

AGENDA

**UPPER YAMPA WATER CONSERVANCY DISTRICT
BOARD OF DIRECTORS MEETING
THURSDAY, SEPTEMBER 22, 2022 (12:00 PM)
MOUNTAIN VALLEY BANK COMMUNITY ROOM
2220 CURVE PLAZA, STEAMBOAT SPRINGS, CO
ONLINE MEETING:**

[HTTPS://US06WEB.ZOOM.US/J/89781422837?PWD=NGNEQTVFL1G1ENHAEThxWHhTQmc5UT09](https://us06web.zoom.us/j/89781422837?pwd=NGNEQTVFL1G1ENHAEThxWHhTQmc5UT09)

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 Erin Light
- (4) **12:10 PM** Consent Agenda **Action item**
 - a. Approval of the Minutes July 20, 2022, Board of Directors Meeting and August 22, 2022, Special Board and Governance Committee Meeting

- b. Financials
 - i. Approval of Disbursements
 - ii. Budget Comparison
 - iii. Determination of Auditor
- (5) **12:15 PM** Report of General Manager
 - a. UYWCD Strategic Plan Update
 - b. Presentation of First Draft of 2023 UYWCD Budget
 - c. Morrison Creek Diversion Project Analysis Update
 - d. UYWCD Employee Handbook and District Policy Updates **Action item**
 - e. Colorado Paid Family and Medical Leave Insurance (FAMLI) Program
 - f. Augmentation Plans Contract Updates
- (6) **2:45 PM** District Engineer Report
 - a. Update on Reservoir Water Status
 - b. Union Ditch
- (7) **3:00 PM** Public Information Updates
 - a. Grants
 - i. Disbursements
 - ii. New applications **Action item**
 - b. Scholarships
- (8) **3:15 PM** Board Member Reports
- (9) **3:30 PM** Report of General Counsel
 - a. Board of Directors Appointment(s) Schedule and Procedures for 2023
- (10) **3:45 PM** Pending Water Cases
 - a. Water Resumes
 - b. Status of Other Water Cases
- (11) **4:00 PM** New Business (Limited to emergency matters that came up **Action item**
During the course of the meeting)
- (12) **4:05 PM** Executive Sessions:
 - a. Executive session under CRS § 24-6-402(4)(b) to discuss legal issues on Water Resumes, Water Cases, Contract Negotiations and _____ (insert description) . Mere presence or participation of an attorney at an executive session is not sufficient to satisfy the requirements of CRS § 24-6-402(4)(b). Executive sessions to discuss legal matters are not recorded.
 - b. Executive session under CRS § 24-6-402(4)(e)(I) for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators with respect to _____ (insert brief description). This session will be recorded, and a copy of the recording maintained for not less than 90 days.
- (13) **4:35 PM** Board Actions in Regard to Executive Session
- (14) **4:45 PM** Determination of Next Meeting(s) Agenda(s)
- (15) **5:00 PM** Adjournment.

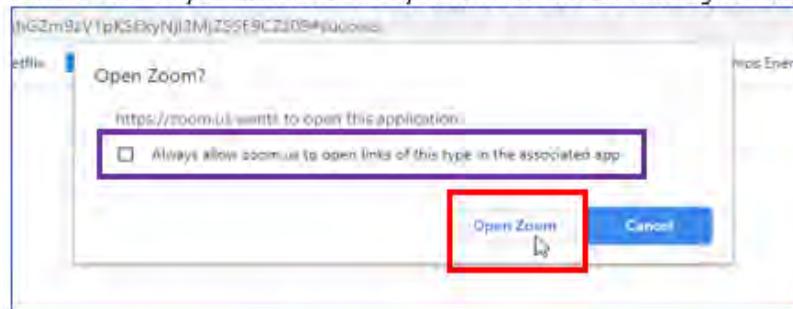
How to join a Zoom meeting

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:

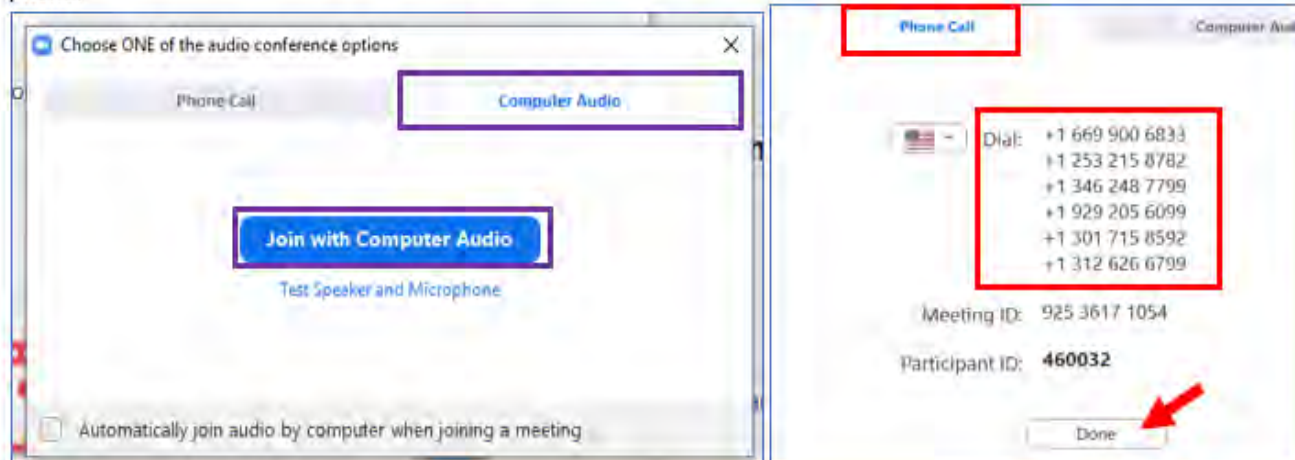


If you have not used Zoom before, you may receive this dialogue box to open Zoom. First, click on "always allow zoom.us..." so you will automatically connect for future meetings. Then, click on "Open Zoom" and follow the prompts.



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.



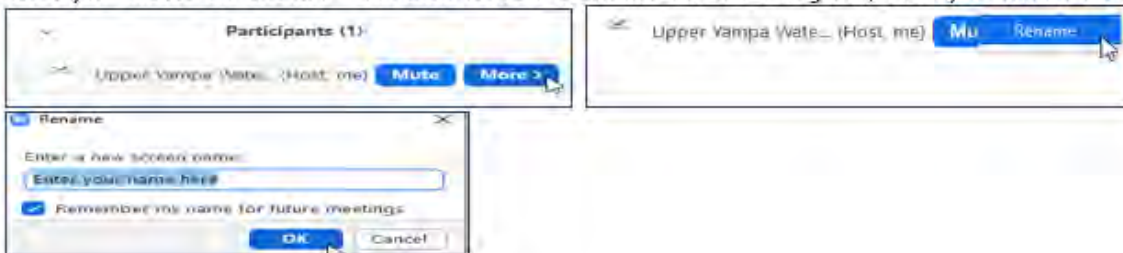
Join via "Dial by your location":

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".



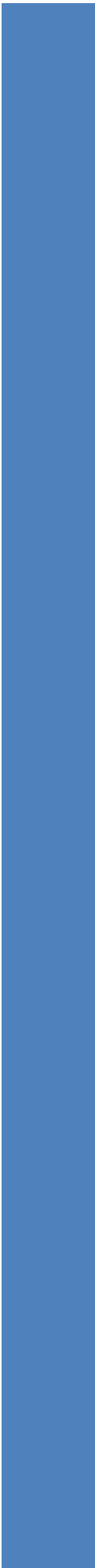
Contact Deb Bastian for any questions

- 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.





RECORD OF PROCEEDINGS

UPPER YAMPA WATER CONSERVANCY DISTRICT BOARD OF DIRECTORS MEETING WEDNESDAY, JULY 20, 2022 (12:00 PM) MOUNTAIN VALLEY BANK COMMUNITY ROOM 2220 CURVE PLAZA, STEAMBOAT SPRINGS, CO ONLINE MEETING:

<HTTPS://US06WEB.ZOOM.US/J/84584409032?PWD=BXU3UJRSAZHDXDNORU1ZWKzJBVzVJQT09>

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, Chief Accountant Karina Craig and General Counsel Bob Weiss were also present. Special Counsel Scott Grosscup was present over Zoom for a portion of the meeting. Members of the public present for some portion of the meeting included Kristen Jespersen & Sheryl Horton, Yampatika; Nora Flynn, Colorado Water Conservation Board; Kristen Rockford, Routt County Conservation District; Erin Light; Division of Water Resources; Jerry Smith and Bill Gay.

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

The following agenda was proposed:

AGENDA

- (1) **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.
- (4) **12:10 PM** Consent Agenda **Action Item**
 - a. Approval of the Minutes May 18, 2022, Board of Directors Meeting Minutes
 - b. Financials
 - i. Approval of Disbursements
 - ii. Budget Comparison
 - iii. UYWCD Local Deposits Activity Update
- (5) **12:25 PM** Report of General Manager
 - a. Yampatika Programs Update
 - b. CWCB Update on Colorado Water Plan
 - c. UYWCD Water Contracts
 - i. Augmentation Plan Contract and Document Updates **Action Item**

RECORD OF PROCEEDINGS

- ii. Bill Gay Augmentation Contract Proposal **Action Item**
- d. 6-month Review of 2022 Strategic Plan
- (6) **1:45 PM** District Engineer Report
 - a. Update on Reservoir Water Status
 - b. Capital Projects Report
- (7) **2:00 PM** Public Information Updates
 - a. Upcoming Events
 - b. Grants **Action Item**
- (8) **2:15 PM** Board Member Reports
- (9) **2:30 PM** Report of General Counsel and Update from Erin Light
- (10) **2:45 PM** Pending Water Cases
 - a. Water Resumes
 - b. Status of Other Water Cases
- (11) **3:00 PM** New Business (Limited to emergency matters that came up During the course of the meeting) **Action Item**
- (12) **3:05 PM** Executive Sessions:
 - a. Executive session under CRS § 24-6-402(4)(b) to discuss legal issues on Water Resumes, Water Cases, Contract Negotiations and _____ (insert description) . Mere presence or participation of an attorney at an executive session is not sufficient to satisfy the requirements of CRS § 24-6-402(4)(b). Executive sessions to discuss legal matters are not recorded.
 - 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) **3:45 PM** Board Actions in Regard to Executive Session
- (14) **3:50 PM** Determination of Next Meeting(s) Agenda(s)
- (15) **4:00 PM** Adjournment.

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

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

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

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

Report of General Manager.

Yampatika Programs Update. Sheryl Horton, School's Program Manager, of Yampatika provided the Board with an update on the school-based programs offered through Yampatika.

CWCB Update on Colorado Water Plan. Nora Flynn, Agricultural Water Planning Specialist, of the Colorado Water Conservancy Board provided a presentation on the draft 2023 Colorado State Water Plan. The deadline to submit public comment on the draft plan is September 30, 2022. General Manager Rossi will present the Board comments, prepared from an organizational viewpoint, at the September 22, 2022, Board meeting for

RECORD OF PROCEEDINGS

consideration to be filed on behalf of the District. Additionally, the Board was asked to submit comments to Andy for inclusion by August 31st.

UYWCD Water Contracts - Augmentation Plan Contract and Document Updates. The Board reviewed the current augmentation contract summary.

General Counsel Weiss and Business Manager Deb Bastian presented procedural and administrative changes, in accordance with the Yampa Basin and Elk River decrees, to the Yampa Basin and Elk River Augmentation Plan Water Marketing Policies and Yampa River and Elk River Contract templates and a revised Stagecoach Reservoir Water Contract Pricing matrix to include augmentation plan application and assignment fees. The Board discussed. Director Sharp requested that Section 2.c. of the Water Marketing Policies language be revised from “non-substantive changes” to “non-substantive interpretations” and to add “,where reasonably necessary to accomplish the objectives of the policy” after “case-by-case basis”.

Director Brenner moved to accept staff recommendations with the amendment provided from Director Sharp. Director Seltzer seconded the motion. Director Monger recused himself from the vote as he was not present during the discussion. The motion passed.

UYWCD Water Contracts - Bill Gay Augmentation Contract Proposal. Director Monger stated that he may have a conflict of interest as he leases the property on which the Sickles Spring #2 is located. He asked that Director Jones continue to run the meeting for this topic.

General Manager Andy Rossi presented an overview of Bill Gay’s proposal for a waiver of fees associated with an augmentation contract with the District in exchange for the transfer of ownership for the water right for Sickles Spring #2. Bill Gay provided the Board with an overview of his property and his planned restoration project and requested the Board consider a 15-year waiver of annual augmentation fees in exchange for the transfer of ownership in Sickles Spring #2 in perpetuity. The Board discussed. Director Sharp moved that the Board respectfully declines the proposal from Bill Gay and recognizes that the General Manager may act on the augmentation contract request based upon filing as made, and that the Board directs the General Manager and General Counsel to negotiate with Bill Gay regarding an acquisition by the District of his life estate in Sickles Spring #2 and report back to the board at the next board meeting. Director Brenner seconded the motion which was unanimously approved.

6-month Review of 2022 Strategic Plan. General Manager Rossi reviewed the 2022 Strategic Plan. He noted that the biggest deficit in the plan, to date, are in Section 6.4 and 8.4 which indicate a desire, on the part of the Board, to do some community/water user surveys. The last survey was completed in 2017. General Manager Rossi reviewed the results of the 2017 survey and informed the Board that a topic at the October Board retreat will be what was learned in 2017 and where to focus our attention for surveys going forward. He will work with Public Information and External Affairs Manager Holly Kirkpatrick to determine the best way to direct this process going forward to get a survey that is meaningful to the Board and the constituents and be sure to ask the right questions. The Governance Committee will meet to review the Strategic Plan, prior to the September 22, 2022, Board meeting to provide recommendations for the 2023 Strategic Plan. Staff will send a Doodle Poll to determine the date of the Governance Committee.

District Engineer Report.

Update on Reservoir Water Status. District Engineer Emily Lowell provided an update on the reservoir water status. She noted that the Colorado Water Trust (CWT) has requested the District to maintain an outflow from Stagecoach at 40cfs. She will be working with CWT to coordinate their request.

RECORD OF PROCEEDINGS

Capital Projects Report. District Engineer Emily Lowell updated the Board on current capital projects and highlighted the emergency repairs performed on the Stillwater Ditch in June and the needed repairs to the Union Ditch headgate.

Public Information Updates.

Upcoming Events. Public Information and External Affairs Manager Holly Kirkpatrick provided an overview of the upcoming Children's Water Festival to be hosted by the District at the Routt County Fair Grounds on September 21, 2022. The festival will be for 5th graders in Routt and Moffat counties. Additionally, the Board reviewed a schedule of other upcoming events.

Grants. Public Information and External Affairs Manager Holly Kirkpatrick reviewed the grant disbursements for the Diversion Infrastructure Improvement Project and the Community Grant Funding.

In addition, Holly informed the Board that the Routt County Conservation District (RCCD) has applied for funding through the Community Grant Funding program. Director Halliday disclosed that she is the Board President for RCCD and will recuse herself from voting on any motion but is available for questions. Kristen Rockford, Acting District Manager, of Routt County Conservation District (RCCD), provided the Board with an overview of the Conservation District operations and purpose and provided a summary of their request for funding. Director Brenner moved to fund RCCD \$25,000 for the development and distribution of the *Routt County Landowner Toolkit for Drought, Wildfire, and Soil Health Resiliency* project. Director Sharp seconded the motion. Director Halliday recused herself due to her position as Board President of RCCD, Director Jones was no longer in attendance and Director Murphy voted against the motion. The motion passed 6-1.

Board Member Reports. Director Sharp asked about the status of a report he requested at the May 18, 2022, Board meeting regarding the legislation that allows for the transfer of water between reservoirs on the same system. General Manager Rossi stated he has information regarding this request and will forward to the Board.

Director Halliday provided an update on the July 6, 2022, Upper Yampa River Watershed Group meeting. General Manager Rossi also noted that the Water Quality Control Division is in the process of rulemaking for all lakes and reservoirs for nutrient standards. The first lakes and reservoirs that will be considered on the 303E list will be all lakes and reservoirs with either a swim beach or direct source of drinking water. At this time Stagecoach will not meet the standards and expecting Stagecoach to be listed. Staff is increasing sampling to stay ahead of the state.

Director Redmond gave an update on the feasibility grant at Stillwater Reservoir. He noted that they are seeking funding from other sources and will most likely be submitting a request to the District for grant funds.

Director Seltzer provided an update on the Community Ag Alliance, River Network and Conservation District of Southwest Colorado received a Colorado Water Conservation Board (CWCB) grant last year to pilot new staff position in the organization to go out and work with water users to do infrastructure upgrades. This staff working with the Ag Alliance is working to identify projects and is currently looking at 17 diversion projects. They are looking at funding opportunities and may be requesting grant funds from the District.

Director Brenner updated the Board on the recent Water Education Colorado water tour and provide information on the new liaison positions being created with the Colorado Water Conservation Board.

Director Monger provided an update of the recent River District meeting.

RECORD OF PROCEEDINGS

Report of General Counsel and Update from Erin Light. General Counsel Weiss did not have any report. Erin Light, Division Engineer, Division of Natural Resources provide an update on the status of the measurement rules and noted that the new Water Commissioner will begin on July 25, 2022.

Pending Water Cases.

Water Resumes. Special Counsel Grosscup commented that the June water resumes report came out after his posted memorandum. He noted that in the June report there is a protest filed by Tri-State for approximately 200 cfs absolute water rights that are on the abandonment list for the Craig Station. The District has the opportunity to enter in as an intervenor if it so chooses. The Board requested General Counsel Weiss and Special Counsel Grosscup to provide more information so the Board can make an informed decision. The Board will then determine if an Executive Committee meeting will be held with the Governance Committee meeting to discuss the next steps.

Status of Other Water Cases. Special Counsel Grosscup provided a recap of the current water cases being monitored by the District.

New Business. There was no new business.

Executive Session. There was no executive Session.

Determination of Next Meeting Agenda. The agenda for the September 22, 2022, Board Meeting was reviewed. The Board requested a briefing on Morrison Creek, a General Manager report and a time slot for the IWMP presentation.

The meeting adjourned at 4:42 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: _____

RECORD OF PROCEEDINGS

**UPPER YAMPA WATER CONSERVANCY DISTRICT
COMBINED GOVERNANCE COMMITTEE AND SPECIAL BOARD MEETING
MONDAY, AUGUST 22, 2022 (12:00 PM)
MOUNTAIN VALLEY BANK COMMUNITY ROOM
2220 CURVE PLAZA, STEAMBOAT SPRINGS, CO
ONLINE MEETING:**

<HTTPS://US06WEB.ZOOM.US/J/89267966176?PWD=R0xSWDHEY09OU3JMSMXAY0LVDLRAQT09>

MINUTES

Vice President Webster Jones called the meeting to order and declared a quorum present. In addition to Vice President Jones, the Board Members present were Doug Monger, Tom Sharp, Jim Haskins, Nicole Seltzer, Ken Brenner and Lyn Halliday. General Manager Andy Rossi, District Engineer Emily Lowell, Business Manager Deb Bastian, Chief Accountant Karina Craig, General Counsel Bob Weiss and Special Counsel Scott Grosscup were also present.

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

The following agenda was proposed:

AGENDA

- (1) **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 Committee will make no decision nor take action, except to direct the General Manager. Those addressing the Committee are requested to identify themselves by name, organization, if any, and address. Comments shall not exceed three (3) minutes.
- (4) **12:10 PM** Status of Water Rights Cases
- (5) **12:30 PM** Upper Yampa Water Conservancy District Strategic Plan
 - a. Strategic Plan Discussion and Direction for 2023 Draft Budget
- (6) **2:00 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.
- (7) **2:15 PM** Committee actions in regard to Executive Session **Action Item**
- (8) **2:20 PM** Adjournment.

RECORD OF PROCEEDINGS

Vice President Jones established a quorum and called the meeting to order at 12:10 PM.

Meeting Agenda. Director Haskins moved to approve the agenda. Director Halliday seconded the motion which was unanimously approved.

Public Input and Comment. Vice President Jones invited members of the public to comment on items not otherwise scheduled on the agenda. There was no comment.

Status of Water Rights Cases. Special Counsel Grosscup discussed the pending abandonment proceeding involving three Tri-State water rights.

Executive Session. At 12:15 PM Director Sharp moved, Director Brenner seconded, and it was unanimously agreed to go into Executive session under CRS § 24-6-402(4)(b) to discuss legal issues on the potential litigation of Tri-State water rights. Mere presence or participation of an attorney at an executive session is not sufficient to satisfy the requirements of CRS § 24-6-402(4)(b). Executive sessions to discuss legal matters are not recorded.

Committee Action Regarding Executive Session. Director Sharp moved that the Board of Directors authorize Special Counsel Grosscup to prepare a motion to intervene in the abandonment case from the Division Engineer with respect to the three water rights of Tri-State that the Division Engineer proposes for partial abandonment and that the Board further authorize the filing of the intervention by the end of this month unless it is determined by our special counsel that such filing is not necessary. Director Brenner seconded the motion which was unanimously approved.

Strategic Plan Discussion and Direction for 2023 Draft Budget. General Manager Rossi provided an overview of the Strategic Plan process and solicited input and ideas from the Governance Committee. The committee discussed. General Manager Rossi requested the committee to forward potential additions to the Strategic Plan for inclusion in the discussion at the September 22, 2022, Board of Directors meeting.

The meeting adjourned at 2:17 PM.

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

Andy Rossi, District Secretary/Manager

Date: _____

STATEMENT FROM ATTORNEY REGARDING ATTORNEY-CLIENT PRIVILEGE

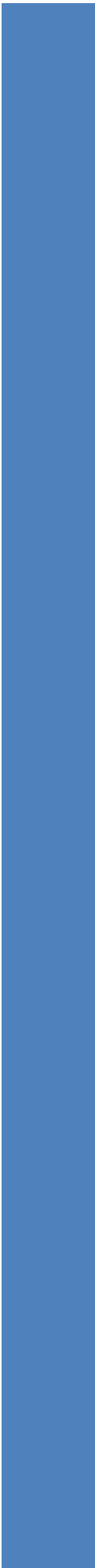
The undersigned Robert G. Weiss, legal counsel for the District, hereby attests, pursuant to CRS Section 24-6-402(2)(d.5)(II)(B), that the portion of the executive session that was not recorded and which related to the legal issues on the potential litigation of Tri-State water rights constituted a privileged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

Robert G. Weiss, Counsel

Date: _____

CONSENT AGENDA

**FINANCIAL REPORTS:
APPROVAL OF DISBURSEMENTS**





BOARD COMMUNICATION FORM

From: Karina Craig, Chief Accountant.

Date: September 22, 2022

Item: Financial Reports: August 31, 2022, Cash Disbursement 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 August 31, 2022, and credit card payments through August 3, 2022. District disbursements include operating and capital expenditures from the 2022 fiscal year budget totaling \$362,894.45.

II. Summary: Cash disbursements reported include *reconciled* expenditures incurred through check and credit card transactions.

III. Staff Recommendation: Accept report.

IV. Legal Issues: None

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

Attachments:

Attachment 1: Cash Disbursement Report.

Upper Yampa Water Conservancy District
Cash Disbursement Report
August 31, 2022

Date	Name	Memo	Amount
05/29/2022	CenturyLink Lumen	Office Telephone & Internet, 05-07-2022 to 06-06-2022.	237.98
06/02/2022	Safeway	Board meeting supplies	20.09
06/03/2022	NDS Northwest Data Services	IT Services. Monthly Cloud Services, May	316.10
06/03/2022	Hotel	Lodging, Water Leaders event.	240.00
06/03/2022	Walmart	Event storage supplies	29.36
06/05/2022	Mailchimp	Email marketing platform, monthly subscription.	17.77
06/05/2022	CrashPlan Code42	Monthly subscription, June services.	9.99
06/05/2022	NYT The New York Times	Monthly subscription	4.00
06/07/2022	Garmin	Monthly subscription, 06-06-2022 to 07-05-2022.	34.95
06/14/2022	Fondriest Environmental	Stagecoach temperature sensors	3,674.50
06/14/2022	Safeway	Upper Colorado Basin Tour, supplies.	31.36
06/14/2022	Silverton Capital LLC	Vehicle maintenance	17.00
06/14/2022	Safeway	Upper Colorado Basin Tour, supplies.	6.61
06/15/2022	Hotel	Lodging, Upper Colorado Basin Tour.	140.18
06/16/2022	Hales Landscape Supply	Stillwater Ditch Repairs	740.00
06/16/2022	Edge Communications	Services 06-06-2022 to 07-05-2022	113.70
06/17/2022	High Country News	Subscription	14.95
06/21/2022	Napa	Vehicle maintenance	93.06
06/21/2022	ACE Hardware	Stilwater Ditch maintenance	17.07
06/21/2022	Adobe	Monthly subscription 08-20-2021 to 09-19-2021	118.93
06/21/2022	Routt County Clerk	Recording fee for YR Augmentation contract A3-012. Reception # 838503	29.40
06/21/2022	Routt County Clerk	Recording fee for YR Augmentation contract A1-006. Reception # 838501	24.28
06/21/2022	Routt County Clerk	Recording fee for YR Augmentation contract A1-007. Reception # 838502	24.28
06/21/2022	City Market	Office supplies	2.08

Subtotal

5,957.64

Upper Yampa Water Conservancy District
Cash Disbursement Report
August 31, 2022

Date	Name	Memo	Amount
06/22/2022	Frontier Station	Stillwater Ditch Repairs	418.00
06/24/2022	CenturyLink Lumen	SC Telephone, June 2021.	162.74
06/27/2022	SmartVault	Software, interface with quickbooks	140.00
06/29/2022	CenturyLink Lumen	Office Telephone & Internet, 06-07-2022 to 07-06-2022.	237.98
07/01/2022	MVB Mountain Valley Bank	July Rent	6,724.24
07/02/2022	Verizon Wireless	Stagecoach Cell phones, 06-14-2022 to 07-13-2022.	84.98
07/03/2022	NYT The New York Times	Monthly subscription	17.00
07/04/2022	NDS Northwest Data Services	IT Services. Monthly Cloud Services, June	323.54
07/05/2022	Internal Revenue Service	Monthly payroll liabilities, employee withholdings and employer contributions	17,064.62
07/05/2022	Colorado Department of Revenue	Quarterly state tax withholdings	7,536.00
07/05/2022	ICMA-401a	Monthly contributions, June 2022 payroll.	4,689.77
07/05/2022	ICMA-457	Monthly contributions, June 2022 payroll.	2,781.38
07/05/2022	Family Support Registry	Remittance July 2022	716.00
07/05/2022	Mailchimp	Email marketing platform, monthly subscription.	17.77
07/05/2022	CrashPlan Code42	Monthly subscription, July services.	9.99
07/06/2022	CEBT	Medical, dental, vision, life, STD, LTD August 2022 coverage.	13,618.71
07/06/2022	River Restoration	Union Ditch headgate design	6,244.93
07/06/2022	GMS Gray Matter Systems, LLC TMMI	ZTC Edge Annual Support Services	2,030.00
07/06/2022	Stand Creative Studio	Monthly digital marketing Services	1,450.00
07/06/2022	Timber Line Electric & Control	Stagecoach maintenance	983.40
07/06/2022	Ferguson-High Country Plumbing	Stagecoach maintenance, Union Ditch.	374.27
07/06/2022	LRE Water	Services through May 25, 2021. Proj. 21047UYCD01-22. Water rights.	347.00
07/06/2022	YV Tire Pros & Express Lube	2019 Ram Vehicle maintenance	262.87
07/06/2022	Ferguson-High Country Plumbing	Stagecoach maintenance, Union Ditch.	259.51

Subtotal

66,494.70

Upper Yampa Water Conservancy District
Cash Disbursement Report
August 31, 2022

Date	Name	Memo	Amount
07/06/2022	Lyn Halliday	Director Fees	200.00
07/06/2022	Douglas Monger	Director Fees	200.00
07/06/2022	Hugh Webster Jones	Director Fees	200.00
07/06/2022	John Redmond	Director Fees	200.00
07/06/2022	Tom Sharp	Director Fees	200.00
07/06/2022	Ken Brenner	Director Fees	200.00
07/06/2022	Grainger	Director Fees	129.00
07/06/2022	Flat Tops Ranch Supply	Director Fees	19.09
07/06/2022	ACE Hardware	Director Fees	15.29
07/06/2022	ACS Advanced Copier Solutions, Inc.	Director Fees	8.60
07/06/2022	Nicole Seltzer	Director Fees	200.00
07/06/2022	Ron Murphy	Director Fees	200.00
07/07/2022	Restaurant.	Meeting lunch	73.93
07/07/2022	Garmin	Monthly subscription, 07-06-2022 to 08-05-2022.	34.95
07/08/2022	Routt County Clerk	Recording fee for assignment of Yamcolo Ag Contract. Reception # 839039	39.62
07/11/2022	CGFOA	Annual membership	65.00
07/11/2022	CGFOA	Training, Ethics.	40.00
07/13/2022	Conoco Universal WEX	Gasoline, June 2022.	1,172.72
07/14/2022	Steamboat Powersports	Four wheeler maintenance & components	146.58
07/15/2022	Safeway	Office supplies	63.00
07/15/2022	Safeway	Board meeting supplies	17.50
07/16/2022	Microsoft	Software subscription	48.00
07/18/2022	YVEA	Electrical service at SC Powerhouse, 05-03-2021 to 06-03-2022.	432.56
07/18/2022	Edge Communications	Services 07-06-2022 to 08-05-2022	118.82

Subtotal

4,024.66

Upper Yampa Water Conservancy District
Cash Disbursement Report
August 31, 2022

Date	Name	Memo	Amount
07/18/2022	CGFOA	CGFOA summer mini conference.	115.00
07/18/2022	YVEA	Electrical service to shed, 05-03-2022 to 06-03-2022	112.40
07/18/2022	CGFOA	Training, accounting session 2.	40.00
07/20/2022	Drunken Onion	Board meeting supplies	215.94
07/20/2022	Kum & Go	Board meeting supplies	4.80
07/21/2022	Adobe	Monthly subscription 07-20-2021 to 08-19-2021	118.93
07/21/2022	Routt County Clerk	Recording fee for YR Augmentation contract A1-008. Reception # 839379.	24.28
07/22/2022	Bob Woodmansee	Water Quality Study, work through June 30, 2022.	5,000.00
07/22/2022	All Natural of Yampa Valley Inc	Office cleaning, July 2022.	300.00
07/22/2022	NDS Northwest Data Services	IT Services	225.00
07/22/2022	ECS Employers Council Services, Inc.	Review of policy and handbook updates	56.25
07/22/2022	Bar A Ranch LLC	Stillwater Ditch repairs	690.00
07/22/2022	Five Pine LLC	Stillwater Ditch repairs	150.00
07/22/2022	Flat Tops Ranch Supply	Stillwater Ditch Maintenance	145.44
07/22/2022	YVEA	Electrical service at SC Powerhouse and Shed, 06-03-2021 to 07-05-2022.	358.27
07/24/2022	CenturyLink Lumen	SC Telephone, July 2022.	164.18
07/25/2022	Internal Revenue Service	Federal tax liabilities, July 2022 payroll.	16,564.16
07/25/2022	ICMA-457	Monthly contributions, July 2022 payroll.	5,823.93
07/25/2022	ICMA-401a	Monthly contributions, July 2022 payroll.	4,664.08
07/26/2022	CGFOA	Training, accounting session 3.	65.00
07/27/2022	Hotel	Training, lodging.	310.00
07/27/2022	SmartVault	Software, interface with quickbooks	140.00
07/27/2022	Walmart	Office cleaning supplies	43.56
07/28/2022	Quickbooks Payroll Service	Monthly payroll	45,036.14

