

AGENDA

UPPER YAMPA WATER CONSERVANCY DISTRICT BOARD OF DIRECTORS MEETING

THURSDAY, SEPTEMBER 17, 2020 (12:00 PM)

ONLINE MEETING:

[HTTPS://ZOOM.US/J/95638113840?PWD=EFHSZVPVS1dFTTc4MNLVC0EYWmFXDz09](https://zoom.us/j/95638113840?pwd=EFHSZVPVS1dFTTc4MNLVC0EYWmFXDz09)

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 <http://www.upperypawater.com/board-of-directors/agendas/> on 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.

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) **12:05 PM** Approval of Agenda for Meeting **Action item**
- (3) **12:10 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) **12:15 PM** Consent Agenda; **Action item**
 - a) Approval of the minutes of July 15, 2020 Special Board Meeting, July 16, 2020 and August 20, 2020 Board Meetings
 - b) Financial Reports
 - i) Approval of Disbursement
 - ii) Budget Comparison
- (5) **12:20 PM** Report of General Manager
 - a) Preliminary 2021 UYWCD DRAFT Budget Report
 - b) October 2020 Board of Directors' Retreat

- (6) **1:05 PM** Committee Reports
 - a) 2021 Strategic Plan
- (7) **1:15 PM** Report of General Counsel
 - a) Surety Bond Motion **Action item**
- (8) **1:25 PM** District Engineer Report
 - a) Reservoir Water Status
 - b) Capital Projects Update
- (9) **2:00 PM** Communications-Marketing Updates
 - a) Meeting updates
 - b) Publication updates
 - c) Grant program updates
- (10) **2:30 PM** Board Member Reports
 - a) A Resolution in Support of the Colorado River Water Conservation District's November 3, 2020 Ballot Question **Action item**
- (11) **2:45 PM** Pending Water Cases
 - a) Water Resumes **Action item**
 - b) Status of other Water Cases (if any) **Action item**
- (12) **3:00 PM** New Business (Limited to emergency matters that came up during the course of the meeting) **Action item**
- (13) **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.
- (14) **3:10 PM** Board actions regarding Executive Session
- (15) **3:15 PM** Determination of Next Meeting Agenda
- (16) **3:30 PM** Adjournment.

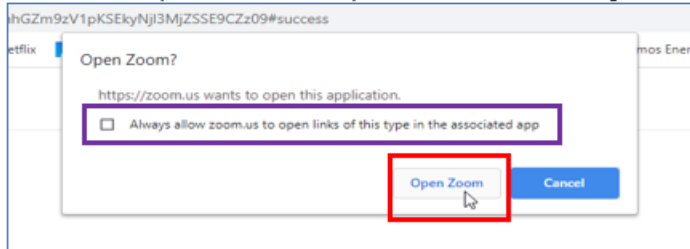
How to join a Zoom meeting

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

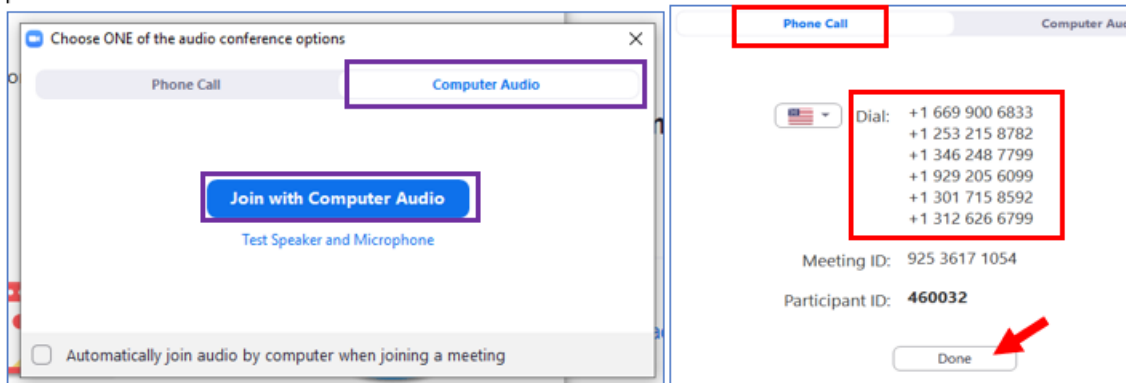


If you have not used Zoom before, you may receive this dialogue box to open Zoom. First, click on **"always allow zoom.us..."** so you will automatically connect for future meetings. Then, click on **"Open Zoom"** and follow the prompts.



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"**.

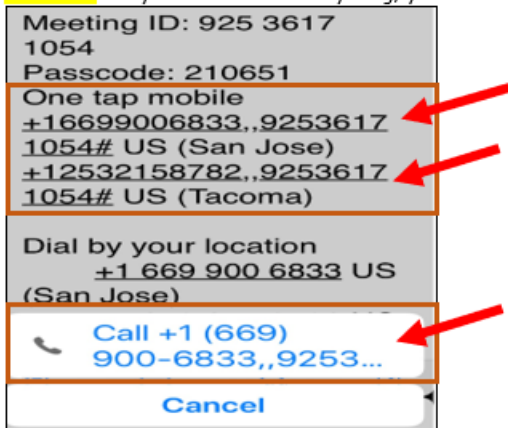
To use your cell phone or landline, click on **"Phone Call"** and then choose a number from the list. Once you dial the number, you will be asked for the Meeting ID and Participant ID to enter the meeting. Click on **"Done"** once you are connected to the Zoom meeting. Or, you can use the **"One tap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

Meeting ID: 925 3617 1054
Passcode: 210651
One tap mobile
+16699006833,,92536171054# US (San Jose)
+12532158782,,92536171054# US (Tacoma)

Dial by your location
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 929 205 6099 US (New York)
+1 301 715 8592 US (Germantown)
+1 312 626 6799 US (Chicago)
Meeting ID: 925 3617 1054

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".

The image shows two screenshots from the Zoom application. The top screenshot displays the 'Participants (1)' list with one participant named 'Upper Yampa Wate... (Host, me)'. Below the name are 'Mute' and 'More >' buttons. A mouse cursor is hovering over the 'More >' button, which has opened a sub-menu with 'Mute' and 'Rename' options. The bottom screenshot shows the 'Rename' dialog box, which prompts the user to 'Enter a new screen name:' with a text input field containing the placeholder 'Enter your name here'. There is a checked checkbox for 'Remember my name for future meetings' and 'OK' and 'Cancel' buttons at the bottom.

Contact Deb Bastian for any questions

- Email: dbastian@upperyampawater.com
- Phone: 970-819-0189



RECORD OF PROCEEDINGS

**UPPER YAMPA WATER CONSERVANCY DISTRICT
SPECIAL BOARD OF DIRECTORS MEETING
WEDNESDAY, JULY 15, 2020 (10:00 AM)
MOUNTAIN VALLEY BANK COMMUNITY ROOM – ACCESS IS LIMITED TO
DIRECTORS AND STAFF ONLY
PUBLIC ACCESS VIA [HTTPS://BLUEJEANS.COM/928083713](https://bluejeans.com/928083713)**

MINUTES

Chairman Ken Brenner called the meeting to order and declared a quorum present. In addition to Chairman Brenner, the Board members present were Bob Woodmansee, Doug Monger, Jim Haskins, John Redmond, Ron Murphy, Lyn Halliday, Tom Sharp, and Webster Jones. Acting General Manager/District Engineer Andy Rossi, Marketing/Communication Manager Holly Kirkpatrick, Business Manager Deb Bastian and General Counsel Bob Weiss were also present. Members of the public present for some portion of the meeting included Carolyn McCormick, Peak HR Consulting, LLC and Barb Scherer.

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

The following agenda was proposed:

AGENDA

- (1) *10:00 AM* Establishment of Quorum and Call to Order
- (2) *10:05 AM* Approval of Agenda for Meeting **Action item**
- (3) *10:10 AM* Approval of Special Board Meeting minutes of July 1, 2020 **Action item**
- (4) *10:15 AM* Approval & acceptance of Search Committee Meeting **Action item**
minutes of July 8, 2020
- (5) *10:20 AM* Public Input and Comment

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

RECORD OF PROCEEDINGS

- (6) *10:25 AM* Executive Session:
Executive Session under CRS § 24-6-402 (3.5) and (4)(e)(I) concerning employment of a new general manager. This session will be recorded, and a copy of the recording maintained for not less than 90 days.
- (7) *4:10 PM* Board Actions in regard to Executive Session
- (8) *4:15 PM* Adjournment.

Chairman Brenner established a quorum and called the meeting to order at 10:11 AM.

Approval of Agenda for Meeting. Director Jones moved to approve the meeting agenda with the correction of the start time from 10:00 PM to 10:00 AM. Director Woodmansee seconded the motion, which was unanimously approved.

Approval of Special Board Meeting minutes of July 1, 2020. Director Woodmansee moved to approve the minutes as submitted. Director Halliday seconded the motion, which was unanimously approved.

Approval & Acceptance of Search Committee Meeting minutes of July 8, 2020. Director Woodmansee moved to approve the minutes as submitted. Director Halliday seconded the motion, which was unanimously approved by Search Committee members. Director Woodmansee moved to accept the minutes approved by the Search Committee. Director Redmond seconded the motion, which was unanimously approved.

Public Input and Comment. Chairman Brenner invited the members of the public present to comment on items not otherwise scheduled on the agenda. There were no comments.

Executive Session. At 10:18 AM Director Woodmansee moved, Director Haskins seconded, and it was unanimously agreed to go into Executive Session under provision CRS § 24-6-402 (3.5) and (4)(e)(I) concerning employment of a new general manager. This session will be recorded, and a copy of the recording maintained for not less than 90 days. Director Sharp moved and Director Woodmansee seconded, and it was unanimously approved to go out of Executive Session at 11:24 AM.

Chairman Brenner asked the committee if there was any discussion in the Executive Session that was outside the scope of the Executive Session. No directors expressed that concern.

Board Actions in regard to Executive Session. Director Woodmansee moved to accept the recommendation of the Search Committee to add a third candidate and to extend the search process to allow the 14 days posting to comply with state law. Director Jones seconded the motion. The motion was also supported by Directors Halliday and Brenner. Directors Haskins, Redmond, Sharp, Monger and Murphy did not support the motion. The motion failed with a five opposed and four in favor.

The Board will proceed with the candidate interviews today and a decision of appointment at tomorrow's Board of Director's meeting.

RECORD OF PROCEEDINGS

Executive Session. At 11:41 AM Director Sharp moved, Director Monger seconded, and it was unanimously agreed to go into Executive Session under provision CRS § 24-6-402 (3.5) and (4)(e)(I) concerning employment of a new general manager. This session will be recorded, and a copy of the recording maintained for not less than 90 days.

The Board interviewed the two finalists during the Executive Session. The Board came out of Executive Session at 4:19 PM.

Chairman Brenner asked the committee if there was any discussion in the Executive Session that was outside the scope of the Executive Session. No directors expressed that concern.

Director Sharp moved to adjourn the meeting at 4:21 PM. The motion was seconded by Director Woodmansee which was unanimously approved.

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

Andy Rossi, District Secretary/Manager

Date: _____

RECORD OF PROCEEDINGS

**UPPER YAMPA WATER CONSERVANCY DISTRICT
BOARD OF DIRECTORS MEETING
THURSDAY, JULY 16, 2020 (10:00 AM)
MOUNTAIN VALLEY BANK COMMUNITY ROOM – ACCESS IS LIMITED TO
DIRECTORS AND STAFF ONLY
PUBLIC ACCESS VIA [HTTPS://BLUEJEANS.COM/870246034](https://bluejeans.com/870246034)**

MINUTES

Chairman Ken Brenner called the meeting to order and declared a quorum present. In addition to Chairman Brenner, the Board members present were Bob Woodmansee, Doug Monger, Jim Haskins, John Redmond, Ron Murphy, Lyn Halliday, Tom Sharp, and Webster Jones. Acting General Manager/District Engineer Andy Rossi, Marketing/Communication Manager Holly Kirkpatrick, Chief Accountant Karina Craig, Business Manager Deb Bastian, General Counsel Bob Weiss and Special Counsel Scott Grosscup were also present. Members of the public present for some portion of the meeting included Carolyn McCormick, Peak HR Consulting, LLC; Taylor Adams, Hydros Engineering; Jon Snyder, Michelle Carr and Kelly Romero-Heaney, City of Steamboat Springs; Erin Light, Colorado Division of Water Resources; Mickey O'Hara and Alyson Gould, Colorado Water Trust; Andrew Bauer, Yampa River Fund; Frank Alfone, Mt. Werner Water & Sanitation District; John Currier, River District; Jennifer Wellman, Nature Conservancy; Adam Sommers of Aqua Works DBO, Inc.; Steve Colby of Morrison Creek Water & Sanitation District; Kelly Beal; Jerry Smith, and Barb Scherer.

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

The following agenda was proposed:

AGENDA

- (1) *10:00 AM* Establishment of Quorum and Call to Order;
- (2) *10:05 AM* Approval of Agenda for Meeting
- (3) *10:15 AM* Executive Session:
Executive Session under CRS § 24-6-402 (3.5) and (4)(e)(I) concerning employment of a new general manager. This session will be recorded, and a copy of the recording maintained for not less than 90 days.
- (4) *11:15 AM* Appointment for UYWCD General Manager Position **Action Item**
11:45 AM Break for Lunch (30 minutes)

RECORD OF PROCEEDINGS

Resume Meeting

- (5) *12:15 AM* Public Input and Comment
The Board will make no decision nor take action, except to direct the General Manager. Those addressing the Board are requested to identify themselves by name, organization, if any, and address. Comments shall not exceed three (3) minutes.
- (6) *12:25 PM* Consent Agenda; **Action Item**
- a) Approval of the minutes of June 18, 2020 Board meeting
 - b) Approval of disbursements;
 - c) Financial Report including Budget comparison and 2020 budget required deadlines and schedule
 - d) Augmentation Contract
- (7) *12:30 PM* Report of General Manager;
- a) Report on Findings of Risk Study Analysis of Yampa Doctrine and Equitable Apportionment (Presentation and Q&A with Taylor Adams of Hydros Engineering)
 - b) Morrison Creek Wastewater Plant Upgrades (Steve Colby, Morrison Creek Water and Sanitation District, Engineering Consultant available for Q&A)
 - c) Colorado Water Trust Stagecoach Reservoir Water Storage Contract **Action item**
 - d) UYWCD Strategic Plan Implementation - 2020 Strategic Plan and Work Efforts Update, Proposed Schedule for 2021 Strategic Plan Update.
 - e) Proposal for Revised Schedule for 2020 UYWCD BOD Meetings **Action item**
- (8) *2:00 PM* Committee Reports
- (9) *2:10 PM* Report of General Counsel
- a) Bylaws Amendment **Action item**
- (10) *2:20 PM* District Engineer Report
- a) Reservoir Water Status
 - b) Capital Projects Update
- (11) *2:30 PM* Consideration/Action on District Project
- a) UYWCD Infrastructure Grants
 - b) Scholarships
- (12) *2:40 PM* Board Member Reports
- (13) *2:50 PM* Discussion of Pending Legislation and State Affairs – Definition of the Waters of the United States (WOTUS): State of Colorado vs. United States Environmental Protection Agency and Corp of Engineers
- (14) *3:00 PM* Pending Water Cases
- a) Water resumes;
 - i) Catamount Application
 - b) Status of other water cases, if any;
 - i) Water Horse Update
 - ii) Colorado Division of Water Resources 2020 Abandonment List
- (15) *3:15 PM* New Business
- (16) *3:20 PM* Executive Sessions:

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- a) Executive session under CRS § 24-6-402(4)(b) to discuss legal issues on Water Resumes, Water Cases, Contract Negotiations and n/a. 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.

(17) 3:25 PM Board actions in regard to Executive Sessions

(18) 3:30 PM Determination of next meeting agenda - September

(19) 3:35 PM Adjournment.

Chairman Brenner established a quorum and called the meeting to order at 10:08 AM.

Approval of Agenda for Meeting. Director Sharp moved to approve the meeting agenda. Director Haskins seconded the motion, which was unanimously approved.

Executive Session. At 10:18 AM Director Sharp moved, Director Woodmansee seconded, and it was unanimously agreed to go into Executive Session under provision CRS § 24-6-402 (3.5) and (4)(e)(I) concerning employment of a new general manager. This session will be recorded, and a copy of the recording maintained for not less than 90 days.

The Board discussed the interviews of the two finalist and deliberated the appointment of the next General Manager. The Board came out of Executive Session at 12:03 PM.

Chairman Brenner asked the Board if there was any discussion in the Executive Session that was outside the scope of the Executive Session. No directors expressed that concern.

Appointment for UYWCD General Manager Position. The Directors provided their individual perspectives of the finalists. Director Sharp moved to authorize the Board President to offer Andy Rossi the position of General Manager of the District as an “at will” employee at a salary of \$150,000/year substantially in accordance with terms and provisions of an employment letter prepared with the assistance of General Counsel Bob Weiss and Carolyn McCormick and when such letter is finalized this authorization includes authority for the President to execute it on behalf of the District when those terms are finalized with Andy Rossi. Director Monger seconded the motion. Chairman Brenner asked if there was any public comment for this item. There were no comments. The motion was also supported by Directors Halliday, Murphy, Jones, Redmond, Haskins, and Brenner. Director Woodmansee did not support the motion. The motion passed with an eight in favor and one opposed.

