



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 9, 2022

DIRECTORS PRESENT:

Allen Coyne	Gene Manuello
Ken Fritzler	Bob Mari
Dan Kendrick	Joe Patterson
Brian Kembel Zoom	Brad Stromberger

DIRECTORS ABSENT:

Terry Linker
Jack McClary
Bryan Ruf
Carson Smart

DISTRICT STAFF PRESENT:

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

VISITORS PRESENT:

Darlene Carpio, Aide to U.S. Congressman Ken Buck
Taylor Ahrens Dorf, Stantec
Russell Snow, Stantec

The meeting was called to order by President Fritzler.



APPROVAL OF THE JULY 12, 2022 EXECUTIVE COMMITTEE MINUTES:

Director Patterson made the motion to approve the July 12, 2022 Executive Committee Minutes as submitted. Director Mari seconded the motion which passed unanimously.

FINANCIAL REPORT:

Treasurer Coyne presented the financial report for the month of July. Treasurer Coyne made the motion to approve District checks 16406 – 16434 and Julesburg Recharge checks 1178 – 1181. Director Manuello seconded. Motion carried unanimously.

RIVER MONITORING:

Division I, Water Court Resume':

No statements of opposition will be filed from the June 2022 Water Court Resume'.

Julesburg Recharge Project:

Manager Frank noted that the District was moving forward with the joint water right filing for both TGR and the Julesburg School District. The Substitute Water Supply plan was filed last month for both projects. Harmony is the only objector in the case.

Manager Frank reviewed the latest accounting for the Julesburg Recharge Project and reported that well pumping has increased significantly from projected amounts this summer due to hot and dry conditions along with diminished surface supplies. Due to potential shortages in August and September the Town of Julesburg's augmentation well started running the beginning of August.

All of last year's pumping season bills have now been paid.

Heyborne Recharge Project:

The Heyborne recharge site is off for the season.

LEGAL REPORT:

- ✓ Opposition to ACWWA/ECCV – Counsel Donovan has been reviewing their proposed decree and expert reports.
- ✓ The board will need to recess into executive session today for legal advice and negotiation discussions for ongoing agreements.
- ✓ Manager Frank and others are continuing to monitor and analyze the appropriation dates of other water rights cases that were filed close to 19CW3253.

PRESIDENT'S REPORT:

None

PUBLIC COMMENT:

Darlene Carpio expressed her appreciation to Manager Frank for his presentation to Congressman Buck's staff regarding the Perkins Canal and the Platte Valley Water Partnership. Darlene Carpio also updated the board on the status of the proposed U.S. Farm Bill.

MANAGER'S REPORT:

Included in Manager Frank's report are the following:

- ✓ *Perkins County Canal* –
Manager Frank virtually attended the August meeting of the Water Advisory Committee of the Platte River Recovery Implementation Program. Representative of Nebraska updated the committee the status of studies being conducted regarding the Perkins County Canal project. The first study has already began and was commissioned by the Nebraska legislature as an independent review of the feasibility of the canal project. This study will be completed by December of this year. There will be a second, more in depth analysis, commissioned by the Nebraska Department of Natural Resources which will begin in the near future.
- ✓ *South Platte Water Related Activities Program (SPWRAP)* –
Manager Frank reported that construction of the 17th well at Tamarack has been delayed until next spring due to staffing changes at both Colorado Parks and Wildlife and Ducks Unlimited. SPWRAP is still working on their membership component of the website which they hope to have running by the first of next year. They are also continuing the process of hiring an Executive Director.
- ✓ *Colorado Legislation*
The Interim Water Resources Review Committee (IWRRC) of the Colorado General Assembly met on August 4th. The IWRRC will also be meeting during the Colorado Water Congress summer convention in Steamboat Springs later this month. Manager Frank noted that there are quite a few water quality questions that may moving forward through the interim process.
- ✓ *South Platte Basin Roundtable* –
The Colorado Water Conservation Board has released the draft Colorado Water Plan. The public comment period will run from June 30 until September 30th. Russ Sands from the Colorado Water Conservation Board and Kara Sobieski with Wilson Water are scheduled to attend the District's next executive committee meeting in September.

- ✓ *NE Colorado Water Cooperative* –
The final report for the WaterSMART grant is due December, 2022. Matt Lindburg with Brown and Caldwell along with Manager Frank, NECWC legal counsel and NECWC board members will be working this fall to finalize the report.
- ✓ *Platte Valley Water Partnership* –
Manager Frank, District staff, and District contractors continue to work on outreach, agreements, water rights, and other project components to advance the PVWP.
- ✓ *Presentations – Tours – Special Meetings* –
 - On August 22nd Manager Frank will be giving an update on the Platte Valley Water Partnership to local conservation districts in Haxtun.
 - The Colorado Water Congress summer convention will be held on August 23 – 25 in Steamboat Springs.
 - The Northeast Colorado Children’s Water Festival will be held in Sterling on September 21st. All four counties within the District will be represented. To date, approximately five hundred 5th graders are scheduled to attend.

NEW BUSINESS: None

OLD BUSINESS: None

EXECUTIVE SESSION:

At approximately 11:28 a.m. Director Coyne made the motion for the board to recess into executive session for a conference call with the District’s attorney for the purpose of receiving legal advice on a specific legal question under C.R.S. Section 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations developing strategy for negotiations, and/or instruction negotiators under C.R.S. Section 24-6-402 (4)(e). Director Patterson seconded the motion which passed unanimously.

President Fritzler adjourned the executive session and reconvened the board meeting at approximately 12:50 p.m.

ADJOURNMENT:

There being no further business, Director Coyne made the motion to adjourn. Director Kendrick seconded. Motion passed unanimously. The meeting was adjourned at approximately 12:55 p.m.



Deanna Eskew, District Secretary