Subtotal

80,367.36

Upper Yampa Water Conservancy District
Cash Disbursement Report
August 31, 2022

Date	Name	Memo	Amount
07/28/2022	Colorado Water Congress CWC	2022 Summer Conference Registration	4,750.00
07/29/2022	SDA Special District Association of CO	SDA Annual Conference registration	175.00
07/29/2022	Restaurant.	Conference, travel expense.	3.69
07/30/2022	CenturyLink Lumen	Office Telephone & Internet, 07-07-2022 to 08-06-2022.	238.66
07/30/2022	Amazon	Office and Board meeting supplies	106.23
08/01/2022	MVB Mountain Valley Bank	August Rent	6,724.24
08/01/2022	Family Support Registry	Remittance August 2022	716.00
08/02/2022	River Restoration	Union Ditch headgate design	8,994.42
08/02/2022	Stand Creative Studio	Monthly digital marketing Services	1,450.00
08/02/2022	Conoco Universal WEX	Gasoline, July 2022.	1,023.82
08/02/2022	Balcomb & Green, P.C.	Miscellaneous Matters, Diligence & Protest cases, June legal services	487.00
08/02/2022	hive 180	Annual website hosting and backup	250.00
08/02/2022	Grainger	Stagecoach Maintenance	223.94
08/02/2022	NDS Northwest Data Services	IT Services	45.00
08/02/2022	ACS Advanced Copier Solutions, Inc.	Monthly copier fees, July 2022.	42.35
08/02/2022	Verizon Wireless	Stagecoach Cell phones, 07-14-2022 to 08-13-2022.	87.39
08/18/2022	RCCD Routt County Conservation District	Grant, Routt County Landowner Toolkit for Drought, Wildfire and Soil Health Resiliency	25,000.00
08/18/2022	Restruction, a division of Structural	Kelly Crack sealant	15,379.00
08/18/2022	CEBT	Medical, dental, vision, life, STD, LTD September 2022 coverage.	13,618.71
08/18/2022	USGS	22REJFACO129, Water quality monitoring at Stagecoach Reservoir	10,000.00
08/18/2022	USGS	22REJFACO 121 Streamgaging Stations Above and below Stagecoach Reservoir	5,728.00
08/18/2022	Weiss & Van Scoyk	Legal services, June & July 2022. Stagecoach plan matters, price-exclusible.	3,427.00
08/18/2022	Weiss & Van Scoyk	Legal services, June & July 2022. General Matters, price-inclusible.	3,221.00
08/18/2022	Balcomb & Green, P.C.	Miscellaneous Matters, Diligence & Protest cases, July legal services	2,368.00

Subtotal

104,059.45

Upper Yampa Water Conservancy District
Cash Disbursement Report
August 31, 2022

Date	Name	Memo	Amount
08/18/2022	SE Group	Professional services, proposal to USFS re Coal Creek. Services through July 2, 2022.	473.00
08/18/2022	Wilson Water Group	Water Resource Engineering: Professional services through July 25, 2022.	465.00
08/18/2022	SE Group	Professional services, proposal to USFS re Coal Creek. Services through July 30, 2022.	344.00
08/23/2022	NDS Northwest Data Services	IT Services. Monthly Cloud Services, July	307.10
08/29/2022	River Restoration	Union Ditch headgate design	21,564.47
08/29/2022	LRE Water	Regulatory Support Services through July 25, 2022. Proj. 1612UYW01.	3,864.50
08/29/2022	LRE Water	Augmentation Plan and Water Rights Engineering Services through July 22, 2022. Proj. 21047UYCD01-22	2,592.25
08/29/2022	AECOM	Yamcolo butterfly valve replacement	869.00
08/29/2022	All Natural of Yampa Valley Inc	Office cleaning, August 2022.	300.00
08/29/2022	Deb Bastian	Reimbursement, lunch for Spec Board and Gov. Committee Meeting	224.81
08/29/2022	MVB Mountain Valley Bank	Banking supplies, checking account, Mountain Valley Bank	33.68
08/29/2022	CenturyLink Lumen	Office Telephone & Internet, 08-07-2022 to 09-06-2022.	239.63
08/29/2022	CenturyLink Lumen	SC Telephone, August 2022.	166.84
08/30/2022	Quickbooks Payroll Service	Monthly payroll	44,033.75
08/30/2022	ICMA-457	Monthly contributions, August 2022 payroll.	5,783.85
08/30/2022	ICMA-401a	Monthly contributions, August 2022 payroll.	4,583.94
08/31/2022	Internal Revenue Service	Federal tax liabilities, August 2022 payroll.	16,144.82

Subtotal **101,990.64**

Total **362,894.45**

CONSENT AGENDA

**FINANCIAL REPORTS:
BUDGET COMPARISON**





BOARD COMMUNICATION FORM

From: Karina Craig, Chief Accountant.

Date: September 14, 2022

Item: **Financial Reports: July 31, 2022, Budget Comparison Report and Possible Budget Amendment Request Notification.**

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

I. Request/Issue and Background Information:

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

A. *Operating Revenues:*

Power Sales

Actual power sales revenues accrued up to July 31, 2022, were \$47,322.00. A ten-year running average of actual revenues indicates that approximately 64% of annual power revenues are typically accrued by July 31st. Based on that metric and on actual 2022 revenues, total year power sales projections are currently estimated at \$74,000.00 or 38% of budget. Power generation at Stagecoach Dam varies, according to drought conditions, water storage management and hydroplant maintenance activities.

Water Sales

Water sales projections include newly executed Yampa River and Elk River Augmentation contracts and existing Stagecoach and Yamcolo Water Supply contract revenues. All required water supply contract (Stagecoach and Yamcolo) CPI price adjustments and Yamcolo Reservoir volume abatements due to current year drought conditions were applied to the water sales revenue projections. The distribution of projected water sales revenues are as follows:



Stagecoach Reservoir water sales are projected at \$300,369.91 or 159% of budget:

- Municipal, \$120,708.08
- Industrial, \$56,316.75
- Yampa River Augmentation, \$13,865.08
- ERC, \$95,860.00*
- Agricultural, \$906.00
- Augmentation contract application and contract transfer fees, \$8,400.00
- Other, \$4,314.00

* Total 2022 ERC water storage purchases from Colorado Water Trust include a minimum 100 AF purchase as stipulated by contract and an additional 1,900 AF.

Yamcolo Reservoir water sales are projected at \$134,625.44 or 80% of budget:

- Municipal, \$92,334.20
- Yamcolo Irrigators Association, abated, 1,632.75 AF, \$22,548.28
- Individual irrigators, abated, 1,711.25 AF, \$19,742.96

Interest Revenues

Most of the District's interest revenues derive from Colotrust Plus+ investment yields, with a much smaller portion originating from Certificate of Deposit interest payments. Colotrust's Average Monthly Yield increased from 0.0735% in January 2022 to 2.2488% in August 2022. Interest revenues were conservatively projected, based on most recently available investment yields, and are expected to be above budget.

B. Operating Expenses:

Operating expenses are projected to be within budget.

C. Capital Expenditures:

In November 2021, Stagecoach Capital Improvements for 2022 were budgeted in aggregate at \$297,500.00. This budget included hydroplant improvements to general equipment, turbine, SCADA system, and repairs to the Union Ditch headgate. The budgeted headgate repair costs for the Union Ditch were based on preliminary design and construction cost estimates. The current engineering, design and construction costs for ditch headgate repairs are expected to be higher than earlier estimates. The Budget Comparison Report shows 2022 *aggregate* Stagecoach Capital Improvements projections at \$381,500.00. The Union Ditch Headgate project construction is open for public bid now and revised construction costs will be provided pending the results of this process. A budget amendment may be proposed at the November 16, 2022 Board meeting in response to increased costs of the Union Ditch repairs. If the Union ditch repairs aren't possible in 2022 due to contractor availability, these repairs costs will be included in the 2023 proposed budget.



II. Summary:

The Budget Comparison report includes *2020 and 2021 final audit* actuals. The report also includes current-year financials: Approved 2022 budget, July 31, 2022, actuals, and 2022 annual budget projections. Ending Fund Balance is projected within 1.8% of budget.

III. Staff Recommendation:

Accept report.

IV. Legal Issues:

None

V. Consistency with Board Goals and Policies:

UYWCD By-Laws and SP Goal 3.

Attachments:

Attachment 1: Budget Comparison Report.

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

	2020 ACTUALS	2021 ACTUALS	2022 BUDGET	2022 ACTUALS	2022 PROJECTIONS
	audited	audited	Amended March 16, 2022	July 31, 2022	July 31, 2022
Fund Opening Balance including Encumbered Funds	16,012,911	17,536,141	18,778,813	18,778,813	18,778,813
Encumbered Funds	6,212,424	5,875,302	6,133,474	6,133,474	6,131,074
Emergency Facilities Reserve	4,485,814	4,606,931	4,814,243	4,814,243	4,814,243
Capital Maintenance Reserve	752,436	772,752	807,526	807,526	807,526
Stagecoach Wetlands Mitigation Reserve	419,734	419,734	419,734	419,734	419,734
Routt County Road #14 Contribution	500,000				
Tabor Reserve	54,440	75,885	91,971	91,971	89,571
Capital Projects Development Fund	9,800,487	11,660,839	12,645,339	12,645,339	12,647,739
Revenues					
Facilities					
Stagecoach Reservoir					
Power Sales	162,432	58,824	193,000	47,322	74,000
Water Sales	162,197	228,487	189,190	189,739	300,370
Yamcolo Reservoir					
Water Sales	167,913	139,374	169,025	93,486	134,625
Stillwater Ditch & Reservoir Company	11,556	10,582	8,850	8,728	8,961
Elk River Augmentation Water Sales		1,668	476	1,200	1,916
Property taxes	2,644,690	2,719,734	2,715,657	2,795,937	2,890,000
Interest earned	124,735	15,204	11,300	68,914	249,700
Other income	20,835			1,500	1,500
Pass through income	72,761	63,728		1,500	1,500
revenues	3,367,118	3,237,601	3,287,499	3,208,326	3,662,572
Expenditures					
Operating					
Facilities					
Stagecoach Reservoir	409,709	435,389	643,533	292,442	631,822
Yamcolo Reservoir	116,440	131,307	154,277	69,763	154,135
Stillwater Ditch & Reservoir Company	40,707	30,100	59,209	22,504	59,172
Administration	262,197	294,343	344,750	178,605	328,563
Board of Directors	125,671	52,669	117,913	38,408	81,947
External Affairs	106,310	102,876	125,482	65,559	125,408
Finance	103,206	105,482	147,310	72,481	147,162
Legal	157,532	107,172	157,641	74,103	157,605
Planning	53,869	83,816	283,571	76,403	283,534
Grants, Scholarships & Public Information	133,030	202,455	408,039	121,448	408,014
Treasurer fees	80,543	82,564	81,470	86,983	86,700
Pass through expenses	84,681	56,629		4,300	1,500
Subtotal Operating	1,673,894	1,684,802	2,523,194	1,102,999	2,465,562
Capital					
Stagecoach Reservoir	59,361	198,921	297,500	32,145	381,500
Yamcolo Reservoir	38,276	56,411	130,000	12,921	130,000
Stillwater Ditch & Reservoir Company	72,357	54,795	115,000	7,876	115,000
Subtotal Capital	169,994	310,127	542,500	52,942	626,500
expenditures	1,843,888	1,994,929	3,065,694	1,155,941	3,092,062
net income (loss)	1,523,230	1,242,672	221,805	2,052,385	570,510
Ending Fund Balance	17,536,141	18,778,813	19,000,618	20,831,198	19,349,323

CONSENT AGENDA

**FINANCIAL REPORTS:
DETERMINATION OF AUDITOR**





BOARD COMMUNICATION FORM

From: Karina Craig, Chief Accountant.

Date: September 22, 2022

Item: 2022 Financial Audit, determination of Auditor

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.

II. Summary and Additional Information:

In 2020 the UYWCD engaged services from Watson Coon Ryan, Certified Public Accountants (WCR), a Colorado firm experienced in governmental auditing with a focus on best practices. Financial audits were successfully performed by WCR for the 2020 and 2021 fiscal years.

Attached is a September 1, 2022, Letter of Engagement from WCR, outlining proposed auditing services and costs for the 2022 Fiscal Year Audit. The proposed scope of work and associated costs consistent with 2021.

Based on the UYWCD's experience of services received from WCR in prior years and after reviewing the terms currently proposed by WCR, the UYWCD staff recommends engaging WCR to carry out the 2022 Fiscal Year Audit in the first part of 2023.

The proposed audit schedule remains generally unchanged from previous years, with field work starting in the month of February 2023. The UYWCD Board of Directors (BOD) will be provided a preliminary audit draft for review before the final audit is considered for final approval at the regularly scheduled UYWCD BOD meeting in May 2023. A schedule with specific dates for 2023 audit activities is to be presented at the January 2023 UYWCD BOD meeting.



III. Staff Recommendation:

Accept Watson Coon Ryan’s proposed services and fees as outlined in the attached September 1, 2022, Engagement Letter for the UYWCD 2022 Fiscal Year Audit in compliance with statutory requirements.

IV. Legal Issues:

Compliance with Audit statutory requirements per Colorado Revised Statutes (C.R.S. 29-1-603(1)(1.5)(2)(3)(4))

V. Consistency with Board Goals and Policies:

UYWCD By-Laws and Strategic Plan Objective 3.

Attachments:

Attachment 1: September 1, 2022, Engagement Letter from Watson Coon Ryan, Certified Public Accountants.

September 1, 2022

Upper Yampa Water Conservancy District
PO Box 775529
Steamboat Springs, Colorado 80477

Dear Board of Directors,

The following represents our understanding of the services we will provide Upper Yampa Water Conservancy District.

You have requested that we audit the business-type activities of Upper Yampa Water Conservancy District, as of December 31, 2022, and for the year then ended and the related notes, which collectively comprise Upper Yampa Water Conservancy District's basic financial statements as listed in the table of contents. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter.

The objectives of our audit 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 opinion. 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 auditing standards generally accepted in the United States of America (GAAS) will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and 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.

Accounting principles generally accepted in the United States of America, (U.S. GAAP,) as promulgated by the Governmental Accounting Standards Board (GASB) require that management's discussion and analysis be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the GASB, 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. As part of our engagement, we will apply certain limited procedures to the required supplementary information (RSI) in accordance with auditing standards generally accepted in the United States of America, (U.S. GAAS). These limited procedures will consist primarily of inquiries of management regarding their methods of measurement and presentation, and comparing the information for consistency with management's responses to our inquiries. We will not express an opinion or provide any form of assurance on the RSI. The following RSI is required by U.S. GAAP. This RSI will be subjected to certain limited procedures but will not be audited:

- Management's Discussion and Analysis

Supplementary information other than RSI will accompany Upper Yampa Water Conservancy District's basic financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and perform certain additional procedures, including comparing and reconciling the supplementary information to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and additional procedures in accordance with U.S. GAAS. We intend to provide an opinion on the following supplementary information in relation to the basic financial statements as a whole:

- Schedule of Revenues Expenses, and Change in Fund Net Position – Budget and Actual

Auditor Responsibilities

We will conduct our audit in accordance with GAAS. As part of an audit in accordance with GAAS, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. 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.
- 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 the entity's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit.
- 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, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Conclude, based on the audit evidence obtained, 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 a reasonable period of time.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements may not be detected exists, even though the audit is properly planned and performed in accordance with GAAS.

Our responsibility as auditors is limited to the period covered by our audit and does not extend to any other periods.

Compliance with Laws and Regulations

As previously discussed, as part of obtaining reasonable assurance about whether the basic financial statements are free of material misstatement, we will perform tests of Upper Yampa Water Conservancy District's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

Management Responsibilities

Our audit will be conducted on the basis that management and, when appropriate, those charged with governance acknowledge and understand that they have responsibility:

- a. For the preparation and fair presentation of the basic financial statements in accordance with accounting principles generally accepted in the United States of America
- b. For the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of basic financial statements that are free from material misstatement, whether due to error, fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements; and
- c. To provide us with:
 - i. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the basic financial statements such as records, documentation, and other matters;
 - ii. Additional information that we may request from management for the purpose of the audit;
 - iii. Unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence.
 - iv. A written acknowledgement of all the documents that management expects to issue that will be included in the annual report and the planned timing and method of issuance of that annual report; and
 - v. A final version of the annual report (including all the documents that, together, comprise the annual report) in a timely manner prior to the date of the auditor's report.
- d. For including the auditor's report in any document containing basic financial statements that indicates that such basic financial statements have been audited by us;
- e. For identifying and ensuring that the entity complies with the laws and regulations applicable to its activities;
- f. For adjusting the basic financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the current year period(s) under audit are immaterial, both individually and in the aggregate, to the basic financial statements as a whole; and
- g. For acceptance of nonattest services, including identifying the proper party to oversee nonattest work;
- h. For maintaining adequate records, selecting and applying accounting principles, and safeguarding assets;

- i. For informing us of any known or suspected fraud affecting the entity involving management, employees with significant role in internal control and others where fraud could have a material effect on the financials; and
- j. For the accuracy and completeness of all information provided.

With regard to the supplementary information referred to above, you acknowledge and understand your responsibility: (a) for the preparation of the supplementary information in accordance with the applicable criteria; (b) to provide us with the appropriate written representations regarding supplementary information; (c) to include our report on the supplementary information in any document that contains the supplementary information and that indicates that we have reported on such supplementary information; and (d) to present the supplementary information with the audited basic financial statements, or if the supplementary information will not be presented with the audited basic financial statements, to make the audited basic financial statements readily available to the intended users of the supplementary information no later than the date of issuance by you of the supplementary information and our report thereon.

As part of our audit process, we will request from management and, when appropriate, those charged with governance, written confirmation concerning representations made to us in connection with the audit.

Nonattest Services

With respect to any nonattest services we perform, including the following at the end of each year

- Propose adjusting or correcting journal entries to be reviewed and approved by Upper Yampa Water Conservancy District Management
- Prepare financial statements and related notes to those statements to be reviewed and approved by Upper Yampa Water Conservancy District Management.

We will not assume management responsibilities on behalf of Upper Yampa Water Conservancy District. However, we will provide advice and recommendations to assist management of Upper Yampa Water Conservancy District in performing its responsibilities.

Upper Yampa Water Conservancy District's management is responsible for (a) making all management decisions and performing all management functions; (b) assigning a competent individual to oversee the services; (c) evaluating the adequacy of the services performed; (d) evaluating and accepting responsibility for the results of the services performed; and (e) establishing and maintaining internal controls, including monitoring ongoing activities.

Our responsibilities and limitations of the nonattest services are as follows:

- We will perform the services in accordance with applicable professional standards.
- The nonattest services are limited to the services previously outlined. Our firm, in its sole professional judgment, reserves the right to refuse to do any procedure or take any action that could be construed as making management decisions or assuming management responsibilities, including determining account coding and approving journal entries. Our

firm will advise Upper Yampa Water Conservancy District with regard to tax positions taken in the preparation of the tax return, but Upper Yampa Water Conservancy District must make all decisions with regard to those matters.

Reporting

We will issue a written report, in electronic format, upon completion of our audit of Upper Yampa Water Conservancy District's basic financial statements. Our report will be addressed to the governing body of Upper Yampa Water Conservancy District. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add an emphasis-of-matter or other-matter paragraph(s) to our auditor's report, or if necessary, withdraw from the engagement. If our opinions on the basic financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

Other

We understand that your employees will prepare all confirmations we request and will locate any documents or support for any other transactions we select for testing.

If you intend to publish or otherwise reproduce the basic financial statements and make reference to our firm, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed.

Regarding the electronic dissemination of audited financial statements, including financial statements published electronically on your Internet website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

Professional standards prohibit us from being the sole host and/or the sole storage for your financial and non-financial data. As such, it is your responsibility to maintain your original data and records and we cannot be responsible to maintain such original information. By signing this engagement letter, you affirm that you have all the data and records required to make your books and records complete.

Provisions of Engagement Administration, Timing and Fees

During the course of the engagement, we may communicate with you or your personnel via fax or e-mail, and you should be aware that communication in those mediums contains a risk of misdirected or intercepted communications.

The timing of our audit will be scheduled with fieldwork to begin in February 2023 and a draft to be provided by mid-March, 2023.

Kelly Watson is the engagement partner for the audit services specified in this letter. Her responsibilities include supervising Watson Coon Ryan LLC.'s services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report.

Our fees are based on the amount of time required at various levels of responsibility, plus actual out-of-pocket expenses. Invoices will be rendered every two weeks and are payable upon presentation. We estimate that our fee for the audit will be \$8,500. We will notify you immediately of any circumstances we encounter that could significantly affect this initial fee estimate. Whenever possible, we will attempt to use Upper Yampa Water Conservancy District's personnel to assist in the preparation of schedules and analyses of accounts. This effort could substantially reduce our time requirements and facilitate the timely conclusion of the audit. Further, we will be available during the year to consult with you on financial management and accounting matters of a routine nature.

During the course of the audit we may observe opportunities for economy in, or improved controls over, your operations. We will bring such matters to the attention of the appropriate level of management, either orally or in writing.

You agree to inform us of facts that may affect the basic financial statements of which you may become aware during the period from the date of the auditor's report to the date the financial statements are issued.

We agree to retain our audit documentation or work papers for a period of at least five years from the date of our report.

At the conclusion of our audit engagement, we will communicate to those charged with governance the following significant findings from the audit:

- Our view about the qualitative aspects of the entity's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;
- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

The audit documentation for this engagement is the property of Watson Coon Ryan LLC. and constitutes confidential information. However, we may be requested to make certain audit

documentation available to certain regulators pursuant to authority given to it by law or regulation, or to peer reviewers. If requested, access to such audit documentation will be provided under the supervision of Watson Coon Ryan LLC.'s personnel. Furthermore, upon request, we may provide copies of selected audit documentation to specified regulator. The regulator may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies.

Please sign and return the attached copy of this letter to indicate your acknowledgment of, and agreement with, the arrangements for our audit of the basic financial statements including our respective responsibilities.

The services to be performed by Watson Coon Ryan, LLC pursuant to this engagement are subject to the terms and conditions set forth herein and in the accompanying appendix.

We appreciate the opportunity to be your financial statement auditors and look forward to working with you and your staff.

Respectfully,

Watson Coon Ryan, LLC
WATSON COON RYAN, LLC

RESPONSE:

This letter correctly sets forth our understanding.

Upper Yampa Water Conservancy District

Acknowledged and agreed on behalf of Upper Yampa Water Conservancy District by:

Name: _____

Title: _____

Date: _____

APPENDIX TO THE ENGAGEMENT LETTER

This Appendix is part of the engagement letter dated September 1, 2022, between Watson Coon Ryan, LLC and Upper Yampa Water Conservancy District.

Electronic copy

An electronic or fax copy of this letter may serve in place of the original for all purposes.

Use of a Third-Party Service Provider

Our firm may transmit confidential information that you provided us to third parties in order to facilitate delivering our services to you. For example, such transmissions might include, but not be limited to: Right Networks our network storage provider, Citrix ShareFile our file exchange provider, Microsoft 365 our email provider and CCH Prosystems fx our income tax electronic filing provider. We have obtained confidentiality agreements with all our service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have the appropriate procedures in place to prevent the unauthorized release of confidential information to others. We will remain responsible for the work provided by any third-party service providers used under this agreement. By your signature, you consent to having confidential information transmitted to entities outside the firm. Please feel free to inquire if you would like additional information regarding the transmission of confidential information to entities outside the firm.

Conflicts of Interest

The potential for conflicts of interest exists in every engagement. In the unlikely event that circumstances occur which we, in our sole discretion, believe could create a conflict with either the ethical standards of our firm or the ethical standards of our profession in continuing our engagement, we may suspend our services until a satisfactory resolution can be achieved, or we may resign from the engagement without issuing a report. We will notify you of such conflicts as soon as practicable and will discuss with you a possible means of resolving them prior to suspending our services.

Settlement of Differences

Disputes arising under this agreement (including the scope, nature and quality of services to be performed by us, our fees and other terms of the engagement) shall be submitted to mediation. A competent and impartial third-party, acceptable to both parties, shall be appointed to mediate, and each disputing party shall pay an equal percentage of the mediator's fees and expenses. No suit or arbitration proceedings shall be commenced under this agreement until at least 60 days after the mediator's first meeting with the involved parties. If the dispute requires litigation, the court shall be authorized to impose all defense costs against any non-prevailing party found not to have participated in the mediation process in good faith.

Records Retention Policy

Our records retention policy requires us to return all original records and documents that you have given us to you at the conclusion of the engagement. Your records are the primary records for your operations and comprise the backup and support for your financial reports. Our working papers, including any photocopies that we obtain from management, are our property and are not a substitute for your own records. Our working papers will be retained by us in accordance with our established record retention policy. This policy stipulates that, in general, we will retain these working papers for a minimum of seven years, or as required by law. After this period expires, the files will be destroyed.

Catastrophic events may result in our firm's records being unavailable before the expiration of the above retention period.

Solicitation of Personnel

To ensure that Watson Coon Ryan, LLC's independence is not impaired under the AICPA Code of Professional Conduct, you agree to inform the engagement partner before entering into any substantive employment discussions with any of our personnel.

Gramm Leach Bliley Act Privacy Disclosure Provision

We collect personal information about you and all our clients from the information you submit to us orally or on application forms, and through information we obtain over the course of your business relationship with us, our affiliates, and others. In addition, we may from time to time receive information about you from a consumer reporting agency. Personal information is information that we collect from you that is not otherwise available from public sources. The categories of personal information we collect include (i) information you submit to us, such as your name, address, social security number, names of family members, assets, and income and (ii) information about your transactions with us, our affiliates, or others, such as your account balances, investments, current and prior tax information, and credit card usage. We will not disclose any personal information about our clients or former clients to anyone, except as permitted by law. Upon your written request we will disclose information about you. In rare circumstances, we may be required by law to disclose personal information about you, such as in response to a subpoena or other court order. Within our institution, we provide access to your personal information only to those employees who need to know the information to provide you with our services. We maintain physical, electronic, and procedural safeguards to guard your personal information. We do not share your personal information with companies that perform marketing services.

Indemnification

Upper Yampa Water Conservancy District agrees to indemnify Watson Coon Ryan, LLC for any damages, including attorney fees, caused in whole or part, by Upper Yampa Water Conservancy District's failure to fulfill the management responsibilities outlined within this engagement letter.





BOARD COMMUNICATION FORM

From: Andy Rossi, General Manager

Date: 09/14/22

Item: 2023 Upper Yampa Water Conservancy District (UYWCD) Strategic Plan and Proposed New Work Efforts

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Request/Issue and Background Information:

An update on the 2023 UYWCD Strategic Plan and associated proposed new UYWCD work tasks are presented for consideration by the UYWCD Board of Directors (BOD).

II. Summary and Alternatives:

The UYWCD Strategic Plan is to be reviewed by the UYWCD BOD and staff, as a point of reference in the development of the annual UYWCD budget. The goals and objectives articulated in the Work Plan are to serve as guidance for the allocation of UYWCD funds and staff time. Furthermore, the UYWCD Strategic Plan is intended to be a living document that may require updates as the goals of the UYWCD and needs of the Yampa River Basin water users change over time.

The 2022 Strategic plan was referenced as the foundational document for the development of the 2023 UYWCD Budget and 2023 UYWCD Work Plan updates. Both the 2023 UYWCD Budget and Strategic Plan updates will be prominent topics for discussion during the October 19, 2022, UYWCD BOD Retreat. In July of 2022, the UYWCD BOD and staff adopted following schedule for the update of the UYWCD Work Plan and annual budget for 2023:

1. COMPLETED TASK- August 15, 2022: UYWCD BOD Special Meeting held to review the 2022 work plan progress and solicit input from the UYWCD BOD on new and continued work efforts to be consider for inclusion in the 2023 UYWCD Budget.
2. CURRENT TASK -September 22, 2022, regular BOD Meeting: First DRAFT of the 2023 UYWCD Annual Budget is presented along with list of recommended new work



efforts for 2023. List of new work efforts compiled from UYWCD staff and BOD input received since August 15, 2022.

3. UPCOMING TASK - October 19, 2022, UYWCD BOD Retreat: UYWCD Work Plan update discussion with full UYWCD BOD, including input received to date. Direction provided by UYWCD BOD will be incorporated into new DRAFT of 2023 UYWCD Work Plan and Budget. All new work efforts will be referenced to the UYWCD Strategic Plan objectives.
4. FINAL TASK - November 16, 2022, Regular UYWCD BOD Meeting: Present final DRAFT of 2023 UYWCD Work Plan, and Budget for adoption by UYWCD BOD.

The CURRENT TASK in the planning process includes the presentation of the proposed new work efforts for inclusion in the 2023 Budget. A list of the proposed new tasks is included with this communication. This list is intended to be informational. The final determination of the full extent of resources required to successfully complete these new work efforts in 2023 will be developed following discussions planned for the upcoming UYWCD BOD Retreat on October 19, 2022.

III. Staff Recommendation:

Continue to accept UYWCD BOD and staff input on the proposed work efforts for 2023. Engage in all discussions necessary at the October 19, 2022, BOD Retreat to fully inform the UYWCD BOD on the specifics of the proposed new work efforts and associate financial and human resources to be included in the 2023 Budget.

