

# AGENDA

**UPPER YAMPA WATER CONSERVANCY DISTRICT  
BOARD OF DIRECTORS MEETING  
WEDNESDAY, MARCH 16, 2022 (12:00 PM)  
MOUNTAIN VALLEY BANK COMMUNITY ROOM  
2220 CURVE PLAZA, STEAMBOAT SPRINGS, CO  
ONLINE MEETING:**

[HTTPS://US06WEB.ZOOM.US/J/88075697458?PWD=TGZ1A0V5EELLZE5RUUpOANPHDWNvQT09](https://us06web.zoom.us/j/88075697458?pwd=TGZ1A0V5EELLZE5RUUpOANPHDWNvQT09)

THE UPPER YAMPA WATER CONSERVANCY DISTRICT REQUESTS THAT UNVACCINATED PEOPLE ATTENDING THE BOARD OF DIRECTORS MEETING AT THE MOUNTAIN VALLEY BANK COMMUNITY ROOM WEAR A MASK.

## **INSTRUCTIONS ON HOW TO JOIN A ZOOM MEETING FOLLOW THE AGENDA**

A Board of Directors meeting packet is available for public review on our website at <https://upperyampawater.com/agendas-and-meeting-documents/> by the Friday before the meeting. Amendments to the Agenda and new documents that are generated or submitted after the original posting of the meeting materials will be posted under "Additional Documents" on the website for the relevant meeting.

**QUESTIONS ON AGENDA AND/OR BOARD MATERIALS:** Members of the public or Board of Directors with questions on the agenda or meeting materials, including the consent agenda, are welcome to contact the General Manager at the District offices prior to the meeting. You may reach the General Manager at: [arossi@upperyampawater.com](mailto:arossi@upperyampawater.com) or (970) 871-1035 Ext. 2.

**MEETING PROCEDURE:** Comments from the Public are welcome at two different times during the course of the meeting: 1) Comments no longer than three (3) minutes on items **not** scheduled on the Agenda will be heard under Public Input and Comment; and 2) Comments no longer than three (3) minutes on all scheduled public hearing items will be heard following the presentation. Please wait until you are recognized by the President. With the exception of subjects brought up during Public Input and Comment, on which no action will be taken or a decision made, the Board may take action on, and may make a decision regarding, ANY item referred to in this agenda, including, without limitation, any item referenced for "review", "update", "report", or "discussion" whether or not listed as an "Action Item."

- (1) **12:00 PM** Establishment of Quorum and Call to Order
- (2) **12:00 PM** Approval of Agenda for Meeting **Action item**
- (3) **12:05 PM** Public Input and Comment  
The Board will make no decision nor take action, except to direct the General Manager. Those addressing the Board are requested to identify themselves by name, organization, if any, and address. Comments shall not exceed three (3) minutes.
  - a. Update from Erin Light
- (4) **12:10 PM** Consent Agenda **Action item**
  - a. Approval of the January 19, 2022, Board of Directors Meeting and February 16, 2022, Special Board of Directors Meeting minutes
  - b. Financials

- i. Approval of Disbursements
  - ii. Budget Comparison
- (5) **12:15 PM** Report of General Manager
  - a. Financial Audit Update
  - b. ColoTrust Presentation
  - c. 2022 Budget Amendment (Town of Oak Creek Funding Adjustment) **Action item**
  - d. Board Member Appointment Recognition
  - e. Stagecoach Reservoir Water Storage Contracts
    - i. Municipal Contracts
      - a. Existing Municipal Contract Amendment **Action item**
      - b. New Municipal Contract Pricing **Action item**
- (6) **2:00 PM** District Engineer Report
  - a. Update on Reservoir Water Status
- (7) **2:30 PM** Public Information Updates
  - a. Grants Update
- (8) **2:45 PM** Board Member Reports
- (9) **3:00 PM** Report of General Counsel
- (10) **3:10 PM** Pending Water Cases
  - a. Water Resumes
  - b. Status of Other Water Cases
- (11) **3:30 PM** New Business (Limited to emergency matters that came up During the course of the meeting) **Action item**
- (12) **3:35 PM** Executive Sessions:
  - a. Executive session under CRS § 24-6-402(4)(b) to discuss legal issues on Water Resumes, Water Cases, Contract Negotiations and \_\_\_\_\_ (insert description) . Mere presence or participation of an attorney at an executive session is not sufficient to satisfy the requirements of CRS § 24-6-402(4)(b). Executive sessions to discuss legal matters are not recorded.
  - b. Executive session under CRS § 24-6-402(4)(e)(I) for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators with respect to \_\_\_\_\_ (insert brief description). This session will be recorded, and a copy of the recording maintained for not less than 90 days.
- (13) **4:35 PM** Board Actions in Regard to Executive Session
- (14) **4:45 PM** Determination of Next Meeting(s) Agenda(s)
- (15) **4:55 PM** Adjournment.

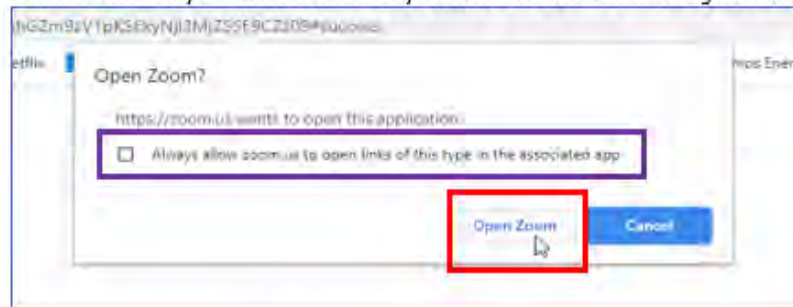
## How to join a Zoom meeting

### Join via "Join Zoom Meeting" link:

To join a Zoom meeting, click on the meeting link that has been sent to you by the host:

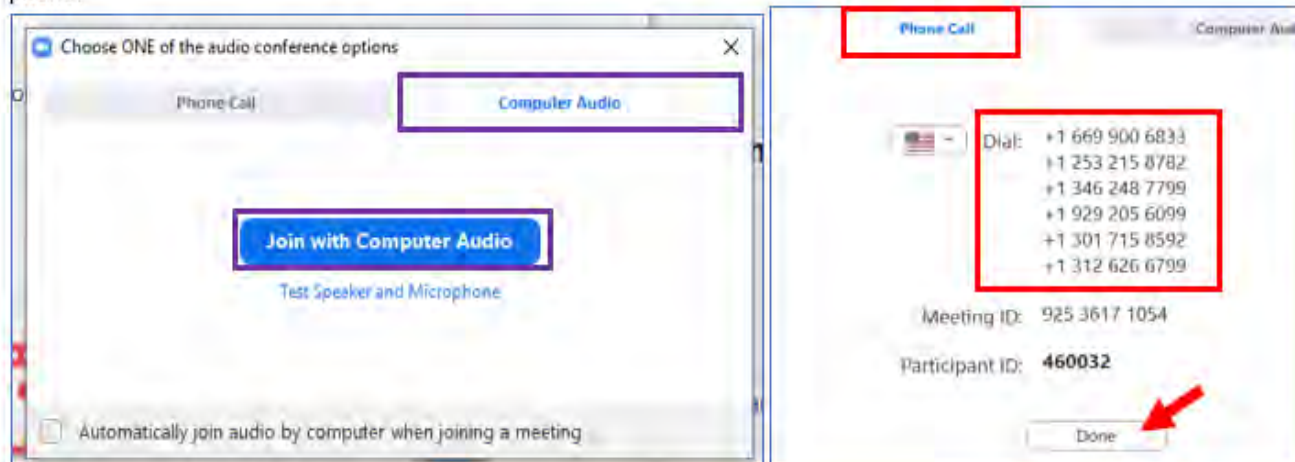


If you have not used Zoom before, you may receive this dialogue box to open Zoom. First, click on "always allow zoom.us..." so you will automatically connect for future meetings. Then, click on "Open Zoom" and follow the prompts.



Once you are connected to Zoom, you will need to choose your audio conference option. To join via your computer, click on "Computer Audio" and then "Join with Computer Audio".

To use your cell phone or landline, click on "Phone Call" and then choose a number from the list. Once you dial the number, you will be asked for the Meeting ID and Participant ID to enter the meeting. Click on "Done" once you are connected to the Zoom meeting. Or, you can use the "One tap mobile" option, see below, to connect via your cell phone.



**Join via cell phone with "One tap mobile":**

If you will be joining a Zoom meeting via your cell phone, click one of the "One tap mobile" links. Then click on "Call +1...". You will hear a request to "enter your Meeting ID followed by pound (#)". You **do not** need to enter the ID as the link will do this automatically for you.

You will be asked if you are a participant and to "Please press pound (#) to continue". You **must** press the pound key (#). Then you will be asked to "Enter your Participant ID followed by pound (#) or just press pound (#) to continue". If you **do not** enter anything, you will be automatically connected to the meeting.



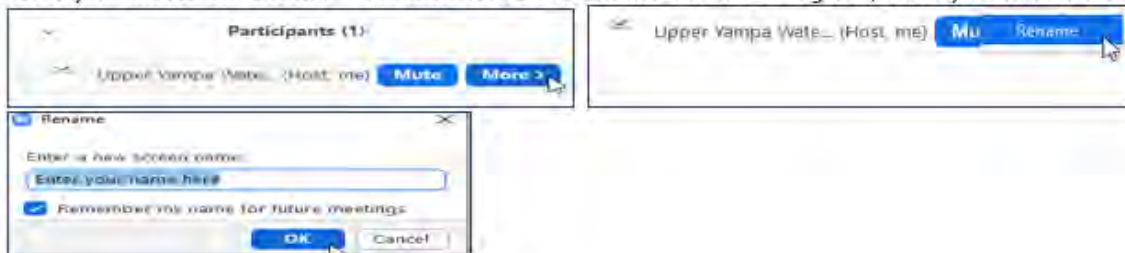
**Join via "Dial by your location":**

If you will be joining a Zoom meeting via your cell phone or landline, you can choose any of the numbers below to access the meeting. Once you dial the number you will be asked to "Enter your Meeting ID followed by pound (#)". Then, you will be asked to "press pound (#) if you are a participant". Finally, you will be asked to "Enter your Participant ID followed by pound (#) or just press pound (#) to continue". If you **do not** enter anything, you will be automatically connected to the meeting.



**Be sure you are identified properly:**

Once in Zoom, be sure that you are identified properly. If you need to change, in "Participants" click on your ID and hover your mouse on "More >" and then click on "Rename". In the dialog box, enter your name and click "OK".



Contact Deb Bastian for any questions

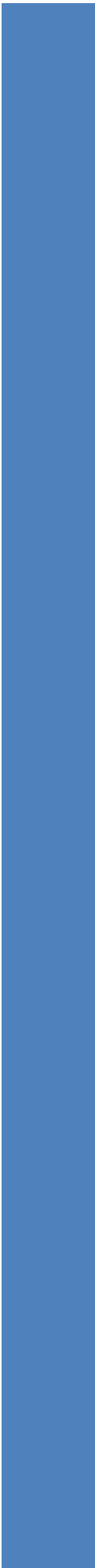
- Email: [dbastian@upperyampawater.com](mailto:dbastian@upperyampawater.com)
- Phone: 970-819-0189

## **PUBLIC INPUT AND COMMENT**

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The Board will make no decision nor take action, except to direct the General Manager. Those addressing the Board are requested to identify themselves by name, organization, if any, and address. Comments shall not exceed three (3) minutes.





# RECORD OF PROCEEDINGS

**UPPER YAMPA WATER CONSERVANCY DISTRICT  
BOARD OF DIRECTORS MEETING  
WEDNESDAY, JANUARY 19, 2022 (10:30 AM)  
MOUNTAIN VALLEY BANK COMMUNITY ROOM  
2220 CURVE PLAZA, STEAMBOAT SPRINGS, CO  
ONLINE MEETING:**

<HTTPS://US06WEB.ZOOM.US/J/84010651148?PWD=RZHQY2owMi9OUW5PZDVSRXJSYTFpdz09>

## MINUTES

Chairman Ken Brenner called the meeting to order and declared a quorum present. In addition to Chairman Brenner, the Board Members present were Doug Monger, Jim Haskins, John Redmond, Ron Murphy, Lyn Halliday, Tom Sharp, Webster Jones and Nicole Seltzer. General Manager Andy Rossi, District Engineer Emily Lowell, Public Information and External Affairs Manager Holly Kirkpatrick, Business Manager Deb Bastian, Chief Accountant Karina Craig, General Counsel Bob Weiss and Special Counsel Scott Grosscup were also present. Members of the public present for some portion of the meeting included Erin Light, Colorado Division of Water Resources; Alyson Gould, Colorado Water Trust, Andrea Fasen, W.W. Wheeler; David Torgler, Town of Oak Creek; Tom Holliday, Town of Oak Creek.

This meeting was held in person and by videoconference utilizing Zoom. The meeting agenda included instructions to the public describing the process to participate in the meeting and comment on agenda items.

The following agenda was proposed:

## AGENDA

- (1) **10:30 AM** Establishment of Quorum and Call to Order
- (2) **10:30 AM** Approval of Agenda for Meeting **Action item**
- (3) **10:35 AM** Board Member Reports
  - a. Results of Director's Self Evaluation Survey
  - b. UYWCD GM Annual Review
- (4) **11:05 AM** Executive Sessions:
  - a. Executive session under CRS § 24-6-402(4)(f)(l) concerning personnel matters except if the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have requested an open meeting. This executive session concerns the annual review of General Manager Andy Rossi who has not requested an open meeting. This session will be recorded, and a copy of the recording maintained for not less than 90 days.
- (5) **12:00 PM** Public Input and Comment  
The Board will make no decision nor take action, except to direct the General Manager. Those addressing the Board are requested to identify themselves by name, organization, if any, and address. Comments shall not exceed three (3) minutes.
  - a. Update from Erin Light
- (6) **12:10 PM** Consent Agenda **Action Item**
  - a. Approval of the Minutes of November 17, 2021, Board Meeting



## RECORD OF PROCEEDINGS

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- b. Financials
  - i. Approval of Disbursements
  - ii. Budget Comparison
- (7) **12:15 PM** Report of General Counsel
  - a. UYWCD Bylaws Review
- (8) **12:20 PM** Pending Water Cases
  - a. Water Resumes
  - b. Status of Other Water Cases
- (9) **12:35 PM** Executive Sessions:
  - a. Executive session under CRS § 24-6-402(4)(b) to discuss legal issues on Water Resumes, Water Cases, Contract Negotiations, Water Horse case in Utah and Yamcolo water rights. Mere presence or participation of an attorney at an executive session is not sufficient to satisfy the requirements of CRS § 24-6-402(4)(b). Executive sessions to discuss legal matters are not recorded.
- (10) **1:05 PM** Report of General Manager
  - a. Election of Officers, Determination Committees, and Selection of industry meeting(s) UYWCD participants
    - i. Election of Officers and Determination of Committees **Action Item**
    - ii. Water Industry UYWCD Representation **Action Item**
  - b. Board of Directors Appointments
  - c. Town of Oak Creek: Sheriff Reservoir Rehabilitation Design Funding Request **Action Item**
  - d. Stagecoach Reservoir Water Storage Contracts
  - e. 2022 UYWCD Water Pricing **Action Item**
  - f. Coal Creek Diversion Project Update and Scheduling of Special UYWCD BOD Meeting
  - g. Financial Audit Schedule
  - h. Resolution to Approve Posting Place **Action Item**
- (11) **3:30 PM** District Engineer Report
  - a. Update on Reservoir Water Status
- (12) **3:45 PM** Public Information Updates
  - a. UYWCD Grant Program
  - b. UYWCD Annual Report
- (13) **4:00 PM** New Business (Limited to emergency matters that came up During the course of the meeting) **Action Item**
- (14) **4:05 PM** Executive Sessions:
  - a. Executive session under CRS § 24-6-402(4)(e)(I) for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators with respect to \_\_\_\_\_ (insert brief description). This session will be recorded, and a copy of the recording maintained for not less than 90 days.
- (15) **4:15 PM** Board Actions in Regard to Executive Session
- (16) **4:20 PM** Determination of Next Meeting(s) Agenda(s)
- (17) **4:30 PM** Adjournment.

Chairman Brenner established a quorum and called the meeting to order at 10:33AM.

**Meeting Agenda.** Director Jones moved to approve the agenda. Director Murphy seconded the motion which was unanimously approved.

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### ***Board Member Reports.***

Results of Director's Self Evaluation Survey. The Board reviewed and discussed the results of the self-evaluation survey.

UYWCD GM Annual Review. The Board will conduct the General Manager's review in Executive Session.

***Executive Session.*** At 11:21 AM Director Jones moved, Director Murphy seconded, and it was unanimously agreed to go into Executive session under CRS § 24-6-402(4)(f)(1) concerning personnel matters except if the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have requested an open meeting. This executive session concerns the annual review of General Manager Andy Rossi who has not requested an open meeting. This session will be recorded, and a copy of the recording maintained for not less than 90 days.

***Board Action Regarding Executive Session.*** Director Sharp moved to increase General Manager Andy Rossi's 2022 annual salary by 9.5%. The amount reflects a 4.5% CPI adjustment and a 5% merit increase to bring the salary to about 65% - 70% of the CPI adjusted salary range which has been previously reviewed by the Board. Director Jones seconded the motion. Director Sharp commented that economic statistics for 2021 in the Colorado area show various rates of 12-month CPI increases occurring over the year period, ranging from below 3% early in the year to above 7% in December. The CPI rate increased steadily month-to-month in the last quarter of 2021. But Director Sharp stated his belief that the 4.5% CPI adjustment is a reasonable rate number to be considered for the CPI change for the year as a whole and should be the rate to be used to adjust salaries for CPI increases going into 2022. Chairman Brenner noted that the proposed 9.5% increase would move General Manager Rossi's annual salary to \$164,250. The motion was unanimously approved.

***Public Input and Comment.*** Erin Light of the Division of Water Resources provided an update on over appropriation, the status of the measurement rules and the abandonment list. Chairman Brenner invited other members of the public to comment on items not otherwise scheduled on the agenda. There was no further public comment.

***Consent Agenda.*** Director Jones moved to approve the consent agenda as presented. Director Monger seconded the motion which was unanimously approved.

### ***Report of General Counsel***

UYWCD Bylaws Review. General Counsel Weiss commented to the Board that there are no recommendation that the Bylaws be amended at this time.

### ***Pending Water Cases.***

Water Resumes. Special Counsel Grosscup referred the Board to his Water Resume memo for November regarding the filing of a diligence application by Tri-State, Case No. 21CW3046, for the Craig Station Ditch and Pipeline. He recommends that the District file a statement of opposition to the application as this case is similar to the previous Tri-State application where they were seeking diligence on the Wessels Canal water rights that they ultimately decided to abandon. Special Counsel Grosscup stated that subsequent to his memo the December Water Resumes were released, and he commented there may be two new cases that may be of interest to the District.

1. South Routt Cemetery District (Case No. 21CW23) has filed an application for an appropriative right of exchange to use the water it obtains from the Yamcolo Irrigators Association from Yamcolo Reservoir to exchange water up Watson Creek to the Cemetery District. Special Counsel Grosscup noted the

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District has entered into water court applications in the past where its water rights are in use to assure nothing applied.

2. Dean & Jim Rossi (Case No. 21CW3053) own property on Watson Creek and want to move some water rights from Powell Ditch 1 to Laramore Ditch and the allegation is that there is not a change in place of use. Special Counsel Grosscup did comment that in any type of change case there is concern there may be increased irrigation or diversions that would not have otherwise occurred under the water rights as previously decreed. The result would be a potential the change would increase uses there by decreasing the flows into Stagecoach Reservoir during the 2<sup>nd</sup> fill or irrigation season.

Director Sharp commented regarding the Cemetery District that the District has historically been involved in water cases in which District contracted water is proposed to be used to protect against greater use of the water than is permitted in our allotment contract or underlying water rights and moved to authorize Special Counsel Grosscup to enter a statement of opposition for Case No. 21CW3046 (Tri-State Generation and Transmission Association, Inc.), Case No. 21CW23 (South Routt Cemetery District) and Case No. 21CW3035 (Dean & Jim Rossi). Director Murphy seconded the motion which was unanimously approved.

Status of Other Water Cases. Special Counsel Grosscup commented that Public Service would like to have a meeting with the District to understand the District concerns and to try to reach a resolution. Additionally, he reviewed the letter of response from Erin Light, Division Engineer Water Division 6, to the Districts statement of objection regarding the partial abandonment of Yamcolo Reservoir 1<sup>st</sup> and 2<sup>nd</sup> enlargement water rights. He also noted that during this process they have uncovered some irregularities with respect to water rights that were decreed for Yamcolo Reservoir. It is proposed that counsel and staff bring a course of resolution of these matters and evaluate how this will operate with Districts existing contracts and uses of Yamcolo Reservoir to the Executive Committee at a February meeting and have full recommendation of the course of action on the abandonment of Yamcolo Reservoir water rights to the Board at the March meeting. Further, Special Counsel Grosscup recommended that the Board file an application for finding of reasonable diligence by the end of January 2022 for Yamcolo Reservoir 2<sup>nd</sup> filling conditional on the amount of 7,066 AF to prevent the cancellation of the water rights. Director Sharp moved to authorize counsel and staff to file for due diligence with respect to Yamcolo Reservoir 2<sup>nd</sup> filing water rights that is due by the end of January 2022 and conditional in the amount of 7,066 AF. Director Halliday seconded the motion which was unanimously approved.

***Executive Session.*** At 1:11 PM Director Jones moved, Director Sharp seconded, and it was unanimously agreed to go into Executive session under CRS § 24-6-402(4)(b) to discuss legal issues on Water Resumes, Water Cases, Contract Negotiations, Water Horse case and Yamcolo water rights. Mere presence or participation of an attorney at an executive session is not sufficient to satisfy the requirements of CRS § 24-6-402(4)(b). Executive sessions to discuss legal matters are not recorded.

The Chairman then announced that if any person who participated in the executive session believed that any substantial discussion of any matters not included in the motion to go into executive session occurred in the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, that such person state their concern for the record. No one stated concerns.

***Board Action Regarding Executive Session.*** General Counsel Weiss stated there was no action required.

### ***Report of General Manager***

Election of Officers and Determination of Committees. Director Sharp nominated Director Jones for Board President. Director Jones declined the nomination for President due to current commitments but would accept a nomination for Vice President. Director Sharp then nominated Director Monger to serve as Board President.

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Director Monger accepted the nomination. Chairman Brenner asked if there were any other nominations for President. There were none. Director Sharp moved to cast a unanimous ballot for Director Monger to be the Chairman of the Board for the ensuing term. Director Jones seconded the motion which was unanimously approved. Director Sharp nominated Director Jones to serve as Vice President to the Board for the calendar year. Chairman Brenner asked if there were any other nominations for Vice President. There were none. Director Sharp moved to cast a unanimous ballot for Director Jones to serve as Vice President to the Board for the calendar year 2022. Director Murphy seconded the motion which was unanimously approved. The Board reviewed the list of the current Executive Committee members. Chairman Brenner asked if there were any other nominations for the Executive Committee. There were none. Director Sharp moved to appoint the existing Executive Committee member for calendar year 2022 that were in place in 2021 – Ken Brenner, Doug Monger, Tom Sharp, John Redmond and Webster Jones. Director Murphy seconded the motion which was unanimously approved.

Water Industry UYWCD Representation. General Manager Rossi reviewed the list of UYWCD industry meeting/committee representatives. The Board reviewed and requested staff to include, on the Industry Meetings & Committee Involvement list, Director Brenner for the Yampa White Green Roundtable and Director Brenner and General Manager Rossi for the IWMP efforts. Director Brenner noted that there is an opening on the Colorado Water Congress Board of Directors and if there are no one else interested from the District Board, he would like to submit his application for the vacancy. Director Sharp moved to approve that the individuals listed on the January 5, 2022, UYWCD Industry Meetings & Committee Involvement document, with the addition of Director Brenner for the Yampa White Green Roundtable and the IWMP efforts and General Manager Rossi for the IWMP efforts, are the authorized representatives to speak on behalf of the District at the industry meetings/committees and to be reimbursed for expenses and per diem. Director Monger seconded the motion which was unanimously approved.

Board of Directors Appointments. General Manager Rossi provided an update on the status of the appointment process. General Counsel Weiss stated that the deadline for applications is February 7, 2022, and that, in case of a contested application, he has scheduled the appointment hearing for February 16, 2022, at 9:00 AM. This will take place via WebEx with the court if needed and not in person.

Town of Oak Creek: Sheriff Reservoir Rehabilitation Design Funding Request. General Manager Rossi provided an overview of the Sheriff Reservoir repairs and request for financial assistance. David Torgler and Tom Holliday from the Town of Oak Creek and Andrea Fasen from W.W. Wheeler provided a review of the scope of work and budget estimate for the Board's consideration. Director Sharp moved to authorize expenditure up to \$80,000 for a grant to the Town of Oak Creek for utilization in its engineering of the potential solution to the rehabilitation required by the state for Sheriff Reservoir. Director Murphy seconded the motion. General Counsel Weiss disclosed that he is the town attorney for Oak Creek and will be recusing himself from this topic. However, he stated that the District should include some type of appropriate contract for this grant and that the process will be handled by Special Counsel Scott Grosscup. Director Sharp amended his motion to include that the grant approval must be documented by a contract between the Town of Oak Creek and the Upper Yampa Water Conservancy District and that the contract provide that the grant funds be distributed pro-rata along with other grant funds that they receive. Director Murphy accepted the amendment to the motion which was unanimously approved.

Stagecoach Reservoir Water Storage Contracts. General Manager Rossi provided an update on the status of the Stagecoach Reservoir water storage contract process. Director Sharp noted that he is the General Counsel for Mt. Werner Water and will need to recuse himself from any discussion regarding Mt. Werner Water. General Counsel Weiss stated that staff is collecting all comments regarding the amendment form and will present,

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collectively, at the March Board meeting. The expectation is that the Board will be consistent with how the requests for modification are handled as opposed to separate negotiations with each party. General Manager Rossi provided an overview of the current the application process for the loan of Stagecoach water storage water rights to the CWCB for release to maintain and improve the instream flow reach of the Yampa River.

2022 UYWCD Water Pricing. General Manager Rossi reviewed the current water contract pricing process. Director Monger moved to accept staff recommendation to adjust the categories of new water contracts out of Stagecoach Reservoir for industrial, environmental/recreational and agricultural, Yamcolo Reservoir for municipal and agricultural and large & small non-commercial & large & small commercial for the Yampa River and Elk River augmentation plans by the CPI amount of 5.22% and to table the determination of new municipal water contract pricing out of Stagecoach Reservoir. Director Sharp seconded the motion which was unanimously approved.

Coal Creek Diversion Project Update and Scheduling of Special UYWCD BOD Meeting. General Manager Rossi provided an update on the project and schedule a special Board meeting in February to discuss the findings of the technical analysis and engineer's costs estimate. Staff will arrange a meeting for the Board on Wednesday, February 16, 2022, starting at 10:00 AM.

Financial Audit Schedule. Chief Accountant Karina Craig provided an overview of the audit process and the proposed schedule for the financial audit.

Resolution to Approve Posting Place. The Board reviewed the proposed Resolution to Approve Posting Place. Director Sharp moved to approve the resolution as presented. Director Murphy seconded the motion which was unanimously approved.

***District Engineer Report.*** District Engineer Emily Lowell provided an update on the reservoir water status.

***Public Information Updates.***

UYWCD Grant Program. Public Information and External Affairs Manger Holly Kirkpatrick provided an update on the grant program disbursements. Holly reviewed the proposed guidelines for the 2022 Community Grant Funding Project and requested feedback from the Board. A final proposal will be presented at the March Board meeting.

UYWCD Annual Report. Public Information and External Affairs Manger Holly Kirkpatrick provided a preview of the 2020-2021 annual report and requested feedback from the Board.

***New Business.*** Director Brenner asked if the Board would provide a letter or recommendation for his application to the Board of Directors for the Colorado Water Congress. Director Sharp moved to authorize General Manager Rossi to prepare a letter of recommendation on behalf of the UYWCD Board of Directors to appoint Ken Brenner as a member of the Colorado Water Congress Board of Directors. Director Halliday seconded the motion which was unanimously approved.

***Determination of Next Meeting Agenda.*** The agendas for the February 15, 2022, and March 16, 2022, Board Meetings were reviewed. The Board requested that the meeting date be changed to February 16<sup>th</sup>.

Director Sharp moved to adjourn the meeting at 4:24 PM. Director Brenner seconded the motion which was unanimously approved.

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

\_\_\_\_\_  
Andy Rossi, District Secretary/Manager

Date: \_\_\_\_\_

## STATEMENT FROM ATTORNEY REGARDING ATTORNEY-CLIENT PRIVILEGE

The undersigned Robert G. Weiss, legal counsel for the District, hereby attests, pursuant to CRS Section 24-6-402(2)(d.5)(II)(B), that the portion of the executive session that was not recorded and which related to the Water Horse case and Yamcolo water rights constituted a privileged attorney-client communication under CRS Section 24-6-402(4)(b).

\_\_\_\_\_  
Robert G. Weiss, Counsel

Date: \_\_\_\_\_

DRAFT

# RECORD OF PROCEEDINGS

## UPPER YAMPA WATER CONSERVANCY DISTRICT BOARD OF DIRECTORS MEETING WEDNESDAY, FEBRUARY 16, 2022 (10:00 AM) ONLINE MEETING:

[HTTPS://US06WEB.ZOOM.US/J/88580218395?PWD=BKLCVTRBZCtDAWhCSWURtG44SU42Zz09](https://us06web.zoom.us/j/88580218395?pwd=BKLCVTRBZCtDAWhCSWURtG44SU42Zz09)

### MINUTES

Chairman Doug Monger called the meeting to order and declared a quorum present. In addition to Chairman Monger, the Board Members present were Ken Brenner, Ron Murphy, Lyn Halliday, Tom Sharp, Webster Jones, Jim Haskins and Nicole Seltzer. General Manager Andy Rossi, Public Information and External Affairs Manager Holly Kirkpatrick, Business Manager Deb Bastian, Chief Accountant Karina Craig, General Counsel Bob Weiss and Special Counsel Scott Grosscup were also present. Members of the public present for some portion of the meeting included Scott Hummer, Colorado Division of Water Resources.

This meeting was held by videoconference utilizing Zoom. The meeting agenda included instructions to the public describing the process to participate in the meeting and comment on agenda items.

The following agenda was proposed:

### AGENDA

- (1) **10:00 AM** Establishment of Quorum and Call to Order
- (2) **10:00 AM** Approval of Agenda for Meeting **Action item**
- (3) **10:05 AM** Public Input and Comment  
The Board will make no decision nor take action, except to direct the General Manager. Those addressing the Board are requested to identify themselves by name, organization, if any, and address. Comments shall not exceed three (3) minutes.
- (4) **10:10 AM** Report of General, Special Counsel
  - a. Status of Water Cases
- (5) **10:30 AM** Executive Session:
  - a. Executive session under CRS § 24-6-402(4)(b) to discuss legal issues on Water Resumes, Water Cases, Contract Negotiations and \_\_\_\_\_ (insert description). Mere presence or participation of an attorney at an executive session is not sufficient to satisfy the requirements of CRS § 24-6-402(4)(b). Executive sessions to discuss legal matters are not recorded.
- (6) **11:00 AM** Report of General Manager
  - a. Coal Creek Diversion Project Update
- (7) **12:00 PM** New Business (Limited to emergency matters that came up **Action item**  
During the course of the meeting)
- (8) **12:05 PM** Executive Sessions:
  - a. Executive session under CRS § 24-6-402(4)(b) to discuss legal issues on Water Resumes, Water Cases, Contract Negotiations and \_\_\_\_\_ (insert description). Mere presence or participation of an attorney at an executive session is not sufficient to satisfy the requirements of CRS § 24-6-402(4)(b). Executive sessions to discuss legal matters are not recorded.

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- b. Executive session under CRS § 24-6-402(4)(e)(I) for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators with respect to \_\_\_\_\_ (insert brief description). This session will be recorded, and a copy of the recording maintained for not less than 90 days.
- (9) **12:35 PM** Board Actions in Regard to Executive Session
- (10) **1:35 PM** Adjournment.

Chairman Monger established a quorum and called the meeting to order at 10:06 AM.

**Meeting Agenda.** Director Jones moved to approve the agenda. Director Murphy seconded the motion which was unanimously approved.

**Public Input and Comment.** Chairman Monger invited members of the public to comment on items not otherwise scheduled on the agenda. There was no comment.

**Report of General, Special Counsel.** Special Counsel Grosscup stated he wanted to discuss Yamcolo Reservoir and how some of the water rights are decreed and the Division Engineers placement of some the water rights on the 2022 abandonment list and the status, negotiations with Public Service Company and its diligence application for the Wessel's Canal and the meeting District staff had with Public Service Company staff.

**Executive Session.** At 10:12 AM Director Brenner moved, Director Jones seconded, and it was unanimously agreed to go into Executive session under CRS § 24-6-402(4)(b) to discuss legal issues on Water Resumes, Water Cases, Contract Negotiations, Yamcolo water rights and placement on the abandonment list and status with Public Service Company on its diligence application for the Wessel's Canal. Mere presence or participation of an attorney at an executive session is not sufficient to satisfy the requirements of CRS § 24-6-402(4)(b). Executive sessions to discuss legal matters are not recorded.

The Chairman then announced that if any person who participated in the executive session believed that any substantial discussion of any matters not included in the motion to go into executive session occurred in the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, that such person state their concern for the record. No one stated concerns.

**Board Action Regarding Executive Session.** Director Sharp moved that the Board authorize and direct staff and legal counsel to file opposition in protest to the abandonment of 410.9 acre-feet decreed to the Yamcolo first enlargement water right for all beneficial purposes. Director Brenner seconded the motion which was unanimously approved. Director Sharp moved that the Board authorize and direct staff and legal counsel to file appropriate water court proceedings to seek to make absolute all of the remaining conditional uses in the Pleasant Valley storage right that was previously adjudicated, in part, for Yamcolo Reservoir. Director Brenner seconded the motion which was unanimously approved.

**Report of General Manager – Coal Creek Diversion Project Update.** General Manager Andy Rossi provided an update and reviewed the Wilson Water Group analysis and cost estimate summary. The Board discuss. Further, General Manager Rossi discussed the United States Forest Service (USFS) denial of the District's permit application to install a flow monitoring sensor in Coal Creek culvert. General Manager Rossi stated that with the USFS denial he would need outside consultation to assist him in determining how to move forward with the permitting process. Director Brenner moved that the Board authorize General Manager Rossi to investigate the cost of hiring an attorney and/or consultant to assist District staff with the Coal Creek permitting process and to present a proposal to the Board at the March Board meeting. Director Haskins seconded the



## RECORD OF PROCEEDINGS

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motion. The Board discussed. Directors Monger, Halliday, Sharp, Murphy, Haskins and Brenner voted in favor. Director Seltzer voted against. Director Jones was no longer present. The motion passed.

*New Business.* There was no new business.

The meeting adjourned at 12:32 PM.

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

\_\_\_\_\_  
Andy Rossi, District Secretary/Manager

Date: \_\_\_\_\_

### STATEMENT FROM ATTORNEY REGARDING ATTORNEY-CLIENT PRIVILEGE

The undersigned Robert G. Weiss, legal counsel for the District, hereby attests, pursuant to CRS § 24-6-402(2)(d.5)(II)(B), that the portion of the executive session that was not recorded and which related to Yamcolo water rights and placement on the abandonment list and status with Public Service Company on its diligence application for the Wessel's Canal constituted a privileged attorney-client communication under CRS § 24-6-402(4)(b).

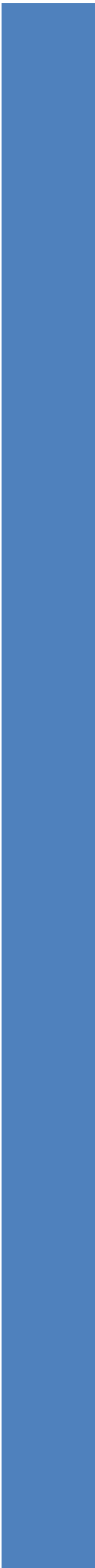
\_\_\_\_\_  
Robert G. Weiss, Counsel

Date: \_\_\_\_\_

**CONSENT AGENDA**

**FINANCIAL REPORTS:  
APPROVAL OF DISBURSEMENTS & BUDGET  
COMPARISON**

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## BOARD COMMUNICATION FORM

**From:** Karina Craig, Chief Accountant.

**Date:** March 16, 2022

**Item: Financial Reports: February 28, 2022 Cash Disbursement Report and January 31, 2022 Budget Comparison Report.**

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<input type="checkbox"/>	DIRECTION
<input checked="" type="checkbox"/>	INFORMATION
<input type="checkbox"/>	MOTION
<input type="checkbox"/>	RESOLUTION

---

### I. Request/Issue and Background Information:

The ***Cash Disbursement Report*** contains disbursements from the Upper Yampa Water Conservancy District (the District) of reconciled monthly statements. These include disbursements incurred with check and electronic payments through February 28, 2022, and credit card payments through February 3, 2022. Disbursements include operating and capital expenditures from both the 2021 and the 2022 fiscal year budgets, totaling \$303,312.55.

The ***Budget Comparison Report*** includes transactions accrued up to January 31, 2022. Additional transactions for the reported period may be added as further documentation is received and processed.

Meeting agenda item 5.c addresses an \$80,000 grant expenditure approved by the Board at the January 19, 2022 Board meeting, which has been included in the *Grants, Scholarships & Public Information* 2022 year-end projections.

**II. Summary:** Cash disbursements reported include *reconciled* expenditures from both 2021 year-end and 2022 year-to-date. The Budget Comparison reports *2020 final audit* and *2021 draft audit* actuals. It also includes current-year financials: budget, early year actuals and annual projections.

**III. Staff Recommendation:** Accept reports.

**IV. Legal Issues:** None

**V. Consistency with Board Goals and Policies:** UYWCD By-Laws and SP Goal 3.

### Attachments:

Attachment 1: Cash Disbursement Report.

Attachment 2: Budget Comparison Report.

