

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**

November 8, 2022

DIRECTORS PRESENT:

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

DIRECTORS ABSENT:

Terry Linker	Bryan Ruf
Jack McClary	Brad Stromberger

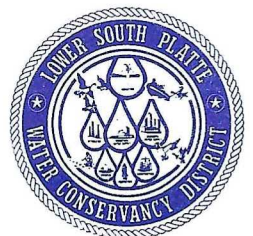
DISTRICT STAFF PRESENT:

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

VISITORS PRESENT:

Cody Poitz, Fort Morgan CO
Taylor Ahrens Dorf, Stantec via Zoom
Tracy Anderson, Stantec Via Zoom

The meeting was called to order by President Fritzler.



APPROVAL OF THE OCTOBER 11, 2022 BOARD MINUTES:

Director Coyne made the motion to approve the October 11, 2022 Board Minutes as submitted. Director Patterson seconded. Motion passed unanimously.

FINANCE REPORT:

Treasurer Coyne reviewed the financial report for the month of October. Director Coyne made the motion to approve payment of District checks 16499 – 16524 and Julesburg Recharge check 1186. Director Manuello seconded the motion which passed unanimously.

CONSIDERATION & RESOLUTION TO ADOPT THE 2023 BUDGET:

Legal notices were submitted to three newspapers of general circulation and posted on the District's website. A copy of the Budget was available for viewing at the district office. President Fritzler asked if there had been any persons who had wished to speak concerning the Budget either in person or by mail. No comments were offered. Director Coyne made the motion to approve the Resolution to Adopt the 2023 Budget. Director Kendrick seconded the motion. Motion passed unanimously.

RIVER MONITORING:

Division I Water Court Resume':

- 22CW3130 – Application by FRICO for conditional storage rights and conditional exchange. Director Kendrick made the motion that the District file a statement of opposition on this case. Director Patterson seconded the motion which passed unanimously. Manager Frank will notify Counsel Woldridge of the District's decision.

Julesburg Recharge Project.

Manager Frank had a phone conference with Counsel Donovan and Katie Leone with Spronk Water Engineers this past month to review Harmony's comments regarding their proposed volumetric limits on the Davis Well Addition in Case #21CW3135. Harmony does not have an engineer reviewing the case.

LEGAL REPORT:

- Manager Frank stated that Counsel Donovan is still trying to see if there are terms we can settle on regarding Case #20CW3117 ACWWA and ECCV-FRICO.

- Manager Frank spoke on the ongoing negotiations with cases 19CW3230, 19CW3246/20CW3209, 20CW3215, 21CW3185 to determine order of appropriation dates.
- The District did file a statement of opposition on the FRICO 22CW3102 case.
- The board will need to go into executive session today to discuss the Prewitt Agreement and receive legal advice from Counsel Woldridge.

PRESIDENT'S REPORT:

President Fritzier reminded Directors Coyne, Manuello, Kembel, Smart and Linker that their director terms expire the end of December 2022. Letters/resumes will need to be submitted asking the court for re-appointment.

President Fritzier and the directors expressed their concern regarding Manager Frank's recent medical issue. All wished him well and were glad to know that he is doing better.

MANAGER'S REPORT:

Legislative Issues:

The new session of the State Legislature will begin in January. Manager Frank said that Colorado Water Congress is discussing ways in which they can provide non-partisan education to new members in the legislature regarding water laws in Colorado.

General Matters:

- *South Platte Water Related Activities Program (SPWRAP) –*
 - Manager Frank attended the annual meeting of SPWRAP on October 20th at the City of Greeley's Water Resources Department.
 - Drilling of Tamarack's 17th well is scheduled for next spring.
- *Perkins Canal Project –*
 - Manager Frank informed the board that the State of Nebraska mailed letters of intent to landowners within the area of the Perkins County Canal in Colorado. Manager Frank noted that some of the landowners had called him regarding the letter they received. Since the letters were nonbinding, a few of the landowners did sign the letter simply as a means of receiving more information. Signed letters were to be returned to Nebraska by the end of November. Results of Nebraska's first study will be available the end of December.

- *NE Colorado Water Cooperative* –
 - Manager Frank has been monitoring and reviewing the draft final report for the WaterSMART grant which will be due in December.
- *South Platte Basin Round Table* –
 - The next meeting of SPBRT will be held later today. However, Manager Frank will be unable to attend today's meeting.
- *South Platte Regional Opportunities Water Group (SPROWG)* –
 - Brown & Caldwell (Matt Lindburg) has been hired as the Project Manager for SPROWG. Manager Frank stated that this will work out well for SPROWG and that Mr. Lindburg will also be able to continue to do some work with the Water Cooperative.
- *Presentations – Tours – Special Meeting* –
 - A tour has been planned for the 17th of November of the Prewitt diversion structure, Iliff, Bravo, Fremont Butte reservoir sites and the new North Sterling Reservoir diversion structure by members from Parker Water and Prewitt boards as well as members from LSPWCD who wish to attend.
 - The board heard a presentation by Tracy Anderson and Taylor Ahrens Dorf from Stantec via Zoom regarding Stantec's ability to provide funding expertise including funding strategy, application preparation, and project management and oversight for the Platte Valley Water Partnership's project.
 - A Fact Sheet providing an overview of the Platte Valley Water Partnership will be distributed at the South Platte Forum in December. Copies of the Fact Sheet are included in today's board packets.
 - NE Colo Children's Water Festival will be changing their name next year to the Lower South Platte Children's Water Festival. The District will be applying for a Colorado Water Plan grant to assist with three years of funding for the festival.

NEW BUSINESS:

Director Kendrick made the motion to appoint Cody Poitz as a Director from Morgan County to fill Morgan County's vacant position ending December 31, 2025. Director Manuello seconded the motion which passed unanimously.

Manager Frank stated that he would like to provide a board orientation after the first of next year for new and existing board members regarding District programs, the history of the District, and how the District has continued to develop and protect water supplies within its boundaries.

EXECUTIVE SESSION:

At approximately 11:52 a.m. Director Coyne made the motion that the board recess into executive session 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. 24-6-402(4)(e). Director Patterson seconded the motion which passed unanimously.

President Fritzler adjourned the executive session and reconvened the board meeting at approximately 12:56 p.m.

OLD BUSINESS:

Director Manuello made the motion that the District should stipulate with Morgan County Quality Water case #19CW3230. Director Kendrick seconded. Motion passed unanimously.

ADJOURNMENT:

There being no further business, Director Coyne made the motion to adjourn. Director Patterson seconded the motion which passed unanimously. The meeting was adjourned at approximately 1:03 p.m.



Deanna Eskew, District Secretary