IV. Legal Issues:

NA

V. Consistency with Board Goals and Policies:

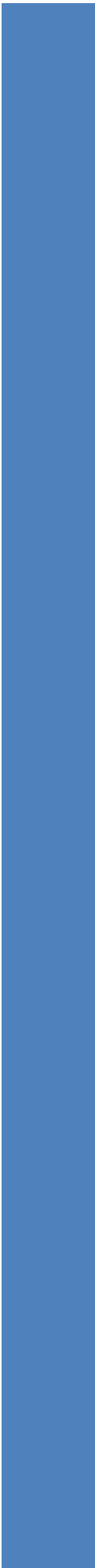
UYWCD Strategic Plan 10.2

Attachments:

Proposed New Work Efforts for Inclusion in 2023 Budget

2023 UYWCD New Projects/Programs

UYWCD SP Goal	New/Continued 2023 Work Effort	Notes and Details	Personnel	Estimated Cost/Funding
6.1	Yampa River StateMod Improvements	IWMP Recommendation. Bear River reach model refinements completed by UYWCD in 2022. Remainder of Yampa River system refinements being completed by WWG for CWCB. Return flow model process improvements possible, see description of Return flow study.	GM, District Engineer, Engineering Consultant(s)	TBD - 08/19/22
6.1	Return Flow Study	IWMP Recommendation. UYWCD Staff and TU have been working with WWG to gain a better understanding of the potential to use StateMod as an analytical tool for a return flow timing and contribution study. After extensive discussions, the work group has a much better understanding of the limitations of return flow analytics in StateMod. The most likely recommended return flow study configuration will include a combination of StateMod analytics coupled with isotopic water sampling efforts.	GM, District Engineer, Basin Partners, Engineering Consultant(s)	TBD - 08/19/22
6.1, 5.2, 7.3	UYWCD Operations Dashboard, Yampa River Dashboard	IWMP Recommendation. The UYWCD is currently working with LRE to build and deploy an operations dashboard for UYWCD staff only use. The UYWCD proprietary dashboard will serve as the foundation and framework for a Yampa River System information dashboard for public access and use.	GM, District Engineer, Basin Partners, Engineering Consultant(s)	TBD - 08/19/22
2.1, 2.2, 7.2	Upper Yampa River Water Quality/Algae Study	IWMP Recommendation. Two-year plan of work for upper basin WQ/Algae study completed in 2022. Initial funding for WQ study efforts provided by UYWCD, CRD, and CWCB (pending). UYWCD retained WQ consultant (LRE) to track current Lake and Reservoir Nutrient Standards regulatory process. UYWCD formal response to regulatory process TBD pending final schedule of CDPHE hearings/process. First DRAFT of subject specific educational content is complete. NASA DEVELOP Satellite Imagery Algae Detection study complete (final report pending).	GM, District Engineer, Basin Partners, Engineering Consultant(s)	TBD - 08/19/22
6.2	Soil Moisture Network	Upper Yampa River Basin site location analysis for new deployment of Soil Moisture Sensor Network complete. First new Soil Moisture Monitoring Station installation complete. Continued efforts to include UYWCD support of full build out of soil moisture monitoring capacity at existing Yampa Basin NRCS SNOTEL sites. Additional new monitoring station construction TBD pending siting priorities and logistics. New flow forecast model capabilities to be derived from addition of new data streams with existing inputs. Forecast Model information gathering conducted late 2022.	GM, District Engineer, Basin Partners, Engineering Consultant(s)	TBD - 08/19/22
7.1, 7.3	Headwaters Forest Fire Vulnerability Study	The CWCB Wildfire Ready Watersheds program is conducting a State-wide Wildfire Susceptibility Analysis. The Yampa River Basin susceptibility analysis data can be used in combination with existing basin GIS data to direct the UYWCD in support Forest and Headwaters protection efforts.	GM, District Engineer, State Agency, Engineering Consultant(s)	TBD - 08/19/22
4.4, 4.7	Coal Creek and Bear River Monitoring Stations	The UYWCD will solicit USFS approval for the installation of multiple environmental data monitoring sites in the Bear River area of the Routt National Forest. This effort is a sequential step in the consideration of the Coal Creek Diversion Project. Regardless of the ultimate UYWCD decision for Coal Creek Diversion, the installation of the proposed monitoring sites will improve the water resource management of the Bear River reach.	GM, District Engineer, Engineering Consultant(s)	TBD - 08/19/22
4.4, 4.7	Morrison Creek Diversion	Use LRE updated study as basis for systematic analysis of the Little Morrison Creek/Morrison Creek Upper Diversion Project.	GM, District Engineer, Engineering Consultant(s)	TBD - 08/19/22
4.4, 4.7, 5.2	Reservoir Release Coordination	IWMP Recommendation. The UYWCD will continue Yampa River Basin Coordinated Reservoir Release discussions with the ultimate goal of producing a "handbook" of coordinated reservoir release mechanisms that may be deployed in response to varied hydrologic conditions. Special topic for discussion at UYWCD BOD Retreat, October 19, 2022.	GM, District Engineer, Basin Partners	TBD - 08/19/22
4.1, 4.5	Municipal Water Needs Analysis Grant Program	New grant program specifically for municipal water needs assessment studies. Full discussion of this concept will be conducted during UYWCD BO Retreat on October 19, 2022.	UYWCD Staff, Legal Counsel	TBD - 08/19/22
4.1, 4.5	Large Infrastructure Project Loan Program	UYWCD ability/legal authority for financial loan activities TBD pending advice from outside legal counsel.	UYWCD Staff, Legal Counsel	TBD - 08/19/22
1.1	Colorado River Compact Administration Policy Statement	Begin development of UYWCD formal policy statement on potential Colorado River compact administration practices. UYWCD GM to participate in lower Colorado River Basin tour November 2022. Initial policy statement recommendations to be presented for discussion in early 2023.	UYWCD Staff, UYWCD BOD, Legal Counsel, Basin (Yampa and Colorado) Partners	TBD - 08/19/22
4.1,	UYWCD Internship Program	New paid intern position at UYWCD. Intern to provide support for external affairs and public outreach efforts as primary work focus. Additional support of UYWCD efforts TBD.	UYWCD Staff	TBD - 08/19/22





BOARD COMMUNICATION FORM

From: Karina Craig, Chief Accountant.

Date: September 22, 2022

Item: Preliminary 2023 Upper Yampa Water Conservancy District Budget

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Issue and Background Information:

As a local government levying property tax in the State of Colorado, the Upper Yampa Water Conservancy District (UYWCD) must comply with Colorado Revised Statutes (C.R.S.) that govern annual budget content, format, submittal to its governing body, publication, adoption and filing with the Colorado Department of Local Affairs (DOLA). Salient statutory deadlines in the annual budget calendar are:

- October 15, submittal of proposed budget to the governing body, C.R.S. 29-1-105.
- October 15, publication of “Notice of Budget”, C.R.S. 29-1-106(1).
- December 15, budget adoption and certification of mill levy to county commissioners, C.R.S. 29-1-108(2) and (3), C.R.S. 39-5-128(1).
- January 31 of the new budget fiscal year, filing of the adopted budget with DOLA, C.R.S. 29-1-113(1).

UYWCD staff prepared a preliminary 2023 budget for Board of Directors’ (BOD) review.

II. Summary and Additional Information:

Tax Revenue Estimates

As part of the budgeting process, the UYWCD develops tax revenue estimates as a multi-step process that extends beyond a single year. The process of Valuation and Taxation of Real Property follows a two-year cycle. Per statute, Real Property is revalued every odd year.

2023 will be a general reassessment year. Recent Real Property market value increases will be captured in June 2023 valuations and reflected in 2024 and 2025 budget revenues.

2022 is a non-reassessment year and 2022 valuations remain unchanged from 2021 on most properties. Therefore, 2023 revenues are expected to closely match 2022 collections.



Budget Format

- Continued recognition of Revenues and Expenditures by facility.
- Budget format updated to include Elk River Augmentation Plan (ERA).
- Property Tax Revenue dollars funding each facility shown in the Revenues section.

Reserve Funds and Revenues

- Preliminary Reserve Funds adjusted using the *most recent available 12-month period* Denver-Aurora-Lakewood All Items CPI Index; *Bimonthly* September 2021 to September 2022 index; 8.22%.
- Preliminary Power Sales revenues estimated with the 10-year Kilowatt-hour generation running average and the most recent available Combined Annual Average Energy Purchase Price (CAPP).
- Preliminary Water Storage and Ditch Share Fee Revenues adjusted based on the most recent available Index *established per contract terms*: Denver-Aurora-Lakewood All Items *Semiannual* CPI index. Semiannual Half 1 2021 to Half 1 2022 Index, 8.58%.
- Contracted water storage *volumes* adjusted, resulting from both terminated and newly executed 2022 contracts.
- Preliminary Interest Earned Revenues estimated based on most recent actual earnings.
- Preliminary 2023 Property Tax Revenues estimated per August 2022 preliminary assessed values: less than 1% variation from 2022 Budget Revenues.

Expenditures

- Preliminary Operating Expenses based on UYWCD staff input.
- UYWCD staff salaries adjusted using the *most recent available 12-month period* Denver-Aurora-Lakewood All Items CPI Index; *Bimonthly* September 2021 to September 2022 Index; 8.22%.
- Updated UYWCD staff health insurance benefit costs with 2023 provider rates.
- The one-time Town of Oak Creek/Sheriff Reservoir Grant was budgeted in 2022 and not in 2023, resulting in a preliminary net decrease in the Grants budget from 2022 to 2023.
- Increased expenditures for Yamcolo Capital Improvements for planned facility repairs.
- Increased expenditures for Stillwater Ditch Structural Repairs.



The preliminary budget document is to be revised following staff and BOD discussions and anticipated recommendations at the October 19, 2022, BOD Retreat, before it be considered for adoption at the November 16, 2022, regularly scheduled BOD meeting.

Budget items that may be modified include, but are not limited to:

- Adjustments to Power Sales Revenues due to updates to the CAPP.
- Adjustments after publication of September 2022 CPI indices, applicable to estimates of Stagecoach and Yamcolo Water Sales revenues, Stillwater Ditch Share fees and UYWCD Office Space Rent expenses.
- Adjustments to Water Sales volumes incorporating additional augmentation contracts executed in 2022.
- Adjustments to Tax Revenues and Treasurer Fee Expenses following Routt and Moffat Final Certifications of Values by December 15, 2022.
- Updates to Interest Revenues matching changing market conditions.
- Facilities operating and capital expenditure cost modifications pending UYWCD staff continued review of projects, resources, and budgeted activities.
- Proposed UYWCD staff annual compensation after staff performance reviews.
- Continued discussions and recommendations about UYWCD Grant Programs.
- Additional recommended tasks established through UYWCD Strategic Plan updates and stemming from BOD Annual Retreat discussions.

A Draft 2023 Budget is presented to the BOD in compliance with statutory requirements and DOLA best practice recommendations.

III. Staff Recommendation:

Continue 2023 Budget Discussions at the October 19, 2022, Board Retreat. Board and staff recommendations will be incorporated in the Final 2023 Budget to be submitted to the BOD for their consideration at the November 16, 2023, BOD meeting.

IV. Legal Issues:

Compliance with Budget statutory requirements per Colorado Revised Statutes (C.R.S. 29-1-105, C.R.S. 29-1-106 (1), C.R.S. 29-1-108 (2) and (3), C.R.S. 39-5-128(1) and C.R.S. 29-1-113(1).

V. Consistency with Board Goals and Policies:

UYWCD By-Laws and Strategic Plan Objective 3.

Attachments:

Attachment 1: Preliminary 2023 Upper Yampa Water Conservancy District Budget

DRAFT

UPPER YAMPA WATER CONSERVANCY DISTRICT - 2023 BUDGET

September 22, 2022, accrual basis

	2021 ACTUALS	2022 BUDGET	2023 BUDGET	STAGECOACH	YAMCOLO	STILLWATER DITCH	ELK RIVER AUGMENTATION PLAN	GENERAL FUND	OPERATING	CAPITAL
	Audited	Amended March 16, 2022	Draft Sept 22, 2022							
Fund Opening Balance including Encumbered Funds	17,536,141	18,778,813	19,000,618							
Encumbered Funds	5,875,302	6,133,474	6,602,783	5,881,639	545,495	76,478		99,171		
Emergency Facilities Reserve	4,606,931	4,814,243	5,209,973	4,855,026	320,950	33,997				
Capital Maintenance Reserve	772,752	807,526	873,905	606,879	224,545	42,481				
Stagecoach Wetlands Mitigation Reserve	419,734	419,734	419,734	419,734						
Tabor Reserve	75,885	91,971	99,171					99,171		
Capital Projects Development Fund	11,660,839	12,645,339	12,397,835					12,397,835		
Revenues										
Facilities										
Stagecoach Reservoir										
Power Sales	58,824	193,000	193,000	193,000					193,000	
Water Sales	228,487	189,190	216,568	216,568					216,568	
Yamcolo Reservoir										
Water Sales	139,374	169,025	188,053		188,053				188,053	
Stillwater Ditch & Reservoir Company	10,582	8,850	9,514				9,514		9,514	
Elk River Augmentation Water Sales	1,668	476	777				777		777	
Property taxes	2,719,734	2,715,657	2,696,536	1,109,389	395,361	355,485	3,878	832,422	1,496,869	1,199,667
Interest earned	15,204	11,300	425,927					425,927	425,927	
Other income										
Pass through income	63,728									
revenues	3,237,601	3,287,499	3,730,375	1,518,957	583,414	364,999	4,655	1,258,350	2,530,708	1,199,667
Expenditures										
Operating										
Facilities										
Stagecoach Reservoir	435,389	643,533	641,854	641,854					641,854	
Yamcolo Reservoir	131,307	154,277	165,432		165,432				165,432	
Stillwater Ditch & Reservoir Company	30,100	59,209	67,822			67,822			67,822	
Elk River Augmentation Plan	0	0	2,139				2,139		2,139	
Administration	294,343	344,750	365,104	138,630	40,161	10,953	584	174,775	365,104	
Board of Directors	52,669	117,913	111,900	42,489	12,309	3,357	179	53,567	111,900	
External Affairs	102,876	125,482	138,251	52,494	15,208	4,148	221	66,181	138,251	
Finance	105,482	147,310	153,670	58,349	16,904	4,610	246	73,562	153,670	
Legal	107,172	157,641	159,799	60,676	17,578	4,794	256	76,496	159,799	
Planning	83,816	283,571	286,772	108,887	31,545	8,603	459	137,278	286,772	
Grants, Scholarships & Public Information	202,455	408,039	357,069	135,579	39,278	10,712	571	170,929	357,069	
Treasurer fees	82,564	81,470	80,896					80,896	80,896	
Pass through expenses	56,629									
Subtotal Operating	1,684,802	2,523,194	2,530,708	1,238,957	338,414	114,999	4,655	833,683	2,530,708	
Capital										
Stagecoach Reservoir	198,921	297,500	280,000	280,000						280,000
Yamcolo Reservoir	56,411	130,000	245,000		245,000					245,000
Stillwater Ditch & Reservoir Company	54,795	115,000	250,000			250,000				250,000
Subtotal Capital	310,127	542,500	775,000	280,000	245,000	250,000				775,000
expenditures	1,994,929	3,065,694	3,305,708	1,518,957	583,414	364,999	4,655	833,683	2,530,708	775,000
net income (loss)	1,242,672	221,805	424,667					424,667		424,667
Ending Fund Balance	18,778,813	19,000,618	19,425,285							

Doug Monger, President

Andy Rossi, Secretary

1,492,118,940		
1,820	1,010	0,810
2,715,657	1,496,869	1,218,788
	55%	45%





BOARD COMMUNICATION FORM

From: Andy Rossi, General Manager

Date: 09/16/22

Item: Morrison Creek to Little Morrison Creek Diversion Project Analysis and Case No. 15CW3007 (94CW149 Original Decree) “Little Morrison Diversion” Diligence

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Request/Issue and Background Information:

The Little Morrison Diversion and Little Morrison Alternate point water rights were originally decreed in Case No. 94CW149 for 50 cfs conditionally for multiple uses. The 94CW149 decree allows for diversion of 50 cfs at either point of diversion, or a combined total of 50 cfs of diversion from both points. The source for these points of diversion is Morrison Creek, for a contemplated project to deliver water to Stagecoach reservoir via the Little Morrison Creek drainage. The UYWCD obtained decrees for reasonable diligence for this conditional right in cases 04CW10 and 15CW3007. The next application for reasonable diligence for this water right is due in November 2022. The original decree for Case No. 94CW149 is attached with this communication for reference.

II. Summary and Alternatives:

The UYWCD is working with Scott Grosscup and Leonard Rice Engineers to complete an updated analysis for the proposed project associated with the Little Morrison Creek Diversion(s) and compile existing technical work completed by UYWCD since the last diligence filing.

In the most recent diligence case (15CW3007), the Division 6 Engineer recommended granting diligence based on the assumption that this water right would be included in the UYWCD’s Water Supply and Right Master Plan as part of the stipulation attached with case No. 07CW40.

In the UYWCD’s Water Supply and Water Right Master Plan (2016), the UYWCD concluded that either the operation of Morrison Creek Reservoir or the Little Morrison Creek Diversion in conjunction with Stagecoach Reservoir improved the overall firm yield of Stagecoach Reservoir. As such, it is important that the UYWCD maintain the water rights associated with Morrison Creek Reservoir and the Little Morrison Creek Diversion as potentially redundant water supply



projects until the UYWCD decides which project to construct. In addition, the Water Supply and Water Right Master Plan (2016) contemplates that the Little Morrison Creek Diversion could be constructed and operated first, until such time that the development of the reservoir may be deemed necessary. The Little Morrison Creek Diversion could then be discontinued when/if the reservoir is constructed.

The Water Supply and Water Right Master Plan (2016) was completed during this most recent diligence period for the Little Morrison Creek Diversion water right, and therefore, the work in putting that plan together and its conclusions should be sufficient for maintaining diligence. However, certain circumstances and study considerations have changed for both Stagecoach Reservoir and Morrison Creek since the Water Supply and Water Right Master Plan (2016) was completed.

New system conditions warrant an update to the analysis of the Little Morrison Creek Diversion. First, the CDWR stream gage installed and funded by the UYWCD on Morrison Creek has been operating for 14 years. The period of record (POR) of this stream gage is now long enough for the UYWCD to conduct updated water supply modelling for the Little Morrison Creek Diversion project. Previous analyses of this project were conducted with synthetic/estimated hydrology. Second, the storage contract balance in Stagecoach Reservoir is now significantly altered with the cancellation of the Tri-State industrial water supply contract. Firm yield analysis of Stagecoach Reservoir will now need to accurately reflect current storage contract balances as well as future demands across a wide range of hydrologic conditions. Third, there is an increased importance and desire on the part of UYWCD to maximize hydro-power production. In addition to increased revenue from hydro-power sales, the UYWCD may realize benefits to the flow regimes downstream of Stagecoach Reservoir as hydro-power releases are not associated with the legal risk of “paper fill” concerns. With these new system conditions considered, the LRE analysis of the Little Morrison Creek Diversion project is as follows:

Phase 1 - Morrison Creek Hydrology and StateMod Model Update

- Task 1 - Compile, Analyze, and Develop Streamflow Records for Morrison Creek: Evaluate the available historical record at the Morrison Creek streamflow station and compare the original Area/Precipitation 4 method to monthly regression or other methods to support historical physical water availability at the site base on a longer POR at the Morrison Creek gage station.
- Task 2 - Update UYWCD StateMod model streamflow and natural flows with observed/synthetic streamflow on Morrison Creek - Add or update existing natural flow node information and natural flows representative of Morrison Creek to the StateMod monthly model (1975-2020).
- Task 3 - Run UYWCD Historical Monthly Model to confirm water availability/model calibration downstream and confirm Morrison Creek structure information and water rights are included and representative. Run historical model to confirm natural flow distribution and historical model calibration. Then evaluate historically simulated downstream gains/losses and reservoir contents in Stagecoach Reservoir.



- Task 4 - Run UYWCD Baseline Monthly Model to confirm current model operations and demands. Initially, this task assumes current demands already defined in the model are representative of current downstream consumptive and non-consumptive uses, and reservoir operations of Stagecoach Reservoir are representative.

After the completion of Task 4, LRE will meet with the UYWCD and present preliminary results of the monthly models summarizing the physical and legal availability and discussing any additional updates or changes prior to completing Phase 2.

Phase 2 - Monthly to Daily Model Conversion and Diligence Report

- Task 5 - Conversion of model from monthly to daily time step and evaluation of physically and legally available flow - Utilize existing approaches for conversion of the model from monthly to a daily format, update the model to utilize daily recorded observed and synthetic record representative of Morrison Creek. Complete a baseline model run and evaluate the physically and legally available on Morrison Creek.
- Task 6 - Compile a report summarizing the results of the model and supporting information required for the diligence case.

The total estimated cost to complete the evaluation of flow availability on Morrison Creek for the LRE project Phases 1 and 2 is \$25,740.

III. Staff Recommendation:

No Recommendation currently.

IV. Legal Issues:

The next application for reasonable diligence for this water right is due in November 2022.

V. Consistency with Board Goals and Policies:

UYWCD SP Objective 9.1

Attachments:

Attachment 1: Case No. 94CW149 Decree

DISTRICT COURT, WATER DIVISION NO. 6, COLORADO P.O. Box 773117 Steamboat Springs, Colorado 80477 970/879-5020	▲ COURT USE ONLY ▲
IN THE MATTER OF THE APPLICATION FOR CONDITIONAL WATER RIGHTS (SURFACE) OF THE UPPER YAMPA WATER CONSERVANCY DISTRICT, ON MORRISON CREEK, IN ROUTT COUNTY, COLORADO	
Robert G. Weiss, No. 8521 Weiss and Van Scoyk, LLP 600 So. Lincoln, Suite 202 Steamboat Springs, CO 80487 Telephone: 970/879-6053 Fax: 970/879-6058	Case No. 94-CW-149
<i>CORRECTED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECREE</i>	

THIS MATTER having come before the Court on the Petition of Applicant for the entry of a decree, and the Court being advised in the premises,

THE COURT MAKES THE FOLLOWING RECITATIONS AND FINDINGS AND ENTERS A DECREE HEREIN AS FOLLOWS:

1. **Application.** The Application herein was filed on December 30, 1994 by Upper Yampa Water Conservancy District, seeking to divert water from the Morrison Creek to the Little Morrison Creek for storage in the Stagecoach Reservoir. The matter was referred by the Water Court to the Water Referee in accordance with C.R.S. §37-92-101, et seq. On April 30, 1995 the Water Referee referred this matter to the Water Judge. On April 18, 1995, the Division Engineer's Summary of Consultation was filed with the Court recommending that approval be granted.

2. **Publication.** The Application was published in the Division No. 6 Resume as well as The Steamboat Pilot. Statements of Opposition were filed by Marjorie E. Miles, Eugene M. Germain, Lou Dequine and Julius Leonard Tillquist.

3. **Notice and Jurisdiction.** Timely and adequate notice of this Application has been given in the manner required by law. The time for filing Statements of Opposition and seeking leave to intervene has expired. The Court has jurisdiction over the subject matter of these proceedings and over all persons who have standing to appear, whether they appeared or not.

4. **Trial.** This matter was tried to the Court on December 8, 1997. The Applicant was represented by Robert Weiss of the firm of Weiss, Van Scoyk & Coe. Opposers Eugene M. Germain and Lou Dequine appeared pro se. At the trial, the Court allowed James Noll to intervene and participate pro se in substitution for Marjorie E. Miles. Opposer, Julius Leonard Tillquist, did not appear personally or through counsel.

The Court finds that there has been an appropriation of water in that there was a co-existence of an intent to appropriate and an open physical act evidenced by resolution of the Board of the Applicant and posting of a Notice of Intention to Appropriate Water by the Applicant in the approximate location of the points of diversion.

The Court further finds that the project for which the water is being appropriated is feasible and that not less than 50 cfs is available in Morrison Creek for diversion.

The Court lastly finds that the environmental factors raised by the Opposers in their Statements of Opposition and by trial are not relevant factors for consideration by the Water Court in the Application for Water Right. In the Matter of Board of County Commissioners, 891 P.2d 952 (1995).

During the trial, the parties advised the Court that they would attempt to submit a stipulated decree to the Court in the matter and the Court agreed to postpone entry of a decree to allow the parties time to attempt to agree on a stipulated decree. The parties have now submitted this stipulated decree which the Court finds to be appropriate and consistent with the evidence presented at trial.

5. The name and address of the Applicant are:

Upper Yampa Water Conservancy District
Steamboat Springs, CO 80488-0339

6. The names of the structures are the following:

Little Morrison Diversion and
Little Morrison Diversion Alternate Point

7. The amount, appropriation date, source and uses of water conditionally decreed are:

(a) Amount Claimed: 50 c.f.s. conditional, at either point of diversion, or combined at both points of diversion.

(b) Appropriation Date: December 30, 1994

(c) Source: Morrison Creek, Tributary of Yampa River

(d) Use: Municipal, industrial, domestic, irrigation, stock watering, power production, recreational, fishery and aesthetic purposes, and for use by exchange or for augmentation purposes, including diversion into Little Morrison Creek for such uses and for storage in Stagecoach Reservoir for such uses, including later releases from storage for such uses.

8. Legal description of each Point of Diversion:

LITTLE MORRISON DIVERSION – SE quarter of the SW quarter of Section 14, Township 3 North, Range 84 West of the 6th P.M. at a point 400 feet from the south line and 1500 feet from the west line of Section 14.

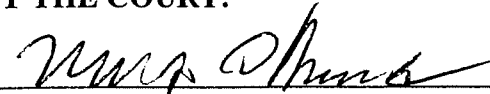
LITTLE MORRISON DIVERSION ALTERNATE POINT – N1/2NE1/4NW1/4 of Section 23, Township 3 North, Range 84 West of the 6th P.M. 300 feet south of the north section line of said Section 23 and 1950 feet east of the west section line of said Section 23.

9. The herein described water rights are conditionally decreed subject to the condition that the Upper Yampa Water Conservancy District shall not divert water from Morrison Creek at either decreed point of diversion if such diversion would reduce the stream flow immediately below the point of diversion below 15 c.f.s., provided that this limitation shall not apply to any alternate point of diversion where the headgate is located outside Township 3 North, Range 84 West of the 6th P.M. decreed by the Court in a change case.

WHEREFORE, it is ordered that the Corrected Application is granted and the conditional water right applied for is hereby approved. If the Applicant desires to maintain such conditional decree, an application for finding of reasonable diligence shall be made on or before the last day of March 2004 and on or before the last day of March of every sixth calendar year thereafter so long as the Applicant desires to maintain this conditional water right or until such date as the conditional water right has become an absolute water right by reason of the completion of the appropriation.

Dated this 14th day of July, 2003.

BY THE COURT:


Water Judge, Water District No. 6





BOARD COMMUNICATION FORM

From: Deb Bastian, Business Manager

Date: September 12, 2022

Item: UYWCD Employee Handbook and District Policy Updates

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Request/Issue and Background Information:

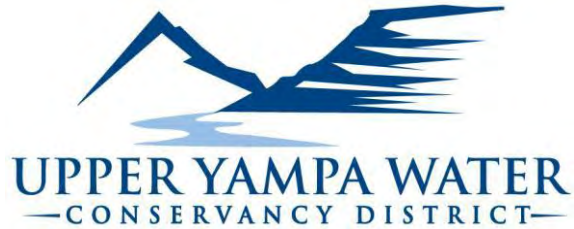
On an annual basis District staff undertakes a review of the current Employee Handbook and District policies. Staff works with the Employers Council's (ERC) legal and human resource staff to be sure that these documents are up to date with current laws/regulations and "best practices".

II. Summary and Alternatives:

The Employee Handbook and the Drug and Alcohol Testing policy have been updated to bring them into compliance and to implement "best practices" as recommended by the ERC.

Employee Handbook: The following are recommended updates, additions and/or changes:

- IMPORTANT NOTICE – updated with most current "best practices" policy language
- Pregnancy Accommodation – updated with most current "best practices" policy language
- No Retaliation – added to clarify District prohibition to retaliation
- Philosophy/Administration – added section to be compliant with requirements of the CO Equal Pay Act
- Meal and Break Periods – updated with most current "best practices" policy language
- Insurance Benefit Plans – added paragraph on Workers Compensation insurance.
- Remote Work – as requested by the Board at last year's handbook review, staff has implemented a Remote Work policy for the District.
- Data Disposal Policy –recommended inclusion in handbook to be compliant with Colorado law.
- Safety/Reporting of Injury – recommended inclusion of statement notifying employees of reduction of non-medical worker compensation benefits if injury is due to a safety violation.
- Employee Acknowledgement – updated with most current ERC "best practices" policy language
- CO Overtime & Minimum Pay Standards Order (COMPS) Acknowledgement of Receipt – added acknowledgment to be in compliant with CO's COMPS order



Drug and Alcohol Testing Policy: The updates, additions and/or changes were made to correct and clarify policy language and procedures. Additionally, new sections have been added for compliance and to adopt the most current ERC “best practices” policy language.

III. Staff Recommendation:

Staff requests that the Board approve the recommended revisions to the Employee Handbook and Drug and Alcohol Testing Policy.

IV. Legal Issues:

The draft revised Employee Handbook and Drug and Alcohol Testing Policy has been reviewed by the Employers Counsel legal and human resource staff and by the UYWCD General Counsel.

V. Consistency with Board Goals and Policies:

Goal 10.4

Attachments:

Attachment 1: Draft - UYWCD Employee Handbook – Revised and Effective 01/01/2023

Attachment 2: Draft – Drug and Alcohol Testing Policy – Revised and Effective 01/01/2023

Employee Handbook

Revised and Effective January 1, ~~2022~~2023



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DRAFT

IMPORTANT NOTICE

THIS HANDBOOK IS DESIGNED TO ACQUAINT EMPLOYEES WITH THE UPPER YAMPA WATER CONSERVANCY DISTRICT (DISTRICT) AND PROVIDE SOME INFORMATION ABOUT WORKING HERE. THE HANDBOOK IS NOT ALL INCLUSIVE BUT IS INTENDED TO PROVIDE EMPLOYEES WITH A SUMMARY OF SOME OF THE DISTRICT'S GUIDELINES AND OUR EXPECTATIONS REGARDING YOUR CONDUCT. THIS EDITION SUPERSEDES AND REPLACES ALL PREVIOUSLY ISSUED EDITIONS AND ANY INCONSISTENT VERBAL OR WRITTEN POLICY STATEMENTS ISSUED PRIOR TO THIS HANDBOOK.

EXCEPT AS MAY BE REQUIRED BY STATE LAW, EMPLOYMENT WITH THE DISTRICT IS AT-WILL. EMPLOYEES HAVE THE RIGHT TO END THEIR WORK RELATIONSHIP WITH THE DISTRICT, WITH OR WITHOUT ADVANCE NOTICE, FOR ANY REASON. THE DISTRICT HAS THE SAME RIGHT. THE LANGUAGE USED IN THIS HANDBOOK, ANY BENEFIT PLAN, AND ANY VERBAL STATEMENTS MADE BY MANAGEMENT ARE NOT INTENDED TO CONSTITUTE A CONTRACT OF EMPLOYMENT, EITHER EXPRESS OR IMPLIED; NOR ARE THEY A GUARANTEE OF EMPLOYMENT FOR A SPECIFIC DURATION. NO REPRESENTATIVE OF THE DISTRICT, OTHER THAN THE BOARD OF DIRECTORS, HAS THE AUTHORITY TO ENTER INTO AN AGREEMENT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD AND SUCH AGREEMENT MUST BE IN WRITING, SIGNED BY THE PRESIDENT OF THE BOARD OF DIRECTORS AND THE EMPLOYEE.

NO EMPLOYEE HANDBOOK CAN ANTICIPATE EVERY CIRCUMSTANCE OR QUESTION. AFTER READING THE HANDBOOK, EMPLOYEES WHO HAVE QUESTIONS SHOULD TALK WITH THEIR IMMEDIATE SUPERVISOR OR THE BUSINESS MANAGER. IN ADDITION, THE NEED MAY ARISE TO REVISE, DELETE, OR ADD TO THE PROVISIONS IN THIS HANDBOOK. EXCEPT FOR THE AT-WILL NATURE OF THE EMPLOYMENT, THE DISTRICT, RESERVES THE RIGHT TO MAKE SUCH CHANGES WITH OR WITHOUT PRIOR NOTICE. NO ORAL STATEMENTS OR REPRESENTATIONS CAN CHANGE THE PROVISIONS OF THIS EMPLOYEE HANDBOOK.

AT THE UPPER YAMPA WATER CONSERVANCY DISTRICT, NEITHER THE EMPLOYEE NOR THE DISTRICT IS COMMITTED TO AN EMPLOYMENT RELATIONSHIP FOR A FIXED PERIOD OF TIME. EMPLOYMENT WITH UPPER YAMPA WATER CONSERVANCY DISTRICT IS AT-WILL. EITHER THE EMPLOYEE OR MANAGEMENT HAS THE RIGHT TO TERMINATE THE EMPLOYMENT RELATIONSHIP AT ANY TIME, FOR ANY REASON. THE LANGUAGE USED IN THIS HANDBOOK AND ANY VERBAL STATEMENTS BY MANAGEMENT ARE NOT INTENDED TO CONSTITUTE A CONTRACT OF EMPLOYMENT, EITHER EXPRESS OR IMPLIED, NOR IS THERE A GUARANTEE OF EMPLOYMENT FOR ANY SPECIFIC DURATION. NO REPRESENTATIVE OF UPPER YAMPA WATER CONSERVANCY DISTRICT, OTHER THAN THE BOARD OF DIRECTORS, HAS AUTHORITY TO ENTER INTO AN AGREEMENT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD AND SUCH AGREEMENT MUST BE IN WRITING, SIGNED BY THE BOARD PRESIDENT AND

THE EMPLOYEE.

