



St. Vrain and Left Hand Water Conservancy District  
Minutes of the Board Meeting  
1715 Iron Horse Drive, Suite 250, Longmont, CO  
February 13, 2023

I. ROUTINE ITEMS

A. Call to Order – *President Smith*

President Smith called the meeting to order at 1:05 PM.

B. Roll Call – *Assistant Secretary Ruark*

**Board members present:** President Smith, Vice President Varra, Treasurer Rademacher, Secretary Carlson, Directors Meyer Gould, Sigg, and Wolford, were present in person. Director Golden was present by Zoom. Director Moore was excused.

**Staff members, consultants and guests:** Executive Director Sean Cronin, 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, Mr. Boyd Wright with Colorado Parks & Wildlife, and Mr. Ken Huson with City of Longmont were present.

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

There were no changes to the agenda.

II. CONSENT AGENDA

- A. Approval of January 9, 2023 Board Meeting Minutes
- B. Approval of December General Fund Finance Reports
- C. Approval of December Enterprise Fund Finance Reports
- D. Approval of Northern Water ASO MOU
- E. Approval of CIF Phase II Schnabel Engineering Agreement
- F. Approval of CIF Phase II Applegate Group Agreement

Director Wolford moved to approve the Consent Agenda. Vice President Varra seconded the motion and the motion passed unanimously.

III. PRESENTATIONS

A. Fish Impediments – *Boyd Wright, Colorado Parks & Wildlife*

Mr. Wright gave a presentation on fish passage in the St. Vrain Creek, and the St. Vrain Creek Report Card, which provides a letter grade score to study sites based on native fish species diversity. Generally, St. Vrain Creek scores higher than other front range tributaries in the S. Platte. Within St. Vrain Creek, most reaches downstream of Airport Road achieve on average a B score. Above Airport Road, diversity is lower than historic surveys. He also reported on impacts to transition zones and plains streams that include flow limitation, stream channelization, water quality degradation, non-native fish species, and loss of connectivity, and the challenge of prioritizing fish passage among other factors, such as flow limitation. Currently there is an opportunity/funding to address fish passage, which Mr. Wright argued is relatively feasible, when compared to other factors such as flow and channelization. Mr. Wright clarified that in some cases, in-stream barriers blocking non-native fishes are important for maintaining healthy native

fish populations upstream, and that this is a primary tool for recovering native trout populations in headwater streams. However, the transition zone of St. Vrain Creek and other Front Range streams is heavily fragmented, and barriers here are a limiting factor for native fishes. The Board thanked Mr. Wright for his presentation.

**B. Conflict of Interest – Mr. Scott Holwick, Lyons Gaddis**

Mr. Holwick gave a presentation on the Code of Ethics according to State statutes. Serving on the Board of St. Vrain and Left Hand Water Conservancy District, Directors have a fiduciary duty and are stewards of the public trust. As such, Directors are required to disclose any personal or business interests that may conflict with the District's business and, depending on the nature of such disclosed interests, may need to abstain from participating in discussion or voting if a Board vote is required. The Board discussed situations where conflicts may arise.

**IV. REPORTS**

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

Treasurer Rademacher reported that the Finance Committee met before the Board meeting. The Committee ratified the new 1<sup>st</sup> Bank account for the ASO project, approved setting up a separate bank account for the Partner Funding Projects, and reviewed 4<sup>th</sup> quarter 2022 invoices. The Committee also discussed the Augmentation Program Fee Model and agreed to meet again to continue the discussion and will bring recommendations to the Board.

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

Commissioner Sumerford was not present. Executive Director Cronin gave the following report:

- The call on the mainstem is Riverside Canal, admin # 22212, October 25, 1910.
- The call on St. Vrain Creek is Highland #2 Reservoir, admin #11642, November 15, 1881.
- The St. Vrain Creek at Lyons gage reading was 11.8 cfs at 8AM on 2/13/23.
- Snowpack for Upper CO is 122%, South Platte is 108% and St. Vrain is 115% of normal.

**C. Legal Report – Mr. Scott Holwick**

Mr. Holwick presented the following report:

- In the November resume (Case No. 22CW3185), the City of Aurora seeks to change the Petrie Ditch water right (Park County) for use primarily in District No. 2 but also in District 5. As this was not presented at the January Board meeting and upon consultation with Mr. Cronin, Counsel filed a statement of opposition in this case. Counsel recommended the Board ratify that action or direct Counsel to withdraw it. Director Meyer Gould moved to ratify the filing of a statement of opposition in this case. Vice President Varra seconded the motion and the motion passed unanimously.
- In the December resume review, in addition to Case Nos. 22CW3194 (Crane Hollow) and 21CW3213 (Golden Land Co.), each of which was discussed at the January Board meeting, there was another application of potential interest:
  - A. In the Application of Dacono, Case No. 22CW3207, Dacono seeks a number of conditional water rights which include exchanging water from the South Platte River up St. Vrain Creek and also exchanging water from the St. Vrain Sanitation District WWTP to the Firestone – St. Vrain Pump Station. Counsel recommended filing a statement of opposition in this case. Treasurer Rademacher moved to file a statement of opposition. Director Wolford seconded the motion and the motion passed unanimously.
- 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 a conditional water storage right for Union Reservoir, Pump Station(s) Fill Right in the amount of 6,889 AF. The City of Longmont executed stipulated

settlements with the other two opposers, Aurora and PSCo, and the District is the remaining opposer. The City of Longmont has resolved all of the District's concerns in this case. Counsel recommended executing a stipulation in this case. Director Meyer Gould declared a conflict of interest as a board member of the Longmont Water Board and did not engage in any discussion. Director Sigg moved to execute a stipulation. Vice President Varra seconded the motion, and the motion passed. Director Meyer Gould abstained from voting.

