

## ST. VRAIN & LEFT HAND WATER CONSERVANCY DISTRICT MINUTES OF BOARD MEETING JANUARY 11, 2010

The St. Vrain & Left Hand Water Conservancy District Board of Directors met on January 11, 2010 at the Natural Resources Building, 9595 Nelson Road, Longmont, Colorado.

Vice President David Macy called the meeting to order at 1:30 p.m. Board members attending were Vice President Macy, Secretary Dennis Yanchunas, Treasurer Harold Nelson, Directors Bob Brand, Glenn Patterson, Ronald Sutherland and John Zweck. President Vernon Pepler and Director Bill Haselbush were absent. Staff members present were Executive Director Les Williams, Attorney Scott Holwick, Engineer Mark McLean, Administrative Assistant Cynthia Einspahr, and Secretary Lee Bauer. Also attending the meeting was Water Commissioner Shera Sumerford and Ken Huson, City of Longmont.

### Election of Officers

Due to the absence of President Pepler, and following Vice President Macy recommendation, Ron Sutherland made a **motion to defer the election of officers until the February 8, 2010 Board Meeting**. The motion was seconded by Dennis Yanchunas and passed unanimously.

### APPROVAL OF MINUTES

Vice President Macy called for corrections or additions to the minutes of the December 14, 2009 meeting of the Board of Directors of the St. Vrain & Left Hand Water Conservancy District (District) and the minutes of the December 14, 2009 Search Committee Meeting. Bob Brand made a **motion to approve the minutes of the District's Board Meeting of December 14, 2009 and the minutes of the December 14, 2009 Search Committee Meeting**. The motion was seconded by Glenn Patterson and passed unanimously.

### FINANCIAL REPORT

Administrative Assistant Cynthia Einspahr presented the Financial Report noting a General Fund month end balance of 6,899.28. The Water Rights & Land Acquisition Fund month end balance was \$137,279.89, including a \$963.75 reimbursement from Boulder County for the Lake 4 filing. The Water Activity Enterprise Fund month end was \$203,657.72, after a \$5,000 loan to the General Fund. Dennis Yanchunas made a **motion to approve the financial statements as submitted**. The motion was seconded by John Zweck and passed unanimously.

### **Designation of 2010 Board Meetings**

Cynthia announced that, at the first meeting of the year, it was necessary to designate the District's meeting place and time, and have them entered into the minutes. Dennis Yanchunas made a **motion to continue holding the meetings in the District's conference room in the Natural Resources Building, 9595 Nelson Road, Longmont, Colorado, at 1:30 p.m. on the second Monday of each month.** The motion was seconded by John Zweck and passed unanimously.

### **WATER COMMISSIONER'S REPORT**

Water Commissioner Shera Sumerford reported that there was still a free river on the Main Stem and on the St. Vrain River as well. The gage at Lyons is frozen. At the end of December, the reservoirs were 80.6% full. Reservoir storage:

Beaver Park - 13.3%	Button Rock - 90.1%	McIntosh - 89.5%
Highland #1 - 77.8%	Highland #2 - 82.8%	Highland #3 - 64.9%
Foothills - 60%	Pleasant Valley - 100%	Burch - 94.4%
Left Hand Valley - 66.3%	Left Hand Park - 48.2%	Union - 97.1%
New Thomas - 92.6%	Lagerman - 66.2%	McCall - 92.8%
Clover Basin - 56.9%		

Snow pack for the Upper Colorado is at 76%, the South Platte is at 87%, and the St. Vrain River is at roughly 97%.

### **ENGINEER'S REPORT**

Engineer Mark McLean reported that he had no District activity this month except for assisting the Search Committee.

### **ATTORNEY'S REPORT**

#### **Resume Review**

Attorney Scott Holwick reported there were no applications published in the November 2009 Resume that directly involve water rights in the St. Vrain basin.

