

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**

December 14, 2021

DIRECTORS PRESENT:

Allen Coyne
Ken Fritzler
Dan Kendrick
Brian Kembel

Gene Manuello
Bob Mari
Joe Patterson
Carson Smart

Brad Stromberger

DIRECTORS ABSENT:

Terry Linker
Jack McClary
Bryan Ruf
Don Schneider

DISTRICT STAFF PRESENT:

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

VISITORS PRESENT:

Jeff Rice, Sterling Journal Advocate

The meeting was called to order by President Fritzler.



APPROVAL OF THE NOVEMBER 9TH AND 19TH BOARD MINUTES:

Director Coyne made the motion to approve the November 9th and 19th Board Minutes. Director Kembel seconded the motion which passed unanimously.

FINANCE REPORT:

Director Coyne reviewed the financial report for the month of November. Treasurer Coyne then made the motion to approve payment of District checks 16149-16174 as well as Julesburg Recharge checks 1147-1148. Director Patterson seconded. Motion passed unanimously.

RESOLUTION TO SET THE MILL LEVY:

Director Coyne made the motion to approve the Resolution to Set the Mill Levy at 1.000 mill. Director Manuello seconded the motion. Motion passed unanimously.

RESOLUTION TO APPROPRIATE SUMS OF MONEY:

Director Coyne made the motion to approve the Resolution to Appropriate Sums of Money for the 2022 budget year. Director Kendrick seconded the motion which passed unanimously.

RIVER MONITORING:

Division I, Water Court Resume:

Counsel Donovan's report recommended that no statements of opposition be filed from the October Water Court Resume. Manager Frank did note that the board will need to discuss the Castle Rock filing with Counsel Woldridge during the executive session. The board did not recommend any other statements of opposition from the October Resume.

Julesburg Recharge Project:

Counsel Donovan has prepared the Motion and Order to delete the Woodhams (previously named Moist) well from the District's augmentation plan. District staff will give Mr. Woodhams one final courtesy call to again make sure he understands the ramifications in deleting the well from the augmentation plan before Counsel Donovan files the court documents.

Manager Frank updated the board on progress with the draft decree and engineering for water court case number 21CW3135. This case involves the addition of TGR Farms recharge project and a Julesburg School well to the Julesburg Recharge Project augmentation plan. The draft decree and engineering report were submitted to the Harmony Ditch Company for review late last week. In addition, staff and counsel have recommended a stand-alone agreement with TGR Farms, instead of requiring the standard Special (D) contract. A draft of the agreement has been

submitted to TGR for review. The executive committee will need to review and approve the agreement at the January 2022 executive committee meeting.

LEGAL REPORT:

Director Coyne made the motion to approve the 2022 legal fees of both Counsels Donovan and Woldridge. Director Mari seconded the motion which passed unanimously.

An Executive Session will need to be held later in the meeting to discuss legal matters with Counsel Woldridge.

PRESIDENT'S REPORT:

President Fritzler appointed Director Kendrick as the nominating officer for 2022. The board will vote on the 2022 slate of officers at the February board meeting.

PUBLIC COMMENT:

None

MANAGER'S REPORT:

Legislative Matters:

- Manager Frank reported that the Interim Water Resources Review Committee passed three bills out of its committee this fall. One of the bills (Bill B), entitled *Concerning Water Speculation in the State*, is of particular concern to the District. The proposed legislation would create a regulatory prohibition on investment water speculation administered by the State Engineer's Office. The bill will now be introduced in the new legislative session which begins January 12th, 2022

General Matters:

- SPWRAP
 - Manager Frank reminded the board that all sixteen wells were turned on November 1st at the Tamarack. The 17th and final well will be constructed and operational by the fall of 2022.
 - SPWRAP has agreed to pay the electrical charges to turn on three recharge wells on the Peterson Ditch to increase recharge supply.
 - The annual Meeting of SPWRAP was held November 8, 2021 via Zoom.
 - The next quarterly board meeting will be held on January 20, 2022, beginning at 9:30 via Zoom or in person at Lower's office in Sterling.
 - Kevin Urie will assume the position of policy management. Executive Director position has yet to be filled.

- NE Colorado Water Cooperative –
 - The WaterSMART grant extension was approved through the end of December, 2022.
 - The NECWC board and consultants will continue to focus on future plans for NECWC involvement in current and future water projects.
- The next meeting of the South Platte Basin Roundtable will be held January 11, 2022.
- The South Platte Regional Opportunities Water Group – The group is looking at the possibility of hiring a project manager. The next meeting of SPROWG is scheduled for December 18th.
- Platte Valley Water Partnership –
 - Manager Frank noted that the agreement with Prewitt Reservoir is still being negotiated.
 - Manager Frank stated that potential reservoir sites under the Bravo Ditch are considered feasible and viable alternatives to the Iliff Reservoir. An amendment to Case No. 19CW3253 to be filed by the end of the month will be discussed further with Counsel Woldridge in executive session.
 - Trial for 19CW3253 is scheduled for January 2024.
- CAWA Convention – Manager Frank and Craig Brownell attended the CAWA Convention on December 9th in Frasier. Manager Frank noted several good discussions regarding water speculation, new water storage, and project funding. He noted that a group of participants were from a non-profit group in Oregon that works with irrigation companies and water districts in applying for loans and grants on infrastructure projects.

EXECUTIVE SESSION:

At approximately 11:08 Director Coyne made the motion that the board recess into executive session for two specific purposes:

- 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).
- For 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).

Director Mari seconded the motion which passed unanimously.

President Fritzler adjourned the executive session and reconvened the board meeting at approximately 1:20 p.m.

OLD BUSINESS:

None

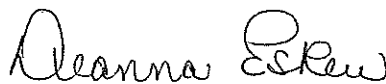
NEW BUSINESS:

Included in the new business were the following:

- The board authorized Manager Frank to order the new pickup which was previously approved and included in the 2022 budget.
- Director Kendrick made the motion to authorize President Fritzler to sign the Waiver of Conflict of Interest regarding Counsel Woldridge and the Town of Castle Rock. Director Patterson seconded the motion which passed unanimously.
- Director Mari made the motion that the District file a Statement of Opposition in the Town of Castle Rock's Case No. 21CW3185. Director Stromberger seconded the motion. Motion passed unanimously.
- Director Smart made the motion that the Board of Directors shall authorize the filing of a response to the Complaint in Case No. 21CV30049 and authorize the District's legal counsel and general manager to prepare such response and for the executive committee to provide guidance and instruction. Director Patterson seconded the motion which passed unanimously.
- Director Manuello made the motion to approve the board resolution stating that Case No. 19CW3253 be amended to add the Bravo Ditch system as alternate points of diversion and storage for the Iliff Reservoir Storage Right and the Prewitt Forebay Storage Right. Director Patterson seconded. Motion carried. Director Stromberger abstained.

ADJOURNMENT:

There being no further business, Director Coyne made the motion to adjourn. Director Kendrick seconded. Motion passed unanimously. The meeting was adjourned at approximately 1:50 p.m.



Deanna Eskew, District Secretary