



## Upper Gunnison River Water Conservancy District

210 West Spencer Avenue, Suite B • Gunnison,  
Colorado 81230 Telephone (970) 641-6065 •  
[www.ugrwc.org](http://www.ugrwc.org)

### **BOARD OF DIRECTORS** **AGENDA - REGULAR MEETING** Monday, April 25, 2022

#### **MISSION STATEMENT**

To be an active leader in all issues affecting the water resources of the Upper Gunnison River Basin.

- 5:30 p.m. 1. Call to Order**
- 5:32 p.m. 2. Agenda Approval**
- 5:35 p.m. 3. Consent Agenda Items:** Any of the following items may be removed for discussion from the consent agenda at the request of any Board member or citizen.
- Approval of March 28, 2022 Minutes
  - Monthly Budget Summary
  - Consideration of Expenses
- 5:40 p.m. 4. Legal and Legislative Matters**
- 5:50 p.m. 5. Presentation by Brian Stevens, BLM – Forest and Watershed Health/Potential Treatments (North Powderhorn Project)**
- 6:20 p.m. 6. Break**
- 6:35 p.m. 7. Basin Water Supply Update**
- 6:40 p.m. 8. General Manager, Staff and Committee Updates**
- Treasurer's Report
  - General Manager's Update
  - Watershed Management Planning Committee
  - Wet Meadows Program Update

- Education & Outreach Update
- Taylor Local User's Group Update
  - April 7 Meeting Summary
- Scientific Endeavors
- Gunnison River Festival Update

**7:40 p.m. 9. Miscellaneous Matters**

- Gunnison Energy Production - Solar Panels
- Current Gunnison River Spreadsheet
- Newspapers and Other Water Articles

**8:05 p.m. 10. Citizens Comments**

**8:10 p.m. 11. Future Meetings**

**8:15 p.m. 12. Summary of Meeting Action Items**

**8:20 p.m. 13. Adjournment**

Note: This agenda is subject to change, including the addition of items or the deletion of items at any time. All times are approximate. Regular meetings, public hearings, and special meetings are recorded, and action can be taken on any item. The Board may address individual agenda items at any time or in any order to accommodate the needs of the Board and the audience. Persons with special needs due to a disability are requested to call the District at (970) 641-6065 at least 24 hours prior to the meeting.

# **AGENDA ITEM 3**

**Consent Agenda Items**

**Upper Gunnison River Water Conservancy District  
Regular Board Meeting Minutes  
Monday, March 28, 2022**

The Board of Directors of the Upper Gunnison River Water Conservancy District (UGRWCD) conducted a regular meeting on Monday, March 28, 2022, at 5:30 p.m. in the District office, 210 West Spencer Avenue, Suite B, Gunnison, CO, 81230 and via Zoom video/teleconferencing.

Board members present: Sara Bergstrom, Joellen Fonken, Rebie Hazard, Stacy McPhail (via Zoom), Julie Nania, Bill Nesbitt, Michelle Pierce, Don Sabrowski and Andy Spann.

Board members absent: Rosemary Carroll and John Perusek

Others present:

Cheryl Cwelich, UGRWCD Watershed Programs Coordinator

Sonja Chavez, UGRWCD General Manager

Hannah Cranor, Gunnison County Ag Producer

Jeff Derry, Center for Snow and Avalanche Studies

Jesse Kruthaupt, Trout Unlimited

John McClow, UGRWCD Legal Counsel

Steve Pope, Uncompahgre Valley Water Users Association

Beverly Richards, UGRWCD Water Resource Specialist

Jill Steele, UGRWCD Accountant

Sue Uerling, UGRWCD Administrative Asst./Communications Support Specialist

**1. CALL TO ORDER**

Board President Michelle Pierce called the meeting to order at 5:32 p.m.

**2. AGENDA APPROVAL**

**Director Rebie Hazard moved and Director Julie Nania seconded approval of the agenda as circulated. The motion carried.**

**3. CONSENT AGENDA ITEMS**

**Director Joellen Fonken moved and Director Sara Bergstrom seconded approval of the consent agenda. The motion carried.**

**4. LEGAL MATTERS**

## **EXECUTIVE SESSION**

The Board of Directors went into Executive Session to discuss a maximum indirect cost recovery rate for consultants.

**Director Bill Nesbitt moved and Director Joellen Fonken seconded approval to come out of Executive Session. The motion carried.**

**Director Bill Nesbitt moved and Director Andy Spann seconded approval of a new Sub-section 5.0.3, in the District's financial and procurement policy on Consultant Indirect Cost Recovery Rates as follows: The maximum indirect cost rate that an outside consultant can recover from the District is 18% of direct billed costs (not including fringe). The motion carried.**

Legal Counsel John McClow referred to the summary of legislative bills included in the Board packet and said there were no new water bills in the last three weeks.

Director Sara Bergstrom asked for further clarification regarding SB22-115 concerning a landowner's liability. John said that the bill clarifies the meaning of terms related to landowner liability and declares that court decisions should not be relied on regarding third-party criminal conduct based upon whether the goods or services offered by a landowner are controversial; and that a landowner could be held liable as a substantial factor in causing harm without considering whether a third-party criminal act was the predominant cause of that harm. He said the District's interest in the bill arises from its ownership interest in Lake San Cristobal and Meridian Lake Reservoir.

Director Joellen Fonken thanked Counselor McClow for the material on Lake Powell and Glen Canyon Dam. John noted that since the Bureau of Reclamation (BOR) has never operated Glen Canyon Dam at elevations this low before, they are guessing how the generators will be impacted at an elevation of 3,490 acre-feet. He also said current projections for Lake Powell are based on currently anticipated runoff that will take place this spring, which is subject to change.

Director Don Sabrowski asked why BOR is making releases from Lake Powell to Lake Mead, even though Lake Powell is so low that it is a threat to the hydropower generators. John said these releases are part of their normal operations to meet the Upper Basin's obligations under the Colorado River Compact.

John also pointed out that the late Summer 2021 releases from Blue Mesa Reservoir (and releases from Flaming Gorge) should have been "shepherded" and they were not. John said the BOR has apologized for this and has made a verbal commitment that they will track this better should additional releases need to be made. John noted, however, that the BOR may seek an

additional releases from Flaming Gorge to try to protect elevation 3,525 in Lake Powell. John noted that since this water would be delivered outside of the priority system, then it would need to be shepherded and at this time, the BOR is still working out the details of how this would be accomplished.

Director Julie Nania noted that if special releases are later requested and there is not plan solidified for shepherding, at what point should the District push back a little more against making those releases?

## **5. MEET STEVE POPE, GENERAL MANAGER OF UVWUA**

Steve Pope, General Manager of the Uncompahgre Valley Water Users Association, introduced himself and shared a little about his background. General Manager Pope noted that the UVWUA Board of Directors is echoing what the UGRWCD Board has already expressed about possible special releases and concerns over runoff projections. Steve noted that his biggest frustration is the inability to ratchet back operations quickly enough based on the forecasting they receive from BOR. He feels there needs to be a collective approach among all water managers to address shortages.

Steve feels the snowpack is “okay” this year, at least better than last year, but that since “the bucket (Blue Mesa) is empty, this gives everyone cause for concern.” He did note that thanks to the monsoonal rains received last July and August, the soil moisture might be a little better this year in the Uncompahgre Valley.

Steve reviewed a number of water efficiency/improvement projects planned by the UVWUA and noted that the cost on many of these has increased significantly and therefore his Board is not 100 percent behind them. He noted that the cost of pipe for several projects alone has increased two and a half times since the initial bids were received and that delivery is more than 24 weeks out, which makes it very difficult to even complete projects.

Steve noted that he received the thirty-percent design report for the Taylor Park Hydro Power development project for review and comment. He is anxious to see this project go forward as he said the costs are also increasing for this project as time passes.

Steve noted that spring operations through the Gunnison Tunnel would begin this week and that it would take about a week for it to be “fully-charged.” He said this will help meet the needs of the ag producers in his valley who need water to get crops started. Director Bill Nesbitt asked Steve if it would be possible to have the UGRWCD Board tour the Gunnison Tunnel and Steve said perhaps we can schedule a joint meeting of the UVWUA and UGRWCD Boards, including a tour of the tunnel, as some of his Board have not toured the tunnel either.

**6. DINNER BREAK**

**7. DUST ON SNOW PRESENTATION BY JEFF DERRY.**

Jeff Derry of the Center for Snow and Avalanche Studies gave a Power Point presentation about the 2022 water year Dust on Snow Program. Jeff thanked the District for its longtime financial commitment to the Dust on Snow Program.

Director Joellen Fonken asked Jeff if he thinks we are headed towards another Dust Bowl. Jeff noted that in general, dust has been on the increase in our area since the 1990's. He said that high elevation lake samples show that dust is increasing and that microplastics have even been discovered in people's bloodstream.

Jeff said his organization is researching the possibility of receiving annual funding from the state through the approval of a line item within the state budget.

**8. BASIN WATER SUPPLY UPDATE**

Water Resource Specialist Beverly Richards said not much has changed since she wrote the update for the Board packet, except that the snowpack has dropped from 117 percent to 105 percent as of today.

**9 a. TREASURER'S UPDATE**

Treasurer Bill Nesbitt reported that not a lot has changed since his last report. He noted that the Federal Home Loan Bank is looking at making more funds available for mortgages, which might be worth looking into when and if the investments become available. He said that there is still a lot of interest in US Treasuries from large investors around the world. He said the District has no investments coming due until later in 2022. There was some discussion about whether there were any banks in the Gunnison or Colorado River Basin with competitive CD rates. Bill said he has checked at several locations and no one in the area is offering any competitive rates. It was agreed that Bill will meet with General Manager Sonja Chavez to talk about potential investments going forward.

**9 b. GENERAL MANAGER'S, COMMITTEES AND STAFF UPDATES**

General Manager Sonja Chavez referred to her Memorandum in the packet and noted the following:

- Colorado Airborne Snow Measurement (CASM) partners were approved for a \$1.9M grant from the CWCB for CASM flights in all critical mountain watersheds, including the Upper Gunnison Basin. The total cost for the comprehensive CASM program is \$15M annually. Director Bill Nesbitt asked who funds all of this and Sonja said she would get back to him with the specifics.
- The District facilitated its first Gunnison Valley Water SMART group meeting on March 1. Water Resource Specialist Beverly Richards has developed a spreadsheet to better track the various water projects being planned by the municipalities and other Water SMART partners so that then we can better their needs and the role that the District can play in providing support.
- Sonja briefly reviewed the District's "Joint Party Status filing" for the Homestake Pitch Uranium Mine proposal with the Water Quality Control Commission (WQCC). She also reported that she has been appointed to the WQCC by Governor Polis and that her appointment is scheduled for confirmation by the state legislature this Thursday, March 31.
- As Steve Pope reported earlier, Sonja said the District also received the thirty-percent design report for the Taylor Park Hydro Power Development project and she has no major concerns.
- Sonja said the District is moving forward with the June 2022 Water Conference, which will be called the Upper Gunnison River Basin Water Roundup (or just "Roundup") to be held June 9 and 10<sup>th</sup> at the I-Bar Ranch. Sonja is hoping for 100-150 participants for the inaugural event, which will lead into the Gunnison River Festival.

## EXECUTIVE COMMITTEE UPDATE

President Michelle Pierce said Jennifer Kermode, director of the Gunnison Valley Regional Housing Authority (GVRHA), gave a presentation to the committee on March 1 about their housing programs. Michelle said Jennifer reported that based on a report completed in 2016 for the GVRHA, Gunnison would need an additional 960 homes by 2020, and this didn't happen. Director Stacy McPhail said that Jennifer told the committee that if the District decides to go forward with its own housing assistance program, this would not invalidate or disqualify any applicants for the District program from also applying to any GVRHA program.

## TAYLOR LOCAL USER'S GROUP

Director Don Sabrowski said that as Chair of TLUG, he hopes to remind and emphasize to the TLUG representatives that although the group makes flow recommendations to the UGRWCD that the UGRWCD Board can approve, modify or reject final recommendations of the TLUG if they are not consistent with the Stipulation or decree. Both the TLUG proposal and the UGRWCD proposals would be taken to the Four Parties in this situation who make the final

decisions about releases and operations. Don noted that the Stipulation spells out that the year-end target storage for high water years is 75,000 acre-feet for Taylor Reservoir. So far this year, 2022 is predicted to be an *average water year*, which means the year-end target storage is 70,000 acre-feet for October. At the March 7 meeting, TLUG Representative Ernie Cockrell said he wants TLUG to specify a temporary year-end target of 73,000 acre-feet for now. The group decided to keep the flows at 73 cfs until the April 7<sup>th</sup> TLUG. Don pointed out that the reservoir was developed to provide water for all users, as well as to keep the health of the river, and not intended to store water that could be put to beneficial use upon reasonable request of a water user. Don intends to encourage the group to leave the 70,000 year-end storage target alone and just continue to take a conservative approach. Director Joellen Fonken asked if the Colorado Parks and Wildlife Division were part of the TLUG Group. General Manager Sonja Chavez answered “no” but that Dan Brauch and the CPW staff are invited to attend all meetings and often do provide regular input on the health of the fishery.

#### WATERSHED MANAGEMENT PLANNING COMMITTEE

General Manager referred to the Forest and Watershed Health and WMP Committee meeting minutes from the March 9<sup>th</sup> and March 14<sup>th</sup> meetings, respectively.

#### GRANT COMMITTEE

Water Resource Specialist Beverly Richards gave a Power Point presentation on behalf of the Grant Committee briefly reviewing all of the applications and funding recommendations. The District received 15 applications with funding requests totaling \$346,016, over \$146,000 more than the \$200,000 that was included as a line item in the 2022 District budget. Director Bill Nesbitt noted that he was pleased to see the District leveraging outside funding with District grant dollars at 9:1 and what a great way to use taxpayer dollars for making water resource improvements. Director Julie Nania said it was exciting to see so many of the applications came out of the WMP process as it has been a big lift and a lot of work for the District.

General Counsel John McClow noted that the funding for the grant application for the East River Number 1 Break Project should be pulled out of the overall grant funding motion so that Director Andy Spann could recuse himself from the voting, since he is a direct benefactor of that grant.

Therefore, the motions were made as follows:

- 1. Grant Committee Chair Joellen Fonken motioned for approval of the Grant Committee’s 2022 recommendations to award District Grant funds in the amount of \$173,920 (contingent upon staff receipt of identified additional information), not to include the East River Number 1 Break Project. The motion carried.**

2. **Grant Committee Chair Joellen Fonken motioned for approval of the Grant Committee's 2022 recommendation to award District Grant funds in the amount of \$26,071 to the East River Number 1 Break Project. Director Andy Spann recused himself from the vote. The motion carried.**
3. **Grant Committee Chair Joellen Fonken motioned for approval of the Grant Committee's recommendation to transfer the final \$22,101 available from unused District grant funds (2015-2020) for use in this cycle. The motion carried.**
4. **Grant Committee Chair motioned for approval of the expenditure of \$50,000 from the Engineering Fund Set-Aside available from unused District Grant funds (2015-2020) for this cycle. The motion carried.**
5. **Grant Committee Chair motioned for approval of the expenditure of \$33,900 from the District Non-Operating Budget Line Item 47, Basinwide Planning – WMP Implementation for this cycle. The motion carried.**

#### **WET MEADOWS PROGRAM UPDATE**

Watershed Programs Coordinator Cheryl Cwelich referred to her memorandum in the packet and noted that the UGRWCD Wet Meadows Restoration and Resiliency Building Program (WMRRBP) submitted a grant concept paper to Greater Outdoors Colorado (GOCO) on February 17, 2022. The concept paper was accepted by GOCO and the District will now move forward with a full Planning & Capacity grant request proposal of \$158,100.

Director Joellen Fonken asked if this grant application would compete with the GOCO application being submitted for improvements at the Gunnison River Whitewater Park. Cheryl said “no,” that this application was in the category of “planning and capacity” and not “improvements.”

**Director Bill Nesbitt moved and Director Andy Spann seconded approval of Resolution 2022-01 in support of the GOCO Grant as outlined in Exhibit B included in the packet.**

#### **EDUCATION AND OUTREACH UPDATE**

Administrative Asst./Communications Support Specialist Sue Uerling referred to her update in the Board packet and said she had no further updates at this time. Director Bill Nesbitt said that he was pleased to see the media coverage of the District's distribution of the “Drop” books to Gunnison Elementary School first graders. He also noted that the District distributed the remainder of the previous book “Water” to the first graders in Crested Butte and Lake City in November 2021, when Covid protocols did not allow for in-person distribution.

#### **SCIENTIFIC ENDEAVORS UPDATE/LONG LAKE UPDATE**

Director Rosemary Carroll was not in attendance to provide an update on Scientific Endeavors. Director Carroll did, however, send an email noting she attended the latest Long Lake meeting on March 1st. In brief, John Mugglestone ran this meeting. He presented new signage for user etiquette and the proposed trail system. Trail Colorado approached the Crested Butte Land Trust (CBLT) to help teach volunteers how to do trail construction. This training is scheduled for June 18-20, 2022. Training will be in combination with six agencies/non-profits and CBLT expects 20-25 people. There were discussions on trail design and if bikes should be allowed, with emphasis on supporting commuters and hand cycles. However, no consensus was reached with regard to both. CBLT did obtain a grant for noxious weed removal. The Long Lake working group will likely meet two-times per year moving forward.

#### GUNNISON BASIN ROUNDTABLE (GBRT) UPDATE

Director Bill Nesbitt reported that Nancy Fishering has joined the GBRT as the representative from the Uncompahgre Valley Water Users Association Board. Bill noted that Sonja did put forward comments to the group about the need for shepherding emergency releases. He said the group was very vocal about the BOR's insensitivity to the timing of the releases from Blue Mesa. Everyone thought they could have waited until after Labor Day so as not to disrupt the end of the season at Blue Mesa. Bill said Andy Mueller of the Colorado River District gave a nice presentation about the study on the western slope Demand Management Market Framework (as was provided in the February Board Meeting Packet). The GBRT will also continue to meet at the Delta County Commissioners conference room until further notice. General manager Sonja Chavez said they did approve one grant application from Jesse Kruthaupt, Trout Unlimited, for Hot Springs Reservoir and a letter of support to the CWCB for another project on the Blue Ditch which is located in the lower Gunnison basin.

#### GUNNISON RIVER FESTIVAL UPDATE

Director Joellen Fonken reported that the Festival plans are coming along. She said the "official rules" for fishing at Mergleman's Pond were being developed and would be included in the festival presentations.

### **10. MISCELLANEOUS MATTERS**

President Michelle Pierce referred to the regular monthly reports included in the packet; the Gunnison Energy Report, Gunnison River Spreadsheet and the News Articles, and asked if there were any questions. None were raised.

Director Julie Nania asked if any District Board members would be interested in assuming her role on the Gunnison Basin Roundtable Board as she is finding the time commitment to be challenging.

#### **11. CITIZEN COMMENTS**

No citizen comments were received.

#### **12. FUTURE MEETINGS**

A listing of upcoming meetings was included in the Board packet.

#### **13. SUMMARY OF ACTION ITEMS**

General Manager Chavez will incorporate the Consultant Indirect Cost Recovery Rates into the District financial policy document.

General Manager Chavez and Director Bill Nesbitt will meet regarding potential future investments for the District.

#### **14. ADJOURNMENT**

President Michelle Pierce adjourned the March 28, 2022 board meeting at 8:41 p.m.

Respectfully Submitted,

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John Perusek, Secretary

APPROVED:

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Michelle Pierce, President

## Upper Gunnison River Water Conservancy District Monthly Budget Summary

	March 2022	YTD	2022 Budget	% of Budget
Ordinary Income/Expense				
Income				
General Income				
Asp Water Sales	\$12,822.50	12,842.50	22,510.00	57.05%
Interest Income	1,422.70	2,266.13	20,000.00	11.33%
Property Tax Income	531,218.99	606,466.58	1,609,542.00	37.68%
Total General Income	\$545,464.19	621,575.21	1,652,052.00	37.62%
Grant Income				
BLM L17AC00255	\$ -	\$ -	\$ 134,666.00	0.0%
BLM L19AC00207 Silt	0.00	0.00	46,000.00	0.0%
Cloud Seeding Grant Income CWCB	0.00	0.00	23,750.00	0.0%
CWCB 2019-2891 Grant Inc	0.00	0.00	40,000.00	0.0%
CWCB 2020-2113 Grant Inc	0.00	-5,000.00	16,000.00	-31.25%
NFWF Landscape	0.00	149,637.00		
NFWF Phase II Grant Income	0.00	0.00	107,400.00	0.0%
NPS 2021-4821 Grant Inc	0.00	0.00	0.00	0.0%
TU Restore Grant Inc	0.00	0.00	40,000.00	0.0%
Watershed Restore Program Inc	0.00	0.00	135,500.00	0.0%
WMP CWCB PO TBD Inc	0.00	0.00	150,000.00	0.0%
Total Grant Income	\$0.00	\$ 144,637.00	\$ 693,316.00	20.86%
Program Income				
Cloud Seeding Reimb/Cost Share	\$0.00	\$ 23,750.00	\$ 69,000.00	34.42%
Watershed Mgmt Income	-	43,430.75	0.00	100.0%
WQ Monitoring Inc	27,402.00	27,402.00	35,570.00	77.04%
Total Program Income	\$27,402.00	\$ 94,582.75	\$ 104,570.00	90.45%
Reimbursed Exp Income				
GRF Reimbursed Income	\$77.50	-196.87		
Misc Income	-	77.50	1,000.00	7.75%
UGRAWE 4.46% OpX Reimbursed Inc	196.87	8,614.87	33,297.00	25.87%
Total Reimbursed Exp Income	\$274.37	8,495.50	34,297.00	24.77%
Unspent Funds from Previous Yr		0.00	9,379.00	0.0%
<b>Total Income</b>	<b>\$573,140.56</b>	<b>\$869,290.46</b>	<b>\$2,493,614.00</b>	<b>34.86%</b>
Cost of Goods Sold				
COST Grants				
BLM Coop L17AC00255 COST		\$ 675.34	\$ -	100.0%
BLM L19AC00207 Silt COST		0.00	0.00	0.0%
Cloud Seeding COST	\$15,379.32	45,807.33	0.00	100.0%
CWCB 2022-2085 (Restore) COST	\$6,934.25	33,165.75		
CWCB 2019-2891 COST		6,266.25	0.00	100.0%
CWCB 2020-2113 COST		0.00	0.00	0.0%
CWCB PEPO GBRT		0.00	0.00	0.0%
CWCB WtrShed Restore Grant COST		0.00	0.00	0.0%
NFWF Phase II COST	\$2,582.75	5,015.34	0.00	100.0%
NPS PO 2021-4821 COST		0.00	0.00	0.0%
NRCS Grant Exp COST		0.00	0.00	0.0%
TU Restore Grant COST		0.00	0.00	0.0%
USFS PA-2 17-PA COST		489.03	0.00	100.0%
USFS SPA 2018 COST		0.00	0.00	0.0%
Total COST Grants	\$24,896.32	\$ 91,419.04	\$ -	100.0%
Total COGS	\$ 24,896.32	\$ 91,419.04	\$ -	100.0%

## Upper Gunnison River Water Conservancy District Monthly Budget Summary

	March 2022	YTD	2022 Budget	% of Budget
<b>Expenditures</b>				
1 Op X				
Audit and Accounting	\$251.50	\$ 2,726.50	\$ 7,500.00	36.35%
Board Expenses	900.00	3,317.03	15,000.00	22.11%
Board Mtg Fees	-	3,700.00	13,360.00	27.7%
BOD Mileage	163.81	370.56	2,200.00	16.84%
Bonding and Insurance	401.00	401.00	12,003.00	3.34%
Building Rep/Maint	-	-12,343.57	10,000.00	-123.44%
Computer Exp	-	1,919.98		
Computer, Internet, Lexis	992.92	1,985.84		
Copier Expenses	226.83	226.83		
County Treasurers' Fees	16,215.42	16,997.37	46,237.00	36.76%
Dues, Memberships&Subscriptions	11.99	1,347.49	5,222.00	25.8%
Election Expenses	-	0.00	0.00	0.0%
Legal Publication	792.67	4,710.01	6,000.00	78.5%
Manager's Discretionary	575.00	677.53	3,000.00	22.58%
Meeting Expenses	382.08	907.55	3,500.00	25.93%
Office Equipment Exp	485.78	3,949.11	21,500.00	18.37%
Office Supplies & Misc Expenses	749.51	13,682.00	21,250.00	64.39%
Payroll Exp				
Admin.Travel & Exp.	1,223.33	7,711.11	19,000.00	40.59%
CRA Retirement Plan	2,721.55	8,164.65	32,659.00	25.0%
Medical Insurance	4,529.86	15,790.65	34,425.00	45.87%
Payroll Taxes	3,567.24	10,745.88	39,092.00	27.49%
Salaries - Admin	28,250.00	84,750.00	339,000.00	25.0%
Salaries - Staff	17,889.92	53,388.48	164,117.00	32.53%
Staff Development	-	326.00	9,000.00	3.62%
Work Comp Ins	(257.00)	283.00	3,700.00	7.65%
Total Payroll Exp	\$ 57,924.90	\$ 181,159.77	\$ 640,993.00	28.26%
Postage	-	874.84	1,500.00	58.32%
Public Outreach				
Donation GRF	-	10,500.00	10,500.00	100.0%
Mini-Grants	-	0.00	2,500.00	0.0%
Public Ed./Advertising				
Internship	238.64	552.64	800.00	69.08%
Public Ed./Advertising - Other	3,117.58	12,596.33	28,140.00	44.76%
Total Public Ed./Advertising	\$3,356.22	13,148.97	28,940.00	45.44%
Youth Conservation Corps	-	0.00	0.00	0.0%
Total Public Outreach	\$ 3,356.22	23,648.97	41,940.00	56.39%
Publications	\$124.91	124.61		
Software Exp	\$351.00	592.29		
Telephone	\$772.79	2,636.07	7,110.00	37.08%
Utilities, Clean, Condo Dues	\$2,147.10	4,182.34	15,516.00	26.96%
Vehicle Expenses - Toyota Highl	\$111.03	262.36	4,525.00	5.8%
Total 1 Op X	\$ 86,936.46	258,056.48	878,356.00	29.38%
2 Non-Op X				
Asp Subordination Report	\$ -	\$ -	\$ 5,000.00	0.0%
Aspindall Contract Costs	-	-59.17	18,550.00	-0.32%
Consulting/Engineering	1,242.50	3,413.39	15,000.00	22.76%
Endanger Fish Recovery Program	-	0.00	3,000.00	0.0%
LSC Expenses	-	0.00	13,464.00	0.0%
RMBL (Basinwide Planning X)	-	0.00	421,500.00	0.0%

1:26 PM  
04/15/22  
Accrual Basis

**Upper Gunnison River Water Conservancy District**  
**Monthly Budget Summary**

	March 2022	YTD	2022 Budget	% of Budget
RWSI Expense	1,693.25	32,081.66	729,566.00	4.4%
RWSI Grant Program	-	53,650.00		
Spencer Ave Res Exp	-	0.00	10,000.00	0.0%
Taylor Park Projects Exp	-	0.00	7,436.00	0.0%
Taylor River Modeling Exp	13,369.57	13,369.57		
Watershed Mgmt X	7,875.00	23,922.50		
Wet Meadow X	-	38.08		
WQ Monitoring	-	0.00	149,691.00	0.0%
Total 2 Non-Op X	<u>\$ 24,180.32</u>	<u>\$ 126,416.03</u>	<u>\$ 1,373,207.00</u>	<u>9.21%</u>
Total Expense	<u>\$111,116.78</u>	<u>\$ 384,472.51</u>	<u>\$ 2,251,563.00</u>	<u>17.08%</u>
Contingency	<u>\$0.00</u>	<u>0.00</u>	<u>24,000.00</u>	<u>0.0%</u>
TOTAL EXPENSES	<u>\$ 111,116.78</u>	<u>\$ -</u>	<u>\$ 24,000.00</u>	<u>0.0%</u>
Revenues Over (Under) Expenses	<u>\$ 462,023.78</u>	<u>\$869,290.46</u>	<u>\$2,469,614.00</u>	<u>35.2%</u>

# BANK AND BOND BALANCES - UGRWCD and UGRWAE

UGRWCD	Instrument	Balance	Cost	Interest	Maturity	Date
Account Name	Type	3/31/2022	Basis	Rate	Date	Callable
LPL Bond 27 CUSIP 91282CDR9 Treasury Note	BOND	\$ 389,874.80	\$ 394,661.19	1.475%	12/31/2023	
LPL Bond 17 (FHLB) CUSIP 91282CDH1 Treasury Note	BOND	196,127.19	204,335.35	1.680%	11/15/2024	10/18/2021
LPL 19 Pac. Western CD thru LPL CUSIP 69506 YRJ O	CD	245,250.39	245,000.00	1.200%	4/17/2023	
LPL Bond 20 (FHLB) CUSIP 3130 AJLA 5	BOND	520,762.55	550,000.00	0.750%	5/19/2025	5/19/2021
LPL Bond 21 (Fed Farm) CUSIP 3133 EL3P7	BOND	322,912.41	345,000.00	0.530%	8/12/2025	8/12/2022
LPL 22 Merrick Bank CD thru LPL CUSIP 59013KLR5	CD	238,395.00	249,000.00	0.350%	12/30/2024	
LPL Bond 23 (FEDL) CUSIP 3130ALLD4	BOND	234,323.25	250,000.00	0.875%	3/17/2026	9/17/2021
LPL Money Market Account	M.M.	16,296.35	-	0.010%	N/A	
LPL Bond 24 CUSIP 3130AMDY5 Fedl Home Loan Bank	BOND	469,272.00	500,000.00	1.000%	5/20/2026	5/20/2022
LPL CD 25 Sallie Mae Bank CUSIP 795451 AA1	CD	237,960.66	245,000.00	0.550%	7/22/2024	
LPL 26 (Fed. Home Loan Banks) CUSIP 3130 APBE4	BOND	149,280.32	160,000.00	1.000%	9/30/2026	9/30/2022
LPL 28 Freddie Mac CUSIP 3134 GXQP2	BOND			3.030%	4/28/2025	
Mountain View Bank Money Market	M.M.	106,454.02			3/27/2023	
Bank of the West Checking	CHKG	174,304.28		0.010%	N/A	
Bank of the West CD 046907721	CD	105,411.54		0.350%	12/22/2022	
Community Banks of Colo. CD 0420	CD	51,564.17		0.400%	9/26/2022	
Comm. Banks of Colo. Lake City CD # 97668	CD	104,170.48		0.500%	5/20/2023	
Community Banks of Colo. CD 6106	CD	90,201.45		0.950%	6/20/2022	
10520 Gunnison Bank & Trust CD 26637	CD	200,000.00		1.900%	2/26/2025	
10540 GB&T - Spencer Avenue Reserve 2223589	SAV	50,098.15		0.150%	N/A	
101140 Gunnison Savings & Loan CD 5011	CD	110,320.21		1.750%	8/10/2022	
101149 Gunnison Savings & Loan CD 9413	CD	152,474.84		2.050%	10/18/2024	
10295 COLOTRUST PLUS+	COLOTRUST	768,773.61		0.4226%	N/A	
10290 COLOTRUST PRIME	COLOTRUST	168,160.59		0.0167%	N/A	
10200 Petty Cash	PETTY	100.00		N/A	N/A	
TOTAL UGRWCD		\$ 5,102,488.26				

UGRWAE	Balance	Interest	Maturity
Account Name	3/31/2022	Rate	Date
Bank of the West Checking	CHKG \$ 108,776.12	N/A	N/A
COLOTRUST PLUS+	COLOTRUST 289,738.93	0.4226%	N/A
TOTAL UGRWAE	\$ 398,515.05		
TOTAL UGRWCD + UGRWAE	\$ 5,501,003.31		

## Total UGRWCD and UGRWAE by Bank

LPL Financial (Was Sigma)	\$ 3,020,454.92	55%
Mountain View Bank	106,454.02	2%
Bank of the West	388,491.94	7%
Community Banks of Colo.	245,936.10	4%
Gunnison Bank & Trust	250,098.15	5%
Gunnison Savings & Loan	262,795.05	5%
COLOTRUST	1,226,673.13	22%
Petty Cash	100.00	0%
TOTAL ALL BANKS	\$ 5,501,003.31	100%

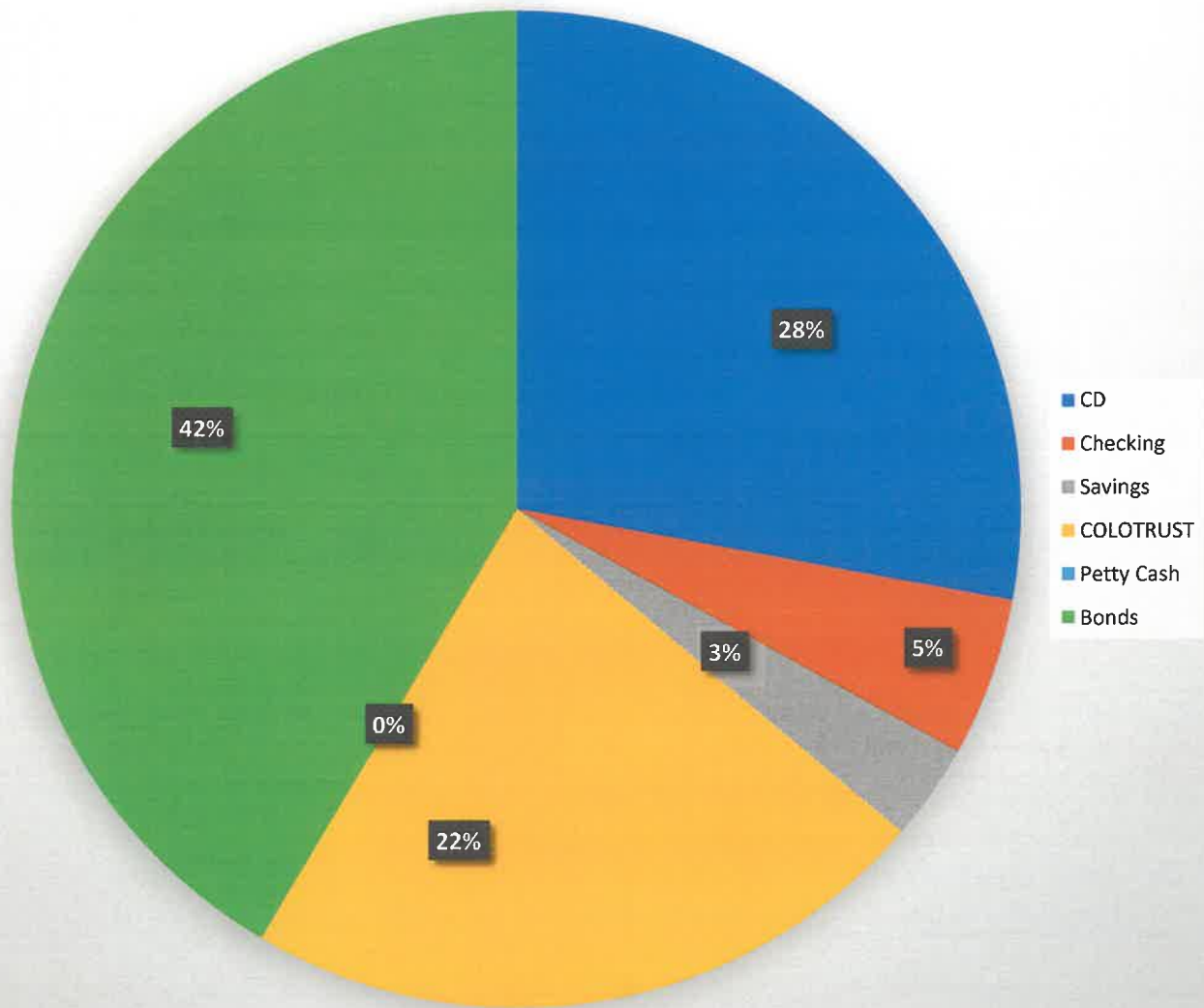
## Total UGRWCD & UGRWAE by Investment Type

