

LOWER SOUTH PLATTE WATER CONSERVANCY DISTRICT

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

June 7, 2022

DIRECTORS PRESENT:

Allen Coyne	Gene Manuello	Brad Stromberger
Ken Fritzler	Bob Mari	
Dan Kendrick	Joe Patterson	
Brian Kembel Zoom	Carson Smart	

DIRECTORS ABSENT:

Terry Linker
Jack McClary
Bryan Ruf

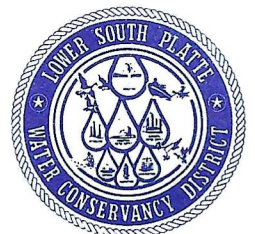
DISTRICT STAFF PRESENT:

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.



APPROVAL OF THE MAY 10, 2022 EXECUTIVE COMMITTEE MINUTES:

Director Mari made the motion to approve the May 10, 2022 Executive Committee Minutes as submitted. Director Coyne seconded the motion which passed unanimously.

FINANCIAL REPORT:

Treasurer Coyne presented the financial report for the month of May. Treasurer Coyne made the motion to approve District checks 16337 – 16367 as well as Julesburg Recharge check 1172. Director Patterson seconded the motion. Motion passed unanimously.

RIVER MONITORING:

Division I, Water Court Resume’:

No statements of opposition will be filed from the April, 2022 Water Court Resume’.

Julesburg Recharge Project:

The District’s response to Harmony’s opposition to case #21CW3135 is included in the legal packet. Manager Frank stated that the response was primarily to clean up some legal language regarding TGR.

Louise Geisert is the only well owner who has yet to pay last year’s pumping bill.

Heyborne Recharge Project:

The site has been shut off since the end of April.

LEGAL REPORT:

Manager Frank noted that it would be necessary to go into executive session at the end of today’s board meeting to obtain legal advice and negotiation strategy from the board.

PRESIDENT’S REPORT:

None

MANAGER'S REPORT:

Included in Manager Frank's report were the following:

- *Perkins County Canal* – Manager Frank, Vice President Manuello, and Jim Yahn were interviewed by Denver CBS 4 news regarding the Perkins County Canal on May 20th. Manager Frank updated the board on the Perkins County Canal talks since that time. Both he and the board noted compact language requiring the use of such water to be for irrigation.
- *Colorado Water Congress*- Manager Frank attended the Colorado Water Congress board retreat in Cortez on May 15th – 19th. CWC opened two new board seats during the retreat to the Ute Mountain and Southern Ute Tribes. CWC now has thirty-six board members.
 - A partial list of 2020 Colorado Water Congress Policies important to the District are listed below:

State Policies:

- ✓ Supports Colorado's Constitution as the framework of state water policy and legislative policy.
- ✓ Opposed establishment of a public trust doctrine as the means of allocating and administering water in Colorado. Colorado's Prior Appropriations Doctrine has proven its ability to adapt, accommodate, protect, and balance water for consumptive use, recreation, and environmental purposes. The public trust doctrine conflicts with the prior appropriation doctrine and should be vigorously opposed both locally and statewide.

Federal Policies:

- ✓ Opposes any proposed federal law and any administrative action that would impede or impair the allocation and beneficial use of the waters of the State of Colorado, pursuant to the laws of the state and rights established thereunder.
 - ✓ Supports adoptions of clarifying provisions in all environmental legislation that recognizes the importance of water use and development to the economic well-being of the West and reconfirms that state law shall control and determine the allocation of all water use within the states.
 - ✓ Supports adoption and implementation of policies by Congress and federal agencies that reinforce local land use decision making authority and avoids federal intrusions into state and local control of water resources.
- *SPWRAP*- Drilling on the 17th and final well will begin this fall at Tamarack. Manager Frank reported that the next quarterly meeting of the SPWRAP board will be held on Thursday, July 21st.
 - *Northeast Colorado Water Cooperative* – The annual meeting of the cooperative was held at the District office on June 2nd, 2022. Manager Frank reviewed an informative page authored by Matt Lindberg of Brown and Caldwell that was included in the

director's packets this month and distributed at the annual meeting entitled *Update on Current Status and Path Forward* as well as the *Potential Benefits of the Platte Valley Water Partnership to Districts 1 and 64 water users*. NECWC membership asked to continue moving forward as an organization in order to participate and advise on regional water supply projects including the PVWP.

- *South Platte Basin Roundtable* – The next meeting of the members will be held on June 14, 2022.
- *South Platte Regional Opportunities Water Group* – The next meeting of SPROWG will be held on June 21st.
- *Upcoming Special Meetings-Tours*
 - ✓ Julesburg Reservoir Enlargement meeting will be held on June 24th, 2022
 - ✓ Manager Frank reviewed the tour of McPhee Reservoir at Cortez during the Colorado Water Congress retreat. Manager Frank mentioned that he and other CWC board members were sympathetic to the severely restricted water deliveries this year and would all like to see additional measures to allow for more irrigation deliveries for Southwest Colorado.

NEW BUSINESS: None

OLD BUSINESS: None

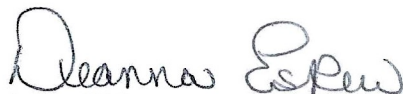
EXECUTIVE SESSION:

At approximately 11:22 a.m. Director Coyne made the motion that the board recess into executive session for a conference call with the District's attorney for the purpose of receiving legal advice on a specific legal question under C.R.S. Section 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations developing strategy for negotiations, and/or instruction negotiators under C.R.S. Section 24-6-402(4)(e). Director Mari seconded the motion which passed unanimously.

President Fritzler adjourned the executive session and reconvened the board meeting at approximately 2:32 p.m.

ADJOURNMENT:

There being no further business, Director Kendrick made the motion to adjourn. Director Patterson seconded. Motion passed unanimously. The meeting was adjourned at approximately 2:35 p.m.



Deanna Eskew, District Secretary