meeting Thursday, March 11, 2021 at the District offices, 339 East Hwy 50, Salida, Colorado, commencing at 1:00 P.M., notice having been given by posting of Notice and Agenda on March 10, 2021, at the offices of the Upper Arkansas Water Conservancy District, 339 East Hwy 50, Salida, Colorado.

**COMMITTEE MEMBERS PRESENT (IN PERSON)**

Ralph L. (Terry) Scanga	Timothy C. Canterbury	Rich Hilderbrand
Franklin J. (Jay) Moore	Tom E. French	Mike Shields
Ken Baker		

**COMMITTEE MEMBERS PRESENT (BY REMOTE VIDEO AND AUDIO  
CONFERENCING)**

Gregory W. Felt	Tony Telck	Warren Diesslin
Tim Payne	Robert B. (Bill) Donley	Brett McMurry
Thomas Goodwin	Mannie Colon	

**COMMITTEE MEMBERS ABSENT**

None

**DISTRICT OFFICIALS/STAFF MEMBERS PRESENT (IN PERSON)**

Jord Gertson, Hydrologist	Gracy Goodwin, Projects Manager
Jennifer Scanga, Secretary	Kendall Burgemeister, Attorney

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

Wendy Ryan, Engineer	Richard Brown, Legislative Consultant
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**DISTRICT OFFICIALS/STAFF MEMBERS ABSENT**

None

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

Brian Sutton, Augmentation Coordinator  
Will Scott, Water Commissioner, District 11  
Dan Henrichs, Water Commissioner, District 12

**STATE OFFICIALS ABSENT**

Bill Tyner, Division Engineer

**GUESTS PRESENT**

None

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

Joe Stone, Heart of the Rockies Radio  
Joel Benson, Town of Buena Vista  
Tom Flower, Custer County Commissioner  
Dwayne McFall, Fremont County Commissioner  
Bob Hartzman, Canon City Water Superintendent  
Greg Peterson, Executive Director, Colorado Ag Water Alliance

**CHAIRMAN'S INTRODUCTION**

Introduction of guests will be held over to the Board meeting.

## RECORD OF PROCEEDING

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### **MINUTES OF THE MEETING OF February 11, 2021**

The minutes of the meeting of February 11, 2021, were approved upon motion by committee member French with second by committee member Shields.

### **TREASURER'S REPORT**

Upon motion by committee member Goodwin with second by committee member Telck, the committee approved the financial reports dated February 28, 2021.

### **MANAGER'S REPORT – Terry Scanga**

Manager Scanga discussed the approval of the Cottonwood Irrigating Ditch (CID) Water Acquisition Agreement and referral to the UAWCD Board for ratification. The agreement was made available to the Board for review prior to the meeting.

Upon motion by committee member Donley, seconded by committee member Hilderbrand, the Board agreed to the approval of the agreement and referral to the UAWCD Board by a unanimous "Aye".

Manager Scanga discussed a proposal for a new augmentation program which would apply only to proposed new ponds. He explained that most ponds needing augmentation are existing structures and less often is augmentation sought for newly or proposed to be constructed ponds. Mr. Scanga stated that the District has begun to field enquiries for augmentation of proposed ponds on small tributaries which has raised concern due to the potential for construction on small tributaries with seasonally small flow rates and limited augmentation supplies. He added that a relatively small number of new pond construction could have use most if not all of the available augmentation supplies without which they could have harmful impacts to water rights on these streams. For this reason, he requested approval from the Board to give staff the authority to evaluate and determine the streams that may have the potential to exhaust limited supplies by new pond construction and institute curtailable augmentation subject to annual availability of augmentation supplies.

Manager Scanga gave a summary of the various augmentation programs already in place:

**The Standard Augmentation:** Manager Scanga explained that this is the most common and permanent plan that allows an individual to purchase a minimum of 1/10 of an acre foot of depletions per year. With this plan there is an annual storage and maintenance fee required each year after the initial purchase price. The Standard plan is used primarily for homes and subdivisions and allows for outside watering.