CD	28%	\$ 1,535,748.74
Checking	5%	283,080.40
Savings	3%	172,848.52
COLOTRUST	22%	1,226,673.13
Petty Cash	0%	100.00
Bonds	41%	\$ 2,282,552.52
Total	100%	\$ 5,501,003.31

### UGRWCD & UGRWAE INVESTMENTS BY TYPE

CD	28%	\$ 1,535,748.74
Checking	5%	283,080.40
Savings	3%	172,848.52
COLOTRUST	22%	1,226,673.13
Petty Cash	0%	100.00
Bonds	41%	\$ 2,282,552.52
<b>Total</b>	<b>100%</b>	<b>\$ 5,501,003.31</b>

### UGRWCD + UGRWAE INVESTMENTS BY TYPE



8:21 AM  
04/15/22  
Accrual Basis

Upper Gunnison River Water Conservancy District  
Expenses For Approval (Paid & Payable)  
March 28 through April 30, 2022

Date	Name	Account	Amount
Mar 28 - Apr 30, 22			
03/31/2022	Alan Wartes Media LLC	Public Ed./Advertising	110.00
03/31/2022	Alan Wartes Media LLC	Legal Publication	30.80
04/05/2022	Alpine Archaeological Consultants, Inc.	BLM Coop L17AC00255 COST	688.25
03/28/2022	Andy Spann BOD	Board Mtg Fees	100.00
03/28/2022	Andy Spann BOD	BOD Mileage	4.10
04/07/2022	Anthem	Medical Insurance	273.87
03/31/2022	Atmos Energy	Utilities, Clean, Condo Dues	120.91
03/28/2022	Bank Card Center	Audit and Accounting	85.00
03/28/2022	Bank Card Center	Copier Expenses	226.83
03/28/2022	Bank Card Center	Dues, Memberships&Subscriptio...	11.99
03/28/2022	Bank Card Center	Meeting Expenses	382.08
03/28/2022	Bank Card Center	Office Supplies & Misc Expenses	126.94
03/28/2022	Bank Card Center	Admin.Travel & Exp.	1,192.91
03/28/2022	Bank Card Center	Public Ed./Advertising	450.00
03/28/2022	Bank Card Center	Software Exp	231.00
03/28/2022	Bank Card Center	Publications	124.61
03/28/2022	Bank Card Center	Telephone	472.07
03/28/2022	Bank Card Center	Utilities, Clean, Condo Dues	560.00
03/28/2022	Bank Card Center	Vehicle Expenses - Toyota Highl	111.03
03/31/2022	Bank of the West	Audit and Accounting	16.50
03/28/2022	Bill Nesbitt - BOD	Board Mtg Fees	100.00
04/03/2022	BIO-Logic Inc	NFWF Phase II COST	1,276.58
04/03/2022	BIO-Logic Inc	USFS SPA 2018 COST	232.88
03/30/2022	City of Gunnison Finance Dept.	Utilities, Clean, Condo Dues	96.74
03/30/2022	City of Gunnison Finance Dept.	Utilities, Clean, Condo Dues	151.65
04/08/2022	Coal Creek Watershed Coalition	WQ Monitoring	10,000.00
03/28/2022	Crested Butte News	Public Ed./Advertising	100.00
03/28/2022	Crested Butte News	Legal Publication	14.11
03/28/2022	Don Sabrowski BOD	Board Mtg Fees	100.00
03/28/2022	Don Sabrowski BOD	BOD Mileage	18.72
04/01/2022	GL Computer Service, Inc.	Computer, Internet, Lexis	400.00
03/31/2022	Hartman Brothers, Inc.	RWSI Expense	28.99
04/06/2022	Jill Steele	Medical Insurance	741.69
03/28/2022	Joellen Fonken BOD	Board Mtg Fees	100.00
03/28/2022	Joellen Fonken BOD	BOD Mileage	5.85
04/12/2022	John McClow	Medical Insurance	250.50
03/28/2022	Julie Nania BOD	Board Mtg Fees	100.00
03/28/2022	Julie Nania BOD	BOD Mileage	35.10
04/09/2022	JW Associates, Inc.	CWCB 2022-2085 (Restore) COST	4,942.50
03/31/2022	KEJJ Radio	Public Ed./Advertising	185.00
04/06/2022	KVLE FM	Public Ed./Advertising	150.00
03/31/2022	LexisNexis	Office Supplies & Misc Expenses	622.57
03/28/2022	Michelle Pierce BOD	Board Mtg Fees	100.00
03/28/2022	Michelle Pierce BOD	BOD Mileage	65.52
04/04/2022	Pinnacol Assurance	Work Comp Ins	1,331.00
04/07/2022	QuickBooks Payroll Service	Payroll Taxes	1.75
03/28/2022	Rebie Hazard-BOD	Board Mtg Fees	100.00
03/28/2022	Rebie Hazard-BOD	BOD Mileage	34.52
03/31/2022	RigNet Inc	RWSI Expense	46.49
03/28/2022	Sara Bergstrom BOD	Board Mtg Fees	100.00
04/01/2022	Silver World Publishing	Public Ed./Advertising	80.00

8:21 AM  
04/15/22  
Accrual Basis

Upper Gunnison River Water Conservancy District  
Expenses For Approval (Paid & Payable)  
March 28 through April 30, 2022

Date	Name	Account	Amount
03/28/2022	Stacy McPhail BOD	Board Mtg Fees	100.00
04/01/2022	The Paper Clip	Office Supplies & Misc Expenses	215.35
04/01/2022	Tomichi Creek Eco Systems Services LLC	RWSI Expense	3,441.38
04/04/2022	U.S. Bureau of Reclamation	Aspinall Contract Costs	18,904.82
04/01/2022	Uncompahgre Valley Water Users Assoc.	Taylor Park Projects Exp	7,436.00
04/07/2022	UnitedHealthcare	Medical Insurance	103.90
04/04/2022	Verizon Wireless	Telephone	340.88
03/31/2022	Watershed Science and Design	CWCB 2022-2085 (Restore) COST	6,934.25
03/31/2022	Wilson Water Group	Watershed Mgmt X	1,072.50
03/31/2022	Wilson Water Group	Watershed Mgmt X	2,077.50
Mar 28 - Apr 30, 22			67,457.63



**BANK OF THE WEST**  
BNP PARIBAS

BANKCARD CENTER  
PO BOX 84043  
COLUMBUS GA 31908-4043

Account Number XXXX-XXXX-0152-7948

Payment Due Date APR 22, 2022

Amount Due \$3,974.46

Current Balance \$3,974.46

**\*\*PRE-AUTHORIZED PAYMENT\*\***  
**DO NOT REMIT PAYMENT**

UPPER GUNNISON RIVER WATER CONS DIS  
210 W SPENCER AVE STE B  
GUNNISON CO 81230-2544

Amount Enclosed

\$ 3974.46

Date Rec. 3-29-22 Addn. Chd. \_\_\_\_\_  
Mgr. Appr. \_\_\_\_\_ Amt. Appr. \_\_\_\_\_  
Bd. Appr. Date \_\_\_\_\_ Bd. Initials \_\_\_\_\_  
Pd. Date 4-12-22 Clk. E. Paul \_\_\_\_\_  
Account(s) 110000397446

⑆586825013⑆5569320001527948⑈

⑆0000397446⑈

### ACCOUNT MESSAGES

Your Bank of the West Mastercard includes an additional benefit: Mastercard ID Theft Protection with access to complimentary Identity Theft resolution services. The benefit also helps prevent identity theft by monitoring the Internet to identify compromised and potentially damaging use of personal information. To enroll your card, please visit: <https://mastercardus.idprotectiononline.com>.

### CORPORATE ACCOUNT SUMMARY

UPPER GUNNISON RIVER XXXX-XXXX-0152-7948 Company Total	Previous Balance	Purchases + & Other Debits	Cash Advances	Finance Charges	- Credits	- Payments	= New Balance
	\$11,776.78	\$3,974.46	\$0.00	\$0.00	\$0.00	\$11,776.78	\$3,974.46

### CARDHOLDER NEW ACTIVITY SUMMARY

UPP GUNN RIVER WATER XXXX-XXXX-0177-3377 Credit Limit \$5,000	Purchases and Other Debits	Cash Advances	Credits	Total Activity
	\$111.03	\$0.00	\$0.00	\$111.03
CHERYL CWELICH XXXX-XXXX-0182-5532 Credit Limit \$3,000	Purchases and Other Debits	Cash Advances	Credits	Total Activity
	\$411.16	\$0.00	\$0.00	\$411.16
SONJA CHAVEZ XXXX-XXXX-0153-1676 Credit Limit \$12,000	Purchases and Other Debits	Cash Advances	Credits	Total Activity
	\$2,582.06	\$0.00	\$0.00	\$2,582.06

For Customer Service, Call:  1-866-432-8161	Account Number  XXXX-XXXX-0152-7948		Account Summary	
			Previous Balance	\$11,776.78
			Purchases & Other Charges	\$3,974.46
	Statement Date	Payment Due Date	Cash Advances	\$0.00
	MAR 28, 2022	APR 22, 2022	Cash Advance Fees	\$0.00
**For Autopay Accounts, a pre-authorized payment will be processed by your Bank prior to the payment due date**  All other inquiries can be sent to: BANKCARD CENTER PO BOX 84043 COLUMBUS GA 31908-4043	Credit Limit	Available Credit	Late Charge	\$0.00
	\$100,000	\$96,025.54	Finance Charges	\$0.00
			Credits	\$0.00
	Amount Due	Disputed Amount	Payments	\$11,776.78
	\$3,974.46	\$0.00	New Balance	\$3,974.46

Statement Date	MAR 28, 2022	Payment Due Date	APR 22, 2022
Credit Limit	\$100,000	Amount Due	\$3,974.46
Cash Advance Balance	\$0.00	New Balance	\$3,974.46
Available Credit	\$96,025.54		
UPPER GUNNISON RIVER WATER CONS DIS			
XXXX-XXXX-0152-7948			

CARDHOLDER NEW ACTIVITY SUMMARY				
JOHN MCCLOW XXXX-XXXX-0153-1684 Credit Limit \$12,000	Purchases and Other Debits	Cash Advances	Credits	Total Activity
	\$199.00	\$0.00	\$0.00	\$199.00
BEVERLY RICHARDS XXXX-XXXX-0153-1692 Credit Limit \$3,000	Purchases and Other Debits	Cash Advances	Credits	Total Activity
	\$450.43	\$0.00	\$0.00	\$450.43
JILL STEELE XXXX-XXXX-0153-1700 Credit Limit \$3,000	Purchases and Other Debits	Cash Advances	Credits	Total Activity
	\$135.78	\$0.00	\$0.00	\$135.78

FINANCE CHARGE SUMMARY				
	Average Daily Balance	Daily Periodic Rate	Corresponding Annual Percentage Rate	Periodic Finance Charge
PURCHASES	\$0.00	0.0226%	08.24%	\$0.00
CASH ADVANCES	\$0.00	0.0493%	18.00%	\$0.00

CORPORATE ACCOUNT ACTIVITY				
UPPER GUNNISON RIVER WATER CONS DIS XXXX-XXXX-0152-7948			TOTAL CORPORATE ACTIVITY \$11,691.78 CR	
Posting Date	Transaction Date	Reference Number	Transaction Description	Amount
03-25	03-25		PRE-AUTHORIZED PAYMENT	11,776.78 CR
03-28	03-28		ANNUAL REWARDS FEE	85.00

CORPORATE REWARDS INFORMATION	
For Reward Points Balance including Earned and Redeemed Points, please visit <a href="http://www.bankofthewestcorporaterewards.com">www.bankofthewestcorporaterewards.com</a> or call 1-800-921-6407	

CARDHOLDER ACTIVITY				
UPP GUNN RIVER WATER XXXX-XXXX-0177-3377	PURCHASES	CASH ADVANCES	CREDITS	TOTAL ACTIVITY
	\$111.03	\$0.00	\$0.00	\$111.03
Posting Date	Transaction Date	Reference Number	Transaction Description	Amount
03-11	03-10	05436842069300241346006	CITY MARKET #0219 FUEL GUNNISON CO Tax ID: 480196590 Mer Zip: 81230 Origin Zip: 81230 Product Code: 905 Qty: 1.000 Unit: U Unit Cost: 0.220 Disc: N Ext Item Amt: 0.22 Time: 10:16 Srv Type: SELF Qty: 7.512 Unit: GAL Unit Cost: 4.00 Sale Amt: 30.04 Mer ID: 4445001026781 Mer Addr: N MAIN ST	29.82
03-14	03-11	05436842071300217732284	KING SOOPERS # 0687 FU CONIFER CO Tax ID: 480196590 Mer Zip: 80433 Origin Zip: 80433	40.68

Statement Date	MAR 28, 2022	Payment Due Date	APR 22, 2022
Credit Limit	\$100,000	Amount Due	\$3,974.46
Cash Advance Balance	\$0.00	New Balance	\$3,974.46
Available Credit	\$96,025.54		
UPPER GUNNISON RIVER WATER CONS DIS			
XXXX-XXXX-0152-7948			

CARDHOLDER ACTIVITY				
Posting Date	Transaction Date	Reference Number	Transaction Description	Amount
03-14	03-11	75369432072988006090865	THE ARMSTRONG HOTEL FORT COLLINS CO Arrival Date: 03/10/22 Departure Date: 03/11/22 Invoice Number: 0000074705 Tax ID: 820854799 Mer Zip: 80524	132.68
03-14	03-11	72700692072900012900247	SUSHI ZANMAI BOULDER CO Tax ID: 840993600 Mer Zip: 80302	111.54
03-21	03-17	55458852077083786256650	DENVER POST CIRCULATIO 3038323232 CO Tran: 12392022031707151 Tax ID: 760425553 Mer Ref: 205471179 Mer Zip: 80202 Origin Zip: 80202 Dest Zip: 812302544 Dest Ctry: USA Product Code: SUBSCRIPTION Desc: DENVER POST Qty: 1 Unit: ITM Disc: N Ext Item Amt: 11.99	11.99
03-22	03-21	55432862080200415810849	SQ *I BAR, INC. gosq.com CO Tran: 00011529215111984 Tax ID: 800429876 Mer Ref: 00011529215111984 Mer Zip: 81230 Origin Zip: 81230 Dest Zip: 81230 Dest Ctry: USA Product Code: 099 Desc: Event Ticket1647909694020 Qty: 100.00 Unit: NMB Disc: N Ext Item Amt: 400.00	400.00
03-23	03-21	75180572081900013001024	BACKSTREET BAGEL COMPA MONTROSE CO Tran: 104293 Tax ID: 465447816 Mer Zip: 814013759 Tax: 2.41	32.60
03-24	03-24	55432862083200143307883	INTUIT *PayrollEE usag CL.INTUIT.COMCA Tax ID: 770034661 Mer Ref: T1-370b90-7e Mer Zip: 92129	12.00
03-25	03-24	55546502084286188900454	KANNAH CREEK BREWERY GRAND JUNCTIOCO Tax ID: 743141127 Mer Zip: 81501 Tax: 5.71	72.77
03-25	03-24	05314612084000394157573	MOCHAS COFFEEHOUSE AND GUNNISON CO Tax ID: 843641236 Mer Zip: 81230	11.28
03-28	03-25	25247802085001711088679	HOTEL MAVERICK GRAND JUNCTIOCO Arrival Date: 03/24/22 Departure Date: 03/25/22 Invoice Number: 20484821 Tax ID: 846001656 Mer Zip: 81501	216.45
03-28	03-25	25247802085001711088687	HOTEL MAVERICK GRAND JUNCTIOCO Arrival Date: 03/24/22 Departure Date: 03/25/22 Invoice Number: 20484750 Tax ID: 846001656 Mer Zip: 81501	216.45
JOHN MCCLOW				
XXXX-XXXX-0153-1684		PURCHASES	CASH ADVANCES	CREDITS
		\$199.00	\$0.00	\$0.00
		TOTAL ACTIVITY		\$199.00
Posting Date	Transaction Date	Reference Number	Transaction Description	Amount
03-14	03-11	72703632070142529406146	DROPBOX*XZCK72T2BXGS DB.TT/CCHELP DE Tran: 8682267242 Tax ID: 260138832 Mer Zip: 19808	199.00
BEVERLY RICHARDS				
XXXX-XXXX-0153-1692		PURCHASES	CASH ADVANCES	CREDITS
		\$450.43	\$0.00	\$0.00
		TOTAL ACTIVITY		\$450.43
Posting Date	Transaction Date	Reference Number	Transaction Description	Amount
03-01	02-28	05436842059300234939652	CITY-MARKET #0419 GUNNISON CO Tax ID: 480196590 Mer Zip: 81230 Origin Zip: 81230 Tax: 3.23	44.50
03-02	02-28	85179392060980003413512	CAFE SILVESTRE GUNNISON CO Tax ID: 840862924 Mer Zip: 81230	272.22
03-08	03-08	15270212067000000847741	MSFT * E0200HRLP9 MSBILL.INFO WA Tax ID: 911144442 Mer Zip: 98052	20.00
03-14	03-10	05416012070141004135546	WAL-MART #1550 GUNNISON CO Tax ID: 710415188 Mer Zip: 81230	40.08
03-16	03-15	55429502074852570909132	PAYPAL *WEATHERMODI 4029357733 CA Tran: 57090913 Tax ID: 770510487 Mer Ref: 57090913 Mer Zip: 95131 Origin Zip: 95131 Dest Zip: 95131 Dest Ctry: USA	60.00



# ALPINE ARCHAEOLOGICAL CONSULTANTS, INC.

P.O. Box 2075  
Montrose, Colorado 81402-2075

Upper Gunnison River Water Conservancy District  
210 West Spencer Ave.  
Suite B  
Gunnison, CO 81230

Invoice number 20220258  
Date 03/02/2022

Project **Wet Meadows 2021**

POP: February 2022

Contract # UG2021-028

## LABOR

### Report and Site Forms (CO)

Date Rec. 3-16-21 Adm. Ckd. ✓  
Mgr. Appr. \_\_\_\_\_ Amt. Appr. \_\_\_\_\_  
Bd. Appr. Date \_\_\_\_\_ Bd. Initials \_\_\_\_\_  
Pd. Date \_\_\_\_\_ Ckd. \_\_\_\_\_  
Account(s) Wet Meadows

- NFWF II

	Hours	Rate	Billed Amount
Senior GIS Specialist			
Connor C. Johnen	1.50	70.00	105.00
Production Assistant/Office Assistant			
Megan K. Carney Reed	1.25	46.00	57.50
Office Manager			
Jessica L. Vergari	0.25	59.00	14.75
Principal Investigator			
Charles A. Reed	6.50	112.00	728.00
Project Administrator			
Kimberly L. Redman	0.25	115.00	28.75
Project Archaeologist			
Jordan M. Kluver	20.75	68.00	1,411.00
Site Records Supervisor			
Jessica D. Boyd	2.25	52.00	117.00
Phase subtotal	32.75		2,462.00
LABOR subtotal	32.75		2,462.00

## CONSULTANTS

### Report and Site Forms (CO)

	Multiplier	Rate	Billed Amount
Subconsultants			
Susan M. Chandler-Reed			120.75
Phase subtotal			120.75
CONSULTANTS subtotal			120.75

Invoice total **2,582.75**

## Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
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Upper Gunnison River Water Conservancy District

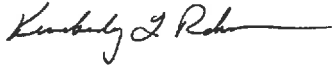
Invoice number 20220258

Invoice date 03/02/2022

20220258	03/02/2022	2,582.75	2,582.75
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Total	2,582.75	2,582.75	0.00	0.00	0.00	0.00
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Approved by:



Kimberly L. Redman  
General Manager

**Approved for Payment: C. Cwelich**

**Contract: UG2021-028**

**Budget Line Item #46: Regional  
Water Supply Improvement Program  
(Wet Meadows Project)**

**Grant Source: NFWF: Phase II**



# ALPINE ARCHAEOLOGICAL CONSULTANTS, INC.

P.O. Box 2075  
Montrose, Colorado 81402-2075

Upper Gunnison River Water Conservancy District  
210 West Spencer Ave.  
Suite B  
Gunnison, CO 81230

Invoice number 20220483  
Date 04/05/2022

Project **Wet Meadows 2021**

## FINAL INVOICE

Contract # UG2021-028

### LABOR

#### Report and Site Forms (CO)

	Hours	Rate	Billed Amount
Assistant Lab/Crew Supervisor			
Jordan M. Kluver	1.50	55.00	82.50
Production Assistant/Office Assistant			
Megan K. Carney Reed	1.25	46.00	57.50
Office Manager			
Jessica L. Vergari	0.75	59.00	44.25
Principal Investigator			
Charles A. Reed	1.75	112.00	196.00
Project Administrator			
Jaclyn A. Mullen	0.25	115.00	28.75
Kimberly L. Redman	0.50	115.00	57.50
Project Archaeologist			
Abbie L. Harrison	1.50	68.00	102.00
Site Records Supervisor			
Jessica D. Boyd	1.75	55.00	96.25
Phase subtotal	9.25		664.75
LABOR subtotal	9.25		664.75

### EXPENSES

#### Report and Site Forms (CO)

	Units	Multiplier	Rate	Billed Amount
Copies	235.00		0.10	23.50
Phase subtotal				23.50
EXPENSES subtotal				23.50
Invoice total				<b>688.25</b>

### Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
20220258	03/02/2022	2,582.75		2,582.75			



**Applegate  
Group, Inc.**

*Water Resource Advisors for the West*

Approved for payment (BAR) 3/14/22 -  
Contract #UG2021-013  
Charge entire amount to General Fund  
Line Item 39 - General Consulting

## Invoice Memorandum

Date: August 23, 2021

AG Job No.: 21-106

To: Britta Hubbard  
[brittahubbard@gmail.com](mailto:brittahubbard@gmail.com)

From: Craig Ullmann  
Applegate Group, Inc.  
1490 W. 121<sup>st</sup> Avenue, Suite 100  
Denver, CO 80234

**SUBJECT:** Invoice for Hyzer Ketchum Review Cc:

Attached please find our invoice for professional consulting services provided for the period of June 2, 2021, through July 30, 2021, in the amount of **\$765.00**.

A description of services provided during this period is listed below:

- Site visit to discuss installation of Agridrain boxes at split point, flume installation and verify extents of headgate work
- Preparation of memo regarding project review

This invoice can be directly submitted to the Upper Gunnison Water Conservancy District for payment once you have reviewed and approved.

Please do not hesitate to contact us with any questions regarding your account or project. We appreciate the opportunity to be of service.

Date Rec. 3/14/22 Adm. Ckd. [Signature]  
Mgr. Appr. SRG Amt. Appr. \$765  
Bd. Appr. Date \_\_\_\_\_ Bd. Initials SR  
Pd. Date \_\_\_\_\_ Ckd. \_\_\_\_\_  
Account(s) General Consulting

**Applegate Group, Inc.**

1490 West 121st Ave  
Suite 100  
Denver, CO 80234

**Gunnison River HOA**

114 W. Virginia Avenue  
#114  
Gunnison, CO 81230

**INVOICE**

No. 51716

08/23/2021

**Hyzer Ketchum Ditch****21-106.100**

For Services Rendered Through 7/30/2021

**Professional Services**

Contract Amount	Previously Billed	% Complete	Invoice Amount
\$1,000.00	\$0.00	76.50	\$765.00
<b>\$1,000.00</b>	<b>\$0.00</b>		<b>\$765.00</b>

**Invoice Amount****\$765.00**



# Applegate Group, Inc.

Water Resource Advisors for the West

Approved for Payment - BAR 3/18/22  
Charge to Grant Program - 2021  
Contract#UG2021-019

## Invoice Memorandum

Date: December 13, 2021

AG Job No.: 21-135

To: Pat Youmans  
[pjbvyoumans@gmail.com](mailto:pjbvyoumans@gmail.com)

From: Craig Ullmann  
Applegate Group, Inc.  
1490 W. 121<sup>st</sup> Avenue, Suite 100  
Denver, CO 80234

SUBJECT: Invoice for McCanne No. 3 Headgate  
Design

Cc: Sonja Chavez  
[schavez@ugrwcd.org](mailto:schavez@ugrwcd.org)

Attached please find our invoice for professional consulting services provided for the period of October 2, 2021 through December 3, 2021 in the amount of \$4,711.25. Additional detail regarding this invoice and the project budget is shown in the table below:

Budget	Current Invoice	Invoice to Date	Budget Remaining
\$8,500	\$4,711.25	\$4,711.25	\$3,788.75

A description of services provided during this period is listed below:

- Hydraulic Modeling of ditch
- Hydrology evaluation of drainage basin
- Review of existing FEMA maps and Flood Insurance Study regarding maximum flows on Tomichi Creek
- Design of concrete headgate structure
- Design of Cross Vane in creek
- Drafting construction plans for project

Please do not hesitate to contact us with any questions regarding your account or project. We appreciate the opportunity to be of service.

Date Rec. 3-18-22 Adm. Ckd. \_\_\_\_\_  
Mgr. Appr. \_\_\_\_\_ Amt. Appr. \_\_\_\_\_  
Bd. Appr. Date \_\_\_\_\_ Bd. Initials \_\_\_\_\_  
Pd. Date \_\_\_\_\_ Ckd \_\_\_\_\_  
Account(s) Grant Program

**Applegate Group, Inc.**

1490 West 121st Ave  
Suite 100  
DenverCO 80234

**Pat Youmans****INVOICE**

No. 51987

12/13/2021

**McCanne No. 3 Ditch Improvement - Engineering Design****21-135.001**

Contract

For Services Rendered Through 12/3/2021

**1 - Design****Professional Services**

Employee	Hours	Rate	Amount
Horn, Timmy R.	8.75	77.00	\$673.75
Morris, Steven	25.50	85.00	\$2,167.50
Ullmann, Craig	11.00	170.00	\$1,870.00
<b>Total Professional Services for 1</b>			<b>\$4,711.25</b>
<b>Total Charges for 1</b>			<b>\$4,711.25</b>
<b>Invoice Amount</b>			<b>\$4,711.25</b>

## Invoice Memorandum

Date: March 22, 2022

AG Job No.: 21-106

To: Upper Gunnison Water Conservancy  
District, Sonja Chavez  
[schavez@ugrwc.org](mailto:schavez@ugrwc.org)

From: Craig Ullmann  
Applegate Group, Inc.  
1490 W. 121<sup>st</sup> Avenue, Suite 100  
Denver, CO 80234

**SUBJECT:** Invoice for Upper Gunnison General Engineering Support Services

Attached please find our invoice for professional consulting services provided for the period of January 29, 2022, through February 25, 2022, in the amount of **\$1,242.50**.

Additional detail regarding this invoice and the project budget is shown in the table below:

Phase	Current Invoice	Invoice to Date	Project Budget	Budget Remaining
Task Order 1 - District Grant Program Projects				
Application Review and Analysis	\$ 272.50	\$ 7,567.14	\$ 28,000.00	\$ 20,432.86
Site Time				
Deliverables and Recommendations				
Design Review				
Task Order 2 - Ohio Creek				
Data Review/Analysis		\$ 22,375.00	\$ 88,000.00	\$ 65,625.00
Site Time				
Mapping				
Conceptual Design				
Cost Estimates				
Deliverables				
Task Order 3 High Priority Projects (Other Basins)				
Strand Ditch		\$ 6,411.25	\$ 39,000.00	\$ 32,588.75
McCanne Ditches - Initial Assesments				
Hot Springs Reservoirs				
Town of Gunnison	\$ 970.00			
Task Order 4 - Rapid Assesments				
Project A		\$ -	\$ 19,000.00	\$ 19,000.00
Project B				
Task Order 5 - Travel				
Travel Expenses		\$ 5,613.74	\$ 6,000.00	\$ 386.26

**Total \$ 1,242.50 \$41,967.13 \$180,000.00 \$138,032.87**



*Water Resource Advisors for the West*

A description of services provided during this period is listed below:

- Task Order 1
  - Misc coord re Marshall No. 2 Ditch and cost estimates
- Task Order 2
- Task Order 3
  - Conference Calls with Town of Gunnison
  - Review of information regarding ditch ownership
  - Review of CAD files from City for Town Ditch areas
- Task Order 5

Please do not hesitate to contact us with any questions regarding your account or project. We appreciate the opportunity to be of service.

**Applegate Group, Inc.**

1490 West 121st Ave  
Suite 100  
Denver, CO 80234

**Upper Gunnison River Water Conservancy****District**

210 W. Spencer Avenue  
Suite B  
Gunnison, CO 81230

**INVOICE**

No. 52228

03/22/2022

**Task Order 1 - District Grant Program Projects****21-106.001**

Contract

For Services Rendered Through 2/25/2022

**Phase 1 - Application Review & Analysis****Professional Services**

<u>Employee</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Morris, Steven	.50	95.00	\$47.50
Ullmann, Craig	1.25	180.00	\$225.00
<b>Total Professional Services for Phase 1</b>			<b>\$272.50</b>
<b>Total Charges for Phase 1</b>			<b>\$272.50</b>
<b>Invoice Amount</b>			<b>\$272.50</b>

**Applegate Group, Inc.**

1490 West 121st Ave  
Suite 100  
Denver, CO 80234

**Upper Gunnison River Water Conservancy  
District**

210 W. Spencer Avenue  
Suite B  
Gunnison, CO 81230

**INVOICE**

No. 52229  
03/22/2022

**Task Order 3 - High Priority Projects (Other Basins)**

21-106.003

Contract

For Services Rendered Through 2/25/2022

**Phase 4 - Town of Gunnison****Professional Services**

Employee	Hours	Rate	Amount
Morris, Steven	5.00	95.00	\$475.00
Ullmann, Craig	2.75	180.00	\$495.00
Total Professional Services for Phase 4			\$970.00
Total Charges for Phase 4			\$970.00
Invoice Amount			\$970.00

# Upper Gunnison River Water Conservancy District Grant Reimbursement Request

Approved for payment - BAR.  
Please charge to Budget Line Item  
46 - Regional Water Supply  
Improvement Program - Grant Program  
2021

**Date:** February 5, 2022

**Project Name:** 2021 Gleason Ditch Efficiency Improvements

**UGRWCD Contract Number:** UG2021-011

**Reimbursement Request Amount:** \$3,650.00

**Match Provided:** \$3,650.00

**Project Performance Period:** April 2021 – October 2021

**Applicant/Payee Name:** Ohio Meadows Subdivision      **Check Payable To:** Ohio Meadows HOA

**Applicant Address:** 1257 Seneca Drive, Gunnison, CO 81230

**Applicant Phone:** 510-290-4880

**Applicant Email:** ohiomeadowshoa@gmail.com

## **PROJECT DELIVERABLES:**

- Project completion report including a description of project, accomplishments, and photographs as applicable (e.g. pre-project, work in progress, and post project; please include brief description of what we are seeing with each photo).

### **Project description:**

1. Install new head gate at north end of ditch, adjacent to 984 Pashuta, to provide better flow to northern and east properties.
2. Install new headgate on existing concrete wall where ditch is deep and water flow impacted by old board acting as headgate (adjacent to 239 Pashuta). Water pressure and depth of water make it almost impossible, and definitely dangerous, to open, much less open at different heights for varying water flows.
3. Install two new splitter boxes adjacent to 725 Pashuta. This area lacks ways to direct water flow – either stopping or starting – to various properties that need to receive water from this ditch location.

We do not have “before” photos as this was something I (Elizabeth Gillis) was not aware we needed (I became part of the HOA board and project after it was proposed for the HOA).

### **Accomplishments of Project:**

1. The new headgate was installed lower in the ditch and closer to the road. This enabled the water to be sent down to an existing ditch more efficiently, providing a reliable flow to 3 other properties. Previously, we would have had to stop the water flow to the entire neighborhood to allow water to flow to these 3 properties, then stop it to them and redirect to the rest of the properties.



125 Colorado Ave., Suite B  
Montrose, CO 81401  
(970) 240-4374

# Invoice

Date	Invoice #
4/3/2022	4108

## UGRWCD

Attn: Sonja Chavez  
210 West Spencer, Suite B  
Gunnison, CO 81230

		Terms	Due Date
		Net 30	5/3/2022
Quantity	Description	Rate	Amount
	Project: Wet Meadows Restoration & Resiliency Project Period Covered: 02-28-2022 to 04-03-2022		
	Task 2: Develop Plans, Design and Permit Projects Subtotal: \$245.75		
2.5	Hours, Shawn Conner, Senior Scientist	90.00	225.00
	Overhead (3.5% of staff labor)	3.50%	7.88
	Total Balance Due		232.88
22	Vehicle Miles	0.585	12.87
	Subtotal Reimbursable Expenses		12.87
	Task 4: Participate in Team Meetings Subtotal: \$1,263.71		
12.75	Hours, Shawn Conner, Senior Scientist	90.00	1,147.50
	Overhead (3.5% of staff labor)	3.50%	40.16
	Total Balance Due		1,187.66
130	Vehicle Miles	0.585	76.05
	Subtotal Reimbursable Expenses		76.05
	Total Balance Due		1,509.46
Thank you for your business.		Total	\$1,509.46
		Payments/Credits	\$0.00
		<b>Total Due</b>	<b>\$1,509.46</b>



CENTER FOR  
SNOW & AVALANCHE  
STUDIES

BOARD OF DIRECTORS

Jeff Deems  
Laurina Kaatz  
Dave Kanzer  
Frank Kugel  
Art Mears  
Keith Roush  
Tom Ryan  
Heidi Steltzer  
Martha "Marti" Whitmore

## INVOICE

**To:** Upper Gunnison River Water Conservancy District – attn: Sonja Chavez, Beverly Richards  
**Date:** January 24, 2022  
**From:** Center for Snow and Avalanche Studies - Federal Employer ID #: 04-3737768  
**Contact:** Jeff Derry - Executive Director, office (970) 387-5080, cell (970) 231-6595  
**Ref:** Water Year 2022 CODOS program support

CSAS thanks the Upper Gunnison River Water Conservancy District for participating in our Colorado Dust-on-Snow Program (CODOS) for Water Year 2022, at the requested funding level. We, and your sister water agencies, appreciate UGRWCD's consistent and vital CODOS support and look forward to working closely with staff, providing the following services:

### WY 2022 CSAS/CODOS Services Provided:

- Continuous monitoring of dust-on-snow conditions at our Senator Beck Basin Study Area at Red Mountain Pass;
- Frequent on-site field monitoring of dust-on-snow conditions at Park Cone, Spring Creek Pass, Wolf Creek Pass, Hoosier Pass, Grizzly Peak (Loveland Pass), Berthoud Summit, Willow Creek Pass, Rabbit Ears Pass, McClure Pass and Grand Mesa during late winter and spring of 2022;
- Site-specific dust-on-snow Updates published to the CODOS website ([codos.org](http://codos.org)) at timely intervals throughout the late winter and spring of WY 2022, including periodic discussions of possible "nearest neighbor" snowmelt hydrograph patterns using historic data and evaluation of recent snowmelt behavior, by locale;
- Occasional e-mail Dust Alerts providing "heads up" notifications regarding anticipated or actual dust deposition events already in progress;
- Other products including occasional direct consultation and briefings for District staff, as described in our WY 2022 funding request.

**TOTAL THIS INVOICE: \$ 3,500**

**Terms:** Payable upon receipt - *Thank You!*

**Remit to:** Center for Snow and Avalanche Studies  
PO Box 190  
Silverton, CO 81433

Federal EIN # 04-3737768  
DUNS # 132711479

Jeff Derry  
Executive Director

Mail:  
P.O. Box 190  
Silverton, CO  
USA 81433

Center:  
1428 Greene Street  
Suite 103  
Silverton, CO

Telephone:  
(970) 387-5080

Email:  
[jderry@snowstudies.org](mailto:jderry@snowstudies.org)

Website:  
[www.snowstudies.org](http://www.snowstudies.org)  
[www.codos.org](http://www.codos.org)



Coal Creek Watershed Coalition  
970-251-0029

PO Box 925  
Crested Butte, Colorado  
81224  
United States

**Billed To**  
Sonja Chavez  
Upper Gunnison River Water  
Conservancy District  
210 West Spencer, Suite B  
Gunnison, CO  
81230

**Date of Issue**  
04/08/2022  
  
**Due Date**  
05/01/2022

**Invoice Number**  
WCS 22-01  
  
**Reference**  
2022

**Amount Due (USD)**  
**\$10,000.00**

Description	Rate	Qty	Line Total
Grant Writing and Fundraising	\$2,500.00	1	\$2,500.00
Water Quality Monitoring	\$3,000.00	1	\$3,000.00
Administrative Costs	\$4,500.00	1	\$4,500.00

Date Rec. 4-12-22 Adm. Ckd. [Signature]  
Mgr. Appr. \_\_\_\_\_ Amt. Appr. \_\_\_\_\_  
Bd. Appr. Date \_\_\_\_\_ Bd. Initials \_\_\_\_\_  
Pd. Date \_\_\_\_\_ Ck# \_\_\_\_\_  
Account(s) CCWC  
- watershed support

Subtotal 10,000.00  
Tax 0.00  
Total 10,000.00  
Amount Paid 0.00

**Amount Due (USD)** **\$10,000.00**

#### Notes

This invoice is for Watershed Coalition Support Funding for the Coal Creek Watershed Coalition. Our funding request was submitted on 9-14-2021 and is attached for reference.

