Meeting of the

Yellow Jacket Water Conservancy District

Thursday October 17, 2019

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 Staff Present

Directors Present Scott Grosscup, District Attorney

Kelly Sheridan

Ben Rogers

Walter Proctor Others Present

David Smith Alden Vandenbrink, RBWCD; Ed Olszewski, Esq.

Paul Neilson Erin Light, DWR; Shana Lewis, DWR; Deidra

Shawn Welder McNaab; Vince Wilczek; Wade Cox; Russell

Bailey Franklin Knight; Anthony Theos

Approval of Minutes from May 9, 2019

Director Proctor moved to approve the minutes from May 9, 2019 with corrections to certain typographical errors on page 1 changing “Alan” to “Alden”, page 2 “integrated water supply plan” to “integrated water management plan”, and “sever” to “serve”, Director Smith second, all in favor.

Public Comment

Mr. Alden Vandenbrink, Rio Blanco Water Conservancy District first stated that he is seeking support to serve as chairman for the Yampa/White/Green Basin Roundtable. Director Welder discussed the desire for communication between the various districts and having a voice for the White River on the Basin Roundtable.

***Risk Assessment Study***. Mr. Vandenbrink next discussed his role as a representative from Rio Blanco County on the Colorado River Water Conservation District. He presented a summary of the Colorado River Risk Study Phase 3 presented to the West Slope Basin Round Table. That study looks at potential effects of a Colorado River Compact call on the various basins and contemplates a “fair and equitable” apportionment in the event of a compact call. He then summarized the study’s findings as follows:

* There is a 39 percent chance that Lake Powell will drop below its minimum power pool in the next 25 years. Such an event would have many impacts on water use and local economies.
* An increase in the consumptive use of water in the Upper Basin (currently 11.5 percent) doubles the risk of Lake Powell dropping below the minimum power pool. This consumptive use amount is based on Bureau of Reclamation estimates.

With these findings, the CRWCD is looking at pre-emptive management options that include cloud seeding, drought operations of Colorado River Storage Projects, and demand management programs such as water banking. He then stated that the White River currently uses eight percent of flows. Of this amount, 81 percent is used by pre-compact water rights. Based on the “fair and equitable” doctrine, each basin would share in compact call curtailment based on that basin’s equitable share of water delivered to downstream water users. This impacts basins differently based on when the basins developed. For the White River, this would mean that water rights junior to 1938 could be impacted in order to meet target flows of 600,000 acre feet.

Discussion then followed about the apportionment doctrine. Director Welder discussed the Colorado River compact and how to determine which basins should be responsible to meet the demands of a compact call. Mr. Vandenbrink discussed how many East Slope water providers have developed plans to meet future demands that West Slope water providers are now only beginning to address. The risk of future water use and a compact call create difficulties in developing water use within the basin.

The CRWCD’s next steps include looking at the impacts of what an increase in consumptive use would mean to the Upper Basin in terms of water development and economic impacts to the state and small communities in the event of a compact call. It expects to have a draft report completed in April of 2020.

Director Welder discussed the continued drought and ability of water banking. Mr. Vandenbrink discussed the possibility of voluntary and temporary set asides and varying takes on the effectiveness of demand management.

***Proposition DD***. Mr. Vandenbrink briefly discussed the CRWCD’s support for Proposition DD that would allow for sports betting in the state with proceeds used to fund water projects. There are more than $1 billion in water projects being considered in Colorado.

***Headgate and Meter Installation.*** Mr. Vandenbrink stated that on behalf of the RBWCD he had been working on a grant proposal to provide funding for headgate and meter installation. However, the employee tasked with that project has left. The idea is to work in a collaborative fashion within the basin to provide water users with proper measuring devices. Approximately 60 percent of water users do not have a measuring device. Ms. Erin Light spoke about the lack of administration within the basin and thus, there were no orders for the installation of devices. Her office, however, is taking the position that all structures need a measuring device. Mr. Vandenbrink stated that money to assist in the funding of such devices could come from federal or state sources and asked if the YJWCD would be interested in partnering with the RBWCD on creating a program to assist water users in paying for and installing such devices.

Discussion followed. Ms. Light discussed a current grant application from the Basin Roundtable from the Upper Yampa Water Conservancy District and some concerns with the request – whether money should only be used in part of the basin served by the UYWCD, and whether the UYWCD should be the agent. Mr. Vandenbrink also stated that there are questions that would need to be answered in how such a program would work. A question arose whether public funds should be used to assist an individual water right owner who is responsible for his own water right. Director Rogers also suggested that there are many existing structures that need to be improved or repaired, also at great expense. Director Proctor discussed whether it would be better to prioritize where money is spent and questioned whether structures that are often out of priority should need a measuring device.

