

AGENDA

**UPPER YAMPA WATER CONSERVANCY DISTRICT
BOARD OF DIRECTORS MEETING
WEDNESDAY, MAY 17, 2023 (12:00 PM)
MOUNTAIN VALLEY BANK COMMUNITY ROOM
2220 CURVE PLAZA, STEAMBOAT SPRINGS, CO
ONLINE MEETING:**

<https://us06web.zoom.us/j/86438342291?pwd=MXM4dURKSjFjL0d0ZmoxSXVWdUtnZz09>
Passcode 260853

AS RECOMMENDED BY THE STATE PUBLIC HEALTH ORDER AND THE CDC, 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 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 CDWR – TBD
- (4) **12:10 PM** Board Member Reports
 - a. Water Quality Update – Director Halliday

- b. Board Governance Committee Report
- (5) **12:30 PM** Consent Agenda **Action item**
 - a. Approval of the Minutes March 15, 2023, Board Meeting
 - b. Financials
 - i. Approval of Disbursements
 - ii. Budget Comparison
- (6) **12:40 PM** Stagecoach Ski Area Development Group Presentation
- (7) **1:10 PM** Report of Finance Manager
 - a. Financial Asset Management Update
 - b. 2022 Financial Audit – Final Report **Action item**
- (8) **1:40 PM** District Engineer Report
 - a. Update on Reservoir Water Status
 - b. Capital Improvements Schedule
 - c. Yampa River Basin Data Dashboard
- (9) **2:10 PM** Report of General Manager
 - a. General Manager Report
 - b. Resolution to Amended Open Records Request Charges **Action item**
 - c. Stagecoach UYWCD – State of Colorado Lease Agreement **Action item**
 - d. Routt County Planning Stagecoach PUD **Action item**
 - e. Yamcolo Reservoir Land Use Fee Waiver Request **Action Item**
 - f. Augmentation Plan Contracts Updates
- (10) **3:25 PM** Public Information Updates
 - a. Grant Disbursements
 - b. New Grant Applications **Action item**
- (11) **3:45 PM** Report of General Counsel
 - a. Augmentation Contracts Term and Renewal **Action item**
- (12) **4:00 PM** Pending Water Cases
 - a. Water Resumes
 - b. Status of Other Water Cases
- (13) **4:15 PM** New Business (Limited to emergency matters that came up During the course of the meeting) **Action item**
- (14) **4:20 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.
- (15) **4:45 PM** Board Actions in Regard to Executive Session
- (16) **4:50 PM** Determination of Next Meeting(s) Agenda(s), including start time determination
- (17) **5:00 PM** Adjournment.

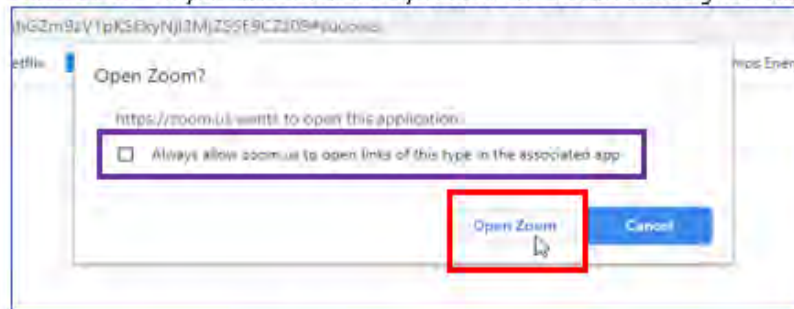
How to join a Zoom meeting

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:

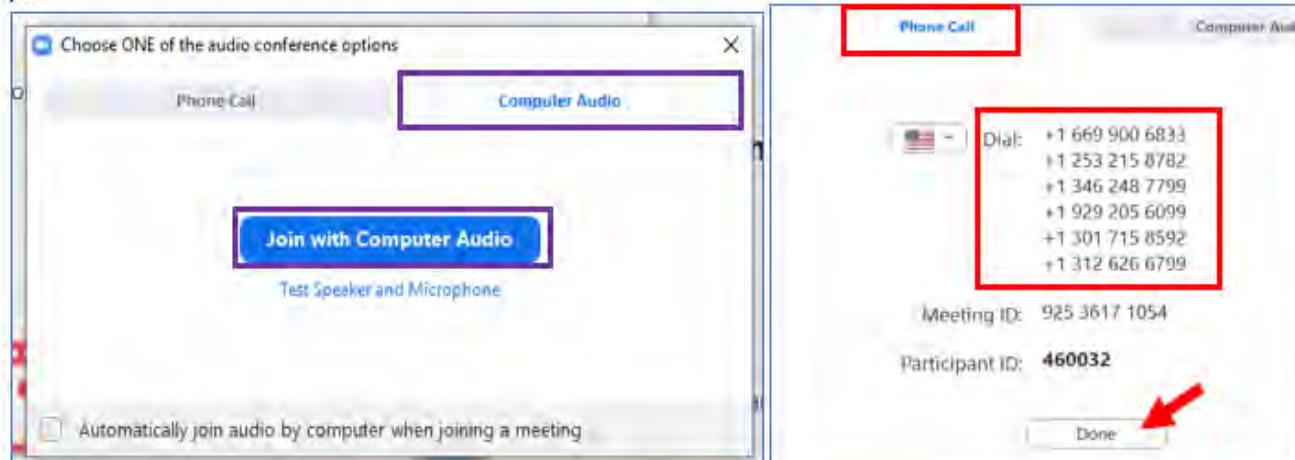


If you have not used Zoom before, you may receive this dialogue box to open Zoom. First, click on "always allow zoom.us..." so you will automatically connect for future meetings. Then, click on "Open Zoom" and follow the prompts.



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.



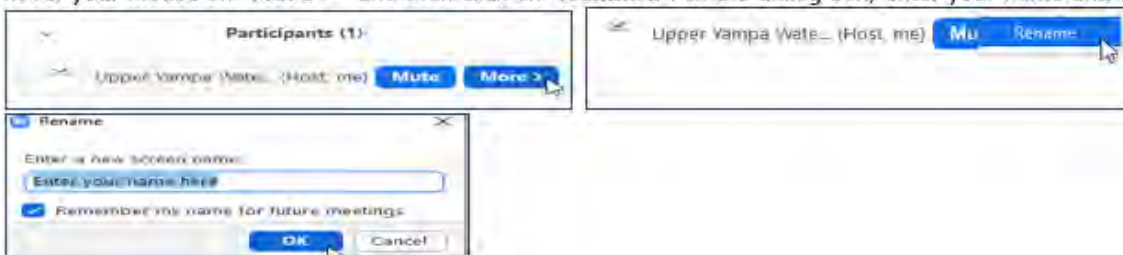
Join via "Dial by your location":

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
- Phone: 970-819-0189

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.







BOARD COMMUNICATION FORM

From: Lyn Halliday

Date: May 4, 2023

Item: Update on the project entitled: Protecting Water Quality in the Sub-basin Above and Including Stagecoach Reservoir (aka “Algae Project”) to the UYWCD Board of Directors

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Request/Issue and Background Information:

Regular update to the Board

II. Summary and Alternatives:

See written report from Halliday

III. Staff Recommendation:

n/a

IV. Legal Issues:

Reg. 85

V. Consistency with Board Goals and Policies:

Water Quality related

Attachments:

1. Update from Director Halliday

Update on the project entitled: Protecting Water Quality in the Sub-basin Above and Including Stagecoach Reservoir (aka “Algae Project”) to the UYWCD Board of Directors

Respectfully submitted by Director Halliday
5/17/23

The Stakeholder Group, assisted by project leads Halliday, Rossi and Woodmansee, has been working tirelessly to compile existing data available within the planning area with the goal of identifying data gaps and ultimately creating a viable water quality analysis program to help identify and quantify potential sources and stressors of nutrient loading and toxic algae blooms in the Stagecoach Reservoir.

At the most recent monthly meeting in May, upland conditions in the algae project planning area were discussed and existing water quality data compiled by Leonard Rice Engineers for the UYWCD (Data Dashboard) was presented.

Other presentations to date have included:

2022

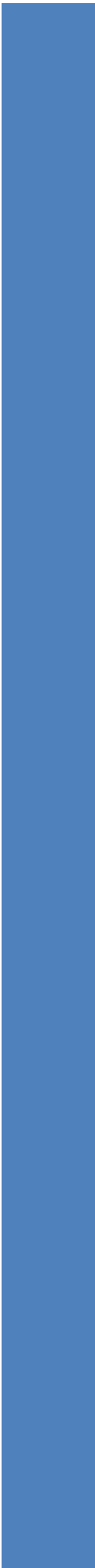
- June - Algae related studies in Rocky Mountain State Park, the White River basin, and in the Pacific Northwest by Dr. Jill Baron, USGS/CSU;
- June –Education Modules: Nitrogen and Phosphorus moving through the watershed by Woodmansee;
- July - Upper Yampa Water Quality USGS Sampling Data Annual Update by Cory Williams and Natalie Day;
- August - Estimating groundwater contributions to base flow in the upper Colorado River Basin, Groundwater Signature study by Connor Newman, Hydrologist, USGS
- September – CSU/CAWA Agriculture Edge of field study in Yampa basin presentation by Eric Wardle CSU Ag Water Quality Program and Christina Welsh;
- October – Wastewater Treatment Plants and septic system data by Scott Cowman Routt County Environmental Health Department;
- December – DEVELOP Team – NASA – remote sensing historic data comparison for algae in 5 lakes in Yampa basin (including Stagecoach Reservoir) by Tony Vorster, CSU, Sarah Hetteema.

2023

- January- GIS mapping data and gaps by Halliday;
- February - Results of Agricultural Edge of Field study in Yampa basin by Erik Wardle, CSU;
- March - Snow Chemistry Study by USGS made by Graham Sexstone;
 - Nutrient loading summary presentation by USGS Natalie Day;
 - USGS water quality data above and below Stagecoach reservoir Trisha Solberg/Natalie Day;
 - Blue Mesa Reservoir HAB work Natalie Day;
- May - Water Quality Data Dashboard Demo by UYWCD Emily Lowell and Andy Rossi;
 - Upland conditions and nutrient movement through the watershed by Woodmansee.

This being a complex and lengthy process, continued progress is being made and a quick fix is not anticipated. The portion of Regulation 85 (CDPHE nutrient standards) is moving closer to implementation to regulate lakes, the progress of which is being monitored by the UYWCD and the Algae Project Stakeholder Group to try to get ahead of the process.

The final report by the NASA DEVELOP Team which was commissioned by the Stakeholder Group was just received and is attached for Board review. It is titled “Yampa Water Resources: Monitoring Water Quality and Evaluating Potential Drivers of Algae Blooms in the Upper Yampa River Watershed”.





BOARD COMMUNICATION FORM

From: Nicole Seltzer, Ken Brenner

Date: 05/10/23

Item: Board Governance Committee Establishment

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Request/Issue and Background Information:

In April 2019, the Upper Yampa Water Conservancy District (UYWCD) Board of Directors established a Special Committee on Mission-Vision and Board Governance Planning. That committee produced the Strategic Plan and Board Governance Manual between 2019 and 2021, and has continued to meet with the General Manager to coordinate the Board of Directors' annual review of the Strategic Plan and updating the General Manager's work plan. The Committee also helps to prioritize new and existing priorities for the Board to consider during the budget process and annual retreat.

In addition, the Board Governance Committee has convened to assist with preparation of the General Manager's annual review and Board of Directors' self-evaluation.

Since 2019, Board members Jim Haskins, Webster Jones, Ken Brenner, and Nicole Seltzer (replacing Bob Woodmansee) have continued to meet to continue the work of both committees.

We request that the Board of Directors work towards combining these two Committees through amending the UYWCD bylaws to establish a permanent Strategic Planning and Board Governance Committee. This Committee could, as an example, draft an annual cycle that staff and Board will follow for activities related to strategic planning and board governance including: Board self-evaluations and annual review of Board Governance best practices, new Board member on-boarding, Strategic Plan progress reports, and update cycles for the Board Governance Manual and Strategic Plans. This Committee could also serve as a dispute resolution committee for matters pertaining to the Board of Directors.

Today's request is for action to direct the Committee members to draft a Scope of Work with Ryan Golten of Consensus Building Institute, Inc. for up to \$10,000 to draft a Strategic Planning and Board Governance Committee Charter and UYWCD bylaw amendments for the Board's



consideration at a later meeting. This scope will include facilitation of Committee meetings to develop the Charter and UYWCD bylaw amendments and research/advice on best practices for governance committees.

II. Summary and Alternatives:

The 2019 Committee charter did not anticipate the development of the Board Governance Manual and a subsequent need for a permanent Committee. Creation of the permanent Strategic Planning and Board Governance Committee will allow us to update the Committee's charter to reflect how the UYWCD currently does this business.

The alternative would be action to leave the temporary Committee in place. Since this Committee performs several important and ongoing functions for the Board of Directors and UYWCD, it makes sense to acknowledge that and designate it as a permanent Committee in the bylaws.

III. Staff Recommendation:

The requested \$10,000 is available for the proposed use in the UYWCD 2023 Budget approved by the UYWCD Board of Directors.

IV. Legal Issues:

The establishment of a new permanent committee of the UYWCD Board of Directors requires an amendment of the UYWCD Bylaws.

V. Consistency with Board Goals and Policies:

UYWCD SP Objectives 8.3, 10.3.



RECORD OF PROCEEDINGS

**UPPER YAMPA WATER CONSERVANCY DISTRICT
BOARD OF DIRECTORS MEETING
WEDNESDAY, MARCH 15, 2023 (12:00 PM)
MOUNTAIN VALLEY BANK COMMUNITY ROOM
2220 CURVE PLAZA, STEAMBOAT SPRINGS, CO
ONLINE MEETING:**

[HTTPS://US06WEB.ZOOM.US/J/83287586984?PWD=N2pOYmVnELhHNkdWYzZjQnRINFJLZz09](https://us06web.zoom.us/j/83287586984?pwd=N2pOYmVnELhHNkdWYzZjQnRINFJLZz09)

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, 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, Finance Manager Karina Craig, Dam & Hydroelectric Power Plant Operator Eddie Rogers, General Counsel Bob Weiss and Special Counsel Scott Grosscup were also present. Members of the public present for some portion of the meeting included Mendi Figueroa, Willie Summers, Brianna Franco and Matt Hardesty, Colorado Department of Water Resources; Jenny Frithsen, Friends of the Yampa; Geovanny Romero, Morrison Creek Water & San District; Craig Preston and Zach Sears, Colorado Parks & Wildlife; Jennifer Wellman, The Nature Conservancy; Bob Woodmansee.

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

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- (4) **12:10 PM** Update from CDWR – Bear River Water Measurement Device Telemetry Project
- (5) **12:25 PM** Board Member Reports
- (6) **12:30 PM** Consent Agenda **Action item**
 - a. Approval of the Minutes January 18, 2023, Board Meeting
 - b. Financials
 - i. Approval of Disbursements
 - ii. Budget Comparison
- (7) **12:40 PM** Report of General Counsel
 - a. Board Member Appointment Recognition and Review of UYWCD BOD Governance Policy
- (8) **12:45 PM** Pending Water Cases

RECORD OF PROCEEDINGS

- a. Water Resumes
 - b. Status of Other Water Cases **Action item**
- (9) **1:15 PM** Report of General Manager
- a. General Manager Report and Employee Tenure Recognition
 - b. Financial Audit Update
 - c. Financial Asset Management Update **Action item**
 - d. DRAFT Stagecoach PUD Document **Action item**
 - e. Stagecoach CPW-UYWCD Proposed Lease **Action item**
 - f. Stagecoach Ski Area Development Proposal Comment Letter **Action item**
- (10) **2:30 PM** District Engineer Report
- a. Update on Reservoir Water Status
 - b. Update on Yamcolo Special Use Permit Fees and Appeal
- (11) **3:00 PM** Public Information Updates
- a. Grant Disbursements
 - b. New Grant Applications **Action item**
- (12) **3:30 PM** New Business (Limited to emergency matters that came up During the course of the meeting) **Action item**
- (13) **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.
- (14) **4:00 PM** Board Actions in Regard to Executive Session
- (15) **4:05 PM** Determination of Next Meeting(s) Agenda(s)
- (16) **4:15 PM** Adjournment.

Chairman Monger established a quorum and called the meeting to order at 12:06 PM.

Meeting Agenda. Director Redmond moved to approve the agenda. Director Seltzer 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.

Update from CDWR – Bear River Water Measurement Device Telemetry Project. Mendi Figueroa, Water Commissioner, Department of Water Resources, presented the District with an overview of the Bear River Telemetry Project and requested a letter of support from the District for this project. The Board discussed. Director Sharp moved to authorize the General Manager to send a letter of support for the installation of the devices as proposed, approve a one-time contribution of \$6300 from the District’s grant program and not commit to cover annual fees or any future payments for maintenance, repair or replacement the devices. Director Brenner seconded the motion. Director Seltzer questioned stipulating that the \$6300 come from the grant program and requested input from staff. Director Seltzer amended the motion to direct staff to determine the appropriate source for the funding of the \$6300 contribution. The amendment was accepted. The motion was unanimously approved.

RECORD OF PROCEEDINGS

Board Member Reports. Board Member Brenner stated he emailed the Board an update on Yampa White Green BRT, IBCC and the upcoming CWCB Drought Summit. Director Halliday provided an overview of the current activities of the Watershed Group.

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

Report of General Counsel. General Counsel Weiss reported that Directors Monger, Jones and Seltzer were re-appointed for 4-year terms ending March 8, 2027. In addition, General Counsel Weiss provided the Directors with a legal orientation describing the legal status of the District and its governing documents. Director Seltzer commented that she felt it is important for the Board Governance Committee to be active and meeting so the committee is able to provide best practices for the rest of the Board. She further commented that she would be interested in taking a leadership role to be sure the Board is following the Governance Manual and to chair the committee with other Board members. Director Brenner agreed and stated his interest in participating on the committee. Director Seltzer suggested that as a next step she and Director Brenner meet to discuss the committee structure and what issues the committee would undertake for the year and bring their discussion back to the Board at the May 17, 2023, Board meeting. Chairman Monger also noted that after the Board elections each year the Board Chair should make appointments to the various committees and committee chairs.

Pending Water Cases.

Water Resumes. Special Counsel Grosscup commented that there were no water court applications filed in the month of January or February of concern to the District.

Status of Other Water Cases. Special Counsel Grosscup provided an update on the various water court cases in which the District is a party. Special Counsel Grosscup reviewed Case No. 20CW3019 regarding the diligence application filed by Public Service Company of Colorado (PSCo) for 52.5 cfs decreed to the Wessels Canal and presented the Board with a proposed stipulation in response to the settlement offer made by PSCo. Director Sharp moved to approve the proposed stipulation with Public Service Company in Case No. 20CW3019 as presented. Director Brenner seconded the motion which was unanimously approved.

Special Counsel Grosscup also reviewed Case No. 22CW3023 regarding the District's objection to the partial listing of the "all beneficial uses" decreed to Yamcolo Reservoir First Enlargement Water Right by the Division Engineer and presented the Board with a proposed stipulation in response to the settlement offer made by the Division of Water Resources. The Board discussed and asked questions regarding the storage of water and the accounting due to DWR. General Manager Rossi noted that staff needs to provide the Board with a tally of the volume per decreed use allowable to be stored regardless of the abandonment proceedings. Director Sharp moved to approve the proposed stipulation as presented with a change to subparagraph 11.f. to add "after 2024" at the end of the sentence. Director Brenner suggested tabling this item to later in the Board meeting to allow staff the time to find the data for the Board. Director Sharp withdrew his motion and then motioned to table this item for later in the Board meeting. Director Brenner seconded the motion which was unanimously approved.

During the District Engineer's report, the Board was provided information regarding water rights that may be stored in Yamcolo Reservoir for municipal purposes as it relates to the stipulation for Case No. 22CW3023. Director Sharp moved to approve the proposed stipulation as presented. Director Brenner seconded the motion which was unanimously approved.

Special Counsel Grosscup also updated the Board on pending water court cases Case No. 20CW3020 (Diligence application filed by Public Service Company of Colorado for Hinman Park Reservoir and the Saddle

RECORD OF PROCEEDINGS

Mountain Pump Station), Case No. 21CW3046 (Tri-State's diligence application for the Craig Station Ditch and Pipeline), Case No. 21CW0023 (South Routt Cemetery), Case No. 21CW3053 (Dean and Jim Rossi), Case No. 22CW3002 (Yamcolo Reservoir Second Filling), Case No. 22CW3018 (Pleasant Valley Reservoir Rights at Yamcolo Reservoir), Case No. 22CW3102 (Opposition to Water Measurement Rules), Case No. 22CW3107 (Diligence on Yampa River Augmentation Plan), Case No. 22CW3108 (Little Morrison Diversion), and Water Horse Resources case in the Utah courts which is being monitored by the District.

Report of General Manager.

General Manager Report and Employee Tenure Recognition. General Manager Andy Rossi recognized Dam & Hydroelectric Power Plant Operator Eddie Rogers for his 7 years and Finance Manager Karina Craig for her 13 years of hard work and dedication to the District. In addition, General Manager Andy Rossi provided the Board with an update on the current and ongoing District activities.

Financial Audit Update. Finance Manager Karina Craig provided the Board with an update on the status and schedule of the financial audit.

Financial Asset Management Update. Finance Manager Karina Craig provided the Board with an update and overview of the current District assets and planned tasks for 2023. In addition, she presented the Board with Resolution 2023-2 to establish a Public Funds Certificate of Deposit account at Alpine Bank. Director Jones moved to approve Resolution 2023-2 as presented. Director Halliday seconded the motion which was unanimously approved.

DRAFT Stagecoach PUD Document. General Counsel Weiss provided the Board with an overview of the UYWCD Stagecoach property PUD draft plan and conditions. The Board discussed. Director Brenner moved to approve staff preparing a PUD plan in the form generally as presented with the inclusion of a "reservation of rights" statement with respect to the District as a governmental entity included in the PUD plan. Director Redmond seconded the motion which was unanimously approved.

Stagecoach CPW-UYWCD Proposed Lease. General Manager Rossi provided an overview of the process to date and reviewed recommendations for renewing the Stagecoach lease. Craig Preston, Colorado Parks & Wildlife (CPW), discussed CPW's request for a capital investment depreciation schedule in the event the District terminated the lease before the full term of the proposed agreement. The Board discussed and will review further in Executive Session.

Stagecoach Ski Area Development Proposal Comment Letter. Prior to the discussion General Counsel Weiss recused himself due to potential conflicts of interest as he has worked with the developer in the past. Director Halliday disclosed she did environmental consulting for John Wittemyer from 2008-2017 but is not currently consulting with him. Directors Jones disclosed that his owns property in the Stagecoach area and Director Brenner disclosed his sister owns property in Stagecoach. Director Sharp disclosed that he is the General Counsel for Morrison Creek Water & Sanitation District and he also owns property in Stagecoach. The Board agreed they did not see any conflicts of interest for Directors Halliday, Jones, Brenner and Sharp. General Manager Rossi provided information regarding a new planning application for the proposed Stagecoach Mountain Ranch Project. Public member Bob Woodmansee addressed the Board with his concerns about the proposed golf course and the ecological effects it would have on the soil and reservoir water quality. The Board discussed. The Board provided staff with edits for the comment letter. Director Jones moved to approve the proposed draft comment letter with the edits provided by the Board. Director Sharp seconded the motion. Directors Monger, Jones, Sharp, Redmond, Murphy, Haskins, Halliday and Seltzer voted in favor of the motion. Director Brenner voted against the motion. Motion passed 8-1.

RECORD OF PROCEEDINGS

District Engineer Report.

Update on Reservoir Water Status. District Engineer Emily Lowell provided an update on the reservoir water, inflow forecasting status and current projects. In addition, District Engineer Lowell reminded the Board that, per the Colorado Water Trust (CWT) contract, the District must provide, by April 1st, an estimate of the water available for release by the CWT. Based on current data it is recommended that the District make 5,000 AF of water available to the CWT.

Update on Yamcolo Special Use Permit Fees and Appeal. District Engineer Emily Lowell updated the Board on the Yamcolo special use permit (SUP) fees and appeal process and staff's understanding of the correct calculation of the Yamcolo SUP land use fee. In addition, the Board was informed that the United States Forest Service (USFS) stated they will provide the District with the documents and information needed for the District to apply for a fee waiver. The Board directed staff to speak with the USFS regarding the fee waiver process and eligibility.

Public Information Updates.

Grant Disbursements. Public Information and External Affairs Manger Holly Kirkpatrick updated the Board on grant disbursements.

New Grant Applications. Public Information and External Affairs Manger Holly Kirkpatrick discussed the updated Community Grant Funding Program guidelines and application review schedule. She requested Directors to provide feedback.

Jennifer Frithsen from The Friends of the Yampa (FOTY) gave a presentation on the Yampa River Scorecard Project (YRSP) phase one report and their request for a grant of \$25,000 for the assessment and report of the second segment of the Yampa River. The Board discussed. Director Jones moved to approve funding of \$25,000 to FOTY for the assessment and report of the second segment of the Yampa River. Director Brenner seconded the motion. Directors Jones, Brenner, Seltzer and Halliday voted in favor of the motion. Directors Monger, Sharp, Murphy, Redmond and Haskins voted against the motion. The motion failed 5-4.

New Business. There was no new business.

Executive Session. At 4:41 PM PM Chairman Monger moved, Director Redmond seconded, and it was unanimously agreed to go into 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 Stagecoach CPW-UYWCD proposed lease. This session will be recorded, and a copy of the recording maintained for not less than 90 days.

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. Chairman Monger stated that direction was provided to staff for edits to the proposed Stagecoach CPW-UYWCD lease. A new draft will be prepared and presented to the Board at the May 17, 2023, Board meeting.

RECORD OF PROCEEDINGS

Determination of Next Meeting Agenda. The agenda for the May 17, 2023, Board Meeting was reviewed. The following topics will be added to the May 17, 2023 agenda:

1. Proposal for Board Governance Committee
2. Final audit review
3. Soil moisture/dashboard demonstration
4. Proposed resolution for the increase in fees for open records requests
5. Updates on water supply modeling efforts
6. Augmentation contract terms
7. Update from Andy Mueller on the System Conservation Pilot Program (SCPP)

The meeting adjourned at 5:15 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: _____

DRAFT

CONSENT AGENDA

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





BOARD COMMUNICATION FORM

From: Karina Craig, Finance Manager.

Date: May 17, 2023

Item: Financial Reports: April 28, 2023 Cash Disbursement Report and March 31, 2023 Budget Comparison Report.

<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 April 28, 2023, and credit card payments through March 31, 2023. Disbursements include operating and capital expenditures from the 2023 fiscal year budget totaling \$455,123.57.

The **Budget Comparison Report** includes transactions accrued up to March 31, 2023. Additional transactions for the reported period may be added as further documentation is received and processed.

II. Summary: Cash disbursements reported include *reconciled* expenditures from 2023 year-to-date. The Budget Comparison reports *2021 final audit* and *2022 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
April 28, 2023

Date	Name	Memo	Amount
10/18/2022	Steamboat Creates	District Holiday party, damage deposit.	200.00
01/27/2023	Western Colorado University	John Fetcher Scholarship	5,000.00
02/05/2023	ISSUU	Website services, flipbook embed capability.	228.00
02/06/2023	Restaurant.	Monthly staff meeting, lunch.	147.09
02/06/2023	Garmin	Monthly subscription, 02-06-2023 to 03-05-2023.	34.95
02/06/2023	Mailchimp	Monthly digital marketing platform	20.90
02/10/2023	Amazon	Annual shipping expenses	150.68
02/12/2023	Colorado Water Congress CWC	2023 annual dues and State Affairs Committee memberships	3,996.00
02/14/2023	Central Park Liquors	Holiday Party, supplies.	146.87
02/14/2023	Walmart	Holiday Party, supplies.	20.77
02/14/2023	City Market	Holiday Party, supplies.	11.37
02/14/2023	Safeway	Office expense	4.69
02/15/2023	CAA Community Agriculture Alliance Inc	2022 Ag Week Sponsorship and CAA Annual Membership	1,000.00
02/15/2023	ACE Hardware	Facilities maintenance	11.67
02/15/2023	CAA Community Agriculture Alliance Inc	Meeting expenses	450.45
02/15/2023	Stevens Water Monitoring	Yamcolo maintenance	58.34
02/16/2023	Kum & Go	Holiday party, ice.	12.97
02/17/2023	Edge Communications	Services 02-06-2023 to 03-05-2023	119.99
02/17/2023	Carfax	Vehicle expense	44.99
02/17/2023	Restaurant.	YVSC meeting	5.07
02/19/2023	YVEA	Electrical service at SC Powerhouse and shed, 01-03-2023 to 01-31-2023.	1,065.16
02/22/2023	CenturyLink Lumen	SC Telephone, February 2023.	171.67
02/22/2023	Adobe	Monthly subscription 02-20-2023 to 03-19-2023	118.93
02/22/2023	USPS	Postage	9.56

Subtotal

13,030.12

Upper Yampa Water Conservancy District
Cash Disbursement Report
April 28, 2023

Date	Name	Memo	Amount
02/23/2023	RingCentral	Annual subscription	239.88
02/27/2023	SmartVault	Software, interface with quickbooks	140.00
02/28/2023	Bear River Reservoir Co.	Community Grant Funding for Bear River Reservoir Co.	49,999.38
02/28/2023	Jeffrey D Erickson, Lynx	Snow removal January 2023, Stagecoach Reservoir.	3,835.00
02/28/2023	LRE Water	Proj. 21047UYCD03, WRF Hydro Analysis, services through 01-25-2023.	2,487.00
02/28/2023	AECOM	Yamcolo butterfly valve replacement	2,268.99
02/28/2023	LRE Water	Proj. 1612UYW03, Phase I Project Dashboard, services through 01-25-2023.	1,935.00
02/28/2023	LRE Water	Augmentation Plan and Water Rights Engineering Services through January 25, 2023.	1,515.00
02/28/2023	LRE Water	Proj. 1612UYW04, On-Call Regulatory Supports, services through 01-25-2023.	1,133.50
02/28/2023	CO CSDPL Property and Liab Pool	Vehicle insurance	661.00
02/28/2023	NDS Northwest Data Services	Network server equipment	654.06
02/28/2023	All Natural of Yampa Valley Inc	Office cleaning, February 2023.	300.00
02/28/2023	Timber Line Electric & Control	Alarm notifications 3-1-2023 to 2-29-2024	80.00
02/28/2023	ICMA-401a	Monthly retirement contribution	4,972.08
02/28/2023	ICMA-457	Monthly retirement contribution	4,324.28
02/28/2023	Family Support Registry	Remittance March 2023	716.00
02/28/2023	Tech Data Corporation	AutoCAD support	175.00
02/28/2023	ACE Hardware	Facilities maintenance	70.93
02/28/2023	Coursera	Training	60.71
02/28/2023	Steamboat X-Press Print & Ship	Scanning of documents	21.49
02/28/2023	Google	Software expense	15.00
02/28/2023	Friends of the Yampa	Yourth River Camps Sponsorship	6,000.00
03/01/2023	MVB Mountain Valley Bank	March Rent	6,724.24
03/01/2023	Colorado Judicial Branch	CO Court e-filing fees, February 2023.	120.00

Subtotal

88,448.54

Upper Yampa Water Conservancy District
Cash Disbursement Report
April 28, 2023

Date	Name	Memo	Amount
03/01/2023	CenturyLink Lumen	Office Telephone & Internet, 02-07-2023 to 03-06-2023.	239.80
03/06/2023	Mailchimp	Monthly digital marketing platform	20.90
03/07/2023	Water Education Colorado (CFWE, WeCO)	2022 WEco Water Fluency Program	1,504.50
03/07/2023	Restaurant.	Monthly staff meeting, lunch.	107.68
03/07/2023	Garmin	Monthly subscription, 03-06-2023 to 04-05-2023.	34.95
03/12/2023	Amazon	Office furniture	93.48
03/14/2023	Orange Peel Bicycle	Staff recongition gift	149.00
03/14/2023	City Market	March Board meeting supplies	52.06
03/15/2023	Restaurant.	CWCB and CO Dept of Agriculture meeting dinner	260.05
03/15/2023	Cruisers Sub Shop	Board meeting, lunch.	208.59
03/16/2023	NDS Northwest Data Services	IT Services	6,835.00
03/16/2023	Wayfair	Office furniture for Stagecoach powerhouse	730.84
03/16/2023	Elevated Olive	Staff recognition gift	157.98
03/17/2023	CEBT	Medical, dental, vision, life, STD, LTD April 2023 coverage.	9,594.60
03/17/2023	Environmental Solutions	Water Quality services through 02-23-23. Pass-through expense.	6,500.00
03/17/2023	AECOM	Yamcolo butterfly valve and generator	3,157.00
03/17/2023	Stand Creative Studio	Monthly digital marketing Services	1,450.00
03/17/2023	All Natural of Yampa Valley Inc	Carpet cleaning	250.00
03/17/2023	ACS Advanced Copier Solutions, Inc.	Monthly copier fees, February 2023.	6.77
03/17/2023	Watson Coon Ryan	Auditing services	8,000.00
03/17/2023	Colorado Water Congress CWC	CWC Endangered Species Committee Representation	2,200.00
03/17/2023	Conoco Universal WEX	Gasoline, February 2023.	501.27
03/17/2023	Napa	Vehicle maintenance	236.58
03/17/2023	ACE Hardware	Facilities maintenance	29.69

Subtotal

42,320.74

Upper Yampa Water Conservancy District
Cash Disbursement Report
April 28, 2023

Date	Name	Memo	Amount
03/20/2023	Adobe	Monthly subscription 03-20-2023 to 04-19-2023	118.93
03/20/2023	Edge Communications	Services 03-06-2023 to 04-05-2023	115.25
03/22/2023	YVEA	Electrical service at SC Powerhouse and shed, 01-31-2023 to 03-03-2023.	1,199.21
03/23/2023	Restaurant.	Meeting with CRD staff	28.25
03/26/2023	CenturyLink Lumen	SC Telephone, March 2023.	171.93
03/28/2023	Weiss & Van Scoyk LLC	Legal services, February 2023. Stagecoach, Yamcolo and General Matters, price-inclusive.	6,351.00
03/28/2023	Water Education Colorado (CFWE, WeCO)	2023 Water Leaders Program	4,500.00
03/28/2023	LRE Water	Augmentation Plan and Water Rights Engineering Services through February 25, 2023.	2,538.75
03/28/2023	LRE Water	Proj. 21047UYCD03, WRF Hydro Analysis, services through 02-25-2023.	2,102.50
03/28/2023	Jeffrey D Erickson, Lynx	Snow removal February 2023, Stagecoach Reservoir.	1,755.00
03/28/2023	Weiss & Van Scoyk LLC	Legal services, February 2023. Elk River Augmentation plan & Contract matters, price-exclusible.	1,534.00
03/28/2023	All Natural of Yampa Valley Inc	Office cleaning, March 2023.	300.00
03/28/2023	ACE Hardware	Facilities maintenance	27.33
03/28/2023	SmartVault	Software, interface with quickbooks	140.00
03/30/2023	Quickbooks	Monthly payroll	47,437.07
03/30/2023	Quickbooks	Mileage reimbursements	159.95
03/30/2023	Quickbooks	Health benefits	500.00
03/30/2023	Quickbooks	Phone expenses	600.00
03/30/2023	Internal Revenue Service	Federal Tax Deposit, February payroll.	17,843.60
03/30/2023	ICMA-401a	Monthly retirement plan contribution	5,007.88
03/30/2023	ICMA-457	Monthly retirement plan contribution	4,944.46
03/30/2023	Coursera	Training	60.71
04/03/2023	MVB Mountain Valley Bank	April Rent	6,724.24
04/03/2023	Family Support Registry	Remittance April 2023	716.00

