



St. Vrain and Left Hand Water Conservancy District
Minutes of the Board Meeting
1715 Iron Horse Drive, Suite 250, Longmont, CO
December 12, 2022

I. ROUTINE ITEMS

A. Call to Order – *President Smith*

President Smith called the meeting to order at 1:01 PM.

B. Roll Call – *Assistant Secretary Ruark*

Board members present: President Smith, Vice President Varra, Treasurer Rademacher, Secretary Carlson, Directors Sigg, Moore, Meyer Gould, Wolford and Golden were present.

Staff members, consultants and guests: Water Resources Engineer Scott Griebing, Water Resources Specialist Jenny McCarty, and Office Manager Mona Ruark were present. Attorney Scott Holwick with Lyons Gaddis, Mr. Mark McLean with Schnabel Engineering and Water Commissioner Shera Sumerford were present.

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

There were no changes made to the agenda.

II. EXECUTIVE SESSION – *President Smith*

President Smith reported the Personnel Committee met last month and made a compensation recommendation based upon the Committee's annual review of the Executive Director's performance. The Board decided not to convene an Executive Session under § 24-6-402 (4) (f), C.R.S., for the discussion of personnel matters related to the Executive Director's annual review.

III. CONSENT AGENDA

- A. Approval of November 14, 2022 Board Meeting Minutes**
- B. Approval of Reauthorize Executive Director Voting Rights**
- C. Approval of October General Fund Finance Reports**
- D. Approval of October Enterprise Fund Finance Reports**
- E. Approval of Outside Consultants**
- F. Approval of Administrative Adjustment to Aden, Inc. Agreement**

Treasurer Rademacher moved to approve the Consent Agenda. Vice President Varra seconded the motion and the motion passed unanimously.

IV. PRESENTATIONS

A. Partner Funding Request Presentations – *Ms. Jenny McCarty*

Ms. McCarty presented an update on the six (6) 2022 Partner Funding Program projects supported by the District and showed a video on the Jamestown Fire Mitigation Project. The Board discussed delays in project completion of some projects, the potential affects on billing, and the possible impacts on the District's annual budget and appropriation of funds. The Board directed staff to modify the Partner Funding Request Guidance Document to address these issues and to provide the Board with updates on any changes in project implementation.

B. Public Hearing – *President Smith*

Treasurer Rademacher moved to open a public hearing in the matter of the St. Vrain and Left Hand Water Conservancy District's 2023 Proposed Budget. Director Moore seconded the motion, and the motion passed unanimously. A public hearing was opened at 1:49 PM.

1. 2023 General Fund Budget Proposal – *Mr. Scott Griebling*

On behalf of Budget Officer Cronin, Mr. Griebling presented the 2023 General Fund Budget in accordance with C.R.S., §29-1-105, and Article V.II. of the District's Bylaws and for adoption by the District's Board of Directors. Mr. Griebling presented the details of the budget that was submitted to the Board by the Budget Officer, including significant revenue and expense changes, and reported the 2023 ending cash and reserves is projected to be approximately \$8.3 million. The General Fund Budget is balanced, and the projected spending is consistent with the Water Plan and the goals and policies of the Board of Directors.

2. 2023 Enterprise Fund Budget Proposal – *Mr. Scott Griebling*

On behalf of Budget Officer Cronin, Mr. Griebling presented the Enterprise Fund 2023 budget in accordance with C.R.S., §29-1-105, and Article V.II. of the District's Bylaws and for adoption by the District's Board of Directors. Mr. Griebling presented the details of the budget including significant revenue and expense changes. The difference in total revenue and total expenses in 2023 is a net income of \$47,880. The 2023 Enterprise Fund Budget projected spending is consistent with the mission, goals, and policies of the District.

President Smith asked if there were any public comments. There were none. Director Wolford moved to close the public meeting. Secretary Carlson seconded the motion, and the motion passed unanimously. The public meeting was closed at 2:06 PM.

V. ACTION ITEMS

A. Resolution 2022-08 to Set 2023 Mill Levy – *Mr. Scott Griebling*

Director Sigg moved to adopt Resolution 2022-08. Treasurer Rademacher seconded the motion and the motion passed unanimously.

B. Resolution 2022-09 to Adopt 2023 Budget – *Mr. Scott Griebling*

Secretary Carlson moved to adopt Resolution 2022-09. Director Moore seconded the motion and the motion passed unanimously.

C. Resolution 2022-10 to Appropriate 2023 Funds – *Mr. Scott Griebling*

Treasurer Rademacher moved to adopt Resolution 2022-10. Vice President Varra seconded the motion and the motion passed unanimously.

VI. REPORTS

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

Commissioner Sumerford presented the following report:

- The call on the mainstem is Riverside Canal, admin # 21031, 8-1-1907.
- The call on St. Vrain Creek is Pleasant Valley Reservoir, admin #7822, 6-1-1871. But this may be adjusted to Burch Reservoir, admin #14428, 7-2-1889.
- The St. Vrain Creek at Lyons gage reading was 14.2cfs at 8AM on 12/12/2022.
- Reservoir readings in the basin at the end of November were 68% of capacity.
- Snowpack for Upper CO is 114%, South Platte is 97% and St. Vrain is 104% of normal.

