

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**

April 11, 2023

DIRECTORS PRESENT:

- | | |
|-------------------|------------------|
| Allen Coyne | Joe Patterson |
| Ken Fritzler | Kent Pflager |
| Dan Kendrick | Cody Poitz Zoom |
| Brian Kembel Zoom | Brad Stromberger |
| Gene Manuello | |

DIRECTORS ABSENT:

- Bob Mari
- Jack McClary
- Brian Ruf
- Carson Smart

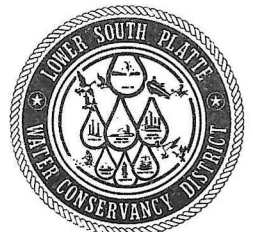
DISTRICT STAFF PRESENT:

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

VISITORS PRESENT:

- Darlene Carpio, Aide to U.S. Congressman Ken Buck
- Jeff Rice, Sterling Journal Advocate
- Bruce Gerk, Julesburg Colorado

The meeting was called to order by President Fritzler.



APPROVAL OF THE MARCH 14, 2023 EXECUTIVE COMMITTEE MINUTES:

Director Coyne made the motion to approve the March 14, 2023 Executive Committee Minutes as submitted. Director Patterson seconded. Motion passed unanimously.

FINANCIAL REPORT:

Treasurer Coyne reviewed the financial report for the month of March. Treasurer Coyne then made the motion to approve payment of District checks 16665 – 16700 and Julesburg Recharge checks 1192 – 1208. Director Kendrick seconded the motion which passed unanimously.

RIVER MONITORING:

Division I Water Court Resume':

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

Julesburg Recharge Project:

Bills for the 2022 pumping season were mailed out to the well owners this past month. The drought in 2022 caused higher pumping bills as well as lower credits. Manager Frank also noted that SPWRAP payments were much lower for 2022. SPWRAP will be holding their next quarterly meeting on May 18th in Sterling at which time there will be discussion with the SPWRAP board about the current lease rate of \$40/ac ft. which has remained the same since 2007. Manager Frank will be attending the Sedgwick County Well Users meeting tomorrow where the same issues will be discussed.

Manager Frank noted that Harmony has stipulated in Case #21CW3135.

Heyborne Recharge Project:

Manager Frank stated that the Heyborne Project was able to start running on April 7th into ponds two and three.

LEGAL REPORT:

- 20CW3117 – ACWWA, ECCV, FMRICO – Counsel Donovan has asked to meet with Manager Frank and District board members to discuss options going forward on this case.
- FRICO 22CW3102 – Counsel Woldridge filed the District's comments on April 7th.

PRESIDENT'S REPORT:

None

MANAGER'S REPORT:

Legislative Matters:

- Manager Frank reminded the directors of WRASP meetings each Friday at 3:00 p.m. to discuss legislative matters.
- Colorado Water Congress State Affairs meetings are held on Mondays at 8:00 a.m.
- SB 23-270 Stream Restoration Bill will be discussed in the Senate Ag Committee meeting this Thursday.
- Manager Frank also reviewed the draft Drought Security legislation.

General Matters:

- Perkins Canal –
 - Manager Frank noted a letter from Colorado State Engineer Director Kevin Rein to Thomas Riley, Director of the Nebraska Department of Natural Resources dated March 2, 2023 regarding the Perkins Canal.
- South Platte Water Related Activities Program (SPWRAP) –
 - The next quarterly meeting of the board will be held on Thursday, May 18, 2023 in Sterling at 9:00 a.m. All board members are urged to attend.
- NE Colorado Water Cooperative (NECWC) –
 - Manager Frank has been working on the final reimbursement of funds from the WaterSMART grant that ended December 31, 2022.
 - NECWC will continue to have quarterly meetings with the next meeting scheduled for Thursday, April 27th and a membership meeting in June.
- South Platte Basin Roundtable (SPBRT) –
 - The next meeting of the SPBRT will be held later today. Brent Schantz from the Division of Water Resources will be giving an update on the recent telemetry installations which have been installed using Water Supply Reserve Funds as approved by the SPBRT and the Colorado Water Conservation Board.
- Platte Valley Water Partnership (PVWP) –
 - The board will review in executive session a proposal agreement from Stantec regarding financial feasibility.

- Lower South Platte Children’s Water Festival –
 - The festival committee is looking to hire a festival coordinator on a contract part-time hourly basis. The coordinator’s position will be paid for through the Colorado Water Plan grant money as a part-time employee of the District.

- 2023 District Programs –
 - A summary version of the 2023 District Programs document which details five (5) specific programs of the District is included in this month’s board packets.

PUBLIC COMMENT:

Darlene Carpio from Congressman Buck’s office noted that Congressman Buck along with other legislators submitted a letter to the current administration and EPA regarding their definition of the Water of the United States (WOTUS).

Bruce Gerk from Julesburg stated that he was unsure of how much support in defending water rights the State of Colorado would give to water users in District 64.

EXECUTIVE SESSION:

At approximately 11:23 a.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)
4. For discussion of a personnel matter under C.R.S. Section 24-6-402(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees.

Director Patterson seconded the motion which passed unanimously.

President Fritzler adjourned the executive session and reconvened the board meeting at approximately 1:22 p.m.

NEW BUSINESS:


The board authorized District staff to pursue the purchasing of a new or used truck through local dealerships.

OLD BUSINESS:

None

ADJOURNMENT:

There being no further business, Director Coyne made the motion to adjourn. Director Pflager seconded the motion. Motion passed unanimously. The meeting was adjourned at approximately 1:35 p.m.



Deanna Eskew, District Secretary