

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**

August 8, 2023

**DIRECTORS PRESENT:**

- |                   |                  |
|-------------------|------------------|
| Allen Coyne       | Jack McClary     |
| Ken Fritzler      | Joe Patterson    |
| Brian Kembel Zoom | Kent Pflager     |
| Dan Kendrick      | Carson Smart     |
| Gene Manuello     | Brad Stromberger |

**DIRECTORS ABSENT:**

- Bob Mari
- Cody Poitz
- Bryan Ruf

**DISTRICT STAFF PRESENT:**

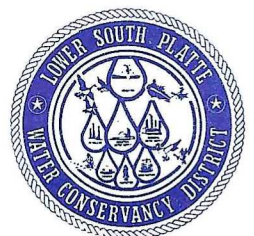
- Joe Frank, General Manager
- Craig Brownell, Technician
- Deanna Eskew, Secretary

**VISITORS PRESENT:**

None

The meeting was called to order by President Fritzler.

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**APPROVAL OF THE JULY 11, 2023 EXECUTIVE COMMITTEE MINUTES:**

Director Coyne made the motion to approve the July 11, 2023 Executive Committee Minutes as amended. Director Kembel seconded. Motion passed unanimously.

**FINANCE REPORT:**

Treasurer Coyne presented the financial report for July. Director Coyne then made the motion to approve payment of District checks #16800 – 16825 and Julesburg Recharge check #1216. Director Pflager seconded the motion which passed unanimously.

Lauren Hix from Hix Risk Consultants LLC presented the board via Zoom with her company's liability insurance proposal for the years August 2023 – August 2024. After the presentation, the board reviewed both proposals from Hix Risk Consultants and Gallagher. Director Kendrick made the motion to renew the District's liability coverage with Gallagher but also include Cyber Liability insurance coverage from Clear Blue Insurance through Hix Risk Consultants for an additional \$1,075.00. Director Pflager seconded. Motion passed unanimously.

**RIVER MONITORING:**

*Division I Water Court Resume':*

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

*Julesburg Recharge Project:*

Manager Frank noted that the District did receive a recorded copy of the Final Decree on case #21CW3135.

Director Coyne made the motion to increase the running rate to Julesburg Irrigation District to \$5.00 per ac-ft from \$4.00 per ac-ft for water delivered to the District's recharge pond and to reaches one and two in the Peterson Ditch. Director McClary seconded. Motion passed unanimously.

Manager Frank reminded the board that the District has increased payments on depletions and accretions to \$50.00 per ac-ft per the Julesburg Well User's Subcommittee recommendation.

## **LEGAL REPORT:**

Manager Frank stated the need to go into executive session later in the meeting to discuss with the District's attorney legal matters relating to the Platte Valley Water Partnership.

## **PRESIDENT'S REPORT:**

None

## **MANAGER'S REPORT:**

### *Legislative Matters:*

The Colorado Department of Public Health and the Environment has implemented Policy Number CW-17 which they say addresses "the protection of state waters impacted by discharges of dredged or fill material that are outside of federal Clean Water Act jurisdiction as a result of the Sackett decision". Since the state does not have its own permitting authority, this policy is only to enforce the unpermitted 404 process. The state now is developing a task force to develop legislation which would give them authority for permitting waters that they deem are not covered under the Federal 404 process.

Manager Frank said that the Colorado River Task Force is now set and has does not have a lot of east-slope or agriculture representation.

A Stream Restoration bill will probably be introduced in the 2024 legislation session.

### *General Matters:*

- Perkins Canal –
  - Manager Frank stated that Nebraska has had discussions with some of the landowners regarding land acquisition and eminent domain. Manager Frank also noted that he, Jim Yahn, Gene Manuello and Don Ament along with State Engineer Kevin Rein are being interviewed for a documentary called "Battle of the Platte."
  
- South Platte Water Related Activities Program (SPWRAP) –
  - Manager Frank reminded the directors that the SPWRAP board has organized a sub-committee whose members include SPWRAP Executive Director Rich Belt, Jon Altenhofen, Ryan VanPelt, and Manager Frank to work on the details of an operations agreement regarding interactions between the Tamarack wells and the Peterson Ditch.
  - The next SPWRAP board meeting will be held August 17<sup>th</sup> at Northern Water's office.



- South Platte Basin Roundtable (SPBRT) –
  - The next meeting of the Roundtable will be held on September 12<sup>th</sup>.
- South Platte Regional Opportunities Water Group (SPROWG) –
  - The Group held their last meeting on July 18<sup>th</sup> at Lower’s office followed by a field tour and lunch.
- Platte Valley Water Partnership –
  - The board was able to view a video summary of the project that was put together by Sigler Communications.
- Presentations – Tours – Special Meetings
  - A Climate Resiliency Tour will be held on August 14<sup>th</sup> and 15<sup>th</sup>. The August 14<sup>th</sup> tour will focus on the Republican River area and the 15<sup>th</sup> tour will focus on the South Platte River. Local speakers for the tour will include board member Kent Pflager and Manager Joe Frank.
  - Manager Frank congratulated Sterling Irrigation on their 150<sup>th</sup> Anniversary. The anniversary party was held 150 years to-the-day on July 15<sup>th</sup>.
- District Purchase Considerations –
  - Director Coyne made the motion to approve Resolution No 08-2023-001 Authorizing Signers for the Acquisition of Real Estate. Director Kendrick seconded the motion which passed unanimously. The Resolution authorizes and directs the President of the Board of Directors to execute all documents and perform all acts necessary to close the purchase of property described as 615 South 10<sup>th</sup> Avenue, Sterling, CO.
- Lower South Platte Children’s Water Festival –
  - Heather Kalous has been hired as the local coordinator for this year’s Children’s Water Festival which will be held on September 20, 2023.

**OLD BUSINESS:**

None

**EXECUTIVE SESSION:**

At approximately 12:21 p.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).

Director Pflager seconded the motion which passed unanimously.

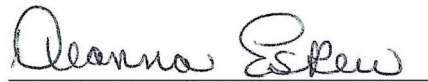
President Fritzler adjourned the executive session and reconvened the board meeting at approximately 2:35 p.m.

**NEW BUSINESS:**

None

**ADJOURNMENT:**

There being no further business, Director McClary made the motion to adjourn. Director Pflager seconded. Motion passed unanimously. The meeting was adjourned at approximately 2:45 p.m.

  
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Deanna Eskew, District Secretary