

Ute Water Conservancy District  
Board Meeting  
**November 12, 2025**

Meeting No. 1,013 of the Ute Water Conservancy District's Board of Directors and the Ute Water Activity Enterprise was called to order by President Ben Miller at 5:30 p.m. at the District office.

**ROLL CALL**

Board Members: Briana Board, Pat Brennan, Carl Conner, Dan Cronk, Tammy Eret, Robert Foster, Greg Green, Ken Henry, Sally Huddle, Ben Miller, Bob Thome, Troy Waters, and Bob Wilson were present. Bruce Talbott was absent.

Ute Water employees at the meeting included Justin Bates, Nick Bierman, Sam Briscoe, Gary Coup, Tanner DeGuire, John Eklund, Jamie George, Natalee Hall, Shaun Herrera, Ben Hoffman, Tony Ibarra, Joe Isley, Andrea Lopez, Jeremy Lyon, Justin Marchun, Tim Moore, Scott Olsen, Dave Payne, Dave Priske, Rick Stengel, Federico Vargas, Tina Weber, and Greg Williams. Ute Water's general counsel, Chris Geiger, was also in attendance.

Guests in attendance included Debra Green, Ryan Green, and John Green.

**PUBLIC COMMENTS**

No public comments were made.

**MINUTES**

Director Henry made a motion to approve the October board meeting minutes, No. 1,012.

Director Foster seconded the motion. The board voted unanimously in favor of approving the October board meeting minutes.

**BILLS**

A motion was made by Director Eret to approve the October bills. The motion to approve the bills was seconded by Secretary Board. The board voted unanimously to approve the October bills.

**2026 MINIMUM WATER RATE**

The Water and Construction Committee recommended increasing the minimum water rate by \$1.00, making the minimum \$28.00 for 5/8-inch to 1-inch meters, and proportional increases for meters over 1-inch in size, effective January 1, 2026.

Director Foster presented five points in opposition to the proposed rate increase. Director Foster's first point was the District's strong budget performance. He highlighted the District's strong budget performance, noting that revenues consistently exceed expenses, and questioned the need for a minimum rate increase. His second point was that the District is retaining around 40% of the revenue generated. His third point was wanting to better allocate capital for operations and growth to effectively plan for the future. His fourth point was that while he supports the Board's commitment to incremental rate adjustments, he does not believe that increases are necessary every year. His fifth point was that he would like to see more detail about the proposed capital for the next five years to better distinguish growth-related investments and make informed decisions.

Director Wilson explained his support for the \$1.00 increase. Director Wilson stated the incremental water rate increases will help the District prepare to maintain its system as operational expenses rise in the future.

Director Thome agreed with Director Foster's concerns and stated that he does not support increasing the minimum rate without clearly defined operational cost needs. Director Foster added that there should be a cash reserve amount in mind to help make rate decisions in the future.

Finance Director Scott Olsen noted that the District's historical cash reserve goal has been between 20 to 25 million dollars. He explained that General Manager Greg Williams previously introduced a fund balance policy, though revisiting it may be beneficial.

General Manager Williams clarified that a fund balance policy was not formally developed, but a debt policy had been, which the board ultimately determined was not necessary. He stated a fund balance policy could be created if the board wished to pursue one.

Director Conner referenced the potential cost of enlarging Monument Reservoir and asked General Counsel Chris Geiger about permitting timelines.

General Counsel Chris Geiger stated that a potential upstream relocation of the dam would require approval from the water court, relating to moving the point of storage, which could take 18 to 24 months, though this process does not need to be completed before construction begins.

Director Conner then asked if debt is expected for the Monument Reservoir Enlargement Project in the next few years, and what the anticipated amount would be.

Mr. Olsen stated that the District is favorable for bond companies due to the District's financial position and future growth opportunities. He stated that the most likely scenario would be a bond issuance of 50 million dollars. Mr. Olsen explained that the bond issuance would try to be timed to align with the start of the project. Most of the bond requirements would need the project to be completed within two to four years.

