



St. Vrain and Left Hand Water Conservancy District
Minutes of the Board Meeting
1715 Iron Horse Drive, Suite 250, Longmont, CO
April 10, 2023

I. ROUTINE ITEMS

A. Call to Order – *President Smith*

President Smith called the meeting to order at 1:02 PM.

B. Roll Call – *Assistant Secretary Ruark*

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

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 was present.

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

There were no changes to the agenda.

II. CONSENT AGENDA

A. Approval of March 13, 2023 Board Meeting Minutes

B. Approval of February General Fund Finance Reports

C. Approval of February Enterprise Fund Finance Reports

Director Wolford moved to approve the Consent Agenda. Treasurer Rademacher seconded the motion and the motion passed.

III. PRESENTATION

A. PL-566 PIFR 2 & 5 – *Mr. Scott Griebling*

Mr. Griebling gave an overview of PIFR #2 and #5. PIFR #2 involves 3 projects in the North St. Vrain Creek area for a total cost of \$16 million with design and construction estimated to begin in 2026. PIFR #5 involves 2 projects in the Apple Valley area for a total cost of \$25 million with design and construction estimated to begin in 2026. The projects are focused on agriculture supply water, watershed protection, and wildlife and fish.

IV. ACTION ITEMS

A. C-BT Rental Rules - Update – *Mr. Scott Griebling*

Mr. Griebling reported the District owns a total of 259 C-BT units - the General Fund owns 107 units and the Enterprise Fund owns 152 units. According to the District's Rental Rules, updated in 2022, the Enterprise Fund C-BT units may be rented to the highest bidder with no requirements for use type or location. The General Fund C-BT units may be rented to in-District ag users, on a first-come, first-serve basis. Staff proposed the following changes to the Rental Rules for 2023:

- Enterprise Fund C-BT: Rent to highest bidder; rent to any water user for any legitimate use type as determined by the District and Northern Water; bids are submitted on July 15; and Board to set amount available to rent no later than its July meeting.
- General Fund C-BT: Rent to in-District agricultural users only; rent to the highest bidder; bids are submitted on May 15th; and Board to set amount available to rent no later than its May meeting.

The Board discussed the proposed changes to the rental date and amount available to rent and requested that the date to submit bids under Other Water Users, Rule #1, be changed to “no later than July 15”. Secretary Carlson made a motion to adopt the C-BT Rental Rules dated April 10, 2023 with the changes to Other Water Users, Rule #1. Vice President Varra seconded the motion, and the motion passed.

B. City of Longmont Xeric Garden Partner Funding Agreement Amendment – Ms. Jenny McCarty

Ms. McCarty reported that, in July 2022, the Board approved \$20,135 to be used towards design costs for the City’s Sandstone Ranch Xeric Garden project. The project’s design phase was completed on time and under budget with \$5,760 of District-committed funds not spent. The City has requested that the District allow the City to use the remaining funds on the project’s construction costs, which have increased 36% due to inflation. The City is also requesting additional funds for construction costs from Longmont City Council. The current partner funding agreement states that “*The Partner may only direct the use of the Project Funds for design work for the Project. To the extent that the Partner desires to use the Project Funds for any other use, it must first submit a written request to and receive written approval from the District...*”. Staff recommends that the Board authorize the Executive Director to sign the Agreement Amendment, conditional upon Longmont City Council approving the additional project funds.

The Board discussed how to handle unspent project funds and requests to use funds for other uses. Director Meyer Gould notified the Board that she serves on the City of Longmont’s Water Board, but that her Water Board position did not present a conflict, and that she would be participating in the discussion and vote on this action item. Treasurer Rademacher moved to approve the amended agreement, and Director Meyer Gould seconded the motion. The motion passed with 8 Directors voting yes and Director Golden voting no.

C. Application Date for Board Vacancy – President Smith

President Smith reported Director Meyer Gould is resigning following the April Board meeting. Director Meyer Gould shared that she has taken a position with the State Attorney General’s Office, which may not allow her to contribute meaningfully to the Board. She thanked the Board and staff for the opportunity to serve on the Board and to support the District with its work. In accordance with Section 2.3 of the District Bylaws, a notice of a vacancy shall be published and include a date by which applications for the vacancy must be submitted to the Court. Staff recommends May 12, 2023. The Board discussed the deadline for submitting applications. Vice President Varra made a motion to set May 12, 2023 as the deadline for submitting applications. Director Wolford seconded the motion and the motion passed.

V. REPORTS

A. Water Commissioner Report – Ms. Shera Sumerford

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

- The call on the mainstem is Prewitt Inlet, admin #31423, 1-13-1936.
- The call on St. Vrain Creek is Hill Reservoir, admin #11841, 6-2-1882.
- The St. Vrain Creek at Lyons gage reading was 14.2 cfs at 6:15AM on 4/10/23.
- District 5 Reservoirs at the end of March were 66% full.
- Snowpack for Upper CO is 131%, South Platte is 107% and St. Vrain is 108% of normal.

