

UPPER YAMPA WATER CONSERVANCY DISTRICT - 2021 BUDGET COMPARISON REPORT, AS OF JUNE 30, 2021

	2018 ACTUALS	2019 ACTUALS audited	2020 YTD ACTUALS audited	2021 BUDGET Amended May 19, 2021	2021 YTD ACTUALS rev July 9, 2021	2021 YTD PROJECTIONS rev July 9, 2021
Fund Opening Balance including Encumbered Funds	12,688,407	14,279,517	16,012,901	17,523,887	17,536,131	17,536,131
Encumbered Funds	919,734	919,734	6,212,424	5,870,780	5,870,780	5,870,780
Emergency Facilities Reserve			4,485,814	4,606,931	4,606,931	4,606,931
Capital Maintenance Reserve			752,436	772,752	772,752	772,752
Stagecoach Wetlands Mitigation Reserve	419,734	419,734	419,734	419,734	419,734	419,734
Routt County Road #14 Contribution	500,000	500,000	500,000			
Tabor Reserve			54,440	71,363	71,363	71,363
Capital Projects Development Fund	11,768,673	13,359,783	9,800,477	11,653,107	11,665,351	11,665,351
Revenues						
Facilities						
Stagecoach Reservoir						
Power Sales	129,492	234,324	162,432	195,000	23,508	100,000
Water Sales	505,201	433,769	162,197	118,288	3,600	166,821
Yamcolo Reservoir						
Water Sales	130,760	121,052	167,913	167,937		165,323
Stillwater Ditch & Reservoir Company	7,744	7,965	11,556	8,408		8,408
Property taxes	2,269,399	2,415,730	2,644,690	2,520,875	2,529,536	2,641,000
Interest earned	261,280	327,104	124,735	31,045	8,022	16,353
Other income		4,000	20,835			
Pass through income		23,644	72,761		13,687	13,687
	3,303,875	3,567,587	3,367,118	3,041,552	2,578,353	3,111,592
Expenditures						
Operating						
Facilities						
Stagecoach Reservoir	451,264	435,216	409,709	485,415	169,403	485,415
Yamcolo Reservoir	132,790	125,183	116,440	150,543	46,860	150,543
Stillwater Ditch & Reservoir Company	13,379	34,520	40,707	34,905	15,533	34,905
Administration	139,144	184,031	262,197	329,216	144,918	322,794
Board of Directors	65,006	71,720	125,671	114,232	22,682	114,232
External Affairs	58,016	70,807	106,310	117,278	49,593	117,278
Finance	99,340	111,594	103,206	154,304	55,956	154,304
Legal	166,889	125,521	157,532	156,623	48,775	156,623
Planning	136,625	205,229	53,869	95,053	26,087	95,053
Grants, Scholarships & Public Information	39,038	170,299	133,030	288,346	94,848	288,346
Treasurer fees	72,507	74,607	80,543	77,854	79,783	79,230
Pass through expenses		11,724	84,681		13,687	13,687
Subtotal Operating	1,373,999	1,620,451	1,673,894	2,003,770	768,125	2,012,410
Capital						
Stagecoach Reservoir	31,428	49,747	59,361	177,500	54,157	177,500
Yamcolo Reservoir	302,537	57,852	38,276	70,000		70,000
Stillwater Ditch & Reservoir Company		38,426	72,357	125,000	47,178	125,000
Office Space	4,800	67,728		2,500		
Subtotal Capital	338,766	213,752	169,994	375,000	101,335	372,500
	1,712,765	1,834,203	1,843,888	2,378,770	869,460	2,384,910
	net income (loss)	1,591,111	1,733,384	662,782	1,708,893	726,681
Ending Fund Balance	14,279,517	16,012,901	17,536,131	18,186,669	19,245,024	18,262,812

From: [Andy Rossi](#)
To: [dougmonger](#); [haskywild](#); [webster jones](#); [kpbrennersteamboat](#); [Lyn Halliday](#); [Nicole Seltzer UYWCD BOD](#); [redmondjv](#); [rmurphy100bc](#); [tom](#)
Cc: [Deb Bastian](#); [Bob Weiss](#); [Holly Kirkpatrick](#); [Emily Lowell](#)
Subject: FW: Time for Intervention - Water Horse Resources Lawsuit--TRS Thoughts
Date: Wednesday, July 21, 2021 10:09:31 AM

All,

Please see below for some thoughts on the Water Horse matter from Tom Sharp. This email will be added to the public materials for today's meeting as "additional materials".