- 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 (formerly decree in Case No. 05CW335), claims a new conditional water storage right for Firestone Reservoir No. 1 including diversions through a new pump station off of St. Vrain Creek, a conditional surface water right for diversions through the 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. The District is an opposer in this case, which is currently set for a 14-day trial to commence on 7/24/23. Firestone filed its expert disclosures on 10/17/22 and opposers' expert disclosures are due by 2/13/23. The District is not filing disclosures in this case; however, Counsel and Mr. McLean will review opposers' expert disclosures to determine whether there are any contested issues of interest to the District that remain.
- There is potential legislation regarding a proposed update to the Colorado Recreational Use Statute.

#### **D. Hydrology Report – Mr. Scott Griebeling**

Mr. Griebeling reported:

- Reservoirs are at typical levels for this time of year.
- Drought conditions have not changed much since last month.
- Snowpack is still above median. CASO flights are scheduled for April and late May.
- Streamflow is about average for this time of year.

#### **E. Projects and Programs Report – Mr. Scott Griebeling and Ms. Jenny McCarty**

Mr. Griebeling reported:

- The NRCS is moving forward with the District's Preliminary Investigation and Feasibility Report ("PIFR") phase of the District's PL-566 request and will complete this phase at the end of March. Staff submitted request letters for four other PIFR requests encompassing sub-watersheds within the St. Vrain and Left Hand Creeks basin.
- The Weather Modification Project operated one cloud seeding generator during each of the January 17-18 and January 23 storms. The second generator has been relocated from the Foothills Reservoir to Left Hand District property and will be operational during future storm events.
- The WSRF grant is expected to be approved in March with ASO flights beginning in April. Invoices have been mailed to partners.
- Lake 4 inlet canal repairs are underway and expected to be completed next week.

Ms. McCarty reported:

- The Jamestown Fire Mitigation Project is expected to be completed by the end of April/early May.
- The Stream Management Plan & Passage Playbook was not awarded a USFWS National Fish Passage Program grant, but staff learned from the process and will use its knowledge for re-application next year. Staff is working on passage project prioritization with partners.

- For Creek Improvement Facilities (“CIFs”), staff completed consultant selection, continues with site visits, and is researching other funding sources. Schnabel Engineering has developed a streamflow availability analysis model to use for evaluating potential CIF sites.
- Staff met with Legal Counsel on the identifying tasks and establishing timelines for drafting a diligence application for the conditional water storage rights for Coffintop.
- 2023 Partner Funding Projects are moving forward.

**F. Executive Director Report – *Executive Director Cronin***

Executive Director Cronin reported:

- Staff are attending annual Ditch Company meetings and will present a workshop on hydrology, water law, and administration to interested shareholders.
- The COLOTRUST interest rate is now 4.6%.
- Staff is working with Legal Counsel to consider drafting and serving a cease and desist letter to an individual who is seeking to create a Resource District and is misrepresenting its relationship with the District to partner agencies.
- Staff is researching options for selling or trading the District’s truck.
- Staff met with Senator Bennett’s office about PL-566 funding. Staff continue to learn more about the PL-566 funding process and will bring details on PFIR #1 projects at a future Board meeting.
- The District’s Annual Water Symposium is on March 1<sup>st</sup> at the Shupe Homestead.
- The Cemex property has received news coverage about two community groups expressing interest in it and opposition to it.
- CSD Pool reclassified the Water Resources Engineering’s workers compensation classification based on an updated job description. As a result, the District’s workers compensation annual premium went from \$3,040 to \$773.
- Staff reviewed draft language of a proposed stream restoration bill.
- Staff presented Ron Sutherland with the Board resolution and gift at the Left Hand Ditch Company annual meeting.

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

- Secretary Carlson thanked Mona Ruark for her role as Assistant Secretary and a job well done.
- Treasurer Rademacher reported the BVLCD “From Our Lands To Your Hands” event is on February 22 and 23 at the Boulder County Fair Grounds.

**V. ADJOURNMENT**

At 3:33 PM, Secretary Carlson moved to adjourn the meeting. Vice President Varra seconded the motion and motion passed.

## **Water Activity Enterprise Board Meeting**

**I. ROUTINE ITEMS**

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

President Smith called the meeting to order at 3:34 PM.

**B. Roll Call – Assistant Secretary Ruark**

**Board members present:** President Smith, Vice President Varra, Treasurer Rademacher, Secretary Carlson, Directors Meyer Gould, Sigg, and Wolford were present. Director Golden and Director Moore were not present.

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

**II. Action item**

**A. Augmentation Program Report to State– Mr. Scott Griebing**

Mr. Griebing reported the annual report is due to the State by March 1<sup>st</sup>, and presented the following changes to the Augmentation Program for 2023:

- 5 exiting members, for 5.995 ac-ft of depletions
- 3 new members, for 1.67 ac-ft of new depletions
- 4.325 ac-ft net depletion reduction

He also reported that the State has added a new condition for members on the North St. Vrain Creek during an Instream Flow (“ISF”) call. During an ISF call, new member depletions must now be replaced at the point of depletion. The call has not been executed to date and most likely would happen, if at all, during the period between July - September.

Staff recommended the Board approve the 3 new member applications and the 2023 Augmentation Report. Secretary Carlson moved to approve the 3 new member applications and the 2023 Augmentation Report. Director Wolford seconded the motion and the motion passed.

**III. ADJOURNMENT**

At 3:45 PM, Secretary Carlson moved to adjourn. Director Wolford seconded the motion and the motion passed.

Respectfully Submitted,



Mona Ruark, Assistant Secretary



Christopher Smith, President