

North Platte Basin Roundtable

Meeting Minutes

Tuesday, January 21th, 2025

7:00 p.m. - 9:00 p.m.

Basement of SCD Building, 312 5th Street, Walden

**For those who would like to participate
virtually by Zoom or phone, the link is listed below.**

7:00 - 7:10 pm Call to order, Introductions & Agenda Review

Online Attendees: Sydney Pryor, Jeff Rodriguez, Barbara Vasquez, Amy Hohnholz, Erin Light, Jack Conboy, Deb Heeney, Jackie Doubst, Ben Krause, Kelly Morgan, Ahmed Hashem, Michaela Snow.

In Person Attendees: Payeton Childers, Kari VanValkenburg, Mike Allnutt, Tom Barenberg, Kent Hollsinger, Mark Hackleman, Bryce Russell, Wade Allnutt, Ty Wattenberg, Pat VanValkenburg, Jimmer Baller, Caid Waldron, Aleigh Aurin.

7:10 - 7:15 pm Approve Minutes of September 25th, 2024 Meeting

Ty made a motion to approve the minutes. It was seconded by Bryce. All voted in favor.

7:15 - 8:00 pm Dredge and Fill Project

This project is based on HB 24-1379. It was signed in on May 30th, 2024. There are 13 exempted activities and 11 excluded water features. The excluded water features are not necessarily linked to the activities. The program will be in place with mitigation rules by 12/31/2025. As of 1/1/2025 nationwide/regional permits became effective. In Feb. of 2026 Regulation #87 will become effective. More information can be found on cdphe.colorado.gov/dredge-and-fill. The presentation is attached with the minutes. After the presentation there were questions. This cannot count as public comment because the commotion isn't here. It was asked if ag ditches are exempt. This is a safe assumption with conditions. What will considerations be? It is unknown but assumption is most will be exempt. Reg #87 will determine more of this. With ag facing beaver dams or natural dams that change the course of streams, moving headgates or removing dams need a permit or can we still do that? This comment was acknowledged but no answer was given at the time. Headgates are mentioned in the information but not diversion structures was noted in a comment. It was stated that it is safe to assume normal ag activities will be exempt. With other questions they can be emailed to the commission or division. The definition of isolated state waters was asked to be defined. "Those that are not within the 100 year floodplain or within 1500 ft of an ordinary high

water". Seek a consultant with questions. It was also brought to attention that the interpretation of normal ranching operations is interpretable. Here regular ranching activities can be different then another part of the state. It was recommended for those with questions to look at the bill. Bryce asked what will need a permit. Stream restoration (under a clean up order), remediation, transport activities are a few listed. What about county road and bridge departments or CDOT; how will they be impacted? There are CDOT stakeholders in the conversation. Barbara asked of CDOT is standing in for all work with county road and bridge stakeholders. It was emphasized CDOT is very involved so far. Barbara reminded them to put on the hat of a small county when evaluating and looking at the situations.

Kent Hollsinger brought up the regulatory and affordability problem. This is not helping either of state wise drastic problems and to consider those concerns of people making a living with it. He is "incredibly concerned".

There will be assessments on unavoidable impacts compared to compensatory mitigation. Public comments can be mailed, emailed, or brought up at a meeting. It was recommended for water division/commision to contact stakeholders including Cattleman's, Farm Bureau, and others to make sure more input is heard. It was asked that they come back and present at a future meeting. They are developing guidance documents.

8:00 - 8:20 pm Owl Mountain Grant Application

Deb Heeney

Owl Mountain Partnership is applying for a project to replace/install a water division structure on the Chapman Ditch (CR 24), near Eagles Wing Ranch. There are two land owners; one off the N ditch and one off the S ditch. This ditch carries 55 ft of water. The south ditch gets majority of the water. The engineering and surveying has been done by NRCS. The total cost of the project is \$123,500. NRCS match is \$44,816 and the landowner match is \$12,350. This is 46% of the total cost. The ask from the NPBRT is \$69,651. This includes a 5% admin cost for the Owl Mountain Partnership. This project may be help up a year for cultural resources clearance by NRCS. This is because they are short staffed and need to look for artifacts.

Jimmer asked tho the other land owner is. It is Bryan Soukup. Eagles Wing Ranch is the larger own out of the Grizzly Creek. Barbara asked if the owner's match is proportional to the volume of water. Owl Mountain requests owners provide 10%. The contract agreement is between NRCS and Eagles Wing Ranch. If there is compensation requested from Bryan Soukup from Eagles Wing Ranch, that is between them to handle.

