Meeting of the

Yellow Jacket Water Conservancy District

Thursday September 27, 2018

2:00 to 4:00 p.m.

Meeker Library

490 Main Street, Meeker, CO 81641

Call to Order

The meeting was called to order at 2:00 p.m.

Roll Call Staff Present

Directors Present Scott Grosscup, District Attorney

Kelly Sheridan

Walter Proctor Others Present

David Smith Erin Light, Division Engineer

Paul Nielson Shana Lewis, Water Commissioner

Shawn Welder Craig Macnab

Baily Franklin Deirdre Macnab

Reed Kelley

Approval of Minutes from December 18, 2017

Director Smith moved to approve the minutes from December 18, 2017, Director Franklin second, all in favor.

Approval of Accounts Payable

Director Proctor presented a new spreadsheet showing bills for 2018 that was different from the one sent with the meeting packet and included an additional invoice from Applegate Group. He indicated that the District finished 2017 with an end of year balance of $13,321.17. He indicated that the District had not paid any bills for services since December other than routine bills.

Director Proctor then moved to pay accounts payable to Balcomb & Green, P.C. ($4,193.92), director Smith second, all in favor.

Director Proctor moved to pay Applegate Group ($4,778.75), Director Neilson second, all in favor.

White River Alliance

Director Welder introduced the White River Alliance, a citizen group concerned with the health of the White River. He indicated that it arose out of concerns with recent algae blooms in the river and concerns with chemicals and fertilizers reaching the river. The purpose of the Alliance is to share information with stakeholders. Concerns over river health include spread of invasive species such as Russian Olive and Tamarisk, and health of endangered fish species. He indicated that anyone can be a stakeholder, not just landowners.

Director Welder continued that the Alliance is looking at better ways to manage rivers and to make landowners aware of how their actions may affect river health. Perhaps taking a second look at their activities would prevent future algae blooms and improve river health. While individuals within the Alliance may have individual opinions, the purpose of the Alliance is to spread information.

Mr. Reed Kelly discussed the proposed Wolf Creek Reservoir. He suggested that there needs to be a whole river, basin wide approach for review of the project and that the one project should not be taken in isolation of its impacts to the entire river and upstream benefits/impacts. Mr. Kelly encouraged looking at an integrated planning model and that there might be some money available from the Colorado Water Conservation Board and the Yampa, White, Green Basin Round Table for an integrated project.

Director Smith commented on how river levels remained relatively stable despite recent drought conditions. Director Franklin indicated that Parks and Wildlife released 20 cfs from Lake Avery during a period that kept a live stream below the dam. Division Engineer Erin Light also commented about how flows at the Meeker stream gage dropped to very low levels.

Mrs. Deirdre Macnab stated that she had been attending basin round table meetings and the general support of integrated planning. She suggested that there are several “big ideas” for the White River and whether it is sensible to unite the White River with one conservancy district, or if the districts should look at solutions together as part of a whole river solution. She also remarked that before tackling new reservoir expansion, it may be wise to consider stream health and get community and expert input. She noted that the White River is an essential economic driver for the community.

Director Smith noted that storage at higher elevations provided additional benefit but that there are additional size and cost issues.

Mr. Reed Kelly stated that the NRCS has many informational tools that could help the planning process. He also stated that construction of the proposed Wolf Creek Reservoir should consider the whole basin. He also provided a summary of the makeup of the board of directors for the Alliance, of which Shawn Welder is President.

Director Proctor stated that there are already many studies on the White River and that the ability to construct anything above Meeker would be very difficult to complete. He also said that the Yellow Jacket District is under a time pressure to move water rights consistent with the terms of prior stipulations and court decrees. The Board needs to act and has a limited ability to participate in the integrated planning that could take years to complete. He noted that a larger project upstream is unlikely but that there is the potential for some smaller project. He also mentioned that there is a political divide between east and west Rio Blanco County.

Mr. Craig Macnab stated that if the Wolf Creek Reservoir is an appropriate project that consideration should also be made as to whether the land can hold the amount of water and who should pay the estimated $119 million for construction. Director Smith also described some of the difficulties of filing the off-channel reservoir, either by a canal or pump system. Director Proctor suggested that there are many details to be decided upon through the planning process and that the State of Colorado could play a role in the financing of the project.

A discussion then followed about the ability for alluvial storage and whether there were ways to quantify groundwater return flows.