**Upper Yampa Water Conservancy District**  
**Cash Disbursement Report**  
**February 28, 2022**

<b>Date</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
10/21/2021	X Field Services	Yamcolo reservoir, Rip Rap Material.	44,165.00
12/03/2021	NDS Northwest Data Services	IT Services. Monthly Cloud Services, November	186.10
12/03/2021	Extreme Canopy	Event tent supplies	80.00
12/03/2021	Amazon	Stagecoach Maintenance	68.24
12/03/2021	Garmin	Monthly subscription, 12-06-2021 to 01-05-2022.	34.95
12/05/2021	Mailchimp	Email marketing platform	15.66
12/05/2021	CrashPlan Code42	Monthly subscription, December services	9.99
12/07/2021	Big House Burgers	Meeting staff lunch	97.60
12/07/2021	State and Federal Poster	2022 State and Federal labor posters	50.89
12/08/2021	Amazon	Office supplies	27.05
12/09/2021	Rapport Inc	Yamcolo maintenance, battery replacement.	267.79
12/09/2021	Amazon	Office supplies	32.52
12/13/2021	Routt County Clerk and Recorder	Recording of augmentation contract with B.&K Head.	39.62
12/16/2021	Whelan Land Surveys	Yamcolo survey	3,502.50
12/16/2021	Ken Brenner	Director fees	800.00
12/16/2021	Hugh Webster Jones	Director fees	400.00
12/16/2021	Tom Sharp	Director fees	200.00
12/16/2021	Microsoft	Microsoft license	218.51
12/17/2021	NDS Northwest Data Services	Laptop	2,195.00
12/17/2021	Edge Communications	Services 12-06-2021 to 01-05-2022	115.98
12/17/2021	Amazon	Office supplies	104.48
12/19/2021	NYT The New York Times	Monthly subscription	4.00
12/21/2021	LogMeIN	Annual software fee	150.48
12/21/2021	Adobe	Monthly subscription 12-20-2021 to 01-19-2022	118.93

**Subtotal**

**52,885.29**

**Upper Yampa Water Conservancy District**  
**Cash Disbursement Report**  
**February 28, 2022**

<b>Date</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
12/22/2021	CAA Community Agriculture Alliance Inc	Dues and Contributions	700.00
12/22/2021	YVEA	Electrical service at Stagecoach, 10-28-2021 to 12-01-2021.	413.91
12/23/2021	Restaurant.	Meeting lunch	140.99
12/24/2021	CenturyLink Lumen	SC Telephone, December 2021.	160.76
12/27/2021	SmartVault	Software, interphase with quickbooks	140.00
12/28/2021	CenturyLink Lumen	Office Telephone & Internet, 12-07-21 to 01-06-22.	239.06
12/29/2021	ICMA-401a	Monthly contributions, December 2021 payroll.	4,142.34
12/29/2021	ICMA-457	Monthly contributions, December 2021 payroll.	2,505.48
12/30/2021	Colorado Water Congress CWC	2022 Annual Convention Registration	2,500.00
12/30/2021	Safeway	Board meeting supplies	4.69
01/01/2022	MVB Mountain Valley Bank	January Rent	6,471.94
01/02/2022	Verizon Wireless	Stagecoach Cell phones, 12-14-2021 to 1-13-2022.	84.91
01/03/2022	Family Support Registry	Remittance December 2021.	716.00
01/05/2022	Stand Creative Studio	Monthly digital marketing Services	1,450.00
01/05/2022	PostNet	Stagecoach Electronic Upgrades, return of UPS Units.	187.18
01/05/2022	ACE Hardware	Snow brush	17.99
01/05/2022	ACS Advanced Copier Solutions, Inc.	Monthly copier fees, December 2021.	10.40
01/05/2022	Mailchimp	Email marketing platform, monthly subscription	15.66
01/05/2022	CrashPlan Code42	Monthly subscription, January services	9.99
01/06/2022	NDS Northwest Data Services	IT Services. Monthly Cloud Services, January	265.10
01/06/2022	Amazon	Stagecoach supplies	51.12
01/07/2022	Garmin	Monthly subscription, 01-06-2022 to 02-05-2022.	34.95
01/14/2022	Walmart	Printer	315.62
01/16/2022	NYT The New York Times	Monthly subscription	4.00

**Subtotal**

**20,582.09**

**Upper Yampa Water Conservancy District**  
**Cash Disbursement Report**  
**February 28, 2022**

<b>Date</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
01/17/2022	Conoco Universal WEX	Gasoline, December 2021.	268.99
01/17/2022	Edge Communications	Services 01-06-2022 to 02-05-2022	114.48
01/18/2022	Safeway	Board meeting supplies	9.64
01/19/2022	Routt County Dept of Environmental Health	Ongoing regional USGS water quality monitoring - 2022	12,370.00
01/19/2022	Xylem	Coal Creek Flow Meter This item is capitalized. See 12-15-21 GJ.	10,350.00
01/19/2022	Wilson Water Group	Water Resource Engineering: Professional services through November 25, 2021	2,860.00
01/19/2022	Balcomb & Green, P.C.	Miscellaneous Matters and Opposition case 2022 CW (11CW26), December legal services	2,839.00
01/19/2022	HydroLogik	Parts for Yamcolo System Architecture, phase 3.	1,896.04
01/19/2022	Bob Woodmansee	Water Quality work through Dec 27, 2021.	1,500.00
01/19/2022	SDA Special District Association of CO	SDA membership, 2022	1,237.50
01/19/2022	Four Points Surveying & Engineering	Stillwater Ditch As-Built Survey	955.00
01/19/2022	GMS Gray Matter Systems, LLC TMMI	SCADA upgrade	790.01
01/19/2022	Marathon Power Inc	SC Electronic Upgrades, battery replacement	235.00
01/19/2022	NDS Northwest Data Services	IT Services	37.50
01/19/2022	Timber Line Electric & Control	Alarm notifications 3-1-2022 to 2-29-2023	75.00
01/19/2022	Restaurant.	Board meeting lunch	113.62
01/19/2022	Amazon	Board meeting supplies	18.20
01/21/2022	YVEA	Electrical service at Stagecoach, 12-01-2021 to 01-03-2022.	1,191.02
01/21/2022	Northwest Graphics	Marketing materials	199.56
01/21/2022	Adobe	Monthly subscription 01-20-2022 to 02-19-2022	118.93
01/22/2022	Amazon	Computer keyboard	27.09
01/23/2022	CenturyLink Lumen	SC Telephone, January 2021.	160.98
01/24/2022	CO CSDPL Property and Liab Pool	SDS Tracking software, annual fee.	14.00
01/26/2022	Colorado Water Congress CWC	2022 Annual Convention Registration, staff.	575.00

**Subtotal**

**37,956.56**

**Upper Yampa Water Conservancy District**  
**Cash Disbursement Report**  
**February 28, 2022**

<b>Date</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
01/26/2022	ECS Employers Council Services, Inc.	Manager Training, Andy Rossi.	245.00
01/27/2022	Auto Glass Masters - Geiger Glass	2019 Ram pick up. Vehicle maintenance.	340.00
01/27/2022	SmartVault	Software, interphase with quickbooks	140.00
01/28/2022	Quickbooks Payroll Service	January payroll	45,039.10
01/28/2022	Win-911	Alarm notification software	880.00
01/28/2022	ECS Employers Council Services, Inc.	Harassment Prevention Training, E. Lowell	245.00
01/29/2022	CenturyLink Lumen	Office Telephone & Internet, 01-07-22 to 02-06-22.	238.69
01/29/2022	Amazon	Office supplies	17.12
01/30/2022	Hotel	CWC Annual Convention, director. Lodging and meals.	642.87
01/30/2022	Hotel	CWC Annual Convention, staff	310.20
01/30/2022	Amazon	Board book supplies	8.23
01/31/2022	USPS	Postage	33.23
02/01/2022	Internal Revenue Service	Federal Tax Deposit, January payroll.	16,253.20
02/01/2022	CEBT	Medical, dental, vision, life, STD, LTD February 2022 coverage.	13,618.71
02/01/2022	USGS	21REJFACO123. Streamgaging Stations Above and below Stagecoach Reservoir	7,850.00
02/01/2022	MVB Mountain Valley Bank	February Rent	6,471.94
02/01/2022	ICMA-401a	Retirement contributions, January 2022 payroll.	4,531.56
02/01/2022	ICMA-457	Retirement plan contributions, January 2022 payroll.	2,702.27
02/01/2022	Weiss & Van Scoyk	Legal services, December 2021. General Matters, price-inclusive.	1,311.00
02/01/2022	Family Support Registry	Mandated deduction	716.00
02/01/2022	Jeffrey D Erickson, Lynx	Snow removal December 2021, Stagecoach Reservoir.	630.00
02/01/2022	NDS Northwest Data Services	IT Services	622.50
02/01/2022	All Natural of Yampa Valley Inc	Office cleaning, January 2022.	300.00
02/01/2022	Yampa Valley Tire Pros & Express Lube	2021 RAM Vehicle maintenance	80.77

**Subtotal**

**103,227.39**

**Upper Yampa Water Conservancy District**  
**Cash Disbursement Report**  
**February 28, 2022**

<b>Date</b>	<b>Name</b>	<b>Memo</b>	<b>Amount</b>
02/01/2022	Weiss & Van Scoyk	Legal services, December 2021. Stagecoach, price-exclusive.	69.00
02/01/2022	NDS Northwest Data Services	IT Services	10.00
02/01/2022	Amazon	Generator parts	83.90
02/02/2022	Verizon Wireless	Stagecoach Cell phones, 1-14-2022 to 2-13-2022.	85.01
02/07/2022	Conoco Universal WEX	Gasoline, January 2021.	313.47
02/15/2022	UC San Diego	Soil Moisture Study, 50% pass through, 50% expense. November and December 2021 services.	18,522.35
02/15/2022	Weiss & Van Scoyk	Legal services, January 2022. General Matters, price-inclusive.	4,073.00
02/15/2022	Weiss & Van Scoyk	Legal services, January 2022. Stagecoach & Augmentation Application Review, price-exclusive.	1,495.00
02/15/2022	Stand Creative Studio	Monthly digital marketing Services	1,450.00
02/15/2022	Tech Data Corporation	AutoCad software renewal	1,232.55
02/15/2022	Wilson Water Group	Water Resource Engineering: Professional services through January 25, 2022.	426.25
02/15/2022	Holly Kirkpatrick	Reimbursement, CWC Convention	197.50
02/15/2022	NDS Northwest Data Services	IT Services	45.00
02/15/2022	Ferguson-High Country Plumbing	Stageocach drain maintenance	25.26
02/25/2022	Quickbooks Payroll Service	February payroll	44,500.29
02/28/2022	Internal Revenue Service	Federal tax withholdings	16,132.64

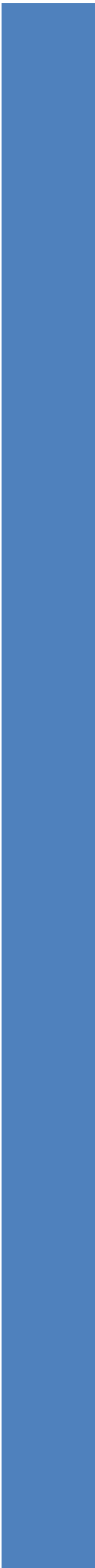
**Subtotal** **88,661.22**

**Total** **303,312.55**



UPPER YAMPA WATER CONSERVANCY DISTRICT - 2022 BUDGET COMPARISON REPORT, AS OF JANUARY 31, 2022

	2020 ACTUALS	2021 ACTUALS	2022 BUDGET	2022 ACTUALS	2022 PROJECTIONS
	audited	draft audit	Approved Nov 17, 2021	Jan 31, 2022	Jan 31, 2022
<b>Fund Opening Balance including Encumbered Funds</b>	16,012,911	17,536,141	18,778,813	18,778,813	18,778,813
<b>Encumbered Funds</b>	6,212,424	5,875,302	6,131,074	6,131,074	6,131,074
Emergency Facilities Reserve	4,485,814	4,606,931	4,814,243	4,814,243	4,814,243
Capital Maintenance Reserve	752,436	772,752	807,526	807,526	807,526
Stagecoach Wetlands Mitigation Reserve	419,734	419,734	419,734	419,734	419,734
Routt County Road #14 Contribution	500,000				
Tabor Reserve	54,440	75,885	89,571	89,571	89,571
<b>Capital Projects Development Fund</b>	9,800,487	11,660,839	12,647,739	12,647,739	12,647,739
<b>Revenues</b>					
<b>Facilities</b>					
<b>Stagecoach Reservoir</b>					
Power Sales	162,432	58,824	193,000	6,336	193,000
Water Sales	162,197	228,487	189,190		189,190
<b>Yamcolo Reservoir</b>					
Water Sales	167,913	139,374	169,025		169,025
<b>Stillwater Ditch &amp; Reservoir Company</b>	11,556	10,582	8,850		8,850
Elk River Augmentation Water Sales		1,668	476	600	476
Property taxes	2,644,690	2,719,734	2,715,657	45,198	2,715,657
Interest earned	124,735	15,204	11,300	1,038	11,300
Other income	20,835				
Pass through income	72,761	63,728			
<b>revenues</b>	<b>3,367,118</b>	<b>3,237,601</b>	<b>3,287,499</b>	<b>53,172</b>	<b>3,287,499</b>
<b>Expenditures</b>					
<b>Operating</b>					
<b>Facilities</b>					
Stagecoach Reservoir	409,709	435,389	643,533	33,150	643,533
Yamcolo Reservoir	116,440	131,307	154,277	9,871	154,277
Stillwater Ditch & Reservoir Company	40,707	30,100	59,209	3,181	59,209
Administration	262,197	294,343	344,750	25,962	344,750
Board of Directors	125,671	52,669	117,913	7,729	117,913
External Affairs	106,310	102,876	125,482	10,923	125,482
Finance	103,206	105,482	147,310	9,465	147,310
Legal	157,532	107,172	157,641	3,013	157,641
Planning	53,869	83,816	283,571	2,152	283,571
Grants, Scholarships & Public Information	133,030	202,455	328,039	36,182	408,039
Treasurer fees	80,543	82,564	81,470	881	81,470
Pass through expenses	84,681	56,629			
<b>Subtotal Operating</b>	<b>1,673,894</b>	<b>1,684,802</b>	<b>2,443,194</b>	<b>142,509</b>	<b>2,523,194</b>
<b>Capital</b>					
Stagecoach Reservoir	59,361	198,921	297,500		297,500
Yamcolo Reservoir	38,276	56,411	130,000		130,000
Stillwater Ditch & Reservoir Company	72,357	54,795	115,000		115,000
Office Space					
<b>Subtotal Capital</b>	<b>169,994</b>	<b>310,127</b>	<b>542,500</b>	<b>0</b>	<b>542,500</b>
<b>expenditures</b>	<b>1,843,888</b>	<b>1,994,929</b>	<b>2,985,694</b>	<b>142,509</b>	<b>3,065,694</b>
<b>net income (loss)</b>	<b>1,523,230</b>	<b>1,242,672</b>	<b>301,805</b>	<b>-89,337</b>	<b>221,805</b>
<b>Ending Fund Balance</b>	<b>17,536,141</b>	<b>18,778,813</b>	<b>19,080,618</b>	<b>18,689,476</b>	<b>19,000,618</b>





## BOARD COMMUNICATION FORM

**From:** Karina Craig, Chief Accountant.

**Date:** March 16, 2022

**Item:** 2021 Financial Audit Schedule

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DIRECTION  
 INFORMATION  
 MOTION  
 RESOLUTION

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### I. Request/Issue and Background Information:

Throughout the fiscal year, District staff carries out the accounting of the District's financial activities adhering to Generally Accepted Accounting Principles in the United States of America (U.S. GAAP) as promulgated by the Governmental Accounting Standards Board (GASB). As a local government administering public funds the District is subject to Colorado Auditing Standards and is required to undergo an annual audit of its financial books.

The auditing of the District 2021 Fiscal Year financials is currently in progress, with services provided by Watson Coon Ryan, Certified Public Accountants.

The following schedule shows milestones that were reached or are upcoming:

- February 3, 2022, kick-off meeting with Auditor.
- February 2022, field work.
- March 4, 2022, initial draft released for Accountant's review.
- March 18, 2022 1:00 PM, review of the *preliminary draft* with auditor and directors, as needed.
- April 11<sup>th</sup> or May 9<sup>th</sup>, *final draft* released for Directors' review.
- April 20<sup>th</sup> or May 18<sup>th</sup> *final draft* presented by Auditor.

The preliminary audit draft is currently being reviewed by the Chief Accountant. No adjustments to the financial records were requested by the auditor.

**II. Summary and Alternatives:** none.

**III. Staff Recommendation:** Accept update.

**IV. Legal Issues:** None

**V. Consistency with Board Goals and Policies:** Goal 3.





## BOARD COMMUNICATION FORM

**From:** Karina Craig, Chief Accountant.

**Date:** March 16, 2022

**Item: Financial Reports: Colotrust Update**

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<input type="checkbox"/>	DIRECTION
<input checked="" type="checkbox"/>	INFORMATION
<input checked="" type="checkbox"/>	MOTION
<input type="checkbox"/>	RESOLUTION

---

### I. Request/Issue and Background Information:

Colotrust is a statutory trust organized and existing under the laws of the State of Colorado and intended solely for the use of Colorado local governments. It was created in 1985 in accordance with the “Pooling Act”, which authorizes Colorado local governments to pool moneys to take advantage of short-term investments and maximize net interest earnings.

Colotrust is the largest and the oldest Local Government Investment Pool (LGIP) in Colorado, with more than 1,880 total participants and combined assets of over \$12.4 billion. It is governed by a Board of twelve Trustees, retaining administration and investment advising services from Public Trust Advisors, LLC.

Colotrust has three investment funds:

Colotrust Prime was established in 1985 and invests only in U.S. Treasury and government agencies.

Colotrust Plus+ was established in the nineteen-nineties. It invests in U.S. Treasury, government agencies, and highly rated commercial paper.

Both Colotrust Prime and Colotrust Plus+ have a stable Net Asset Value (NAV) and include instruments with a Weighted Average Maturity (WAM) of less than 60 days.

In May 2021 Colotrust launched a new fund, named Edge. This fund includes instruments with a WAM of more than 60 days and is meant for longer term investments, in the 12-18 month range. While Edge has a variable NAV, its portfolio seeks to generate a higher yield than the Prime and Plus+ funds.

The District invests in Colotrust Plus+ and in the recent past economic environment yields were greatly diminished, relative to those of years past.



The Board last received a presentation from Colotrust at the November 19, 2020 regularly scheduled Board meeting.

Sherry Villafane, Vice President of Investment Advisory Services at Colotrust, has prepared a report for the Board. Ms. Villafane and colleague Brent Turner will be presenting current information and updates on:

- Colotrust Structure and organization
- Colotrust Products
- Historical and Current yield rates for the three funds
- General Economic Update

**II. Summary:** Colotrust information and updates of existing and new investment funds, historical and current yield rates, and a general economic update.

**III. Staff Recommendation:** Accept the information.

**IV. Legal Issues:** None

**V. Consistency with Board Goals and Policies:** UYWCD By-Laws and SP Goal 3.

**Attachments:**

Attachment 1: Presenters' Bios

Attachment 2: March 2022 Colotrust Presentation

# Sherry Villafane

Vice President,  
Investment Advisory Services

## Hide Bio

Sherry is a Vice President of Investment Advisory Services for the COLOTRUST program where she is responsible for managing Participant relationships throughout the state and new business development; she also serves as a cash management resource to current and prospective local governments across Colorado. Sherry is an active member of both the Colorado Government Finance Officers Association and the Special District Association. She received an Associates of Science from the Community College of Aurora and a Bachelor of Science in Finance from Metropolitan State College of Denver. She currently holds the FINRA Series 50 license.

Prior to joining COLOTRUST, Sherry most recently served as a Municipal Advisor for Ehlers Public Finance Advisors where she supported Colorado local governments and public agencies in the areas of debt, financial, strategic, and economic development planning. She has additionally served as a Director of Municipal Banking & Leasing for NBH Bank and as an exclusive Senior Debt & Treasury Analyst for the City of Aurora where she assisted with the administration of a \$1.2 billion debt and treasury portfolio.



# Brent Turner

Vice President,  
Investment Advisory Services

## [Hide Bio](#)

Brent is a Vice President of Investment Advisory Services for COLOTRUST and is responsible for customer relations, sales, and business development. He focuses on new business development and the expansion of client relationships across the state. A veteran of the United States Air Force, he received both a Bachelor of Arts and a Master of Business Administration from the University of Texas at Austin.

Prior to joining COLOTRUST, Brent served as a Financial Services Manager for several companies within the financial services industry where he developed business relationships and structured financing solutions for customers in the government, healthcare, and manufacturing sectors. Brent also possesses extensive public sector experience, having worked for the Texas Senate, the Office of the Attorney General, and the Comptroller of Public Accounts. He holds FINRA Series 65 license and is an Investment Advisor Representative.







Investing for Colorado Local Governments



March 2022

## OVERVIEW

- 01** | About COLOTRUST
- 02** | COLOTRUST Products
- 03** | Historical and Current Rates
- 04** | General Economic Update
- 05** | Contacts

## Purpose

The purpose of COLOTRUST is to provide all Colorado local governments with a convenient, short-term investment opportunity carefully selected to optimize interest earnings while maximizing safety and liquidity.

**COLOTRUST was created by and for Colorado local governments.**

## Structure

COLOTRUST was established in 1985 in accordance with the "Pooling Act" to allow Colorado local governments to pool their funds to take advantage of short-term investments and maximize net interest earnings.

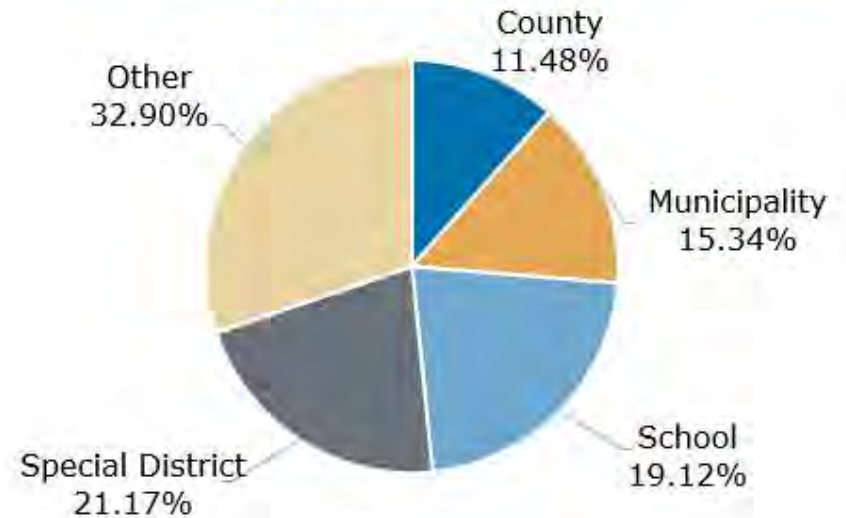


# Directed by Your Peers



COLOTRUST is supervised by a Board of Trustees comprised of eligible Participants of the program. The Board acts as the liaison between the Participants, the Custodian, and the Program Administrator. The Board administers the affairs of COLOTRUST entering into contracts and agreements on behalf of the program.

COLOTRUST Participant Breakdown by Balance\*



**COLOTRUST Chairman**

**Scott Wright**  
Assistant Town Manager  
Town of Avon

**James Covington**  
Treasurer  
Lincoln County

**Suzi DeYoung**  
Chief Financial Officer  
Adams 12 Five Star Schools

**Mario Dominguez**  
Senior Investment Portfolio Analyst  
City and County of Denver

**Brigitte Grimm**  
Chief Deputy Treasurer  
Larimer County

**Sandy Farrell**  
Chief Operations/Financial Officer  
Eagle County Schools

**Michelle Miller**  
Treasurer & Public Trustee  
Park County

**Steve Hellman**  
Chief Financial Officer  
Parker Water & Sanitation District

**Meredith Quarles**  
Director of Operations  
Special District Association of Colorado

**Brett Ridgway**  
Chief Business Officer  
School District 49 - Falcon

**James Ruthven**  
Designee  
Serenity Ridge Metropolitan District No. 2

Source: Public Trust Advisors. \*As of December 31, 2021. Chart may not equal 100% due to rounding.

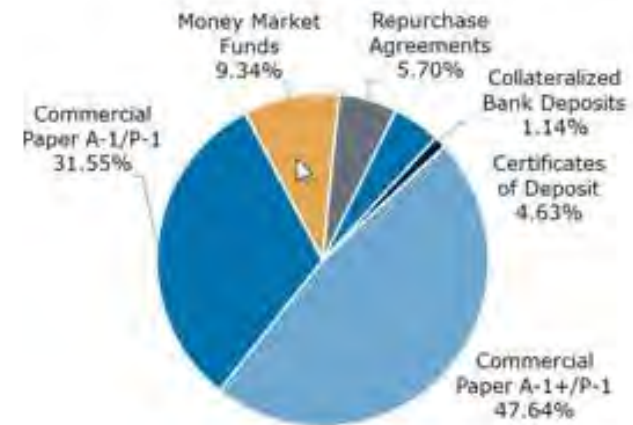
# PRIME & PLUS+ Portfolios

COLOTRUST offers two distinct 'AAAm' rated funds: PRIME and PLUS+

'AAAm' is the highest principal stability fund rating assigned by S&P Global Ratings.



**PRIME**



**PLUS+**

# Sample Portfolio Composition

## COLOTRUST PRIME

Repurchase Agreements

U.S. Treasury Securities

U.S. Agency Securities

## COLOTRUST PLUS+

Commercial Paper A-1+/P-1 & A-1/P-1

U.S. Treasury Securities

U.S. Agency Securities

Investments are made in accordance with Colorado Statutes and COLOTRUST Investment Policies.

The COLOTRUST portfolio is marked-to-market daily and seeks to maintain a stable NAV of \$1.00 per share.

Both COLOTRUST portfolios are rated 'AAAm' by S&P Global Ratings.

### Assets\*

**\$557m**

COLOTRUST PRIME

**\$11.40b**

COLOTRUST PLUS+

Past performance is no guarantee of future results. Any financial and/or investment decision may incur losses.

Source: Public Trust Advisors. \*As of February 24, 2022.

A 'AAAm' rating by S&P Global Ratings is obtained after S&P evaluates a number of factors including credit quality, market price exposure, and management. Ratings are subject to change and do not remove credit risk. [Click here](#) for more information.

# WHAT IS EDGE?

EDGE is a new weekly liquidity investment option designed for COLOTRUST Participants that seeks to generate a higher yield while complementing the daily liquidity offered by PRIME and PLUS+ for Colorado local governments.

EDGE is best suited for medium-term investments and strategic reserves.



COLOTRUST EDGE is rated 'AAAf/S1' by FitchRatings. The 'AAAf' rating is Fitch's opinion on the overall credit profile within a fixed-income fund/portfolio and indicates the highest underlying credit quality of the pool's investments. The 'S1' volatility rating is Fitch's opinion on the relative sensitivity of a portfolio's total return and/or net asset value to assumed changes in credit spreads and interest rates. The 'S1' volatility rating indicates that the fund possesses a low sensitivity to market risks. For a full description on rating methodology, please visit [www.fitchratings.com](http://www.fitchratings.com). Ratings are subject to change and do not remove credit risk.

# Offering your local government a comprehensive approach to investing your funds



Investment Option	PRIME	PLUS+	EDGE
Portfolio Type	Government-style fund	Prime-style fund	Enhanced cash
Purpose	Short-term liquidity	Short-term liquidity	Intermediate liquidity
Rating	' <u>AAAm</u> '	' <u>AAAm</u> '	' <u>AAAf/S1</u> '
Liquidity Offered	Daily	Daily	Weekly
Minimum Investment	None	None	None
Withdrawals	Unlimited	Unlimited	As Needed
Accounts	Unlimited	Unlimited	Unlimited
Dividend Rate	Apply Daily	Apply Daily	Accrue Daily
WAM	≤ 60 Days	≤ 60 Days	> 60 Days
Net Asset Value (NAV)	Stable \$1.00 per share	Stable \$1.00 per share	Variable \$10.00 per share



Our primary goal is to safeguard the public’s funds through rigorous credit analysis and exposure management processes while optimizing interest earnings within the given investment parameters.

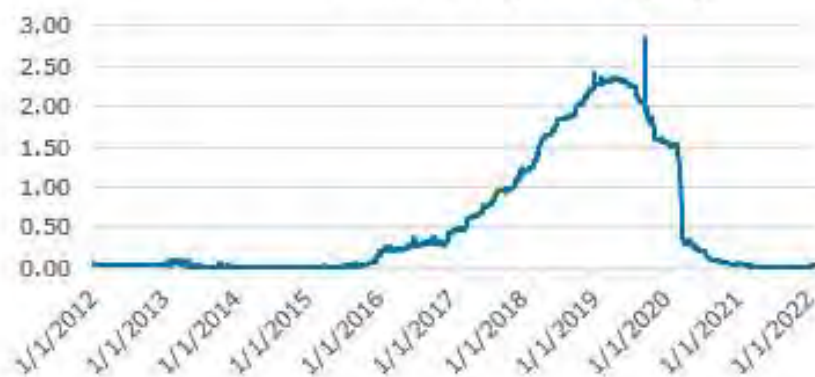
## 2021-22 COLOTRUST PRIME Average Monthly Yields

Jan.	2022	0.02%	July	2021	0.005%
Dec.	2021	0.01%	June	2021	0.005%
Nov.	2021	0.005%	May	2021	0.006%
Oct.	2021	0.005%	April	2021	0.009%
Sep.	2021	0.005%	March	2021	0.027%
Aug.	2021	0.005%	Feb.	2021	0.04%

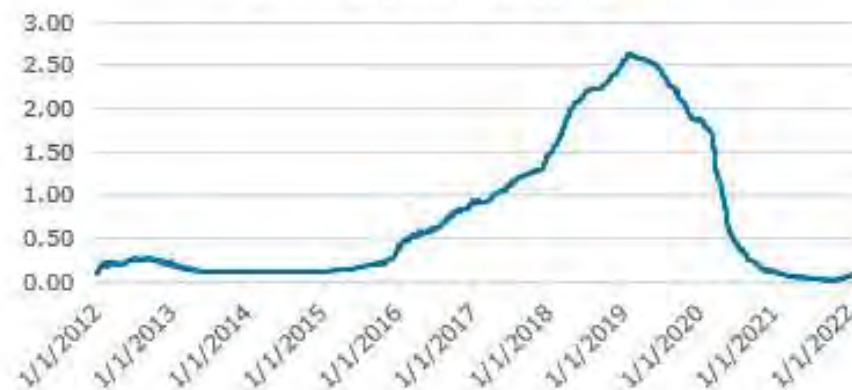
## 2021-22 COLOTRUST PLUS+ Average Monthly Yields

Jan.	2022	0.06%	July	2021	0.03%
Dec.	2021	0.04%	June	2021	0.05%
Nov.	2021	0.02%	May	2021	0.06%
Oct.	2021	0.02%	April	2021	0.06%
Sep.	2021	0.02%	March	2021	0.07%
Aug.	2021	0.03%	Feb.	2021	0.09%

Prime Daily Rate (%)



PLUS+ Daily Rate (%)



Source: Public Trust Advisors. For full disclosure information, please refer to the disclosure slide in this presentation.

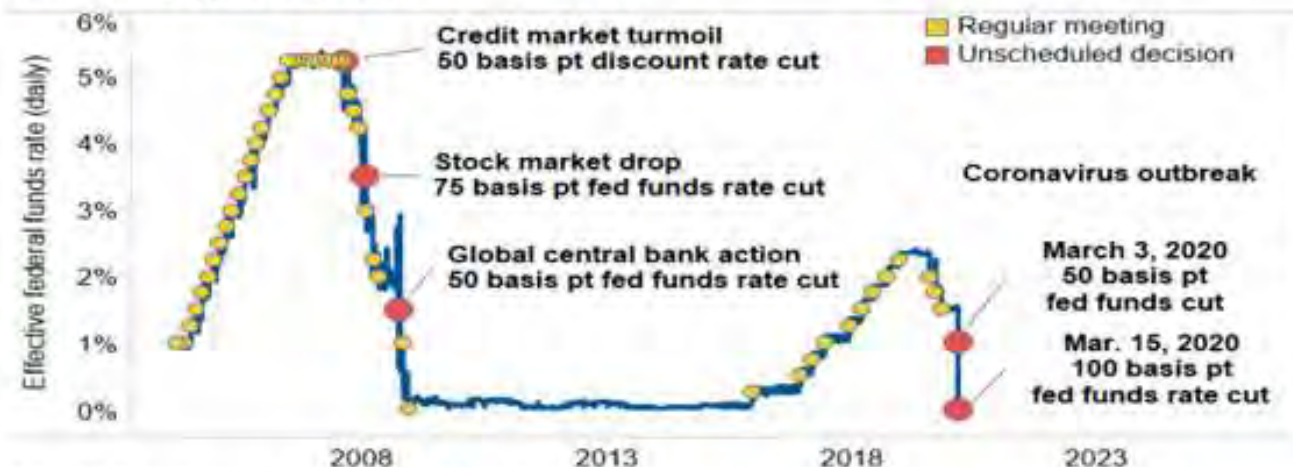
## 2021-22 COLOTRUST EDGE Average Monthly Yields

Jan.	2022	0.20%	July	2021	0.15%
Dec.	2021	0.17%	June	2021	0.16%
Nov.	2021	0.15%	May	2021	-
Oct.	2021	0.15%	April	2021	-
Sep.	2021	0.15%	March	2021	-
Aug.	2021	0.16%	Feb.	2021	-

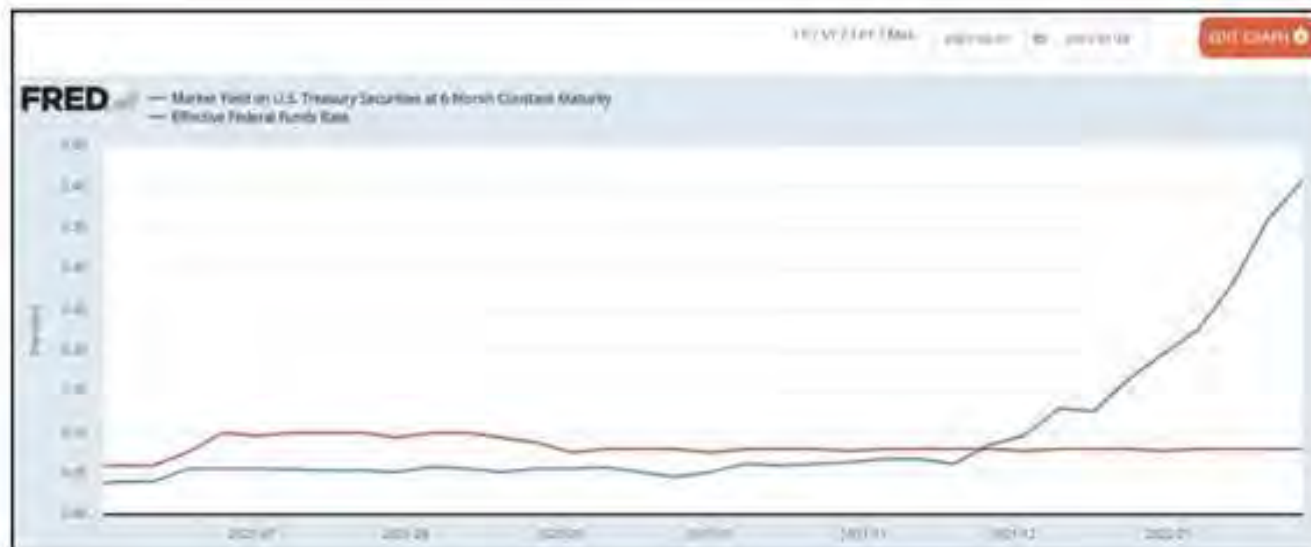


- ❑ Investing in EDGE presents the possibility of reporting an unrealized loss if the NAV declines prior to the investment having had time to generate sufficient interest income to offset the potential NAV decrease.
- ❑ EDGE is not intended for operating dollars and daily transactions like that of the stable \$1.00 NAV PRIME or PLUS+ funds. EDGE is a variable NAV Pool. This is a fundamental and integral feature of the long-term value that this Pool can offer and is ultimately what enables it to generate a more competitive rate of return than stable NAV Pools.

## Fed rate moves



SOURCE: Federal Reserve, New York Fed, St. Louis Fed



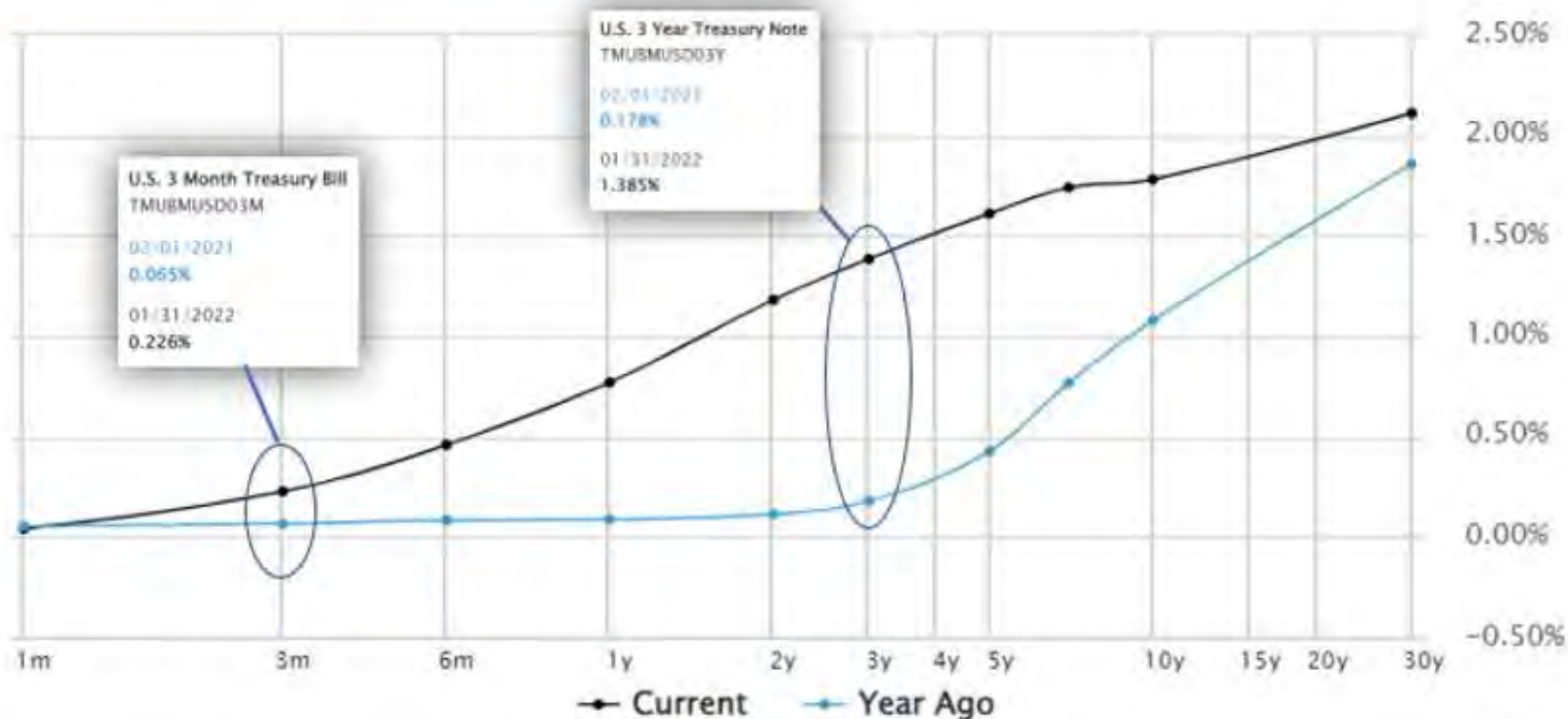
U.S. 6 Month Treasury Bill Yield,  
Nov. 23, 2021: 0.079%

U.S. 6 Month Treasury Bill Yield,  
Feb. 15, 2022: 0.71%

A 9x increase in just over two months.

Source: Federal Reserve Economic Data

# US Yield Curve



U.S. 1 Month Treasury Bill TMUBMUSD01M
02/01/2021 0.052%
01/31/2022 0.040%

U.S. 6 Month Treasury Bill n/a
02/01/2021 0.083%
01/31/2022 0.458%

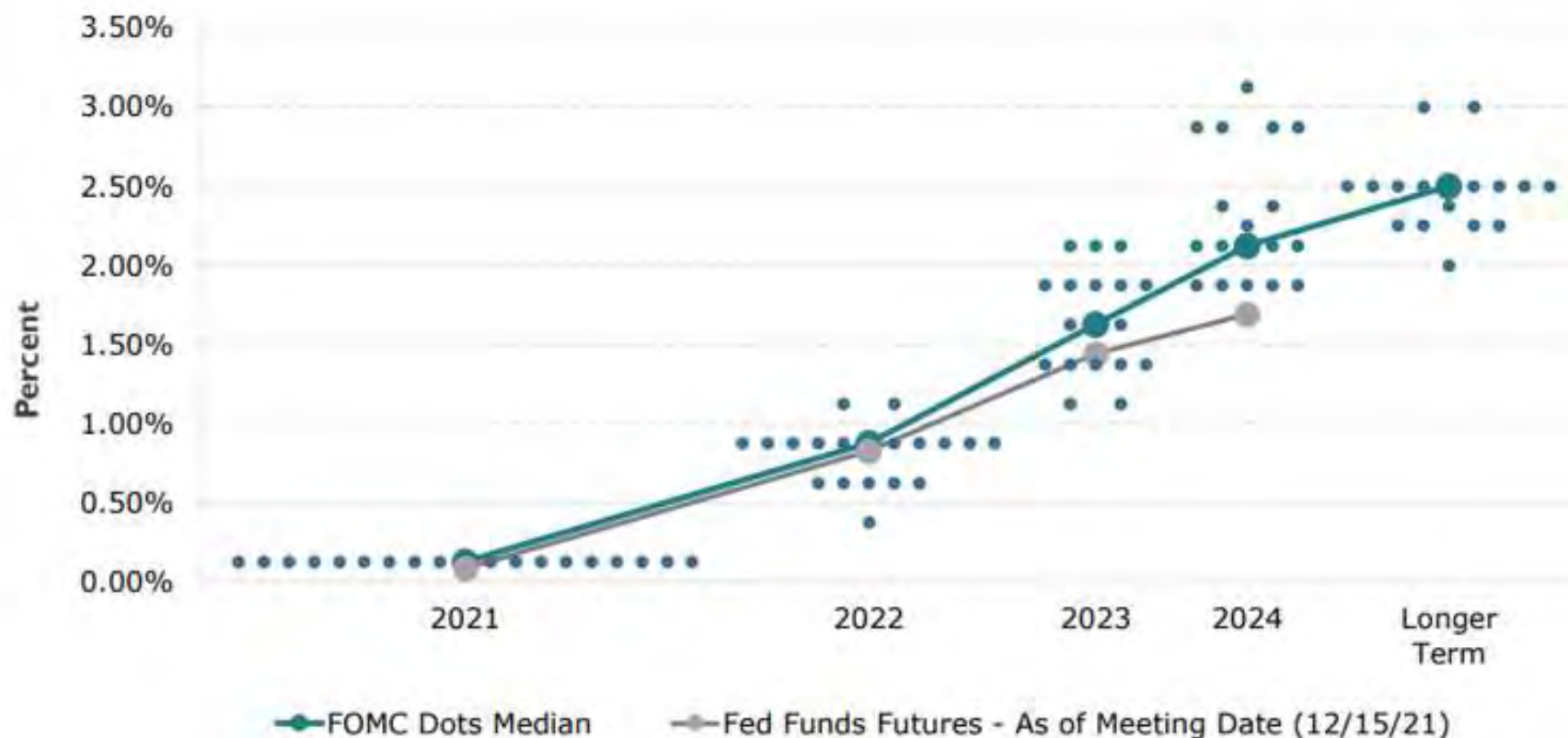
U.S. 1 Year Treasury Bill TMUBMUSD01Y
02/01/2021 0.086%
01/31/2022 0.770%

U.S. 2 Year Treasury Note TMUBMUSD02Y
02/01/2021 0.113%
01/31/2022 1.181%

U.S. 10 Year Treasury Note TMUBMUSD10Y
02/01/2021 1.078%
01/31/2022 1.781%

U.S. 30 Year Treasury Bond TMUBMUSD30Y
02/01/2021 1.858%
01/31/2022 2.111%

## The Federal Reserve Dot Plot – December 15, 2021





Each dot on the chart represents an FOMC member's view of where the Federal Funds Target Rate should be at the end of the various calendar years shown in the legend above. "Longer term" represents the peak for the Federal Funds Rate after tightening or normalizing policy has concluded.



