

Executive Committee Minutes July 14, 2020

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 and Directors Brian Kembel and Joe Patterson. Directors Carson Smart and Dan Kendrick were also in attendance along with Director Don Schneider via video. Staff members Manager Joe Frank, Rick Fleharty, Craig Brownell and Deanna Eskew were also present.

Board Minutes:

Director Kembel made the motion to approve the June 9, 2020 Board Minutes. Director Patterson seconded. Motion passed unanimously.

Financial Report:

Manager Frank presented the financial report for the month of June. Director Patterson made the motion to approve payment of District checks 15570 – 15615 and Julesburg Recharge checks 1097 - 1102. Director Kendrick seconded. Motion passed unanimously.

River Monitoring:

Division I Water Court Resume':

No Statements of opposition will be filed from the May 2020 Water Court Resume'.

Julesburg Recharge Project:

Charles Julius remains the only well owner who has yet to pay their pumping bill from last year. Manager Frank will contact legal counsel and ask that Mr. Julius be notified by certified mail 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.

Manager Frank also noted that Diligence on the Julesburg Recharge Project is due this November.

Heyborne Recharge Project:

Manager Frank reminded the directors that Diligence on the Heyborne Recharge Project was filed the end of April. All legal expenses however will be paid by SPWRAP.

The forebay at the site is being cleaned in preparation for fall recharge.

Legal Report:

Manager Frank stated that the board will need to review the draft Lower/Parker Agreement during the executive session.

Manager Frank also stated that the draft Agreement between Parker, Lower and Prewitt will hopefully be available for review at the August meeting.

District staff will contact David Kauffman to see when the audit will be finished and to schedule his presentation to the board.

President's Report:

None

Manager's Report:

Included in Manager Frank's report were the following:

- Manager Frank gave an overall review of the draft Lower/Parker Agreement prior to going into executive session. The preliminary engineering and Decree will need to be submitted to water court by the end of August.
- Manager Frank stated that the Colorado Attorney General has filed a lawsuit against the Federal Navigable Waters Protection Rule. The Colorado Water Congress recently established a special project to be funded by voluntary contributions of the CWC members for the filing as amicus curiae in either or both the US District Court of Colorado and/or the US Court of appeals to specifically challenge the position of the State of Colorado that it has the authority to regulate dredge and fill activities in waters of the state without having been delegated such authority. In addition, the Colorado Department of Public Health and Environment (CDPHE) will probably introduce legislation next year which would establish a State dredge and fill permit program within CDPHE to cover State waters that would otherwise not be covered by the Federal dredge and fill permit program, "gap" waters.
- SPWRAP
 - Ducks Unlimited will soon be starting on bank stabilization at the Tamarack Project. The District has previously received \$19,000 to help pay for the project.
 - Diligence on the Heyborne Project was filed on April 30, 2020.
 - There will be a conference call later today that Manager Frank and Deanna Eskew will join regarding changing the mailing address for SPWRAP.
 - The quarterly meeting for SPWRAP will be held this Thursday via video conference.
- NE Colorado Water Cooperative - Manager Frank said that the Feasibility Study and Operational Analysis has been completed.

- Director Manuello made the motion to pay half (\$1,941.79) of the Kuntz/Vollmer bill for pump replacement. Director Kembel seconded the motion. Motion passed unanimously
- Director Manuello pointed out an article which was written in *The Guardian* and then posted on the Water Education Colorado website which states "US rivers and lakes are shrinking for a surprising reason: Cows." Manager Frank will respond to Water Education Colorado to point out the article's inaccuracies and bias.

Executive Session:

Director Manuello 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 Patterson which passed unanimously.

The board meeting was recessed at approximately 11:40 a.m. President Fritzler adjourned the executive session and reconvened the board meeting at approximately 12:50.

New Business:

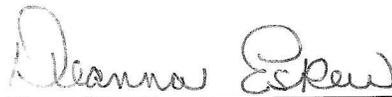
Director Kendrick made the motion that Lower recommends hiring Harvey Economics as the economics consultant on the Lower/Parker Project. Director Kembel seconded. Motion passed unanimously.

Director Smart made the motion to approve the response letter to William Banta from Attorney Woldridge regarding the District's mill levy. The response letter will also be sent to others cc'd on Mr. Banta's letter to the District. Director Kendrick seconded the motion which passed unanimously.

Old Business: None

Adjournment:

There being no further business, Joe Patterson made the motion to adjourn. Director Kendrick seconded. Motion passed unanimously. The meeting was adjourned at approximately 12:53 p.m.



Deanna Eskew, Secretary