

RECORD OF PROCEEDINGS

**UPPER YAMPA WATER CONSERVANCY DISTRICT
BOARD OF DIRECTORS MEETING
DECEMBER 18, 2019 1:30 PM
MOUNTAIN VALLEY BANK COMMUNITY ROOM
2220 CURVE PLAZA, STEAMBOAT SPRINGS, CO**

MINUTES

Chairman Ken Brenner called the meeting to order and declared a quorum present. In addition to Chairman Brenner, the Board members present were Bob Woodmansee, Doug Monger, Jim Haskins, John Redmond, Stephen Colby, Tom Sharp, and Webster Jones. General Manager Kevin McBride, District Engineer Andy Rossi, Office Manager Karina Craig, Communication and Marketing Manager Holly Kirkpatrick, Administrative Assistant Barbara Wilson, and General Counsel Bob Weiss were also present.

Members of the public present included Frank Alfone, Mount Werner Water District; Gerry Smith; Craig Preston, Colorado Parks and Wildlife; Erin Light, Colorado Division of Water Resources; and Kelly Romero-Heaney, City of Steamboat Springs.

The following agenda was proposed:

AGENDA

- (1) 1:30 pm Establishment of Quorum and Call to Order;
- (2) Approval of Agenda for Meeting; action item
- (3) Public Input and Comment;
- (4) 1:35 pm Discussion on Colorado River Issues with Andy Mueller,
General Manager Colorado River District;
 - a) Risk Study Phase III Funding Request
- (5) 3:35 pm Strategic Planning Committee;
 - a) Update on the Draft Strategic Plan
- (6) 4:35 pm Update on the Stagecoach Reservoir 303(d) Impairment List;
- (7) 4:45 pm Report from General Counsel;
 - a) Water Resumes
 - b) Status of other Water Cases, if any
- (8) New Business;
- (9) Adjournment.

Meeting Agenda Director Sharp moved to approve the agenda. Director Monger seconded the motion which was unanimously approved.

RECORD OF PROCEEDINGS

Public Comment There were no comments at this time.

Discussion on Colorado River Issues with Andy Mueller, General Manager Colorado River District;

Peter Fleming, General Counsel, and Andy Mueller, General Manager, with the Colorado River District presented a variety of Colorado River issues. These included an overview of Lake Mead and Lake Powell operational guidelines and obligations and the Drought Contingency Planning (DCP) for the Upper Colorado River Basins.

The DCP has demand management and cloud seeding components. For demand management, the Upper Colorado River Basins have agreed to study the concept. Cloud seeding was discussed including whether the District should consider more active involvement in such a program. Directors Monger and Sharp did not think the District should do so. Mr. Mueller said he would be happy to have someone give the District a presentation on cloud seeding. Another component of the DCP is the ability to move water from the CRSP reservoirs down to Lake Powell, discussion followed.

Mr. Mueller reported that the State of Colorado has set up workgroups of experts to figure out what is feasible in demand management. Colorado Water Conservation Board (CWCB) is running these workgroups including public involvement to get broader input. It is expected that the CWCB will have some results in approximately 1-1/2 years.

Mr. Mueller talked about the recently approved Colorado Proposition DD: Legalization and Taxation of Sports Betting. There are five areas of need identified in the Water Plan and Proposition DD added in a sixth area of need, Compact Compliance. These areas of need can receive funding through Proposition DD.

Director Brenner asked if a letter from the Board would help the DCP. Mr. Mueller said it was too early; however, the River District would welcome the participation of the District in the process. Director Redmond has previously been appointed by the Board to represent the District in these discussions.

Director Sharp asked if, based on the lack of clarity for demand management, the District should delay transferring the Stillwater Ditch ownership? Mr. Mueller said there is considerable uncertainty now about direction of the DCP and demand management and that increases risk.

Risk Study Phase III Funding Request

Director Sharp made a motion to authorize \$10,000 to the River District for the Risk Study Phase III, provided that it runs modeling, and evaluations of, equitable apportionment and the implications of the Yampa Doctrine to the District. Director Woodmansee seconded the motion which was unanimously approved. There will be a follow up with a scope of work from the River District for the January Board meeting.

There was general agreement to have the River District meet with the Board more often.

RECORD OF PROCEEDINGS

The Elk River historic stock water use in District 6 was discussed. Mr. Mueller left with staff a short position paper to be distributed to the Board via email.

Mr. Mueller said good job on the strategic plan; however, the first goal could be two separate goals.

Strategic Planning Committee

Update on the Draft Strategic Plan

Marketing and Communications Manager Holly Kirkpatrick reviewed the process to have a final draft of the Strategic Plan for approval by the Board for the January 15th Board meeting. In addition, a draft of the Board Governance Manual will be distributed to the Strategic Planning committee for review in early January.

Update on the Stagecoach Reservoir 303(d) Impairment List

Manager McBride reviewed that the Colorado Water Quality Control Commission has proposed a 303(d) listing for Stagecoach Reservoir for total Arsenic and Dissolved Lead. In the past, the District has not been looking at this since the District is not considered a “discharger” so the standards do not apply. Manager McBride suggested budgeting money to get professional evaluation of the data used to propose the listing and other water quality data. A proposal from Leonard Rice Engineers, Inc. was included in the Board packet. The proposal includes data evaluation and also steps for the District to take to get prepared for the next standards setting process. Ms. Romero-Heaney stated that if there is any way the City of Steamboat Springs can be of help, let her know. A water quality trading program was briefly discussed.

Manager McBride suggested the District work through the Watershed Group and all the entities involved with the monitoring program and make sure the CDPHE makes good decisions. Director Colby, as the manager for the Morrison Creek Water and Sanitation District, would like to collaborate with the District on this. Ms. Romero-Heaney pointed out that there may be an opportunity to get before the Commission to present data during public comment.

Director Brenner gave direction to staff to come up with a range of solutions.

Report from General Counsel

Water Resumes and Status of Water Cases – Counsel Weiss stated that Counsel Grosscup had nothing to report.

RECORD OF PROCEEDINGS

New Business

Counsel Weiss presented what was discussed at the last Negotiation Committee meeting:

YIA - Contract amendment: establish a fixed price and amendment so the District doesn't have to go through the drill of establishing a new price each year. The committee is waiting to hear from YIA representatives.

Stillwater Ditch - Turning the Ditch back to the former shareholders: we are down to technical issues. Director Sharp voiced that one of these issues is placing restrictions based on the future Demand Management plan. Director Brenner thinks that would be a very tall order to add that in and this needs more discussion.

Tri-State - Tri-State terminated the agreement and made a proposal: the committee has agreed on the next steps forward. Counsel Weiss will send out a memo with more detail. Director Sharp pointed out that if the Board reaches a conclusion on pricing policies then these negotiations will become easier. There was general agreement that the Board needs to reach a conclusion and give direction.

Stagecoach Reservoir Municipal Contracts - the contracts have expired this year and most have been extended for two more irrigation seasons. There is potential to do amendments on all these contracts.

Individual Irrigators - their contracts expire: the committee gave a form of the contract to the irrigators and discussions are ongoing. There was no comment from the Board to do something different than what the Negotiation Committee has been doing.

Determination of future meetings The scheduled date for the next Board meeting was confirmed, being Wednesday January 15, 2019 at 1:30 PM, at Mountain Valley Bank Community Room, 2220 Curve Plaza, Steamboat Springs, CO.

The meeting was adjourned at 4:45 PM.

I certify that the foregoing constitutes a true and correct summary of the proceedings at the above referenced meeting.



Kevin McBride, District Secretary/Manager

Date: 1/17/2020