

MEETING MINUTES
SPECIAL MEETING
BOARD OF DIRECTORS
MIDDLE PARK WATER CONSERVANCY DISTRICT

Via Zoom Video Conference:

<https://us02web.zoom.us/j/85910154626?pwd=ejYyZHRKK2pBeTl0UkYzZW54MEEzUT09>

To Join by Phone, Dial (346) 248-7799, Enter Meeting ID 859 1015 4626

May 6, 2021, 10:00 a.m.

Directors:

Jack Buchheister – President (present)
Sean Flanigan – Vice President (not present)
Jim Lenzotti – Secretary (present)
Stan Cazier – Treasurer (present)
Mike Eytel (not present)
Gary Bumgarner (present)
Tom Long (present)

Others present:

MPWCD Engineer Kristina Wynne
MPWCD Attorney Kent Whitmer
MPWCD Attorney Katie Randall
James Heath, Assistant Division Engineer, Division 5
Caleb Foy, Assistant Division Engineer, Division 5
David Taussig, Attorney for Grand County

Jack Buchheister called the meeting to order. Kent Whitmer provided a summary of the conversations that have taken place over the past several weeks between representatives of the River District, Northern, Grand County, MPWCD, and the Division Engineers. Several hundred well permits located within the East Troublesome fire burn area are for household use only, and do not allow for outdoor irrigation. Many landowners within the burn area have expressed an interest in potentially irrigating their land on a short-term basis to revegetate areas that were burned. The conversations over the past several weeks have focused on workable solutions to provide streamlined, legal mechanisms for these landowners to temporarily use water outdoors to reestablish vegetation in the burn area. The goal of these conversations is to determine a program that is simple and easy for landowners to participate in, that complies with the parameters of well permitting requirements and the statutory scheme, and that does not create an undue administrative burden for the entities that are providing water.

The proposed approach that appears to be most workable is for MPWCD to apply for an umbrella Substitute Water Supply Plan (SWSP) that would allow interested landowners within the burn area to irrigate outdoors on a temporary basis. The plan would last for five years to cover the lagged

depletions associated with outdoor uses of these wells. To minimize the administrative burden of the plan, the SWSP would list all the wells that could potentially take part. Releases would then be made under the SWSP for all applicable wells in the burn area with conservative assumptions for the depletion and lagging associated with each well, regardless of whether the well owners formally take part in the plan. To participate, the well owners could re-permit their wells on a temporary basis to allow for outdoor use under the plan. After the plan is approved, no further day-to-day administration would be required of Middle Park beyond accounting for the releases that are made under the plan.

Under the proposed plan, water will be released from available supplies in Granby or Wolford Mountain Reservoir to cover the depletions associated with the outdoor uses of these wells. All available supplies from MPWCD, the River District, Northern, and Grand County would be included in the application. Middle Park would be the applicant for the SWSP, and BBA Water will draft the application, coordinate releases, and provide accounting of the operations of the SWSP. The River District has indicated that it could likely provide funding to cover BBA's costs to draft and administer the plan, but an application will need to be submitted and approved before River District funding will be certain. In recent meetings, it was recommended that a request be made to the River District for \$12,000 to cover the costs of drafting and administering the SWSP. In order to be eligible for River District funding, the request must show that the River District funding will be a match for funding that is already provided. This match can be achieved through donation by MPWCD of available water supplies and by allocating MPWCD staff time as in-kind support of this initiative.

Kristina Wynne discussed MPWCD's current supplies of water that could be released as part of this SWSP. Windy Gap began pumping a few days ago, and Granby is not projected to spill this year. This adds an additional 3,000AF of availability to the existing supplies that have been ordered in Wolford Mountain Reservoir (600AF have been ordered for the upcoming water year). To the extent that the full 3,000AF is not used in 2021-2022, half of the unused water could carry over to Grand County for future use. Given the existing supplies in Windy Gap and Wolford Mountain Reservoirs, Kristina is comfortable that MPWCD will have enough water to donate releases to this program without jeopardizing existing commitments.


Stan Cazier provided comments about the likelihood of ongoing involvement of MPWCD staff beyond the initial filing, and mentioned agreements that are in place between MPWCD, Three Lakes and Northern regarding replacements of water held in Granby Reservoir. Three Lakes has an annual supply of an extra 200AF in Granby that is not put to use; it could potentially be included as a supply for this SWSP if Three Lakes is willing to participate. At some point conversations will need to be held with the Bureau of Reclamation to make sure that everyone is on the same page. The new monitoring program regarding the dam at Wolford Mountain Reservoir was discussed. Discussion also included the potential for no-call agreements with the CWCB and certain water users above Granby to ensure that there are no issues with ISF or upstream calls coming on that could impact the operation of this plan. The Board also discussed the valuation of MPWCD water to be donated, which would be determined by the water rates that are currently in place for water contractees. Jim Lenzotti voiced concern that MPWCD needs to ensure that no precedent is created by participating in this plan, and that nothing would suggest that this water will be made available on a permanent

basis. It was agreed that the Board approval is limited to the specific circumstances associated with the East Troublesome fire, and falls within the Board's discretion to evaluate this action as a standalone decision to assist affected landowners with their fire recovery efforts. Tom Long emphasized that water for this program should be used to revegetate with native plants only. The Board discussed ways to structure participation in the program so as to not unduly encumber future Boards while still ensuring that there is sufficient water to cover all five years of supply under the SWSP.

Kristina Wynne explained that BBA would contract directly with the River District, and will be sure to pay close attention to the time that is spent on the SWSP application and administration so that it is kept separate from the time allocated to normal MPWCD operations.

Following discussion, a motion was made to pursue a SWSP for the benefit of well owners impacted by East Troublesome fire, for the creation of sedimentary catch ponds and for operation of an administrative exchange, the purpose of which is to provide irrigation water to revegetate areas that were affected by the fire; water will be donated by MPWCD valued at the current rates applicable to water contractees, and MPWCD staff time will be allocated to support this effort; and to grant MPWCD staff the authority to file an application for a grant of financial support from the Colorado River District to cover BBA's application and administrative costs associated with the SWSP. The motion was made by Tom Long, seconded by Gary Bumgarner, and passed unanimously.

The meeting adjourned at approximately 10:40 A.M.



Jack Buchheister, President