Yellow Jacket Water Storage Feasibility Study

Craig Ullmann briefly discussed the District’s conditional water rights in Lost Park and Ripple Creek Reservoirs and in Sawmill Mountain Reservoir. He then indicated that Applegate Group had acquired lidar data from the state for the land where Lake Avery is located. He indicated that the new data shows that a raise of 17 feet would not impact the neighboring property and would increase storage by approximately 4,300 acre feet.

The board discussed the Lake Avery raise and that there are several questions that need to be resolved, including whether the work would be done on the downstream slope with increased costs or on the upstream side that would be less costly but result in draining the reservoir. The Board also discussed the desire to have approval from Parks and Wildlife prior to moving the water rights. Director Franklin mentioned that CPW released a total of 1,700 acre-feet of water from Lake Avery starting on July 27, 2018 and ending on September 13, 2018.  The elevation of water level at Lake Avery dropped approximately 7.6 feet. This was part of the 3 in 10 year lease provisions with the Colorado Water Conservation Board. Craig added that the State’s model for determining floods is not finalized and that representatives have suggested that the existing data sets need to be revised to make the model more reliable.

Director Franklin stated that CPW is in process of responding to the District’s letter requesting if CPW would consider entering into an agreement to allow the District to move its water rights to Lake Avery and that also recognized that future negotiations would be required regarding operation, cost, construction and use of the water.  Director Franklin updated the board that CPW is at least preliminarily interested in an agreement between the two entities to allow for expansion of Lake Avery and Director Franklin further stated that CPW is currently in the process of drafting a response letter to address the District’s request.

Director Franklin also stated that without the release of water from Lake Avery in 2018 by CPW in cooperation with CWCB, the section of the upper White River from the Highland Ditch irrigation diversion down to the confluence of Coal Creek (which includes the Wakara bridge USGS gage) would have gone dry during the peak irrigation season in August.  Director Franklin emphasized the strong need for the expansion of Lake Avery in the future to allow CPW more flexibility and more water to address these very serious instream flow issues that occur regularly within the upper White River.

Scott reported on phone conversations that he has had with members of the Livingston family. The neighboring property is now in divided ownership. Mr. John Livingston now owns the adjacent parcel. The Livingstons were generally receptive to an enlarged Avery but still have a few questions that need to be resolved through the planning process.

Scott then stated that the letters discussed at the last meeting had not been sent to the owners of land on Little Beaver.

Craig mentioned that he has found a presentation on Wolf Creek Reservoir and associated costs. He said that the current estimates for that structure appear to be consistent with the cost estimates Applegate produced for Tom Little Reservoir.

Appointment of Budget Officer

Scott stated that budget season was approaching and that a draft budget needs to be presented to the Board on or before October 15. Director Proctor was appointed Budget Officer for preparation of the 2019 Budget by unanimous consent.

Board Vacancies

Scott reported that there are four director terms that are open. Directors Neilson, Sheridan and Smith had submitted applications to renew their terms. A hearing is scheduled for October 5. Scott also suggested that the Board has one director appointed to the Yampa/White/Green basin roundtable, which seat is currently filled by Director Kai Turner whose term expires this year. The Board decided to wait until the December meeting to appoint a Director to fill that seat.

New Business

Division Engineer Erin Light raised some questions about whether there would be exchange potential on the White River to make releases from Wolf Creek Reservoir by exchange for use in the upper basin. She indicated that her office had raised questions about this potential and whether the proposed reservoir is not speculative. She also noted that there are more than 600,000 af of conditional water rights in the White River basin.

Mrs. Light then reported that flows at the Coal Creek gage showed only reservoir releases for a period during the summer drought. Had there been increased diversions causing the gage to drop below the reservoir releases she would have enforced a call. She stated that the Colorado Water Conservation Board has an instream flow right in this reach and although flows were far less than the decreed instream flow amount, the CWCB elected to not place a call. Mrs. Light indicated that she could have curtailed many structures that did not have a measuring device had she enforced a call. She stated that her office will begin an educational campaign of the importance of installing and maintaining a proper headgate and measuring device.

Mrs. Light then discussed the process of determining whether a river is deemed over-appropriated. She first makes an analysis of water use and then makes a recommendation to the State Engineer who makes the final determination.

Director Proctor inquired about whether the Town of Meeker’ s wells were junior and how the District could potentially meet future municipal demand.

Adjourn

The meeting adjourned at 3:55 p.m.

Read and approved this \_\_\_ day of \_\_\_\_\_\_\_\_\_, 2018

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attest:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_