Thank you for your support of CCWC!

# INVOICE

C-Brands Land and Cattle  
Address: **56935 US HIGHWAY 50 GUNNISON**  
Phone: 970-641-3174

INVOICE #: 1  
DATE OF INVOICE: JAN 20, 2022

**TO:**  
Upper Gunnison River Water Conservancy District  
210 West Spencer  
Gunnison, CO 81230

**INSTALL QUAKY AND TRUSTY SPRING STOCK TANKS,  
PLUMBING AND EXCLOUSURE FENCE**

DESCRIPTION	QUANTITY	Rate	In-kind	Paid
Labor Duane, Paul, Jerry – concrete, trenching, fence	75	\$45/hr	\$875	\$2500
Backhoe – transport, tanks load/unload, grading, backfill	40	\$150/hr	\$3500	\$2500
Materials -			\$	\$
Total			\$3875	\$5000

Thank you. Check payable to C Brands Land and Cattle

Approved for payment - BAR 4/6/22. Please charge to  
budget line item 47 - Basinwide Planning - WMP CWCB  
PO 2020-2113.

**Hartman Brothers, Inc.**

524 North First Street  
Montrose, CO 81401  
Tel.: (970) 240-8535  
Fax: (970) 249-6675



Sold To:

UPPER GUNNISON RIVER WATER CON  
210 WEST SPENCER AVE., SUITE B  
GUNNISON, CO, 81230

Shipped To:

**CYLINDER RENTAL INVOICE**

CUSTOMER NO.	CUSTOMER P.O. No.	PERIOD	INVOICE DATE	INVOICE No.	PAGE							
M05447		03/01-03/31	2022 03 31	368941	1							
DESCRIPTION	DATE M-M D-D	DEL.NOTE #	INVOICE No.	CYLINDER MOVEMENT				CONTRACT	CHARGE	RATE	AMOUNT	T A P E
				BAL	DELIVER	RETURN	NEW BAL					
NITROGEN 60CF				3			3	0				
31 days	03 31			3	0	0	3	0	93			
Total									93	0.300	27.90	XD
Date Rec. <u>4-1-22</u> Adm. Ckd. <u>[Signature]</u>												
Mgr. Appr. _____ Amt. Appr. _____												
Bd. Appr. Date _____ Bd. Initials _____												
Pd. Date _____ Ck# _____												
Account(s) <u>Cloud Sealing</u>												
TERMS				TYPE: S - DEMURRAGE L - MONTH END D - DAILY N - FREE H - HIGHEST				SUB-TOTAL		27.90		
NET 30 DAYS								SALES TAX		1.09		
VALUE OF CYLINDER INVENTORY ON HAND								TOTAL		28.99		

THIS INVOICE IS PAYABLE IN FULL UPON RECEIPT.  
CYLINDERS ARE RENTED AND REMAIN THE PROPERTY  
OF THE SELLER.

Customer Copy



**Invoice Number:** 5

**Date:** Apr 9, 2022

**Project name:** Upper Gunnison River Watershed/Wildfire Assessment

**Contract Number:** NA

**Project Manager:** Brad Piehl

**JWA Project Number:** 283

**Period:** Feb 1, 2022 to Mar 31, 2022

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**Submitted to:** Beverly Richards  
Upper Gunnison River Water Conservancy District  
210 West Spencer, Suite B  
Gunnison, CO 81230

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**Past Due:** \$0.00  
**Invoice Total:** \$4,942.50  
**Total Due:** \$4,942.50

---

**Approved by:** \_\_\_\_\_

**Submit to:** JW Associates, Inc.  
P.O. Box 3759  
Breckenridge, CO 80424-3759

This invoice	Past invoices	Total	Budget	Remain. Budget
\$4,942.50	\$20,370.00	\$25,312.50	\$38,000.00	\$12,687.50



**Invoice**            **202203\_472**  
**Date**                31 March, 2022  
**Account**           C201008

Upper Gunnison River Water Conservancy  
District  
210 W. Spencer Ave  
Suite B  
Gunnison, CO 81230  
United States

Remittance should be mailed to:  
RigNet, Inc.  
P. O. BOX 941629  
Houston, TX 77094  
Phone: +1 281 674 0683  
Email: ar@rig.net

**Airtime Period**    **1 Mar - 31 Mar 2022**

---

## Summary

Total Airtime and Fees this Period	USD	46.49
<b>Total Amount This Invoice</b>	<b>USD</b>	<b>46.49</b>

Terms:    Net 30

Please include Invoice Number and Account Number with your payment

For Wire Transfers, please remit to:

Bank Name: Bank of America  
Acct Name: RigNet, Inc.  
Account No: 488025116355  
SWIFT # BOFAUS3NABA  
Routing # 026009593ABA  
ACH# 111000025

Pay Online:

<https://www.rig.net/payment-center>

---

## Summary per Product

Product	Charge Type	Amount (USD)
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Park Ten Plaza  
15115 Park Row  
Suite 300  
Houston, TX 77084

**Upper Gunnison River Water Conservancy D**

210 W. Spencer Ave,  
Gunnison, CO, 81230 US

**STATEMENT**

Statement Date: 03/22/2022

Account Number: C201008

Page: 1

**Amount Remitted:**

RETURN THIS PORTION OF YOUR  
STATEMENT ALONG WITH YOUR  
PAYMENT

Posting Date	Type	Invoice Number	Balance Amt	Cumulative Balance Amt	Days
08/31/2021	INV	202108_472 - Not previously rec'd	34.95	34.95	203
02/28/2022	INV	202202_472 - PAID	47.66	82.61	22
<b>Total</b>			<b>82.61</b>		

Date Rec. 3-25-22 Adm. Ckd. PA  
Mgr. Appr. \_\_\_\_\_ Amt. Appr. \_\_\_\_\_  
Bd. Appr. Date \_\_\_\_\_ Bd. Initials \_\_\_\_\_  
Pd. Date \_\_\_\_\_ Ck# \_\_\_\_\_  
Account(s) cloud seeding

Bank Country: USA  
Bank: Bank of America NA  
ACH ABA: 111000025  
Wire ABA: 026009593  
Swift: BOFAUS3N  
Account No. 488025116355  
Branch: Bank of America NA (USD)

For questions, please contact ar@rig.net

# North American Weather Consultants, Inc.

8180 S Highland Drive Suite B-2  
Sandy, UT 84093  
(801) 942-9005

## Invoice

Date	Invoice #
3/16/2022	<b>21-2243</b>

### Bill To

Upper Gunnison River Water Conservancy  
Attn: Sonja Chavez  
210 W Spencer Ave., Ste B  
Gunnison, CO 81230

Approved for payment - BAR  
3/28/22 - Charge to General Budget  
Line Item 48 - Regional Water  
Supply Improvement Program -  
Sub-line item - Cloudseeding

Proj #	Terms
<b>21-473</b>	Net 30

Qty	Description	Rate	Amount
1	Monthly Fixed Cost	10,800.00	10,800.00
1	Operation and Maintenance of the Lake Irwin Remote Generator	1,600.00	1,600.00
281.5	Reimbursable Seeding Generator Hours @ \$10.50/hr - February Hours	10.50	2,955.75
		<b>Total</b>	<b>\$15,355.75</b>

## Upper Gunnison River Water Conservancy District Reimbursement Request

**Date:** 4/1/2022

**Project Name:** UGRWCD Tomichi Creek Ecosystem Services, LLC Transition Agreement

**UGRWCD Contract Number:**

Approved for payment by CC

**Reimbursement Request Amount:** \$3,441.38

Contract: UG2022-002

**Match Provided:** \$

Budget Line Item #46: Wet Meadows

**Project Performance Period:** 1/1/2022-6/30/2022

**Applicant/Payee Name:** Tomichi Creek  
Ecosystem Services, LLC

**Check Payable To:** Tomichi Creek Ecosystem  
Services, LLC

**Applicant Address:** Post Office Box 124, Gunnison, CO 81230

**Applicant Phone:** 970 641-1993

**Applicant Email:** tomck2018@gmail.com

### **PROJECT DELIVERABLES:**

- Task 1 Complete WMRRBP 2020-2021 Final Report
  - Subtask 1A: Incorporate partner edits 2.25 hours March 7, 2022
  - Subtask 1B: Attach project maps. 29.92 hours March 3-16, 2022
- Task 3: Support Watershed Program Coordinator
  - Subtask 3C: Timely email or phone response to questions regarding the WMRRBP. 1.08 hours March 1- March 31, 2022
- Task 4 Attend Ute Mountain Ute Tribal Council Workshops
  - Planning meeting 0 minutes March, 2022

### **Difficulties Encountered/Corrective Action:**

- Problem(s) / Changes:
- Resolution / Corrective Action:

By submittal of this reimbursement request and supporting documentation of expenditures, Applicant attests to the Upper Gunnison River Water Conservancy District that all items listed under *Project Deliverables* have been completed, all amounts due and payable for the Funded Work have been paid or, alternatively will be paid with the funds advanced by the District in response to this Request for Payment, and that all work done on the Funded Work has been completed in a good and workmanlike manner.

Applicant/Payee Signature & Date: ..



Tim Jones

4/1/2022

Upper Gunnison Project Manager Signature & Date: ..



04/06/2022

4/1/2022

2022 O & M TAYLOR

**BILL TO:**

Name: Upper Gunnison River Water Cons. Dist.  
Address: 210 W. Spencer Ave., Ste. B  
Gunnison, CO 81230-2544

DESCRIPTION	UNIT PRICE	TOTAL
<p>2022 Annual payment due the UVWUA on Taylor Park Reservoir Operation and Storage Agreement (Contract No. 06-07-00027 dated 8/28/75) (Supplement dated 4/16/90)</p> <p>Date Rec. <u>4-11-22</u> Adm. Ckd. <u>[initials]</u> Mgr. Appr. _____ Amt. Appr. _____ Bd. Appr. Date _____ Bd. Initials _____ Pd. Date _____ Ck# _____ Account(s) <u>Taylor Park Reservoir</u></p>		\$7,436.00
		\$7,436.00

received  
04/11/22

**OTHER COMMENTS:**

1. Payment due upon receipt.
2. Make payments to Uncompahgre Valley Water Users Association (UVWUA).
3. If you have any questions about this invoice, please contact the office

UNITED STATES DEPARTMENT OF THE INTERIOR  
BILL FOR COLLECTION

Make Remittance Payable To: Bureau of Reclamation  
Billing Contact: Elizabeth Silva Phone: 801-524-3648

Bill #: 1803461093  
Customer: 6000001042  
Date: 04/04/2022  
Due Date: 05/04/2022

Remit Payment To: DOI - BOR - Region: Upper Colorado Basin  
PO Box 6200-26  
Portland, OR 97228-6200

Send Overnight Mail To:  
US Bank-Attn: Government Lockbox-DOI  
Lockbox # 6200-26  
17650 NE Sandy Blvd.  
Portland, OR 97230

Payer: Upper Gunnison River  
Water Conservancy District  
210 W SPENCER SUITE B  
GUNNISON, CO 81230

Additional forms of payment may be accepted. Please email [esilva@usbr.gov](mailto:esilva@usbr.gov) or call 801-524-3648 for additional information.

Date Rec. 3/30/22 Adm. Ckd. [Signature]  
Mgr. Appr. \_\_\_\_\_ Amt. Appr. \_\_\_\_\_  
Bd. Appr. Date \_\_\_\_\_ Bd. Initials \_\_\_\_\_  
Pd. Date \_\_\_\_\_ Ck# E-Paid  
Account(s) \_\_\_\_\_

Checks must be made payable to Bureau of Reclamation. Please detach the top portion or include bill number on all remittances.

Amount of Payment: \$ 18,904.82

Date	Description	Qty	Unit Price		Amount
			Cost	Per	
04/04/2022	04-WC-40-010 See attached Note 1 for billing description. <i>Annual Billing</i>  <i>OK to pay as per email BAR</i>	1	18,904.82	1	18,904.82

Amount Due this Bill: **18,904.82**

Pursuant to the Debt Collection Act of 1982, (codified at 31 U.S.C. 3717) Interest will be assessed at the rate of 1.00 % on any unpaid balance if full payment is not made by the date of delinquency. A penalty charge of 6.00 % per annum will be charged on the unpaid portion of the debt, which remains unpaid 90 days after the date of delinquency. Additional administrative fee(s) of \$10.00(ea) will be assessed when a dunning notice(s) is issued. See notice of actions in the event of delinquency.

## Accounting Classification:

WBS RX.05944700.3110000	Cost Center RR04651000	Fund XXXR4081X9	Functional Area R05940000.000000	SGL.CI 5200.Y42000
----------------------------	---------------------------	--------------------	-------------------------------------	-----------------------

Customer: 6000001042  
Bill #: 1803461093  
TIN: \*\*\*\*\*5208

**MORGAN  
MILLER**

Digitally signed by  
MORGAN MILLER  
Date: 2022.03.30  
12:00:33 -06'00'



UNIVERSITY CORPORATION FOR ATMOSPHERIC RESEARCH  
NATIONAL CENTER FOR ATMOSPHERIC RESEARCH

UCAR / NCAR / UOP

PO BOX 3000, Boulder, CO 80307-3000 U.S.A.

Phone (303) 497-2130 Fax (303) 497-8579 E-mail: ar@ucar.edu

**INVOICE**

Customer # C64161

Invoice # IN220156

Date: 11/02/2021

TO UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT  
210 WEST SPENCER AVENUE  
SUITE B  
GUNNISON CO 81230

Credit Card Payment can be accepted at  
<https://www.fin.ucar.edu/epayment>

DESCRIPTION	AMOUNT
Salaries	170.68
Benefits	93.02
Material and supplies	2,993.28
Purchased Services	30.53
Computing Service Center	38.35
Overhead	1,860.73
Task Order Agreement No. 20200734 Expenses 09/01/21-09/30/21	
Date Rec. <u>3-18-22</u> Addn. Ckd. <u>MC</u> Mgr. Appr. _____ Amt. Appr. _____ Bd. Appr. Date _____ Bd. Initials _____ Pd. Date _____ Ckd. _____ Account(s) _____	
Terms are NET 30. Finance charges are 15% per annum for each 30 day Period, or portion thereof, that payment is overdue.	TOTAL AMOUNT DUE USD 5,186.59

Detach and return this portion with your payment

TID# 84-0412668

Invoice # IN220156

Date: 11/02/2021

Amount Enclosed: \_\_\_\_\_

Please make checks payable to :

University Corporation for Atmospheric Research PO Box 3000 Boulder CO 80307-3000 USA





**UNIVERSITY CORPORATION FOR ATMOSPHERIC RESEARCH  
NATIONAL CENTER FOR ATMOSPHERIC RESEARCH**

UCAR / NCAR / UOP

PO BOX 3000, Boulder, CO 80307-3000 U.S.A.

Phone (303) 497-2130 Fax (303) 497-8579 E-mail: ar@ucar.edu

**INVOICE**

Customer # C64161

Invoice # IN221110

Date: 03/18/2022

TO UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT  
210 WEST SPENCER AVENUE  
SUITE B  
GUNNISON CO 81230

Credit Card Payment can be accepted at  
<https://www.fin.ucar.edu/epayment>

DESCRIPTION	AMOUNT
Salaries	5,153.77
Benefits	2,808.79
Computing Service Center	621.27
Overhead	4,530.74
Fee	255.00
<p>Task Order Agreement No. 20200734 Expenses 10/1/21 -12/31/21 FINAL PROVISIONAL INVOICE: The indirect rate applied to all expenses within a fiscal year are subject to change upon final rate approval by the National Science Foundation who is the cognizant audit agency for UCAR.</p> <p>Date Rec. <u>3-18-22</u> Adm. Ckd. <u>C</u> Mgr. Appr. _____ Amt. Appr. _____ Bd. Appr. Date _____ Bd. Initials _____ Pd. Date _____ Ck# _____ Account(s) _____</p>	
<p>Terms are NET 30. Finance charges are 15% per annum for each 30 day Period, or portion thereof, that payment is overdue.</p>	<p>TOTAL AMOUNT DUE USD 13,369.57</p>

Detach and return this portion with your payment

TID# 84-0412668

Invoice # IN221110

Date: 03/18/2022

Amount Enclosed: \_\_\_\_\_

Please make checks payable to :

University Corporation for Atmospheric Research PO Box 3000 Boulder CO 80307-3000 USA



March 31, 2022

Sonja Chavez, General Manager  
Upper Gunnison River Water Conservancy District  
2010 West Spencer, Suite B  
Gunnison, CO 82130



Approved for payment - BAR 4/5/22.  
Please charge to budget line item 47  
Basinwide Planning - Watershed  
Management Planning

**RE: General Professional Services**

Sonja,

Below is an invoice for professional services of Wilson Water Group to begin investigation of an alternate point well to the Home Ditch, and to prepare maps and understand water rights for the Whipp, Town, and Gunnison-Tomichi Ditches through March 25, 2022. We created maps for the Home Ditch alternate point diversion and are currently in discussions with the Denver SEO office and the Division 4 Engineer. We hope to have their opinion on whether a potential well located west of Highway 135 is tributary to Ohio Creek or the Gunnison River. Based on our most recent discussion, we expect to have their opinion within the next week.



Please let us know if you have any questions.

**Professional Services**

Staff	Hours	Rate	Total
Erin Wilson	2.0	\$ 195	\$ 390.00
Brenna Mefford	12.5	\$ 135	\$ 1,687.50
Amount Due this Invoice			\$ 2,077.50

WILSON WATER GROUP LLC

Erin M. Wilson  
Principal

Date Rec. 4-5-22 Adm. Ckd.   
Mgr. Appr.  Amt. Appr. 2077.50  
Bd. Appr. Date \_\_\_\_\_ Bd. Initials \_\_\_\_\_  
Pd. Date \_\_\_\_\_ Ckd \_\_\_\_\_  
Account(s) WHP

Approved for payment - BAR 4/5/22.  
Please charge to budget line item 47  
Basinwide Planning - Watershed  
Management Planning

March 31, 2022



Sonja Chavez, General Manager  
Upper Gunnison River Water Conservancy District  
2010 West Spencer, Suite B  
Gunnison, CO 82130

RE: **Invoice #13 - Upper Gunnison Watershed Management Planning Contract UG2020-006**

Sonja,

Below is an invoice for professional services of Wilson Water Group for the WMP in the Upper Gunnison River Basin from January 26 through March 25, 2022. Primary activities and progress reports follow the invoice.

**Professional Services**

Staff	Hours	Rate	Total
Erin Wilson	5.5	\$ 195	\$ 1,072.50
Tammi Renninger (ElephantFish)	0.0	\$ 65	\$ 0.00
<b>Amount Due this Invoice</b>			<b>\$ 1,072.50</b>

**Project Accomplishments**

**Task 1 – Data Compilation & Gap Identification**

- Completed

**Task 2 – Current Use Assessment**

- Completed

**Task 3 – Infrastructure and Reach Assessment**

- Continue assisting Applegate as necessary

**Task 4 – Water Rights Allocation Model Enhancements**

- Estimated water available for storage in an enlarged Hot Springs Reservoir and in a rehabilitated/enlarged Kenny Moore Reservoir

**Task 5 – Final Report**

- No effort this invoice period, waiting for comments on draft report sections

**Task 6 – Project Coordination**

- Participated in WMP meeting

Date Rec. 4-5-22 Adm. Ckd. [Signature]  
Mgr. Appr. SR Amt. Appr. 1,072.50  
Bd. Appr. Date \_\_\_\_\_ Bd. Initials \_\_\_\_\_  
Pd. Date \_\_\_\_\_ Ck# \_\_\_\_\_  
Account(s) WMP

**Activity Anticipated for Spring 2022**

**Task 1 – Data Compilation & Gap Identification**

- Completed

**Task 2 – Current Use Assessment**

- Completed.

**Task 3 – Infrastructure and Reach Assessment**

- Continue to be available and provide information, as requested, to Apple Gate

**Task 4 – Water Rights Allocation Model Enhancements**

- Continue to be available to UGRWCD to answer specific water rights/water availability questions

**Task 5 – Final Report**

- Address comments on draft report sections

**Task 6 – Project Coordination**

- Continued participation in coordination calls
- Continued developing GIS data and supporting other efforts as requested by UGRWCD

**Budget Summary**

<b>Task</b>	<b>Budget</b>	<b>Month Costs</b>	<b>Cumulative Costs</b>	<b>Contract Balance</b>	<b>Projected Completion Date</b>
1. Data Compilation	\$ 15,860	\$ -	\$ 15,837.50	\$ 23	Complete
2. Current Use Assessment	\$ 9,710	\$ -	\$ 9,700.00	\$ 10	Complete
3. Infrastructure/Reach Assess	\$ 10,300	\$ -	\$ 10,265.00	\$ 35	Complete
4. Water Rights Model Update	\$ 6,420	\$ 682.50	\$ 1,507.50	\$ 4,913	12/31/2022
5. Final Report	\$ 10,550	\$ -	\$ 9,351.25	\$ 1,199	12/31/2022
6. Project Coordination	\$ 13,020	\$ 390.00	\$ 11,445.30	\$ 1,575	12/31/2022
<b>Total</b>	<b>\$ 65,860</b>	<b>\$ 1,072.50</b>	<b>\$ 58,106.55</b>	<b>\$ 7,753</b>	12/31/2022

**Comments and Concerns**

No comments this invoice period.

WILSON WATER GROUP LLC



Erin M. Wilson  
Principal



**WATERSHED**  
SCIENCE + DESIGN

Approved for payment - BAR 4/12/22. Please  
charge to General Budget line item 47- Basinwide  
Planning - WMP (CWCB PO#2022-2085)

# INVOICE

**Watershed Science and Design**  
PO Box 19062  
Boulder, Colorado 80308  
United States

720-308-5505

**BILL TO**  
**Upper Gunnison Water Conservancy**  
**District**  
Beverly Richards

**Invoice Number:** 275

**Invoice Date:** March 31, 2022

**Payment Due:** April 30, 2022

**Amount Due (USD):** \$6,934.25

Service	Hours	Rate	Amount
<b>Upper Gunnison Geo-Fluvial Task 1</b> Principal Engineer: Data Collection, Field Reconnaissance, and Geomorphic Assessments	5	\$148.00	\$740.00
<b>Upper Gunnison Geo-Fluvial Task 1</b> Project Scientist: Data Collection, Field Reconnaissance, and Geomorphic Assessments	54.75	\$103.00	\$5,639.25
<b>Upper Gunnison Geo-Fluvial Task 4</b> Principal Engineer: Stakeholder Communication and Coordination	3.75	\$148.00	\$555.00

**Total:** \$6,934.25

**Amount Due (USD):** \$6,934.25

# **AGENDA ITEM 4**

**Legal and Legislative Matters**



**LEGISLATIVE ACTIVITY REPORT**  
**COLORADO GENERAL ASSEMBLY**  
**2022 REGULAR SESSION**

April 15, 2022

This report summarizes bills of interest to the District introduced in the General Assembly in this session and reviewed by the Legislative Committee. The links connect to the full text of the bills as introduced. **Updates from the March 17 Report are printed in red. When amendments to the bill as introduced are substantial, a link to the amendment is provided.**

**HOUSE BILLS**

**[HB22-1012](#) CONCERNING HEALTHY FORESTS, AND, IN CONNECTION THEREWITH, CREATING THE WILDFIRE MITIGATION AND RECOVERY GRANT PROGRAM.**

*House sponsors: Cutter and Valdez D., Lynch, Snyder Senate sponsors: Ginal and Lee, Story*

**Wildfire Matters Review Committee.** Section 1 of the bill creates the wildfire mitigation and recovery grant program (grant program) in the Colorado state forest service (forest service) to provide grants to help counties with forested areas prevent and recover from wildfire incidents and ensure that such efforts are undertaken in a manner that reduces the amount of carbon that enters the atmosphere. In expending grant money, a county, to the extent practicable, shall ensure that biomass that is removed from forests is recycled or disposed of in a manner that reduces the amount of carbon that enters the atmosphere.

The forest service shall administer the grant program and, subject to available appropriations, award grants out of money annually appropriated to the forest service for the grant program. The forest service shall review grant applications in consultation with the division of fire prevention and control in the department of public safety and with the Colorado forest health council in the department of natural resources.

The grant program is repealed, effective September 1, 2028. Before the repeal, the grant program is scheduled for a sunset review by the department of regulatory agencies.

Section 2 schedules this review.

Status: 01/12/22 Introduced in House, Assigned to Energy & Environment  
02/17/22 Referred amended to Appropriations

**UGRWCD Legislative Committee position: MONITOR**

CWC State Affairs Committee position: Monitor

**HB22-1151 CONCERNING MEASURES TO INCENTIVIZE WATER-WISE LANDSCAPES, AND, IN CONNECTION THEREWITH, CREATING A STATE PROGRAM TO FINANCE THE VOLUNTARY REPLACEMENT OF IRRIGATED TURF.**

*House Sponsors: Catlin and Rogers*

*Senate Sponsors: Bridges and Simpson*

The bill requires the Colorado water conservation board (board) to develop a statewide program to provide financial incentives for the voluntary replacement of irrigated turf with water-wise landscaping (turf replacement program). The bill defines water-wise landscaping as a water- and plant-management practice that emphasizes using plants with lower water needs. Local governments, certain districts, Native American tribes, and nonprofit organizations with their own turf replacement programs may apply to the board for money to help finance their turf replacement programs. The board will contract with one or more third parties to administer one or more turf replacement programs in areas where local turf replacement programs do not exist.

Amended to include language encouraging defensible space to reduce wildfire risk; modify funding language.

Status: 02/04/2022 Introduced in House, Assigned to Agriculture, Livestock & Water  
02/28/2022 Refer amended to Appropriations

**UGRWCD Legislative Committee position: SUPPORT**

CWC State Affairs Committee position: Support

**SENATE BILLS**

**SB22-114 CONCERNING FIRE SUPPRESSION PONDS.**

Section 1 of the bill makes legislative findings and declarations.

Section 2 allows a board of county commissioners (board) to apply to the state engineer for the designation of a pond as a fire suppression pond. The director of the division of fire prevention and control (director) in the department of public safety is required to promulgate rules to establish criteria for boards, in consultation with fire protection districts, to use to identify and evaluate potential fire suppression ponds. For each pond that is identified and under consideration as a potential fire suppression pond, a board must provide notice of such fact to the state engineer and to interested parties included in the substitute water supply plan notification list established for the water division in which the pond is located. Section 2 also prohibits the state engineer from draining any pond: !

- While the pond is under consideration for designation as a fire suppression pond;
- If the state engineer has designated the pond as a fire suppression pond;
- On and after the effective date of the bill, and until the date upon which the director promulgates rules, with exceptions.

Section 2 also states that a fire suppression pond and the water associated with it:

- Are not considered a water right;
- Do not have a priority for the purpose of determining water rights; and

- May not be adjudicated as a water right.

Section 3 requires the state engineer to review applications received from boards and, at the state engineer's discretion, designate ponds as fire suppression ponds. An application is presumed to be approved if the state engineer does not respond to the application within 63 days after the application is received by the state engineer. The state engineer may not designate any pond as a fire suppression pond unless the pond existed as of January 1, 1975. Section 3 also allows the state engineer to impose reasonable requirements on a board as a condition of designating a pond as a fire suppression pond and requires a board and a fire protection district to inspect a fire suppression pond at least annually. The designation of a pond as a fire suppression pond expires 20 years after the date of the designation. Before the expiration, the board and the fire protection district must perform a needs assessment of the pond. If the needs assessment demonstrates that the pond is in compliance with criteria established in the director's rules, the board and fire protection district shall notify the state engineer of such fact, and the state engineer shall redesignate the pond as a fire suppression pond. If the needs assessment demonstrates that the pond is not in compliance with the criteria, the board and fire protection district may either:

- Notify the state engineer that the designation of the pond as a fire suppression pond should be rescinded or allowed to expire; or
- Provide to the state engineer a plan and a timeline for bringing the pond back into compliance with such criteria.

Section 4 states that the designation of fire suppression ponds by the state engineer does not cause material injury to vested water rights.

Amended to add and redefine criteria.

[https://s3-us-west-2.amazonaws.com/leg.colorado.gov/2022A/amendments/SB114\\_L.003.pdf](https://s3-us-west-2.amazonaws.com/leg.colorado.gov/2022A/amendments/SB114_L.003.pdf)

Status: 02/03/2022 Introduced in Senate, Assigned to Agriculture & Natural Resources

03/03/2022 Refer amended to Appropriations

[https://s3-us-west-2.amazonaws.com/leg.colorado.gov/2022A/amendments/SB114\\_L.003.pdf](https://s3-us-west-2.amazonaws.com/leg.colorado.gov/2022A/amendments/SB114_L.003.pdf)

03/18/2022 Refer amended to Senate Committee of the Whole

03/30/2022 Second reading passed with amendments

[https://s3-us-west-2.amazonaws.com/leg.colorado.gov/2022A/amendments/SB114\\_L.009.pdf](https://s3-us-west-2.amazonaws.com/leg.colorado.gov/2022A/amendments/SB114_L.009.pdf)

04/01/2022 Third reading passed with amendments

04/01/2022 Introduced in House – Assigned to Agriculture, Livestock & Water

04/11/2022 Refer amended to Appropriations

**UGRWCD Legislative Committee position: SUPPORT**

CWC State Affairs Committee position: 04/11/2022 Motion to support fails. No position.

**SB22-115 CONCERNING CLARIFYING CERTAIN TERMS AS THE TERMS RELATE TO A LANDOWNER'S LIABILITY.**

*Senate sponsors: Jaquez Lewis and Gardner    House sponsors: Soper and Tipper*

The bill clarifies the meaning of terms related to landowner liability and declares that the Colorado court of appeals and supreme court decisions in *Rocky Mountain Planned Parenthood, Inc. v. Wagner* should not be relied upon to the extent that those decisions determined:

- The foreseeability of third-party criminal conduct based upon whether the goods or services offered by a landowner are controversial; and
- That a landowner could be held liable as a substantial factor in causing harm without considering whether a third-party criminal act was the predominant cause of that harm.

Status: 02/03/2022 Introduced in Senate, Assigned to Judiciary  
02/16/2022 Refer to Consent Calendar Senate Committee of the Whole  
02/22/2022 Senate Second Reading Passed – No Amendments  
02/23/2022 Senate Third Reading Passed – No Amendments  
02/23/2022 Introduced in House – Assigned to Judiciary  
03/09/2022 Refer Amended to House Committee of the Whole  
03/15/2022 House Second Reading Passed with Amendments  
03/16/2022 House Third Reading Passed – No Amendments  
03/18/2022 Senate considered House amendments; concur; repass  
04/07/2022 Governor signed

**UGRWCD Legislative Committee position: SUPPORT**

CWC State Affairs Committee position: Support

**SB22-029 CONCERNING WATER SPECULATION IN THE STATE**

*Senate sponsors: Coram and Donovan, Bridges, Jaquez Lewis    House sponsor: McCormick*

**Water Resources Review Committee.** Section 1 of the bill prohibits a purchaser of agricultural water rights that are represented by shares in a mutual ditch company from engaging in investment water speculation. Investment water speculation is the purchase of agricultural water rights that are represented by shares in a mutual ditch company in the state with the intent, at the time of purchase, to profit from an increase in the water's value in a subsequent transaction or by receiving payment from another person for nonuse of all or a portion of the water subject to the water right.

On or after January 1, 2023, the state engineer or the state engineer's designee (state engineer) may investigate complaints of investment water speculation. If a purchaser holds, or by virtue of a proposed sale or transfer, will hold at least a minimum percent of the shares in a mutual ditch company, about which minimum percent the mutual ditch company must determine and notify the state engineer on or before December 31, 2022, there is a rebuttable presumption that the purchaser is engaged in investment water speculation. The state engineer

may fine a purchaser up to \$10,000 for a violation and require, for a period of up to 2 years after a fine has been imposed, that any sale or transfer of shares in a mutual ditch company to the purchaser be subject to approval by the state engineer.

If the state engineer believes that a complaint is frivolous or was filed for the purpose of harassing a seller or purchaser, the state engineer may refer the matter to the attorney general's office for the attorney general or the attorney general's designee (attorney general) to investigate and, if the attorney general determines that enforcement is warranted, bring a civil action in a court of competent jurisdiction alleging the complaint is frivolous or was filed for the purpose of harassment. If the attorney general prevails in the civil action, the court may fine a complainant up to \$1,000, prohibit the complainant from filing any complaints alleging investment water speculation for up to one year, and grant attorney fees and court costs.

Section 2 requires the board of directors of a mutual ditch company to determine the minimum percent of agricultural water rights held by all of the shareholders in the mutual ditch company that a purchaser holds or, by virtue of the sale or transfer of shares in the mutual ditch company, will hold that creates a rebuttable presumption that the purchaser is engaging in investment water speculation.

Section 3 authorizes the attorney general to bring a civil action against a complainant if the state engineer refers the matter to the attorney general.

Status: 01/12/2022 Introduced in Senate, Assigned to Agriculture & Natural Resources  
Senator Donovan has created a “strike below” amendment that rewrites the bill text entirely.  
Drafts have not been released. It will be heard by Senate Agriculture & Natural Resources on April 21.

**UGRWCD Legislative Committee position: OPPOSE**

CWC State Affairs Committee position: 04/04/2022 Oppose

**SB22-126 CONCERNING A REQUIREMENT THAT THE COLORADO WATER CONSERVATION BOARD PRIORITIZE WATER STORAGE IN THE SOUTH PLATTE RIVER BASIN IN CHOOSING PROJECTS TO FINANCE WITH MONEY FROM THE COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND.**

*Senate Sponsors: Sonnenberg and Donovan, Kirkmeyer, Lundeen, Scott, Simpson, Woodward.*

*House sponsor: Holtorf*

The Colorado water conservation board (board) finances water projects throughout the state. Current law requires the board to prioritize projects that will increase the beneficial consumptive use of Colorado's undeveloped compact-entitled waters. The bill includes within this priority a specific priority for projects that increase or improve water storage in the South Platte river basin as a means of increasing the beneficial consumptive use of undeveloped water entitled under the South Platte river compact and in a manner that reduces reliance on transmountain diversions.

Amended to add language to legislative declaration; amends the priority language to direct funding priority to “projects that will increase the beneficial consumptive use of Colorado's undeveloped compact-entitled waters, including the South Platte River.”

Status: 02/04/2022 Introduced in Senate, Assigned to Agriculture & Natural Resources  
02/24/2022 Refer Amended – Consent Calendar to Senate Committee of the Whole  
03/01/2022 Senate Second Reading Laid over to 03/07/2022 – No Amendments  
03/07/2022 Senate Second Reading Laid over to 03/14/2022 – No Amendments  
03/14/2022 Senate Second Reading Laid over to 03/21/2022 – No Amendments  
03/21/2022 Second Reading passed with amendments.  
03/22/2022 Third reading passed – No Amendments  
03/23/2022 Introduced in House – Assigned to Agriculture, Livestock & Water  
03/28/2022 Committee on Agriculture, Livestock & Water – postpone indefinitely.

**UGRWCD Legislative Committee position: OPPOSE**

CWC State Affairs Committee position: 03/28/2022 Oppose



## UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT

### MEMORANDUM

FROM: John H. McClow, General Counsel  
TO: Board of Directors  
RE: Hill v. Warsewa  
DATE: April 15, 2022

---

I provided a copy of the Court of Appeals ruling in this case in a previous packet. As I told you at the time, the State of Colorado planned to appeal the ruling. Here is a copy of the State's Petition for Certiorari.

