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

February 13, 2024

### **DIRECTORS PRESENT:**

Allen Coyne	Jack McClary
Ken Fritzler	Joe Patterson
Bruce Gerk	Kent Pflager
Brian Kembel	Bryan Ruf
Dan Kendrick	Carson Smart
Gene Manuello	Brad Stromberger
Bob Mari	

### **DIRECTORS ABSENT:**

Cody Poitz

### **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.

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## **APPROVAL OF THE JANUARY 9, 2024 BOARD MINUTES:**

Director Coyne made the motion to approve the January 9, 2024 Board Minutes as submitted. Director Kembel seconded. Motion carried.

## **FINANCE REPORT:**

After reviewing the Financial Report for the month of January, Treasurer Coyne made the motion to approve District checks 17015-17061 as well as Julesburg Recharge checks 1221-1222. Director Manuello seconded the motion. Motion carried.

## **RIVER MONITORING:**

*Division I, Water Court Resume':*

No Statements of Opposition will be filed from the December 2023 Water Court Resume'.

*Julesburg Recharge Project:*

Manager Frank will be able to finish the annual billing to the well owners after the numbers for the 3-States payments are finalized.

No statements of opposition were filed on the Bruce Gerk application.

*Heyborne Recharge Project:*

The landowner gave his approval to have Blochowitz Ditching pull approximately two-thirds of the small Cottonwood trees that have taken a thick stand in and around Ponds 1 and 2. Technician, Fleharty stated that Blochowitz Ditching should be starting on the project today.

## **LEGAL REPORT:**

Manager Frank stated that the board will need to go into executive session later in the meeting for the following:

- 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)
- 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 24-6-401(4)(e)

## **PRESIDENT'S REPORT:**

President Fritzler expressed his appreciation to Director Manuello for allowing his crew to help put together the new office tables and chairs.

Manager Frank also thanked everyone for all the help that was provided in getting the office moved and set up.

## **MANAGER'S REPORT:**

### *Legislative Matters:*

- WRASP –
  - Manager Frank reminded the board that the group meets every Friday at 3:00 p.m. via Zoom and that this legislative session could be a very busy one. One item that Manager Frank noted would be extremely important to follow would be legislation to create a program in Colorado to permit and regulate dredge and fill activities in Colorado that are no longer covered by the Federal Waters of the United States as a result of the recent U.S. Supreme Court ruling in the Sackett vs. EPA case. Currently there are competing bills to address the issue.

### *General Matters:*

- Perkins Canal –
  - Manager Frank reviewed the first meeting of the Perkins Canal workgroup. He also reviewed a recent presentation from the State of Nebraska regarding progress on the Perkins Canal.
- South Platte Water Related Activities Program (SPWRAP) –
  - The 1<sup>st</sup> Quarter SPWRAP meeting will be held in Sterling on February 15<sup>th</sup>. Manager Frank said he hoped to discuss the Tamarack – Peterson Ditch interaction at the meeting.
- South Platte Basin Round Table (SPBRT) –
  - The next meeting of the Roundtable will be held later today, February 13<sup>th</sup>.
- Platte Valley Water Partnership –
  - Manager Frank would like the Water Supply Committee to meet at least once a month to discuss the Partnership. Committee members are President Fritzler, Vice President Manuello, and Directors Kendrick, Mari, and Pflager. A meeting between Lower and representatives of Lower Logan Well Users and Iliff area water users will be on February 23<sup>rd</sup>. Manager Frank asked that the Water Supply Committee also attend the meeting.

- Special Meetings –
  - Director Gerk updated the board on the Four States Irrigation Council meeting he attended on January 17<sup>th</sup> and 18<sup>th</sup>.
  - Craig Brownell also updated the board on the Annual Water Congress Convention he attended on January 31<sup>st</sup> – February 2<sup>nd</sup>.
  
- Other Topics –
  - Director Pflager made the motion that the District contribute \$500 to Water Education for 2024 membership. Director Kendrick seconded. Motion carried.
  - Director Mari made the motion to accept and pay the final bill from Howard Fix for the remodel of the District office in the amount of \$66,528.87 from the Capital Fund account. Director Manuello seconded. Motion carried.
  - Manager Frank updated the board on the District website conversion that will be finalized the end of February.

### **OLD BUSINESS:**

None

### **NEW BUSINESS:**

None

### **PUBLIC COMMENT:**

None

### **EXECUTIVE SESSION:**

At approximately 12:29 p.m. Director Coyne made the motion to adjourn into executive session for the following:

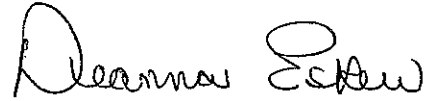
1. Conference with the District's attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b).
2. For the purpose of determining positions relative to matters that may be subject to negotiation, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e).

Director Pflager seconded the motion. Motion carried.

President Fritzler adjourned the executive session and reconvened the board meeting at approximately 2:30 p.m.

**ADJOURNMENT:**

There being no further business, Director Coyne made the motion to adjourn. Director Mari seconded. Motion carried. The meeting was adjourned at approximately 2:31 p.m.

A handwritten signature in cursive script that reads "Deanna Eskew". The signature is written in black ink and is positioned above a horizontal line.

Deanna Eskew, District Secretary