Public Input and Comment. Chairman Brenner invited the members of the public present to comment on items not otherwise scheduled on the agenda. There were no comments.

Consent Agenda. Marketing/Communications Manager Kirkpatrick informed the Board that an adjustment needs to be made to the Augmentation contract to round the contract amount from 3.022 AF to 3.1 AF to provide the District the ability to administer the contract. Chairman Brenner asked to pull item 6.c (Budget Comparison) from the Consent Agenda motion. Director Monger moved to approve the

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Consent Agenda items 6.a, b & d with the adjustments as noted by Holly Kirkpatrick regarding the augmentation contract. Director Haskins seconded the motion, which was unanimously approved.

Chairman Brenner commented the District seems to be underspending portions of the budget and it seems to be less than halfway spent. He further noted that when we get closer to the end of the year, we will take a good look at budget comparison and note that there will probably be an under expenditure overall and that we can talk more about how we are going to deal with it at that time. Director Jones moved to approve Consent Agenda item 6.c., Director Woodmansee seconded the motion, which was unanimously approved.

Report of the General Manager.

Report on Finding of Risk Study Analysis of Yampa Doctrine & Equitable Apportionment

Taylor Adams provided a presentation on the Yampa Doctrine & Equitable Apportionment

Morrison Creek Wastewater Plant Upgrades

Adam Sommers discussed Morrison Creek's submission of a site approval amendment application to the Colorado Department of Public Health and Environment for improvements to its existing wastewater treatment system. Chairman Brenner asked if this presentation was for notification or if this was implying the Districts support and what is the intended outcome to be. Adam stated that this is a notification and there is no requirement for District to respond. However, Adam did state that he would appreciate if the District could provide a brief email saying that the District reviewed the application at their board meeting on July 16th and, if you elect to do so, supports the application.

Director Monger moved to accept the report as Morrison Creek's diligence in providing the Upper Yampa Water Conservancy District notice of the improvement project. Directors Haskins and Murphy seconded. Directors Sharp and Woodmansee abstained from voting due to their responsibilities as General Counsel and board member with the Morrison Creek Board of Directors. The vote passed with a 7-0 in favor.

Director Monger moved to support this project, in concept, based on the improved water quality being discharged in the discharge permit and the replacement of an aging infrastructure. Director Halliday seconded. Directors Sharp and Woodmansee abstained from voting due to their responsibilities as General Counsel and board member with the Morrison Creek Board of Directors. The vote passed with a 7-0 in favor.

CWT SC Reservoir Water Storage Contract

The water storage contract was reviewed. Director Sharp voiced concerns with paragraph 3 regarding 2020 price guarantee. The intent of the contract is to be for 2020 only and for the water to be used prior 10/31/2020.

Director Monger moved to authorize the Acting General manager to finalize and Board President to sign 2020 water contract with CWT for up to 4,000 AF of Stagecoach water at a price of \$40.23 plus the 2018 to 2020 CPI adjustment per acre foot for delivery prior to November 1, 2020. Director Redmond

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seconded the motion. Director Sharp moved to amend the prior motion to direct that the final contract provide the amount of water to contract this year cannot exceed 4000 AF and must be delivered before November 1, 2020. Directors Monger and Redmond accepted the amendment. Director Sharp commented that he agrees with the form of the motion but opposes the sale due to price. The motion passed eight in favor and one opposed.

Strategic Plan Implementation

The Board reviewed the Strategic Plan work efforts. Director Halliday commented that the District may want to include, under water quality, efforts underway to investigate water quality parameters at Stagecoach Reservoir associated with Algae testing and CDPHE rule making proceedings. General Manager Rossi stated that these were unintentional omission. However, he did leave off the 303d M&E list with Leonard Rice as we had reached holding pattern as we have not yet executed the contract with water sampling company. The contact is to be finalized within 48 hours.

Acting General Manager Rossi stated that he will continue with this format but will take comments/recommendations from the Board on the format of the plan. Chairman Brenner discussed that he would like to meet as a Strategic Plan Implementation group meet prior to the September board meeting. This would provide the committee time to make general recommendations to the Board and then to meet again on September 28th to further refine and bring back to board at the retreat in October. A major part of the board retreat will be the prioritization and implementations on the budget and the work plan in general. Chairman Brenner stated that he and Andy will work together in the next weeks to get a memo out to the Board with details and recommendations for the formation of a Strategic Plan committee.

Proposal for Revised Schedule for 2020 BOD Meeting

Chairman Brenner stated that he understands the request but is reluctant to cancel scheduled meetings. He would like to keep the August and December meetings on the schedule with the intention of cancelling them, as there can be unforeseen things that can come up. He would like to modify Andy's recommendation to say with the intention of cancelling the August and December meetings but keeping them on the schedule and only utilizing them if needed .

Director Sharp noted that the new Bylaws does allow prospective agendas to be created in which the only item listed other than approving the agenda is the question of new business. This will make it easy to cancel a meeting if there is no new business intended.

Director Sharp moved that the August and December meetings are kept on the schedule and the Board will set the agenda to Approval of Agenda as item 1 and item 2 as New Business and that is an approved exception to the Bylaws requirement. Director Haskins seconded, which was unanimously approved.

RECORD OF PROCEEDINGS

Committee Reports. Chairman Brenner commented that the Search Committee drafted a letter of commendation for Deb Bastian for her support to the Search Committee. He asked if there were any concerns with the Search Committee submitting the to her personnel file. With none, the Search Committee will take this action.

Report of General Counsel

Bylaws Amendment

Director Sharp moved to approve the Bylaws effective 07/16/2020 as the new Bylaws replacing the prior Bylaws of the District. Director Woodmansee seconded, which was unanimously approved.

District Engineer Report

Reservoir Water Status

Reservoir water status was discussed.

Capital Projects Update

Projects update was provided and discussed.

Consideration/Action on District Projects

UYWCD Infrastructure Grants

Marketing/Communication Manager Holly Kirkpatrick stated that the first completed applications were received in June. After the first round, she will have a better idea of timeline/procedures and how to smooth out the process. She further noted that she is seeing a significant increase in interest and feels we will be making a significant impact this year.

Scholarships

The District awarded two \$2,000 scholarships. One \$2,000 scholarship went to Sierra Mitchell and the other to Tanya Petach. If the board would like to see the applications, contact Holly. Additionally, Holly stated that she would like to invite the winners to a Board meeting this year and encouraged all Directors to review their profiles and thank you notes. Chairman Brenner commented that he believed in the past that this has been brought to the Board as recommended grant recipients as part of the Consent Agenda and perhaps it can be done that way again in the future. Marketing/Communication Manager Holly Kirkpatrick noted she will bring these as recommendations through the Consent Agenda in the coming years.

Board Member Reports. No reports were provided.

Discussion of Pending Legislation and State Affairs. Reviewed and discussed the Waters of the United States court ruling.

Pending Water Cases

Water Resumes

Special Counsel Grosscup commented that there is nothing in Division 5, but a case was filed by Public Service Company that is a diligence finding for its Wessels Canal water right and Hinman Park water right.

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Public Service owns an interest in the Wessels canal as does Tri-State. The District has, on occasion, filed in opposition in diligence cases or to make absolute. This water right is significant on the Yampa River as the Wessels Canal, in total, is decreed for a 120 cfs and has an earlier appropriate date of 1961 so it is senior to many of the District water rights. If it is ever to be constructed it would have an impact on the administration on the Yampa River. Director Sharp commented that the Hinman right may have already been limited to not interfere with any of the Districts projects above the confluence of the Elk, but do not believe there is any similar limitation with Wessels flow right. He further suggested that if the District needs to file a statement of opposition, that this be added to the agenda for August. Scott will look into this and will have a report to the Board for the August meeting.

Catamount Application

A short memo was been prepared for the Board to describe the impacts of the filing. The primary issue is the Catamount refill is senior to the Stagecoach and Yamcolo refill rights and if there is a shortage, Catamount could potentially place a call and refill ahead of Stagecoach and Yamcolo with District water rights. This is the reason to patriciate in this case and suggest a settlement term and condition that Catamount would agree not to place a call for its refill rights if it were to curtail the ability of the District to fill their reservoirs under their refill right. General Counsel Grosscup will file the opposition to work on a resolution. Acting General Manager Andy Rossi offered to reach out to Catamount to explain our position so we can work together.

Status of other Water Cases

The Board reviewed the status of current water cases. Director Sharp moved to amend the prior decision early for the agenda for the August meeting to add a new item "Water Court Case Update" as an action item. Director Halliday seconded, which unanimously approved.

Water Horse Update

An update was provided to the Board. Special Counsel Grosscup stated that the River District is still on board and agreed to have Wyoming counsel review and then draft a letter in response that the project still fails under Wyoming law because it does not satisfy the speculation requirements of Wyoming law and it is highly unlikely that it would be permitted. In about 60 days there should be a draft response letter for review.

2020 Abandonment List

The Board reviewed the released 2020 abandonment list. Special Counsel Grosscup stated that the District should prepare a formal objection to the 2020 abandonment list and provide this to the board for formal ratification at the next meeting. Director Sharp moved to give direction to Special Counsel Grosscup to prepare an appropriate objection to the Districts water rights listed on the 2020 abandonment list. Director Redmond seconded, which was unanimously approved.

New Business. Acting General Manager provide information on:

Yampa River Closures: The City of Steamboat Springs and CPW are discussing a closure on the Yampa River in downtown.

First Flow Coordination: The first flow coordination call hosted by the River District. The Elkhead management team looking at flow target, for decision making point, of 134 cfs at the Maybell gauge and it is currently running at 360 cfs.

RECORD OF PROCEEDINGS

Steamboat Lake water contract: The City of Steamboat Springs reached an agreement with Public Service and State of Colorado for a water contract out of Steamboat Lake.

District Engineer: Will be advertising for new District Engineer as soon as possible.

Executive Session. After discussion, it was determined there was no need for an Executive Session.

Determination of next meeting agenda. Discussed the amended agenda for the August meeting. For September, will have an update on the integrating the strategic plan and the budgeting process, final formulation for October retreat, continuation of water cases discussed and a presentation from the High Altitude Snow Observatory Program. Additionally, the Basin Implementation Projects list update was just released and we will provide input on projects for inclusion on the list.

Director Sharp moved to adjourn the meeting at 5:05 PM. The motion was seconded by Director Halliday, which was unanimously approved.

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

Andy Rossi, District Secretary/Manager

Date: _____

RECORD OF PROCEEDINGS

UPPER YAMPA WATER CONSERVANCY DISTRICT
BOARD OF DIRECTORS MEETING
THURSDAY, AUGUST 20, 2020 12:00 PM
ONLINE MEETING:

[HTTPS://ZOOM.US/J/91878477143?pwd=Q0wzMURDQ0xscDJQTjVSBKH0V
m5MUT09](https://zoom.us/j/91878477143?pwd=Q0wzMURDQ0xscDJQTjVSBKH0V
m5MUT09)

MINUTES

Chairman Ken Brenner called the meeting to order at 12:09 PM and declared a quorum present. In addition to Chairman Brenner, the Board members present were Bob Woodmansee, Doug Monger, Jim Haskins, John Redmond, Ron Murphy, Lyn Halliday, Tom Sharp, and Webster Jones. General Manager Andy Rossi, Business Manager Deb Bastian, Chief Accountant Karina Craig, General Counsel Bob Weiss and Special Counsel Scott Grosscup were also present. Members of the public present included Nicole Seltzer, River Network; Kent Vertrees, Friends of the Yampa; Jerry Smith, Barb Scherer, Katie Duncan, Frank Alfone and Courtney Gerber.

This meeting was held entirely 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) **12:00PM** Establishment of Quorum and Call to Order
- (2) **12:05 PM** Approval of Agenda for Meeting **Action item**
- (3) **12:10 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) **12:15 PM** Report of Water Right Cases **Action item**
 - a) Water Court Cases Update
 - b) Water Resume Review
- (5) **12:30 PM** Update on IWMP Progress – Presentation by Nicole Seltzer
- (6) **12:50 PM** Update on HB20-1157 Rule Making Process
- (7) **1:00 PM** New Business (Limited to emergency matters that came up **Action item**
during the course of the meeting)
- (8) **1:05 PM** Adjournment.

RECORD OF PROCEEDINGS

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

Public Input and Comment. Chairman Brenner invited the members of the public present to comment on items not otherwise on the agenda. Kent Vertrees from Friends of the Yampa informed the Board of a potential upcoming project that they will be working on in the near future. Kent stated that Friends of the Yampa has been asked to create an annual river health assessment for the Yampa River that will tie in with the IWMP's river sections. The idea is for them to create the template for a River Health Assessment. This will be similar to what the City of Steamboat Springs did with its stream management plan in the report card it put on the river. However, Friends of the Yampa will also be creating a Steering Committee to help move this forward and would like to ask the District to help with staff time to join the Steering Committee. Kent will provide more information and detail in the future but wanted to let the Board know of this project.

Report of Water Right Cases.

Water Court Cases Update – Special Counsel Grosscup reported that there is no requirement for Board to take action on any pending court actions or matters. The City of Steamboat Springs received a ruling of referee for its augmentation plan for Casey's Pond which is now being forwarded to the Water Judge. Mt. Werner Water & Sanitation has reached stipulations with all parties in its case and wants to receive final review from Division Engineer before submitting proposed ruling to the referee. Tri-State has submitted a supplemental response to the Division Engineer's report. For Water Horse Resources matter, Utah counsel drafted a letter that Scott worked with the Colorado River Water Conservation District's attorneys on to provide our input. That letter noted that the additional information provided still does not solve concerns that the project is speculative and not financially feasible. Scott stated that he believed there are other comments from other opposing agencies. The application is back in front of the State Engineer to make a determination on whether to grant this application to allow them to take the next steps in this process. Chairman Brenner asked how this will progress with 3 states involved. Scott commented that, first, it will need to get approvals from Utah as this is where the diversion starts from. Then there are a number of various entities (Federal, State & County) that will be involved along the way as this plays out.

Water Resume Review – Tom Sharp asked if Public Service Company filed a diligence claim on Wessels water rights and Hinman Park and did the District look at to see if there were any implications to the District. With regard to Hinman Park, Scott noted that, in June, Public Service Company filed 2 diligence applications, one on the Wessels Canal water right and the other on the Hinman Park and a pump station. In a prior case, the District entered into a stipulation with Public Service regarding the use of Hinman Park Reservoir on the lower Yampa and that they agreed it would not call out any water rights on the Yampa. Part of the stipulation was that the District would not file any statements of opposition to future diligence applications for Hinman Park Reservoir water rights provided that they affirm this statement in subsequent diligence applications. Scott stated that he has been in contact with the attorney for Public Service and received a copy of the original application file in June and they did

RECORD OF PROCEEDINGS

not include the term. He believes this was an oversight as the attorneys have changed. Public Service indicated that they would incorporate the terms but recognize that the District may want to file a statement of opposition to ensure that the terms are included.

Regarding Wessels Canal application, Scott commented that it is another question if the District wants to oppose as it is currently involved in Tri-State's application as it relates to the Wessels Canal water right. From a strategic position, it would be very difficult to say that the Wessels Canal could not call out any Yampa River rights because this was a Yampa River water right and it would be fully subordinating its interest to all junior rights.

Director Sharp expressed concern on when/if Public Service decides to get out of the electric business within our district and seeks to market or sell its water right portfolio that includes the Wessels right and it is sought to be moved and placed elsewhere. The District would then be in a fight over the prospect with someone that wants to make some use of the water rights. The District may want to raise objections under can and will with respect to the Wessels rights with Excel. Scott noted that these are valid questions and it is up to District if it wants to oppose these water rights as they are senior to a number of the District's water rights. There are questions about can and will and he does not know what kind of fight Public Service would put up in this situation.

Director Sharp moved that the District enter a statement of opposition to the Public Service diligence application to the Wessels Canal water rights and, additionally, if the District does not get confirmation of the restatement of the Hinman Park Reservoir stipulation, the District will enter a coordinated statement of opposition on the Hinman Park to get the stipulation reaffirmed. Director Monger seconded the motion which was unanimously approved.

Update on IWMP Progress. Nicole Seltzer from River Network provided an update on the Yampa-White-Green Basin Roundtable IWMP progress. In early 2021, IWMP will use complete reports to make recommendations on focus areas for 2021. IWMP has started conversations and has asked its 25 members to work on questions to explore and answer during the process. Currently they are working on condensing and categorizing the questions and will prioritize them at their next meeting. The District helped to support this project by providing a \$30,000 grant. As they move forward, Nicole has a couple of ideas how the Districts can assist as the committee narrows its focus.

1. Assist with technical work, i.e. return flow, surface water
2. Pick up some of the work the committee decides not to prioritize that may be a priority for the District.