A Petition for Certiorari is a request for the Supreme Court to hear the case. Except in water cases and certain criminal cases, appeal to the Supreme Court is not automatic, so parties must make this request.

Mr. Warsewa, Colorado Water Congress, and the Cockrell interests are filing briefs in support of the petition.

COLORADO SUPREME COURT

2 East 14<sup>th</sup> Avenue

Denver, Colorado 80203

On Petition for Writ of Certiorari to the Colorado Court of Appeals, Opinion issued by Judge Ted C. Tow, III, (Judge Richman and Judge Grove concurring) Case No. 20CA1780:  
Freemont County District Court No. 18CV30069  
Honorable Lynette M. Wenner, Judge

Petitioner,  
THE STATE OF COLORADO, MARK EVERETT WARSEWA, AND LINDA JOSEPH  
v.  
Respondent,  
ROGER HILL

*Attorneys for Petitioner State of Colorado*  
PHILIP J. WEISER, Attorney General  
ERIC R. OLSON, Atty. Reg. No. 36414\*  
Solicitor General  
SCOTT STEINBRECHER, Atty. Reg. No. 36957\*  
Assistant Deputy Attorney General  
DANIEL E. STEUER, Atty. Reg. No. 35086\*  
Senior Assistant Attorney General  
OLIVIA PROBETTS, Atty. Reg. No. 56785\*  
Assistant Attorney General Fellow  
Ralph L. Carr Colorado Judicial Center  
1300 Broadway, 10th Floor  
Denver, CO 80203  
Telephone: (720) 508-6000  
FAX: (720) 508-6043  
E-Mail:  
[eric.olson@coag.gov](mailto:eric.olson@coag.gov)  
[scott.steinbrecher@coag.gov](mailto:scott.steinbrecher@coag.gov)  
[daniel.steuer@coag.gov](mailto:daniel.steuer@coag.gov)  
[olivia.probetts@coag.gov](mailto:olivia.probetts@coag.gov)  
\*Counsel of Record

▲ COURT USE ONLY ▲

Case Number: 2022 SC 119

**PETITION FOR CERTIORARI**

## **CERTIFICATE OF COMPLIANCE**

I certify that this brief complies with all requirements of C.A.R. 32 and 53, including all formatting requirements set forth in these rules. The brief complies with C.A.R. 53(a) in that it contains 3228 words and (1) an advisory listing of the issues presented for review; (2) a reference to the official or unofficial reports of the opinion of the court; (3) a concise statement of the grounds on which jurisdiction of the Supreme Court is invoked; (4) a concise statement of the case containing the matters material to consideration of the issues presented; (5) a direct and concise argument amplifying the reasons for the allowance of the writ; and (6) an appendix including a copy of the opinion delivered upon the rendering of the decision of the court of appeals.

*/s/ Eric Olson*

---

Eric R. Olson

Attorney Reg. No. 36414\*

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## INTRODUCTION

Roger Hill asked a court to rule that the State, not Mark Warsewa and Linda Joseph, owned some land under the Arkansas River because, Hill claimed, the river was navigable when Colorado became a state. Therefore, he argued, the state of Colorado owned the riverbed, and he could use it as a member of the public. In addition, relying on the same theory, he sought a “declaration ... that [Warsewa and Joseph] have no right to exclude [him] from wading in the Arkansas river at the subject location.” First Am. Compl. ¶ 64.

The district court correctly found that Hill lacked standing to bring either claim and that Hill had failed to state a claim for which relief could be granted under Rule 12(b)(5). Although the court of appeals concluded that Hill lacked standing to quiet title in the name of the State, it still concluded that he had standing to seek a declaratory judgment that relied on the same theory.

This decision was wrong and, absent resolution by this Court, creates an unworkable process that threatens to upset long-settled

arrangements governing water and river access. Special and important reasons support granting review here because the court of appeals decided the standing question not in accord with applicable decisions of this Court and created an unworkable process that calls for the Court to exercise its power of supervision.

### **ISSUE PRESENTED FOR REVIEW**

Whether an individual has standing to seek a declaratory judgment that a river segment was navigable for title at statehood and belongs to the State.

### **OPINION BELOW**

The State seeks review of *Hill v. Warsewa*, 20CA1780 (Jan. 27, 2022).

### **JURISDICTION OF THE SUPREME COURT**

This Court has jurisdiction to grant certiorari review under C.A.R. 49. This Court granted the State's motion for an extension of time until April 11, 2022 to file this Petition.

## STATEMENT OF THE CASE

Upon admission to the Union, title to the bed of any navigable river passed to the State, while title to the beds of non-navigable rivers remained with the United States. *PPL Montana, LLC v. Montana*, 565 U.S. 576, 589–91 (2012). No river within the State of Colorado was declared navigable at statehood, so title to all riverbeds remained with the United States when Colorado became a State in 1876.

The United States has conveyed its title to non-navigable riverbeds to other owners through federal patents. Such a patent conveyed the land at issue, including a segment of the Arkansas riverbed, that now belongs to Warsewa and Joseph. CF, p. 133.

Roger Hill wants to fish on this segment of the river. After trying to fish without permission and being aggressively refused, he sued Warsewa and Joseph, claiming that a court could order that the riverbed belonged to the State and, as a member of the public, he had a right to use it.

Hill argues that he has standing to claim that Warsewa and Joseph's property belongs to the State because he is a member of the

public who, under his theory, could use the riverbed and because he faced aggressive efforts to remove him from the property. Hill filed suit against the landowners seeking an order “quieting title and decreeing that title to the disputed property is held exclusively by the state of Colorado in trust for the public.” First Am. Compl. ¶ 75. Hill also sought a declaratory judgment that the landowners “have no right to exclude Plaintiff Hill from wading in the Arkansas River at the subject location” because the “Arkansas River is navigable for title at this location” and thus the “bed of the Arkansas River at this location is therefore public land owned by the state of Colorado in trust for the public.” *Id.* ¶¶ 62–64.

This case has a complicated procedural history that does not bear on our request for certiorari. The proceedings directly below provide the relevant background. *See Hill v. Warsewa*, 2020CA1780 (Jan. 27, 2022), ¶¶ 6–10.

The state district court found that Hill lacked standing because he failed to show that he had a legally protected interest and failed to plead facts sufficient to support his claim for quiet title. CF, pp. 249–54.

Hill appealed the district court's decision to the court of appeals. CF, pp. 262–66. The division reached two separate conclusions.

First, the court held that Hill had no claim to title and therefore lacked a legally protected interest in that title. Thus, he lacked the standing necessary to quiet title in the name of the State. *Hill*, ¶ 21.

But the division then held that Hill had standing to seek a declaratory judgment that Warsewa and Joseph could not exclude Hill from the riverbed because title passed to the State at statehood. *Id.* ¶ 28.

According to the court of appeals, Hill alleged a particularized injury to a legally protected interest sufficient to confer standing for the declaratory judgment action since he, not the public, wanted to fish on Warsewa and Joseph's property and had been threatened by them. *Id.* ¶ 27.

## **PRESERVATION AND STANDARD OF REVIEW**

The court of appeals' decision granting Hill standing is reviewed de novo. *Barber v. Ritter*, 196 P.3d 238, 245 (Colo. 2008). Additionally,

this issue was preserved at both the district court level and the court of appeals.

## **REASONS FOR GRANTING REVIEW**

### **I. The Writ Should Be Granted Because the Opinion Will Upset Settled Practice and Expectations.**

The court of appeals' decision will cause significant disruption. It expands standing doctrine substantially, upends settled expectations and long-standing practices, and creates asymmetric incentives that reduce the likelihood of fair and accurate decisions.

#### **A. The court of appeals erred in its interpretation of the law.**

The court correctly determined that Hill lacked standing to quiet title in the State's name, *Hill*, ¶ 21, but then wrongfully found that Hill could seek a declaratory judgment reaching nearly the same result. *Id.* ¶ 28.

If the appellate decision remains, Hill has standing to require a court to determine whether this segment of the Arkansas River was navigable at statehood, and if so, to prohibit Warsewa and Joseph from

excluding Hill from the riverbed. Such a judgment in Hill’s favor would effectively grant the same relief as Hill sought in the quiet title claim.

The court of appeals’ holding wrongly expands standing by applying a broader approach for declaratory judgment actions than exists for the underlying claim. Plaintiffs cannot manufacture standing by adding a claim for a declaratory judgment when they lack standing to bring the underlying claim.

This limitation on standing helps ensure that courts do not “under the pretense of an actual case, assume powers vested in either the executive or the legislative branches of government.” *Wimberly v. Ettenberg*, 570 P.2d 535, 538 (Colo. 1977). The requirement of showing standing “distinguishes those particularly injured by government action ... from members of the general public, whose interests are more remote and who must address their grievances against the government through the political process.” *Reeves-Toney v. Sch. Dist. No. 1*, 2019 CO 40, ¶ 23. If the longstanding Colorado approach to determining ownership of riverbeds is to change, that process rightly belongs to the political process in the executive or legislative branches.

This concern has particular force when the lawsuit seeks to determine whether the state itself owns property. Having courts force such a determination without the state's consent bypasses the political process and would require the court to consider a series of challenging issues discussed below that courts are not particularly well situated to make.

**B. This lawsuit is part of a coordinated effort to disrupt settled agreements for the use of state rivers.**

Statements by Hill and his counsel make clear that this is not a one-off action by a private individual, but is rather a concerted effort to assert navigability across the State and disrupt settled agreements for the use of our state's rivers. Hill's attorneys have conceded that this suit is intended to create a procedure forcing courts to "determine navigability' for every river and stream in Colorado." Jason Blevins, *Colorado appeals court reviews river access, right-to-wade debate*, THE COLORADO SUN, (Feb. 14, 2022, 4:00 AM), <https://coloradosun.com/2022/02/14/colorado-appeals-court-river-right-to-wade/> (quoting Hill's

attorney). Hill himself has acknowledged that his case will have “staggering implications.” *Id.*

By empowering any member of the public to force a court to determine whether a river segment was navigable for title, this decision allows for strategic deployment of interest groups to sue individual landowners, who usually will not have the resources to fully defend the fact-intensive claim about whether a segment of a river was navigable 150 years ago. One of the many challenges a landowner might face is proving river conditions at the time of statehood. Post-statehood construction of significant water infrastructure to move water between river basins, along with increasing domestic and agricultural water use, means that water flow today does not necessarily correspond with historic water flow. The analysis of historic conditions throughout a river basin would likely be inconsistent if different landowners were required to respond to piecemeal claims that individual segments were navigable for title at statehood.

**C. The opinion threatens statewide collaborative efforts providing public fishing access.**

The court of appeals' opinion will undermine statewide collaborative efforts to ensure public access to streams and rivers while respecting private property rights. Through the efforts of the State of Colorado and its federal partners, public fishing access is plentiful on the Arkansas. From the river's headwaters to the City of Pueblo—a stretch of water that includes 102 miles of “Gold Medal” trout fishing—about 70% of land along the river is open to public fishing access. *See* Colo. Parks & Wildlife, Upper Ark. River Fish Survey and Mgmt. Date, p. 1, available at <https://bit.ly/2LUilP4>. The Arkansas Headwaters Recreation Area—which covers 152 miles of the river—is collaboratively managed by Colorado Parks and Wildlife, the United States Bureau of Land Management, and the United States Forest Service. U.S. Dep't of Interior, Colo. Parks & Wildlife, and U.S. Forest Serv., Ark. Headwaters Recreation Area Final Mgmt. Plan & Env't'l Assessment, p. 1-13 (2019), available at <https://cpw.state.co.us/placestogo/parks/>

[ArkansasHeadwatersRecreationArea/Documents/Admin/Publications/ArkRivMgmtPlan.pdf](#).

Those state and federal partners have worked together to increase fishing access, delineate private land boundaries, and increase public education about public access to the river. One major purpose of those efforts is to reduce the potential for conflicts like this one. *E.g., id.*, pp. 1-22 (explaining that a goal of the recreation area is to “[k]eep impacts of recreation use and conflicts between recreationists, other land users and public and private landowners in a manner consistent with existing policies and laws”). The court of appeals’ opinion disrupts these efforts, giving individuals a tool to upset those long-settled and carefully balanced rights and dictate policy to both the state and federal governments.

**D. The opinion will upset almost 150 years of settled expectations for landowners.**

No river in Colorado has ever been declared navigable for title at statehood by a court. And historically, only states have sought such a declaration that a river was navigable at statehood, which Colorado has

never done. See *PPL Montana, LLC*, 565 U.S. 576; *United States v. Utah*, 283 U.S. 64 (1931); *Alaska v. United States*, Complaint, (No. 3:1-cv-00221-JMK) (Oct. 6, 2021), available at <https://gov.alaska.gov/wp-content/uploads/sites/2/Koyukuk-Complaint-as-filed.pdf> (Alaska seeking to quiet title in its own name to portions of the beds of the Koyukuk River, Bettles River, and Dietrich River). Since statehood, the settled expectation has been—absent a decision by a state to act otherwise—federal ownership of the riverbed, then private ownership—an expectation that Hill seeks to upset.

**E. The opinion will upset settled expectations for water rights holders.**

Current water rights holders have negotiated ditch and headgate easements under the belief that the riparian landowner had the sole authority to convey that easement. Hill’s success on the merits could leave owners of irrigation structures unable to continue diverting water and could have significant consequences for water rights across the state. Similarly, Hill’s success on the merits would impact owners of land under on-channel reservoirs. Property decisions were made

assuming that the land beneath the reservoir was properly conveyed. But if a river is declared navigable at statehood, those who acquired the land underneath that river might discover that they never acquired it since the riverbed was never private property. Such a decision could have monumental consequences for water rights in Colorado and could lead to significant litigation challenging existing property rights.

**F. The opinion encourages dangerous behavior.**

Finally, the court of appeals' reliance on the fact that Hill has standing because he suffered an injury to a legally protected interest as a result of trespassing would encourage others to trespass to acquire the necessary injury to confer standing and pursue suits against private landowners, particularly if they know another party has succeeded on a similar claim.

Each of these reasons, on their own, provide strong reasons supporting certiorari. But taken together, these reasons show the urgent need for this court to reverse the court of appeals' decision and reaffirm long-standing rules of standing that do not allow individuals to

force courts to resolve claims when the plaintiff possesses no legally protected interest.

## **II. The Writ Should Be Granted Because the Opinion Incorrectly Applies the Law of Standing for Generalized Grievances.**

A plaintiff cannot litigate generalized grievances held in common with the public. *City of Greenwood Village v. Petitioners for Proposed City of Centennial*, 3 P.3d 427, 437 (Colo. 2000). A plaintiff must show a particularized injury to a legally protected interest to ensure “that courts do not decide abstract, generalized grievances.” *Town of Erie v. Town of Frederick*, 251 P.3d 500, 504 (Colo. App. 2010).

Taxpayer standing in Colorado stands as the exception to the rule that a generalized grievance does not provide standing. Under taxpayer standing, “a plaintiff must establish an injury relevant to her status as a taxpayer.” *Reeves-Toney*, ¶ 30. Because taxpayer standing serves as the lone exception to the generalized grievance rule, any other person suing, including Hill because he does not assert taxpayer standing, must show he or she has a legally protected interest that is not shared with the general public.

The court of appeals incorrectly concluded that Hill had asserted an injury to a legally protected interest particular to himself because only he had been threatened with violence when trespassing on Warsewa and Joseph's property. *Hill*, ¶ 27. While the threats of violence might lead to a tort claim against Warsewa and Joseph, those threats do not affect who may bring a claim to quiet title in the land. The relief that Hill seeks would be just as beneficial to any other member of the public who wished to fish or wade in the portion of the Arkansas River passing through Warsewa and Joseph's property, and the injury suffered by Hill is an injury that any other member of the public could be expected to suffer by wading in the river on the same property. Thus, Hill cannot transform a legally protected interest from generalized to particularized by trespassing when the injury remains the same as any other person would incur by trespassing. Ultimately, his injury, and any legal interest he may possess, remains one shared with the public. The Court should grant certiorari to make clear that when a plaintiff asserts a generalized grievance, that plaintiff cannot gain standing by incurring

an injury that any member of the public would incur in similar circumstances.

### **III. The Writ Should Be Granted Because the Opinion Creates Poor Public Policy.**

The court of appeals determined that Hill could not quiet title in the name of the State, *Hill*, ¶ 21, but the effect of the division's decision allows him to do just that. Hill's success on the merits requires a determination that a segment of the Arkansas River was navigable for title at statehood. Thus, any other person who could establish standing would use the judgment to claim the right to wade belonged to them too, ultimately reaching the same result as allowing Hill to quiet title in the first place.

Additionally, the Court of Appeals decision creates significant confusion by failing to address what a judgment in Hill's favor would mean for both the landowners and the State. Hill seeks only a judgment that Warsewa and Joseph cannot exclude him. But, as noted above, any such judgment requires a determination that the Arkansas River was navigable for title at statehood. Because the State is a party to this

litigation, other members of the public would likely claim the judgment binds the State as to everyone. This outcome is indistinguishable from a ruling that title passed to the State in 1876. This result contravenes the court of appeals' conclusion that Hill could not quiet title in the name of the State and undermines the title of any other person similarly situated to Warsewa and Joseph. The Court should grant certiorari to address this untenable outcome under which Hill is permitted, as a practical matter, to quiet title in the name of the State.

The court of appeals' opinion also rewards trespassing. The court of appeals determined that Hill suffered a particularized injury, because he had been personally threatened for trespassing on the landowners' property, and therefore has standing. *Hill*, ¶ 27. Had he not trespassed, and instead filed suit preemptively, he would have lacked standing and been unable to bring suit. Both lower courts and even Hill seem to agree that without the trespass Hill would lack standing. *See* CF, pp. 261 (The District Court concluding that “[w]hatever right plaintiff might possess in accessing the disputed riverbed he shares with all members of the public.”); *Hill*, ¶ 27 (noting

that whatever right of access Hill may possess is shared with the general public, but “there is no indication that all members of the public have been threatened with physical harm and prosecution for trespass [and t]hus, Hill’s claim is not a generalized or abstract claim, but a particularized one”); Opening Br., p. 26 (“Mr. Hill’s individualized, particularized, and concrete injury sets Mr. Hill apart from the public at large and makes this a real dispute between the parties ripe for judicial determination.”). Therefore, anyone who seeks to gain wading rights on another person’s property will be encouraged to violate property rights in a similar manner as Hill.

Finally, this Court has determined that the “primary purpose of a declaratory [judgment] . . . is to provide a ready and speedy remedy, in cases of actual controversy, for determining issues and adjudicating legal rights, duties, or status of the respective parties, *before* controversies with regard thereto lead to the repudiation of obligations, *the invasion of rights, and the commission of wrongs.*” *People ex rel. Inter-Church Temperance Movement of Colo. v. Baker*, 297 P.2d 273, 277 (Colo. 1956) (emphasis added). Thus, declaratory judgments are limited

to those cases when such a declaration would help resolve a legal issue before a wrong has to be committed. *See* Rule 57(k) (concluding that the Rule’s purpose is to “afford relief from uncertainty and insecurity with respect to rights, status, and other legal relations”). Hill should therefore be unable to pursue a declaratory judgment as his standing to pursue the judgment relies on the fact that he has already committed a wrong.

### CONCLUSION

The State requests that this Court grant the Petition for Writ of Certiorari.

PHILIP J. WEISER  
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*/s/ Eric Olson*

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing **PETITION FOR CERTIORARI** was served this 11<sup>th</sup> day of April 2022, by CCE e-filing procedures upon the following:

<b>Party</b>	<b>Type</b>	<b>Attorney</b>
Roger Hill	Respondent – Appellant	Alexander N. Hood <i>Towards Justice</i> Mark Squillace
Linda Joseph	Petitioner – Appellee	Kirk B. Holleyman <i>Kirk Holleyman PC</i>
Mark E. Warsewa	Petitioner – Appellee	Kirk B. Holleyman <i>Kirk Holleyman PC</i>

/s/Nan B. Edwards

Nan B. Edwards

Paralegal II

Colorado Department of Law

# **AGENDA ITEM 5**

**Brian Stevens, BLM, North Powderhorn Project**

# **AGENDA ITEM 6**

## **BREAK**

# **AGENDA ITEM 7**

## **Basin Water Supply Report**

## **MEMORANDUM**

**TO:** UGRWCD Board Members

**FROM:** Beverly Richards, Water Resource Specialist

**DATE:** April 18, 2022

**SUBJECT:** Basin Water Supply Information

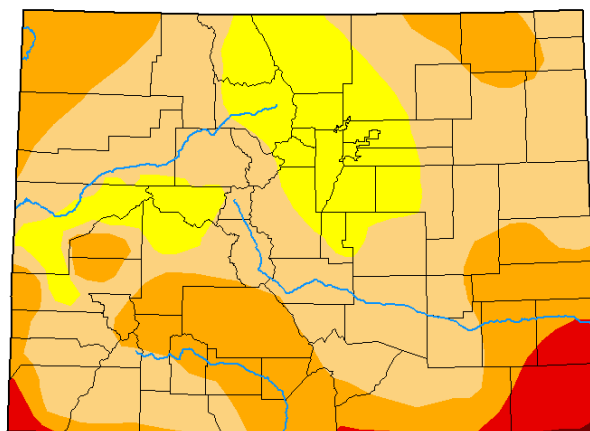
The information supplied as part of this memorandum is a monthly feature and includes information about drought conditions in the basin, reservoir storage, reservoir operations, and the Upper Gunnison Cloudseeding Program.

### **Drought Conditions:**

According to the *Drought Monitor at drought.gov* as of April 5, 2022, drought conditions have remained basically the same as the March report. A total of 32% of the State is now in Severe (D2) to Exceptional (D4) conditions which is an improvement from the March report in the D2 and D3 categories; however, a very small portion (.13%) of the state in the southeast corner is now experiencing Exceptional drought conditions. Based on current forecasts Exceptional drought conditions could increase over the next few months, particularly in the southeastern part of the State.

### ***U.S. Drought Monitor*** **Colorado**

**April 5, 2022**  
(Released Thursday, Apr. 7, 2022)  
Valid 8 a.m. EDT



#### ***Intensity:***

- None
- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>

#### ***Author:***

Deborah Bathke  
National Drought Mitigation Center



[droughtmonitor.unl.edu](https://droughtmonitor.unl.edu)

## Gunnison County

Drought conditions in Gunnison County have changed just a bit from the March 8 report. Currently, 29% of the county is experiencing Abnormally Dry (D0), 41% in Moderate (D1), and 30% in Severe (D2) drought conditions.

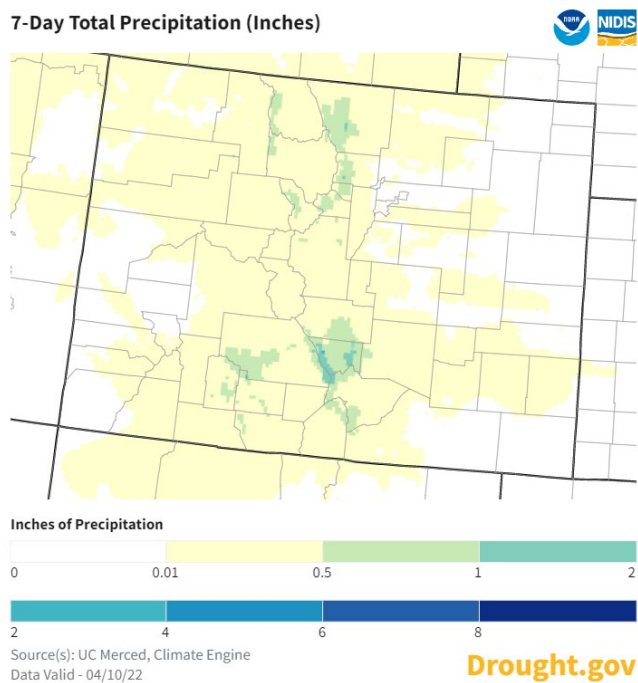
## Hinsdale County

As with Gunnison County, drought conditions in Hinsdale County have remained basically the same since March 8, 2022. As of April 5, 42% of the county is experiencing Moderate (D1) and 58% is experiencing Severe (D2) drought conditions.

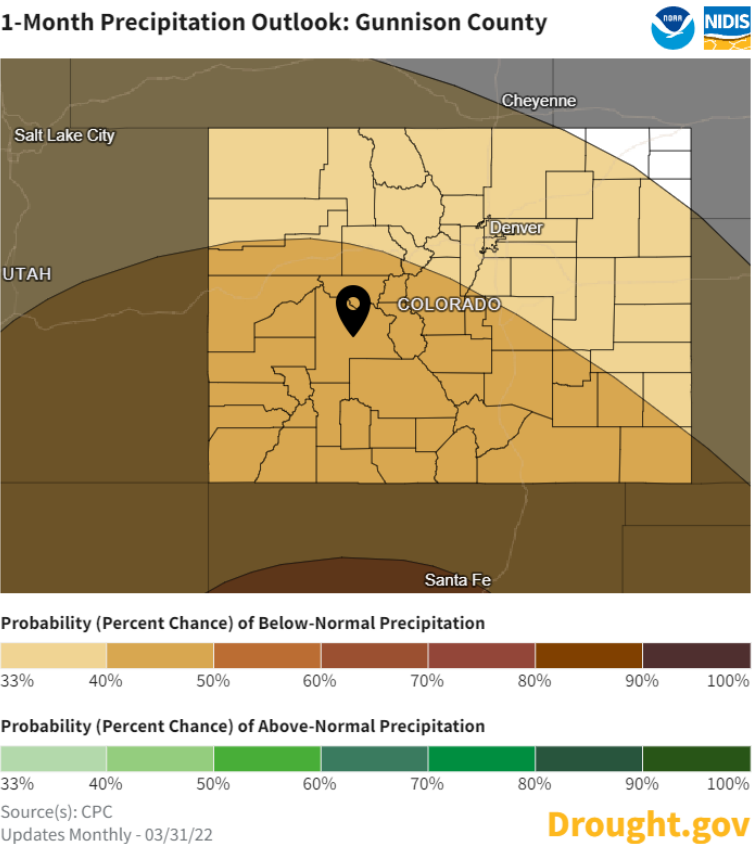
## Saguache County

Of the three counties, Saguache County is the only one that has experienced any significant change in their drought conditions since March 8. In March, 88% of the county was experiencing Severe (D2) conditions and 12% was Extreme (D3). These number have changed with 99% now experiencing Severe (D2) conditions and 1% in the Moderate (D1) category, with no areas experiencing (D3) conditions.

Precipitation in the area for the past seven days has been almost non-existent, ranging from .01 to .5 inches in most of all three counties. In Saguache County, there were areas in the southwestern and eastern parts of the county where precipitation ranged from .5 to 2 inches.

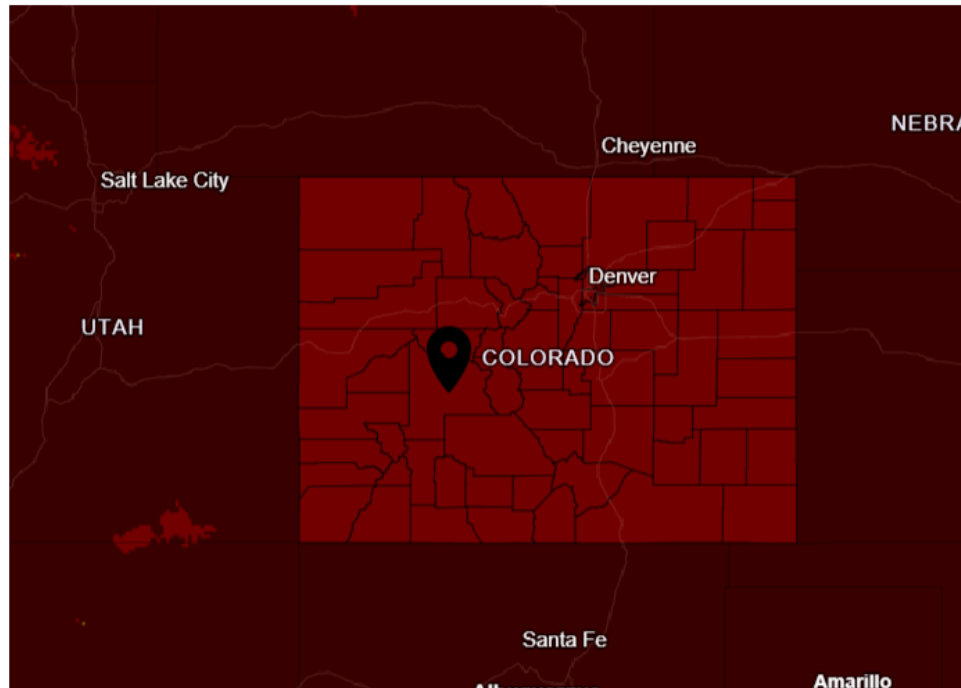


The longer-term precipitation forecast indicates that the area of Gunnison, Hinsdale and Saguache counties and much of the southern part of the State will have a 40 to 50% probability of below normal precipitation. This is the 30-day forecast and is reflected in the image below.



Temperatures are forecasted to be above normal for the same period. This and the precipitation forecast are good indications that evaporative demand will also be high. The 30-day forecast indicates that the entire area will be in the ED3 evaporative demand index (EDDI), see image below. This is 95 to 98% driest and encompasses the entire state. EDDI can offer early warning of agricultural drought, hydrologic drought, and fire-weather risk by providing near-real-time information on the emergence or persistence of evaporative demand in the region. A particular strength of EDDI is in capturing the signals of water stress at weekly to monthly timescales, and this will be important as we move forward into the runoff season.

## Evaporative Demand Drought Index (EDDI) Forecast: 4 Weeks



### Dry Conditions



### Wet Conditions

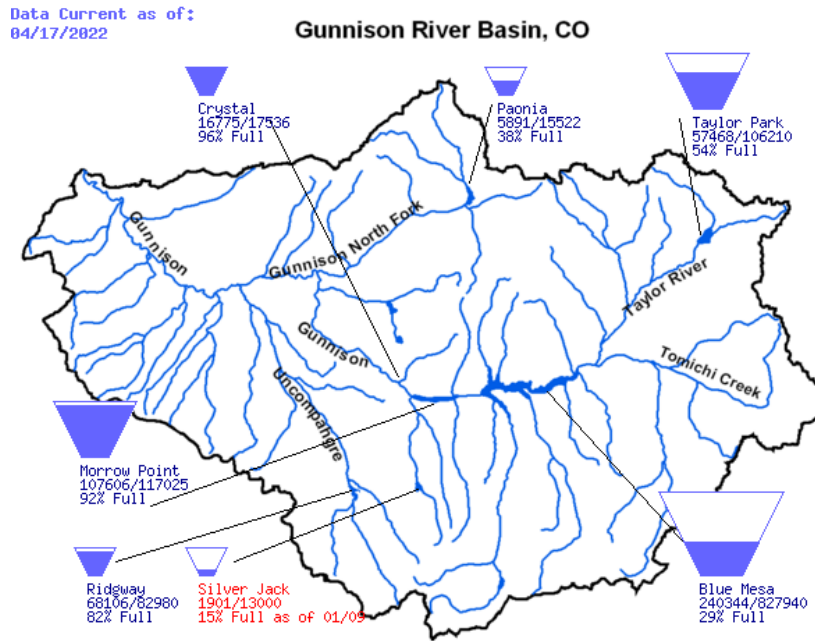


Source(s): UC Merced  
Updates Daily - 04/18/22

**Drought.gov**

## Reservoir Storage

As of April 18, reservoir storage in the entire Gunnison Basin is at 58% of full. The reservoirs in the Upper Gunnison Basin, Taylor and Blue Mesa, are at 54% and 29% respectively. This is reflected in the tea-cup diagram below.



## Aspinall Unit Operations

This update was provided by the Bureau of Reclamation and is dated April 10, 2022.

The forecast for the next three months (April, May, and June) is projected to be 480,000 acre-feet of unregulated inflow which is 86% of average, and for the water supply period (April-July) the projections are for 530,000 acre-feet which is 83% of average. For the WY2022 the forecast predicts a total of 755,000 acre-feet of unregulated inflow or 84% of average. However, the projected maximum fill is 349,000 acre-feet which is 42% of average and Blue Mesa is projected to end the calendar year at 248,000 or 29% of average.

Releases from the Aspinall Unit were increased from 900 cfs to 1,200 cfs on April 13<sup>th</sup>, and then to 1,300 cfs on April 18<sup>th</sup>. These releases were increased as diversions to the Gunnison Tunnel continue to increase. Currently, Gunnison Tunnel diversions are 1,000 cfs and flows in the Gunnison River through the Black Canyon are near 350 cfs and these will continue for the foreseeable future.

## Taylor Park Reservoir Operations:

The Bureau of Reclamation provided an update on Taylor Park Reservoir operations using the April 1 forecast from the Colorado Basin River Forecast Center (CBRFC). This forecast indicated that there will be 96,000 acre-feet of runoff flowing into the reservoir which is 102% of average. This forecast puts the year type in the Average Year category. Based on this year type, there is a requirement for a spring peak release of 445 cfs for 5 days.

The preliminary operations plan indicates that the reservoir could receive 96,000 acre-feet in runoff which is 102% of average. Through discussions with the Taylor Local Users Group, releases from Taylor Park Reservoir continued at 70 cfs until April 15<sup>th</sup> but were increased on April 16<sup>th</sup> to 125 cfs to support rainbow trout spawning. Below is the proposed preliminary operations plan following the April 7 TLUG meeting:

April 1-April 15	70 cfs
April 16 – April 30	125 cfs
May 1- May 15	140 cfs
May 16 – May 31	250 cfs
June 1-June 15	375 cfs
June 16 – June 30	350 cfs
July 1-31	350 cfs
August 1-31	300 cfs
September 1-25	300 cfs
September 26-30	250 cfs
October 1-31	125 cfs

Based on this operation plan, the end of October storage in the reservoir is projected to be 70,050 acre-feet which is approximately 90% of active storage.

Snowpack in the Taylor River watershed is at 100% of normal and March snow accumulation was at 82% of average.

The next TLUG meeting is scheduled for May 5, 2022 at 10:00 a.m.

#### **Lake San Cristobal Update:**

The current elevation (April 18) for Lake San Cristobal is 8994.43 feet which is up slightly from the March reading of 8,994.23. The flows out of the reservoir are currently at 28.7 cfs and the current flows at the Lake Fork at Gateview are 78.8 cfs.

United Companies came the Lake San Cristobal Water Activity Enterprise (LSCWAE) Board to discuss purchasing water from Lake San Cristobal to use for a paving project on Highway 149. The amount proposed was a maximum of 35,000 gallons per day for a total of 25 days, or a total of 875,000 gallons or 2.68 acre-feet. The LSCWAE board agreed to accommodate this request upon payment of a fee which the board determined by using the cost of augmentation base units as guidance. The total fee was set at \$2,990, which is broken out below.

54 base units @ \$55.00 = \$2,970.00  
Administration fee = \$20.00  
TOTAL = \$2,990.00

United Companies agreed to this amount and an invoice was submitted for payment.

#### **Lake Powell Update:**

The current update was provided on April 15, 2022, on the *Glen Canyon Dam Operations* page provided by the Bureau of Reclamation.

