

LOWER SOUTH PLATTE WATER CONSERVANCY DISTRICT

100 BROADWAY PLAZA, SUITE 12 / STERLING, CO 80751 / PHONE 970-522-1378 FAX 970-522-0848

**MINUTES OF MEETING OF THE BOARD OF DIRECTORS  
OF THE  
LOWER SOUTH PLATTE WATER CONSERVANCY DISTRICT**

**February 8, 2022**

**DIRECTORS PRESENT:**

Allen Coyne  
Ken Fritzler  
Dan Kendrick Zoom  
Brian Kembel

Gene Manuello  
Bob Mari  
Jack McClary  
Joe Patterson

Carson Smart  
Brad Stromberger

**DIRECTORS ABSENT:**

Terry Linker  
Bryan Ruf

**DISTRICT STAFF PRESENT:**

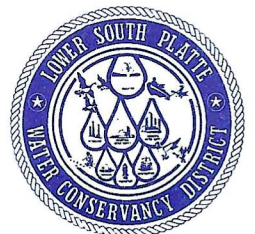
Joe Frank, General Manager  
Rick Fleharty, Technician  
Craig Brownell, Technician  
Deanna Eskew, Secretary

**VISITORS PRESENT:**

Darlene Carpio, Aide to U.S. Congressman Ken Buck Zoom  
Jeff Rice, Sterling Journal Advocate

The meeting was called to order by President Fritzler.

\*\*\*\*\*



**APPROVAL OF THE JANUARY 11, 2022 EXECUTIVE COMMITTEE MINUTES:**

Director Coyne made the motion to approve the January 11, 2022 Executive Committee Minutes as presented. Director Patterson seconded. Motion passed unanimously.

**ELECTION OF OFFICERS:**

Director Kendrick Nominating Director who will be attending the board meeting later today via Zoom, spoke to Manager Frank yesterday and nominated the current slate of officers for the year 2022. Director Mari made the motion that the current slate of officers continue for the year 2022. Director Patterson seconded the motion. President Fritzler asked if there were any other nominations. There being none, the motion passed unanimously. President Fritzler appointed Brian Kembel and Joe Patterson to serve on the Executive Committee. Joe Frank will continue to serve as secretary.

Ken Fritzler, President  
Gene Manuello, Vice President  
Allen Coyne, Treasurer  
Brian Kembel, Executive Committee Director  
Joe Patterson, Executive Committee Director

**FINANCE REPORT:**

Director Coyne presented the financial report for the month of January. Director Coyne then made the motion to approve payment of District checks 16211 – 16236 and Julesburg Recharge checks 1150 – 1152. Director Patterson seconded. Motion passed unanimously.

**RIVER MONITORING:**

*Division I Water Court Resume’:*

No Statements of Opposition will be filed from the December 2021 Water Court Resume’.

*Julesburg Recharge Project:*

Manager Frank stated the Harmony Ditch Company is the only objector in 21CW3135, regarding the addition of a Julesburg School District well and the TGR Recharge Project.

Manager Frank noted that he is waiting on final recharge payment numbers from Jon Altenhofen and SPWRAP before proceeding with the recharge pumping bills for last year.

*Heyborne Recharge Project:*

Rick Fleharty reported that the project is temporarily shut down due to icing at the headgate.

**LEGAL REPORT:**

- 20CW3117 ACWWA/ECCV-FRICO/Jackson change of use case – Counsel Donovan recommends that the District hire an engineer to review the case. Manager Frank will talk to Counsel Donovan before the next board meeting to obtain more information before moving forward.
- Manager Frank noted that the board will need to recess into executive session later in the meeting to obtain legal advice and discuss pending negotiations with Counsel Woldridge.

**PUBLIC COMMENT:**

Jeff Rice from the Sterling Journal Advocate reported on a comment he had received by email regarding the latest JA editorial referencing in part the Perkins County Canal.

Darlene Carpio from Congressman Buck’s office reported on the virtual national meeting with the Environmental Protection Agency and the Army Corps of Engineers regarding Water’s of the United States (WOTUS). The public comment period ended on February 7, 2022 but it is projected that the rules will be amended to put back into place the pre-2015 definition of the “Waters of the United States”.

**MANAGER’S REPORT:**

*Legislative Matters:*

- The anti-speculation bill is currently on pause as the language of the bill is being amended.
- Senator Sonnenberg is sponsoring SB 22-126 which would require the Colorado Water Conservation Board to prioritize water storage in the South Platte River Basin in choosing projects to finance with money from the Colorado Water Conservation Board Construction Fund. Director Mari made the motion to support the bill in concept. Director McClary seconded the motion which passed unanimously.
- Manager Frank also mentioned HB 1151 which is a Turf Buy-Back bill. Manager Frank noted that more information will be available at next month’s meeting.
- Manager Frank noted Draft RIVR Legislation which states, “the general assembly declares its intent to: a) authorize communities and other public entities to designate stream reaches as recreational in-channel values reaches; and b) provide for the delivery of water to such stream recreational in-channel values reaches without appropriating any water right or calling out or curtailing existing water rights.” The board determined that this draft needs further review as it appears to try and circumvent the water rights system.

*General Matters:*

- Yesterday, at the request of Representative McCormick, Manager Frank, Ron Redd, Jim Yahn and Rebecca Tejada spoke to the House Ag Committee about the Platte Valley Water Partnership. Manager Frank stated that the presentation was well received.
- The South Platte Regional Opportunities Water Group (SPROWG) will be meeting February 15<sup>th</sup>.
- Manager Frank will be making a presentation to the Sterling Rotary Club on February 16<sup>th</sup> regarding the Platte Valley Water Partnership.
- Manager Frank noted that an amendment to Case #19CW3253 was filed in Water Court the end of December to include the Bravo Ditch.
- Brad Wind, Manager of NCWCD, contacted Manager Frank regarding a board tour of Chimney Hollow Reservoir – Windy Gap Firing. Manager Wind will be providing possible dates for the tour.
- Director Coyne made the motion to approve for publication the inclusion of lands into the District for Dan Kendrick. Director Patterson seconded the motion which passed unanimously.
- SPWRAP has agreed to pay the electrical charges to turn on three recharge wells on the Peterson Ditch to increase recharge supply due to pumping of the 17 Tamarack wells.
- Manager Frank updated the board on the progress of the Children’s Water Festival which will be held at the Sterling fair grounds on September 21, 2022. Because of the number of children involved, the planning group will limit attendance to the fifth grade only this first year.

**OLD BUSINESS:**

Director Kembel asked about the wells that were determined to be in both the Republican district and Lower’s district and if that issue had been resolved. Manager Frank stated that the compromise was that the wells would be included in the Republican River Water Conservation District but that the Republican District would not tax those wells and that the wells would remain in Lower’s augmentation plan.

**EXECUTIVE SESSION:**

At approximately 11:20 a.m. Director Coyne made the motion that the board 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 position 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)(c). Director Manuello seconded the motion which passed unanimously.

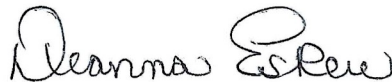
President Fritzler adjourned the executive session and reconvened the board meeting at approximately 12:41 p.m.

**NEW BUSINESS:**

Director Manuello made the motion to enter into a contract with Sigler Communications for Phase I of the contract to provide communications support for the Platte Valley Water Partnership. Director Mari seconded. Motion passed unanimously.

**ADJOURNMENT:**

There being no further business, Director Coyne made the motion to adjourn. Director Smart seconded the motion which passed unanimously. The meeting was adjourned at approximately 12:48 p.m.



---

Deanna Eskew, District Secretary