### **Sherry Villafane**

VP, Investment Advisory

 (303) 529-0892

 [Sherry.villafane@colotrust.com](mailto:Sherry.villafane@colotrust.com)

This presentation is for informational purposes only. All information is assumed to be correct, but the accuracy has not been confirmed and therefore is not guaranteed to be correct. Information is obtained from third party sources that may or may not be verified. The information presented should not be used in making any investment decisions and is not a recommendation to buy, sell, implement, or change any securities or investment strategy, function, or process. Any financial and/or investment decision should be made only after considerable research, consideration, and involvement with an experienced professional engaged for the specific purpose. All comments and discussion presented are purely based on opinion and assumptions, not fact. These assumptions may or may not be correct based on foreseen and unforeseen events. All calculations and results presented are for discussion purposes only and should not be used for making calculations and/or decisions. The data in this presentation is unaudited.

Performance results are shown net of all fees and expenses and reflect the reinvestment of dividends and other earnings for both COLOTRUST PRIME and COLOTRUST PLUS+. Many factors affect performance including changes in market conditions and interest rates and in response to other economic, political, or financial developments. Investment involves risk including the possible loss of principal. No assurance can be given that the performance objectives of a given strategy will be achieved. **Past performance is not an indicator of future performance or results. Any financial and/or investment decision may incur losses.**

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## BOARD COMMUNICATION FORM

**From:** Karina Craig, Chief Accountant.

**Date:** March 16, 2022

**Item:** Financial Reports: Budget Amendment.

---

<input type="checkbox"/>	DIRECTION
<input checked="" type="checkbox"/>	INFORMATION
<input checked="" type="checkbox"/>	MOTION
<input type="checkbox"/>	RESOLUTION

---

**I. Request/Issue and Background Information:**

**2021 Budget Amendment**

At the January 19, 2022, Regular Board Meeting the Board approved a grant to the Town of Oak Creek (the Grantee) for the engineering design for the rehabilitation of Sheriff Reservoir. The grant was for a maximum of \$80,000. Following this motion by the Board, The District and the Town of Oak Creek entered into contract on February 29, 2022.

The proposed *Resolution for Amended Budget* incorporates expenditures approved by Board's motion and expected from the newly executed contract.

**II. Summary:** The *Resolution for Amended Budget* incorporates a maximum \$80,000 grant to the Town of Oak Creek for engineering design for the rehabilitation of Sheriff Reservoir, approved by the Board at the January 19, 2022, Board meeting, and as established through contract between both parties on February 29, 2022.

**III. Staff Recommendation:** Approve the proposed March 16, 2022, Budget Amendment and attached Resolution.

**IV. Legal Issues:** None

**V. Consistency with Board Goals and Policies:** UYWCD By-Laws and SP Goal 3.

**Attachments:**

Attachment 1: March 16, 2022, Proposed Budget Amendment

Attachment 2: Resolution for the Amended Budget and Appropriation for the Upper Yampa Water Conservancy District, Colorado; Resolution No. 2022-2.

UPPER YAMPA WATER CONSERVANCY DISTRICT - 2022 BUDGET

March 16, 2022, accrual basis

	2020	2021	2022			Amendment	2022		
	ACTUALS	ACTUALS	BUDGET	OPERATING	CAPITAL	Proposed, March 16, 2022	BUDGET	OPERATING	CAPITAL
	audited	draft audit	Approved Nov 17, 2022				Proposed amended March 16, 2022		
<b>Fund Opening Balance including Encumbered Funds</b>	16,012,911	17,536,141	18,778,813				18,778,813		
<b>Encumbered Funds</b>	6,212,424	5,875,302	6,131,074				6,133,474		
Emergency Facilities Reserve	4,485,814	4,606,931	4,814,243				4,814,243		
Capital Maintenance Reserve	752,436	772,752	807,526				807,526		
Stagecoach Wetlands Mitigation Reserve	419,734	419,734	419,734				419,734		
Routt County Road #14 Contribution	500,000								
Tabor Reserve	54,440	75,885	89,571				91,971		
Capital Projects Development Fund	9,800,487	11,660,839	12,647,739				12,645,339		
<b>Revenues</b>									
<b>Facilities</b>									
<b>Stagecoach Reservoir</b>									
Power Sales	162,432	58,824	193,000	193,000			193,000	193,000	
Water Sales	162,197	228,487	189,190	189,190			189,190	189,190	
<b>Yamcolo Reservoir</b>									
Water Sales	167,913	139,374	169,025	169,025			169,025	169,025	
Stillwater Ditch & Reservoir Company	11,556	10,582	8,850	8,850			8,850	8,850	
Elk River Augmentation water sales		1,668	476	476			476	476	
Property taxes	2,644,690	2,719,734	2,715,657	1,871,352	844,305		2,715,657	1,951,352	764,305
Interest earned	124,735	15,204	11,300	11,300			11,300	11,300	
Other income	20,835								
Pass through income	72,761	63,728							
<b>revenues</b>	<b>3,367,118</b>	<b>3,237,601</b>	<b>3,287,499</b>	<b>2,443,194</b>	<b>844,305</b>		<b>3,287,499</b>	<b>2,523,194</b>	<b>764,305</b>
<b>Expenditures</b>									
<b>Operating</b>									
<b>Facilities</b>									
Stagecoach Reservoir	409,709	435,389	643,533	643,533			643,533	643,533	
Yamcolo Reservoir	116,440	131,307	154,277	154,277			154,277	154,277	
Stillwater Ditch & Reservoir Company	40,707	30,100	59,209	59,209			59,209	59,209	
Administration	262,197	294,343	344,750	344,750			344,750	344,750	
Board of Directors	125,671	52,669	117,913	117,913			117,913	117,913	
External Affairs	106,310	102,876	125,482	125,482			125,482	125,482	
Finance	103,206	105,482	147,310	147,310			147,310	147,310	
Legal	157,532	107,172	157,641	157,641			157,641	157,641	
Planning	53,869	83,816	283,571	283,571			283,571	283,571	
Grants, Scholarships & Public Information	133,030	202,455	328,039	328,039	80,000		408,039	408,039	
Treasurer fees	80,543	82,564	81,470	81,470			81,470	81,470	
Pass through expenses	84,681	56,629							
<b>Subtotal Operating</b>	<b>1,673,894</b>	<b>1,684,802</b>	<b>2,443,194</b>	<b>2,443,194</b>		<b>80,000</b>	<b>2,523,194</b>	<b>2,523,194</b>	
<b>Capital</b>									
Stagecoach Reservoir	59,361	198,921	297,500		297,500		297,500	297,500	
Yamcolo Reservoir	38,276	56,411	130,000		130,000		130,000	130,000	
Stillwater Ditch & Reservoir Company	72,357	54,795	115,000		115,000		115,000	115,000	
Office Space									
<b>Subtotal Capital</b>	<b>169,994</b>	<b>310,127</b>	<b>542,500</b>		<b>542,500</b>		<b>542,500</b>	<b>542,500</b>	
<b>expenditures</b>	<b>1,843,888</b>	<b>1,994,929</b>	<b>2,985,694</b>	<b>2,443,194</b>	<b>542,500</b>	<b>80,000</b>	<b>3,065,694</b>	<b>2,523,194</b>	<b>542,500</b>
<b>net income (loss)</b>	<b>1,523,230</b>	<b>1,242,672</b>	<b>301,805</b>		<b>301,805</b>		<b>221,805</b>		<b>221,805</b>
<b>Ending Fund Balance</b>	<b>17,536,141</b>	<b>18,778,813</b>	<b>19,080,618</b>				<b>19,000,618</b>		

Doug Monger, President

Andy Rossi, Secretary

1,492,118,940		
1,820	1.254	0.566
2,715,657	1,871,352	844,305
	69%	31%

1,492,118,940		
1,820	1.308	0.512
2,715,657	1,951,352	764,305
	72%	28%

**RESOLUTION FOR AMENDED BUDGET and APPROPRIATION FOR THE UPPER YAMPA WATER CONSERVANCY DISTRICT, COLORADO**

**Resolution No. 2022-2**

(Pursuant to Section 29-1-109, C.R.S.)

**WHEREAS**, the Board of Directors of the Upper Yampa Water Conservancy District (the “District”) adopted a Budget and made appropriations for calendar year 2022; and

**WHEREAS**, the Board desires to amend the adopted 2022 Budget and to make certain transfers, supplemental appropriations and/or revised appropriations as more particularly provided below.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Upper Yampa Water Conservancy District, Colorado, that the 2022 Budget of the District is amended and transfers, supplemental appropriations and/or revised appropriations described below are approved:

1. On January 19, 2022, the UYWCD Board of Directors approved:
  - a. the expenditure of up to \$80,000 for a grant to the Town of Oak Creek for utilization in the engineering of a potential solution to the rehabilitation required by the State of Colorado for Sheriff Reservoir,
  - b. that an appropriate contract be drafted and executed between the UYWCD and the Town of Oak Creek, and
  - c. that these UYWCD Grant Funds be distributed prorata through project progress payments.
2. A contract adhering the specifications outlined above was executed by both parties on February 29, 2022.
3. To accommodate such changes, the 2022 Budget is adjusted as reflected on the attached 2022 Amended Budget.
4. A certified copy of this Resolution shall be filed with the Division of Local Government of the Colorado State Department of Local Affairs.

**ADOPTED**, this 16 day of March 2022.

UPPER YAMPA WATER CONSERVANCY  
DISTRICT

By: \_\_\_\_\_

Doug Monger, President

ATTEST:

By: \_\_\_\_\_  
Andy Rossi, Secretary

UPPER YAMPA WATER CONSERVANCY DISTRICT - 2022 BUDGET

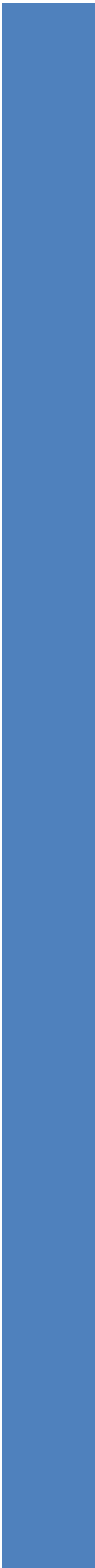
March 16, 2022, accrual basis

	2020 ACTUALS	2021 BUDGET	2022 BUDGET	STAGECOACH	YAMCOLO	STILLWATER DITCH	GENERAL FUND	OPERATING	CAPITAL
<b>Fund Opening Balance including Encumbered Funds</b>	16,012,911	17,536,141	18,778,813						
<b>Encumbered Funds</b>	6,212,424	5,870,780	6,133,474	5,466,773	504,061	70,669	91,971		
Emergency Facilities Reserve	4,485,814	4,606,931	4,814,243	4,486,256	296,572	31,415			
Capital Maintenance Reserve	752,436	772,752	807,526	560,783	207,489	39,254			
Stagecoach Wetlands Mitigation Reserve	419,734	419,734	419,734	419,734					
Routt County Road #14 Contribution	500,000								
Tabor Reserve	54,440	71,363	91,971				91,971		
<b>Capital Projects Development Fund</b>	9,800,487	11,665,361	12,645,339				12,645,339		
<b>Revenues</b>									
<b>Facilities</b>									
<b>Stagecoach Reservoir</b>									
Power Sales	162,432	195,000	193,000	193,000				193,000	
Water Sales	162,197	118,288	189,190	189,190				189,190	
<b>Yamcolo Reservoir</b>									
Water Sales	167,913	167,937	169,025		169,025			169,025	
<b>Stillwater Ditch &amp; Reservoir Company</b>	11,556	8,408	8,850			8,850		8,850	
Elk River Augmentation water sales		1,668	476					476	
Property taxes	2,644,690	2,520,875	2,715,657				2,715,657	1,951,352	764,305
Interest earned	124,735	31,045	11,300				11,300	11,300	
Other income	20,835								
Pass through income	72,761	70,477							
<b>revenues</b>	<b>3,367,118</b>	<b>3,113,697</b>	<b>3,287,499</b>	<b>382,190</b>	<b>169,025</b>	<b>8,850</b>	<b>2,726,957</b>	<b>2,523,194</b>	<b>764,305</b>
<b>Expenditures</b>									
<b>Operating</b>									
<b>Facilities</b>									
Stagecoach Reservoir	409,709	485,415	643,533	643,533				643,533	
Yamcolo Reservoir	116,440	150,543	154,277		154,277			154,277	
Stillwater Ditch & Reservoir Company	40,707	34,905	59,209			59,209		59,209	
Administration	262,197	329,216	344,750	131,005	37,922	10,342	165,480	344,750	
Board of Directors	125,671	114,232	117,913	44,807	12,970	3,537	56,598	117,913	
External Affairs	106,310	117,278	125,482	47,683	13,803	3,764	60,231	125,482	
Finance	103,206	154,304	147,310	55,978	16,204	4,419	70,709	147,310	
Legal	157,532	156,623	157,641	59,904	17,341	4,729	75,668	157,641	
Planning	53,869	95,053	283,571	107,757	31,193	8,507	136,114	283,571	
Grants, Scholarships & Public Information	133,030	288,346	408,039	155,055	44,884	12,241	195,858	408,039	
Treasurer fees	80,543	77,854	81,470				81,470	81,470	
Pass through expenses	84,681	70,477							
<b>Subtotal Operating</b>	<b>1,673,894</b>	<b>2,074,247</b>	<b>2,523,194</b>	<b>1,245,721</b>	<b>328,594</b>	<b>106,750</b>	<b>842,128</b>	<b>2,523,194</b>	
<b>Capital</b>									
Stagecoach Reservoir	59,361	257,769	297,500	297,500					297,500
Yamcolo Reservoir	38,276	70,000	130,000		130,000				130,000
Stillwater Ditch & Reservoir Company	72,357	125,000	115,000			115,000			115,000
Office Space		2,500							
<b>Subtotal Capital</b>	<b>169,994</b>	<b>455,269</b>	<b>542,500</b>	<b>297,500</b>	<b>130,000</b>	<b>115,000</b>			<b>542,500</b>
<b>expenditures</b>	<b>1,843,888</b>	<b>2,529,515</b>	<b>3,065,694</b>	<b>1,543,221</b>	<b>458,594</b>	<b>221,750</b>	<b>842,128</b>	<b>2,523,194</b>	<b>542,500</b>
<b>net income (loss)</b>	<b>1,523,230</b>	<b>584,182</b>	<b>221,805</b>	<b>(1,161,030)</b>	<b>(289,569)</b>	<b>(212,900)</b>	<b>1,884,829</b>		<b>221,805</b>
<b>Ending Fund Balance</b>	<b>17,536,141</b>	<b>18,120,323</b>	<b>19,000,618</b>						

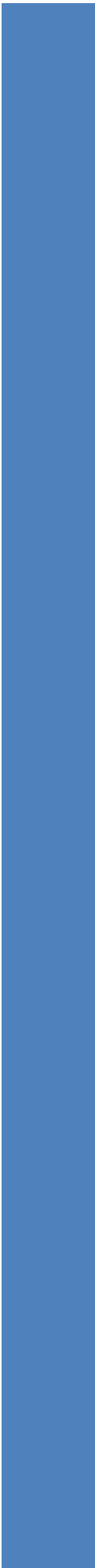
1,492,118,940			
1,820	1,308	0,512	
2,715,657	1,951,352	764,305	
	72%	28%	

Doug Monger, President

Andy Rossi, Secretary









## BOARD COMMUNICATION FORM

**From:** Andy Rossi, General Manager

**Date:** 03/07/22

**Item:** Existing Stagecoach Reservoir Municipal Water Storage Contract Amendment

DIRECTION  
 INFORMATION  
 MOTION  
 RESOLUTION

### I. Request/Issue and Background Information:

The Upper Yampa Water Conservancy District (UYWCD) Board of Directors (BOD) approved a proposed Stagecoach Reservoir Municipal Storage Contract Amendment at the October 20, 2021, UYWCD BOD regular meeting. UYWCD offered the approved contract amendment to the existing municipal contract holders in November of 2021. A summary of the status of the proposed amendment acceptance by municipal contract holders is presented below with additional discussions planned during this meeting.

### II. Summary and Alternatives:

The status of the acceptance of the proposed contract amendment is indicated in the following table.

**Existing Stagecoach Reservoir Municipal Contract Amendment Status**  
Current as of 03/07/22

Contract Holder	Contract Volume (AF)	Accepted Contract Amendment	Proposed Changes to Contract Amendment
Agate Creek	20	Y (Pending Vote)	N
Alpine Mountain Ranch	100	Y	N
City of Steamboat Springs	552	?	Questions Submitted to UYWCD
Dakota Ridge	50	Y (Pending Vote)	N
Mount Werner Water	200	?	N (Y for New Contract)
Town of Hayden	200	Y	N
Tree Haus	50	Y	N
Stahl 1	58	TBD	N
Stahl 2	192	TBD	N





**III. Staff Recommendation:**

1. Authorize the signature of the approved amendments to the existing Stagecoach Reservoir water storage contracts for Agate Creek (when received), Alpine Mountain Ranch, Dakota Ridge (when received), Town of Hayden, and Tree Haus.
2. Direct the UYWCD staff to inform Stagecoach Reservoir municipal contract holders that all outstanding offers of the proposed contract amendment will be terminated on May 1, 2022, if no explicit acceptance or rejection of the proposed contract has been received by the UYWCD.

**IV. Legal Issues:**

All water storage agreements for more than one year and/or more than 100 AF are to be approved by the UYWCD BOD.

**V. Consistency with Board Goals and Policies:**

UYWCD SP Objective 3.1

**Attachments:**

03/07/22 Email from City of Steamboat Springs

## Stagecoach Reservoir Storage Contract Amendment

Julie Baxter <[jbaxter@steamboatsprings.net](mailto:jbaxter@steamboatsprings.net)>

Fri 3/4/2022 1:54 PM

To: Andy Rossi <[arossi@upperyampawater.com](mailto:arossi@upperyampawater.com)>

Cc: Jon Snyder <[jsnyder@steamboatsprings.net](mailto:jsnyder@steamboatsprings.net)>

Hi Andy,

Thank you for the details on the cost analysis for Stagecoach Reservoir, attached to your November 11, 2021 letter, to estimate the price per acre foot of water for 2022 per the City's existing contract. The City has a few follow-up questions to better understand how property taxes and the reserve accounts factor into the pricing.

1. Property taxes account for \$2.7 million of the District's \$3.3 million of projected revenue for 2022. The pricing methodology indicates a structure where water sales pay their own way. How do property taxes relate to the pricing structure? In a future where water sales make up a much larger percentage of the District's revenue, would the public subsidy through the property taxes be reduced accordingly?
2. The annual price calculation methodology includes Capital Maintenance and Emergency Reserves for Stagecoach Dam. It includes an allocation of \$149,541 for the Stagecoach Dam Repair and Replacement Reserve, which is noted to be 10% of the total estimated emergency reserve. The District's Emergency Facilities Reserve is projected to be \$4.8 million in the 2022 budget. What is the District's target for the total amount of the Emergency Facilities Reserve? It appears to be fully or close to fully funded, presumably as a result of property tax revenue, so the City questions why it is also assessed again on an annual basis in the price per acre foot. We have the same questions for the Long-Term Capital Maintenance Reserve for Stagecoach.

The City shares the District's desire to avoid annual discussions regarding the purchase price of water based on the District's costs and instead to agree upon a fixed price for a set term adjusted for inflation. The intent of the questions is to better understand the pricing rationale and its fairness as part of the City's responsibility to provide reliable and affordable drinking water to its customers.

Thanks for your time on the phone today!

Julie

Julie Baxter, [AICP](#), CFM  
Water Resources Manager  
City of Steamboat Springs  
970.871.8267





## BOARD COMMUNICATION FORM

**From:** Andy Rossi, General Manager

**Date:** 03/07/22

**Item:** Pricing for New Stagecoach Reservoir Municipal Water Storage Contracts

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DIRECTION  
 INFORMATION  
 MOTION  
 RESOLUTION

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### I. Request/Issue and Background Information:

On January 19, 2022, the Upper Yampa Water Conservancy District (UYWCD) adopted the price per acre-foot (\$/AF) of water for all categories of new Stagecoach Reservoir Water Storage contracts except new municipal water storage contracts. The UYWCD tabled the determination of the \$/AF for new Stagecoach Reservoir municipal water storage contracts until March 16, 2022, in response to a request from Mount Werner Water (MWW).

The \$/AF of stored water for all new Stagecoach Reservoir water storage contracts, except new municipal contracts, was increased by 5.22% for 2022 as determined by the change in the Consumer Price Index for all Urban Consumers, Denver-Aurora-Lakewood Metropolitan Area, “All Items” index change, over the period considered.

The UYWCD has not received any additional request to postpone adjustments to the \$/AF for new Stagecoach Reservoir municipal water storage contracts.

The UYWCD received two requests for proposed modifications to the contract form for new Stagecoach Reservoir municipal water storage contracts. The Town and Hayden and MWW are contemplating relocation of existing storage contracts in Yamcolo Reservoir to Stagecoach Reservoir. The contemplated relocation will require new Stagecoach Reservoir water storage contracts. The correspondence containing the requested contract form modifications are included with this communication for consideration and discussion.

### II. Staff Recommendation:

1. Set the price per acre-foot of stored water in Stagecoach Reservoir for new municipal water storage contracts as indicated in the table attached with this communication.



2. Direct UYWCD legal counsel to provide the UYWCD BOD with a recommendation on the Town of Hayden's requested modification to the new Stagecoach Reservoir municipal contract form for the contemplated relocation of the Town's existing Yamcolo Reservoir water storage contract.
3. Discuss MWW's request for modifications to the new Stagecoach Reservoir municipal water contract form as three separate items. Following this discussion, direct UYWCD staff to respond to MWW with the UYWCD's decision concerning the three requested modifications.

### **III. Legal Issues:**

The UYWCD Board of Directors retains the ability to determine the price per acre-foot for stored water for new water storage contracts in Stagecoach Reservoir.

### **IV. Consistency with Board Goals and Policies:**

UYWCD SP Objective 3.1

#### **Attachments:**

Stagecoach Reservoir 2022 New Water Contract Pricing

02/17/22 Letter from MWW

03/07/22 Correspondence from Town of Hayden

Approved Contract form for NEW Stagecoach Reservoir Municipal Water Storage Contracts

## Stagecoach Reservoir 2022 New Water Contract Pricing

Adopted by UYWCD BOD: 1/19/2022 Stagecoach Reservoir Water Contract Pricing					
Appendix B					
All Prices = \$ per AF/year					
Contract Category		Contract Period (Years or End Date)			Notes:
		11 years to 2041	6 to 10 years	1 to 5 years	
Industrial	Contract Volume (AF)				
	1 to 2000	132.51	139.87	147.23	
		Contract Period (Years or End Date)			
		11 to 40 years	6 to 10 years	1 to 5 years	
New Municipal	Contract Volume (AF)				Municipal contract period terms detailed in section 4 g (i) of Stagecoach Water Marketing Policy
	1 to 2000	82.00	86.55	91.11	
		Contract Period (Years or End Date)			
		Existing Contract Term			
Existing Municipal	Contract Volume (AF)	CP			CP = Contract Price calculated as per existing contract terms w/Budget Data
	As Specified in Existing Contract(s)				
		Contract Period (Years or End Date)			
		Contract Term (all end in 2041)			
Environmental Recreational	Contract Volume (AF)	47.93			
	1 to 2000				
		Contract Period (Years or End Date)			
		11 years to 2041	6 to 10 years	1 to 5 years	
Agricultural	Contract Volume (AF)				
	1 to 2000	30.20	31.88	33.55	
		Contract Period (Years)			
		40 years			
Augmentation	Contract Volume (AF)	223.63			Price Approved by BOD Annually
	1 to 10 (Greater than 10 AF requires Approval by UYWCD BOD)	262.00			

CPI
5.22%

Proposed to UYWCD BOD: 3/16/2022 Stagecoach Reservoir Water Contract Pricing					
Appendix B					
All Prices = \$ per AF/year					
Contract Category		Contract Period (Years or End Date)			Notes:
		10 years to 2041	6 to 9 years	1 to 5 years	
Industrial	Contract Volume (AF)				
	1 to 2000	132.51	139.87	147.23	
		Contract Period (Years or End Date)			
		10 to 40 years	6 to 9 years	1 to 5 years	
New Municipal	Contract Volume (AF)				Municipal contract period terms detailed in section 4 g (i) of Stagecoach Water Marketing Policy
	1 to 2000	86.28	91.07	95.87	
		Contract Period (Years or End Date)			
		Existing Contract Term			
Existing Municipal	Contract Volume (AF)	CP			CP = Contract Price calculated as per existing contract terms w/Budget Data
	As Specified in Existing Contract(s)				
		Contract Period (Years or End Date)			
		Contract Term (all end in 2041)			
Environmental Recreational	Contract Volume (AF)	47.93			
	1 to 2000				
		Contract Period (Years or End Date)			
		10 years to 2041	6 to 9 years	1 to 5 years	
Agricultural	Contract Volume (AF)				
	1 to 2000	30.20	31.88	33.55	
		Contract Period (Years)			
		40 years			
Augmentation	Contract Volume (AF)	223.63			Price Approved by BOD Annually
	1 to 10 (Greater than 10 AF requires Approval by UYWCD BOD)	262.00			



February 17, 2022

Andy Rossi, General Manager  
Upper Yampa Water Conservancy District  
2220 Curve Plaza, Suite 201  
P.O. Box 775529  
Steamboat Springs, CO 80477-5529

*Re: Mt. Werner Water's Proposed Amendments; Stagecoach Reservoir Municipal Water Supply Contract*

Dear Andy,

On behalf of the Mt. Werner Water Board of Directors (MWW), thank you for meeting with us on January 18, 2022. At the meeting, MWW presented three "Global Concepts" of concern to MWW:

1. Term of Contract. MWW expressed that its water storage needs are essentially perpetual and needs the certainty that it can rely on renewals of its contracts for so long as the reservoir is functional.
2. Pricing Adjustment. MWW believes that it is inappropriate to base future adjustments to the base price for water upon market prices. Instead, MWW believes that future adjustments to pricing should be made on the basis of UYWCD's cost for operating and maintaining the reservoir.
3. Reduction in Contracted Amount. MWW believes that a Contractor should be able to reduce the amount of water for which it has contracted. The current version of UYWCD's municipal contract does not allow for that.

During our discussion of these three concepts, Upper Yampa Water Conservancy District (UYWCD) representatives requested that MWW provide, for UYWCD's consideration, specific language changes to its forms designed to address each of these three concerns. MWW's suggestions are presented below.

1. Term of Contract. Section 4.1 of the New Municipal Contract Form would be revised, and a new Section 4.2 would be added, as follows:

**4.1 Contract Renewal.** If Contractor has not defaulted during the Term, and provided Contractor is in compliance with the requirements of Section 2.6 above, Contractor ~~may request in writing to Upper Yampa during the last year of the Term that shall have the right to renew~~ the Contract ~~be renewed~~ for a renewal Term (a) ending at the end of forty (40) years from the date of execution, if the term is less than forty (40) years, or (b) in the event that the Term is for forty (40) years, then up to 35 years, in either case for an annual supply up to but not exceeding the maximum amount of the Contracted Water amount upon such terms and conditions as the Upper Yampa is offering at that time. If such request is made during the final year of the Term and if Contractor otherwise agrees with the pricing, limitations, principles, and form for such new municipal water supply contract under the policies of Upper Yampa in effect at that time (other than any duration limitation), then the Board during such final year of the Term shall enter into such new municipal water supply contract with such Contractor on the then-approved form of Contract and then-prevailing municipal supply pricing, for the term requested by such municipal user but not exceeding 35 years, for the amount of annual supply requested by such municipal user not exceeding the amount contracted for under the expiring Contract. It is expected that this policy and the pricing, limitations, principles and forms for new water supply contracts of Upper Yampa will be changed from time to time in the future by the Board of Directors to adapt to changing conditions, including (but not limited to) changes in law and regulation, hydrologic changes, the financial condition of Upper Yampa, availability of water sources, interstate conditions of the Colorado River system, environmental requirements or policies, water quality changes, or changes in the master planning of Upper Yampa Board of Directors.

**4.2 Further Renewals.** Contractor shall have the continuing right to renew the Contract pursuant to

Section 4.1 for so long as the Reservoir remains in operation.

2. Pricing Adjustment. Section 1.4 of the New Municipal Contract Form would be revised as follows:

1.4 If the duration of this Contract exceeds 20 years, Upper Yampa reserves the right and authority to increase, at its sole discretion, the ~~annual bBase Price~~~~contract pricing per acre-foot~~ of water, in the 2042 Water Year of such Contract to an amount determined by dividing the average actual costs of operation and maintenance of the Reservoir, including a reasonable percentage of Upper Yampa in-house staff time and expenses attributable to the operation and maintenance of the Reservoir during the immediately preceding ten-year period, up to by the total combined capacity of the Municipal/Industrial Pool, the Augmentation Pool and the General Supply Pool, which increased price shall not exceed a price then competitive with the market for similar municipal water supplies in similar quantities in the Yampa River Basin, such competitive pricing to include reference to contracts from Upper Yampa to others for municipal water supplies which have been executed after this Contract, and thereafter during each year of such Contract beyond the 2042 contract year such annual price shall continue to be adjusted by the CPI as provided in Subsection 1.2 above.

3. Reduction in Contracted Amount. Section 5.2. of the New Municipal Contract Form would be revised as follows:

### **5.2 Termination by Contractor**

5.2.1 Contractor may terminate this Contract only in whole and not in part, for any material breach of the terms of this Contract by Upper Yampa, including Upper Yampa's failure or inability to deliver Contracted Water for an extended period of time, provided that Contractor has first given at least 60 days' prior written notice from Contractor to Upper Yampa specifying in detail such material breach and giving Upper Yampa the right within such 60-day period to cure and remedy such material breach.

5.2.2 Every fifth year after the year in which this Contract is executed, Contractor may reduce the quantity of Contracted Water by giving Upper Yampa at least thirty (30) days advance notice prior to the due date of Contractor's next annual payment; provided that such reduction by Contractor shall not exceed more than fifty percent (50%) of the amount of Contracted Water which is then under contract.

5.2.3 Except as provided in this Section 5.2 Contractor has no right to terminate or reform or rescind this contract."

If UYWCD and MWW can come to agreement on these items, they could be incorporated into the proposed amendment to MWW's existing Stagecoach contract.

I look forward to hearing back from you.

Sincerely,



Frank Alfone  
General Manager

CC: Gavin Malia, Board Chair  
Wade Gebhardt, Board Member  
Jeff Houpt  
Mark Hamilton  
Jonathan Kelly



**RE: Hayden Stagecoach Amendment 2022**

Bryan Richards &lt;bryan.richards@haydencolorado.org&gt;

Thu 3/3/2022 11:35 AM

To: Andy Rossi &lt;arossi@upperyampawater.com&gt;

Cc: Emily Lowell &lt;elowell@upperyampawater.com&gt;; Bob Weiss &lt;bweiss@wvsc.com&gt;

Andy,

Here is a sample for the TABOR language from our water attorney:

The parties agree that the Town's payment of any monies under this Agreement is subject to annual budget appropriations as required by provisions of the Taxpayers' Bill of Rights ("TABOR") contained in Article X, Section 20 of the Colorado Constitution, as amended. The parties further agree that any failure to fund the obligations set forth herein as a result of TABOR-related monetary constraints shall not give rise to any legal or equitable cause of action whatsoever.

**Bryan Richards** | Public Works Director | [bryan.richards@haydencolorado.org](mailto:bryan.richards@haydencolorado.org)**Heart of the Yampa Valley™**[Haydencolorado.com](http://Haydencolorado.com)

P.O. Box 190, 178 West Jefferson, Hayden, CO 81639-0190

Cell: 970-757-6002

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**From:** Andy Rossi <arossi@upperyampawater.com>**Sent:** Monday, February 28, 2022 9:00 AM**To:** Bryan Richards <bryan.richards@haydencolorado.org>**Cc:** Emily Lowell <elowell@upperyampawater.com>; Bob Weiss <bweiss@wvsc.com>**Subject:** RE: Hayden Stagecoach Amendment 2022

Bryan,

Thank you for sending along the Stagecoach Contract amendment. I will present all of the approved municipal contract amendments to the UYWCD board of Directors on March 16<sup>th</sup>. You are welcome to attend the meeting (in person or virtual). Otherwise I will contact you immediately following the meeting to complete the amendment.

As for the contract relocation, yes there is flexibility for the Town of Hayden in the volume of a new contract in Stagecoach Reservoir. The UYWCD has plenty of water available for contract out of Stagecoach and will be happy to work with the Town of Hayden to be sure that the contract fits your determined needs. Volume adjustments have been made to UYWCD storage contracts in the past and I can't see any reason why the UYWCD will not continue the same practice. It may be helpful to move the process along for the Town of Hayden to provide the UYWCD with suggested language for inclusion in the new storage contract that addresses the TABOR concerns that are needed. If you had something by March 9<sup>th</sup>, I can present it to the UYWCD on the 16<sup>th</sup> for consideration.

Thank you,

Andy Rossi

General Manager

Upper Yampa Water Conservancy District

Office: 970-871-1035 | 2220 Curve Plaza Ste. 201 | POB 775529 Steamboat Springs, CO 80477



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**From:** Bryan Richards <[bryan.richards@haydencolorado.org](mailto:bryan.richards@haydencolorado.org)>

**Sent:** Thursday, February 24, 2022 11:55 AM

**To:** Andy Rossi <[arossi@upperyampawater.com](mailto:arossi@upperyampawater.com)>

**Subject:** Hayden Stagecoach Amendment 2022

Hi Andy,

The amendment for our current Stagecoach contract was approved at council and is attached. Will you send the fully executed contract once approved by UYWCD?

We would like to move forward with vacating our 300 acre-ft of water storage in Yamcolo and move it to Stagecoach under the municipal supply. I think the one question I would have is whether there is flexibility in the terms since we are currently conducting a storage study the won't be complete until later this year. If we determine more/less storage is necessary do you think there will be any municipal/industrial pool left? We would also need to add a TABOR savings clause that all payments are subject to appropriation.

Have a good day,

**Bryan Richards** | Public Works Director | [bryan.richards@haydencolorado.org](mailto:bryan.richards@haydencolorado.org)



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[Haydencolorado.com](http://Haydencolorado.com)

P.O. Box 190, 178 West Jefferson, Hayden, CO 81639-0190

Cell: 970-757-6002

**WATER SUPPLY CONTRACT**  
(Municipal)

**THIS WATER SUPPLY CONTRACT** (“Contract”) is entered into by and between  
\_\_\_\_\_  
 (“Contractor”), and UPPER YAMPA WATER CONSERVANCY DISTRICT, a Colorado water conservancy district (“Upper Yampa”), individually each a “Party” and collectively referred to herein as the “Parties,” effective as of the Effective Date set forth below.

**RECITALS**

A. Upper Yampa is a Colorado water conservancy district formed under the Water Conservancy Act, C.R.S. §§37-45-101 through 153, and is the owner and operator of Stagecoach Reservoir (hereinafter referred to as the “Reservoir” or “Stagecoach Reservoir”) in Routt County, Colorado.

B. Upper Yampa has stored and expects annually to store water in the Reservoir on the Yampa River under the absolute storage water rights it owns (“Water Rights”).

C. Contractor is a \_\_\_\_\_ which utilizes water within the boundaries of Upper Yampa for municipal purposes.

D. Upper Yampa has designated certain pools of water within the Reservoir for the purpose of administration of the storage and release of water from the Reservoir (the below-described “Contract Pools,” or individually, a “Contract Pool”). Upper Yampa has adopted a filling priority for the various Contract Pools under Upper Yampa Fill Policy as follows:

- (i) 9,000 acre-feet “Municipal/Industrial Pool” – The Municipal/Industrial Pool consists of water currently formerly allocated to Tri-State Generation and Transmission Association, Inc. (“TriState”) under Upper Yampa’s expired contract with Tri-State or the municipal or industrial allottees of water from Stagecoach Reservoir who contract for all or part of the 7,000 acre-feet formerly allotted to TriState; and 2,000 acre-feet allocated for municipal use pursuant to existing contracts between Upper Yampa and such contracting entities or the municipal or industrial allottees of water from Stagecoach Reservoir who contract for all or part of the 2,000 acre-feet allotted to such contracting municipal users if Upper Yampa's current or former contracts with any such municipal user for water from Stagecoach is terminated or released or amended in whole or in part;
- (ii) 2,000 acre-feet “Augmentation Pool” – The Augmentation Pool consists of water allocated for augmentation use pursuant to the decree of the Water Court entered in Case No. 06CW49, Water Division 6;
- (iii) 4,000 acre-feet “General Supply Pool” – The General Supply Pool consists of water formerly under contract to Tri-State and deliverable out of Yamcolo Reservoir pursuant to an exchange agreement which expired and was not renewed; the

General Supply Pool water is not subject to any exchange obligation or right or limitations on storage and use other than Upper Yampa Fill Priority;

(iv) 3,164 acre-feet “Raise Pool” – The Raise Pool consists of water that represents the increase in capacity of the Reservoir resulting from the raise in the level of the spillway completed in 2011; the Raise Pool water is not subject to any right or limitations on storage and use other than Upper Yampa Fill Priority, but is called the “Raise Pool” only for definitional purposes;

(v) 3,125 acre-feet “Preferred Remainder Pool” – The Preferred Remainder Pool consists of water not currently under contract, which represents a defined quantity of water in the Reservoir not allocated to the Contract Pools described in paragraphs D (i) through D(iv) above; the Preferred Remainder Pool water is not subject to any right or limitations on storage and use other than Upper Yampa Fill Priority, but is called the “Preferred Remainder Pool” only for definitional purposes; and

(vi) 15,000 acre-feet, approximately, is the “Emergency Remainder Pool” – The Emergency Remainder Pool consists of water that represents the remaining capacity of the Reservoir not allocated to the Contract Pools described in paragraphs D(i) through D(v) above.

E. Upper Yampa and the Contractor desire to enter into this Contract for Upper Yampa to store and release unto Contractor \_\_\_\_\_ acre-feet of water stored in Stagecoach Reservoir from the \_\_\_\_\_ Pool for beneficial uses by the Contractor on an annual basis during the Term of this Contract (the “Contracted Water”).

F. Subject to the terms of this Contract, Contractor will pay Upper Yampa for the use of Contracted Water.

NOW THEREFORE, in consideration of the mutual agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Contractor and Upper Yampa agree as follows:

## **USE OF WATER RIGHTS**

### **1. Contract Price and Payment Procedure.**

1.1 The purchase price for the Contracted Water from the Reservoir storage water allocated to the Contractor for Water Year \_\_\_\_\_ under this Contract (the “First Water Year”) shall be \$ \_\_\_\_\_ (the “Base Price”) for each acre-foot of such Contracted Water stored in the Reservoir and available for release to the Contractor in such First Water Year.

1.2 The annual price per acre-foot for the Contracted Water stored in the Reservoir and allocated and available for release to the Contractor in the next Water Year after the First Water Year, and in each Water Year thereafter during the Term of this Contract, shall be an amount equal to the greater of (i) the price per acre-foot charged to the Contractor for the

Contracted Water the prior Water Year, or (ii) the product obtained by multiplying the Base Price by a fraction, the denominator of which is the Consumer Price Index for All Urban Consumers, Denver-Boulder-Greeley Metropolitan Area, "All Items" (1982 – 84 = 100), published by the Bureau of Labor Statistics of the United States Department of Labor (the "CPI") for the semi-annual period ending December 31 in the Water Year prior to the First Water Year and the numerator of which is the CPI for the semi-annual period ending December 31 of the prior Water Year. In the event the Bureau of Labor Statistics discontinues publication of the CPI in the format existing as of the Effective Date, then Upper Yampa shall select a reasonably comparable price index, which index shall be substituted for the CPI in this paragraph. If the base year used in computing the CPI is changed, the adjustment to the purchase price shall be changed accordingly, so that all applicable increases in the CPI are considered, notwithstanding any such change in the base year. For purposes of this Contract, a "Water Year" shall be the 12-month period from March 1 in a year through February 28 of the subsequent year, unless the beginning and end of such Water Year is changed by the Division Engineer for Water Division 6.

1.3 The annual payments for the Contracted Water shall be made by Contractor to Upper Yampa on or before August 1<sup>st</sup> of each year during the term of this Contract, beginning August 1, 202\_\_\_. Any annual payment not made within thirty (30) days after the due date shall bear interest at the rate of twelve percent (12%) per annum until paid. Payments due are based on the amount of Contracted Water and shall be made regardless of the amount of water delivered to Contractor and there shall be no abatement or setoff against any such payment, nor shall Contractor be permitted to withhold any payment required for any reason whatsoever, except only in the event the full Contracted Water has not been stored in the Reservoir by July 15 as described in Section 2.5 below.

1.4 If the duration of this Contract exceeds 20 years, Upper Yampa reserves the right and authority to increase, at its sole discretion, the annual base contract pricing per acre foot of water, in the 2042 Water Year of such Contract, up to a price then competitive with the market for similar municipal water supplies in similar quantities in the Yampa River Basin, such competitive pricing to include reference to contracts from Upper Yampa to others for municipal water supplies which have been executed after this Contract, and thereafter during each year of such Contract beyond the 2042 Contract Year such annual price shall continue to be adjusted by the CPI as provided in Subsection 1.2 above.

## **2. Storage and Delivery of Contracted Water.**

2.1 Upper Yampa agrees, subject to physical water supply conditions, terms of the license issued by the Federal Energy Regulatory Commission, the administration of water rights by State of Colorado water officials, and the terms of this Contract, to store the Contracted Water in Stagecoach Reservoir prior to July 15<sup>th</sup> of each calendar year for release for Contractor's beneficial use, upon request between July 15<sup>th</sup> and March 1<sup>st</sup> of the then current Water Year. Contractor shall be entitled to one use of the water delivered hereunder to extinction, but shall not be entitled to the reuse or successive uses of such water. Contracted Water may only be used during the then current Water Year and no unreleased Contracted Water

will be booked over to the succeeding Water Year. Unreleased Contracted Water does not carry-over from one Water Year to the next.

2.2 The Contracted Water shall be stored as part of the \_\_\_\_\_ Pool of Upper Yampa, to be stored in the priority of such Contract Pool under the Stagecoach Fill Policy.