Update on HB20-1157 Rule Making Process. General Manager Rossi provided an update on HB20-1157 and provided the proposed language for the changes. He highlighted **6k. Temporary (Expedited and Renewable) Loans of Water to the Board**, section **(2) Renewable Loans** subsection **a., d. & h.** Director Sharp stated that he asked, a couple of meetings ago, if it would be possible to have water from storage be released for utilization down past Catamount Reservoir (past the only instream section the District has on the main stem) and that Special Counsel Grosscup stated that he believed there was still a limitation with respect to that type of loan use. However, in the proposed rules it appears that the CWCB

RECORD OF PROCEEDINGS

is of the opinion that the District could do an allotment contract for water out of Stagecoach and be useable for any stretch in the river between CWCB and other DNR agencies determined to be an improvement of the natural environment that could be of any duration and any location. Director Sharp asked if this is the way the proposal is reading and processing through to provide great flexibility for the CWCB to improve the environment. Andy referred the Board back to 6k. and felt that the application would have to be explicit for a specific part of the river. The original text of the legislative act for HB20-1157 explicitly state that the use of the loan program is limited to ISF reaches. However, he noted that this does need to be clarified in the CWCB rules for Renewable Loans. Further discussion ensued on the subject of CPW review of the potential for “improvements” to flows and the consideration of new studies and/or analysis. The Board felt it would be useful for Andy to submit the noted questions to the CWCB. Andy stated that we would discuss with the Water Trust to be sure on the same page as they are partner before submitting questions.

New Business. There was no new business.

Director Woodmansee moved to adjourn the meeting at 1:33 PM. The motion was seconded by Director Sharp which was unanimously approved.

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

Andy Rossi, District Secretary/Manager

Date: _____

CONSENT AGENDA

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





BOARD COMMUNICATION FORM

From: Karina Craig, Chief Accountant.

Date: September 10, 2020

Item: Financial Reports: Cash Disbursement Report, Budget Comparison Report.

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Request/Issue and Background Information:

The *Cash Disbursement Report* contains disbursements of reconciled monthly statements. These include disbursements incurred with check payments through August 31, 2020 and credit card payments through August 3, 2020. Disbursements include operating and capital expenditures.

The *Budget Comparison report* was run on September 1, 2020 with transactions accrued up to and including August 15, 2020. Additional transactions for the month of August are expected.

Power Revenues, Routt County *Tax Revenues* and Moffat County Tax Revenues reported are those received through August 15, 2020, for the period January-July 2020.

Water Sale Revenues projected for the year 2020 show some variation from budgeted revenues. Sources of such variances include:

- ✓ Contracts with a price per acre foot of water that is adjusted annually with a CPI index that is published every new fiscal year, after the budget has been adopted.
- ✓ Recently signed Yamcolo Reservoir water storage contracts for agricultural use, resulting in slight pricing variations from budget.
- ✓ Yamcolo enlargement water contracts, 325 AF.
- ✓ Colorado Water Trust contract. Projections include 1,000 AF requested to date, of a total maximum of 4,000 AF allowed by contract terms.

Stillwater Ditch revenues and *Interest earned* are expected to be below budgeted amounts. Stillwater Ditch revenues to date of \$8,186 result from a current year rate of \$0.74/share. Revenues from recently executed carriage contracts will be reported after the irrigation season concludes and the ditch use is tallied.

The District has concluded the hiring of its General Manager and related expenses have concluded. Projections for the *Board of Directors Department* have been updated accordingly.



Expenditures from all Departments are projected to be within budget.

Pass through revenues and accrued expenditures in reference to the *Upper Yampa River Basin Nutrient and Sediment Study* are shown in the report as well, for both the 2019 Fiscal Year and 2020-to-date.

II. Summary and Alternatives: none.

III. Staff Recommendation: Accept reports.

IV. Legal Issues: None

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

Attachments:

Attachment 1: Cash Disbursement Report.

Attachment 2: Budget Comparison Report.

Upper Yampa Water Conservancy District
Cash Disbursement Report
August 31, 2020

Date	Name	Memo	Amount
05/13/2020	Lone Creek Land Company	Reimbursement of Stillwater Ditch legal fees	5,040.97
05/13/2020	Fisher, Alfred III and Barbara	Reimbursement of Stillwater Ditch legal fees	2,217.32
05/13/2020	Lawrence Ricca & Sons	Reimbursement of Stillwater Ditch legal fees	68.72
05/13/2020	Clynckes Bear River Ranch Corp	Reimbursement of Stillwater Ditch legal fees	5.14
05/13/2020	Town of Yampa	Reimbursement of Stillwater Ditch legal fees	1.47
05/20/2020	Grainger	Mobil DTE 24, hydraulic, ISO 32 5 Gallons. Stagecoach and Stillwater ditch maintenance.	398.02
06/01/2020	Mountain Valley Bank	June Rent	6,471.94
06/01/2020	Ken Brenner	Travel reimbursements. Lodging, mileage and food.	485.95
06/02/2020	Internal Revenue Service	Federal Taxes	26,114.04
06/02/2020	ICMA-401a	Retirement accounts	9,868.65
06/02/2020	Western Slope Health Care	Health Insurance	8,042.97
06/02/2020	Arrow Performance Group	Professional Services	7,014.00
06/02/2020	Peak HR Consulting, LLC	Professional Services	5,475.00
06/02/2020	ICMA-457	Retirement accounts	2,844.29
06/02/2020	H I Boat Works, Inc	Work Skiff	2,800.00
06/02/2020	SDA Special District Association of CO	SDA membership, 2020	1,650.00
06/02/2020	Bridger Fabrication	Flume with headwalls. Stagecoach, Union Ditch repairs	1,058.00
06/02/2020	Family Support Registry	Remittance ID 13032339	930.58
06/02/2020	Metlife	Dental Insurance	868.28
06/02/2020	Matt Blankenship	Reimbursement of Maintenance supplies. Ferguson, City Market & Amazon.	60.56
06/02/2020	Advanced Copier Solutions, Inc.	Savin Printer. May.	27.54
06/02/2020	NDS Northwest Data Services	Cloud Services June	153.00
06/05/2020	GoPro	Stagecoach maintenance	363.63
06/05/2020	GoPro	Yamcolo maintenance	363.63

Subtotal

82,323.70

Upper Yampa Water Conservancy District
Cash Disbursement Report
August 31, 2020

Date	Name	Memo	Amount
06/07/2020	Garmin	Monthly Support	34.95
06/08/2020	CrashPlan Code42	Admin Software: Cloud Backup	9.99
06/13/2020	Verizon Wireless	Stagecoach Cell phones 06/14/2020 to 07/13/2020.	111.13
06/16/2020	Edge Communications	4 SIP trunks 5 US DID June 2020. Bill 354392. June 6 to July 5, 2020 service.	103.69
06/17/2020	Mayberry & Company LLC	Professional Services	4,950.00
06/17/2020	Balcomb & Green, P.C.	Miscellaneous Matters and Opposition to MWW & Tristate, 18CW3020 and 19CW3005. May legal services	1,977.00
06/17/2020	NDS Northwest Data Services	IT services	1,293.75
06/17/2020	Grainger	Scaffolding, Guard rail and Toe board system.	1,262.96
06/17/2020	Blizzard Broadcasting, LLC	Advertising, 55 AM Country and KBCR Big Country	800.00
06/17/2020	Airgas USA, LLC	SC Annual Maint: Cylinder Lease 6/1/2020-5/31-2021	224.01
06/17/2020	ACE Hardware	Office supplies	76.45
06/17/2020	Mountain View Car Wash	Vehicle Maintenance	34.00
06/17/2020	Microsoft	Software subscription	97.70
06/18/2020	Conoco Universal WEX	Gasoline	337.50
06/18/2020	Big House Burgers	Board meeting	92.34
06/19/2020	US Postal Service	Postage	228.80
06/19/2020	Walgreens	Office supplies	48.75
06/21/2020	Adobe	Monthly subscription	118.93
06/21/2020	Safeway	Office supplies	5.82
06/23/2020	CenturyLink	SC Telephone. June 1, 2020 to June 31, 2020.	144.32
06/24/2020	Big House Burgers	Board meeting lunch	172.75
06/25/2020	Big House Burgers	Board meeting breakfast	48.45
06/26/2020	Western Slope Health Care	Health Insurance	10,422.81
06/26/2020	Resource Engineering	Yamcolo Discharge Measurements	4,521.02

Subtotal

27,117.12

Upper Yampa Water Conservancy District
Cash Disbursement Report
August 31, 2020

Date	Name	Memo	Amount
06/26/2020	Resource Engineering	Stagecoach Reservoir. Water rights accounting.	2,521.50
06/26/2020	CDC Civil Design Consultants	SW Ditch Services May 2020	1,412.50
06/26/2020	CDC Civil Design Consultants	Professional services May 2020. Union Ditch	1,026.85
06/26/2020	Eddie Rogers	Reimbursement of gasoline and Ditch supplies; Montgomery Hardware store	217.82
06/26/2020	Ferguson-High Country Plumbing	Yamcolo maintenance	145.86
06/26/2020	Matt Blankenship	Reimbursement of Maintenance supplies. Gasoline 6/3, Walmart 5/23, City Market 5/6	76.75
06/26/2020	Karina Craig	Office Supplies	48.75
06/26/2020	Weiss & Van Scoyk	Legal services May 2020. Union Ditch	46.00
06/26/2020	Employers Council Services, Inc.	Employee verification services and 7/1/20 to 6/30/21 membership dues.	1,165.00
06/26/2020	NDS Northwest Data Services	IT services	1,050.00
06/26/2020	CMNM Colorado Mountain News Media	Public Notice, seasonal ditch rider	679.05
06/26/2020	Moon's Mechanics	Vehicle maintenance, Chevy.	504.56
06/26/2020	ACE Hardware	Stillwater Ditch maintenance. Padlock, fasteners, sand, chain.	190.88
06/26/2020	CMNM Colorado Mountain News Media	Advertising	179.11
06/26/2020	Steamboat Pilot	Advertising, diversion project	103.00
06/26/2020	PostNet	Postage, mailins re water order authority	89.92
06/26/2020	Napa	Five Pine Mesa Ditch maintenance	37.54
06/26/2020	Restaurant	Yampa Sandwich. Board Meeting.	86.41
06/27/2020	SmartVault	Software, interphase with quickbooks	42.40
06/29/2020	Weiss & Van Scoyk	Legal services May 2020. General matters, Yamcolo, Stagecoach and Stillwater Ditch.	10,200.00
06/29/2020	Douglas Monger	Director fees	1,700.00
06/29/2020	Lynn Halliday	Director fees	1,300.00
06/29/2020	Ken Brenner	Director fees	1,200.00
06/29/2020	Hugh Webster Jones	Director fees	1,000.00

Subtotal

25,023.90

Upper Yampa Water Conservancy District
Cash Disbursement Report
August 31, 2020

Date	Name	Memo	Amount
06/29/2020	Metlife	Dental Insurance	928.27
06/29/2020	Jim Haskins	Director fees	800.00
06/29/2020	John Redmond	Director fees	600.00
06/29/2020	Ron Murphy	Director fees	600.00
06/29/2020	Tom Sharp	Director fees	500.00
06/29/2020	Steve Colby	Director fees	200.00
06/29/2020	CenturyLink	Office Telephone. June7 to July 6, 2020.	221.63
06/30/2020	Internal Revenue Service	Federal Taxes	12,767.84
06/30/2020	Quickbooks Payroll Service	June Payroll Service	34,525.67
06/30/2020	ICMA-401a	Retirement accounts	2,191.59
06/30/2020	ICMA-457	Retirement accounts	1,125.80
06/30/2020	Family Support Registry	Remittance	930.58
06/30/2020	Colorado SDA Property and Liab Pool	Coverage for Work skiff	6.00
07/01/2020	Mountain Valley Bank	July Rent	6,471.94
07/02/2020	NDS Northwest Data Services	Cloud Services July	153.00
07/03/2020	Asurion Wireless Insurance	Cell phone expense	99.00
07/06/2020	CrashPlan Code42	Admin Software: Cloud Backup	9.99
07/08/2020	Amazon	Office supplies	187.00
07/08/2020	Garmin	Monthly Support	34.95
07/08/2020	Safeway	Board meeting supplies	33.08
07/15/2020	Steamboat Powersports	Stillwater Ditch	210.02
07/15/2020	Edge Communications	4 SIP trunks 5 US DID June 2020. Bill 357339. July 6 to August 5, 2020 service.	107.58
07/16/2020	Amazon	Office supplies	8.30
07/17/2020	Amazon	Office supplies	37.74

Subtotal

62,749.98

Upper Yampa Water Conservancy District
Cash Disbursement Report
August 31, 2020

Date	Name	Memo	Amount
06/19/2020	YVEA	4/28 to 5/29 electric at SC Powerhouse and shed	261.88
07/20/2020	Peak HR Consulting, LLC	Professional Serices May 2020. GM search	15,505.29
07/20/2020	Peak HR Consulting, LLC	Professional Serices June 2020. GM search	9,756.01
07/20/2020	Bob Woodmansee	Director Fees	1,700.00
07/20/2020	Grouse Creek Enterprises	Snowplowing	2,275.00
07/21/2020	CDC Civil Design Consultants	Professional services May 2020. Union Ditch	3,042.75
07/21/2020	LRE Water	Water quality services June 2020. Stagecoach.	2,811.50
07/21/2020	X Field Services	Stagecoach O&M. Skid steer, dump truck work, gravel.	1,149.73
07/21/2020	CDC Civil Design Consultants	SW Ditch Services June 2020	877.50
07/21/2020	Grainger	Red pass & annual membership fee	129.00
07/21/2020	Adobe	Monthly subscription	118.93
07/22/2020	CenturyLink	SC Telephone. July 1, 2020 to July 31, 2020.	145.92
07/23/2020	Deb Bastian	Meeting and office supplies	323.59
07/23/2020	X Field Services	Stagecoach Fencing Project	16,480.00
07/23/2020	LRE Water	May professional services. Stagecoach Reservoir water water quality data & regulatory needs.	6,616.25
07/23/2020	ACE Hardware	Stagecoach, Yamcolo and Stillwater Ditch maintenance.	442.64
07/23/2020	Napa	Vehicle maintenance.	69.07
07/23/2020	Steamboat Pilot	Legal notice, Yamcolo enlargement water	55.10
07/23/2020	Rocky Mountain Towing	Towing of vehicle	257.50
07/23/2020	YVEA	5/29 to 6/29 electric at SC Powerhouse and Shed	210.90
07/27/2020	SmartVault	Software, interphase with quickbooks	42.40
07/27/2020	ACE Hardware	Office supplies	15.15
07/29/2020	CenturyLink	Office Telephone. July 7 to August 6, 2020.	222.22
07/30/2020	Quickbooks Payroll Service	July Payroll Service	33,378.51

Subtotal

95,886.84

Upper Yampa Water Conservancy District
Cash Disbursement Report
August 31, 2020

Date	Name	Memo	Amount
07/30/2020	Colorado Department of Revenue	2020 Q2 Employee Colorado Tax Withholdings	7,453.00
07/30/2020	Conoco Universal WEX	Gasoline	216.07
07/30/2020	Mountain States Employers	Training	175.00
07/31/2020	USPS	Postage	71.19
07/31/2020	Restaurant	Meeting expenses. YV Sandwich	38.26
07/31/2020	Restaurant	Meeting expenses. Cinco de Mayo restaurant.	22.95
07/31/2020	Zoom	Meeting software	16.24
08/01/2020	Mountain Valley Bank	July Rent	6,471.94
08/01/2020	Amazon	Office supplies	20.64
08/02/2020	Verizon Wireless	SC cell phones 6/14/19 - 7/13/2020.	107.68
08/03/2020	Internal Revenue Service	Federal Taxes	12,598.18
08/03/2020	Western Slope Health Care	Health Insurance	10,422.81
08/03/2020	Family Support Registry	Remittance	930.58
08/03/2020	Metlife	Dental Insurance	569.31
08/03/2020	Marine Products	Boat trailer	1,599.00
08/05/2020	Whelan Land Surveys	Fence Line Staking. Union Ditch & Lagoon, survey of Existing Conditions. Stagecoach.	9,100.00
08/05/2020	Peak HR Consulting, LLC	Professional Serices July 2020. GM search	7,089.80
08/05/2020	Arrow Performance Group	Professional services	5,359.00
08/05/2020	Balcomb & Green, P.C.	Miscellaneous Matters, 19CW3005 and 19CW3005 Opposition. Julylegal services	4,416.00
08/05/2020	NDS Northwest Data Services	IT services	665.75
08/05/2020	Snell & Wilmer LLP	June Legal Services: Million Utah filing.	456.86
08/05/2020	NDS Northwest Data Services	IT services	375.00
08/05/2020	Advanced Copier Solutions, Inc.	Printer maintenance	172.76
08/05/2020	ACE Hardware	Office supplies	15.28