The Upper Basin Drought Response Operations Agreement (DROA) provisions to protect a target

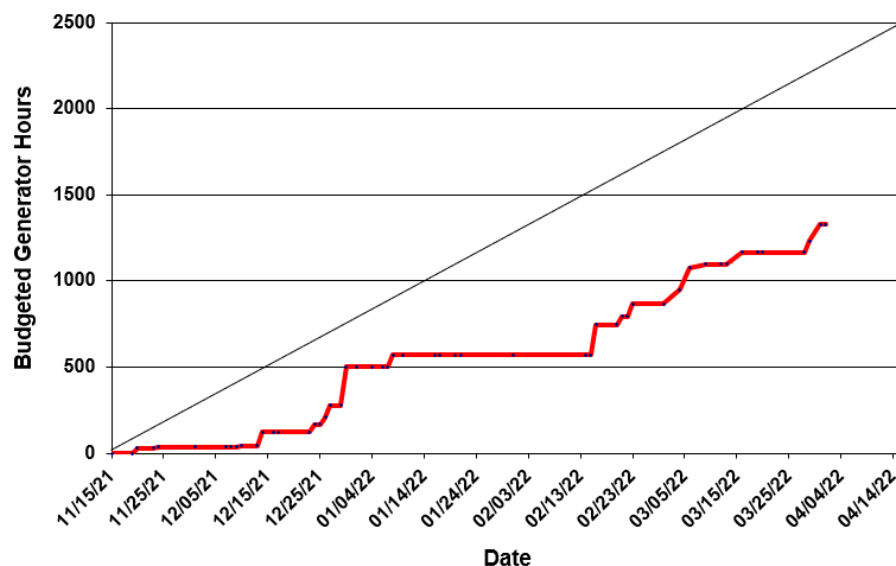
elevation at Lake Powell of 3,525 feet have been incorporated into the January 2022 24-Month Study. These include an adjusted monthly release volume pattern for Glen Canyon Dam that will hold back a total of 0.350 million acre-feet (maf) in Lake Powell from January through April. There are continued discussions when and how that same amount of water will be released later in the water year. The annual release volume from Lake Powell for WY2022 will continue to be 7.48 maf. If future projections indicate the monthly adjustments are insufficient to protect Powell's elevation, Reclamation will again consider additional water releases from the upstream initial units of the Colorado River Storage Project later this year.

The unregulated inflow volume to Lake Powell during March was 3.29 thousand acre-feet (kaf) which is 55% of average. The release volume from Glen Canyon Dam in March was 5.74 kaf. The end of March elevation and storage of Lake Powell was 3,523.13 feet which is 177 feet from full pool and 5.81 maf or 24% of live capacity. The April anticipated release is 5.01 kaf, the May anticipated release is 5.99 kaf, and the June anticipated release is 6.78 kaf.

The forecast for WY2022 unregulated inflow to Lake Powell, issued on April 5, 2022, by the Colorado Basin River Forecast Center (CBRFC), projects that the most probable unregulated inflow volume this year will be approximately 6.31 maf which is 66% of average. Based on the current forecast of 6.31 maf unregulated inflow, projections are that Lake Powell elevation will end the water year near 3,522.72 feet with approximately 5.79 maf in storage which is 22% of capacity. This information is based upon early projections and there is significant uncertainty at this point in the season.

### Cloudseeding Report (North American Weather Consultants; NAWC) & SWE in the Snowpack:

According to the *North American Weather Consultants* report dated April 4, 2022, the month of March had an active weather pattern across the Gunnison Basin. There were six storm seeded events during the month with a total of 505.75 generator hours used which was 59% higher than February. This is reflected in the graph below.



*Graph of Operations to date-2021-2022*

The table below shows snow water equivalent for the water year as of April 1, 2022 at the five Blue Mesa SNOTEL sites.

Measurement Site	Snow Water Equivalent (inch)		Water Year Precipitation (inch)	
	4-1-22	Percent of Average	3-1-22	Percent of Average
Butte	12.6	97	14.2	97
Schofield Pass	36.5	123	36.0	129
Park Cone	11.2	117	13.0	125
Porphyry Creek	16.1	105	18.0	125
Slumgullion	10.7	79	10.9	83
<b>Upper Gunnison Basin %</b>		<b>104</b>		<b>112</b>

As of April 1, 2022, snow water equivalent in the Upper Gunnison Basin was above normal, with a basin-wide average of 104%. Water year precipitation was also above normal, at an average of 112%. Both of these percentages are down slightly from the March report.

#### **Dust on Snow (Center for Snow and Avalanche Studies)**

As of March, there were already several dust layers in the upper third of the snowpack. *The Center for Snow and Avalanche Studies* reported on April 14, 2022 that a severe dust on snow event occurred on April 11 from widespread high winds that were constant for three day. Snowstorms quickly followed the dust and resulted in the dust being buried on top of the other layers. The dust should remain under snow in the higher elevations and will be coming to the surface sooner in shallow snowpacks and exposed areas. When all of the layers combine, the snow surface which is darker that has been seen in a good number of years, particularly in the southern basins. The forecast for southern Colorado for the next week or so is sunny with winds subsiding and temperatures increasing.

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*Spring Showers!*

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# **AGENDA ITEM 8**

## **Treasurer's Report**

# **AGENDA ITEM 8**

**General Manager and Committee Updates**

## **MEMORANDUM**



**TO:** UGRWCD Board Members  
**FROM:** Sonja Chavez, General Manager  
**DATE:** April 19, 2022  
**SUBJECT:** General Manager, Committee, and Staff Updates

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### **I. Treasurer's Report (Director Nesbitt)**

### **II. General Manager's Update**

#### **Miscellaneous:**

**A. Joint Party Status filed for WQCC Regulation #35 Hearing:** The Town of Crested Butte (Town), Gunnison County (County), Coal Creek Watershed Coalition (CCWC), High Country Conservation Advocates (HCCA), Northwest Colorado Council of Governments Water Quality/Quantity Committee (QQ) and Upper Gunnison River District submitted a Responsive Prehearing Statement as the "Upper Gunnison Parties" to the Water Quality Control Commission (See Exhibit A attached). In summary the Upper Gunnison Parties are in favor of:

- 1) The proposal submitted by Homestake Mining Company (HMC) (See Exhibit B) to extend the temporary modification of the uranium water supply standard applied to Marshall Creek. The District was not in favor of having water supply use standards for surface waters suitable for potable water supply removed as there are existing water supply uses and there remains potential for future water supply use and the removal of a standard in order to avoid reclamation may be determined to be in conflict with the Water Quality Control Act.
- 2) The request of Mt. Emmons Mining Company's (MEMC) to extend the chronic cadmium temporary modification applied to Coal Creek (April, May, and June) until 12/31/27, to delete the seasonal temporary modification for copper, and protect the assimilative capacity in Coal Creek by renewing the Colorado Discharge Permit System (CDPS) for Keystone Mine. Coal Creek is attaining the acute aquatic life standard and the Keystone Mine WTP no longer has predicted compliance issues due to on-site improvements and recent reclamation work.

Upper Gunnison Parties have scheduled two planning meetings in anticipation and preparation for the upcoming rulemaking hearing.

#### **B. Grant Applications Pending & Congressionally Directed Spending Requests**

The District has submitted multiple grant applications since the March meeting and has written several letters in support of Congressionally Directed Spending (CDS) requests.

Summary of grant applications in support of District activities:

- 1) GOCO Grant Application in support of Wet Meadows (\$158,100)
- 2) CDS request in support of Wet Meadows (\$640,000)
- 3) U.S. FWS Call for Proposals in support of Wet Meadows (\$955,158)
- 4) WaterSMART Drought Contingency Planning (DCP) Grant (\$140,480)\*

**TOTAL: \$1.9M**

\*The WaterSMART DCP grant application requires a board resolution in support of the proposed project. A copy of the resolution will be provided at the April Regular Meeting for board approval and signature after General Counsel has had a chance to review.

**BOARD ACTION REQUESTED:** Signed resolution in support of the *Upper Gunnison River Basin Drought Contingency Plan*.

Summary of letters of support submitted for Upper Gunnison basin projects:

- 1) Town of Crested Butte Lake Irwin Outlet Works Replacement
- 2) Town of Crested Butte Wastewater Treatment Plan Upgrade
- 3) Rocky Mountain Biological Laboratory – Low Altitude Remote Sensing

Potential future grant applications:

- 1) WaterSMART Small Scale Irrigation Efficiency
- 2) Community Funding Partnership (Bundled Package Request)
- 3) Community Funding Partnership – Remote Sensing Detection of Harmful Algal Blooms (HABs) in Blue Mesa Reservoir
- 4) Colorado Department of Public Health & Environment (CDPHE) – Source Water Protection Planning grant request in support of Upper Gunnison Basin municipalities.

**C. Watershed Management Planning (WMP) Committee Update (Director McPhail)**

The WMP Committee met on April 13, 2022. Meeting minutes are attached as Exhibit D.

The District is working on a project description in support of the wetland assessment and mapping update project. We anticipate that the work effort will be below the \$100,000 threshold requiring the release of a Request for Proposal (RFP) and above \$10,000 amount which requires that the District obtain at least three bids and then bring the recommendation to the board at the May meeting.

**D. Wet Meadows Update (Cheryl Cwelich, Watershed Program Coordinator)**

See Wet Meadows Program update memorandum from Cheryl).

**E. Education and Outreach Update (General Manager Chavez)**

Rotary Club President Daniel Bruce notified the District that they have officially canceled the Rotary Fishing Tournament on May 7 and 8<sup>th</sup> due to low water in Blue Mesa Reservoir. This tournament welcomes 150-200 participants annually and brings significant economic activity to local hotels, restaurants, and downtown shopping centers.

In the past, Rotary has been able to load two boats at a time at the Marina dock and then the smaller fishing boats have been able to load at other loading areas, like at Iola. Rotary determined that with the low water levels still anticipated on May 7, they would only be able to load one boat at a time from the Marina and most of the other loading areas will not be deep enough for the smaller boats. In addition, the Marina did not think they would be able to have staff available to help, as they have in the past, as they are trying to cut their costs in anticipation of a shorter season. The District asked about the possibility of doing the tournament later in the season during June peak runoff period, but Rotary indicated that the participants have already booked themselves at other tournaments they typically count on later in the season. Plus, this is a tournament for lake trout and apparently, the best time to catch lake trout is right after ice/snow melt.

Rotary will be returning the \$150,000 in funding that the District provided for the event. We hope to be able to sponsor the tournament next year and will be keeping the activity as part of our annual Education and Outreach Action Plan.

- F. Taylor Local Users Group (Director Sabrowski)** – Verbal Update will be given by Director Sabrowski. Draft meeting minutes attached as Exhibit C.
- G. Scientific Endeavors Update (Director Carroll)**
- H. Gunnison River Festival Update (Director Fonken)**

**BEFORE THE WATER QUALITY CONTROL COMMISSION  
STATE OF COLORADO**

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**IN THE MATTER OF CONSIDERATION OF THE ADOPTION OF REVISED WATER QUALITY CLASSIFICATIONS, STANDARDS, AND DESIGNATIONS FOR MULTIPLE SEGMENTS IN THE SAN JUAN AND DOLORES RIVER BASINS, REGULATION #34 (5 CCR 1002-34) AND GUNNISON AND LOWER DOLORES RIVER BASINS, REGULATION #35 (5 CCR 1002-35)**

**RESPONSIVE PREHEARING STATEMENT FOR THE JOINT UPPER GUNNISON PARTIES: THE TOWN OF CRESTED BUTTE, GUNNISON COUNTY, COAL CREEK WATERSHED COALITION, HIGH COUNTRY CONSERVATION ADVOCATES, AND NORTHWEST COLORADO COUNCIL OF GOVERNMENTS WATER QUALITY/WATER QUANTITY COMMITTEE**

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The Town of Crested Butte (the “Town”), Gunnison County (the “County”), Coal Creek Watershed Coalition (“CCWC”), High Country Conservation Advocates (“HCCA”), Northwest Colorado Council of Governments Water Quality/Quantity Committee (“QQ”), and the Upper Gunnison River Water Conservancy District (“UGRWCD”), collectively referred to as the “Upper Gunnison Parties,” by and through the undersigned, respectfully submits this responsive prehearing statement to the proponent’s prehearing statements regarding proposed revisions to Regulation #35 (5 CCR 1002-35), including, but not limited to, the temporary modifications applied to Coal Creek and Marshall Creek.

**I. COAL CREEK SEGMENT COGUUG12:<sup>1</sup>**

**A. Extend temporary modifications for chronic cadmium and delete temporary modification for copper.**

The Upper Gunnison Parties support Mt. Emmons Mining Company (MEMC)’s request to extend the chronic cadmium temporary modification applied to Coal Creek during April, May, and June, until December 31, 2027 and to delete the seasonal temporary modification for copper. As reported in MEMC’s proponent’s pre-hearing statement (PPHS),<sup>2</sup> copper concentrations in Coal Creek attain the acute aquatic life standard, and the Keystone Mine Water Treatment Plant (Keystone WTP) no longer has a predicted compliance problem. Thus, the Commission should delete the acute copper temporary modification. MEMC’s efforts to improve operations of the Keystone WTP, recent waste rock reclamation work, and other on-site improvements that eliminated the predicted compliance issue for acute copper are noteworthy.

Since acquiring the Keystone Mine Site in 2016, MEMC has improved operations at the Keystone Mine WTP and improved conditions at other portions of the site. MEMC’s commitment to improved operations is evident in the discharge data presented in Exhibit 4.e,<sup>3</sup> reproduced herein as **Table 1**. This table shows that the maximum 30-day average concentrations for cadmium, copper, and zinc decreased by 15, 109, and 27 percent, respectively. During the same period, the daily maximum concentrations were reduced by 10, 111, and 40 percent for cadmium, copper, and zinc, respectively (**Table 1**).

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<sup>1</sup> The UGRWCD is primarily interested in the temporary modifications applied to Marshall Creek.

<sup>2</sup> MEMC PPHS at 7.

<sup>3</sup> MEMC PPHS, Exhibit 4.e, sheet titled “Summary Table April-June.”

**Table 1.** Keystone Mine WTP effluent concentrations, predicted chronic and acute WQBELs, and percent reduction in metal concentrations which are attributed to MEMC’s improved operation of the facility relative to US Energy’s past performance (from MEMC PHS Exhibit 4.e).

April to June										
Value	Maximum 30-day average (ug/L)			Chronic WQBEL (ug/L)		Daily Maximum (ug/L)			Acute WQBEL (ug/L)	
Operator	US Energy	MEMC	Percent	US Energy	MEMC	US Energy	MEMC	Percent	US Energy	MEMC
Period	2011-2015	2017-2021	Reduction	2011-2015 <sup>1</sup>	2017-2021 <sup>2</sup>	2011-2015	2017-2021	Reduction	2011-2015	2017-2021
Cadmium	0.83	0.71	15%	0.42	0.45	1.02	0.91 <sup>3</sup>	10%	0.89	1.01
Copper	9.9	2.93	109%	4.76	12.2	12.2	3.5	111%	6.69	18.6
Zinc	65.4	50	27%	62	69	78	52	40%	82	91

Notes

1. 2011 to 2015 WQBELS computed using an average hardness of 47.7 mg/L as reported in MEMC PPHS Exhibit 4.e
2. 2017 to 2021 WQBELS computed using an average hardness of 53.9 mg/L as reported in MEMC PPHS Exhibit 4.e
3. Light green indicates that the Keystone Mine WTP effluent meets the WQBEL.

**B. Delete seasonal temporary modifications for acute cadmium and chronic zinc.**

Metal concentrations in the Keystone Mine WTP have declined since 2016 and the current cadmium and zinc concentrations in the Keystone Mine WTP effluent no longer support temporary modifications for acute cadmium or chronic zinc. The highest daily maximum cadmium concentration measured between 2017 and 2021 was 0.91 ug/L which is less than the acute WQBEL of 1.01 ug/L computed using the current average hardness (**Table 1**). The 2017 to 2021 30-day average zinc concentration was 50 ug/L is less than the chronic WQBEL computed with either of recent average hardness values (**Table 1**). Because the Keystone Mine WTP lacks a demonstrated or predicted compliance problem for acute cadmium or chronic zinc, the Upper Gunnison Parties request that these temporary modifications be deleted.

**C. The Division should protect assimilative capacity in Coal Creek by renewing the Colorado Discharge Permit System (CDPS) permits at the Keystone Mine Site based on current conditions**

Two CDPS permits apply at the Keystone Mine site: the individual industrial stormwater permit (COR040284) which has been on administrative renewal since October 2012, and the discharge permit for the Keystone Mine WTP (CO003539) that was issued in 2008 and has been on administrative renewal since August 2013. The current discharge permit relies on data collected prior to 2008 and includes “report-only” limits rather than numeric permit limits.

Parties to a February 2016 Memorandum of Understanding (“MOU Parties”)<sup>4</sup> have made substantial progress to “collaboratively work to develop site-specific water quality standards for Coal Creek” as directed in the MOU. Most notably, this collaborative effort has:

<sup>4</sup> Signatories include Mt. Emmons Mining Company (“MEMC”), the Colorado Department of Public Health and the Environment (“CDPHE”), its Water Quality Control Division (“WQCD”) and Air Pollution Control Division (“APCD”), Colorado Department of Natural Resources (“DNR”), and its Division of Reclamation Mining and Safety (“DRMS”). The 2016 MOU outlines the tasks that the signatories will undertake to address the Keystone Mine site in the Coal Creek Watershed. In accordance with these tasks, the parties have been working collaboratively to develop water quality standards for Coal Creek. The Town of Crested Butte and Gunnison County entered into a related Memorandum of Understanding with MEMC on July 20, 2021 (“2021 MOU”).

- Adjusted the boundary between segments 11 and 12 to better reflect changes in water quality (primarily hardness) attributed to the effect of the Keystone Mine site on Coal Creek.
- Limited the use of temporary modifications to April through June; prior to 2017 the temporary modifications applied year-round.
- Removed the temporary modification for chronic copper in 2020.

Cumulatively, these efforts demonstrate that Coal Creek segment 12 has assimilative capacity during much of the year. Coal Creek, like all reviewable waters in Colorado, deserves the protections of that capacity provided by anti-degradation review and the permitting process, including numeric limits.

In this collaborative effort, the parties have acknowledged that the permitting assumptions (e.g., flow and average hardness) may change during the next permit renewal. Because permitting decisions directly influence a discharger's eligibility for a temporary modification, the CDPS permits at the Keystone Mine site should be renewed consistent with the "compliance with all applicable environmental laws and regulations" and to assist with the effort to "find and implement technical solutions to the environmental issues at the site" as directed by the MOU.

Recent revisions to the temporary modifications show that Coal Creek segment 12 may only require site-specific standards for chronic cadmium during the months of April, May, and June because the Keystone Mine WTP can attain predicted-WQBELs developed from the existing aquatic life standards. Water quality improvement projects, including on-going work at the Keystone Mine, the upstream Standard Mine, and the potential restoration of the Gossan in the Coal Creek Watershed limit our current ability to develop site-specific standards. We agree with MEMC's assessment that understanding potential water quality changes in the Coal Creek Watershed may take five years or longer.

In spite of uncertainties, the benefits of renewing the permit including an updated water quality analysis consistent with current water quality conditions and permitting assumptions that applies numeric limits to protect water quality far outweighs the "perceived cost" of renewing a permit where a very limited number of water quality standards may change. Further, all water quality standards are subject to review and permittees may request a permit modification should an applicable water quality standard change. For all of the reasons provided above, the Upper Gunnison Parties urge the Commission to direct the Division to renew the CDPS permits at the Keystone Mine site as soon as possible.

## **II. TEMPORARY MODIFICATION APPLIED TO MARSHALL CREEK (SEGMENT COGUU21)<sup>5</sup>**

### **A. Extending temporary modification for uranium may be appropriate**

The Upper Gunnison Parties do not oppose Homestake Mining Company's ("HMC") proposal to extend the temporary modification of the uranium water supply standard applied to Marshall Creek (COUGUG21). The extent to which man-made loading from the Pitch Mine, which drains to Indian and Marshall creeks, is reversible is uncertain, and HMC has identified several activities that may reduce uranium concentrations at the mine. For these reasons, it may be

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<sup>5</sup> The Town is primarily interested in the temporary modifications applied to Coal Creek.

appropriate to extend the uranium temporary modification applied to Marshall Creek. We look forward to reading responsive prehearing statements from other parties to this rulemaking to further understand the proposal and implications and may comment further on this proposal in the rebuttal statement. This responsive prehearing statement focuses on future plans to remove the water supply use on Marshall Creek (see Subpart B, below).

## **B. Water supply use should not be removed in a future rulemaking**

Upper Gunnison Parties are opposed to HMC's plans to "continue to work on action items for the potential removal of the water supply use on Marshall Creek including working with Saguache County, landowners along Marshall Creek and residents in Sargents."<sup>6</sup>

The water supply use classification was assigned to Marshall Creek by the WQCC in 1981. In 2017 the Commission adopted the numeric water supply standard for uranium of 16.8 - 30 µg/L for Marshall Creek. The water supply use classification should be maintained as there are existing water supply uses and the potential for future water supply uses in the Marshall Creek Basin. Further, it is inappropriate to limit water uses and future development in a watershed in order to avoid reclamation obligations and allow for water quality degradation.

### **There are existing domestic water supply uses in the Marshall Creek Basin**

Regulation 31 defines use classifications for surface waters in Colorado and at 31.13 states that "Waters are classified according to the uses for which they are presently suitable or intended to become suitable." Regulation 31.13(1)(d) defines the domestic water supply use classification as "surface waters. . . suitable or intended to become suitable for potable water supplies." Marshall Creek presently supports domestic water supply uses, with significant potential for future water supply development in the Marshall Creek basin.

As noted by HMC, "Segment 21, Marshall Creek, has a water supply designated use, and although there are no surface water intakes, there are groundwater wells in the Town of Sargents (Sargents) that are used for water supply."<sup>7</sup> HMC also reported that some of the wells may meet the criteria in the Division's Alluvial Well Guidance which indicates water quality in those wells may be influenced by Marshall Creek surface water and "there could be portions of the creek that lose water to the alluvium at various times of year. Although the wells in Sargents do not appear to be affected by Marshall Creek influences, the potential for Marshall Creek to lose water to the alluvium cannot be ruled out completely."<sup>8</sup> Because there is evidence to suggest the alluvial wells are hydrologically-connected to Marshall Creek, the best course of action is to retain the water supply use in Marshall Creek to assure the existing use is protected. Eliminating a water supply use is a drastic reduction in water quality protection.

### **There is the potential for future surface water supply development in the Marshall Creek Basin**

We disagree with HMC's assertion that the proposed "activities together would remove the possibility of new development along Marshall Creek and any new wells in the Marshall Creek alluvium."<sup>9</sup> In fact, there is the potential for future development of water supply uses in Marshall

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<sup>6</sup> HMC PPHS at 12.

<sup>7</sup> HMC PPHS at 2.

<sup>8</sup> HMC PPHS at 9.

<sup>9</sup> HMC PPHS at 9.

Creek. Marshall Creek flows through federal public lands as well as through private lands in unincorporated Saguache County, Colorado. Opportunities for water supply development exist on both private and federal lands in the Marshall Creek Basin.

HMC describes efforts to restrict domestic water development in the Marshall Creek alluvium as an apparent means to seek removal of the water supply use for Marshall Creek. HMC put an ordinance before the Saguache County Commissioners that would prohibit future well development adjacent to Marshall Creek and references a pending conservation easement that would prohibit additional domestic development on lands owned by the Irby family. However, even if these efforts are successful, other opportunities to develop water supply sources that are hydrologically-connected to Marshall Creek remain. The proposed ordinance only prohibits the drilling of wells in the alluvium; it does not prohibit the development of surface water diversions from Marshall Creek that could be used as domestic water supply. Moreover, an ordinance can be repealed at any time.

Sargents hosts both residential and commercial developments. It is plausible, if not probable, that Sargents will eventually require a consolidated water treatment and delivery system to accommodate future growth and to avoid potential water quality issues from wells interacting with septic systems or to address concerns about the depletion of groundwater supplies. The system may rely upon surface water from Marshall Creek.

Marshall Creek downstream of Indian Creek flows through United States Forest Service (USFS) lands.<sup>10</sup> Water supply diversions are frequently developed on USFS lands. This is particularly common when development abuts USFS lands.

### **It is contrary to the Water Quality Control Act to restrict domestic water development to remove the water supply use and avoid application of the water supply standard**

The Water Quality Control Act has a “policy of encouraging water quality improvement where feasible.”<sup>11</sup> “Classifications should be for the highest water quality attainable.”<sup>12</sup> The state should “maintain those water classifications currently designated, unless it can be demonstrated that the existing classification is not presently being attained and cannot be attained within a twenty (20) year time period.”<sup>13</sup> Reg. 31.6(2)(b) outlines conditions for determining nonattainability, none of which include removing an existing use through human intervention. HMC is advocating to restrict all future water supply uses in the basin to the bedrock aquifer rather than focusing on treating water at the Pitch Mine site to improve water quality.

### **The uranium water supply standard is in the best interest of the public health**

The uranium water supply standard was developed to prevent uranium from causing cancer and the Commission’s intent to protect human-health is clear in the language used to define the standard. Reg. 35.5 (3)(c) notes that “In no case shall uranium levels in waters assigned a water supply classification be increased by any cause attributable to municipal, industrial, or

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<sup>10</sup> HMC PPHS at 9.

<sup>11</sup> Regulation 35 at 30.

<sup>12</sup> Regulation 31.6(1)(e).

<sup>13</sup> Regulation 31(6)(2) contemplates an “additional reason for revising classifications” that does not apply here, where a reclassification may occur “where previous classifications had no basis in fact and did not reflect actual beneficial uses. Such corrections to classifications shall not be considered downgrading.”

agricultural discharges so as to exceed 16.8-30 µg/L or naturally-occurring concentrations (as determined by the State of Colorado), whichever is greater.” Reg. 35.5(3)(c)(i) elaborates that:

The first number in the 16.8-30 µg/L range is a strictly health-based value, based on the Commission’s established methodology for human health-based standards. The second number in the range is a maximum contaminant level, established under the federal Safe Drinking Water Act that has been determined to be an acceptable level of this chemical in public water supplies, taking treatability and laboratory detection limits into account.

HMC notes that it “has made significant progress on resolving the uncertainty with the uranium standard on Marshall Creek and is continuing to evaluate potential best management practices (BMPs) that could be implemented at the Site.”<sup>14</sup> The company also references other opportunities for further progress, including the evaluation of other passive uranium reduction technologies.<sup>15</sup> HMC reports there are still opportunities for water quality improvements that will reduce uranium loading in Indian and Marshall creeks.

To best protect public health, HMC should focus on activities to better understand and improve water quality in Indian and Marshall creeks instead of prioritizing actions to remove the water supply use on Marshall Creek.

### **HMC does not properly characterize man-made uranium sources**

As the current owner, HMC is liable for all man-made pollutants at the Pitch Mine; this includes man-made uranium sources created prior to HMC’s acquisition of the Pitch Mine. We encourage HMC to avoid phrases such as “these impacts pre-date the open-pit mining conducted by HMC”<sup>16</sup> because such phrases do not accurately convey HMC’s responsibility to manage all pollutants that originate at the Pitch Mine.

### **HMC’s activities may have implications for Tomichi Creek**

Not only is the water supply standard appropriate for Marshall Creek, but it also a standard that will not jeopardize water quality in Marshall Creek and Tomichi Creek, consistent with Regulation 31.6(1)(c)(“[u]pstream classifications must not jeopardize downstream classifications or actual uses.” HMC samples Marshall Creek upstream of the confluence with Tomichi Creek in Sargents (SW-13). Uranium concentrations at SW-13 range from 20 to 65 µg/L, and peak concentrations tend to occur during low flows.<sup>17</sup> Marshall Creek periodically exceeds the uranium water supply standards immediately upstream of the confluence with Tomichi Creek which may cause Tomichi Creek to exceed the water supply standard for uranium.

### **Additional sampling should be conducted to better characterize uranium concentrations in Marshall Creek and Tomichi Creek**

The Upper Gunnison Parties recommend additional sampling events and locations during baseflow conditions to better characterize uranium in Marshall Creek and Tomichi Creek. According to the analysis completed by Homestake, “higher concentrations on Marshall Creek

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<sup>14</sup> HMC PPHS at 2.

<sup>15</sup> HMC PPHS at 8-10.

<sup>16</sup> HMC PPHS Exhibit 5 at 1.

<sup>17</sup> HMC PPHS Exhibits 2a and 2b.

occur at lower flows, as Indian Creek contributes a greater percentage of the total flow during low flow conditions.”<sup>18</sup> To better characterize current conditions, we encourage the Commission to require additional sampling events during low flow periods (e.g., September and winter months), as well as additional sampling locations in Tomichi Creek.

To date, HMC has not provided any data to characterize uranium concentrations in Tomichi Creek. Should HMC propose to remove the water supply use from Marshall Creek, which we oppose, the Upper Gunnison Parties strongly recommend that the proposal include an assessment of uranium concentrations in Tomichi Creek to demonstrate that downstream water supply uses would be protected.

### **III. WITNESSES**

The following people may provide testimony on behalf of the Upper Gunnison Parties

Torie Jarvis, Director and Staff Attorney, NWCCOG/QQ  
Ashley Bembenek, Executive Director, Coal Creek Watershed Coalition  
Barbara Green, Town Attorney, Town of Crested Butte  
Matthew Hoyt, County Attorney, Gunnison County  
Julie Nania, Water Program Director, High Country Conservation Advocates  
John McCloy, General Counsel, Upper Gunnison River Water Conservancy District  
Sonja Chavez, District Manager, Upper Gunnison River Water Conservancy District

Respectfully submitted this 6<sup>th</sup> day of April, 2022.



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<sup>18</sup> HMC PPHS at 5.

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## **Homestake Mining Company**

### **Proposal**

#### **35.51 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; JUNE 13, 2022 RULEMAKING**

The provisions of C.R.S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

##### **Upper Gunnison River 21:**

The Commission adopted an extension to the current condition temporary modification for total recoverable uranium on Marshall Creek (Segment COGUUG21) from the confluence with Indian Creek to the confluence with Tomichi Creek until December 31, 2027. Homestake Mining Company (HMC) has been working diligently to resolve the uncertainty regarding the appropriate uranium standard on Segment 21; however, it was anticipated that additional time would be needed to resolve the uncertainty with the standard when the temporary modification was adopted. HMC has provided evidence that this additional time is needed, has developed a new Plan to Resolve Uncertainty (PTRU), and has shown that the temporary modification is still applicable. Current condition continues to be the appropriate standard during the time of the temporary modification as setting the standard to the current ambient water quality would not provide relief for the permittee during this timeframe.

HMC is conducting closure and reclamation activities at the Pitch Reclamation Site (Site) pursuant to Division of Reclamation and Mining Safety (DRMS) regulations. The Site, a former uranium mine that ceased operations in 1984, is the main source of uranium loading to Indian Creek (Segment COGUUG20). Marshall Creek receives the uranium load from Indian Creek, which was assigned the narrative Lowest Practical Level (LPL) standard for uranium in 2013. HMC has been evaluating methodologies to control uranium loading to Indian Creek from the Site in order to define the LPL standard within the given Site constraints including high elevation, lack of electricity, and seasonal access. Ultimately, the definition of LPL is to be based on practical, sustainable solutions which protect human health and water supply uses, with any associated methods to lower uranium concentrations on Indian Creek also expected to reduce uranium concentrations in Marshall Creek.

HMC has demonstrated continued compliance problems with the proposed uranium permit limitation of 30 µg/L, set at the water supply standard for Segment 21. The median concentration at the outfall (SW-33) between 2001 and 2016 was 1,080 µg/L, and more recently (2017-2021) the median concentration is 902 µg/L. HMC has also demonstrated significant uncertainty regarding the extent to which the existing water quality is the result of natural and/or irreversible human-induced conditions as there is evidence of impact from operations in the 1950's and 1960's, prior to HMC ownership. Water quality data that pre-dates mining activity in the area is scarce, but available groundwater information, geologic information, and hydrology point to natural concentrations that are higher in Indian Creek and Marshall Creek below the confluence with Indian Creek, than in Marshall Creek above the confluence. With the ongoing

investigations of how to define the LPL standard on Indian Creek, along with the rigid Site constraints, there remains significant uncertainty regarding the extent to which the water quality on Indian Creek and Marshall Creek is reversible. Due to the uncertainty of the level of water quality improvement in Marshall Creek, the underlying standard may not be achievable, or the Commission may find it more appropriate to implement a site-specific standard.

HMC has demonstrated progress in defining the LPL on Indian Creek and resolving the uncertainty on Marshall Creek, including completing the following actions: continued investigations into phosphorus injections into the mine pool to bind uranium; use of engineered treatment cells with various media to reduce uranium concentrations; use of ion exchange technology as a passive means to treat surface waters in select areas; evaluations of potential "hot spots" in the rock dumps; phosphorus injections into the rock dumps; construction of diversions to minimize infiltration into mineralized zones and rock dumps; evaluation of Marshall Creek hydrology; continued sampling of wells in the Town of Sargents; investigations into the potential to redrill deeper wells for Sargents residents; continued instream water quality sampling; working with the Saguache County Commissioners to restrict drilling of new alluvial wells along Marshall Creek and; working with property owners along Marshall Creek to establish Conservation Easements.

With the extension to the temporary modification, HMC has submitted a Plan to Resolve Uncertainty (PTRU), which outlines the minimum actions that HMC will take during the temporary modification. The PTRU includes: activities to determine and implement the actions that will be taken at the Site; continued work to evaluate removal of the water supply standard; continued water quality monitoring to quantify any potential improvements to water quality and; continued updates to the Division, EPA and the Commission. It is important to note that actual water supply uses have been, and continue to be, protected.



## *Upper Gunnison River Water Conservancy District*

### MEMORANDUM

**TO:** UGRWCD Board Members

**FROM:** Taylor Local Users Group (TLUG)

**DATE:** April 7, 2022

**SUBJECT:** Taylor Local Users Group Meeting Notes

A TLUG meeting was held on Thursday, April 7, 2022 in-person and via Zoom video/teleconference. Attending the meeting were the following TLUG members:

Ryan Birdsey, representative for flat water recreation interests  
 Rory Birdsey, representative for Ernie Cockrell, Taylor Placer  
 Pete Dunda, representative for property owners (via Zoom)  
 Roark Kiklevich, representative for wade fishing interests  
 Don Sabrowski, UGRWCD Board representative and TLUG Chair  
 Mark Schumacher, representative for rafting/boating interests (via Zoom)  
 Andy Spann, representative for irrigation interests

Also present: Steve Anders (USGS); John Bocchino (Rifle and Rise LLC); Dan Brauch (CO Parks and Wildlife); Dustin Brown (Scenic River Rafting); Ryan Christensen, (BOR); Steve Cook (Crystal Creek HOA), Doug Forshagen (Crystal Creek HOA); David Gochis (National Center for Atmospheric Research-NCAR); David Hayes (Hayes Poznanovic Korver Water Law LLC); Bill Hollenbeck (Taylor Park Dam Operator); Erik Knight (BOR); Steve Pope (UVWUA); Brock Sampson (Fishing Guide); Taylor Scott (CO Parks and Wildlife) Ryan Unterreiner (CO Parks and Wildlife) and Sonja Chavez, Cheryl Cwelich; Beverly Richards and Sue Uerling (all UGRWCD staff)

Chair Don Sabrowski called the meeting to order at 2 pm. Don asked Beverly Richards of the UGRWCD Staff to list the attendees both on the Zoom and in person in the Board Conference Room.

Chair Sabrowski reminded TLUG members that they are a “recommending body” only and that as chair, he is responsible for taking TLUG recommendations, which are determined by a consensus of all TLUG representatives, to the UGRWCD Board for approval. The UGRWCD Board of Directors then presents the recommendations to the Four Parties that make up the governing body of the Taylor Exchange Agreement, which are the US Bureau of Reclamation, the Uncompahgre Valley Water Users Association, Colorado River Water Conservation District, and the UGRWCD.

Chairman Sabrowski then noted that participants attending the meeting from the public should provide their input regarding flow requests to the individuals representing their water user group of interest. He said they should call their appointed TLUG representative before the meeting and talk to them about their flow requests or needs and then their TLUG representatives can convey these concerns at the meeting. Chair Sabrowski noted that the public comment period will come AFTER final flow recommendations are agreed upon by a consensus of the TLUG members. If someone from the public feels they are not being heard by their representative, they can contact Don. Don did point out that he is not a voting member and is only responsible for facilitating the meetings and taking recommendations to the board.

Chairman Sabrowski then shared the position of the District regarding the minimum storage objective and recommendation of releases. Don said the District fully supports and agrees with the TLUG group’s desire to conserve water early in the season. The District is fine with the TLUG group requesting informal scenario planning worksheets for releases but wants the formal operational plans to show the minimum storage objective number for the year type stated in the amended Stipulation. The District spent a lot of time and effort in developing the year types, end of year storage objectives, winter fish flows and needs in consideration of ALL waters in the District. Don said the District would never want to be wasteful of water and if no users are requesting water as we progress through the year, then there is no reason to force a release in order to meet the minimum storage objective. If a water user makes a reasonable request for water and it is available for release, the District’s position is that the water should be put to beneficial use while also not exceeding the minimum storage objective.

