



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

February 11, 2020

DIRECTORS PRESENT:

Ken Fritzler
Dan Kendrick
Brian Kembel
Gene Manuello
Bob Mari
Jack McClary

Joe Patterson
Bryan Ruf
Carson Smart
Don Schneider
Brad Stromberger

DIRECTORS ABSENT:

Pete Bolinger
Allen Coyne

Bart Ginther
Terry Linker

DISTRICT STAFF PRESENT:

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

VISITORS PRESENT:

Jeff Rice, Sterling Journal Advocate
Darlene Carpio, Aide to U.S. Senator Cory Gardner
Alyson Scott, Attorney, Lawrence Jones Custer & Grasmick
Ryan Donovan, Attorney, Lawrence Jones Custer & Grasmick
Bruce Gerk, Julesburg, CO

The meeting was called to order by President Fritzler.



APPROVAL OF THE JANUARY 14, 2020 EXECUTIVE COMMITTEE MINUTES:

Director Mari made the motion to approve the January 14, 2020 Executive Committee Minutes as presented. Director Kembel seconded. Motion passed unanimously.

ELECTION OF THE 2020 OFFICERS:

Director Kendrick, Nominating Director, made the motion that the current slate of officers be retained for the year 2020. Director Stromberger 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.

Ken Fritzler, President
Gene Manuello, Vice President
Allen Coyne, Treasurer

Brian Kembel, Executive Committee Director
Joe Patterson, Executive Committee Director

FINANCE REPORT:

Manager Frank presented the financial report for the month of January. Director Manuello made the motion to approve payment of District checks #15409-15443 as well as Julesburg Recharge checks 1070 – 1074. Director Kendrick second. Motion passed unanimously.

RIVER MONITORING:

Julesburg Recharge Project:

Manager Frank will be submitting a draft billing schedule to the Julesburg Well Users committee for their review, comments and/or revisions within the next few days regarding the 2019 pumping season for those members under the District's augmentation plan.

Heyborne Recharge Project:

District Technician, Rick Fleharty noted that he will be contacting Blochowitz Ditching in the next few days to get the pumping forebay cleaned at the Heyborne site.

LEGAL REPORT:

The District's attorneys Alyson Scott and Ryan Donovan from Lawrence Jones Custer & Grasmick attended today's meeting to discuss and get feedback from the directors regarding legal matters.

Manager Frank reported that the SPWRAP board voted to proceed with Diligence on the Heyborne Project 08CW24 water right. Diligence is due April 30th of this year.

Manager Frank also noted that the District has withdrawn from the Republican River Rules case because of high probability of an unfavorable ruling in the case.

Director Manuello made the motion that the District Stipulate to Case #16CW3195 & 16CW3196 concerning the application for water rights of Arapahoe County Water & Wastewater Authority, East Cherry Creek Valley Water & Sanitation District and United Water & Sanitation District. Director Patterson seconded the motion which passed unanimously.

PRESIDENT'S REPORT:

None

PUBLIC COMMENT:

Darlene Carpio, Aide to Senator Cory Gardner informed the board that Senator Gardner has helped secure \$28 million in funding to help construct the Arkansas Valley Conduit. The 130 mile-long pipeline project was originally authorized by President John F. Kennedy in the 1960's to bring clean drinking water to southeast Colorado.

MANAGER'S REPORT:

General Matters:

Included in Manager Frank's report were the following:

- Manager Frank reminded the directors of the CWC State Affairs meetings that are held each Monday at 8:00 a.m. and the WRASP (Water Related Activities of the South Platte) conference calls that are held each Friday at 3:00 p.m.
- Manager Frank reported that SPWRAP member fees will be going up from .17/Unit to .19/Unit in 2020 to cover operations costs. Manager Frank also noted that SPWRAP is currently working on an Agreement with the Julesburg Irrigation District regarding the Peterson Ditch diversion structure.

- The next meeting of the NE Colorado Water Cooperative will be held on Thursday, February 27th at the Morgan County Quality Water office in Fort Morgan.
- Manager Frank will be attending the next meeting of the South Platte Basin Round Table held later this afternoon. The Advisory Committee of the South Platte Regional Opportunities Water Group (SPROWG) will be meeting prior to the Round Table meeting today. The Task Force Meeting of SPROWG will be held on Thursday, February 13th.
- Manager Frank noted that Sean Cronin Executive Director of the St. Vrain and Left Hand Water Conservancy District will be attending the March Executive Committee meeting.

Legislative Matters:

Discussion on 2020 Bills of Interest included:

- HB 1097 – Interconnected Municipal Water Supply Systems
- HB 1157 – Loaned Water for Instream Flows
- HB 1172 – “Concerning Protecting the Water Rights of Persons who implement efficiencies that reduce their water usage.” No Abandonment for increased efficiencies
- SB 155 – “Concerning the continued presumption of noninjury to water rights regarding the use of an exempt well for domestic purposed after the land on which the well is located has been divided into multiple parcels”.
- HB 1233 – “Concerning constitutional protections for conducting basic life functions in public spaces”
- SB 159 – “Concerning measures to limit the global warming potential for certain materials used in public projects.”

EXECUTIVE SESSION:

Director Schneider made the motion 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. Director Smart seconded the motion which passed unanimously.

The board meeting was recessed at approximately 11:30 a.m. President Fritzler adjourned the executive session and reconvened the board meeting at approximately 1:10 p.m.

NEW BUSINESS:

Director Kembel made the motion that the District file statements of opposition on the following two cases from the December Water Court Resume'.

- 19CW3244 Fort Morgan Farms, LLC
- 19CW3230 Morgan County Quality Water District

No statement of opposition will be filed on 19CW3260 – Town of Wiggins.

OLD BUSINESS:

The board discussed an assessment by Wright Water Engineers regarding a rollover diversion dam in the South Platte River.

ADJOURNMENT:

There being no further business, Director Stromberger made the motion to adjourn. Director Smart second. Motion passed unanimously. The meeting was adjourned at approximately 1:15 p.m.



Deanna Eskew, Secretary