~~THE CONTENTS OF THIS HANDBOOK ARE SUMMARY GUIDELINES FOR EMPLOYEES AND THEREFORE ARE NOT ALL INCLUSIVE. THIS HANDBOOK SUPERSEDES ALL PREVIOUSLY ISSUED EDITIONS. EXCEPT FOR THE AT-WILL NATURE OF THE EMPLOYMENT, THE DISTRICT RESERVES THE RIGHT TO SUSPEND, TERMINATE, INTERPRET, OR CHANGE ANY OR ALL OF THE GUIDELINES MENTIONED, ALONG WITH ANY OTHER PROCEDURES, PRACTICES, BENEFITS, OR OTHER PROGRAMS OF UPPER YAMPA WATER CONSERVANCY DISTRICT. THESE CHANGES MAY OCCUR AT ANY TIME, WITH OR WITHOUT NOTICE.~~

DRAFT

EMPLOYMENT

Equal Employment Opportunity (EEO)/Unlawful Harassment

The District is dedicated to the principles of equal employment opportunity. We prohibit unlawful discrimination against applicants or employees on the basis of age 40 and over, race, sex, sexual orientation, gender identity, color, religion, national origin, disability, military status, genetic information, or any other status protected by applicable state or local law. This prohibition includes unlawful harassment based on any of these protected classes. Unlawful harassment includes verbal or physical conduct **which has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.** This policy applies to all employees, including managers, supervisors, co-workers, and non-employees such as customers, clients, vendors, consultants, etc.

ADA and Religious Accommodation

The District will make reasonable accommodation for qualified individuals with known disabilities unless doing so would result in an undue hardship to the District or cause a direct threat to health or safety. The District will make reasonable accommodation for employees whose work requirements interfere with a religious belief, unless doing so poses an undue hardship on the District. Employees needing accommodation are instructed to contact their supervisor or the Business Manager immediately.

Pregnancy Accommodation

Employees have the right to be free from discriminatory or unfair employment practices because of pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth.

Employees who are otherwise qualified for a position may request a reasonable accommodation related to pregnancy, a health condition related to pregnancy or the physical recovery from childbirth. If an employee requests an accommodation, the District will engage in a timely, good-faith, and interactive process with the employee to determine whether there is an effective, reasonable accommodation that will enable the employee to perform the essential functions of her position. A reasonable accommodation will be provided unless it imposes an undue hardship on the District.

The District may require that an employee provide a note from their health care provider detailing the medical advisability of the reasonable accommodation. Employees who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact the Business Manager.

The Company will not deny employment opportunities or retaliate against an employee because of an employee's request for a reasonable accommodation related to pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth. An employee will not be required to take leave or accept an accommodation

that is unnecessary for the employee to perform the essential functions of the job.

~~The District will make reasonable accommodation to otherwise qualified employees due to pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth absent undue hardship.~~

Sexual Harassment

The District ~~strongly opposes~~does not tolerate sexual harassment and inappropriate sexual conduct. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- Submission to such conduct is made explicitly or implicitly a term or condition of employment;
- Submission to or rejection of such conduct is used as the basis for decisions **affecting an individual's employment; or**
- Such conduct has the purpose or effect of substantially interfering with an **individual's work performance or creating an intimidating, hostile or offensive work environment.**

All employees are expected to conduct themselves in a professional and businesslike manner at all times. Conduct which may violate this policy includes, but is not limited to, sexually implicit or explicit communications whether in:

- Written form, such as cartoons, posters, calendars, notes, letters, e-mails.
- Verbal form, such as comments, jokes, foul or obscene language of a sexual **nature, gossiping or questions about another's sex life, or repeated unwanted requests for dates.**
- Physical gestures or other nonverbal behavior, such as unwelcome touching, **grabbing, fondling, kissing, massaging, and brushing up against another's body.**

Complaint Procedure

If you believe there has been a violation of the EEO policy or harassment based on the protected classes listed above, including sexual harassment, please use the following complaint procedure. The District expects employees to make a timely complaint to enable the District to investigate and correct any behavior that may be in violation of this policy.

Report the incident to the Business Manager or District Engineer who will investigate the matter and take corrective action. Your complaint will be kept as confidential as practicable. If you prefer not to go to these individual(s) with your complaint, you should report the incident to the General Manager.

No Retaliation

The District prohibits retaliation against any employee for filing a complaint based on violation of any policy or standard of the District under this policy or for assisting in any such complaint investigation. If you believe there has been a violation of ~~our EEO~~

~~or this~~ retaliation standard, please follow the complaint procedure outlined above.

~~If the District determines that an employee's behavior is in violation of this policy, disciplinary action will be taken.~~

Employee Status

Full-time Employee: An employee normally scheduled to work at least 40 hours per week. Full-time employees are generally eligible for the employee benefits described in this Handbook and are provided with benefits required by applicable law.

Part-time Employee: An employee normally scheduled to work less than 40 hours a week. Part-time employees are eligible for some, but not all employee benefits described in this Handbook and are provided with benefits required by applicable law. Part-time employees that work at least 30 hours/week or 1,560 hours/year are eligible for the insurance benefits plans.

Temporary Employee: An employee hired for a job established for a temporary period or for a specific assignment. Temporary employees are not eligible for District benefits, except as required by law.

Seasonal Employee: An employee hired on a seasonal basis for six (6) months or less during the calendar year. Seasonal employees are not eligible for District benefits, except as required by law.

Exempt Employee: An employee whose job assignments meet specific tests established by the federal Fair Labor Standards Act (FLSA) and state law and who are exempt from minimum wage and/or overtime pay requirements.

Nonexempt Employee: An employee that is eligible for paid overtime at one and one-half (1½) times their regular rate of pay for all hours worked in excess of 12 hours in a day, 12 consecutive hours without regard to the starting and ending time of the workday, or 40 hours per workweek, whichever results in the greater payment of wages.

PAY/COMPENSATION

Philosophy/Administration

The District provides its employees with a total compensation package including both pay and a range of benefits. Compensation recommendations are derived from annual performance reviews and CPI based cost-of-living adjustments to pay ranges. The District attempts to make our total compensation comparable, within our ability to pay, to our market taking into consideration regional locations. Salary ranges are periodically

assessed to try to remain competitive. Salary increases are not automatic and are awarded when merited.

Overtime

Normally, our workday begins at 8:00 AM and ends at 5:00 PM.

From time to time, your supervisor may require you to work overtime. In these instances, you are given as much advance notice as practical.

For nonexempt employees, hours worked in excess of 12 hours in a day, 12 consecutive hours without regard to the starting and ending time of the workday, or 40 hours per workweek, whichever results in the greater payment of wages, are paid at one and one-half (1 ½) times the employee's regular rate. When a nonexempt employee has daily overtime and weekly overtime hours, the payment of daily overtime counts toward the payment of the weekly overtime. The established workweek begins at 12:00 am midnight on Sunday and ends at 11:59 pm on Saturday.

For purposes of calculating overtime payments, only hours actually worked are counted. Consequently, hours paid but not worked, e.g., vacation, sick, personal are not counted.

On-Call Time

Facilities employees may be required to take on-call duties. It is the responsibility of the on-call person to acknowledge the call-out within 30 minutes from the receipt of the call or alarm and respond on site within 1 ½ hours after acknowledgement. Any employee using their vehicle for on-call duties shall be reimbursed at the current IRS mileage reimbursement rate.

Paydays

Employees are paid monthly on the last day of the month. When the payday falls on a weekend or a holiday, pay will be available the workday preceding the payday. On each payday, employees will receive a statement showing gross pay, deductions, and net pay. Automatic deductions such as additional tax withholding, contributions to voluntary benefit plans and individual savings plans may be arranged through the Business Manager. If an employee elects to have direct deposit, they must authorize, in writing, the direct deposit of their net earnings with a designated financial institution.

Employee's net earnings will be deposited with the designated institution until such time as the authorization is rescinded in writing.

Pay for Exempt Employees

Exempt employees must be paid on a salary basis. This means exempt employees will regularly receive a predetermined amount of compensation each pay period on a monthly basis. The District is committed to complying with salary basis requirements which allows properly authorized deductions.

If you believe an improper deduction has been made to your salary, you should immediately report this to the Business Manager. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be reimbursed.

Time Reporting

Employees are required to complete a Monthly Timesheet. The timesheets are to be submitted by the dates established in the annual Timesheet Due Date Schedule form.

Full-time office staff are to record only time off from their regular work schedule and any mileage reimbursement request for travel during the month. Timesheets are to be placed in their Payroll Forms folder located on the District network W: drive.

Full-time field and part-time staff are to record hours for time worked, time off and any mileage reimbursement request for travel during the month. Timesheets are to be submitted to their immediate supervisor and the Chief Accountant.

Temporary and seasonal staff are to record only actual hours worked. Timesheets are to be submitted to their immediate supervisor and the Chief Accountant.

These records are the only ones used by the District to calculate employee pay and paid time off balances. It is very important that they are accurate and complete. Employees should contact the Chief Accountant with any questions about how their pay is calculated. Employees must promptly notify the Chief Accountant of any mistakes in their timesheets or pay. Employees also must notify their immediate supervisor if they perceive that anyone is interfering with their ability to record their time accurately and completely. All reports will be investigated, and appropriate corrective action will be taken. ~~The District will not tolerate retaliation against employees for making a report or participating in an investigation.~~

Meal and Break Periods

Nonexempt employees who work five (5) or more consecutive hours will be provided at least one unpaid 30-minute meal break. During the break, employees will be relieved of all duties and permitted to pursue personal activities. If the nature of the business activity or other circumstances exist that makes an uninterrupted meal break impracticable, the employee will be allowed to consume an on-duty meal without any loss of time or compensation.

Employees should take a compensated ten-minute rest period for every four hours of work. The chart below indicates what rest periods are required. Rest periods should be **as close to the middle of an employee's shift as practical.**

Work Hours	Rest Periods Required
2 or fewer	0
Over 2, and up to 6	1
Over 6, and up to 10	2
Over 10, and up to 14	3
Over 14, and up to 18	4
Over 18, and up to 22	5
Over 22	6

~~There is some flexibility for the length and timing of rest breaks. Failure to authorize and permit rest breaks as required by Colorado law will be treated as if an employee was required to work an extra ten minutes without pay. If an employee is not authorized or permitted to take rest breaks as noted, employees will be compensated for this time as additional time worked.~~

Employees who are unable to take a meal or rest break to which they are entitled in accordance with this policy, or who have been prevented or discouraged from taking a break to which they are entitled under this policy, should immediately notify the Business Manager.

EMPLOYEE BENEFITS

Insurance Benefit Plans

The District's comprehensive insurance benefits package includes several different plans to eligible employees. Insurance benefits vary according to the status of the employee. For full-time and eligible part-time employees, insurance benefits become available on the 1st of the month following **the employee's** date of hire.

To receive certain benefits, eligible employees may be required to meet participation requirements and pay required premiums and other contributions through payroll deductions. The District complies with all applicable federal and state laws regarding the provision of benefits to same-sex spouses, domestic partners and couples in a civil union.

Insurance benefit plans offered by the District are defined in legal documents such as insurance contracts and summary plan descriptions. In the event this Handbook or other employee communication conflicts with the actual terms and conditions of coverage, the plan documents will control. Benefits described in this Handbook, including the types of benefits offered and/or the requirements for eligibility of **coverage, may be modified or discontinued from time to time at the District's discretion** as permitted by law. The District and its designated benefit plan administrators reserve the right to determine eligibility, interpretation and administration of issues related to benefits offered by the District.

Employees will have an opportunity to make changes to their benefit selections during **the District's annual open enrollment period**. **Employees who experience a qualifying life** event such as marriage, divorce or the birth of a child will also be allowed to make a change in their benefit selection when that event occurs, in accordance with the terms of the plan document. In the event you take a leave of absence, please consult the Business Manger to determine the impact the leave may have upon your benefits, including eligibility and/or making any required premium payments.

The District currently offers these plans:

Health Insurance

Group medical, dental & vision plans help pay covered expenses for employees and their dependents.

Life & Accidental Death & Dismemberment Insurance

Group term life and accidental death & dismemberment (AD&D) insurance is provided to employees and their dependents. Additional term life and AD&D coverage is available to employees at their expense.

Short-term Disability

Will provide partial income protection for a limited period for eligible employees who are temporarily unable to work due to a non-work related covered disability.

Long-term Disability

Will provide partial income protection for eligible employees who are unable to work for a long period of time due to a non-work-related covered disability.

Workers Compensation

All employees are covered by workers' compensation, which provides benefits for eligible employees who have suffered a job-related illness or injury. Benefits may include lost time compensation and medical expenses.

If an injury, illness or accident occurs, employees must notify their supervisor or Business Manager as soon as practicable, but no later than 10 days after the event, unless physically unable to do so. The supervisor or Business Manager will provide any forms the employee will need to for purposes of determining eligibility for **workers' compensation benefits. Failure to complete this form may render the employee ineligible for benefits.** If the injury, illness or accident is due to a safety violation, an **employee's** non-medical benefits may be reduced.

Cell Phone Benefit

The District generally does not provide cell phones to employees. However, the District

recognizes the use of personal cell phones for District business is beneficial. Full-time exempt and field-based employees will be eligible for a monthly reimbursement for the use of their personal cell phone for District business. Specific information is available from the Business Manager.

Wellness Benefit

All full-time insurance plan eligible employees are eligible to be reimbursed up to \$500 annually and part-time insurance plan eligible employees are eligible for reimbursement up to \$250 toward the cost of personal wellness programs/expenses or any recreational activity/or equipment. To request reimbursement, submit your receipt to the Business Manager. Upon approval, employees will receive reimbursement through the monthly payroll process.

Retirement Plan

On the first of the month following three (3) months of employment, full-time and **part-time employees will be eligible to participate in the District's retirement** plans. Information regarding specific details on the retirement plans is available from the Business Manager.

Holidays

The District currently observes the following holidays as days off with pay:

New Year's Day	First day of January
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth Day	Nineteenth day in June
Independence Day	Fourth day in July
Labor Day	First Monday in September
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving Day	Fourth Friday in November
Christmas Eve	Twenty-fourth day of December
Christmas Day	Twenty-fifth day of December
New Year's Eve	Thirty-first day of December

When a holiday falls on Saturday, it is observed on the previous Friday. When the holiday falls on Sunday, the following Monday is observed.

Holiday time is not counted as hours worked in the computation of overtime. Full-time employees receive eight hours of holiday pay at their regular rate of pay. Part-time employees, if not scheduled to work a designated holiday, will receive holiday pay pro-rated based on their regularly scheduled work hours. If a part-time employee works on a designated holiday, they will be compensated time and one-half for each hour worked on the holiday.

Vacation

Full-time and eligible part-time new hires will be granted vacation time after three (3) months of employment. The vacation time will be pro-rated based on their date of hire. Employees do not earn any vacation benefits during their first three (3) months of employment. Therefore, employees are ineligible to take any vacation during this time. Employees who terminate employment, for any reason, before completing three (3) months of continuous employment, will not receive vacation pay because it will not have been earned at the time of termination.

Full-time employees will be granted 96 hours (12 days) of vacation time per year on January 1st of each year. Each January an additional eight hours (1 day) of vacation time is earned up to 200 hours (25 days) per year maximum, 240 hours (30 days) for the General Manager position.

Part-time employees are eligible for vacation time that is pro-rated based on the number of hours they are normally scheduled work.

We encourage employees to use all their earned vacation each year. Employees may carry over a maximum of 56 hours (7 days) of vacation time to the next year. No employee can have more than the maximum of their annual accrual plus 56 hours (7 days) in their vacation bank at any one time.

No employee shall be permitted to waive vacation leave for the purpose of receiving extra compensation. If an employee terminates, voluntarily or involuntarily, all earned vacation shall be paid. If an employee leaves employment for any reason prior to being employed for three (3) months, they were not yet eligible for vacation, and none will be paid out at termination.

Paid Sick Leave

Full-time employees are granted 96 hours (12 days) of paid sick leave each year on January 1st. In the first year of employment, full-time employees will receive pro-rated paid sick leave based on their date of hire, but not less than 48 hours. Full-time employees are capped at using 96 hours of paid sick leave per year. Part-time, temporary and seasonal employees will accumulate sick leave at the rate of 1 hour per 30 hours worked, up to 48 hours in a year. Unused sick hours for part-time, temporary and seasonal employees currently are carried over from year to year up to 48 hours so they can be accumulated and used when needed.

Paid sick leave may be used in one-hour increments. Paid sick leave may be used if an employee:

1. Has a mental or physical illness, injury, or health condition that prevents them from working;
2. Needs to get preventive medical care, or to get a medical diagnosis, care, or treatment, of any mental or physical illness, injury, or health condition;

3. Needs to care for a family member who has a mental or physical illness, injury, or health condition, or who needs the sort of care listed in category (2);
4. **The employee or the employee's family member having been a victim of domestic abuse, sexual assault, or criminal harassment, and needing leave for related medical attention, mental health care or other counseling, victim services (including legal services), or relocation; or**
5. Due to a public health emergency, a public official having closed either (A) the **employee's place of business, or (B) the school or place of care of the employee's child, requiring the employee needing to be absent from work to care for the child.**

It is your responsibility to notify your supervisor each day at the beginning of your shift when you cannot come to work because of an illness, injury, medical care or domestic violence. Also, let your supervisor know when you expect to return to work. In the event you are absent for four or more workdays, medical or legal certification is required. This certification should indicate that you were unable to work due to medical or domestic violence reasons and the length of time this restriction lasted.

If you have an extended illness, accumulated sick time currently provides pay while you are away from work.

Because paid sick time can be accumulated to be used if you are personally sick or injured; you will not receive extra pay or extra time off for your unused sick time. Paid sick time will not be used in the calculation of overtime. Also, you are not paid for unused sick time when you leave the District.

On the date that a public health emergency is declared, the District will supplement employees accrued paid sick leave with an additional grant of leave up to combined maximum of 80 hours for full-time employees (pro-rated for part-time employees). This leave may be used when an employee:

1. Needs to self-isolate due to either being diagnosed with, or having symptoms of, a communicable illness that is the cause of a public health emergency;
2. Seeks diagnosis, treatment, or care (including preventive care) of such an illness;
3. Is excluded from work by a government health official, or by an employer, due to the employee having exposure to, or symptoms of, such an illness (whether or not actually diagnosed with the illness);
4. Is unable to work due to a health condition that may increase susceptibility or risk of such an illness; or
5. Is caring for a child or other family member who is in category 1, 2, or 3, or whose school, childcare provider, or other care provider is either unavailable, closed, or providing remote instruction due to the public health emergency.

Employees must notify the District of their need for leave as soon as it is practical when the need for leave is foreseeable, **and the District's place of business has not been closed**. Supplemental leave is granted one time during the entirety of the public health

emergency. Unused supplemental leave is forfeited four weeks after the termination or suspension of the public health emergency.

Personal Time

Full-time and eligible part-time new hires will be granted personal time after three (3) months of employment. Personal time will be pro-rated based on their date of hire. Full-time employees will be granted 32 hours (4 days) of personal time per year on January 1st of each year. Part-time employees are granted personal time that is pro-rated based on the number of hours they are normally scheduled to work. Personal time will be **granted upon approval of the employee's supervisor. Personal time** does not accumulate from year to year and is not paid upon separation of employment.

Tuition Reimbursement Program

The District supports the continuing education of its employees to help you in your job. You may be eligible for financial assistance under the Tuition Reimbursement Program. Any courses covered by this program must be job-related. To be job related:

- The course must not be necessary to meet minimum education requirements for the **employee's current position.**
- The course cannot be taken to qualify the employee for a different type of work.
- **The education must be related to employee's current job and must help maintain or improve the knowledge and skills required for the job.**

To be eligible for the program, you must:

- Be a full-time employee in good standing.
- Have at least 12 months of continuous service before you start the course.
- Discuss your planned studies beforehand with the General Manager and receive prior approval.
- Take the course at an accredited educational institution such as a college, business or trade school or high school.
- Satisfactorily complete a graded course with a passing grade of C (or its equivalent) or better. Absence of course grading, documentation of course completion must be provided.

In the case of courses/tests required for certification/re-certification for licenses, the District may pay 100% of all approved expenses. Reimbursable expenses include tuition, fees, course materials and books. In the case of courses related to work but not required for certification or a license, the District may pay 100% of tuition and books.

If you receive educational aid from other sources, such as Veteran's Administration

Assistance, the District currently pays only the difference between the amount of such aid and the cost of the tuition. All in-class course work may be completed on District time where necessary and if approved in advance by the General Manager. All **homework and study time is to be completed on the employee's time.** Reasonable travel expenses may be reimbursed when approved in advance.

In order to receive reimbursement, employees must submit evidence of satisfactory completion of the course and receipts for reimbursable expenses within 30 days of completing the course.

Remote Work

Remote work is a work arrangement by which an employee performs job duties from an alternative location other than District premises or work site on an ad hoc or regularly scheduled basis.

Although not all jobs can be performed satisfactorily from other locations, the District recognizes that, in some cases, remote work arrangements can provide a mutually beneficial option for both the District and employees. Employees who would like the District to consider the option of remote work should contact their supervisor or the General Manager. Requests will be considered on a case-by-case basis and the District will consider factors such as:

the nature of the job or project requirements;

whether the nature of the work lends itself to remote work;

the amount of time to be spent working remotely;

employee work performance;

the ability of the employee to work independently; and

the impact the arrangement may have on collaboration and co-workers.

The supervisor or General Manager are responsible for determining the feasibility of any individual remote work arrangement by first focusing on the business needs of the District, evaluation of the work an employee needs to accomplish, interactions required between the remote work employee and other staff members or customer and demonstrated skills of the employee.

District employees who wish to work remotely must have the necessary equipment and technology to facilitate the arrangement, such as computers, printers, and sufficiently fast Internet connection. Any equipment provided by the District must be used for business purposes only and promptly returned upon request.

Employees who work remotely must comply with all District policies and procedures, including, but not limited to, those set forth in this Employee Handbook. Unless a flexible work schedule is permitted, employees are expected to work, and be generally **available during the District's core business hours. This includes timely responding to voice mails, e-mails, and other requests.** Remote workers must submit requests for vacation, sick, personal or other available leave to address illness and/or personal matters just as if they were working in the office. Non-exempt remote workers must accurately record all hours worked and comply with all time reporting requirements.

Remote workers must follow all security measures to protect any District records or

files, including electronic information. Employees must follow District procedures related to computer use, network access, information security and storage of documents. No one other than the employee is permitted to access District information or use District equipment.

Employees seeking a remote work arrangement must complete a Remote Work Request Form and submit to the General Manager at least 30 days prior to the commencement of remote work or as soon as practicable in the case of an unforeseeable event.

Unless granted as an accommodation under federal or state law, remote work arrangements are granted in the District's sole discretion and can be revoked at any time, with or without cause. Reasonable advance notice of the termination of such an arrangement will be provided where possible. Employees who fail to abide by the requirements set forth in this policy or otherwise, including any written agreement (if applicable), will not be permitted to continue the remote work arrangement.

This policy and any associated written agreement do not alter employment at-will relationship and either the District or the employee can terminate the employment relationship at any time with or cause or notice.

Leaves of Absence

Family and Medical Leave

As a public sector or governmental employer, the District is covered by the federal Family Medical Leave Act (FMLA). For this reason, the District has posted an FMLA notice to employees. However, to be eligible to take FMLA leave, an employee must work at a work site with at least 50 employees within 75 miles. Because the District does not have at least 50 employees, employees are not eligible to take FMLA leave. The Company does, however, provide medical and parental leave to employees as is described separately in this handbook.

Medical and Parental Leave

A medical and parental leave of absence of not more than 90 days may be granted to eligible full-time employees. This unpaid leave is for certain medical and family reasons provided below. Unless federal, state, or local law provide otherwise, in order to be eligible for leave, an employee must have been employed by the District for at least 90 days.

An eligible employee may take the medical and parental leave for illness, injury, disability, pregnancy, childbirth, or the physical recovery of childbirth. Eligible employees also may take medical and parental leave to care for a parent, child, spouse, or domestic partner with a serious health condition, as those terms are defined under FMLA, or for the birth, adoption or placement of a child, or to care for a child within the

first 12 months of the baby's birth ("baby bonding").

Eligible employees requesting leave must complete a Leave of Absence Form and submit to the General Manager at least 30 days prior to the commencement of medical and parental leave or as soon as practicable in the event of an unforeseeable absence. Employees must provide sufficient information for the District to determine if the leave may qualify under this policy and the anticipated timing and duration of the leave. Leave requests will be considered on a case-by-case basis.

Unless otherwise required by law, the following applies to medical and parental leaves of absence:

- Employees who are on approved medical and parental may be reinstated to a position of like status and pay if such position is available, and they are qualified. However, there is no job guarantee.
- All earned vacation, sick and personal time may be used at the beginning of the leave of absence. Any annual allotment of vacation, sick or personal leave provided during the leave of absence may be used at the time it is granted. Employees are not eligible for holiday pay, jury duty pay or paid funeral leave.
- Employees should consult the Business Manager to determine how the leave may impact eligibility for benefits and to make arrangements for the payment of any required premiums.
- Employees returning from medical and parental leave are expected to provide the General Manager and Business Manager **with a medical provider's statement attesting to the employee's fitness for work; at its option, the** District may require an examination by a District-appointed medical provider.
- Employees who fail to return at the expiration of their authorized leave may be **terminated. If the employee's failure to return is due to pregnancy, childbirth,** or the physical recovery from childbirth and/or a disability under the Americans with Disabilities Act or other similar laws, additional accommodations may be provided. Employees must supply sufficient information from their medical provider specifying the basis for the additional leave and when they can return to work with or without reasonable accommodation. Accommodations must not cause undue hardship to the employer. Potential accommodations will be determined in an interactive process between the employee and the District.

Part time, seasonal or temporary employees are not eligible for medical and parental leave except as required under the law as an accommodation.

Personal Leave

In the event a full-time employee requires a personal leave of absence from work for reasons other than illness, disability or a leave of absence otherwise protected under federal or state law, the District will consider an unpaid personal leave of absence of up to 90 days. Unless federal, state, or local law provide otherwise, in order to be eligible for leave, an employee must have been employed by the District for at least 90 days.

Eligible employees requesting leave must complete a Leave of Absence Form and submit to the General Manager at least 30 days prior to the commencement of personal leave or as soon as practicable in the event of an unforeseeable absence. Employees must provide sufficient information for the District to determine if the leave may qualify under this policy and the anticipated timing and duration of the leave. Please note:

- Leave requests will be considered on a case-by-case basis based on a variety of factors including, but not limited to, the reason for, and length of, the requested leave, length of employment, employee performance, workload, and the ability of the District **to cover an employee's job responsibilities during the requested leave.**
- Employees who are on approved personal leave may be reinstated to a position of like status and pay if such a position is available and they are qualified. Given changing business needs, however, there is no guarantee of job reinstatement.
- All earned vacation, sick and personal time must be used at the beginning of the leave of absence. Any annual allotment of vacation, sick or personal leave provided during the leave of absence must be used at the time it is granted. Employees are not eligible for holiday pay, jury duty pay or paid funeral leave.
- Employees should consult the Business Manager to determine how the leave may impact eligibility for benefits and to make arrangements for the payment of any required premiums.
- If the dates of requested leave change, a new Leave of Absence Form must be submitted for approval.
- Employees must confirm their return date at least one week prior to their return. If additional leave is needed, a new Leave of Absence Form must be submitted for approval as soon as possible. Absent extenuating circumstances, employees who fail to return as scheduled may be terminated.

Part-time, seasonal or temporary employees are not eligible for personal leave, unless required by law.

Sabbatical Leave

The District offers unpaid sabbatical leave as a benefit to encourage employees to innovate, gain knowledge and pursue their interests (e.g. volunteer, travel, research, write). Full time employees that have been with the District for at least 5 consecutive years with a good performance record may be eligible. Time off taken for approved medical and parental leave and personal leave will not be counted against the employee when determining eligibility or "continuous service."

Eligible employees requesting leave must complete a Leave of Absence Form and submit to the General Manager at least 90 days prior to the commencement of Sabbatical Leave. Employees must provide sufficient information for the District to determine if the leave may qualify under this policy and the anticipated timing and duration of the leave. Leave requests will be considered on a case-by-case basis.

Unpaid sabbatical leave is separate from medical and parental leave, personal leave, vacation, personal time and paid sick leave. Upon eligibility, employees are offered up to 90 days of unpaid leave. Employees may be eligible to take sabbaticals once every 5 years until retirement.

Unless otherwise required by law, the following applies to sabbatical leaves of absence:

- Employees may be reinstated to a position of like status and pay if such position is available, and they are qualified. However, there is no job guarantee.
- All earned vacation, sick and personal time must be used at the beginning of the leave of absence. Any annual allotment of vacation, sick or personal leave provided during the leave of absence must be used at the time it is granted. Employees are not eligible for holiday pay, jury duty pay or paid funeral leave.
- Employees should consult the Business Manager to determine how the leave may impact eligibility for benefits and to make arrangements for the payment of any required premiums.
- Employees who fail to return at the expiration of their authorized leave may be terminated.

Funeral Leave

Any employee who suffers a death in their immediate family will be granted a paid leave of up to three workdays to attend the funeral. Immediate family is defined as spouse or domestic partner, children, parents, grandparents, grandchildren or siblings, and the **parents, siblings or children of the employee's spouse or domestic partner.**

In the event of a death of a near relative, employees are granted up to one paid day to **attend a funeral. "Near relatives" include the employee's aunts, uncles, nieces, nephews and their spouse's grandparents, and other close relatives. If more time off is needed** than provided above, additional leave may be granted upon the approval of the supervisor.

Voting

Any employee whose work schedule is such that polls are not open during at least three (3) non-working hours on Election Day shall be permitted paid leave for the time spent voting, not to exceed two (2) hours. If it is necessary for employees to arrive late or leave work early to vote in any election, employees should arrange with their supervisor no later than the day prior to Election Day.

Jury Duty/Court Time

We encourage employees to meet their civic responsibility when called for jury duty. If you receive a summons for jury duty, present it to your supervisor.

When summoned for jury duty, an employee will be granted leave to perform their duty as a juror. If the employee is excused from jury duty during their regular work hours, they are expected to report to work promptly.

Employees receive regular pay for the first three days of jury duty if they were scheduled to work. Beginning the fourth day and thereafter, employees, as jurors, are paid \$50.00 per day by the State of Colorado for state, district or county court jury duty. For jury duty in excess of three days, employees receive the difference between jury duty pay and their regular pay up to a maximum of 80 hours. Jury duty leave beyond this time is without pay from the District.

Military Leave

Employees granted a military leave of absence are re-instated and paid in accordance **with the laws governing veterans' re-employment rights.**

WORK ENVIRONMENT

Drugs and Alcohol

The District is committed to a safe, healthy, and productive work environment for all employees that is free from the effects of substance abuse. Abuse of alcohol, drugs, or controlled substances impairs employee judgment, resulting in increased safety risks, injuries, and faulty decision making. This includes working after the apparent use of **marijuana, regardless of marijuana's legal status.** Furthermore, working after the use of alcohol or a controlled substance is prohibited.

