

**WEST DIVIDE WATER CONSERVANCY DISTRICT
818 Taughenbaugh Blvd., Suite 101
Rifle, Colorado 81650**

**MINUTES OF BOARD OF DIRECTORS MEETING
February 17, 2022**

CALL TO ORDER

The regular Board of Directors meeting was called to order at the District office at 9:00 a.m. by President Samuel B. Potter.

ROLL CALL

The following directors were present: President Samuel B. Potter, Vice President Dan R. Harrison, Treasurer Bruce E. Wampler, Secretary Richard L. McNeil, via zoom, and Director Kelly Couey was absent. Also in attendance were Tammy Keenan, Office Manager; Wendy Ryan, Colorado River Engineering, Inc.; Edward B. Olszewski, Counsel; and Water Commissioner Bill West.

PUBLIC COMMENT

There was no comment from the public.

MINUTES

Bruce E. Wampler moved the minutes of the January 20, 2022, meeting be approved as received; Richard L. McNeill seconded; motion carried.

FINANCE REPORT

Bills to be Paid: Bruce E. Wampler moved the attached list of bills be paid; Richard L. McNeill seconded; motion carried.

Financial Statements: Bruce E. Wampler moved the January 2022, Financial Statements prepared by Barnes, Pearson & Rudow, LLC be accepted; Dan R. Harrison seconded; motion carried.

WATER CONTRACTS

Bruce E. Wampler moved approval of the following assignments; seconded by Richard L. McNeill; motion carried; assignments approved.

Chad and Katherine Howard; assignment from **Rose Gould**, 1.35 a.f., domestic, General Stored Water.

Kristine Roberts; assignment from **Sara Dunn**, 1.1 a.f., domestic, Silt Interconnect.

Victor Martinez; Bruce E. Wampler moved approval of this water allotment contract, 1 a.f., domestic, General Stored Water contingent on drilling in Area A; seconded by Richard L. McNeill; motion carried.

Mandy and Travis Tiffany; Bruce E. Wampler moved approval of this water allotment contract, 1 a.f., domestic, Silt Interconnect; seconded by Richard L. McNeill; motion carried.

ROUNDTABLE REPORT

Richard L. McNeill briefed the board about the January 2022 meeting. There was lengthy discussion about the Colorado Attorney General changing the verbiage in the Basin Implementation Plan from "will" to could" in regard to Transmountain Diversions (TMD). The estimated depletions for the 4 planned future TMD's are: Eagle River MOU Project (Eagle River) 20,000 AF per yr; Continental-Hoosier (Blue River) 4,000 AF on average in wet and average years; Gross Reservoir (Fraser River) 11,800 in wet and average years; and Windy Gap Firming (Colorado mainstem) 19,100 AF.

The next meeting will be March 28, 2022.

WATER RESOURCES' REPORT

Bill West reported that the West Divide records have been completed and still working on others. They are still shorthanded at the office.

Not much to report at this time, still hoping for more snow.

HYDROLOGISTS' REPORT

Water Watch and Augmentation reports were provided by Wendy Ryan and discussed with the board. Snotell has updated its reporting to the most recent 30 years, dropping the early 80s averages. The weather forecast shows above average precipitation for the next week.

Wendy Ryan provided updates on the pending projects.

CRYSTAL RIVER

The letter to Ms. Hall in regard to the Orlosky/Snowbound Reservoir has been sent to the board and division for review. The River District continues to make edits, Bruce E. Wampler suggested that the letter be vague with a possibility to talk in the future. He feels the initial contact should be simple. Samuel B. Potter would also like to explore other ways to make contact.

FOURMILE

Wendy has provided seepage and evaporation data to SGM for the Oak Meadows model they are working on.

MARTIN DILIGENCE

The Martin yield analysis and demand study is still ongoing.

RIFLE COMMERCIAL PARK

Rifle Commercial Park (RCP) has a current contract that covers a shared well for 3 commercial businesses. RCP fronted the costs of well construction, distribution and fire suppression systems. The covenants state the vacant lot is to reimburse said costs when sold. However, the new owner doesn't want to pay for those costs and has threatened to

drill a new well within 25 feet of the existing augmented well. Wendy disputed this with the division as the new well stands to cause injury to the well West Divide augments.

The division issued an exempt commercial permit as Non-exempt well permits are issued pursuant to CRS 37-90-137(2). CRS 37-90-137(2)(a)(II) states, "Effective July 1, 2006, upon receipt of an application for a replacement well or a new, increased, or additional supply of groundwater from an area outside the boundaries of a designated groundwater basin, accompanied by a filing fee of one hundred dollars, the state engineer shall make a determination as to whether or not the exercise of the requested permit will materially injure the vested water rights of others." In the context of this section of statute, the State Engineer is able to make a determination that the requested permit will not materially injure the vested water rights of others if the permit is issued pursuant to a Water Court approved plan for augmentation or State Engineer approved substitute water supply plan, which approvals are contingent upon demonstration that the plan is adequate to prevent injury to other water rights. As identified in CRS 37-90-137(2)(b)(I), "The state engineer shall issue a permit to construct a well only if: (A) The state engineer finds, as substantiated by hydrological and geological facts, that there is unappropriated water available for withdrawal by the proposed well and that the vested water rights of others will not be materially injured; and (B) Except as specified in subparagraph (II) of this paragraph (b), the location of the proposed well will be more than six hundred feet from an existing well." Given the above and as identified in statute, six hundred foot spacing is only applicable to non-exempt well permits pursuant to CRS 37-90-137(2).