Ms. Light then discussed administrative orders issued on the Yampa River. She first sent notices and recently sent orders requiring all water users to have a measuring device irrespective of the size of diversion or location. She expects that in March of 2020 she will send similar notices to all water users within the White River with a follow-up order in the fall of 2020 to have measuring devices installed or be ordered to curtail diversions. Mr. Theos asked if there were enough contractors who could do the work.

***Wolf Creek Reservoir.*** Mr. Vandenbrink stated that the RBWCD has met with state and federal agencies as part of its pre-permitting activities for the proposed Wolf Creek Reservoir. RBWCD has a preliminary recreation plan that it is discussing with the state along with an economic plan. He believes that the RBWCD is close to reaching resolution with various opposers on completion of the water court process.

Discussion then followed regarding the YJWCD’s ability to potentially partner with RBWCD on the use of Wolf Creek Reservoir to provide benefit to the upper basin of the White River. Mr. Olszewski suggested that YJWCD study the potential to use Wolf Creek Reservoir could be used to augment by exchange and determine whether river administration could occur that would prevent operation of an exchange. Mr. Vandenbrink described his role in working on a White River Management Plan and programmatic biological opinion that would set minimum stream flows for endangered species. RBWCD is spearheading the study and meeting with agencies and is in the process of identifying a contractor to conduct the necessary studies. They then expect a record of decision to be issued. The White River is the last and only river without such studies.

Ms. Diedre McNaab identified herself as a rancher whose property lies within both districts and member of several boards. She stated that she supports strategic reservoir construction but has concerns with the costs and magnitude of the Wolf Creek Reservoir. She questioned the need for the additional water rights and raised concerns about whether the uses were speculative. She suggested both districts question the purpose and need for this reservoir and that they work to identify real problems and solutions to provide efficient places for water storage.

Approval of Accounts Payable

Director Proctor presented a new spreadsheet showing bills for 2019.

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

Director Proctor then highlighted certain payments that he had made for routine expenses.

Yellow Jacket Water Storage Feasibility Study

***Lake Avery Expansion*** – Scott reported that he filed the application to move Sawmill Mountain Reservoir water rights to Lake Avery in July. The Colorado Water Conservation Board and Colorado Parks and Wildlife filed statements of opposition. The next step will be to await the Division Engineer’s consultation report. Scott will then work with the two opposers to resolve any concerns they may have.

***Little Beaver Reservoir*** – Scott indicated that there did not appear to be any progress with potentially affected landowners. He suggested that a next step would be to contact Applegate Group to investigate exchange potential along the White River. There being general consensus, Scott will contact Applegate Group to have them explore benefits of downstream storage as part of this year’s engineering work.

Draft Budget Presentation and Confirmation of Budget Director

Scott reported that he had mailed out a copy of the draft 2020 budget on October 9, 2019. He had worked with Director Proctor in drafting the budget.

Director Neilson moved to ratify Walt Proctor as Budget Director for the 2020 budget, Director Smith second, all in favor.

Director Proctor walked the board through the draft budget. He indicated it was very similar to past budgets, with one distinct change. He is proposing that the YJWCD investigate a mechanism whereby those areas within the Yampa River drainage be either removed from the YJWCD’s boundaries or incorporated into the Juniper Water Conservancy District. He handed out materials from the Yampa/White/Green Basin Roundtable’s draft Basin Implementation Plan. That report identifies a potential project proposed by the JWCD and being located within the YJWCD’s boundaries and showed approximately where that project is located within the YJWCD. He then raised questions about whether the JWCD could develop a project to serve YJWCD constituents. He then asked whether it is appropriate for the YJWCD to continue to collect tax dollars from property owners when the YJWCD does not have water rights or a current project to serve those members.

Discussion followed. Director Proctor discussed history of why District’s 8 and 9 are part of the YJWCD. There also followed a discussion of who served on the JWCD and whether it was an ongoing entity. The consensus was for Scott to investigate the legal mechanisms for either removing Districts 8 & 9 or having them be served by the JWCD and report back to the Board at its next meeting.

Board Vacancies

Scott stated that Directors Proctor, Welder and Franklin had submitted applications along with Anthony Theos and that he had a hearing on the Director appointments scheduled with the court for Friday.

New Business

Director Proctor discussed whether the YJWCD should maintain a website and if there is a need for such information. Director Welder suggested that it might be a good tool to use in developing public support. Discussion followed about possible communication options including social media and who would be responsible for the messaging on any platform. No action was taken.

Adjourn

The meeting adjourned at 5:14 p.m.

Read and approved this \_\_\_ day of \_\_\_\_\_\_\_\_\_, 2019

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

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