Testing is an important element in the District's efforts to ensure a safe and productive work environment. The District has issued a separate statement for this testing program. Please refer to this separate statement, the Business Manager, or your supervisor if you have specific questions.

Anti-Violence

Any action, which in management's opinion is inappropriate to the workplace, will not be tolerated. Such behaviors may include, but are not limited to, physical and/or verbal intimidating, threatening, or violent conduct, vandalism, sabotage, arson, use of weapons, and bullying. Also prohibited is the carrying of weapons onto District property, regardless of whether the employee possesses a concealed carry permit.

Employees should immediately report any such occurrences to their supervisor or to the Business Manager. We will investigate complaints. When employees are found to have engaged in the above conduct, management will take action that it believes is appropriate.

Employees should directly contact law enforcement, security, and/or emergency services if they believe there is an imminent threat to the safety and health of themselves or co-workers.

If you are a victim of domestic violence, please contact the Business Manager for assistance.

Workplace bullying is repeated mistreatment through verbal abuse, offensive conduct/behaviors and work interference. If you feel are subjected to workplace bullying please contact the Business Manager.

Appearance and Attire

All employees of the District must maintain an appearance that is neat, clean, and appropriate to the area in which the employee works.

Attendance and Punctuality

All employees are expected to be on time and punctual for showing up to work. In addition, regular attendance is considered an essential function and is necessary for the efficient operation of the business.

Employees who are going to be absent or late must contact their supervisor or the Business Manager as soon as possible prior to the start of their shift. Leaving messages with other employees or on voice mail is not acceptable. Failure to call in when absent for two consecutive days may result in disciplinary action up to and including termination.

Performance Reviews

Evaluating employee job performance and providing feedback is an important factor in making employment-related decisions. See your supervisor for information regarding the review process.

District Property

District property is to be used for official District business. No employee should remove District property or the property of any other employee from District premises or work sites without proper authorization. Any employee who removes District property or the property of any other employee, or who abuses, misuses, damages, or destroys the property may be subject to disciplinary action up to and including termination.

District Vehicles

District vehicles may be used only for the purpose and in the manner authorized by the District. Only District employees may operate District vehicles. All vehicles are expected to be operated in accordance with all applicable traffic laws and vehicle operators are responsible for the condition and proper use of the vehicles. Any accident must be reported to your supervisor or to the Business Manager immediately. Smoking is not allowed in District vehicles. Unauthorized or improper use of District vehicles may be subject to disciplinary action up to and including termination.

Maintenance/Housekeeping

Each employee shall be responsible for the condition of equipment used on the job.

Equipment, which is damaged, worn, or in need of maintenance should be reported to their supervisor. Employees may be charged for the repair of unusual or inappropriate wear and tear of equipment caused by negligence of the employee. Employees should direct any concerns regarding the use of equipment to their supervisor.

Cleanliness and orderliness are important to the operation of the District. Employees are responsible for keeping their work areas clean and orderly. The District reserves the right to restrict the placement of pictures or posters on walls within District premises.

Conflicts of Interest

The District requires that employees protect District information and avoid outside activities or relationships, which do or could improperly influence their decisions or actions on the job.

If employees have any question whether a situation is a conflict of interest, employees should discuss the matter with their supervisor or the Business Manager. If it remains unresolved, refer the matter to the General Manager for a final determination.

Discipline

Occasionally performance or other behavior falls short of our standards and/or expectations. When this occurs, management takes action, which, in its opinion, seems appropriate.

Disciplinary actions can range from an informal discussion with the employee about the matter to immediate discharge. Action taken by management in an individual case does not establish a precedent in other circumstances.

Job Related Problems

Employees who disagree or are dissatisfied with a District practice should promptly discuss the matter with their supervisor, where appropriate. Normally, this discussion should be held within three to five days of the incident, or in a timely manner. Discussions held in a timely manner will enhance our ability to resolve concerns while **they are fresh in everyone's mind. The majority of misunderstandings can be resolved** at this level.

If the solution offered is not satisfactory, or if it is inappropriate to go to the supervisor, then employees are encouraged to take the problem to the Business Manager. If the problem still cannot be resolved, employees may direct their concern or submit a written complaint to the General Manager for review and final decision about the situation. If employees do not feel the problem can be resolved through the General Manager, **they may directly contact or submit a written complaint to the District's** General Counsel. Also see the EEO/Harassment Complaint Procedure section of the Handbook.

Personnel Records

The District keeps a personnel file as a record of your employment. It is important for this record to be up-to-date and complete. This enables us to reach you in an emergency, forward your mail, and properly maintain your insurance and other benefits. It also helps keep track of your payroll deductions and many other things that concern you as an individual.

Notify the Business Manager immediately if you have changes in any of the following areas: Name, residence, telephone, marital status, insurance changes, tax exemptions, person to notify in case of an emergency, and other relevant information.

If you want to look at your file or discuss it with someone, contact the Business Manager.

Data Disposal Policy

During the course of your employment, the District will collect certain information that is classified as "personal identifying information," or PII, under applicable laws. Such information may include, but is not limited to:

- Your first and last name or initials;
- Username(s) and password(s);
- Social security number;
- Driver license or other identification card number;
- Medical documentation;
- Biometric data;
- And more.

The District may keep these records in paper and/or electronic format.

When such documentation is no longer needed, pursuant to records retention requirements and best practices, the District will either (a) destroy the records or (b) arrange for their destruction, e.g., by shredding, erasing, or otherwise modifying the personal identifying information in such a manner as to render it unreadable or indecipherable through any means.

References/Verification of Employment

The District **does not furnish open letters of recommendation addressed "To Whom It May Concern"**.

If employees receive an inquiry or request for verification of employment about a former or current employee, please refer the inquiry or request to the Business Manager to appropriately respond.

Volunteering

Full time employees are encouraged to get involved in the community and volunteer to assist charitable and civic organizations and will be granted 1 working hour per month to volunteer. As a volunteer of these organizations, you do so as an individual and not

as an official representative of the District. You are to keep all community and volunteer activities in a practical balance with your job requirements. Serving as a board member of a non-profit organization is encouraged. All board memberships should be discussed with the General Manager to ensure there is no conflict of interest. Volunteer activities requiring more than 1 hour per month will be considered on a case-by-case basis by the General Manager.

Political Participation

District employees have the right as a citizen to participate fully in the political process. No District employee should campaign for any candidate or cause on District time or using District resources. No District employee shall publicly campaign for any candidate or cause while wearing a District uniform or District insignia.

Board Membership of Employees

A board member may not be employed by the District.

Where a board member applies for employment with the District, they must resign from the board if employment is offered and accepted. No board member may begin employment with the District until after the effective date of their resignation.

Where an employee of the District is appointed to the District board, they must take a leave of absence for their term of office to continue their employment with the District.

Smoking

It is our objective to provide a smoke-free environment within the District. Smoking includes the use of any tobacco product, as well as vaporizers, vape liquids, electronic or e-cigarettes, and electronic or vapor smoking accessories. Smoking is prohibited within all areas of District facilities. Employees may smoke in designated outdoor areas. This restriction applies to all employees and visitors, at all times, including non-business hours.

Travel and Business Expenses

The District reimburses employees for expenses reasonably incurred in the course of District business, provided such expenses have been authorized in advance or are determined by the General Manager to have been necessarily incurred under circumstances where advance approval was not reasonably possible. Employees request reimbursement by filing an Employee Expense & Travel Reimbursement Form. Receipts supporting expenses for lodging, meals, transportation, and other expenditures must accompany the form. Employees are asked to document the purpose of the expense and the nature of the business conducted. Expense reports should be turned in within one month from the time the expense is incurred.

Generally, meals and lodging will be reimbursed based on the limit published in the current U.S. General Services Administration Per Diem Rates. The District shall

reimburse employees for use of their personal vehicles on District business at the current published IRS rate. Specific information on published rates is available from the Business Manager.

Outside Employment

No District employee shall engage in outside employment which interferes with the proper and effective performance of their duties or attendance requirements, including overtime work, or that results in a conflict of interest. Requirements of employment with the District shall have priority over any requirements of outside employment.

Inspections

The District reserves the right to open and enter any office, desk, locker, file cabinet, or other storage location within District premises and to inspect District vehicles and any containers brought into the workplace. Although an employee may be assigned an office, desk, vehicle, locker, file cabinet, or other storage area or device, such assignment does not create an expectation of privacy in the use of such items or areas.

Safety/Reporting of Injury

The District is committed to a safe work environment for employees. Employees should report any unsafe practices or conditions to their supervisor or the Business Manager.

If employees are injured on the job, no matter how minor, they must report this fact to their supervisor or the Business Manager in writing as soon as practicable. The employee may be requested to provide a written statement on the incident. If the injury is due to a safety violation, an employee's non-medical benefits may be reduced.

If medical treatment for an on-the-job injury is needed, it must be obtained from one of the **District's** designated physicians. If not, the employee may be responsible for the cost of medical treatment.

Separation of Employment

We request that employees who wish to resign their positions notify the District of their **anticipated departure date and go over the "check out" procedures at separation** (conversion of insurance, return of property, delivery of final paycheck, etc.) with the Business Manager.

Employees may be considered for re-employment provided they qualify for the position of interest and while they were employed with the District maintained satisfactory performance and attendance.

Communication Systems

The **District's** computer network, access to Internet, e-mail and voice mail systems are business tools intended for employees to use in performing their job duties. Therefore, all documents and files are the property of the District. All information regarding access

to the **District's** computer resources, such as user identifications, modem phone numbers, access codes, and passwords are confidential District information and may not be disclosed to non-District personnel.

All computer files, documents, and software created or stored on the **District's** computer systems are subject to review and inspection at any time. This includes web-based email employees may access through District systems, whether password protected or not. Employees should not assume that any such information is confidential, including e-mail either sent or received.

Computer equipment should not be removed from the District premises without approval from your supervisor or General Manager. Upon separation of employment, all communication tools should be returned to the District.

Electronic Mail (E-Mail)

E-mail is to be used for business purposes only, during working times. While personal e-mail is permitted, it is to be kept to a minimum. Personal e-mail should be brief and sent or received as seldom as possible. The District prohibits the display, transmittal, or downloading of material that is offensive, pornographic, obscene, profane, discriminatory, harassing, insulting, derogatory, or otherwise unlawful at any time. No one may solicit, promote, or advertise any outside organization, product, or service using e-mail or anywhere else on District premises during working times. Working time does not include breaks or meal periods. The District may monitor e-mail from time to time.

Employees are prohibited from unauthorized use of encryption keys or the passwords of **other employees to gain access to another employee's e-mail** messages.

E-mail sent or received by District employees or Board of Directors may be considered a public record subject to public disclosure or inspection under the Colorado Open Records Act.

Personal Owned Mobile Devices

No employee is to access the District network and/or e-mail through a personal owned mobile device (laptops, tablets, or Smart Phone, including but not limited to iPhone, Galaxy, etc.) without the approval of the General Manager. Consideration of access to the network and/or e-mail will be allowed on a case-by-case basis.

GIFTS AND GRATUITIES

Contests

From time to time, suppliers and vendors initiate various contests with their advertising and sales programs. In most cases, only customers and prospective customers are

eligible to participate. The District and its employees will not participate in any such contests. In making decisions, District employees are to be influenced only by relevant purchasing concerns such as price, quality, and service.

Meals

Except when dealing with government representatives, an employee may receive or give customary business amenities such as meals, provided they are associated with a business purpose, reasonable in cost, appropriate as to time and place, and are such as not to influence or give the appearance of influencing the recipient.

Gifts and Entertainment

Business related gifts of more than a nominal value and excessive entertainment are inherently compromising and do not belong in business relationships. Under no circumstances may a gift of money be given or received.

Improper Payments

The District's policy strictly prohibits any employee from offering to another or soliciting, directly or indirectly, any kind of payment or contribution. If you are unsure about this, please see your supervisor. Improper payments or contributions include but are not limited to those which:

- May be viewed as a bribe, kick-back, or pay-off
- **Violates this Policy or generally accepted ethical standards of the other party's organization**
- Is for the purpose of influencing governmental entities, including their officials or employees
- Violates any law.

Other Circumstances

Any circumstance or situation in which an employee is unclear as to the proper position **or action to take should be discussed with the employee's supervisor.**

EMPLOYEE ACKNOWLEDGEMENT (AT-WILL)

I HAVE RECEIVED A COPY OF THE EMPLOYEE HANDBOOK DATED JANUARY 1, ~~2022~~2023. I UNDERSTAND THAT THE HANDBOOK PROVIDES A SUMMARY OF THE DISTRICT'S GUIDELINES AND ITS EXPECTATIONS REGARDING MY CONDUCT. I UNDERSTAND THAT I AM TO BECOME FAMILIAR WITH ITS CONTENTS. ~~FURTHER, I UNDERSTAND:~~

~~I UNDERSTAND THAT, EXCEPT AS MAY BE REQUIRED BY STATE LAW, MY EMPLOYMENT WITH THE DISTRICT IS AT-WILL. THIS MEANS THAT NEITHER I NOR THE DISTRICT IS COMMITTED TO AN EMPLOYMENT RELATIONSHIP FOR A SPECIFIC PERIOD OF TIME AND THE EMPLOYMENT RELATIONSHIP MAY BE TERMINATED BY ME OR THE DISTRICT AT ANY TIME, FOR ANY REASON. I HAVE THE RIGHT TO END MY WORK RELATIONSHIP WITH THE DISTRICT, WITH OR WITHOUT ADVANCE NOTICE FOR ANY REASON. THE DISTRICT HAS THE SAME RIGHT.~~

THE LANGUAGE USED IN THIS HANDBOOK AND ANY VERBAL STATEMENTS OF MANAGEMENT ARE NOT INTENDED TO CONSTITUTE A CONTRACT OF EMPLOYMENT, EITHER EXPRESS OR IMPLIED, NOR ARE THEY A GUARANTEE OF EMPLOYMENT FOR A SPECIFIC DURATION.

~~THE HANDBOOK IS NOT ALL INCLUSIVE BUT IS INTENDED TO PROVIDE ME WITH A SUMMARY OF SOME OF THE DISTRICT'S GUIDELINES.~~

~~THIS EDITION REPLACES ALL PREVIOUSLY ISSUED HANDBOOKS. THE NEED MAY ARISE TO CHANGE THE GUIDELINES DESCRIBED IN THE HANDBOOK, EXCEPT FOR THE AT-WILL NATURE OF EMPLOYMENT. THE DISTRICT THEREFORE RESERVES THE RIGHT TO INTERPRET THEM OR TO CHANGE THEM WITHOUT PRIOR NOTICE.~~

I UNDERSTAND THAT NO REPRESENTATIVE OF THE ~~UPPER YAMPA WATER CONSERVANCY~~ DISTRICT, OTHER THAN THE BOARD OF DIRECTORS OF THE DISTRICT, HAS THE AUTHORITY TO ENTER INTO AN AGREEMENT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD AND ANY SUCH AGREEMENT MUST BE IN WRITING, SIGNED BY THE PRESIDENT OF THE BOARD OF DIRECTORS AND MYSELF/ME. WE HAVE NOT ENTERED INTO SUCH AN AGREEMENT.

FURTHER, I UNDERSTAND THAT THE CONTENTS OF THIS HANDBOOK ARE SUMMARY GUIDELINES FOR EMPLOYEES AND THEREFORE NOT ALL INCLUSIVE. THIS HANDBOOK SUPERSEDES ALL PREVIOUSLY ISSUED EDITIONS. NO ORAL STATEMENTS OR REPRESENTATIONS CAN CHANGE THE

PROVISIONS OF THE HANDBOOK OR ANY SUPPLEMENT. EXCEPT FOR THE AT-WILL NATURE OF EMPLOYMENT, THE DISTRICT RESERVES THE RIGHT TO REVISE, DELETE, OR ADD TO ANY OR ALL OF THE GUIDELINES MENTIONED, ALONG WITH ANY OTHER PROCEDURES, PRACTICES, BENEFITS, OR OTHER PROGRAMS OF THE DISTRICT. THESE CHANGES MAY OCCUR AT ANY TIME, WITH OR WITHOUT NOTICE. I HAVE READ AND UNDERSTAND THE ABOVE STATEMENTS.

Signature

Employee Name

Date

DRAFT

COLORADO OVERTIME AND MINIMUM PAY STANDARDS ORDER (COMPS ORDER)

Acknowledgment of Receipt

I have been provided and hereby acknowledge receipt of a copy of the Colorado Overtime and Minimum Pay Standards Order (COMPS Order #38) Poster.

Signature

Employee Name

Date



COLORADO
Department of
Labor and Employment

COLORADO OVERTIME & MINIMUM PAY STANDARDS ORDER
("COMPS Order") #38, POSTER & NOTICE

Effective 1/1/22; must update annually;
new poster available each mid-December

Colorado Minimum Wage: \$12.56/hour, or \$9.54 for Tipped Employees, in 2022 (Rule 3)

- The minimum wage is adjusted each year for inflation, so the above amounts are for only 2022.
- All employers must be paid at least the minimum wage (unless exempt in Rule 3), whether paid hourly or another way (salary, commission, piecework, etc.), except unseasoned minors who can be paid 15% under full minimum wage.
- Use the highest standard if other labor laws also apply, such as Denver's minimum wage (\$15.87 in 2022).

Overtime: 1 1/2 times regular pay rates for hours over 40 weekly, 12 daily, or 12 consecutive (Rule 4)

- Overtime is required *only* work over 40 hours, or day over 12, even if 2 or more weeks or days average fewer hours.
- Employers cannot provide time off ("comp time") instead of time-and-a-half premium pay for overtime hours.
- Key variances exemptions (all are detailed in Rules 2.3-2.4):
 - Modified overtime in a small number of health care jobs, exception for certain heavy-vehicle drivers.
 - No 40-hour weekly overtime in downhill ski/snowboard jobs that 56-hour overtime for many under federal law.
 - Agriculture, as of 11/1/22; overtime after 60 hours; half-hour paid break in days over 12 hours, extra pay if over 15.

Meal Periods: 30 minutes uninterrupted and duty-free, for shifts over 5 hours (Rule 1.9)

- Can be unpaid, but only if employees are completely relieved of all duties, and allowed to pursue personal activities.
- If work makes uninterrupted meal periods impractical, eating on-duty must be permitted, and the time must be paid.
- To the extent practical, meal periods must be at least 1 hour after starting and 1 hour before ending shifts.

Rest Periods: 10 minutes, paid, every 4 hours (Rule 5.2)

Work Hours:	Up to 2	>2, up to 6	>6, up to 10	>10, up to 14	>14, up to 18	>18, up to 22	>22
Rest Periods:	0	1	2	3	4	5	6

- Need not be off-site, but must not include work, and should be in the middle of the 4 hours to the extent practical.
- Rest periods are time worked for minimum wage and overtime purposes, and if employers do not authorize and permit rest periods, they must pay extra for time that would have been rest periods, including for non-hourly-paid employees.
- Key variances exemptions:
 - In some circumstances, 10-minute rest periods can be divided into two of 5 minutes (Rule 5.2.1).
 - Agriculture: certain work requires more breaks; other is exempt (Rule 2.3, & Agricultural Labor Conditions Rules).

Time Worked: Pay for time employers allow performing labor/service for their benefit (Rule 1.9)

- All time on premises, on duty, or at workplaces that not just letting off-duty employees be absentees, including:
 - putting on/removing work clothes/gear (but not clothes worn outside work), cleanup/setup, or other off-clock duty;
 - waiting for assignments of work, or receiving or sharing work-related information;
 - security/safety screening, or clocking/docking in or out; or
 - waiting for any of the above tasks.
- Travel for employer benefit is time worked; normal home/work travel is not (details in Rule 1.9.2).
- Sleep time, if sufficiently uninterrupted and lengthy, can be excluded in certain situations (details in Rule 1.9.3).

This Poster is a summary and cannot be relied on as complete labor law information. For all rules, fact sheets, translations, questions, or complaints, contact:
DIVISION OF LABOR STANDARDS & STATISTICS, ColoradoLaborLaw.gov, cdle_labor_standards@state.co.us, 303-318-8441 / 888-390-7936

Deductions, Credits, Charges, & Withheld Pay (Rule 6, and Article 4 of C.R.S., Title 8)

- Final pay: Owed promptly (if a termination by employer) or at next pay date (if employee resigned).
- Vacation pay: Depending on employer, must be paid all accrued and unused vacation pay, including paid time off usable for vacation, without deduction or declaring forfeiture based on cause-for-termination, lack of resignation notice, etc.
- Deductions from pay: Allowed if listed below, or in C.R.S. 8-4-105 (including deductions required by law, in a written agreement for the benefit of the employee, for theft in a police report, or for property loss after an audit).
- Tip credits: Employers can pay up to \$3.02 under minimum wage (\$9.54 in 2022, or \$12.85 in Denver), if (a) tips (not mandatory, service charges) raise pay to full minimum, & (b) tips aren't advanced to non-tipped staff/owners.
- Meal credits/deductions: Allowed for the cost or value (without employer profit) of voluntarily accepted meals.
- Lodging credits/deductions: Allowed if housing is voluntarily accepted by the employee, primarily for the employee's (not the employer's) benefit, recorded in writing, and limited to \$25 or \$100 per week (based on housing type).
- Uniforms: Must be provided at no cost unless they are ordinary clothes without special material or design; employers must pay for any special cleaning required, and cannot require deposits or deduct for ordinary wear and tear.

Exemptions from COMPS (Rule 2.2 lists all; key exemptions are below)

- Executive/supervisors, administrators, and professionals: paid at least a salary (an hourly wages) of \$45,000 in 2022 (\$50,000 in 2023, \$55,000 in 2024, then inflation-adjusted), except \$38.92/hour for highly technical computer work.
- Other highly compensated, non-manual/labor employees: paid at least 2.25 the above salary (\$101,250 in 2022).
- 20% owners, or in a nonprofit, the highest-paid highest-ranked employee: If actively engaged in management.
- Various (not all) types of salespersons, taxi drivers, camp/outdoor education field staff, or property managers.

Record-Keeping & Notices of Rights (Rule 7)

- Employers must give all employees (and keep for three years) pay statements that include time worked, pay rate (including any tips and credits), and total pay.
- This year's poster must be displayed where easily accessible, or if not practical (such as for remote workers), provided within one month of beginning work and when employees request a copy.
- Employers must include a copy of this poster, or a COMPS Order, in any employment handbook or manual.
- Violation of notice of rights rules (posting or distribution), including by providing information undermining this poster, may yield fines and/or liability for employee-specific credits, deductions, or exemptions in COMPS.

Complainer & Anti-Retaliation Rights (Rule 8)

- Employees can send the Division (contact info below) complaints or tips about violations, or file lawsuits in court.
- Employers cannot retaliate against, or interfere with, employees exercising their rights.
- Anonymous tips are accepted, anonymity or confidentiality are protected (Wage Protection Rule 4.7).
- Owners and other individuals with control over work may be liable for certain violations — not just the business, even if the business is a corporation, partnership, or other entity separate from its owners (Rule 1.6).
- Immigration status is irrelevant to those labor rights; the Division will not ask or report status in investigations or rulings, and it is illegal for anyone to use immigration status to interfere with these rights (Wage Protection Rule 4.8).

UPPER YAMPA WATER CONSERVANCY DISTRICT DRUG AND ALCOHOL TESTING POLICY

Revised ~~and Effective 3-18-2015~~ 01-01-2023

I. Purpose

Upper Yampa Water Conservation District (~~UYWCD~~ District) is committed to a safe, healthy, and productive work environment for all employees free from the effects of substance abuse. Abuse of alcohol, drugs, or controlled substances impairs employee judgment, resulting in increased safety risks, injuries, and faulty decision-making. This includes working after the apparent use of marijuana, regardless of marijuana's legal status. Furthermore, working after the use of alcohol or a controlled substance is prohibited.

II. Scope

This policy applies to all employees. All employees have been issued upon initiation of this policy or upon hire (whichever is later) a copy of the ~~company~~ District policy that describes what substances will be tested for and under what conditions employees will be tested. Each employee shall sign the acknowledgment that they have received a copy of this policy.

If the General Manager is the employee in question, the incident is to be reported to the District's Board of Directors President or to the General Counsel of the District for them to administer the procedures outlined in this policy.

III. Statement of Policy

To ensure a safe and productive work environment the ~~company~~ District prohibits the use, sale, dispensation, manufacture, distribution or possession of alcohol, marijuana, illegal drugs, not-lawfully-prescribed controlled substances, or drug paraphernalia by employees during working hours or on any ~~UYWCD~~ District premises or worksites. This prohibition includes ~~UYWCD~~ District owned vehicles, or personal vehicles being used for ~~UYWCD~~ District business or parked on ~~UYWCD~~ District property. Additionally, ~~UYWCD~~ the District may take disciplinary action, including discharge, for the illegal off-duty use, sale, dispensation, manufacture, distribution or possession of drugs and controlled substances and the illegal use or distribution of alcohol.

No employee shall report to work or be at work with alcohol or with any detectable amount of prohibited drugs in the employee's system. A detectable amount refers to the standards generally used in workplace drug and alcohol testing.

When an employee must take prescription or over-the-counter drugs, the employee must ask the medical professional or pharmacist if the drug has any side effects which may impair the employee's ability to safely or productively perform the employee's job duties. If there is potential impairment of the employee's ability to work safely or productively, the employee must report this information to their supervisor or to the General Manager. With input from the employee, the supervisor or General Manager will determine if the employee should work in his or her regular job, be temporarily assigned to another job or placed off-work.

Revised and Effective 01-01-2023

Any violation of this policy will result in disciplinary action up to and including termination.

IV. Employee Drug and Alcohol Testing

To promote a safe and productive workplace, ~~UYWCD-the District~~ will conduct the following types of drug and alcohol test for all employees:

- 1) Reasonable Suspicion
- 2) Post-accident/~~incident~~
- 3) Return-to-Duty/Follow-up Testing

V. Categories of Employee Substance Testing

- 1) Reasonable Suspicion Testing: An employee will be asked to submit to drug and alcohol testing when ~~UYWCD-the District~~ reasonably suspects the employee is impaired or has used illegal drugs.
 - a) Reasonable suspicion testing may result from one of the following examples, but is not limited to the following:
 - i) Specific, personal and articulable observations concerning the appearance, behavior, speech or performance of the employee; or
 - ii) Violation of a safety rule, or other unsafe work incident which, after further investigation of the employee's behavior, leads the supervisor or General Manager to believe that the employee's functioning is impaired; or
 - iii) Other physical, circumstantial, or contemporaneous indicators of impairment.
 - b) When the supervisor or General Manager has reasonable suspicion to request testing, transportation will be arranged to transport the employee to the collection site and for the employee's transport home.
 - c) ~~UYWCD-The District~~ will place the employee on leave pending the receipt of drug testing. Leave time will be paid if test results are negative.
- 2) Post-Accident/~~Incident~~ Testing:
 - a) An employee must submit to drug and alcohol testing after an on-the-job accident. An accident for purposes of this policy is defined as an incident or occurrence in which:
 - i) a person dies or requires medical treatment or
 - ii) property damage is estimated at greater than ~~\$500-1,000~~ or
 - iii) the accident involves use of a ~~UYWCD-District~~ vehicle or
 - iv) the accident involves an employee in a personal vehicle accident while on the job.
 - b) An employee who is involved in an accident must ~~immediately~~ report the accident to their supervisor or to the General Manager as soon as practicable after such accident.
 - c) Whenever the supervisor or the General Manager observes or is notified of an accident as defined in a) above, the supervisor or General Manager will initiate drug and alcohol testing **to evaluate the root cause of the workplace incident that harmed or could have**

harmed employees. The supervisor or General Manager will order all employees whose conduct could have contributed to the incident, not just the employee who reported injuries, to submit to a urine and/or breath test. The supervisor or General Manager will arrange to transport each employee to the collection site and will arrange for each employee's transport home. ~~The supervisor or General Manager will may order the employee to submit to a urine and/or breath test.~~

~~d) Transportation will be arranged to transport the employee to the collection site and for the employee's transport home.~~

e) The District will place the employee on leave pending the receipt of drug and alcohol testing. Leave time will be paid if test results are negative.

3) Return to Duty/Follow-up Testing

If the General Manager elects to allow an employee to return to work following a positive test result, the employee must first pass a drug and alcohol test and subsequently submit to a program of unannounced testing for a period of not more than twelve (12) months from the date of return to duty.

VI. Types of Substances

The kinds of substances tested for will include the following substances or their metabolites:

- 1) Marijuana
- 2) Cocaine
- 3) Opiates
- 4) Phencyclidine (PCP)
- 5) Amphetamines
- 6) Ecstasy
- 7) Alcohol

VII. Inspection and Searches

The District may conduct unannounced inspection for violations of this policy in the workplace, worksites, or District premises. Employees are expected to cooperate in any inspection.

VIII. Voluntary Treatment

The District supports sound treatment efforts. Whenever practical, the District will assist employees in overcoming drug and alcohol problems as long as this policy has not already been violated.

If an employee seeks treatment for drug or alcohol use, the employee may be eligible to go into a drug and/or alcohol treatment program either through the District's medical insurance program or at his or her own expense.

If the employee elects to enter an appropriate treatment program, the District will consider time at

the treatment program in accordance with the District's Leave of Absence policies and any obligations under the Americans with Disabilities Act (ADA). The employee may use any earned vacation, sick and personal time while participating in the evaluation and treatment program. The District can require verification from the health care provider for a release to work and/or verification of treatment. More information regarding availability of treatment resources, possible insurance coverage for treatment services and leave options is available from the Business Manager.

IX. Safeguards/Confidentiality

The drug screen analysis is accomplished through urinalysis testing. Alcohol testing may be through breath testing or blood testing. Samples will be collected in a sanitary environment designed to maximize employee's privacy while minimizing the possibility of sample tampering. If there is a positive drug and/or alcohol result on the initial screening test, the laboratory or blood alcohol technician will automatically do a second test to confirm the results. The second drug test will be performed using gas chromatography/mass spectrometry or other scientifically accepted method. A positive breath alcohol test will be confirmed by a second breath test. In the event the drug and alcohol test result is dilute, the employee will be required to re-test if the test result is a negative dilute.

All drug tests are performed by a government-certified outside laboratory. All government-certified outside laboratories strictly follow chain of custody guidelines to ensure the integrity of the testing process. The District shall use a Medical Review Officer (MRO) who will receive the laboratory results of the testing procedure. The MRO shall be a licensed physician and have knowledge of substance abuse disorders and the appropriate medical training to evaluate positive results, medical histories, and any other relevant biomedical information. The MRO shall review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication.

If the results of the initial test are negative, the testing laboratory will report the results to the MRO retained by the company. The MRO or the testing laboratory reports the negative results to the company. In this instance, no additional tests on the specimen will be done.

If the results of the initial test are positive, that is, if the results exceed the permitted levels for any of the six drugs tested or for alcohol, a second confirmatory test shall be performed. Only specimens that are confirmed positive on the second (confirmatory) test are reported positive to the MRO for review and analysis. The MRO will contact the employee personally, in the case of a positive test result. The MRO has the responsibility of reporting to the District whether the test results are positive or negative.

An employee who does not pass a drug test may request that the original sample be analyzed again at the individual's expense by a government certified laboratory. All requests for an independent analysis must be made in writing within 72 hours of notification of a confirmed positive test result.