Subtotal

68,363.30

Upper Yampa Water Conservancy District
Cash Disbursement Report
August 31, 2020

Date	Name	Memo	Amount
08/06/2020	Arie Hoogendoorn	Keller Ditch, Measurement device.	1,335.00
08/06/2020	Gerald Brenner	Flow meter for pump Harvey Ditch	500.00
08/10/2020	ICMA-401a	Retirement accounts	3,227.96
08/10/2020	ICMA-457	Retirement accounts	1,641.80
08/21/2020	Conoco Universal WEX	Gasoline	440.66
08/24/2020	CMNM Colorado Mountain News Media	Advertising, open positions and diversion project	1,828.00
08/24/2020	CDC Civil Design Consultants	Stagecoach Reservoir Civil Project Design Services. July 2020.	1,640.00
08/24/2020	Barbara Wilson	June services	90.00
08/25/2020	Weiss & Van Scoyk	Legal services, Jun 2020. General matters, Yamcolo, Stagecoach and Stillwater Ditch.	6,049.00
08/25/2020	Weiss & Van Scoyk	Legal services, July 2020. General matters, Yamcolo, Stagecoach and Stillwater Ditch.	7,968.50
08/25/2020	Balcomb & Green, P.C.	Miscellaneous Matters, 19CW3005 Opposition, 2020CW3015 Opposition. June legal services	1,344.00
08/25/2020	Restaurant	Meeting supplies. How Ya Doin Pizza	32.10
08/28/2020	Quickbooks Payroll Service	August Payroll Service	32,054.15

Subtotal **58,151.17**

Total **419,616.01**

UPPER YAMPA WATER CONSERVANCY DISTRICT - 2020 BUDGET COMPARISON REPORT, AS OF AUGUST 15, 2020

	2018 ACTUALS	2019 ACTUALS	2020 BUDGET Amended June 18, 2020	2020 YTD ACTUALS rev 9/1/20	2020 PROJECTIONS rev 9/1/20
Fund Opening Balance including Encumbered Funds	12,688,407	14,279,517	16,012,901	16,012,901	16,012,901
Encumbered Funds	919,734	919,734	6,222,280	6,222,280	6,222,280
Emergency Facilities Reserve			4,485,814	4,485,814	4,485,814
Capital Maintenance Reserve			752,436	752,436	752,436
Stagecoach Wetlands Mitigation Reserve	419,734	419,734	419,734	419,734	419,734
Routt County Road #14 Contribution	500,000	500,000	500,000	500,000	500,000
Tabor Reserve			64,296	64,296	64,296
Unencumbered Funds	11,768,673	13,359,783	9,790,621	9,790,621	9,790,621
Revenues					
Facilities					
Stagecoach Reservoir					
Power Sales	129,492	234,324	200,000	139,140	200,000
Water Sales	505,201	433,769	116,379	116,920	159,811
Yamcolo Reservoir					
Water Sales	130,760	121,052	163,653	88,665	167,913
Stillwater Ditch & Reservoir Company	7,744	7,965	45,279	8,186	8,186
Property taxes	2,269,399	2,415,730	2,496,565	2,536,942	2,600,000
Interest earned	261,280	327,104	296,100	101,112	118,334
Other income		4,000			
Pass through income		23,644		21,437	
revenues	3,303,875	3,567,587	3,317,976	3,012,402	3,254,245
Expenditures					
Operating					
Facilities					
Stagecoach Reservoir - Power Generation	171,623	214,868	224,582	108,625	224,082
Stagecoach Reservoir - Water storage	279,641	220,348	300,537	132,720	299,215
Yamcolo Reservoir	132,790	125,183	156,631	62,387	153,602
Stillwater Ditch & Reservoir Company	13,379	34,520	40,834	23,774	40,099
Administration	139,144	184,031	334,465	142,698	334,465
Board of Directors	65,006	71,720	190,684	97,576	152,534
External Affairs	58,016	70,807	121,909	68,559	110,767
Finance	99,340	111,594	152,813	71,707	147,763
Legal	166,889	125,521	158,090	109,073	158,090
Planning	136,625	205,229	74,572	29,915	74,551
Grants, Scholarships & Public Information	39,038	170,299	253,390	88,801	164,985
Treasurer fees	72,507	74,607	80,650	74,527	80,650
Pass through expenses		11,724		24,137	
Subtotal Operating	1,373,999	1,620,451	2,089,156	1,034,500	1,940,803
Capital					
Stagecoach Reservoir - Power Generation	3,967	27,533	50,000	19,325	50,000
Stagecoach Reservoir - Water storage	27,462	22,214	50,000	19,026	50,000
Yamcolo Reservoir	302,537	57,852	80,000	22,370	80,000
Stillwater Ditch & Reservoir Company		38,426	120,000	6,946	120,000
Office Space	4,800	67,728			
Subtotal Capital	338,766	213,752	300,000	67,667	300,000
expenditures	1,712,765	1,834,203	2,389,156	1,102,167	2,240,803
net income (loss)	1,591,111	1,733,384	928,820	1,910,236	1,013,443
Ending Fund Balance	14,279,517	16,012,901	16,941,721	17,923,136	17,026,344





BOARD COMMUNICATION FORM

From: Andy Rossi, General Manager

Date: 09/10/2020

Item: Preliminary 2021 Upper Yampa water Conservancy District Budget

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Issue and Background Information:

The Upper Yampa Water Conservancy District (UYWCD) considers the upcoming year's budget in a multi-step process. The initial step in this process is to present, for review and discussion, a Preliminary UYWCD Budget at the September UYWCD Board of Directors' (BOD) Meeting. The presentation of the Preliminary UYWCD Budget in September is necessary to allow for UYWCD staff and BOD budget discussions before the Colorado Department of Local Affairs (DOLA) required deadline for Budget Officers to submit a proposed budget to the governing body (C.R.S. 29-1-105) and for the Governing Body to publish a "Notice of Budget" upon receiving proposed budget. (C.R.S. 29-1-106(1)) by October 15th each year. Following this October 15th deadline, the UYWCD traditionally adopts a final budget at the November UYWCD BOD meeting ahead of the DOLA deadline of December 15th for certification of a mill levy to county commissioners (C.R.S 39-5-128(1)). Local governments levying property tax must adopt their budgets before certifying the levy to the county. On or before January 30th of each year, the UYWCD BOD shall cause a certified copy of the UYWCD Budget to be filed with DOLA (UYWCD Bylaws, C.R.S 29-1-113(1)).

The Preliminary 2021 UYWCD Budget included as an attachment with this communication is a first DRAFT of a budget document to be modified by UYWCD BOD and staff recommendations before the Final 2021 UYWCD Budget is considered for adoption at the



November 19, 2020 UYWCD BOD meeting. Notable items included in the Preliminary 2021 UYWCD Budget are as follows:

- Reduction in Stagecoach Reservoir Water Sales revenues
- Changes (and uncertainty) in Stillwater Ditch annual revenues due to new carriage contract carriage fees, payment, and credits against fees
- Continued tracking of Reserve Funds associated with UYWCD Facilities
- Adjustments to Interest Earned revenues
- Preliminary estimates for Operating Expenses
- Preliminary estimates for proposed Capital Expenditures

Items to be modified pending further discussion and analysis before the Final 2021 UYWCD Budget is presented on November 19, 2020 include, but are not limited to:

- Proposed UYWCD staff annual compensation will be finalized following staff performance reviews scheduled for October 2020. The exceptions to this process are the UYWCD General Manager's (GM) and District Engineer's (DE) salaries. The UYWCD GM salary will remain unchanged from the current compensation amount for 2021. The UYWCD DE compensation will be determined as part of the current DE search process.
- UYWCD staff health insurance benefits are currently under evaluation for potential cost savings alternatives. A final staff recommendation for 2021 health insurance benefits will be presented at the October 15, 2020 UYWCD BOD meeting.
- UYWCD BOD meeting expenses may be modified pending adoption of meeting materials format changes to be proposed at the October 15, 2020 UYWCD BOD meeting.
- Facilities operating expense cost modifications pending UYWCD facilities staff review of 2021 UYWCD facilities budget.

Additional modifications to 2021 UYWCD Budget in response to UYWCD BOD and staff recommendations are anticipated pending discussions planned for the October 15, 2020 UYWCD BOD meeting and retreat, updates and/or revisions to the UYWCD Strategic Plan, and any changes to UYWCD revenue sources.



II. Summary:

A Draft 2021 Budget is hereby submitted to the UYWCD BOD as required by DOLA.

III. Staff Recommendation:

Continue 2021 UYWCD Budget discussions and refinement at the October 15, 2020 UYWCD BOD meeting and retreat. UYWCD BOD and staff recommendations regarding the 2021 UYWCD Budget will be incorporated into a Final 2021 UYWCD Budget to be presented for adoption at the November 19, 2020 UYWCD BOD meeting.

IV. Legal Issues:

Compliance with budget submittal and noticing requirements.

V. Consistency with Board Goals and Policies:

UYWCD Strategic Plan Objective 3.1

Attachments:

Attachment 1: Preliminary 2021 Upper Yampa Conservancy District Budget

UPPER YAMPA WATER CONSERVANCY DISTRICT - 2021 PRELIMINARY BUDGET DRAFT

DRAFT

	2019 ACTUALS	2020 BUDGET Amended June 18, 2020	2021 BUDGET PRELIMINARY DRAFT Sept 17, 2020	STAGECOACH	YAMCOLO	SW DITCH	GENERAL FUND	FUND DISTRIBUTION	
								OPERATING	CAPITAL
Fund Opening Balance including Encumbered Funds	14,279,517	16,012,901	16,941,721						
Encumbered Funds	919,734	6,222,280	6,228,464	5,622,462	469,674	65,848	70,480		
Emergency Facilities Reserve		4,485,814	4,485,814	4,180,203	276,340	29,272			
Capital Maintenance Reserve		752,436	752,436	522,525	193,334	36,577			
Stagecoach Wetlands Mitigation Reserve	419,734	419,734	419,734	419,734					
Routt County Road #14 Contribution	500,000	500,000	500,000	500,000					
Tabor Reserve		64,296	70,480				70,480		
Unencumbered Funds	13,359,783	9,790,621	10,713,257				10,713,257		
Revenues									
Facilities									
Stagecoach Reservoir									
Power Sales	234,324	200,000	200,000	200,000					200,000
Water Sales	433,769	116,379	117,109	117,109					117,109
Yamcolo Reservoir									
Water Sales	121,052	163,653	163,688		163,688				163,688
Stillwater Ditch & Reservoir Company									
	7,965	45,279	8,186			8,186			8,186
Property taxes	2,415,730	2,496,565	2,496,565				2,496,565	1,467,018	1,029,547
Interest earned	327,104	296,100	30,800				30,800	30,800	
Other income	4,000								
Pass through income	23,644								
revenues	3,567,587	3,317,976	3,016,349	317,109	163,688	8,186	2,527,365	1,986,802	1,029,547
Expenditures									
Operating									
Facilities									
Stagecoach Reservoir - Power Generation	214,868	224,582	227,414	227,414					227,414
Stagecoach Reservoir - Water storage	220,348	300,537	281,714	281,714					281,714
Yamcolo Reservoir	125,183	156,631	158,349		158,349				158,349
Stillwater Ditch & Reservoir Company	34,520	40,834	36,182			36,182			36,182
Administration	184,031	334,465	325,517	123,697	35,807	9,766	156,248	325,517	
Board of Directors	71,720	190,684	110,054	41,821	12,106	3,302	52,826	110,054	
External Affairs	70,807	121,909	121,440	46,147	13,358	3,643	58,291	121,440	
Finance	111,594	152,813	154,421	58,680	16,986	4,633	74,122	154,421	
Legal	125,521	158,090	157,713	59,931	17,348	4,731	75,702	157,713	
Planning	205,229	74,572	69,220	26,304	7,614	2,077	33,226	69,220	
Grants, Scholarships & Public Information	170,299	253,390	267,676	101,717	29,444	8,030	128,484	267,676	
Treasurer fees	74,607	80,650	77,103				77,103	77,103	
Pass through expenses	11,724								
Subtotal Operating	1,620,451	2,089,156	1,986,802	967,423	291,013	72,363	656,003	1,986,802	
Capital									
Stagecoach Reservoir - Power Generation	27,533	50,000	70,000	70,000					70,000
Stagecoach Reservoir - Water storage	22,214	50,000	97,500	97,500					97,500
Yamcolo Reservoir	57,852	80,000	70,000		70,000				70,000
Stillwater Ditch & Reservoir Company	38,426	120,000	125,000			125,000			125,000
Office Space	67,728								
Subtotal Capital	213,752	300,000	362,500	167,500	70,000	125,000			362,500
expenditures	1,834,203	2,389,156	2,349,302	1,134,923	361,013	197,363	656,003	1,986,802	362,500
net income (loss)	1,733,384	928,820	667,047	(817,814)	(197,325)	(189,177)	1,871,362		667,047
Ending Fund Balance	16,012,901	16,941,721	17,608,768						





BOARD COMMUNICATION FORM

From: Andy Rossi, General Manager

Date: 09/10/20

Item: 2020 Upper Yampa Water Conservancy District Board of Directors Retreat and Special Board Meeting

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Request/Issue and Background Information:

The Upper Yampa water Conservancy District (UYWCD) staff proposes the attached Draft Agenda for the annual UYWCD Board of Directors' (BOD) Retreat and Special Board Meeting scheduled for October 15, 2020. The proposed UYWCD BOD retreat is intended to allow for UYWCD BOD review, discussion, and direction for the formulation of the 2021 UYWCD Strategic Plan. The proposed format will allow for smaller group discussion as well as all-inclusive deliberations. The priorities identified by the UYWCD BOD for inclusion in the 2021 Strategic Plan will be translated into work plans and budget modifications by the UYWCD staff.

The proposed Draft Agenda for the UYWCD BOD Special Meeting is focused on Stagecoach Reservoir water pricing policy.

II. Summary and Alternatives:

NA

III. Staff Recommendation:

UYWCD BOD work with UYWCD staff to resolve any scheduling conflicts to allow for full BOD participation in both the 2020 UYWCD Board Retreat and Special Board Meeting currently scheduled for 10/15/20.



IV. Legal Issues:

NA

V. Consistency with Board Goals and Policies:

All UYWCD Board Goals and Policies.

Attachments:

Attachment 1: 2020 UYWCD BOD Retreat Draft Agenda

Attachment 2: UYWCD District Boundary including Division Delineations

**Upper Yampa Water Conservancy District Annual Retreat
and
Special Board Meeting**

Zoom or Location T.B.D.

October 15, 2020, 9:00 am –3:30 pm

The Upper Yampa Water Conservancy District

“To lead water resource management within the District’s boundaries by responsibly conserving, protecting, developing, providing and enhancing the water resources of the Yampa River Basin. The District will initiate and participate in projects that embody and promote the protection of water rights, provide broad benefits to District constituents and develop projects that provide responsible conservation, responsible growth, beneficial water storage and usage, and public awareness within the Upper Yampa Water Conservancy District.”

DRAFT Retreat Agenda

I. Start (9:00)

II. Welcome, Agenda Review, Expectations for the Day (9:00-9:15)

III. Board Member Break Out Sessions by Division Representation (9:15-10:00)

a. Division 1

- UYWCD Board Members: Haskins, Monger, Murphy
- UYWCD Staff Moderator: TBD

b. Division 2

- UYWCD Board Members: Brenner, Jones, Sharp
- UYWCD Staff Moderator: TBD

c. Division 3

- UYWCD Board Members: Halliday, Redmond, Woodmansee
- UYWCD Staff Moderator: TBD

IV. Break Out Session Summaries (10:00-10:30)

Break 10:30-10:45

V. Strategic Plan Update (10:45-12:30)

- 2021 UYWCD Strategic Plan Committee Report:** General Manger and Board President to present findings/Recommendations from Strategic Plan Committee and Staff on proposed revisions and updates to the UYWCD Strategic Plan.
- 2021 UYWCD Strategic Plan Review:** Incorporation of Strategic Plan Committee Recommendations and Feedback from morning break-out session into 2021 UYWCD Strategic Plan
- 2021 Strategic Plan Schedule:** Adopt schedule for the finalization of 2021 Strategic Plan and 2021 UYWCD Budget

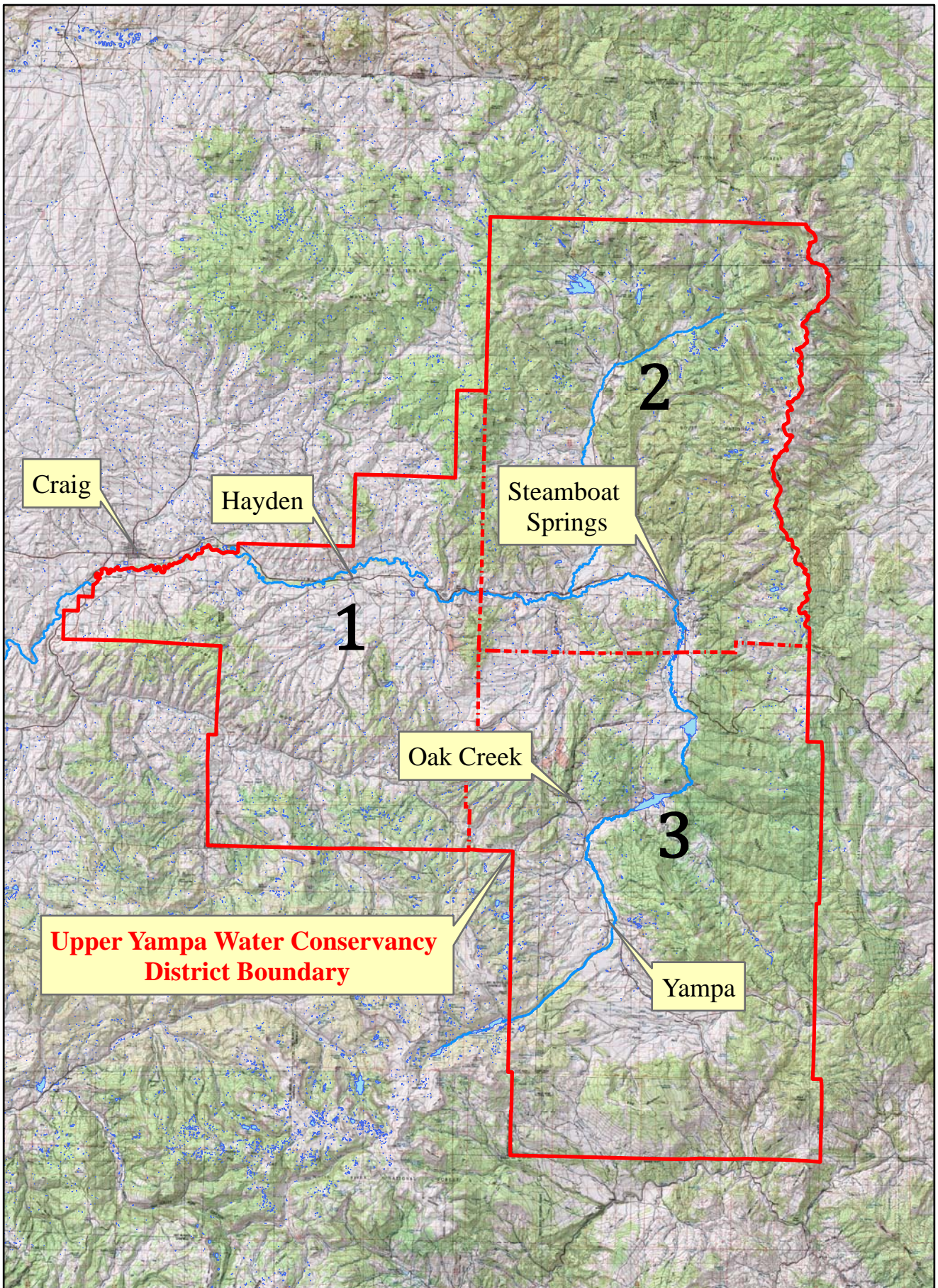
Lunch Break 12:30-1:00

DRAFT Special Board Meeting Agenda
1:00 P.M. Start

A Board of Directors meeting packet is available for public review on our website at <http://www.upperypawater.com/board-of-directors/agendas/> on 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.