Chairman Sabrowski noted that the latest revision of the meeting summary from the March 7<sup>th</sup>, 2022 TLUG meeting was emailed to TLUG members and stakeholders and asked if there were any comments or corrections. Rory Birdsey said the minutes said that he attended the meeting representing the Taylor Park Marina but that this should be his son, who goes by Rory J. Birdsey. He also asked if the UGRWCD’s position that Don just reviewed could be sent to TLUG members and stakeholders.

Erik Knight from the Bureau of Reclamation presented the April 1 forecast from the Colorado River Basin Forecast Center, which is still predicting 96,000-acre-feet maximum runoff during April through July 2022, which he noted is the same as the March 1<sup>st</sup> forecast he presented at the last TLUG Meeting. Erik said the main difference was they moved up a little bit of the runoff volume to occur earlier in the season, but noted that it still falls into an “Average Year” category.

Erik reported that the USGS had just been out to check on the gages and have adjusted them slightly, so Erik said he will need to adjust the data, but that the overall volume should only change slightly due to the gage adjustments.

Ryan Birdsey asked Erik why at the bottom of the Proposed Operations Table on October 16-31 does the acre inflow number increase when the average inflow is decreasing? Ryan asked that if this is an error, how would this affect the end of month content? Erik said this looks like a computation error and should not affect the final numbers, but he will check into this. Ryan also asked about the numbers included on the Monthly Snow Accumulation chart as his calculations are different than what is presented. Erik said that for the “monthly” data, the numbers are actually collected just through the end of the month, whereas he believes the “current season” data also includes the first several days of April, so this is likely the difference.

Mark Schumacher asked if Erik had data on when the East River typically peaks. Mark noted that if the five-day required “average year” release coincides with the East River peak, then it becomes difficult for the boat fishing and rafting community to get under the bridges. Erik said the five-days 445 cfs release required by the Stipulation must happen sometime before June 30<sup>th</sup> of this year, but that the five-day release can be moved to a different date prior to June 30<sup>th</sup> if there is a good reason for doing so. Erik will check on the East River’s peak flows and report back to the group.

David Gochis of the National Center for Atmospheric Research (NCAR) presented data from WRF Hydro and noted that the Colorado River Basin Forecast Center’s model was indicating 96,000 acre-feet of runoff while NCAR’s model was indicating 81,800 acre-feet at this time. He said NCAR’s measurement of snowpack is a little lower and that they are seeing a bit more melt-out, especially at the lower elevations. He also indicated that the soil moisture content heading into the year is on the extremely dry side and that this could be part of the difference in the two models. David and Erik agreed that their models will start to come closer to matching in May and June once they have real melt-off data to plug into the models.

Andy Spann asked David if there was a way to calculate how much water would be needed in order to get what is considered an “average” soil moisture

content for a typical year. David said he can try to run that calculation to share with the group.

Steve Anders with the USGS reported that his team had just been out to inspect the gages and that the data provided is real-time data. He noted that with the Texas Creek gage, they were able to reoccupy the site where the previous gage had been so they will be able to compare new data with the historical records from the previous gage. With the Willow Creek gage, they determined that the gage site where a previous gage had been installed back in the 1980-1990's was not an optimal site for the gage. He said the new Willow Creek gage is closer to the mouth and to the reservoir itself, which is more ideal. He said it may be likely that there will be some discharge data that will be outside the normal ranges of discharge and that these anomalies are typically due to snow and ice build-up at the gage at this time of year, which he can adjust. General Manager Sonja Chavez asked if the adjustments made at the gage below Taylor Reservoir were due to the icing issues or if there was a problem with the gage. Dave said that icing is not typically a problem at that site as the water coming out of the reservoir is warmer unless there are very cold winter conditions. He said the incorrect measurements could be due to other factors such as algae or other conditions in the channel. USGS does check these every six weeks and if measurements are off they try to correct the situation within a day if possible.

Taylor Scott, an engineer for Colorado Parks and Wildlife (CPW), reported that the Spring Creek Reservoir outlet had been lined; they have added a new service road to the outlet; and they installed instrumentation at the dam. Taylor said that due to supply chain issues in the fall, they were not able to fully complete the project in time for a final inspection before the end of the year. He said the outlet is fully open for now and they are letting flows bypass the dam. Taylor said they hope to install the new gates by May 23 and finish the project by June 10, 2022. Taylor reported that they plan to fill the reservoir very slowly, as a dam safety measure, and would like it to get to about 80 percent full this summer. He said they will not allow runoff to spill over the dam as they have in the past.

Mark Schumacher asked when they will stock fish back in Spring Creek Reservoir. Dan Brauch of the CPW said they would like to restock as soon as possible and will keep an eye on the reservoir for when it has filled enough to safely release fish. Mark asked if they planned on releasing any brown trout and Dan replied that for now, they just plan to stock with "catchable" rainbow trout (measuring 10 inches in length) and with any fish that had been cut off upstream.

Chair Don Sabrowski expressed his concerns of trying to fill Spring Creek Reservoir now and during the summer and emphasized that Wilder has senior water rights. Taylor Scott said that the CPW can be very flexible with their

refill plans this summer and that from a dam safety point, they plan on filling the reservoir slowly, one foot every two to three days. Taylor said they will have “hold points” as the refill gets higher in the reservoir dam and they can time the releases to coordinate with TLUG’s needs. Taylor said they would be happy to cooperate with this group to make sure the water users get the water they need.

UGRWCD Staff Beverly Richards read a question from the chat box asking if Erik Knight’s and David Gochis’s reports were looking at the same period of the year. Erik and David confirmed that they are both looking at the same time frames. David noted that the bulk of the difference is based on the different figures the two groups are using in their models for snowpack levels and soil moisture content. Erik said that the Colorado River Forecast Center’s model does include some consideration for the dry soil but perhaps not as much as NCAR’s model.

Chair Don Sabrowski told Dan Brauch that the group was trying to be more conservative with ramping up flows and asked if this would be a detriment to fish. Dan said that fry emergence is in mid-June and that this is the most critical time for them but that he didn’t feel a few more weeks of low releases would cause any problems.

Rory Birdsey also asked Dan Brauch about the effect of holding back flows in April on spawning as it usually starts in about mid-April. Dan said there are specific targets they like to reach for spawning and he will look at those curves and report back. There was also discussion about how the five-day flushing flows might affect spawning. Dan said that the 445 cfs flows are a method to provide a flushing flow and might not be as effective if these are lowered. Typically, in high water years these flows are around 500-600 cfs and this ensures a better mobilization of the sediment in the stream. The consensus of the group was to try to keep the fishery flows as normal as possible and still keep releases low for the next few weeks.

At this point in the meeting, Chairman Sabrowski asked each TLUG Member for their recommendation on releases.

After Erik Knight was asked to run some projections based on several options for releases, the group eventually came to the following consensus for their recommendation to the UGRWCD Board:

Today through April 15<sup>th</sup>: leave flows at 70 cfs  
 April 16-30: increase to 125 cfs  
 May 1-15: increase to 140 cfs  
 May 16-31: increase to 250 cfs  
 June 1-15: increase to 375 (plan for five-day flushing flow of 445 cfs)  
 June 16-30: decrease to 350 cfs

July: keep at 350 cfs

August: decrease to 300 cfs

September: keep at 300 cfs until September 25 and then lower to 250 cfs.

October: decrease to 125 cfs.

This results in a end of October content of 70,050 cfs. Rory and Ryan Birdsey said they would both like to see the flows reduced to 250 throughout the entire month of September. This can be revisited at a later time.

Chairman Sabrowski noted that this is just a preliminary plan and the TLUG members will refine the plan in May in anticipation of recommendation to the Four Parties.

Chairman Sabrowski asked for any Citizen Comments and none were brought forth during the meeting. John Bocchino submitted a comment via email prior to the meeting and asked that it be included in the meeting summary. His email follows.

Chairman Sabrowski asked Bill Hollenbeck if we could schedule a tour of the outlet works at the reservoir. He said he would be able to do that but the number should be limited to 20 people. The timing of this tour can be discussed at the next meeting.

The next meeting was set for Thursday, May 5 at 10 AM. Chairman Sabrowski adjourned the meeting at 4:18 PM.

**From:** [john@riffleandrise.com](mailto:john@riffleandrise.com)  
**To:** [Sue Uerling](#)  
**Subject:** Re: Notice of Taylor Local User's Group Meeting, Thursday, April 7, 2022 at 2 PM  
**Date:** Thursday, April 7, 2022 10:19:56 AM  
**Attachments:** [image001.png](#)

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Hello Sue,

I will be attending the meeting via Zoom today but would like to submit my comments in writing here. I am doing this for a couple of reasons. One is that I have seen some misquotes in the meeting minutes and various interpretations of what people have said during these meetings, including comments from the public. And second, there is at times a lot of emotion from different corners during discussions that seems to blur the actual facts related to the current status of our resource and how to better protect it. So to be very clear about what I want to say, I would like my comments shared with the group during the meeting and also have my comments entered in the minutes as stated here without interpretation.

I live full time on the Taylor River, and I still work on the river. This is my river too. As part of the public that enjoys our water, I want to be able to provide constructive criticism and feedback to any group that impacts the management of our water, including TLUG. Our comments may not always be in line with the group, but we still need to be heard. I have spent decades of my life on the conservation front and am well aware of how important the fishery is. And I have seen first hand the impacts of dry years, low flows, and some poor decisions regarding flows. I would like to be able to contribute via the public comment process in a positive way and have my voice heard. I feel that having the public comment phase of the process occur after the board votes does not allow us to be very effective or have much of an impact. There are some of us who are able to share information and feedback which some members could possibly factor into their decisions and votes. And this is certainly true with regard to storage levels and flows during the winter months. I believe all stakeholder concerns can be addressed, all parties can share the water equally, and the fishery can get the focus it needs. The group continues to argue about what the Stipulation says and means, and what can be modified and what cannot. I think we can do better than this and focus on the facts related to flows and how to take better care of the fishery. We saw in the last meeting how very small changes in spring flows could allow for more optimum flows in the winter. This is exactly what I suggested last fall during one of the meetings. It is my hope that the public feedback during the last meeting regarding this matter will be considered in a more serious way and that we may continue to provide our comments and feedback as equal partners who want to enjoy our incredible resources here in this great valley for many years to come.

Thank you,  
John

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(970) 596-0380

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# **MEMORANDUM**

**TO:** UGRWCD Board Members

**FROM:** Watershed Management Planning Committee

**DATE:** April 13, 2022

**SUBJECT:** Watershed Management Planning Committee Meeting Summary

A meeting of the committee was held on April 13, 2022 at 1:00 p.m.

Stacy McPhail, Jesse Kruthaupt, Nancy Johnston, Sonja Chavez, Beverly Richards, Cheryl Cwelich and Sue Uerling were in attendance.

Agenda topics included updates on the watershed/wildfire and geo-fluvial assessments, municipal and environmental assessments, recreation improvements at the Gunnison White Water Park, CWCW WMP purchase order status, and grant opportunities being pursued.

As a result of these discussions the following action and discussion items were identified:

## **Action and Discussion Items**

- Cheryl Cwelich will monitor Gunnison White Water Park Improvements and need for grant funding for the project, if necessary.
- Sonja Chavez will continue to work on the development of the third purchase order from CWCW for the watershed management planning process.
- Staff will provide participants with a copy of the letter from the State Engineer's Office regarding streambank and floodplain restoration projects.
- Staff will contact Brad Piehl with JW Associates to discuss storage of story map data and location of story map for access from the public.
- Sonja Chavez will incorporate policy on maximum indirect cost recovery rates as approved by the Board of Directors.
- Staff will continue to work with local municipalities to develop source water protection and drought contingency plans.
- Jesse Kruthaupt will provide staff with a list of potential projects that might be good candidates for the Community Funding Partnership program ( Colorado River District).
- Beverly will contact Ashley Hom to discuss additional stream reaches in Taylor River basin that may be included in the geo-fluvial assessment.
- Staff will review Boatable Days Tool report re-write for general public provided by Nancy Johnston.
- Staff will continue to compile report sections for the Phase 2 WMP report. This will focus on sections provided by Wilson Water Group and suggestions for additional information will be provided to Erin Wilson.

## **Next Meeting**

Watershed Management Planning Committee – May 11, 2022 – 1:30 p.m. Meetings will now be held on second Wednesday of the month at the request from staff.

### **Adjournment**

The meeting was adjourned at 2:15 p.m.

## **MEMORANDUM**



**TO:** UGRWCD Board of Directors  
**FROM:** Cheryl Cwelich, Watershed Program Coordinator  
**DATE:** April 18, 2022  
**SUBJECT:** Wet Meadows Program Update (April)

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During the month of March and April, the following activities have commenced or been completed in the Gunnison Basin Wet Meadows & Riparian Restoration Collaborative (GBWMRRC):

### **Activities Completed**

- Met with Data Collection Team on March 3<sup>rd</sup> to standardize data collection processes.
- Held first and second Strategic Planning meetings on March 4<sup>th</sup> and April 7<sup>th</sup> to discuss landscape-scale planning, funding opportunities and outreach efforts.
- Amended contracts with BIO-Logic and Wildlands Restoration Volunteers (WRV) to adjust to appropriate grant funding pools.
- Submitted Planning & Capacity grant application to GOCO for \$158,100 on March 30<sup>th</sup>.
- Submitted Congressionally Directed Spending grant for \$640,000 on April 8<sup>th</sup>.
- Attended Colorado Natural Heritage Program's (CNHP) annual partners meeting on March 11<sup>th</sup> to build important monitoring relationship and discuss strategies to reduce 52% indirect cost rate with CSU administration.
- Attended Club 20 "Forest & Watershed Health" annual meeting on March 24<sup>th</sup> and 25<sup>th</sup> to discuss forestry health overlap with Wet Meadows Program and explore funding opportunities with forthcoming IJA/BIL funding.
- Coordinated interviews with Trout Unlimited (TU) and Crested Butte Land Trust (CBLT) for their upcoming newsletters to highlight the importance of wet meadows work and water resource management.

### **Activities in Progress**

- 2022 Field Work:
  - Field work will kick off with site recon at the United States Forest Service (USFS) land at Black Sage Pass on April 20<sup>th</sup>-22<sup>nd</sup> with various agency representatives and the downstream landowner from Double Hart Ranch.
  - Bid Field Tour – Pinnacle Construction Gold Hill Excavation, Hearne Excavating, and JR Perkins for bid tour on May 16<sup>th</sup> of BLM property for restoration work more than \$10,000; funded by BLM L17 funding agreement.

- Monitoring
  - After receiving feedback from wet meadows partners, Teresa Chapman of The Nature Conservancy (TNC) will be delivering a new standardized data dictionary for the data collection team for use in the 2022 field season.
  - The General Manager and Coordinator are in the process of gathering information and scoping the project to assess the potential project cost to do environmental assessments. If the project cost is equal to or less than \$100,000, the UGRWCD will seek bids from qualified firms. If the anticipated costs are greater than \$100,000, the District will release a request for proposal (RFP).
- Continuity & Vision:
  - The Wet Meadows Program key partners are providing feedback for the 2022 *Scaling Up Vision & Objectives* draft. We will meet again in September/October to continue long-term project planning and discuss our new project ranking matrix and outreach vision.
- Outreach:
  - The coordinator has received various enquiries from Western Colorado University (WCU) students and faculty for volunteer, project, and workshop opportunities. The Wet Meadows Program will host workshops in the fall of 2022 for students in collaboration with High Country Conservation Advocates (HCCA).
  - The Gunnison sage-grouse (GUSG) Summit at Western took place on April 4<sup>th</sup> and 5<sup>th</sup> and was attended by the coordinator and all core Wet Meadows partners.
- Funding Opportunities:
  - The U.S. Fish & Wildlife Service (FWS) has released a call for proposals under the Bipartisan Infrastructure Law (BIL) to identify priority on-the-ground sagebrush conservation delivery projects. This is the first of many opportunities for the GBWMRRC to apply for large-scale funding. We are collaborating with FWS and Gunnison County on a proposal and a Wet Meadows Program narrative and budget of \$955,158 has been submitted for inclusion in the proposal.
  - UGRWCD NFWF grant will expire in December 2022. A component of the budget is funding coordinators of \$10,000 each in San Miguel and Crawford Counties. The coordinator is working with representatives in San Miguel and Crawford.
  - Lack of affordable housing has impacted the Wet Meadows Collaborative with difficulties in hiring seasonal agency workers and conservation crews. We have drafted a letter to Western Colorado University's president, Brad Baca, who has expressed interest in discussing the ability for UGRWCD to rent a block of dorm rooms during the summer months at a reduced rate for Wet Meadow work crews, research students, interns, etc. This is still a work in progress, but we are encouraged and will keep UGRWCD Directors updated.
  - A no cost budget modification for BLM funding agreement L17 is being developed in collaboration with BLM representative, Andrew Breibart, to adjust for 2021 archaeology costs and the 2022 field season. The overall amount, \$325,000, of the funding agreement is not being adjusted.

# **AGENDA ITEM 8**

**Scientific Endeavors Update**

# **AGENDA ITEM 9**

**Gunnison Basin Roundtable**

# **AGENDA ITEM 8**

**Gunnison River Festival Update**

# **AGENDA ITEM 9**

## **Miscellaneous Matters**

# Reports

## Monthly Energy Production Report

Generated for Beverly Richards  
on 04/18/2022

### UGRWCD

Gunnison, CO

This report provides energy production for April.

Week	Peak Power	Energy Produced
04/01/2022 - 04/07/2022	5.93 kW	252 kWh
04/08/2022 - 04/14/2022	5.92 kW	275 kWh
04/15/2022 - 04/21/2022	5.92 kW	116 kWh
04/22/2022 - 04/28/2022	0 W	0 Wh
04/29/2022 - 04/30/2022	0 W	0 Wh
April 2022 Total:		644 kWh
Previous Month Total:		1.04 MWh
Year to Date:		2.97 MWh
Lifetime Production:		28.8 MWh

Your **Carbon Offset** for this month: 980.0000000000001 lbs

You have offset the equivalent of: **11 Trees**



### Browser not supported

Use Microsoft Edge, Google Chrome, Firefox or Safari to access the fresh new look of MyEnlighten with the exciting new features.

Ok, Got It

4 <---- Month to Summarize (change this number to look at a different month)

PRELIMINARY - SUBJECT TO REVISION

TO

Daily Summary for Month --&gt;

Apr

		Taylor Park Reservoir								Silver Jack Reservoir				Aspinal Unit						GUNNISON TUNNEL ALLOCATION																		
River Call		Average Flow		Reservoir				1st Fill	2nd Fill	Other	Aspinal	Reservoir		BP Acct	AU Acct	Reservoir Contents			Total Aspinal Unit Inflow			1st Fill	Contract	Streamflow and Divs		Type of Water Diverted into Tunnel							Tot 1st fill					
Day of Month	Silver Jack Reservoir & Juniors In Priority (1=Yes, 0=No)	TP Releases from TP 1st Fill (1=Yes, 0=No)	Excess Released TP Inflow and AU Nat Inflow (cfs)	Shortage after AU Nat Inflow and TP Inflow (cfs)	3-Day Average TP Inflow and AU Nat Inflow (cfs)	3-Day Ave. GT Shortage after AU Nat Inflow and TP Inflow (cfs)	TP Res. Content (af)	TP - USGS outflow (cfs)	TP Compute d Inflow (cfs)	1st Fill - in TP (af)	2nd Fill - in TP (af)	Other Account Storage in TP - Storage - (af)	AU Storage e in TP - (af)	SJ Res Content (af)	Reservoir Storage (cfs)	SJ Inflow to Reservoir (cfs)	BP - Storage - in SJ (af)	AU Water - Storage - in SJ (af)	BM Res Content (af)	MP Res Content (af)	CR Res Content (af)	AU Change In Storage (af)	Computed rel from CR (cfs)	AU inflow below TP & with AU Aug Rel (cfs)	#REF!	UGRWCD Contract water (af)	Gun. River below East Portal (cfs)	Total Gunnison Tunnel Divs (cfs)	GT Divs - AU inflow minus released (cfs)	GT Divs - TP Inflow (cfs)	GT Divs - SJ Storage Inflow by AU Exch (cfs)	GT Divs - UGRWC D Contract Water Rel (cfs)	GT Divs - Rel from 2nd Fill for Rec/Fish (cfs)	GT Divs - 1st Fill Credit in BM (cfs)	#REF!	Remain. 1st Fill Credits TP and AU (af)		
																													(1)	(2)	(3)	(5)	(6)	(7)			(8)	(11)
1	1	1	722	0	681	0	57,317	75	82	36,415	20,902	0	0	1,135	0	1,135	0	1,135	0	241,116	108,932	16,844	585	972	1,213			399	573	573	0	0	0	0	0	0	105,924	
2	1	1	499	0	611	0	57,331	75	82	36,266	21,065	0	0	1,135	0	1,135	0	1,135	0	241,453	108,739	16,844	143	681	699			399	282	282	0	0	0	0	0	0	105,924	
3	1	1	627	0	616	0	57,345	75	82	36,117	21,228	0	0	1,135	0	1,135	0	1,135	0	241,886	108,677	16,870	397	681	827			399	282	282	0	0	0	0	0	0	105,924	
4	1	1	621	0	583	0	57,359	75	82	35,968	21,391	0	0	1,135	0	1,135	0	1,135	0	242,415	108,568	16,926	476	684	870			353	331	331	0	0	0	0	0	0	105,924	
5	1	1	585	0	611	0	57,373	69	76	35,831	21,542	0	0	1,135	0	1,135	0	1,135	0	242,608	108,878	16,873	450	720	899			330	390	390	0	0	0	0	0	0	105,924	
6	1	1	604	0	603	0	57,373	70	70	35,692	21,680	0	0	1,135	0	1,135	0	1,135	0	242,752	109,399	16,679	472	733	922			345	388	388	0	0	0	0	0	0	105,924	
7	1	1	375	0	521	0	57,345	70	56	35,554	21,791	0	0	1,135	0	1,135	0	1,135	0	242,944	109,337	16,598	48	732	708			344	388	388	0	0	0	0	0	0	105,924	
8	1	1	760	0	580	0	57,387	70	91	35,416	21,971	0	0	1,135	0	1,135	0	1,135	0	243,137	109,687	16,797	742	734	1,060			344	390	390	0	0	0	0	0	0	105,924	
9	1	1	0	4	379	1	57,470	70	112	35,416	22,054	0	0	1,135	0	1,135	0	1,135	0	243,474	108,491	16,841	-816	737	277			344	393	277	70	0	0	0	46	0	105,832	
10	1	1	686	0	482	1	57,526	70	98	35,277	22,249	0	0	1,135	0	1,135	0	1,135	0	244,099	108,405	16,879	578	741	984			345	396	396	0	0	0	0	0	0	105,832	
11	1	1	489	0	392	1	57,582	70	98	35,138	22,444	0	0	1,135	0	1,135	0	1,135	0	244,340	108,289	16,932	177	854	894			351	503	503	0	0	0	0	0	0	105,832	
12	1	1	577	0	584	0	57,623	70	91	34,999	22,625	0	0	1,135	0	1,135	0	1,135	0	244,678	108,421	16,864	403	927	1,081			332	595	595	0	0	0	0	0	0	105,832	
13	1	1	164	0	410	0	57,623	70	70	34,860	22,764	0	0	1,135	0	1,135	0	1,135	0	244,147	107,996	17,032	-788	1,134	688			540	594	594	0	0	0	0	0	0	105,832	
14	1	1	21	0	254	0	57,610	70	63	34,805	22,805	0	0	1,135	0	1,135	0	1,135	0	243,618	107,673	16,941	-945	1,191	666			483	708	666	42	0	0	0	0	0	105,832	
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Total	30	30	6,731	4	7,307	4	999	1,154						0									1,924	11,522	11,787			5,308	6,214	6,055	112	0	0	0	46	0		
Tot (af)			13,351	8	14,494	8	1,982	2,289						0									3,817	22,854	23,380			10,528	12,325	12,011	223	0	0	0	92	0		
Min	1	1	0	0	254	0	57,317	0	56	34,805	20,902	0	0	1,135	0	1,135	0	1,135	0	241,116	107,673	16,598	-945	0	277	0	0	0	0	0	0	0	0	0	0	0	105,832	
Max	1	1	760	4	681	1	57,623	75	112	36,415	22,805	0	0	1,135	0	1,135	0	1,135	0	244,678	109,687	17,032	742	1,191	1,213	0	0	540	708	666	70	0	0	0	46	0	105,924	

Annual Summary (all values in ac-ft) Note: Reservoir content is the end of the month content

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## SAIL RESEARCH PROJECT MAKING STRIDES IN NORTH END OF THE VALLEY

🕒 April 6, 2022    👁 483 Views

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Filling in measurement gaps and improving water cycle predictions

[ By Katherine Nettles ]

Representatives from an ongoing Upper Gunnison/East River Valley atmosphere study have reported that research for the project is going well and the valley is an ideal location for major progress on a global research level. Before the end of the ski season, Heath Powers from the Los Alamos National Laboratory and Ken Williams, a geologist with the Berkeley National Laboratory presented their oversight to Gunnison County commissioners of a long running research project funded by the U.S. Department of Energy that is focused on the future of water in the United States.

The National Laboratories are conducting a Surface Atmospheric Integrated Laboratory (SAIL) project, a two-year study of the atmosphere in the East River Valley, as previously reported in the *Crested Butte News*. The study involves close collaboration with the Rocky Mountain Biological Laboratory (RMBL) and Colorado State University.

“What’s so great about working in the Upper Gunnison Valley is that it’s reflective or emblematic of mountain systems throughout the United States,” said Williams. From the sage in Gunnison to the high alpine areas above treeline, to the bedrock composition of the surrounding areas, he said the complex terrain of the valley represents an incredible place to explore the processes that impact water flows.

“We could not have found a better place to perform our research than the Upper Gunnison,” said Williams. The teams are studying the landscapes to understand how plants and soils, forests and bedrock take on the “hand-offs of water” from snowmelt and other precipitation, and ultimately release it back into the atmosphere. He said that groundwater inputs have shown a 55 to 60% return rate.

“What we’ve seen to date is really surprising. We’ve seen decreases in ground water elevation over broad spatial areas of upwards of six to seven or eight feet over the past few years,” he said of natural variations. The project is linking the network of ground-based and atmospheric measurements to develop numerical models.

“And while that sounds fancy and sophisticated, it’s critically important because it’s those models that allow you to take individual data points and put them within a context that allows you to understand a system,” said Williams.

Powers echoed that the SAIL project will be instrumental in filling in measurement gaps around the western portion of Colorado, and thereby improving predictions of the water cycles and better understanding the Colorado River Basin. “We are basically flying blind in the headwaters of the headwater state,” he said of the need for the research. “Also, this research will be representative of mountainous areas around the world,” said Powers. “This will truly help us across the globe.”

Powers thanked RMBL executive director Ian Billick, who also attended the presentation, for the collaboration. Billick in turn commented on how important the county staff’s support has been in placing the project research apparatus on various county plots of land. “What we do is very unusual, it’s unique and it’s not something people usually have a lot of experience with. The county staff have been very generous... I recognize that sometimes we’ve been a little challenging. We’re a square peg trying to fit in a round glass,” he said.

County commissioner chair Jonathan Houck suggested a future work session with RMBL and the commissioners would be instrumental. “Some of the opportunities that happen in this county and this watershed are pretty unique. And they contribute way outside of what’s going on here,” he said.

“The scientific community has found a place here that appreciates science, believes in science and wants to see these opportunities utilized for things that are important to all of us,” said Houck.



# COUNTY PREPARES TO UPDATE WILDFIRE RESPONSE PLAN

🕒 March 30, 2022 👁 270 Views



**“Wildfires are inevitable, but the destruction of homes, ecosystems, and lives is not...”**

*[ By Katherine Nettles ]*

Gunnison County is beginning the process of updating its wildfire prevention and response plans for the future as an increasingly drier climate becomes a reality across the West and the size and scope of wildfires has taken neighboring regions by surprise. According to officials, there is high potential for large wildfires in the area, yet the perception of risk may be lower than reality would indicate and home ignition potential is a key part of the issue.

To address that concern, Gunnison County officials held a public wildfire risk and reduction meeting on March 23 and met with local fire professionals to discuss potential policy changes that might include new risk mapping and new building code amendments. County staff presented an overview of the current Wildland Urban Interface (WUI) code and potential policy recommendations. At the county level, county commissioners would need to approve of any policy changes after they were first vetted through a public outreach process and the county planning commission. Statewide legislation is also being drafted.

The county has engaged with wildfire and fire professionals locally, including the West Region Wildfire Council, Colorado State Forest Service, Gunnison County Emergency Management, the Crested Butte Fire Protection District, Gunnison Fire Protection District and the U.S. Forest Service.

## The risks

Cathie Pagano, Gunnison County assistant county manager for community and economic development, reviewed wildfire risks in Gunnison County. These include diverse fuel types from high elevation forests to grass and sagebrush, successful historic fire suppression practices, pine beetle infestation and perception of lower risk than might be warranted. The largest fire in Gunnison County in the past 50 years has been a 1,400-acre fire, reviewed Pagano, yet there is high potential for large wildfires here.

Pagano included excerpts from a 2013 U.S. Forest Service report based on the Forest Sciences Laboratory of the Rocky Mountain Research Station describing how a sequence of conditions and potential consequences can build up to a major wildfire disaster. With severe wildfire potential, extreme burning conditions and residential fires among highly ignitable homes, the sequence demonstrates how firefighting resources can become overwhelmed, and their effectiveness can be reduced or eliminated—resulting in many homes destroyed.

The report states: “Wildfires are inevitable, but the destruction of homes, ecosystems and lives is not... Overcoming perceptions of wildland urban interface fire disasters as a wildfire control problem rather than a home ignition problem, determined by home ignition conditions, will reduce home loss.”

Mike Terrentino from the Colorado State Forest Service pointed out that some homes in the recent Boulder County fires had just been mapped as being “unburnable,” for example.

### **The response**

Pagano presented potential next steps to address the issue, which include following a set of new international wildfire protocols, developing recommendations based on public and stakeholder input and proposing recommendations to the Gunnison County planning commission and municipal councils for consideration.

The Community Planning Assistance for Wildfire (CPAW), established in 2019 to improve outreach and engagement with local stakeholders and constituents and to develop mapping tools and policy, has several recommendations such as defining the wildland urban interface for each area, starting a risk assessment program, adopting the WUI code as a supplement to local adopted building code, updating land use regulations for more resilient approaches to development and using existing plans to support wildfire hazard regulations across Gunnison County.

At the state level, the Colorado Fire Commission and a WUI code subcommittee are drafting recommendations that may be introduced this legislative session. If passed, new legislation could have major impacts such as new eligibility for federal funding that has been unavailable in the past due to lack of an adopted state-wide building code.

Crested Butte Fire District CEO Sean Caffrey said the fire district has historically enforced the fire code in 228 square miles of Crested Butte and beyond. “Protection is the name of the game here, as response under these circumstances...tends to be pretty limited,” he said.

A spokesperson for the West Region Wildfire Council noted that a 2,000-square-foot home is an equivalent of 60,000 pounds of fuel on average. "Once it starts on fire, everything is going to burn," he said. "[Updating] this plan puts us in a really good spot."

According to the presentation, embers from a fire are the most important cause of home ignition, and the two most important prevention factors are ignition resistant building materials and designs and adequate defensible space. There was discussion about whether new land use regulation amendments could potentially include new construction only or remodels and even existing structures. While existing homes would be harder to retrofit, "We have a whole lot of housing stock out there already," said Pagano.

Pagano said county staff will be presenting this information and discussing options such as adoption of the International WUI code to the planning commission at an upcoming meeting. Any county-based recommendations would go through the planning commission, include an additional public input hearing and then back to county commissioners for final review and approval.

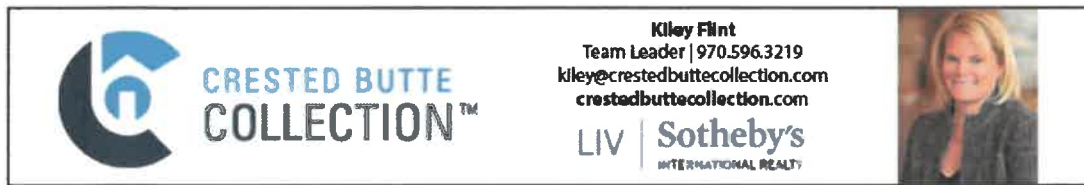
Sonja Chavez, manager of the Upper Gunnison River Water Conservancy District, said the UGRWCD is also looking at new mapping in the forest system to identify priorities, and a major concern is water quality. "We have no redundancies of our water sources here, so that's something we are trying to work on."

As part of an effort to increase outreach and awareness, stakeholders will be showing some wildfire films in Crested Butte during the month of April.



# GUNNISON COUNTY KEEPING AN EYE ON SAGUACHE COUNTY'S MINE

🕒 March 30, 2022    👁 530 Views



## Concern with Tomichi Creek water quality

[ By Katherine Nettles ]

Water quality experts and Gunnison County officials have been monitoring a proposal before a water quality control commission in neighboring Saguache County to see if local water quality might be affected by changes to the water quality standards proposed by a mining company for the inactive Pitch uranium mine there. While it appears the mining company has backed away from the plans of biggest concern to Gunnison County about drinking water supply protections, the issue may reappear in the future depending on how current hearings play out. Gunnison County, the Upper Gunnison River Water Conservancy District (UGRWD), High Country Conservation Advocates (HCCA) and Northwest Colorado Council of Governments have requested to be named as joint parties in water control commission hearings on the subject, which are scheduled to take place this summer.

Homestake Mining Company owns the Pitch Mine that ended production in 1981 and the company is obligated to reclaim the inactive uranium mine on national forest land in Saguache County. Homestake announced initial plans last fall to request additional time for “temporary modifications” and to consider lowering water quality standards for Marshall Creek, which is a tributary of Tomichi Creek in Gunnison County.

Gunnison County commissioners have been concerned about the latter proposal to lower water quality standards on Marshall Creek, and after extensive discussion have decided to get involved in an upcoming hearing.

## Adopting a new ordinance?

Gunnison County commissioner Roland Mason and county attorney Matthew Hoyt listened in on talks at the end of January between Saguache County commissioners, local landowners and Homestake Mine officials. According to Mason, the mining company had offered in an ordinance proposal to drill deeper

drinking water wells to aid in securing cleaner residential water sources within the town of Sargents near the base of Monarch Pass.

County commissioner chair Jonathan Houck and Mason both expressed concern that it could create a dangerous precedent as well as adversely affecting Tomichi Creek. "It's like moving the goal posts, but not dealing with the issue," said Mason. He reported that no attendees or Saguache commissioners had opposed the idea during the meeting.

Mason said later that he had spoken to a Saguache commissioner about that board's interest in accepting Homestake's proposed ordinance after they had reviewed it. "They did rewrite some of it, but the ordinance is still kind of the same thing...it didn't change much," said Mason.

## **Water quality commission**

### **hearing**

Water quality expert Ashley Bembenek updated commissioners on the issue in late February. Bembenek represents the Northwest Colorado Council of Governments, water quality/water quantity committee (QQ) of which Gunnison County is a member.

In her last briefing to commissioners following the November 2021 water quality control commission hearing, Bembenek had expressed concerns about Homestake's plans to both extend their temporary modification to the uranium standard going to Marshall Creek and to potentially remove the water supply use from Marshall Creek.

The temporary modifications are a tool to allow the mine time to address uncertainty regarding uranium sources, the extent to which clean up activities can remove uranium and the appropriate water quality standard to protect existing and future water supplies in Marshall Creek.

"I believe that the basis to continue temporary modifications is acceptable, but again I remain very concerned about the potential proposal to remove the water supply," said Bembenek.

At this point, Homestake has asked only to extend the temporary modification, noted Bembenek, "So they are not removing the water supply use at the moment." But she cautioned that if the water supply protections were removed from Marshall Creek, that could have downstream effects on Tomichi Creek.

"There are several drinking water wells that are likely recharged by water from Tomichi Creek. That's why

we care about uranium in both Marshall Creek and Tomichi Creek. Excess consumption of uranium can cause liver and kidney issues,” she said.

According to the National Center for Biotechnology Information (NCBI), “uranium is a suspected human carcinogen.”