Commercial-exempt well permits are issued pursuant to CRS 37-92-602(3)(b)(I) and the policy of the State Engineer dated April 9, 1985.

RCP can file a written complaint with the State Engineer's office.

ACTIVE CALLS

Rifle Creek – Rifle Gap Reservoir is on an active current call.

POLICY REVIEW

The board had their final policy review and will adopt changes next month

ATTORNEY'S REPORT

Received written and oral report from counsel.

NEW BUSINESS

The next meeting is scheduled for March 17, 2022.

DIRECTORS' COMMENTS

Samuel B. Potter attended the Garfield County Water Forum meeting and discussed that there is no legal water supply along the Crystal River and asked for their support in West Divides research.

He also let them know that West Divide recently raised their rates.

Peter Fleming delivered a demand management update.

Bruce E. Wampler recently read an article that the 1200-year drought may end by 2030.

EXECUTIVE SESSION

No need for executive session today.


ADJOURN

Meeting adjourned at 10:35 a.m.

SIGNED:


Richard L. McNeill, Secretary

ATTEST:


Samuel B. Potter, President

GENERAL FUND

Num	Name	Memo	Account	Amount
DD11	Keenan, Tamara S	Direct Deposit	5221 · Salary	2,382.36
5557	Bookcliff Professional Building, LLC	Escrow	5394 · Rent-Prop.Taxes/Ins/Utilities	200.00
5557	Bookcliff Professional Building, LLC	Rent	5395 · Rent—Office unit	1,161.73
5558	CEBT	TSK Health Ins	5222 · Medical Insurance—Employer	941.13
5559	Barnes, Pearson & Rudow, PC	Dec Financials	5150 · Accounting	680.00
5559	Barnes, Pearson & Rudow, PC	4th Qtr PR Reports	5150 · Accounting	210.00
5560	Mountain Valley Technology, Inc	Hosted Exchange Mailbox thru	5125 · Office Equipment Expense	96.00
5561	Olszewski, Massih & Maurer, P.C.	General	5280 · Legal	584.00
5561	Olszewski, Massih & Maurer, P.C.	Policies	5280 · Legal	320.00
eft	American Funds		2227 · Simple IRA Payable	98.12
eft	American Funds		2227 · Simple IRA Payable	228.94
eft	Electronic Federal Tax Payment System 84-0976632		2205-FICA/MED/FWT Payable	751.40
				<u>7,653.68</u>

GENERAL STORED WATER

Num	Name	Memo	Account	Amount
2514	Olszewski, Massih & Maurer, P.C.	CRWCD	7047 · Legal—General	224.00
2514	Olszewski, Massih & Maurer, P.C.	Contracts	7047 · Legal—General	496.00
2514	Olszewski, Massih & Maurer, P.C.	Area A	7047 · Legal—General	400.00
2514	Olszewski, Massih & Maurer, P.C.	Crystal	7048 · Legal—Crystal River	224.00
2514	Olszewski, Massih & Maurer, P.C.	Martin Diligence	7049 · Legal—Martin Reservoirs	136.00
2514	Olszewski, Massih & Maurer, P.C.	Opp to Mystery Ranch	7047 · Legal—General	357.00
2514	Olszewski, Massih & Maurer, P.C.	Inclusion	7047 · Legal—General	540.00
2514	Olszewski, Massih & Maurer, P.C.	Opp to GWS	7047 · Legal—General	80.00
2515	Colorado River Engineering, Inc.	General	7032 · Hydrology—General	3,330.00
2515	Colorado River Engineering, Inc.	Design Review (Task 3)	Hydrology - Martin Diligence	105.00
2515	Colorado River Engineering, Inc.	Demand Study (Task 2)	Hydrology - Martin Diligence	600.00
2515	Colorado River Engineering, Inc.	Pioneer Ditch	7032 · Hydrology—General	120.00
2516	Garfield County Clerk and Recorder	Memorandums	7070 · Memorandum Recording Fees	84.00
				<u>6,696.00</u>

FOURMILE

Num	Name	Memo	Account	Amount
1953	Colorado River Engineering, Inc.	General	8030 · Hydrology	540.00
1954	Olszewski, Massih & Maurer, P.C.	General	8050 · Legal—General	755.00
				<u>1,295.00</u>

SILT INTERCONNECT

Num	Name	Memo	Account	Amount
518	Olszewski, Massih & Maurer, P.C.	Silt Mesa Service Area	7801 · Legal	32.00
519	Silt Water Conservancy District	2019 Joint Agreement	7100 · SWCD Operating Expenses	1,384.87
519	Silt Water Conservancy District	2020 Joint Agreement	7100 · SWCD Operating Expenses	1,255.04
519	Silt Water Conservancy District	2021 Joint Agreement	7100 · SWCD Operating Expenses	1,637.74
				<u>4,309.65</u>

GRAND TOTAL

19,954.33

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