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) Establishment of Quorum and Call to Order
- (2) Approval of Agenda for Meeting **Action item**
- (3) 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) Consent Agenda; **Action item**
 - a) Approval of the minutes of September 17, 2020 Board Meeting,
- (5) Report of General Manager
 - a) Proposed Stagecoach Reservoir Water Pricing Policy
- (6) New Business (Limited to emergency matters that came up during the course of the meeting) **Action item**
- (7) 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 Stagecoach Municipal Water Contracts.** This session will be recorded, and a copy of the recording maintained for not less than 90 days.
- (8) Board actions regarding Executive Session
- (9) Determination of Next Meeting Agenda
- (10) Adjournment.



Craig

Hayden

Steamboat
Springs

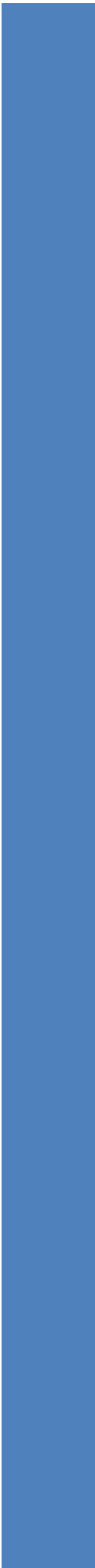
1

Oak Creek

3

**Upper Yampa Water Conservancy
District Boundary**

Yampa





BOARD COMMUNICATION FORM

From: Ken Brenner, Board President

Date: September 11, 2020

Item: Strategic Plan Review

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Request/Issue and Background Information:

At the January 2020 Upper Yampa Water Conservancy District (UYWCD) Board meeting, the Directors approved the Strategic Plan (SP) for the District. It is the intent of the Directors and District staff to examine the SP annually and prioritize the SP's many tasks to guide the 2021 Work Plan for the General Manager (GM) and staff. The GM and staff will use that guidance to anticipate impacts to their workload and include any financial implications in the District's 2021 Budget as part of the Budget development and approval process.

The Strategic Plan/Governance Committee (SPC) had hoped to complete a preliminary review of the SP prior to the September Board meeting but were unable to find a suitable time because of the Labor Day holiday. The SPC will meet in the next few weeks to complete that review and provide some recommendations for discussion and prioritization at the Annual Board Retreat on October 15th.

I would like to ask all the Directors to review the SP and be prepared for a preliminary discussion at our September meeting regarding areas of the SP that should be considered for action in 2021. The SPC will further address those topics with District staff at meetings before the October Retreat. **All Directors are welcome to attend the SPC meetings and are encouraged to join in the discussions.**

II. Summary and Alternatives:

- 1) Provide the SPC and staff with some preliminary topics on 9/17 to be discussed in the SPC meetings in late September/early October.
- 2) Participate in the SPC meetings.
- 3) Provide direction and prioritization at the October Retreat.



- 4) All of the above
- 5) None of the above

III. Staff Recommendation:

Directors should individually choose how they are most comfortable participating in the year's SP review process.

IV. Legal Issues:

N/A

V. Consistency with Board Goals and Policies:

All of the above is outlined in the Governance manual.

Attachments:



BOARD COMMUNICATION FORM
September 17, 2020 Board Meeting
(Not Privileged and confidential attorney-client communication)

From: Robert G. Weiss, Legal Counsel

Date: September 9, 2020

Item: General Manager Surety Bond

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Request/Issue and Background Information: The Water Conservancy Act §37-45-117 states that the "[t]he secretary and treasurer and such other agents or employees of the district as the court may direct, shall furnish corporate surety bonds, at the expense of the district, in amount and form fixed and approved by the court, conditioned upon the faithful performance of their respective duties." I intend to file the attached motion with the Court seeking approval of the surety bond in the amount of \$10,000 for the General Manager who is also ex officio the secretary and treasurer of the District. Under the Bylaws the amount of the surety bond must be approved by the Board.

II. Summary and Alternatives: The Board may approve the \$10,000 surety bond amount or require another amount.

III. Staff Recommendation: MOTION: Approve surety bond amount of \$10,000

IV. Legal Issues: Discussed above.

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

VI. Fiscal Impact: Premium cost of bond is \$100.00 annually.

DISTRICT COURT, WATER DIVISION NO. 6, COLORADO 1955 Shield Drive, Unit 200 Steamboat Springs, Colorado 80487 970/879-5020	
IN THE MATTER OF THE PETITION FOR ORGANIZATION OF THE UPPER YAMPA WATER CONSERVANCY DISTRICT	▲ COURT USE ONLY ▲
Robert G. Weiss, #8521 Weiss and Van Scoyk, LLP 1625 Mid Valley Drive, Suite 1, PMB 82 Steamboat Springs, CO 80487 Telephone: 970/846-8637 bweiss@wvsc.com	Case No. 65 CV 3815
<p style="text-align: center;">MOTION TO SET SURETY BOND FOR GENERAL MANAGER</p>	

COMES NOW the Upper Yampa Water Conservancy District ("District") by and through its counsel, Weiss and Van Scoyk, LLP, by Robert G. Weiss, and moves this Court pursuant to CRS Section 37-45-117 to approve the surety bond amount for the General Manager of the District, who also serves *ex officio* as the secretary and treasurer of the District, in the form attached in the amount of \$10,000.

DATED this ____ day of September, 2020.

Respectfully submitted,

WEISS AND VAN SCOYK, LLP

By: /s/ Robert G. Weiss
 Robert G. Weiss, #8521
 Attorney for District





BOARD COMMUNICATION FORM

From: Andy Rossi

Date: 09/08/20

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 2020 water year to date.

II. Summary and Alternatives:

NA

III. Staff Recommendation:

NA

IV. Legal Issues:

NA

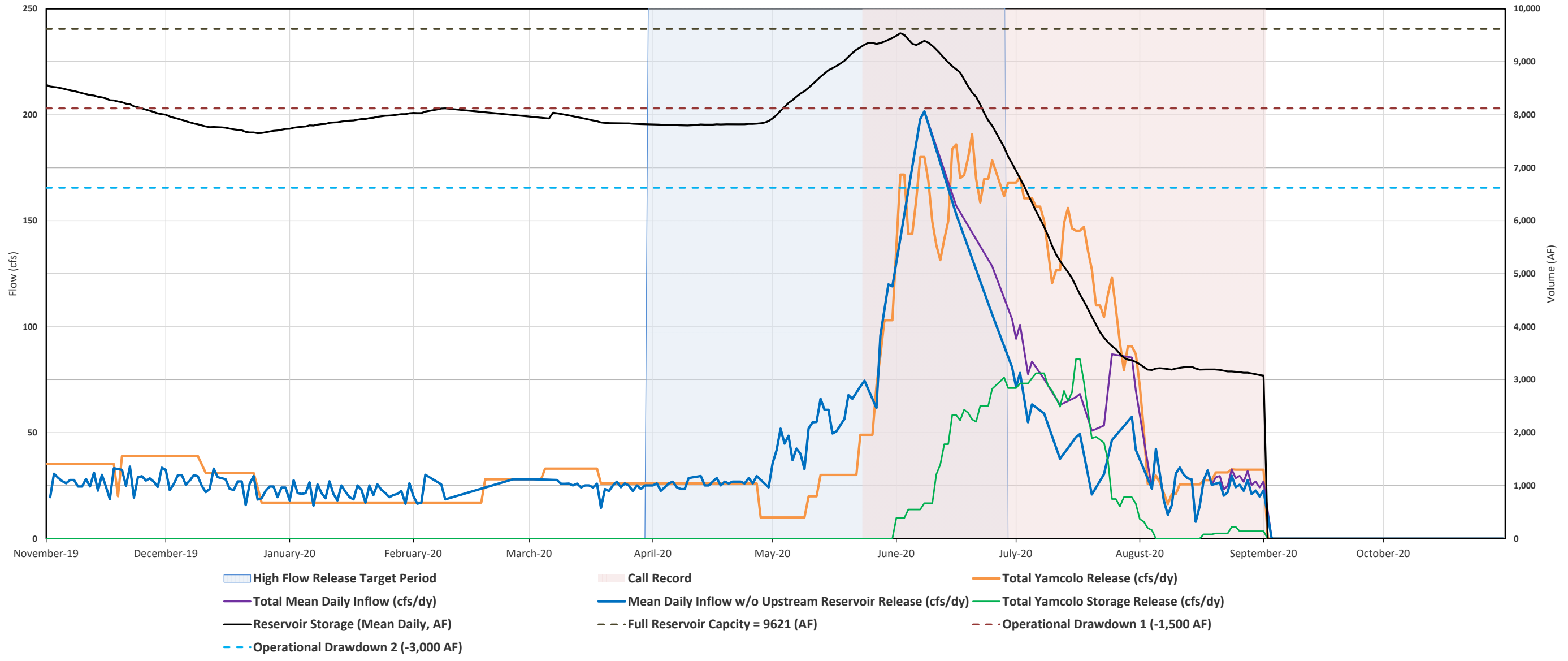
V. Consistency with Board Goals and Policies:

2

Attachments:

Yamcolo Water Storage Data
Stagecoach Water Storage Data

Yamcolo Reservoir: WY 2020 (Provisional Data)



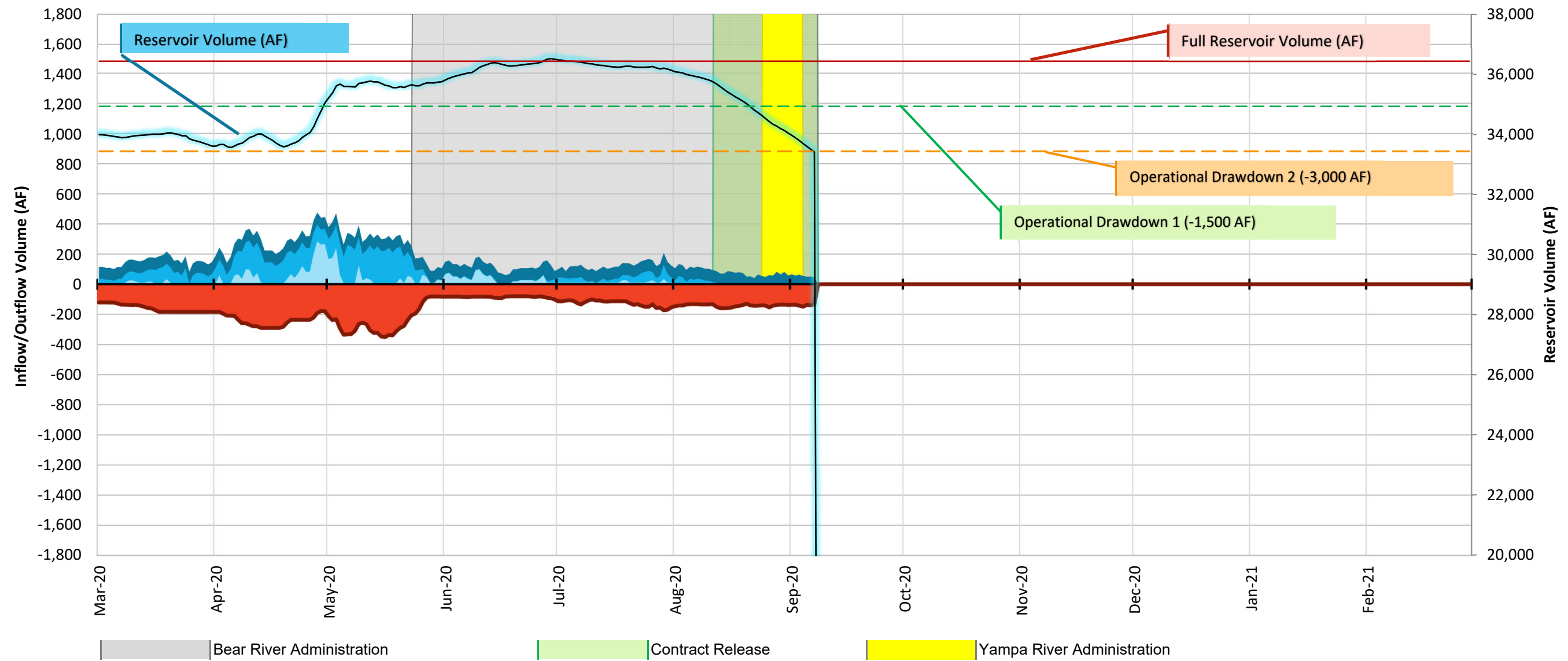
Stagecoach Reservoir Operations

Total Monthly Volume (AF)

Accounting Year 2020
9/7/2020

INFLOW	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Total
Physical	4,632	8,820	8,537	3,606	3,893	2,557	388						32,431
Storable	2,172	6,439	6,077	1,201	1,499	363	0						17,751
Stored	223	2,114	1,290	1,072	402	115	0						5,217

OUTFLOW	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Total
Operator	-4,962	-7,236	-7,614	-2,537	-3,938	-4,390	-975						-31,653
Spill	0	0	0	-28	-8	0	0						-36
Gage	-4,962	-7,236	-7,614	-2,537	-3,938	-4,390	-975						-31,653







BOARD COMMUNICATION FORM

From: Andy Rossi

Date: 09/08/20

Item: UYWCD Facilities Capital Projects

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Request/Issue and Background Information:

The Upper Yampa Water Conservancy District (UYWCD) continues to invest in the construction and installation of multiple facilities maintenance projects. This memo presents a summary of these efforts for 2020.

II. Summary and Alternatives:

The ongoing maintenance projects at the UYWCD facilities are contributing to the organization's operational effectiveness by improving the cleanliness, orderliness, functionality and safety of these facilities. The UYWCD staff will continue to identify facilities maintenance priorities proactively rather than reactively to extend the operational lifespan of the UYWCD infrastructure. Regular maintenance activities at all facilities will continue as needed and determined by the UYWCD staff. A summary of the facilities maintenance projects considered for 2020 is presented in the tables included with this communication form.

III. Staff Recommendation:

Complete remaining or incomplete maintenance tasks from 2020. Initiate facilities maintenance tasks planning for 2021.

