

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**

June 9, 2020

DIRECTORS PRESENT:

- | | |
|---------------|---------------------------|
| Allen Coyne | Bob Mari |
| Ken Fritzler | Joe Patterson |
| Dan Kendrick | Carson Smart |
| Brian Kembel | Don Schneider via call in |
| Gene Manuello | Brad Stromberger |

DIRECTORS ABSENT:

- | | |
|---------------|--------------|
| Pete Bolinger | Jack McClary |
| Bart Ginther | Brian Ruf |
| Terry Linker | |

DISTRICT STAFF PRESENT:

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

VISITORS PRESENT:

None

The meeting was called to order by President Fritzler.



APPROVAL OF THE MAY 12, 2020 EXECUTIVE COMMITTEE MINUTES:

Director Coyne made the motion to approve the May 12, 2020 Executive Committee Minutes as presented. Director Patterson seconded the motion which passed unanimously.

FINANCE REPORT:

Treasurer Coyne presented the financial report for the month of May. After review of the report, Treasurer Coyne made the motion to approve payment of District checks 15545 – 25569 as well as Julesburg Recharge check 1096. Director Mari seconded. Motion passed unanimously.

RIVER MONITORING:

Division I Water Court Resume':

No statements of opposition will be filed from either the April or May Water Court Resume's.

Julesburg Recharge Project:

Manager Frank noted that late fee notices had been sent out last month. Only Leon Woodhams and Charles Julius have yet to pay.

Manager Frank also reported that Diligence on the Julesburg Recharge Project is due this fall.

Heyborne Recharge Project:

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

LEGAL REPORT:

The board will discuss pending legal negotiations with Attorney Julianne Woldridge in executive session.

PRESIDENT'S REPORT:

None

MANAGER'S REPORT:

Legislative Issues:

Manager Frank said that the State Attorney General has filed a lawsuit against the Federal Navigable Waters Protection Rule. Because of the Federal rule change which the State feels is not strong enough, the Colorado Department of Public Health and Environment (CDPHE) is looking to introduce legislation (CDPHE Dredge and Fill draft bill) in the Colorado General Assembly 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. The State is trying to get the new state rules passed immediately. Manager Frank noted that the lobbying group of which the District is a member (WRASP) has taken a position against the draft bill. The board gave Manager Frank a directive to oppose the bill as currently written on behalf of the LSPWCD.

General Matters:

- SPWRAP – Manager Frank reported that two large bills were paid out from SPWRAP this past month. 1) Colo Dept of Natural Resources \$164,578.96 for Tamarack Flood Reconstruction and, 2) Highline Electric Association \$122,951.86 for back electrical expenses on well #823098.
Manager Frank noted that Ducks Unlimited will be paying for future work at Tamarack on bank stabilization.
Manager Frank also noted that SPWRAP did not file a statement of opposition on the Lower-Parker Case #19CW3253 but that Lower and Parker did allow them to intervene on certain issues, specifically issues regarding how the project impacts recharge in District 64. Manager Frank felt this is a workable issue.
- Manager Frank said that the SPWRAP-Peterson Agreement is close to being finalized. Construction on the new Peterson Diversion Structure is projected to start in September – October after this year's irrigation season.
- Manager Frank spoke to 9 News via Zoom regarding background information on the South Platte River Compact and how conditions can change quickly in the South Platte Basin.
- The South Platte Basin Round Table meeting will be held later today via remote access.
- The Annual Membership Meeting for the NE Colorado Water Cooperative was held at the District office on May 28th via both remote access and in person. The Parker – Lower project was highlighted as well as an update on the WaterSMART grant.
- The South Platte Regional Opportunities Water Group (SPROWG) held a facilitated meeting on June 5th with the seven (7) original members to discuss current and future plans of the group.
- The preliminary engineering report and 1st Draft of the Decree for 19CW3253 is due by August 31st.

PUBLIC COMMENT: None

OLD BUSINESS: None

EXECUTIVE SESSION:

Allen Coyne made the motion at 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 Bob Mari which passed unanimously.

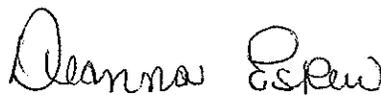
The board meeting was recessed at approximately 11:45 a.m. President Fritzler adjourned the executive session and reconvened the board meeting at approximately 12:40 p.m.

NEW BUSINESS:

Director Kembel made the motion to have Attorney Woldridge contact Mr. Banta later this week and draft a letter to be reviewed by the board in July regarding TABOR questions. Director Kendrick seconded the motion which passed unanimously.

ADJOURNMENT:

There being no further business, Director Mari made the motion to adjourn. Director Patterson seconded. Motion passed unanimously. The meeting was adjourned at approximately 12:45 p.m.



Deanna Eskew, Secretary