2.3 Except in times of emergency, Contractor shall give at least forty-eight (48) hours' advance written notice to Upper Yampa specifying the time and quantity of the Contracted Water requested to be released out of the Reservoir. The point of delivery of the Contracted Water shall be the discharge of the outlet works of the Reservoir. Responsibility for transportation and delivery of such Contracted Water after the point of delivery, and for all transit and transportation and carriage losses sustained in such delivery, shall be borne solely by Contractor. Upper Yampa shall maintain records of all releases of water from storage in the Reservoir, and shall maintain records of water levels in the Reservoir measured not less frequently than once per week. Contractor shall be entitled to inspect such records and copies shall be furnished to Contractor upon written request.

2.4 Upper Yampa shall allocate and charge any evaporation losses from water stored in the Reservoir against the Emergency Remainder Pool, and if there is insufficient water stored in the Emergency Remainder Pool, against the next most senior of the Contract Pools in ascending order of priority until all evaporation is accounted for and charged. If evaporation is charged against the Contract Pool in which the Contracted Water is stored (*i.e.* either the General Supply Pool or the Municipal/Industrial Pool), then Upper Yampa shall first charge the evaporation against the unallocated water in that Contract Pool, and only if there is evaporation that still needs to be accounted for, then against the Contractor's storage account on a pro rata basis with other water that is stored and allocated to other water users in that Contract Pool.

2.5 In any calendar year when insufficient water is stored in the Reservoir to supply the full Contract Pools as measured at time of peak annual storage as reasonably determined by Upper Yampa, then the amount of water captured by Upper Yampa to fill the Reservoir shall be allocated for filling purposes to the Contract Pools in descending order of priority so that each Contract Pool is filled before allocation of any storage water to the next lower Contract Pool. Parties holding water from a Contract Pool that does not completely fill due to insufficient water available to that Contract Pool shall abate and share proportionately in any shortfall of stored water in that Contract Pool. If any part of the water allocated to Contractor by this Contract is reduced by such abatement, Upper Yampa shall notify Contractor in writing of such fact, and of the amount of the reduction in such water, by July 25<sup>th</sup> of that year, and in the absence of such notice the full amount of water for Contractor shall be deemed to have been in storage on or prior to July 15<sup>th</sup> of that year. The Contractor will be credited against that Water Year's contract purchase price for the amount of such abatement shortage in acre-feet allocated to the Contractor, multiplied by that year's purchase price per acre-foot.

2.6 The Contracted Water shall only be beneficially used by Contractor for municipal purposes within the larger of (a) the lawful boundary of Contractor, including any lawful annexations, inclusions, or expansions of Contractor's boundaries or (b) the approved

urban growth boundary of Contractor if Contractor is a municipality, or (c) the approved water service area boundary if Contractor is a municipality or special district, each as may be determined by the governing board of Contractor from time to time during the Term (a through c above each including the Contractor's legally approved out of service area water contracts and service to its own facilities).

2.7 The Parties acknowledge that the turbine capacity to release stored water through the outlet works of Stagecoach Reservoir is 105 cfs, and that Upper Yampa may diminish the instantaneous rate of release of the Contracted Water after a request from Contractor, proportionally with diminishment of rates of releases of stored water to other contractees without discrimination, to the extent that, in conjunction with other adjusted required release rates by Upper Yampa for such other contractees, the maximum safe release rate of stored water and required bypasses through the outlet works is not exceeded.

### **3. Contractor's Water Use Obligations of the Contracted Water.**

3.1 **Carriage and Transit Losses.** Contractor shall bear carriage and transit losses in the Contracted Water released by Upper Yampa, in such amounts as are determined by the Division Engineer for Water Division 6, from the point of delivery of Contracted Water to Contractor's point(s) of use and/or exchange or augmentation.

3.2 **Use per Contract and Law.** Contractor's use of Contracted Water shall in all instances be in accordance with the terms of this Contract, the permits and decrees of Upper Yampa's Water Rights, Upper Yampa's adopted Policies and Procedures, as they may change from time to time, and in accordance with applicable law and all decrees related to the Contracted Water. Upper Yampa warrants and represents to Contractor that the Contracted Water may be used by Contractor for the municipal purposes described in Exhibit A, subject to (a) transit losses after release from Stagecoach Dam, (b) the terms of Section 3.3 below and any plan of exchange or augmentation obtained by Contractor to which Upper Yampa has consented, and (c) administration of the Yampa River at and above Contractor's point(s) of use and/or exchange or augmentation. Upper Yampa does not, however, warrant or represent that any augmentation plan of Contractor is sufficient, adequate, effective, or lawful to accomplish its objectives or to protect the continued diversion of the Contracted Water during administration of the Yampa River. Contractor is not authorized to apply for or secure any change in the Water Rights of Upper Yampa for or associated with any of the sources of supply of the Contracted Water.

3.3 **Legal Approvals.** If Contractor requires a plan of augmentation or SWSP to utilize the Contracted Water, Contractor shall at its sole expense adjudicate such plan of augmentation, or obtain approval of such SWSP, needed for Contractor to use its Contracted Water. Upper Yampa may in its discretion become a co-applicant or opposer in the prosecution of any such applications, or submit comments regarding any SWSP, for the purpose of protecting its Water Rights and related policies and the operation of the Reservoir by Upper Yampa. If a Water Court decree is required for Contractor to use the Contracted Water, Contractor shall cause to be included in any final decree of the Water Court a provision conditioning Contractor's use of the Contracted Water on the existence of an Upper Yampa contract.

3.4 **Limitation on Disposition.** Contractor shall not sublet, sell, donate, loan, or otherwise dispose of any of its rights to Contracted Water without prior written notice to, and the written approval of, Upper Yampa, and the payment of a transfer fee at the prevailing rate set forth by Upper Yampa, which approval may be given, withheld or conditioned by Upper Yampa in its sole discretion.

3.5 **Assignment.** This Contract shall not be assigned or otherwise transferred by Contractor without the prior written consent of Upper Yampa, such consent to be given, withheld, or conditioned by Upper Yampa in its sole discretion.

3.6 **Nondiscrimination.** Contractor and its employees shall not discriminate in the availability of or charges for any water service or water supply made available pursuant to or based upon the Contracted Water on account of race, color, religion, sex, disability, national origin, or any other criteria prohibited under state or federal law.

3.7 **Accounting of Use.** Contractor shall maintain an accounting of its use of all water used or supplied by Contractor on form(s) acceptable to Upper Yampa specifically to enable Upper Yampa to prove the use of the Water Rights and to administer and operate the Reservoir and water right decrees and/or administrative approvals related to Contractor's use of Contracted Water. Contractor shall submit its accounting forms and records to Upper Yampa promptly upon request and shall assist Upper Yampa as it may reasonably request in presenting and/or verifying such evidence of use in court or before administrative agencies by testimony of Contractor or its authorized and informed officers or agents.

3.8 Section 404 of the Clean Water Act (33 U.S.C. 1344) regulates the discharge of dredged or fill material into the waters of the United States. Contractor shall consult with the Army Corps of Engineers if construction of facilities necessary to use the Contracted Water requires Section 404 compliance, which may include obtaining a permit. Further consultation and approval by the United States Fish and Wildlife Service may be required to ensure compliance with the Endangered Species Act (16 U.S.C. 1531, et seq.) if Contractor proposes physical alterations to the designated critical habitat of the Colorado River endangered fish species.

#### 4. **Term.**

4.1 **Term.** Except in the event of an early termination as provided in Section 5 below, the term of this Contract shall commence effective \_\_\_\_\_ (the "Effective Date") and shall end on \_\_\_\_\_, 20\_\_ (the "Term").

4.2 **Contract Renewal.** If Contractor has not defaulted during the Term, and provided Contractor is in compliance with the requirements of Section 2.6 above, Contractor may request in writing to Upper Yampa during the last year of the Term that the Contract be renewed for a renewal Term (a) ending at the end of forty (40) years from the date of execution, if the Term is less than (40) years, or (b) in the event that the Term is for forty (40) years, then up to 35 years, in either case for an annual supply up to but not exceeding the maximum amount of



the Contracted Water amount upon such terms and conditions as the Upper Yampa is offering at that time. If such request is made during the final year of the Term and if Contractor otherwise agrees with the pricing, limitations, principles, and form for such new municipal water supply contract under the policies of Upper Yampa in effect at that time (other than any duration limitation), then the Board during such final year of the Term shall enter into such new municipal water supply contract with such Contractor on the then-approved form of Contract and then-prevailing municipal supply pricing, for the term requested by such municipal user but not exceeding 35 years, for the amount of annual supply requested by such municipal user not exceeding the amount contracted for under the expiring Contract. It is expected that this policy and the pricing, limitations, principles and forms for new water supply contracts of Upper Yampa will be changed from time to time in the future by the Board of Directors to adapt to changing conditions, including (but not limited to) changes in law and regulation, hydrologic changes, the financial condition of Upper Yampa, availability of water sources, interstate conditions of the Colorado River system, environmental requirements or policies, water quality changes, or changes in the master planning of Upper Yampa Board of Directors.

## **5. Contract Termination.**

### **5.1 Termination by Upper Yampa.**

5.1.1 Upper Yampa may terminate this Contract for a material breach of the terms of this Contract by Contractor, including Contractor's failure to pay timely any amount due under this Contract, provided that Upper Yampa has first given at least 60 days' prior written notice specifying in detail such material breach and giving Contractor the right within such 60-day period to cure and remedy such material breach.

5.1.2 Upper Yampa may also terminate this Contract if it reasonably believes that any judicial or administrative proceedings initiated by Contractor as contemplated in Section 3 above materially threaten or interfere with Upper Yampa's authority to contract for delivery of Contracted Water or in any other way may injure Upper Yampa's Water Rights, permits, or other interests associated with Upper Yampa's Water Rights or the Reservoir or Reservoir operations.

5.1.3 Upper Yampa may terminate this Contract if its legal ability to deliver Contracted Water is materially impaired or is eliminated because of the termination or adverse modification of permits, decrees or other authorizations which are needed to deliver the Contracted Water.

5.1.4 Upper Yampa may terminate this Contract, in its sole discretion, upon written notice to Contractor prior to its stated termination date without liability of any kind to the Contractor if Contractor physically uses the stored water to replace water lawfully available to Contractor from direct flow water rights or other storage supplies and Contractor or its affiliates obtains economic benefits from the absence of use of lawfully available direct flow water rights or other storage supplies in an amount exceeding the pricing paid or payable by Contractor hereunder.

**5.2 Termination by Contractor.**

5.2.1 Contractor may terminate this Contract only in whole and not in part, for any material breach of the terms of this Contract by Upper Yampa, including Upper Yampa's failure or inability to deliver Contracted Water for an extended period of time, provided that Contractor has first given at least 60 days' prior written notice from Contractor to Upper Yampa specifying in detail such material breach and giving Upper Yampa the right within such 60-day period to cure and remedy such material breach.

5.2.2 Except as provided in these preceding sections, Contractor has no right to terminate or reform or rescind this Contract.

5.3 **Notice of Termination to Affected Officials.** Either Party may notify the Division Engineer and any other appropriate governmental officials of any termination of this Contract.

**6. Force Majeure.** Upper Yampa shall not be responsible for any losses or damages incurred as a result of Upper Yampa's inability to perform pursuant to this Contract due to the following causes if beyond Upper Yampa's control and when occurring through no direct or indirect fault of Upper Yampa, including without limitation: acts of God; natural disasters; actions or failure to act by governmental authorities; unavailability of supplies or equipment critical to Upper Yampa's ability to perform; major equipment or facility breakdown; and changes in Colorado or federal law, including, without limitation, changes in any permit requirements.

**7. Inspections.** Upper Yampa grants to the managerial staff of Contractor and any of its professional consultants access to Stagecoach Reservoir and Stagecoach Dam subject to this Contract at reasonable times and under reasonable protective terms and conditions.

**8. Miscellaneous Provisions.**

8.1 Upper Yampa may assign this Contract without necessity of Contractor's consent or approval to any entity which succeeds Upper Yampa in the ownership of Stagecoach Reservoir, and Upper Yampa or such successor may collaterally assign the proceeds of this Contract to any entity providing financing to Upper Yampa or its successor.

8.2 This Contract does not and is not intended to confer any rights or remedies upon any person or entity other than the Parties.

8.3 The Parties agree to communicate, coordinate and cooperate, if needed, on any required or desired water use accounting.

8.4 It is expressly acknowledged that Upper Yampa shall be solely responsible for operating, repairing, maintaining, enlarging, permitting, changing, renovating, or modifying the Reservoir, and that Upper Yampa shall be the sole owner of the Water Rights and the dam and all facilities and all lands used in connection with the construction, operation, repair,

maintenance, enlarging, permitting, changing, renovating, or modifying the Reservoir and all facilities in which Upper Yampa has ownership or rights which providing supplies of water for storage in the Reservoir.

8.5 No amendment, modification, or novation of this contract or its provisions and implementation shall be effective unless documented in writing which is approved and executed by both parties with the same formality as they have approved and executed this Contract.

8.6 Any notice required or permitted to be given by a party under or in connection with this Contract shall be in writing and shall be deemed duly given when personally delivered or sent by (i) registered or certified mail, return receipt requested, postage prepaid, (ii) expedited courier service, or (iii) email with confirmation of receipt, to the following addresses:

If to Contractor: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Email: \_\_\_\_\_

With a copy to: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Email: \_\_\_\_\_

If to Upper Yampa: Upper Yampa Water Conservancy District  
Attention: General Manager  
P.O. Box 775529  
Steamboat Springs, Colorado 80477  
Email: arossi@upperyampawater.com

Each party may change its address or contact information for notices under this Contract upon written notice to the other party in accordance with this paragraph.

**9. Limited Representations by the Parties.** Upper Yampa represents and warrants that it has full power and authority to execute this Contract, allocate and deliver the Contracted Water, and perform its obligations hereunder during the Term. Contractor represents and warrants that it has full power and authority to execute this Contract, receive Contracted Water at the delivery point and cause it to be delivered to Contractor's point and locations of use, and pay for and perform its obligations hereunder during the Term.

**10. Enforcement of this Contract; Remedies on Default.**

10.1 Before commencing any action for enforcement of this Contract, the Party alleging a material breach of this Contract shall first give at least 60 days' prior written notice to the other Party specifying in detail such material breach and giving the other Party the right within such 60-day period to cure and remedy such material breach.

10.2 Specific performance and/or restraining orders and/or injunctive relief shall be the exclusive remedies for the violation or default by a Party in any provision of this Contract, except that Upper Yampa shall have all remedies at law for collection of sums required to be paid by Contractor hereunder which are not paid when due, including interest and attorneys' fees.

10.3 In the event of litigation between the Parties with respect to this Contract or any alleged material breach of the terms of this Contract, the Party substantially prevailing in such litigation shall recover from the other Party all reasonable attorneys' fees and costs of discovery and suit incurred by the substantially prevailing Party.

11. **Effective Date.** The effective date of this Contract shall be the last date below it is executed by all Parties.

IN WITNESS WHEREOF, Contractor and Upper Yampa have executed this Contract on the dates set forth below.

UPPER YAMPA WATER CONSERVANCY  
DISTRICT (UYWCD)

DATE: \_\_\_\_\_

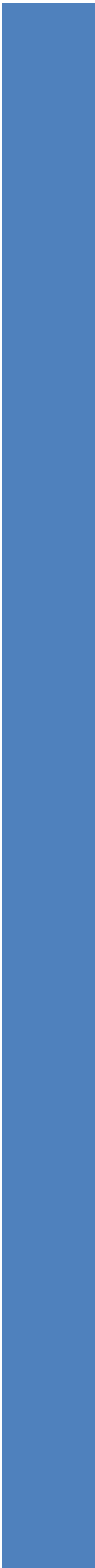
BY: \_\_\_\_\_  
President, UYWCD Board of Directors

ATTEST:  
  
\_\_\_\_\_

\_\_\_\_\_

DATE: \_\_\_\_\_

BY: \_\_\_\_\_  
\_\_\_\_\_





## BOARD COMMUNICATION FORM

**From:** Emily Lowell, District Engineer

**Date:** 3/7/2022

**Item:** Reservoir Water Status

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DIRECTION  
 INFORMATION  
 MOTION  
 RESOLUTION

---

### **I. Request/Issue and Background Information:**

Water storage data for Yamcolo Reservoir and Stagecoach Reservoir are included as reference materials for a summary discussion of the 2021/2022 water year to date.

### **II. Summary:**

#### **Yamcolo Reservoir Status as of 3/7/2022- Filling**

Current Storage Volume: 4,194 AF

Volume Stored in last 30 days: 484 AF

Volume Stored in last 60 days: 787 AF

Current Outflow: 10 cfs

#### **Stagecoach Reservoir Status as of 3/7/2022 – Holding Steading**

Current Storage Volume: 27,335 AF

Volume Stored in last 30 days: 181 AF

Volume Stored in last 60 days: 253 AF

Current Inflow: ~26 cfs

Current Outflow: 26 cfs



**III. Staff Recommendation:**

N/A

**IV. Legal Issues:**

N/A

**V. Consistency with Board Goals and Policies:**

Policy Statement: 2

**Attachments:**

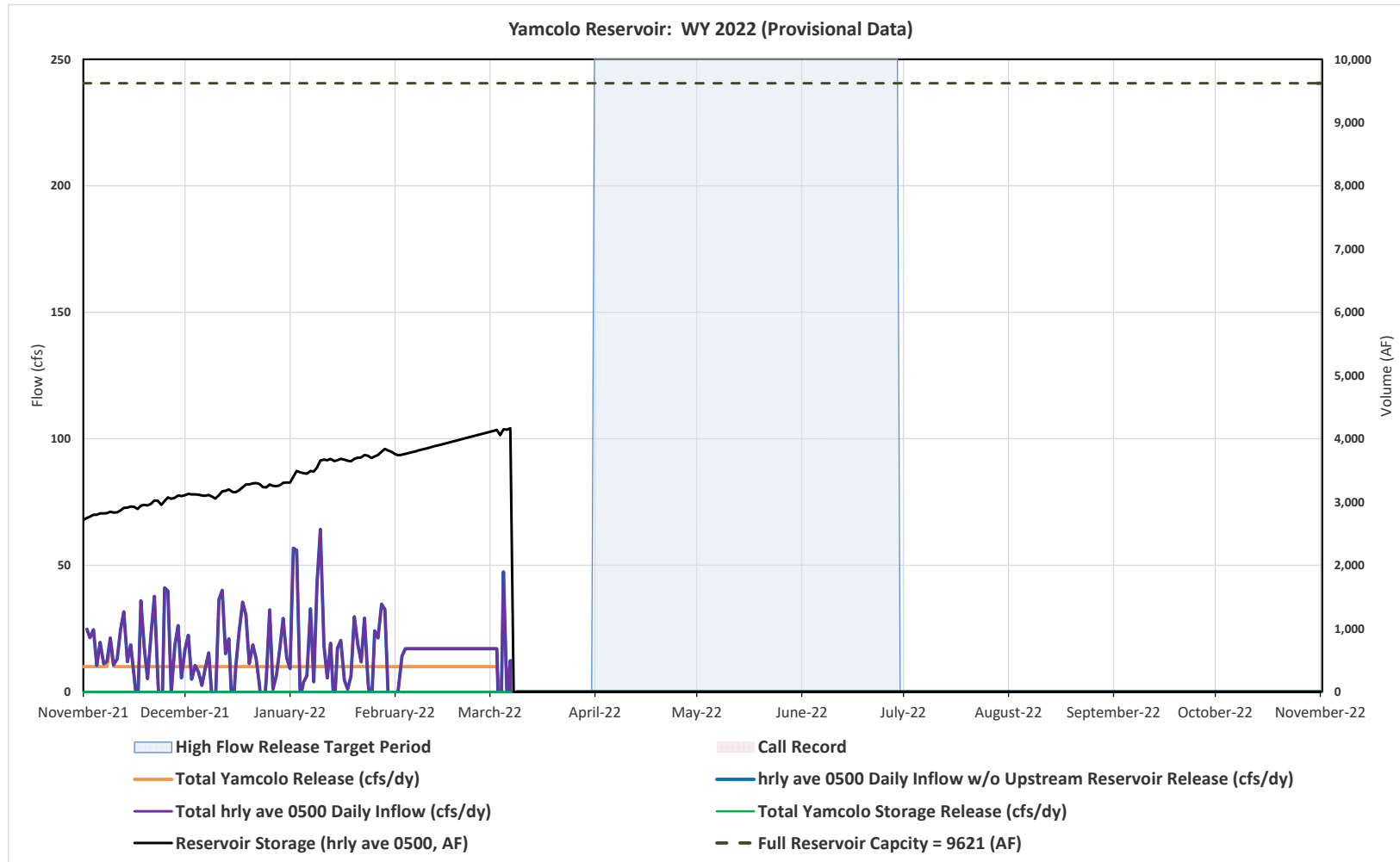
1. Yamcolo Water Storage Data (WY 2022)
2. Stagecoach Water Storage Data (WY 2021)
3. Stagecoach Water Storage Data (WY 2022)
4. Colorado SWE Update Map
5. DNR Drought Update
6. Yampa SWE Hydrograph
7. Yampa White Little Snake SWE Hydrograph

**Yamcolo Reservoir Operations**  
**Total Monthly Volume (AF)**

Water Year 2022

<b>INFLOW</b>	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Total
Physical	966	832	1,098	858	152								3,905
Storable	490	340	607	414	41								1,891
Stored	375	217	484	303	34								1,412

<b>OUTFLOW</b>	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Total
Operator	611	615	615	555	59								2,455
Spill													0
Gage	611	615	615	555	59								2,455





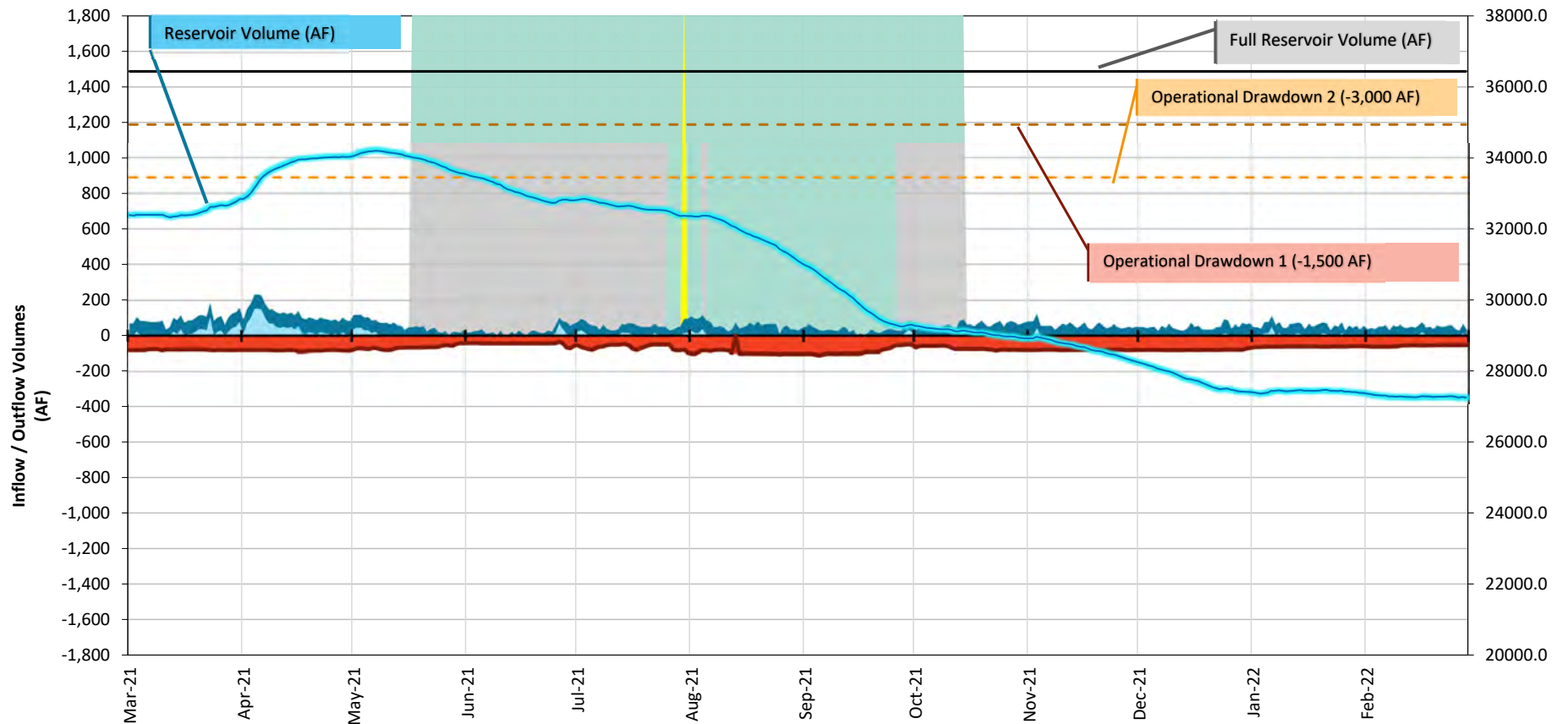
# Stagecoach Reservoir Operations

## Total Monthly Volume (AF)

Accounting Year 2021

<b>INFLOW</b>	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Total
Physical	2,939	3,778	1,770	887	1,778	1,868	1,062	1,891	1,757	1,595	1,833	1,410	22,567
Storable	631	1,399	230	145	189	109	69	52	48	22	181	72	3,146
Stored	612	1,326	230	145	189	109	69	52	46	22	181	72	3,051

<b>OUTFLOW</b>	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Total
Operator	-2,445	-2,460	-2,016	-1,304	-1,914	-2,955	-2,614	-2,176	-2,389	-2,450	-1,862	-1,540	-26,126
Spill	0	0	0	0	0	0	0	0	0	0	0	0	0
Gage	-2,445	-2,460	-2,016	-1,304	-1,914	-2,854	-2,614	-2,176	-2,389	-2,450	-1,862	-1,540	-26,026



- Administration on Yampa River (Yampa River below Stagecoach)
- Administration on Bear River (Yampa River above Stagecoach)
- Contract Water Released from Stagecoach Reservoir
- Reservoir Full Volume
- Reservoir Storage Content
- Operational Drawdown No. 1 = 1,500 AF
- Operational Drawdown No. 2 = 3,000 AF

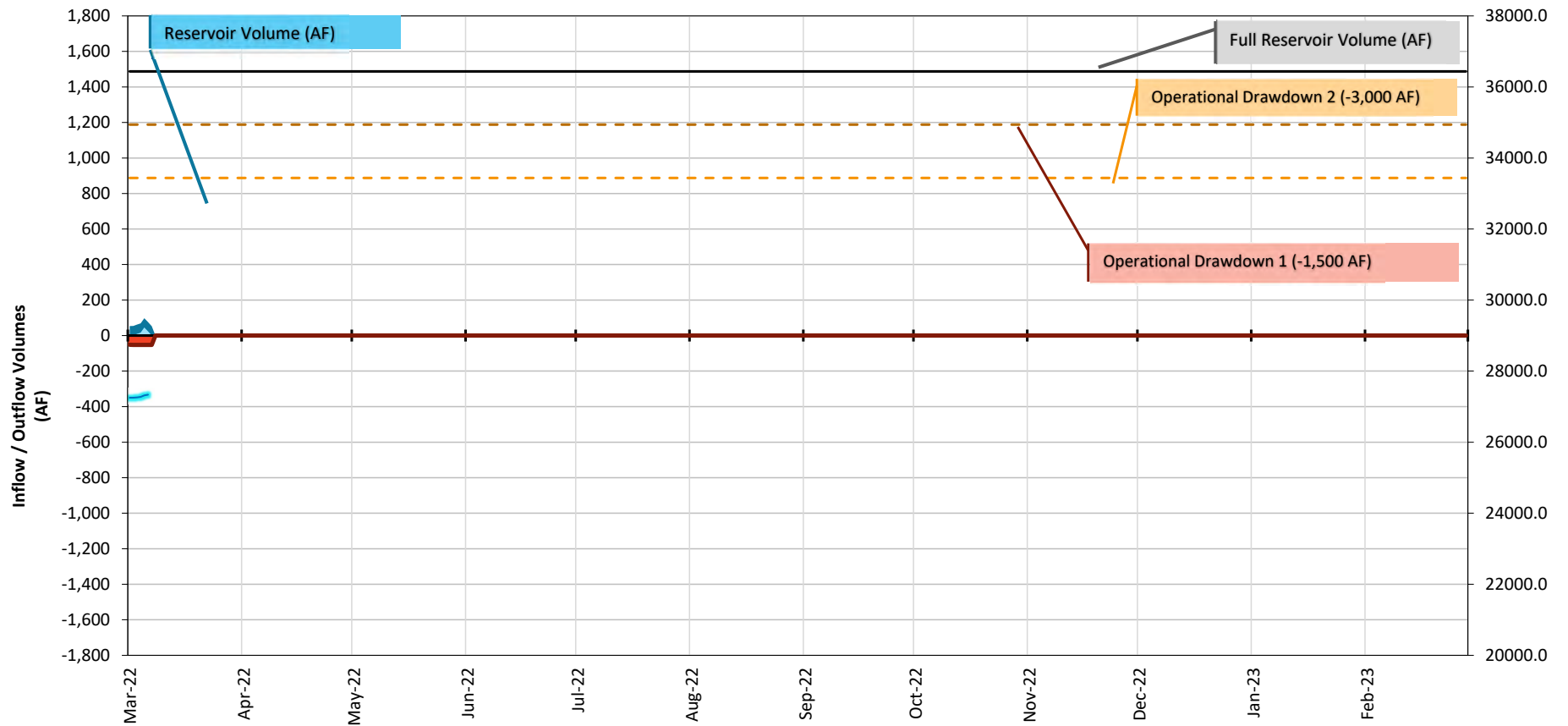
# Stagecoach Reservoir Operations

## Total Monthly Volume (AF)

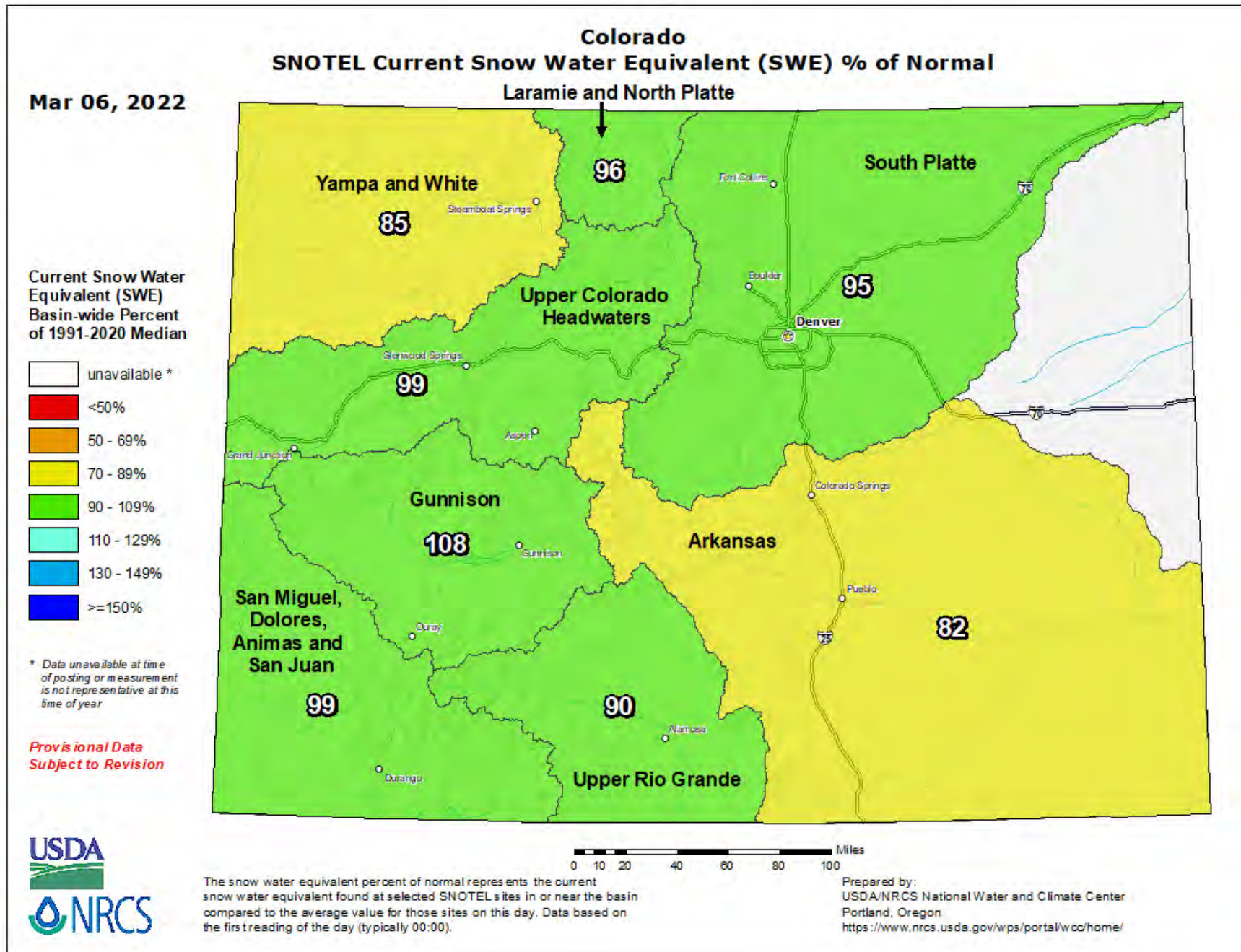
Accounting Year 2022

<b>INFLOW</b>	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Total
Physical	464												464
Storable	97												97
Stored	97												97

<b>OUTFLOW</b>	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Total
Operator	-367												-367
Spill	0												0
Gage	-367												-367



- Administration on Yampa River (Yampa River below Stagecoach)
- Administration on Bear River (Yampa River above Stagecoach)
- Contract Water Released from Stagecoach Reservoir
- Reservoir Full Volume
- Reservoir Storage Content
- Operational Drawdown No. 1 = 1,500 AF
- Operational Drawdown No. 2 = 3,000 AF



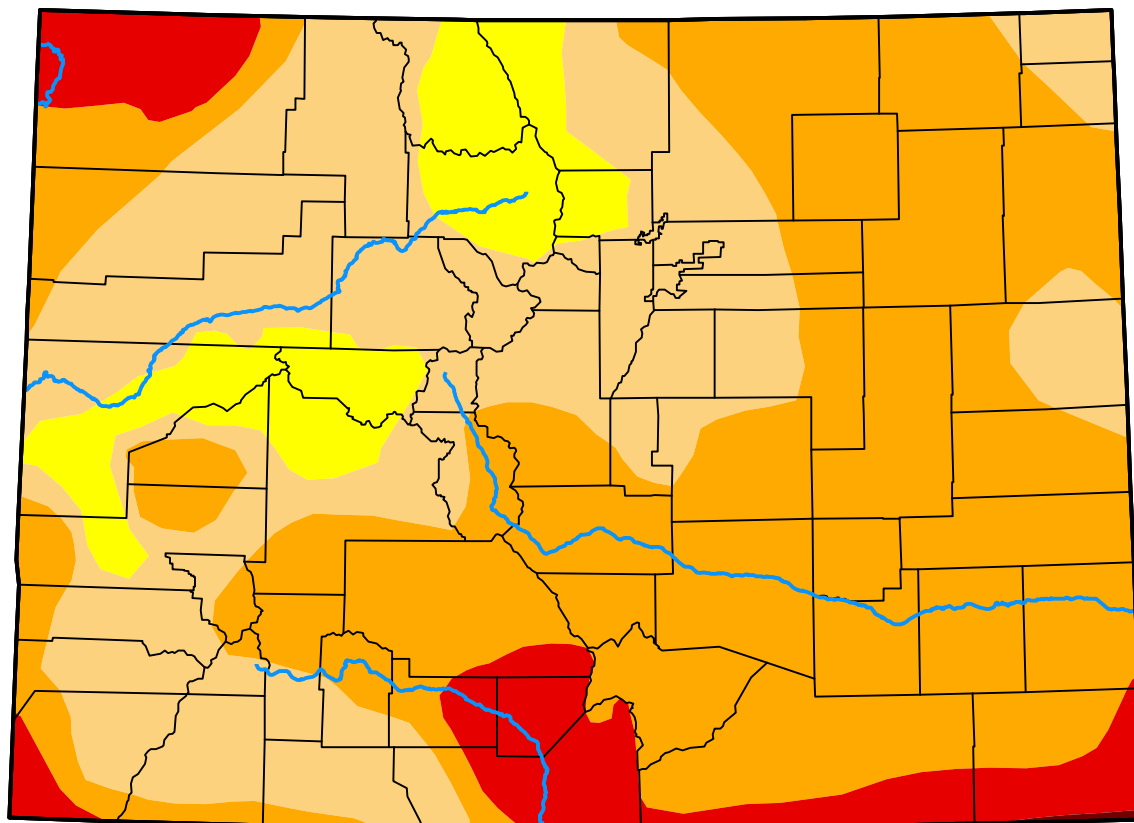
# U.S. Drought Monitor Colorado

**March 1, 2022**  
(Released Thursday, Mar. 3, 2022)

Valid 7 a.m. EST

*Drought Conditions (Percent Area)*

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
<b>Current</b>	0.00	100.00	91.57	57.26	8.27	0.09
<b>Last Week</b> <i>02-22-2022</i>	0.00	100.00	90.41	58.82	8.55	0.00
<b>3 Months Ago</b> <i>11-30-2021</i>	0.00	100.00	95.45	52.30	14.34	0.00
<b>Start of Calendar Year</b> <i>01-04-2022</i>	0.00	100.00	95.49	67.08	22.25	0.00
<b>Start of Water Year</b> <i>09-28-2021</i>	12.72	87.28	46.42	26.30	15.05	3.91
<b>One Year Ago</b> <i>03-02-2021</i>	0.00	100.00	98.57	88.76	56.66	15.89



**Intensity:**

- None
- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

*The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>*

**Author:**

Brad Rippey  
U.S. Department of Agriculture



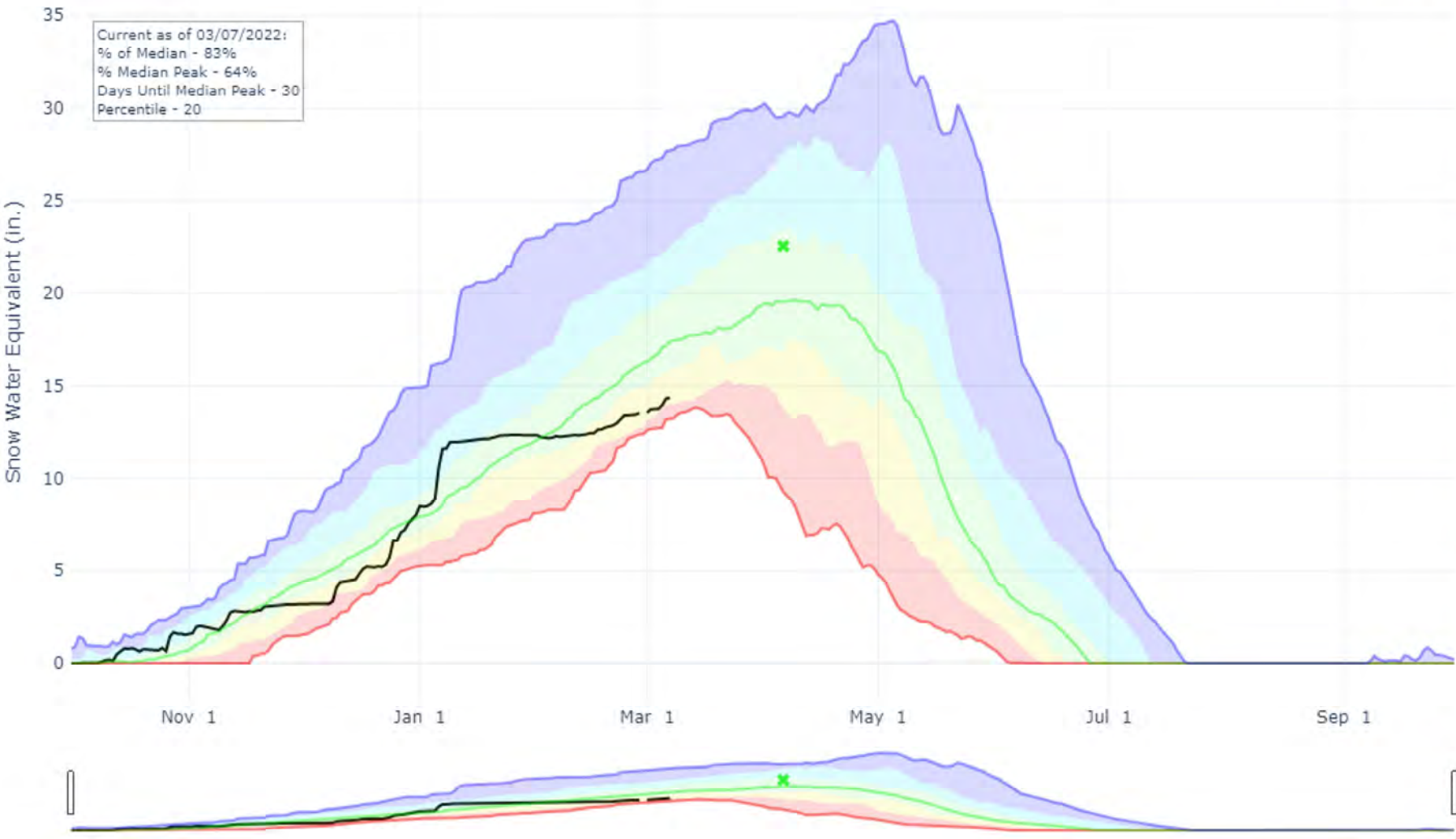
[droughtmonitor.unl.edu](https://droughtmonitor.unl.edu)

# SNOW WATER EQUIVALENT IN YAMPA

Reset Range

[Link to data: CSV / JSON](#)

[Station List](#)



- ✱ Median Peak SWE
- Max
- Median (POR)
- Median ('91-'20)
- Min
- Stats. Shading
- 2022 (8 sites)
- 2021 (8 sites)
- 2020 (8 sites)
- 2019 (8 sites)
- 2018 (8 sites)
- 2017 (8 sites)
- 2016 (8 sites)
- 2015 (8 sites)
- 2014 (8 sites)
- 2013 (8 sites)
- 2012 (8 sites)
- 2011 (8 sites)
- 2010 (8 sites)
- 2009 (8 sites)
- 2008 (8 sites)
- 2007 (8 sites)
- 2006 (8 sites)
- 2005 (8 sites)
- 2004 (7 sites)
- 2003 (7 sites)

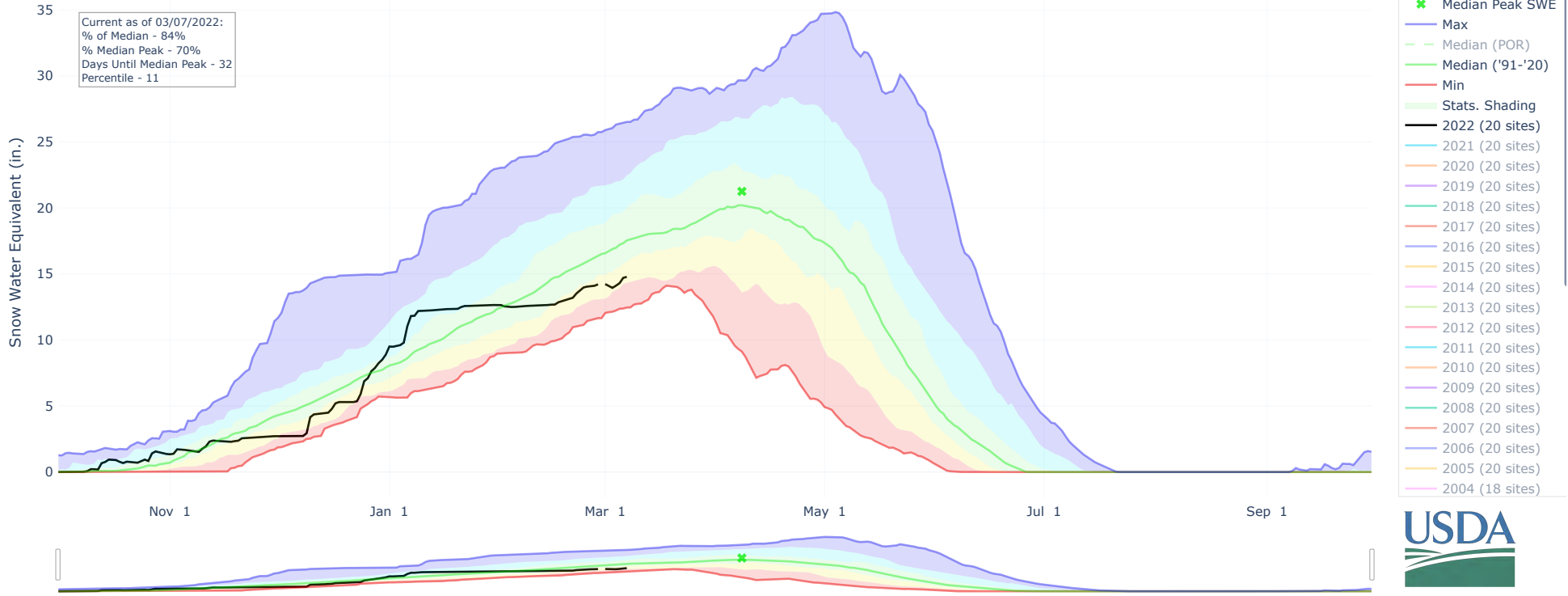


### SNOW WATER EQUIVALENT IN YAMPA-WHITE-LITTLE SNAKE

Reset Range

[Link to data: CSV / JSON](#)

[Station List](#)



Statistical shading breaks at 10th, 30th, 50th, 70th, and 90th Percentiles  
 For more information visit: [30-Year Hydroclimatic Normals](#)



## BOARD COMMUNICATION FORM

**From:** Emily Lowell, District Engineer

**Date:** 3/7/2022

**Item:** Reservoir Inflow Forecasting

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DIRECTION  
 INFORMATION  
 MOTION  
 RESOLUTION

---

**I. Request/Issue and Background Information:**

Data and forecasting products are included as reference materials for a summary discussion of the 2022 reservoir inflow forecasting.

