



**St. Vrain and Left Hand Water Conservancy District  
Minutes of the Board Meeting  
Virtual Meeting Via Zoom  
October 11<sup>th</sup>, 2021**

**I. ROUTINE ITEMS**

**A. Call to Order – *President Smith***

The Board of Directors held its meeting via Zoom. President Smith called the meeting to order at 1:02 PM and asked Ms. Ruark to call the roll.

**B. Roll Call – *Ms. Ruark***

**Board members present:** President Smith, Vice President Varra, Treasurer Rademacher, Secretary Carlson, and Directors Sigg, Yanchunas and Golden (joined at 1:08pm) were present. Directors Sutherland and Wolford were excused. For some Directors, the Zoom connection cut out occasionally, though unless otherwise noted, no Director missed substantial meeting time and such inadvertent disconnections did not occur during Board votes.

**Staff members and consultants:** Executive Director Sean Cronin, Water Resources Engineer Scott Griebing, and Office Manager Ruark were present. Attorney Scott Holwick with Lyons Gaddis Attorneys and Counselors, Mark McLean with Deere and Ault, Water Commissioner Shera Sumerford, Jessie Olson with Left Hand Watershed Center, and Vanessa Lopez with Gallagher Insurance were present.

**C. Amendments or Additions to the Agenda – *President Smith***

No changes or additions to the agenda were proposed.

**II. CONSENT AGENDA**

**A. Motion: Approval of September 13<sup>th</sup> Board Meeting Minutes**

**B. Motion: August General Fund Finance Reports**

**C. Motion: August Enterprise Fund Finance Reports**

**D. Motion: Appointment of Assistant Secretary**

Director Carlson moved to approve the Consent Agenda, Director Yanchunas seconded the motion, and the motion passed unanimously.

**III. PRESENTATIONS**

**A. Left Hand Watershed Center Annual Report – *Ms. Jessie Olson***

Ms. Olson thanked the staff and Board of Directors for the financial support this past year. Funding supported program areas of restoring forests, restoring rivers, adaptive management, and engaging community. The Apple Valley Flood Recovery Project is completed. As part of their Adaptive Management program, the Center completed a State of

the Watershed Report, which includes monitoring four priority areas – forest health, fish passage, sediment capture, and monitoring and project prioritization.

**B. 2021-2022 Liability Insurance Renewal – Ms. Vanessa Lopez**

Ms. Lopez presented a summary of the General Liability policy which has not changed much since last year. The District has the option to add a fleet vehicle to this policy. Ms. Lopez will provide staff advice if Lake 4 insurance is available now that it is classified as a low hazard dam. Executive Director Cronin reported the IGA with Boulder County states St. Vrain and Left Hand Water Conservancy District will maintain insurance. Ms. Lopez reported our current insurance policy includes cyber extortion coverage of \$20,000. Gallagher Insurance offers additional coverage if needed.

**IV. ACTION ITEMS**

**A. Polaris Law Firm Lease – Executive Director Cronin**

Polaris Law Group (“Polaris”) is seeking to terminate its lease by October 31, 2021, two months prior to the contractual December 31, 2021, expiration. The District received a \$3,000 security deposit paid by Polaris to the previous owner at closing. Polaris proposes the District keep the \$3,000 deposit, pay an additional \$231 (to cover November’s rent), and December’s rent be waived. This request allows the District to move forward earlier on the remodel. Director Golden recommended Polaris apply \$2,500 of the security deposit to November rent and the remaining \$500 of the security deposit be held in case of any damages when they vacate their offices. Director Golden moved to grant the Executive Director authority to enter into an early termination contract with the Polaris Law Firm, Director Yanchunas seconded, and the motion passed unanimously.

**B. C-BT Bridge Lease – Executive Director Cronin**

The District received a proposal from the Left Hand Water District (“LHWD”) to lease the District’s Colorado-Big Thompson (“C-BT”) and carry over capacity. According to the District’s C-BT rental policy approved in 2013, the policy prioritizes water users within the St. Vrain and Left Hand basins and does not require the District to rent to the highest bidder. Director Cronin provided an overview of the terms of the C-BT Lease with LHWD. It aligns with the District’s business plan and a poll among residents within the District boundaries to protect drinking water supplies for local communities. This lease provides ten years of drought protection for LHWD as it responsibly pursues its next water supply and addresses the concern that the lease would eliminate the flexibility that C-BT provides the District during an emergency.

Director Sigg moved to approve the bridge lease, and Director Carlson seconded the motion. President Smith recused himself from the vote. The motion passed unanimously (with a total of 6 “yes” votes).

**V. REPORTS**

**A. Water Commissioner Report – Ms. Shera Sumerford**

Commissioner Sumerford presented the following report:

- The call on the mainstem is Prewitt Lowline Ditch to Riverside Canal, admin #31423, 1/6/1936 and this call was placed on 9/22.
- The call on the St. Vrain is the Zweck and Turner Ditch to Hagers Meadow Ditch, admin #5295, 6/30/1864, and this call was set 10/8.



- The St. Vrain Creek at Lyons gage reading was 22 cfs (historic average is 38.25 cfs) and the basin's reservoir capacity at the end of September decreased to 66%.
- An updated spreadsheet was sent prior to the meeting.
- Commissioner Sumerford reported Martin Sarley is resigning as of 10/15/2021. His position will be opening up, but it will take a little while to fill it with the State.
- Commissioner Sumerford requested Cody Peoples to attend this meeting, but he was not able to attend.
- Commissioner Sumerford reported the State is still working on the inactive list which is a slow process.
- Commissioner Sumerford will be out of town 10/15 through 11/4. Mike Hein in the Greeley office will be available to take all calls while she is out.

