



St. Vrain and Left Hand Water Conservancy District
Minutes of the Board Meeting
1715 Iron Horse Drive, Suite 250, Longmont, CO
August 14, 2023

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 Wolford, Moore, Sigg (left at 2:03 PM), Golden (present by Zoom), and Cassidy (arrived at 2:05 PM) were present.

Staff members, consultants and guests: Executive Director Sean Cronin, Water Resources Engineer Scott Griebing, Watershed Program Manager Jenny McCarty, and Office Manager Mona Ruark were present. Attorneys Scott Holwick and Alison Gorsevski with Lyons Gaddis were present.

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

There were no changes to the agenda.

II. CONSENT AGENDA

A. Approval of July 10, 2023 Board Meeting Minutes

B. Approval of June 2023 General Fund Finance Reports

C. Approval of June 2023 Enterprise Fund Finance Reports

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

III. ACTION ITEM

A. Boulder County Copeland Easement – *Mr. Scott Griebing*

Mr. Griebing reported that Boulder County Public Works Department (“County”) has requested a Temporary Easement for Construction and a Permanent Easement along a portion of property owned by the St. Vrain and Left Hand Water Conservancy District’s (“District”) Water Activity Enterprise for a bridge improvement project. The County is requesting a Temporary Easement for Construction to the east and west of the bridge with a total area of 3,213 square feet (0.07 acres) beyond the requested permanent easement. This will allow the County to access the property during construction. The Temporary Easement for Construction would have a one-year term and the County agrees to restore the area to its original condition. The County is requesting a Permanent Easement to the east and west of the bridge with a total area of 4,943 square feet (0.11 acres). This will allow the County to construct and maintain the bridge improvements and to access the property for future inspection and maintenance activities. Boulder County’s initial compensation offer included

acquiring a Permanent Easement for the amount of \$10,194.94 (based on its representation of 75% impairment of the District's property) and acquiring a Temporary Easement for the amount of \$883.58 (based on its representation of 10% impairment of the District's property). Staff recommended the Board provide staff direction on the County's initial offer to acquire both easements.

IV. EXECUTIVE SESSION

At 1:17 PM, Director Moore moved to enter into Executive Session under §§ 24-6-402 (4) (b) and (4) (e), C.R.S., to receive, as necessary, specific legal advice related to granting easements to Boulder County on, in, and through the District's real property adjacent to Copeland Reservoir and additional information about and instruction to the District's negotiator(s) related to such easement grants. Secretary Carlson seconded the motion, and the motion passed. Discussion was held and guidance was provided. At 2:01 PM, Director Wolford moved to exit Executive Session. Secretary Carlson seconded the motion, and the motion passed.

V. ACTION ITEMS

A. Boulder County Copeland Easement

Director Sigg moved to direct Staff to address an exclusivity clause in the agreement, to set a minimum amount of \$15,000 for both Easements, and if during negotiations, there is substantial deviation from the Board discussion, that Staff bring it back to the Board for further action and discussion. Vice President Varra seconded the motion, and the motion passed. Director Golden did not vote.

B. 2023/24 Holiday(s) – Executive Director Cronin

Executive Director Cronin reported that Article V. Section 5.02 of the District Employee Handbook ("Handbook") states "The Board of Directors may, at its sole discretion, grant additional paid holidays in conjunction with an established holiday. For example, if a New Year's Day falls on a Thursday, the Board of Directors may grant the following Friday as an additional paid holiday." Executive Director Cronin presented the following potential holidays and office closures for the remainder of 2023 and calendar year 2024: 1) Administrative closures of the office from December 25, 2023 through January 1, 2024, and 2) Friday, July 5, 2024 as an additional paid holiday. Staff recommended authorizing the Executive Director the discretion to administratively close the office around December 25 through January 1st. The Board discussed job performance expectations required of District staff members to execute their work and the Executive Director's authority to administratively close the office around holidays. The Board did not consider July 5th as an additional paid holiday and instead subject to the Executive Directors discretion. The Board took no action as the Directors considered office closures within the administrative authority of the Executive Director.

VI. REPORTS

A. Finance Committee Report – Treasurer Rademacher

Treasurer Rademacher reported the Finance Committee met before the Board meeting. The committee members reviewed financial reports for the General Fund and Enterprise Fund, 2nd quarter 2023 invoices, receipts, and bank reconciliation reports and had no concerns. The members discussed Proposition HH and recommended using 2023 budget figures for the 2024 budget. The members also discussed opening a separate bank account for Partner Funding Projects and agreed it was not necessary as each project has its own line item in the budget. The sunset provision approved by voters with 7A was discussed and the Directors

recommended the Board begin a discussion about the options and process for a ballot initiative to seek an extension of 7A.