Each employee will have an opportunity to discuss the drug and/or alcohol test with an MRO in a confidential setting. Each employee upon their written request may be provided with a written copy of the positive test result. Upon written request within seven days of taking the test, an employee may access records relating to their drug and/or alcohol test.

X. Disciplinary Action

1. Testing Positive. Employees who test positive for drugs or alcohol are in violation of this policy.
2. Refusal to comply. Employees who refuse required testing are in violation of this policy.
3. Interference with testing. Employees who adulterate, tamper with or otherwise interfere with accurate testing are in violation of this policy.
4. Any employee, who has been observed using or possessing illegal drugs, marijuana or alcohol during work time, including lunch breaks, or on UYWCD-District premises is in violation of this policy.

XI. At Will Employment

Nothing in this policy is to be construed to prohibit UYWCD-the District from maintaining a safe and secure work environment or to limit its right to impose disciplinary actions as it may deem appropriate for reasons of misconduct or poor performance, regardless of whether the misconduct or poor performance arises out of the use of alcohol or drugs. Such disciplinary actions may include termination of employment. Employment is at-will and subject to termination by UYWCD-the District or the employee at any time, with or without notice and with or without cause.

EMPLOYEE ACKNOWLEDGMENT

I have received a copy of ~~UYWCD~~the District's Drug and Alcohol Policy and understand that in order to continue my employment with ~~this employer~~the District I must abide by the terms of the policy. I agree to notify the ~~employer~~District of any drug violation occurring in the workplace.

I understand that this policy in no way modifies my status as an at-will employee and in no way implies, infers, or guarantees my continued employment for any definite term and that I may be dismissed at the discretion of the ~~employer~~District for other reasons than failing to follow the terms of the policy.

Printed Name

Signature

Date





BOARD COMMUNICATION FORM

From: Deb Bastian, Business Manager

Date: September 12, 2022

Item: CO Family and Medical Leave Insurance (FAMLI) Program

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Request/Issue and Background Information:

Colorado voters approved Proposition 118 in November of 2020 paving the way for a state-run paid Family and Medical Leave Insurance (FAMLI) program. The FAMLI program will ensure eligible Colorado workers will have access to 12 weeks of job protected paid leave in order to take care of themselves or their family during life circumstances that pull them away from their jobs — like growing their family or taking care of a loved one with a serious health condition. FAMLI will start providing benefits to employees beginning January 1, 2024, however, employees will start to see a premium contribution on their pay stubs beginning January 1, 2023.

Individuals can use FAMLI leave to take time away from work in order to:

- Care for a new child, including adopted and fostered children
- Care for themselves, if they have a serious health condition
- Care for a family member's serious health condition
- Make arrangements for a family member's military deployment
- Address the immediate safety needs and impact of domestic violence and/or sexual assault.

II. Summary and Alternatives:

All employers with at least one employee must participate in the FAMLI program or provide an equivalent paid leave program unless the employer is considered a “**local government**”. For purposes of FAMLI, the Upper Yampa Water Conservancy District (District) is considered a “**local government**”. As such, the District has the following options regarding the FAMLI program:

1. Participate in FAMLI
 - The District can choose to participate in FAMLI.
 - Since the District has 9 or fewer employees, the District is **not** required to pay the Employer portion of the FAMLI premium (0.45% of employee wages). However, **employees** will be required to contribute and have the Employee portion of the FAMLI



premium (0.45% of employee wages) deducted from their paychecks starting January 1, 2023.

- The District may elect to pay the Employee portion of the premium if they choose to offer this as an added perk.
 - If District chooses to participate in FAMLII, the District must remain in the program and pay required premiums for a minimum of 3 years.
2. Decline all participation in FAMLII
- The District’s Board must vote to decline all participation and notify the FAMLII Division and employees of the results of the vote.
 - With this option employees can opt to voluntarily participate in FAMLII. Employees are responsible for registering with FAMLII and self-reporting their wage data and remitting a quarterly premium into the FAMLII system and must commit to participate for at least three years.
 - Employees will **not** have job protection while on leave.
 - The vote to opt out of FAMLII must be revisited by the District every eight years.
3. Decline Employer Participation in FAMLII
- The District’s Board can vote to decline employer participation but choose to support employees that voluntarily opt to participate in FAMLII by deducting and remitting the employee share of the premium and corresponding wage data to the Division every quarter.
 - This allows employees to participate in FAMLII without having to worry about the administrative burden of remitting their own premiums and wage data every quarter.
 - The District’s Board must still vote to opt out of paying the employer premium.
 - Employees will **not** have job protection while on leave.
 - The vote to opt out of FAMLII must be revisited by the District every eight years.
4. Develop a District administered Paid Family and Medical Leave (PFML) policy
- Using our current Medical and Parental Leave policy, revise the policy to align with the coverage provided in the state FAMLII program, such as:
 - Expand what is covered by the leave (i.e., exigency leave, safe leave)
 - Expand definition of “family member” (includes individual related by blood or affinity... close association is equivalent to a family relationship)
 - Make the leave paid and job protected
 - If the District is to provide similar coverages to FAMLII, the District would cancel the short-term disability (STD) policy as the coverages for an employee’s disability would be duplicative. Further, the District would change our long-term disability policy from a 180-day waiting period to a 90-day waiting period to keep continuity of coverage; this is recommended by our disability insurance carrier (The Standard).
 - This option keeps the District competitive with other employers by offering a PFML policy without additional costs to the District.



III. Staff Recommendation:

Staff recommends that the Board vote to decline all participation in FAMLI and approve a District administered PFML policy that will be added to the Employee Handbook effective January 1, 2024. Staff further recommends that the Board finalize the vote, via Resolution, at the November 16, 2022, Board of Directors meeting. This allows staff to provide the required notification to publicly post the vote and to notify employees of the upcoming vote and their opportunity to comment on the District's decision to opt-out of FAMLI.

IV. Legal Issues:

The proposed PFML policy has been reviewed by the Employer's Council human resources staff and by the District's General Counsel.

V. Consistency with Board Goals and Policies:

Goal 10.4

Attachments:

Attachment 1: Draft – Paid Family and Medical Leave policy

Attachment 2: Draft – Resolution to Opt-Out of the Colorado FAMLI program

Attachment 3: Draft – Advance Notice to Employees of Consideration of Resolution 2022-5

Paid Family and Medical Leave

The District may grant Paid Family and Medical Leave (PFML) up to 12 weeks in a rolling annual calendar year. To be eligible for PFML, an employee must be a full-time or part-time employee with the District for 90 days before leave is to begin, unless federal, state, or local law provide otherwise.

In order to qualify as PFML leave, the employee must be taking the leave for one of the reasons listed below:

- The serious health condition, as defined under C.R.S. § 8-13.3-503, of the employee which makes the employee unable to perform the functions of their position;
- Care for a Family Member, as defined under C.R.S. § 8-13.3-503, of the employee with a serious health condition;
- The birth of **employees'** child, the placement of a child with employee for adoption or foster care during the first year after birth, adoption or placement of that child ("**parental leave**");
- Attend to a qualifying exigency as defined under C.R.S. § 8-13.3-503;
- Has a need for safe leave as defined under C.R.S. § 8-13.3-503.

An employee is not entitled to PMFL benefits for:

- Absences caused by the employee's willful intent to bring about injury to or sickness to the employee or another;
- Absences resulting from an injury or sickness sustained in the employee's perpetration of an illegal act;
- Any family or medical leave beginning before the employee is eligible for such benefits;
- A period during which the employee is on suspension from employment; or
- Any period of time during which the employee is receiving workers compensation benefits or works for pay or profit.

PMFL will be paid at **90% of the employee's regular, base monthly rate of pay for full-time** employees. Part-time employees will be paid leave on a pro-rated basis determined by the number of hours they are normally scheduled to work per week.

Employees may use earned vacation, paid sick leave or personal time while receiving PFML benefits, not to exceed a total of 100 percent of pay.

Eligible employees requesting PFML must complete a Leave of Absence Form and submit to the General Manager at least 30 days prior to the commencement of PFML or as soon as practicable if the leave is not foreseeable. If the employee is unable to provide notice personally, written notice may be given by another responsible party. Employees must provide sufficient information for the District to determine if the leave may qualify under this policy and the anticipated timing and duration of the leave. PFML requests will be considered on a case-by-case basis.

Unless otherwise required by law, the following applies to paid family and medical leaves of absence:

- PFML benefits will be paid on regularly scheduled pay days.
- Employees who are on approved PFML will be reinstated to the same position held when PFML leave began, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment.
- Employees will be provided any annual allotment of vacation, sick or personal leave during their PFML.

- If a District holiday occurs while the employee is on PFML, such day will be charged to holiday pay; however, such holiday pay will not extend the total PFML entitlement.
- Employees are not eligible for jury duty pay or paid funeral leave while on PFML.
- Employees should consult the Business Manager to determine how the leave may impact eligibility for benefits and to make arrangements for the payment of any required premiums.
- Employees returning from leave may need to provide the General Manager and Business Manager with a medical provider's **statement attesting to the employee's fitness for work; at its option, the District may require an examination by a District-appointed medical provider.**
- Employees who fail to return at the expiration of their authorized leave may be terminated. If the **employee's failure to return is due to pregnancy, childbirth, or the physical recovery from** childbirth and/or a disability under the Americans with Disabilities Act or other similar laws, additional accommodations may be provided. Employees must supply sufficient information from their medical provider specifying the basis for the additional leave and when they can return to work with or without reasonable accommodation. Accommodations must not cause undue hardship to the employer. Potential accommodations will be determined in an interactive process between the employee and the District.
- **Upon termination of the employee's** employment, they will not be paid for any unused PFML for which they may have been eligible.

Seasonal or temporary employees are not eligible for paid family and medical leave except as required under the law as an accommodation.

RESOLUTION NO. 2022-5

RESOLUTION DECLINING ANY AND ALL EMPLOYER PARTICIPATION IN THE COLORADO PAID FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM

WHEREAS, in November of 2020, Colorado voters approved Proposition 118, codified in Part 5, Article 13.3 of Title 8, Colorado Revised Statutes (C.R.S.), establishing the Family and Medical Leave Insurance (“FAMLI”) Program, a state insurance plan providing paid leave for Colorado workers during certain life circumstances; and

WHEREAS, under the FAMLI Program, employers and their employees are both responsible for funding the program and may split the cost 50/50; the premiums are set at 0.9% of the employee’s wage, with 0.45% paid by the employer and 0.45% paid by the employee; and

WHEREAS, the premiums required for FAMLI will be collected starting January 1, 2023, and benefits will begin January 1, 2024; and

WHEREAS, as a local government as defined by C.R.S. §§ 8-13.3-503(14) and 29-1-304.5(3)(b), the Upper Yampa Water Conservancy District (the “District”) may decline to participate in FAMLI following a public hearing and vote of its governing body pursuant to C.R.S. § 8-13.3-522; and

WHEREAS, should the District decline to participate in FAMLI, its employees will still have the option to participate in the program and remit premiums to the State;

WHEREAS, at a public meeting held November 16, 2022, the Board of Directors held a public hearing on the decision whether to participate in FAMLI; and

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

1. The Board of Directors finds and determines that, with regard to the public hearing on the decision of whether to decline participation in FAMLI, notice was given and the hearing was conducted in accordance with the regulations adopted by the Colorado Department of Labor and Employment and codified at 7 CCR 1107-2.
2. The Board of Directors, acting by and on behalf of the District, declines any and all participation in the FAMLI Program.

3. The Board of Directors further directs its staff to bring the matter of revisiting the decision to decline participation in FAMLI before a future Board by no later than eight years from the date of the vote on this Resolution 2022-5.

Read, approved and adopted this 16th day of November 2022, by the Board of Directors of the Upper Yampa Water Conservancy District.

UPPER YAMPA WATER CONSERVANCY DISTRICT
President

ATTEST: _____

DRAFT

**ADVANCE NOTICE TO UPPER YAMPA WATER CONSERVANCY DISTRICT
EMPLOYEES OF THE PUBLIC MEETING OF THE BOARD OF DIRECTORS TO
CONSIDER RESOLUTION NO. 2022-5 TO OPT OUT OF THE FAMILY AND MEDICAL
LEAVE INSURANCE (FAMLI) PROGRAM**

Notice is hereby given to District Employees that on November 16, 2022, the Board of Directors will consider adoption of Resolution No. 2022-5 declining participation in the Colorado Family and Medical Leave Insurance (“FAMLI”) Program. This notice explains the vote process and employees' opportunity to submit comments to the Board of Directors.

1. Resolution Vote Process

The consideration of Resolution 2022-5 will take place during the Report of the General Manager. The Board of Director’s meeting will begin at 12:00 PM.

2. Public Comment Process

At the November 16, 2022, Board of Director’s meeting District employees will have an opportunity to address the Board of Directors regarding the District’s adoption of Resolution 2022-5. Additionally, employees may submit comments regarding the Resolution to the Board of Directors, via email, in care of the District’s General Counsel, Bob Weiss, at bweiss@wvsc.com until Monday, November 14, 2022. Submitted comments will be presented to the Board prior to or during the November 16, 2022, meeting.

3. Leave Comparison: FAMLI Program, District’s Leave Policies

The FAMLI program:

Under the FAMLI program, covered individuals may take up to 12 weeks of paid aggregate family/medical leave (up to 16 weeks for pregnancy complications) in a 12-month period for:

- Birth, adoption, placement, care of a new child during first year after birth, adoption or foster care;
- Care for a family member with a “serious health condition” (including pregnancy);
- An employee’s own serious health condition;
- Exigency leave (active duty military; post deployment or death); or
- Safe leave (employee or employee’s family member is the victim of domestic abuse, stalking or sexual assault/abuse)

Employers participating in FAMLI Program must submit insurance premiums to the state starting on January 1, 2023, through a payroll premium split between employers and employees. Paid leave benefits start no sooner than January 1, 2024. Paid leave is a partial income replacement as follows: 90% of an employee’s average weekly wage for the portion of their wages equal to or less than 50% of the state average weekly wage; and 50% of the portion of their wages that exceeds the state average weekly wage. The maximum weekly benefit is \$1,100. For more information, see the FAMLI Premium and Benefits Calculator: <https://co.accessgov.com/famli/Forms/Page/famli/famlicalculator/0>.

The District will decline participation and the District is not responsible for deducting an employee’s premium or to forward the premium to the FAMLI Division.

Current District Employee Benefit and Leave Programs:

Paid Holidays are:

New Year's Day
Martin Luther King Day
President's Day
Memorial Day
Juneteenth Day
Independence Day
Labor Day
Thanksgiving Day
Day after Thanksgiving Day
Christmas Eve
Christmas Day
New Year's Eve

Paid Vacation Policy: Full-time employees will be granted 96 hours (12 days) of vacation time per year on January 1st of each year. Each January an additional eight hours (1 day) of vacation time is earned up to 200 hours (25 days) per year maximum, 240 hours (30 days) for the General Manager position. Part-time employees are eligible for vacation time that is pro-rated based on the number of hours they are normally scheduled work. Employees may carry over a maximum of 56 hours (7 days) of vacation time to the next year.

Paid Sick Leave Policy: Full-time employees are granted 96 hours (12 days) of paid sick leave each year on January 1st. Full-time employees are capped at using 96 hours of paid sick leave per year. Part-time employees will accumulate sick leave at the rate of 1 hour per 30 hours worked, up to 48 hours in a year. Unused sick hours for part-time employees currently are carried over from year to year up to 48 hours so they can be accumulated and used when needed.

Personal Time Policy: Full-time employees will be granted 32 hours (4 days) of personal time per year on January 1st of each year. Part-time employees are granted personal time that is pro-rated based on the number of hours they are normally scheduled to work. Personal time does not accumulate from year to year and is not paid upon separation of employment.

Short-Term Disability Coverage: Provides financial protection by paying a weekly benefit in the event of a covered disability for a specified period of time.

Long-Term Disability Coverage: Provides financial benefits for employees unable to work for a long period due to a covered disability.

Workers Compensation: The District provides employees access to Workers Compensation benefits for work related illness or injury.

Medical and Parental Leave: Leave of absence of not more than 90 days may be granted to eligible full-time employees. This unpaid leave is for certain medical and family reasons. To be eligible for leave an employee must have been employed by the District for at least 90 days. This leave is unpaid and not job protected.

Personal Leave: A leave of absence from work for reasons other than illness, disability or a leave of absence otherwise protected under federal or state law, the District will consider an unpaid personal leave of absence of up to 90 days. To be eligible for personal leave an employee must have been employed by the District for at least 90 days. This leave is unpaid and not job protected.

Sabbatical Leave: The District offers unpaid sabbatical leave as a benefit to encourage employees to innovate, gain knowledge and pursue their interests (e.g. volunteer, travel, research, write). Full time employees that have been with the District for at least 5 consecutive years with a good performance record may be eligible. This leave is unpaid and not job protected.

District employees should refer to the Employee Handbook for complete details or contact the Business Manager.

District Employee Benefit and Leave Programs – Effective January 1, 2024:

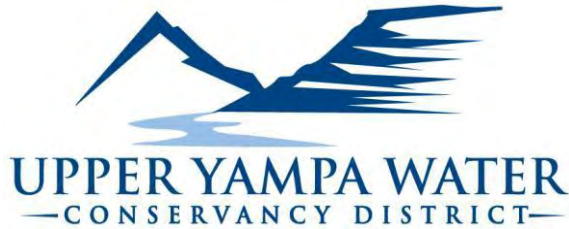
As of January 1, 2024, the District will implement a District administered Paid Family and Medical Leave (PFML) policy to replace the current Medical and Parental Leave and Short-Term Disability insurance coverage. All other benefit and leave programs will remain. The PFML policy to be implemented January 1, 2024, is attached for your review.

4. Employee's Rights to Voluntarily Opt-in as an Individual Participant

Even though the District has declined participation in the FAMLI Program, a District employee may individually opt into the program by contacting the FAMLI Division at CDLE_FAMLI_info@state.co.us.

PLEASE NOTE: Any District employee voluntarily opting into the program as an individual will be responsible to remit premiums directly to the State of Colorado. The District will not be deducting the premium from paychecks, nor will it remit any premium payments on your behalf to the State.





BOARD COMMUNICATION FORM

From: Andy Rossi, General Manager

Date: 09/12/22

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 Start Year	Contract End Year
A1-001	Brady Glauthier & Bridget Hiles	Stagecoach	A-1	1.20	Small	Domestic, irrigation	2022	2062
A1-002	Steve & Monica Alm	Stagecoach	A-1	1.00	Small	Domestic, irrigation	2022	2062
A1-003	Susan & Bradley Smith	Stagecoach	A-1	1.00	Small	Domestic, irrigation	2022	2062
A1-004	Brett & Tera Luedde	Stagecoach	A-1	1.00	Small	Domestic, irrigation	2022	2062
A1-005	David Kulberg	Stagecoach	A-1	1.00	Small	Domestic, irrigation	2022	2062
A1-006	Carrie Easton	Stagecoach	A-1	1.00	Small	Domestic, irrigation	2022	2062
A1-007	John & Susan Knill	Stagecoach	A-1	1.00	Small	Domestic, irrigation	2022	2062
A1-008-New	Mark & Lindsay Stepp	Stagecoach	A-1	1.30	Small	Domestic, Irrigation, Recreation	2022	2062
A1-009-Pending	Tad & Jennifer Hayashi & Janice Rigmaiden	Stagecoach	A-1	1.00	Small	Domestic, Irrigation, Recreation	2022	2062
A2-001	Gayle Dudley	Stagecoach	A-2	2.16	Small	Recreation	2011	2051
A2-002	Walton Creek, LLC	Stagecoach	A-2	1.20	Small	Domestic, Irrigation, Recreation	2012	2052
A2-003	Amethyst Ranch, LLC No. 1	Stagecoach	A-2	0.40	Small Commercial	Commercial	2012	2052
A2-004	Elizabeth Rostermund	Stagecoach	A-2	0.40	Small	Irrigation	2015	2055
A2-005	Amethyst Ranch, LLC No. 2	Stagecoach	A-2	0.80	Small Commercial	Commercial, Domestic, Irrigation	2014	2054
A2-006	Yampa Realty Holdings, LLC	Stagecoach	A-2	17.30	Small	Domestic, Irrigation, Recreation	2017	2057
A2-008	STARS	Stagecoach	A-2	1.20	Small Commercial	Irrigation, Livestock, Commercial, Recreation	2018	2058
A2-011	Robert Broadnax	Stagecoach	A-2	3.00	Small	Domestic, Recreation, Livestock	2021	2061
A2-012	Paul & Susan Hubbell	Stagecoach	A-2	0.10	Small	Domestic, Irrigation	2021	2061
A2-013	Douglas Snyder Trust	Stagecoach	A-2	3.60	Small	Recreation, Livestock	2021	2061
A2-014	City of Steamboat Springs (Lufkin Well)	Stagecoach	A-2	0.20	Small Commercial	Commercial	2021	2061
A2-015	Benjamin & Kristin Head	Stagecoach	A-2	2.20	Small	Domestic, irrigation, Recreation	2021	2061
A2-016	Ferruginous LLC	Stagecoach	A-2	1.60	Small Commercial	Commercial, Domestic, Irrigation, Livestock	2021	2061
A2-017	CG 17 LLC	Stagecoach	A-2	0.20	Small	Domestic, Irrigation, Livestock	2021	2061
A2-018-New	William (Bill) Gay	Stagecoach	A-2	2.80	Small	Recreation (3 ponds) & Livestock	2022	2062
A3-001	Stone Yard LLC	Stagecoach	A-3	2.60	Small	Irrigation, Recreation	2015	2055
A3-007	Berkey-Borden-Buku-Foundry	Stagecoach	A-3	1.70	Small Commercial	Commercial, Irrigation, Livestock, Fire Suppression	2016	2056
A3-009	KTH Enterprises	Stagecoach	A-3	3.03	Small	Domestic	2020	2060
A3-010	Whitehaven LLC	Stagecoach	A-3	0.50	Small	Domestic	2021	2061
A3-011	Amy & John Asta	Stagecoach	A-3	0.50	Small	Domestic, Irrigation	2021	2061
A3-012	Jenny Schmidt & Aaron Solomon	Stagecoach	A-3	0.10	Small	Domestic, Irrigation	2022	2062
A4-001	Flanders Ranch, LLC	Stagecoach	A-4	2.00	Small	Domestic, Irrigation, Livestock	2021	2061

Total Volume Stagecoach = 57.090 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 Start Year	Contract End Year
E-A1-001	CCJG Ranch LLC	Steamboat Lake	A-1	2.2	Small	Recreation (pond)	2021	2061
E-A1-002	John Klein	Steamboat Lake	A-1	0.1	Small	Domestic, Irrigation	2022	2062
E-A1-003-Pending	Home Ranch LLC	Steamboat Lake	A-1	9.8	Small	Domestic, Irrigation, Recreation, Livestock, Other	2022	2062

Total Volume STMBT Lake = 12.050 AF





BOARD COMMUNICATION FORM

From: Emily Lowell, District Engineer

Date: 9/12/2022

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 2022 water year to date.

II. Summary:

Yamcolo Reservoir Status as of 9/12/2022- Holding Steady

Current Storage Volume: 2,314 AF

Volume Stored in last 30 days: 394 AF

Volume Stored in last 60 days: 6 AF

Current Outflow: 12 cfs

Stagecoach Reservoir Status as of 9/12/2022 – Releasing

Current Storage Volume: 29,411 AF

Volume Stored in last 30 days: 263 AF

Volume Stored in last 60 days: 838 AF

Current Inflow: ~26 cfs

Current Outflow: 95 cfs



III. Staff Recommendation:

N/A

IV. Legal Issues:

N/A

V. Consistency with Board Goals and Policies:

Policy Statement: 2

Attachments:

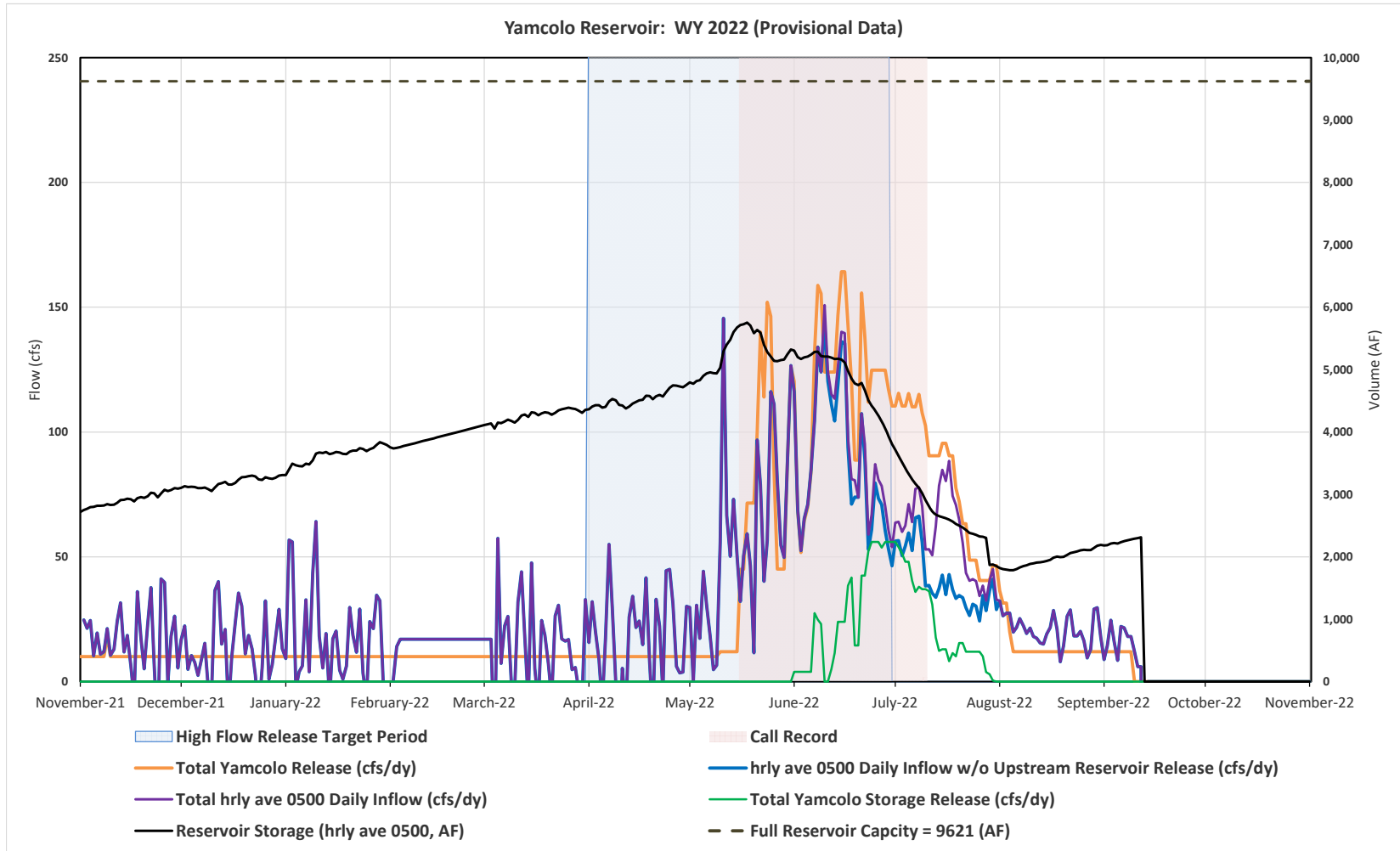
1. Yamcolo Water Storage Data (WY 2022)
2. Stagecoach Water Storage Data (WY 2022)
3. DNR Drought Update
4. Yampa Precipitation
5. Yampa White Little Snake SWE Hydrograph
6. Yampa at Stagecoach & CWT Deliveries
7. Yampa River with CWT Deliveries

Yamcolo Reservoir Operations
Total Monthly Volume (AF)

Water Year 2022

INFLOW	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Total
Physical	966	832	1,098	858	873	996	3,416	5,350	2,520	1,288	350		18,547
Storable	490	340	607	414	381	520	2,702	4,636	1,783	550	64		12,487
Stored	375	217	484	303	244	390	529	0	0	368	130		3,040

OUTFLOW	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Total
Operator	-611	-615	-615	-555	-615	-595	-3,079	-7,086	-4,995	-879	-214		-19,858
Spill													0
Gage	-611	-615	-615	-555	-615	-595	-3,079	-7,086	-4,995	-879	-879		-20,523



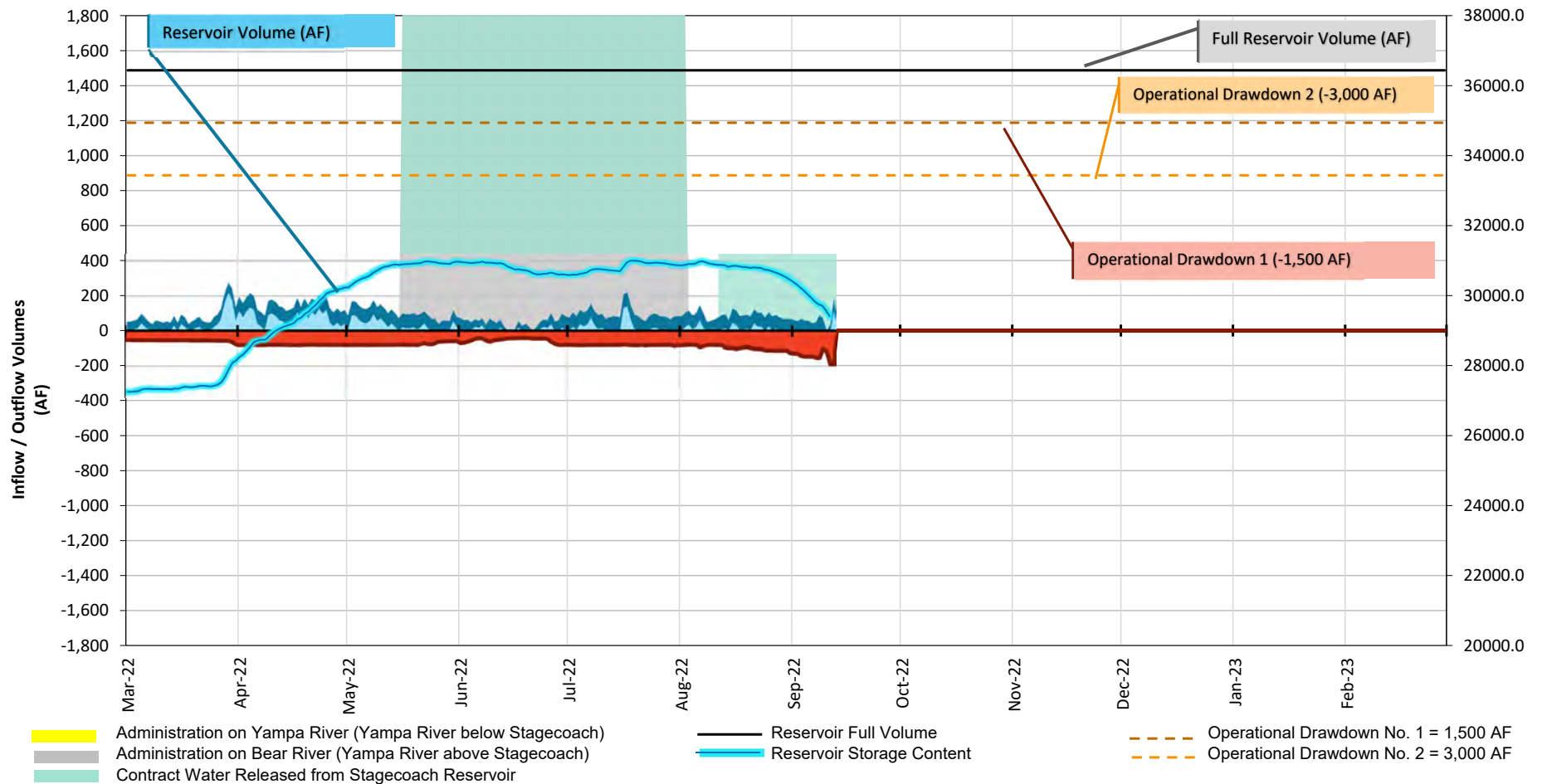
Stagecoach Reservoir Operations

Total Monthly Volume (AF)

