

Executive Committee Minutes January 10, 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, Committee Directors Brian Kembel and Joe Patterson. Directors Dan Kendrick, Bob Mari, Ken Pflager, Cody Poitz, Carson Smart and Brad Stromberger were also in attendance along with Jeff Rice from the Sterling Journal Advocate, Darlene Carpio from Congressman Buck's office, Bruch Gerck from Julesburg and staff members Manager Joe Frank, Rick Fleharty, Craig Brownell and Deanna Eskew.

Board Minutes:

Director Kembel made the motion to approve the December 13, 2022 Board Minutes. Director Coyne seconded. Motion passed unanimously.

Financial Report:

Treasurer Coyne presented the financial report for the month of December. Director Coyne made the motion to approve payment of District checks 16554 – 16591. There were no Julesburg Recharge checks for December. Director Patterson seconded. Motion passed unanimously.

River Monitoring:

Division I Water Court Resume':

No Statements of opposition will be filed from the November 2022 Water Court Resume'.

Julesburg Recharge Project:

Manager Frank reviewed the District's proposed Decree (in red-line form) Case #21CW3135 which adds two wells and a recharge project to the District's augmentation plan. Harmony has been the only objector to the case.

The Peterson Ditch has been shut down due to freezing weather. Prior to the shut-down, the ditch was only able to divert 5 or 6 cfs out of the South Platte River due to dry hydrology and the upstream pumping of the Tamarack State Wildlife Area wells. After a number of the Tamarack wells were cut back, flows diverted by the Peterson Ditch began to increase prior to diversions ceasing due to cold weather.

Manager Frank noted that draft billing for the 2022 pumping season shows that the bills will be higher this year due to increased pumping from the ongoing drought. This will be the first time since 2007 that Lower ran an augmentation well, utilizing the Town of Julesburg's augmentation well as a supply.

Heyborne Recharge Project:

The ponds at the site are shut-down due to freezing weather.

Legal Report:

- ✓ The engineering report on Case 20CW3117 – ACWWA and ECCV – FMRICO change case is due this Friday, January 13th. Lower will be filing an expert opinion report on this case.
- ✓ Lower has recently settled with Morgan County Quality Water and Fort Morgan Farms in conjunction with their water court cases and the 19CW3253 case for the Platte Valley Water Partnership.
- ✓ A statement of opposition was filed by the District on the FRICO 22CW3102 case which is a water right filing to refill the Milton Reservoir.

President's Report:

President Fritzier officially welcomed new members, Cody Poitz and Ken Pflager to the board of directors.

Manager's Report:

Included in Manager Frank's report were the following:

Legislative Matters:

- ✓ Manager Frank noted that WRASP meetings are held Fridays at 3:00 p.m. and State Affairs meetings are held Mondays at 8:00 a.m.
- ✓ Manager Frank also noted a couple potential pieces of legislation: 1) concerning a task force to study the feasibility of high-altitude water storage in Colorado and 2) exemption of stream restoration projects from water rights administration. Further discussion will follow as more information is received.

General Matters:

- ✓ Manager Frank updated the board on the Perkins County Canal project.
- ✓ Manager Frank reviewed a draft document of all the programs and activities the District engages in with the board. The final document should be available for distribution to the directors and community within the next few months.
- ✓ South Platte Water Related Activities Program (SPWRAP) –
 - The 1st Quarterly meeting of SPWRAP will not be held on January 19th at the LSPWCD office. Date and time have yet to be determined.

- Rich Belt assumed the position of Executive Director of SPWRAP beginning in January 2023.
- ✓ Northeast Colorado Water Cooperative (NECWC) –
 - The final report for the WaterSMART grant was submitted December 30, 2022. NECWC will continue to meet at least quarterly to give needed input on various current and future activities. Manager Frank noted that of the 22 members of the NECWC, 14 are from Morgan County.
- ✓ South Platte Basin Roundtable (SPBRT) –
 - The next meeting of the SPBRT will be held later today.
- ✓ South Platte Regional Opportunities Water Group (SPROWG) –
 - As reported last month, the steering committee did develop a charter which outlines the rules and process for members and partners to follow as SPROWG advances. In addition, SPROWG will be engaging in a substantial outreach effort over the next six months to determine the amount of interest in moving forward with implementation of the SPROWG concept.
- ✓ Presentations – Tours – Special Meetings –
 - Four-States Irrigation Council will be held at the Hilton in Fort Collins on January 11th and 12th.
 - South Platte Water and Drought Symposium will be held at the Knights of Columbus building in Sterling on February 1st.
 - Colorado Water Congress Annual Convention will be held at the Hyatt Regency Aurora Denver Convention Center on January 25th – 27th.

New Business:

None

Public Comment:

Darlene Carpio from Congressman Buck's office spoke on the EPA's defining "waters of the United States," or WOTUS which is vague and subjective. She stated that the EPA should not be at the whim of the party in power. A recent case before the Supreme Court, *Sackett v. EPA* will potentially provide new clarity to the scope of the EPA's regulatory powers under the Clean Water Act.

Executive Session:

At approximately 12:05 p.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 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). Director Pflager seconded the motion which passed unanimously.

President Fritzler adjourned the executive session and reconvened the board meeting at approximately 1:47 p.m.

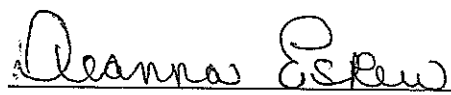
Old Business:

Director Coyne made the motion to approve a \$5,000 bonus for each of the district staff for 2023. Director Stromberger seconded. Motion passed unanimously.

Director Coyne made the motion to approve a 5% increase in staff salaries for 2023. Director Poitz seconded. Motion passed unanimously.

Adjournment:

There being no further business, Director Mari made the motion to adjourn. Director Poitz seconded. Motion passed unanimously. The meeting was adjourned at approximately 1:54 p.m.



Deanna Eskew, District Secretary