President Ben Miller revisited the rate discussion and highlighted that the District's Board of Directors is a board responsible for making policy-driven decisions. The Board of Directors is policy-driven and has established a policy supporting incremental rate increases, as opposed to large, significant, abrupt increases. President Miller restated the Water and Construction Committee recommendation of increasing the minimum water rate by \$1.00, making the minimum \$28.00 for 5/8-inch to 1-inch meters, and proportional increases for meters over 1-inch in size, effective January 1, 2026.

Directors Board, Brennan, Conner, Cronk, Eret, Green, Henry, Huddle, Miller, Waters, and Wilson voted in favor of the committee's recommendation.

Directors Foster and Thome voted in opposition to the committee's recommendation.

The motion passed with 11 votes in favor of the recommendation and two against.

### **2026 TAP FEES**

The Water and Construction Committee unanimously recommended increasing tap fees \$250 for the 5/8 inch by 3/4 inch meter and applying a proportional increase to larger tap sizes, effective January 1, 2026.

The board voted unanimously in favor of approving the \$250 tap fee increase for 5/8 inch by 3/4 inch meters and applying a proportional increase to larger tap sizes.

### **DROUGHT/EMERGENCY RATES**

The Water and Construction Committee recommended that the board adopt the developed Drought/Emergency Rates into Exhibit II of the Rules and Regulations, effective January 1, 2026.

Mr. Williams explained that the Drought/Emergency Rates were introduced a couple of months prior, and the concept of the drought rate is to more effectively communicate with customers and partner entities in the Grand Valley what the District's response will be if water restrictions become necessary. Mr. Williams reminded the board that Drought/Emergency Rates would not be put into effect unless approved by the board.

The board voted unanimously in favor of approving the adoption of the Drought/Emergency Rates into Exhibit II of the Rules and Regulations.

### **WATER AND CONSTRUCTION COMMITTEE MEETING MINUTES**

Director Wilson asked about the discovery at Monument Reservoir of the dam needing to be moved back.

District Engineer Dave Priske stated that the issue was discovered during the 3D seepage modeling. He explained that there were solid seepage mitigation efforts with wells and a cutoff trench, but the RJH engineer was not confident in the seepage management and recommended ongoing monitoring of the seepage. Mr. Priske noted that long-term monitoring was not something that he wanted to implement, which prompted the project engineers to look further upstream for the dam location.

A motion was made by Director Foster to approve the Water and Construction Committee minutes with the following revisions. "District Engineer David Priske informed the committee that District personnel are excavating test pits at the Monument Reservoir site this week with RJH Staff to look into the feasibility of moving the new embankment approximately 1,500 feet further upstream within the existing reservoir footprint." Director Conner seconded the motion. The board voted unanimously in favor of approving the Water and Construction Committee minutes.

### **JOINT FINANCE AND WAGE & BENEFITS COMMITTEE MEETING MINUTES**

A motion was made by Treasurer Wilson to approve the Joint Finance and Wage & Benefits Committee minutes. Director Green seconded the motion. The board voted unanimously in favor of approving the Joint Finance and Wage & Benefits Committee minutes.

### **ENGINEERING DEPARTMENT REPORT**

District Engineer Dave Priske informed the board that the Engineering Technician position has been filled by Federico Vargas and introduced Mr. Vargas to the board.

Mr. Priske also introduced a new project to the board. This project will include the installation of 5,700 feet of 4-inch pipeline along R Road, 10 ½ Road, and Q ¾ Road near Highline Campground to improve water service. The District will incur the equipment and labor costs of the project, and Colorado Parks and Wildlife will reimburse the District for all other project-related costs because the improvement will benefit their service to campgrounds and future plans to expand the campgrounds.

### **DISTRIBUTION DEPARTMENT REPORT**

Director Foster asked whether the areas where the ground has heaved and now touches the pipe inside the tunnel are getting worse and will require greater mitigation.

Distribution Superintendent Tim Moore stated that this is recurring for the pipeline but assured it is not getting worse.

### **TREATMENT & SOURCE DEPARTMENT REPORT**

Assistant Manager Dave Payne reported that on October 15th, Mark Ritterbush, the Water Services Manager for the City of Grand Junction, requested that the District provide water during the City of Grand Junction's Motor Control Center upgrade. General Manager Greg Williams agreed to this, and the District provided approximately 500,000 gallons per day to part of the City of Grand Junction's service area from October 16<sup>th</sup> through October 22<sup>nd</sup>. On October 22<sup>nd</sup>, the City of Grand Junction informed the District of delays with the upgrade and requested that their usage could be extended to October 30<sup>th</sup>, which the District agreed to.