Accounting Year 2022

INFLOW	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Total
Physical	2,644	4,629	3,288	1,520	3,076	2,798	790						18,745
Storable	997	2,248	1,013	237	691	458	119						5,763
Stored	997	2,208	986	235	666	426	119						5,639

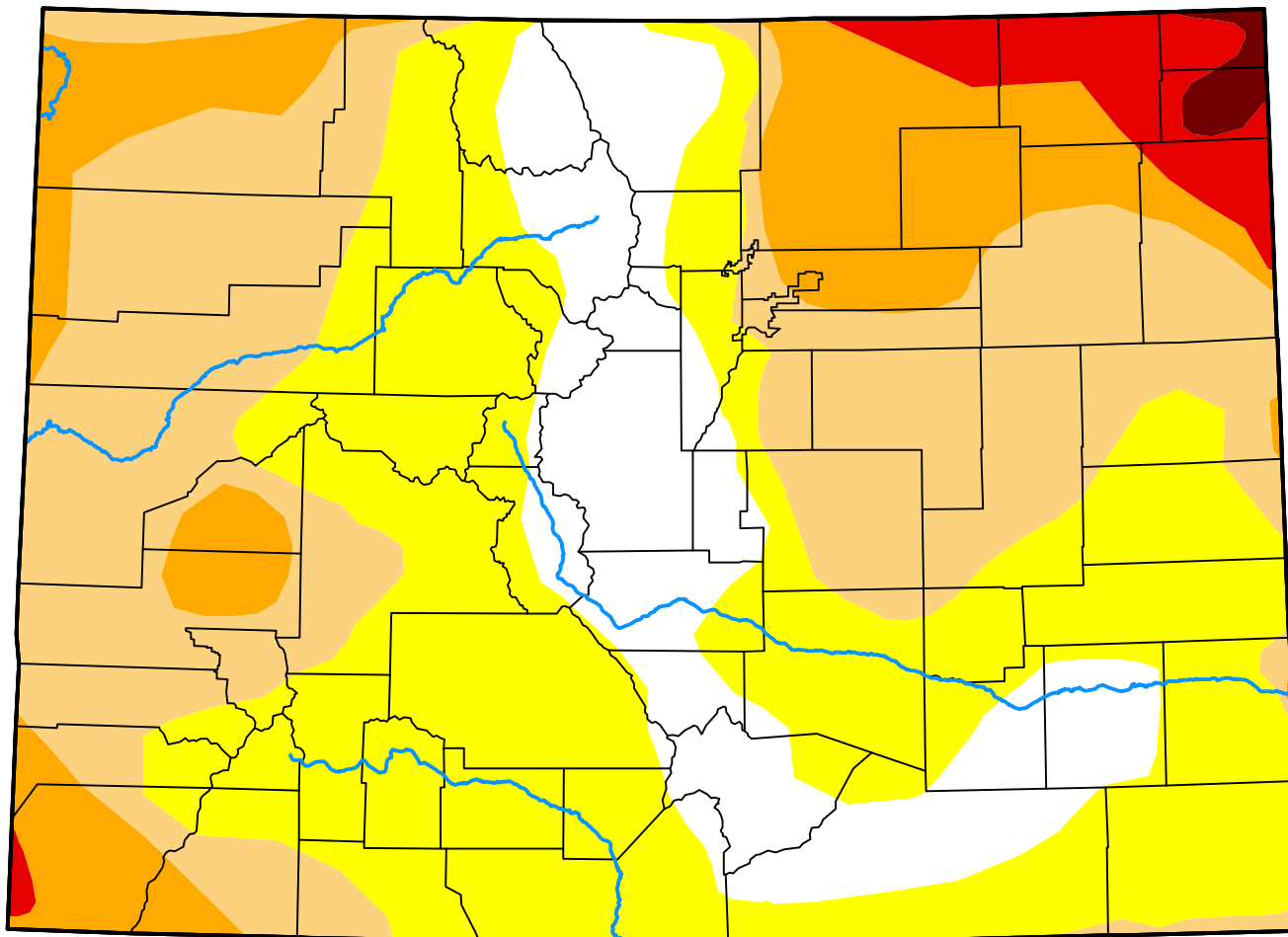
OUTFLOW	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Total
Operator	-1,700	-2,420	-2,342	-1,579	-2,514	-2,978	-1,753						-15,286
Spill	0	0	0	0	0	0	0						0
Gage	-1,700	-2,420	-2,342	-1,579	-2,514	-2,978	-1,753						-15,286









U.S. Drought Monitor

Colorado

September 6, 2022
(Released Thursday, Sep. 8, 2022)
Valid 8 a.m. EDT



Intensity:

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

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

Author:

David Simeral
Western Regional Climate Center



droughtmonitor.unl.edu

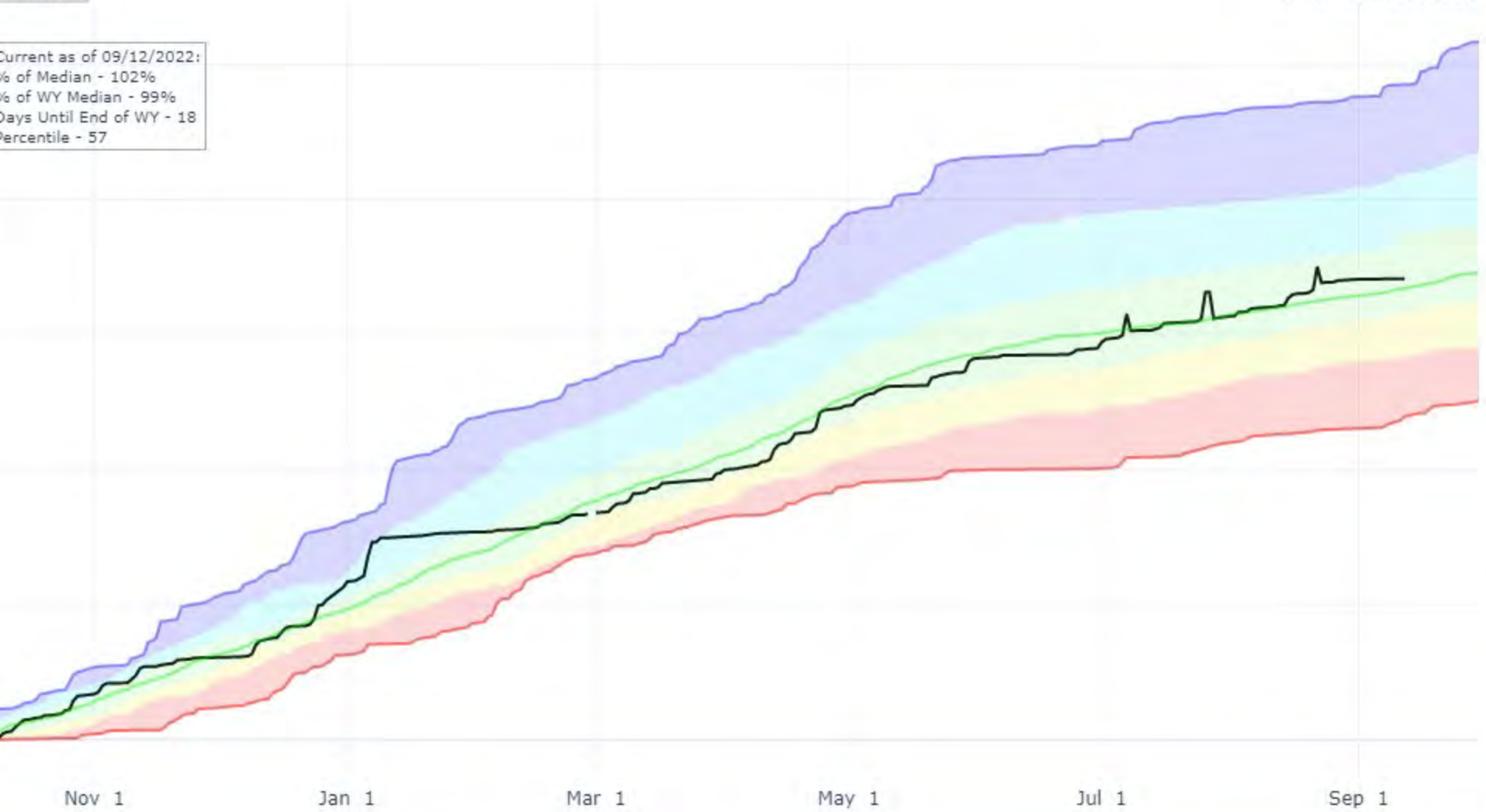
PRECIPITATION IN AMPA

et Range

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

Station List

Current as of 09/12/2022:
% of Median - 102%
% of WY Median - 99%
Days Until End of WY - 18
Percentile - 57



- Max
- Median
- Median
- Min
- Stats. .
- 2022 ()
- 2021 ()
- 2020 ()
- 2019 ()
- 2018 ()
- 2017 ()
- 2016 ()
- 2015 ()
- 2014 ()
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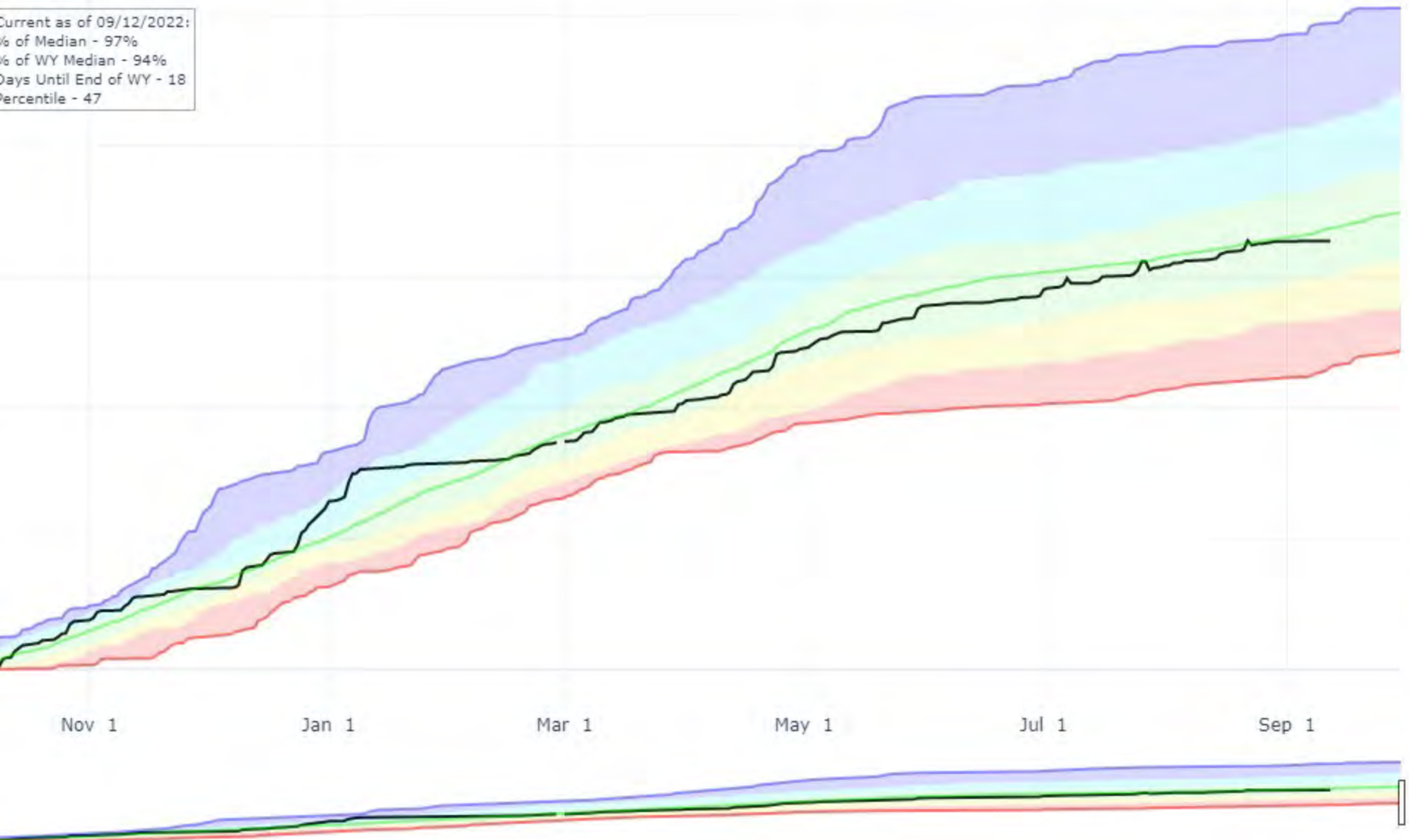
PRECIPITATION IN TAMPA-WHITE-LITTLE SNAKE

et Range

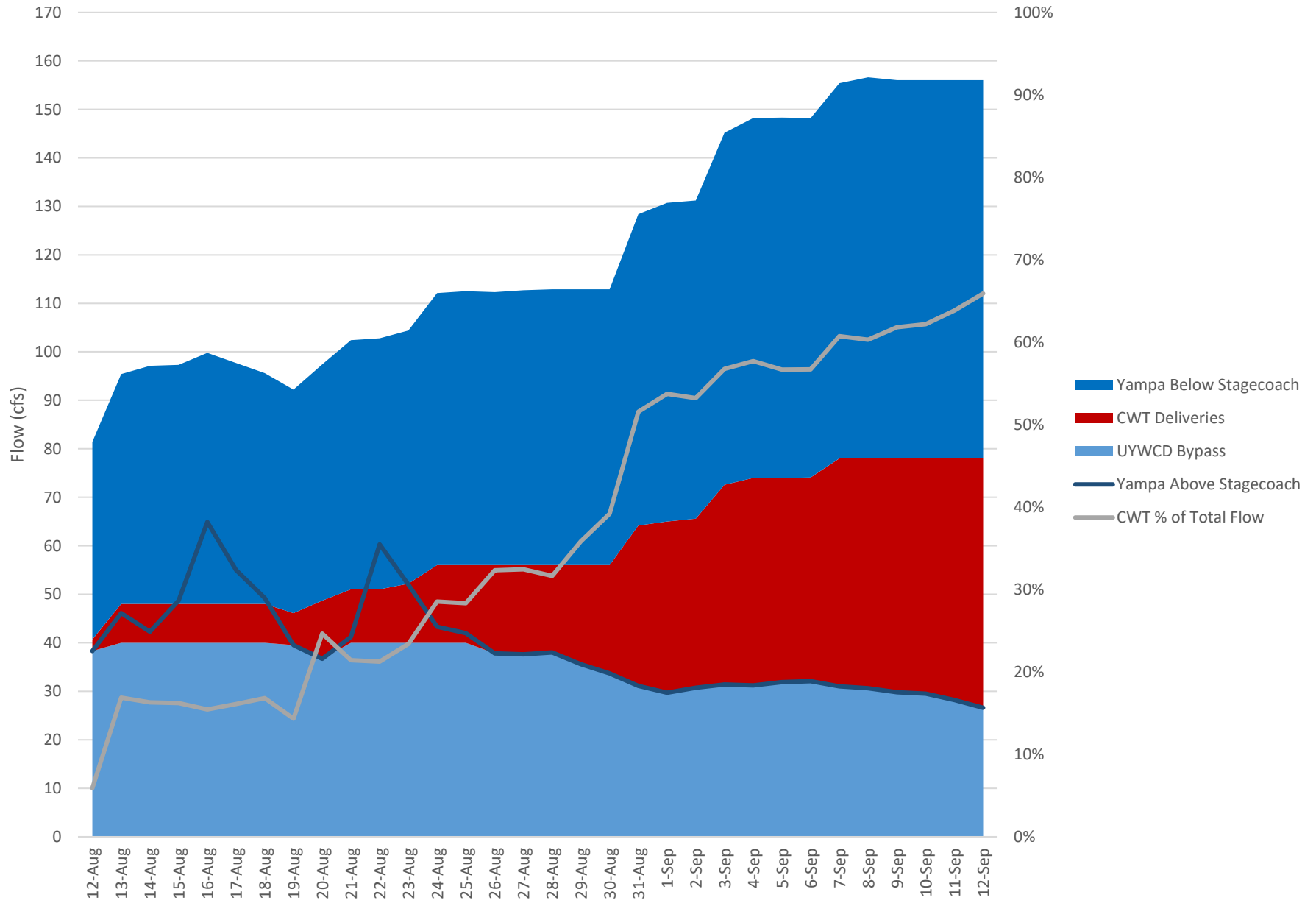
[Link to data: CSV / JSON](#)

Station List

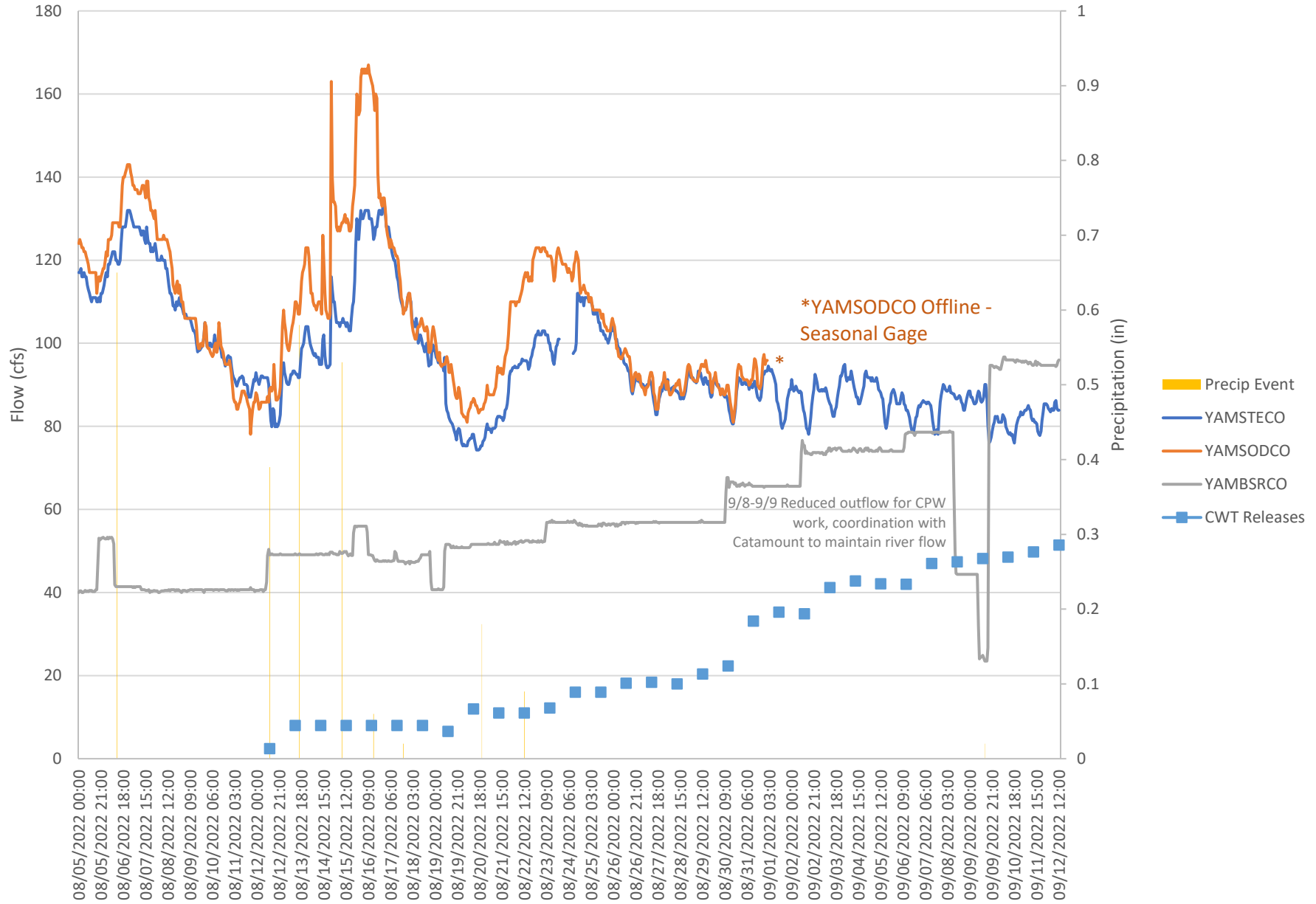
Current as of 09/12/2022:
% of Median - 97%
% of WY Median - 94%
Days Until End of WY - 18
Percentile - 47



Yampa at Stagecoach & CWT Deliveries



Yampa River Flows & CWT Releases







BOARD COMMUNICATION FORM

From: Emily Lowell, District Engineer

Date: 9/12/2022

Item: Union Ditch Headgate Project

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Request/Issue and Background Information:

UYWCD continually invests in construction and installation of facilities improvement and maintenance 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 continues to proactively identify facilities maintenance priorities to extend the operational lifespan of the UYWCD infrastructure.

One of the projects identified for the 2022 budget was the Union Ditch Headgate Project. The Union Ditch diverts water from the Yampa River to maintain enough water flow to adequately feed the wetlands area near the intake of the Yampa River to Stagecoach Reservoir. The Union Ditch is located just upstream of Stagecoach Reservoir and ultimately discharges into the reservoir.

This project consists of replacing the antiquated headgate infrastructure, improving flow to the Union Ditch (specifically during low flow periods on the Yampa River), improving system function to minimize annual maintenance work, maintain upstream fish passage and improve downstream fish passage, improve integrity of infrastructure for protection during high flow events, and maintain/improve bank stabilization.

III. Staff Recommendation:

Bid project in September 2022 and pending competitive bids, construction to occur Fall 2022. If prices are unreasonable or time constraints for contracting with a contractor are an issue, construction will occur Fall 2023.



IV. Legal Issues:

N/A

V. Consistency with Board Goals and Policies:

Policy Statement: 2 and 5

Attachments:

1. Union Ditch Project Details

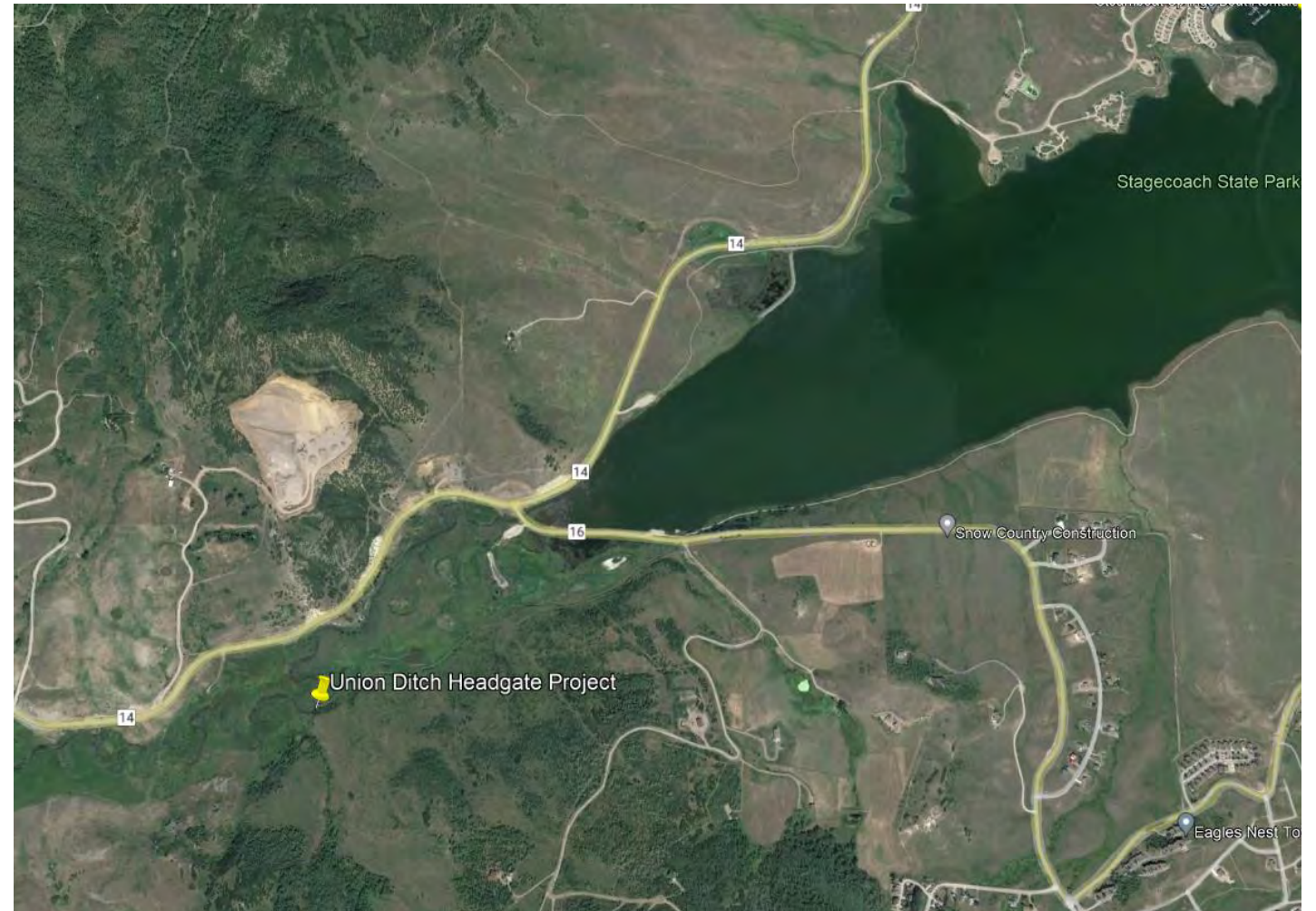


September 22, 2022

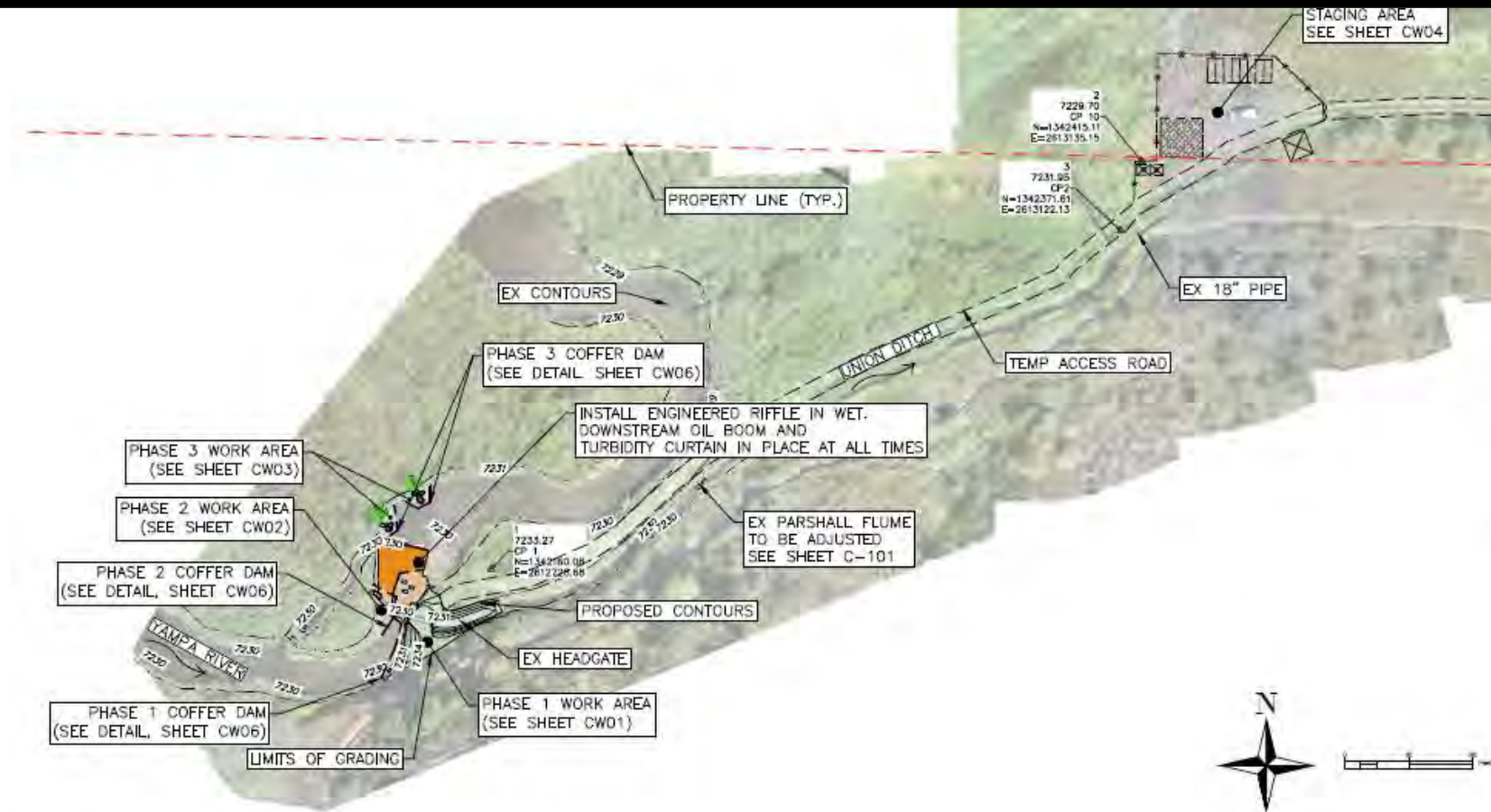
UNION DITCH HEADGATE PROJECT

PROJECT LOCATION & BACKGROUND

- Upstream from Stagecoach Reservoir
- Historical Use: Agricultural Ditch
- Current Use: Used to keep water in the wetlands upstream of Stagecoach Reservoir constructed as an offset for the wetlands inundated as part of the dam raise



OVERALL PROJECT PLAN



1.1 ABANDONED CAR AND HEAD GATE DEMO

1.2 NEW HEADGATE AND PIPE INSTALLATION

1.3 RIGHT BANK AND BANK TOE RESTORATION

1.4 RIVER RIGHT SIDE OF GRADE CONTROL STRUCTURE (GCS), TIE INS, AND ALL INSTREAM WORK FROM DOWNSTREAM TO UPSTREAM.

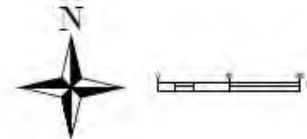
COW PHASE 2 (CW02):

2.1 RIVER LEFT SIDE OF GCS, TIE INS AND ALL INSTREAM WORK FROM DOWNSTREAM TO UPSTREAM;

COW PHASE 3 (CW03):

3.1 LEFT BANK AND BANK TOE RESTORATION;

ALL OTHER WORK IN WET WITH DOWNSTREAM OIL BOOM AND TURBIDITY CURTAIN IN PLACE AT ALL TIMES



LEGEND

- ===== ACCESS ROAD
- ▨ ACCESS BRIDGE
- ▬ COFFERDAM
- ⊘ EROSION CONTROL LOG
- FLOW PATH
- TURBIDITY CURTAIN
- OIL BOOM
- OHWM— ORDINARY HIGH WATER MARK (OHWM)
- ⊖ PUMP AND FILTER
- S— SILT FENCE
- ▣ STAGING AREA

EROSION CONTROL AND CARE OF WATER NOTES:

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLIANCE WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS AND BEST MANAGEMENT PRACTICES (BMP'S).
2. CONTRACTOR SHALL BE RESPONSIBLE FOR DEVELOPMENT OF STAGING AREAS, ACCESS, AND CARE OF WATER DURING CONSTRUCTION.
3. IF ISOLATION FROM THE FLOWING RIVER IS DESIRED DURING CONSTRUCTION, CONTRACTOR IS RESPONSIBLE FOR IMPLEMENTATION OF ISOLATION PLAN.
4. CONTRACTOR IS RESPONSIBLE FOR DEMOBILIZATION OF EQUIPMENT TO AVOID DESTABILIZATION OF EQUIPMENT AND PARTIALLY CONSTRUCTED FEATURES. SEE SPECIFICATIONS FOR REQUIREMENTS AND DETAILS.
5. UTILITY LOCATIONS SHOWN IN PLANS ARE APPROXIMATE, CONTRACTOR IS RESPONSIBLE FOR ALL UTILITY LOCATES INCLUDING UTILITIES NOT SHOWN IN PLANS.

