

**Meeting of the
Yellow Jacket Water Conservancy District
Thursday, July 2, 2020
3:00 to 5:00 p.m.**

**Fairfield Center
200 Main Street, Meeker, CO 81641**

Call to Order

The meeting was called to order at 3:00 p.m.

Roll Call

Directors Present
Kelly Sheridan
Walter Proctor
David Smith
Paul Neilson
Shawn Welder
Bailey Franklin
Anthony Theos

Staff Present

Scott Grosscup, District Attorney

Others Present

Erin Light, Division Engineer
Alden Vandenbrink and Wade Cox, RBWCD
Ed Olszewski Esq., RBWCD by Phone
Craig Ullman, Applegate by Phone

Approval of Minutes from February 6, 2020

Director Smith moved to approve the minutes from the February 6, 2020 meeting as presented, Director Franklin seconded, all in favor.

Public Comment

There were no members from the public wishing to discuss items not on the agenda.

Approval of IGA – Rio Blanco Water Conservancy District

Scott discussed the intergovernmental agreement (“IGA”) between the Rio Blanco Water Conservancy District and the Yellow Jacket Water Conservancy District presented to the Board at its February meeting. The IGA allows the RBWCD to use its water rights stored in the proposed Wolf Creek Reservoir to serve constituents within the YJWCD’s boundaries. Scott worked with the attorney for the RBWCD to incorporate several changes to the document including recognition of demands within the two districts and to allow the two districts to enter into a subsequent agreement whereby YJWCD water could be stored in the proposed Wolf Creek Reservoir.

Mr. Ed Olszewski, attorney for the RBWCD, indicated that the IGA allows RBWCD to benefit YJWCD constituents and expands the area that could be served. Mr. Alden Vandenbrink with the RBWCD agreed with the summary. Discussion followed with Director Sheridan stating that the agreement does benefit YJWCD constituents. Director Proctor noted that it creates partnership opportunities in the event YJWCD projects do not move forward, or moves forward at a different pace. Director Welder agreed that it provided alternatives.

Director Proctor moved to approve the IGA as presented and authorize President to sign the IGA, Director Franklin second, all in favor.

Approval of Accounts Payable

Director Proctor discussed the YJWCD's financial status. He indicated that the District received the annual payment from the Highland Ditch.

Director Proctor moved to pay the invoice from Balcomb & Green, Director Nielsen second, all in favor.

Director Proctor moved to pay the invoice from Applegate Group, Director Smith second, all in favor.

Director Proctor noted that much of the Engineering budget has been spent. He suggested that there may be money in the operating account should transfers need to be made and that funds carried forward from last year may be available and may require budget adjustments should ongoing projects require additional engineering analysis. Discussion followed. The board decided to wait to adjust fund allocation until the next meeting. Director Proctor reported that due to the current pandemic the deadlines for counties to certify values has changed. This will cause the time frame to create a budget to be very short. Director Proctor then discussed potential costs of Lake Avery and ability to pay for such expansion and difficulties of fiscal management of a project that size based on current TABOR and budgeting limitations.

Yellow Jacket Water Storage Feasibility Study

Lake Avery Expansion Update. Scott provided a status update on the pending water court case. He stated that he negotiated with the Colorado Water Conservation Board over the types of uses that water released from Lake Avery could be used for. The CWCB requested that the use of fishery below the reservoir also require a contract with either the CWCB or some other entity with the legal authority for such use. He also said that a concern of both the CWCB and the Division Engineer have related to the contemplated draft of the water right. Additionally, the Division Engineer has raised questions about the need and demands presented by the District. He provided the court with a supplemental response to the consultation report addressing these issues.

Director Welder discussed the benefit of having water decreed for augmentation purposes. He stated the need for augmentation water can also exist due to diminished amounts of water in the River. Discussion followed about what an agreement might look like, and Scott reported that many districts develop standard form contracts for sale of augmentation water and that an agreement with the CWCB or other entity for fish releases would be negotiated in the future. Director Franklin indicated that Colorado Parks and Wildlife may need to release water from Lake Avery this year.

