

Meeting of the
Yellow Jacket Water Conservancy District
Thursday, February 13, 2020
3:00 to 5:00 p.m.

Meeker Library
490 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
Ben Rogers
Walter Proctor
David Smith
Paul Neilson
Shawn Welder
Bailey Franklin
Anthony Theos

Staff Present

Scott Grosscup, District Attorney

Others Present

Shana Miller, Water Commissioner

Approval of Minutes from December 5, 2019

Director Smith moved to approve the minutes from December 5, 2019 as presented, Director Proctor second, all in favor.

Public Comment

No one from the public offered any public comment.

Approval of Accounts Payable

Director Proctor moved to pay accounts payable to Balcomb & Green, P.C., director Smith second, all in favor.

Director Proctor then stated that he was ready to close out the books for 2019 and circulated the budget versus expenses document for 2019. He indicated that the 2020 budget estimated roughly \$12,000 in funds to be carried over into 2020. However, actual expenses were less than budget and actual carryover is more than \$17,000, with a current account balance of approximately \$33,000 at the end of year.

Yellow Jacket Water Storage Feasibility Study

Lake Avery Expansion – Scott reported that he had received the Division Engineer's consultation report on the application to move the Sawmill Mountain Reservoir Rights to Lake Avery. He has filed a response to that report along with a proposed decree for review by the opposition, Colorado Parks and Wildlife and the Colorado Water Conservation Board. They, along with the Division Engineer, will review the response and proposed decree and respond to Scott with any additional questions or additional terms and conditions to be included in a proposed decree.

Scott discussed some of the concerns that were raised, which included the contemplated draft of the water rights and operation of the water rights at the new place of storage. The board discussed operation of the reservoir in light of instream flow requirements and the existence of an instream flow water right from the outlet to its confluence with the White River. The board was reminded of previous stipulations limiting the ability to fill the reservoir when there was a call placed and administered for an instream flow water right placed by the Colorado Water Conservation Board.

Lost Park and Ripple Creek Reservoirs, North Fork Feeder Conduit – The board next began a discussion about options for the District's remaining conditional water rights that are required to be changed from their current decreed points of diversion to locations downstream of the Town of Meeker, with applications to be filed before August of 2020.

Craig Ullmann began the discussion with Applegate Group's report on the Possible Impact of Moving the Lost Park/Ripple Creek Water Rights Downstream. He stated that the purpose of this report was to evaluate the ability of a storage right downstream to augment, by exchange, depletions to the upper White River. Earlier analysis focused on the potential Taylor Draw call. This evaluation focused on instream flow calls on the White River in the amount of 200 cfs from its confluence with Piceance creek upstream to the confluence of the North Fork and South Fork. He then discussed the map showing the extent of the instream flow water right, major diversions along the White River, and days during the study period when the instream flow would be in deficit. The study showed that while there has not been a call placed for the instream flow right, the right could be deficit in August and September of most years, and June and July of some years. It would generally not place a call in October or May. The right would most likely be satisfied during the non-irrigation season. The impact of such a call would be limited to a few junior diverters. The report concludes that downstream storage could be used to augment against a Taylor Draw call but upstream storage would still be necessary to meet the instream flow call.

Ms. Shana Lewis stated that the CWCB considered placing a call in 2018 but did not due to impacts that would be faced by diversion structures senior to the instream flow but lacked operable headgates and measuring devices.

Craig then summarized the District's remaining water rights and previous studies performed by Applegate Group. These prior studies show that there is sufficient water at the original Ripple Creek reservoir to store the remaining 12,500 acre feet. But in-basin water supplies for the Lost Park Reservoir are less than the remaining decreed amount. The Lost Park Reservoir was to be primarily fed from feeder canals from the White River to the reservoir that have been abandoned. Prior stipulations require that these water rights be stored below the Town of Meeker and that storage be subordinated to the instream flow water right.

The North Fork Feeder Conduit water right has some potential for development. However, it would be subordinate to the CWCB's instream flow water right and be junior to the Taylor Draw water right. It is also junior to the major irrigation structures that would not benefit from its priority. It could, however, be used to fill an off-channel reservoir located west of Range 93 West.

Discussion followed regarding administrative scenarios on the White River, including how augmentation plans could use releases from upstream storage. Current studies estimate a current demand for up to 200 acre feet to augment existing wells. Craig also discussed limitations of off-channel reservoirs on the Oak Ridge Park Ditch to augment by exchange water rights that would be upstream of those reservoirs. Director Proctor discussed possible storage limitations and capacity in Lake Avery so as not to inundate neighboring property and suggest that the greatest benefit for the North Fork Feeder Conduit would be to divert at the Oak Ridge Park Ditch for potential filling of an off-channel reservoir.

The Board then discussed potential operations in the event of a compact call and need for upper basin storage, with anticipated demand of at least 11,000 acre feet from the White River. Some of the downstream storage sites may have the benefit of providing such storage. Questions were raised regarding financing options and legal standards for changing water rights.

The board discussed the need to find allies and build coalitions. Discussion followed about political challenges of moving the Ripple Creek reservoir to either Wolf Creek Reservoir or other downstream location. Craig and Scott were directed to look at the known downstream storage locations and provide the Board with recommendation for moving the 12,500 acre feet decreed to Ripple Creek Reservoir, with the plan on moving the North Fork Feeder Conduit to divert at the Oak Ridge Park Ditch to potentially fill any off-channel reservoir with any remaining water rights decreed to the Sawmill Mountain Reservoir that may not be able to be stored at an enlarged Lake Avery.

Director Proctor then reported on discussion he had with Tom Gray of the Basin Roundtable about storage in the Axial Basin, and proposed by some water users in that basin.

New Business

Scott reported that he had received a draft intergovernmental agreement from the attorney for the Rio Blanco Water Conservancy District to allow the RBWCD to serve constituents within the YJWCD's boundaries by releasing water from its storage projects by exchange. Director Proctor noted that in several meetings discussing the possible integrated water management plan meetings there was majority support for additional storage. The board consensus was to proceed with revisions to the IGA, including but not limited to, allowing YJWCD water to be stored in Wolf Creek Reservoir, with revisions to be presented at the next meeting.

Director Proctor then discussed that there are some misconceptions in the community about the District's goals in enlarging Lake Avery and the benefits. By consensus, Scott was directed to develop a talking paper to be used to emphasize the benefits of an enlarged Lake Avery and how that water could be used to benefit stream health and provide augmentation water for discussion at the next meeting.

Adjourn

The meeting adjourned at 5:07 p.m.

Read and approved this ____ day of _____, 2020

Signed: _____

Attest: _____