**II. Summary:**

N/A

**III. Staff Recommendation:**

N/A

**IV. Legal Issues:**

N/A

**V. Consistency with Board Goals and Policies:**

Policy Statement: 2

**Attachments:**

1. UYWCD Yamcolo Inflow Forecast Worksheet
2. UYWCD Stagecoach Inflow Forecast Worksheet
3. CBRFC Inflow Forecasts
4. Yampa SWE Projection
5. Yampa White Little Snake SWE Projection

Forecast Period: 4/1/2022 7/1/2022  
 Ditch Opening Date 5/1/2022

Last Update 3/7/2022

Remaining Forecast Period Days 91  
 Remaining Forecast Period Days until 5/1 30

Remaining Forecast Period Days 5/1 - 7/1 61

DRAFT

coefficient  
 const -2.66513025  
 Bear R 1.103521406

Wetter <= >= Drier  
 Prob: 0.1 0.3 0.7 0.9  
 Std Normal: 1.282 0.524 -0.524 -1.282

Date	Peak SWE (in.) Bear River	Forecast (KAF)	Forecast (% Avg)	ω(0.50) (%) Avg	Prob Forecast (% Average)				Prob Forecast, Apr - Jun (KAF)					Observed (KAF)
					10%	30%	70%	90%	10%	30%	50%	70%	90%	
1989	10.9	9.33	86.9	87.1	119.5	100.4	73.9	54.8	12.8	10.8	9.4	7.9	5.9	9.86
1990	9.9	8.25	76.9	77.4	109.7	90.6	64.1	45.0	11.8	9.7	8.3	6.9	4.8	8.16
1991	11.6	10.18	94.8	94.9	127.2	108.1	81.6	62.5	13.7	11.6	10.2	8.8	6.7	9.21
1992	10.1	8.48	79.0	79.4	111.8	92.6	66.2	47.1	12.0	9.9	8.5	7.1	5.1	7.76
1993	14.9	13.79	128.4	127.8	160.2	141.1	114.6	95.5	17.2	15.1	13.7	12.3	10.3	10.23
1994	10.8	9.30	86.6	86.9	119.3	100.2	73.7	54.6	12.8	10.8	9.3	7.9	5.9	8.53
1995	14.5	13.29	123.8	123.3	155.6	136.5	110.1	90.9	16.7	14.7	13.2	11.8	9.8	8.51
1996	17.2	16.32	151.9	150.8	183.2	164.1	137.6	118.5	19.7	17.6	16.2	14.8	12.7	19.13
1997	14.4	13.23	123.2	122.7	155.0	135.9	109.4	90.3	16.6	14.6	13.2	11.8	9.7	20.14
1998	12.8	11.42	106.4	106.2	138.6	119.5	93.0	73.9	14.9	12.8	11.4	10.0	7.9	11.64
1999	11.7	10.25	95.5	95.6	127.9	108.8	82.3	63.2	13.7	11.7	10.3	8.8	6.8	14.03
2000	11.5	10.03	93.4	93.5	125.9	106.7	80.3	61.2	13.5	11.5	10.0	8.6	6.6	12.34
2001	12.2	10.75	100.1	100.1	132.4	113.3	86.9	67.8	14.2	12.2	10.7	9.3	7.3	9.79
2002	9.5	7.81	72.7	73.3	105.6	86.5	60.0	40.9	11.3	9.3	7.9	6.4	4.4	5.20
2003	12.9	11.60	108.0	107.8	140.2	121.1	94.6	75.5	15.1	13.0	11.6	10.2	8.1	9.93
2004	10.9	9.40	87.6	87.8	120.2	101.1	74.6	55.5	12.9	10.9	9.4	8.0	6.0	8.38
2005	10.0	8.37	77.9	78.4	110.8	91.7	65.2	46.1	11.9	9.8	8.4	7.0	4.9	9.15
2006	12.6	11.24	104.7	104.6	136.9	117.8	91.3	72.2	14.7	12.6	11.2	9.8	7.8	12.74
2007	11.5	10.03	93.4	93.5	125.8	106.7	80.3	61.2	13.5	11.5	10.0	8.6	6.6	10.47
2008	13.4	12.12	112.9	112.6	145.0	125.8	99.4	80.3	15.6	13.5	12.1	10.7	8.6	9.93
2009	12.1	10.69	99.5	99.5	131.9	112.8	86.3	67.2	14.2	12.1	10.7	9.3	7.2	16.51
2010	11.0	9.47	88.2	88.5	120.8	101.7	75.2	56.1	13.0	10.9	9.5	8.1	6.0	10.31
2011	16.8	15.87	147.8	146.8	179.1	160.0	133.6	114.4	19.2	17.2	15.8	14.3	12.3	14.43
2012	7.7	5.83	54.3	55.3	87.6	68.5	42.1	22.9	9.4	7.4	5.9	4.5	2.5	6.09
2013	12.5	11.13	103.6	103.6	135.9	116.8	90.3	71.2	14.6	12.5	11.1	9.7	7.6	6.18
2014	13.9	12.67	118.0	117.6	150.0	130.9	104.4	85.3	16.1	14.1	12.6	11.2	9.2	12.12
2015	10.8	9.25	86.2	86.5	118.8	99.7	73.2	54.1	12.8	10.7	9.3	7.9	5.8	8.64
2016	12.0	10.58	98.5	98.5	130.9	111.8	85.3	66.2	14.1	12.0	10.6	9.2	7.1	11.29

10.74 mean

Current Year Date

1/8/2022	5.5	3.4	31.7	33.2
2/6/2022	6.0	4.0	36.8	38.2
2/22/2022	6.4	4.4	40.9	42.2
3/7/2022	7.3	5.4	50.2	51.3
		-2.7	-24.8	-22.1

65.5	46.4	19.9	0.8
70.5	51.4	25.0	5.8
74.6	55.5	29.0	9.9
83.6	64.5	38.0	18.9
10.2	-8.9	-35.4	-54.5

7.0	5.0	3.6	2.1	0.1
7.6	5.5	4.1	2.7	0.6
8.0	6.0	4.5	3.1	1.1
9.0	6.9	5.5	4.1	2.0
1.1	-1.0	-2.4	-3.8	-5.9

Bear River				
2022 Peak SWE (in)	7.3	5.4	50.2	51.3
Date of 2022 Peak SWE	3/7/2022			
Earliest Peak SWE Date				
Mean Peak SWE Date				
Latest Peak SWE Date				

83.6	64.5	38.0	18.9
------	------	------	------

4/1 to Date Physical Inflow Volume = (KAF)  
 4/1 to Date Storable Inflow Volume = (KAF)  
 Remaining Forecast Period Bypass (@ 8 cfs/dy, 12 cfs/dy) = 1.928 (KAF)

Forecast Period Total Inflow Volume (KAF)				
9.0	6.9	5.5	4.1	2.0
Remaining Forecast Period Inflow Volume (KAF)				
9.0	6.9	5.5	4.1	2.0
Remaining Forecast Period Min. Storable Volume (KAF)				
7.05	5.00	3.58	2.16	0.10
Prob Forecast Target Reservoir Volume (AF)				
2,561	4,613	6,035	7,456	9,509
Prob Forecast Target Elevation (ft)				
9,528.6	9,546.1	9,556.0	9,564.8	9,576.2

Note: Stage-Storage Data n

Earliest Peak Inflow Date	5/22	2002
Mean Peak Inflow Date	6/13	
Latest Peak Inflow Date	7/15	1995

Current Reservoir Volume (AF) = 4,169  
 Reservoir Volume @ 9576.75' (AF) = 9,621  
 Current Elevation = 9,542.67





## March 1, 2022 Water Supply Forecast Discussion

The [Colorado Basin River Forecast Center \(CBRFC\)](#) geographic forecast area includes the Upper Colorado River Basin, Lower Colorado River Basin, and Eastern Great Basin.

### Water Supply Forecast Summary

February precipitation was near to slightly below normal across southwest Colorado and below to much below normal elsewhere across the region. Northern areas including the Green River Basin and north Great Basin had a very dry February with monthly precipitation values at many SNOTEL sites ranked as the driest in the past 40 years. March 1 snow water equivalent (SWE) conditions generally range between 80-110% of normal across the Upper Colorado River Basin and 70-100% of normal across the Great Basin. Lower Colorado River Basin SWE conditions are 50-105% of normal.

Water supply forecast volumes decreased over the past month across most of the Great Basin and Colorado River Basin as a result of below normal February precipitation. A near record dry February across northern Utah, southwest Wyoming, and northwest Colorado led to large declines in the spring water supply outlook in the Green River Basin and northern Great Basin. Water supply volume declines were smaller in the Gunnison, Dolores, and San Juan basins as a result of near to slightly below normal February precipitation across southwest Colorado.

Upper Colorado River Basin water supply forecasts generally range between 45-105% of the 1991-2020 historical April-July average. Great Basin water supply forecasts are 35-85% of average. Lower Colorado River Basin January-May water supply runoff volumes are 20-65% of the 1991-2020 historical median.

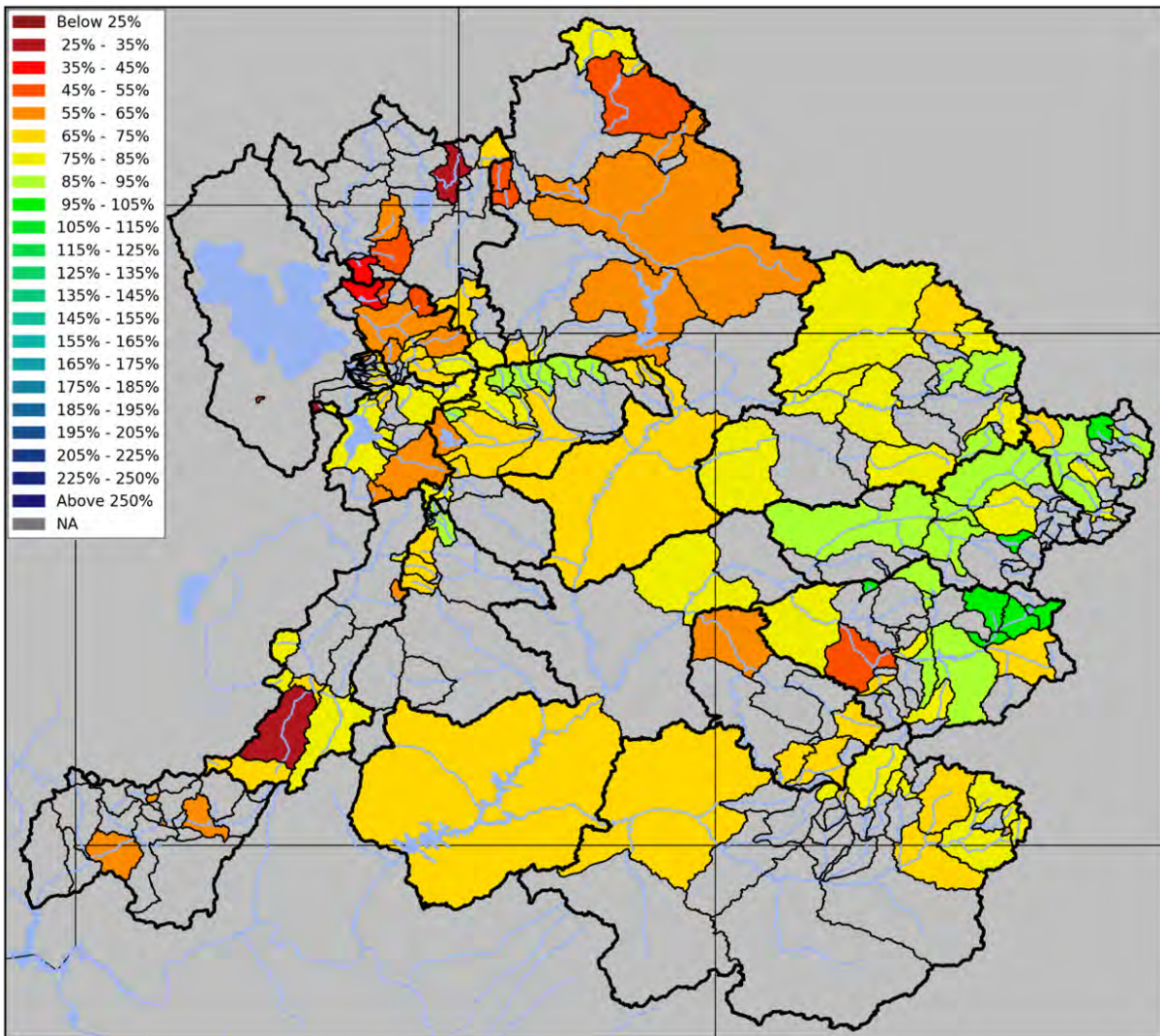
March 1 water supply forecast ranges (percent of normal) by basin:

<b>Basin</b>	<b>Water Supply Forecast Range</b>
Upper Green	45-75%
Duchesne	60-90%
Yampa/White	70-95%
Upper Colorado Mainstem	70-100%
Gunnison	70-105%
Dolores	60-70%
San Juan	60-85%
Bear	35-80%
Weber	35-75%
Six Creeks	55-85%
Provo/Utah Lake	55-80%
Sevier	65-85%
Virgin	55-60%
Little Colorado	20-25%
Upper Gila	30-45%
Salt	40-65%
Verde	45%

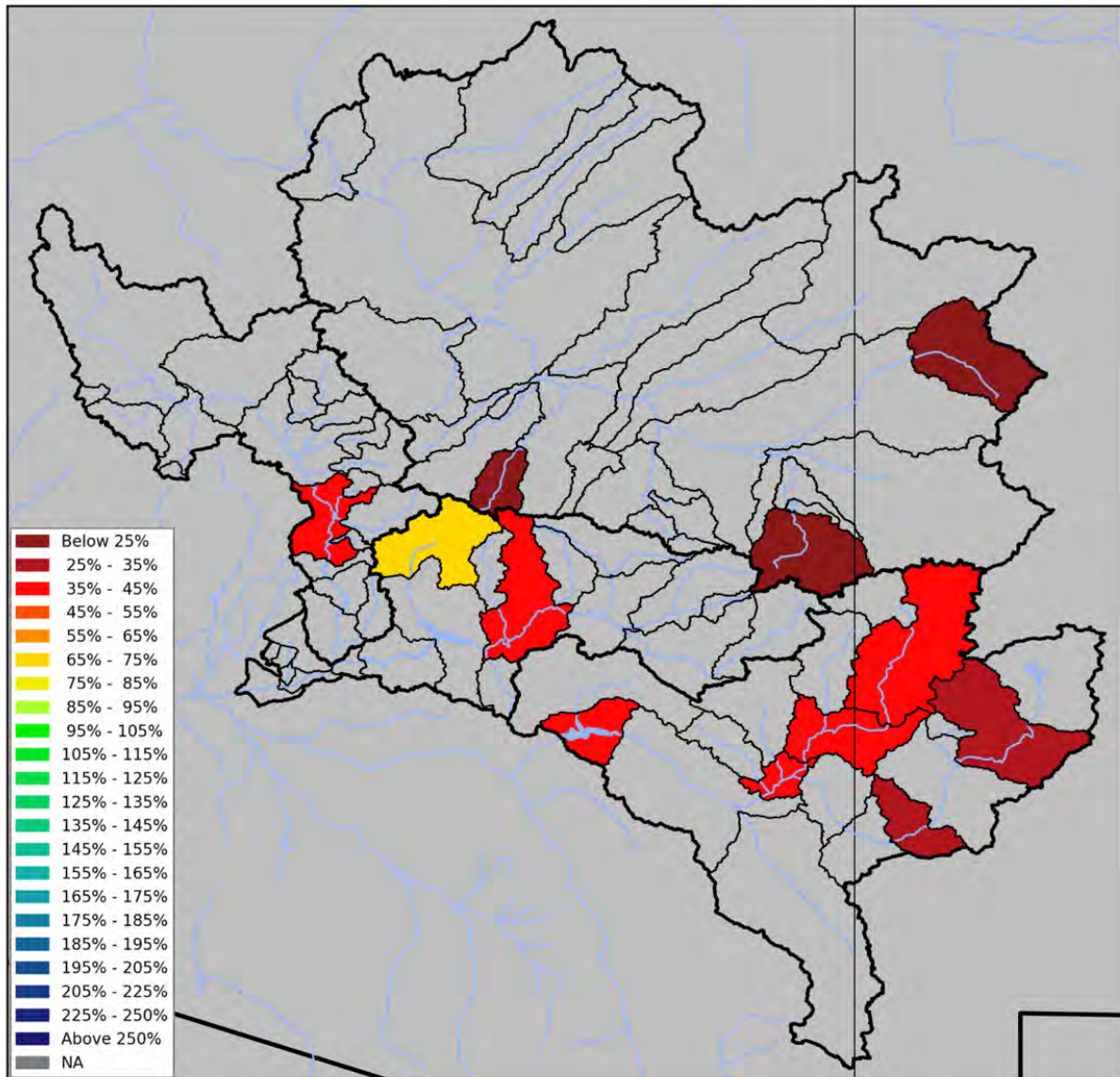
April-July unregulated inflow forecasts for some of the major reservoirs in the Upper Colorado River Basin include Fontenelle 450 KAF (61% average), Flaming Gorge 540 KAF (56%), Green Mountain 245 KAF (88%), Blue Mesa 560 KAF (88%), McPhee 168 KAF (66%), and Navajo 455 KAF (72%). The Lake Powell inflow forecast is 4.4 MAF (69% of average), which is a nine percent decrease from February.

Widespread precipitation is expected across the Colorado River Basin and Great Basin through this weekend as a series of weather disturbances move through the area. An active weather pattern is expected to remain in place for the next ten to fourteen days, with the northern half of the area trending wetter than southern areas.

### Seasonal Water Supply Forecasts



Upper Colorado, Great, Virgin River Basins: Mar 2022 April-July forecast volumes as a percent of 1991-2020 average (50% exceedance probability forecast).



Lower Colorado Basin (AZ/NM): March 2022 January-May forecast volumes as a percent of 1991-2020 median.  
(50% exceedance probability forecast).

For specific site water supply forecasts click [here](#)

## Water Supply Discussion

### February Weather/Precipitation

Very dry weather persisted over the region the last three weeks of January through mid-February, with precipitation at SNOTEL sites falling below the 5th percentile and ranking as the driest on record at most stations during this period. Precipitation during the first half of February fell below the 15th percentile and ranked in the driest three on record at most SNOTEL stations across the Great Basin and Colorado River Basin. The only moisture worth noting during the first two weeks of February was 0.50-1.50" of precipitation along parts of the Continental Divide within Colorado, notably across San Juan River headwater basins above Navajo reservoir.

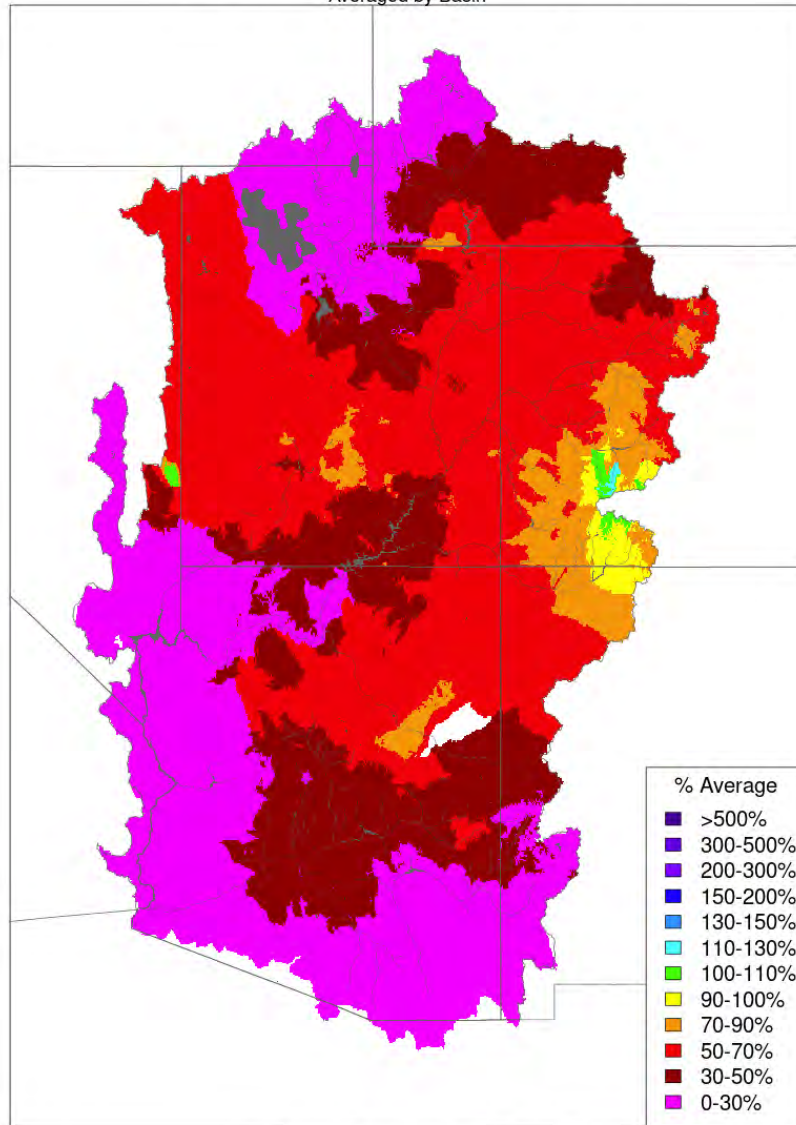
The weather pattern shifted to favor a more active pattern around mid-February with a series of weather disturbances impacting Utah, western Colorado, and Arizona the last half of the month. Much of the region received precipitation on February 16 with many SNOTEL stations receiving 0.25-0.50" and some locally higher amounts across central Utah (Sevier River Basin), central Arizona (Salt), and central Gunnison River Basin in southwest Colorado.

A wetter system with a Pacific moisture tap brought widespread precipitation to the region during February 21-23. Largest precipitation amounts (2-3+ inches) occurred over higher elevations across southwest Colorado near the divide of the San Juan/Dolores/Gunnison River Basins. Southwest Utah and central Arizona received 0.5-2.0" of precipitation while 0.5-1.0" of precipitation was observed across northwest Colorado and central Utah. Northern areas including the Green River Basin and the north Great Basin received little to no precipitation during this event.

Precipitation during the last half of February was above average (normal) across southwest Colorado and near average across the southern half of Utah and central Arizona. However, only a small portion of southwest Colorado ended February with near normal precipitation. February precipitation was much below normal across the majority of the region. Northern areas including the Green River Basin and north Great Basin had a very dry February with monthly precipitation values at many SNOTEL sites ranked as the driest in the past 40 years.

# Monthly Precipitation - February 2022

Averaged by Basin

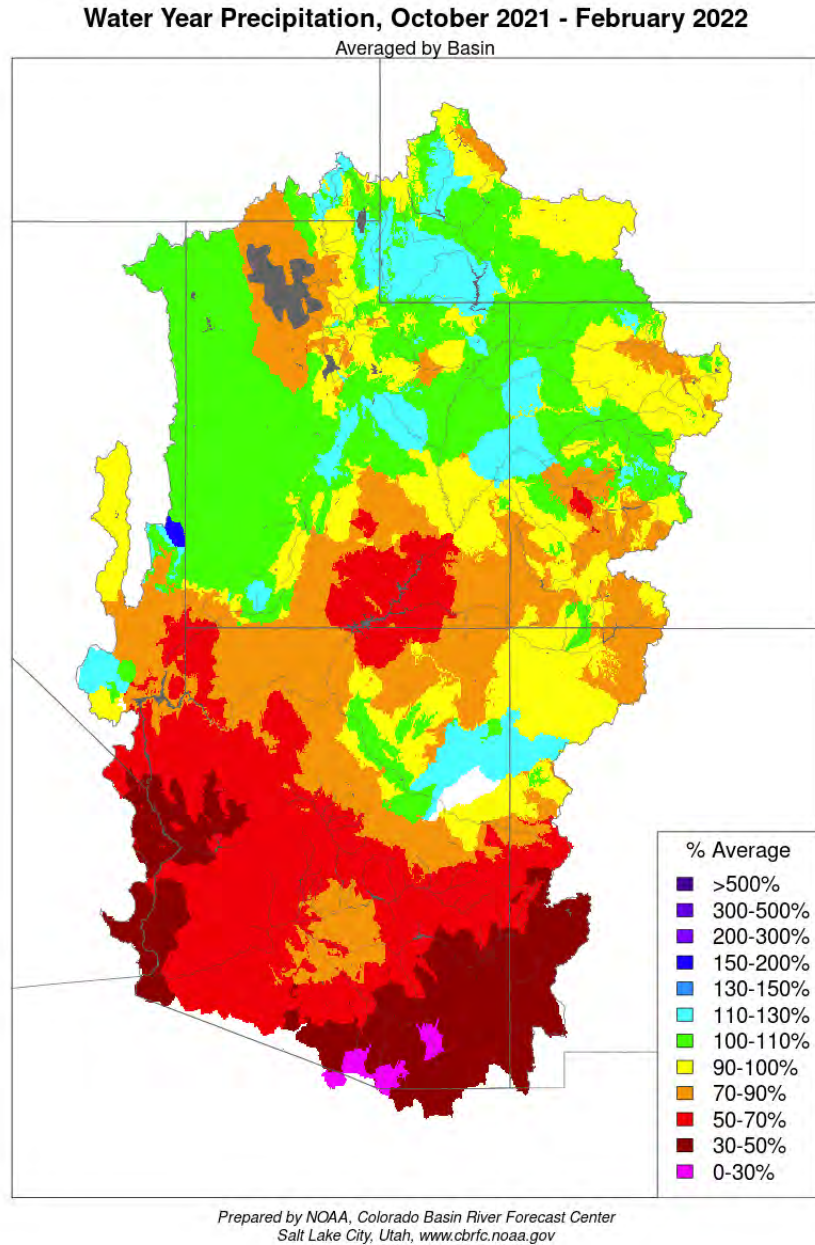


Prepared by NOAA, Colorado Basin River Forecast Center  
Salt Lake City, Utah, [www.cbrfc.noaa.gov](http://www.cbrfc.noaa.gov)

February 2022 percent of normal precipitation.  
(Averaged by basins defined in the CBRFC hydrologic model)

## Water Year Precipitation

Water year precipitation has been highly variable from month-to-month. October and December precipitation was above to much above average over most of the region while November, January, and February precipitation was below to much below average. February's below average precipitation led to declines in water year precipitation across the region. Water year precipitation is generally near to slightly below average across the Upper Colorado River and Great Basins. Lower Colorado River Basin water year precipitation is variable - near average conditions across southwest Utah and northeast Arizona, and below to much below average precipitation elsewhere across the Lower Colorado River Basin.



Water Year 2022 percent of normal precipitation.  
(Averaged by basins defined in the CBRFC hydrologic model)

## Snowpack

March 1 snow water equivalent (SWE) conditions are generally near to below normal across the Colorado River and Eastern Great Basin and are summarized in the below table. Below average February precipitation led to declines in percent of normal SWE values across most basins over the past month, with the largest declines occurring in northern basins. Basins across southwest Colorado and parts of Arizona had smaller declines in percent of normal SWE conditions due primarily to precipitation during February 21-23.

Upper Colorado River Basin March 1 SWE conditions range from 80-110% of normal and generally increase from north to south. Upper Green, Duchesne, and White/Yampa basins saw the largest declines in percent of normal SWE conditions during the past month due to a very dry February. West-central and southwest Colorado had smaller declines in SWE during February with snow conditions remaining steady in the San Juan River Basin.

SWE across much of the Great Basin is now below normal after a mostly dry February. The exception is the Sevier River Basin in south-central Utah, where March 1 SWE is near normal. SWE ranges from 70-80% elsewhere across the Great Basin.

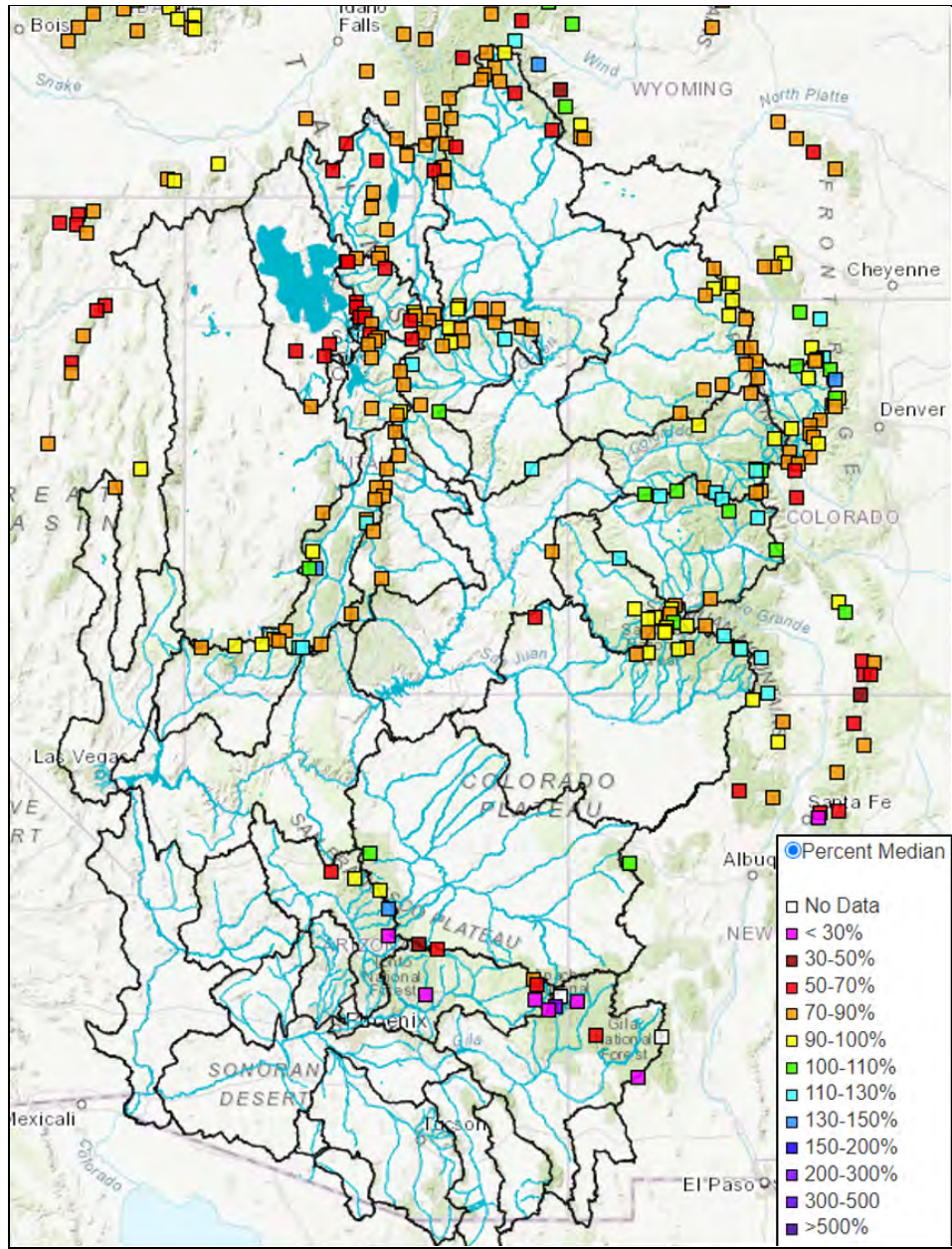
Snowpack conditions in the Lower Colorado River Basin are more variable and tend to fluctuate more frequently over time. March 1 Lower Colorado River Basin SWE conditions range from 50-105% of normal, with near normal snowpack conditions in the Virgin and Verde River Basins and below normal snowpack conditions in the Little Colorado, Salt, and Upper Gila basins. Precipitation during the last half of February did help to sustain SWE conditions across parts of central and southeast Arizona.

February 1 - March 1 basin SWE summary (NRCS SNOTEL):

<b>Basin</b>	<b>Feb1 %Median SWE</b>	<b>Mar1 %Median SWE</b>
Upper Green	99	80
Duchesne	117	90
White/Yampa	102	85
UC Headwaters	105	93
Roaring Fork	124	108
Gunnison	116	106
Dolores	99	93
San Juan	99	101
Bear	104	78
Weber	90	71
Provo/UT Lake	91	74
Sevier	109	95
Virgin	132	103
Little Colorado	80	65
Verde	103	100
Salt	65	61
Upper Gila	44	51

The images below show observed snow conditions and CBRFC hydrologic model snow conditions.

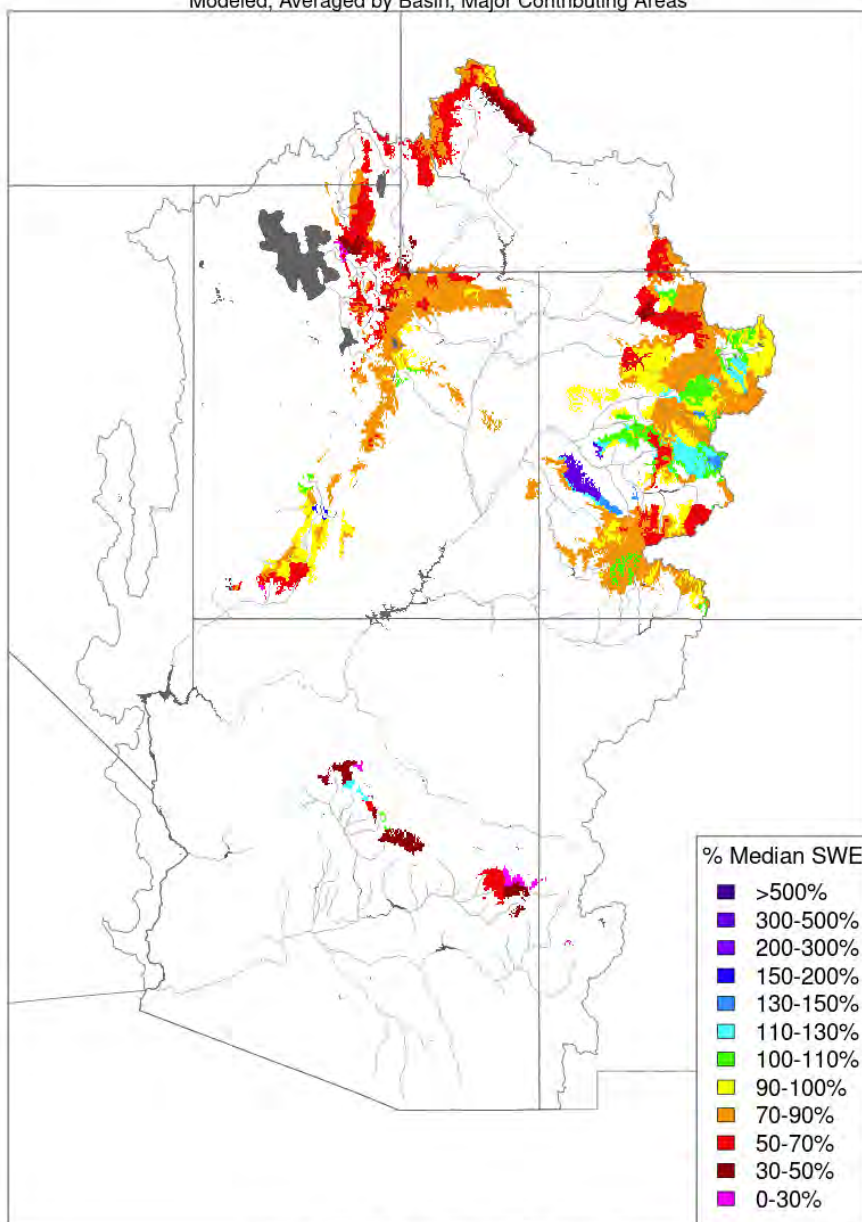




SNOTEL percent median observed SWE - March 3, 2022.

### Snow Conditions - March 03 2022

Modeled, Averaged by Basin, Major Contributing Areas



Prepared by NOAA, Colorado Basin River Forecast Center  
Salt Lake City, Utah, [www.cbrfc.noaa.gov](http://www.cbrfc.noaa.gov)

CBRFC hydrologic model percent median SWE - March 3, 2022.