Subtotal

104,876.06

Upper Yampa Water Conservancy District
Cash Disbursement Report
April 28, 2023

Date	Name	Memo	Amount
04/04/2023	Conoco Universal WEX	Gasoline, March 2023.	910.67
04/04/2023	CMNM Colorado Mountain News Media	Union Ditch Headgate bid public notice	204.42
04/13/2023	CEBT	Medical, dental, vision, life, STD, LTD May 2023 coverage.	14,114.60
04/13/2023	Trout Raley	USFS contest fees, January legal services	10,345.00
04/13/2023	Balcomb & Green, P.C.	Miscellaneous Matters, Diligence & Protest cases, February legal services	4,558.50
04/13/2023	Trout Raley	USFS contest fees, February legal services	2,893.21
04/13/2023	Stand Creative Studio	Monthly digital marketing Services	1,450.00
04/13/2023	Lyn Halliday	Director fees, Jan-Mar 2023.	400.00
04/13/2023	Holly Kirkpatrick	Reimbursement of Earth Day event expenses	118.00
04/13/2023	ACS Advanced Copier Solutions, Inc.	Monthly copier fees, March 2023.	26.60
04/13/2023	Lynn Powell	Gibraltar Ditch Grant	0.17
04/13/2023	Bruchez Ranch LLC	Gibraltar Ditch Grant	0.15
04/13/2023	John Redmond	Director fees, Jan-March 2023.	400.00
04/13/2023	Nicole Seltzer	Director fees, Jan-March 2023.	400.00
04/13/2023	Ron Murphy	Director fees, Jan-March 2023.	400.00
04/13/2023	Douglas Monger	Director fees, Jan-March 2023.	400.00
04/13/2023	Jim Haskins	Director fees, Jan-March 2023.	200.00
04/13/2023	CNA Surety	Directors & Officers Surety Bond, annual renewal.	100.00
04/13/2023	Flat Tops Ranch Supply	Facilities maintenance	42.07
04/16/2023	NDS Northwest Data Services	Monthly MSP fee, April 2023 IT services.	1,435.00
04/21/2023	Lynn Powell	Gibraltar Ditch Grant	27,999.83
04/21/2023	Bruchez Ranch LLC	Gibraltar Ditch Grant	21,999.85
04/26/2023	AECOM	Yamcolo Control House modifications design	11,179.00
04/26/2023	Balcomb & Green, P.C.	Miscellaneous Matters, Diligence & Protest cases, March legal services	6,139.50

Subtotal

105,716.57

Upper Yampa Water Conservancy District
Cash Disbursement Report
April 28, 2023

Date	Name	Memo	Amount
04/26/2023	Weiss & Van Scoyk LLC	Legal services, March 2023. Stagecoach, Yamcolo and General Matters, price-inclusible.	5,278.00
04/26/2023	LRE Water	Proj. 1612UYW03, Phase I Project Dashboard, services through 02-25-2023.	3,921.75
04/26/2023	LRE Water	Proj. 21047UYCD03, WRF Hydro Analysis, services through 03-25-2023.	3,485.00
04/26/2023	LRE Water	Morrison Creek & Water Rights Engineering Services through March 25, 2023. Proj. 21047UYCD01-23	2,113.50
04/26/2023	GMS Gray Matter Systems, LLC TMMI	Acceleration plan support renewal	2,030.00
04/26/2023	Jeffrey D Erickson, Lynx	Snow removal March 2023, Stagecoach Reservoir.	845.00
04/26/2023	LRE Water	Proj. 1612UYW04, On-Call Regulatory Supports, services through 03-25-2023.	738.50
04/26/2023	Weiss & Van Scoyk LLC	Legal services, March 2023. Grant Contract matters, price-exclusible.	338.00
04/26/2023	All Natural of Yampa Valley Inc	Office cleaning, April 2023.	300.00
04/26/2023	Colorado Department of Revenue	Quarterly liability payment	7,660.00
04/26/2023	ICMA-457	Monthly contributions	4,875.36
04/26/2023	ICMA-401a	Monthly retirement contributions	4,869.67
04/26/2023	NDS Northwest Data Services	IT Services	520.02
04/27/2023	Quickbooks	Monthly payroll	45,735.88
04/27/2023	Quickbooks	Mileage reimbursements	188.64
04/27/2023	Quickbooks	Phone expenses	600.00
04/27/2023	Internal Revenue Service	Federal Tax Deposit	17,232.22

Subtotal **100,731.54**

Total **455,123.57**

UPPER YAMPA WATER CONSERVANCY DISTRICT - 2023 BUDGET COMPARISON REPORT, AS OF MARCH 31, 2023

	2021 ACTUALS	2022 ACTUALS	2023 BUDGET	2023 ACTUALS	2023 PROJECTIONS
	audited	draft audit	Approved November 16, 2022	March 31, 2023	March 31, 2023
Fund Opening Balance including Encumbered Funds	17,536,141	18,778,813	20,357,959	20,357,959	20,357,959
Encumbered Funds	5,875,302	6,133,474	6,584,922	6,584,922	6,584,922
Emergency Facilities Reserve	4,606,931	4,814,243	5,184,940	5,184,940	5,184,940
Capital Maintenance Reserve	772,752	807,526	869,706	869,706	869,706
Stagecoach Wetlands Mitigation Reserve	419,734	419,734	419,734	419,734	419,734
Tabor Reserve	75,885	91,971	110,542	110,542	110,542
Capital Projects Development Fund	11,660,839	12,645,339	13,773,037	13,773,037	13,773,037
Revenues					
Facilities					
Stagecoach Reservoir					
Power Sales	58,824	81,734	193,000	20,016	193,000
Water Sales	228,487	377,941	212,127	600	214,469
Yamcolo Reservoir					
Water Sales	139,374	134,625	188,053		185,747
Stillwater Ditch & Reservoir Company	10,582	10,336	9,514		9,514
Elk River Augmentation Water Sales	1,668	4,496	777		3,533
Property taxes	2,719,734	2,927,507	2,696,536	1,195,281	2,696,536
Interest earned	15,204	327,635	505,927	219,647	944,488
Other income		1,160		3,908	4,000
Pass through income	63,728	30,128		6,500	
	revenues	3,237,601	3,895,563	3,805,934	4,251,287
Expenditures					
Operating					
Facilities					
Stagecoach Reservoir	435,389	572,061	652,573	124,216	652,573
Yamcolo Reservoir	131,307	115,168	166,549	71,048	166,549
Stillwater Ditch & Reservoir Company	30,100	44,401	76,640	9,450	76,640
Elk River Augmentation Plan			2,128	554	2,128
Administration	294,343	305,137	376,595	96,010	376,595
Board of Directors	52,669	66,299	106,461	22,284	106,378
External Affairs	102,876	116,362	141,277	31,603	141,277
Finance	105,482	116,033	154,488	40,149	154,488
Legal	107,172	119,044	160,114	45,238	160,114
Planning	83,816	223,887	337,133	22,751	337,133
Grants, Scholarships & Public Information	202,455	311,017	409,875	57,866	409,875
Treasurer fees	82,564	88,346	80,896	36,603	80,896
Pass through expenses	56,629	32,172		11,555	
	Subtotal Operating	1,684,802	2,109,928	569,328	2,664,646
Capital					
Stagecoach Reservoir	198,921	83,876	521,500	26,388	521,500
Yamcolo Reservoir	56,411	105,019	248,250	8,939	248,250
Stillwater Ditch & Reservoir Company	54,795	17,596	250,250	270	250,250
	Subtotal Capital	310,127	1,020,000	35,597	1,020,000
	expenditures	1,994,929	2,316,418	604,925	3,684,646
	net income (loss)	1,242,672	1,579,145	841,027	566,640
Ending Fund Balance	18,778,813	20,357,959	20,479,164	21,198,986	20,924,599

STAGECOACH SKI AREA DEVELOPMENT GROUP PRESENTATION







BOARD COMMUNICATION FORM

From: Karina Craig, Finance Manager.

Date: May 17, 2023

Item: Financial Asset Management Update.

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Request/Issue and Background Information:

Financial Asset Management Update

The Upper Yampa Water Conservancy District's (the District) liquid assets are currently deposited in a portfolio of Certificates of Deposit (CDs) at local banking institutions and at a Governmental Investment Pool Fund, administered by Colotrust, in accordance with Colorado statutory requirements for the investment of public funds.

On May 18, 2022 and July 20, 2022 the District Board approved certain adjustments to the District's CD portfolio and transactional accounts planned for 2022 and 2023, for increased FDIC insurance coverage to the District's deposits, larger capability to capture improving deposit yields and added support to local banking institutions.

Table 1 and its accompanying Flow Chart show the approved adjustments, including tasks completed in April 2023:

- Closure of Bank of the West (BotW) CD, \$643,325.17.
- Opening of CD at Alpine Bank, with a \$100,000.00 deposit.
- Transfer of remaining \$543,325.17 from BotW to UYWCD Colotrust investment account.

All planned adjustments to the District's portfolio of CDs and transactional accounts are now complete. Funds held in District CDs decreased from \$1.8M to \$900K, while support to local banking institutions and Colotrust investments increased. The structure of transactional account use was modified to strengthen fraud prevention and to increase transactional security. CDs were established or adjusted to meet full FDIC Insurance at Yampa Valley Bank (YVB), Vectra Bank and Alpine Bank.

Lastly, balances currently exceeding \$250,000.00 at Mountain Valley Bank (MVB) CD (\$50,000) and yields earned at YVB CD (\$2,681.86) will be transferred to MVB transactional accounts. This will complete FDIC Insurance compliance by the full District CD portfolio.



II. Summary: The District CD and transactional account portfolio was adjusted as approved by the Board, resulting in increased support to local banking institutions, increased Colotrust investments, increased FDIC insurance, strengthened fraud prevention and higher transactional security.

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: Financial Asset Management Update; Table 1.

Attachment 2: Financial Asset Management Update; Flow Chart.

Table 1

CD Adjustments; April 30, 2023 update on task completion:

§: Task in progress, scheduled.

§§: Task complete

Bank Name	Current Balance	Withdrawal, June 2022	Deposit, June 2022	Proposed Balance, June 2022	Withdrawal, April 2023	Deposit, April 2023	Proposed Balance, April 2023
Existing CDs							
Mountain Valley Bank	\$657,794.75	(\$357,794.75) (1)		\$300,000.00 (1)			\$300,000.00
Vectra Bank, CD #1	\$150,000.00		\$100,000.00 (3)	\$250,000.00 (3)			\$250,000.00
Vectra Bank, CD #2	\$200,115.09 (2)	(\$200,115.09) (3&4)		\$0.00 (5)			
Yampa Valley Bank	\$200,000.00		\$50,000.00 (6)	\$250,000.00 (6)			\$252,681.86 (13)
Bank of the West	\$642,058.76			\$642,058.76	(\$643,325.17) (9)		\$0.00 (12)
Subtotal	\$1,849,968.60 (0)	(\$557,909.84)	\$150,000.00	\$1,442,058.76	(\$643,325.17)	\$0.00	\$802,681.86 (14)
Existing Transactional Accounts							
Mountain Valley Bank, checking account	NA		\$357,794.75 (1)	\$357,794.75 *			\$357,794.75 *
Colotrust	NA		\$47,615.09 (7)	\$47,615.09 *		\$543,325.17 (11)	\$590,940.26 *
Subtotal	NA	\$0.00	\$405,409.84	\$405,409.84	\$0.00	\$543,325.17	\$948,735.01
Proposed New Accounts							
Vectra Bank, Public Funds Money Market	NA	(\$50,000.00) (6)	\$100,115.09 (4)	\$2,500.00 (8)			\$2,614.75 (13)
Bank of the West, Money Market	NA (9)	(\$47,615.09) (7)			(\$100,000.00) (10)	\$643,325.17 (9)	\$0.00 (12)
Alpine Bank, CD	NA (10)					\$100,000.00 (10)	\$100,000.00 (14)
Subtotal	NA	(\$97,615.09)	\$100,115.09	\$2,500.00	(\$643,325.17)	\$743,325.17	\$102,614.75
Total	\$1,849,968.60	(\$655,524.93)	\$655,524.93	\$1,849,968.60	(\$1,286,650.34)	\$1,286,650.34	\$1,854,031.62 *

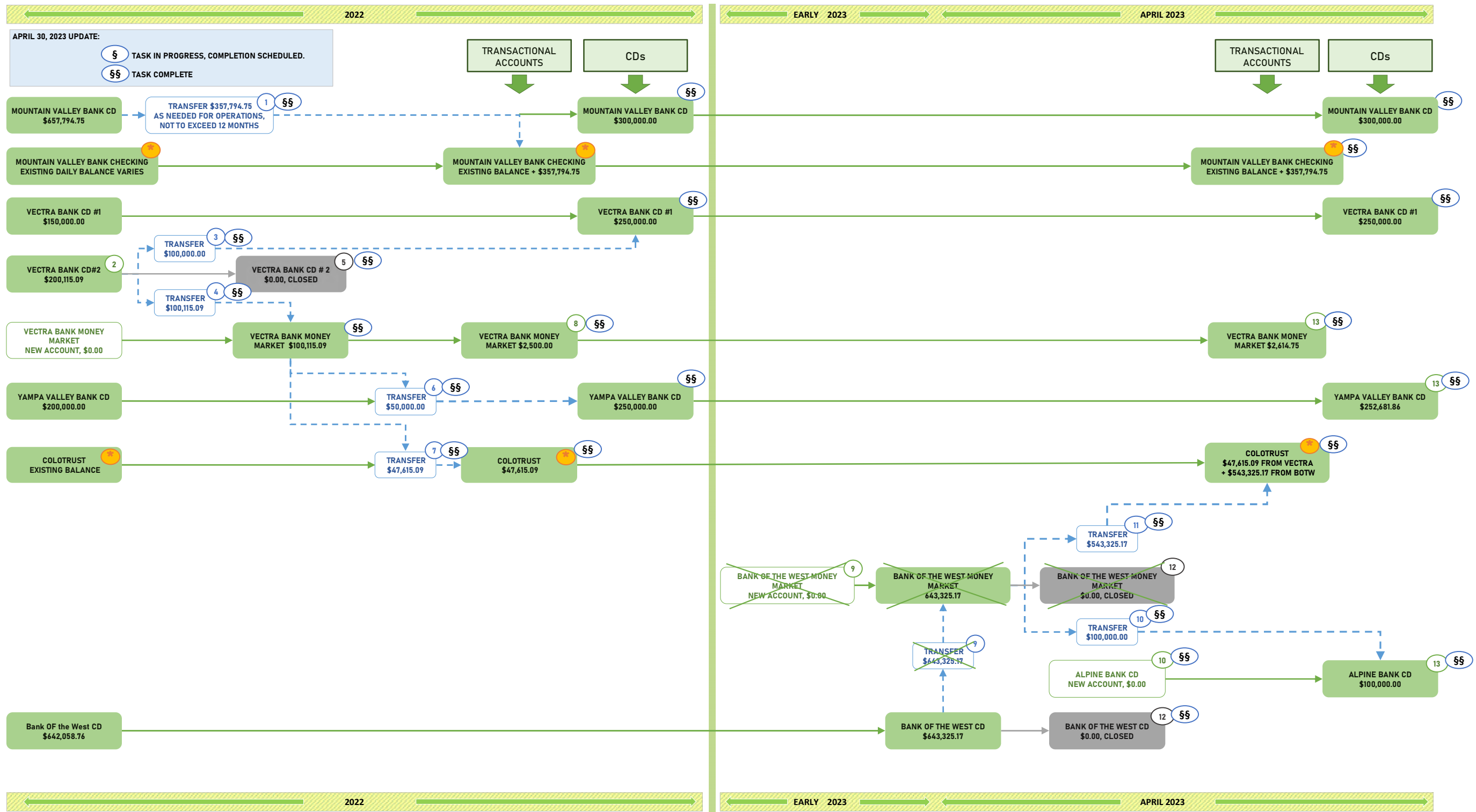
June 2022:

- §§ (0) Beginning balance of CD portfolio is \$1,849,968.60
- §§ (1) Transfer funds from MVB Open CD to MVB Operating Checking Account as needed for daily operations, bring CD balance to \$300,000.00. Start June 2022, complete before twelve months.
- §§ (2-5) Merge both Vectra Bank CDs into a single CD. Keep \$250,000 in CD & transfer remainder to Vectra Money Market
 - (2) Current Balance of Vectra Bank CD#2 is \$200,115.09
 - (3) Transfer \$100,000.00 from Vectra Bank CD#2 to CD#1, bringing CD#1 balance to \$250,000.00
 - (4) Transfer \$100,115.09 from Vectra Bank CD#2 to new Vectra Bank Money Market. See also (6 ~ 8)
 - (5) Close Vectra Bank CD #2.
- §§ (6~8) Withdraw funds from Vectra Bank Money Market, leaving there only \$2,500.00.
- §§ (6) Transfer \$50,000.00 from Vectra Money Market to YVBank CD, bringing YVB CD to \$250,000.00
- §§ (7) Transfer the remainder \$47,615.09 from Vectra Money Market to Colotrust
- §§ (8) Vectra Bank Money Market Account end balance is \$2,500.00

April 2023:

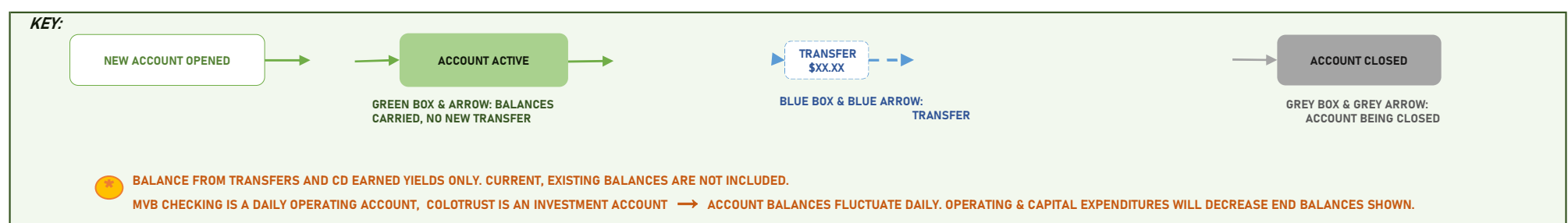
- (9 ~ 12) Close BotW CD, Open & fund CD at Alpine Bank, transfer balance to Colotrust.
 - (9) Open a Money Market at BoTW Step not needed.
 - (9) Transfer full balance from BoTW CD to BoTW Money Market
 - BoTW CD balance at maturity on 4-12-23, including earned yields and net of \$35.00 wire fees: \$643,325.17.
 - (10) Open new CD at Alpine Bank
 - (10) Transfer \$100,000.00 from BoTW Money Mkt to Alpine Bank CD
 - (11) Transfer balance of \$543,325.17 from BotW Money Market to Colotrust
 - (12) Close BotW CD & Money Market accounts
 - (13) Account balance increases slightly with CD yield deposits
 - (14) End balance of CD portfolio is \$900,000.00 + CD yield deposits

* Balance from transfers and earned yields only. Current, existing balances not included. MVB Checking account is a daily operating account, Colotrust is an investment account, account balances fluctuate daily.



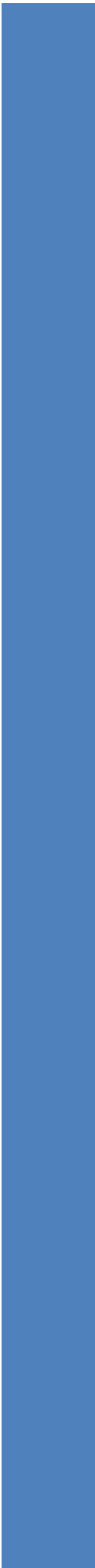
OPENING BALANCES

CDs, \$1,849,968.60
TRANSACTIONAL ACCOUNTS, \$0.00
TOTAL: 1,849,968.60



END BALANCES

CDs, \$902,682
TRANSACTIONAL ACCOUNTS, \$951,350
TOTAL: 1,854,032





BOARD COMMUNICATION FORM

From: Karina Craig, Finance Manager.

Date: May 17, 2023

Item: 2022 Fiscal Year (FY) Financial Audit Presentation

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Request/Issue and Background Information:

Throughout the fiscal year, Upper Yampa Water Conservancy District (UYWCD) staff carries out the accounting of the UYWCD'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 UYWCD is subject to Colorado Auditing Standards and is required to undergo an annual audit of its financial books.

The auditing of the UYWCD 2022 fiscal year financials is nearing completion, with services provided by Watson Coon Ryan, Certified Public Accountants.

The approved 2022 FY Audit Schedule is being adhered to, as follows:

- February 7, 2023, kick-off meeting with Auditor.
- February 2023, field work.
- March 3, 2023, initial draft released for Finance Manager's review.
- March 16, 2023, review of *preliminary draft* with auditor and directors, if needed.
- April 10th or May 8th, *final draft* released for Directors' review.
- April 19th or May 17th *final draft* presented by Auditor.

The *preliminary audit draft* was released by the Auditor and reviewed by the UYWCD Finance Manager. No adjustments to the financial records were requested by the auditor.

Through the Colorado Department of Local Affairs, Colorado Revised Statutes state that the auditor shall submit an audit report to the UYWCD governing body by June 30 every year [C.R.S. 29-1-606(a)(1)]. In turn, the UYWCD must submit a copy of the annual audit report to the Office of the State Auditor within thirty days after receipt of said audit [C.R.S. 29-1-606(4)].



II. Summary and Alternatives: The audit field work and the preparation of the *final draft* of the UYWCD 2022 fiscal year audit report are now complete. The Audit Report is being presented by the auditor to the Board for consideration and approval.

III. Staff Recommendation: Review and accept Audit.

IV. Legal Issues: None.

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

Attachments:

Attachment 1: Upper Yampa Water Conservancy District, Financial Statements and Supplemental Information with Independent Audit Report, December 31, 2022.

**UPPER YAMPA WATER
CONSERVANCY DISTRICT**

Financial Statements
And
Supplemental Information
With
Independent Audit Report

December 31, 2022

UPPER YAMPA WATER CONSERVANCY DISTRICT

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INDEPENDENT AUDITOR'S REPORT

Board of Directors
Upper Yampa Water Conservancy District
Steamboat Springs, Colorado

Opinion

We have audited the financial statements of the business-type activities of Upper Yampa Water Conservancy District, as of and for the year ended December 31, 2022, and the related notes to the financial statements, which collectively comprise Upper Yampa Water Conservancy District's basic financial statements as listed in the table of contents.

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the business-type activities of Upper Yampa Water Conservancy District as of December 31, 2022, and the respective changes in financial position and cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinion

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of Upper Yampa Water Conservancy District and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Responsibilities of Management for the Financial Statements

Upper Yampa Water Conservancy District's management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about Upper Yampa Water Conservancy District's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of Upper Yampa Water Conservancy District's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about Upper Yampa Water Conservancy District's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance

on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Supplementary Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise Upper Yampa Water Conservancy District’s basic financial statements. The Statement of Revenues, Expenditures and Changes in Fund Balance – Budget and Actual is presented for purposes of additional analysis and are not a required part of the basic financial statements.

The Statement of Revenues, Expenditures and Changes in Fund Balance – Budget and Actual is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the Statement of Revenues, Expenditures and Changes in Fund Balance – Budget and Actual is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Watson Coon Ryan, LLC

WATSON COON RYAN, LLC
CENTENNIAL, COLORADO

MAY XX, 2023



UPPER YAMPA WATER CONSERVANCY DISTRICT
Management's Discussion and Analysis
2022

The intent of the Management's Discussion and Analysis is to provide an overview and highlights of the financial and other activities of the Upper Yampa Water Conservancy District (UYWCD) for the year ended on December 31, 2022. UYWCD Board members and readers are encouraged to read this discussion and analysis in conjunction with the accompanying audited financial statements. In addition to the accompanying audit, it provides a report by the General Manager of the activities of the UYWCD in 2022.

Overview of the District's Operations and Economic Factors

The UYWCD, formed in 1966, provides the legal authority to plan and construct water conservation projects in the Yampa River basin. The UYWCD's combined assets represent the largest source of stored water available for water users in the Yampa River Basin managed by a single entity. The Yampa River Basin is largely recognized as the river with the least amount of stored water, by percent of total flow, of all major river basins in the Colorado River system. The UYWCD boundary includes most of Routt County and a small portion of Moffat County. The UYWCD is governed by a Board of nine directors appointed by the Water Court.

Yamcolo (9,621 AF) and Stagecoach (36,439 AF) Reservoirs represent the primary water conservation projects constructed and operated by the UYWCD. The Stillwater Ditch is another UYWCD facility and is used to deliver water contracted from the Yamcolo Reservoir and water from other decreed water sources. In addition to the facilities described above, the UYWCD has contracted for 360 AF of water from Steamboat Lake to enable an augmentation plan with water contracts for out of priority depletions in the Elk River Valley.

Drought conditions continued to plague the entire Colorado River system in 2022, causing the two primary system reservoirs, Lake Mead and Lake Powell, to reach historically low levels and put critical infrastructure, including hydropower production, at risk. In June 2022, concerns over the decreasing water supply and increasing demand led the U.S. Bureau of Reclamation to order the seven Colorado River Basin states to develop a plan to reduce water use in the basin by two to four million acre-feet in the coming year.

Currently, six of the seven basin states have jointly signed a plan to meet the demands of the Bureau of Reclamation. UYWCD closely follows the negotiations of Colorado River water to monitor and plan for impacts on our own Yampa River Basin. The flows of the Yampa River provide approximately ten percent of the flows in the Colorado River at Lees Ferry, which serves as the delivery point for water from the Upper Colorado River Basin to the Lower Colorado River Basin. The contribution of the Yampa River to this critically important regional resource makes the caretaking of our local water resources all the more important. A healthy and productive Yampa River is an integral part of the health of our local communities and those throughout the Colorado River Basin.

In the Yampa River Basin, the 2021/22 water year was characterized by below average snowpack and very low summer precipitation. The combined effect of these hydrologic conditions resulted in reduced hydro-power generation at Stagecoach Dam. Water storage deliveries from the UYWCD reservoirs were extensive. Furthermore, drought conditions drove an increase in water storage demand, resulting in an increase in water storage contracts at UYWCD reservoirs leading to an increase in water storage revenues.

UYWCD is committed to serving our constituents through responsible water resource management that conserves, protects, and enhances the water resources of the Yampa River Basin to ensure a sustainable future for our communities. In 2022, UYWCD increased funding to support projects that assist water users and managers in their decision-making process and to educate community members including future generations on the water matters that impact our most valuable natural resource, the Yampa River.

Capital investment to District facilities included electronic upgrades, new safety buoys and temperature monitoring equipment at Stagecoach Reservoir, design of a headgate at Union Ditch, general improvements to equipment at Yamcolo and Stagecoach Dams, and structural repairs at Stillwater Ditch.

Financial activities for the 2022 year included a significant increase in augmentation contracts for both Yampa and Elk rivers, continued increase in UYWCD Community Grant funding, award of a Financial Assistance Grant for the rehabilitation of Sheriff Dam and the first UYWCD Yampa River Youth Festival.

Revenues

Property tax revenues from a 1.82 mill levy on the taxable property of the UYWCD generated \$2,839,161, net of \$88,346 of Treasurer Collection Fees.

Overall water sales were \$517,062, \$158,370 above the \$358,692 budgeted. This revenue variance stemmed from additional water purchases from Colorado Water Trust through an Environmental, Instream and Recreational Water storage agreement, new augmentation contracts and increased water contracted for local ski operations.

Hydro-power generation produced a total revenue of \$81,734 for the year, \$111,266 below the \$193,000 budgeted. Hydro-power generation is directly influenced by the magnitude and timing of Yampa River flows into Stagecoach Reservoir. The 2021/22 water year was characterized by below average snowpack and very low summer precipitation. The combined effect of these hydrologic conditions resulted in reduced hydro-power generation at Stagecoach Dam. Stagecoach Dam Powerhouse maintenance needs also influence hydro-power generation.

Other revenues include those generated by the Stillwater Ditch and Reservoirs Company of \$10,336, Grazing lease revenues of \$1,160 and interest income of \$327,635.

Pass through revenues and expenses for the *Evaluating the Observation Network and Enhancing Soil Moisture Observations to Support Decision Making in the Upper Yampa Basin*, the *Coal Creek Diversion*

Project Engineering Analysis, and the Infrastructure Improvement Projects, were received and disbursed in 2022, resulting in an aggregate year-end net balance of \$5,054, scheduled for 2023 disbursements.

Expenditures

Operation and Maintenance expenditures, and capital improvements for Stagecoach Dam and Reservoir, Yamcolo Dam and Reservoir, and the Stillwater Ditch continue to improve the condition of UYWCD facilities consistent with current operational standards. Total Operating Expenditures for all UYWCD facilities and operations (net of depreciation) were \$2,195,899, \$788,326 below the \$2,984,225 budget.

Overview of the Financial Statements

The UYWCD's financial statements comprise of two components:

1. Stand-alone Enterprise fund financial statements,
2. Notes to the financial statements.

This report also contains other supplementary information consisting of a comparison of budget to actual non-US GAAP (U.S. Generally Accepted Accounting Principles) Budgetary basis.

Stand-alone Enterprise fund financial statements:

These financial statements are designed to provide readers with a broad overview of the UYWCD in a manner similar to a private-sector business.

- The statement of net position presents information on all the UYWCD's assets and liabilities with the difference reported as net position. Over time, changes in net position may serve as a useful indicator of whether the financial position of the UYWCD is improving or deteriorating.
- The statement of revenues, expenses and changes in net position presents information showing how the UYWCD's net position changed during the year. All changes in net position are reported when the underlying event giving rise to the change occurs, regardless of the timing of related cash flows.
- The statement of cash flows represents the information on the change in the UYWCD's cash balances during the year segregated into operating, investing, and financing categories.

The assets of the UYWCD exceeded its liabilities on December 31, 2022, by \$46,954,785. Of this amount, \$26,515,305 is invested in capital assets (net of related debt) and \$486,734 is restricted. While there are no legal restrictions on the unrestricted net position of \$19,952,746, in 2022 the District encumbered a net position balance equal to \$807,526 in the Capital Maintenance Reserve, \$4,814,243 in the Emergency Facilities Reserve, and \$14,330,977 to ensure adequate net position is available to address future debt payments and the development of capital projects.

Statement of Net Position

	2022	2021
<u>Assets:</u>		
Current and Other Assets	\$23,336,698	\$21,552,565
Net Capital Assets	26,596,826	26,503,746
Total Assets	49,933,524	48,056,311
<u>Liabilities:</u>		
Current liabilities	281,432	58,094
Deferred Inflows	2,697,307	2,715,657
Total liabilities	2,978,739	2,773,751
<u>Net position:</u>		
Invested in capital,		
Net Investment in Capital Assets	26,515,305	26,503,746
Restricted Net Position	486,734	466,657
Unrestricted*	19,952,746	18,312,157
Total net position	\$46,954,785	\$45,282,560

*Encumbered funds, including Emergency Facilities Reserve, Capital Maintenance Reserve and Capital Projects Development Fund.

2022 Fund Closing Balance including Encumbered Funds	\$20,439,480
Encumbered Funds	\$6,108,503
Emergency Facilities Reserve	4,814,243
Capital Maintenance Reserve	807,526
Stagecoach Wetlands Mitigation Reserve	419,734
Tabor Reserve	67,000
Capital Projects Development Fund	\$14,330,977

Statement of Revenues, Expenses, and Changes in Fund Net Position

	2022	2021
Revenues		
Operating Revenues	\$610,292	\$438,935
Other Income (Expense)	3,164,752	2,659,473
Total Revenues	3,775,044	3,098,408
Expenses		
Operating Expenses	2,102,819	1,561,947
Change in Net Position	1,672,225	1,536,461
Net Position - Beginning	45,282,560	43,746,099
Net Position - Ending	\$46,954,785	\$45,282,560

Capital Assets

	Balance 12/31/21	Additions	Deletions	Balance 12/31/22
Capital assets not being depreciated:				
Stagecoach				
Land and water rights	\$ 5,259,775	-	-	\$ 5,259,775
Dam Structure	9,080,877	-	-	9,080,877
Amenities	3,929,108	-	-	3,929,108
Yamcolo:				
Dam Structure	5,998,642	-	-	5,998,642
Stillwater Ditch:	530,653			530,653
Elk River Augmentation	10,000			10,000
Total capital assets not being depreciated	24,809,055	-	-	24,809,055
Capital assets being depreciated:				
Stagecoach				
Dam structure and equipment	3,509,041	19,455	-	3,528,496
Amenities	1,312,348	63,776	-	1,376,124
Yamcolo				
Dam structure and equipment	897,668	104,921	-	1,002,589
Stillwater Ditch	165,009	17,588	-	182,597
Equipment, vehicles and other	176,825	750	-	187,575
Total capital assets being depreciated	30,869,946	206,490	-	31,076,436
Less: Accumulated depreciation	(4,366,200)	(113,410)	-	(4,479,610)
Net Capital Assets	\$ 26,503,746	\$ 93,080	\$ -	\$ 26,596,826

Budgetary Comparison

The UYWCD budgets for expenses on a non-GAAP basis whereby expenses include debt principal payments and capital outlay and exclude non-cash expenses of depreciation and amortization. In 2022 there were three revenue budgetary differences. Water sales revenues were higher than budgeted due to new water storage contracts and additional water purchased through existing agreements based on availability and current water-year conditions. Power sales were below budget and interest revenues were above budget, resulting from current year hydrologic and economic conditions, respectively.

Capital project expenditures were all within budgeted amounts.
Budgetary changes have not adversely affected the financial stability of the UYWCD.

The variations between the budgeted income and expenses enumerated above will have no deleterious effect on the liquidity of the UYWCD or its future obligations and services.

DRAFT

UPPER YAMPA WATER CONSERVANCY DISTRICT
Statement of Net Position
December 31, 2022

Assets:

Current assets:

Cash and investments	\$ 19,609,325
Accounts receivable	52,453
Property taxes receivable	2,697,307
Certificates of deposit	943,036
Prepaid expenses	34,577

Total current assets	23,336,698
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Noncurrent assets:

Capital assets, net of accumulated depreciation	26,596,826
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Total assets	\$ 49,933,524
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Liabilities:

Current liabilities:

Accounts payable	268,983
Accrued expenses payable	12,449

Total current liabilities	281,432
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Deferred inflows of resources:

Deferred property tax revenues	2,697,307
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Net position:

Net investment in capital assets	26,515,305
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Restricted for:

Wetlands mitigation	419,734
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Emergencies	67,000
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Unrestricted	19,952,746
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Total net position	\$ 46,954,785
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The accompanying notes are an integral part of this financial statement.

