

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

May 9, 2023

### DIRECTORS PRESENT:

Allen Coyne	Bob Mari
Ken Fritzler	Joe Patterson
Dan Kendrick Zoom	Kent Pflager
Brian Kembel Zoom	Cody Poitz
Gene Manuello	Carson Smart

### DIRECTORS ABSENT:

Jack McClary  
Bryan Ruf  
Brad Stromberger

### DISTRICT STAFF PRESENT:

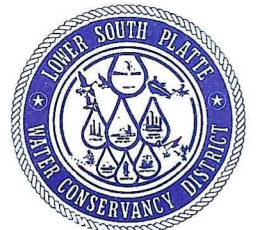
Joe Frank, General Manager  
Rick Fleharty, Technician  
Craig Brownell, Technician

### VISITORS PRESENT:

Tracy Anderson, Stantec via Zoom

The meeting was called to order by President Fritzler.

\*\*\*\*\*



## **APPROVAL OF THE APRIL 11, 2023 BOARD MINUTES:**

Director Pflager made the motion to approve the April 11, 2023 Board Minutes as submitted. Director Poitz seconded. Motion passed unanimously.

## **FINANCE REPORT:**

Treasurer Coyne reviewed the financial report for the month of April. Treasurer Coyne then made the motion to approve payment of District checks 16701 – 16729 as well as Julesburg Recharge checks 1209 – 1211. Director Patterson seconded the motion which passed unanimously.

## **RIVER MONITORING:**

*Division I Water Court Resume':*

No statements of opposition will be filed from the March, 2023 Water Court Resume'.

*Julesburg Recharge Project:*

- The final decree was issued on case 21CW3135 which added the Julesburg School well and the TGR recharge wells and ponds to Lower's augmentation plan.
- The compact call came on May 1<sup>st</sup>, however, Lower was able to run some recharge into the Peterson Ditch in April.
- Most of the pumping bills from last season have been paid. There is still approximately \$8,000 left in accounts receivable to be paid.
- Manager Frank noted that he will be attending the Sedgwick County Well Users meeting tomorrow in which there will be discussion regarding well depletions and recharge credits lease rate of \$40/ac-ft. that has remained the same since 2007.

*Heyborne Recharge Project:*

- Lower is able to retime their excess credits through the Heyborne project in May.

## **LEGAL REPORT:**

- 20CW3117 – ACWWA, ECCV, FMRICO - Manager Frank stated that the timeframe allowed to divert changed water, and the historical consumptive use analysis study period are some of the concerns that remain. The change case is scheduled for trial the middle of June.

## **PRESIDENT’S REPORT:**

None

## **MANAGER’S REPORT:**

### *Legislative Matters:*

Manager Frank stated that Senate Bill 23-270 – Projects to Restore Natural Stream Systems was amended in the Senate Ag Committee to be more favorable. The bill passed with amendments to allow “minor” stream restoration activities.

Manager Frank also noted SB 23-295 – Colorado River Drought Task Force. The bill would create a task force to make recommendations for legislation in developing programs that address drought in the Colorado River basin and interstate commitments.

### *General Matters:*

Manager Frank reviewed the Colorado’s Annual Report for 2022 for Tamarack 1 and Colorado’s Plan for Future Depletions (Tamarack 2) from Jon Altenhofen of Northern Water. The Annual Report is submitted to the Water Advisory Committee and then to the Governance Committee of the Platte River Recovery Implementation Program which is included in this month’s director’s packets.

Also included in Manager Frank’s report were the following:

- Perkins Canal –
  - Manager Frank reported that the Nebraska legislature approved \$574 million for construction of a canal-and-reservoir system which would draw water from the South Platte River in Colorado into southwest Nebraska. The legislature approved the 1,000 cfs infrastructure instead of the 500 cfs which is allowed in the compact stating the larger canal would allow Nebraska to capture more water and store it in proposed reservoirs for later use.
  
- South Platte Water Related Activities Program (SPWRAP) –
  - The next quarterly meeting of the SPWRAP board will be held on Thursday, May 18, 2023 in Sterling at 9:00 a.m. Discussion items regarding the lower river include:
    1. History of Recovery Program-related activities in the lower South Platte
    2. Discussion of ‘no-call credits’ in District 64
    3. Discussion of Tamarack/Petersen Operations
    4. Discussion of future projects

- NE Colorado Water Cooperative (NECWC) –
  - The Cooperative’s annual membership meeting will be held on June 5<sup>th</sup> at Lower’s office beginning at 2:00 p.m.
- South Platte Basin Roundtable (SPBRT) –
  - The next meeting of the Roundtable will be held later today. Agenda items to include water supply reserve fund requests.
- Platte Valley Water Partnership (PVWP) –
  - Logan Irrigation District will be voting on May 16<sup>th</sup> on the Prewitt/PVWP Agreement.
  - The expert reports was filed in the water court case.
- Presentations –
  - Manager Frank gave testimony to the Senate Ag Committee on April 13<sup>th</sup> regarding SB 23-270
  - Manager Frank will be attending the Sedgwick County Well Users meeting on April 14<sup>th</sup>.
  - Manager Frank will give a presentation during the State Land Board tour on May 10<sup>th</sup>.
  - Manager Frank and Jim Yahn gave presentations at the Bank of Colorado meeting on April 19<sup>th</sup>.
  - Manager Frank will be on a Colorado Drought Summit panel at History Colorado in Denver on June 1<sup>st</sup>.
- District Purchase Considerations –
  - Director Mari made the motion to purchase a new 2023 Ford truck from Transwest for \$49,995.00 and order a second truck through the fleet purchase system in 2024. Director Smart seconded the motion which passed unanimously.
- June Board Meeting –
  - Next month’s board meeting will be held one week earlier than usual on June 6<sup>th</sup>, 2023.

**EXECUTIVE SESSION:**

At approximately 11:10 a.m. Director Coyne made the motion that the board 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)
4. For discussion of a personnel matter under C.R.S. Section 24-6-402(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; personnel policies that do not require the discussion of matters personal to particular employees.

Director Mari seconded the motion which passed unanimously.

President Fritzler adjourned the executive session and reconvened the board meeting at approximately 1:37 p.m.

### **NEW BUSINESS:**

Director Mari made the motion that the District approve Resolution 05-2023-001. A Resolution Accepting a Contract for the Acquisition of Real Estate. Director Poitz seconded. Motion passed unanimously. (See attached Resolution)

Manager Frank noted that he had accepted and approved a letter dated April 25, 2023 from Deanna Eskew requesting retirement from her full-time position as secretary of the Lower South Platte Water Conservancy District on June 30, 2023 but will continue part-time at approximately 20 hours per week beginning July 1, 2023.

### **ADJOURNMENT:**

There being no further business, Director Poitz made the motion to adjourn. Director Pflager seconded. Motion passed unanimously. The meeting was adjourned at approximately 1:45 p.m.



---

Deanna Eskew, District Secretary