IV. Legal Issues:

NA



V. Consistency with Board Goals and Policies:

UYWCD Strategic Plan Goal 2.3

Attachments:

2020 Facilities Projects Summary

2020 UYWCD Facilities and Engineering Tasks and Planning

Update: 9/8/2020

Facility	Task	Personnel	Frequency	Status	Cost Estimate
Stagecoach	General Facilities Operation and Management	District Engineer, UYWCD Dam Operators, YVEA	Continuous	Ongoing	Annual budget
Stagecoach	Continued Powerhouse Re-Organization and General Building Upgrades	UYWCD Facilities Operators	On going, as needed	Ongoing	Annual budget
Stagecoach	Operating Procedure Manuals and Written Observation Logs	UYWCD Facilities Operators	Updates Scheduled for October 2020	Ongoing	Annual budget
Stagecoach	RedLion Integration to IFix	District Engineer, Facilities Operators	Initial integration of existing hardware, updates as needed	Operator training complete. Cost estimate for system upgrades complete. Project cost to be included in 2021 budget.	TBD/Annual Budget
Stagecoach	Stem Guide Repair	District Engineer, Outside Contractor	30 - year recurrence interval, repairs as necessary.	Construction start TBD. Possible postponement to 2021.	\$30,000
Stagecoach	Turbine Repairs- Replace Wear Rings, W.G.	UYWCD Facilities Operators, Outside Contractor	As needed pending results of annual inspection.	New Wear Rings delivered 2019, Turbine inspection scheduled for October 2020.	\$35,000
Stagecoach	Outflow Real Time Data Acquisition	USGS	One time set-up, continuous agency feedback	Initial gage re-programming complete, agency communication ongoing	Annual budget
Stagecoach	Bank Erosion/Willow Planting	Outside Contractor	One-time, installation 2017, annual maintenances possible	Planting activities suspended. Wetlands credits purchase recommended.	\$5,000
Stagecoach	Regulatory Agency Reporting and Permit Compliance	District Engineer	Monthly, Annual, as needed	Ongoing	Annual budget
Stagecoach	Regulatory Agency Liaison (FERC, CPW, USFS, BLM, EPA, USACE....)	District Engineer, District Manager	Continuous	Ongoing	Annual budget
Stagecoach	EAP Updates and Exercises	District Engineer	Annual	Updates complete, Exercise to be scheduled 2020	Annual budget
Stagecoach	Inflow Forecasting	District Engineer	Annual for potential fill forecast period	Ongoing	Annual budget
Stagecoach	Water Rights Accounting, Water storage release orders	District Engineer, UYWCD Facilities Operators	Continuous	Ongoing	Annual budget
Stagecoach	FERC Part 12 Inspection and Report	District Engineer, Outside Contractor	5-Year Recurring, completed 2019, next inspection 2024	Inspection required 2024	Annual budget
Stagecoach	Safety Buoys - Hardware replacement	District Engineer, Facilities Operators	One time	Regular maintenance incorporated into 2020 annual budget	Annual budget
Stagecoach	Facility Budget Tracking and Individual Project Management	District Engineer	Continuous	Ongoing	Annual budget
Stagecoach	Union Ditch Headgate Repair	District Engineer, Outside Contractor	One time, repairs as necessary	Project construction complete. Final contractor invoicing pending.	\$25,000
Stagecoach	Install new fencing at Sickles Parcel	District Engineer, Outside Contractor	30 Year recurring, annual maintenance as necessary	Project construction complete. Re-imbursement from HPP Grant program received	\$14,000 total project cost, \$7,000 HPP cost share grant awarded.
Yamcolo	General Facilities Operation and Management	District Engineer, UYWCD Facilities Operators	Continuous	Ongoing	Annual budget
Yamcolo	Flow Measurement: Bear River	UYWCD Staff, Outside Contractor, USGS	One-Time, as conditions allow	Calibration of 80% operational range complete, Calibration data collection ongoing as conditions allow. Design and cost estimate for instrumentation upgrades, connectivity complete. Installation of project components started on 9/01/20. Project will continue in 2021.	\$25,000
Yamcolo	Butterfly Valve Repair	UYWCD Staff, Outside Contractor	One-Time, TBD based on observed conditions	Repairs dependent on conditions	\$15,000
Yamcolo	Existing Dam Toe Drains Clearing and Repair	District Engineer, Outside Contractor	5-Year recurrence interval	Toe drain outfalls repaired 2019, area clearing scheduled for October 2020	Annual Budget
Yamcolo	Regulatory Agency Reporting and Permit Compliance	District Engineer	Monthly, Annual, as needed	Ongoing	Annual budget
Yamcolo	EAP Updates and Exercises	District Engineer	Annual	Minor document updates for 2020 will be necessary with CDWR Dam Safety Rules 2019 updates	Annual budget
Yamcolo	Inflow Forecasting	District Engineer	Annual for potential fill forecast period	First iteration of model complete, upgrades as necessary	Annual budget
Yamcolo	Water Rights Accounting, Water storage release orders	UYWCD Staff, Outside Contractor	Continuous	Update to consolidated calculations and tracking scheduled for 2020	Annual Budget
Yamcolo	Regulatory Agency Liaison (FERC, CPW, USFS, BLM, EPA, USACE....)	District Engineer, District Manager	Continuous	Ongoing	Annual budget
Yamcolo	Facility Budget Tracking and Individual Project Management	District Engineer	Continuous	Ongoing	Annual budget
Yamcolo	Riprap Replacement	UYWCD Staff, Outside Contractor	10 - 30 years depending on conditions	Phase 2 Construction Scheduled for October 2020.	\$40,000
Stillwater Ditch	Flow Measurement at SW Ditch	District Engineer, Outside Contractor	10 - 30 years	Project construction complete, calibration complete, minor revegetation of disturbance area scheduled for October 2020	\$10,000
Stillwater Ditch	Flow Control Structure Replacement	District Engineer, Outside Contractor	30 year recurrence interval, annual maintenance as necessary	Project award pending public bid process completion, construction start date = 10/1/20.	\$120,000
Stillwater Ditch	General Facilities Operation and Management	District Engineer, UYWCD Facilities Operators	Seasonal	Ongoing	Annual budget





BOARD COMMUNICATION FORM

From: Holly Kirkpatrick

Date: 9/10/2020

Item: Meetings Update

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Request/Issue and Background Information:

The YWG BRT and the Big River Committee are focusing on issues surrounding demand management and the position the YWG BRT will present in the Basin Implementation Plan (BIP) update. They have developed a recommended draft statement for demand management, which is attached for your review.

In their last meeting on September 9th, 2020, the YWG BRT voted to send a letter of support for the Statewide Water Education Action Plan (SWEAP). This plan outlines the goals to educate the general public of all ages to the happenings of the current and future state of water in Colorado, both on the Front Range and the Western Slope.

In my participation in the WeCO Water Fluency Program and Water Educators Symposium, I have learned the depths of SWEAP and would be happy to share resources or information with you if you are interested. You can visit the SWEAP website for more information at <https://www.cowateredplan.org/>.

The next YWG BRT meeting will occur on November 11, 2020.

The Integrated Water Management Plan (IWMP) has completed the diversion assessments scheduled for this summer. The diversion assessment reports are currently being compiled and will be delivered this fall. UYWCD is working closely with the IWMP committee to produce a video on improvements on the Bear River. We are currently working to identify interviewees in South Routt for filming to highlight the benefits of diversion improvements, the Diversion Infrastructure Improvement Project and the collaborative efforts occurring throughout the valley.

The next IWMP meeting will occur on October 8, 2020.



II. Summary and Alternatives: N/A

III. Staff Recommendation: N/A

IV. Legal Issues: N/A

V. Consistency with Board Goals and Policies:

Strategic Plan Goal: 1.1, 5.1, 8.3

Attachments:

Attachment 1: Recommended Draft Demand Management Statement

Additional Attachments:

Yampa/White/Green Basin Roundtable

Recommended Draft Demand Management Statement

Context

In the face of persistent drought and anticipated long-term growth in demand for water, Colorado and the other 6 Colorado River Basin states have prepared a Drought Contingency Plan (DCP). One element of that plan is to investigate the feasibility of Demand Management (DM). If implemented, DM will become a future program which, on a voluntary, temporary, and compensated basis, will reduce water use by individual, public, and commercial water rights holders, to avoid administration of the Colorado River Compact on the Colorado River.

Statement of Principles

Given the context stated above, the Yampa/White/Green River Basin Roundtable supports investigating the feasibility of the concept of DM, provided that any DM program to be implemented meets the following specific criteria:

1. **Preservation of Quality of Life in the Y/W/G River Basin:** Any DM program must preserve and enhance agriculture, local communities, and economies in our basin, while protecting municipal delivery, and addressing environmental needs as well as recreational water use, offering locally-accepted methods to reduce consumptive use without injury.
2. **Equity of Responsibility and Opportunity:** No river basin nor single water user group (i.e., Ag, M&I) should bear an unfair proportion of DM responsibility, and DM opportunities must be available to all water right holders on a reasonably-equitable basis. To ensure equity, some form of apportionment is required; Y/W/G supports the apportionment of DM to each basin in the Colorado River System (CRS) in proportion to each basin's post-Compact depletions.
3. **Guided Market:** The State of Colorado should establish a marketplace for DM water transactions, including a market structure to ensure fairness and transparency.
4. **Recreation and Environment:** Any DM program must consider/analyze its impacts on environmental and recreational needs, including those resulting from changes in water supply and/or timing of flows. Any DM program should strive to benefit environmental and recreational needs and must not adversely impact these water uses and their contributions to local economies.
5. **Rural Communities:** Any DM program must evaluate and address all impacts that could result to rural communities, including negative economic, cultural, or social impacts.
6. **Value of Water Conserved:** The price that a water right holder receives for foregoing use during a DM Program period should be based on an economic model that accounts for the value of the crop or product not produced, the overall secondary impact of foregoing water use, and the value of water generally preserved in the market through DM.
7. **Trans-Mountain Diversions (TMDs):** Basins which benefit from water diverted from the Upper Colorado River must be considered as part of the CRS, with applicable DM responsibilities and opportunities, and subject to equitable apportionment for DM purposes.

8. Conservation Prior to Extra-Basin DM Purchases: Any non-West Slope basin, made a part of the CRS through a TMD, which seeks to meet its DM responsibility through the purchase of water from a source within a West Slope CRS basin, should either before or in concert with those water acquisitions be required to implement reasonable conservation measures to reduce consumptive use.
9. Storage as a Part of the Definition of Conserved Consumptive Use: CRS basins which have existing or build new storage to conserve water for future use should be able to allocate that water to a DM program within the definition of Conserved Consumptive Use.

Alignment

The Principles stated above provide a general framework for the concepts of DM, and are in alignment with the Y/W/G River Basin's Basin Implementation Plan (BIP) and the CWCB 2018 Support and Policy Statement Regarding the DCP, DM, and Compact Administration.

Demand Management Implementation Details

Further definition of DM is required to determine whether DM is feasible for our state, and even greater detail will be needed prior to implementation. The following section presents ideas and policies which are supported by the Yampa/White/Green River Basin Roundtable, should DM be deemed feasible for Colorado.

1. Equitable Apportionment: To ensure that DM responsibilities and opportunities are shared equitably across the State, some form of apportionment is required. YWG supports the apportioning of DM responsibility to each basin in the Colorado River System (CRS) based on that basin's percentage of post-Compact depletions, compared to the overall post-Compact depletions for the CRS. For example, if Basin A has post-Compact depletions of 50,000 acre-ft (AF), and the total of post-Compact depletions for the system is 1,000,000 AF, Basin A's post-Compact depletions represent 5% of the State total. That means that Basin A would be apportioned (entitled/required to contribute) 5% of the total DM water volume required. Thus, if the total DM requirement for the State is 500,000 AF, Basin A would be entitled/required to contribute 25,000 AF or 5% of that total DM need.

Equitable apportionment has implications for the state-directed parameters of 'voluntary, temporary, and compensated' DM contributions.

- a. Voluntary: Virtually all stakeholders agree that 'Voluntary' means that no water right holder would be forced to forego use to meet a DM program requirement. In the context of Equitable Apportionment however, 'Voluntary' does not mean that all water right holders who wish to take advantage of a DM opportunity may do so. The target amount of DM contribution by each basin should be set through apportionment. The DM Program must make provision for over-/under-subscription within a basin, including variable, value-based pricing (see paragraph on 'Compensated' below), some form of lottery/chance selection mechanism for over-scribed basins, and a fall-back mechanism

to balance inter-basin apportionment against total requirements, should one or more basins be under-subscribed.

- b. Temporary: It is commonly understood that 'temporary' refers to the foregoing of water use by an individual rights-holder; DM is not intended as a means of permanently transferring a water right. Within criteria and guidance established by the State, each basin should have the authority to define how often and for what length of time a water right holder may contribute to the DM Program, based on local conditions and community needs. As far as possible, DM opportunities should be available to water right holders regardless of season, provided that the definition of conserved consumptive use is met. Assuming that the total Colorado DM requirement will be met over a period of several (e.g., 5) years, any basin should have the flexibility to meet its apportioned responsibility in aggregate over the specified time period. For example, if the DM period is 5 years, Basin A may meet its 25,000 AF Responsibility by contributing 5,000 AF/year over that time, or may have 5 varying contributions that total 25,000 AF over 5 years.
 - c. Compensated: Owing to the complexity of the water market, and the number of variables that fair and equitable pricing must address, a completely 'free market' approach will not deliver an equitable price to a water right holder for foregoing use during a DM Program period. Accordingly, DM transaction pricing should be based on an economic model that accounts for the value of the crop or product not produced, the overall secondary impact of foregoing water use, and the value of water generally preserved in the market through DM. A 'price band' approach, defining a baseline price for each basin, and an incremental 'adder' towards a ceiling price for under-subscribed basins, may be helpful in meeting inter-basin apportionment.
2. Statewide Water Exchange: To meet fairness requirements while avoiding curtailment resulting from Compact Compliance, the State of Colorado must have a role as the DM Market Maker. Within the current structure of the Department of Natural Resources, Colorado Water Conservation Board (CWCB) and the State Water Engineer's Office, a Statewide Water Exchange should be established. The Exchange will effect a market structure that serves DM transactional needs, with prices set via an agreed-to economic model, and may be useful for other future purposes.
- a. Equity: The Statewide Water Exchange would establish and publish the apportionment values for each basin, set and publish the DM water transaction pricing (for example, based on the 'price-band' concept), and manage over-/under-subscription to balance inter-basin contributions as needed. Transportation and evaporation losses, and shepherding of banked water should be accounted for in the Exchange mechanism.
 - b. Transparency: By establishing the market price and monitoring DM water transactions, the Exchange can ensure that water right holders who contribute to the State's DM requirements do so on the basis of published, transparent pricing.
 - c. Monitoring and Verification: Through the Office of the State Water Engineer, the Exchange can account for quantifying, measuring, monitoring, and verifying water movements resulting from DM transactions.
 - d. Mediation: Disputes may arise from implementation of DM, and the Exchange would need to establish simple and straightforward processes for mediating conflicts.





BOARD COMMUNICATION FORM

From: Holly Kirkpatrick

Date: 9/10/2020

Item: Publications

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Request/Issue and Background Information:

UYWCD has received quite a bit of press this summer regarding releases from Stagecoach Reservoir, the appointment of a new general manager, and the Diversion Infrastructure Improvement Project. You will find a list of articles including the publications and date of publication attached. You can view these articles on the associated publication website.

II. Summary and Alternatives: N/A

III. Staff Recommendation: N/A

IV. Legal Issues: N/A

V. Consistency with Board Goals and Policies:

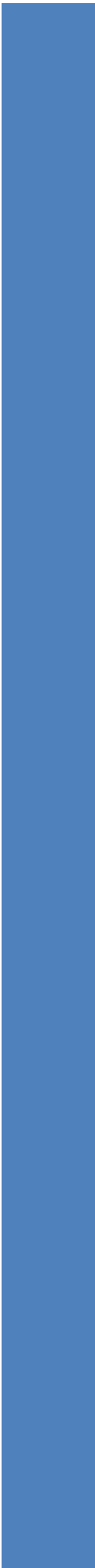
Strategic Plan Goal: 1.1, 5.1, 8.3

Attachments:

Attachment 1: Publication Schedule

Attachment 2:

Date	Publication	Topic
7/23/2020	Steamboat Pilot	Diversion Infrastructure Improvement Project
7/24/2020	Coyote Gulch	Diversion Infrastructure Improvement Project
7/28/2020	Steamboat Pilot	General Manager Appointment
7/29/2020	WeCO Fresh Water News	Diversion Infrastructure Improvement Project
8/14/2020	Steamboat Pilot	Diversion Infrastructure Improvement Project
8/19/2020	Steamboat Pilot	City of Steamboat/Colorado Water Trust Releases
9/9/2020	Steamboat Pilot	District Collaboration and Yampa Valley Water Projects





BOARD COMMUNICATION FORM

From: Holly Kirkpatrick

Date: 9/10/2020

Item: Diversion Infrastructure Improvement Project

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Request/Issue and Background Information:

Interest in the Diversion Infrastructure Improvement Project (DIIP) has significantly increased since the completion of hay season. In conversations with the Division of Water Resources and interested applicants, it seems that most diverters plan to start their projects this month. We have received 18 applications so far, most of which were received after August 25, 2020.

The Colorado Water Conservation Board (CWCB) has finalized our submission process and requires that invoices from completed projects be dated after May 1, 2020 to receive reimbursement from WSRF funds. Any applications with invoices dated prior to May 1, 2020 will need to be paid solely from the UYWCD Diversion Infrastructure Improvement Project (DIIP) funds. You will notice on the attached grant report that we have not yet received a reimbursement from WSRF funds because all 5 of the completed applications contained invoices dated prior to May 1, 2020.