UPPER YAMPA WATER CONSERVANCY DISTRICT
Statement of Revenues, Expenses, and Change in Net Position
For the year ended December 31, 2022

Operating Revenues:	
Water sales	\$ 517,062
Power revenues	81,734
Other income	11,496
Total operating revenues	<u>610,292</u>
Operating Expenses:	
Facilities:	
Stagecoach reservoir	640,028
Yamcolo reservoir	151,192
Stillwater ditch and reservoir	50,194
Administration	308,763
Board of directors	66,299
External affairs	116,362
Finance	116,033
Legal	119,044
Planning	223,887
Grants, scholarships and public information	311,017
Total operating expenses	<u>2,102,819</u>
Operating loss	<u>(1,492,527)</u>
Non-Operating Revenues and (Expenses):	
Property taxes, net of collection fees	2,839,161
Pass-through income	30,128
Pass-through expense	(32,172)
Interest income	327,635
Net non-operating revenues	<u>3,164,752</u>
Change in net position	1,672,225
Net position, beginning of year	<u>45,282,560</u>
Net position, end of year	<u>\$ 46,954,785</u>

The accompanying notes are an integral part of this financial statement.

**UPPER YAMPA WATER CONSERVANCY DISTRICT
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED DECEMBER 31, 2022**

Note 1: Summary of Significant Accounting Policies

The Upper Yampa Water Conservancy District (the District) was established in 1966 by Colorado Revised Statutes (CRS) Title 37, Article 45 under the “Water Conservancy Act”. The District was formed to provide legal authority to plan and construct water conservation projects in the Yampa Valley of northwest Colorado. The District stores water in two reservoirs, Stagecoach Reservoir and Yamcolo Reservoir, from which water is released to its ultimate users. The Stagecoach dam generates hydroelectric power that is sold to Yampa Valley Electric Association (YVEA). In addition, the Stagecoach Reservoir and dam includes a State recreation area for which the District pays a limited maintenance subsidy to the Colorado Parks and Wildlife.

The District’s financial statements were prepared in accordance with U.S. generally accepted accounting principles for governmental entities (US GAAP). The Governmental Accounting Standards Board (GASB) is the standard-setting body for the establishment of US GAAP in governmental entities. The following summary of the more significant accounting policies of the District is presented to assist the reader in interpreting these financial statements and should be viewed as an integral part of this report.

Reporting Entity

The District applies the criteria set forth in GASB Codification Section 2100: Defining the Financial Reporting Entity, to determine which governmental organizations should be included in the reporting entity. The inclusion or exclusion of component units is based on the elected officials' accountability to their constituents, and the financial reporting entity follows the same accountability. Further, the financial statements of the reporting entity should enable the reader to distinguish between the primary government (including its blended component units, which are, in substance, part of the primary government) and discretely presented component units.

The criteria used for determining whether an entity should be included, either blended or discretely presented, includes but is not limited to: fiscal dependency, imposition of will, legal standing, and the primary recipient of services. Based on these criteria, the District has no includable component units. The District is also not included in the financial statements of any other entity.

Basic Financial Statements

As a special purpose government, basic financial statements are presented at the activity level. Activity level financial statements focus on the sustainability of the District as an entity and the change in aggregate financial position resulting from the activities of the year. These aggregated statements consist of the Statement of Net Position, the Statement of Change in Fund Net Position, and the Statement of Cash Flows.

As a special purpose government, the District has only one fund, an enterprise/proprietary fund which is also considered its business type activity. The District does not present any other fund or activity information.

Measurement Focus and Basis of Accounting

The District operates as an enterprise and the accompanying proprietary fund financial statements use a flow of economic resources measurement focus to determine net income and financial position. The accounting principles used are similar to those applicable to businesses in the private sector and, thus, this

**UPPER YAMPA WATER CONSERVANCY DISTRICT
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED DECEMBER 31, 2022**

fund is maintained on the accrual basis of accounting. Revenues are recorded when earned and expenses are recognized when incurred.

Assets, Liabilities, Deferred Inflows of Resources and Net Position

Cash and Cash Equivalents

For purposes of the statement of cash flows, the District considers all highly liquid investments with a maturity of three months or less when purchased to be cash equivalents. The District's investment in the Colorado Local Government Liquid Asset Trust (COLOTRUST) PLUS+ fund is measured at net asset value, equal to \$1.00 per share.

Certificates of Deposit

The District holds money in nonnegotiable certificates of deposit that are valued at amortized cost. Maturities range from April to June 2023. Interest rates range from 0.15% - 2.0%.

Accounts Receivable

Amounts due to the District from water storage and power sales are reported as accounts receivable. The District's management reviews accounts receivable periodically to consider the collectability of the balances. District management believes all accounts receivable to be fully collectible as of December 31, 2022. Therefore, no allowance for uncollectible accounts has been established.

Prepaid Expenses

Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid expenses.

Capital Assets

Capital assets include land, reservoir and dam structures, hydro-electric plant, buildings and improvements, furniture and fixtures and equipment. Capital assets are defined by the District as assets with an initial cost of \$1,000 or more and an estimated useful life in excess of one year. Such assets are recorded at historical cost. The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend asset useful lives are not capitalized.

Capital assets are depreciated using the straight-line method over the following estimated useful lives:

	<u>Years</u>
Buildings and improvements	30 - 40
Furniture, fixtures and equipment	5 - 20

Non-depreciable capital assets of the District include its land, land improvements, reservoirs, and dams.

Deferred Inflows of Resources

In addition to liabilities, the statement of net position includes a separate section for deferred inflows of resources. Deferred inflows of resources represent an acquisition of net position that applies to future periods and will not be recognized as an inflow of resources (revenue) until that time. The District's deferred inflows of resources consist solely of unavailable revenues from property taxes.

**UPPER YAMPA WATER CONSERVANCY DISTRICT
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED DECEMBER 31, 2022**

Net Position

Net position is classified as net position and may be displayed in three components:

- Net investment in capital assets - consists of capital assets including restricted capital assets, net of accumulated depreciation and reduced by the outstanding balances of any bonds, mortgages, notes or other borrowings that are attributable to the acquisition, construction, or improvement of those assets.
- Restricted net position - consists of net position with constraints placed on the use either by (1) external groups, such as creditors, grantors, or laws or regulations of other governments; or (2) law through constitutional provisions or enabling legislation.
- Unrestricted net position - all other net position that do not meet the definition of "restricted" or "net investment in capital assets." This net position is available for future operations or distributions.

For presentation purposes when both restricted and unrestricted resources are available for use, it is the District's practice to use restricted resources first, then unrestricted resources as they are needed.

While the unrestricted net position does not have any legal constraints on its use, the accumulation of these amounts may be necessary to offset significant unforeseen capital repairs and for the development of capital projects that may be necessary in future years. These amounts do not meet the accounting definition to be considered restricted, but the District believes this balance is necessary to ensure adequate reserves are available when the need does arise.

Operating and Non-Operating Revenues and Expenses

The proprietary fund financial statements distinguish operating revenues and expenses from non-operating items. Operating revenues and expenses are those that result from providing services associated with the principal activities of the District. Operating expenses include the cost of ongoing operations, related administrative expenses, and depreciation expense. Non-operating revenues and expenses are all those that do not meet the criteria described previously.

Property Taxes

Property taxes are levied on December 15 of each year and attach as an enforceable lien on property on January 1. Taxes are payable in full on April 30 or in two installments on February 28 and June 15. The Routt County Treasurer and Moffat County Treasurer collect property taxes and remit collections to the District on a monthly basis.

Use of Estimates

The preparation of financial statements in conformity with US GAAP requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities as of the financial statement date and the reported amount of revenues and expenses during the reporting period. Actual results could differ from those estimates.

Recently Issued Accounting Pronouncements

GASB Statement No 87 - In June 2017, GASB issued statement No 87, Leases. The objective of this Statement is to better meet the information needs of financial statement users by improving accounting and financial reporting for leases by governments. This Statement increases the usefulness of

**UPPER YAMPA WATER CONSERVANCY DISTRICT
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED DECEMBER 31, 2022**

governments' financial statements by requiring recognition of certain lease assets and liabilities for leases that previously were classified as operating leases and recognized as inflows of resources or outflows of resources based on the payment provisions of the contract. It establishes a single model for lease accounting based on the foundational principle that leases are financings of the right to use an underlying asset. The provisions in statement 87 are effective for reporting periods beginning after June 15, 2021. The District implemented GASB Statement No. 87, Leases, in the year ending December 31, 2022. No significant leases were identified, and as such, no changes have been made to the financial statements as a result of implementing this standard.

Note 2: Stewardship, Compliance and Accountability

Budgetary Information

Budgets are adopted on a non-US GAAP basis wherein depreciation is not budgeted; capital expenditures and principal payments on capital debt are budgeted and recorded as expenditures.

The District conforms to the following procedures, in compliance with CRS, Title 29, Article 1, in establishing the budgetary data reflected in the financial statements:

- Prior to October 15, the District's Treasurer submits to the Board of Directors a proposed operating budget for the fiscal year commencing the following January 1. The budget includes proposed expenditures and the means of financing them.
- Public notice is offered by the Board of Directors to obtain taxpayer comments.
- Prior to December 31, the budget is adopted by formal resolution.
- Expenditures may not legally exceed appropriations at the fund level. Revisions that alter the total expenditures must be approved by the Board of Directors.
- All appropriations lapse at the end of each fiscal year.

During the year the Board may authorize supplemental appropriations, if necessary. There was one budget amendment for the year ended December 31, 2022.

Compliance

The District did not have expenditures in excess of appropriations for the year ended December 31, 2022.

TABOR Amendment

In November 1992, Colorado voters amended Article X of the Colorado Constitution by adding Section 20, commonly known as the Taxpayer's Bill of Rights (TABOR). TABOR contains tax spending, revenue and debt limitations which apply to the State of Colorado and all local governments, excluding enterprises. TABOR requires, with certain exceptions, advance voter approval for any new tax, tax rate increase, mill levy above that for the prior year, extension of any expiring tax, or tax policy change directly causing a net tax revenue gain to any local government.

**UPPER YAMPA WATER CONSERVANCY DISTRICT
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED DECEMBER 31, 2022**

Future spending and revenue limits are determined based on the prior year's fiscal year spending adjusted for allowable increases based upon inflation and local growth. Fiscal year spending is generally defined as expenditures plus reserve increases with certain exceptions. Revenue in excess of the fiscal year spending limit must be refunded unless the voters approve retention of such revenue.

Except for refinancing bonded debt at a lower interest rate or adding new employees to existing pension plans, TABOR requires advance voter approval for the creation of any multiple-fiscal year debt or other financial obligation unless adequate present cash reserves are pledged irrevocably and held for payments in all future fiscal years.

TABOR requires local governments to establish emergency reserves. These reserves must be at least 3% of fiscal year spending (excluding bonded debt service). Local governments are not allowed to use the emergency reserves to compensate for economic conditions, revenue shortfalls, or salary or benefit increases. The District has reserved \$67,000 of the December 31, 2022 fund net position for this purpose.

Management believes that the District qualifies as an enterprise as defined by TABOR. Therefore, the provisions of TABOR are not applicable to the District.

In November 1999, voters passed a referendum that permanently lifted TABOR restrictions on the amount of revenue the District can collect and expend.

The District's management believes it is in compliance with the financial provisions of TABOR. However, TABOR is complex and subject to interpretation. Many of its provisions may require judicial interpretation.

Note 3: Detailed Notes on the Fund

Cash and cash equivalents

Colorado statutes require protection of public moneys in banks beyond that provided by the federal insurance corporations. The Public Deposit Protection Act in Colorado Revised Statutes 11-10.5-107(5) requires all eligible depositories holding public deposits, including those of the State's component units, to pledge designated eligible collateral having market value equal to at least 102 percent of the deposits exceeding the amounts insured by federal insurance. Upon liquidation of a defaulting eligible depository, the statute requires the banking board to seize the eligible collateral, liquidate the collateral, repay the public deposits to the depositing government. Amounts on deposit in excess of federal insurance levels must be collateralized. The eligible collateral is determined by the PDPA. PDPA allows the institution to create a single collateral pool for all public funds. The pool is to be maintained by another institution, or held in trust for all the uninsured public deposits as a group. The market value of the collateral must be equal to 102% of the aggregate uninsured deposits. The State Commissioners for banks and financial services are required by Colorado Revised Statutes to monitor the naming of eligible depositories and reporting of the uninsured deposits and assets maintained in the collateral pools.

**UPPER YAMPA WATER CONSERVANCY DISTRICT
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED DECEMBER 31, 2022**

COLOTRUST (Colorado Local Government Liquid Asset Trust) is a local government investment vehicles that qualifies as 2a7-like investment pools, where the value of each share is maintained at \$1.00.

As of December 31, 2022, all of the District's deposits were either held in deposit accounts insured by the Federal Deposit Insurance Corporation or in eligible depositories as required by PDPA.

Investments

Credit risk

The District follows Colorado Revised Statutes regarding its investments. Colorado Revised Statutes specify investment instruments meeting defined rating and risk criteria in which the District may invest which include local government investment pools.

Investment Valuation

The District categorizes its fair value measurements within the fair value hierarchy established by generally accepted accounting principles. The hierarchy is based on the valuation inputs used to measure the fair value of the asset. Level 1 inputs are quoted prices in active markets for identical assets; Level 2 inputs are significant other observable inputs; Level 3 inputs are significant unobservable inputs.

<u>Investments:</u>	<u>Fair Value</u>
COLOTRUST (at NAV)	\$ 18,681,292

Custodial and concentration of credit risk

At December 31, 2022, the District had \$18,681,292 invested in the Colorado Local Government Liquid Asset Trust (COLOTRUST), an investment vehicle established for local government entities in Colorado to pool surplus funds. COLOTRUST operates similarly to a money market fund and each share is equal in value to \$1.00. Investments of COLOTRUST consist of U.S. Treasury bills, notes and note strips, and repurchase agreements collateralized by U.S. Treasury Securities. A designated custodial bank provides safekeeping and depository services to COLOTRUST in connection with the direct investment and withdrawal functions of COLOTRUST. Substantially all securities owned by COLOTRUST are held by the Federal Reserve Bank in the account maintained for the custodial bank. The custodian's internal records identify the investments owned by COLOTRUST.

Colorado Revised Statutes specify investment instruments meeting defined rating and risk criteria in which local government entities may invest. The allowed investments include local state sponsored investment pools. The District invests in one such pool, the Colorado Local Government Liquid Asset Trust (COLOTRUST) which is rated AAA by Standards and Poor's. This investment is not categorized because the investment is not evidenced by securities that exist in physical or book entry form. The District also invests excess undesignated cash reserves into certificates of deposit.

**UPPER YAMPA WATER CONSERVANCY DISTRICT
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED DECEMBER 31, 2022**

Interest rate risk

The District has a formal investment policy that limits investment maturities to five years from the purchase date as a means of managing its exposure to fair value losses arising from increasing interest rates.

Capital Assets

Capital asset activity for the year ended December 31, 2022 is summarized below:

	January 1, 2022 Balance	Additions	Deletions	December 31, 2022 Balance
Capital assets not being depreciated:				
Stagecoach				
Land and water rights	\$ 5,259,775	\$ -	\$ -	\$ 5,259,775
Dam Structure	9,080,877	-	-	9,080,877
Amenities	3,929,108	-	-	3,929,108
Yamcolo				
Dam Structure	5,998,642	-	-	5,998,642
Stillwater Ditch	530,653	-	-	530,653
Elk River Augmentation	10,000	-	-	10,000
Total capital assets not being depreciated:	24,809,055	-	-	24,809,055
Capital assets being depreciated:				
Stagecoach				
Dam structure and equipment	3,509,041	19,455	-	3,528,496
Amenities	1,312,348	63,776	-	1,376,124
Yamcolo				
Dam structure and equipment	897,668	104,921	-	1,002,589
Stillwater equipment	165,009	17,588	-	182,597
Equipment, vehicles and other	176,825	750	-	187,575
Total capital assets	30,869,946	206,490	-	31,076,436
Less: accumulated depreciation	(4,366,200)	(113,410)	-	(4,479,610)
Net capital assets	\$26,503,746	\$ 93,080	\$ -	\$26,596,826

Stillwater Ditch Agreement

The District has entered into an Assignment of Stock and Water Delivery Agreement with the shareholders of the Stillwater Ditch and Reservoirs Company (the Company) whereby the shareholders assigned and transferred all shares in the Company to the District in exchange for the District's continued maintenance and repair of the Stillwater Ditch and delivery of water to the shareholders under certain absolute water rights retained by the shareholders.

Restricted Net Position

The United States Army Corps of Engineers (ACOE) issued a permit to the District to raise the height of Stagecoach Reservoir Dam four feet inundating approximately 23.51 acres of jurisdictional wetlands. The

**UPPER YAMPA WATER CONSERVANCY DISTRICT
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED DECEMBER 31, 2022**

permit requires the District to post financial assurances to ensure a high level of confidence that the District will complete the compensatory mitigation required by the permit. The District has appropriated \$419,734 for this purpose as of December 31, 2022. The legislative appropriation will terminate when the compensatory mitigation is completed and accepted by the ACOE.

Note 4: Other Information

Defined Contribution Plan

Certain full-time employees are covered under a 401(a) defined contribution pension plan. Under the terms of the plan, the District contributes at a rate of double the employee's retirement contribution not to exceed 6% of gross pay. Participants become fully vested within 3 years of participation in the plan. The plan can only be amended by the District's board of directors. District contributions to the plan were \$46,267 for the year ended December 31, 2022.

Commitments and Contingencies

State of Colorado

The District has entered into an agreement with the State of Colorado Department of Natural Resources, Division of Parks and Outdoor Recreation for the operation of the recreational facilities at Stagecoach Reservoir. Under the terms of the agreement the District has agreed to make an annual payment of \$35,000 to the State each December 31st through May 1, 2024.

Power Purchase Agreement

The District entered into an agreement on October 30, 2015 to sell exclusively the hydroelectric energy generated by its Stagecoach facility to YVEA. The initial term is through December 31, 2025 and may be extended by either party for an additional 10 year period. The initial sales price is \$0.060 per kWh and is subject to annual adjustment beginning January 1, 2017. The sales price during the year ended December 31, 2022 was \$0.066 per kWh.

Reservoir Agreements

Numerous governments, organizations and individuals have reservoir agreements with the District to purchase water in storage annually from the District. The agreement terms range from 1 to 40 years with the majority of contracts expiring between the years 2023 and 2062.

Contribution to Routt County, Colorado

The District has committed to contribute \$500,000 to Routt County, Colorado for construction costs for the reconstruction improvements to be made to Routt County Road #14 in the future.

State of Colorado Stagecoach Reservoir Operating Subsidy

The District has entered into a twenty-year agreement with the State of Colorado for the State to manage recreational use of District owned assets at Stagecoach Reservoir. The contract period is from May 1, 2004 through May 1, 2024. In exchange for the State managing the recreation areas and completing improvements and replacement of existing recreation facilities pursuant to the Master

**UPPER YAMPA WATER CONSERVANCY DISTRICT
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED DECEMBER 31, 2022**

Plan, the District will annually provide the lesser of \$35,000 or the amount of State funded improvements plus \$10,000 in the form of an operating subsidy to the State. This payment is due by December 31 of each year of the contract. The State is allowed to carryover excess improvement costs annually to meet subsequent years' obligations. The maximum amount that the District is liable for in operating subsidies is \$700,000 over the twenty-year period.

Risk Management

The District is exposed to various risks of loss related to torts; theft of, damage to and destruction of assets; errors and omissions; injuries to employees, and natural disasters. The District maintains commercial insurance for these risks by participation in an insurance pool.

The District is a member in the Colorado Special Districts Property and Liability Pool (the Pool). The Pool creates an opportunity for members to control their own insurance costs through the joint pooling of resources, making it possible to self-insure property, liability and workers' compensation insurance. The Pool is member-owned, and all surplus revenues support the stabilization of rates, coverage enhancements, innovation, and technology to bring the most value to its members. The Pool provides property, liability, workers' compensation and associated coverage, and claims and risk management services to its members. The District has not had losses of a material amount in any of the preceding three years.

The Pool has contracted with a third party to operate, administer and manage the Pool. In the event aggregated losses incurred by the Pool exceeds amounts recoverable from the reinsurance contracts and capital and surplus accumulated by the Pool, the Pool may require additional contributions from its members.

Contingencies

The District is involved in several items of pending litigation primarily involving defense of its water rights and opposition of applications for water rights that conflict with those of the District. While it is not feasible to predict the outcome of all such proceedings and exposures with certainty, management believes that their ultimate disposition should not have a material adverse effect on the District's financial position, cash flows, or results of operations.

Subsequent Events

The District has evaluated subsequent events through the report date, which is the date these financial statements were available to be issued.

UPPER YAMPA WATER CONSERVANCY DISTRICT
Statement of Revenues, Expenditures, and Changes in Net Position - Budget and Actual
For the year ended December 31, 2022

	Original Budget	Final Budget	Actual	Variance with Final Budget
Operating Revenues:				
Water sales	\$ 358,692	\$ 358,692	\$ 517,062	\$ 158,370
Power revenues	193,000	193,000	81,734	(111,266)
Other income	8,850	8,850	11,496	2,646
Total revenues	<u>560,542</u>	<u>560,542</u>	<u>610,292</u>	<u>49,750</u>
Operating Expenditures:				
Facilities:				
Stagecoach reservoir	643,533	643,533	572,061	71,472
Yamcolo reservoir	154,277	154,277	115,168	39,109
Stillwater ditch and reservoir	59,209	59,209	44,401	14,808
Administration	344,750	344,750	305,137	39,613
Board of directors	117,913	117,913	66,299	51,614
External affairs	125,482	125,482	116,362	9,120
Finance	147,310	147,310	116,033	31,277
Legal	157,641	157,641	119,044	38,597
Planning	283,571	283,571	223,887	59,684
Grants, scholarships and public information	328,039	408,039	311,017	97,022
Capital outlay	542,500	542,500	206,490	336,010
Total expenditures	<u>2,904,225</u>	<u>2,984,225</u>	<u>2,195,899</u>	<u>788,326</u>
Operating Income (Loss)	(2,343,683)	(2,423,683)	(1,585,607)	838,076
Other Income (Expense)				
Tax revenue, net of treasurer fee	2,634,188	2,634,188	2,839,161	204,973
Pass-through income	--	--	30,128	30,128
Pass-through expense	--	--	(32,172)	(32,172)
Investment earnings	11,300	11,300	327,635	316,335
Change in net position - non-US GAAP basis	<u>301,805</u>	<u>221,805</u>	<u>1,579,145</u>	<u>1,357,340</u>
Adjustments to US GAAP basis:				
Capital outlay	--	--	206,490	
Depreciation expense	--	--	(113,410)	
Change in net position - US GAAP basis	<u>301,805</u>	<u>221,805</u>	<u>1,672,225</u>	
Net position, beginning of year	<u>45,282,560</u>	<u>45,282,560</u>	<u>45,282,560</u>	
Net position, end of year	<u>\$ 45,584,365</u>	<u>\$ 45,504,365</u>	<u>\$ 46,954,785</u>	

The accompanying notes are an integral part of this financial statement.





BOARD COMMUNICATION FORM

From: Emily Lowell, District Engineer

Date: 5/17/2023

Item: Reservoir Water Status

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 2023 water year to date.

II. Summary:

Yamcolo Reservoir Status as of 5/8/2023- Filling

Stillwater Reservoir Water Stored at Yamcolo: 1,000 AF

Remaining Numbers Reflect UYWCD Water Only:

Current Storage Volume: 5,774 AF

Volume Stored in last 30 days: 717 AF

Volume Stored in last 60 days: 1061 AF

Current Outflow: 12.5 cfs

Stagecoach Reservoir Status as of 5/8/2023 – Filling

Current Storage Volume: 34,415 AF

Volume Stored in last 30 days: 7,200 AF

Volume Stored in last 60 days: 7,390 AF



Current Inflow: 160 cfs

Current Outflow: 115 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 2023)
2. Stagecoach Water Storage Data (WY 2023)
3. Colorado SWE Update Map
4. Yampa Water Supply Outlook
5. UYWCD Yamcolo Inflow Forecast
6. UYWCD Stagecoach Inflow Forecast

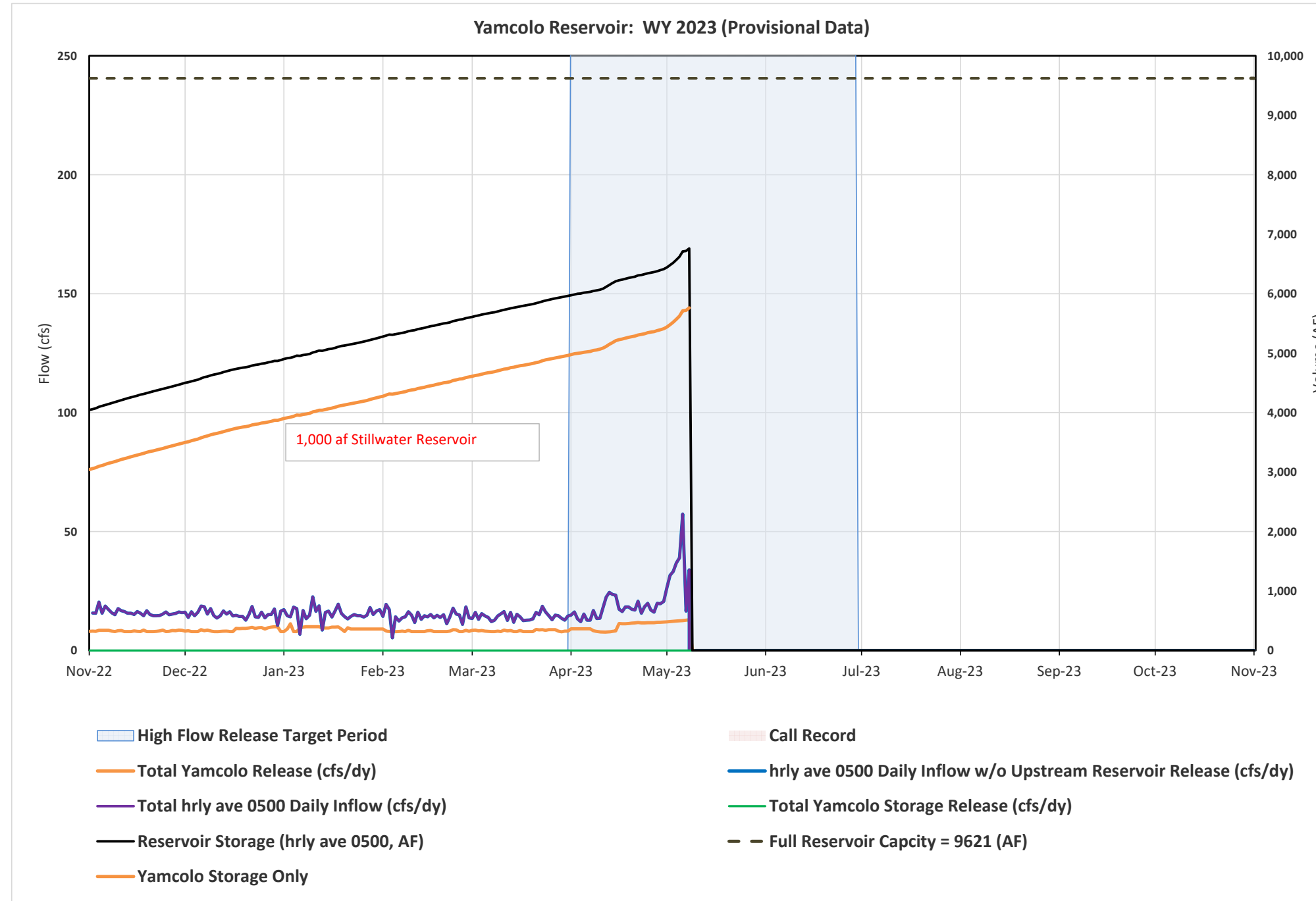
Yamcolo Reservoir Operations
Total Monthly Volume (AF)

Water Year 2023

INFLOW	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Total
Physical	915	938	948	790	874	1,038	544						6,047
Storable	439	446	457	346	382	562	362						2,993
Stored	442	399	382	335	353	436	321						2,668

*1000 af of Stillwater Reservoir Stored

OUTFLOW	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Total
Operator	-490	-538	-568	-454	-510	-596	-196						-3,353
Spill				0	0	0	0						0
Gage	-490	-538	-568	-454	-510	-596	-196						-3,353



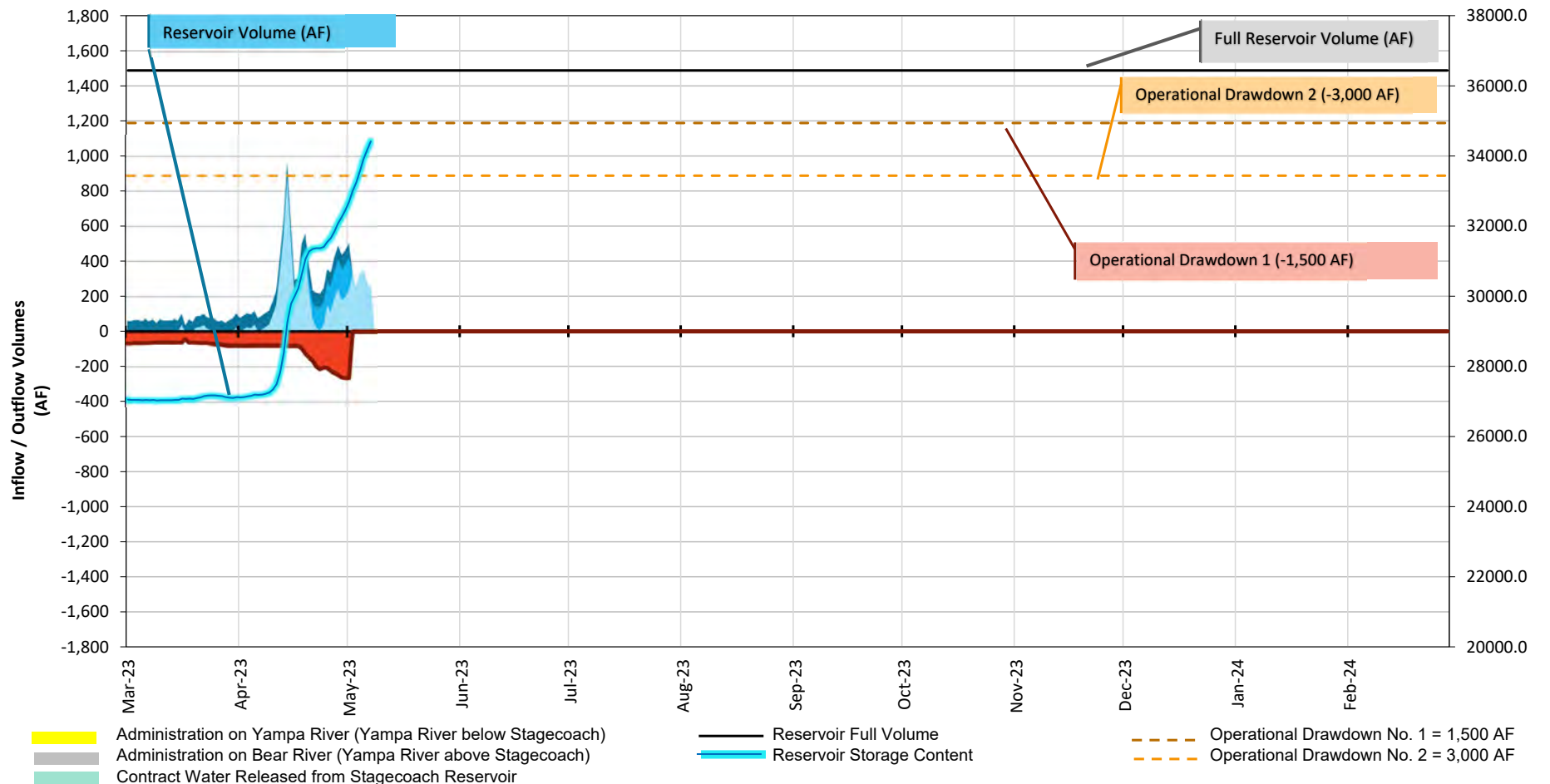
Stagecoach Reservoir Operations

Total Monthly Volume (AF)

Accounting Year 2023

INFLOW	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Total
Physical	2,171	9,396	2,273										13,840
Storable	228	7,022	2,194										9,444
Stored	227	5,464	2,009										7,701

OUTFLOW	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Total
Operator	-2,054	-3,938	-264										-6,256
Spill	0	0	0										0
Gage	-2,054	-3,938	-264										-6,256

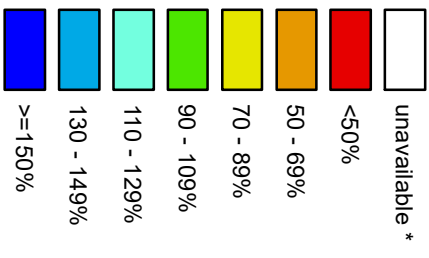


May 08, 2023

Colorado SNOTEL Current Snow Water Equivalent (SWE) % of Normal

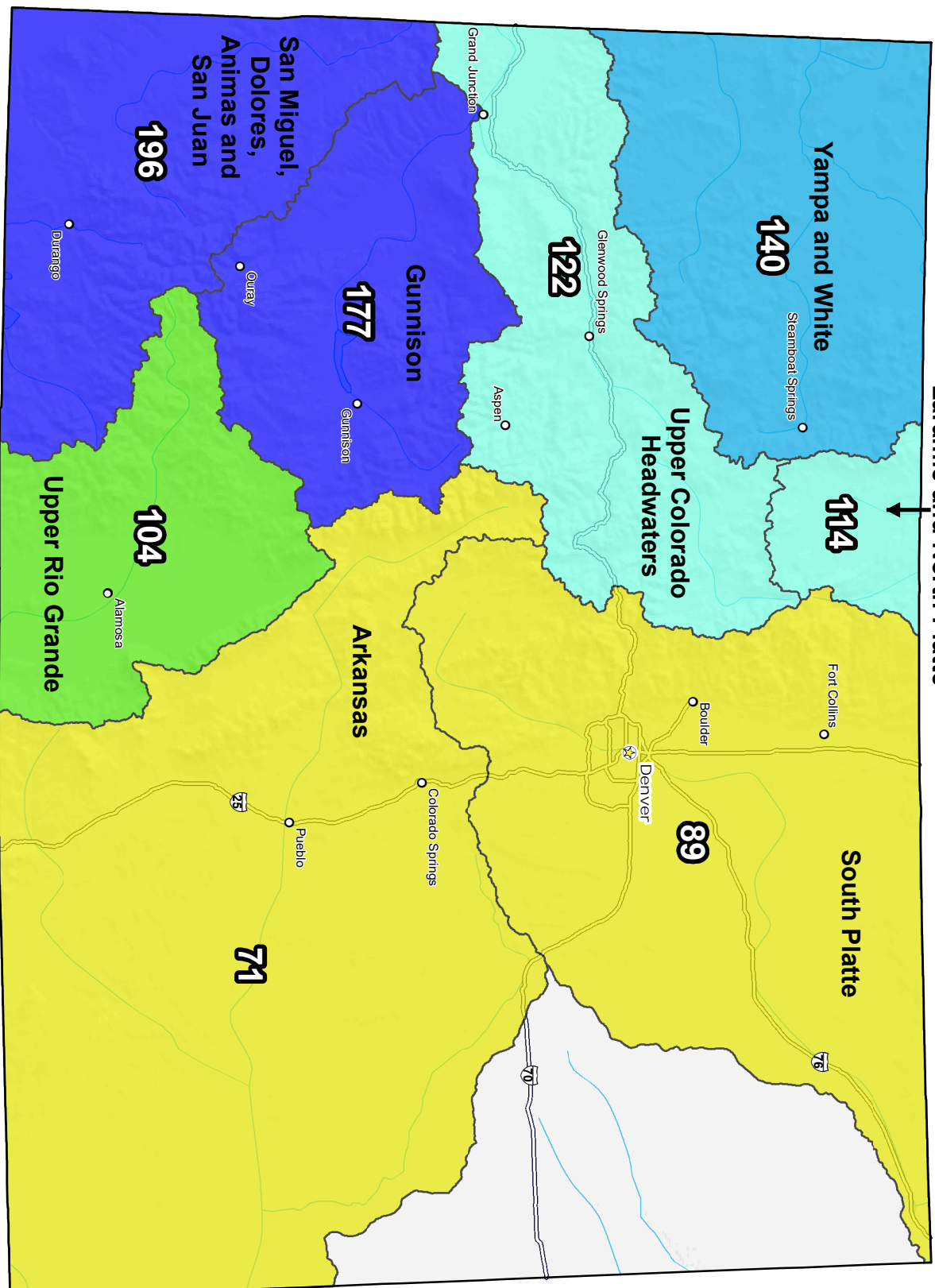
Laramie and North Platte

Current Snow Water Equivalent (SWE) Basin-wide Percent of 1991-2020 Median



* Data unavailable at time of posting or measurement is not representative at this time of year

**Provisional Data
Subject to Revision**



The snow water equivalent percent of normal represents the current snow water equivalent found at selected SNOTEL sites in or near the basin compared to the average value for those sites on this day. Data based on the first reading of the day (typically 00:00).