The preliminary hearing process with the water quality control commission is now underway and it will conclude with the formal hearing scheduled in June 2022. Gunnison County has submitted a request for party status consideration through that process. Proposal responses and related party concerns will be due in April and rebuttals will take place in May. Parties to the hearing and the public may provide comments prior to the formal June hearing.

“The other issue we’ve discussed was a concern about the precedent it sets,” said Houck. “If they are successful in basically saying we can limit future use instead of being responsible for our actions—that’s a very coarse way to put it out there, but that’s a concern.”

Bembenek said that if Saguache adopted an ordinance, that would also create some implementation work for Saguache County. “That’s another precedent,” she said and recommended that Gunnison County ask for water quality and flow monitoring in Tomichi Creek downstream from Marshall Creek.

Bembenek said she would also like to look at water quality data collected recently from homeowner wells along the Tomichi, to see whether it is possible to establish a baseline.

Commissioner Liz Smith asked what could be done to ask for restoration as well.

Bembenek said that while the process is complex, an argument could be made that, “If you acquired rights to mine a contaminated site, you also acquired the rights to clean it up.” She said water quality standards must be reviewed at least every three years and clean up goals are generally established based on a 20-year timeline.

“It’s an issue of concern for us, all things water.... Even if it comes from outside of the county, we’re connected through the hydrology,” said Houck.



# TOWN CONTRIBUTES TO PROJECT MEANT TO FILTER MINERALS FROM COAL CREEK

🕒 March 30, 2022 👁 412 Views



## Small contribution could result in significant impacts

[ By Mark Reaman ]

The town of Crested Butte is hoping a relatively modest contribution will have a big impact on water quality in Coal Creek. The town council agreed on March 21 to commit to donate \$65,000 over five years to support a Coal Creek Watershed Coalition (CCWC) proposal to restore a gossan located in the town's watershed on Mt. Emmons three miles west of town. Crested Butte public works director Shea Earley described a gossan as a naturally occurring mineralized geologic formation.

According to Ashley Bembenek of the CCWC, that organization along with several other organizations have identified the gossan as a major source of metals in the Coal Creek Watershed. She said the CCWC began exploring options to restore the gossan as early as 2011. Although very important to the health of Coal Creek, the project was tabled for a number of reasons.

"In November 2021, the State's Natural Resource Damages (NRD) program announced that there was a settlement that would provide more than \$230,000.00 for restoration and water quality improvement projects in Gunnison County," Bembenek explained. "The settlement is part of a larger penalty paid by Standard Metals, that once operated the Standard Mine. In the last several months, CCWC hosted a number of stakeholder meetings to identify a local project. After much discussion and data analysis, it's clear that the gossan restoration project is the best candidate for the settlement funds. We are thrilled that the Town of Crested Butte, Gunnison County, and the Colorado Division of Reclamation Mining and Safety have signed on to support the project along with the landowners, MEMC and the USFS."

According to Earley, the project would "establish vegetation and improve drainage pathways to reduce erosion and metals mobilization from the portion of the gossan that was burned in the late 1970s due to a fire started by welding activities at the Keystone Mine site. By increasing vegetation density and improving

water drainage patterns, the project partners hope to reduce metals loading in Coal Creek upstream of the town's drinking water supply intake."

Earley projected that even if the project results in a 20% reduction in mineral loading, it will have "substantial water quality and environmental benefits."

The project is estimated to cost \$1.5 million. The gossan is located on both land controlled by the U.S. Forest Service and the Mt. Emmons Mining Company (MEMC). Earley indicated MEMC has tentatively agreed to fund the project to the tune of \$720,000. The Upper Gunnison River Basin Natural Resources Damages Fund is contributing \$240,000. Town will donate \$20,000 for the first and second year of construction which is scheduled to start in 2024 and last two to three years. After that the town will contribute \$5,000 annually for five years for project monitoring. The town is also on board to help develop and administer a watershed permit for the project.

In his memo to council, Earley stated that the gossan is one of the largest contributors to metals loading in Coal Creek so the project is expected to significantly decrease metals loading into Coal Creek. The project thus could reduce the treatment load at the town's water treatment plant. He said that the resulting decreased metal concentrations, particularly zinc, may reduce the need for capital improvements and additional energy and material consumption at the water and wastewater treatment facilities.

Mayor Ian Billick thanked the staff for finding the time and resources to participate in such projects given all the other issues in front of them.

Bembenek said the CCWC is putting the finishing touches on the NRD application this week. "We hope to hear back from the NRD program in September," she said. "In the meantime, we'll be writing additional grants to fund this project. If our wonderful community is so inclined, CCWC is also fundraising for the project- please visit [www.coalcreek.org](http://www.coalcreek.org) to learn more!"



## Nebraska lawmakers approve proposed Colorado canal project

Nebraska lawmakers have given final approval to a bill that would let the state build a canal in Colorado to divert water out of the South Platte River, a project steeped in fears about the Denver area's growing water consumption

AP

Apr 12, 2022



LINCOLN, Neb. — Nebraska lawmakers gave final approval Tuesday to a bill that would let the state build a canal in Colorado to divert water out of the South Platte River, a project steeped in fears about the Denver area's growing water consumption.

Lawmakers passed the measure with little fanfare, 42-4, and sent it to Republican Gov. Pete Ricketts, who proposed the idea and is expected to sign it.

The legislation will allow the Nebraska Department of Natural Resources to start work on the estimated \$500 million canal. They've only approved \$53.5 million in funding, however, which will force the department to seek more money next year to continue the project.

State officials have they'll use the initial money for design work, permitting and purchase options to potentially buy land for the project in the future.

Ricketts announced the plan in January to invoke Nebraska's right to construct the canal under the South Platte River Compact, a legally binding water-sharing agreement approved by Nebraska, Colorado and Congress in 1923.

Building the canal would give Nebraska the right to claim some of the water in late fall, winter and early spring and store it for use in drier times. Colorado has always fulfilled its obligation to provide at least 120 cubic feet per second of water during the summer irrigation season, but it has no such duty during the non-irrigation season.

Some Nebraska lawmakers have questioned whether the project is necessary.

A spokesman for Colorado Gov. Jared Polis has called the project "a bad-faith attempt to undermine a century-long and successful compact between Colorado and Nebraska and a costly boondoggle for Nebraska taxpayers."

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## From the Web

Ads by Revcontent



**Loophole Allows This Asset To Be Tax And Penalty Free In Your Retirement**



**This is Why No One Recognizes Her Outside of the Big Bang Theory**

## BRIEFS

## City adopts higher utility rates

On Tuesday, Gunnison City Council moved to adopt a 5% electric rate increase, scheduled to go into effect on May 10.

Drought conditions along the Colorado River have meant a decline in available hydropower, increasing costs as power providers make up the difference from other sources. The city's 2022 budget included a 3% electric rate increase, predicted to cover those additional expenses.

According to Electric Superintendent Will Dowis, natural gas prices nearly doubled toward the end of 2021, causing MEAN to significantly raise rates for its customers. Instead of the original 3%, staff proposed a pass-through rate of 5% that would cover the effects of the WAPA hydroreduction and MEAN energy rate increases.

## Employers invited

Region 10 and the West Central Small Business Development Center are offering a "Employees 101: Beginning to End" seminar on April 20.

Participants will receive checklists for hiring, performance evaluation, discipline and termination as well as the required paperwork for Colorado employees. The seminar will also discuss the stages of the employee life cycle — including what to do before hiring someone, how to orient an employee to your business, how to effectively set expectations and manage behavior and how to discipline and terminate employees safely.

The session will take place from 9 a.m. to noon in the North Conference Room at the University Center, located on the Western Colorado University campus. The cost is \$45.

## New law aims to build stronger partnership between Colorado Tribes and the state

On April 11, Colorado Governor Jared Polis signed a bill into law that will require the General Assembly to invite state Tribes to make an annual address during a joint session between the Senate and the House.

"Colorado will be the first state in the country to invite our Tribal leaders to the capitol to address the needs of their communities," Senator Kerry Donovan wrote in a press release. "Tribes are our partners, and they shouldn't be left standing on the sidelines when policy is being developed and implemented."

The new law, SB22-105, seeks to improve communication between Tribal governments and the state legislature and will extend an invitation to representatives of the Ute Mountain Ute Tribe and the Southern Ute Indian Tribe.

## Local drought improves, but persists

## Projections signal another dry year ahead

Alan Wartes  
Times Publisher

While negotiations are underway among Colorado River Basin states about how to respond to downstream water shortages in the coming year, projections about expected conditions in the Upper Gunnison Basin are beginning to signal another challenging summer ahead.

In a work session on Tuesday, Gunnison County Commissioners received an update from the Upper Gunnison River Water Conservancy District. Beverly Richards, district water resource specialist gave an overview.

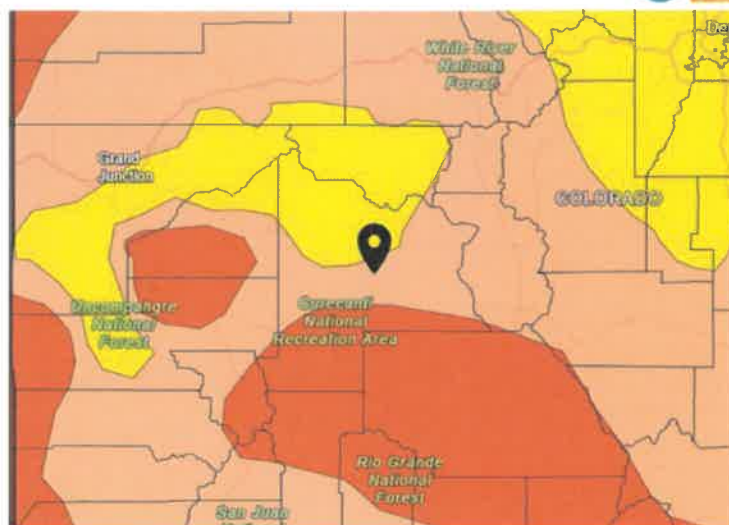
Gunnison County saw some improvement in drought severity over April 2021, she reported, though the entire county remains in some level of drought. Last year, roughly 90% was rated as "severe." As of April 5, 2022 only 30% of the southern county remained in that classification, while 41% was considered in "moderate" drought and 29% was rated as "abnormally dry."

"We are doing better," Richards said. "However, they are predicting that the drought will persist. And if conditions remain dry and warm, which they're forecasting it to do, the conditions could worsen in the county."

The U.S. Drought Monitor projects that drought will "persist" across the entire western half of the country, including portions of the Midwest, at least through June 2022. The 90-day forecast for Gunnison County calls for "warmer than normal temperatures and below normal precipitation," Richards reported.

"We're hoping for a lot more

## U.S. Drought Monitor



## U.S. Drought Monitor for Gunnison County

(D0) Abnormally Dry: 100.00%	(D1) Moderate Drought: 70.91%	(D2) Severe Drought: 30.31%	(D3) Extreme Drought: 0.00%	(D4) Exceptional Drought: 0.00%
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Gunnison County drought has improved in severity over April 2021, but all of the county remains in some classification of drought.

than that this year, because we've had more snow than we did last year," she said. "So fingers crossed on that one."

As of April 11, flows at stream gages throughout Gunnison County were "normal" for this time of year. The Gunnison River was flowing at 311 cubic feet per second (cfs), down from 409 cfs this time last year. In 2021, runoff began in mid-May and peaked three weeks later at 1,720 cfs.

Reservoir storage across the entire Upper Gunnison River Basin was 42% of capacity on April 10. Taylor Reservoir is expected to experience an inflow of 96,000 acre-feet this year, which is 102% of average, and to finish the year with 70,762 acre-feet of water, also 102% of average.

age.

Blue Mesa Reservoir will not fare as well, Richards reported. It is projected to fill to only 42% of average from April to July, maxing at 349,000 acre-feet. Year-end projections put the reservoir back where it stands now, at 29% of capacity with only 248,000 acre-feet of water.

Precipitation across the Upper Gunnison River Basin since December has been around 69% of normal, and the snow-water equivalent of the remaining snowpack currently measures around 92% of normal.

Soil moisture in the basin — measured in the top 10 centimeters of soil — ranges below 30% on average, with some portions of the county falling below 10%.

"That's probably going to have an effect, though, when the runoff happens, because the soil moisture will have to be replenished," Richards said.

Upper Gunnison General Manager Sonja Chavez told commissioners that the Bureau of Reclamation (BOR) will likely release additional water this year from the Flaming Gorge Reservoir on the Utah-Wyoming border to support water levels in Lake Powell. The BOR has signaled in recent weeks that it does not intend to release more water from Blue Mesa this year.

(Alan Wartes can be contacted at 970.641.1414 or publisher@gunnisontimes.com.)

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**HOME ON 50 ACRES** in Ohio City features an excellent mixture of wildlife, nearby trails, aspen, pines & 300 feet of Gold Creek frontage. 3 bdrm/2 bath house, huge attached garage, large detached barn, located by Forest Service lands. Gold & Silver mine. 5498 County Road 771; \$1,750,000.

**MOVE-IN READY** 2 bdrm/1 bath mobile home north of Gunnison features a large mudroom entry way, office and fenced yard. Lot rent is \$425/month and includes plowing, water, sewer and trash. 2388 Highway 135 #32; \$35,000.

**NEW LISTING** 3 bdrm/3 bath Van Tuyl Village home built in 2013 with a detached 2 car garage and fenced back yard. Living room features a comfortable pellet stove, dining area and spacious kitchen with granite counters & tile backsplash. Bedrooms and bathrooms on both levels of the house. 1108 Vulcan Street; \$650,000.

**NEW LISTING** Neat and tidy, 2 bdrm/2 bath mobile home with a one car attached garage would fit in a great first time home or investment property. 11th St. Unit #5; \$325,000.



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# Restoration project is a wrap

Gunnison River improvements address habitat, erosion and irrigation

Colorado Parks and Wildlife, in partnership with the City of Gunnison, recently completed the final phase of a Gunnison River restoration project.

The project focused on sections of the Gunnison River near the city of Gunnison and included instream habitat improvements that will enhance holding areas for trout. It also improved the function of the river channel and two irrigation structures, stabilized previously eroded banks and revegetated degraded riparian areas.

"The idea of a project here and our initial discussions of funding started as early as 2012," said CPW aquatic biologist Dan Brauch. "We changed what our initial proposal looked like to apply for a significant grant to fund project construction instead of just planning, and it is great and exciting now a decade later to see all the finished improvements throughout the reach of the Gunnison River for the Gunnison area."

Design and engineering work was completed by CPW while construction of the project was made possible through grant funding from the Colorado Water Conservation Board. Additional fundraising to support construction came from the Goddard Ranch, the LOR Foundation and Trout Unlimited as well as CPW.

Brauch said none of the work could have been done without the City of Gunnison taking the lead in the initial request for grant funding along with the excellent partnerships with project partners and support from the Upper Gunnison River Water Conservancy District and the Gunnison Basin Roundtable.

"The Goddard Ranch was a key partner because they own the opposite stream bank from our Gunnison River State Wildlife Area," Brauch said. "Working with the Goddard Ranch and the city with the Van Tuyl Ranch made so much sense and contributed significantly in obtaining funding to



The Gunnison River restoration project — a collaboration involving Colorado Parks and Wildlife, the City of Gunnison and multiple other partners — is now complete.

get this done."

Phase 2 engineering work was completed in 2021 by contractor WaterVation, and the project wrapped up April 1 with revegetation, bank and fish habitat improvements, and six dedicated boater access points completed by North State Environmental at the city's West Tonichi Riverway Park.

In fall of 2021, CPW's project worked to improve the function of the Wilson diversion that irrigates the Van Tuyl Ranch, which was bought by the City of Gunnison. The U.S. Bureau of Reclamation purchased the river corridor of the ranch in part to mitigate loss of fisheries habitat and fishing opportunity when Blue Mesa Reservoir and the other Aspinall Unit dams were built and transferred it to CPW to create what is now the Gunnison River State Wildlife Area.

Large amounts of sediment had previously piled up at the Wilson diversion. The sediment would have to be cleared annually. Now, heavy equipment will not be needed. Phase 1 also included work on the Piloni diversion which often required annual excavation of the river channel to build the diversion up in order to divert water.

"It disrupted the river each time the channel had to be dug up," Brauch said. "In the case of the Wilson diversion, there was significant sedimentation that had piled up over decades and impacted the function of the river channel. Now, it is diverting at a more appropriate point and the reach is restored."

Brauch said bank improvements will also decrease sedimentation and improve river condition, while one repaired

bank will also maintain a city trail on Van Tuyl Ranch that had been washed away when a previous bank failed.

The improved diversions are fish-passage friendly, Brauch said. Boulders were also strategically placed in the river that will improve trout habitat.

"We went beyond just the diversions to look for opportunities to improve fish habitat within those reaches. There are now more velocity refuges for trout within that reach," Brauch said. "Those instream habitat features should continue to support a quality trout fishery within the Gunnison River."

"I did follow up with a fish survey last year, and we did see improvement in the fish utilizing the reach now. It's good news to see the work has had a benefit for the fishery."

Southwest Region Water Resources Specialist Ryan Unterreiner said the completed project was in spirit with Colorado's Water Plan and the Upper Gunnison Basin Implementation Plan. He said the project highlights all the benefits that can trickle down to multiple stakeholders when there is a strong private and public partnership.

"When projects are designed to improve boater passage, fish passage, instream habitat, lead to reduced maintenance for an agriculture producer and protect and secure water delivery to a senior water right, it really is a big win for the water community," Unterreiner said. "The Upper Gunnison water community really came together on this one, and the results are impressive."



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## GUNNISON COUNTY LANDFILL SATURDAY HOURS

Please be advised that for the months of April and May the Gunnison County Landfill will be open the 1st and 3rd Saturdays of the month.

If you have any questions please do not hesitate to contact Gunnison County Public Works Department at 970-641-0044.



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# Study finds thousands of acres of 'failing' BLM rangelands within Gunnison County

Community collaboration key to land health improvements

Bella Biondini  
Times Associate Editor

Over 200,000 acres of land used for livestock grazing in Gunnison County and the adjacent lands are failing to meet the Bureau of Land Management's own land-health standards, according to an analysis of BLM records obtained by Public Employees for Environmental Responsibility (PEER), a non-profit watchdog.

Looking outside of the Gunnison Valley, the data revealed that a quarter of the federal land across the West managed by the agency were also labeled "failing." The land-health standards — benchmarks for public land management — measure soil and riparian health, water quality and plant and wildlife diversity.

Acres are deemed to be "failing" when it does not achieve one or more standards or where historic or current livestock grazing has been found to contribute to land degradation. Other contributing factors include fire suppression, beetle kill, recreation and drought. Monitoring and addressing the health of these vast swaths of land takes a great deal of staff time and resources from an agency with limited funding and staff shortages, officials say.

"The BLM is increasingly expected to do more with less resources," said Chandra Rosenthal, PEER's Rocky Mountain Office director.

PEER is not a traditional advocacy organization in that it relies on the expertise and information generated directly from federal and state employees. PEER obtained the data, which includes information from BLM field offices across 13 western states from 1997 to 2019, from 78,000 records through Freedom of Information Act requests. With the help of a former BLM employee, the organization compiled all of the data into one interactive map — a project that took over nine months to complete.

Overgrazed allotments can become barren, and this is exacerbated during drought years when it becomes more difficult for this land to recover, Rosenthal said. These are also some of the largest areas of connected habitat available to wildlife.

"These are public lands, and it's important for the public to know what's going on ... The reason that this layer (map) is, we think, super important, is because the regulations



One of the new tanks completed by permittees in Woods Gulch. Several more improvement projects are planned for the summer of 2022.

require that the agency act, so if the land is failing, then the agency is supposed to respond," Rosenthal said.

Jon Kaminsky, field manager for the Gunnison Field Office, said that although the information that PEER used is existing data from the agency's files, the overall presentation "didn't really draw out all of the intricacies and context" needed to understand the process.

The Gunnison Field Office is split into 10 land-health zones that are monitored on a rotating 10-year schedule. Each year, staff monitor one zone, while working on the analysis and grazing permit renewals for another. After the cycle is complete, it starts over and the zones are re-evaluated — allowing the agency to take a closer look at the places it identified problems and made management changes.

The Gunnison Field Office manages over half a million acres of grazing allotments, which overflow into Montrose, Ouray, Hinsdale, San Juan and Saguache counties. Despite PEER's data, BLM Assistant Field Manager Ryan Kay said the agency is meeting its rangeland health standards across the vast majority of the Gunnison Basin.

In the areas that aren't meeting the set standards, Kay said the BLM is continually working with different stakeholders, grazing permittees and various community groups to identify and address the problems on the landscape. Management actions can vary widely from road decommissioning to pasture rotating. But it's a process that takes time.

"I think it's hard to relate that broad-scale view to what's happening on the ground," Kay said.

On the Cold Springs allotment, the BLM was not meeting the riparian health standard, which was 2.4 acres out of 5,000, so it's "hard to say" are we meeting or not meeting land-health

standards across the entire allotment?" Kay said.

Starting during the summer of 2021, the BLM began working with Trout Unlimited (TU) on stock water infrastructure improvements on rangelands in the valley. The project, made possible through a grant from the National Fish and Wildlife Foundation, replaced old and rusted metal tanks and leaky pipes.

The improvements will help take pressure off the spring source and the surrounding riparian vegetation, as well as improving the grazing distribution on pastures, said Jesse Kruthaupt, the Upper Gunnison Basin project specialist for TU. The project is just one of many examples of collaborative restoration work on rangelands throughout the valley.

"One stock tank is not going to have a gigantic impact on the whole system, but all together we can move in the right direction," Kruthaupt said. "The BLM sometimes doesn't have all the resources to be able to put in infrastructure, whereas TU as an NGO or other partners can help bring some funding to the table and leverage other partnerships to get the projects done."

Tara de Valois, rangeland management specialist for the Gunnison Field Office, described rangeland management as a "balancing act."

"We're balancing a lot of uses out there and it's not easy," she said. "We have a lot of cooperators that are helping us do that, especially here. This is a pretty phenomenal place to work and to live, in terms of how much this community comes together to work out problems."

(Bella Biondini can be contacted at 970.641.1414 or bella@gunnisonintimes.com.)



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Mark your calendars for June 9 & 10, 2022 and plan to join us for the inaugural Upper Gunnison River Basin Water Roundup at the I Bar Ranch just east of Gunnison City limits on the Tomichi Creek.

The Water Roundup will be an informational collaboration and knowledge-sharing event from a variety of experts and groups from the area and across the state who support the mission of advancing, conserving and protecting the Upper Gunnison River watershed. Check our website (www.ugrwc.org), Facebook and Twitter posts next month for details on registering, as well as a complete conference schedule of presentations and fun activities for the whole family.



Sonja Chavez

## Chavez appointed to Water Quality Control Commission

Upper Gunnison manager to represent Western Slope at the state level

Bella Biondini

Times Associate Editor

Sonja Chavez, general manager of the Upper Gunnison River Water Conservancy District, has been selected to serve on the Colorado Water Quality Control Commission.

Colorado Governor Jared Polis appointed Chavez to the commission in March. She will travel to Denver today where she will be sworn in by the Senate Agriculture and Natural Resources Committee at the state capitol. Chavez will serve a one-year term, filling a vacancy that was occasioned by the death of her colleague John Ott, who was the former general manager of the Animas Water Company in Durango.

The commission is made up of nine members and is responsible for developing and implementing policies that protect water quality standards across the state. Commissioners are spread out across Colorado, so each region has geographical representation. Chavez will fill in as the second of two commissioners who represent the Western Slope, joining April Long from Aspen.

"We are so grateful and excited for Commissioner Chavez's appointment to the Water Quality Control Commission,"

Jeremy Neustifter, director of Environmental Boards and Commissions, wrote in an email. "Her expertise and leadership would be an asset to the Commission."

Chavez joined the Upper Gunnison River Water Conservancy District in 2019, where she leads water resource management within the valley. Previously, she managed her own private water consulting firm and served as the water resource specialist for the Colorado River Water Conservation District, representing the 15 counties on the Western Slope.

Chavez also sits on the Gunnison Basin Roundtable — one of nine such groups around Colorado — as an at-large-representative, ensuring that Gunnison Basin water resource issues are considered when setting policy at the state level.

Chavez said her service on the commission will focus on working with other commissioners to develop sound policies for all water users within Colorado, as well as ensuring it accounts for the unique issues that exist on the Western Slope.

"It's also important to me that the division and commission continue to refine processes that allow all our state's inhabitants to have a voice at the table and that the division continues to have strong programs and resources that help communities address local water-quality concerns," she said.

(Bella Biondini can be contacted at 970.641.1414 or bella@gunnisonontimes.com.)

## 26th Annual Gunnison Community & River Clean up

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# GUNNISON COUNTRY TIMES

**\$1.00**  
Vol. 141, No. 14  
Thursday,  
April 7,  
2022

SPORTS B7

OPINION A13-A14

CLASSIFIEDS A15-A18

OBITUARY A3

ONLINE GUNNISONTIMES.COM



Jacob Spetzler

## Must be spring

The field is officially dry and baseball returned to Gunnison this weekend with the GHS junior varsity team winning games against Olathe and Delta. Read more on B7.

## New law expands uses of local marketing funds

Voter approval needed for adoption

Alan Wartes  
Times Publisher

When Governor Jared Polis signed HB-1117 into law on March 31, he took the final step in a journey that began nearly four years ago during informal discussions among Gunnison County Commissioners. The new law — which eventually gained widespread bipartisan support in the Colorado legislature — changes how lodging tax dollars may be spent in support of local tourist economies

HB-1117 A6

## Falling water levels at Lake Powell raise worries upstream

Negotiations underway to plan next steps

Bella Biondini

Times Associate Editor

Last month, Lake Powell dropped below a critical threshold elevation of 3,525 feet above sea level for the first time since it filled in 1980 — despite emergency releases in 2021 from reservoirs in the upper basin, including Blue Mesa. That target level provides a 35-foot buffer above 3,490 feet, the point at which Glen Canyon Dam can no longer generate power.

As drought persists across the western half of the U.S., the water level at Lake Powell, which sits on the Utah-Arizona border, has continued to fall. During 2021, the Bureau of

Lake Powell A6



Bella Biondini

Blue Mesa reservoir sits at about 241,000 acre-feet, or 29% full. According to the Bureau of Reclamation, it is projected to fill to 44% in 2022 and finish the year at 32%.

## Board and city council in support of fire district consolidation

Volatile economy may delay ballot initiative until 2023

Bella Biondini

Times Associate Editor

Although it is likely the fire district will continue to operate without additional funding for a new facility this year, a decision to include the city into the district's boundaries may help create the voter support it needs to generate money for the project.

Three organizations work closely together to provide fire

City fire district A7

**inside  
today**

100F MURAL  
ANNOUNCED  
NEWS A7

RIVER PARK  
WORK COMPLETE  
NEWS A8

WHAT'S 'NORMAL'  
WEATHER?  
OPINION A19

## BRIEFS

## School bus involved in hit and run

On Tuesday morning, Gunnison Police Department officers responded to a report of a hit and run traffic accident near the intersection of Denver Avenue and Main Street involving a district school bus. No significant injuries or damage to the bus was reported.

Officers later contacted and arrested Bernardo Zeferino, a Gunnison resident, for driving under the influence of alcohol, careless driving and failing to provide information after a traffic accident.

## New fitness room open at rec center

A new cardio and weights facility opened on March 31 at the Gunnison Recreation Center, offering members and visitors access to an elliptical machine, treadmills, a stair stepper, a rowing machine and free weights.

Before the renovation, the 1,000-square-foot room contained numerous game tables which often sat empty during the day and were only used occasionally when kids are out of school.

Parks and Rec Director Dan Vollendorf said the department is "ecstatic" about the room's makeover.

"It's an amenity that this facility has been lacking for a long time, and we're happy that we can now provide it," Vollendorf said.

The fitness room follows the same hours as the rec center and is open 6 a.m. to 8 p.m. Monday-Friday, 10 a.m. to 8 p.m. on Saturday and noon to 6 p.m. on Sunday.

## Upper Gunnison awards 2022 grant cycle

Last week, the Upper Gunnison River Water Conservancy District's board of directors voted to award over \$300,000 to local organizations and individuals for projects that will improve water supplies and stream conditions throughout the basin. This year's funding distribution is the largest since the program began in 2009.

The board selected a diverse group of projects including multi-partner irrigation water management improvement project on Ohio Creek, a Gunnison Conservation District native plant xeriscaping project and multiple streambank stability and wetland restoration projects.

"The District Grant program is a prime example of the District's allocation of tax revenues as a direct benefit to water users," said Director Joellen Fouken who chairs the committee.

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here for good

## A COLLABORATIVE FOUNDATION FOR A GREENER FUTURE

**W**here at CFGV awarded Coldharbour and Habitat a collaborative grant as part of our spring 2021 Community Grants Cycle. Collaborative grants were new in 2021, added in recognition that some of the most effective efforts in the last decade in the Gunnison Valley involved multiple organizations working collaboratively to address community challenges.

Understanding the scope and environmental impact of this much ongoing construction, two local nonprofit organizations came together to discuss the ways in which they could best help support waste mitigation efforts for all builders. Julie Robinson, Executive Director of Habitat for Humanity Gunnison Valley (Habitat), and MJ Pickett, Executive Director of Coldharbour Institute (Coldharbour), shared a vision for providing the community a resource that would increase sustainability and affordability of building projects in the future. "Julie and I met at Coldharbour in late 2020 and started the conversation about how we could work together to address this issue and encourage reuse of materials," Pickett said.

We awarded Coldharbour and Habitat a collaborative grant as part of our spring 2021 Community Grants Cycle. Community Foundation of the Gunnison Valley collaborative grants were new in 2021, added in recognition that some of the most effective efforts in the last decade in the Gunnison Valley involved multiple organizations working collaboratively to address community challenges.

Habitat and Coldharbour used the grant funds to hire a project manager, Sydney Murphy, to conduct a feasibility study on establishing a local Building Material Reuse Center. The study largely focused on the viability of a Center and the steps necessary to reduce the amount of construction materials that end up in the local landfill. These findings further supplement an initial study done by the



Gunnison County Office of Resource Efficiency in 2003 that indicated a need for this service in the community nearly 20 years ago.

"We are very excited about the opportunity to support this effort. We would like to see construction materials being reused and kept out of the landfill," Robinson said.

Beyond reducing construction-related waste ending up in the landfill, a Building Material Reuse Center would provide an outlet for builders to donate their surplus high-quality construction materials. These materials would go through a vetting process considering safety and reusability, and then be available for community members to purchase at a reduced cost.

"Everyone that I spoke to in the community was so excited about it! They all asked how they could get involved and help out," Murphy said.

The study was wide-ranging and addressed multiple factors, such as building codes in the area and the ways in which they may help shape the approach moving forward. The Town of Crested Butte's Municipal Building Code was amended in 2018 with an article that now requires construction personnel and developers to provide a deconstruction and recycle plan for both new construction and demolition projects. A Building Material Reuse

Center would provide an opportunity for the industry to more conveniently adhere to these new guidelines.

While having the surplus building materials remain in the Valley and out of the landfill would be a boost to workers in the field, Murphy found reason to suggest that many other community members would stand to benefit just as much. There's an abundance of excess materials available for reuse, and for every new home being built in the County, there are more that are undergoing smaller renovations and upgrades, often at the hands of the owners.

The do-it-yourselfers, local handy people, and remodelers would be able to find some materials for their own projects at a much lower cost, without having to travel out-of-county or have them delivered from elsewhere, further reducing the environmental impact of our local construction business.

The positive impacts a Building Material Reuse Center would have on the community are clear, and the feasibility study provides the runway for Coldharbour and Habitat to outline the next steps in their plan to execute this project. Their collaboration has opened the door to ensuring a more sustainable and affordable future for the construction industry in the Valley. Even more possibilities may arise moving forward to expand their impact, like employing a fleet of rental trucks and trailers to store and haul excess materials, or partnering with Sustainable Crested Butte to amplify services across the Valley.

Organizations can apply both individually or in collaboration with others for up to \$7,000 in funding each year. This year's application is open until May 15th - more information can be found at [www.cfgv.org/grants/](http://www.cfgv.org/grants/). Mark your calendars for a community celebration and grant award presentation on July 13th at the Center for the Arts in Crested Butte!

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in Ohio City features an excellent mixture of wildlife, nearby trails, aspen, pines & 300 feet of Gold Creek frontage. 3 bdrm/2 bath house, huge attached garage, large detached barn, touched by Forest Service lands. Gold & Silver mine. 5498 County Road 771: \$1,750,000.

**WHITEPINE LOT** White Pine has rich Colorado history known for Coal and Silver Mines. This is a great location to build your dream cabin or park your RV. 9900 County Road 888: \$25,000.

**NEW LISTING** Absolutely beautiful ranch style 3 bdrm/2 bath with 2 car attached garage featuring hardwood floors, granite counters, stainless steel appliances, and a finished basement on a corner lot. 718 Andrew Lane: \$595,000.

**OHIO CITY** Opportunity knocks at Sportsman's Resort! Year-round access location, mature trees, positioned on 1.28 acres, would make a great retreat or base camp. Ride Cumberland Pass over to Taylor Reservoir for the day. 116 County Road 771: \$499,900.

**2016 CLAYTON HOME** features a large master bedroom suite with soaker tub, 2 additional bedrooms and a second full bath. Open kitchen & living area, upgraded counter tops & cabinets. Just over 1,200 square feet! 301 S. 2nd St. #73: \$125,000.

**MOVE-IN READY** 2 bdrm/1 bath mobile home north of Gunnison features a large mudroom entry way, office and fenced yard. Lot rent is \$425/month and includes plowing, water, sewer and trash. 2368 Highway 135 #32: \$35,000.

**NEED A NEW HOME?** Neat and tidy, 2 bdrm/2 bath mobile home with a one car attached garage. Call today to make for a great first time home ownership investment property. 308 S. 11th St. Unit #5: \$325,000.

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## HB-1117

from A1

around the state.

Commissioners on Tuesday directed county staff to begin developing a ballot question for November's election asking voters to approve the local adoption of the changes. This will not involve a tax increase for county residents or for the visitors who pay the lodging tax, stressed Commissioner Roland Mason. Rather, voters must approve the expansion of allowable uses for the funds.

Gunnison County is one of six Colorado counties to have a voter-approved local marketing district — though roughly half of the others collect some form of lodging tax. Since 2002, the Gunnison River Valley Local Marketing District (LMD), as it is officially called, has collected a 4% tax on the cost of "rooms and accommodations rented to customers for less than 30-day periods." That revenue has grown in the past three years to more than \$3 million annually, nearly a four-fold increase.

Until now, state law has allowed communities to levy such a lodging tax on visitors, but only to use the money on advertising to further promote

tourism or to provide limited support to local economic development efforts. It has been euphemistically called a "heads in beds" tax, referring to its limited scope.

That produced a conundrum that Gunnison commissioners sought a way around: that is, LMD funds could be used to attract visitors, but not to help build the "recreational infrastructure" needed to provide an excellent experience once they arrived, or to support the needs of the workforce required to operate tourist amenities.

Last summer, that tension became openly apparent when the managers of the Tourism and Prosperity Partnership — the marketing and economic development organization that is directly funded by LMD revenue — chose to suspend summer advertising efforts in response to feedback from local residents and business owners. The message then was clear that the community was struggling to accommodate existing visitors and didn't want more.

"It's the first time in my political career, 12 years, that in the last two years, literally most of the community has said 'stop marketing,'" Mason said. "It has always been like, hey, we get it, it's helping our businesses, but

now it has been coming from places like Mt. Crested Butte where they are really dependent on tourism."

The new law, with continued input from Gunnison County, was crafted to alleviate the stress — felt in tourist destinations all across the state — by tweaking the definition of "visitor experience" to include the host community's "quality of life" and the protection of "cultural and natural assets."

The legislation text says, in part, "A visitor's experience is also heavily influenced by the host community's ability to support their residents and local workforce with housing and other essential services, as well as a strong quality of life that comes with our amazing natural and cultural assets. A thriving community ensures more positive visitor interactions and experiences in our restaurants, on our trails and throughout our main streets. This, in turn, increases the likelihood that a visitor will return and continue to support our local businesses. Robust support for our residents' needs is essential to the long-term health of both our communities and our economy."