It was voted on and all voting members voted yes. Jimmer, Pat, Ty, Wade, Bryce, Mark, Mike, Kari, and Barbara.

Deb Heeney also thanked the NPBRT for working with Owl Mountain Partnership.

8:20 - 8:40 pm Doran Creek Water Storage Application

Tom Barenberg and Kent Hollsinger

This project is requesting fund to assist in building water storage on property off of CR 1. The property is leased by Coy Meyring currently. Doran Creek runs hard and fast with run off, then dries up by the end of the season. The plan is to build a non jurisdictional dam with a 5 acre pond. This project would meet three of the eight goals of the NPBRT. They have contractors picked or nearly picked out. They would like to use as many local contractors as possible. The projected costs include \$150,000 for planning and engineering, as well as \$250,000 for construction. The ask is for \$300,000 from the NPBRT and the 25% match of \$100,000 would come from the landowner Tom.

Caid asked if there was a pond already at Tom's place. No, there is one at Gamber's though. Pat asked if there was a water right out of the Moraine. Yes, that serves the property as well. It was then asked what that water right is and Kent shared that he can send it. Ty asked what the wetland survey costs will be. They guess around \$50,000. What has been done for the storage right? That is part of the process but they are planning on requesting from the NPBRT first, engineering second, and then a conditional filing for the storage right. The expenses for the filing are not part of the request from the NPBRT. It was asked if it was possible to break it into two phases; planning and engineering for phase one and construction for phase two. They are wanting to get the whole project done hopefully this year, but as soon as possible because of Reg #87. It was then asked to clarify if they are considering moving earth before the water right is cleared. They said possibly. Bryce asked them to explain what this would do for others down Doran Creek. They stated it was a net positive as Doran Creek has a high flow at the beginning of the year, before tapering off. This project would allow for them to hold some of the water and do releases. Does it affect the creek for a long period of time? No, because there is another creek that connects after the property. Kari stated that worst case, without the storage right, they can hold water 72 hours based on the 72 hour rule. Jimmer asked if Coy is leasing, isn't he gaining the benefits? Tom answered that yes he is, especially for irrigation, but that he plans to continue working with Coy. It was asked if there would be any protest to the project/storage rights and Kent answered that they do not anticipate any. Barbara emphasized again that she would prefer this project be in two stages. Jeff Rodriguez mentioned they could have a hard time with funds without rights for construction.

There was a discussion with CWCB, applicants and the NPBRT about the timeline, getting the project approved from CWCB, and any other areas that may cause an issue with the

timeline. The basin is the first line of defense. CWCB will still review the application and make sure things are all in line. The applicants may be about an admin arrival through substitute water plan instead of going to water court for the storage rights. Kari emphasized that the applicant is the one taking the risk. Erin Light stated that SWSP does not make sense for this situation. Water court claims are around 6 months at least. Also with the project plan, they could not store more than 100 acre ft. This does not sound like much water with what they have planned. Barbara stated she would vote yes only if it is in two phases. Mark asked if around 50 acre ft of storage sounded correct. Yes this would be close.

Kent and Tom spoke and they would like to proceed with the project as one phase and speak with CWCB as soon as possible to move forward. The motion was made to submit the project as is, but if it is not approved to submit the project for approval as phases. Bryce made the motion and Ty seconded the motion. Jimmer, Pat, Ty, Wade, Bryce, Mark, Mik, and Kari all voted yes. Barbara voted no and will write a letter outlining her concerns.

8:40 - 8:50 pm CWCB and IBCC Comments

Jeff gave the CWCB updates. The WSRF balance is around \$699,000. The state budget is going through the legislative process currently. It is looking like there will be no change or impact to the annual WSRF funding as of now. The WSRF statewide fund is fully expended and not taking any current requests. They have given 17.8 million in funding since 2022. The Water Plan progress report is ready and available. For federal funding the Colorado American Rescue Plan Act funding has been completely allocated to projects before the federal deadline of Dec. 31st, 2024. The state of Colorado has been granted \$177 million in funding from the Bipartisan Infrastructure Act for water projects. The 10 Strategies to Protect Agriculture full report will be available soon.

There were no IBCC comments.

8:50 - 8:55 pm Old Business

Jimmer noted that the Gibbs Ditch Project is completed. The radiometer will be completed at the end of January or first part of February.

8:55 - 9:00 pm New Business

Next meeting will be scheduled as needed.

Adjourn

Meeting adjourned at 9:24 pm.