Prepared by:
USDA/NRCS National Water and Climate Center
Portland, Oregon
<https://www.nrcs.usda.gov/wps/portal/wcc/home/>

Colorado

Water Supply Outlook Report

May 1st, 2023



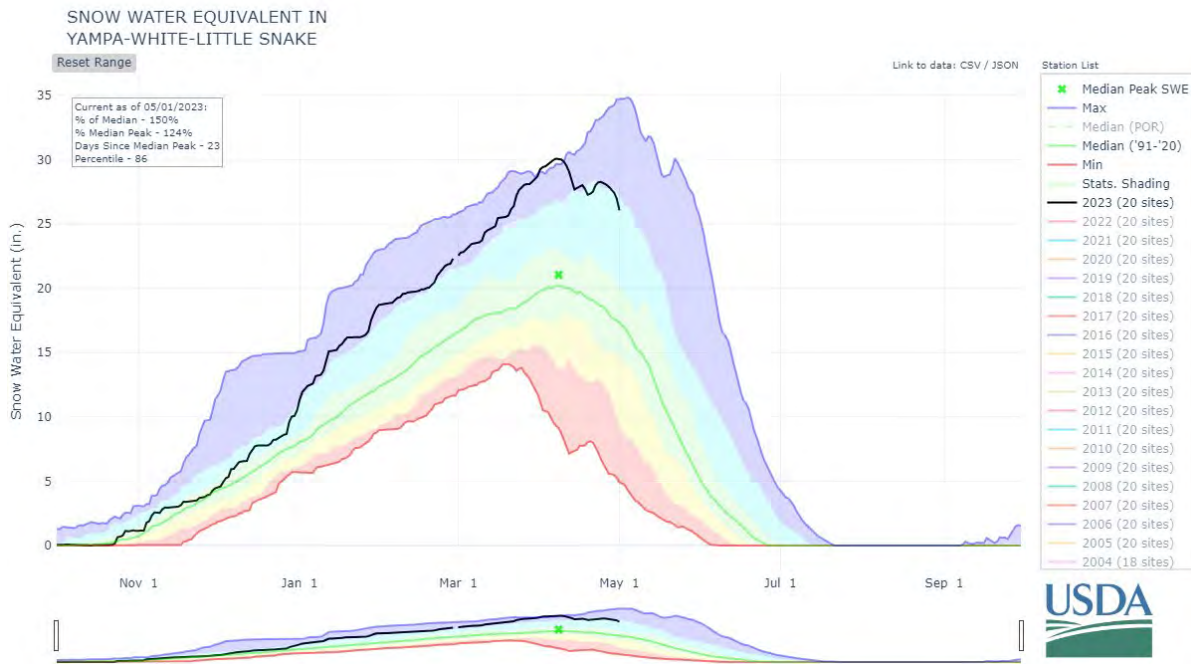
A deep persistent snowpack remains in much of western Colorado including at lower elevations. On May 1st, the San Juan Mountains, shown in the above photo, maintained significant above normal snowpack at 193 percent of median.
Photo By: Karl Wetlaufer

REMINDER: We are soliciting field work photos from the field again this year. Each month we will pick one to grace the cover of this report! Please include information on where, when and of who/what the photo was taken.

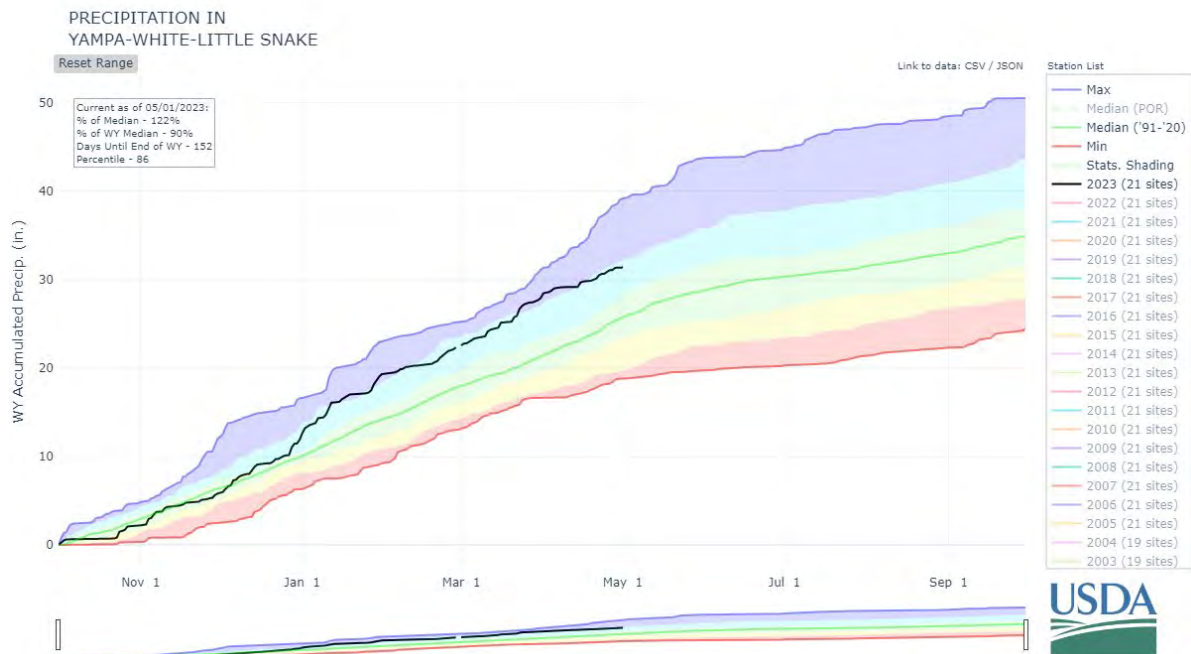
YAMPA-WHITE-LITTLE SNAKE AND LARAMIE-NORTH PLATTE RIVER BASINS

May 1st, 2023

Snowpack in the Yampa-White-Little Snake and the Laramie-North Platte River basins are above normal at 150% and 124% of the median. Precipitation for April was 74% and 80% of median and water year-to-date precipitation is 122% and 111% of median, respectively. Reservoir storage at the end of April for the Yampa-White-Little Snake was 97% of median compared to 77% last year. Current streamflow forecasts range from 142% of median at Yampa River at Steamboat Springs to 248% of median at Little Snake River near Lily.



*SWE values calculated using daily SNOTEL data only

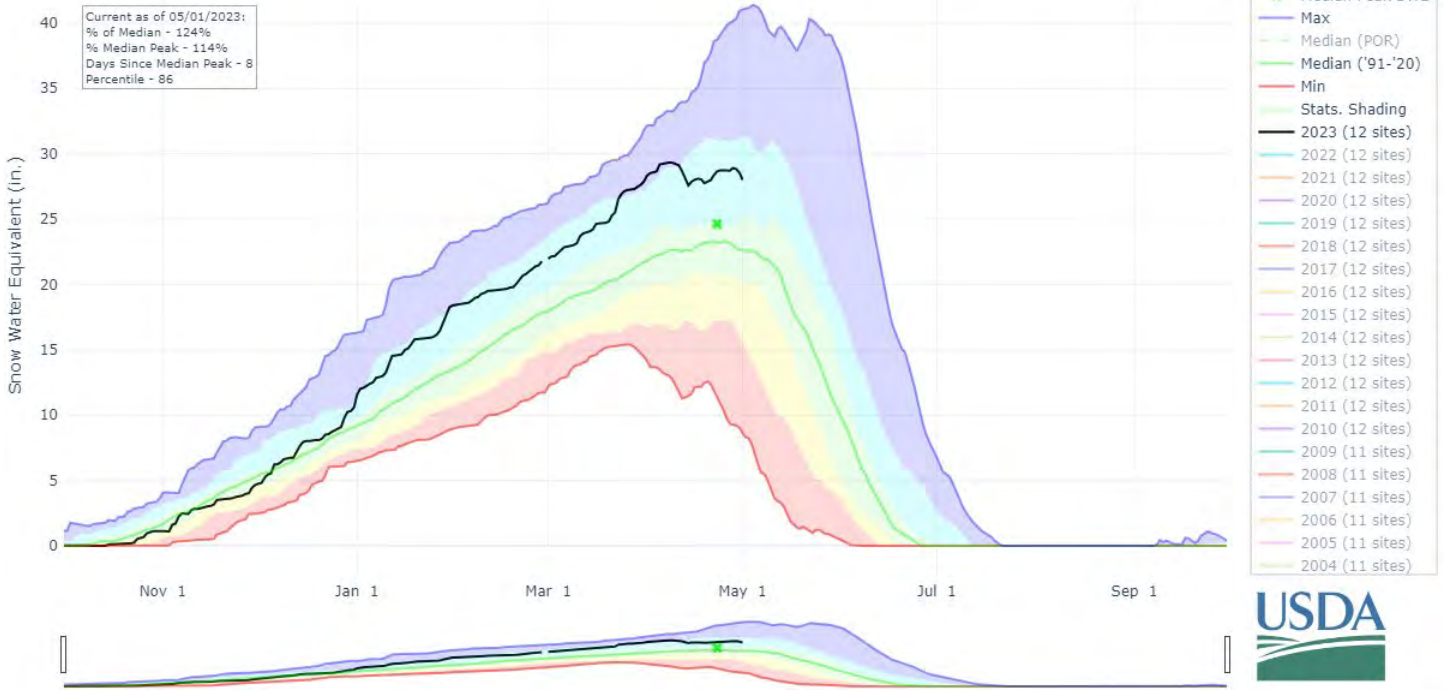


SNOW WATER EQUIVALENT IN LARAMIE AND NORTH PLATTE

Reset Range

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

Station List



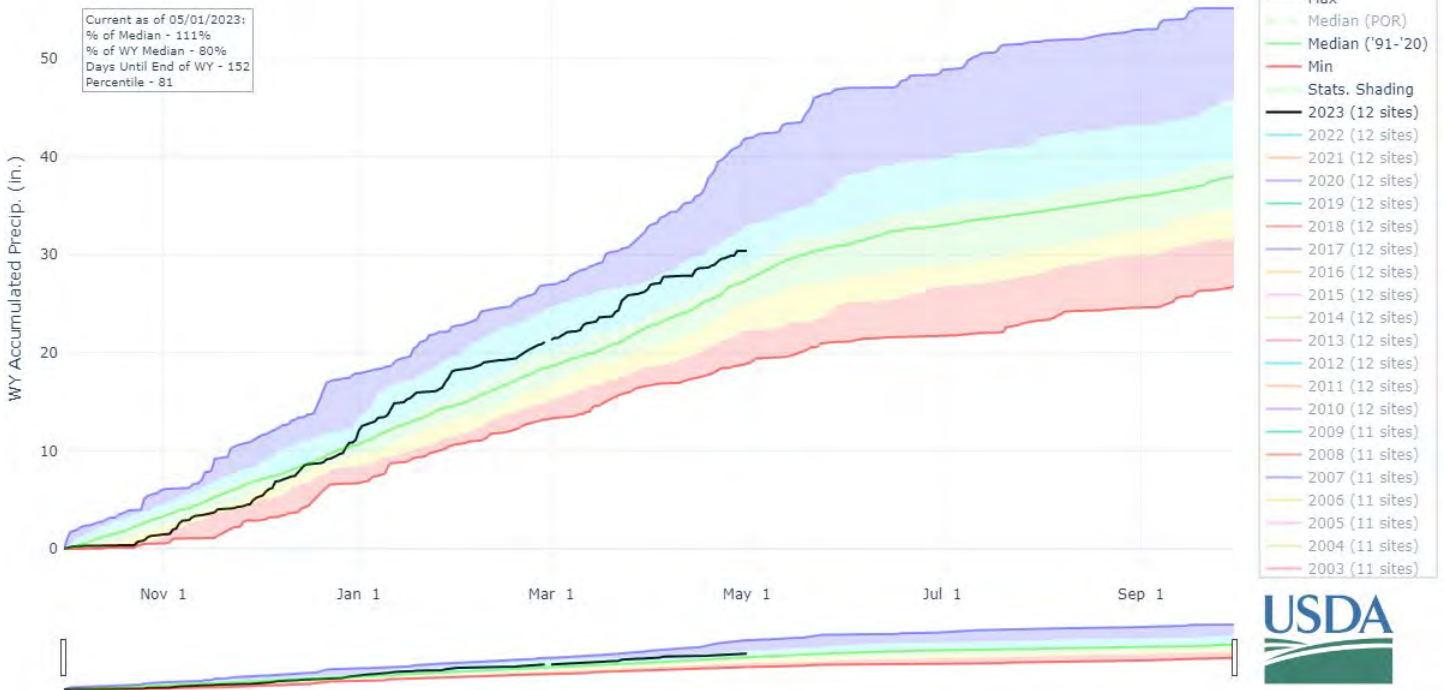
*Snow water equivalent (SWE) values are calculated using daily SNOTEL data only. In the paragraph SWE is calculated for the first of the month using both SNOTEL and Snow Course data.

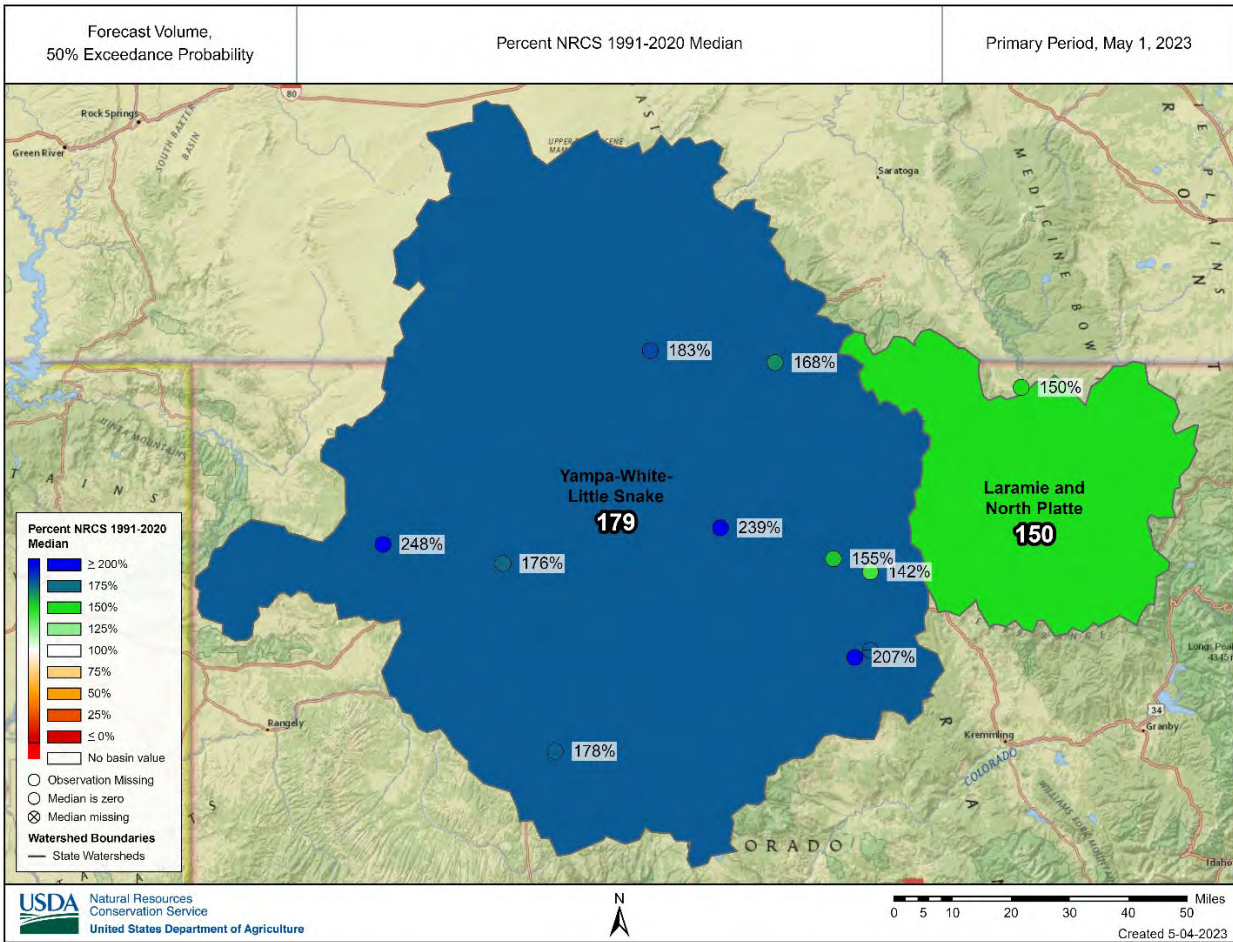
PRECIPITATION IN LARAMIE AND NORTH PLATTE

Reset Range

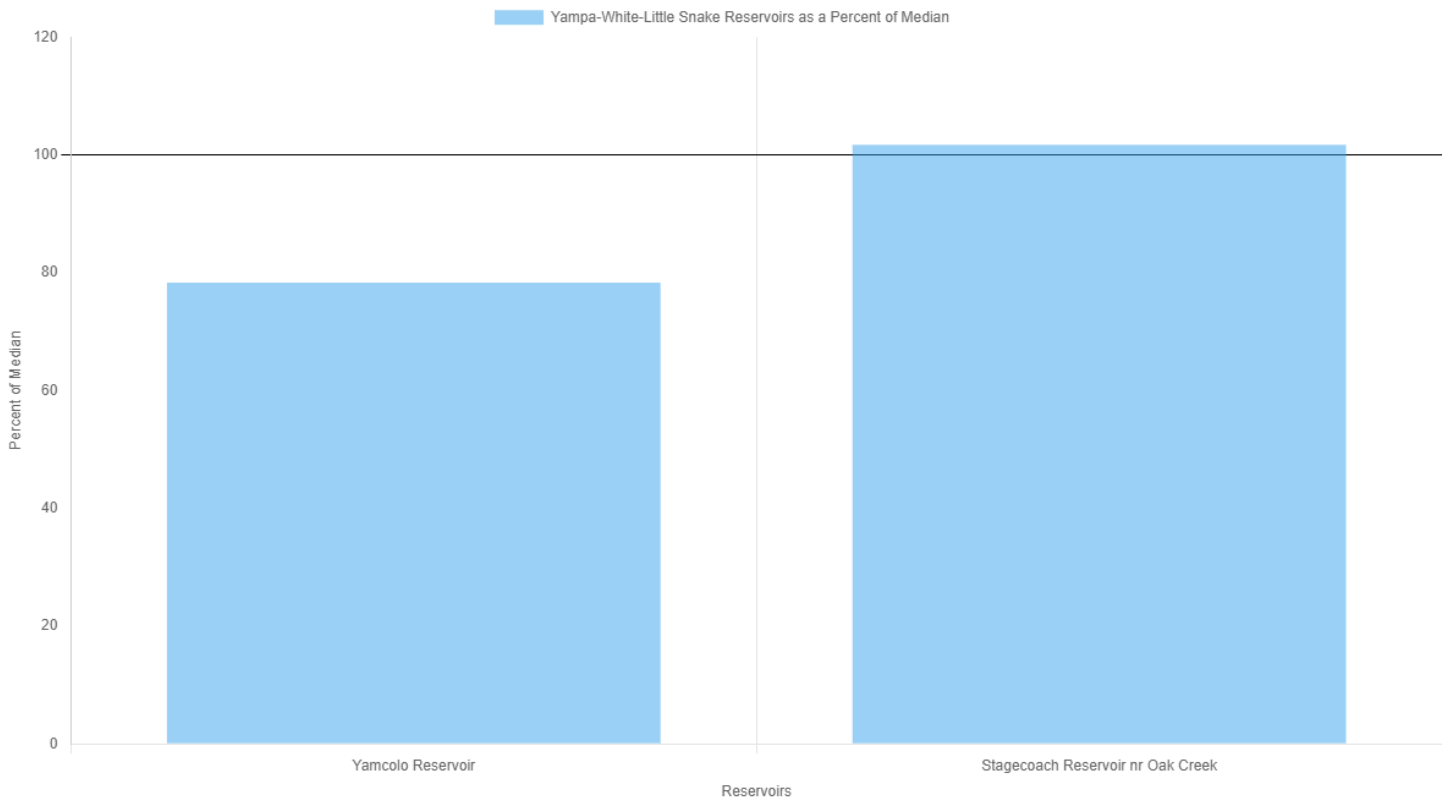
[Link to data: CSV / JSON](#)

Station List





Yampa-White-Little Snake Reservoir Storage Summary for May 1st 2023



*No reservoirs are currently monitored in the Laramie-North Platte combined basin. We are waiting on reservoir conditions data to be received from our cooperators. For current conditions data can be accessed through the NRCS Snow Survey [webpage](#)

Watershed Snowpack Analysis May 1st, 2023

Laramie and North Platte Sub-Basin Snow Data

	# of Sites	% Median	Last Year % Median
North Platte Headwaters	14.0	127.1	97.8
Laramie	6.0	121.7	110.6

Yampa-White-Little Snake Sub-Basin Snow Data

	# of Sites	% Median	Last Year % Median
Yampa	10.0	132.6	94.1
Little Snake	10.0	166.8	90.2
White	4.0	157.9	68.4
Williams Fork of the Yampa	1.0	132.9	85.6
Elk	2.0	152.2	93.0

Reservoir Storage End of April 2023

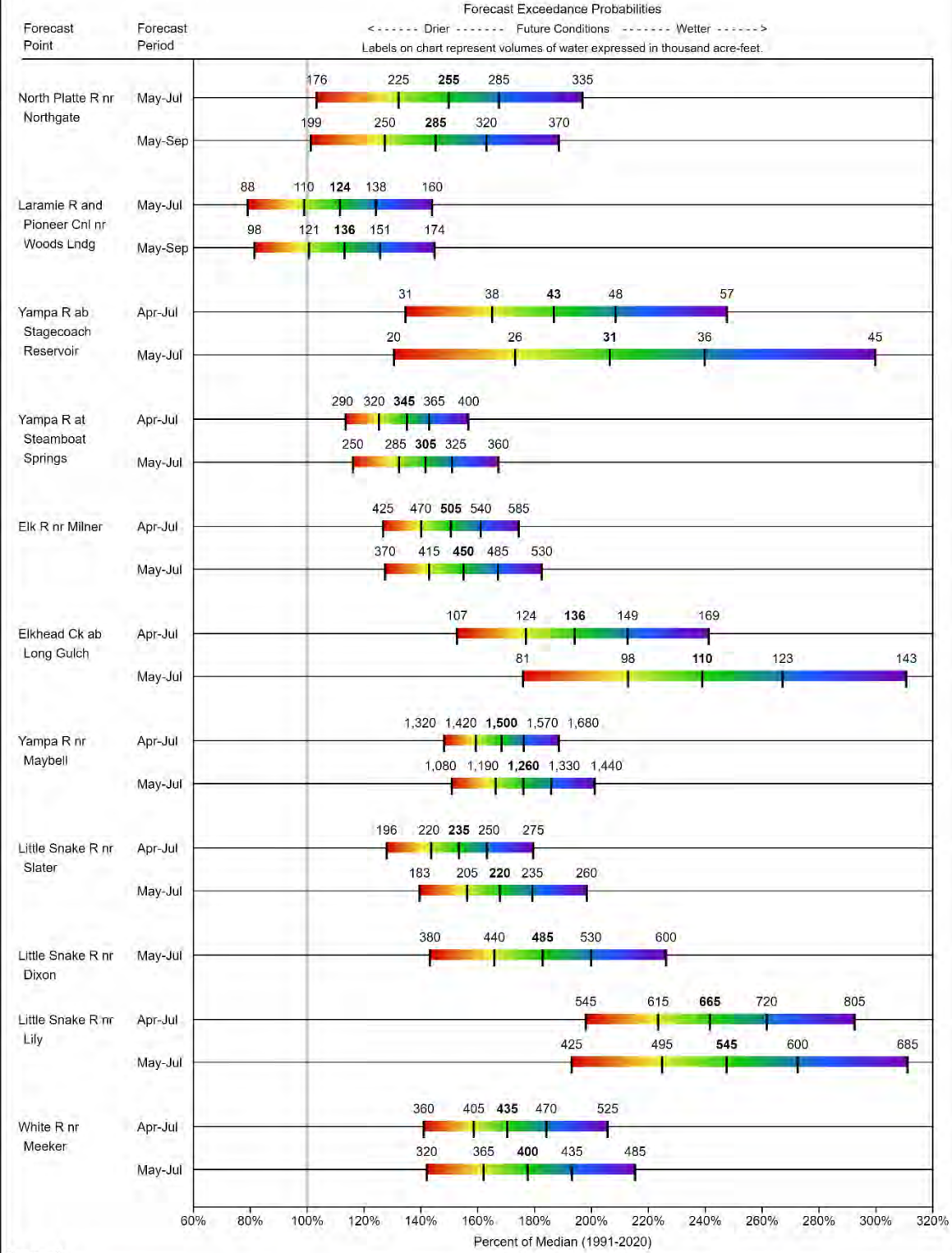
Yampa-White-Little Snake Reservoir Data

	Current Storage (KAF)	LY Storage (KAF)	Median (KAF)	Percent of Median
Yamcolo Reservoir	6.42	4.8	8.2	78.3
Stagecoach Reservoir nr Oak Creek	32.46	29.9	31.9	101.8
High Savery Reservoir	10.21	8.5	15.0	68.1
Elkhead Reservoir	nan	18.08	24.5	nan

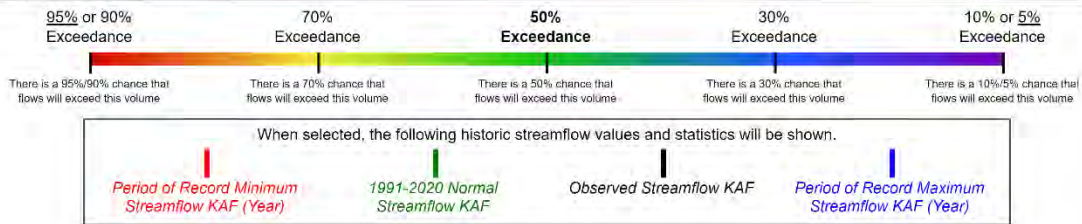
*No reservoirs are currently monitored in our database for the Laramie-North Platte combined basin.

YAMPA-WHITE-NORTH PLATTE RIVER BASINS

Water Supply Forecasts May 1, 2023



Legend



Some forecasts may be for volumes that are regulated or influenced by diversions and water management.

Yamcolo Inflow Volume Forecast

Forecast Period: 4/1/2023 7/1/2023 Last Update 5/8/2023 Remaining Forecast Period Days 54
 Ditch Opening Date 5/1/2023 Remaining Forecast Period Days until 5/1 7 Remaining Forecast Period Days 5/1 - 7/1 7

DRAFT

const coefficient
 Bear R -2.66513025
 1.103521406

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

Date	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

Current Year Date

1/2/2023	5.7	3.6	33.8	35.2
1/30/2023	7.5	5.6	52.3	53.3
2/23/2023	9.4	7.7	71.8	72.4
4/9/2023	12.6	11.2	104.7	104.6
		-2.7	-24.8	-22.1

67.5	48.4	21.9	2.8
85.6	66.5	40.0	20.9
104.7	85.6	59.1	40.0
136.9	117.8	91.3	72.2
10.2	-8.9	-35.4	-54.5

7.3	5.2	3.8	2.4	0.3
9.2	7.1	5.7	4.3	2.2
11.2	9.2	7.8	6.4	4.3
14.7	12.6	11.2	9.8	7.8
1.1	-1.0	-2.4	-3.8	-5.9

Bear River				
2023 Peak SWE (in)	12.6	11.2	104.7	104.6
Date of 2022 Peak SWE	4/9/2023			
Earliest Peak SWE Date				
Mean Peak SWE Date				
Latest Peak SWE Date				

136.9 117.8 91.3 72.2

4/1 to Date Physical Inflow Volume = 1.582 (KAF)

4/1 to Date Storable Inflow Volume = 0.924 (KAF)

Remaining Forecast Period Bypass (@ 8 cfs/dy, 12 cfs/dy) = 0.278 (KAF)

Forecast Period Total Inflow Volume (KAF)				
14.7	12.6	11.2	9.8	7.8
Remaining Forecast Period Inflow Volume (KAF)				
13.1	11.1	9.6	8.2	6.2
Remaining Forecast Period Min. Storable Volume (KAF)				
12.84	10.79	9.37	7.95	5.90
Prob Forecast Target Reservoir Volume (AF)				
	243	1,665	3,717	
Prob Forecast Target Elevation (ft)				
#N/A	#N/A	#N/A	9,519.2	9,539.1

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) = 5,761
 Reservoir Volume @ 9576.75' (AF) = 9,621

Current Elevation = 9,554.18

*Stillwater storing 1000 af; elevation adjusted to reflect YC Storage Only

Stagecoach Inflow Volume Forecast

Forecast Period: 3/1/2023 7/1/2023

Last Update 5/8/2023

Remaining Forecast Period Days 54

Average Ice-Off Date 4/18

* CRBFC Daily Forecast Referenced for Management on xx/xx

DRAFT

$y = ax_{RC} + bx_{LP} + c$	
	coefficient
const	-15.2324974
Ripple Creek	0.711917345
Lynx Pass	1.316002847

Current Year 100% Ice-Off Date
Days Since Current Year Ice-Off Date

Year	Peak SWE (in.)		SWE Index Volume (KAF)	SWE Index Vol. (% Avg)	$\omega(0.50)$ (% Avg)
	Lynx Pass (8,880')	Ripple Creek (10,340')			
2002	9.1	18.5	9.91	59.6	60.4
2012	8.4	18.0	8.64	52.0	52.8
1990	11.0	20.3	13.70	82.4	82.7
1994	11.7	24.5	17.61	105.9	105.8
2004	8.6	24.9	13.81	83.1	83.4
1992	11.3	21.2	14.73	88.6	88.8
2005	10.9	23.7	15.98	96.2	96.2
2013	11.2	27.5	19.08	114.8	114.5
2007	11.1	23.5	16.11	96.9	96.9
2010	10.2	24.5	15.63	94.0	94.2
2001	10.9	30.3	20.68	124.4	124.0
1991	12.3	28.0	20.89	125.7	125.2
1989	13.6	24.6	20.18	121.4	121.0
2003	11.1	33.7	23.37	140.6	139.8
2000	11.2	27.4	19.01	114.4	114.1

Wetter	0.1	0.3	0.7	0.9
Drier	1.282	0.524	-0.524	-1.282

Prob Forecast (% Average)				
10%	30%	70%	90%	
78.7	67.9	52.9	42.0	
71.2	60.3	45.3	34.5	
101.1	90.2	75.2	64.4	
124.2	113.3	98.3	87.5	
101.8	90.9	75.9	65.0	
107.2	96.3	81.3	70.5	
114.6	103.7	88.7	77.9	
132.9	122.1	107.0	96.2	
115.3	104.5	89.4	78.6	
112.5	101.7	86.6	75.8	
142.3	131.5	116.5	105.6	
143.6	132.7	117.7	106.8	
139.4	128.5	113.5	102.6	
158.2	147.4	132.3	121.5	
132.5	121.6	106.6	95.8	

Prob Forecast (KAF)					Observed Inflow (KAF)
10%	30%	50%	70%	90%	
13.1	11.3	10.0	8.8	7.0	8.517
11.8	10.0	8.8	7.5	5.7	10.630
16.8	15.0	13.7	12.5	10.7	12.201
20.6	18.8	17.6	16.3	14.5	12.879
16.9	15.1	13.9	12.6	10.8	12.932
17.8	16.0	14.8	13.5	11.7	14.158
19.0	17.2	16.0	14.7	12.9	15.931
22.1	20.3	19.0	17.8	16.0	16.265
19.2	17.4	16.1	14.9	13.1	16.890
18.7	16.9	15.7	14.4	12.6	18.845
23.7	21.9	20.6	19.4	17.6	20.305
23.9	22.1	20.8	19.6	17.8	21.801
23.2	21.4	20.1	18.9	17.1	22.076
26.3	24.5	23.2	22.0	20.2	22.503
22.0	20.2	19.0	17.7	15.9	23.403

Current Year Date	Lynx Pass	Ripple Creek	SWE Index Volume (KAF)	SWE Index Vol. (% Avg)	$\omega(0.50)$ (% Avg)
1/3/2023	6.6	16.0	4.84	29.1	30.4
1/7/2023	6.9	17.3	6.16	37.1	38.2
1/11/2023	7.2	18.8	7.63	45.9	46.9
1/20/2023	8.0	20.6	9.96	59.9	60.7
1/30/2023	8.9	22.7	12.64	76.0	76.5
2/7/2023	9.3	24.2	14.23	85.6	85.9
3/6/2023	11.2	27.2	18.87	113.5	113.3
4/1/2023	13.8	36.0	28.56	171.8	170.5
4/8/2023	13.6	37.3	29.22	175.8	174.4
			-15.23	-91.6	-88.2

48.8	37.9	22.9	12.1
56.6	45.7	30.7	19.9
65.2	54.4	39.4	28.5
79.0	68.2	53.1	42.3
94.8	84.0	69.0	58.1
104.3	93.4	78.4	67.5
131.6	120.8	105.8	94.9
188.9	178.0	163.0	152.1
192.8	181.9	166.9	156.0
-69.8	-80.6	-95.7	-106.5

8.1	6.3	5.1	3.8	2.0
9.4	7.6	6.4	5.1	3.3
10.8	9.0	7.8	6.5	4.7
13.1	11.3	10.1	8.8	7.0
15.8	14.0	12.7	11.5	9.7
17.3	15.5	14.3	13.0	11.2
21.9	20.1	18.8	17.6	15.8
31.4	29.6	28.3	27.1	25.3
32.0	30.2	29.0	27.7	25.9
-11.6	-13.4	-14.7	-15.9	-17.7

	Lynx Pass	Ripple Creek			
2023 Peak SWE (in)	13.8	37.3	29.48	177.4	176.0
Date of 2023 Peak SWE	4/1/2023	4/8/2023			
Earliest Peak SWE Date	3/4	3/5	(2012, 2012)		
Mean Peak SWE Date	4/2	4/22			
Latest Peak SWE Date	5/1	5/24	(1991, 2011)		

194.3	183.5	168.5	157.6
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3/1 to Date Physical Inflow Volume = 13.840 (KAF)
 3/1 to Date Storable Inflow Volume = 9.444 (KAF)
 Remaining Forecast Period Bypass (@ 40 cfs/dy) = 4.284 (KAF)

Forecast Period Total Inflow Volume (KAF)				
32.3	30.5	29.2	28.0	26.2
Remaining Forecast Period Inflow Volume (KAF)				
18.5	16.7	15.4	14.2	12.4
Remaining Forecast Period Min. Storable Volume (KAF)				
14.2	12.4	11.1	9.9	8.1
Prob Forecast Target Reservoir Volume (AF)				
22,262	24,065	25,314	26,563	28,366
Prob Forecast Target Elevation (ft)				
7,183.93	7,186.83	7,188.85	7,190.74	7,193.22

Earliest Peak Inflow Date	3/17	2007
Mean Peak Inflow Date	5/12	
Latest Peak Inflow Date	7/25	2012 rain

Current Reservoir Volume (AF) = 34,643
 Reservoir Volume @ 7200' (AF) = 33,275
 Reservoir Volume @ 7202' (AF) = 34,838
 Reservoir Volume @ 7204' (AF) = 36,439
 Current Elevation = 7,201.75





BOARD COMMUNICATION FORM

From: Emily Lowell, District Engineer

Date: 5/17/2023

Item: 2023 Capital Projects Update

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Request/Issue and Background Information:

UYWCD continually invests in construction and installation of facilities improvement and maintenance projects. This memo summarizes 2023 planned projects.

