



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

I. ROUTINE ITEMS

A. Call to Order – *President Smith*

President Smith called the meeting to order at 1:03 PM.

B. Roll Call – *Assistant Secretary Ruark*

Board members present: President Smith, Treasurer Rademacher, Secretary Carlson, Directors Meyer Gould, Sigg, Golden, Moore, and Wolford were present in person. Vice President Varra was present by Zoom (joined at 1:04PM, left meeting at 2:18PM and rejoined meeting at 2:31PM).

Staff members, consultants and guests: Executive Director Sean Cronin, Water Resources Engineer Scott Griebling, Water Resources Specialist Jenny McCarty, and Office Manager Mona Ruark were present. Attorney Scott Holwick with Lyons Gaddis and Water Commissioner Shera Sumerford were present.

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

There were no changes to the agenda.

II. CONSENT AGENDA

A. Approval of February 13, 2023 Board Meeting Minutes

B. Approval of January General Fund Finance Reports

C. Approval of January Enterprise Fund Finance Reports

D. Approval of ASO, Inc 2023 Services Agreement

E. Approval of CWCB Contract for WSRF Contract

The Board asked for clarification about the ASO project budget. Mr. Griebling reported the District is the fiscal agent for a \$349,000 Water Supply Reserve Fund grant request through the Colorado Water Conservation Board and is collecting \$200,000 from the eleven sponsor entities who have committed matching funds for the grant. Treasurer Rademacher moved to approve the Consent Agenda. Secretary Carlson seconded the motion and the motion passed. Vice President Varra did not vote.

III. PRESENTATION

A. PL-566 PIFR 1 – *Mr. Scott Griebling*

Mr. Griebling reported that the Natural Resources Conservation Service (“NRCS”) PL-566 Watershed Program (“PL-566”) Program involves three phases: 1) the Project Investigation/Feasibility Report (“PIFR”) phase, 2) the Watershed Plan/EA/EIS phase, and 3) the Design and Construction phase. The District submitted a PIFR funding request in April, 2022 which included 38 projects for a total cost of just under \$240M. Based on feedback from NRCS, the District split the 38 projects into 5 PIFRs. PIFR #1 focuses on 15 projects primarily located in the upper watershed. Mr. Griebling presented a summary of each project in PIFR #1. Projects

range from reservoir rehabilitation to river restoration and domestic water delivery infrastructure improvements. PIFR #1 is expected to be completed by early April. NRCS covers 100% of cost of the PIFR, which will determine project feasibility for the next phase.

IV. DISCUSSION

A. Roundtable Share about Annual Symposium – *President Smith*

President Smith asked each Board Director to provide feedback on the Symposium. The Directors reported it was a well put together event with timely topics, good presentations, and a wonderful keynote speaker. They liked the venue and suggested having a full day, an interactive activity for participants, and display boards on current projects. The Board thanked the staff for doing a great job.

V. ACTION ITEMS

A. Resolution 2023-01 Partner Funding Committee – *Ms. Jenny McCarty*

Ms. McCarty reported that Resolution 2023-01 would create a Board Partner Funding Guidance Review Committee, which would meet once in 2023 to review and discuss the 2021 Partner Funding Guidance and staff recommended changes, and to make recommendations to staff and the Board. Staff would then bring the Committee's recommended changes to the Board for consideration. Staff recommended the Board approve Resolution 2023-01. The Board discussed the role and responsibilities of the Committee. Director Wolford moved to approve Resolution 2023-01. Director Moore seconded the motion and the motion passed. Vice President Varra was not present to vote.

The Board discussed the number of Committee members to select. Vice President Varra left the meeting at 2:18 PM and was not present for this discussion. Several Board Directors commented that Vice President Varra had expressed interest in serving on this committee. Directors Golden and Moore were selected to serve on the Committee. Staff will follow up with Vice President Varra about serving on the Committee.

