



LOWER SOUTH PLATTE WATER CONSERVANCY DISTRICT

100 BROADWAY PLAZA, SUITE 12 / STERLING, CO 80751 / PHONE 970-522-1378 FAX 970-522-0848

**MINUTES OF MEETING OF THE BOARD OF DIRECTORS  
OF THE  
LOWER SOUTH PLATTE WATER CONSERVANCY DISTRICT**

**June 6, 2023**

**DIRECTORS PRESENT:**

Allen Coyne	Bob Mari
Ken Fritzler	Joe Patterson
Dan Kendrick	Kent Pflager
Brian Kembel Zoom	Cody Poitz
Gene Manuello Zoom	

**DIRECTORS ABSENT:**

Jack McClary  
Bryan Ruf  
Carson Smart  
Brad Stromberger

**DISTRICT STAFF PRESENT:**

Joe Frank, General Manager  
Rick Fleharty, Technician  
Craig Brownell, Technician  
Deanna Eskew, Secretary

**VISITORS PRESENT:**

None

The meeting was called to order by President Fritzler.

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## **APPROVAL OF THE MAY 9, 2023 BOARD MINUTES:**

Director Coyne made the motion to approve the May 9, 2023 Board Minutes as submitted. Director Poitz seconded. Motion passed unanimously.

## **FINANCE REPORT:**

Treasurer Coyne made the motion to approve payment of District checks 16730-16753 as well as Julesburg Recharge checks 1212 – 1215. Director Mari seconded the motion which passed unanimously.

## **RIVER MONITORING:**

*Division I Water Court Resume':*

No statements of opposition will be filed from the April, 2023 Water Court Resume'.

*Julesburg Recharge Project:*

Following the recommendation of the Julesburg Well Users Subcommittee, Director Mari made the motion that the cost of stream depletions to the South Platte River per irrigation well be set at \$50 per ac-ft and that all individual well's share of group augmentation well depletions, recharge credit and augmentation well credit also be set at \$50 per ac-ft. Director Kendrick seconded. Motion passed. Director Coyne abstained.

*Heyborne Recharge Project:*

Manager Frank noted that the project was able to pump during April and May but has been shut down since the 1<sup>st</sup> of June.

Rich Belt, Executive Director of SPWRAP, will be going out to the recharge site on June 15<sup>th</sup> with Rick Fleharty to review the project. Board members are welcome to attend.

## **LEGAL REPORT:**

Manager Frank stated the need to go into executive session later in the meeting to discuss with the District's attorney issues relating to the Platte Valley Water Partnership and current litigation.

Manager Frank noted that the District settled with the applicants on case 20CW3117 prior to the upcoming water court trial.

## **PRESIDENT'S REPORT:**

None

## **MANAGER'S REPORT:**

### *Legislative Matters:*

Manager Frank stated that water users and the State need to speak as one when it comes to the Perkins Canal. The board expressed the need for Lower to be a lead voice on this issue.

Manager Frank said that the State is drafting rules to regulate dredge and fill in Colorado relating to the Supreme Court decision Sackett vs. EPA.

### *General Matters:*

- South Platte Water Related Activities Program (SPWRAP) –
  - SPWRAP's quarterly meeting was held in Sterling on May 18<sup>th</sup>. Rate structure fees were tabled pending more review. Also tabled was a decision on an operations agreement for management and administration of the Tamarack Wells and their impact on the Peterson Ditch during dry years. A subcommittee was formed to begin discussion on potential solutions for this issue.
  
- Northeast Colorado Water Cooperative (NECWC) –
  - The Annual Membership meeting was held yesterday, June 5<sup>th</sup> at Lower's office. NECWW will continue to serve as an advisory board to the Platte Valley Water Partnership.
  
- South Platte Basin Roundtable (SPBRT) –
  - The next meeting of the SPBRT will be held on June 13<sup>th</sup>.
  
- South Platte Regional Opportunities Water Group (SPROWG) –
  - SPROWG consultants have met with thirteen (13) potential participants who may be interested in developing water storage projects.
  
- Platte Valley Water Partnership (PVWP) –
  - PVWP has asked for an extension for the trial in the water court case to June, 2025. Manager Frank noted that more in-depth negotiations will be discussed in the executive session. President Fritzler along with Directors Kendrick, Mari and Pflager volunteered to work on a committee with Manager Frank to re-evaluate options and alternatives in Morgan, Washington and Logan counties.

➤ District Purchase Considerations –

- The District ordered a new pickup through Transwest which will be delivered in approximately 6 months and a second pickup through the State bid system which will take approximately 18 months to be delivered.
- The District is now under contract to purchase the building at 615 South 10<sup>th</sup> Avenue in Sterling. Director Patterson stated that both the inspection and appraisal are scheduled for Saturday, June 10<sup>th</sup>. Director Kendrick made the motion that the District request a Phase I, Environmental Site Assessment at a cost of approximately \$3,500. Director Pflager seconded the motion which passed unanimously.
- Director Kendrick made the motion that the District set up a checking account (Capital Fund Account) at Bank of Colorado which would require two signatures. Signatories on the checks will be Manager Frank, President Ken Fritzler, Vice President Gene Manuello and Treasurer Allen Coyne. Director Poitz seconded. Motion passed unanimously.
- President Fritzler and Directors Patterson and Manuello will be serving on the remodel committee. Manager Frank noted that purchasing of any office equipment would come out of the general fund.

➤ Hydrologic Conditions –

- Manager Frank presented to the board a table of call days and percentages at Kersey over the last 25 years in May and June, stressing how important these months are to a successful water year. A summary of the last three years highlighted: 1) 2021 had 3 days of call in May and 14 days of call in June, 2) 2022 was extremely dry and saw full call in both May and June, and 3) 2023 had 7 ½ days of call in May and there appears there will be zero days of call in June. On average there has been a call 59% of May and 56% of June at Kersey.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

Director Coyne made the motion to approve Resolution 06-2023-001 Expressing Appreciation for 31 years of service by Deanna Eskew to the Lower South Platte Water Conservancy District. Director Kendrick seconded the motion which passed unanimously.

## **EXECUTIVE SESSION:**

At approximately 12:48 p.m. Director Coyne made the motion that the board recess into executive session for the following:

1. Conference with the District's attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b)
2. For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)e
3. To discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-(402)(a).

Director Mari seconded. Motion passed unanimously.

President Fritzler adjourned the executive session and reconvened the board meeting at approximately 2:23 p.m.

## **ADJOURNMENT:**

There being no further business, Director Poitz made the motion to adjourn. Director Mari seconded the motion which passed unanimously.



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Deanna Eskew, District Secretary