Lost Park and Ripple Creek Reservoirs, North Fork Feeder Conduit. Craig stated Applegate looked at Lost Park Reservoir location. It had a small drainage basin and its supply was primarily from feeder canals. This water right does not have a reliable water supply. A change of this water right to a new location is limited to the amount of water available at the original place of storage. The Ripple Creek Reservoir location, however, can supply the full amount of the 12,500 acre feet in most years except drought years. He suggests that the District let go of the Lost Park water right.

Craig stated that he looked at storage limitations downstream considering land ownership, costs, and water supplies. The Kellog Gulch location was previously looked at, but not considered when looking for a larger location. But with a smaller footprint the project is more feasible. The reservoir and pump station would be on public land and could hold the 12,500 remaining conditional water rights. He provided cost estimates based upon a smaller foot print. Estimated unit cost would be around \$2870 per acre foot.

Scott indicated that it was staff's recommendation to cancel Lost Park Reservoir right and move Ripple Creek Reservoir right to Kellog Gulch location.

Director Proctor moved to change the Ripple Creek Reservoir to the Kellog Gulch location and abandon Lost Park Reservoir, Director Franklin second, all in favor.

Director Proctor stated that he and Director Franklin have met with many of the property owners on the "off channel" reservoir sites. Most of the property owners are supportive of additional storage in that location. He suggested keeping the 25 cfs would be best upstream and could be used to fill the off channel locations. Discussion also followed on the Division Engineer's Office's comments on the ability to store all 10,000 acre of the Sawmill Mountain water right at Lake Avery and potential to store water not stored in Avery in the off channel locations. Both releases from Lake Avery and return flows or reservoir releases from irrigation in Coal Creek benefit critical reaches in the White River. Discussion followed.

Director Proctor moved to change 25 cfs to Oak Ridge Diversion, Director Smith second. All in favor with Director Sheridan abstaining.

Director Welder discussed augmentation needs within the basin and development outside of Meeker and possible curtailment of existing wells. He discussed the benefits for sharing of information between governmental agencies about needs and demands for water.

Measuring Devices

Ms. Callie Hendrickson of the White River and Douglas Creek Conservation Districts asked Director Sheridan to sign a letter to the Division Engineer to request delay in ordering the installation of new headgates. Director Welder suggested that delay of the order would be a good thing for water users. Discussion followed about benefits of headgates but problems with ongoing maintenance on some ditches and TABOR limitations.

Director Proctor moved to ratify Director Sheridan's signing the letter requesting delay on behalf of the YJWCD, Director Franklin second, all in favor.

Director Sheridan discussed concerns with grant funding for headgate improvements and stated that those that wait to fix their headgate may get the benefit of a grant but those who did not wait would not benefit from a grant program and be "punished" by acting appropriately. Director Smith suggested that there are difficulties in installing new systems due to COVID limitations and lack of materials.

Division Engineer Light discussed standards for installing a measuring device and tools on web site and water commissioners help out. She has not come to a resolution about delay, and indicated she wants it to be a planned decision.

New Business

Division Engineer Erin Light stated many domestic wells may be exempt from administration and not need an augmentation plan. She also said the 2020 abandonment list has been issued and that of the 700 water rights on the list, more than 200 are alternate points of diversion. None of the water rights are pre-compact. Discussion followed about augmentation of existing wells and the uses being made.

Directors asked whether a determination of over-appropriation of the White River is in the future. Division Engineer Light said she will wait on Yampa to determine whether it is over-appropriated. She questions whether administration is a pre-requisite to a determination of over-appropriation.

Director Proctor indicated that through Callie Hendrikson, he had been asked about what the District's plans are. He suggested a board policy be on the table and steps to tell the public where the District is headed. He said part of the message is a shortage of water between Miller Creek and Piceance Creek and that the District is working on getting storage water to balance in the critical reach.

Director Welder updated on the board on the Yampa White Green Roundtable meeting with drought contingency planning to store water in Lake Powell under a water banking theory where

users curtail use and are compensated for that and allow that water to be used to meet a compact call. The roundtable is studying certain areas to see the impacts to fields that would be dried up. Discussion followed about impacts of drying up lands.

The meeting adjourned at 4:30 p.m.

Read and approved this 11th day of December 2020.

Signed: _____

Attest: _____