**The Annual Augmentation:** This plan is for ponds and reservoirs as well as temporary industrial uses. Manager Scanga said that this plan is subject to the availability of water on an annual basis and the augmentation is curtailable and subject to availability by the District, or if the individual notifies the District that they no longer want to have a pond, or if the water supply was being used for commercial/ industrial use and the business ceases to exist.

**Curtailable Augmentation:** Manager Scanga explained that this is a new type of augmentation plan/decree in which the applicant understands that augmentation may not be available each year nor for a full calendar year. Curtailment is subject to stream conditions on West and Cherry Creek and the local tributary call. When augmentation is not available applicant must cease diversion and use of water.

**Annual 100% Depletion Landscape Irrigation:** This is a temporary landscape plan that requires the applicant to install and maintain a separate totalizing flow meter and a minimum of 5-acre feet of augmentation per year. Like all annual programs this is curtailable subject to available supply.

Manager Scanga said his proposal is to define the stream reaches in which the District will only provide curtailable augmentation for new ponds. He explained that this curtailable augmentation would require ponds to be constructed on stream or off stream constructed above grade and fed by surface diversion in order that diversion could be curtailed, and the water released to the stream. Mr. Scanga expressed that he feels it is important to have a policy/plan that allows customers the ability to build ponds, however, these structures would need adequate metering and recording devices with adequate release structures. He added that curtailment could occur at any time during a year by notification from the District and notification to the water commissioner.

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Mr. Scanga further discussed that there are certain types of ponds that cannot be built since they cannot be curtailed, and he explained the different type of pond structures. He said below grade ponds that are filled by exposure to ground water, and above grade ponds constructed by damming a stream or by a surface diversion with a dam. Manager Scanga stated that ponds may be able to benefit from vegetative evapotranspiration that existed prior to the pond construction or a shallow ground water table and on-stream ponds may be able to take credit for size of the historic stream channel.

Manager Scanga expressed that because digging into the ground exposing water to evaporative loss without possible curtailment except by means of filling in the pond is not practical. He proposed an augmentation program with a policy that states that water is subject to availability or a tributary call that decreases the available water for that specific tributary. Manager Scanga explained two situations where this plan would be necessary. One is an on-stream pond where a dam is built over the stream, expanding the size of the stream, and creating more evaporative loss due to more surface area exposure. In this case a structure would be necessary to reduce the pond size and allow water to go back into the stream. Manager Scanga stated that a second scenario would be in the case of an off-stream pond with a dam where water would be diverted from the stream into the pond with the ability to cease the diversion in case of curtailment. He said that those areas would have to be defined and would include areas with very low stream flows and very small streams where large depletions that could cause injury to water rights if augmentation supplies became limited due to extreme drought.

Manager Scanga asked approval from the Board to create an Augmentation program that stated the items discussed. Committee member French asked if enforcement would be under the direction of the State? Manager Scanga answered that the District would provide notification to the Water Commissioner on curtailment. Mr. French expressed his concern about areas with a new, inexperienced water commissioner not recognizing long standing decrees and small streams requiring calls on a day to day basis. He added that he liked the idea but was concerned with the enforcement aspect. Manager Scanga said that he feels there are already challenges with enforcement. He further explained that these would be new structures and that there is no way to restrict augmentation of existing structures. He added that his concern is with people that want to build large sized ponds that could alone potentially trigger calls to small streams when there normally would not be one. He added that he does not want to see these big ponds proliferate. Mr. Scanga said it would behoove the District to reserve the augmentation water for domestic and home use. He said large ponds could trigger calls on streams prematurely where there historically there are none, thus placing large demands on the UAWCD's available supplies. He further added that the annual pond evaporative losses to small tributaries could potentially change a call and he feels it could become an issue if not addressed.

