

## 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

December 8, 2020

### DIRECTORS PRESENT:

Allen Coyne  
Ken Fritzler  
Bart Ginther  
Dan Kendrick  
Brian Kembel via Zoom  
Terry Linker via Zoom

Gene Manuello  
Bob Mari  
Carson Smart  
Don Schneider via Zoom  
Brad Stromberger

### DIRECTORS ABSENT:

Jack McClary  
Joe Patterson  
Bryan Ruf

### DISTRICT STAFF PRESENT:

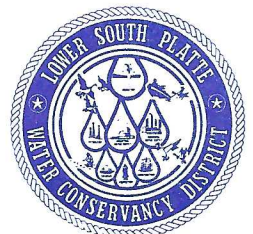
Joe Frank, General Manager  
Rick Fleharty, Technician

Craig Brownell, Technician  
Deanna Eskew, Secretary

### VISITORS PRESENT:

Jeff Rice, Journal Advocate Zoom  
Julianne Woldridge, Attorney Zoom  
Jason Gelandar Zoom  
Bill Lauck Zoom

Patty Bartlett Zoom  
Chuck Miller  
Dave Martin Zoom  
Jim Aranci



The meeting was called to order by President Fritzler.

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### **APPROVAL OF THE NOVEMBER 10, 2020 BOARD MINUTES:**

Director Coyne made the motion to approve the November 10, 2020 Board Minutes as presented. Director Kendrick second the motion which passed unanimously.

### **FINANCE REPORT:**

Treasurer Coyne reviewed the financial report for the month of November. After review by the board, Treasurer Coyne made the motion to approve district checks 15754 – 15783 and Julesburg Recharge checks 1112 – 1113. Director Mari seconded the motion. Motion passed unanimously.

### **PUBLIC COMMENT:**

Chuck Miller, Jim Aranci and Bill Lauck expressed concerns to the upcoming vote by the board on whether to approve the 1.000 mill levy for budget year 2021.

### **RIVER MONITORING:**

*Division I, Water Court Resume':*

No statements will be filed from the October 2020 Water Court Resume'. The board will, however, monitor case #20CW3156 which is an application by the Tomky Family for an augmentation plan associated with ponds on their property which they say will be used for sport fishing near Weldona.

*Julesburg Recharge Project:*

Diligence on the Julesburg Recharge Project's augmentation plan (2020CW3173) was filed with the Court on November 25, 2020.

Manager Frank also noted that Counsel Donovan submitted a letter to Ms. Joyce Beavers last month notifying her of Lower's intent to terminate the 2001 Agreement.

*Heyborne Project*

The final Decree on the Heyborne Project has been signed.

## **LEGAL REPORT:**

Manager Frank reported that Lower's consent in the Partial Funding Agreement for the Petersen Ditch Diversion Structure Reconstruction between the Julesburg Irrigation District and the South Platte Water Related Activities Program, Inc. has been reviewed and signed.

## **PRESIDENT'S REPORT:**

President Fritzler appointed Director Kendrick as the nominating officer for 2021. The board will vote on the 2021 slate of officers at the February board meeting.

## **MANAGER'S REPORT:**

Included in Manager Frank's report were the following:

- Water Congress –  
State Affairs Committee Rules – Manager Frank reported that the two optional rule changes to membership in the State Affairs Committee did not pass. The State Affairs Committee will continue to be open to any CWC member in good standing with CWC membership dues of at least \$1,000. The previous rule which states that each committee member is entitled to debate and vote on motions will remain in effect.
- Colorado Department of Public Health & Environment –  
Manager Frank is keeping close attention to CDPHE's Dredge and Fill Permitting process as Colorado has filed suit against the federal government to challenge the Navigable Waters Protection Rule.
- SPWRAP -  
Manager Frank stated that Ducks Unlimited has contracted with Morning Star to do the bank stabilization work beginning the first of the year at the Tamarack. The well rehabilitation work at Tamarack has been completed, however there are electrical issues that need to be corrected. Manager Frank also noted that the executive director position for SPWRAP has yet to be filled.
- NE Colorado Water Cooperative –  
Manager Frank said that the Cooperative will be filing for a one (1) year extension on the WaterSMART grant in March to allow the Cooperative to continue working on future plans and a possible partnership with SPROWG (South Platte Regional Opportunities Water Group) as well as coordinating on the Water Rights Development Project 19CW3253.



- South Platte Regional Opportunities Water Group –  
The next facilitated meeting will be held on December 11<sup>th</sup> with Parker Water & Sanitation District.
- Water Rights Development 19CW3253 –  
Discussions regarding negotiations involving the Parker/Lower Agreement and the Prewitt Agreement are among items that will be discussed in executive session with Counsel Woldridge. Manager Frank also reported that comments on the draft decree and preliminary engineering for the case is due by December 30, 2020.
- Local augmentation supplies –  
Craig Brownell has been doing feasibility work on potential long term Morgan County recharge sites. Manager Frank and Craig Brownell both stated that the 15 plans Lower provides water accounting services for were stretched very thin this past year due to drought conditions.
- Water Education Colorado –  
Manager Frank asked that the directors note the next edition of *Headwaters* will focus on water storage.

## **EXECUTIVE SESSION:**

Director Kendrick 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 10:52 a.m. President Fritzler adjourned the executive session and reconvened the board meeting at approximately 12:58 p.m.

## **OLD BUSINESS:**

None

## **NEW BUSINESS:**

### *Resolution to Set the Mill Levy:*

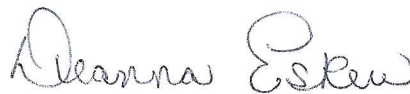
Director Manuello made the motion to approve the Resolution to Set the Mill Levy at 1.000 mill. Director Mari seconded the motion. Motion passed with Director Ginther voting against and Director Schneider abstaining.

*Resolution to Appropriate Sums of Money:*

Director Mari made the motion to approve the Resolution to Appropriate Sums of Money for the 2021 budget year. Director Kendrick seconded. Motion passed unanimously.

**ADJOURNMENT:**

There being no further business, Director Coyne made the motion to adjourn. Director Kendrick seconded the motion which passed unanimously. The meeting was adjourned at approximately 1:07 p.m.

A handwritten signature in cursive script that reads "Deanna Eskew".

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Deanna Eskew, Secretary