Thank you,
Andy Rossi

From: tom@tomsharp.com <tom@tomsharp.com>
Sent: Tuesday, July 20, 2021 2:09 PM
To: Andy Rossi <arossi@upperyampawater.com>; ggilbert@swlaw.com; Peter Fleming <pffleming@crwcd.org>; 'Jason Turner' <jturner@crwcd.org>; Scott Grosscup <sgrosscup@balcombgreen.com>; Bob Weiss <bweiss@wvsc.com>; kpbrennersteamboat <kpbrennersteamboat@gmail.com>; webster jones <hwebster@frii.com>; Doug Monger <dmonger@co.routt.co.us>; Lyn Halliday <lhalliday@environmentalsolutionllc.com>
Subject: RE: Time for Intervention - Water Horse Resources Lawsuit--TRS Thoughts

7-20-2021

Couple of thoughts re defense to Motion for Summary Judgment:

1. Water Horse refers to Article IX(a) of upper basin compact ("Compact") as the basis for its motion. The key wording is **"in an upper signatory State for consumptive use in a lower signatory State."** The terms **"upper signatory state"** and **"lower signatory state"** are **NOT defined in the Compact**. WH ASSUMES that with respect to its application, Utah is the "upper" and Colo is the "lower," ONLY because the WH application in Utah is for diversion from the Green above the point where the Green enters CO. But the Compact doesn't say that. It is equally arguable that th terms "upper" and "lower" state refer to the OVERALL position of the states on the OVERALL Colorado River and its tributaries. The mainstem Colorado flows into Utah, as do the Yampa, White, Gunnison, Delores, and San Juan. Only the upper Green, the Little Snake, Sheep Creek, and Henry's Fork go into and out of the states. The upper Green, then is not unlike the Little Snake, for which there is a separate Compact Article XI. The others were apportioned in Article XII. Since the Green mainstem flows into Colorado from Utah and then back into Utah from Colorado, why was not the mainstem Green included in the discussions in Article XII? What if Colorado is, for purposes of the Compact, the "upper" state vis-a-vis Utah, then Article IX(a) doesn't aid WH.
2. WH presumes that if it is granted a water right in Utah, it will have a 2018 priority vis-a-vis all future Utah water rights. I don't think that's what the Compact provides. Article XV(b) reserves to each state the "power of any signatory state to regulate within its boundaries the appropriation, use and control of water, the consumptive use of which is apportioned and available to such state by this compact." And the last

sentence of Article IX(a) says: “Such rights shall be subject to the rights of water users, in a state in which such reservoir or works are located, to receive and use water, the use of which is within the apportionment to such state by this compact.” I think this sentence means that any rights of WH to divert from Utah and deliver for consumption on the East slope of Colorado are SUBORDINATE to the ultimate rights of Utah residents to develop and use ALL of its percentage compact entitlement throughout Utah. Therefore, I think Utah would be well within its rights to say that the priority of WH on the Green is ALWAYS and PERPETUALLY subordinate to absolute water rights off of the Colorado and its tributaries developed and consumed in Utah until its full compact entitlement has been used. I.e., I think the WH priority of any water right vis-a-vis future Utah rights for Utah use is ALWAYS sliding down to the bottom of the priority list, always last. Otherwise, WH would be able some day, decades down the road, to divert to Colorado while Utah is prohibited by the Upper Colorado Commission from diverting anymore Colorado River supplies because it has “filled up” its compact allotment. Now, if Utah makes that decision, within its power to “regulate use and control” of water within Utah, it means that the WH supply would NEVER be really FIRM, and therefore I hesitate to think that any financial provider to the project, or any city or district contracting for water from the project, would think it is firm enough to rely upon it as a base for supply on the front range.

Tom Sharp