Mr. Payne thanked the board for attending the Jerry Creek Reservoir Tour.

Mr. Payne also reported that Colorado Parks and Wildlife has detected adult zebra mussels in two additional Grand Valley locations, Red Rocks Lake at the Fruita Section of James M. Robb State Park, and an irrigation pond at the Mesa County Fairgrounds.

### **FINANCE DEPARTMENT REPORT**

Finance Director Scott Olsen highlighted the changes in the 2026 proposed budget. There have been \$21,000 in miscellaneous expenses added, and there is an approximately \$616,000 increase in revenues due to the increase in the 2026 water rate usage minimum and tap fees.

### **HUMAN RESOURCES/RISK MANAGEMENT DEPARTMENT REPORT**

Human Resource/Risk Manager Jamie George honored the District's veterans, Director Conner and Meter Section Supervisor Nick Bierman.

Mrs. George gave an update on Open Enrollment, which ended on October 31<sup>st</sup>. Mrs. George explained that the Human Resources department is on track to provide information to the insurance carrier.

Mrs. George also highlighted two vacancies for Utility Maintenance Worker I. The application period closes on November 21<sup>st</sup>.

Director Foster asked whether the \$75,667.88 paid to Colorado Special Districts covers the entire 2026 workers' compensation premium. Mrs. George explained that the \$75,667.88 is paid in advance to secure a discounted rate, which covers workers' compensation for board members and staff.

### **EXTERNAL AFFAIRS DEPARTMENT REPORT**

External Affairs Manager Andrea Lopez thanked the board for allowing a budget for professional training. Ms. Lopez highlighted the 2026 Young Professionals Network of Mesa County Summit that the External Affairs department and other District employees attended.

Ms. Lopez also provided an update on the marketing firm for DRIP. There were two proposals submitted to the committee, and after reviewing both, the committee selected the firm, \_defyThemAll.

### **MANAGER'S REPORT**

General Manager Greg Williams reported that he participated in signing a joint letter addressed to Upper Colorado River Commissioner Becky Mitchell to express support positions of several Colorado conservancy districts and water providers relative to the Colorado River operating guideline negotiations. The U.S. Department of the Interior (DOI) had given the states until November 11th to reach an agreement, which Mr. Williams reported had not been achieved by the states. The DOI has indicated that, while not preferred, they are willing to wield federal authority over the reservoirs and supplies, including Colorado River Storage Project reservoirs, if a consensus alternative between the states is not reached.

Mr. Williams explained that the letter addressed and provided to the board is from a customer regarding a leak on the customer's property that damaged the parking lot. Mr. Williams stated that the issue is still under investigation.

Mr. Williams also informed the board of the passing of former board member and president, Dr. John Redifer, and read the following statement on behalf of the District.

“The Ute Water Conservancy District (District) and the 90,000 customers we proudly serve greatly benefited from the time, attention, and dedication Dr. John Redifer gave during his eight years as a member of our Board of Directors. Serving more than half of his tenure as Board President, Dr. John Redifer was known for strategically revealing his vibrant and witty sense of humor that could lighten even the most challenging discussions. He never wavered from maintaining strong advocacy for the best interests of the District's customers, employees, and the community. It is often said that water connects us all, and Dr. Redifer exemplified that connection, consistently bringing people together, finding common ground, and always striving for the greater good. All of us at the District extend our deepest condolences to Dr. Redifer's family and our heartfelt gratitude for sharing him with us. His leadership, wisdom, and wit will be fondly remembered and deeply missed.”

Mr. Williams highlighted that Dr. Redifer's obituary noted that donations to the Fisher House Foundation, which supports veterans, were requested in lieu of flowers.

A motion was made by President Miller to make a \$5,000 donation to the Fisher House Foundation in honor of Dr. Redifer. Director Foster seconded the motion. The board voted unanimously to make a \$5,000 donation to the Fisher House Foundation in honor of Dr. Redifer.