II. Summary and Alternatives:

The ongoing facilities improvements and maintenance projects at the UYWCD continue to contribute to the organization's operational effectiveness by improving the overall functionality, safety, and cleanliness of the facilities. UYWCD staff will continue to proactively identify facilities maintenance priorities to extend the operational lifespan of the UYWCD infrastructure. Regular operation and maintenance activities will be performed at the facilities, as needed, as determined by UYWCD staff. Attached is the summary of the facilities projects considered for 2023.

III. Staff Recommendation:

Continue work on 2023 projects that are in progress and maintenance work as identified in the attached table.

IV. Legal Issues:

N/A

V. Consistency with Board Goals and Policies:

Policy Statement: 2 and 5

Attachments:

1. 2023 Facilities and Engineering Tasks and Planning Summary

2023 UYWCD Facilities and Engineering Tasks and Planning

Update: 5/17/2023

Facility	Task	Personnel	Frequency	Status	Cost Estimate
Stagecoach	General Facilities Operation and Management	District Engineer, UYWCD Dam Operators, YVEA	Continuous	Ongoing	Annual expense budget
Stagecoach	Continued Powerhouse Organization and General Building Upgrades	UYWCD Facilities Operators	On going, as needed	Ongoing	Annual expense budget
Stagecoach	Operating Procedure Manuals and Written Observation Logs	UYWCD Facilities Operators	Continue Updates	Ongoing	Annual expense budget
Stagecoach	Control Systems Operating Sytem Upgrade	District Engineer, Facilities Operators	Final integration of systems, updates as needed	Complete; ongoing maintenance	\$10,000
Stagecoach	Concrete Crack Repair at Crest	District Engineer, Outside Contractor	30 - year recurrence interval, repairs as necessary.	Scheduled Summer 2023	\$75,000
Stagecoach	Turbine Repairs- Replace Wear Rings, W.G.	UYWCD Facilities Operators, Outside Contractor	As needed pending results of annual inspection.	Turbine inspection completed May 2022, repairs/re-coating planned for 2023/2024	\$50,000
Stagecoach	Outflow Real Time Data Acquisition	USGS	One time set-up, continuous agency feedback	Initial gage re-programming complete, agency communication ongoing	Annual expense budget
Stagecoach	Bank Erosion/Willow Planting	Outside Contractor	One-time, installation 2017, annual maintenances possible	Wetlands credits purchase authorized. Will be complete by December 2023.	\$75,000
Stagecoach	Regulatory Agency Reporting and Permit Compliance	District Engineer	Monthly, Annual, as needed	Ongoing; Penstock inspection scheduled May 2023	Annual expense budget
Stagecoach	Regulatory Agency Liaison (FERC, CPW, USFS, BLM, EPA, USACE....)	District Engineer, District Manager	Continuous	Ongoing	Annual expense budget
Stagecoach	EAP Updates and Exercises	District Engineer	Annual	Ongoing	Annual expense budget
Stagecoach	Inflow Forecasting	District Engineer	Annual for potential fill forecast period	Ongoing	Annual expense budget
Stagecoach	Water Rights Accounting, Water storage release orders	District Engineer, UYWCD Facilities Operators	Continuous	Ongoing	Annual expense budget
Stagecoach	FERC Part 12 Inspection and Report	District Engineer, Outside Contractor	5-Year Recurring, completed 2019, next inspection 2024	Inspection required and report due October 2024	Annual expense budget
Stagecoach	Safety Buoys - New Anchors and Hardware	District Engineer, Facilities Operators	One time	Installation Summer/Fall 2023	Annual expense budget
Stagecoach	Facility Budget Tracking and Individual Project Management	District Engineer	Continuous	Ongoing	Annual expense budget
Stagecoach	Union Ditch Headgate Repair	District Engineer, Outside Contractor	One time, repairs as necessary	Construction Summer/Fall 2023, pending contracting	\$200,000
Yamcolo	General Facilities Operation and Management	District Engineer, UYWCD Facilities Operators	Continuous	Ongoing	Annual expense budget
Yamcolo	Flow Measurement: Bear River	UYWCD Staff, Outside Contractor, USGS	One-Time, as conditions allow	Complete. Calibration data collection on annual schedule.	\$5,000
Yamcolo	Butterfly Valve Replacement	UYWCD Staff, Outside Contractor	One-Time	Construction Fall 2023	\$50,000
Yamcolo	New Generator and Control House Building Modifications	UYWCD Staff, Outside Contractor	One-Time	Construction Fall 2023	\$246,000
Yamcolo	Existing Dam Outlet Drain Repair and Seepage Monitoring Improvements	District Engineer, Outside Contractor	5-Year recurrence interval	Ongoing	Annual expense budget
Yamcolo	Regulatory Agency Reporting and Permit Compliance	District Engineer	Monthly, Annual, as needed	Ongoing	Annual expense budget
Yamcolo	EAP Updates and Exercises	District Engineer	Annual	Ongoing	Annual expense budget
Yamcolo	Inflow Forecasting	District Engineer	Annual for potential fill forecast period	First iteration of model complete, upgrades as necessary	Annual expense budget
Yamcolo	Water Rights Accounting, Water storage release orders	UYWCD Staff, Outside Contractor	Continuous	Updates to accounting planned for 2023	Annual expense budget
Yamcolo	Regulatory Agency Liaison (FERC, CPW, USFS, BLM, EPA, USACE....)	District Engineer, District Manager	Continuous	Ongoing	Annual expense budget
Yamcolo	Facility Budget Tracking and Individual Project Management	District Engineer	Continuous	Ongoing	Annual expense budget
Yamcolo	Riprap Replacement	UYWCD Staff, Outside Contractor	10 - 30 years depending on conditions	Complete; additional work to be done annually, as needed	\$40,000
Stillwater Ditch	Flow Control Structure Replacement	District Engineer, Outside Contractor	30 year recurrence interval, annual maintenance as necessary	Structure replacements started in 2020, project to continue.	\$125,000
Stillwater Ditch	Ditch Condition Assessment, Lining and Repair	District Engineer, UYWCD Facilities Operators	As needed pending condition assessment and operational observations	Lining options and engineering under review. Planned construction 2023/2024, pending final engineering and contracting	\$125,000
Stillwater Ditch	General Facilities Operation and Management	District Engineer, UYWCD Facilities Operators	Seasonal	Ongoing	Annual expense budget





BOARD COMMUNICATION FORM

From: Emily Lowell, District Engineer

Date: 5/17/2023

Item: Data Dashboard and Soil Moisture Demonstration

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Request/Issue and Background Information: UYWCD staff with the help of Leonard Rice Engineering (LRE) have started building an operations dashboard to assist UYWCD staff in easily viewing the status of each of our facilities as well as other water related metrics throughout the basin.

II. Summary: UYWCD staff and members of the stakeholder group have been working with our consultant to build a data dashboard where information from entities such as USGS, DWR, CDPHE, CoCoRaHS, NRCS, and more are all brought to one website location. The data can be viewed on a map or can be viewed graphically and can be looked at over various periods of time in relation to other water relevant data that is brought onto the website. The goal of this project is to make water related data more accessible and user friendly to water managers, water users, and the general public. UYWCD received a \$95,000 grant from CWCB to continue the work on this project to build out the public facing aspects of this dashboard.

III. Staff Recommendation: Continue to build out the UYWCD operations dashboard as well as work with the basin-wide stakeholder group to build the Yampa River Data Dashboard for use by other water users in the area as well as the general public.

IV. Consistency with Board Goals and Policies:
Policy Statement: 4, 5, & 8

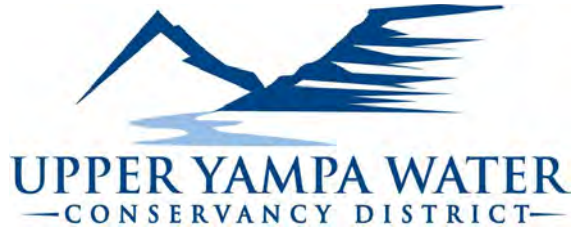
Links:

Soil Moisture Data: https://mesowest.utah.edu/cgi-bin/droman/meso_base_dyn.cgi?stn=C3SKI

Data Dashboard: Public website access coming later this year.

REPORT OF GENERAL MANAGER





BOARD COMMUNICATION FORM

From: Andy Rossi

Date: 05/17/23

**Item: General Manager's Report on UYWCD Water Resources Management Activities:
Spring 2023 Edition**

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Request/Issue and Background Information:

General Manager's report summarizing current and ongoing Upper Yampa Water Conservancy District activities.

II. Summary and Alternatives:

The 2023 irrigation season is just a few weeks away in the Yampa River Basin. The volatile runoff of Yampa Basin snowpack continues to increase the probability of fully recovering both Yamcolo and Stagecoach reservoir storage levels. The initial phase of lower elevation runoff produced flows in basin tributaries that led to localized flooding. Runoff of higher elevation snowpack is lagging well behind this initial flow pulse and the full extent of main stem peak flows will not be realized for several weeks.

Presented below is a summary of the water resources management activities the UYWCD has been involved in. Many of the items included in this communication will be discussed during the May 17, 2023 meeting and/or future meetings in 2023.

Much of the content and discussion for the May 17, 2023, UYWCD BOD meeting will focus on the 2022 Financial Audit, Water Rights Cases, and Stagecoach property management topics. If you have any further questions about any of the items included in this communication please contact Andy Rossi, UYWCD General Manager, for additional details.



UYWCD Water Resources Management Activities: Spring 2023

Storage Season Facilities Operations

- Stagecoach Reservoir Operations
 - Stagecoach Reservoir management is focused on storable volume retention while coordinating operational needs. Large storage volumes have been retained in the spring months. Stagecoach Reservoir water status is presented as Agenda item 10 a.
 - An inspection of the Stagecoach Dam penstock is scheduled for March 31, 2023. Spillway flow is required for this inspection to allow for the isolation of the dam outlet works conduits.

- Yamcolo Reservoir Operations
 - Yamcolo Reservoir storage volume has been steadily increasing over the spring months. Yamcolo Reservoir water status is presented as Agenda item 10 a.

Other UYWCD Projects and Water Resources Activities

- Water Supply Infrastructure
 - The UYWCD Operations Data Dashboard has been deployed in a beta/testing version. The UYWCD staff began using the dashboard as a tool in facilities management for runoff season. We will provide a live demonstration of the dashboard tool as Agenda item 8 c.
 - The USFS issued a decision letter regarding the Yamcolo SUP Land Use Fee on March 1, 2023. The Land Use Fee for Yamcolo Dam and Reservoir for 2023 is \$23,438.06. The UYWCD will discuss the possibility of requesting additional Land Use Fee reductions as Agenda item 9 e.
 - The CDPHE Water Quality Control Division issued a final decision on the proposed Lake and Reservoir Nutrient Standards. The new standard for Chlorophyll-a was approved. New standards for Total Nitrogen and Total Phosphorus were postponed until 2027 rulemaking hearings. The UYWCD staff received a consultant's general briefing on the new Chlorophyll-a standard. The earliest possible enforcement of this standard is 2025. The UYWCD staff will continue Water Quality study efforts in the Upper Yampa River Basin in anticipation of the 2025 Chlorophyll-a standard enforcement.
 - Basin-Wide Infrastructure and Other Technical Efforts
 - The Yampa Basin Soil Moisture Monitoring Network project successfully secured critical grant funding that will allow for the full build out of the



network in the next few years. The next round of project construction is scheduled for the Fall of 2023.

- The UYWCD staff, LRE, and researchers from the Scripps Institute have been testing an adaptation of the WRF Hydro forecasting model in the Yampa Basin for stream flow forecasting and StateMod derived seasonal water use forecasting.
- The UYWCD staff have requested a proposal from the USGS for the expansion of the SnowModel snow coverage tool extension to the Yampa Basin. We expect a proposal from the USGS staff in late May 2023.
- The UYWCD General Manager met with basin water managers and agency wildfire mitigation representatives to initiate collaboration with the CWCB's Wildfire Ready Watersheds program and basin wildfire mitigation and planning efforts. The UYWCD will take on the initial coordination role for these efforts with the hopes of working towards more unified wildfire mitigation planning efforts in the Yampa Basin that provide mitigation of the post wildfire risks for water resources infrastructure and aquatic resources.



UYWCD Public Outreach Events

The UYWCD staff are engaged in multiple public outreach events in the Yampa Basin. A schedule of recent and upcoming events is included below. Please contact Holly Kirkpatrick if you would like more information about any of these events.

Events		
South Routt Water Users Meeting	Soroco High School	Wednesday, April 26, 2023
West Routt Water Users Meeting	Routt County Fairgrounds	Wednesday, May 3, 2023
Sandrock Elementary 5th Grade Tour	Stagecoach	Monday, May 8, 2023
Sleeping Giant/Steamboat Mountain School Tour	Stagecoach	Tuesday, May 9, 2023
Soroco Elementary School 1st Grade	Stagecoach	Thursday, May 18, 2023
Strawberry Park 4th Grade Tour	Stagecoach	Friday, May 19, 2023
Yampa Basin Rendezvous	Colorado Mountain College - Steamboat Campus	June 1- 2, 2023
Yampa River Fest	Steamboat Springs	June 3 -4, 2023
WECo Yampa/White/Green Basin Tour	Steamboat /Craig/Meeker	June 6-7, 2023
Colorado Water Congress	Steamboat Grand	August 22-24, 2023
Yampa Youth Water Festival	Routt County Fairgrounds	Wednesday, September 27, 2023





BOARD COMMUNICATION FORM

From: Andy Rossi, General Manager

Date: May 17, 2023

Item: Amended Open Records Resolution

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Request/Issue and Background Information:

In 2014 the Legislature adopted HB 14-1193 which updated the rules regarding charges for open records requests under the Colorado Open Records Act (CORA). The change allows the custodian to charge a fee for research and retrieval of public records if the custodian has either posted on the custodian's website or otherwise published written policy that specifies the applicable conditions concerning the research and retrieval of public records by the custodian, including the amount of any current fee. At the July 23, 2014, Board meeting a Resolution was adopted specifying the rate to be charged for research and retrieval requests. It was further noted in the communication to the Board that the fee would be adjusted starting on July 1, 2019, and every 5 years thereafter by the CPI. Staff has updated the research and retrieval request fee per CPI from July 23, 2014 to July 23, 2019 to \$33.62.hour.

II. Summary and Alternatives:

N/A

II. Staff Recommendation:

Staff recommends that the Board adopt the Resolution as proposed.

III. Legal Issues:

This Resolution complies with Colorado law.

V. Consistency with Board Goals and Policies:

N/A

Attachments:

Attachment 1: Resolution 2023-3 – An Amended Resolution Adopting Charges for Search, Retrieval and Reproduction of Public Records

Attachment 2: July 15, 2014, Open Records memo to the Board

RESOLUTION NO. 2023-3

**AN AMENDED RESOLUTION ADOPTING
CHARGES FOR SEARCH, RETRIEVAL
AND REPRODUCTION OF PUBLIC
RECORDS**

WHEREAS, the Upper Yampa Water Conservancy District (“District”) is committed to providing access to all open and public records maintained by the District pursuant to the Colorado Open Records Act (“CORA”), C.R.S. §24-72-201 *et seq.* and Article X of the District’s bylaws; and

WHEREAS, C.R.S. §24-72-205 permits the District to charge reasonable fees for copies, printouts, photographs and other costs of services related to fulfilling a CORA request; and

WHEREAS, the establishment of a schedule of fees for copies, printouts, photographs and other costs of services related to fulfilling a CORA request will be a benefit to the general public, and the District in the search for, retrieval of and reproduction of public records.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE DISTRICT:

1. That in accord with C.R.S. §24-72-203, all public records of the District shall be open for inspection by all persons at reasonable times, except as provided in the CORA, or as otherwise provided by law, subject to any rules established by the official custodian of the record with reference to the inspection of the record as are reasonably necessary for the protection of the record and the prevention of the unnecessary interference with the regular discharge of the duties of the custodian or the custodian’s office.

2. That the attached Exhibit A “Colorado Open Records Act Copying and Retrieval Fees” is hereby adopted and made a part of this Resolution. Any future changes to any fees for copies, printouts, photographs or other costs of service related to fulfilling a CORA request contained in the attached Policy Related to Public Records shall be accomplished by an amendment to this Resolution.

3. This **amended** Resolution and the attached Exhibit A “Colorado Open Records Act Copying and Retrieval Fees,” shall be effective beginning July 23, ~~2019~~**2014**.

4. This Resolution shall supersede and replace all other resolutions previously adopted by the District pertaining to copying, printouts, photographs or other services related to CORA requests.

Read, adopted and approved this **17th day of May 2023**.

Doug Monger, President of the Board

ATTEST: _____
Andy Rossi, General Manager and Secretary of the Board

Exhibit A

Colorado Open Records Act Copying and Retrieval Fees

There is no charge for the first 10 standard size (8 ½”x11”) pages produced and the first one hour of staff time consumed when locating and producing records. When the number of pages produced exceeds 10 pages, the District shall charge for all additional pages copied. When locating and producing records consumes more than one hour of staff time, the District shall additionally charge for all staff time over the initial one hour associated with locating and producing records for the requestor.

All fees must be paid by cash, check or money order and in the exact amount. An estimate will be provided, and a 50% deposit will be required prior to compilation of records. A refund will be given if the actual cost is less than the deposit.

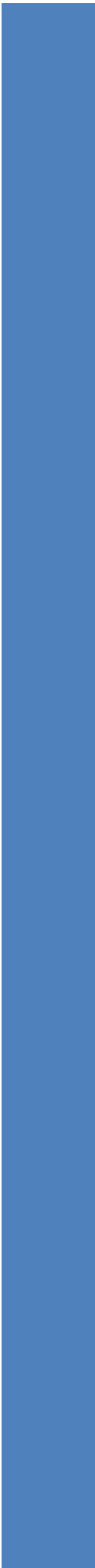
If the records are not readily available at the time of the request, pursuant to C.R.S. §24-72-201 *et seq.*, the records shall be made available for inspection within three working days of receipt of the request. If extenuating circumstances exist as outlined in C.R.S. §24-72-203, the period may be extended by an additional seven working days.

Item	Fee
Photocopies or Printouts per C.R.S. §24-72-205(5)	<ul style="list-style-type: none"> • \$.25 per 8 ½”x11” standard size or actual cost for documents larger than standard size • Oversized Maps – actual cost • Photographs – actual cost
Research and Retrieval/Compilation of Requested Documents	<ul style="list-style-type: none"> • \$30<u>33.62</u> per hour in 15-minute increments
Data Manipulation per C.R.S. §24-72-205(3)	<ul style="list-style-type: none"> • Actual cost
Emailed Record Production	<ul style="list-style-type: none"> • No charge beyond cost for researching, retrieving and performing data manipulation in 15-minute increments
Electronic Record Production	<ul style="list-style-type: none"> • Reasonable part of the costs to build and maintain the information system plus charge for researching, retrieving and performing data manipulation
Off-site Record Retrieval	<ul style="list-style-type: none"> • Actual cost to retrieve the records from off-site storage facility
Audiotape, Videotape or Other Magnetic Tape	<ul style="list-style-type: none"> • Actual cost to reproduce
On-site Document Inspection	<ul style="list-style-type: none"> • \$30<u>33.62</u> per hour for staff time
Postage	<ul style="list-style-type: none"> • Actual cost

Memo

TO: UPPER YAMPA WATER CONSERVANCY DISTRICT BOARD OF DIRECTORS
CC: KEVIN MCBRIDE
DATE: JULY 15, 2014
RE: OPEN RECORDS

In the 2014 Session, the Legislature adopted House Bill 14-1193 updating the rules regarding charges for open records requests under the Colorado Open Records Act (CORA). This change allows the custodian to charge a fee for research and retrieval of public records if the custodian has, prior to the date of receiving the request, either posted on the custodian's website or otherwise published written policy that specifies the applicable conditions concerning the research and retrieval of public records by the custodian, including the amount of any current fee. The custodian may not impose a charge for the first hour of time expended. After the first hour has been expended, the custodian may charge a fee not exceeding \$30.00 per hour. This fee will be adjusted starting on July 1, 2019 and every 5 years thereafter by the CPI. I have also provided that photo copies of standard size documents up to 10 pages are free. I have prepared the attached resolution and schedule for consideration by the Board. If approved, the resolution must be posted on the District's website. I also attach the state law on this subject.





BOARD COMMUNICATION FORM

From: Andy Rossi, General Manager

Date: 05/08/23

Item: State of Colorado – UYWCD Stagecoach Lease Renewal

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Request/Issue and Background Information:

The current lease agreement with the State of Colorado, Division of Parks and Recreation (now the Colorado Division of Parks and Wildlife, CPW) for Stagecoach State Park operations became effective August 5, 2004 and expires May 1, 2024. The Upper Yampa Water Conservancy District (UYWCD) staff and General Counsel have been working with State representatives to discuss the process for renewing the lease since April 2021.

II. Summary and Alternatives:

The UYWCD Staff, General Counsel, Board of Directors (BOD) and State of Colorado representatives discussed the terms of a new DRAFT lease for Stagecoach State Park at the March 15, 2023, regular meeting of the UYWCD BOD. The UYWCD BOD directed staff to make specific edits to the proposed DRAFT Lease. An updated DRAFT Lease is included with this communication for consideration for approval from the UYWCD BOD for transmittal the State of Colorado.

III. Staff Recommendation:

UYWCD Staff recommend offering the DRAFT Lease Agreement presented with this communication to State of Colorado.

IV. Legal Issues:

UYWCD Lease Agreements with the State of Colorado require UYWCD BOD approval.

V. Consistency with Board Goals and Policies:



Subject to negotiation of acceptable Lease terms, the Board's goal and policies include continued operation of the of Stagecoach State Park by CPW under a lease from the UYWCD.

Attachments:

Attachment 1: Draft Lease

LEASE AGREEMENT

THIS LEASE AGREEMENT (“Agreement”), made effective as of this ____ day of _____, 20 __, by and between the STATE OF COLORADO, acting by and through the Department of Natural Resources for the use and benefit of the Division of Parks and Wildlife and the Parks and Wildlife Commission (hereinafter referred to as the “State”), whose legal address is 6060 Broadway, Denver, Colorado 80216, and the UPPER YAMPA WATER CONSERVANCY DISTRICT (hereinafter referred to as the “District”), a public corporation and quasi-governmental entity organized pursuant to §37-45-101 to §37-45-153, C.R.S., acting by and through the Board of Directors of the Upper Yampa Water Conservancy District, whose legal address is P.O. Box 775529, Steamboat Springs, Colorado 80477.

WHEREAS, required approval, clearance, and coordination has been accomplished from and with appropriate agencies; and

WHEREAS, the District has been organized as a quasi-governmental entity pursuant to the provisions of §37-45-101 through §37-45-153, C.R.S., to operate, manage, and store water for irrigation and other beneficial purposes in a reservoir; and

WHEREAS, the District owns certain property upon which it has constructed water works and a water storage reservoir known as the Stagecoach Reservoir (hereinafter referred to as “Reservoir,” including any expansion or enlargement thereof); and

WHEREAS, the District has agreed and desires, pursuant to authority in §37-45-118, C.R.S., to make a portion of such property available to the State for public recreational purposes; and

WHEREAS, the parties hereto desire to define their respective rights and obligations regarding management, operation, maintenance, repair, and replacement of the Recreational Facilities as defined herein; and

WHEREAS, the State desires to lease the Reservoir Property, as hereinafter defined and as may be hereafter changed, from the District in order to manage and operate the Recreational Facilities thereon for public recreational purposes; and

WHEREAS, the District has constructed certain Recreational Facilities on the Reservoir Property and desires to lease the Reservoir Property and such Recreational Facilities to the State for public recreational purposes pursuant to the terms hereof; and

WHEREAS, the District has agreed to provide certain funds to the State for use by the State to defray in part the operation and maintenance cost of the Recreational Facilities subject to the terms and limitations set forth herein; and

NOW, THEREFORE, in consideration of the mutual covenants, terms conditions, restrictions, and requirements contained herein, it is hereby agreed that:

1. This Agreement is subject to and subordinate to the terms, covenants, and conditions of all agreements, licenses, permits, easements, reservations, covenants, restrictions, and water rights decrees now and hereafter entered, and all governmental licenses, permits, and approvals now or hereafter obtained or issued, pertaining to the Reservoir, the Reservoir Property, the Recreational Facilities, or the District's construction, operation, maintenance, repair, replacement, change, modification, enlargement, expansion, or use of the Reservoir and the waters stored therein and all appurtenant facilities including but not limited to the power plant at the dam of the Reservoir.
2. The District hereby leases to the State for recreational purposes only all that portion of the real property described in Exhibit A attached hereto excluding from such lease, however, any of the following: (1) water and water rights, (2) real property subject to a Conservation Easement in gross to the State of Colorado, (3) a 60-foot-wide strip of land whose centerline is the access roadway to Stagecoach Dam, the Dam itself, all appurtenances and facilities attached or related to the dam including the power plant (but excluding the trail across the Dam unless the trail is closed by the District for security or construction purposes by notice to the State), and such real property surrounding the Dam as is reasonably necessary for the operation, protection, maintenance, improvement, enlargement, and security of the Dam and Power Plant and delivery of water and power therefrom and being not less than 200 feet wide, (4) that portion of the real property located east of the north-south centerline of the Stagecoach Reservoir dam and south of a line 20 feet northerly of the north high water line of the Yampa River, (5) so much of the land and water surface of the Reservoir along and adjacent to the south shoreline of the Reservoir as are hereafter designated by the District in its sole discretion for a marina and related docks and facilities and commercial purposes, (6) any other conveyances, licenses or grants of easements for utilities and utility facilities, roads, fences, signs, drives, paths, wildlife or conservation purposes which the District, in its sole discretion, may hereafter grant to any other person or entity (7) the surface of the reservoir adjoining the spillway in the dam and for a reasonable safe distance away from such spillway up to 200 feet as the District shall from time to time designate in writing to the State, and (8) such other real property as the District, from time to time in its sole and exclusive discretion, may withdraw and exclude from the real property subject to this Agreement by written notice to the State (hereinafter all of the real property subject from time to time to this Agreement shall be referred to as the "Reservoir Property"). No portion of the Reservoir Property shall be excluded or withdrawn from this Agreement or made subject to any conveyance, license or grant of easement under subparagraphs 2(5), 2(6), or 2(8) of this paragraph 2 except following written notice given by the District to the State no later than ninety (90) days prior to the effective date of such exclusion, withdrawal or other action. In addition, the District agrees to consult with the State regarding any such notice within thirty (30) days after such notice is given.
3. State shall have the use, control of, and responsibility for the Reservoir Property, including the surface of the Reservoir, and for the management, administration, and maintenance of permitted public recreational purposes and the Recreational Facilities existing thereon or hereafter constructed thereon as it deems necessary for the use of this Reservoir Property by the general public, such use to be exclusive for recreational

activities only, pursuant to the State's authority and discretion as set forth in §33-10-101 through §33-10-114, C.R.S., as may be amended, and in rules and regulations. The aquatic wetland habitat refuge located on the western portion of the Reservoir Property is included as part of the Recreational Facilities which shall be maintained by the State at its cost in the manner and to the degree required of the District in all obligations of the District regarding this refuge, including the irrigation system for the refuge, such maintenance obligation to include operation of the irrigation system and annual ditch cleaning and vegetation removal, but not major repairs or replacement of the irrigation system at a cost of \$10,000 or more in any calendar year, which shall be the responsibility of the District. The State agrees that the District shall have no responsibility for livestock damage which occurs to Recreational Facilities or other facilities or property or equipment of the State or any portion of the Reservoir Property. No portion of the Reservoir Property shall be leased by the District for grazing without the prior written consent of the State.

4. The District shall have the use, control of, and total responsibility for the Reservoir Property for all other purposes not granted to CPW in paragraph 3, including (but not limited to) operation and expansion, modification, repair, replacement, protection, and maintenance of the Reservoir works, dam and appurtenances, water intake, outlet, and storage, power plant and appurtenances, the generation and delivery of electricity, the release and delivery of water, and compliance with all agreements, easements, reservations and restrictions, and all governmental licenses, permits, and approvals to which the Reservoir or Reservoir Property is now or hereafter becomes subject (except to the extent assumed by the State under this agreement). The rights of the District in the preceding sentence shall at all times be senior and paramount to the rights of the State granted under this Agreement. Additionally, the District or its licensee, easement beneficiary, grantee, or designee, shall have the use, control of, and total responsibility for so much of the land and water surface of the Reservoir along and adjacent to the south shoreline of the Reservoir as are hereafter designated by the District in its sole discretion for a marina and related docks and facilities and commercial purposes, and may withdraw such area from the Reservoir Property under this Agreement in the sole discretion of the District. Further, the District reserves the right to make and grant any other conveyances, licenses or grants of easements for utilities and utility facilities, roads, drives, parking areas, paths, fences, gates, signs, boat ramps, or wildlife or conservation purposes which the District, in its sole discretion, shall determine, to any other person or entity, which shall be senior and paramount to the interests of the State under this Agreement. If the District enlarges the Reservoir, the District may in its sole discretion withdraw any Reservoir Property, and any Recreational Facilities located on such withdrawn Reservoir Property (which may include but not be limited to the swim beach, volleyball court, boat ramp, courtesy docks and fueling station), as may be in the sole discretion of the District be necessary or convenient for the enlargement of the Reservoir and the use, operation, and management of the enlarged Reservoir. The District may in its sole discretion withdraw portions of the Reservoir Property southerly of the Reservoir for adjusting the boundaries of the Reservoir Property. Any withdrawal or exclusion of property from the Reservoir Property pursuant to this paragraph, or the grant or license of any interest in the Reservoir Property by the District pursuant to this paragraph is subject to the notice and

consultation requirements set forth in paragraph 2 hereof. If the enlargement of the Reservoir results in the inundation of any Recreational Facility, the District, at its cost, shall replace such facilities with equivalent facilities at the location or locations approved by the State, which approval shall not be unreasonably withheld. However, if the replacement cost of the inundated Recreational Facilities at the new location is greater than 125% of the estimated current replacement cost of such Recreational Facilities at the original location, the District shall not be required to replace such Recreational Facilities unless the State contributes toward the cost of such replacement an amount equal to the actual cost of replacement of the inundated Recreational Facilities at the new location less 125% of the estimated cost of replacement of the inundated Recreational Facilities at the original location. Any expenditure made by the State pursuant to the preceding sentence shall qualify as an expenditure for Capital Improvements under paragraph 9 of this Agreement.

5. The State has prepared and provided to the District a Management Plan dated May 19, 2011 that specifically identifies the Reservoir Property and designates and locates the type, location, and specifications of all of the existing Recreational Facilities thereon. Any change to the Management Plan shall be made only with the prior written approval of the District, which approval shall not be unreasonably withheld. The Management Plan includes the following facilities, which, together with any expansions, modifications, or replacements thereof, shall hereinafter be referred to as the "Recreational Facilities":

1. 92 Individual Campsites and one Group Campsite
2. 8 Seventy-five (75) car parking lots. 2 seventy-five (75) car parking lots and 11 eight to thirty car parking lots.
3. Swim beach, volleyball court, concrete patio
4. One (1) marina concession with courtesy docks, wet storage docks, a Marina Store, long term dry storage, and fueling station along the north shore
5. One (1) main boat ramp with courtesy dock along the north shore.
6. One (1) boat ramp with courtesy dock in Morrison Cove.
7. Picnic pavilion
8. Park Headquarters building, including shop, visitors center, garage, and on-site employee housing
9. Dump station
10. Entrance station
11. Fifty (50) picnic sites
12. Four (4) campgrounds, two (2) with electrical outlets for RVs
13. Concession building with showers and bathrooms
14. Three (3) restrooms with water and 9 vault toilets
15. Grills and picnic tables
16. Eighty (80) acre wetland [habitat refuge](#) with trail and viewing deck
17. Potable water and irrigation systems and the electric system
18. Sanitary facilities including land treatment

19. All roadways into and within the Reservoir Property including the entry/check-in building access road, except the Stagecoach Dam Powerhouse access road from the Tailwaters Parking Lot to Stagecoach Dam Powerhouse and any part of Routt County Road 18.

