



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**

August 11, 2020

DIRECTORS PRESENT:

Allen Coyne	Bob Mari
Ken Fritzler	Joe Patterson
Brian Kembel via zoom	Don Schneider via Zoom
Terry Linker	Brad Stromberger
Gene Manuello	

DIRECTORS ABSENT:

Bart Ginther	Bryan Ruf
Dan Kendrick	Carson Smart
Jack McClary	

DISTRICT STAFF PRESENT:

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

VISITORS PRESENT:

Jeff Rice, Sterling Journal Advocate via Zoom
Dusty Johnson, Aide to Congressman Buck

The meeting was called to order by President Fritzler.



APPROVAL OF THE JULY 14, 2020 EXECUTIVE COMMITTEE MINUTES:

Director Patterson made the motion to approve the July 14, 2020 Executive Committee Minutes as presented. Director Manuello seconded the motion. Motion carried. Director Coyne abstained as he was unable to attend the July meeting.

FINANCE REPORT:

Director Coyne presented the financial report for the month of July. After review, Director Coyne made the motion to approve district checks 15616 – 15648 and Julesburg Recharge checks 1103 – 1105. Director Mari seconded the motion which passed unanimously.

RIVER MONITORING:

Division I Water Court Resume':

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

Julesburg Recharge Project:

Manager Frank reminded the directors that Diligence for the District's Augmentation Plan is due in November.

Legal counsel, Ryan Donovan, will be sending Mr. Julius a letter advising him that if fees and costs are not paid his contract will not be renewed at the end of the calendar year and his wells will be removed from the District's augmentation plan. The board discussed ways of changing the late fee policy as this problem with Mr. Julius happens every year making it unfair for all the other well owners who comply.

LEGAL REPORT:

Manager Frank noted that Alyson Scott is no longer associated with the law offices of Lawrence Jones Custer and Grasmick. Ryan Donovan will now be representing the District in the District's legal matters.

PRESIDENT'S REPORT:

None

MANAGER'S REPORT:

Included in Manager Frank's report were the following:

- Manager Frank reminded the board that Colorado Water Congress has formed a special project and has filed an Amicus Brief in the State of Colorado vs. EPA 2020 WOTUS Rule lawsuit. Of particular concern was that the District Court erred in finding that the new rule (actually the "2020 Navigable Waters Protection Rule") would cause irreparable harm to Colorado by allegedly imposing an increased regulatory and enforcement burden upon the State. Colorado Water Congress also disagreed that the Colorado Water Quality Control Act prohibits any discharge of dredge and fill material into State waters. ("State waters" are much more broadly defined than "Waters of the U.S.")
- SPWRAP –
 - Manager Frank said that Dan Gallen will be stepping down as executive director of the organization. However, he will continue to serve on the board of directors.
 - The Petersen Ditch diversion structure rehab work has been scheduled to start October 15th.
 - Tamarack Project – The well rehabilitation work at Tamarack is in its final stages. Canfield has been asked to look at the wells as there are some issues in getting the wells restarted.
 - The bank stabilization project at Tamarack has recently been put out for bid. SPWRAP and Ducks Unlimited will be funding most of the project.
 - Heyborne Project – Diligence was filed in April on the project. There were no objectors to the filing so Counsel Donovan will be drafting the Decree.
 - 19CW3253 – SPWRAP will be working with Parker WSD and LSPWCD to draft joint agreement in regards to the project.
- NE Colorado Water Cooperative – Manager Frank stated that the feasibility study and operational analysis is now complete. Copies were emailed to each of the District directors. Manager Frank noted that it will also be posted on the District's web site. The Cooperative still has the WaterSMART grant with the Bureau of Reclamation and will continue to work on outreach meetings, technical analysis, and the remaining work plan.
- Manager Frank said that the South Platte Basin Roundtable meeting will be held later today via remote access. Discussion will center on Phase 2 of the Basin Implementation Plan.
- The next facilitated meeting of the South Platte Regional Opportunities Water Group (SPROWG) will be held on August 27th. The original seven members of the group are: LSPWCD, Northern Water, City of Aurora, South Metro Water Supply Authority, Denver Water, St. Vrain and Left Hand Water Conservancy District, and North Sterling and Prewitt Irrigation Districts. Discussion will be centered around the next steps for SPROWG.
- Water Rights Development: 19CW3253 –
 - The Draft Decree and Preliminary Engineering will need to be submitted to Water Court by the end of August.
 - Some of the items for discussion in executive session will be the economic analysis, the Prewitt and Project Development Agreement, the draft decree and engineering results, and the Parker/Lower Agreement.
 - There will be a meeting on August 25th with the Prewitt board members and manager along with representatives from Parker WSD and LSPWCD to discuss the terms of the Prewitt Agreement.

- The 2019 Audit has not yet been completed. David Kauffman hopes to have the audit ready for the September meeting.
- Manager Frank discussed his email response to Water Education Colorado for their re-posting of an article from the *Guardian* on “*US Rivers and Lakes are Shrinking for a Surprising Reason: Cows*”. His response says in part “articles like this are very one-sided, use flawed data and are specifically designed with an agenda”. Jayla Poppleton, Executive Director of Water Education Colorado said she will be getting in touch with Manager Frank later to discuss the situation.
- The District’s server needs to be replaced. Director Coyne made the motion to purchase a new server at a cost not to exceed \$10,000. Director Manuello seconded the motion which passed unanimously.

PUBLIC COMMENT:

Dusty Johnson, aide to Congressman Ken Buck discussed Covid19 issues congress is dealing with as well as a recent documentary that Congressman Buck made for HBO.

EXECUTIVE SESSION:

Director Coyne made the motion that the board recess into executive session 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 regarding legal matters. The motion was seconded by Director Mari which passed unanimously.

The board meeting was recessed at approximately 11:10 a.m. President Fritzler adjourned the executive session and reconvened the board meeting at approximately 1:25 p.m.

NEW BUSINESS:

None

OLD BUSINESS:

None

ADJOURNMENT:

There being no further business, Director Coyne made the motion to adjourn. Director Patterson seconded. Motion passed unanimously. The meeting was adjourned at approximately 1:28 p.m.



Deanna Eskew, Secretary