Chairman Canterbury expressed his understanding of committee member French's concerns since most of the smaller streams are under a call every day during summer months and therefore the availability of water for ponds is not there. Committee member Hilderbrand commented that there are several illegal ponds in this basin that Water Commissioner Dan Henrichs has worked hard to shut down.

Chairman Canterbury stated that he agreed with Manager Scanga and feels that a plan should be created and then discussed further with the Board. Manager Scanga said he has been in contact with Brian Sutton, State Augmentation Coordinator, concerning the enforcement of these ponds, and they are working together to come up with a plan which includes language that clearly outlines the requirements. Committee member Payne commented that he feels a good example are the tributaries going into Deweese above Grape Creek, and the huge potential of water right injury for those tributaries above the reservoir. Chairman Canterbury stated that there are probably ponds already in place that the District is unaware of which is why the issue is being addressed. Director French expressed his agreement with moving forward with the proposed plan.

### **Augmentation Report**

Manager Scanga displayed the augmentation report for February 28, 2021. As of the end of February, total State approvals for augmentation were 692.13 acre-feet. Replacements were 22.13 acre-feet including transit loss.

### **HYDROLOGIST REPORT**

## RECORD OF PROCEEDING

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### **Reservoir Storage**

Hydrologist Gertson reported that in our Twin Lakes account, we have 8.1 acre-feet of native water and 50.7 acre-feet of Twin Lakes, Transmountain water. Pueblo reservoir had 1809.70 acre-feet of project carryover and 1,500 acre-feet of project water. Total storage was at 4845.9 acre-feet. Manager Scanga asked Hydrologist Gertson for clarification regarding BLM water and the one-acre foot of loss. Hydrologist Gertson confirmed that there was only 1-acre foot of loss.

Committee member Payne asked Hydrologist Gertson how the snow pack looked in the Sangre De Cristo mountains and above the town of Salida? Mr. Gertson answered that they are slightly below average and in comparison to the NCRS data that shows peaks in the 1990's, the Sangre's are doing a little better and the South Colony Basin read 106 inches a few days prior to the meeting. Hydrologist Gertson expressed that he hoped the upcoming forecasted storm will help.

### **ENGINEER'S REPORT – Wendy Rvan, Colorado River Engineering**

Deferred to next meeting

### **LEGAL REPORT - Kendall Burgemeister, Law of the Rockies**

Deferred to next meeting

### **OTHER BUSINESS**

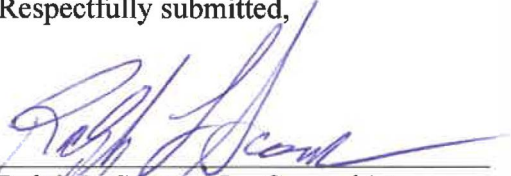
### **ADJOURN**

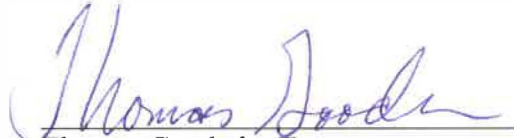
No further business to come before the committee, the meeting adjourned at 1:33 pm

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RECORD OF PROCEEDING

Respectfully submitted,

  
Ralph L. Scanga, Jr., General Manager

  
Thomas Goodwin, Treasurer

  
Timothy C. Canterbury

  
Richard Hilderbrand

~~approved remotely - no signature~~  
Mannie Colon

  
Franklin J. Moore

~~approved remotely - no signature~~  
Robert B. Donley

~~approved remotely - no signature~~  
Warren Diesslin

~~approved remotely - no signature~~  
Gregory W. Felt

~~approved remotely - no signature~~  
Tim Payne

  
Tom E. French

~~approved remotely - no signature~~  
Tony Telck

~~approved remotely - no signature~~  
Brett A. McMurry

~~approved remotely - no signature~~  
Mike Shields