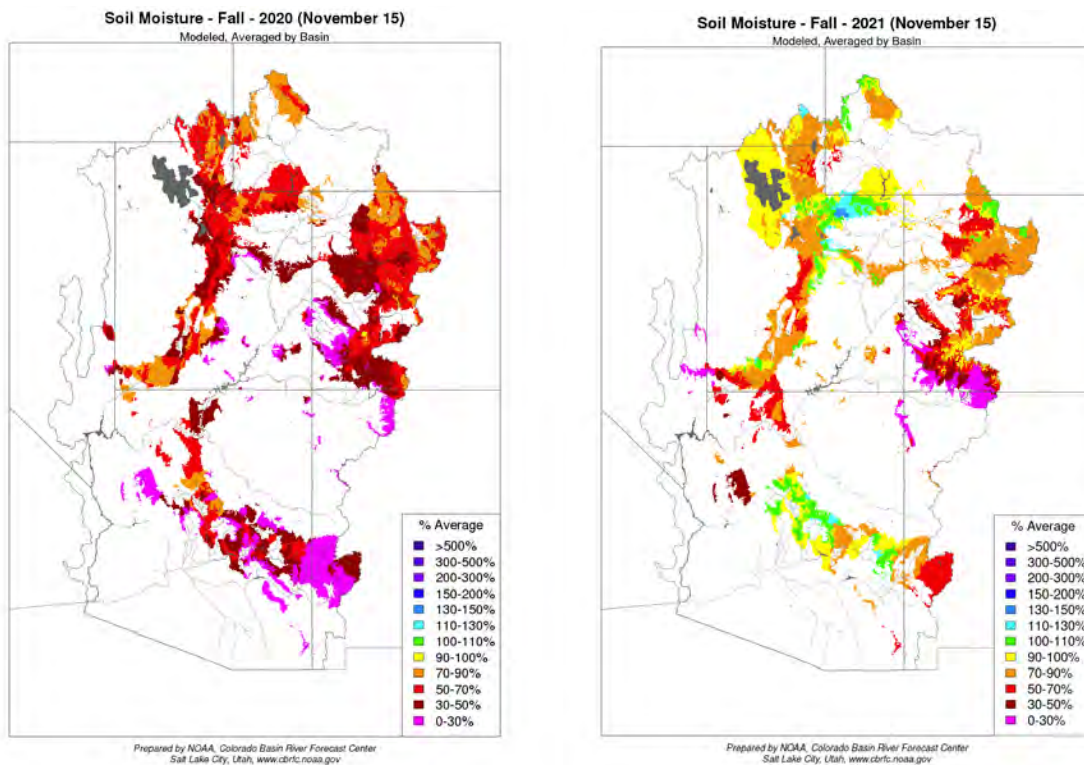
For updated SNOTEL information refer to click [here](#)

For CBRFC hydrologic model snow click [here](#)

## Soil Moisture

CBRFC model fall soil moisture conditions impact early season water supply forecasts and the efficiency of spring runoff. Above average fall soil moisture conditions have a positive impact on early season water supply forecasts while below average conditions have a negative impact. The impacts are most pronounced when soil moisture conditions and snowpack conditions are both much above or much below average. The timing and magnitude of spring runoff is ultimately a result of SWE conditions, spring weather (precipitation/temperature), and antecedent soil moisture conditions.

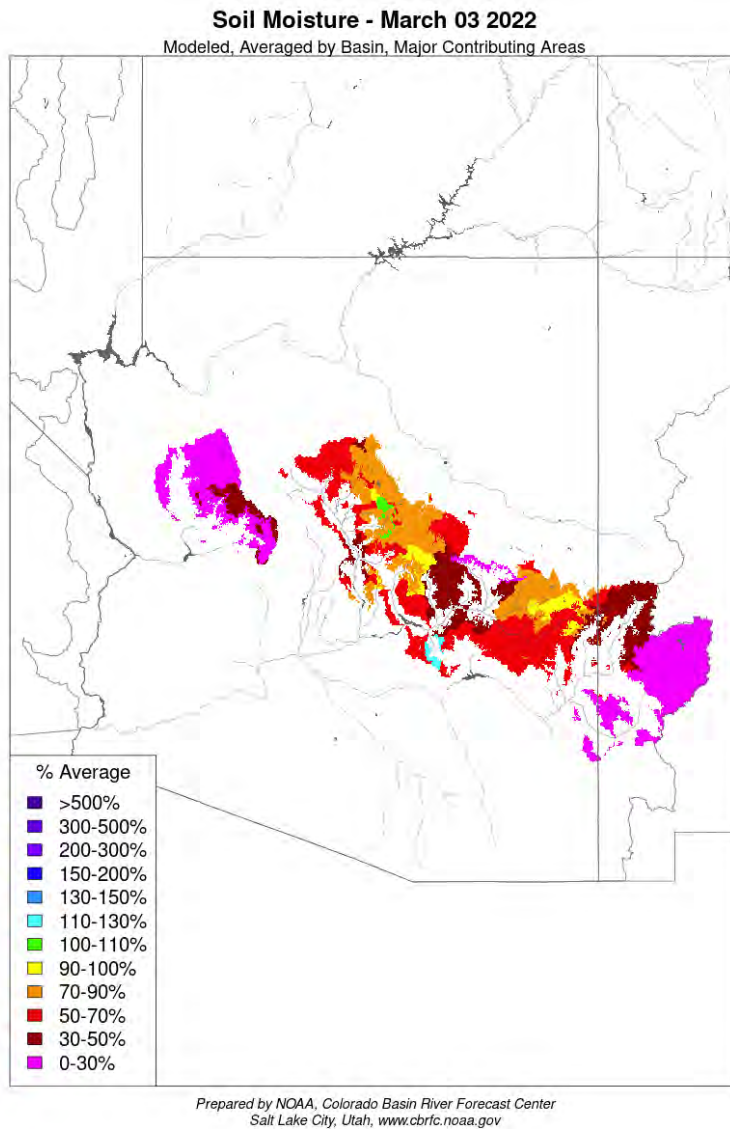
A wet monsoon season and above average October precipitation improved soil moisture conditions, especially across Utah and Arizona. Fall (antecedent) soil moisture conditions are improved from a year ago but remain below average across many of the major runoff producing areas. Larger than normal antecedent soil moisture deficits exist across much of western Colorado and are expected to negatively impact early spring runoff efficiency. Fall model soil moisture conditions are closer to normal across southwest Wyoming and Utah and even above normal in parts of the Duchesne River Basin.



Comparison of November 2020 (left) and November 2021 (right) CBRFC hydrologic model soil moisture conditions entering the winter season.

Soil moisture conditions tend to fluctuate more in the Lower Colorado River Basin of Arizona and New Mexico in the winter due to the frequency of rain events and possibility of melting snow. Soil conditions in the fall are less informative than they are in the northern basins that remain under snowpack throughout the winter season. Basins with above average soil moisture conditions can be expected to experience more efficient runoff from rainfall or snowmelt while basins with below average soil moisture conditions can be expected to have lower runoff efficiency until soil moisture deficits are fulfilled.

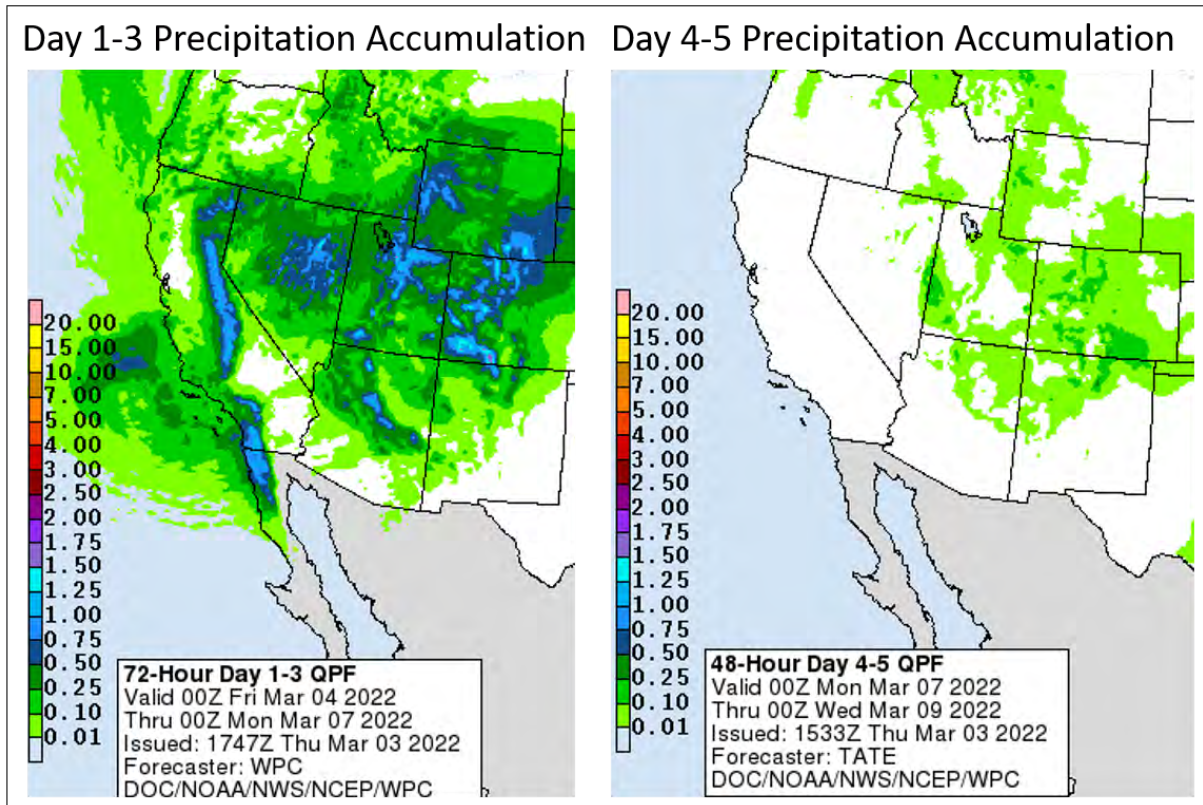
Model soil moisture conditions across the Lower Colorado River Basin have improved considerably from a year ago as a result of above average monsoon season precipitation and storm activity that has occurred during the water year. However, below normal February precipitation across Arizona and southwest New Mexico led to declines in soil moisture conditions over the past month. Lower Colorado River Basin early March model soil moisture conditions are mostly below normal.



Lower Colorado River Basin (AZ/NM) model soil moisture - March 3, 2022.

## Upcoming Weather

Widespread precipitation is expected across the Colorado River Basin and Great Basin through this weekend as a series of weather disturbances move through the area. The upper elevations of the Bear, Upper Green, White/Yampa, Upper Colorado, Gunnison, San Juan, Verde, Salt and Upper Gila basins will see around an inch of precipitation, with locally higher amounts possible across favored locations. Elsewhere, precipitation will generally be between 0.25 and 0.50 inches. An active weather pattern is expected to remain in place for the next ten to fourteen days. Because storms will move into the area from the north, the northern half of the area will trend wetter than southern areas. Temperatures will generally be above normal through the middle of March, though brief periods of below normal temperatures will accompany storms.



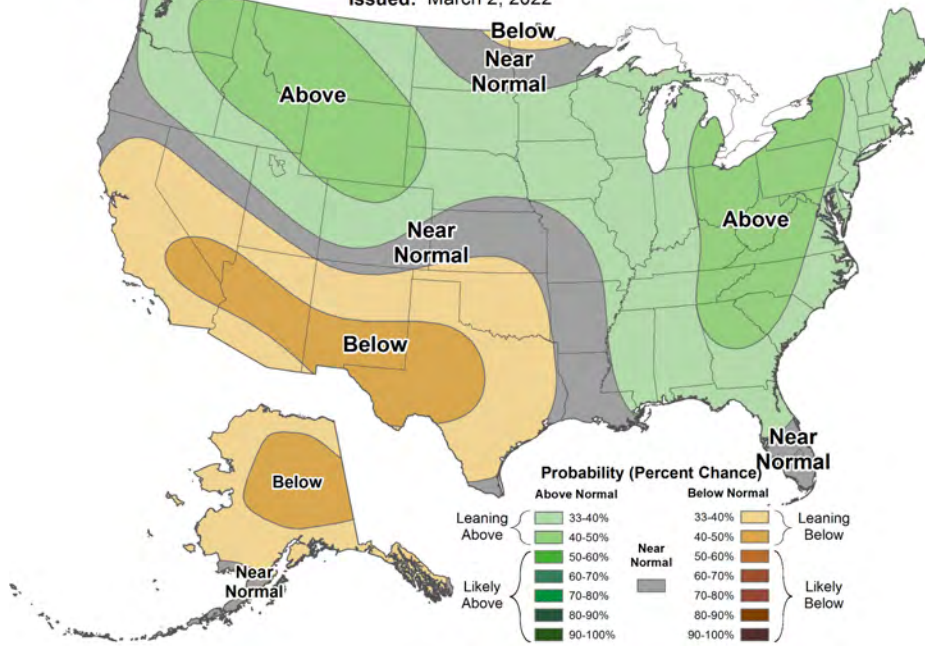
NWS Weather Prediction Center precipitation forecast for March 4-9, 2022.



# 8-14 Day Precipitation Outlook



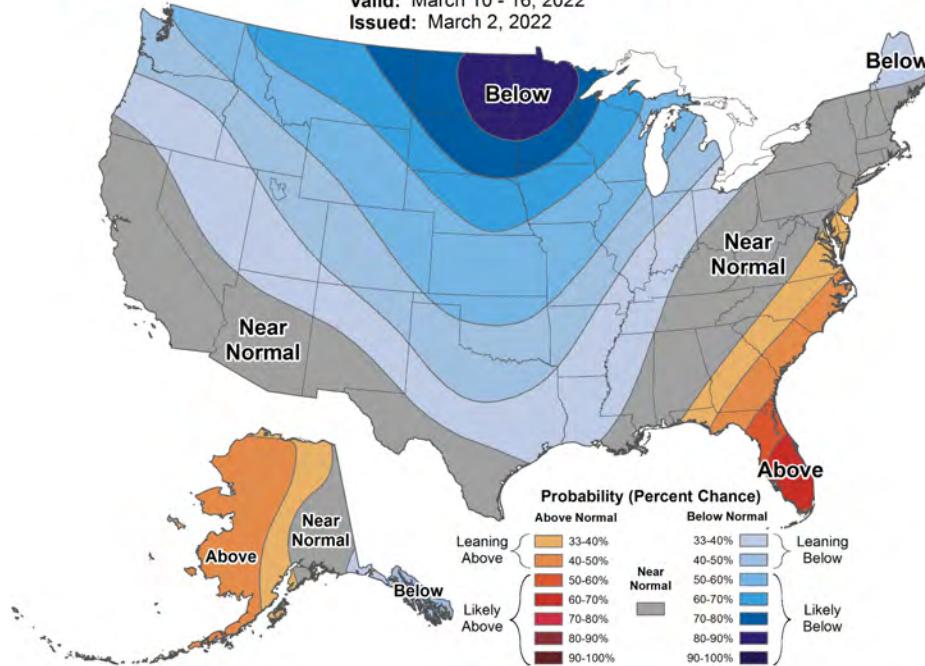
Valid: March 10 - 16, 2022  
Issued: March 2, 2022



# 8-14 Day Temperature Outlook



Valid: March 10 - 16, 2022  
Issued: March 2, 2022



NWS Climate Prediction Center precipitation and temperature probability forecasts for March 10-16, 2022.

**Basin Conditions and Summary Graphics**

[Green River Basin](#)

[Upper Colorado River Basin](#)

[San Juan River Basin](#)

[Great Salt Lake Basin](#)

[Sevier River Basin](#)

[Virgin River Basin](#)

**End Of Month Reservoir Content Tables**

[Green River Basin](#)

[Upper Colorado River Basin](#)

[San Juan River Basin](#)

[Great Salt Lake Basin](#)

[Sevier Basin](#)

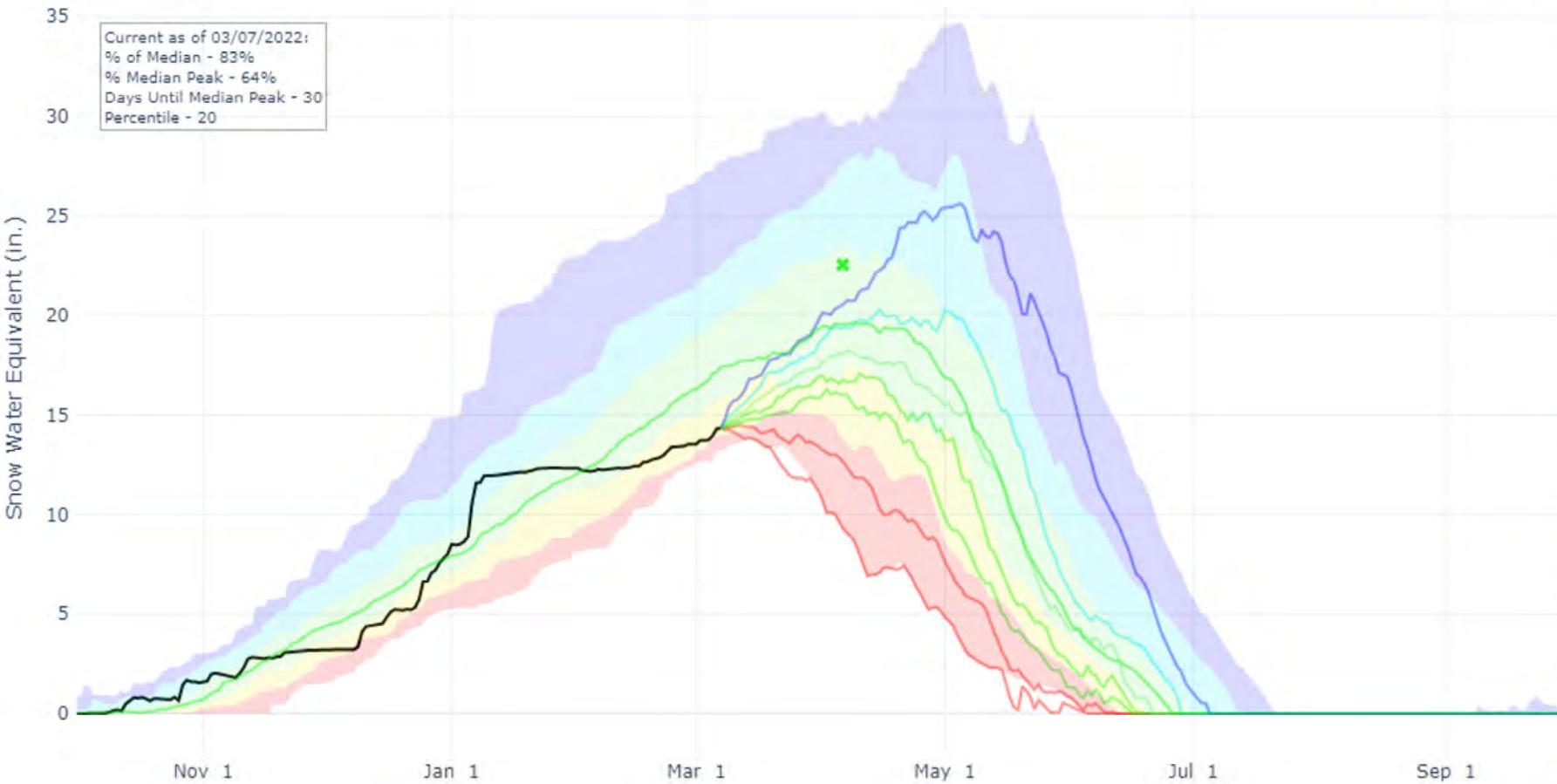
# SNOW WATER EQUIVALENT PROJECTIONS IN YAMPA

Reset Range

[Link to data: CSV / JSON](#)

[Station List](#)

Current as of 03/07/2022:  
 % of Median - 83%  
 % Median Peak - 64%  
 Days Until Median Peak - 30  
 Percentile - 20



- ✕ Median Peak SWE
- Median (POR)
- Median ('91-'20)
- Stats. Shading
- Max Proj
- 90% Proj
- 70% Proj
- 50% Proj
- 30% Proj
- 10% Proj
- Min Proj
- 2022 (8 sites)
- 2021 (8 sites)
- 2020 (8 sites)
- 2019 (8 sites)
- 2018 (8 sites)
- 2017 (8 sites)
- 2016 (8 sites)
- 2015 (8 sites)
- 2014 (8 sites)
- 2013 (8 sites)
- 2012 (8 sites)
- 2011 (8 sites)
- 2010 (8 sites)
- 2009 (8 sites)
- 2008 (8 sites)





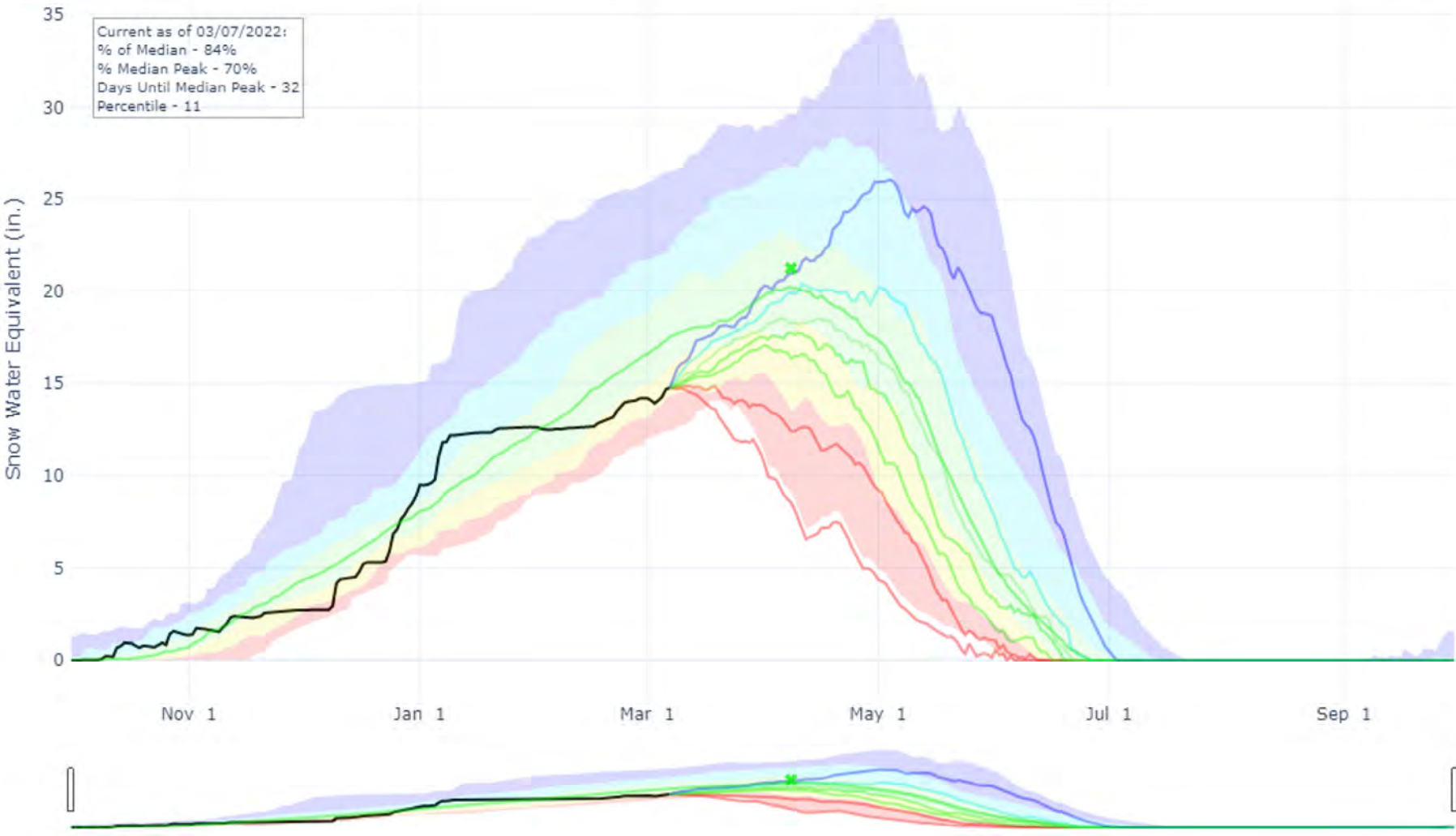
# SNOW WATER EQUIVALENT PROJECTIONS IN YAMPA-WHITE-LITTLE SNAKE

Reset Range

[Link to data: CSV / JSON](#)

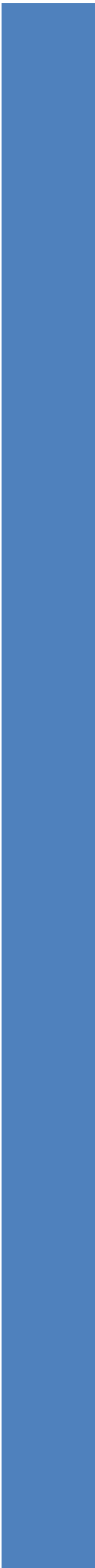
[Station List](#)

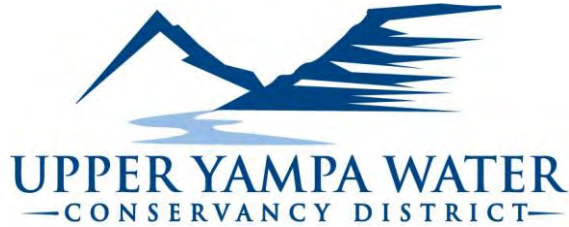
Current as of 03/07/2022:  
 % of Median - 84%  
 % Median Peak - 70%  
 Days Until Median Peak - 32  
 Percentile - 11



- ✱ Median Peak SWE
- Median (POR)
- Median ('91-'20)
- Stats. Shading
- Max Proj
- 90% Proj
- 70% Proj
- 50% Proj
- 30% Proj
- 10% Proj
- Min Proj
- 2022 (20 sites)
- 2021 (20 sites)
- 2020 (20 sites)
- 2019 (20 sites)
- 2018 (20 sites)
- 2017 (20 sites)
- 2016 (20 sites)
- 2015 (20 sites)
- 2014 (20 sites)
- 2013 (20 sites)
- 2012 (20 sites)
- 2011 (20 sites)
- 2010 (20 sites)
- 2009 (20 sites)
- 2008 (20 sites)







## BOARD COMMUNICATION FORM

**From:** Holly Kirkpatrick

**Date:** 3/7/2022

**Item:** UYWCD Grant Disbursements

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DIRECTION  
 INFORMATION  
 MOTION  
 RESOLUTION

---

### **I. Request/Issue and Background Information:**

The attached Diversion Infrastructure Improvement Project Grant Report and Community Grant Funding Report will be included in each board packet to provide a full background of all grant disbursements. The Diversion Infrastructure Improvement Project Report tracks all disbursements throughout the life of the project. The Community Grant Funding Report tracks disbursements on an annual basis.

### **II. Summary and Alternatives:**

To date, there is \$148,399.10 remaining of the allocated \$200,000 for the Diversion Infrastructure Improvement Project. The \$100,000 in funds from the Yampa/White/Green Basin Roundtable were set to expire in May 2022. A request for extending this funding availability through 2024 has been submitted to the Colorado Water Conservation Board (CWCB).

The Community Grant Funding Program has disbursed \$5,000 in grant funds in 2022 for the Yampatika K-12 Water Education Program approved in November of 2019.

### **III. Staff Recommendation:** n/a

Please see the attached reports for disbursement details.

### **IV. Legal Issues:** n/a

### **V. Consistency with Board Goals and Policies:**

Goal 4, 7, and 8.

### **Attachments:**

Attachment 1: Diversion Infrastructure Improvement Project Grant Report  
Attachment 2: Community Grant Funding Report

## Diversion Infrastructure Improvement Project Grant Funding

Structure Name	Applicant	Disbursement Date	UYWCD Funding	WSRF Funding	Total Project Cost	
Boor #3	John Redmond	9/15/2020	\$ 968.86	\$ -	\$ 1,937.72	
Boor #4	John Redmond	9/15/2020	\$ 968.86	\$ -	\$ 1,937.72	
Beaver Creek Parshall Flume	John Redmond	9/15/2020	\$ 446.86	\$ -	\$ 893.72	
Creek Ranch Headquarters Pond	Creek Ranch Owners Association	11/4/2020	\$ 459.20	\$ 459.19	\$ 1,836.77	
Dry Creek Ditch	Kathleen Barnes	11/4/2020	\$ 2,288.49	\$ 2,288.49	\$ 9,153.97	
Kemmer Ditch	Riverbank Ranches LLC	11/4/2020	\$ 1,233.00	\$ 1,233.00	\$ 4,932.00	
Lucas Ditch #1	Rick Milway	11/23/2020	\$ 724.40	\$ -	\$ 1,448.80	
Lucas Ditch #2	Rick Milway	11/23/2020	\$ 550.75	\$ -	\$ 1,101.50	
Welch & Monson Ditch	Catamount Metropolitan District	3/8/2021	\$ 803.01	\$ 803.00	\$ 3,212.03	
Martin Springs Diversion	Deborah Martin	3/8/2021	\$ 1,086.77	\$ 1,086.77	\$ 4,347.07	
Duquette Ditch	Duckels Construction, Inc	3/8/2021	\$ 2,131.26	\$ 2,131.25	\$ 8,525.02	
Brinker Creek Ditch	Finger Rock Preserve, LLC	3/8/2021	\$ 1,079.75	\$ 1,079.75	\$ 2,504.50	
Hamill Ditch	Jake Hamill	3/8/2021	\$ 932.70	\$ -	\$ 1,865.40	
Utley Ditch	Jake Hamill	3/8/2021	\$ 584.75	\$ 584.75	\$ 2,339.00	
Grouse Creek Ditch	Joe Roberts	3/8/2021	\$ 1,431.61	\$ 1,431.61	\$ 5,726.43	
Morrison Creek Ditch #2	Margaret E. Hagenbuch Trust	3/8/2021	\$ 1,128.61	\$ 1,128.61	\$ 4,514.44	
Larsen Ditch	Mark Foster	3/8/2021	\$ 1,442.78	\$ 1,442.78	\$ 5,771.12	
Sage Creek Diversion	The Nature Conservancy	3/8/2021	\$ 1,498.44	\$ 1,498.44	\$ 5,993.75	
Baxter Ditch	Baxter Ditch Association	6/29/2021	\$ 2,500.00	\$ 2,500.00	\$ 11,527.67	
Dequine Ditch	Lou Dequine	9/8/2021	\$ 895.32	\$ 895.32	\$ 3,581.28	
Dequine Ditch Alternate Point #1	Lou Dequine	9/8/2021	\$ 416.44	\$ 416.43	\$ 1,665.73	
Yampa Pump#2	Julie Green	9/8/2021	\$ 246.96	\$ 246.96	\$ 987.83	
Middle Creek Ditch	Middle Creek Ranch, LLLP	9/8/2021	\$ 1,652.38	-	\$ 3,304.76	
Steamboat Lake Golf Course Pond/Feeder Ditch	The Preserves at Pearl Lake Homeowners Association	9/8/2021	\$ 2,500.00	\$ 2,500.00	\$ 18,338.08	
Elgin Creek Ditch	Hy Cattle Corporation	10/28/2021	\$ 951.68	\$ 951.67	\$ 3,806.70	
<b>Total Work Completed:</b>					<b>\$ 111,253.01</b>	
			<b>TOTAL DISBURSED:</b>	<b>\$ 28,922.88</b>	<b>\$ 22,678.02</b>	<b>\$ 51,600.90</b>
			<b>DIIP FUNDS REMAINING:</b>	<b>\$ 71,077.12</b>	<b>\$ 77,321.98</b>	<b>\$ 148,399.10</b>

## 2022 Community Grant Funding

Project	Applicant	Date Approved	Amount Approved
Yampatika Water Education Program	Yampatika	11/20/2019	\$5,000
<b>TOTAL APPROVED:</b>			<b>\$5,000.00</b>



## BOARD COMMUNICATION FORM

**From:** Holly Kirkpatrick

**Date:** 3/8/2022

**Item:** Community Grant Funding Project Guidelines and Application Packet

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x \_\_\_\_\_ DIRECTION  
\_\_\_\_\_ INFORMATION  
\_\_\_\_\_ MOTION  
\_\_\_\_\_ RESOLUTION

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### **I. Request/Issue and Background Information:**

In 2021, UYWCD issued over \$50,000 in grant funds for projects that fell outside of the Diversion Infrastructure Improvement Project (DIIP), which include the installation of measuring devices and headgates. This was the first year that UYWCD has distributed the full amount of grant funds allocated for these types of projects in our annual budget. The board and staff have acknowledged the need to establish a formal application process including criteria and guidelines for eligibility. At the request of the board, I have revised the attached Community Grant Funding Project Guidelines presented to you at the January board of directors meeting and prepared the attached sample application and budget worksheet to help formalize the grant application and approval process for projects outside of the DIIP.

### **II. Summary and Alternatives:**

In the attached revision of the Community Grant Funding Project Guidelines, I have outlined proposed eligibility requirements, project categories, application processes, reporting requirements, and a payment schedule for your review. I have prepared the attached sample application and budget/timeline worksheet to align with the revised Community Grant Funding Project Guidelines. The proposed Guidelines and application packet were developed from the review of similar grant programs and suggestions from UYWCD board members. Please review the attached Guidelines and application packet and note any concerns, suggestions, and feedback for discussion at the March 16th board meeting.

### **III. Staff Recommendation:**

Upon direction from the Board, I will publish the Community Grant Funding Project Guidelines and application packet on our website and market this newly formalized grant process.

### **IV. Legal Issues:** n/a



**V. Consistency with Board Goals and Policies: Goal 4: Objective 1**

**Attachments:**

Attachment 1: Community Grant Funding Project Guidelines

Attachment 2: Community Grant Funding Application

Attachment 3: Community Grant Funding Project Budget & Timeline Worksheet



## 2022 Community Grant Funding Project Guidelines

### Background:

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The Upper Yampa Water Conservancy District Board of Directors adopted its first Strategic Plan on January 15, 2020. The [UYWCD Strategic Plan](#) includes policy statements, goals, and objectives that reflect the District's responsibilities, values, and opportunities. As outlined in the strategic plan, the mission and vision of UYWCD are as follows:

#### **Mission Statement:**

*To lead water resource management within the District's boundaries by responsibly conserving, protecting, developing, providing and enhancing the water resources of the Upper Yampa River Basin for the benefit of the Basin.*

#### **Vision Statement:**

*An Upper Yampa River Basin with safe, secure water storage and supply for its customers that benefits all uses in the Basin.*

The Community Grant Funding Project was established to assist with funding projects that align with the UYWCD mission to conserve, protect, develop, and enhance the water resources of the Upper Yampa River Basin for the benefit of the Basin. The UYWCD Board of Directors allocated \$75,000 in the 2022 budget to assist with local projects that fall within the criteria and guidelines below.

### Eligibility:

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Entities: Entities eligible to apply for funding through the Community Grant Funding Project include:

1. Public agencies including local governments such as municipalities and counties, special districts such as irrigation or conservation districts, and all public authorities;
2. Private corporations including mutual ditch companies, homeowners associations, and partnerships;
3. Non-governmental organizations including non-profit and for-profit organizations and corporations.
4. Private landowners and individuals





**Projects:** Eligible projects **must**:

1. Be located within the [District boundary](#) **OR** demonstrate a direct benefit to water users located within the [District boundary](#).
2. Demonstrate alignment with the mission, vision, and [strategic plan](#) of the Upper Yampa Water Conservancy District.
3. Provide matching funds, including in-kind contributions, of at least 25% of the estimated total project cost
4. Provide progress reports demonstrating measurable outcomes within a time period determined to reasonable by UYWCD and the applicant.

Completed projects will not be considered for funding.

### **Project Categories:**

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Projects that align with the mission, vision, and strategic plan of the Upper Yampa Water Conservancy District may be considered. Projects may fall within the following categories:

1. Infrastructure improvement projects that do not fall within the eligibility requirements for the [Diversion Infrastructure Improvement Project](#). Projects would address infrastructure upgrades above and beyond the installation of headgates or measuring devices and may include improvements to existing water storage and delivery projects.
2. Water supply planning projects that address the needs of changing climate conditions, populations shifts, and other changes that may effect long-term water supply and use for all water users in the Yampa River Basin. Projects may include conservation and efficiency improvements that impact water supply and demand.
3. River restoration projects that support healthy streams, wetlands, fish passage, fish and wildlife habitat, productive agriculture, and environmental and recreational needs.
4. Water quality and watershed health projects using science-based and systems - based methods to improve watershed management and forest and rangeland health to increase resiliency to a changing climate and climate events including extended drought, wildfire, and flood events, address pollutants, and secure quality drinking water supplies for the Yampa River Basin.
5. Education and outreach projects that promote science-based information on all water uses, current and future water issues, water management, water quality, and watershed health.



**Project Examples:** Examples of on-going or completed projects funded, in part, by the Upper Yampa Water Conservancy District include:

- Crosho Lake dam improvements
- Yampatika K-12 Water Education Program
- Walton Creek Restoration Project

**Application Process:**

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**Pre-application Consultation:** All applicants are strongly encouraged to contact District staff for a pre-application consultation to determine eligibility and review required documentation prior to completing the District application.

**Submissions Requirements:** The following documentation must be completed and submitted to District staff for review:

- District application form
- Budget worksheet
- Timeline
- Map of project location
- List of matching funds or in-kind contributions from all project partners
- Monitoring/reporting proposal
- Letter(s) of support

**Submissions Deadlines & Application Review:** The Community Grant Funding Project is a rolling program with an open application process. Applications and accompanied documentation may be submitted at any time. Applications will be reviewed by District staff, who will make a recommendation to the UYWCD Board of Directors for approval at a regular board meeting. Applicants must present their proposed project to the Board of Directors and be available for questions at the regular board meeting.

The UYWCD Board of Directors holds regular meetings every other month on the third Wednesday of the month. Completed applications and accompanied documentation must be received by the 10<sup>th</sup> day of the month prior to the regularly scheduled board meeting for consideration. The application deadlines for 2022 are as follows:

<b>Application Deadline:</b>	<b>UYWCD Board of Directors Meeting:</b>
February 10 <sup>th</sup>	March 16 <sup>th</sup>
April 10 <sup>th</sup>	May 18 <sup>th</sup>
June 10 <sup>th</sup>	July 20 <sup>th</sup>
August 10 <sup>th</sup>	September 21 <sup>st</sup>
October 10 <sup>th</sup>	November 16 <sup>th</sup>



**Scoring Matrix:**

<b>Project Priorities</b>	<b>Project Ranking (0=N/A, 1=Low, 10=High)</b>
1. Demonstrates alignment with UYWCD mission, vision, and strategic plan goals and objectives	
2. Provides matching funds or in-kind contributions of at least 25% of estimated total project cost	
3. Provides multiple benefits for water users	
4. Demonstrates local community support and collaboration among water users, including partnerships with outside organizations in planning, implementation, and monitoring	
5. Integrates with identified, planned, or existing projects	
6. Demonstrates alignment with the Yampa/White/Green Basin Implementation Plan (BIP) and the Yampa River Integrated Water Management Plan (IWMP)	
7. Identifies measurable outcomes within project tasks	
8. Provides a detailed monitoring approach	
9. Improves water quality OR increases water quantity available to meet decreed water rights	
10. Demonstrates non-injury to other water users	
<b>Total Score: (Maximum Score = 100)</b>	

**Reporting Requirements:**

**Progress Reports:** Applicants will be required to submit a progress report including financial status and tasks accomplished every 6 months following the approval of funding.

**Final Report:** Upon completion of the project, the applicant must provide a report summarizing the project including:

- Steps to completion
- Obstacles encountered and addressed during project completion



- Financial report including all income and expenditures
- Engineering reports if applicable
- Photographs of completed project

**Payment:**

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UYWCD will issue quarterly payments for work completed. Payments may be made from invoices for completed work and do not require the applicant to pay in advance and submit a reimbursement request. A payment request form and all invoices must be submitted 15 days after the close of the quarter as follows:

<b>Payment Request Deadline:</b>
Q1: April 15th
Q2: July 15th
Q3: October 15th
Q4: January 15th

The final payment will be issued upon acceptance of the final report described above.



## Community Grant Funding Application

*Please refer to the UYWCD Community Grant Funding Guidelines prior to completing this application.*

### Applicant Information:

Applicant Name: \_\_\_\_\_

Organization (if applicable): \_\_\_\_\_

Primary Contact Information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Project Information:

Project Name: \_\_\_\_\_

Project Location: \_\_\_\_\_

Latitude and Longitude or PLSS: \_\_\_\_\_

*Please attach a site map of project location.*

Brief Project Summary (limit 250 words):

Project Category(ies): *Please select the appropriate funding category(ies) for your proposed project (check all that apply):*

Infrastructure Improvements

Water Quality/Watershed Health

Water Supply Planning

Education and Outreach

River Restoration

Please describe how the category(ies) selected above are addressed in your project objectives:

DRAFT

Project Timeline:

*Anticipated Start Date:* \_\_\_\_\_

*Anticipated Completion Date:* \_\_\_\_\_

**Project Description and Tasks:** *Please outline this project by anticipated work tasks such as permitting, planning/design, construction, etc. For each task, please provide a detailed description, including methodology and anticipated start and end dates. Attach additional documentation including any existing engineering/design plans if applicable.*



**Monitoring and Evaluation:** *Please describe the approach for monitoring and evaluating the progress of this project including specific measurable outcomes.*



Operations and Maintenance: *Please outline existing and anticipated operations and maintenance costs associated with the project, including labor if applicable. Once the project is complete, how do you plan to cover ongoing expenses.*

*Does this project require local, state or federal permitting?*

Yes  No

If yes, please list the anticipated permits below and include permitting status.

*Is this project associated with decreed water rights?*

Yes  No

If yes, please list the associated water rights holder, amount, and decreed use(s).

*Does this project have the potential to cause injury to other water users?*

Yes  No

If yes, please explain.

**Please attach at least two letters of support for this project.**



**Alignment:**

Please describe how your project aligns with the UYWCD Strategic Plan including goals, objectives, mission, and vision statements.



Please describe how your project aligns with the Yampa/White/Green Basin Implementation Plan/Yampa River Integrated Water Management Plan and/or any existing or planned projects in the Yampa River Basin.