#### **B. Legal Report – Mr. Scott Holwick**

Mr. Holwick presented the following report:

- The submittal deadline for interested directors has passed. Mr. Holwick will be sending a letter to the judges to get directors appointed before 2022.
- Mr. Holwick recommended that the District not file a statement of opposition in the City of Longmont's diligence application for the second enlargement for Buttonrock Reservoir. The District discussed and determined not to file a statement of opposition at its September Board meeting.
- Mr. Holwick recommended that the District not file a statement of opposition in the Varra Companies' diligence application for its conditional direct flow and storage rights originally decreed in Case No. 01CW274.
- Mr. Holwick reported on statements of opposition to amend the District's Aug Plan were timely filed by the Colorado Water Conservation Board, Boulder County (monitoring only), Public Service Company, and Central Colorado Water Conservancy District. Counsel sent a proposed ruling to the opposers on July 9<sup>th</sup> and received all opposer comments. The Case Management Plan requires the District to respond to opposers' comments by October 22<sup>nd</sup> and opposers have until December 3<sup>rd</sup> to submit additional comments.
- Mr. Holwick reported on Lake 4 Junior Right's diligence application. The Referee filed his Ruling on September 9<sup>th</sup>. The period to protest the Referee's Ruling expired on September 30<sup>th</sup>. The District is waiting for entry of the final decree by the Court.
- Mr. Holwick reported on Lake 4 Senior Right's diligence application. The District and Boulder County have non-perfected portions of the water storage right (augmentation, replacement and exchange, irrigation and industrial) which were acquired with Lake 4. In order to continue those non-perfected portions, the District and Boulder County must file a diligence application by January 31, 2022. Mr. Holwick met with Mr. McLean and staff on September 28<sup>th</sup> to discuss this application. He anticipates recommending action from the Board at its November Board meeting.
- Mr. Holwick reported Firestone seeks a conditional surface water right for diversions through a new pump station off of St. Vrain Creek, conditional groundwater rights from wells tributary to St. Vrain Creek, an exchange from the St. Vrain Sanitation District outfall to the new pump station off of St. Vrain Creek, and a plan for augmentation to replace well depletions. This case was re-referred to Water Court on August 4<sup>th</sup>. A 14-day trial has been set to commence on July 24, 2023.
- Mr. Holwick reported Longmont seeks, among other claims, to change the use of its shares of the Bonus Ditch Company's water rights. The District committed to not oppose an application filed by the City seeking to change the use of its Bonus Ditch Company's water rights provided the City meet certain analytical criteria. The City provided the District with its analysis on April 2<sup>nd</sup>. The City and the District held discussions over the last several

months. The District is awaiting a proposed stipulation from the City. Mr. Holwick notes that the City did not circulate a proposed stipulation before the October Board meeting, so Counsel will bring this item back to the Board at the November meeting.

**C. Projects and Programs Report – *Mr. Scott Griebling***

Mr. Griebling presented the following report:

- Copeland – The District has applied for a feasibility grant from the Colorado Water Conservation Board (“CWCB”) and should be receiving funds within the month. Deere & Ault is moving forward with the feasibility study work and have test bore drilling scheduled for the end of November/beginning of December.
- Preble’s Meadow Jumping Mouse Site Conservation Team (“SCT”) – Information is being developed to circulate to ditch companies impacted by the SCT process.
- Sustaining Colorado Watersheds Conference – Mr. Griebling presented the District’s success on the 7A ballot initiative and the process that led up to it at this year’s conference.
- Funding Requests – The District has received requests totaling \$163,500 from five organizations for funding in 2022.
- Lake No. 4 – Punch list items are completed for the pipeline manhole leak repairs. Operations are continuing and paring down for the winter.
- Office Remodel – Staff are following up with builders on quotes.
- Creek Improvement Facilities – Nothing to report.

**D. Executive Director Report – *Executive Director Cronin***

Executive Director Cronin introduced Assistant Secretary Mona Ruark.

**E. Budget Committee Report / 2022 Draft Budget – *Treasurer Rademacher***

Executive Director Cronin reported that state statute requires that the budget be presented to the Board in October. Treasurer Rademacher reported the Budget Committee discussed classifications of items, Creek Improvement Facilities (CIF) reserves, a staff vehicle to use in the field, and long-term maintenance. The next committee meeting is scheduled for October 20. Further budget details will be presented to the Board in November and December.

**F. Finance Committee Report – *Treasurer Rademacher***

Treasurer Rademacher reported the Finance Committee met before the Board meeting. Bookkeeper Terry presented the General Fund and Enterprise Fund financials. There were no comments on invoices or receipts.

**G. Empower Retirement – *Executive Director Cronin***

The District is changing its employee retirement plan from a SIMPLE IRA to a 457(b) {with a Roth option} as of January 1, 2022. Executive Director Cronin reported that, over time, the fees will decrease. The fixed fee of \$3,800 is locked in for the first five years, or until assets reach \$1M, or until the District requests a “reprice”.

**H. Items from the Board – *President Smith***

Director Yanchunas reported Northern conducted a huge mulching operation on federal lands that employed 3 helicopters and 266 flight hours. Chimney Hollow construction is proceeding and Northern can arrange for us to come see the project.

At 2:48pm Director Yanchunas moved to adjourn the meeting, Treasurer Rademacher seconded the motion, and the motion passed with unanimous approval.

Respectfully Submitted,



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Mona Ruark, Assistant Secretary



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Christopher Smith, President