

Executive Committee Minutes March 9, 2021

The meeting was called to order by President Fritzler at approximately 9:00 a.m. at the District office. The following Executive Committee Directors were present: President Ken Fritzler, Vice President Gene Manuello, Treasurer Allen Coyne, Brian Kembel and Joe Patterson. Directors Dan Kendrick, Bob Mari (via Zoom), Don Schneider (via Zoom) and Brad Stromberger were also in attendance. Staff members Manager Joe Frank, Rick Fleharty, Craig Brownell, and Deanna Eskew were present.

Board Minutes:

Director Coyne made the motion to approve the February 9, 2021 Board Minutes. Director Kembel seconded. Motion passed unanimously.

Financial Report:

Treasurer Coyne presented the financial report for the month of February. Treasurer Coyne made the motion to approve payment of District checks 15857 – 15887 and Julesburg Recharge checks 1118 - 1119. Director Patterson seconded. Motion passed unanimously.

River Monitoring:

Division I Water Court Resume':

No Statements of opposition will be filed from the January 2021 Water Court Resume'.

Manager Frank did note that statements of opposition were filed last month on two cases, those being:

1. 20CW3215 BennT Creek Regional Water Authority and South Platte Regional Water Company
2. 20CW3209 Fort Morgan Farms, LLC

Julesburg Recharge Project:

Manager Frank updated the board regarding the new school at Julesburg. He stated that tentatively the school may decide to drill a new well and get into Lower's Augmentation Plan. Final decisions are pending.

Manager Frank along with Rick Fleharty and Craig Brownell recently met with Mr. Beau Davis who bought the property previously owned by Jeff Hebert in Sedgwick County. Mr. Davis would like to add three short term recharge ponds to the property and include them in the District's Augmentation Plan. Director Coyne made the motion to allow Mr. Davis to proceed with his plan if he covers all costs. Director Kendrick seconded the motion which passed unanimously.

Billing for last year's pumping season has now been mailed to the well owners. Payments are due by March 19, 2021.

Manager Frank said that the Peterson Diversion Structure appears to be getting closer to completion. Estimated start up is expected the end of March or the first part of April 2021. There is currently around 12 cfs running into the Peterson Ditch from the dewatering wells.

Heyborne Recharge Project:

Manager Frank stated that ponds 2 & 3 started running yesterday at the Heyborne site.

Manager Frank said that after the board viewed the video from a horizontal well drilling company, he contacted their representative to get estimated costs. He was told that Lower would have to pay the company located in Cincinnati Ohio to give a cost estimate if Lower could not provide their own engineering for a rough estimate. Manager Frank said that it appears the costs would be too high to be beneficial.

Legal Report:

None

President's Report:

None

Manager's Report:

Included in Manager Frank's report were the following:

Legislative Matters:

- Manager Frank noted that the legislature is now back in session. Two bills that are currently being monitored are:
 1. HB21-1043 Concerning the study of underground water storage to maximize the beneficial use of water within Colorado. Water Congress supports this bill which passed out of the House Ag Committee and now goes to Finance. The WRASP group which Lower is a member took a neutral position on this bill with some concerns regarding the bill's use of the term of tributary aquifer storage being misused.

2. HB21-1046 Concerning the use of a water right obtained through a mutual ditch corporation. The State Affairs Committee as well as the WRASP group supports this bill.
- Manager Frank noted that the Federal Appeals court overturned the CDPHE's Dredge and Fill policy as speculative.
 - Manager Frank who serves on the State of Colorado Anti-Speculation committee updated the directors on the questions and terms surrounding what is considered water speculation.

General Matters:

- SPWRAP
 - Manager Frank reported that all 16 wells at the Tamarack site are operational and running.
 - Manager Frank also stated that Jon Altenhofen from Northern will be submitting an opinion regarding operations of the Parker/Lower project and interactions with SWRAP water projects.
 - Austin Hamre who is currently legal counsel for SPWRAP has been appointed as the interim executive director of SPWRAP.
- The next meeting of the NE Colorado Water Cooperative will be held tomorrow, March 10th in Fort Morgan. The Cooperative will be requesting a one (1) year extension on their WaterSMART grant.
- The South Platte Basin Roundtable will be meeting later today via GoToMeeting.
- The next facilitated meeting of the South Platte Regional Opportunities Water Group (SPROWG) will be held on March 26th. Director Kembel made the motion to pay the next consulting invoice from Doug Robotham from LSPWD funds, not to exceed \$3,000 above previous in-kind contributions (\$11,500) from Lower and others for SPROWG feasibility. Invoices billed after March will be paid on a pro-rata basis by SPROWG participants, to be determined by future agreement. Director Patterson seconded the motion which passed unanimously.
- Policy concerning use of Giddings Rig – Manager Frank stated that a request has been made that the district provide coring services using the District's Giddings rig for a non-water related project outside the District boundaries. Manager Frank asked the board for a decision regarding its use. It was the board's decision that the coring rig only be used for water related projects as stated on the District's web site.

New Business: None

Old Business: None

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 12:15 p.m.



Deanna Eskew, Secretary