**Budget:**

Total Project Cost: \_\_\_\_\_

Requested Amount: \_\_\_\_\_

**Please complete the Community Grant Funding Project Budget and Timeline Worksheet.**

Project Partners: *List all partners involved with this project. Please include their role in the proposed project and the amount of their in-kind or cash contribution.*

Please describe planned efforts to meet the project budget. Should budget be exceeded please describe how additional costs may be covered.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date



**Budget & Timeline Worksheet**

Date:

Project Name:

Project Applicant:

**Matching Funds**

Funding Partner*	Cash	In-Kind	Total	Funds Committed (Y/N)
			\$ -	
			\$ -	
			\$ -	
			\$ -	
			\$ -	
<b>Total</b>	\$ -	\$ -	\$ -	

*\*Include applicant and additional partners*

**Project Budget & Timeline**

Task No.	Task Description	Estimated Start Date	Estimated End Date		UYWCD Funds	Cash Match	In-kind Match	Total	
								\$ -	
								\$ -	
								\$ -	
<b>Total Project Cost</b>					\$0	\$0	\$0	\$0	
								UYWCD	\$0
								Cash Match	\$0
								In-Kind Match	\$0

**BOARD MEMBER REPORTS**

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## REPORT OF GENERAL COUNSEL

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# BOARD COMMUNICATION FORM

**From:** Scott Grosscup, legal counsel

**Date:** March 8, 2022

**Item:** Water Resumes for January/February

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DIRECTION  
 INFORMATION  
 MOTION  
 RESOLUTION

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I have reviewed the water resumes of water applications filed in Water Divisions 5 and 6 in the month of January and February for Division 6. February's resume is not available at the time of writing for Division 5. I did not see any water court applications filed in the month of January to be of concern to the District.

**PENDING WATER CASES**

**STATUS OF OTHER WATER CASES**

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# BOARD COMMUNICATION FORM

**From:** Scott Grosscup, legal counsel

**Date:** March 8, 2022

**Item:** Water Court Cases Update

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DIRECTION  
 INFORMATION  
 MOTION  
 RESOLUTION

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Following is an update of the status of water court cases in which the Upper Yampa Water Conservancy District is an Applicant or Opposer and matters pending before the Utah Division of Water Resources.

**Case No. 20CW3019** –Diligence application filed by Public Service Company of Colorado for 52.5 cfs decreed to the Wessels Canal. We have provided PSCo with a settlement offer that the District would stipulate to a proposed Ruling of Referee continuing the conditional water rights provided that such water rights are subordinated to the District’s most junior water rights (2015 rights of exchange) and limited use in the Yampa River Valley. As of the date of this memo, we have not heard back from PSCo. The next status conference is scheduled for May 25, 2022.

**Case No. 20CW3020.** Diligence application filed by Public Service Company of Colorado for Hinman Park Reservoir and the Saddle Mountain Pump Station. The District entered into a stipulation that incorporates prior terms between the Applicant and District. The Applicant is negotiation with the remaining opposers.

**Case No. 21CW3046.** Tri-State’s diligence application for the Craig Station Ditch and Pipeline in the amount of 15.07 cfs, conditional. No other statements of opposition were filed to the application, which closed at the end of January, and the matter is not before the water referee. There are currently no case management deadlines in place.

**Case No. 21CW0023.** South Routt Cemetery’s application to use contract water from Yamcolo Reservoir by exchange. Staff has contacted the applicant and proposed terms and conditions for a proposed stipulated Ruling of Referee. There are currently no case management deadlines in place.

**Case No. 21CW3053.** Dean and Jim Rossi’s application for new junior water rights and to add an alternate point of diversion so that their water rights in the Powell Ditch and Laramore Ditch can be used at either structure. Staff has a scheduled call with the applicants’ attorney and can report on that discussion at the next board meeting.

**Water Horse Resources** – There has been no change since the last update.

**Case 22CW3002 Yamcolo Reservoir Second Filling** – The District filed its application for finding of reasonable diligence or to make absolute for the Yamcolo Reservoir Second Filling water right on January 24, 2022. This water right is conditional in the amount of 7,066 acre feet. The opposition deadline expires at the end of March.

**Yamcolo Reservoir Objection to Abandonment** – We will be submitting an objection to the Division Engineer’s partial listing of the “all beneficial uses” decreed to Yamcolo Reservoir as directed at the February meeting. The deadline to protest the inclusion of the water right on the abandonment list is June 30, 2022.

**Pleasant Valley Reservoir Rights at Yamcolo Reservoir** – we will be submitting an application to confirm that the Pleasant Valley Reservoir Rights stored in Yamcolo Reservoir have been made absolute for all decreed uses.

# BOARD COMMUNICATION FORM

**From:** Scott Grosscup, legal counsel

**Date:** March 8, 2022

**Item:** Conditional Water Rights

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DIRECTION  
 INFORMATION  
 MOTION  
 RESOLUTION

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**I. Introduction.** The District has conditional water rights for which it must file periodic water court filings. In 2018, the District agreed to perform certain studies related to its conditional rights and abandon any water rights that will not be available or be stored and beneficially used within a reasonable time. This memorandum provides a legal framework for those conditional rights and background on how the agreement came to be.

**Legal Background:** The District has a portfolio of absolute and conditional water rights. An absolute water right is a vested/perfected right that is only subject to abandonment due to non-use. It arises where a water user has captured and/or controlled water and applied it to a beneficial use; i.e. an appropriation of water. A conditional water right has not been perfected. The water user has taken the “first step” toward completion of an appropriation but not completed all steps to confirm an absolute water right; for example, developing plans to build a reservoir but not constructing it. Conditional water rights recognize that some projects take longer than others to complete and allow the appropriator the benefit of the priority date from the initiation of the project.

A conditional water right is not a vested water right. The owner of the water right must return to water court every six years to demonstrate that under all the facts and circumstances of the case, it has been “reasonably diligent” in the development of the conditional water right and that it “can and will” complete the appropriation with diligence and within a reasonable time. These are two separate tests with different legal standards. In addition, the applicant must demonstrate that the water right has not become speculative over time – that there is an existing or reasonably anticipated future need and demand for the conditional water right. The purpose of these tests is to prevent a water user from applying for conditional water rights and preventing

new junior appropriators from developing new supplies. This is often referred to as hoarding of water rights.

**Background.** In Case No. 07CW40, the District applied for diligence on its portfolio of conditional water rights. These conditional rights included: conditional aspects of the Four Counties Ditch No. 1 and 3 and the enlargement and extension, totaling 1,469 cfs (151 cfs had been previously made absolute); 22,105.8 af decreed to the Bear Reservoir Enlargement; Pleasant Valley Reservoir in the amount of 19,866 af and the Pleasant Valley Feeder Canal in the amount of 300 cfs. Previous diligence filing had largely gone unopposed. However, the State Engineer and Division Engineer, Water Division 6 (collectively “Engineers”) opposed that application. In short, the Engineers argued the District had sufficient absolute water rights and did not need the remaining conditional water rights.

In April of 2010, the District and the Engineers agreed to a settlement in that case whereby the District would be allowed to continue its conditional water rights provided that it undertake a Water Rights Master Plan to evaluate use of the conditional and absolute water rights and whether it would ever divert and/or need the conditional water right to meet constituent demands within the following diligence cycle.

The District, through Resource Engineering Inc. (now LRE Water), completed its Water Supply & Water Right Master Plan in May of 2016 and submitted it to the Engineers. The Master Plan made recommendations that certain water rights could not be diverted and used because the amount of water that may be available in the original locations would not be available. It recommended that portions that could not be developed be canceled. The District then filed its required diligence application in Case No. 16CW3016. That case took the recommendations of the Master Plan and cancelled 470 cfs decreed to the Four Counties Rights and 18,177.9 af decreed to the Bear Reservoir Enlargement.

While that Master Plan was extensive, the Engineers pointed out several areas that were not addressed in evaluating the conditional water rights. Related to the Four Counties water rights, which were first decreed to divert at various points south and east of Steamboat Springs and later moved to Stagecoach Reservoir, the Master Plan concluded that 1,150 cfs of these water rights would be available to divert at the original locations but only 750 cfs could be legally and physically available for storage in Stagecoach Reservoir. This is due to variations of stream flows between the original diversion points and the Yampa River at Stagecoach Reservoir. The Master Plan did not address how the remaining 400 cfs could be used by the District.

The Master Plan also recommended that 7,546 decreed to the Pleasant Valley Reservoir be maintained as conditional. However, the Master Plan did not identify where or how this remaining amount could be used. This amount is the remaining amount that is not otherwise

stored in Stagecoach Reservoir (22,554 af), Yamcolo Reservoir (2,500 af), or the conditional Morrison Creek Reservoir (10,620 af).

The District and Engineers then entered a subsequent stipulation whereby the District agreed to expand on its prior Master Plan and identify where and how it could use the remaining 400 cfs decreed to the Four Counties rights and the 7,546 acre feet decreed to the Pleasant Valley Reservoir right, including existing decreed alternate points of diversion and storage and develop a timeframe for construction. It also required an analysis of when the Four Counties Rights would be available to divert at Stagecoach Reservoir. Any amounts that could not be developed would then be abandoned.

This continuation of the Master Plan is to be completed before May of 2025.

In addition to the water rights that are the subject of these stipulations, the District has other conditional water rights. These include appropriative rights of exchange for the District's two umbrella augmentation plan, the Little Morrison Diversion and Little Morrison Diversion Alternate Point, and the Coal Creek Diversion Pipeline as listed in the attached table.

**II. Summary and Alternatives:** The District needs to continue its analysis as contained in the stipulation entered with the Engineers in Case No. 16CW3016 or risk cancellation of the water rights.

**III. Staff Recommendation:** Authorize consultants to complete the work contemplated in the stipulations with the Engineers entered in 2018

**IV. Legal Issues:** Failure to pursue analysis could result in legal challenge from Engineers in the event District continues to pursue conditional water rights.

**V. Consistency with Board Goals and Policies:** Preserves District Water Rights for future development.

**VI. Fiscal Impact.** The District will incur consultant fees.

**Attachments:**

Stipulation, Case No. 16CW3016  
Decree, Case No. 16CW3016  
List of District's Conditional Water Rights.

<p>DISTRICT COURT, WATER DIVISION 6, ROUTT COUNTY,          COLORADO          1955 Shield Drive, Unit 200          Steamboat Springs, Colorado 80487          Phone Number: (970) 879-5020</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Concerning the Application for Water Rights of:  <b>Upper Yampa Water Conservancy District</b>          IN THE YAMPA RIVER OR ITS TRIBUTARIES, IN ROUTT          AND MOFFATT COUNTY, COLORADO</p>	
<p><u>Attorneys for Applicant:</u>          Robert G. Weiss, Atty. Reg. No. 8521          WEISS AND VAN SCOYK, LLP          600 So. Lincoln, Suite 202          Steamboat Springs, CO 80487          Telephone: (970) 879-6053          Fax: (970) 879-6058          E-mail: bweiss@wvsc.com</p> <p>David C. Hallford, Atty. Reg. # 10510          Scott Grosscup, Atty. Reg. #35871          Erika S. Gibson, Atty. Reg. #48923          BALCOMB &amp; GREEN, P.C.          Post Office Drawer 790          Glenwood Springs, CO 81602          Telephone: (970) 945-6546          E-mail: dhallford@balcombgreen.com                    sgrosscup@balcombgreen.com                    erika@balcombgreen.com</p> <p><u>Attorneys for Opposer: State Engineer and the Division Engineer          for Water Division No. 6</u>          Cynthia H. Coffman, Attorney General          Jeffrey N. Candrian, Assistant Attorney General, 43839*          Andrew Nicewicz, Assistant Attorney General, 44903*          Colorado Department of Law          1300 Broadway, 7<sup>th</sup> Floor          Denver, Colorado 80203          Telephone: (720) 508-6288; (720) 508-6259          Email: Jeffrey.candrian@coag.gov; andy.nicewicz@coag.gov          *Counsel of Record</p>	<p style="text-align: center;">CASE No. 16CW3016</p> <p style="text-align: center;">WATER DIVISION 6</p>
<p style="text-align: center;"><b>STIPULATION AND AGREEMENT UPPER YAMPA WATER CONSERVANCY DISTRICT AND THE STATE          ENGINEER AND DIVISION ENGINEER FOR WATER DIVISION No. 6</b></p>	

The Applicant, Upper Yampa Water Conservancy District (“District”), and Opposers, State Engineer and Division Engineer for Water Division No. 6 (collectively “Engineers”), through their respective attorneys, hereby stipulate and agree as follows:

1. The District has incorporated terms and conditions into its proposed decree as requested by the Engineers. The Engineers consent to and will not oppose entry of a decree in this case that is no less restrictive on the District and no less protective of the Engineers’ interests than the decree version dated 12/14/18, attached hereto as **Exhibit A**.

2. In May of 2016, the District produced a *Water Supply & Water Right Master Plan* prepared by Resource Engineering Inc. (the “2016 Plan”), that identified needs and demands for water rights that are the subject of this Application. The Plan concluded the maximum amount of water that could be diverted by the Four Counties Project (Four Counties Ditches Nos. 1 and 3, and Four Counties Ditch No. 3, Enlargement and Extension) is 1,150 cfs. Of this amount, the 2016 Plan concluded that up to 750 cfs could be diverted and stored in Stagecoach Reservoir as one of the decreed alternate places of storage for these water rights based on historical streamflow conditions on the Yampa River above Stagecoach Reservoir and recommended that the remaining 400 cfs be continued as conditional rights. Additionally, of the total of 43,220 acre feet decreed for the District’s Pleasant Valley Reservoir water right, the 2016 Plan identified that 22,554 acre feet is to be stored in Stagecoach Reservoir, 10,620 acre feet is to be stored in the proposed Morrison Creek Reservoir location, and 2,500 is to be stored in Yamcolo Reservoir. The 2016 Plan recommended that the remaining 7,546 acre feet decreed to the Pleasant Valley Reservoir right be continued as a conditional right. With respect to the remaining 400 cfs decreed to the Four Counties Project rights and the remaining 7,546 acre feet decreed to the Pleasant Valley Reservoir right, the Engineers maintain that the 2016 Plan did not further describe how these water rights will be developed and did not provide a timeframe for when those rights would be developed, where these water rights will be diverted or stored, nor the amount of water from those water rights that might be diverted or stored in the future. During the six-year diligence period following entry of this decree, the District shall, with respect to the remaining 400 cfs decreed to the Four Counties Project rights and the remaining 7,546 acre feet decreed to the Pleasant Valley Reservoir right:

a. Identify the amount of water, by water right, that is physically and legally available for diversion or storage at alternate location(s) that is simultaneously available at the original points of diversion;

b. Identify the already decreed points of diversion or storage that the District plans to utilize in the future, and analyze how the District can and will utilize these structures in a reasonable time with the water rights listed in Paragraph 2 above; and

c. Identify any water rights that are redundant and cannot be developed in tandem in the future.

d. For any undecreed alternate points of diversion or storage identified by the District under Paragraph 2.a, above, assess the feasibility of utilizing, constructing, or

delivering water to said structures in a reasonable time, including

- i. describing the status of the District obtaining the right to;
  1. use an existing structure from the owner of said structure or
  2. use the land on which a new structure is to be located or
  3. contract with a third-party for beneficial use of the water by diversion or storage at an existing or new structure
- ii. describing an estimated timeline for changing the water rights listed in Paragraph 2 above to allow for diversion or storage at the undecreed alternate points of diversion or storage.

3. The 2016 Plan concluded that up to 1,150 cfs of the Four Counties Project water rights could be available at the original points of diversion and that up to 750 cfs could be available at Stagecoach Reservoir as an alternate place of storage. The Engineers maintain that the 2016 Plan did not establish that when 750 cfs is available at Stagecoach Reservoir, and the reservoir has yet to fill, that up to 750 cfs is also simultaneously available at the original points of diversion.

a. During the six-year diligence period following entry of this decree, the District shall evaluate the frequency and reliability that the 750 cfs of the Four Counties Project water rights are simultaneously available at both the originally decreed points of diversion and the Stagecoach Reservoir alternate point of storage. The analysis must also demonstrate a substantial probability that storage and beneficial use of the water rights will occur within a reasonable time.

b. This stipulation anticipates that the District will continue to evaluate the hydrologic conditions in the Yampa River and its tributaries. As such, it is possible that the 1150 cfs available at the original points of diversion and 750 cfs potentially available for storage at Stagecoach Reservoir could change.

4. At the end of six years, the District will abandon any amounts beyond what the District shows pursuant to the studies described in paragraphs 2 and 3 above is available and can be stored and beneficially used within a reasonable time.

5. The District agrees to notify the Division Engineer for Water Division 6 as soon as practicable if it knowingly releases water from Stagecoach Reservoir for no expected beneficial use or if it knowingly releases water for an undecreed use, except that notifications need not be given for required governmental permit bypasses.

6. The District's water rights contemplate two separate projects for diversion from Morrison Creek to Stagecoach Reservoir: the Morrison Creek Reservoir Project and Little Morrison Creek Diversion Project. Both projects are intended to increase the yield for Stagecoach Reservoir. Although these projects are redundant, the water rights associated with the projects



may be continued for another six years.

7. In future diligence cycles the District must demonstrate that its conditional water rights can and will be put to beneficial use in a reasonable time and have not become speculative over time. *Muni. Subdistrict, Northern Colorado Water Conservancy Dist. v. Oxy USA, Inc.*, 990 P.2d 701, 707-9 (Colo. 1999); see § 37-92-305(9)(b), C.R.S. (2018).

8. This Stipulation is entered into by way of compromise and settlement of this litigation. This Stipulation does not indicate acceptance by the Engineers of any conclusions, findings, or recommendations of the 2016 Plan, including any such conclusions, findings, or recommendations as described in this Stipulation. Any agreement by the Engineers not to oppose entry of this proposed decree shall not be construed as agreement with or a commitment to include any specific finding of fact, conclusion of law or administrative practice in a future court proceeding or stipulation and shall not constitute consent to, or agreement with, the conclusions, findings, recommendations, or specific engineering methodologies or opinions expressed in the 2016 Plan, including as described in this Stipulation. This Stipulation and proposed decree shall not be binding on the Engineers other than in the current proceeding.

9. The Engineers shall continue to receive copies of all pleadings in this case so that the Engineers may ensure compliance with the provisions of this Stipulation.

10. The Stipulation shall be binding on the parties, their successors and assigns. Any dispute over whether the parties have complied with the terms of this Stipulation shall be resolved by the Water Court, Water Division 6.


11. Each party shall bear its own costs and attorney fees.


12. The District shall file this Stipulation with the Water Court and may request an Order from the Court approving that Stipulation. This Stipulation shall be enforceable as an agreement between the Parties and, upon Court approval, as an Order of the Court.

Dated this 20<sup>th</sup> day of December, 2018.

Cynthia H. Coffman  
Attorney General

BALCOMB & GREEN, P.C.

By:   
Jeffrey N. Candrian, Senior Assistant  
Attorney General, Atty. Reg. No. 43839  
Andrew Nicewicz, Assistant Attorney  
General, Atty. Reg. No. 44903

By:   
David C. Hallford, Atty. Reg. No. 10510  
Scott A. Grosscup, Atty. Reg. No. 35871  
Erika S. Gibson, Atty. Reg. No. 48923

*Attorneys for the State Engineer and  
Division Engineer for Water Division 6*

WEISS AND VAN SCOYK, LLP



By: Scott Grosscup For  
Robert G. Weiss, # 8521

*Attorneys for Upper Yampa Water  
Conservancy District*

**CERTIFICATE OF SERVICE**

I hereby certify that I have this date electronically served a copy of the Stipulation and Agreement via Colorado Courts E-Filing upon all parties of record as indicated in the Colorado Courts E-Filing electronic record.

Done this 20 day of December, 2018.

  
Lisa Passmore, Legal Secretary

*NOTE: In the event this document was filed electronically; an original signature copy is available for inspection at the office of the originating attorney, pursuant to Colorado Rule of Civil Procedure 121, § 1-26.*

DISTRICT COURT, WATER DIVISION 6, COLORADO 1955 SHIELD DRIVE, UNIT 200 STEAMBOAT SPRINGS, CO 80487	DATE FILED: May 26, 2019 7:44 AM CASE NUMBER: 2016CW3016
CONCERNING THE APPLICATION FOR WATER RIGHTS OF:  <b>UPPER YAMPA WATER CONSERVANCY DISTRICT</b>  IN THE YAMPA RIVER OR ITS TRIBUTARIES IN ROUTT AND MOFFAT COUNTIES, COLORADO	COURT USE ONLY  <b>CASE No. 2016CW3016</b>  PREVIOUS DILIGENCE CASES: 07CW40; 00CW23; 94CW45; 80CW50; 88CW50; W-144; W-144-76; W-136; W-135-76; W-135
<b>FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JUDGMENT AND DECREE</b>	

This matter came before the Court upon the application of the Upper Yampa Water Conservancy District for a Finding of Reasonable Diligence and to Make Conditional Water Rights Absolute. The Court having reviewed the Application and the other pleadings in this case, and now being fully advised with respect to this matter, enters the following Findings of Fact, Conclusions of Law, and Judgment and Decree.

### **FINDINGS OF FACT**

1. **Applicant.** The Applicant is the Upper Yampa Water Conservancy District c/o Kevin McBride, General Manager, 3310 Clearwater Trail, P.O. Box 775529, Steamboat Springs, CO 80477, (970) 871-1035 and is represented in this matter by Weiss and Van Scoyk, LLP, 600 S. Lincoln, Suite 202, Steamboat Springs, CO 80487, (970) 879-6053 and Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602, (970) 945-6546.
  
2. **Notice and Jurisdiction.** Applicant filed an application for Finding of Reasonable Diligence and to Make Conditional Water Rights Absolute on May 25, 2016. The Application was properly published in the resume for Water Division No. 6. All notices required by law have been properly made, including as required under C.R.S. § 37-92-302(3). The Court has jurisdiction over the Application and over all persons or entities who have standing to appear, even though they did not do so. The Court finds that the relief granted herein is consistent with the relief originally requested in the Application and for which public notice was provided.

3. Opposition. Five statements of opposition were filed: Catamount Development, Inc., Colorado Division of Parks and Wildlife and the Colorado Parks and Wildlife Commission (“CPW”), the State Engineer and the Division Engineer for Water Division 6, Tri-State Generation and Transmission Association, Inc. and the Yampa Project Participants, and Dequine Family, LLC. The Division Engineer issued a Summary of Consultation on October 4, 2016 stating their concerns were outlined in their Statement of Opposition. Applicant has reached settlement with the following opposers:
  - A. Colorado Division of Parks and Wildlife and Colorado Parks and Wildlife Commission, dated May 11, 2017;
  - B. State Engineer and the Division Engineer for Water Division 6, dated December 20, 2018;
  - C. Tri-State Generation and Transmission Association and the Yampa Project Participants, dated December 20, 2018;
  - D. Catamount Development, Inc., dated January 30, 2019; and
  - E. Dequine Family, LLC, dated March 7, 2019.
4. Procedural History. The Water Judge referred the Application to the Water Referee for Water Division No. 6, State of Colorado, in accordance with Article 92 of Chapter 37, Colorado Revised Statutes, known as the Water Right Determination and Administration Act of 1969. The Water Referee re-referred the Application to the undersigned Water Judge on December 7, 2017.
5. Summary. Applicant requests a finding of reasonable diligence for a portion of the decreed conditional water rights owned by the Applicant under various original court decrees and last continued in this Court’s Case No. 07CW40 decreed on May 27, 2010. Specifically, the Applicant requests a finding of reasonable diligence for portions of the following water rights conditionally decreed for use by Applicant:
  - A. Four Counties Ditch No. 1 and No. 3;
  - B. Four Counties Ditch No. 3 Enlargement and Extension;
  - C. Bear Reservoir Enlargement;
  - D. Pleasant Valley Reservoir.

In addition, Applicant requests to make absolute portions of the following water rights by storing, in priority, in Stagecoach Reservoir, for all decreed uses:

- A. Four Counties Ditch No. 1 and No. 3; and
- B. Four Counties Ditch No. 3 Enlargement and Extension.

Finally, after extensive review of the Applicant’s water rights portfolio in the 2016 “Water Supply & Water Right Master Plan” (“Master Plan”), the Applicant voluntarily

relinquishes and foregoes a claim for diligence for a portion of its conditional water rights and requests the Water Court to cancel portions of the following conditional water rights:

- A. Four Counties Ditch No. 3 Enlargement and Extension; and
- B. Bear Reservoir Enlargement.

The following table identifies the various water rights that are the subject of this Application, the original decreed amounts, the conditional amounts, the amounts claimed as absolute by diversion and storage in Stagecoach Reservoir and the amounts to be cancelled.

<b>Water Right</b>	<b>Original Decreed Amount</b>	<b>Amount Previously Made Absolute</b>	<b>To Remain Conditional</b>	<b>Amount Requested Absolute</b>	<b>Cancelled</b>
Four Counties Ditch No. 1 Headgate No. 4 (40C)	50.0	-	47.8	2.2	-
Four Counties Ditch No. 3 Headgate No. 9 (40D)	35.0	-	30.33	4.67	-
Four Counties Ditch No. 3 Headgate No. 8 (40E)*	210.0	36.0	174.0	-	-
Four Counties Ditch No. 3 Headgate No. 7 (40F)	130.0	26.0	104.0	-	-
Four Counties Ditch No. 3 Headgate No. 6 (40G)	25.0	-	22.77	2.23	-
Four Counties Ditch No. 3 Headgate No. 5 (40H)	20.0	-	14.32	5.68	-
Four Counties Ditch No. 3 Headgate No. 4 (40I)	15.0	13.0	2.0	-	-
Four Counties Ditch No. 3 Headgate No. 3 (40J)	20.0	18.0	2.0	-	-
Branch of Four Counties Ditch No. 3 Headgate No. 12 (40K)	35.0	21.0	14.0	-	-
Branch of Four Counties Ditch No. 3 Headgate No. 11 (40L)	25.0	9.0	16.0	-	-
Branch of Four Counties Ditch No. 3 Headgate No. 10 (40M)	15.0	7.0	8.0	-	-
Four Counties Ditch No. 1. (40N)	30.0	-	24.26	5.74	-
Four Counties Ditch No. 3 and its Branch (40O)	125.0	-	111.71	13.29	-
Four Counties Ditch No.3 Enl. & Ext. Headgate No. 9 (45)	6.0	-	5.34	0.66	-
Four Counties Ditch No.3 Enl. & Ext. Headgate No. 13 (45A)	6.0	-	4.31	0.29	1.4
Four Counties Ditch No.3 Enl. & Ext Headgate No. 14 (45B)	49.0	-	36.2	1.8	11.0
Four Counties Ditch No.3 Enl. & Ext Headgate No. 15 (45C)	14.0	-	6.72	0.18	7.1
Four Counties Ditch No.3 Enl. & Ext Headgate No. 16 (45D)	70.0	-	0.22	0.88	68.9
Four Counties Ditch No.3 Enl. & Ext Headgate No. 17 (45E)	52.0	-	35.14	2.86	14.0
Four Counties Ditch No.3 Enl. & Ext Headgate No. 18 (45F)	30.0	-	19.86	0.84	9.3

Water Right	Original Decreed Amount	Amount Previously Made Absolute	To Remain Conditional	Amount Requested Absolute	Cancelled
Four Counties Ditch No.3 Enl. & Ext Headgate No. 19 (45G)	70.0	-	13.18	0.62	56.2
Four Counties Ditch No.3 Enl. & Ext Headgate No. 20 (45H)	130.0	-	100.95	5.95	23.1
Four Counties Ditch No.3 Enl. & Ext Headgate No. 21 (45I)	12.0	-	11.38	0.62	-
Four Counties Ditch No.3 Enl. & Ext Headgate No. 22 (45J)	75.0	-	61.68	3.82	9.5
Four Counties Ditch No.3 Enl. & Ext Headgate No. 23 (45K)	50.0	-	8.18	5.62	36.2
Four Counties Ditch No.3 Enl. & Ext (45L)	138.0	-	11.56	19.14	107.3
Four Counties Ditch No.3 Enl. & Ext (45M)	162.0	-	30.16	5.84	126.0
Bear Reservoir Enlargement	22, 105.8 af	-	3,927.9 af	-	18,177.9 af
Pleasant Valley Reservoir	43,220 af	23,354 af	19,866 af	-	-

All amounts in c.f.s. unless otherwise indicated.

\*Amounts reflect only the portion owned by Applicant.

6. **Surface Water Rights: Four Counties Ditch No. 1 and No. 3**

A. **Original Decree:** Priority Nos. 40C through 40O decreed on March 30, 1964 in Civil Action No. 3538, amended September 8, 1970, Routt County District Court, Water District No. 58.

B. **Subsequent Decrees (all decreed in Water Division 6):**

- (a) Case No. W-135, finding reasonable diligence.
- (b) Case No. W-135-76, finding reasonable diligence.
- (c) Case No. W-1091-76, granting alternate places of diversion or storage.
- (d) Case No. W-1243-77, granting alternate place of diversion or storage.
- (e) Case No. 80CW050, finding reasonable diligence; amended by Case No. 84CW53.
- (f) Case No. 88CW050, finding reasonable diligence.
- (g) Case No. 92CW026, making absolute portions of the rights.
- (h) Case No. 94CW045, finding reasonable diligence.
- (i) Case No. 95CW116, making absolute portions of the rights.
- (j) Case No. 00CW023, finding reasonable diligence.
- (k) Case No. 01CW041, granting additional beneficial uses, appropriative rights of exchange and substitution, augmentation and exchange for replacement purposes and all other augmentation uses, with a June 29 2001 priority date.

- (l) Case No. 07CW040, finding reasonable diligence.
- C. Date of Appropriation: June 2, 1958
- D. Legal Description, Amounts, and Sources:
- (a) Four Counties Ditch No. 1, Headgate No. 4 (Priority No. 40C): 50 cubic feet per second (c.f.s.) out of Fish Creek at a point S 21°22' East 17,665 feet to the NW corner of Sec. 6, T5N, R82W, 6th P.M. Of the 50 c.f.s. Applicant requests 2.2 c.f.s. be made absolute, and the remaining 47.8 c.f.s. be continued as conditional.
  - (b) Four Counties Ditch No. 3, Headgate No. 9 (Priority No. 40D): 35 c.f.s. out of Hogan Creek at a point S 65°22' East 15,450 feet to the NW corner of Sec. 7, T5N, R82W, 6th P.M. Of the 35 c.f.s., Applicant requests 4.67 c.f.s. be made absolute, and the remaining 30.33 c.f.s. be continued as conditional.
  - (c) Four Counties Ditch No. 3, Headgate No. 8 (Priority No. 40E): The Applicant owns 210 c.f.s. of 260 c.f.s. out of Long Park Creek at a point S 42°48' East 9,195 feet to the NW corner of Sec. 7, T5N, R82W, 6th P.M. Of the 210 c.f.s., 36 c.f.s. was previously made absolute in Case No. 92CW0026, and Applicant requests the remaining 174 c.f.s. be continued as conditional.
  - (d) Four Counties Ditch No. 3, Headgate No. 7 (Priority No. 40F): 130 c.f.s. out of Fishhook Creek at a point S 39°16' East 8,555 feet to the NW corner of Sec. 7, T5N, R82W, 6th P.M. Of the 130 c.f.s., 26 c.f.s. was previously made absolute in Case No. 92CW0026, and Applicant requests the remaining 104 c.f.s. be continued as conditional.
  - (e) Four Counties Ditch No. 3, Headgate No. 6 (Priority No. 40G): 25 c.f.s. out of Unnamed Creek No. 5, tributary to Fishhook Creek at a point S 83°38' East 6,955 feet to the NW corner of Sec. 7, T5N, R82W, 6th P.M. Of the 25 c.f.s., Applicant requests 2.23 c.f.s. be made absolute, and the remaining 22.77 c.f.s. be continued as conditional.
  - (f) Four Counties Ditch No. 3, Headgate No. 5 (Priority No. 40H): 20 c.f.s. out of Unnamed Creek No. 4, tributary to Fishhook Creek, at a point N 86°30' East 5,625 feet to the NW corner of Sec. 7, T5N, R82W, 6th P.M. Of the 20 c.f.s., Applicant requests 5.68 c.f.s. be made absolute, and the remaining 14.32 c.f.s. be continued as conditional.



- (g) Four Counties Ditch No. 3, Headgate No. 4 (Priority No. 40I): 15 c.f.s. out of Unnamed Creek No. 3, tributary to Walton Creek, at a point N 87°30' East 8,245 feet to the SW corner of Sec. 7, T5N, R82W, 6th P.M. Of the 15 c.f.s., 13 c.f.s. was made absolute in Case No. 95CW0116, and Applicant requests the remaining 2 c.f.s. be continued as conditional.
- (h) Four Counties Ditch No. 3, Headgate No. 3 (Priority No. 40J): 20 c.f.s. out of Unnamed Creek No. 2, tributary to Walton Creek, at a point N 23°04' West 2,165 feet to the SW corner of Sec. 7, T5N, R82W, 6th P.M. Of the 20 c.f.s., 18 c.f.s. was made absolute in Case No. 95CW0116, and Applicant requests the remaining 2 c.f.s. be continued as conditional.
- (i) Branch of Four Counties Ditch No. 3, Headgate No. 12 (Priority No. 40K): 35 c.f.s. out of Unnamed Creek No. 7, tributary to Walton Creek, at a point N 84°30' East 4,565 feet to the SW corner of Sec. 19, T5N, R82W, 6th P.M. Of the 35 c.f.s., 21 c.f.s. was made absolute in Case No. 95CW0116, and Applicant requests the remaining 14 c.f.s. be continued as conditional.
- (j) Branch of Four Counties Ditch No. 3, Headgate No. 11 (Priority No. 40L): 25 c.f.s. out of Unnamed Creek No. 6, tributary to Walton Creek, at a point S 47°12' East 4,995 feet to the SW corner of Sec. 19, T5N, R82W, 6th P.M. Of the 25 c.f.s., 9 c.f.s. was made absolute in Case No. 95CW0116, and Applicant requests the remaining 16 c.f.s. be continued as conditional.
- (k) Branch of Four Counties Ditch No. 3, Headgate No. 10 (Priority No. 40M): 15 c.f.s. out of Walton Creek, at a point N 78°28' East 2,155 feet to the NE corner of Sec. 19, T5N, R82W, 6th P.M. Of the 15 c.f.s., 7 c.f.s. was made absolute in Case No. 95CW0116, and Applicant requests the remaining 8 c.f.s. be continued conditional.
- (l) Four Counties Ditch No. 1 (Priority No. 40N): 30 c.f.s. from surface and ground flows along Four Counties Ditch No. 1 in Water District 58, other than at points of diversion described in Priority No. 40C above, at or above 9,567 feet above sea level. Of the 30 c.f.s., Applicant requests 5.74 c.f.s. be made absolute, and the remaining 24.26 c.f.s. be continued as conditional.
- (m) Four Counties Ditch No. 3 and its Branch (Priority No. 40O): 125 c.f.s. from surface and ground flows along Four Counties Ditch No. 3 in Water District 58, other than at points of diversion described in Priority Nos. 40D through 40M above, at or above 9,567 feet above sea level. Of the 125 c.f.s., Applicant requests 13.29 c.f.s. be made absolute, and the remaining 111.71 c.f.s. be continued as conditional.

- E. Alternate Places of Diversion and Storage. Pursuant to the decrees entered in Case Nos. W-1091-76 and W-1243-77, District Court, Water Division 6, these water rights may be diverted and stored, directly or by exchange, at the following alternate places of diversion or storage: the Givens Ditch, the Colorado Utilities Ditch, Craig Station Ditch, Ash Ponds, Hayden Reservoir, Steamboat Lake, Bear (Stagecoach) Reservoir, California Park Reservoir, Dunkley Reservoir, Grouse Mountain Reservoir, Pleasant Valley Reservoir, Rampart Reservoir and an unnamed dam site on the Yampa River downstream of Service Creek.
- (a) Remarks: CPW owns or otherwise controls Steamboat Lake and the property on which it is situated. Although Steamboat Lake was decreed as an alternate place of storage in Case No. W-1091-76, Applicant does not presently have authorization from CPW to use the Steamboat Lake structure or associated facilities for storage of the Four Counties Ditch No. 1 and No. 3 water rights.
- (b) Catamount and/or the Catamount Metropolitan District own and operate Catamount Dam and Lake Catamount reservoir at the location originally decreed for the Pleasant Valley Reservoir. Although Pleasant Valley Reservoir was decreed as an alternate place of storage in Case No. W-1091-76, Applicant does not presently have the right to utilize any existing structures associated with Lake Catamount or to construct any structures in connection with Pleasant Valley Reservoir. This Decree does not authorize the use of any lands or facilities that are not owned by Applicant nor affect lands or facilities where the Applicant has an easement or other valid right of use. The Applicant shall obtain permission, or other authorization as may be legally required, from the owner of any existing diversion or storage structure before using or such structure or constructing the structures contemplated herein.
- F. Uses: Domestic, municipal, irrigation, industrial, generation of electric power and energy, mining and recreation, including appropriative rights of exchange and substitution, augmentation and exchange for replacement purposes and all other augmentation uses. Subject to the limitations of the decrees entered in Case Nos. W-1091-76 and W-1243-77, all water diverted or stored, directly or by exchange, is subject to reuse and successive uses until 100 percent of such water has been consumptively used.

7. Surface Water Rights: Four Counties Ditch No. 3 Enlargement and Extension

- A. Original Decree: Priority Nos. 45 through 45M, decreed on May 30, 1972 in Civil Action No. 3926, Routt County District Court, Water District No. 58.

B. Subsequent Decrees (all decreed in Water Division 6):

- (a) Case No. W-136, finding reasonable diligence.
- (b) Case No. W-1091-76, granting alternate places of diversion or storage.
- (c) Case No. W-1243-77, granting alternate place of diversion or storage.
- (d) Case No. 80CW050, finding reasonable diligence, as amended by Case No. 84CW53.
- (e) Case No. 88CW050, finding reasonable diligence.
- (f) Case No. 94CW045, finding reasonable diligence.
- (g) Case No. 00CW023, finding reasonable diligence.
- (h) Case No. 01CW041, granting additional beneficial uses, appropriative rights of exchange and substitution, augmentation and exchange for replacement purposes and all other augmentation uses, with a June 29, 2001 priority date.
- (i) Case No. 07CW040, finding reasonable diligence.

C. Date of Appropriation: May 20, 1963

D. Legal Description, Amounts, and Sources:

- (a) Four Counties Ditch No. 3, Enlargement and Extension, Headgate No. 9 (Priority No. 45): 6 c.f.s. out of Hogan Creek at a point N 82°00'E 14,160 feet to the NW corner of Sec. 6, T5N, R82W, 6th P.M. Of the 6 c.f.s., Applicant requests 0.66 c.f.s. be made absolute, and the remaining 5.34 c.f.s. be continued as conditional.
- (b) Four Counties Ditch No. 3, Enlargement and Extension, Headgate No. 13 (Priority No. 45A): 6 c.f.s. out of an unnamed tributary of Walton Creek at a point N 82°58'E 17,850 feet to the NW corner of Sec. 6, T5N, R82W, 6th P.M. Of the 6 c.f.s., Applicant requests 0.29 c.f.s. be made absolute, 1.4 c.f.s. be cancelled, and the remaining 4.31 c.f.s. be continued as conditional.
- (c) Four Counties Ditch No. 3, Enlargement and Extension, Headgate No. 14 (Priority No. 45B): 49 c.f.s. out of Storm King Creek at a point S 83°25'E 22,850 feet to the NW corner of Sec. 6, T5N, R82W, 6th P.M. Of the 49 c.f.s., Applicant requests 1.8 c.f.s. be made absolute, 11.0 be cancelled, and the remaining 36.2 c.f.s. be continued as conditional.
- (d) Four Counties Ditch No. 3, Enlargement and Extension, Headgate No. 15 (Priority No. 45C): 14 c.f.s. out of Beaver Creek at a point S 86°32'E 26,510 feet to the NW corner of Sec. 6, T5N, R82W, 6th P.M. Of the 14 c.f.s., Applicant requests 0.18 c.f.s. be made absolute, 7.1 c.f.s. be cancelled, and the remaining 6.72 c.f.s. be continued as conditional.

- (e) Four Counties Ditch No. 3, Enlargement and Extension, Headgate No. 16 (Priority No. 45D): 70 c.f.s. out of an unnamed tributary of Walton Creek at a point S 61°02'W 589 feet to the NE corner of Sec. 26, T5N, R84W, 6th P.M. Of the 70 c.f.s., Applicant requests 0.88 c.f.s. be made absolute, 68.9 c.f.s. be cancelled, and the remaining 0.22 c.f.s. be continued as conditional.
- (f) Four Counties Ditch No. 3, Enlargement and Extension, Headgate No. 17 (Priority No. 45E): 52 c.f.s. out of an unnamed tributary of Fish Creek at a point S 68°26'E 24,640 feet to the NW corner of Sec. 6, T5N, R82W, 6th P.M. Of the 52 c.f.s., Applicant requests 2.86 c.f.s. be made absolute, 14.0 c.f.s. be cancelled, and the remaining 35.14 c.f.s. be continued as conditional.
- (g) Four Counties Ditch No. 3, Enlargement and Extension, Headgate No. 18 (Priority No. 45F): 30 c.f.s. out of an unnamed tributary of Fish Creek at a point S 59°00'E 20,570 feet to the NW corner of Sec. 6, T5N, R82W, 6th P.M. Of the 30 c.f.s., Applicant requests 0.84 c.f.s. be made absolute, 9.3 c.f.s. be cancelled and the remaining 19.86 c.f.s. be continued as conditional.
- (h) Four Counties Ditch No. 3, Enlargement and Extension, Headgate No. 19 (Priority No. 45G): 70 c.f.s. out of Fish Creek at a point S 37°03'E 18,800 feet to the NW corner of Sec. 6, T5N, R82W, 6th P.M. Of the 70 c.f.s., Applicant requests 0.62 c.f.s. be made absolute, 56.2 c.f.s. be cancelled, and the remaining 13.8 c.f.s. be continued as conditional.
- (i) Four Counties Ditch No. 3, Enlargement and Extension, Headgate No. 20 (Priority No. 45H): 130 c.f.s. out of the Middle Fork of Fish Creek at a point N 36°02'E 27,260 feet to the NW corner of Sec. 6, T5N, R82W, 6th P.M. Of the 130 c.f.s., Applicant requests 5.95 c.f.s. be made absolute, 23.1 c.f.s. be cancelled, and the remaining 100.95 c.f.s. be continued as conditional.
- (j) Four Counties Ditch No. 3, Enlargement and Extension, Headgate No. 21 (Priority No. 45I): 12 c.f.s. out of an unnamed tributary of the Middle Fork of Fish Creek at a point S 33°25'E 26,910 feet to the NW corner of Sec. 6, T5N, R82W, 6th P.M. Of the 12 c.f.s., Applicant requests 0.62 c.f.s. be made absolute, and the remaining 11.38 c.f.s. be continued as conditional.
- (k) Four Counties Ditch No. 3, Enlargement and Extension, Headgate No. 22 (Priority No. 45J): 75 c.f.s. out of Harrison Creek at a point S 65°25'E 4,610 feet to the SW corner of Sec. 31, T5N, R82W, 6th P.M. Of the 75 c.f.s.,

Applicant requests 3.82 c.f.s. be made absolute, 9.5 c.f.s. be cancelled, and the remaining 61.68 c.f.s. be continued as conditional.