II. Summary and Alternatives: N/A

III. Staff Recommendation: N/A

IV. Legal Issues: N/A

V. Consistency with Board Goals and Policies:

Strategic Plan Goal: 4.1

Attachments:

Attachment 1: August Diversion Infrastructure Improvement Grant Report

Diversion Infrastructure Improvement Project August 2020		
	Tier 1	Tier 2
Number of Applications Received:	18	
Number of Applications Approved:	5	
Estimated Project Total (\$)	\$55,877	
Amount Distributed (\$)		
UYWCD:	\$3720	
WSRF:		

BOARD MEMBER REPORTS

**RESOLUTION IN SUPPORT OF THE CO RIVER WATER
CONSERVATION DISTRICT'S 11/3/2020 BALLOT
QUESTION**



BOARD COMMUNICATION FORM

September 17, 2020 Board Meeting

(Not Privileged and Confidential attorney-client communication)

From: Robert G. Weiss, Legal Counsel

Date: September 10, 2020

Item: River District Tax Question

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Request/Issue and Background Information: The Colorado River Water Conservation District has a property tax mill levy increase tax question on the November 3, 2020 ballot. According to the River District website, if voters agree, the median residential property tax increase in the River District's 15-county region would be \$7.03 per year. The question will go on the November 3, 2020, ballot in Grand, Summit, Eagle, Pitkin, Garfield, Routt, Moffat, Rio Blanco, Mesa, Delta, Ouray, Gunnison, and parts of Montrose, Saguache and Hinsdale counties. The River District says the property tax increase would protect water security in Western Colorado while funding projects to improve water use and healthy streams and would fund River District work directed at:

- Fighting to keep water on the West Slope;
- Protecting adequate water supplies for West Slope farmers and ranchers;
- Protecting sustainable drinking water supplies for West Slope communities; and
- Protecting fish, wildlife, and recreation by maintaining river levels and water quality

I was asked by President Brenner to prepare the attached resolution in support of this ballot question.

II. Summary and Alternatives: Adopt the Resolution in the form presented or with amendments or do not support the resolution.

III. Staff Recommendation: No recommendation.

IV. Legal Issues: State law allows the Board to adopt a resolution indicating its support of this measure. No other expenditure of Upper Yampa District funds is permitted to support or oppose this ballot question.

- V. Consistency with Board Goals and Policies:** As determined by the Board.
- VI. Fiscal Impact:** Nominal.

UPPER YAMPA WATER CONSERVANCY DISTRICT

RESOLUTION No. 2020-__

September 17, 2020

A RESOLUTION IN SUPPORT OF THE COLORADO RIVER WATER CONSERVATION DISTRICT'S NOVEMBER 3, 2020 BALLOT QUESTION NO. _____ TO INCREASE THE RIVER DISTRICT PROPERTY TAX BY \$1.90 YEARLY FOR EVERY \$100,000.00 IN RESIDENTIAL HOME VALUE.

A. WHEREAS, the Colorado River District has asked voters this November to support a property tax increase to protect water security in Western Colorado while funding projects to improve water use and healthy streams; and

B. WHEREAS, the waters of the Colorado River which originate within the boundaries of the River District are under increasing pressure at the same time that the flow of the river is decreasing due to long-term drought; and

C. WHEREAS, the Colorado River Water Conservation District revenues have been and are projected to continue to be negatively impacted due to declining revenues from the energy sector, the impacts of the Gallagher amendment and the revenue limitations of the Taxpayer Bill of Rights; and

D. WHEREAS, the additional property tax revenues will be utilized for River District work directed at:

- Fighting to keep water on the West Slope;
- Protecting adequate water supplies for West Slope farmers and ranchers;
- Protecting sustainable drinking water supplies for West Slope communities; and
- Protecting fish, wildlife, and recreation by maintaining river levels and water quality.

E. WHEREAS, no part of these additional funds will be used for the purpose of paying to fallow irrigated agriculture; and

F. WHEREAS, the Board of Directors of the Upper Yampa Water Conservancy District believes that it is appropriate to ask the voters of the River District to authorize an increase in taxes to fund the River District's critical work.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the Upper Yampa Water Conservancy District supports an increase in the property tax mill levy of the Colorado River Water Conservation District as proposed on the November 3, 2020 ballot.

READ AND RESOLVED effective the 17th day of September, 2020.

UPPER YAMPA WATER CONSERVANCY
DISTRICT

By: _____
Ken Brenner, President



BOARD COMMUNICATION FORM

From: Scott Grosscup, legal counsel

Date: September 9, 2020

Item: Water Resume Review

DIRECTION
 INFORMATION
 MOTION
 RESOLUTION

I. Request/Issue and Background Information: I reviewed the Water Resumes for Water Divisions 5 and 6 for water court filings in the month of August and did not identify any water applications that would impair or injure the District's water rights.

PENDING WATER CASES

STATUS OF OTHER WATER CASES



BOARD COMMUNICATION FORM

From: Scott Grosscup, legal counsel

Date: September 9, 2020

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. 17CW3043 – This is the application by the City of Steamboat Springs for an augmentation plan for Casey’s Pond. The District has stipulated consenting to the form of ruling in 2019. The ruling uses the District’s water rights from Stagecoach reservoir in its augmentation plan for Casey’s Pond. The Water Referee has entered the proposed Ruling, which is consistent with the form of decree stipulated to by the District, and is now pending the Judge’s final approval.

Case No. 18CW3020 – This is the application by the Mt. Werner Water & Sanitation District for new junior water rights at the Yampa Meadows Infiltration Gallery and plan for augmentation using water from Stagecoach and Yamcolo Reservoirs under two contracts with the UYWCD. The District stipulated with the Applicant, which was approved by the Referee, consenting to the relief requested and properly identifying water rights that may be used from Yamcolo Reservoir for augmentation. The case is still pending before the water court, although the Applicant has reached stipulations with all opposers.

Case No. 19CW3005 – This is an application for finding of reasonable diligence filed by Tri-State Generation and Transmission Association related to conditional water rights it owns in the Four Counties Ditch No. 3, Headgate 8 and in the Wessels Canal. Tri-State has provided a proposed Ruling and Stipulation. We have responded with suggested edits to the stipulation to clean up prior stipulations with Tri-State. The first concerns a list of water rights attached to a stipulation whereby Tri-State has subordinate Juniper Reservoir to certain District rights. And the second concerns how the District accounts for refill of Yamcolo Reservoir when water is exported to the Colorado basin. We have had a follow-up conversation with Tri-State’s counsel who are considering the request.

Case No. 20CW3019 – This is the diligence application filed by Public Service Company of Colorado for 52.5 cfs decreed to the Wessels Canal. The opposition period expired at the end of August and no additional statements of opposition were filed. Next step is for the water referee to set an initial status conference.

Case No. 20CW3020. This diligence application filed by Public Service Company of Colorado is for Hinman Park Reservoir and the Saddle Mountain Pump Station. A number of landowners who would be inundated by the reservoir filed statements of opposition along with the State and Division Engineer. The Engineers' position is that the water rights should be cancelled. Next step is for the water referee to set an initial status conference.

Water Horse Resources – The applicant provided its files on the project along with some new ones that they pointed out are specific to cost analysis and demands prepared after the hearing in 2018. The District provided the attached letter and have not heard a response.

Snell & Wilmer

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August 14, 2020

Teresa Wilhelmsen
State Engineer
Utah Division of Water Rights
1594 W. North Temple Suite 220
P.O. Box 146300
Salt Lake City, UT 84114-6300

Re: Upper Yampa District's and Colorado River District's Response to May 22, 2020 Supplemental Information Filed by Water Horse Resources, LLC, Application No. A81080 (Water Right No. 41-3747)

Dear Ms. Wilhelmsen:

I write on behalf of the Upper Yampa Water Conservancy District (“**Upper Yampa District**”) and the Colorado River Water Conservation District (“**Colorado River District**”) (together, the “**Districts**”). Each District filed a timely protest in opposition to Water Horse Resources, LLC’s (“**Water Horse**”) Application No. A81080 (Water Right No. 41-3747) (“**Application**”). Each District appeared at the November 7, 2018 hearing regarding this Application (“**Hearing**”) and provided testimony opposing the Application.

After the Hearing, the Division of Water Rights (“**Division**”) issued a letter requesting that Water Horse provide supplemental information responsive to several specific questions within 60 days. In response, Water Horse submitted a February 8, 2019 letter with 13 exhibits (“**February 8, 2019 Letter**”). On May 22, 2020, 16 months after the February 8, 2019 deadline, Water Horse submitted hundreds of additional documents intended to supplement the Application (“**May 22nd Submission**”). Many of the documents submitted were available on February 8, 2019, but Water Horse elected not to submit them. The Districts filed a June 15, 2020 objection to the May 22nd Submission on the grounds that it was untimely and prejudicial because many of the documents could have been submitted previously (“**June 15th Objection**”). In response to objections filed by the Districts and other protestants, the State Engineer issued a June 17, 2020 letter. The letter explained that the State Engineer granted permission for Water Horse to file the May 22nd Submission. The State Engineer granted protestants 60 days to respond.

Teresa Wilhelmsen
August 14, 2020
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Water Horse, and predecessors led by Mr. Aaron Million, have proposed various iterations of this project for the last decade. Each iteration proposes a concept – to divert water from the Green River and deliver it to Colorado’s Front Range. But these concepts have never matured into a concrete plan that contains sufficient definition to allow for review, permitting, and implementation. The current Application, for instance, is incomplete. The Application has a highly variably pipeline length; uncertain points of diversion; and undefined reservoirs. Moreover, Water Horse does not have contracts with water users, which means that the Application can’t specify how water will be used or where it will be used. These shortcomings demonstrate that Water Horse does not have a defined plan and that its Application is speculative. In addition, neither the May 22nd Submission, nor other documents submitted, satisfy Water Horse’s burden to demonstrate that the Application satisfies the requirements of sections 73-3-8 and 73-3a-108 of the Utah Code. For these reasons, the Districts respectfully request that the State Engineer deny this Application.

1. The Application Should be Denied Because it is Speculative

a. Utah

The Application should be rejected as unduly speculative because Water Horse is not a water user and it does not have contracts with any water users. The State Engineer cannot approve applications filed for the purposes of speculation or monopoly. *See* Utah Code § 73-3-8(1)(a)(v). Indeed, the State Engineer has previously denied applications similar to this one. For instance, the State Engineer rejected an application filed by Western Water, LLC as speculative because “the only proposed beneficial use for the water was a plan to sell it to others. Indeed, the applicants had no lands, facilities, customers, or contracts.” *Western Water, LLC v. Olds*, 2008 UT 18, ¶ 8. 184 P.3d 578 (internal quotation marks omitted); *see also* Reissued Memorandum Decision, In the Matter of Application Numbers 55-9399 (A72027); 57-10282 (A73473); and 59-5606 (A72026) (Mar. 17, 2004).

None of the documents submitted by Water Horse, in the May 22nd Submission, or otherwise, include executed water supply contracts. The May 22nd Submission does include qualified expressions of interest from a number of Colorado water users. These expressions of interest are not contracts. Indeed, they are contingent on future agreement by the parties to price and other contract terms. Moreover, the majority of the expressions of interest are more than a decade old and cannot be relied upon now. *See* Documents 1.2.1, 1.2.2, and 1.2.3.¹ Water Horse also included a 2018 agreement with T Cross Ranches, LLC. *See* Document 1.2.4. This is not a water supply contract. According to the 2018 agreement, significant conditions must be satisfied before a water supply contract would exist, including that Water Horse must obtain all necessary permits for the project; Water Horse and T Cross Ranches must negotiate a contract specifying the

¹ References to “Document” or “Documents” in this letter refer to documents in Water Horse’s May 22nd Submission. References to Scanned Documents in this letter refer to the scanned documents available on the Division’s website for Water Right No. 41-3747. The May 22nd Submission is available at Scanned Document Nos. 149 to 156.

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August 14, 2020
Page 3

financial terms for water delivery; T Cross Ranches must receive 100% approval from its stock holders; and all contingencies identified by T Cross Ranches' legal counsel must be satisfied. Similar to the applicant in *Western Water*, Water Horse offers a concept, but no definite plan for successful implementation. Indeed, like *Western Water*, Water Horse has no lands, facilities, customers, or contracts. As a result, the Application is speculative and the State Engineer must reject it.

b. Colorado

The Utah State Engineer must reject this Application because Water Horse has not demonstrated that water diverted by its project can be beneficially used in Colorado. Before approving an export Application, the State Engineer must determine that "water can be . . . beneficially used in the recipient state." Utah Code § 73-3a-108(1)(b)(ii). It is highly likely that the Application will be denied under Colorado's strong anti-speculation doctrine. That doctrine provides that a private entity "must have contractual commitments for any appropriations that are not planned for its own use, or the application will fail as unduly speculative." *Pagosa Area Water & San. Dist. v. Trout Unlimited*, 170 P.3d 307, 314-315 (Colo. 2007), as modified (Nov. 13, 2007) (*en banc*). Water Horse has no contractual commitments with water users and, as a result, it is very likely that Colorado will reject the Application for violation of the anti-speculation doctrine.

Colorado can also reject Water Horse's Application on other, independent grounds. As one example, Water Horse now proposes delivering water to Cobb Lake, north of Fort Collins Colorado (in Northern Colorado). See Document 5.3.6. Water Horse has not provided documents that show it has an ownership interest in Cobb Lake or contractual rights to store water in the Lake. Absent a contractual commitment, the anti-speculation doctrine makes it extremely unlikely that Colorado would approve the Application and allow the project to proceed.

It is highly likely that Colorado will deny Water Horse's Application because it fails to satisfy that state's requirements that the project not be speculative, that it has a need and demand for the water, and that the applicant can and will complete the appropriation. Without Colorado's approval, Water Horse cannot beneficially use water in that state. Because water under the Application cannot be beneficially used, the State Engineer must reject the Application pursuant to section 73-3a-108(1)(b)(ii) of the Utah Code.

2. The May 22nd Submission Undermines the Application's Economic Feasibility

Water Horse's project is not economically feasible because Water Horse underestimates project costs and its shortened pipeline will significantly diminish project revenue. Water Horse must demonstrate "reason to believe . . . its proposed plan . . . is economically feasible." Utah Code § 73-3-8(1)(a)(v). In its cover letter for the May 22nd Submission, Water Horse highlights its project cost estimate. See Documents 1.1.4, 1.1.5, 1.1.6, and 1.1.7. Document 1.1.5 is a November 27, 2019 pipeline construction cost estimate from Garney Construction. Garney's letter

Teresa Wilhelmsen
August 14, 2020
Page 4

includes an estimate for a 325 mile, 36” diameter pipeline. Document 1.1.6 incorporates Garney’s estimate and calculates a total cost to design, permit, and construct the project of \$1.6 billion.

Water Horse’s cost estimate is significantly lower than other major water infrastructure projects. For instance, Colorado Springs’ Southern Delivery System cost \$825 million to permit and construct. The Southern Delivery System was only 50 miles. Water Horse’s pipeline is more than 6 times longer, yet its cost estimate is only about two times higher. As another example, Société Général notes that the 150-mile Vista Ridge project in Texas cost \$1 billion. *See* Document 3.3.5. Water Horse’s proposed pipeline is more than twice this length, which would suggest a likely project cost in excess of \$2 billion. In short, Water Horse’s analysis of economic feasibility is fundamentally flawed because it is based on unrealistically low estimates of project costs.

Water Horse’s cost estimate raises additional concerns regarding the project’s economic feasibility. The cost estimate is based on a pipeline length of 325 miles. The proposed terminus is Cobb Lake, north of Fort Collins. *See* Document 5.3.6. This is significantly shorter than previous plans, which proposed a 420-mile pipeline. *See* Exhibit F, Water Horse’s February 8, 2019 Letter (Scanned Document 127). The significant change in pipeline length highlights that Water Horse is working on an evolving concept that has not matured into a definite plan. In addition, the shortened pipeline is noteworthy because it significantly limits Water Horse’s customer base and potential revenue. Exhibit F to Water Horse’s February 8, 2019 Letter depicts T Cross Ranches in El Paso County (in Central Colorado). As discussed above, Water Horse identifies T Cross Ranches as a party interested in acquiring water from its project. But Water Horse’s current proposal will terminate its pipeline more than 100 miles away from T Cross Ranches. Similarly, the pipeline stops short of other potential customers identified by Water Horse, like the City of Brighton and Douglas County. *See* Document 1.2.2. More generally, the significant change in length means that the pipeline will no longer reach significant portions of Colorado’s Front Range, including the Denver metro area. Water Horse’s decision to shorten the proposed pipeline significantly limits its potential customer base and diminishes potential project revenues. In summary, Water Horse has failed to demonstrate that its project is economically feasible because it underestimates project costs and it has significantly limited potential revenues.

3. Water Horse Does Not Have the Financial Ability to Complete the Project

Water Horse has not demonstrated the present financial ability to complete this massive infrastructure project. The Utah Code states that “[i]t shall be the duty of the state engineer to approve an application if there is a reason to believe that . . . the applicant has the financial ability to complete the proposed works.” Utah Code § 73-3-8(1)(a)(iv). In the cover letter to its May 22nd Submission, Water Horse states that Document 3.3.5 is particularly relevant to its financial ability. Document 3.3.5 is a May 22, 2020 letter from Société Général. It states “[i]n our opinion, this Project is financeable should the required federal and state level permits be granted, and the Project can move on with further design, engineering and required survey work.” (Emphasis

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added). Société Général’s opinion is subject to the significant qualification that Water Horse’s project will only become financeable after it obtains required federal and state level permits. As described below, Water Horse has not obtained any permits, it faces significant obstacles to obtaining permits, and it has not demonstrated an ability to secure permit approvals.