B. Legal Report – Mr. Scott Holwick

Mr. Holwick presented the following report:

- There were no applications of interest filed in the February resume for Water Division No. 1.
- 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. The Referee entered his Ruling on April 4th and unless there is a protest filed, the Court will enter a final decree in mid-May.

- 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 October 17th, Opposers (Boulder, Broomfield, Englewood, Frederick, Lafayette, PSCo, St. Vrain San District, and the Engineers) file their expert disclosures on February 13th, and multiple parties filed rebuttal expert disclosures on March 27th. Counsel and Mr. McLean have reviewed the parties' expert disclosures and Applicant's revised proposed decree and have determined that resolution of the remaining contested issues will not affect the District's rights or interests in the basin. Counsel recommended the Board execute a stipulation with Firestone. Director Meyer Gould moved to direct Counsel to execute a stipulation with Firestone. Vice President Varra seconded the motion and the motion passed.
- Counsel reported that Senate Bill 23-213 was introduced which would create state-level land use requirements.
- Since the last Board meeting, Lyons Gaddis has responded to staff on a number of miscellaneous requests for legal advice, including review of a Boulder County request for access to work on the County Road 84W bridge over North St. Vrain Creek just to the east of Copeland Reservoir.

C. Hydrology Report – Mr. Scott Griebing

Mr. Griebing reported:

- Drought conditions remain about the same as last month.
- Snowpack is just above average and near peak.
- Streamflow is below 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 March, and for the season operated 94 hours. Staff presented at Northern Water's Spring Symposium and will present at AWRA Symposium.
- Staff are working with Boulder County on a road easement on District property near Copeland.
- The North Front Range ASO Flights was awarded the WSFR grant. The first flight is set for mid-April and a report will be provided within 3 days of the flight. Staff will share the report with the Board. The second flight is set for May.
- The State has been slow to increase its funding of the ASO Project. For St. Vrain flights only, the cost is \$170K and \$120K is still needed to be raised. Staff plan to submit a BOR grant in May which would reduce the District's costs up to 50%.

Ms. McCarty reported:

- The Jamestown Fire Mitigation Project video will have two showings in Lyons in April and May.
- The St. Vrain Forest Health Partnership has identified a potential public-private partnership with a biofuels end user. The District is leading current investigatory discussions.

- The US Forest Service has released the St. Vrain Forest Health Project Environmental Assessment for public comment. Staff are drafting a public comment.
- Colorado State Forest Service awarded a \$1 million grant to several St. Vrain Forest Health Partnership partners, which District funding helped to leverage. A public meeting regarding how the funds are to be spent is scheduled for April 18 in Lyons.
- Staff held a collaborative meeting for SMP/Fish Passage project prioritization and identified Beckwith and Haldi as pilot projects. Staff met with USFWS and will apply for National Fish Passage Project (“NFPP”) funding in 2024.
- Staff are working on integrated flow management and a gravel pit agreement pilot.
- CIF Phase IIb progress is moving forward with Task 1 near completion and Task 2 about to begin. Staff continue to conduct site visits and work on the Coffintop decree.
- Equipment for the South St. Vrain Diversion Remote Operation has not been delivered yet.
- Staff received 3 out-of-cycle partner funding requests and encouraged 2 projects to apply during the normal cycle. Staff are still evaluating the 3rd request. The Partner Funding Guidance Review Committee will be meeting on April 18.
- Progress is being made on the 2023 Partner Funding projects. The District has received recognition from several project partners and is working with City of Longmont on recognition options to rectify a recent recognition misstep.

E. Executive Director Report – Executive Director Cronin

Executive Director Cronin reported:

- The Town of Lyons Ecology Board will be considering a Rights of Nature Resolution at its next meeting.
- Payroll processing will remain an in-house function.
- Next year’s Water Symposium will be on February 29, 2024.
- Closeout documents for Lake 4 CDBG were signed.
- Staff continue to monitor the Stream Restoration Bill.
- Staff hosted a workshop on March 30th for Supply Ditch Shareholders, which focused on water law and water administration. Division Engineer staff also participated.
- Staff are working with Northern Water to schedule a Chimney Hollow Tour.
- Staff are working on updates to the District’s website and exploring a web address change from “.org” to “.gov”.
- Staff asked legal counsel to prepare a letter to Energy Development Partners to cease referencing a partnership with the District until discussions are held with the District’s Executive Director.

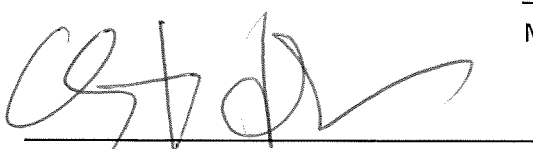
F. Items from the Board – President Smith

There were no items from the Board.

VI. ADJOURNMENT

At 3:26 PM, Director Meyer Gould moved to adjourn the meeting. Director Moore seconded the motion and the motion passed.

Respectfully Submitted,



Christopher Smith, President



Mona Ruark, Assistant Secretary