- (l) Four Counties Ditch No. 3, Enlargement and Extension, Headgate No. 23 (Priority No. 45K): 50 c.f.s. out of an unnamed tributary of Harrison Creek at a point N 65°25'E 6,045 feet to the SW corner of Sec. 31, T5N, R82W, 6th P.M. Of the 50 c.f.s., Applicant requests 5.62 c.f.s. be made absolute, 36.2 c.f.s. be cancelled, and the remaining 8.18 c.f.s. be continued as conditional.
- (m) Four Counties Ditch No. 3, Enlargement and Extension (Priority No. 45L): 138 c.f.s. from surface and ground flows along Four Counties Ditch No. 3, Enlargement and Extension, from Priority No. 45 to Priority No. 45I in Water District 58, other than at points of diversion described in decrees for Priority No. 45 through 45I at or above 9,567 feet above sea level. Of the 138 c.f.s., Applicant requests 19.14 c.f.s. be made absolute, 107.3 c.f.s. be cancelled and the remaining 11.56 c.f.s. be continued as conditional.
- (n) Four Counties Ditch No. 3, Enlargement and Extension (Priority No. 45M): 162 c.f.s. from surface and ground flows along Four Counties Ditch No. 3, Enlargement and Extension, in Water District 58, between Rabbit Ears Reservoir and Priority No. 45K, other than at points of diversion described in decrees for Priority Nos. 45J and 45K, at or above 9,500 feet above sea level. Of the 162 c.f.s., Applicant requests 5.84 c.f.s. be made absolute, 126 c.f.s. be cancelled and the remaining 30.16 c.f.s. be continued as conditional.

E. Alternate Places of Diversion and Storage: Pursuant to the decrees entered in Case Nos. W-1091-76 and W-1243-77, District Court, Water Division 6, these water rights may be diverted and stored, directly or by exchange, at the following alternate places of diversion or storage: the Givens Ditch, the Colorado Utilities Ditch, Craig Station Ditch, Ash Ponds, Hayden Reservoir, Steamboat Lake, Bear (Stagecoach) Reservoir, California Park Reservoir, Dunkley Reservoir, Grouse Mountain Reservoir, Pleasant Valley Reservoir, Rampart Reservoir and an unnamed dam site on the Yampa River downstream of Service Creek.

- (a) Remarks: CPW owns or otherwise controls Steamboat Lake and the property on which it is situated. Although Steamboat Lake was decreed as an alternate place of storage in Case No. W-1091-76, Applicant does not presently have authorization from CPW to use the Steamboat Lake structure or associated facilities for storage of the Four Counties Ditch No. 1 and No. 3 water rights.

(b) Catamount and/or the Catamount Metropolitan District own and operate Catamount Dam and Lake Catamount reservoir at the location originally decreed for the Pleasant Valley Reservoir. Although Pleasant Valley Reservoir was decreed as an alternate place of storage in Case No. W-1091-76, Applicant does not presently have the right to utilize any existing structures associated with Lake Catamount or to construct any structures in connection with Pleasant Valley Reservoir. This Decree does not authorize the use of any lands or facilities that are not owned by nor affect lands or facilities where the Applicant has an easement or other valid right of use. The Applicant shall obtain permission, or other authorization as may be legally required, from the owner of any existing diversion or storage structure before using or such structure or constructing the structures contemplated herein.

F. Uses: Domestic, municipal, irrigation, industrial, generation of electric power and energy, mining and recreation, including appropriate rights of exchange and substitution, augmentation and exchange for replacement purposes and all other augmentation uses. Subject to the limitations of the decree entered in Case Nos. W-1091-76 and W-1243-77, all water diverted or stored, directly or by exchange, is subject to reuse and successive uses until 100 percent of such water has been consumptively used.

8. Terms and Conditions: Four Counties Rights.

A. The total amounts of water to be diverted and stored by Applicant at any time through the structures described in paragraphs 6 and 7 above, shall be limited to the total amounts of water physically available in priority at the originally decreed points of diversion of said water rights less deductions for in stream losses between said originally decreed points of diversion and said alternate points of diversion and places of storage as determined by the Division Engineer for Water Division No. 6 in accordance with applicable Colorado Law.

B. In order to facilitate administration of this condition, the Division Engineer is authorized to determine the actual flows at said originally decreed points of diversion by correlation of flows at gauging stations to be installed at more accessible locations. If, however, the Division Engineer reasonably determines in the performance of his or her statutory duties that measuring devices at the originally decreed points of diversion are required in order to accurately determine the actual flows at said points, such requirement shall not prevent Applicant from diverting and storing water at the alternate points of diversion and places of storage described in paragraphs 6 and 7 herein pending issuance of the necessary permits for installation of said measuring devices, and actual installation of said measuring devices. Provided, however, that under such circumstances Applicant shall be

required to proceed with all due diligence in good faith to attempt to obtain said permits and to install said measuring devices.

- C. Obtain Permission for Storage at Steamboat Lake: CPW owns Steamboat Lake and its associated facilities. CPW also controls all operations at Steamboat Lake including, but not limited to, the water that may be stored and released from Steamboat Lake. Applicant acknowledges that it does not presently possess legal authorization to utilize Steamboat Lake or its facilities and cannot store any portion of the water rights decreed herein in Steamboat Lake without CPW's voluntary and written consent. Applicant further acknowledges that such consent may not be obtained through the exercise of eminent domain over state-owned property.
- D. All other terms and conditions set forth in the decrees entered in Case Nos. W-1091-76 and W-1243-77, District Court, Water Division 6, including, without limitation, Paragraphs 14.C (W-1243) and 15.C (W-1091), remain applicable to the Four Counties Ditch Nos. 1 and 3 and Four Counties Ditch No. 3 Enlargement and Extension priorities.

9. Surface Water Rights: Bear Reservoir Enlargement

- A. Original Decree: decreed on October 29, 1973 in Case No. W-414-72, Water Division 6.
- B. Subsequent Decrees (all decreed in Water Division 6):
  - (a) Case No. 80CW050, finding reasonable diligence, as amended by Case No. 84CW53.
  - (b) Case No. 88CW050, finding reasonable diligence.
  - (c) Case No. 94CW045, finding reasonable diligence.
  - (d) Case No. 00CW023, finding reasonable diligence.
  - (e) Case No. 01CW041, granting additional beneficial uses, appropriative rights of exchange and substitution, augmentation and exchange for replacement purposes and all other augmentation uses, with a June 29, 2001 priority date.
  - (f) Case No. 07CW040, finding reasonable diligence.
- C. Date of Appropriation: October 21, 1971
- D. Source: Yampa River and tributaries
- E. Amount: 22,105.8 acre-feet (a.f.) decreed conditional. Of the 22,105.8 a.f., Applicant requests 18,177.9 a.f. be cancelled and the remaining 3,927.9 a.f. be continued as conditional.

- F. Legal Description: The dam is located in the SW1/4 of the SE1/4, Sec. 29, T4N, R84W, 6th P.M. The reservoir will inundate portions of Secs. 29, 30, 31 and 32, T4N, R84W, portions of Sec. 36 T4N, R85W, and portions of Sec. 1, T3N, R85W, 6th P.M. The southern terminus of the dam embankment at the right abutment is located 269.15 feet N 77°57' E of the S1/4 corner of Sec. 29. The centerline of the dam bears N 18°30' E from said southern terminus at the right abutment a distance of 800 feet. All bearings are referenced to the S line of Sec. 29 which bears N 87°14' 59" W.
- G. Use: water storage and appropriative rights of exchange and substitution, augmentation and exchange for replacement purposes and all other augmentation uses.

10. Storage Water Rights: Pleasant Valley Reservoir

- A. Original Decree: Priority No. 39A decreed on May 30, 1972 in Civil Action 3926, Routt County District Court, Water District 58.
- B. Subsequent Decrees (all decreed in Water Division 6):
- (a) Case No. W-144, finding reasonable diligence.
  - (b) Case No. W-144-76, finding reasonable diligence.
  - (c) Case No. W-946-76, granting alternate places of diversion or storage in Woodchuck Reservoir, Yamcolo Reservoir and Bear Reservoir.
  - (d) Case No. W-1091-76, granting the Pleasant Valley Reservoir as an alternate place of storage for the Four Counties Rights.
  - (e) Case No. 80CW050, finding reasonable diligence, as amended by Case No. 84CW53.
  - (f) Case No. 82CW210, making absolute a portion of the right.
  - (g) Case No. 88CW050, finding reasonable diligence.
  - (h) Case No. 92CW026, making absolute a portion of the right.
  - (i) Case No. 94CW045, finding reasonable diligence.
  - (j) Case No. 00CW023, finding reasonable diligence.
  - (k) Case No. 01CW041, granting additional beneficial uses, appropriative rights of exchange and substitution, augmentation and exchange for replacement purposes and all other augmentation uses, with a June 29, 2001 priority date.
  - (l) Case No. 07CW040, finding reasonable diligence.
  - (m) Case No. 07CW061, moving 10,620 AF of Pleasant Valley Reservoir to Morrison Creek Reservoir and granting an alternate place of diversion for the Pleasant Valley Feeder Canal at Morrison Creek Reservoir.



- C. Date of Appropriation: June 29, 1959
- D. Source: Yampa River and, pursuant to the Pleasant Valley Feeder Canal water right as described in paragraph 10.H, below, Walton Creek and McKinnis Creek at a rate of 300 c.f.s.
- E. Amount: 43,220 a.f. decreed conditional. Of this amount, 20,854 a.f. is absolute at Stagecoach Reservoir and 2,500 a.f. is absolute at Yamcolo Reservoir. Applicant requests 19,866 a.f. be continued as conditional.
- F. Alternate Points of Storage:
- (a) Woodchuck Reservoir: The intersection of the centerline axis of said dam and the left abutment thereof being located at a point whence the SW corner of Sec. 30, T4N, R84W, 6th P.M., bears S 66°30' W a distance of 16,660 feet, as changed in Case No. W-946-76.
  - (b) Yamcolo Reservoir: The intersection of the centerline axis of said dam and the right abutment thereof being located at a point whence the E1/4 corner of Sec. 16, T1N, R86W, 6th P.M., bears N 41°53' E a distance of 873 feet, as changed in Case No. W-946-76.
  - (c) Bear Reservoir (aka "Stagecoach Reservoir"): The intersection of the centerline axis of said dam and the right abutment thereof being located at a point whence the W1/4 corner of Sec. 32, T4N, R84W, 6th P.M., bears S 47°35' W a distance of 4,633 feet, as changed in Case No. W-946-76.
  - (d) Morrison Creek Reservoir: The centerline of the proposed Morrison Creek Reservoir dam intersects Morrison Creek at a location within the SE1/4, NE1/4, Sec. 10, T3N, R84W, 6th P.M. at a point located 244 feet W of the E section line and 1,539 feet S of the N section line of said Sec. 10, as decreed in Case No. 07CW61.
- G. Use: Irrigation, domestic, stock watering, municipal, industrial and power uses and appropriative rights of exchange and substitution, augmentation and exchange for replacement purposes and all other augmentation uses.
- H. Remarks: The original decree for the Pleasant Valley Reservoir also decreed a water right for the Pleasant Valley Feeder Canal to divert water from Walton and McKinnis Creeks at a rate of 300 c.f.s. This decree recognizes that the Pleasant Valley Feeder Canal water right is not in addition to the Pleasant Valley Reservoir water right and does not exist independently of said Pleasant Valley Reservoir water right. Instead, the Pleasant Valley Feeder Canal water right is a component

of the Pleasant Valley Reservoir water right and is necessary to obtain the full yield for said water right. In particular, the Pleasant Valley Feeder Canal water right provides that Walton and McKinnis Creeks are sources for the Pleasant Valley Reservoir. The Pleasant Valley Feeder Canal water right is therefore continued as a component of the Pleasant Valley Reservoir water right. Future diligence proceedings to continue the Pleasant Valley Reservoir water right or to make it absolute shall continue to treat the Pleasant Valley Feeder Canal water right as a component of the Pleasant Valley Reservoir water right as described in this paragraph. Following the entry of this decree, the Division 6 tabulations will not recognize the 300 c.f.s. of the Pleasant Valley Feeder Canal water right as a separate water right.

- I. Storage of the Pleasant Valley Reservoir water right in Morrison Creek Reservoir remains additionally subject to all terms and conditions set forth in the decree entered in Case No. 07CW61, District Court, Water Division 6.
  - J. Catamount and/or the Catamount Metropolitan District own and operate Catamount Dam and Lake Catamount reservoir at the location originally decreed for the Pleasant Valley Reservoir. Applicant does not presently have the right to utilize any existing structures associated with Lake Catamount or to construct any structures in connection with Pleasant Valley Reservoir. This Decree does not authorize the use of any lands or facilities that are not owned by Applicant nor affect lands or facilities where the Applicant has an easement or other valid right of use. The Applicant shall obtain permission, or other authorization as may be legally required, from the owner of any existing diversion or storage structure before using or such structure or constructing the structures contemplated herein.
11. Finding of Reasonable Diligence: In the diligence period for this Application, Applicant has diligently pursued development of the conditional water rights described herein. The Application and other pleadings filed in this case describe work and expenditures that illustrate that the Applicant has diligently pursued development for the conditional rights described above. The evidence presented indicates that the Applicant has exercised reasonable diligence toward the completion of the appropriation of the subject conditional rights and the Application should be granted. C.R.S. § 37-92-301(4).
  12. Finding to Make Absolute: Applicant made absolute, by diversion and storage at Stagecoach Reservoir, portions of the Four Counties Ditches conditional water rights for the amounts and purposes described above by diverting them in priority at Stagecoach Reservoir on the following dates:
    - A. April 23, 2014 for Four Counties Ditch No. 3 Enlargement and Extension Headgates Priority No. 45 and Priorities No. 45(A) through 45(M).

B. May 5, 2014 for Four Counties Ditch No 1. Priority 40(C), Priority 40(D), Priority 40(G), Priority 40(H), Priority 40(N), and Priority 40(O).

13. Future District Demands. The Court finds that the District's planning period, population projections, and anticipated future demands are reasonable and are based upon substantiated projections. In 2016, the District produced the "Water Supply & Water Right Master Plan" ("Master Plan") analyzing future water demands and the ability of the District's water rights portfolio and water supply facilities to meet those demands. The Master Plan relied on state estimates projecting an increase in the population in the Upper Yampa Basin by the year 2050.
14. Feasibility. Based upon the totality of the facts and circumstances of this case, the Applicant has established that water can and will be diverted under the subject conditional water rights and will be beneficially used, and this water supply project can and will be completed with diligence and within a reasonable time. C.R.S. § 37-92-305(9)(b).
15. Anti-Speculation. The water rights claimed herein are based upon a non-speculative intent and the Applicant has a specific plan and intent to divert, capture, possess, and control water for specific beneficial uses. C.R.S. § 37-92-103(3)(a)(II).
16. Integrated System. The conditional water rights decreed herein are individual components of Applicant's integrated water supply system. Consequently, in subsequent diligence proceedings, work on any one feature of Applicant's supply system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of Applicant's water supply system. C.R.S. § 37-92-301(4)(b).

### CONCLUSIONS OF LAW

17. To the extent they constitute legal conclusions, the foregoing Findings of Fact are incorporated herein.
18. The Application is complete, covering all applicable matters required pursuant to the Water Rights Determination and Administration Act of 1969, C.R.S. §§ 37-92-101 through -602.
19. Applicant has fulfilled all legal requirements for a decree for the requested finding of reasonable diligence of the conditional water rights, except those previously declared absolute. C.R.S. §§ 37-92-301 and 37-92-302.
20. The conditional water rights decreed herein are individual components of Applicant's integrated water supply system. Consequently, in subsequent diligence proceedings, work on any one feature of Applicant's supply system shall be considered in finding that

reasonable diligence has been shown in the development of water rights for all features of Applicant's water supply system. *See* C.R.S. § 37-92-301(4)(b).

21. The subject Application is in accordance with Colorado law. Applicant has fulfilled all legal requirements for entry of a decree in this case.

### **JUDGMENT AND DECREE**

22. The foregoing findings of fact and conclusions of law are incorporated herein.
23. The Court hereby adjudges and decrees that the Applicant has been reasonably diligent in perfecting the conditional water rights, Four Counties Ditch No. 1 and No. 3, Four Counties Ditch No. 3 Enlargement and Extension, Bear Reservoir Enlargement, and Pleasant Valley Reservoir as described herein. *See* C.R.S. 37-92-301(4)(b).
24. The Court hereby adjudges and decrees portions of the Four Counties Ditch Nos. 1 and 3 and Four Counties Ditch No. 3 Enlargement and Extension are made absolute by diversion and storage in Stagecoach Reservoir, for the purposes described above for the following amounts:
  - A. Four Counties Ditch No. 1 Headgate 4, Priority 40(C) 2.2 c.f.s.
  - B. Four Counties Ditch No. 3 Headgate 9, Priority 40(D) 4.67 c.f.s.
  - C. Four Counties Ditch No. 3 Headgate 6, Priority 40(G) 2.23 c.f.s.
  - D. Four Counties Ditch No. 3 Headgate 5, Priority 40(H) 5.68 c.f.s.
  - E. Four Counties Ditch No. 1, Priority 40(N) 5.74 c.f.s.
  - F. Four Counties Ditch No. 3 and its Branch, Priority 40(O) 13.29 c.f.s.
  - G. Four Counties Ditch No. 3 Enl. & Ext., Headgate 9, Priority (45) 0.66 c.f.s.
  - H. Four Counties Ditch No. 3 Enl. & Ext., Headgate 13, Priority 45(A) 0.29 c.f.s.
  - I. Four Counties Ditch No. 3 Enl. & Ext., Headgate 14, Priority 45(B) 1.8 c.f.s.
  - J. Four Counties Ditch No. 3 Enl. & Ext., Headgate 15, Priority 45(C) 0.18 c.f.s.
  - K. Four Counties Ditch No. 3 Enl. & Ext., Headgate 16, Priority 45(D) 0.88 c.f.s.
  - L. Four Counties Ditch No. 3 Enl. & Ext., Headgate 17, Priority 45(E) 2.86 c.f.s.
  - M. Four Counties Ditch No. 3 Enl. & Ext., Headgate 18, Priority 45(F) 0.84 c.f.s.
  - N. Four Counties Ditch No. 3 Enl. & Ext., Headgate 19, Priority 45(G) 0.62 c.f.s.
  - O. Four Counties Ditch No. 3 Enl. & Ext., Headgate 20, Priority 45(H) 5.95 c.f.s.
  - P. Four Counties Ditch No. 3 Enl. & Ext., Headgate 21, Priority 45(I) 0.62 c.f.s.
  - Q. Four Counties Ditch No. 3 Enl. & Ext., Headgate 22, Priority 45(J) 3.82 c.f.s.
  - R. Four Counties Ditch No. 3 Enl. & Ext., Headgate 23, Priority 45(K) 5.62 c.f.s.
  - S. Four Counties Ditch No. 3 Enl. & Ext., Priority 45(L) 19.14 c.f.s
  - T. Four Counties Ditch No. 3 Enl. & Ext., Priority 45(M) 5.84 c.f.s

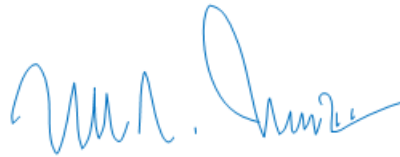
The water rights not made absolute herein are hereby continued in full force and effect. The amounts made absolute in this case are due in part to a reassessment of the methodology to determine the amount of water available at the original points of diversion. In order to make additional water rights absolute in the future, the District will need to demonstrate that it has diverted in excess of existing absolute water rights.

25. The Court hereby adjudges and decrees that portions of the water rights for the Bear Reservoir Enlargement and the Four Counties Ditch No. 3 Enlargement and Extension and are cancelled in the following amounts:
  - A. Bear Reservoir Enlargement, 18,177.9 a.f.
  - B. Four Counties Ditch No. 3 Enl. & Ext., Headgate 13 (Priority 45A) 1.4 c.f.s.
  - C. Four Counties Ditch No. 3 Enl. & Ext., Headgate 14 (Priority 45B) 11.0 c.f.s.
  - D. Four Counties Ditch No. 3 Enl. & Ext., Headgate 15 (Priority 45C) 7.1 c.f.s.
  - E. Four Counties Ditch No. 3 Enl. & Ext., Headgate 16 (Priority 45D) 68.9 c.f.s.
  - F. Four Counties Ditch No. 3 Enl. & Ext., Headgate 17 (Priority 45E) 14.0 c.f.s.
  - G. Four Counties Ditch No. 3 Enl. & Ext., Headgate 18 (Priority 45F) 9.3 c.f.s.
  - H. Four Counties Ditch No. 3 Enl. & Ext., Headgate 19 (Priority 45G) 56.2 c.f.s.
  - I. Four Counties Ditch No. 3 Enl. & Ext., Headgate 20 (Priority 45H) 23.1 c.f.s.
  - J. Four Counties Ditch No. 3 Enl. & Ext., Headgate 22 (Priority 45J) 9.5 c.f.s.
  - K. Four Counties Ditch No. 3 Enl. & Ext., Headgate 23 (Priority 45K) 36.2 c.f.s.
  - L. Four Counties Ditch No. 3 Enl. & Ext., (Priority 45L) 107.3 c.f.s.
  - M. Four Counties Ditch No. 3 Enl. & Ext., (Priority 45M) 126.0 c.f.s.
  
26. Pursuant to Rule 9 of the Uniform Local Rules for All State Water Court Divisions, upon the sale or other transfer of the conditional water rights of the Four Counties Ditch No. 1 and 3, Four Counties Ditch No. 3 Enlargement and Extension, Bear Reservoir Enlargement, or Pleasant Valley Reservoir, the transferee shall file with the Division 6 Water Court a notice of transfer which shall state:
  - A. The title and case number of this Case No. 16CW3016;
  - B. The description of the conditional water right transferred;
  - C. The name of the transferor;
  - D. The name and mailing address of the transferee, and
  - E. A copy of the recorded deed.
  
27. No Precedent. This Decree is the result of negotiation and settlement discussions among the parties. Its terms are based upon the specific facts and circumstances of this case and compromises by the parties. By stipulation to entry of this Decree, no party in this case intends that this Decree become precedent to resolve issues in any other case, and the opposing parties reserve the right to oppose future applications with regard to any future water right application filed by Applicant, as allowed by law.

The owner of the said conditional water right shall also notify the Clerk of the Division 6 Water Court of any change in mailing address. The Clerk shall place any notice of transfer or change or address in the case file of this Case No. 16CW3016 and in the case file (if any) in which the Court first made a finding of reasonable diligence.

The conditional water rights described herein shall be in full force and effect until **May 31, 2025**. If the Applicant wishes to maintain the conditional water rights thereafter, Applicant shall file an application for finding of reasonable diligence on or before that date, or make a showing on or before then that the conditional water rights have become absolute water rights by reason of the completion of the appropriation.

Done this 26<sup>th</sup> day of May, 2019.



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Michael A. O'Hara, III, Water Judge  
Water Division 6, State of Colorado

### Upper Yampa Water Conservancy District Water Table

Case Number	Name	Amount	Appropriation Date	Decreed Uses	Diligence Due
11CW26	Yamcolo Reservoir, 2nd Filling		February 27, 1981	Irrigation, stock watering, domestic, municipal, industrial.	January 2022
14CW3042	Area A-1 Upper Yampa River Above Stagecoach Reservoir Dam	Rate of Exchange: 3.5 c.f.s., conditional, for the entire Area A-1 and not to exceed 1.0 c.f.s. within any one of the eleven tributaries located within Area A-1	May 21, 2004	The exchanges are used to serve the consumptive use amounts associated with diversions by District contractees within Area A-1 as decreed in Case No. 06CW49.	November 2022
	Area A-2 Yampa River Between Stagecoach Reservoir Dam and the RICD Structures Within the City of Steamboat Springs	Rate of Exchange: 3.0 c.f.s., conditional, for the entire Area A-2 and not to exceed 0.75 c.f.s. within any one of the nine tributaries located within Area A-2. This amount does not include the amount of exchange for Area A-1, which is upstream of and tributary to, Area A-2		The exchanges are used to serve the consumptive use amounts associated with diversions by District contractees within Area A-2 as decreed in Case No. 06CW49.	
	Area A-3 Yampa River Between the RICD Structures of the City of Steamboat Springs and Confluence of the Yampa River with Trout Creek	Rate of Exchange: 0.5 c.f.s., conditional, for the entire Area A-3 and not to exceed 0.25 c.f.s. within any one of the three tributaries located within Area A-3. This amount does not include the amount of exchange for Area A-1 or Area A-2, both of which are upstream of and tributary to, Area A-3.		The exchanges are used to serve the consumptive use amounts associated with diversions by District contractees within Area A-3 as decreed in Case No. 06CW49	
	Area A-4 Yampa River Between its Confluence with Trout Creek and its Confluence with Elkhead Creek:	Rate of Exchange: 0.6 c.f.s., conditional, for the entire Area A-4 and not to exceed 0.3 c.f.s. within any one of the twelve tributaries located within Area A-4. This amount does not include the amount of exchange for Area A-1, Area A-2 or Area A-3, all three of which are upstream of and tributary to, Area A4		The exchanges are used to serve the consumptive use amounts associated with diversions by District contractees within Area A-4 as decreed in Case No. 06CW49	
15CW3007	Little Morrison Diversion, Little Morrison Diversion Alternate Point	50 c.f.s., conditional	December 30, 1994	Municipal, industrial, domestic, irrigation, stock watering, power production, recreational, fishery and aesthetic purposes, and for use by exchange or for augmentation purposes, including diversion into Little Morrison Creek for such uses, including later releases from storage for such uses	November 2022
15CW3058	UYWCD Elk River In-Basin Supply Exchange	The rate of exchange is 1.4 c.f.s., conditional, for Area A-1, not to exceed 0.3 c.f.s. within any one of the tributaries located within Area A-1, with the exception of Salt Creek which will not exceed 0.5 c.f.s.	December 31, 2015	Exchange rights to be used as part of the Plan for Augmentation for some replacement water released to the river pursuant to the plan will be introduced to the river system downstream of the authorized depletions to be augmented. The exchanges may allow District contractees to continue diversions during times when there is a downstream call by a senior water right. The District will augment its contractees' out-of-priority depletions with the water supplies described in paragraph 7 above. The exchanges requested herein are to serve the consumptive use amounts associated with diversions by District contractees within Area A.	July 2024
	UYWCD Elk River Mainstem Supply Exchange	The rate of exchange is 1.4 c.f.s., conditional, for Area A-1, not to exceed 0.3 c.f.s. within any one of the tributaries located within Area A-1, with the exception of Salt Creek which will not exceed 0.5 c.f.s.			
	UYWCD West Fork of the Elk River Mainstem Supply Exchange	The rate of exchange is 0.2 c.f.s., conditional, for Area A-2, not to exceed 0.2 c.f.s. within any one of the tributaries located within Area A-2.			
16CW3016	Four Counties Ditch No. 1, Headgate No. 4 (Priority No. 40C)	2.2 c.f.s, absolute - 47.8 c.f.s remain conditional - 50.0 c.f.s total	June 2, 1958	Domestic, municipal, irrigation, industrial, generation of electric power and energy, mining and recreation, including appropriate rights of exchange and substitution, augmentation and exchange for replacement purposes and all other augmentation uses. Subject to the limitations of the decrees entered in Case Nos. W-1091-76 and W-1243-77, all water diverted or stored, directly or by exchange, is subject to reuse and successive uses until 100 percent of such water has been consumptively used	May 2025
	Four Counties Ditch No. 3, Headgate No. 5 (Priority No. 40H):	5.68 c.f.s., absolute - 14.32 c.f.s. remain conditional - 20 c.f.s. total			
	Four Counties Ditch No. 3, Headgate No. 6 (Priority No. 40G):	2.23 c.f.s., absolute - 22.77 c.f.s. remain conditional - 25 c.f.s. total			
	Four Counties Ditch No. 3, Headgate No. 9 (Priority No. 40D):	4.67c.f.s., absolute - 30.33 c.f.s. remain conditional - 35 c.f.s. total			

Case Number	Name	Amount	Appropriation Date	Decreed Uses	Diligence Due
16CW3016	Four Counties Ditch No. 1 (Priority No. 40N):	5.74 c.f.s, absolute - 24.26 c.f.s. remain conditional - 30 c.f.s. total	June 2, 1958	Domestic, municipal, irrigation, industrial, generation of electric power and energy, mining and recreation, including appropriative rights of exchange and substitution, augmentation and exchange for replacement purposes and all other augmentation uses. Subject to the limitations of the decrees entered in Case Nos. W-1091-76 and W-1243-77, all water diverted or stored, directly or by exchange, is subject to reuse and successive uses until 100 percent of such water has been consumptively used	May 2025
	Four Counties Ditch No. 3 and its Branch (Priority No. 40O):	13.29 c.f.s., absolute - 111.71 c.f.s. remain conditional - 125 c.f.s. total			
	Four Counties Ditch No. 3, Headgate No. 8 (Priority No. 40E):	174 c.f.s., conditional - 36 c.f.s. previously made absolute - 210 c.f.s. total			
	Four Counties Ditch No. 3, Headgate No. 7 (Priority No. 40F):	104 c.f.s, conditional - 26 c.f.s. previously made absolute - 130 c.f.s. total			
	Four Counties Ditch No. 3, Headgate No. 4 (Priority No. 40I):	2 c.f.s., conditional - 13 c.f.s. previously made absolute - 15 c.f.s. total			
	Four Counties Ditch No. 3, Headgate No. 3 (Priority No. 40J):	2 c.f.s., conditional - 18 c.f.s. previously made absolute - 20 c.f.s. total			
	Branch of Four Counties Ditch No. 3, Headgate No. 12 (Priority No. 40K):	14 c.f.s., conditional - 21 c.f.s. previously made absolute- 35 c.f.s. total			
	Branch of Four Counties Ditch No. 3, Headgate No. 11 (Priority No. 40L):	16 c.f.s., conditional - 9 c.f.s. c.f.s. previously made absolute - 25 c.f.s. total			
	Branch of Four Counties Ditch No. 3, Headgate No. 10 (Priority No. 40M):	8 c.f.s., conditional - 7 c.f.s. previously made absolute - 15 c.f.s. total			
	Four Counties Ditch No. 3 Enl. & Ext., Headgate 9, Priority (45)	0.66 c.f.s., absolute - 5.34 c.f.s. remain conditional - 6 c.f.s. total	May 20, 1963		
	Four Counties Ditch No. 3 Enl. & Ext., Headgate 13, Priority 45(A)	0.29 c.f.s., absolute - 4.31 c.f.s. remain conditional - 1.4 c.f.s. cancelled - 6 c.f.s. total			
	Four Counties Ditch No. 3 Enl. & Ext., Headgate 14, Priority 45(B)	1.8 c.f.s., absolute - 36.2 c.f.s. remain conditional - 11 c.f.s. cancelled - 49 c.f.s. total			
	Four Counties Ditch No. 3 Enl. & Ext., Headgate 15, Priority 45(C)	0.18 c.f.s., absolute - 6.72 c.f.s. remain conditional - 7.1 c.f.s. cancelled - 14 c.f.s. total			
	Four Counties Ditch No. 3 Enl. & Ext., Headgate 16, Priority 45(D)	0.88 c.f.s, absolute - .22 c.f.s. remain conditional - 68.9 c.f.s. cancelled - 70 c.f.s. total			
	Four Counties Ditch No. 3 Enl. & Ext., Headgate 17, Priority 45(E)	2.86 c.f.s., absolute - 35.14 c.f.s. remain conditional - 14 c.f.s. cancelled - 52 c.f.s. total			
	Four Counties Ditch No. 3 Enl. & Ext., Headgate 18, Priority 45(F)	0.84 c.f.s., absolute - 19.86 c.f.s. remain conditional - 9.3 c.f.s. cancelled - 30 c.f.s. total			
	Four Counties Ditch No. 3 Enl. & Ext., Headgate 19, Priority 45(G)	0.62 c.f.s, absolute - 13.18 c.f.s. remain conditional - 56.2 c.f.s. cancelled - 70 c.f.s. total			
	Four Counties Ditch No. 3 Enl. & Ext., Headgate 20, Priority 45(H)	5.95 c.f.s., absolute - 100.95 c.f.s. remain conditional - 23.1 c.f.s. cancelled - 130 c.f.s. total			
	Four Counties Ditch No. 3 Enl. & Ext., Headgate 21, Priority 45(I)	0.62 c.f.s., absolute - 11.38 c.f.s. remain conditional - 12 c.f.s. total			
	Four Counties Ditch No. 3 Enl. & Ext., Headgate 22, Priority 45(J)	3.82 c.f.s., absolute - 61.68 c.f.s. remain conditional - 9.5 c.f.s. cancelled - 75 c.f.s. total			
Four Counties Ditch No. 3 Enl. & Ext., Headgate 23, Priority 45(K)	5.62 c.f.s., absolute - 8.18 c.f.s. remain conditional - 36.2 c.f.s. cancelled - 50 c.f.s. total				
Four Counties Ditch No. 3 Enl. & Ext., Priority 45(L)	19.14 c.f.s, absolute - 11.56 c.f.s. remain conditional - 107.3 c.f.s. cancelled - 138 c.f.s. total				



Case Number	Name	Amount	Appropriation Date	Decreed Uses	Diligence Due
16CW3016	Four Counties Ditch No. 3 Enl. & Ext., Priority 45(M)	5.84 c.f.s, absolute - 30.16 c.f.s. remain conditional - 126 c.f.s. cancelled - 162 c.f.s. total	May 20, 1963	Domestic, municipal, irrigation, industrial, generation of electric power and energy, mining and recreation, including appropriative rights of exchange and substitution, augmentation and exchange for replacement purposes and all other augmentation uses. Subject to the limitations of the decrees entered in Case Nos. W-1091-76 and W-1243-77, all water diverted or stored, directly or by exchange, is subject to reuse and successive uses until 100 percent of such water has been consumptively used	May 2025
	Bear Reservoir Enlargement	3,927.9 af, conditional - 18,177.9 af cancelled - 22,105.8 af total	October 21, 1971	Water storage and appropriative rights of exchange and substitution, augmentation and exchange for replacement purposes and all other augmentation uses.	
	Pleasant Valley Reservoir	19,866 af, conditional - 23,354 af previously made absolute - 43,220 af total	June 29, 1959	Irrigation, domestic, stock watering, municipal, industrial and power uses and appropriative rights of exchange and substitution, augmentation and exchange for replacement purposes and all other augmentation uses.	
17CW3026	Coal Creek Diversion Pipeline	100 c.f.s, conditional	August 6, 2003	Municipal, industrial, domestic, irrigation, stock watering, power production, recreational, fishery, reservoir evaporation, aesthetic purpose and for use by exchange for appropriative rights of exchange and substitution, and for augmentation and exchange for replacement purposes, including diversion from Coal Creek for such uses and storage in Yamcolo Reservoir for such uses, including later releases from storage for such uses.	October 2024

**NEW BUSINESS**

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## EXECUTIVE SESSIONS

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Executive session under CRS § 24-6-402(4)(b) to discuss legal issues on Water Resumes, Water Cases, Contract Negotiations and \_\_\_\_\_. Mere presence or participation of an attorney at an executive session is not sufficient to satisfy the requirements of CRS § 24-6-402(4)(b). Executive sessions to discuss legal matters are not recorded.

Executive session under CRS § 24-6-402(4)(e)(I) for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators with respect to \_\_\_\_\_. This session will be recorded, and a copy of the recording maintained for not less than 90 days.

**BOARD ACTIONS IN REGARD TO EXECUTIVE SESSION**

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**DETERMINATION OF NEXT MEETING(s) AGENDA(s)**

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# AGENDA

**UPPER YAMPA WATER CONSERVANCY DISTRICT  
BOARD OF DIRECTORS MEETING  
WEDNESDAY, MAY 18, 2022 (12:00 PM)  
MOUNTAIN VALLEY BANK COMMUNITY ROOM  
2220 CURVE PLAZA, STEAMBOAT SPRINGS, CO  
ONLINE MEETING: **XXXXX****

**THE UPPER YAMPA WATER CONSERVANCY DISTRICT REQUESTS THAT UNVACCINATED PEOPLE ATTENDING THE BOARD OF DIRECTORS MEETING AT THE MOUNTAIN VALLEY BANK COMMUNITY ROOM WEAR A MASK.**

**MATERIALS FOR BOARD PACKET DUE: MAY 9<sup>TH</sup> BY 5:00 PM**

**INSTRUCTIONS ON HOW TO JOIN A ZOOM MEETING FOLLOW THE AGENDA**

A Board of Directors meeting packet is available for public review on our website at <https://upperyampawater.com/agendas-and-meeting-documents/> by the Friday before the meeting. Amendments to the Agenda and new documents that are generated or submitted after the original posting of the meeting materials will be posted under "Additional Documents" on the website for the relevant meeting.

**QUESTIONS ON AGENDA AND/OR BOARD MATERIALS:** Members of the public or Board of Directors with questions on the agenda or meeting materials, including the consent agenda, are welcome to contact the General Manager at the District offices prior to the meeting. You may reach the General Manager at: [arossi@upperyampawater.com](mailto:arossi@upperyampawater.com) or (970) 871-1035 Ext. 2.

**MEETING PROCEDURE:** Comments from the Public are welcome at two different times during the course of the meeting: 1) Comments no longer than three (3) minutes on items **not** scheduled on the Agenda will be heard under Public Input and Comment; and 2) Comments no longer than three (3) minutes on all scheduled public hearing items will be heard following the presentation. Please wait until you are recognized by the President. With the exception of subjects brought up during Public Input and Comment, on which no action will be taken or a decision made, the Board may take action on, and may make a decision regarding, ANY item referred to in this agenda, including, without limitation, any item referenced for "review", "update", "report", or "discussion" whether or not listed as an "Action Item."

- (1) **12:00 PM** Establishment of Quorum and Call to Order
- (2) **12:00 PM** Approval of Agenda for Meeting **Action item**
- (3) **12:05 PM** Public Input and Comment  
The Board will make no decision nor take action, except to direct the General Manager. Those addressing the Board are requested to identify themselves by name, organization, if any, and address. Comments shall not exceed three (3) minutes.  
**a. Update from Erin Light**
- (4) **12:10 PM** Consent Agenda **Action item**
  - a. Approval of the March 16, 2022, Board of Directors Meeting Minutes
  - b. Financials

- i. Approval of Disbursements
  - ii. Budget Comparison
- (5) **12:15 PM** Report of Chief Accountant
  - a. **Audit** **Action item**
- (6) **XX:XX PM** Report of General Counsel
  - a.
- (7) **XX:XX PM** Report of General Manager
  - a. Stagecoach State Park UYWCD-CPW Lease Renewal
  - b. Soil Moisture Monitoring Pilot Program Report
  - c. Stagecoach Municipal Water Storage Contracts
  - d. Coal Creek Diversion Project Update
- (8) **XX:XX PM** District Engineer Report
  - a. Update on Reservoir Water Status
- (9) **XX:XX PM** Public Information Updates
  - a.
- (10) **XX:XX PM** Board Member Reports
  - a.
- (11) **XX:XX PM** Pending Water Cases
  - a. Water Resumes
  - b. Status of Other Water Cases
- (12) **XX:XX PM** New Business (Limited to emergency matters that came up **Action item**  
During the course of the meeting)
- (13) **XX:XX PM** Executive Sessions:
  - a. **Executive session under CRS § 24-6-402(4)(b) to discuss legal issues on Water Resumes, Water Cases, Contract Negotiations** and \_\_\_\_\_ (insert description) . Mere presence or participation of an attorney at an executive session is not sufficient to satisfy the requirements of CRS § 24-6-402(4)(b). Executive sessions to discuss legal matters are not recorded.
  - b. **Executive session under CRS § 24-6-402(4)(e)(I) for the purpose of determining positions relative to matters that may be subject to negotiations;** developing strategy for negotiations; and instructing negotiators with respect to \_\_\_\_\_ (insert brief description). This session will be recorded, and a copy of the recording maintained for not less than 90 days.
- (14) **XX:XX PM** Board Actions in Regard to Executive Session
- (15) **XX:XX PM** Determination of Next Meeting(s) Agenda(s)
- (16) **XX:XX PM** Adjournment.