B. Legal Report – Mr. Scott Holwick

Mr. Holwick presented the following report:

- There were no applications of potential interest in the October resume for Water Division No. 1.
- In the Application of Firestone, Case NO. 19CW3236, Firestone seeks to change shares of New Lower Boulder and Rural, seeks to change the use of the water storage right at Firestone Reservoir No. 1, claims a new conditional water storage right for Firestone Reservoir No. 1 including diversions through a new pump station off of St. Vrain Creek, claims a conditional surface water right for diversions through the new pump station off of St. Vrain Creek, claims conditional groundwater rights from wells tributary to St. Vrain Creek, claims an exchange from the St. Vrain Sanitation District outfall to the new pump station off of St. Vrain Creek, and a requests approval for a plan for augmentation to replace well depletions. A 14-day trial is set to commence on 7/24/23. Applicant’s expert disclosures were filed on 10/17/22. Mr. McLean attended the first meeting of the experts that was held on 12/5/22. Opposers’ expert disclosures are due by 2/13/23. Counsel does not anticipate that the District will need to file an expert disclosure in this case.
- In the Application of Longmont, Case NO. 21CW3209, the City of Longmont seeks conditional surface water rights for the Dickens Augmentation Structure, the Golden Farms Augmentation Structure, and the Sandstone Augmentation Structure, each for 20 cfs, and collectively for 20 cfs, and also a conditional water storage right for Union Reservoir, Pump Station(s) Fill Right in the amount of 6,889 AF. The other two opposers, Aurora and PSCo, are working through internal approvals for stipulations based on the City’s June 17th draft proposed ruling. The next status conference call before the Referee is set for 12/13/22. Counsel anticipates revisiting this case at the January Board meeting.
- For the District Augmentation Plan, Case NO. 02CW334, the Division Engineer approved the District’s request to add new members and remove exiting members from its augmentation plan subject to certain conditions. Staff, Mr. McLean, and Counsel have engaged with the DEO and CWCB to resolve these conditions.
- For the Coffintop Conditional Water Storage Rights, the District obtained on January 20, 2018 a finding of diligence for the Coffintop conditional water storage rights in Case No. 17CW3117. The District will need to file a water court application on or before January 31, 2024 to continue these conditional water rights.
- For the Crane Hollow Augmentation Plan Application and pursuant to the parties’ agreement, Crane Hollow submitted to the District a draft water court application by which it will add the District’s augmentation water sources to its decreed augmentation plan to meet winter obligations. The District has reviewed and approved the application, which Crane Hollow intends to file this month. Once filed, Counsel will recommend that the District file a statement of opposition to ensure that the District will be able to withdraw its augmentation water if opposers attempt to materially modify or alter the District’s augmentation decree (Case No. 02CW334).
- Since the last Board meeting, Lyons Gaddis has: (a) worked to finalize the approved inclusion; (b) provided assistance to staff on three potential CIF projects; (c) has worked with staff on the agreement for the Lake 4 repair project and on amending the agreement with NAWC to conform with the approved permit; (d) has worked with staff on a project to automate a diversion structure through which to run gravel pit water, CIF releases, Lake 4 Instream flows, etc.; and (e) reviewed the Lower South Platte WCD decision pursuant to Board discussion at the November meeting.
- Counsel and the Executive Director are aware that legislation may be introduced regarding restrictions on ditch burning. Until a bill is drafted, it is difficult to provide direction to the District on whether it should be involved in supporting or opposing it.

Counsel and the Executive Director are monitoring the development and will consider involvement in helping to shape legislation to ensure it meets the needs of the District's multiple affected constituents.

C. Hydrology Report – Mr. Scott Griebing

- Drought conditions have slightly improved since November. Snowpack is slowing increasing.
- Stream flow is at the median for this time of year. Annual stream volume is around 25% of normal.

D. Projects and Programs Report – Mr. Scott Griebing and Ms. Jenny McCarty

Mr. Griebing presented the following report:

- The Weather Modification Project generators were installed last week. These are the first to be installed in the Front Range.
- A proposal on automating the Hager's Meadow Ditch headgate will be presented in January.

Ms. McCarty presented the following report:

- The Jamestown Fire Mitigation Project is on track. Staff is working with The Watershed Center on possible budget modifications.
- Staff will be bringing information that the Board requested about the City of Longmont and Grama Grass and Livestock 2023 proposals to the January meeting.
- Phase 2B Creek Improvement Facilities ("CIF") proposals were due last week. Staff are evaluating the next steps on proposals.
- For CIF Phase 2A, Staff will be conducting site visits of two gravel pits.
- Staff participated in judging the Water Education Colorado 2022 Student Showcase Contest.

E. Items from the Board –President Smith

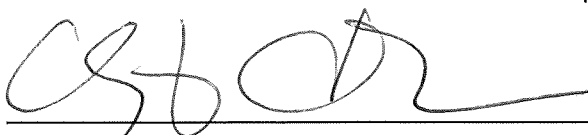
- Secretary Carlson thanked the Board for the wedding card.
- President Smith reported that Northern Water received the final federal permit required for the Northern Integrated Supply Project from the Army Corps of Engineers. Left Hand Water District is one of the participants in the project.
- Treasurer Rademacher reported that the SDA December newsletter has an article about Northern Water winning the EPA WaterSense Award and a history of the organization.

At 2:43 PM, Secretary Carlson moved to adjourn. Director Meyer Gould seconded the motion, and the motion passed unanimously.

Respectfully Submitted,



Mona Ruark, Assistant Secretary



Christopher Smith, President