In addition, "Recreational Facilities" shall include the non-motorized hiking trail along the south shore and shall also include the existing parking lot and boat ramp on the south shore of the Reservoir near the South Shore Subdivision unless and except if the District shall in its sole discretion withdraw such parking lot and boat ramp from the Reservoir Property pursuant to paragraph 2(5) above. The non-motorized hiking trail may be relocated or modified by the District or its designee at the District's cost at any time and shall not be fenced or gated without the prior written consent of the District. "Recreational Facilities" shall include any other facility or property interest which the State and the District hereafter mutually agree be added as Recreational Facilities hereunder.

6. In the administration, operation, and maintenance of the Reservoir Property and the Recreational Facilities for recreational purposes, and including any further development by the State of Recreational Facilities on the Reservoir Property, the State shall follow the Management Plan dated May 19, 2011, as may hereafter be amended (the "Management Plan") Amendments to the Management Plan shall be prepared by the State pursuant to its statutory authority and discretion in cooperation with and subject to the written approval of the District and any other appropriate agencies, and shall comply with State recreational policies and procedures. All Recreational Facilities shall be managed, repaired, improved, replaced, maintained and operated in a manner that will not interfere with the rights of the District reserved in this Agreement, including (but not limited to) the operation and maintenance of the Reservoir Property by the District for power generation and water storage and delivery purposes and the expansion and enlargement of the Reservoir. The Management Plan shall not be amended without the prior written approval of the District, which approval shall not be unreasonably withheld.
7. The State shall be responsible for payment of all costs, including electrical utility bills, incurred by the State in the operation of all existing and future Recreational Facilities and support facilities constructed by the State or the District at the Reservoir Property pursuant to the terms of the Management Plan.
8. (a) The District shall provide to the State up to 25 acre feet of water from the Reservoir annually at no charge for public use at the Recreational Facilities. Such water is allocated from the Preferred Remainder pool of the Reservoir and is not charged to any storage water now or hereafter allocated by the District for sale or lease from the Reservoir. The State shall be responsible for the maintenance, repair, and replacement of the entire potable water system ("Water System") and the quality and fitness of water for public use, domestic purposes, and human consumption. The water delivered pursuant to this subparagraph (a) shall be raw untreated water in the condition existing after diversion from the Reservoir and the District shall have no obligation with respect to water quality.

(b) In the alternative, in lieu of providing raw water directly from the Reservoir, the District may at its expense install and operate a well or infiltration gallery (“Alternate Facilities”) and provide water sufficient in quantity to meet the requirements of the State for use at the Recreational Facilities, but not exceeding 25 acre feet annually. The cost of permitting and installation of such equipment and facilities, including adjudication of any necessary augmentation plan, and the cost of operation and necessary repairs and replacement of such equipment and facilities shall be the responsibility of the District. Maintenance, repair, replacement and operation of the Water System (except for the Alternate Facilities) shall be the responsibility of the State at its cost including necessary treatment after delivery of the water from the Alternate Facilities.

(c) Further, if the State desires to do so, it may, in lieu of direct withdrawal of water under subparagraph (a) above, install a well or infiltration gallery to provide water for public use at the Recreational Facilities. In such event, the cost of permitting and installation of such equipment and facilities, including adjudication of any necessary augmentation plan utilizing the annual allocation of water of 25 acre feet from the district under subparagraph (a) above as the augmentation source, and the cost of operation and necessary repairs and replacement of such equipment and facilities shall be the responsibility of the State.

(d) The State shall provide only water that has been suitably treated as necessary for the purposes intended whether such water is provided under subparagraphs (a), (b) or (c) above.

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Commented [AR1]: Need to add language for option of either State or UYWCD to change potable water source to new well.

9. Subject to the limitations of this paragraph 9, the District shall provide a limited operational and maintenance subsidy to the State (“O&M Subsidy”). The O&M Subsidy provided by the District shall be paid to the State no later than December 31st of each year of this Agreement (May 1, 2044 is the end of the last year of this Agreement), provided that during such calendar year the State (a) has physically expanded, modified or replaced Recreational Facilities permanently on site as approved by the District in advance of construction in a manner consistent with the Management Plan at an actual out-of-pocket cost to the State equal to or no less than the amount of the O& M Subsidy otherwise payable at the end of that calendar year ~~less \$10,000~~ (the “Capital Improvements”), and (b) has certified such facts with detail of such costs by letter to the District given by no later than December 1 of such calendar year. The annual O&M Subsidy payable, if at all, on December 31 each year shall be the lesser of (a) ~~\$3515,000~~, or (b) the actual costs of the Capital Improvements made by the State that calendar year, or deemed to have been made by the State that calendar year as provided below in this paragraph 9, all as certified by the State to the District by the preceding December 1, ~~plus \$10,000~~. Costs of Capital Improvements shall not include “soft costs” such as office overhead, travel, planning work by State personnel, or staff time by State personnel other than actual on-site supervision and performance of construction activities. If the cost of the Capital Improvements performed by the State in any calendar year, plus the carry-forward “excess” Capital Improvements cost from the preceding year pursuant to this sentence, exceeds ~~\$2515,000~~ in any calendar year, such excess over ~~\$2515,000~~ shall carry over to the next calendar year, and shall be deemed in that year to be a Capital Improvement cost

incurred in that succeeding year, the same as if actually expended by the State in that year, for purposes of calculating the State's entitlement to the O&M Subsidy that year. However, the District's O&M Subsidy obligation shall never exceed \$~~700,300~~,000 over the 20-year Agreement term. If the O&M Subsidy in any year is less than \$~~351,500~~,000 because the State has not spent \$~~251,500~~,000 or more in Capital Improvements for that year, then the deficiency from that year shall forever be waived and the District shall not be required to make up such deficiency in future years. If the District's O&M Subsidy obligation of \$~~700,300~~,000 is not paid during the Agreement term, the District shall have no obligation to make up the difference at the end of the Agreement term.

10. The term of this Agreement shall be from May 1, 2024 to May 1, 2044, unless sooner renewed or terminated as herein provided.
11. Either party may terminate this Agreement without cause at any time. To terminate the Agreement, the party wanting to terminate shall give the other party written notice in the manner provided for in paragraph 23 below. Termination shall be effective one hundred eighty (180) days after said notice. Upon termination, a party's rights and obligations under this Agreement shall cease, except that liability for acts or omissions occurring prior to termination shall survive termination.
12. The State may establish and collect use fees for the recreational purposes of the Reservoir Property in accordance with its rules, regulations, and Colorado law. Said fees shall belong exclusively to the State. The District shall not charge or collect fees for recreational purposes on the Reservoir Property.
13. Consistent with any budgetary constraints and with personnel availability, and within its lawful discretion, the State shall operate and manage the Reservoir Property for recreational purposes in accordance with the Management Plan, and enforce the laws, rules, and regulations relating to parks and recreation areas on the Reservoir Property in order to supervise and control the public recreational use of the Reservoir Property. The State shall consult with the District prior to the adoption of any new rules and regulations by the State regarding public use of the Reservoir Property, which are specific to the Reservoir Property. In addition, the State shall at all times maintain at its cost all Recreational Facilities and support facilities in good and safe order, condition, and state of repair, usable by the public.
14. The State shall have the right to construct, operate, and maintain on the Reservoir Property Recreational Facilities, provided that such Facilities are in accordance with the Management Plan prepared and existing pursuant to paragraphs 5 and 6, as may be amended, such amendments to be as approved in writing by the District. All Recreational Facilities or improvements or structures constructed by the State or the District shall become the property of the District and shall not be removed by the State without the written consent of the District. After the termination of the Agreement, the District may remove such improvements and Recreational Facilities in its sole discretion. [If the District terminates this Agreement without cause under paragraph 11 above, the District shall reimburse the State for the depreciated cost of the Visitor's Center constructed by](#)

Commented [AR2]: Need additional language for cost recovery of future capital project expenditures by State on case by case basis. New visitors center included, all other existing excluded.

the State in 2022 calculated in accordance with Exhibit B attached hereto. In connection with the construction of new Recreational Facilities (but not the replacement or relocation of existing Recreational Facilities) placed in service after the commencement of this Agreement, the State and the District may by mutual agreement effected by a written supplement or amendment of this Agreement require the District to pay to the State the depreciated cost of such new Recreational Facility upon early termination of this Agreement under paragraph 11 above by the District in accordance with an agreed schedule, but the decision to enter in to such reimbursement arrangement with regard to any specific new Recreational Facilities shall not be mandatory and shall be entirely within the discretion of the District.

15. The State shall have the right to enter into any written contract or permit with a third party (“Agent”) to act as the agent of the State for the purpose of performing and carrying out any of the functions provided for in this Agreement which, in the State’s sole authority and discretion, it deems appropriate to delegate to such Agent, provided that (a) the State shall promptly provide a true copy of each such contract or permit to the District, (b) such contract or permit shall refer to and incorporate by reference this Agreement, and (c) no such contract or permit shall relieve the State from the full and complete performance of its obligations and responsibilities under this Agreement. Said contracts shall be subject and subordinate to this Agreement and to all matters referenced in paragraph 1 of this Agreement. Said contracts shall specifically include concession contracts, provided that concession contracts shall be subject to the prior written approval of the District. The District shall be named as an additional insured in all such contracts and agreements. Notwithstanding the above, the State shall not delegate by contract or permit to any Agent the obligation of the State to manage and operate the entry stations into Stagecoach State Park and the campgrounds, RV campgrounds, parking lots, swimming beach, picnic sites and pavilion, boat ramps, non-motorized hiking trail, and potable water and sanitary sewer buildings within the Recreational Facilities, all of which must be managed and operated by the State itself. The State’s obligation to provide copies of contracts to the District under this paragraph shall be limited to concession contracts and contracts for the construction of Capital Improvements exceeding \$10,000.
16. To the greatest extent possible, the State and District shall cooperate with each other to assure that each is able to exercise its rights and perform its obligations under this Agreement with minimum interference to the other party’s activities. Further, each party shall use every reasonable effort to prevent damage to the property and facilities managed, operated, or maintained by the other party. The State’s manager of Stagecoach State Park and the manager of the District shall meet at least annually to discuss issues of mutual concern to the parties.
17. The District shall have sole control in its sole discretion over the diversion, intake, storage, allocation, and release or disposal of water in and from the Reservoir, generation of power from the power plant at the dam, the enlargement and expansion of the Reservoir, the timing and rate of increase and drawdown of water, the water levels and fluctuations thereof, water temperatures, circulation of water in the Reservoir, dredging of the Reservoir, and prohibition of boats and persons on the water surface for a

reasonable safe distance from the spillway and intake structure, and the State shall have no right, interest, or entitlement thereto whatsoever except as provided in the first sentence of paragraph 9. Further, the District, its agents, and employees shall have access at all times to structures, dams, headgates, and all of the Reservoir Property and Recreational Facilities in order to manage, control, protect, and administer the intake, diversion, storage, management, allocation, and release or disposition of water in and from the Reservoir, generation of power at the power plant, and the expansion or enlargement of the Reservoir. If the District intends to cause or is aware of the pending occurrence of a substantial reduction in the water level of the Reservoir resulting from the release from storage through the Stagecoach Dam outlet works at a rate of more than 200 cfs, excluding flows through the Stagecoach Dam spillway, it shall notify the State in writing at least 24 hours in advance of such fact in order that fish and wildlife may be salvaged and other necessary steps may be taken to ensure the safety of public recreation users unless such release is necessary for human health and safety. The District shall also have the right to raise the level of the dam at Stagecoach Reservoir for the purpose of expanding the storage capacity of the Reservoir and subject additional land area within and outside of the Reservoir Property and portions of the Recreational Facilities to inundation.

18. CRS §33-41-101, et seq., may provide for the District to enjoy limitations on its potential liability which arise from use of the Property by members of the public for recreational purposes. In accordance with the provisions of CRS Section 33-41-103(2)(e)(II.5), the District acknowledges that this paragraph constitutes notice of the right to bargain for indemnification from liability for injury resulting from use of the Property by members of the public for recreational purposes, as those terms are defined in CRS Section 33-41-103(2)(e), and the District is advised that such right can be exercised prior to the execution of this Agreement at the request of the District. The District has exercised this right as agreed to in paragraph 20.
19. Notwithstanding any other provision of this Agreement to the contrary, no term or condition of this Agreement shall be construed or interpreted as a waiver, either expressed or implied, of any of the immunities, rights, benefits, or protection provided to the parties under the Colorado Governmental Immunity Act, §§ 24-10-101, et seq., C.R.S., as amended or as may be amended (including, without limitation, any amendments to such statute, or under any similar statute which is subsequently enacted). The parties hereto understand and agree that liability for claims for injuries to persons or property arising out of the negligence of the State of Colorado, its departments, institutions, agencies, boards, officials, and employees is controlled and limited by the provisions of §§ 24-10-101, et seq., C.R.S., as amended or as may be amended, and §§ 24-30-1501, et seq., C.R.S., as amended or as may be amended. Any provision of this Agreement, whether or not incorporated herein by reference, shall be controlled, limited, and otherwise modified so as to limit any liability of the parties to the above-cited laws.
20. To the extent authorized by § 24-30-1510(3)(e), C.R.S., the State shall defend and hold harmless the District against claims arising from the alleged negligent acts or omissions of the State and its public employees which occurred or are alleged to have occurred

during the performance of their duties and within the scope of their employment, except where such acts or omissions are willful and wanton. Such claims shall be subject to the limitations of the “Colorado Governmental Immunity Act,” §§ 24-10-101 to 24-10-120, C.R.S., as now or hereafter amended.

21. It is an express condition of this ~~Lease~~-Agreement that the Colorado Parks and Wildlife Commission (“Commission”) shall not by resolution, motion or other official action of the Commission, approved at a duly authorized meeting of the Commission, oppose the enlargement and expansion of Stagecoach Reservoir or the storage, use, or release of additional water in such enlargement as may hereafter be proposed by the District, or to the design, permitting, or construction of such Reservoir expansion and enlargement by the District. If such condition is for any reason broken, violated, or in default, then at any time within one year thereafter the District may at its sole election and upon written notice to the State terminate and rescind this ~~Lease~~-Agreement and may re-enter and take possession of the Recreational Facilities as in the prior estate, without liability to the State or any concessionaire or licensee of the State or any third party beneficiaries or the public. It is the intent and purpose of the parties that the District shall have a valid and enforceable right of entry on condition broken under the provisions of the preceding sentence until termination of this ~~Lease~~-Agreement. The prohibition set forth in this paragraph shall not apply to any employee of the Colorado Division of Parks and Wildlife, Colorado Water Conservation Board or other State agency, or any concessionaire of the State on the Reservoir Property, nor shall such prohibition apply to any employee of the State or member of the Commission who expresses such an opinion in his or her private ~~of official~~ capacity.
22. This Agreement shall be binding upon the parties hereto, their successors, and assignees. However, the State shall not assign this Agreement without the prior written consent of the District. Time is of the essence of this Agreement. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall conclusively be presumed to affect adversely all other provisions hereof, as one integrated Agreement, and therefore any such holding shall conclusively be deemed to be a complete termination of this Agreement. This Agreement may not be altered or amended, and no right under this Agreement may be waived, except by a written instrument executed by the parties (or, in the case of a waiver, by a written instrument executed by the party granting the waiver) to this Agreement. No waiver of any breach of any portion of this Agreement shall be deemed a waiver of any preceding or succeeding breach of that provision. No extension of time for performance of any obligations or acts shall be deemed an extension of the time for performance of any other obligations or acts. This Agreement, and the Management Plan to which this Agreement refers, contain the entire agreement between the parties with respect to the subject matter of this Agreement and supersedes the prior lease between the parties and all prior understandings with respect to the subject matter of this Agreement and the Management Plan. The parties have made no prior representations and have given no warranties with respect to the subject matter of this Agreement except as specifically provided herein.

The parties do not intend to confer any benefit on any person, firm or corporation other than the signatory parties to this Agreement.

23. Notices. Any notice required or permitted to be provided hereunder shall be deemed given when either personally delivered or mailed by certified mail, return receipt requested, to the parties at their following addresses or such other addresses as they may designate in a notice duly delivered:

If to the District: Upper Yampa Water Conservancy District
P.O. Box 775529
Steamboat Springs, CO 80477
Attn: Manager

If to State: Colorado Division of Parks and Wildlife
Attn: Stagecoach Lake Park Manager
P.O. Box 98
Oak Creek, CO 80467

24. The District warrants and represents itself to be the owner of the Reservoir Property in the form and manner as stated herein; that it has the authority to enter into this Agreement with the State and that it has taken appropriate action to approve this Agreement; and that during the term of this Agreement it covenants and agrees to warrant and defend the State in the quiet, peaceable enjoyment and possession of the premises against the adverse property claims of any person which arise by, through, or under the District.
25. STATEWIDE CONTRACT MANAGEMENT SYSTEM. If the maximum amount payable to the District under this Agreement is \$100,000 or greater, either when this Agreement goes into effect or at any time thereafter, this section shall apply. The District agrees to be governed by and comply with the provisions of §§24-106-103, 24-102-206, 24-106-106, and 24-106-107, C.R.S. regarding the monitoring of vendor performance and the reporting of contract performance information in the State's contract management system ("Contract Management System" or "CMS"). The District's performance shall be subject to evaluation and review in accordance with the terms and conditions of this Agreement, Colorado statutes governing CMS, and State Fiscal Rules and State Controller policies.
26. DIGITAL SIGNATURES. If any signatory signs this Agreement using a digital signature in accordance with the Colorado State Controller Contract, Grant and Purchase Order Policies regarding the use of digital signatures issued under the State Fiscal Rules, then any agreement or consent to use digital signatures within the electronic system through which that signatory signed shall be incorporated into this Agreement by reference.
27. COLORADO SPECIAL PROVISIONS (COLORADO FISCAL RULE 3-3). These Special Provisions apply to all contracts except where noted in italics.

A. STATUTORY APPROVAL. §24-30-202(1), C.R.S.

This Agreement shall not be valid until it has been approved by the Colorado State Controller or designee. If this Agreement is for a Major Information Technology Project, as defined in §24-37.5-102(2.6), then this Agreement shall not be valid until it has been approved by the State's Chief Information Officer or designee.

B. FUND AVAILABILITY. §24-30-202(5.5), C.R.S.

Financial obligations of the State payable after the current State Fiscal Year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available.

C. GOVERNMENTAL IMMUNITY.

Liability for claims for injuries to persons or property arising from the negligence of the State, its departments, boards, commissions committees, bureaus, offices, employees and officials shall be controlled and limited by the provisions of the Colorado Governmental Immunity Act, §24-10-101, et seq., C.R.S.; the Federal Tort Claims Act, 28 U.S.C. Pt. VI, Ch. 171 and 28 U.S.C. 1346(b), and the State's risk management statutes, §§24-30-1501, et seq. C.R.S. No term or condition of this Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections, or other provisions, contained in these statutes.

D. COMPLIANCE WITH LAW.

The District shall comply with all applicable federal and State laws, rules, and regulations in effect or hereafter established, including, without limitation, laws applicable to discrimination and unfair employment practices.

E. CHOICE OF LAW, JURISDICTION, AND VENUE.

Colorado law, and rules and regulations issued pursuant thereto, shall be applied in the interpretation, execution, and enforcement of this Agreement. Any provision included or incorporated herein by reference which conflicts with said laws, rules, and regulations shall be null and void. All suits or actions related to this Agreement shall be filed and proceedings held in the State of Colorado and venue shall be in the county in which the Property is located. Venue shall be proper in any county in which the Property is located if it is situate in more than one county.

F. PROHIBITED TERMS.

Any term included in this Agreement that requires the State to indemnify or hold the District harmless; requires the State to agree to binding arbitration; limits the District's liability for damages resulting from death, bodily injury, or damage to tangible property; or that conflicts with this provision in any way shall be void ab initio. Nothing in this Agreement shall be construed as a waiver of any provision of §24-106-109 C.R.S.

G. EMPLOYEE FINANCIAL INTEREST/CONFLICT OF INTEREST. §§24-18-201 and 24-50-507, C.R.S.

The signatories aver that to their knowledge, no employee of the State has any personal or beneficial interest whatsoever in the service or property described in this Agreement.

The District has no interest and shall not acquire any interest, direct or indirect, that would conflict in any manner or degree with the performance of the District's services and the District shall not employ any person having such known interests.

H. VENDOR OFFSET AND ERRONEOUS PAYMENTS. §§24-30-202(1) and 24-30-202.4, C.R.S.

[Not applicable to intergovernmental agreements] Subject to §24-30-202.4(3.5), C.R.S., the State Controller may withhold payment under the State's vendor offset intercept system for debts owed to State agencies for: (i) unpaid child support debts or child support arrearages; (ii) unpaid balances of tax, accrued interest, or other charges specified in §§39-21-101, et seq., C.R.S.; (iii) unpaid loans due to the Student Loan Division of the Department of Higher Education; (iv) amounts required to be paid to the Unemployment Compensation Fund; and (v) other unpaid debts owing to the State as a result of final agency determination or judicial action. The State may also recover, at the State's discretion, payments made to the District in error for any reason, including, but not limited to, overpayments or improper payments, and unexpended or excess funds received by the District by deduction from subsequent payments under this Agreement, deduction from any payment due under any other contracts, grants or agreements between the State and the District, or by any other appropriate method for collecting debts owed to the State.

[Signatures on following page]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first above written.

Persons signing for the District hereby swear and affirm that they are authorized to act on the District's behalf and acknowledge that the State is relying on their representations to that effect.

<p style="text-align: center;">LESSOR</p> <p style="text-align: center;">UPPER YAMPA WATER CONSERVANCY DISTRICT</p> <p>By: _____ Name: _____ Title: _____</p> <p>Date: _____</p>	<p style="text-align: center;">STATE OF COLORADO</p> <p style="text-align: center;">Jared S. Polis, Governor acting by and through the Department of Natural Resources, for the use and benefit of the Division of Parks and Wildlife and the Parks and Wildlife Commission Heather Disney Dugan, Acting Director</p> <p>By: _____ <i>Signature - Name & Title of Person Signing for DPW</i></p> <p>Date: _____</p>
	<p style="text-align: center;">OFFICE OF RISK MANAGEMENT DHR Division Director Limited Indemnification Approval Under CRS §24-30-1510(3)(e)</p> <p>By: _____ <i>Signature - Name, Program Supervisor</i></p> <p>Date: _____</p>

ALL CONTRACTS REQUIRE APPROVAL BY THE STATE CONTROLLER

CRS §24-30-202 requires the State Controller to approve all State Contracts/Leases. This Lease is not valid until signed and dated below by the State Controller or delegate. Lessor is not authorized to begin performance until such time. If Lessor begins performing prior thereto, the State of Colorado is not obligated to pay Lessor for such performance or rents or costs incurred hereunder.

STATE CONTROLLER
Robert Jaros, CPA, MBA, JD

By: _____

**EXHIBIT A
TO
LEASE AGREEMENT**

Legal Description of Reservoir Property

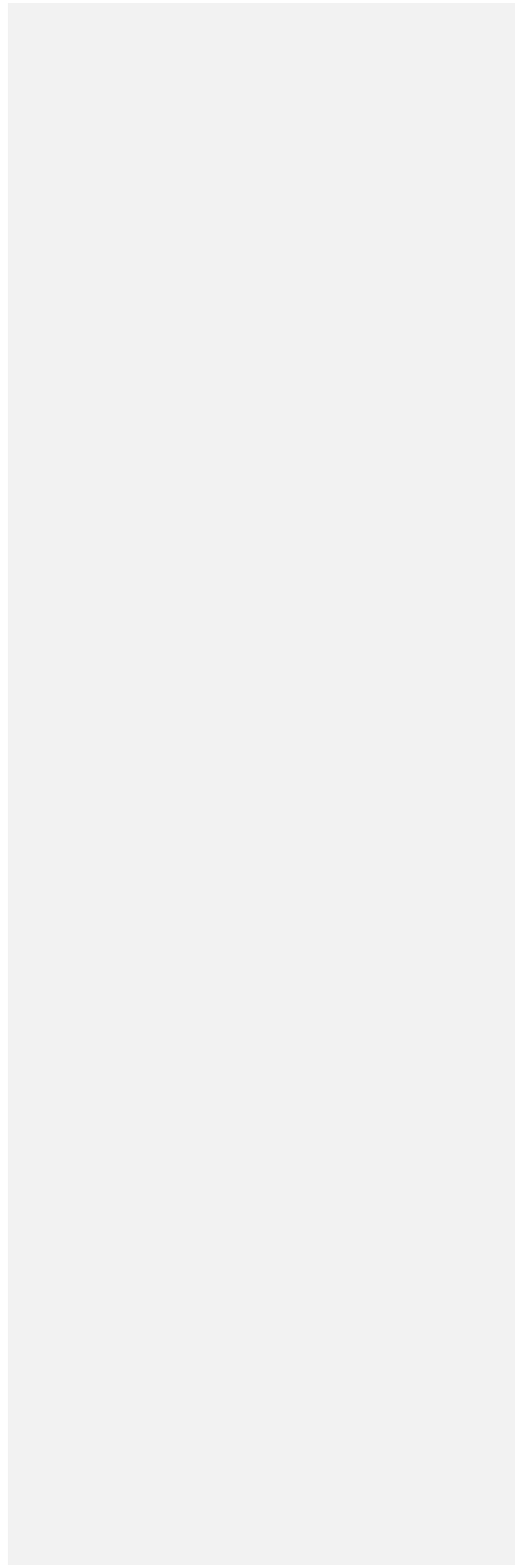


Exhibit B
Stagecoach State Park Visitors Center Building Straight-line Depreciation Schedule

Asset Description	Stagecoach SP Building; 3,550 SF visitor center building, includes design cost, site work and construction.
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Class	Building
Year Built/Purchased	2023
Purchase Cost	\$ 3,080,000
Useful Life (Years)	30
Useful Life (Months)	360
Months Owned in First	12
Salvage Value*	\$ -

* at end of useful life

Depreciation Schedule						
Months Owned Per Year	Year	Period Asset Starting Value (\$)	Period Depreciation Expense (\$)	Accumulated Depreciation Expense (\$)	Period Asset Ending Value (\$)	Notes
12	2023	\$ 3,080,000	\$ 102,667	\$ 102,667	\$ 2,977,333	
12	2024	\$ 2,977,333	\$ 102,667	\$ 205,333	\$ 2,874,667	New Lease Start
12	2025	\$ 2,874,667	\$ 102,667	\$ 308,000	\$ 2,772,000	
12	2026	\$ 2,772,000	\$ 102,667	\$ 410,667	\$ 2,669,333	
12	2027	\$ 2,669,333	\$ 102,667	\$ 513,333	\$ 2,566,667	
12	2028	\$ 2,566,667	\$ 102,667	\$ 616,000	\$ 2,464,000	
12	2029	\$ 2,464,000	\$ 102,667	\$ 718,667	\$ 2,361,333	
12	2030	\$ 2,361,333	\$ 102,667	\$ 821,333	\$ 2,258,667	
12	2031	\$ 2,258,667	\$ 102,667	\$ 924,000	\$ 2,156,000	
12	2032	\$ 2,156,000	\$ 102,667	\$ 1,026,667	\$ 2,053,333	
12	2033	\$ 2,053,333	\$ 102,667	\$ 1,129,333	\$ 1,950,667	
12	2034	\$ 1,950,667	\$ 102,667	\$ 1,232,000	\$ 1,848,000	
12	2035	\$ 1,848,000	\$ 102,667	\$ 1,334,667	\$ 1,745,333	
12	2036	\$ 1,745,333	\$ 102,667	\$ 1,437,333	\$ 1,642,667	
12	2037	\$ 1,642,667	\$ 102,667	\$ 1,540,000	\$ 1,540,000	
12	2038	\$ 1,540,000	\$ 102,667	\$ 1,642,667	\$ 1,437,333	
12	2039	\$ 1,437,333	\$ 102,667	\$ 1,745,333	\$ 1,334,667	
12	2040	\$ 1,334,667	\$ 102,667	\$ 1,848,000	\$ 1,232,000	
12	2041	\$ 1,232,000	\$ 102,667	\$ 1,950,667	\$ 1,129,333	
12	2042	\$ 1,129,333	\$ 102,667	\$ 2,053,333	\$ 1,026,667	
12	2043	\$ 1,026,667	\$ 102,667	\$ 2,156,000	\$ 924,000	
12	2044	\$ 924,000	\$ 102,667	\$ 2,258,667	\$ 821,333	New Lease End





BOARD COMMUNICATION FORM

From: Andy Rossi, General Manager

Date: 05/08/23

Item: Stagecoach Reservoir and State Park PUD

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Request/Issue and Background Information:

At the March 15, 2023, regular meeting of the Upper Yampa Water Conservancy District (UYWCD) Board of Directors (BOD), the UYWCD staff was authorized and directed to work with the UYWCD General Counsel to complete and submit to Routt County, an updated Planned Unit Development (PUD) document for the Stagecoach Reservoir property.

II. Summary and Alternatives:

The final PUD document for the Stagecoach Reservoir property was transmitted to the Routt County Planning Department on May 1, 2023. The document is under review by Routt County (RC Planning Project #PL20220060). All agency comments on the document are due to the Routt County Planning Department by 05/24/23. Routt County will notify the UYWCD of any comments and/or requested edits to the document. Following the county review and resolution of any outstanding issues, Routt County will schedule the PUD for public notices and Board of County Commissioner hearings.

III. Staff Recommendation:

No action by the UYWCD is required at this time. The UYWCD staff will inform the UYWCD BOD when the PUD document is accepted by Routt County and/or Routt County request any substantive changes to the document.

IV. Legal Issues:

Stagecoach Reservoir is located in the OR zone District. A PUD Plan is required for development in the OR District

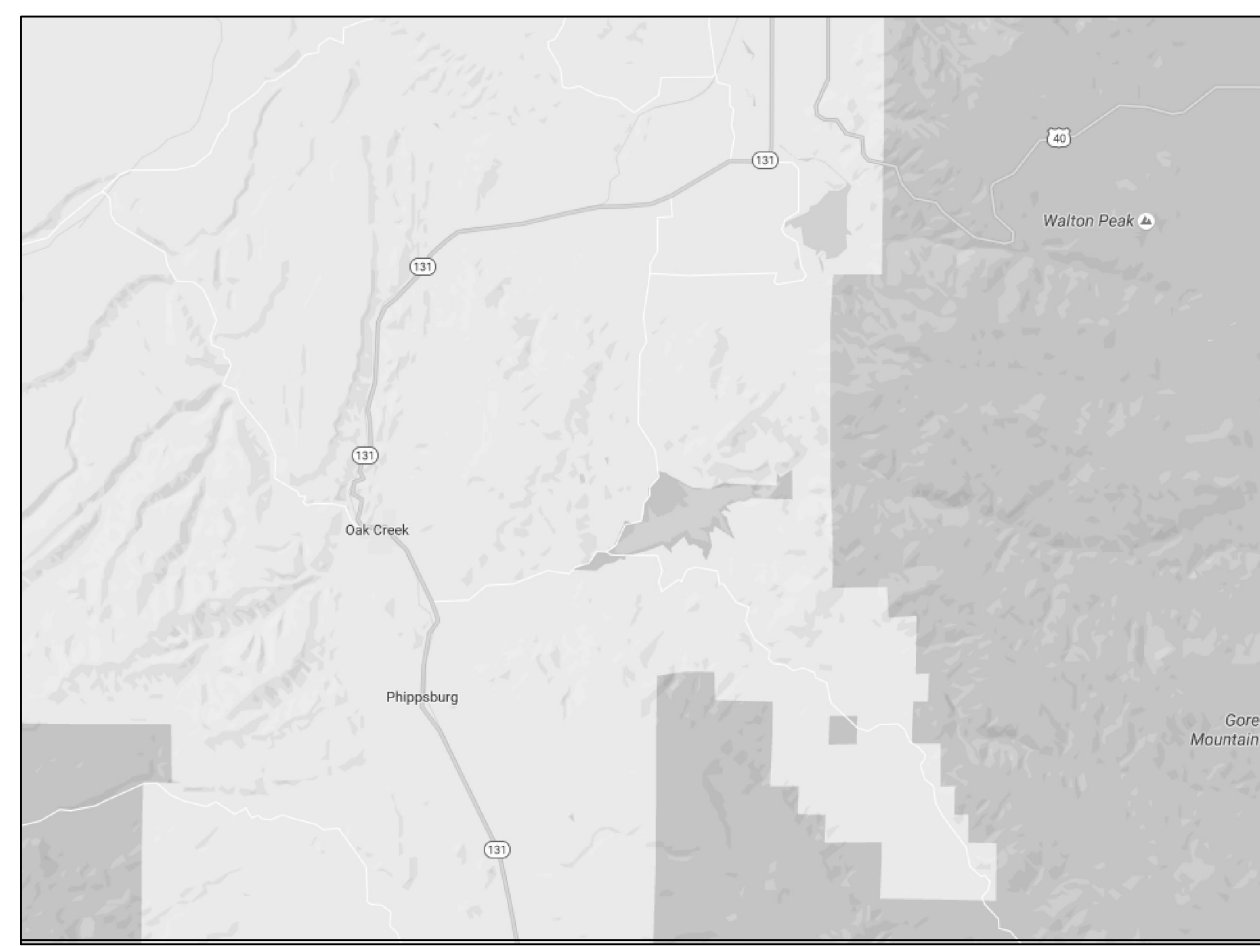


V. Consistency with Board Goals and Policies:

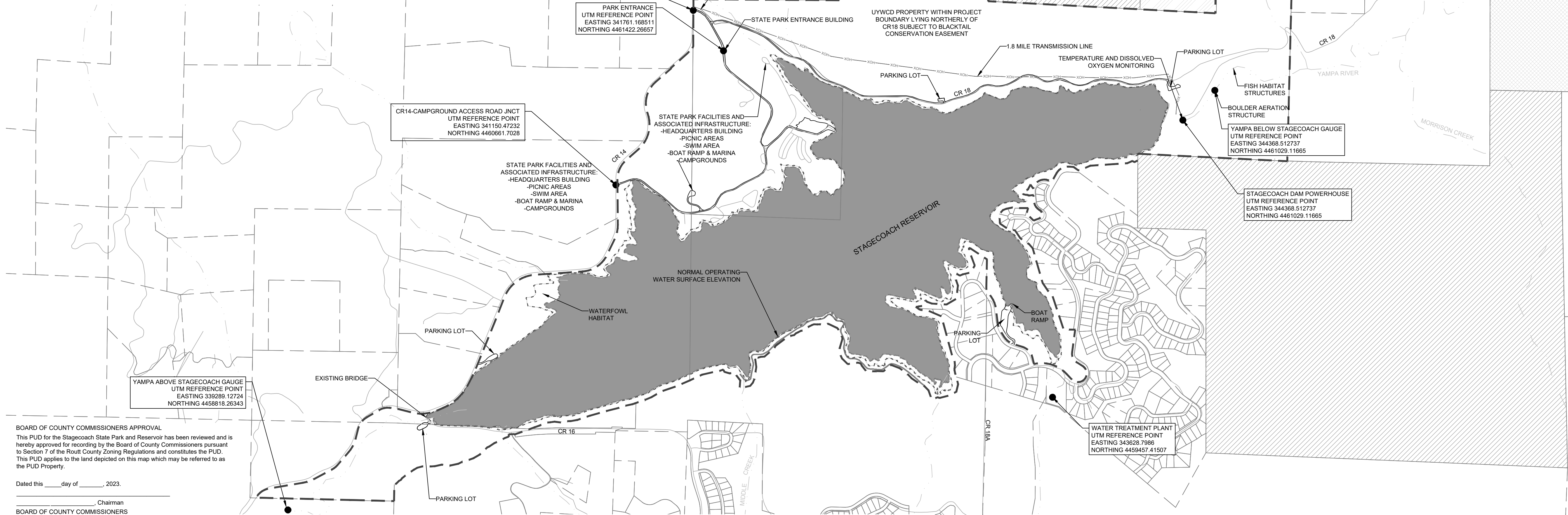
Staff believes this process will result in a PUD plan that will satisfy Routt County requirements and will meet the District's objectives and requirements for operation of Stagecoach Reservoir and the State Park.