Société Général also states that it “believe[s]” the project “will attract strong demand from banks, and long term debt and equity investors in the infrastructure community.” Société Général’s “belief” that the project will obtain investment at some unspecified point in the future, after the project has obtained required permits, fails to satisfy the statutory requirement that the applicant demonstrate that it currently “has the financial ability to complete the proposed works.” Utah Code § 73-3-8(1)(a)(iv) (Emphasis added).

4. Water Horse’s Application Must be Rejected Because it is Incomplete

Water Horse’s Application is incomplete because it fails to identify planned reservoirs and it has changed the location and type of its points of diversion. The State Engineer cannot consider an application that does not satisfy the statutory requirements for initiating an application found in section 73-3-2 of the Utah Code. *See Western Water, LLC v. Olds*, 2008 UT 18, ¶ 40, 184 P.3d 578. Among other things, an application to appropriate must identify “[t]he lands to be inundated by any reservoir [and] . . . [t]he height of the dam, the capacity of the reservoir, and the area of the surface when the reservoir is filled” Utah Code § 73-3-2(2)(d)(v). In its application to FERC, a predecessor to Water Horse proposed 5 reservoirs. *See Scanned Document 114, Pgs. 87-175.* The May 22nd Submission references a 55,000-acre foot “Holding Pond.” *See Documents 1.1.6.* It includes a Reservoir Site Selection and Design Report and a Hydropower Design Report. *See Documents 5.3.1, and 5.3.3.* It also indicates that water will be delivered to Cobb Lake. *See Document 5.3.6.* Despite this, Item 7 of the Application, which relates to proposed storage, does not include any information regarding the proposed reservoirs. Furthermore, the Application fails to account for evaporative loss from proposed reservoirs.

An application must also set forth “the place on the stream or other source from which the water is to be diverted and the nature of the diverting works.” Utah Code § 73-3-2(1)(b)(vi). Water Horse’s Application proposes two surface points of diversion on the Green River. The cover letter to the May 22nd Submission states that Document 5.3.5 is particularly relevant to the Division’s review of the Application. Document 5.3.5, titled “Green River Diversion” proposes construction of 7 wells in lieu of the surface points of diversion. Some of these wells are more than 3 miles away from the surface points of diversion proposed in the Application. This change in the location and type of diverting works renders the Application incomplete because it does not include required information regarding the wells. Additionally, this modification to the proposed points of diversion necessitates republication of notice. *See Utah Code §§ 73-3a-107(3), 73-3-6(2).* In short, the State Engineer must reject the Application because it does not include information regarding the reservoirs and the points of diversion that is required by statute.

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5. Water Horse has not Demonstrated That it can Obtain Permits for the Project

Water Horse has not shown that it has the ability to overcome significant obstacles and obtain permits for its project. Water Horse must demonstrate that its project is legally feasible. *See HEAL Utah v. Kane County Water Conservancy District*, 2016 UT App 153, ¶ 40, 378 P.3d 1246. As part of this obligation, Water Horse must show that it can obtain the many permits required for a major infrastructure project, like this one. In the cover letter to its May 22nd Submission, Water Horse asks the Division to look specifically at Documents 5.2.5, 5.2.6, and 5.2.8. These documents depict the proposed pipeline alignment and identify opportunities to co-locate the proposed pipeline with existing pipelines. While Water Horse may be able to co-locate portions of its pipeline, it still has numerous permitting requirements, including completion of an Environmental Impact Statement under NEPA.

The May 22nd Submission sets forth an extremely aggressive schedule. Water Horse's NEPA consultant estimates that it can complete an EIS within 20-24 months. *See* Document 3.3.3. Water Horse's financial models estimate that water deliveries will commence by December 2025. *See* Document 1.1.3. This timeline stands in stark contrast to the BLM's testimony at the Hearing that permitting this project will take approximately 15 years. Water Horse has not explained how it will overcome significant permitting obstacles raised by the protestants and maintain this aggressive schedule. For example, the proposed points of diversion are located within the Brown's Park Area of Critical Environmental Concern. The BLM's management guidance states that riparian areas within Brown's Park will be managed to "preclude surface disturbing activities." *See* Scanned Document 120, Item 26.

Water Horse has no demonstrated ability to secure complex environmental permits. Water Horse, and predecessors led by Mr. Aaron Million, have proposed various iterations of this same project. Permitting agencies have not been the primary source of delay for these projects. Rather, delays have resulted because Water Horse's predecessors have failed to prosecute their permit applications. For instance, the Army Corps of Engineers terminated an EIS in 2011 for a similar project proposed by Million Conservation Resource Group. In its notice of termination, the Army Corps stated "[t]he project now has an uncertain and variable purpose, which technically makes the applicant's permit application incomplete." *See* Scanned Document 120, Item 18. Similarly, FERC dismissed a preliminary permit application from another predecessor, Wyco Power and Water, Inc., because the project location had "not been sufficiently narrowed." *See* Scanned Document 120, Item 19.

Similar to past proposals from its predecessors, Water Horse offers a concept. It doesn't offer a definite plan that shows the concept is feasible and may be successfully implemented. Rather, Water Horse has provided incomplete and contradictory information. Water Horse has identified different locations for its points of diversion and different types of diverting works. Water Horse plans to use reservoirs as part of its project, but it hasn't identified the number, size or location of the reservoirs. The estimated length of the proposed pipeline varies from 325 miles

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to 420 miles. Reviewing agencies will likely reject permit applications from Water Horse because there is not sufficient information about key project features for the agencies to complete their review.

It has been more than 2 ½ years since Water Horse filed the Application and it still hasn't presented a clearly defined project. This lack of definition prevents meaningful review by the Division and the protestants. It is impossible to review a project that doesn't have defined points of diversion, storage locations, types of use, and places of use. Moreover, the lack of defined plans highlights that Water Horse's project is speculative and that the Application should be rejected.

6. Water Horse Cannot be Allowed to Shift its Burden of Proof to the Division

Water Horse's supplemental filing, which includes a large volume of documents, but virtually no explanation, is insufficient to demonstrate that Water Horse's Application should be approved. Water Horse bears the burden of proving that the Application satisfies applicable statutory criteria and should be approved. *See* Utah Code § 73-3-8(1)(a); *HEAL Utah*, 2016 UT App 153, ¶ 21. Water Horse's May 22nd Submission includes hundreds of documents and a scant, one-page cover letter. Water Horse makes no effort to explain how these documents meet the statutory criteria required for approval of the Application or respond to the requests for information in the Division's December 10, 2018 request for supplemental information.

Water Horse's submittals create uncertainty regarding its plans for the proposed project. As described above, there is uncertainty regarding points of diversion, reservoirs, and pipeline length. As another example, Document 5.2.1 depicts three potential points of diversion: (1) the Green River below Flaming Gorge, (2) from Flaming Gorge, and (3) the Green River above Flaming Gorge. It also depicts alternative pipeline alignments. Other documents analyze a proposed diversion from Flaming Gorge Reservoir. *See, e.g.,* Document 2.1.1. It is not the Division's responsibility to sift through the May 22nd submittal, guess which documents are relevant to Water Horse's proposal, and then analyze whether they satisfy statutory requirements for approval of the Application. *See Western Water, LLC v. Olds*, 2008 UT 18, ¶ 26. Rather, this is Water Horse's burden and its submittals, including the May 22nd Submission, fail to demonstrate that the Application complies with statutory requirements.

7. The May 22nd Submission was Untimely and it Should be Stricken From the Record

By responding to Water Horse's supplemental filing, the Districts preserve, and do not waive, their objection that the supplemental filing is untimely, prejudicial, and should be stricken from the record for the Application.

The Districts' June 15th letter details their objection to consideration of Water Horse's May 22nd Submission. Notably, consideration of the May 22nd Submission is prejudicial to the Districts and other protestants. Many of the documents in the May 22nd Submission were

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available at the time of the Hearing and Water Horse's February 8, 2019 deadline to submit supplemental information. Water Horse elected, for strategic reasons, not to submit the documents. It should not be allowed to withhold documents and then submit them many months later, after the State Engineer closed the administrative record. Consideration of the May 22nd Submission is prejudicial to protestants because it creates an uncertain and costly process. It also allows Water Horse to prolong consideration of this incomplete, speculative Application.

Conclusion

Water Horse has proposed a concept – to divert water from the Green River and deliver it to Colorado's Front Range. But Water Horse has not identified a definite plan that shows the project is feasible and may be successfully permitted and implemented. Indeed, the Application is incomplete and continually changing. Moreover, Water Horse does not have lands, facilities, customers, or contracts. Because of these shortcomings, the Application is speculative. For these reasons, and the other reasons set forth in this letter, the Upper Yampa District and the Colorado River District respectfully request that the State Engineer deny this Application. The Districts reserve the right to raise additional objections to the Application, and to present additional facts and argument, as more information is provided by Water Horse and others.

Very truly yours,

Snell & Wilmer



Graham J. Gilbert

GJG:al

BOARD COMMUNICATION FORM

From: Scott Grosscup, legal counsel

Date: September 10, 2020

Item: Protest 2020 Abandonment

X_____ DIRECTION
_____ INFORMATION
_____ MOTION
X_____ RESOLUTION

I. Request/Issue and Background Information: The Division Engineer has identified 410.9 of the 1,000 acre feet decreed to the Yamcolo Reservoir First Enlargement and 525 acre feet decreed to the Yamcolo Reservoir Second Enlargement water rights to be abandoned.

II. Summary and Alternatives: The District could do nothing and the water rights would be abandoned or protest and request removal from the abandonment list. The listing of the water rights on the list issued in July is a first step. Now, protesters have until July 1, 2021 to file a protest. Filing now may provide an opportunity to resolve issues before the Division Engineer prepares the final list to be presented to the Water Court in December of 2021. If no resolution can be reached, the District can then protest to the water court.

III. Staff Recommendation: Protest the listing on the Abandonment List. The Yamcolo Reservoir First Enlargement is the only water right that may be used for augmentation. The Second Enlargement right was just made absolute in 2013.

IV. Legal Issues: The protest could result in litigation if no resolution can be reached.

V. Consistency with Board Goals and Policies: Maintains District's water rights.

VI. Fiscal Impact. There will be legal and engineering fees incurred.



Form Instructions

The Division Engineer must receive objections no later than July 1, 2021 pursuant to Section 37-92-401(3), Colorado Revised Statutes. Submit the completed form and any additional documentation as attachments through the [AskDWR tool](#) on DWR’s website with the Subject “Abandonment 2020”.

Please complete as much information as possible. All fields marked with an asterisk (*) are required.

Complete one Statement of Objection **for each water right**, not for each structure. Any structure may have more than one decreed water right.

1. Objector Contact Information

First Name*	Middle Initial	Last Name*	Suffix
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Name of Company (if applicable)			
<input type="text"/>			
Phone Number*	Email Address*		
<input type="text"/>	<input type="text"/>		
Mailing Address*	City*	State*	Zip Code*
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Are you the owner of the water right?* Yes No

If you selected yes, skip to section 3. If you selected no, complete section 2.

2) Water Right Owner Information (if different from Objector)

Describe your relationship to the owner:

Contact Information

First Name	Middle Initial	Last Name	Suffix
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Name of Company (if applicable)			
<input type="text"/>			
Phone Number	Email Address		
<input type="text"/>	<input type="text"/>		
Mailing Address	City	State	Zip Code
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>



3. Water Right Identification

Refer to the Division Engineer's abandonment list, the notice letter you received from the Division Engineer, or contact the division office for the required information.

WDID*	Structure Name*	Admin Number
<input type="text"/>	<input type="text"/>	<input type="text"/>
Source Stream	Amount Being Abandoned (CFS or AF)	
<input type="text"/>	<input type="text"/>	
Adjudication Date	Appropriation Date	Use Being Abandoned
<input type="text"/>	<input type="text"/>	<input type="text"/>

4. Water Right Information (provide supporting documentation as an attachment)

A) Was this water right included in an augmentation plan at any time over the last 10 years? Yes No

If yes, please provide the following:

Augmentation Plan Name:

Water Court Case Number:

B) What attempts have you made to divert and place water to beneficial use in the last 10 years? (please explain in detail, location of diversion, type of use, place of use, amount of use, etc.)

C) What have you done in the last 10 years to repair and maintain the diversion structure(s) associated with this water right? (please be specific and provide evidence if available, attach additional sheets if necessary)

D) Have you purchased, leased, or attempted to sell this water right in the last 10 years? If so, please provide details as to the purchase or your efforts to sell.

E) Have you taken steps to protect, change, or preserve this water right in the last 10 years? If so, please provide details of those efforts including case numbers in which you have participated or specific other efforts you have made.

F) Have there been economic or legal obstacles that have prevented your ability to exercise this water right in the last 10 years? If so, please explain in detail.

G) Please provide any evidence that establishes a justifiable excuse for nonuse of this water right along with a detailed explanation. (Provide any evidence that you did not intend to abandon this water right. That evidence must be documentary or clear evidence more than just your claims that you do not intend to abandon the water right.)

H) Has nonuse of the water right been the result of:

- The land on which the water right has been historically applied is enrolled under a federal land conservation program
- Participation in a water conservation program approved by a state agency, a water conservation district, or a water conservancy district
- Participation in a water conservation program established through formal written action or ordinance by a municipality or its municipal water supplier
- Participation in an approved land following program as provided by law in order to conserve water
- Participation in a water banking program as provided by law
- Participate in a loan of water to the Colorado Water Conservation Board for instream flow use under section 37-83-105(2)
- Participation in any contract or agreement with the Colorado Water Conservation Board that allows the board to use all or a part of a water right to preserve or improve the natural environment to a reasonable degree under section 37-92-102(3)

If you selected any of the checkboxes above, please provide details:

5. Sign or Enter Name of Objector

The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S. 24-4-104 (13)(a). I have read the statements herein, know the contents thereof and state that they are true to my knowledge.

Sign or Enter Name(s) of person(s) submitting statement of objection.*

Date*

If signing, print name (and title, if applicable)*

6. What happens after I submit this objection form?

After reviewing this Statement of Objection, the Division Engineer's Office will investigate the claims and may contact you regarding your objection. You may be asked to provide additional documentation to support your objection. You will receive a response stating the Division Engineer's determination regarding whether the water right will be removed or partially removed from the Decennial Abandonment List. The Revised Abandonment List will be filed with the water court no later than December 31, 2021.



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DETERMINATION OF NEXT MEETING AGENDA



Upper Yampa Water Conservancy District Annual Retreat and

Special Board Meeting

Zoom or Location T.B.D.

October 15, 2020, 9:00 am –3:30 pm

The Upper Yampa Water Conservancy District

“To lead water resource management within the District’s boundaries by responsibly conserving, protecting, developing, providing and enhancing the water resources of the Yampa River Basin. The District will initiate and participate in projects that embody and promote the protection of water rights, provide broad benefits to District constituents and develop projects that provide responsible conservation, responsible growth, beneficial water storage and usage, and public awareness within the Upper Yampa Water Conservancy District.”

DRAFT Retreat Agenda

I. Start (9:00)

II. Welcome, Agenda Review, Expectations for the Day (9:00-9:15)

III. Board Member Break Out Sessions by Division Representation (9:15-10:00)

a. Division 1

- UYWCD Board Members: Haskins, Monger, Murphy
- UYWCD Staff Moderator: TBD

b. Division 2

- UYWCD Board Members: Brenner, Jones, Sharp
- UYWCD Staff Moderator: TBD

c. Division 3

- UYWCD Board Members: Halliday, Redmond, Woodmansee
- UYWCD Staff Moderator: TBD

IV. Break Out Session Summaries (10:00-10:30)

Break 10:30-10:45

V. Strategic Plan Update (10:45-12:30)

- 2021 UYWCD Strategic Plan Committee Report:** General Manger and Board President to present findings/Recommendations from Strategic Plan Committee and Staff on proposed revisions and updates to the UYWCD Strategic Plan.
- 2021 UYWCD Strategic Plan Review:** Incorporation of Strategic Plan Committee Recommendations and Feedback from morning break-out session into 2021 UYWCD Strategic Plan
- 2021 Strategic Plan Schedule:** Adopt schedule for the finalization of 2021

Strategic Plan and 2021 UYWCD Budget

Lunch Break 12:30-1:00

DRAFT Special Board Meeting Agenda
1:00 P.M. Start

A Board of Directors meeting packet is available for public review on our website at <http://www.upperyampawater.com/board-of-directors/agendas/> on 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.

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) Establishment of Quorum and Call to Order
- (2) Approval of Agenda for Meeting **Action item**
- (3) 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) Consent Agenda; **Action item**
 - a) Approval of the minutes of September 17, 2020 Board Meeting,
- (5) Report of General Manager
 - a) Proposed Stagecoach Reservoir Water Pricing Policy
- (6) New Business (Limited to emergency matters that came up during the course of the meeting) **Action item**
- (7) 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 **Stagecoach Municipal Water Contracts**. This session will be recorded, and a copy of the recording maintained for not less than 90 days.
- (8) Board actions regarding Executive Session
- (9) Determination of Next Meeting Agenda
- (10) Adjournment.