

Mountain Water Discussions (Summary)

City Council directed staff at its September 19, 2023 City Council meeting to continue working with the Ute Water Conservancy District, US Forest Service, CPW, Bureau of Land Management, Mesa County and all other potential partners to seek solutions for Fruita Reservoirs #1, 2, and 3 and the 125 acre parcel of land, specifically to make formal offers of free donation in order of Ute Water Conservancy District, Mesa County, US Forest Service, and Colorado Parks and Wildlife.

CWCB

February 12, 2024 - Meeting with CWCB regarding Reservoirs #1 and #3. (Pete Conovitz-DNR, Brandy Logan – DNR, Kaylea White – DNR, Mary Elizabeth Geiger, Mike Bennett, Kimberly Bullen.

Ute Water

May 14, 2024 - Letter sent to Ute Water Conservancy District offering donation.

June 13, 2024 - Email to Mike Bennett from Larry Clever stating at the June 12, 2024 Ute Water Board Meeting the Board voted not to accept the official offer to donate the Fruita Mountain Properties as it is not in the best interests of Ute Water.

Mesa County

June 28, 2024 - Letter sent to Mesa County Board of County Commissioners offering donation. Mesa County requested additional time to consider which was given.

September 18, 2024 - Met with Mesa County Scott Mai (PW Director), Eric Borschel (Mesa County), and Raquel from Glade Park Pipeline Water Users Association

September 27, 2024 - Received letter from Mesa County Administrator Pete Baier stating the County decided not to pursue the offer any further.

CPW

October 1, 2024 - Letter sent to CPW offering donation.

October 24, 2024 - Mayor Bremen, Mike Bennett, Shannon Vassen, Kimberly Bullen had a virtual meeting with Travis Black – Northwest Regional Manager CPW to discuss donation.

October 30, 2024 - Followed up with map showing Mountain Water Properties and Pipeline, Original Water Decrees for the water rights.

November 20, 2024 – Emailed Travis Black asking for their response in writing to the donation offer letter the city sent to CPW.

USFS

March 28, 2023 – Meeting with USFS Bill Edwards (District Ranger), Loren Paulson (USFS), Mike Bennett, John Carrillo, Kimberly Bullen to discuss Mountain Water.

October 1, 2024 - Letter sent to USFS offering donation

October 30, 2024 - Mike Bennett, Shannon Vassen, and Kimberly Bullen met with USFS District Ranger and staff to discuss donation.

November 6, 2024 - City received a written response from the USFS – Not interested in water but would like the vacant land.

Grant Activity and Misc. Meetings

November 16, 2023 – Meeting with Julie Byers, State Homeland Security & Emergency Management regarding Hazard Mitigation Grants for Reservoir #2.

January 2, 2024 - FEMA Grant – BCA for Project did not raise it to the level of funding.

April 3, 2024 – Water Rights Information Exchange Meeting with CWCB staff Michelle Garrison (Water Resources Specialist, Interstate, Federal & Water Information Section) and Amy Ost diek (Section Chief, Interstate, Federal & Water Information Section) and SGM staff Angie Fowler, Bailey Leppek, and Jordan Dimick to discuss the Fruita water rights portfolio.

July 30, 2024 – Meeting with USFS and SGM regarding design of Reservoir #2 Dam Breach.

August 26, 2024 - CWCB grant application requesting funds to assist with the preparation of the Bureau of Reclamation grant.

August 28, 2024 - Conference call with CWCB staff Michelle Garrison (Water Resources Specialist, Interstate, Federal & Water Information Section), Amy Ost diek (Section Chief, Interstate, Federal & Water Information Section), and Emily Zmak (Deputy Section Chief, Interstate, Federal & Water Information Section), Mary Elizabeth Geiger, SGM staff Angie Fowler and Erick Bikis.

September 3, 2024 - Meeting with SGM and CWCB, Kara Scheel (Endangered Species Recovery Program Manager, Interstate, Federal & Water Information Section), Michelle Garrison (CWCB), SGM staff Angie Fowler, and Mary Elizabeth Geiger.

Miscellaneous meetings with SGM to prepare grant application to the Bureau of Reclamation B2E funding – Application due November 22, 2024.

November 18, 2024 – Submitted Bureau of Reclamation B2E Funding.

November 19, 2024 – Received approval from the State of Colorado Dam Safety Division on the DAMID: 420117 Breach Submittal Package submitted by SGM Engineering on behalf of the City. The Submittal Package includes the needed documentation to support the breaching of the embankment per the Rules and Regulations for Dam Safety and Construction (2020), specifically Rule 9 which addresses dam breaching design and notification criteria.

The Submittal Package was reviewed and approved by Dam Safety with seal and signed approved construction plans. At this point, the City can contract for the Dam removal. We will need to provide verification that USFS has approved the project at some point during the Dam Safety review process.

December 12, 2024 – Received a forwarded email from Pamela Sharp-Colvin from the USFS explaining the land use/occupancy fee which is based on the acreage occupied by a particular permitted use. The annual fees for Fruita #3 would be around \$5,860; the pipelines are around \$1,880; and Fruita #1 would be \$5,280-\$5830 (depending on whether the land converts to FS or not). The City of Fruita does not pay these fees because the original authorization (called a W-11) did not require it. The laws changed in 1976 with the passage of the Federal Lands Policy Management Act (FLPMA) and as a result, whenever the reservoirs change ownership, the W-11 goes away and a new FLPMA-based permit is issued and land use fees will be charged. The Fruita Reservoirs are some of the last W-11 authorizations remaining in the Forest Service.