Attachments:

Attachment 1: Stagecoach Reservoir Property PUD Document



VICINITY MAP



- NOTES:
1. PROJECT BOUNDARY PER SURVEY BY D&D INC., STEAMBOAT SPRINGS, COLORADO.
 2. OFFSITE PROPERTY LINES REFERENCED FROM ROUTT COUNTY GIS.
 3. VERTICAL DATUM: NORTH AMERICAN VERTICAL DATUM (NAVVD) 1929
 4. PROJECTION: COLORADO NAD 1983 STATE PLANE (FEET)
 5. LAND RIGHTS: THE PROPERTY WITHIN THE ENTIRE PROJECT BOUNDARY IS OWNED IN FEE BY THE UPPER YAMPA WATER CONSERVANCY DISTRICT (LICENSEE).
 6. UTM ZONE: 13 T

BOARD OF COUNTY COMMISSIONERS APPROVAL
 This PUD for the Stagecoach State Park and Reservoir has been reviewed and is hereby approved for recording by the Board of County Commissioners pursuant to Section 7 of the Routt County Zoning Regulations and constitutes the PUD. This PUD applies to the land depicted on this map which may be referred to as the PUD Property.

Dated this ____ day of _____, 2023.

_____, Chairman
 BOARD OF COUNTY COMMISSIONERS
 ROUTT COUNTY, COLORADO

Attest:
 By: _____, Routt County Clerk

PLANNING COMMISSION APPROVAL
 The Planning Commission of Routt County, Colorado did hereby authorize and approve this PUD at the meeting of said Commission held on the ____ day of _____, 2023.

_____, Chairman, Routt County Planning Commission

ROUTT COUNTY CLERK AND RECORDER'S ACCEPTANCE
 This PUD was accepted for filing in the office of the Clerk and Recorder of Routt County, Colorado, on this ____ day of _____, 2023.

Reception No. _____ Time _____

File No. _____

_____, Routt County Clerk and Recorder

OWNER'S ACCEPTANCE
 The Upper Yampa Water Conservancy District (UYWCD or Permittee) does hereby accept for itself, its successors, and assigns the conditions, uses, and structures set forth in this PUD. Nothing in this PUD Plan and acceptance hereby by Permittee shall constitute the waiver of Permittee of its rights under §30-28-110 (1) C.R.S., which rights are expressly reserved by Permittee.

By: _____, General Manager
 Upper Yampa Water Conservancy District.

State of Colorado)
)
 County of Routt)

The foregoing acceptance was acknowledged before me this ____ day of _____, 2023, by Andy Rossi as General Manager of the Upper Yampa Water Conservancy District.

Witness my hand and official seal.
 My Commission expires: _____

Notary Public

DRAFT Stagecoach State Park PUD Conditions

PUD Background and Description.
 Routt County approved by Resolution 87-P-047C a Conceptual Planned Unit Development Plan (Conceptual PUD) for a campground, swim beach, marina, public trails and ranger facilities at Stagecoach Reservoir and for the relocation of County Road 18 on February 9, 1988, which Resolution was recorded at Reception No. 370214 of the Routt County records on February 18, 1988. Simultaneously with the approval of the 1988 Conceptual PUD, Routt County by Resolution 87-P-047A rezoned the property subject to the PUD Plan from the Agricultural/Forestry (AF) zone District to the Outdoor Recreation (OR) Zone District. On August 6, 1987, the Routt County Regional Planning Commission approved a Final PUD Plan for the swim beach, boat marinas, public trail, public parking and access points to Stagecoach Reservoir (Final PUD). In addition, Routt County has approved the following with respect to Stagecoach State Park and Stagecoach Reservoir: (Subsequent Approvals): Special Use Permit for gravel pit and concrete batch plant approved by Resolution No. 87-P-006 on February 10, 1987.

Stagecoach State Park - SPOA PUD Amendment (PZ 1988-007)
 Stagecoach State Park Boat Ramp PUD Amendment (PZ 1988-007)
 Stagecoach State Park Wetland PUD Amendment (PZ 1995-008)
 Stagecoach PUD Amendment Storage Shed (PP 2014-010)
 Stagecoach PUD - Cluster Box Amendment (PZ 2012-009)
 Stagecoach Reservoir 1041 FONSI (PP 2008-013)
 Stagecoach Reservoir Expansion (P2006-053 and PZ 2007-0006)

The Conceptual PUD Plan, as amended and supplemented by the Final PUD Plan and the Subsequent Approvals, as-built and constructed and as currently operated, shall constitute the PUD.

General Conditions:

1. The PUD is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Sections 5, 6, and 7.
2. Any complaints or concerns which may arise from this operation may be cause for review of the PUD, at any time, and amendment or addition of conditions, or revocation of the approval if necessary.
3. In the event that Routt County commences an action to enforce or interpret this PUD, the substantially prevailing party shall be entitled to recover its costs in such action including, without limitation, attorney fees.
4. No junk, trash, or inoperative vehicles shall be stored within the PUD property.
5. This approval is contingent upon any required federal, state and local permits being obtained and complied with; the operation shall comply with all federal, state and local laws.
6. Fuel, flammable materials, or hazardous materials shall be kept in a safe area and shall be stored in accordance with state and local environmental requirements.
7. Lighting of all buildings and improvements within the PUD Property shall be downward and opaque shielded in conformance with the other requirements of Section 6.3 of the Routt County Zoning Regulations.
8. The Permittee shall prevent the spread of weeds to surrounding lands, and comply with the Colorado Noxious Weed Act as amended in 2013 and Routt County noxious weed management plan.

Specific Conditions:

9. This Conceptual PUD approval does not lapse if a Final PUD is not submitted within 12 months. The Conceptual PUD, as amended by the Final PUD and the Subsequent Approvals, as-built and constructed and as currently operated, is good for life of use.
10. The construction of new roads within the PUD Property shall comply with the standards contained in Section 5.8 of the Routt County Zoning Regulations.
11. The approval shall become effective upon signing by the Board of County Commissioners and recording of the PUD plan in the Routt county records.
12. Expansion of the central water and wastewater system(s) within the PUD Property shall comply with the provisions of Sections 7.3 and 8.9 of the Routt County Zoning Regulations and Environmental Health standards.
13. With respect to any new facilities or improvements requiring approval of Routt County under this PUD, such approval may be contingent upon the petitioner developing adequate water supplies for use by the facility and for fire flow. The development of additional water supplies shall comply with requirements of the Colorado Division of Water Resources, the Colorado Department of Health and Environment, and the Routt County Department of Environmental Health.
14. Addressing shall be required on all improvements in conformance with the Routt County Road Addressing, Naming and Signing Policy.
15. Revegetation of disturbed areas shall occur within one growing season with a seed mix which avoids the use of aggressive grasses. See the Colorado State University Extension Office for appropriate grass seed mixes.

Permitted Facilities, Uses and Operations:

16. Permitted Stagecoach Reservoir Uses, Improvements and Operations.
 The existing Stagecoach dam, reservoir, hydropower and related facilities and operations and such other facilities, improvements, and modifications as are authorized under this PUD.
17. Permitted Uses and Improvements for Operation of the Stagecoach State Park
 Permitted uses and improvements include the following activities, structures, and improvements:
 • Recreation - motorized and non-motorized boating, swimming, fishing, hunting, picnicking, camping, hiking, bike riding, horseback riding, interpretive and educational programming. Additional winter use includes cross-country and Nordic skiing, snowshoeing, and ice fishing.
 • Commercial - retail sales, restaurants, guide services, rental equipment including motorized and non-motorized boats and bikes.
 • Events and special events - church service, weddings, conferences, athletic races, competitions, marketing.
 • Stagecoach State Park Operational Facilities - visitor center, offices, vault and flush restrooms, shower facilities, maintenance facilities, indoor and outdoor storage, fuel and materials storage.
 • Services - parking, educational programming, rental equipment, retail sales.
 • Employee housing - dwelling units and/or dormitories for seasonal and year-round employees of Stagecoach State Park.
 • Infrastructure and Utilities - infrastructure and utilities normal and customary for parks and recreational facilities and operations including water, sewer and septic systems, electrical power, natural gas, communications systems, alternative energy systems, water tanks, storage ponds, fuel storage tanks,

materials storage, signage, trash storage and recycling bins/facilities for use by waste management services, authorized vehicle storage and repair and also including, but not limited to, uses and facilities connected with outdoor recreation and resort operations such as boat ramps, bike and pedestrian trails and parks, campgrounds, picnic sites, marinas, docks, and a swim beach.

The following conditions set forth the process in which future improvements and uses will be addressed by the County.

18. Modifications Requiring a Conceptual PUD Amendment
 Major Conceptual PUD Amendments require the approval of the Planning Commission and the Board of County Commissioners. The following requires a Conceptual PUD Amendment if not shown on the Conceptual PUD Plan or the Stagecoach State Park Master Plan, as amended:
 • Amendments to the PUD Boundary
19. Modifications Requiring Final PUD Approval
 Final PUD Approval requires the approval of the Planning Commission. Such modifications include:
 • New building construction with a footprint greater than 1,000 square feet.
 • Enlargement of 1,000 square feet or more to existing buildings
20. Minor Amendments requiring an Administrative Review
 Minor Amendments to the PUD Plan may be processed in the same manner as an Administrative Amendment as outlined in Section 3.2.1 of the Routt County Zoning Regulations. Minor Amendments include:
 • New construction or relocation of buildings with a footprint more than 500 square feet and less than 1,000 square feet
 • Enlargement of 500-999 square feet to existing buildings
21. No Further Zoning Code Approvals Required For Permitted Uses and Infrastructure
 Except for required building permits and grading/excavation permits, no further Routt County zoning or other planning approvals shall be required to operate, use, maintain, repair, construct, reconstruct, enlarge and relocate buildings up to 500 square feet, relocate or demolish any of the uses, activities, structures or improvements authorized by this PUD Plan, including, but not limited to, the modification, repair, replacement, protection, and maintenance and operation of the Reservoir works, dam, water intake, outlet, wetlands, power plant and appurtenances (collectively, the "Reservoir Facilities"), and this PUD Plan shall not apply to, and Routt County shall not have jurisdiction over, the maintenance, repair, replacement, and operation of the Reservoir Facilities, the generation and delivery of electricity, the storage, drawdown, release and delivery of water, the acquisition, disposition, lease, sale, pledge or change of water or water rights, and acts for the purpose of compliance with agreements, easements, reservations, restrictions, licenses, permits, and approvals to which the PUD Property is now or hereafter becomes subject.

- LEGEND**
- ROAD
 - CREEK/RIVER
 - PRIVATE PARCEL
 - STATE OWNED PARCEL
 - UYWCD OWNED PARCEL SUBJECT TO CONS. ESMT.
 - FEDERALLY OWNED PARCEL (BLM)
 - PROJECT BOUNDARY (see note 5)
 - NORMAL OPERATING WATER SURFACE ELEVATION
 - APPROXIMATE 720" INUNDATION AREA (100-YR WSEL)
 - OVERHEAD TRANSMISSION LINE

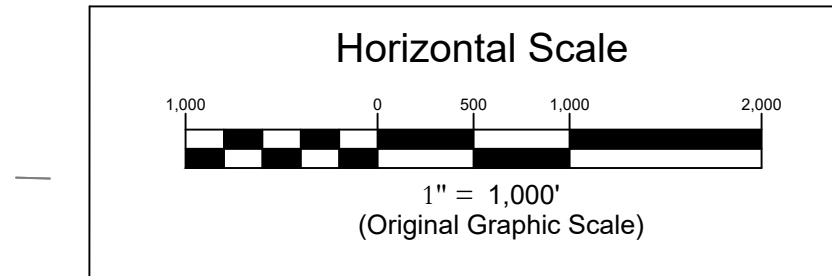
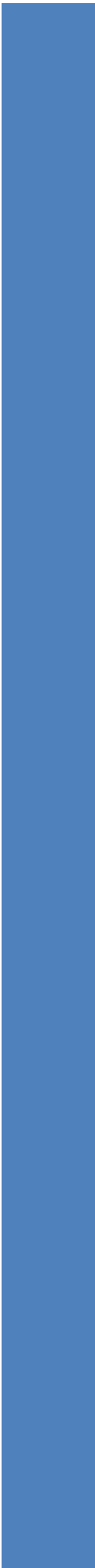


Exhibit A - PUD Map
 Upper Yampa Water Conservancy District - Stagecoach Hydroelectric





MEMO

From: Andy Rossi, General Manager, Robert Weiss, General Counsel

Date: 05/04/23

Item: Waiver of USFS Land Use Fees for Yamcolo Reservoir

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Request/Issue and Background Information:

The current Special Use Permit (SUP) for Yamcolo Dam and Reservoir was issued to the Upper Yampa water Conservancy District (UYWCD) in 2016 and expires in 2046. As part of the terms and conditions specified in this SUP, the UYWCD is charged an annual Land Use Fee for the use and occupancy of National Forest System lands.

Pursuant to 36 CFR 251.57(b), the holder of a SUP may submit a written request (including supporting documentation) to the authorized United State Forest Service (USFS) officer for either an exemption or waiver of fees (including land use fees); Forest Service Handbook 2709.11 Fee Determination Section 31.2 Fee Waivers and Exemptions (2020).

II. Summary and Alternatives:

In early 2023, The UYWCD and USFS staff completed an extensive review of the Land Use Fees charged to the UYWCD for Yamcolo Dam and Reservoir. The details of this review effort and subsequent determinations and adjustment to the Land Use Fee were discussed at both the January and March regular UYWCD Board of Directors meetings. The final SUP Land Use Fee charged to the UYWCD for 2023 is \$23,438.06. The UYWCD can expect this fee to be adjusted both annually and at irregular intervals by the USFS for the remainder of the term of the SUP.

During the UYWCD's and legal counsel's review of the Code of Federal Regulations (CFR) applicable to the fees included in SUPs, 36 CFR 251.57(b) was determined to be applicable to the UYWCD for the Yamcolo Reservoir SUP. The UYWCD, with assistance from legal counsel, drafted a letter for submittal to the USFS requesting a Land Use Fee waiver.

The UYWCD staff and BOD will discuss the reasoned arguments for the request of a Land Use Fee waiver for Yamcolo Reservoir.



III. Staff Recommendation:

Discuss the UYWCD's request for a Land Use Fee waiver in 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.

Authorize the UYWCD staff to submit a Letter Requesting Waiver of USFS Land Use Fees for Yamcolo Reservoir to Yampa District Ranger including edits and/or revisions requested by the UYWCD BOD and/or legal counsel.

IV. Legal Issues:

All UYWCD permits and/or agreements with the United States are subject to UYWCD BOD review and approval.





BOARD COMMUNICATION FORM

From: Andy Rossi, General Manager

Date: 05/17/2023

Item: Yampa and Elk River Augmentation Plans Service Contracts Update

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Request/Issue and Background Information:

The Upper Yampa Water Conservancy District's (UYWCD) purpose is to conserve, develop, and stabilize supplies of water for domestic, irrigation, manufacturing, and other beneficial uses and by the construction of works for such purposes. The UYWCD also plans for and assists with the development of water resources of the UYWCD for municipal, domestic, industrial, recreational, and other beneficial uses of water resources within the District among other purposes. The UYWCD's water rights include rights to Stagecoach and Yamcolo reservoir water among others.

The UYWCD is authorized to appropriate water rights and initiate and implement plans for augmentation for the benefit of water users within the UYWCD's boundaries. Water is available to provide contracts to UYWCD constituents to augment their out-of-priority depletions pursuant to the Augmentation Decrees of the District Court for Water Division No. 6, Case No. 06CW049 (Yampa River Supply) and 15CW3058 (Elk River Supply). The UYWCD's Board of Directors (BOD) has approved the marketing of such water and other UYWCD water supplies as may be used to complement the use of such Reservoirs' water supplies through a contracting program.

Information about the authorities approved by the UYWCD BOD, definitions of terms used for the UYWCD Augmentation Plans, and summary contract data are included with this communication for reference.

II. Summary:

1. Authorities: The authorities approved by the UYWCD BOD under the Water Marketing Policies for the District's Augmentation Service Plans for the Yampa and Elk Rivers are as follows:



- a. The General Manager is delegated the authority of the Board to implement and administer this Policy and the issuance of the augmentation contracts made pursuant to this Policy for Small Applications and Small Commercial Applications as defined in this Policy not exceeding 10 acre feet per year, and authority to approve assignments of all contracts issued for both Small and Large Applications. The General Counsel shall assist in the negotiation and drafting of the contracts.
- b. The Board retains authority to approve Large Applications and Large Commercial Applications along with all other powers not specifically delegated.

2. UYWCD Augmentation Plan Definitions:

- a. “Large Applications”: A contract application to the UYWCD to augment uses, other than commercial or industrial uses, with a planned average daily diversion rate in excess of 112 gallons per minute (0.25 c.f.s.) or that identifies planned total annual diversions exceeding thirty (30) acre feet per year.
- b. “Large Commercial Applications”: A contract application to the UYWCD to augment commercial or industrial uses that either exceeds a planned average daily diversion rate of 15 gallons per minute or for which the following commercial (Equivalent Residential Unit) EQR ratings do not apply, or both:
 - Office = 0.6 EQR/1,000 square feet.
 - Warehouse – 0.30 EQR/1,000 square feet.
 - Retail Sales = 0.60 EQR/1,000 square feet.
- c. “Small Applications”: A contract application to the District to augment commercial or industrial uses with planned diversions not to exceed an average daily diversion rate of 15 gallons per minute and for which the diversion and depletion criteria detailed in paragraphs 9.A through 9.E of the Augmentation Decree apply, or to augment any other uses with planned diversions not to exceed 112 gallons per minute (0.25 c.f.s.) or that identifies planned total annual diversions not exceeding thirty (30) acre feet per year and for which the diversion and depletion criteria detailed in paragraphs 9.A through 9.E of the Augmentation Decree apply.
- d. “Small Commercial Applications”: A contract application to the UYWCD to augment commercial or industrial uses that does not exceed a planned average daily diversion rate of 15 gallons per minute and for which the following commercial EQR ratings apply:
 - Office = 0.6 EQR/1,000 square feet.
 - Warehouse – 0.30 EQR/1,000 square feet.
 - Retail Sales = 0.60 EQR/1,000 square feet.



e. Uses:

- i. “Commercial Use”: Water for motels, hotels, restaurants, office buildings, shops stores and other commercial facilities, military and nonmilitary institutions, and water for off-stream fish hatcheries.
- ii. “Domestic Use”: The use of water by individuals, cities, towns, public or quasi-public districts, private corporations, homeowners’ associations, or other entities used for all such indoor household purposes as drinking, food preparation, bathing, washing clothes and dishes, flushing toilets, and such outdoor purposes as watering lawns and gardens, excepting only the commercial, industrial and irrigation uses of water defined.
- iii. “Industrial Use”: Water used for fabrication, processing, washing, and cooling, and includes such industries as chemical and allied products, food, mining, paper and allied products, petroleum refining, and steel, including cooling system, cooling-system type, mining water use, public-supply deliveries, public-supply water use, self-supplied water use, and thermoelectric-power water use.
- iv. “Irrigation Use”: Water that is applied by an irrigation system to assist in the growing of crops and pastures or to maintain vegetative growth in recreational lands such as parks and golf courses including water that is applied for pre-irrigation, frost protection, chemical application, weed control, field preparation, crop cooling, harvesting, dust suppression, the leaching of salts from the root zone, and water lost in conveyance.
- v. “Livestock Use”: Water used to water domesticated livestock such as cattle or horses, such use shall require 11 gallons of water per day per head and is considered 100% consumptive.
- vi. “Recreation Use”: The use of water to replace the evaporative loss from ponds, reservoirs, stream channels, spas, pools and similar water feature

III. Staff Recommendation:

NA

IV. Legal Issues:

NA

V. Consistency with Board Goals and Policies:

UYWCD SP Goal 4.2

Attachments:

Attachment 1: Yampa and Elk River Augmentation Plans Contract Summary

Yampa and Elk River Augmentation Plans Contract Summary

Yampa River Augmentation Plan

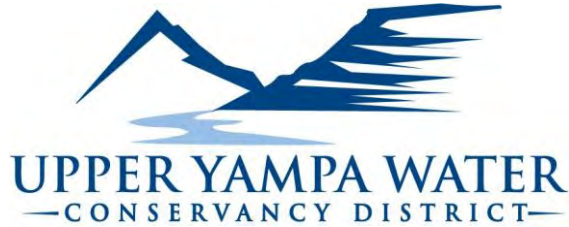
Contract ID	Contractor	Reservoir Source	Yampa River Service Area	Contract Volume (AF)	Application Type	Augmented Use	Contract Signed Date	Contract Start Year	Contract End Year	Contract Recorded Assign Date
A1-001	Brady Glauthier & Bridget Hiles	Stagecoach	A-1	1.20	Small	Domestic, irrigation	3/8/2022	2022	2062	5/2/2022
A1-002	Steve & Monica Alm	Stagecoach	A-1	1.00	Small	Domestic, irrigation	3/8/2022	2022	2062	6/1/2022
A1-003	Susan & Bradley Smith	Stagecoach	A-1	1.00	Small	Domestic, irrigation	4/11/2022	2022	2062	6/2/2022
A1-004	Brett & Tera Luedde	Stagecoach	A-1	1.00	Small	Domestic, irrigation	4/11/2022	2022	2062	6/3/2022
A1-005	David Kulberg	Stagecoach	A-1	1.00	Small	Domestic, irrigation	4/11/2022	2022	2062	5/27/2022
A1-006	Carrie Easton	Stagecoach	A-1	1.00	Small	Domestic, irrigation	6/9/2022	2022	2062	
A1-007	John & Susan Knill	Stagecoach	A-1	1.00	Small	Domestic, irrigation	6/2/2022	2022	2062	
A1-008	Mark & Lindsay Stepp	Stagecoach	A-1	1.30	Small	Domestic, Irrigation, Recreation	7/8/2022	2022	2062	
A1-009	Tad & Jennifer Hayashi & Janice Rigmaiden	Stagecoach	A-1	1.00	Small	Domestic, Irrigation, Recreation	10/6/2022	2022	2062	
A1-010-Pending	Routt County, Colorado by and through its Board of County Commissioners	Stagecoach	A-1	8.00	Small	Domestic, Irrigation		2023	2063	
A2-001	Gayle Dudley	Stagecoach	A-2	2.16	Small	Recreation	5/12/2011	2011	2051	
A2-002	Walton Creek, LLC	Stagecoach	A-2	1.20	Small	Domestic, Irrigation, Recreation	8/3/2011	2011	2051	
A2-003	Amethyst Ranch, LLC No. 1	Stagecoach	A-2	0.40	Small Commercial	Commercial	1/10/2012	2012	2052	
A2-004	Elizabeth Rostermund	Stagecoach	A-2	0.40	Small	Irrigation	9/2/2015	2015	2055	
A2-005	Amethyst Ranch, LLC No. 2	Stagecoach	A-2	0.80	Small Commercial	Commercial, Domestic, Irrigation	7/3/2014	2014	2054	
A2-006	Yampa Realty Holdings, LLC	Stagecoach	A-2	17.30	Small	Domestic, Irrigation, Recreation	10/9/2014 (original) 9/18/2015 (amended - add'l water)	2014	2054	
A2-007-ASGNMT Pending	Buku Land Company, LLC	Stagecoach	A-3	1.70	Small Commercial	Commercial, Irrigation, Livestock, Fire Suppression	8/4/2016	2016	2056	
A2-008	STARS	Stagecoach	A-2	1.20	Small Commercial	Irrigation, Livestock, Commercial, Recreation	4/5/2018	2018	2058	
A2-011	Robert Broadnax	Stagecoach	A-2	3.00	Small	Domestic, Recreation, Livestock	5/10/2021	2021	2061	
A2-012	Paul & Susan Hubbell	Stagecoach	A-2	0.10	Small	Domestic, Irrigation	2/22/2021	2021	2061	
A2-013	Douglas Snyder Trust	Stagecoach	A-2	3.60	Small	Recreation, Livestock	9/22/2021	2021	2061	
A2-014	City of Steamboat Springs (Lufkin Well)	Stagecoach	A-2	0.20	Small Commercial	Commercial	8/25/2021	2021	2061	
A2-015	Cory & Lauren Gerken	Stagecoach	A-2	2.20	Small	Domestic, irrigation, Recreation	6/15/2021	2021	2061	12/12/2022
A2-016	Ferruginous LLC	Stagecoach	A-2	1.60	Small Commercial	Commercial, Domestic, Irrigation, Livestock	8/9/2021	2021	2061	
A2-017	CG 17 LLC	Stagecoach	A-2	0.20	Small	Domestic, Irrigation, Livestock	9/21/2021	2021	2061	
A2-018	William (Bill) Gay	Stagecoach	A-2	2.80	Small	Recreation (3 ponds) & Livestock	8/2/2022	2022	2062	
A3-001	Stone Yard LLC	Stagecoach	A-3	2.60	Small	Irrigation, Recreation	3/19/2015	2015	2055	
A3-009	KTH Enterprises (Sleepy Bear MHP)	Stagecoach	A-3	3.03	Small	Domestic	7/6/2020	2020	2060	
A3-010	YVHA Whitehaven Enterprise, LLC	Stagecoach	A-3	0.50	Small	Domestic	9/24/2021	2021	2061	1/20/2022
A3-011-Termed	Amy & John Asta - Contract Terminated	Stagecoach	A-3		Small	Domestic, Irrigation	8/31/2021	2021	2061	Terminated 10.28.22
A3-012	Jenny Schmidt & Aaron Solomon	Stagecoach	A-3	0.10	Small	Domestic, Irrigation	6/20/2022	2022	2062	
A4-001	Flanders Ranch, LLC	Stagecoach	A-4	2.00	Small	Domestic, Irrigation, Livestock	9/1/2021	2021	2061	

Total Volume Stagecoach = 64.590 AF
Total Volume Yamcolo = 0.000 AF

Elk River Augmentation Plan

Contract ID	Contractor	Reservoir Source	Elk River Service Area	Contract Volume (AF)	Application Type	Augmented Use	Contract Signed Date	Contract Start Year	Contract End Year	Contract Assign Date
E-A1-001	CCJG Ranch LLC	Steamboat Lake	A-1	2.3	Small	Recreation (pond)	10/18/2021	2021	2061	
E-A1-002	John Klein	Steamboat Lake	A-1	0.1	Small	Domestic, Irrigation	4/4/2022	2022	2062	
E-A1-003	Home Ranch LLC	Steamboat Lake	A-1	9.9	Small	Domestic, Irrigation, Recreation, Livestock, Other	12/7/2022	2022	2062	
E-A1-004	Michael & Nikki Rusconi	Steamboat Lake	A-1	1.5	Small	Domestic, Irrigation, Recreation, Livestock	12/7/2022	2022	2062	





BOARD COMMUNICATION FORM

From: Holly Kirkpatrick

Date: 5/8/2023

Item: UYWCD Grant Disbursements

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 \$94,899.10 remaining of the allocated \$200,000 for the Diversion Infrastructure Improvement Project. There are pending applications in the amount of \$6,000.

The Community Grant Funding Program has allocated \$100,000 for the 2023 budget, of which, \$20,000 has been awarded to the Yampatika Water Education Program.

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
Little Mountain Ditch	Bobby George	5/5/2022	\$ 1,500.00	\$ 1,500.00	\$ 6,000.00
Pennsylvania Ditch	Bobby George	10/1/2022	\$ 500.00	\$ -	\$ 3,000.00
Gibraltar Ditch	Lynn Powell & Bruchez Ranch, LLC	4/21/2023	\$ 25,000.00	\$ 25,000.00	\$ 394,230.30
Total Work Completed:			\$ 514,483.31		
TOTAL DISBURSED:			\$ 55,922.88	\$ 49,178.02	\$ 105,100.90
DIIP FUNDS REMAINING:			\$ 44,077.12	\$ 50,821.98	\$ 94,899.10

2023 Community Grant Funding

Project	Applicant	Date Approved	Amount Approved
Yampatika Water Education Program	Yampatika	11/16/2022	\$20,000
TOTAL APPROVED:			\$20,000.00
TOTAL FUNDS REMAINING:			\$80,000.00





BOARD COMMUNICATION FORM

From: Holly Kirkpatrick

Date: 5/8/2023

Item: Community Funding Grant Application - City of Steamboat Springs

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Request/Issue and Background Information:

The City of Steamboat Springs is seeking community grant funding for a smart irrigation central control system. The new system will allow daily water adjustments based on real-time weather and soil conditions and detect water line breaks to shut down water supplies immediately when they occur. The system will control irrigation at 49 city-owned sites that include parks, greenbelts, open space, medians, right-of-ways, and facilities.

The installation of the smart irrigation central control system is estimated to save nearly 20% of the current water usage or approximately 11.83 acre-feet per year. The system installation is a stepping stone for updating in-ground irrigation components and converting turf to lower water use species, which addresses the high priority of reducing irrigation water use in the 2020 Water Conservation Plan adopted by the City of Steamboat Springs and Mount Werner Water.



II. Summary and Alternatives:

The City of Steamboat Springs has withdrawn their application for grant funding for the smart irrigation central control system. They will likely resubmit the application at a later date.

III. Staff Recommendation:

N/A

IV. Legal Issues: N/A

V. Consistency with Board Goals and Policies:

Goal 4, 7 & 8

Attachments:



BOARD COMMUNICATION FORM

May 17, 2023 Meeting

From: Bob Weiss, District Counsel

Date: May 3, 2023

Item: Augmentation Plans

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Request/Issue and Background Information: The District has decreed two augmentation plans, one for the Yampa and one for the Elk River Basin. The Yampa River plan was decreed in Case No. 06CW49 on December 15, 2008, and commits 2,000 acre-feet of water to the plan, primarily from Stagecoach Reservoir. The Elk River plan was decreed in Case No. 15CW3058 on July 29, 2018, with the primary source of water being 360 acre-feet in Steamboat Lake under a contract with Colorado Division of Parks and Wildlife (“CPW”).

For each augmentation plan, the Board has adopted water marketing policies and a standard form contract. The policies for both plans establish a contract term of 40 years and make no provision for renewal. The District's lease for Steamboat Lake water with CPW expires August 1, 2041. The lease may be renewed upon agreement of the parties but only for an additional 25-year periods.

To date, the District has entered into 29 augmentation contracts under the Stagecoach plan and 4 augmentation contracts under the Elk River plan. One application is pending under the Stagecoach plan, and zero applications are pending under the Elk River plan. A list of contracts entered into under the Yampa River plan and Elk River plan with expiration dates is attached.

Staff has identified several issues for discussion by the Board and potential action as follows:

(a) No renewal provisions. As discussed above, neither the Stagecoach nor Elk River contracts include any provision regarding renewal after the 40-year term expires. So far, only one applicant has asked about this, but staff anticipates more questions arising about renewal over time, especially from sellers whose contracts soon expire and who get questions about renewal from buyers of their property. Scott Grosscup has advised staff that River District augmentation contracts are 40-year terms with the right to renew for an additional 35 years and the Basalt District contracts do not expire. The contract remains in effect as long as the purchaser pays the annual fee required. Scott's email on this subject

is attached.

(b) Staggered Terms. The current 40-year contracts will each expire on different dates, depending on when they were entered. This means new contracts will need to be extended or renewed on a staggered basis. Would it be preferable to have all contracts expire on a fixed date in the future, particularly if the Board decides to allow a renewal provision under current contract terms and pricing? This would allow the Board to take up the question of new contracts at the same time, rather than on a staggered basis.

(c) Elk River Lease Term. The Steamboat Lake lease expires in 2041. However, the District has entered into contracts which extend beyond 2041. We have been comfortable with this because the contracts are subject to the legal and physical availability of water. If the Steamboat Lake water source is no longer available, and there is no substitute source, the District would be excused from performance. However, to make this provision explicit, staff recommends that the contracts be amended to add the contingency that source water is still available from Steamboat Lake or otherwise. I suggest the following language be added into the contract:

The District's obligations under this Contract are subject to the availability of a water source sufficient to comply with the Decree.

I. Summary and Alternatives: Staff requests direction on the following alternatives:

1. The contract be amended to provide for a 20-year renewal after the primary term upon such terms and conditions as the District is offering at the time of such renewal.
2. Should the contracts terminate on a fixed date rather than 40-year staggered terms?
3. Should the Elk River plan contract be amended to make District performance contingent on the availability of source water under the augmentation plan?

II. Staff Recommendation: Staff recommends that the Board consider the appropriate modifications to the contracts and Policies.

III. Legal Issues: Legal issues are addressed above.

IV. Consistency with Board Goals and Policies: N/A

V. Fiscal Impact: Since the augmentation pricing is adjustable annually, provisions regarding renewal and staggered terms should not have any material impact on pricing. Contracts which are renewed as a group rather than a rolling basis would probably reduce the cost of administration of the contracts.