### **GENERAL COUNSEL REPORT**

General Counsel Chris Geiger provided the board with an update on the Fontanari case. Mr. Geiger corrected his report that the Fontanari trust's attorney called the District on October 31<sup>st</sup> to request a complete execution copy of the purchase and sale agreement for Brett Fontanari to review and sign. Mr. Geiger made updates to the agreement details and deadlines to the present date, prepared the exhibit documents, and sent the package to Mr. Harris. However, on November 6th, Mr. Fontanari was seemingly dissatisfied with the length of the license agreement and declined. The process to force the execution and sale of trust parcels through a sheriff's sale will recommence, but there is no official schedule yet. When the sheriff's sale is held, it could include up to or all of the nine out of ten parcels that the District was exploring acquiring through the purchase and sale agreement. The District will have the opportunity to bid to acquire the parcels.

Treasurer Wilson asked how much more time Mr. Fontanari wanted for the license agreement.

Mr. Geiger stated that Mr. Fontanari wanted two additional two-year license periods, bringing the total to ten years.

Mr. Geiger also informed the board that Northern Water Conservancy District, on behalf of its Northern Integrated Supply System (NISP) Enterprise, requested that Ute Water file an amicus brief in support of NISP in *Northern Integrated Supply Project Water Activity Enterprise v. Vima Partners, et al.*, pending before the Colorado Supreme Court.

The principal question that will be presented to the court in this case is whether a water activity enterprise has the right to exercise the power of eminent domain that its sponsoring conservancy district possesses. While this question is specific to eminent domain, a decision adverse to NISP could restrict Ute Water from undertaking a wide range of activities inherent in its operations.

Mr. Geiger provided background information regarding this request.

The trial court found that C.R.S. § 37-45.1-103(1) empowers conservancy districts to establish water activities enterprises to conduct a non-exclusive list of "water activities," and found that C.R.S. § 37-45.1-103(4) allows a conservancy district's board, as the governing body of its water activity enterprise, to "exercise the district's legal authority relating to water activities," except for the power to levy tax. The trial court concluded that, except for the power to tax, water activity enterprises have coextensive powers with their sponsoring districts, including the several dozen General Powers granted to water conservancy district boards under C.R.S. §37-45-118, one being the right to exercise the power of eminent domain.

On direct appeal to the Colorado Supreme Court, Vima argues that the trial court's ruling should be reversed because the right to exercise eminent domain is a right that must be construed narrowly. If the Supreme Court upholds Vima's position, it may eliminate water activity enterprises' ability to exercise many of the other General Powers granted to boards of water conservancy districts. This outcome could impair Ute Water's operations.

Mr. Geiger advised that the District provide an amicus brief that highlights the broader risk to water conservancy districts inherent in Vima's position. Mr. Geiger explained that this would be to protect the District and its ability to exercise the entirety of the General Powers granted to water conservancy districts. The amicus brief deadline is November 25<sup>th</sup>.

Director Foster asked if there would be any negative impacts to providing an amicus brief.

Mr. Geiger explained that an amicus brief gets filed once, and there is typically no court appearance for amicus parties. Mr. Geiger does not believe there are any downsides.

A motion was made by Director Henry to direct general counsel, in coordination with the General Manager, to file an amicus brief in support of NISP in the *Northern Integrated Supply Project Water Activity Enterprise v. Vima Partners, et al.*, pending before the Colorado Supreme Court. Director Wilson seconded the motion. The board voted unanimously to approve the motion.

Treasurer Wilson asked if there had been any development with the \$40,000,000 Bureau of Reclamation grant for Shoshone Permanency funding.

Mr. Geiger stated that he was unaware of any new development. General Manager Greg Williams also stated that he had no updates on the funding.

Mr. Williams also provided an update that he, Assistant Manager Dave Payne, and Director Waters will be attending the Colorado Water Conservation Board Shoshone Permanency hearing in Denver on November 19th to represent the District.

#### **GENERAL INFORMATION/DISCUSSION**

President Miller announced that the General Manager Selection Committee will meet following the board meeting to conduct Greg Williams' performance review.

President Miller adjourned the meeting at 6:56 p.m.

Respectfully submitted,



Briana Board, Secretary