

Executive Committee Minutes July 11, 2023

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 and Committee Directors Brian Kembel and Joe Patterson. Director Dan Kendrick was also in attendance along with Darlene Carpio from Congressman's Bucks office and Jim Yahn, Manager of the North Sterling and Prewitt Reservoirs. Staff members Manager Joe Frank, Rick Fleharty, Craig Brownell and Deanna Eskew were also in attendance.

Board Minutes:

Director Coyne made the motion to approve the June 6, 2023 Board Minutes. Director Kembel seconded. Motion passed unanimously.

Financial Report:

Treasurer Coyne presented the financial report for June. Director Coyne made the motion to approve payment of District checks 16754 – 116799. There were no Julesburg Recharge checks to approve from June. Director Kendrick seconded. Motion passed unanimously.

River Monitoring:

Division I Water Court Resume':

No Statements of opposition will be filed from the May 2023 Water Court Resume'.

Julesburg Recharge Project:

Counsel Donovan stated in his Attorney's Report that the Judge signed the final decree on 21CW3135 and has submitted the decree for recording.

Manager Frank restated the motion that was approved last month by the District board that the cost of stream depletions to the South Platte River per irrigation will be set at \$50 per ac-ft and that all individual well's share of group augmentation well depletions, recharge credit and augmentation well credit also be set at \$50 per ac-ft. Manager Frank also stated that the SPWRAP board had approved the increase across the board in District 64.

Additional billing charges will be sent to TGR to cover costs incurred above the original amount TGR paid.

Heyborne Recharge Project:

The project has been shut down since June 1, 2023.

Legal Report:

Manager Frank stated the need to go into executive session later in the meeting to discuss with the District's attorney issues relating to the Platte Valley Water Partnership, current litigation, and the purchase agreement.

President's Report:

A retirement party was held for Deanna Eskew at the District office on June 30th. Deanna will start working for the District on a part-time basis beginning July 1st.

Manager's Report:

Included in Manager Frank's report were the following:

Legislative Matters:

Manager Frank discussed the Colorado Department of Public Health and the Environment's final rules regarding Enforcement of Unpermitted Discharges of Dredged and Fill Material into State Waters. These rules are in response to the Supreme Court's decision regarding Sackett vs. EPA.

General Matters:

- Colorado Water Congress -
 - Summer Convention will be held on August 22nd – 24th in Steamboat.
- Perkins Canal –
 - A documentary of the Perkins Canal is being made by an organization called "Battle of the Platte". Documentary staff have already interviewed Nebraska individuals and are now asking to interview Manager Frank, Jim Yahn, Gene Manuello, Don Ament as well as State Engineer Kevin Rein.
- South Platte Water Related Activities Program (SPWRAP) –
 - The SPWRAP board has organized a sub-committee whose members include Manager Frank, SPWRAP Executive Director Rich Belt, Jon Altenhofen and Ryan VanPelt to begin working on an agreement regarding the Tamarack and Peterson Ditch.
- Platte Valley Water Partnership
 - Jim Yahn, Manager of the Prewitt and North Sterling Reservoirs spoke to the board members and expressed his disappointment that the Logan Irrigation

District (LID) of the Prewitt landowners voted against entering into an agreement with the Platte Valley Water Partnership, due in part to an anonymous letter that was mailed out to select LID members just days before the vote stating inaccuracies and untruths. Because of the timing of the anonymous letter, no one was able to respond and correct the letter. Mr. Yahn expressed his disappointment at the outcome and said that he was planning to submit a letter to the members to correct the inaccuracies of the anonymous letter. Mr. Yahn also thanked the Lower board and Manager Frank for their vision and their foresight in continuing with the project because it is a very good project.

- Manager Frank noted that the project will continue forward but with various alternatives.
- The water court trial date for 19CW3253 has now been extended to August, 2025.

➤ South Platte Basin Round Table (SPBRT) -

- The next meeting of the Round Table will be held later this afternoon.

➤ South Platte Regional Opportunities Water Group (SPROWG) –

- The Group will be meeting at the District's office in Sterling on July 18th.

➤ NE Colorado Water Cooperative –

- The Cooperative board will continue to serve as an advisory board to the Platte Valley Water Partnership Group (PVWP). Manager Frank reminded the board that the Cooperative has five (5) board members: one from Sedgwick County, one from Logan County and three from Morgan County and that the PVWP began out of work and direction of the NECWC as a regional project that would benefit Northeast Colorado.

➤ Special Meetings and Tours –

- The 150th Anniversary of Sterling Irrigation will be held Saturday, July 15th at the Sterling Irrigation diversion structure.

New Business:

Director Coyne made the motion to donate \$100.00 to Brent Schantz's retirement. Director Kendrick seconded the motion which passed unanimously.

Manager Frank reported that the District is on track to close August 11th on the new building at 615 South 10th Avenue in Sterling.

A bid package was given to four contractors for their review and possible bid on the remodel of the new office.

Old Business: None

Public Comment:

Darlene Carpio, aide to Congressman Buck, reported that the Congressman along with Representative Joe Neguse introduced companion legislation in the U.S. House of

Representatives regarding the Water and Agriculture Tax Reform (WATER) Act which would reform outdated tax provisions on irrigation companies.

Executive Session:

At approximately 12:06 p.m. Director Coyne made the motion that the committee recess into executive session for the following:

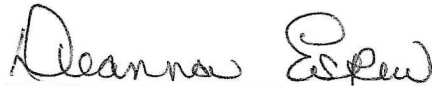
1. Conference with the District's attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b)
2. For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)e.
3. To discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-(402) (a).

Director Manuello seconded the motion which passed unanimously.

President Fritzler adjourned the executive session and reconvened the executive committee meeting at approximately 1:36 p.m.

Adjournment:

There being no further business, Director Coyne made the motion to adjourn. Director Kendrick. Motion passed unanimously. The meeting was adjourned at approximately 1:38 p.m.



Deanna Eskew, District Secretary