Gunnison County Attorney Matthew Hoyt clarified for commissioners that the new legisla-

tion does not create something entirely new, and that "all these additional expenditures are actually still to support tourism and marketing."

"What they say in the bill is that a visitor's experience is also heavily influenced by the host committee's ability to support the residents and local workforce, with housing and other essential services, as well as a strong quality of life that comes with their amazing natural and cultural assets," Hoyt said. "A thriving community ensures more positive visitor interactions and experiences in our restaurants, on our trails, and throughout our main streets."

HB-1117 still requires that at least 10% of lodging tax revenue be spent directly on traditional marketing efforts and advertising. But should the question make it onto November's ballot, and should the voters approve it, commissioners — in their role as the LMD board — will have greater latitude in how to allocate the funds. Money could be spent, for example, to support workforce housing projects, improve recreational amenities like restroom facilities or boat ramps. Even initiatives that improve access to affordable child care for working families might qualify.

"When we're talking about basic needs, like housing, when you lower the threshold to entry for families to get ... their children into early childhood education facilities, then that's money that they can use in housing," said Commissioner Liz Smith. "And so I think that there's a lot of ways that we can approach this."

Commissioners acknowledged that the need remains for more discussion about how to define the ballot question and to set priorities for how to allocate LMD funds in new ways.

"I feel like I want some more information and clarity before making big decisions," said Smith. "But it has really been on my mind, and things have become harder and harder for people to figure out how to puzzle it together and make it work in places like Gunnison ... We need to make this a place where people can raise families to the extent possible."

"That will be the challenge for us to develop the (ballot) question that asks it in a way that the community sees their needs being represented," said Commissioner Jonathan Houck.

(Alan Wartes can be contacted at 970.641.1414 or publisher@gunnisontimes.com.)

## Lake Powell

from A1

Reclamation (BOR) sent water from Gunnison's Blue Mesa Reservoir and Flaming Gorge Reservoir on the Utah-Wyoming border downstream in an effort to protect the elevation of water in Lake Powell — and Glen Canyon Dam's ability to continue producing hydroelectric power for roughly 5 million people across seven states in the West.

The BOR and representatives from the seven Colorado River Basin states are working on ways to maintain the elevation of 3,525. A plan is expected to be released by the end of April. John McCrow, general counsel for the Upper Gunnison River Water Conservancy District, gave board members an update on the state of the reservoir at a regular board meeting on March 28.

In February, predictions indicated there was a 90% chance Lake Powell would reach the critical elevation during the 2022 water year. According to data from the BOR, the dip below 3,525 will soon be boosted by spring runoff and is not projected to persist, increasing to an elevation of 3,537 feet by the end of September. But the risk that the elevation will fall below the threshold again extends through 2026.

At 3,490 feet, the reservoir hits "dead pool," where turbines fall idle for lack of water. But that's not the only consequence.

"It's more than just hydro-power," McCrow said. "It's also compact compliance. It's also the fact that the Bureau has never operated the reservoir at this low elevation. They really don't know what could happen."

The Colorado River Compact is the 1922 agreement between



A view of Blue Mesa Reservoir on April 6.

Bella Biondini

upper and lower basin states that defines the rights and obligations of each in sharing the river's water.

The unregulated inflow into Lake Powell, which currently sits at less than 25% full, is forecasted to be 69% of average in 2022. The drought response operation agreement may require another 500,000 acre-foot release this year that is scheduled to come from Flaming Gorge, because both the Blue Mesa Reservoir and Navajo Reservoir in New Mexico don't have enough water to release, McCrow said. But that has not yet been decided.

At the time of the emergency releases last year, no legal mechanism existed to "shepherd" the water as it travels over 500 miles from Colorado to its final destination at Lake Powell. In addition to user diversions, water is also lost to evaporation and absorption into the ground.

Andy Spann, a local rancher

### BLUE MESA PROJECTIONS

As of April 4, the snowpack for the Upper Gunnison Basin was 106% of normal, after continuing to fall throughout the month of March. The unregulated inflow into Blue Mesa for April-July is projected to fill to 83% of average. Blue Mesa currently sits at about 241,000 acre-feet, or 29% full. According to the BOR, the reservoir is projected to fill to 44% in 2022, and finish the year at 32% on Dec. 31.

that sits on the board of directors, asked if the BOR has a shepherding plan in place should Blue Mesa be called on for more releases in the future.

"According to our state engineer, the answer is yes," McCrow said. "But we have the unofficial

word from the Bureau that they will not seek a release from Blue Mesa in 2022."

Although the releases last year were conducted on an emergency basis, High Country Conservation Advocates Water Director Julie Nania said it was "pretty uncomfortable" knowing there was no plan in place to shepherd releases from Blue Mesa.

"Hearing a big commitment for a plan to improve those from another reservoir, at what point do we push back a little more knowing that, even though we're not in front of the line this year, we're one of the three big buckets, so it's going to come back," Nania said.

"In reality there are only two buckets, because Navajo is committed by contract to virtually all the water they've got," McCrow responded. Congress authorized Navajo Reservoir primarily to serve the Navajo Indian

Irrigation Project. The Navajo project, along with the San Juan-Chama Project claim most of the water stored in the reservoir.

As negotiations continue, McCrow told the *Times* that his biggest worry for the upper basin is equity.

"The lower basin has been overconsuming for many years," he said. "The upper basin has been in shortage for just as many years, and so you're looking at a total consumptive use in the upper basin of around 4.2 million acre-feet and in the lower basin, over 10 million acre-feet. The question is, as we go forward, are we going to find a way to solve that overuse in the lower basin, because that's what's draining the system."

(Bella Biondini can be contacted at 970.641.1414 or bella@gunnisontimes.com.)

# Restoration work complete at West Tomichi River Park

Improved river access includes rock ramps and raft tie-ins

Bella Biondini  
Times Arts & Culture Editor

A collaborative project along the banks of the Gunnison River at the West Tomichi River Park has restored an area that was suffering from heavy use and erosion.

In partnership with Colorado Parks and Wildlife (CPW), the City of Gunnison is wrapping up a riparian restoration project at the river park and along the river near the north end of the Van Tuyl Loop. Over time, heavy use from boaters and other recreationalists eroded the soil and exposed the roots of trees along the river bank. Contractors repaired eroded river access points and created a hardened cobble rock ramp for small boats, kayaks and rafts.

The project is part of phase two of the Gunnison River Restoration Project, which began in 2014 after the city obtained almost \$600,000 from the Colorado Water Conservation Board, the LOR Foundation, Trout Unlimited and private donors interested in river restoration. Phase one, completed in 2018, included design work by CPW and improvements to four river segments along the Gunnison River.

The city and CPW completed a design-build process for phase two with WaterVation, a water resources engineering firm that focuses solely on river and watershed restoration. Phase two construction began on March 28 and was completed by the end of the week. Rafters were able to safely pass

through the reach during construction, but access to others was limited. The whole area has been reopened to the public on April 1.

The project, completed just in time for the boating season to begin, features three main river access points on the south side of the park, along with rafter tie-ins for boaters. The crew added three small access points to the north for fishermen and dog walkers, using river cobble to protect the bank from further erosion.

The team also transplanted native willows from the north side of the park to help stabilize the river bank, as well as seeding the. Although the construction area is currently muddy and a little bare of vegetation, City Engineer Cody Tusing said it should recover over time.

"It looks rough right now, but give it a couple years," Tusing said. "I would bet by the end of the summer you'll start seeing grass coming back in there. The willows will probably spread out a little bit, and then maybe next year you might start to see some shoots come back up."

Along the trail that runs next to the river, Matthew Johnson, water resources project manager for WaterVation, pointed to a cluster of rocks near the shore that slowed the water current.

"This is a prime fishing spot," Johnson said.

In addition to bank stabilization, the crew also worked to build improved fish habitat using rock structures in a half-mile reach adjacent to the park. The boulders are intended to serve as habitat for adult trout, creating shelters in cooler, fast-moving water.

Restoration work began upstream of the Van Tuyl Loop last fall, when water levels were low and the vegetation dormant. While the city's portion of the project created better flood



Erosion and heavy use ate away the soil of rivers access points at the West Tomichi River Park.



The restoration project created cobble ramps and pathways that will help prevent erosion and encourage vegetation to grow back along the river bank.

and erosion protection along the trail system, the adjacent CPW project worked to improve the downstream riverbank and the function of the Wilson diversion, which irrigates the Van Tuyl Ranch.

CPW Aquatic Biologist Dan Brauch said the agency saw

some failure in a portion of the work the agency did in phase one, so they worked with the project team to fix it.

"It looks great now," Brauch said. "Anybody that's floating through there, I think they'll be really excited to see that reach be so much more functional

from bank stability, as well as a boating perspective."

(Bella Biondini can be contacted at 970.641.1414 or bella@gunnisontimes.com.)

## IRRIGATION WATER

### FUN FACT!

Do you know how many miles of irrigation ditches we have in the City? 25 Miles!

### HELP US HELP YOU!

Please take some time to clean the debris from your ditch.

The sooner the ditches are clear and ready, the sooner it can be turned on.



### We need EVERYONE's participation in this!



Courtesy

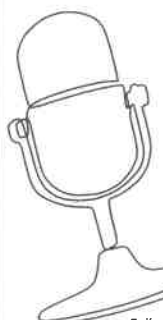
## Sage-grouse champions honored

Sue Navy and High Country Conservation Advocates (HCCA) were celebrated at the 5th Gunnison Sage-Grouse Summit. Pictured above (l-r) are Nate Seward, Pat Magee, Sue Navy, Eli Smith and Jess Young.

The summit, held twice a decade, brought together over 250 attendees engaged in collaborative conservation for the ESA listed bird. Sue received the Gunnison Sage-Grouse Stewardship Award from the Gunnison Sage-Grouse Strategic Committee in appreciation of her participation as a representative of HCCA since 1995 working to conserve the Gunnison sage-grouse. Her more than 25-year advocacy for the species and its habitat includes working on stewardship projects to restore the sagebrush ecosystem and recover the species.

## TIMES talk

NEWSPAPER ROUNDUP



A weekly podcast discussion of news in the latest edition of the *Gunnison Country Times*.

SCAN FOR  
LATEST  
EPISODE



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Technical and translation support will be available for those that need assistance applying for CPP preschool scholarships, kindergarten and/or preschool registration.  
 For more info 970-641-7704

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*Recorre la escuela - ¡Ven a conocer a los maestros!*

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 Si está interesado envíe un correo electrónico a Sherilyn Skokan, enfermera de GWSD a: [sskokan@gunnisonschools.net](mailto:sskokan@gunnisonschools.net)

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A COMMUNITY CONVERSATION

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**5:00 - 7:00 P.M.**  
**University Center**  
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**FREE FOOD & BEVERAGES WILL BE PROVIDED**

You're invited to participate in an open conversation about mental health. This is your opportunity to provide input on:

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- How are students receiving information about mental health resources?
- How can we reduce stigma and increase knowledge of and access to mental health resources?

In collaboration with

Gunnison County  
 Community Health Coalition

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mental health for you & the community

**[GUNNISONVALLEYHEALTH.ORG/BEHAVIORALHEALTH](http://GUNNISONVALLEYHEALTH.ORG/BEHAVIORALHEALTH)**



Bella Blomster

## April Fools and afros

Afroman returned to the Gunnison Valley on April 1, performing at a sold out show at the Fred Field Center with support from local funk band MILLK and DJ Mijo.

### GUEST COMMENTARY

## Winter weather: Warm, dry and a deceptive view of 'normal'



**Bruce 'Barometer' Bartleson**  
Special to the Times

Now that spring is here and winter is over we can make some comparison to how this winter stacks up in history. That is, was it colder or snowier, or what?

First, officially, winter consists of three months: December, January and February, so what I did was compare this winter to the long-term averages for winter. I don't think there will be any surprise that this winter was warmer and drier. The high temperatures averaged 31.2 degrees, which is about 2.4 degrees warmer than the long term average. The low temperatures, at -1.9 degrees, were about two degrees warmer than average, so the average temperature was a little over two degrees warmer than the long-term average. Snowfall was only 17.2" and well below the long term average of 31.8". Of course, snow water equivalent (SWE) was also below normal — and March continued this trend.

Now how about our snow-pack? If you look at Colorado's SWE as of April 5, you will see that things are looking pretty good. The Gunnison River Basin is at 99% of normal, the Upper Rio Grande is at 101%, the Upper Colorado is at 91%, etc. But wait a minute, these

figures are deceptive. First, it means the numbers are 100% of *average*. Which means we would get a grade of C, not the A we would strive for. More importantly, the average of what? It turns out, the base these numbers are compared to is the last 30 years from 1990 to 2020 and *not* long term numbers. This is standard practice and is updated every 10 years. But, wait a minute; we started a major drought (the worst in hundreds of years) about the year 2000, so we're comparing today's figures to a low-ball set of statistics. So things aren't looking so good after all.

Just to see how much difference there really is, I, (along with a lot of help from a former student, Colleen McShane Cope) compared the SWE yearly averages from 1980 to 2000 (pre-drought) with the last 20 years, 2000 to 2020.

And guess what? There is a big difference. The pre-drought years show an 18% larger SWE than the drought years. Worse news is that, due to the continuing drought, most of our melting snow will go into the ground as infiltration and into the air as sublimation and very little into runoff. Unless there is another "miracle May," Blue Mesa will not fill again, and we're not out of the woods yet!

*(Bruce Bartleson is a retired geology professor from Western Colorado University who now spends his days with an eye to the sky, keeping close tabs on the weather.)*

## Habitat for Humanity Gunnison Valley would like to thank The Valley Housing Fund!

A combination of grant and "matching" loan funds will support our sustainable building program. Habitat for Humanity Gunnison Valley has been providing homeownership opportunities to income-qualified buyers for over 20 years. It Takes A Village! HFHGV could not build truly affordable homes without the support from foundations, donors, community volunteers, local businesses and municipalities.

We are very grateful for the support.



## PALISADES ROAD & DRAINAGE PROJECT UPDATE

UNITED COMPANIES OF GUNNISON COLORADO WILL BEGIN

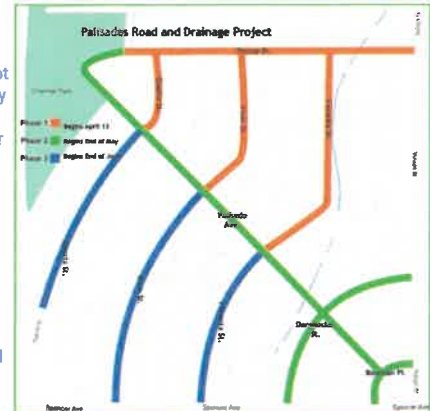
- Phase 1 of the 3 Phase Road and Drainage Project in mid-April 2022.
- Phase 2 will begin the end of May.
- Phase 3 will begin the end of June in the following locations.



During construction through traffic will not be allowed but residential and delivery access will be accommodated. Residents will receive notice prior to curb and gutter being installed, during this time driveway access will be prohibited.

Information regarding the project will be posted and updated regularly on the City website at [www.gunnisonco.gov/cityprojects](http://www.gunnisonco.gov/cityprojects).

For additional information regarding the project call 970-765-0646. To receive email updates of the project, please email [palisadesroadanddrainage@gmail.com](mailto:palisadesroadanddrainage@gmail.com).



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GUNNISON COUNTRY  
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Weekly Adult Life Groups  
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11 A.M. Morning Worship Service / 6 P.M. Evening Service  
Wednesday 7 P.M. - Children's Patch Club / Gunnison Bible Institute  
Thursday 7 P.M. - College & Career Christian Fellowship  
[www.firstbaptistgunnison.org](http://www.firstbaptistgunnison.org)

## THE GOOD SAMARITAN EPISCOPAL CHURCH

307 W. Virginia Ave. • 641-0429

Rev. Laura Osborne, Vicar  
Sunday Morning Holy Eucharist, Rite II 9 a.m.  
Children's Sunday school 9 a.m. - 9:40 a.m.  
Office Hours: M-Th 9 a.m. - 1 p.m.  
[www.goodsamaritangunnison.com](http://www.goodsamaritangunnison.com)  
Visit our partnership church:  
All Saints in the Mountains, Crested Butte  
Holy Eucharist, Rite II, Saturday 5 p.m.  
Union Congregational Church, 107 Maroon Ave., Crested Butte.

## CHURCH OF CHRIST

600 E. Virginia • 641-1588

Sunday Morning Bible Class: 9:30 a.m.  
Sunday Morning Worship: 10:30 a.m.  
Sunday Evening Worship: 6 p.m.  
Wednesday Night Bible Class: 7 p.m.

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United Church of Christ

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Casual, Relaxed, "Come As You Are" Worship  
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417 N. Main St. • 970-411-3203

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St. Peter's - Gunnison Sat. 5:00 p.m. & Sun. 10:30 a.m., 12:00 p.m. Spanish Mass.  
Queen of All Saints - Crested Butte, 101 Sopris Sun. 8:30 a.m. Mass  
St. Rose of Lima - Lake City Communion Service, Sun. 10:00 a.m.

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Adult Bible Study 8:00 AM  
[www.trinitybaptistgunnison.com](http://www.trinitybaptistgunnison.com)

# Matt Arch — master ditch builder



A cabin that belonged to Kate Arch in the 1880s.

Curry

Kathleen Curry  
Special to the Times

Matt Arch arrived in the Tomichi Valley in the late 1870s. His given name was Mathias Ertz, and he was born in Prussia (Germany) in 1849. Mathias came to the U.S. as a child in 1852 along with his parents, uncle and siblings. By the time Matt was 17 he had left the family farm in Michigan and started west, changing his name to Matt Arch.

After Arch arrived in the Tomichi Valley in 1879, he promptly filed on 160 acres near Crookston (also known as Crooks or Crooksville), a thriving stage and rail stop located about 25 miles east of Gunnison City. The Gunnison County assessors surveyed his assets and determined that his net worth was only \$25.

Undaunted, Arch wanted to farm and start a family, and he saw an opportunity to do business with the miners that were working in nearby Tomichi, White Pine and Ohio City. The miners were in need of feed for their burros, meat for themselves and vegetables were non-existent. Matt knew that to farm successfully, he needed to get water out of the creeks and on to the fields.

Then, in 1881 Miss Katherine Louisa Crooks stepped off the train in Crookston. Kate's plan was to stay with her relatives and work as a schoolteacher. A local rancher named Matt Arch met her at the train. According to family legend it was love at first sight and on May 20, 1881, Kate Crooks married Matt Arch.

But this is where the story takes an interesting turn: Records and newspaper accountings show that from 1882-1883 Matt was living in Grand Junction overseeing the construction of the Grand Valley's first major diversion project out of the Colorado River. Kate gave birth to their first child, Matt Jr. in 1882 while Matt Sr. was away. Matt had leveraged family assets to raise the capital to acquire a struggling ditch company in Grand Junction and intended to complete an irrigation ditch project that had fallen on hard financial times.

Matt oversaw the construction of the diversion and canal that is now owned and operated by the Grand Valley Irrigation Company. The canal was completed and water was turned out on May 16, 1883 to the cheers of Grand Valley dignitaries and guests including Colorado's Governor Crawford. Matt's success in the Grand Valley established him as a premier canal builder, and he went on to work on major irrigation ditches in Montrose County, Delta County and in Gunnison County. Governor Crawford dubbed him "the little ranch man from the Tomichi."

While Matt built canals in Hotchkiss, Corona and Delta, Kate Arch raised and cared for their seven children. She continued to acquire land near her family's holdings. In order to irrigate their acreage, Matt and Kate embarked on constructing a canal that would divert up to 150 cubic feet per second out of Tomichi Creek (near Crookston) and run eight miles southwest to Razor

Creek. Given that her husband was living in the Delta area and working on a canal near Hotchkiss, Kate oversaw the construction of the ambitious project which now irrigates approximately 4000 acres. The ditch took more than two years to build because of financial challenges. Kate and her neighbors ran ten teams of horses simultaneously to do the digging, and finally completed the project in late 1887.

There is much more to the story of Matt and Kate Arch. Matt's early work on irrigation diversion projects contributed immeasurably to the settlement of Colorado's West Slope. Unfortunately, Matt and Kate's vision and hard work did not bring them financial success. Matt died of heart failure at age 48 in 1897. Kate's ranch lands near Doyleville went into receivership and she moved to Gunnison City with seven children under the age of 16. She worked as a washerwoman to feed the family. Matt is buried in an unmarked grave in the Gunnison Cemetery. The achievements of "the little ranch man from the Tomichi" are largely lost to history.

(Kathleen Curry and her husband Greg Peterson ranch on ground that was once owned by Matt and Kate. Kathleen is working on documenting the lives and stories of the early Doyleville and Crookston pioneers.)

# Yates campaigns to fix the clock

Democrat  
running for  
the chance to  
win CD3 seat  
this fall

Alan Wartes  
Times Publisher

When Scott Yates shares why he's running for Congress, the answer often surprises people — and then just as often elicits a smile and a high five. His pitch about what drives him to seek office is not the sort of thing that voters are used to hearing from aspiring politicians.

Yates wants to "fix daylight savings time." That is, he hopes to end the practice of changing the time twice a year in most of the country.

Yates recently moved from Denver to Pueblo in order to pursue the Democratic nomination to run against incumbent Lauren Boebert in Colorado's Congressional District 3. During a brief campaign stop in Gunnison last week Yates sat down with the *Times* to discuss his candidacy, why he thinks resetting the clock is such an important issue and other priorities he would pursue, should voters send him to Washington this fall. Those include rural broadband development, protecting Colorado's water and social media reform.

Yates grew up in Glenwood Springs, and after graduating from New York University (NYU) with a degree in journalism, he came back to Colorado to work for a small rural newspaper.

"I thought I was gonna be a big shot, you know, a New York guy," Yates said. "But I didn't really enjoy my time in New York, and I was not going to live in the city. Then I actually applied for a job at the Chieftain in Pueblo and didn't get it. And so the only job I could get was in Durango."

While never abandoning his love of newspapers, Yates left hands-on reporting to launch a series of tech start-ups, "all of them with a little bit of journalism built in," he said. His latest venture proves the point.

"We write blogs for businesses that don't have the time to write their own," he said. Other firms provide similar services, but Yates said his philosophy led him to do things differently. Specifically, he is committed to providing writers with better compensation and working conditions than is typical in the

Scott Yates

industry.

"It's a tough business, freelance writing," he said. "But we just made it as civilized as possible and had a community for them, and the community grew and really became great."

Yates describes himself as a "problem solver" and someone who enjoys "coming up with novel solutions that haven't been done before." Which brings him to the subject of daylight savings time.

"It's a thing that's broken, but there is a fix for it," Yates said. "And the fix isn't happening because of partisan politics, which just drives me nuts."

In particular, Yates points to research suggesting that adjusting the clock twice a year interferes with the body's circadian rhythms in ways that harm human health — especially among children and adolescents.

Recently, the U.S. Senate signaled that the idea of making daylight savings time permanent may be ready to catch on. By unanimous consent, senators adopted the "Sunshine Protection Act." If passed by the House of Representatives and signed by President Biden, the legislation will take effect in November 2023.

Having been advocating for such change for years, Yates immediately got calls asking if the vote had taken away his core reason for seeking office.

"On the first day, everybody was saying, 'Oh, is that gonna take away your issue?' And every day since then, all the news that's come out is that this thing (is done). It's not, perhaps not by a longshot. It won't be implemented for another year, and I want to make sure it actu-

ally happens."

Yates is also passionate about protecting Colorado's water rights relative to lower Colorado River Basin states. Given long term drought conditions in the West, he believes in an "all hands on deck approach" to adaptation and management.

"There's not one big solution, there's going to be a hundred different things that we're going to need to do," he said. He advocates relaxing rules to make small scale water storage more cost effective, for example. He believes there is still room to negotiate within the framework of the Colorado River Compact, but wouldn't rule out a federal emergency declaration at some point.

"Whether or not there's an emergency declaration, there is an emergency, right?" he said. "We're in a water crisis. The last 20 years are the driest 20 years since the year 800. I think that we need to be paying attention and negotiating as if that state of emergency was going to be coming."

Yates said he hopes to appeal to unaffiliated voters by staying away from extreme divisiveness so common in politics these days.

"I understand the frustration that makes people want to embrace a political extreme, either one," he said. "But my question is, what comes next? What are you going to do with that frustration? And if the frustration isn't actually making any progress, then how about we take on something where we can actually make progress?"

(Alan Wartes can be contacted at 970.641.1414 or publisher@gunnisontimes.com.)



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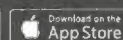
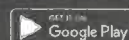
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# OPINION

## GUEST COMMENTARY

ALANWARTESMEDIA

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# Don't blame the upper basin states

Kyle Roerink's recent "Writers on the Range" opinion ("A dangerous game of chicken on the Colorado River") reminds one of Sen. Daniel Patrick Moynihan's 1983 caution in a Washington Post op-ed: "Everyone is entitled to his own opinion, but not his own facts."

Roerink, who heads the Great Basin Water Network, claims that the Upper Colorado River Basin states are shirking their responsibilities while the lower basin states valiantly work to grapple with the ongoing basin-wide drought.

"With (reservoir) water savings gone," he says, "the Lower Basin has been trying to cope, though the Upper Basin carries on business as usual."

"Business as usual" in the upper basin has always been dealing with the realities of an erratic river, the annual flows of which can go from 5.8 million acre-feet in 1977 to 24.8 million acre-feet in 1984. The upper basin lives with that reality, dry years and wet.

But the U.S. Bureau of Reclamation has regularly and faithfully released to the lower basin, from Powell Reservoir, the Colorado River Compact and Mexican Treaty allotments — 8.23 million acre-feet, only dropping a little below those allotments half a dozen times since Powell began to fill in the 1960s. Dry year or wet, the lower basin always gets its full allotment.



George Sibley  
Writers on the Range

Usually, more than that designated quantity is sent to the lower basin (as much as 12 million acre-feet above in 1984). The compact and Mexican Treaty require that the upper basin send downriver 82.5 million acre-feet over a 10-year period; as of 2020, the 10-year running total was 92.5 million acre-feet.

So the lower basin never bears the brunt of low flows, as Roerink claims; it has always received its compact and treaty allocations since Powell Reservoir filled, usually with some extra, regardless of what was happening in the "real river" the upper basin states live with.

It is true that the lower basin states are currently "trying to cope" with river shortages by making some difficult cutbacks in their uses. But what they are trying to cope with is their own excessive use of the water stored in Mead Reservoir.

For decades the three downstream states — primarily California — have been using considerably more than their compact allotment of 7.5 million acre-feet; they have also not been subtracting from their allotment the significant losses to evaporation in desert storage and transit (automatically figured into upper basin use through the Powell releases).

This has resulted in what is euphemistically called a "structural deficit," but is just the lower basin using more water than its entitlement. That was more or less okay before the upper basin use was fully developed, and before the Central Arizona Project came online; the Bureau's extra releases, above compact requirements, covered the overuse. No more.

So now the lower basin states, which have been drawing an annual average of 1.2 million acre-feet more out of Mead Reservoir than has flowed into it, are trying to bring their usage down to the actual compact allotment. Drought might exacerbate that challenge, but it doesn't cause it, nor does upper basin lollygagging.

The upper basin has not even used its full compact allocation because it became obvious that the river could not supply that on a dependable basis. The Upper Colorado River Compact divides the upper basin states' permissible consumptive uses by percentages rather than a

set amount like the lower basin gets, but exactly what that allows each state is obviously ambiguous, depending on what "average flow" is used.

Are the upper basin states doing their part to ensure prudent uses of the river? They are developing "demand management" programs to pay farmers and ranchers to fallow some of their land to increase flows to Powell Reservoir. Last summer, Blue Mesa Reservoir's recreation season was cut short to send most of the reservoir's water down to bolster Powell.

Denver Water is also working hard to re-plumb its city for reuse, as well as running an ongoing conservation program that has reduced their deliveries to a 1970 level with half a million more people.

Could the upper basin states be doing more? Probably, and they probably will be. But they are less to blame for the lower basin state's dilemmas than are the lower basin states themselves.

(Gunnison writer George Sibley is a contributor to *Writers on the Range*, [writersontherange.org](http://writersontherange.org), a nonprofit dedicated to spurring lively discussion about Western issues. He has written extensively about the Colorado River.)

## GUEST COMMENTARY

# Legislation aims at COVID lessons learned

The "No one dies alone" bill, or SB 22-053, is probably the most important bill I have ever championed in my legislative career.

During the pandemic we learned a lot about what we did right and what we did wrong and what we can do better. One of the most important lessons was how we destroyed the patient-family relationship and the health of patients by denying someone to advocate for them or just provide support.

We have heard testimony in the senate about a 2-year-old boy who didn't have COVID but had a seizure, and the Flight-for-Life paramedics loaded him up and sent him to Denver from a small community in rural Colorado. With the parents of this boy still two and a half hours away from the new hospital, those parents called a family member that lived in Denver to be at the medical center so that this toddler would not be scared in the new environment. The hospital locked down and said no visitors — period.

An hour and a half after the child arrived in Denver, the parents made it to the hospital, but it was too late. At that point, the



Jerry Sonnenberg

young boy was non-responsive and would never see his family again. This, like many stories, are inhumane and unacceptable for a civilized society.

The arguments that hospitals are making is they need to protect their staff and other patients from an infectious disease, but yet those same doctors and nurses and medical staff still go to the same school events, the same grocery store, the same restaurants or just the same places they have always gone with the same exposures that others have.

Should there be stricter protocols for protecting the patients and medical staff? Absolutely, and this piece of legislation allows these health care facilities to place restrictions on these visitors such as testing, PPE requirements, screening of visitors, signing liability waivers and

any other reasonable restriction to protect everyone affected.

One family testified that their grandfather, father and husband left the ranch for the hospital where he went 19 days without his family before he died. Another woman's only contact with her husband was on her iPad, where she watched him take his last breath.

During public testimony, the committee heard horror stories about patients that were unable to advocate for themselves as a patient because of their condition and some with disabilities. In one case, a rural doctor became ill with COVID and was hospitalized. The testimony shared that he was not able to make reasonable health care decisions because of his condition, but his wife raised enough of a fuss that she then was able to help steer the doctor's health care decisions.

Others testified that they didn't have that connection or relationship with the hospital and that there were some that died because decisions were made without a family member to help. And there were patients in other facilities that simply lost their will to live and died of a

lonely broken heart.

A doctor that testified in support of the measure shared that medical research shows the loss of emotional and physical connection with loved ones has devastating effects on mental and physical health.

To me, this is a simple question. Do you choose to stand with the hospitals that currently can make rules much stricter than the guidelines issued by the Centers for Medicare and Medicaid services, which is the national threshold, or do you think that if your spouse, or your child or your aging parent needed you, should you have the opportunity to jump through the hoops the hospital can put in place just to be at the side of someone you love?

"No one should ever die alone." Everyone should have someone to hold their hand if they are sick. I just hope enough legislators pick the latter so that we can change this barbaric practice for families in the future.

(State Senator Jerry Sonnenberg lives in Sterling and represents Colorado Senate District 1.)

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**GUEST COMMENTARY****Watershed restoration aligns with rural tradition**

**Micah Russell**  
Special to the Times

On a recent Sunday morning, I found myself making conversation with Tom, a self-proclaimed "white collar" rancher, as his jeep fishtailed across a snowy pasture. Accompanying us in a hodgepodge caravan that also included an ATV and a tractor, were his wife Kim, land manager Chuck and four Western Colorado University Masters of Environment Management (MEM) students.

We stopped to view one of several springs on his Powderhorn-area ranch — water that was flowing despite the frigid temperatures — before touring the rest of the property. They have been working this land for nearly eight years, making improvements to their water infrastructure, reseeded abandoned pastures and introducing a small herd of hardy yaks. Some of these improvements have been at the suggestion of neighbors that come from families who have been ranching in the Cebolla Creek watershed for generations. Tom and Kim readily admit that their careers running an aeronautics engineering company did not prepare them for some of the challenges of ranching life, and they are eager to learn.

The students stomped through the snow and listened carefully to Tom's questions. How much water do they have to work with, and is the system of springs, ditches, impoundments and ponds they've inherited the

most responsible and efficient way to manage scarce water and restore their pastures? As avid hunters and supporters of wildlife, what can they do to enhance the creek flowing through their property for browsing deer, elk and moose? What should they do about the deeply incised and eroded tributary channels that intermittently flow into the creek?

One of the perennial strategies Tom and Kim used to sustain their business was recruiting hundreds of student interns, most of whom transitioned into permanent employees. They know from experience the value of involving students in their operations. Asking WCU graduate students to tackle some of their questions and offering generous fellowships to incentivize and reward the students' hard work was a no brainer.

Employing surveying techniques and drone imagery, our students will map and quantify the water resources on Tom's ranch and the neighboring ranch belonging to Brad, a business partner and long-time friend who is also contributing to the student fellowships. Using a network of trail cameras, the students will also explore patterns of wildlife use across the properties, making suggestions for habitat enhancement projects and agricultural best practices that may increase the carrying capacity for ungulates.

This is the strength of the MEM model. Students build highly employable skill sets while they learn alongside our network of community partners: private landowners, public land agencies, nonprofits and a huge variety of other organizations. Through 600-hour masters projects, the students are transformed into professionals and leaders, while simultaneously growing the capacity of their community sponsors to get more done and answer burning questions.

On the basis of my previous career restoring rivers and wetlands in the Pacific Northwest, I

am shepherding a growing contingent of students interested in designing, managing and monitoring watershed restoration projects. The number of students eager to contribute in this area is reflective of our society's growing anxieties around the future of water, especially in the western U.S. The recent 12th annual "Conservation in the West Poll" from Colorado College's State of the Rockies Project found that 70% of respondents, regardless of their political affiliation, said inadequate water supplies are a very or extremely serious issue, up from 40% in 2011.

Here in the Gunnison Valley, productive collaborations that have been building resiliency into our watershed through the restoration of wet meadows have expanded their scope to include other types of stream and wetland restoration and newer techniques like beaver dam analogues. Our MEM students are stepping into watershed restoration projects on Tomichi Creek, up in Taylor Park and beyond. Many of these projects employ low-risk, low-cost, high-benefit strategies that are brimming with volunteer opportunities and other ways for the public to contribute. We encourage everyone to find some way — big or small — to share in the satisfaction of enhancing the functions and integrity of our watersheds.

While there will undoubtedly be more stories to tell as these projects come to fruition, our time on Tom and Kim's ranch is an excellent place to start. With their spirit of generosity, curiosity and teamwork, they have reminded me that we can achieve so much on the local level to make plans for a drier future — plans that do not exclude working landscapes and hard-won rural traditions.

*(Micah Russell is an assistant professor at Western and director of MEM Integrative & Public Lands Management.)*

**BIRTHS****Evalynn Maria Fernekes**

A baby girl, Evalynn Maria Fernekes, was born to Ruby Mauney and Kyle Fernekes of Gunnison on March 18, 2022 at 1:34 p.m. She weighed 5 lbs. and 10 oz. and was 19 inches long. Her grandparents are Barbra Carroll of Gunnison, Jerry Mauney, also of Gunnison and Leila Craner of Groves, Texas. Her great-grandmother is Mary Carroll of Fishers, Indiana. The parents would like to thank the labor and delivery nurses at the Gunnison Valley Hospital.

# **AGENDA ITEM 10**

**Citizens Comments**

# **AGENDA ITEM 11**

**Future Meetings**

## FUTURE MEETINGS/EVENTS

- ▶ TLUG Meeting - May 5th; 10 AM
- ▶ Watershed Mgt. Planning Committee Meeting - May 11th, 1:00PM
- ▶ Gunnison Basin Roundtable Meeting - May 16th, 3:00PM
- ▶ UGRWCD Board Meeting - May 24th in LAKE CITY (Set time?)
- ▶ Deadline for Letters to Judge for UGRWCD Board Terms - May 27, 5:00 PM
- ▶ Memorial Day, Offices Closes - May 30th
- ▶ Financial Audit by Paul Miller - May 30th - June 3rd
- ▶ UGRWCD Water Roundup at IBar Ranch - June 9th and 10th
- ▶ 20th Anniversary of the Gunnison River Festival - June 10th - 12th

# **AGENDA ITEM 12**

## **Summary of Action Items**

# **AGENDA ITEM 13**

**Adjournment**