### **Case Updates**

**Case No. 2009CW152, City of Longmont, Union Reservoir Exchange Plan.** Per the Board's direction, Counsel spoke with Water Commissioner Shera Sumerford about Longmont's application, and after additional discussion with Les Williams, **a statement of opposition was not filed in Case No. 2009CW152.**

**Cases No. 98CW427, Blue Heron Reservoir, and No. 2008CW275, Diamond G Gravel.** No update at this time.

**Case No. 2001CW296, Salvation Army.** Counsel reported that this is an application for a water storage right for the enlargement of Swiss Village Reservoir No. 7, an on-channel reservoir located on a stream tributary to Tahosa Creek. This application is currently pending before the Referee with no settings, although on December 23, 2009, the Referee ordered the Applicant to show cause why the application should not be dismissed. The applicant's attorney has submitted a revised draft proposed ruling, the applicant is prepared to convert the draft proposed ruling to a request for a conditional water right rather than an absolute right. Following Counsel's recommendation, it was the consensus to ask the Referee for thirty days to review the facts, and the case was deferred until the February Board Meeting.

**Case No. 2005CW331, Central Colorado WCD.** This is an application for 36 "conjunctive use projects" (CUPS) which include underground and surface points of diversion, aquifer recharge locations and retiming wells. The case has been re-referred to the Water Court and a twenty-day trial is scheduled to commence on September 19, 2011. The Applicant originally claimed a CUP within District 5 on Last Chance Ditch. On December 31, 2009, the Applicant moved to amend its application withdrawing, among other claims, its claim to Last Chance. Once the motion is accepted by the Court, Counsel will request that the District authorize the withdrawal of its statement of opposition as there are no additional remaining claims within District 5. Counsel will return this case to the Board in February.

### **Independent Reservoir**

Counsel reported that Mike Dollaghan has inquired as to whether the District would have an interest in purchasing water out of the Independent Reservoir. It does not appear to be geographically positioned to help the District with its augmentation plan requirements.

## EXECUTIVE DIRECTOR'S REPORT

### St. Vrain Corridor Committee

Les reported that he had spoken with Murray McCaig, this morning. Murray said that with the improved weather, they are planning to install the frames for the Rubicon gates on Tuesday, January 12. Kevin Boden has informed them that the City of Longmont has a boom truck that can be used to put the gates in. After the gates are installed, electricity will need to be brought in. The Highland site will be fairly simple, but the Palmerton site will be a little more difficult.

Les added that the District had helped with the cost (\$15,000) for installation of telemetry on a number of ditches in 2009. The remaining ditches are scheduled to have telemetry installed in 2010. Les asked if the District wanted to make the financial commitment for 2010. NCWCD is ordering the equipment. Cynthia reported that \$15,000 has been budgeted in the 2010 Water Rights Fund Budget for the telemetry. Dennis Yanchunas made a **motion to approve the installation of telemetry on the remaining ditches in 2010**. The motion was seconded by Bob Brand and passed unanimously.

### NORTHERN COLORADO WCD

Les reported that active storage at Granby was at 354,010 acre feet. Horsetooth Reservoir has 66,666 acre feet out of an active capacity of 149,000, or 45% full, Carter Lake is 71% full, Boulder Reservoir is 58% full. Precipitation for November and December 2009 in Longmont was 1.71 inches. So far, in 2010, precipitation is at 95% of average. SNOTEL sites show Niwot at 108%, Eldora 117%, and Copeland at 113% of average.

### ITEMS FROM THE BOARD OR PUBLIC

The Board thanked Les for his dedicated work for the District. Dennis Yanchunas reported that the Search Committee had met and interviewed six candidates last week and are continuing the selection process. Les will be on vacation from February 9 through February 26, 2010. A farewell reception will be planned for early March.

Counsel reported that there is a decree for acoustics in District 5.

Cynthia reported that the District has leased winter replacement water from Lake 4 to gravel pit owners for their substitute supply plans. She has received several calls inquiring if the District would do so this year. The District charges \$250 an acre foot of water, splitting the proceeds with Boulder County. Following discussion, it was the **consensus to lease winter replacement water from Lake 4**.

**ADJOURNMENT**

With no further business to come before the St. Vrain & Left Hand Water Conservancy District Board of Directors, the meeting was adjourned at 2:10 p.m.

Respectfully submitted,

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Cynthia Einspahr, Assistant Secretary

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Vernon Pepler, President