Attachments:

1. List of contracts with expiration dates
2. Email memo from Scott Grosscup

Yampa and Elk River Augmentation Plans Contract Summary

Yampa River Augmentation Plan

Contract ID	Contractor	Reservoir Source	Yampa River Service Area	Contract Volume (AF)	Application Type	Augmented Use	Contract Signed Date	Contract Start Year	Contract End Year	Contract Recorded Assign Date
A1-001	Brady Glauthier & Bridget Hiles	Stagecoach	A-1	1.20	Small	Domestic, irrigation	3/8/2022	2022	2062	5/2/2022
A1-002	Steve & Monica Alm	Stagecoach	A-1	1.00	Small	Domestic, irrigation	3/8/2022	2022	2062	6/1/2022
A1-003	Susan & Bradley Smith	Stagecoach	A-1	1.00	Small	Domestic, irrigation	4/11/2022	2022	2062	6/2/2022
A1-004	Brett & Tera Luedde	Stagecoach	A-1	1.00	Small	Domestic, irrigation	4/11/2022	2022	2062	6/3/2022
A1-005	David Kulberg	Stagecoach	A-1	1.00	Small	Domestic, irrigation	4/11/2022	2022	2062	5/27/2022
A1-006	Carrie Easton	Stagecoach	A-1	1.00	Small	Domestic, irrigation	6/9/2022	2022	2062	
A1-007	John & Susan Knill	Stagecoach	A-1	1.00	Small	Domestic, irrigation	6/2/2022	2022	2062	
A1-008	Mark & Lindsay Stepp	Stagecoach	A-1	1.30	Small	Domestic, Irrigation, Recreation	7/8/2022	2022	2062	
A1-009	Tad & Jennifer Hayashi & Janice Rigmaiden	Stagecoach	A-1	1.00	Small	Domestic, Irrigation, Recreation	10/6/2022	2022	2062	
A1-010-Pending	Routt County, Colorado by and through its Board of County Commissioners	Stagecoach	A-1	8.00	Small	Domestic, Irrigation		2023	2063	
A2-001	Gayle Dudley	Stagecoach	A-2	2.16	Small	Recreation	5/12/2011	2011	2051	
A2-002	Walton Creek, LLC	Stagecoach	A-2	1.20	Small	Domestic, Irrigation, Recreation	8/3/2011	2011	2051	
A2-003	Amethyst Ranch, LLC No. 1	Stagecoach	A-2	0.40	Small Commercial	Commercial	1/10/2012	2012	2052	
A2-004	Elizabeth Rostermund	Stagecoach	A-2	0.40	Small	Irrigation	9/2/2015	2015	2055	
A2-005	Amethyst Ranch, LLC No. 2	Stagecoach	A-2	0.80	Small Commercial	Commercial, Domestic, Irrigation	7/3/2014	2014	2054	
A2-006	Yampa Realty Holdings, LLC	Stagecoach	A-2	17.30	Small	Domestic, Irrigation, Recreation	10/9/2014 (original) 9/18/2015 (amended - addt'l water)	2014	2054	
A2-007-ASGNMT Pending	Buku Land Company, LLC	Stagecoach	A-3	1.70	Small Commercial	Commercial, Irrigation, Livestock, Fire Suppression	8/4/2016	2016	2056	
A2-008	STARS	Stagecoach	A-2	1.20	Small Commercial	Irrigation, Livestock, Commercial, Recreation	4/5/2018	2018	2058	
A2-011	Robert Broadnax	Stagecoach	A-2	3.00	Small	Domestic, Recreation, Livestock	5/10/2021	2021	2061	
A2-012	Paul & Susan Hubbell	Stagecoach	A-2	0.10	Small	Domestic, Irrigation	2/22/2021	2021	2061	
A2-013	Douglas Snyder Trust	Stagecoach	A-2	3.60	Small	Recreation, Livestock	9/22/2021	2021	2061	
A2-014	City of Steamboat Springs (Lufkin Well)	Stagecoach	A-2	0.20	Small Commercial	Commercial	8/25/2021	2021	2061	
A2-015	Cory & Lauren Gerken	Stagecoach	A-2	2.20	Small	Domestic, irrigation, Recreation	6/15/2021	2021	2061	12/12/2022
A2-016	Ferruginous LLC	Stagecoach	A-2	1.60	Small Commercial	Commercial, Domestic, Irrigation, Livestock	8/9/2021	2021	2061	
A2-017	CG 17 LLC	Stagecoach	A-2	0.20	Small	Domestic, Irrigation, Livestock	9/21/2021	2021	2061	
A2-018	William (Bill) Gay	Stagecoach	A-2	2.80	Small	Recreation (3 ponds) & Livestock	8/2/2022	2022	2062	
A3-001	Stone Yard LLC	Stagecoach	A-3	2.60	Small	Irrigation, Recreation	3/19/2015	2015	2055	
A3-009	KTH Enterprises (Sleepy Bear MHP)	Stagecoach	A-3	3.03	Small	Domestic	7/6/2020	2020	2060	
A3-010	YVHA Whitehaven Enterprise, LLC	Stagecoach	A-3	0.50	Small	Domestic	9/24/2021	2021	2061	1/20/2022
A3-011-Termed	Amy & John Asta - Contract Terminated	Stagecoach	A-3		Small	Domestic, Irrigation	8/31/2021	2021	2061	Terminated 10.28.22
A3-012	Jenny Schmidt & Aaron Solomon	Stagecoach	A-3	0.10	Small	Domestic, Irrigation	6/20/2022	2022	2062	
A4-001	Flanders Ranch, LLC	Stagecoach	A-4	2.00	Small	Domestic, Irrigation, Livestock	9/1/2021	2021	2061	

Total Volume Stagecoach = 64.590 AF

Total Volume Yamcolo = 0.000 AF

Elk River Augmentation Plan

Contract ID	Contractor	Reservoir Source	Elk River Service Area	Contract Volume (AF)	Application Type	Augmented Use	Contract Signed Date	Contract Start Year	Contract End Year	Contract Assign Date
E-A1-001	CCJG Ranch LLC	Steamboat Lake	A-1	2.3	Small	Recreation (pond)	10/18/2021	2021	2061	
E-A1-002	John Klein	Steamboat Lake	A-1	0.1	Small	Domestic, Irrigation	4/4/2022	2022	2062	
E-A1-003	Home Ranch LLC	Steamboat Lake	A-1	9.9	Small	Domestic, Irrigation, Recreation, Livestock, Other	12/7/2022	2022	2062	
E-A1-004	Michael & Nikki Rusconi	Steamboat Lake	A-1	1.5	Small	Domestic, Irrigation, Recreation, Livestock	12/7/2022	2022	2062	

Total Volume STMBT Lake = 13.820 AF

Deb Bastian

From: Scott Grosscup <sgrosscup@balcombgreen.com>
Sent: Tuesday, April 18, 2023 10:36 AM
To: Bob Weiss
Subject: Contracts

River District allows for 40-year term with right to renew for 35 years.

4. Contract Term.

- a. Except in the event of an early termination or partial termination as provided for in paragraph 6 below and subject to the other terms and conditions of this Contract, the term of this Contract shall be for a period of up to forty (40) years from the date of the execution of this Contract (through June 30, ____).

WATER SUPPLY CONTRACT
Page 8

CW _____
DRAFT December 2015

[Optional subparagraph 4.a for interim (1-5 yr) contracts]: The term of this Contract shall be for a period of ____ year(s).

[Subparagraph 4.b is included only for/with 40-year version of subparagraph 4.a.]

- b. At the end of the 40-year term of this Contract (June 30, ____), the Contractor shall have the right to renew this Contract for the same Contracted Water amount for a secondary term of thirty-five (35) years, upon such terms and conditions as the River District is offering at that time, provided that the River District is offering up the full amount of Contracted Water for lease. In the event that the River District, on a non-discriminatory basis, decides not to offer up the full amount of the Contracted Water for lease, Contractor shall have the right to renew for a secondary term of thirty-five (35) years such lesser portion of the Contracted Water as may be offered by the River District. If Contractor desires to so renew this Contract, it shall provide the River District written notice of its intention to do so at least ninety (90) days prior to the expiration of the initial term of this Contract. Thereafter, and prior to the expiration of the initial term, the River District and Contractor shall execute a supplemental agreement of renewal in a form mutually acceptable to the River District and Contractor. If such notice of intention to renew is not provided and such supplemental agreement is not executed, no renewal term shall commence.

BWCD does not have a term provision in its umbrella plan. So long as contractee pays annual fee the contract remains in effect.



BOARD COMMUNICATION FORM

From: Scott Grosscup, legal counsel

Date: May 9, 2023

Item: Water Resumes for March/April

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I have reviewed the water resumes of water applications filed in Water Divisions 5 and 6 in the months of March and April. April's resume is not available at the time of writing for Divisions 5. I did not see any water court applications filed in the month of March or April to be of concern to the District. I will report on the Division 5 April resume at the board meeting.

PENDING WATER CASES

STATUS OF OTHER WATER CASES



BOARD COMMUNICATION FORM

From: Scott Grosscup, legal counsel

Date: May 9, 2023

Item: Water Court Cases Update

_____ DIRECTION
X_____ INFORMATION
X_____ MOTION
_____ RESOLUTION

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 and Case No. 20CW3020 –Diligence application filed by Public Service Company of Colorado for 52.5 cfs decreed to the Wessels Canal Hinman Park Reservoir and the Saddle Mountain Pump Station. The District has entered a stipulation in the two cases. This matter is set for a 5-day trial to begin October 23, 2023. Settlement discussions with the Engineers may have hit an impasse.

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. The Division Engineer has recommended the water right be cancelled. Tri-State has responded by arguing the Division Engineer’s analysis is too simplistic and that it can and will develop the conditional water rights notwithstanding its portfolio of water rights. This case is tied to the listing of absolute portions of the same water rights owned by Tri-State on the abandonment list. Tri-State has provided a proposed stipulation for consideration.

Case No. 21CW0023. The Water Judge confirmed the Ruling of Referee for South Routt Cemetery’s application to use contract water from Yamcolo Reservoir by exchange. Entry of the decree concludes this case.

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. The Applicants are working on revised engineering analysis to assist with the technical questions raised in the Consultation Report.

Case No. 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.

Tri State and the United States Forest Service have filed statements of opposition. We responded to the Division Engineer's initial Consultation Report and the Division Engineer has issued a subsequent report. In that report, the Division Engineer recommends 3,500 acre feet of the remaining conditional amounts be canceled based on the District's Master Plan.

Attached is a proposed settlement agreement with the U.S. Forest Service containing language to recognize the development of Coal Creek as a source to fill this water right will be subject to Forest Service review and approval. This language is consistent with past decrees for the reservoir. Tri-State has provided a proposed stipulation for consideration.

ACTION ITEM – Approve, reject, or modify proposed stipulation with the U.S. Forest Service.

Case No. 22CW3018 Pleasant Valley Reservoir Rights at Yamcolo Reservoir – This application confirms the Pleasant Valley Reservoir Rights stored in Yamcolo Reservoir have been made absolute for all decreed uses. Tri-State has filed a statement of opposition. We have responded to the Division Engineer's consultation report which raised questions about whether the various uses had been cancelled and how power could be produced from Yamcolo Reservoir. The Division Engineer has provided comments on the proposed ruling of referee that do not modify the substance of the relief requested but clarify the water right at issue. Tri-State has provided a proposed stipulation for consideration.

Case No. 22CW3023 - Yamcolo Reservoir Objection to Abandonment – The District submitted an objection to the Division Engineer's partial listing of the "all beneficial uses" decreed to Yamcolo Reservoir First Enlargement Water Right. The water court has approved the stipulation with the State Engineer and Division Engineer, Water Division 6, approved at the last March board meeting concluding this matter.

Case No. 22CW3102 – Opposition to Water Measurement Rules – The State Engineer and Division Engineer for Water Division 6 submitted proposed Rules to require all water users to install measuring devices for their water facilities subject to the terms of the proposed rules. The water court approves and adopts the rules as the formal rule-making body. Statements of opposition were filed by Caerus Cross Timbers LLC/Caerus Piceance LLC, City of Fort Collins, Jackson County Water Conservancy District, Colowyo Coal Company LP, City of Steamboat Springs, and Don Johnson. The case is set for a five-day trial beginning February 26, 2024, with expert witness reports due May 22, 2023.

Attached is a proposed settlement agreement with the Engineers to allow the District to remain and monitor the case for further amendment or modification of the rules. Should the rules be changed, the District would then become a party to the proceedings. Under the rule-making process, the rules are submitted to the water judge to resolve protests. The water judge can either resolve protests, at which point the rules become effective, or deny in whole or in part the rules. It is unlikely that the rules would be amended by the water court as this would be an amendment of the rules outside the statutory rule-making process.

ACTION ITEM – Approve, reject, or modify proposed stipulation.

Case No. 22CW3107 – Diligence on Yampa River Augmentation Plan – This case requests a finding of reasonable diligence and to make absolute in part on appropriative rights of exchange used within the District’s Yampa River umbrella augmentation plan. Tri-State filed a statement of opposition. There are no case management plans in place, and we are waiting for the Division Engineer’s consultation report. Tri-State has provided a proposed stipulation for consideration.

Case No. 22CW3108 –Little Morrison Diversion – Requests a finding of reasonable diligence on the Little Morrison Diversion and Little Morrison Diversion Alternate Point in the amount of 50 c.f.s. to deliver water from Morrison Creek into Little Morrison Creek and provide an additional source to fill Stagecoach Reservoir. Tri-State and the Margaret Hagenbuch Trust filed statements of opposition. There are no case management plans in place, and we are waiting for the Division Engineer’s consultation report. Tri-State has provided a proposed stipulation for consideration.

Water Horse Resources – The parties are waiting on the court’s decision on motion for summary judgment.

DISTRICT COURT, WATER DIVISION 6, COLORADO ROUTT COUNTY JUSTICE CENTER 1955 SHIELD DRIVE, UNIT 200 STEAMBOAT SPRINGS, CO 80487 PHONE NUMBER: (970)879-5020	EXHIBIT 1 (04/10/2023)
CONCERNING THE APPLICATION FOR WATER RIGHT OF: UPPER YAMPA WATER CONSERVANCY DISTRICT IN ROUTT, JACKSON, MOFFAT, GRAND, GARFIELD, AND RIO BLANCO COUNTIES, COLORADO	▲ COURT USE ONLY ▲ <hr/> CASE No. 22CW3002 (PREVIOUS CASES No. 81CW263; 87CW04; 90CW04; 96CW53, 04CW14, & 11CW26) WATER DIVISION 6
FINDINGS OF FACT, CONCLUSIONS OF LAW, RULING OF REFEREE AND DECREE OF THE WATER COURT	

This matter came before the Court upon Applicant, Upper Yampa Water Conservancy District, (the “Applicant” or “UYWCD”), Application for Findings of Reasonable Diligence (“Application”) and the Water Judge referred it to the undersigned Water Referee for Water Division 6, State of Colorado, in accordance with C.R.S. § 37-92-101, et seq., known as the Water Right Determination and Administration Act of 1969.

The undersigned Referee has made such investigations as are necessary to determine whether or not the statements in the Application are true, has become fully advised with respect of the subject matter of the Application and has consulted with the Division Engineer for Water Division No. 6. The Referee does hereby make the following Finding of Fact, Conclusions of Law and Ruling as the Referee in this matter.

FINDINGS OF FACT

1. The statements in the Application are true, except as may be otherwise stated herein.
2. Applicant and Applicant’s Contact Information: Upper Yampa Water Conservancy District, c/o Andy Rossi, District Manager, PO Box 775529, Steamboat Springs, CO 80477. Applicant was represented in this matter by Balcomb & Green, P.C. PO Drawer 790, Glenwood Springs, CO 81601; (970) 928-6546.

3. The Application: A timely Application for Finding of Reasonable Diligence was filed on January 24, 2022. In this Application, Applicant seeks a finding of reasonable diligence for the Yamcolo Reservoir 2nd Filling.
4. Notice and Jurisdiction. 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). Applicant has paid all costs of publication of the Application. The Court has jurisdiction over the Application and over all entities or persons who had standing to appear, even though they did not do so.
5. Summary of Consultation. The Court has given due consideration to the Division Engineer's Summary of Consultation Report dated October 5, 2022, C.R.S. §37-92-302(4) and Applicant's response thereto.
6. Opposition. Tri-State Generation and Transmission Association, Inc., on behalf of the Yampa Participants ("Tri-State") and United States of America Forest Service filed timely statements of opposition in this case and no other party has sought to intervene. The time for filing such Statements of Opposition, as set forth in C.R.S. § 37-92-302(1)(c), has expired.
7. Name of Structure: Yamcolo Reservoir, 2nd Filling.
 - 7.1. Original Decree: Case No. 81CW263, Water Division 6, entered on February 28, 1983.
 - 7.2. Subsequent Decrees: Case No. 87CW04, Water Division 6, entered on June 27, 1987; Case No. 90CW04, Water Division 6, entered on July 12, 1990; Case No. 96CW53, Water Division 6, entered on May 11, 1998; Case No. 04CW14, Water Division 6, entered on November 4, 2005; and Case No. 11CW26, Water Division 6, entered on January 14, 2016.
 - 7.3. Legal Description: The centerline axis of the dam intersects the left abutment at a point whence the E1/4 corner of Section 16 T1N, R86W of the 6th P.M., bears S 63°47'20" E at a distance of 2,355.2 feet. The center line axis of the dam where it intersects the left abutment is located in the SW1/4NE1/4 of Section 16, a distance of 1595.1' from the north Section line and a distance of 2112.4' from the east Section line.
 - 7.4. Source: Direct flow from the Bear River and its tributaries upstream from the dam site and diverted flow from Coal Creek conveyed through the Coal Creek Feeder Canal.
 - 7.5. Date of Appropriation: February 27, 1981.
 - 7.6. Amount: 7,086 acre-feet ("AF"), conditional.
 - 7.7. Uses: Irrigation, stock watering, and domestic. In Case No. 95CW79, the water right was changed and confirmed to add and include export of water diverted and captured from

the Yampa (Bear) River under any of the decrees and for the uses described above to the Colorado River Basin for first use within the Applicant's existing boundaries for beneficial purposes; provided that not more than 4,000 AF per year of water shall be released out of Yamcolo Reservoir for export to the Colorado River Basin. Use of the water may be subject to terms and conditions of the stipulation entered in Case No. 95CW79, as applicable.

- 7.8. Terms and Conditions: This decree describes water diversion and/or conveyance facilities located on, or to be located on, federal lands managed by the United States Department of Agriculture ("USDA") Forest Service. The Applicant acknowledges that entry of a decree in this matter does not create any right, title, or interest in the use of federal lands. Any use of federal land is contingent on and subject to Applicant having or obtaining appropriate authorization issued by the USDA Forest Service pursuant to pertinent statutes, regulations, and policies applicable to the occupancy and use of the federal public lands. Applicant recognizes that the consideration of and action on requests for necessary federal permits and authorizations shall be carried out pursuant to all pertinent statutes, regulations, and policies applicable to the occupancy and use of the involved federal public lands, including, but not limited to the National Forest Management Act, Federal Land Policy and Management Act, National Environmental Policy Act, and the Endangered Species Act. Applicant agrees that the entry of the decree herein shall not in any way limit the authority of the USDA Forest Service with respect to the agency's consideration of and action on such requests for permits, approvals, or authorizations. Applicant recognizes that the USDA Forest Service can impose terms and conditions and/or deny such requested contracts, approvals, or authorizations in accordance with applicable laws and regulations, and is not in any way limited or affected by the entry of the requested conditional water rights decree. If a Special Use Permit is issued by the USDA Forest Service with respect to the water diversion and/or conveyance facilities described herein which are located on National Forest System lands and acceptance by the Applicant, the Applicant shall comply with the terms of any such Special Use Permit.
8. Finding of Diligence: The Application and other pleadings filed in this case describe work and expenditures that illustrate that the Applicant has diligently pursued development of Subject Water Rights for irrigation, stock watering, and domestic purposes. Applicant has no intent to abandon any portion of these water rights. The evidence presented indicates that the Applicant has exercised reasonable diligence toward the completion of the appropriation of the conditional Subject Water Rights and that the subject conditional water rights can and will be diverted and subsequently beneficially used. The Court hereby concludes that the Application should be granted. C.R.S. § 37-92-304(4).
9. Names and addresses of owners of the land on which any water structure is located: United States Department of Agriculture Forest Service, Routt National Forest, 925 Weiss Drive, Steamboat Springs, CO 80487.

CONCLUSIONS OF LAW

10. To the extent they constitute legal conclusions, the foregoing Findings of Fact are incorporated herein.
11. 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 entities or persons who had standing to appear, even though they did not do so.
12. The Application is complete, covering all applicable matters required pursuant to the Water Right Determination and Administration Act of 1969. C.R.S. §§ 37-92-101 - 602.
13. The Water Court for Water Division 6 has jurisdiction over the subject matter of these proceedings and over all persons and owners of property who may be affected hereby, whether or not they have chosen to appear.
14. Applicant has met its burden of proof on all matters they are required to establish in these proceedings.
15. Applicant satisfied all legal requirements for the entry of a decree in this case.
16. The actions described in the Application satisfy the standard for reasonable diligence and, therefore, constitute reasonable diligence toward the completion of the appropriation of the portion of the water rights remaining conditional hereafter.
17. Applicant has fulfilled all legal requirements for a decree for the requested water rights.

RULING OF REFEREE

18. The Findings of Fact and Conclusions of Law as set forth above are incorporated herein by reference and are hereby modified as necessary to constitute part of the Ruling and Final Judgment and Decree.
19. The Court hereby adjudges and decrees that the Applicant has been reasonably diligent in developing the Yamcolo Reservoir, 2nd Filling conditional water rights as described herein. All conditional water rights are continued in full force and effect in the amounts and uses described above.
20. Review of determinations made by the Division Engineer or the State Engineer in administration of the subject water rights are water matters over which the Water Court has exclusive jurisdiction.
21. Should the Applicant desire to maintain the conditional water rights continued herein, an Application for Finding of Reasonable Diligence shall be filed in the same month six years

from the date of the water judge's order, unless a determination has been made prior to that date that such conditional rights have been made absolute by reason of the completion of the appropriation or are otherwise so disposed.

22. Pursuant to Rule 9 of the Uniform Local Rules for All State Water Court Divisions, upon the sale or transfer of the conditional water rights as described herein, transferees shall file with the Division 6 Water Court a notice of transfer which shall state:

22.1. The title and case number of this Case No. 22CW3002;

22.2. The description of the conditional water rights transferred;

22.3. The name of the transferor;

22.4. The name and mailing address of the transferee, and

22.5. A copy of the recorded deed.

23. The owner of said conditional water rights 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 of address in the case file of this Case No. 22CW3002 and in the case file in which the Court first made a finding of reasonable diligence.

24. A copy of the Ruling shall be filed with the Division Engineer for Water Division No. 6 and with the State Engineer.

25. It is further ORDERED that this Ruling shall be filed with the Water Clerk, subject to judicial review.

Done this _____ day of _____ 2023.

BY THE COURT:

Daniel R. Birch, Water Referee
Division 6, Water Court

JUDGMENT AND DECREE

No protest was filed in this matter. The foregoing Ruling of Referee is confirmed and approved, and is made the Judgment and Decree of this Court. The conditional water rights described herein shall be in full force and effect until the end of the month six years from the date of this Decree. 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 ____ day of _____ 2023.

BY THE COURT:

Michael A. O’Hara II, Water Judge
Water Division No. 6

<p>DISTRICT COURT, WATER DIVISION No. 6, COLORADO ROUTT COUNTY JUSTICE CENTER 1955 SHIELD DRIVE, UNIT 200 STEAMBOAT SPRINGS, CO 80487 PHONE NUMBER: (970) 879-5020</p>	<p style="text-align: center;">Δ COURT USE ONLY Δ</p>
<p>CONCERNING THE APPLICATION FOR WATER RIGHTS OF: UPPER YAMPA WATER CONSERVANCY DISTRICT IN GARFIELD COUNTY, COLORADO.</p>	
<p>ATTORNEYS FOR APPLICANT: SCOTT GROSSCUP, ATTY. REG. # 35871 BLAKE C. PETERSON, ATTY. REG. # 56200 BALCOMB & GREEN, P.C. POST OFFICE DRAWER 790 GLENWOOD SPRINGS, CO 81602 TELEPHONE: (970) 945-6546 E-MAIL: sgrosscup@balcombgreen.com bpeterson@balcombgreen.com</p> <p>ATTORNEY FOR OPPOSER: JEFFREY N. CANDRIAN, ATTY. REG. #43839 U.S. DEPARTMENT OF JUSTICE ENVIRONMENT AND NATURAL RESOURCES DIVISION NATURAL RESOURCES SECTION 999 18TH STREET, SOUTH TERRACE, SUITE 370 DENVER, CO 80202 TELEPHONE: (303) 844-1382 E-mail: jeffrey.candrian@usdoj.gov</p>	<p style="text-align: center;">CASE No. 22CW3002</p> <p style="text-align: center;">(PREVIOUS CASES No. 81CW263; 87CW04; 90CW04; 96CW53, 04CW14, 11CW26)</p> <p style="text-align: center;">WATER DIVISION 6</p>
<p>STIPULATION AND AGREEMENT BETWEEN UPPER YAMPA WATER CONSERVANCY DISTRICT AND U.S.D.A. FOREST SERVICE</p>	

The Applicant, Upper Yampa Water Conservancy District (“UYWCD”), and Opposer, U.S.D.A. Forest Service (“Forest Service”), through their respective attorneys hereby stipulate and agree as follows:

1. Applicant, UYWCD, filed an Application for Findings of Reasonable Diligence on January 24, 2022.

2. The Forest Service filed a timely statement of opposition to the Application on March 25, 2022.
3. The UYWCD has incorporated terms and conditions into its proposed Ruling and Decree as requested by the Forest Service. The Forest Service consents to and will not oppose entry of a decree in this case that is no less restrictive on the UYWCD and no less protective of the Forest Service's interests than the decree version dated April 10, 2023 attached hereto as **Exhibit 1**.
4. The parties agree that the UYWCD may file a motion seeking the Court's adoption of this stipulation as an order of the Court.
5. The Forest Service shall continue to receive copies of all pleadings in this case to ensure compliance with the provisions of this Stipulation.
6. This Stipulation shall bind and benefit the parties hereto, their successors and assigns. This Stipulation shall be enforceable as an agreement between the parties and, upon approval of the Court, as an order of the Court.
7. The parties hereto shall bear their own costs and attorneys' fees.

Done this ____ day of April 2023.

BALCOMB & GREEN, P.C.

U.S. DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES DIV.

By: _____
Scott Grosscup, # 35871
Blake C. Peterson, # 56200

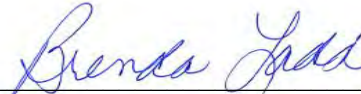
By: _____
Jeffrey N. Candrian, #43839

Attorneys for Applicant:
*Upper Yampa Water Conservancy
District*

Attorney for Opposer:
U.S.D.A. Forest Service

CERTIFICATE OF SERVICE

I hereby certify that on April _____, 2023, I have electronically filed the Stipulation and Agreement between Upper Yampa Water Conservancy District and U.S.D.A. Forest Service via Integrated Colorado Court E-Filing System and served same upon all parties of record as indicated in the E-Filing System electronic record.



Brenda Ladd, Paralegal

NOTE: This document was filed electronically. A printed or printable copy is available at the office of the originating attorney pursuant to Colorado Rule of Civil Procedure 121, § 1-26.

DISTRICT COURT, WATER DIVISION 6 Routt County Justice Center 1955 Shield Drive, Unit 200 Steamboat Springs, CO 80487 (970) 879-5020	
IN THE MATTER OF THE RULES AND REGULATIONS FOR GOVERNING THE MEASUREMENT OF SURFACE AND GROUNDWATER DIVERSIONS AND STORAGE, RELEASE, AND DELIVERY OF WATER LOCATED IN WATER DIVISION 6 IN ROUTT, JACKSON, MOFFAT, GRAND, GARFIELD, AND RIO BLANCO COUNTIES, COLORADO.	CRE 408 Communication April 8, 2023 ▲ COURT USE ONLY ▲
	Case No. 22CW3102 Water Division 6
STIPULATION AND AGREEMENT BETWEEN THE ENGINEERS AND UPPER YAMPA WATER CONSERVANCY DISTRICT	

Protestant Upper Yampa Water Conservancy District (“UYWCD”) and the State Engineer and the Division Engineer for Water Division No. 6 (the “Engineers”) (collectively, the “Parties”), through their respective undersigned counsel, hereby stipulate and agree as follows:

1. On October 28, 2022, acting pursuant to the authority granted to him under sections 37-92-501 and 37-80-104, C.R.S., the State Engineer adopted the “Rules and Regulations for Governing the Measurement of Surface and Groundwater Diversions and Storage of Water Located in Water Division 6” (the “Proposed Rules”).
2. Contemporaneously with the State Engineer’s adoption of the Proposed Rules, the Engineers filed the Proposed Rules with the Water Court for Water Division No. 6. In accordance with section 37-92-501(2)(g), C.R.S., the Proposed Rules were then published in the counties where measurement of surface and groundwater diversions and storage, release, and delivery of water exist, and the Proposed Rules were published in the resume for Water Division No. 6 during the month of October 2022.

3. On December 29, 2022, the Engineers filed a Notice of Filing Proofs of Publication, confirming that the Proposed Rules were published in newspapers of general circulation in the counties of Moffat, Jackson, Grand, Garfield, Rio Blanco, and Routt.

4. Under section 37-92-501(3)(a), C.R.S., any person desiring to protest the Proposed Rules could do so in the same manner as provided in section 37-92-304, C.R.S., for the protest of a ruling of the water referee.

5. On December 13, 2022, UYWCD timely filed a protest in the above-captioned Case No. 22CW3102, to monitor this proceeding and to ensure that the Proposed Rules, as adopted, do not cause injury to UYWCD's water rights and associated property interests.

6. As memorialized by the terms of this Stipulation and Agreement, the Parties desire to resolve the issues raised by UYWCD's protest in relation to Case No. 22CW3102 and with respect to the Proposed Rules.

7. Accordingly, based on the above recitals and the ongoing dispute regarding UYWCD's protest to the Proposed Rules and for good and valuable consideration, the sufficiency of which being hereby acknowledged, the Parties agree to compromise their rights and settle their dispute based on the following terms and conditions:

7.1. If the Proposed Rules are withdrawn, amended, or modified before the final disposition of Case No. 22CW3102, then UYWCD is permitted to participate and oppose the Proposed Rules as withdrawn, amended, or modified in further proceedings in this case or otherwise unless UYWCD and the Engineers agree to extend this Stipulation and Agreement in response to the Proposed Rules as amended or modified, or the Parties agree to enter into a further stipulation in response to the Proposed Rules as amended or modified.

7.2. Whether the Water Court ultimately decides to accept or reject the Proposed Rules, or whether the Water Court accepts the Proposed Rules with amendments or modifications, UYWCD is entitled to participate in any appeal or remand of Case No. 22CW3102, consistent with this Stipulation and Agreement. UYWCD may also participate in any further proceedings concerning the Proposed Rules or any other rules proposed or adopted by the State Engineer in the future.

8. Upon the full execution by the Parties of this Stipulation and Agreement, the Engineers shall within ten (10) business days of such execution file a motion in Case No. 22CW3102 for approval of this Stipulation and Agreement as an order of the Water Court. The State Engineer and UYWCD will cooperate in defending such motion and in seeking its approval by the Water Court of this Stipulation and Agreement.

9. If this Stipulation and Agreement is not approved by the Water Court, the Stipulation and Agreement is null and void, and the Parties may pursue their respective interests in Case No. 22CW3102 with respect to the Proposed Rules.

10. Upon the full execution by the Parties of this Stipulation and Agreement, and the Water Court's approval of same as set forth in paragraph 8 above, UYWCD will remain a nominal party to Case No. 22CW3102 and UYWCD will continue to receive copies of all filings made in this case. Notwithstanding the foregoing, under all circumstances not specifically addressed by paragraphs 7.1 or 7.2 above, UYWCD is relieved from compliance with all pre-trial and/or litigation deadlines and obligations in Case No. 22CW3102.

11. The Parties acknowledge and agree that this Stipulation and Agreement shall become a binding agreement effective upon the Water Court's approval. Once approved by the Water Court, the Parties agree that the Stipulation and Agreement shall be enforceable as an order of the Water Court, in addition to being a binding agreement amongst the Parties.

12. This Stipulation and Agreement shall be binding upon the Parties and their heirs, successors, and assigns. The Parties represent and affirm that the signatories hereto are authorized to bind the Parties in this matter.

13. Each Party has reviewed and participated in the drafting of the terms of this Stipulation and Agreement.

14. This Stipulation and Agreement may be executed in multiple counterparts, each of which shall constitute an original, and all of which together shall constitute one and the same document.

15. The Engineers and UYWCD shall each bear their own costs, expenses, and attorney fees related to Case No. 22CW3102.

Remainder of Page Intentionally Left Blank. Signature Pages Follow.

For the UYWCD:

Date: _____

_____, _____
Upper Yampa Water Conservancy District

As to Form:

/s/ _____

[INSERT SIGNATURE BLOCK]

For the Engineers:

Erin Light, P.E.
Division Engineer for Water Division No. 6
Date: _____

Kevin Rein, P.E.
State Engineer for the State of Colorado
Date: _____

As to Form:

PHILIP J. WEISER
Attorney General
Filed pursuant to C.R.C.P. 121 § 1-26.

/s/

BRUCE C. WALTERS, #50235*
Assistant Attorney General
Attorneys for the State and Division Engineers
*Counsel of Record
Date: _____

NEW BUSINESS



EXECUTIVE SESSIONS

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



DETERMINATION OF NEXT MEETING(s) AGENDA(s)



AGENDA

**UPPER YAMPA WATER CONSERVANCY DISTRICT
BOARD OF DIRECTORS MEETING
WEDNESDAY, JULY 12, 2023 (TBD)
MOUNTAIN VALLEY BANK COMMUNITY ROOM
2220 CURVE PLAZA, STEAMBOAT SPRINGS, CO
ONLINE MEETING:**

<https://us06web.zoom.us/j/83051335096?pwd=RUw5YVJWUDRzUUxkdXRZYS9CZnhDQT09>

AS RECOMMENDED BY THE STATE PUBLIC HEALTH ORDER AND THE CDC, 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: JULY 3RD 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 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
- (3) **12:05 PM** Public Input and Comment

Action item

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 CDWR

- (4) **12:10 PM** Board Member Reports
- (5) **XX:XX PM** Consent Agenda **Action item**
- a. Approval of the Minutes **XXXXXX**
 - b. Financials
 - i. Approval of Disbursements
 - ii. Budget Comparison
 - iii. **Audit Selection**
- (6) **XX:XX PM** Report of General Manager
- a. General Manager Report
 - b. Augmentation Plan Updates
 - c. Water Storage Contract Update (Sydney Peak Contract Renewal) **Action item**
 - d. 6-month Review of 2023 Strategic Plan
- (7) **XX:XX PM** District Engineer Report
- a. Update on Reservoir Water Status
- (8) **XX:XX PM** Public Information Updates **Action item**
- a. Grant Disbursements
 - b. New Grant Applications - TBD
- (9) **XX:XX PM** Report of General Counsel
- a.
- (10) **XX:XX PM** Pending Water Cases
- a. Water Resumes
 - b. Status of Other Water Cases
- (11) **XX:XX PM** New Business (Limited to emergency matters that came up During the course of the meeting) **Action item**
- (12) **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.
- (13) **XX:XX PM** Board Actions in Regard to Executive Session
- (14) **XX:XX PM** Determination of Next Meeting(s) Agenda(s)
- (15) **XX:XX PM** Adjournment.