B. Resolution 2023-02 Statement to Pursue Coffintop Diligence – *Ms. Jenny McCarty*

Ms. McCarty reported Resolution 2023-02 would reaffirm Coffintop as a critical element of the District's water supply plan; constitute the Board's continuing intent to perfect Coffintop water rights; and direct staff, legal counsel, and District consultants to develop and file a diligence application by Jan. 31, 2024. Staff recommended the Board approve Resolution 2023-02. Director Golden moved to approve Resolution 2023-02. President Smith seconded the motion and the motion passed. Vice President Varra was not present to vote.

VI. REPORTS

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

Commissioner Sumerford gave the following report:

- The call on the mainstem is North Sterling Canal, admin # 26302, 1-15-1922.
- The call on St. Vrain Creek is Highland #2 Reservoir, admin #11642, 11-15-1881.
- The St. Vrain Creek at Lyons gage reading was 14.2 cfs at 8AM on 3/13/23.
- District 5 Reservoirs at the end of February were 71% full.
- Snowpack for Upper CO is 126%, South Platte is 107% and St. Vrain is 110% of normal.

B. Legal Report – Mr. Scott Holwick

Mr. Holwick presented the following report:

- For the January Resume, there was one application of potential interest for Water Division No. 1. In the Application of The Presbytery of Plains And Peaks, Case No. 23CW3005, the Applicant seeks a finding of reasonable diligence for a conditional groundwater right for Highlands Camp Well No. 4 (15 gpm decreed in Case No. 2004 and augmented pursuant to Case No. 89CW138). Counsel recommended not to file a statement of opposition.
- 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. Pursuant to the Board’s direction, Counsel executed a stipulation in this case which was approved by the Court on February 22nd.
- 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 were 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. Counsel anticipates discussing this case with the Board at the April Board meeting.
- Notice of Cancellation of Conditional Water Right for Case No. 03CW260. In Case No. 03CW260, Henry Hoshiko obtained a conditional water storage right for: Hoshiko Pond located at 15312 North 107th Street in Longmont. The amount remaining conditional is 0.4 acre-feet. 2.5 AF previously decreed absolute is not affected by this cancellation.
- On January 20, 2018, the District obtained 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. Counsel has been meeting with District staff to work on identifying District activities performed during the current diligence cycle that will support the District’s diligence application.

C. Hydrology Report – Mr. Scott Griebing

Mr. Griebing reported:

- Drought conditions have remained unchanged since last month.
- Soil conditions are good.
- Snowpack is above median for this time of year.
- Streamflow is slightly above average for this time of year.

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

Mr. Griebing reported:

- The Weather Modification Project operated during two storms in February. To date it has operated for about 60 hours. Fox 31 News interviewed Staff about the project.
- Staff met with Commissioner Sumerford and her team about partnering on two stream gages.

- For the ASO Project, invoices have been sent out and the WSFR grant request has been submitted for approval later in March.

Ms. McCarty reported:

- The Jamestown Fire Mitigation Project activities will be completed in early summer. The project was featured on CBS.
- The St. Vrain Forest Health Partnership has identified a potential biofuels end user and the District is coordinating a preliminary meeting.
- Equipment has been ordered for the South St. Vrain Diversion Remote Operation.
- Staff will be holding a collaborative meeting for SMP/Fish Passage project prioritization.
- As part of CIF Phase IIb, Staff are continuing to conduct site visits and preliminary meetings, identify funding sources, and work on the Coffintop decree.
- Progress is being made on the 2023 Partner Funding projects. The District has received recognition from several project partners.

E. Executive Director Report – *Executive Director Cronin*

Executive Director Cronin reported:

- The District has received media coverage of its projects.
- Staff reviewed draft language of a proposed stream restoration bill which has not been introduced yet.

F. Items from the Board – *President Smith*

- President Smith reported Northern Water is having its Spring Symposium on April 10th.
- Treasurer Rademacher thanked Executive Director Cronin for attending the From Our Lands to Your Hands event.

VII. ADJOURNMENT

At 2:52 PM, Secretary Carlson moved to adjourn the meeting. Director Meyer Gould seconded the motion and the motion passed.

Respectfully Submitted,



Mona Ruark, Assistant Secretary



Christopher Smith, President