OBJECTIVES OF PROJECT

- Improve flow to Union Ditch, specifically during low flow periods in River
- Limited annual maintenance work
- Allow water from river to pass through headgate into ditch by gravity
- Maintain or improve stability of existing riverbank
- Ensure long term-stability of bank so that headgate does not need to be relocated again
- Improve integrity of infrastructure for protection during high flow events
- Update antiquated irrigation infrastructure
- Maintain upstream fish passage and improve downstream fish passage
- Adequate infrastructure to take full 9 cfs water right



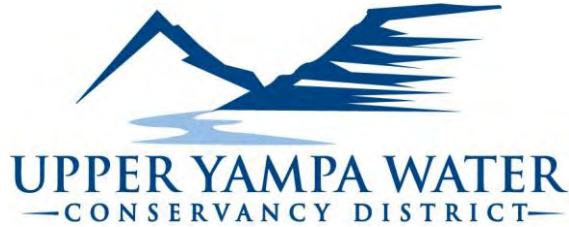
PROJECT COST & NEXT STEPS

- Engineering estimate for project construction cost is \$145,000 (includes 10% contingency)
- Project is out for bid 9/9 to 9/29
- Review construction bids, references, & committed workload
- Confirm construction timeline with selected contractor
 - Ideally Fall 2022, otherwise Fall 2023



QUESTIONS?





BOARD COMMUNICATION FORM

From: Holly Kirkpatrick

Date: 9/11/2022

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 \$145,399.10 remaining of the allocated \$200,000 for the Diversion Infrastructure Improvement Project.

The Community Grant Funding Program has disbursed \$30,000 in grant funds in 2022 for the Yampatika K-12 Water Education Program approved in November of 2019 and the Routt County Conservation District approved in July 2022. The Community Grant Funding Program has \$45,000 remaining in the 2022 budget.

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	
Total Work Completed:					\$ 111,253.01	
			TOTAL DISBURSED:	\$ 30,422.88	\$ 24,178.02	\$ 54,600.90
			DIIP FUNDS REMAINING:	\$ 69,577.12	\$ 75,821.98	\$ 145,399.10

2022 Community Grant Funding

Project	Applicant	Date Approved	Amount Approved
Yampatika Water Education Program	Yampatika	11/20/2019	\$5,000
Landowner Toolkit for Drought, Wildfire, and Soil Health Resiliency	Routt County Conservation District	7/20/2022	\$25,000
TOTAL APPROVED:			\$30,000.00
TOTAL FUNDS REMAINING:			\$45,000.00





BOARD COMMUNICATION FORM

From: Holly Kirkpatrick

Date: 9/11/2022

Item: Community Funding Grant Application - Bear River Reservoir Company

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Request/Issue and Background Information:

The Bear River Reservoir Company is seeking community grant funding for repairs and upgrades to Stillwater Reservoir, which include obtaining construction estimates for abutment repair, replacement of the hydraulic outlet system, vent pipe, hydraulic line supports and joints in outlet conduit, and installation of a pressure transducer and relay instrumentation that will allow for remote monitoring and increased efficiency in reservoir operations.

Stillwater Reservoir currently operates using the original hydraulic outlet system installed at construction of the reservoir in 1939. The infrastructure upgrades proposed in this project are necessary for efficient and safe operation of the reservoir.

II. Summary and Alternatives:

Bear River Reservoir Company is requesting \$50,000 in UYWCD Community Grant Funding. The total project cost is \$416,065. To date, they have secured \$174,930 in matching grant funds. Additionally, the Yampa/White/Green Basin Roundtable has approved funding in the amount of \$139,500, which will be disbursed pending final approval at the Colorado Water Conservation board meeting on September 21-22, 2022 for a total grant funding match of \$314,430. They also plan to provide \$52,235 of their own funding towards the match.

The board may move to approve full, partial, or no funding for the grant applicant.



III. Staff Recommendation:

UYWCD staff recommends funding the requested amount of \$50,000 to the Bear River Reservoir Company for the necessary repairs and upgrades to Stillwater Reservoir.

IV. Legal Issues: N/A

V. Consistency with Board Goals and Policies:

Goal 4

Attachments:

Attachment 1: Bear River Reservoir Company Grant Application

Attachment 2: Project Budget and Timeline Worksheet

Additional Attachments: Letters of Support



Community Grant Funding Application

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

Applicant Information:

Applicant Name: _____

Organization (if applicable): _____

Primary Contact Information:

Name: _____

Address: _____

Phone: _____ E-mail: _____

Project Information:

Project Name: _____

Project Location: _____

Latitude and Longitude or PLSS: _____

Please attach a site map of project location.

Brief Project Summary (250 word limit):

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

Infrastructure Improvements

Water Quality/Watershed Health

Water Supply Planning

Education and Outreach

River Restoration

Please describe how the category(ies) selected above are addressed in your project objectives (300 word limit):

Project Timeline:

Anticipated Start Date: _____

Anticipated Completion Date: _____

Project Description and Tasks: Please outline this project by anticipated work tasks such as permitting, planning/design, construction, etc. For each task, please provide a detailed description, including methodology and anticipated start and end dates. Attach additional documentation including any existing engineering/design plans if applicable. (150 word limit)

A large, empty rectangular box with a thin black border, intended for the user to provide a detailed description of the project tasks, methodology, and dates. The box is currently blank.

Monitoring and Evaluation: Please describe the approach for monitoring and evaluating the progress of this project including specific measurable outcomes.(150 word limit)

Operations and Maintenance: Please outline existing and anticipated operations and maintenance costs associated with the project, including labor if applicable. Once the project is complete, how do you plan to cover ongoing expenses.(150 word limit)

Does this project require local, state or federal permitting?

Yes No

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

Is this project associated with decreed water rights?

___ Yes ___ No

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

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

___ Yes ___ No

If yes, please explain.

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

Alignment:

Please describe how your project aligns with the UYWCD Strategic Plan including goals, objectives, mission, and vision statements. (300 word limit)

Please describe how your project aligns with the Yampa/White/Green Basin Implementation Plan/Yampa River Integrated Water Management Plan, other local, state, or regional water management plans or programs, and/or any existing or planned projects in the Yampa River Basin. (250 word limit)

Budget:

Total Project Cost: _____

Requested Amount: _____

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

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

Please describe planned efforts to meet the project budget. Should budget be exceeded please describe how additional costs may be covered. (100 word limit)

Signature of Applicant

Date



Budget & Timeline Worksheet

Date: 8/10/2022

Project Name: Stillwater Reservoir Repair Estimates & Upgrades

Project Applicant: Bear River Reservoir Co.

Matching Funds

Funding Partner*	Cash	In-Kind	Total	Funds Committed (Y/N)
Bear River Reservoir Co.	\$ 51,635.00	\$ 600.00	\$ 52,235.00	Y
Yampa White Green Roundtable	\$ 139,500.00		\$ 139,500.00	N
Co Water Conservation Board	\$ 49,930.00		\$ 49,930.00	Y
Colorado River District	\$ 125,000.00		\$ 125,000.00	Y
Upper Yampa Water District	\$ 50,000.00		\$ 50,000.00	N
Total	\$ 416,065.00	\$ 600.00	\$ 416,665.00	

*Approved by Y/W/G BRT and pending CWCB approval at 9/22/22 meeting

*Include applicant and additional partners

Project Budget & Timeline

Task No.	Task Description	Estimated Start Date	Estimated End Date	UYWCD Funds	Cash Match	In-kind Match	Total
1	Feasibility Study, piezometers	9/1/2020	10/31/2023		\$ 78,016.00	\$ 100.00	\$ 78,116.00
2	Cost Estimates, Left Abutment	9/15/2022	3/31/2023		\$ 20,200.00	\$ 100.00	\$ 20,300.00
3	Cost Estimates, Right Abutment	9/15/2022	3/31/2023		\$ 6,900.00	\$ 100.00	\$ 7,000.00
4	Hydraulic system replacement	9/15/2022	10/31/2023	\$ 50,000.00	\$ 116,833.00	\$ 100.00	\$ 166,933.00
5	Vent Pipe, Hydraulic hangers	9/15/2022	10/31/2023		\$ 123,783.00	\$ 100.00	\$ 123,883.00
6	Repair Outlet Joints & Invert	9/15/2022	10/31/2023		\$ 13,833.00	\$ 100.00	\$ 13,933.00
7	Capacity Measurement instruments	9/1/2021	11/30/2022		\$ 6,500.00		\$ 6,500.00
Total Project Cost				\$50,000	\$366,065	\$600	\$416,665

UYWCD	\$50,000
Cash Match	\$366,065
In-Kind Match	\$600



COLORADO RIVER DISTRICT
PROTECTING WESTERN COLORADO WATER SINCE 1937

August 9, 2022

Via electronic mail

Upper Yampa Water Conservancy District
2220 Curve Plaza
Steamboat Springs, CO 80487

RE: Support Letter: Stillwater Reservoir

Dear UYWCD Board of Directors:

The Colorado River Water Conservation District (“River District”) is pleased to support the Bear River Reservoir Company’s application to the Upper Yampa Water Conservancy District to support needed cost estimates and repairs to Stillwater Reservoir.

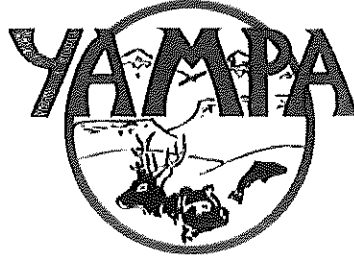
The project protects water resources and supports the refurbishment and modernization of aging water supply infrastructure. Releases from Stillwater Reservoir support productive agriculture, provide emergency municipal supplies to the Town of Yampa, and enhance flows in the Bear River. Rehabilitation also promotes the wise use of West Slope water by providing late season reservoir releases - extending the timing of flows in the Bear River beyond the natural hydrology. Of particular importance, Stillwater Reservoir supports the viability of productive agriculture in the Bear River system that is water-short and under administration. Finally, this project will be included as part of a recommendation within the Yampa-White-Green Integrated Water Management Plan to identify repairs needed for existing reservoirs and secure infrastructure funding to complete.

The River District’s Community Funding Partnership was created in 2021 to fund multi-purpose water projects on the Western Slope. We have currently awarded the Bear River Reservoir Company a \$125,000 grant to assist in the Stillwater Reservoir Repair Estimates & Upgrades with an emphasis and encouragement to seek additional support from local funding sources. We support BRRC’s efforts to secure additional funding for this project, and their commitment to supporting better water management.

Thank you for your consideration.

Sincerely,

Andrew A. Mueller
General Manager



August 10, 2022

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

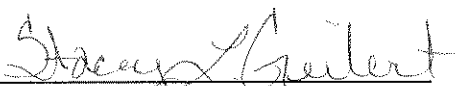
To Whom It May Concern:

The Town of Yampa is a shareholder in Stillwater Reservoir #1 and is in full support of the Bear River Reservoir Company's grant application to the UYWCD's Community Grant Funding Project. The specific purpose of their application is to secure funds to identify construction costs for seepage mitigation and to make upgrades to the operating system and outlet tunnel at Stillwater Reservoir #1.

As you know, Stillwater Reservoir #1 provides stored water for emergency municipal supplies for the Town of Yampa and irrigation for agricultural users in our area. Its location on Bear River is at the headwaters of the Yampa River drainage in an historically water-short stretch of that system. In addition to the above essential benefits, Stillwater's reservoir releases also enhance flows along the Bear River, extend the timing of flows in the River beyond the natural hydrographic curve, and afford recharge of springs and riparian areas along irrigation return flow channels.


In addition, Stillwater Reservoir #1 is a heavily used recreation destination in southern Routt County on the Routt National Forest. Both the reservoir itself and the river corridor that it supports provide multiple opportunities for recreation activities in our county.

For these reasons, the Town of Yampa supports this grant proposal.



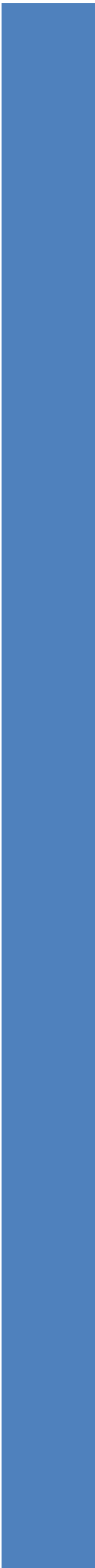
Stacey Geilert

Town of Yampa Mayor



Sheila Symons

Town Administrator/Clerk of Yampa





BOARD COMMUNICATION FORM

From: Holly Kirkpatrick

Date: 9/12/2022

Item: Scholarship Awards

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Request/Issue and Background Information:

As directed by the UYWCD Board of Directors, UYWCD staff increased the amount of the John Fetcher Upper Yampa Water Conservancy District Scholarship awards from two \$2000 awards in 2021 to two \$5000 scholarships in 2022. To qualify for scholarships, applicants must be enrolled as a full-time student in a water-related major at a public university within the state of Colorado. Preference is given to juniors, seniors, or master's candidates (with at least one year of studies remaining) in a water-related major and to residents or former residents of Northwest Colorado or students working on water research in Northwest Colorado.

II. Summary and Alternatives:

UYWCD only received 2 applications for the John Fetcher Scholarship program for the 2022-2023 school year. One of the applicants is a local resident of Routt County who interned with the Colorado Division of Water Resources administering water rights in South Routt County this summer. The second applicant also interned as a water commissioner for the Division of Water Resources on the Grand Mesa near Grand Junction, CO. Scholarships were awarded to Spencer Romig, a mechanical engineering student at Western Colorado University and Levi Rivers, a civil engineering student at CU - Boulder. The applications for the scholarship recipients are attached for your review.

Please take a moment to read about these deserving students and help me in congratulating them on their 2022-2023 John Fetcher Scholarships.

III. Staff Recommendation: n/a



IV. Legal Issues: n/a

V. Consistency with Board Goals and Policies:
Goal 8

Attachments:

Attachment 1: Spencer Romig Scholarship Application

Attachment 2: Levi Rivers Scholarship Application

2022-2023 John Fetcher Upper Yampa Water Conservancy District Scholarship

DEADLINE : May 20 2022 at 11:59 PM MDT (M dn ght) CLOSED

Applicant Information

Name: Spencer Romig

Email: [REDACTED]

App ID: [REDACTED]

Status: Submitted

Last Modified: [REDACTED]

App Submitted: [REDACTED]

App Created: [REDACTED]

Personal Information

Personal Information

First Name	Spencer
Last Name	Romig
Email	[REDACTED]
Phone	[REDACTED]
Country of Citizenship	United States
Are you a Colorado resident?	Yes
Current Address	[REDACTED]
Address Line 1	[REDACTED]
Address Line 2	
City	Steamboat Springs
State	CO
Zip Code	[REDACTED]
Permanent address (if different from above)	[REDACTED]
Address Line 1	

Address Line 2

City

State None

Zip Code

Parent/Guardian Information

Parent/Guardian Information
If you parent/guardians do not share an address, please just provide one address below

First Name [REDACTED]

Last Name [REDACTED]

First Name

Last Name

Phone 1 [REDACTED]

Phone 2

Email 1 [REDACTED]

Email 2

Address Line 1 [REDACTED]

Address Line 2

City [REDACTED]

State [REDACTED]

Zip Code [REDACTED]

Education

Current Course of Study

College/University
(must be a public university within the state of Colorado) Western Colorado University

Major(s) Mechanical Engineering

Minor(s)

Year of Study Junior

Status	Full-time student
GPA	█
Anticipated Graduation Date	05/11/2024

Secondary Education

High School	Steamboat Springs High School
City	Steamboat Springs
State	CO
GPA	█

Water Interests

Describe your interest in and/or studies related to water.

I have always loved the outdoors. I am currently in a summer internship with the State of Colorado Department of Natural Resources, Division of Water Resources. I serve as a water commissioner, and my duties include checking flumes, headgates, and flowrates. Next summer, I hope to intern with a hydrologic engineer, which would be a great addition to my engineering skillset for my career. This would involve more experience with water and would focus on watersheds and other types of water storages.

Faculty Sponsor

First Name	Holly
Last Name	Brunkal
Academic Department	Engineering and Geology
University	Western Colorado University
City	Gunnison
State	CO
Email	[REDACTED]
Phone	[REDACTED]

Scholarship Application

Scholarship Application

Describe any activities in which you are currently involved that are water-related and/or relevant to your course of study as it pertains to water.

I am currently involved with working with water as I am a water commissioner for the State of Colorado Department of Natural Resources, Division of Water Resources. As a summer water commissioner intern, I measure water data and make sure everyone is using the proper amount of water and using it for their intended purposes such as irrigation and wildlife. To check how much water is used, you have to be able to take readings from a multitude of different flow devices along with performing quick calculations. One college engineering class that I have completed, Fluid Mechanics, featured how water reacts in different situations such as different type of flumes, pumps, and turbines. This class has helped me in my summer internship with the Division of Water Resources because it provides a real-life example of what the class taught me. It is very beneficial to have the knowledge of my Fluid Mechanics class for water resources. I am grateful for the summer position because I learn best through hands-on experiences. I believe that this water commissioner job will benefit my engineering career.

Describe your future career plans.

This fall, I will start my junior year in Mechanical Engineering at Western Colorado University in Gunnison, CO. My junior and senior years, I am officially a College of Engineering student in the University of Colorado - Boulder. I look forward to learning more in classes such as Component Design and our engineering design projects. I aspire to work at an engaging company or organization in Colorado that provides a challenging but friendly atmosphere. I hope to contribute in my career the creativity, work ethic and overall genuineness of John Fetcher.

List any current scholarships.

1. Scholarship Name

1a. Funded by

1b. Amount

1c. Start Date

1d. End Date

2. Scholarship Name

2a. Funded by

2b. Amount

2c. Start Date

2d. End Date

If you have more than 2 current scholarships or sources of funding, please list them here using the same format as above.

Upload a copy of your resume or CV. Spencer Romig Resume 2022.pdf

2022-2023 John Fetcher Upper Yampa Water Conservancy District Scholarship

DEADLINE : May 20 2022 at 11:59 PM MDT (M dn ght) CLOSED

Applicant Information

Name: Levi Rivers
Email: [REDACTED]
App ID: [REDACTED]
Status: Submitted
Last Modified: [REDACTED]
App Submitted: [REDACTED]
App Created: [REDACTED]
Last IP Address: [REDACTED]

Personal Information

Personal Information

First Name	Levi
Last Name	Rivers
Email	[REDACTED]
Phone	[REDACTED]
Country of Citizenship	United States
Are you a Colorado resident?	Yes
Current Address	[REDACTED]
Address Line 1	[REDACTED]
Address Line 2	
City	[REDACTED]
State	[REDACTED]
Zip Code	[REDACTED]
Permanent address (if different from above)	Same as current address
Address Line 1	

Address Line 2	
City	
State	None
Zip Code	

Parent/Guardian Information

Parent/Guardian Information <i>If you parent/guardians do not share an address, please just provide one address below</i>	Levi
First Name	
Last Name	Rivers
First Name	
Last Name	
Phone 1	[REDACTED]
Phone 2	
Email 1	[REDACTED]
Email 2	
Address Line 1	[REDACTED]
Address Line 2	
City	Grand Junction
State	CO
Zip Code	[REDACTED]

Education

Current Course of Study

College/University <i>(must be a public university within the state of Colorado)</i>	University of Colorado Boulder
Major(s)	Civil Engineering
Minor(s)	
Year of Study	Junior

Status	Full-time student
GPA	[REDACTED]
Anticipated Graduation Date	12/15/2023

Secondary Education

High School	[REDACTED]
City	[REDACTED]
State	FL
GPA	[REDACTED]

Water Interests

Describe your interest in and/or studies related to water.

I originally grew up in the South where water was abundant, and oftentimes the problem was having too much of it. After relocating to western Colorado, the differences in climate between the two regions struck me and that is when I knew I wanted to go into a water-related field. I am fascinated with the water cycle of Colorado and how we rely on a good winter with a solid snowbase to provide for us and the landscape year-round.

Faculty Sponsor

First Name	Joel
Last Name	Sholtes
Academic Department	Civil Engineering
University	CU Boulder
City	Grand Junction
State	CO
Email	[REDACTED]
Phone	[REDACTED]

Scholarship Application

Scholarship Application

Describe any activities in which you are currently involved that are water-related and/or relevant to your course of study as it pertains to water.

I am currently involved in hydrological research with a professor at CU Boulder. We are looking at the effects of river restoration on streams and whether it has long term benefit to the riparian zone, water table, and potentially even aquatic life by mitigating increases in water temperature. We also collect data to monitor the impact that flood events can have on the river and its discharge.

Describe your future career plans.

With roughly 3 semester remaining until my graduation, I still have a lot to learn concerning hydrology, but I know I want to work in a water-related field. I am interested in learning as much as I can regarding water because I believe it to be one of the most important resources we have. Currently, I am interviewing for an internship over the summer as a Water Commissioner to assist with the management of a drainage area up on the Grand Mesa, and I hope to learn more about Colorado's water rights in that position.

List any current scholarships.

1.Scholarship Name

[Redacted]

1a. Funded by

[Redacted]

1b. Amount

[Redacted]

1c. Start Date

[Redacted]

1d. End Date

[Redacted]

2. Scholarship Name

2a. Funded by

2b. Amount

2c. Start Date

2d. End Date

If you have more than 2 current scholarships or sources of funding, please list them here using the same format as above.

Upload a copy of your resume or CV. Levi Rivers- Resume.pdf

BOARD MEMBER REPORTS





BOARD COMMUNICATION FORM

September 22, 2022 Meeting

From: Bob Weiss, Legal Counsel

Date: September 12, 2022

Item: Board Appointments

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Request/Issue and Background Information: The terms of Directors Monger, Seltzer and Jones will expire March 8, 2023. Appointments are made by the Chief Judge.

State Law says this: *Not more than sixty days and not less than forty-five days prior to expiration of a director's term, the conservancy district shall publish notice, once in a newspaper of general circulation within the district, that applications for appointment as director will be accepted by the court until thirty days prior to the expiration of the director's term. The notice shall specify the address of the court to which resumes may be sent, shall specify that the applicant must have resided within the district for a period of one year and be the owner of real property within the district, and, when applicable by decree or revised decree, shall specify that the applicant must be the owner of real property within the particular county whose director's term is expiring.*

We will publish as required by the statute on January 9, 2023. The deadline for applications will be February 8, 2023. Application forms will be available on the District website. Completed applications should be submitted to Deb who will forward to me for filing with the Court. These are 4 year terms expiring March 8, 2027. In the event there is more than one application for a particular seat on the Board Judge O'Hara will make the selection at a hearing which will be scheduled if needed.

II. Summary and Alternatives: N/A

III. Staff Recommendation: N/A

IV. Legal Issues: Legal issues are identified above.

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

VI. Fiscal Impact: N/A



BOARD COMMUNICATION FORM

From: Scott Grosscup, legal counsel

Date: September 14, 2022

Item: Water Resumes for July/August

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I have reviewed the water resumes of water applications filed in Water Divisions 5 and 6 in the month of July and August. I did not see any water court applications filed in the months of July and August to be of concern to the District and am not recommending the District file any statements of opposition.

PENDING WATER CASES

STATUS OF OTHER WATER CASES



BOARD COMMUNICATION FORM

From: Scott Grosscup, legal counsel

Date: September 14, 2022

Item: Water Court Cases Update

DIRECTION
 INFORMATION
 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 –Diligence application filed by Public Service Company of Colorado for 52.5 cfs decreed to the Wessels Canal. We have provided PSCo with a settlement offer that the District would stipulate to a proposed Ruling of Referee continuing the conditional water rights provided that such water rights are subordinated to the District’s most junior water rights (2015 rights of exchange) and limited use in the Yampa River Valley. While PSCo has indicated a willingness to accept this offer, it has re-referred this matter to the water judge for the ability to conduct discovery. No trial dates have been set. PSCo has filed its initial disclosures and the District’s are due at the end of the month.

Case No. 20CW3020. Diligence application filed by Public Service Company of Colorado for Hinman Park Reservoir and the Saddle Mountain Pump Station. The District entered into a stipulation that incorporates prior terms between the Applicant and District. This matter has been re-referred to the water judge and no trial dates have been set.

Case No. 21CW3046. Tri-State’s diligence application for the Craig Station Ditch and Pipeline in the amount of 15.07 cfs, conditional. No other statements of opposition were filed to the application, which closed at the end of January, and the matter is not before the water referee. There are currently no case management deadlines in place and we are awaiting the Division Engineer’s Consultation Report. We have provided Tri-State with a settlement concept and are awaiting a response.

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

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 to provide us with a proposed Ruling and engineering in support of the changes of water rights but are working through issues with the Division Engineer. There are currently no case management deadlines in place, and we are awaiting the Division Engineer’s 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 have provided Tri State with a proposed settlement concept and are awaiting a response. There are currently no case management deadlines in place, and we are awaiting the Division Engineer’s Consultation Report.

Case No. 22CW3018 Pleasant Valley Reservoir Rights at Yamcolo Reservoir – Application to confirm that the Pleasant Valley Reservoir Rights stored in Yamcolo Reservoir have been made absolute for all decreed uses was filed in March. Tri-State has filed a statement of opposition. There are currently no case management deadlines in place, and we are awaiting the Division Engineer’s Consultation Report.

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. We met with the Division Engineer and have provided additional information in support of the protest. Tri-State did file a entry of appearance that was subsequently withdrawn. We have reached out the Division Engineer to see if any additional information is needed.

Water Horse Resources – There has been no significant change since the last update. Applicant filed a motion for summary judgment early on that the intervenors requested responses to be stayed until discovery could occur, which was granted by the court. The parties are in the early stages of discovery and are looking to schedule depositions. Fact discovery is to be completed in July with responses to the summary judgment motion due in September. A trial date is not set but would occur after January of 2023.



MEMORANDUM

To: Upper Yampa Water Conservancy District Board of Directors
From: Scott Grosscup
Date: September 14, 2022
Re: Reservoir Operation

The UYWCD contracts for the storage and release of water from Yamcolo Reservoir for municipal purposes with the Town of Hayden (300 AF), Mt. Werner Water and Sanitation District (300 AF), Morrison Creek Metropolitan Water & Sanitation District (60 AF), and Steamboat II Water and Sanitation District (50 AF). Yamcolo and Stagecoach Reservoirs are identified as sources of replacement supply in augmentation plans decreed to the Town of Hayden, Case No. 14CW3039, Mt. Werner Case No. 18CW3020, and Morrison Creek Metropolitan Water & Sanitation District in Cases No. 09CW0072 and 2014CW3047.

Can UYWCD deliver this contracted water from Yamcolo from water stored in Stagecoach Reservoir allowing for the Yamcolo Reservoir water to be delivered for other uses?

The existing contracts do not allow for UYWCD to determine where the water will come from. The contracts specifically describe the water as coming from Yamcolo Reservoir. In addition, with the exception of Steamboat II, these municipalities also have water allotment contracts for water stored in Stagecoach Reservoir. The two contracts have separate terms and pricing. This suggests a bargained for benefit for water from the respective reservoir. Thus, absent an amendment to the contract, it appears that UYWCD would be in breach of the water allotment contracts if it delivered water from Stagecoach Reservoir rather than Yamcolo Reservoir.

Even if the municipalities do not object, their water court decrees describe the two separate contracts and delivery of separate amounts of water. For example, the Mr. Werner augmentation plan specifies that 200 acre feet will come from water stored in Stagecoach Reservoir and 300 acre feet from water stored in Yamcolo Reservoir. Hayden's and Morrison Creek Metropolitan District's decrees also calls out the two reservoirs separately. Thus, these plans would need to be amended or have additional sources of supply added in order to have all replacements to be made from one reservoir.

These obstacles could be overcome with amendment of the existing and future contracts and augmentation plans to allow releases from either reservoir.

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
SPECIAL BOARD OF DIRECTORS MEETING
WEDNESDAY, OCTOBER 19, 2022 (9:00 AM)
CATAMOUNT RANCH AND CLUB
30215 WATERS EDGE TRAIL
ONLINE MEETING:**

[HTTPS://US06WEB.ZOOM.US/J/81633922814?pwd=WmJAT1JtWVZQVmRQbTVDMmpNnNj6Zz09](https://us06web.zoom.us/j/81633922814?pwd=WmJAT1JtWVZQVmRQbTVDMmpNnNj6Zz09)

THE UPPER YAMPA WATER CONSERVANCY DISTRICT REQUESTS THAT UNVACCINATED PEOPLE ATTENDING THE SPECIAL BOARD OF DIRECTORS MEETING AT CATAMOUNT RANCH AND CLUB WEAR A MASK.

MATERIALS FOR BOARD PACKET DUE: OCTOBER 10 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."

8:30 AM Breakfast

- (1) **9:00 AM** Establishment of Quorum and Call to Order
- (2) **9:00 AM** Approval of Agenda for Meeting
- (3) **9:05 AM** 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.

- (4) **9:10 AM** Yampa River Basin Data and Analysis Review
 - a. Yampa Basin Irrigation Patterns
 - i. Bear River and Yampa Above Stagecoach
 - ii. *Elk River - Tentative, depending on consultant and data availability.*

10:00 – 10:15 AM Break

- b. Coordinated Reservoir Release Options Study and Discussion with Yampa River Basin Attendees

11:15 AM – 12:15 PM Lunch Break

- (5) **12:15 PM** UYWCD 2023 Strategic and Work Plan Discussion
 - a. Identified 2023 Work Efforts and Additional Work Efforts Discussion
 - b. Yampa River Basin Water User Financial Support Options
 - c. 2023 Budget Review (including Detail Sheets)
- (6) **2:00 PM** New Business (Limited to emergency matters that came up during the course of the meeting) **Action item**
- (7) **2:00 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.
- (8) **2:30 PM** Board Actions in Regard to Executive Session
- (9) **2:40 PM** Determination of Next Meeting(s) Agenda(s)
- (10) **2:45 PM** Adjournment