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 Lower Platte Beaver Ditch, admin #13985, 4-15-1888.
- The call on St. Vrain Creek is Davis and Downing Ditch, admin #7379, 3-18-1870.
- The St. Vrain Creek at Lyons gage reading was 102 cfs at 8:00AM on 8/14/2023.
- District 5 Reservoirs at the end of July were 85% full. Releases from Beaver Park Reservoir occurred July 17-August 9. The Foothills Exchange is still taking place releasing 30 cfs.

C. Legal Report – Mr. Scott Holwick

Mr. Holwick presented the following report:

- There were no applications of interest filed in the June resume for Water Division No. 1.
- In the Application of Martin Marietta, Case No. 22CW3182, the Applicant seeks to change the place of storage of its conditional water storage right for the Frontier-Lyons Reservoir (200 AF originally decreed in Case No. 79CW300 with an appropriation date of 6/13/1979) from property owned by CEMEX to lands owned by Applicant, consistent with current and future mining plans for the properties. This case is pending before the Referee and the District is the sole opposer. The Applicant circulated a proposed ruling on May 11th and the District submitted limited comments on July 14th.
- In the Application of Crane Hollow, LLC, Case No. 22CW3194, Crane Hollow seeks to amend its augmentation plan decreed in Case No. 02CW382 to include the District's augmentation supplies in the non-irrigation seasons. The Applicant is a member of the District's augmentation plan and has an agreement with the District that includes the District filing a statement of opposition in this case to monitor the proceedings. This case is pending before the Referee and the District is the sole opposer. The Applicant circulated a proposed ruling and draft accounting on May 12th and the District submitted limited comments on July 21st.
- In the Application of Aurora, Case No. 22CW3185, Aurora seeks to change the Petrie Ditch water right (Park County) for use in District No. 2 and in District 5 (storage in the Everist St. Vrain Gravel Pit Reservoir, on lower St. Vrain Creek). This case is pending before the Referee. The Applicant circulated a proposed ruling and preliminary engineering supporting its claims on May 26th. The District's comments are due by September 8th.
- 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. This case is pending before the Referee. Applicant circulated a proposed ruling and preliminary engineering supporting its claims on May 30th and the District submitted its comments on July 27th.
- Counsel assisted Staff with: (a) draft comments on proposed rulings in pending water court cases; (b) review of the District's employee handbook; (c) an easement agreement for Boulder County at Copeland; (d) analysis of legal issues for Coffintop's decreed water rights; (e) review of the CBT exchange with Boulder County at Lake 4; and (f) legal review of partner funding questions.

D. Hydrology Report – Mr. Scott Griebling

Mr. Griebling reported:

- There were no drought conditions in Boulder County in July, only in the southwest areas of the state.
- Precipitation was above average for July 2023.
- The runoff peaked in June and has been dropping since resulting in average stream flows.

E. Projects and Programs Report – Mr. Scott Griebling

Mr. Griebling reported:

- A pressure transducer was installed at Copeland. The current rate of loss is 23 acre-feet per month.
- Copeland releases began on August 1st at a rate of 0.21 cfs through August 31st.
- An interview is scheduled for August 18 for the Airborne Snow Observatory grant through the Bureau of Reclamation.
- There are several late Augmentation Program payments due to email issues but staff anticipates to hit its budgeted revenue goals.
- Staff continues Lake 4 Operations & Maintenance discussions with Boulder County.
- PL-566 PIFR #1 report was sent to NRCS for review.

Ms. McCarty reported:

- CIF Phase IIb deliverables will be presented at the October board meeting.
- CIF Phase III RFQ was sent to a list of 47 consultants. The deadline is September 15.
- Staff continue to conduct initial feasibility of individual CIFs.
- Staff is working with Counsel on the Coffintop diligence application which is due January 31, 2024.
- The South St. Vrain Diversion Remote Operation project is still delayed due to equipment back order.
- The St. Vrain Forest Health Partnership and the District are continuing discussions with a potential biofuels end user.
- The Jamestown Project implementation was completed last week and a follow up survey will be sent out.
- Staff are part of the Boulder County Fireshed Grasslands Working Group.
- Staff are providing input in the Boulder County Community Wildfire Protection Plan.
- Staff are reviewing the draft USFS NEPA finding of no significant impact for the St. Vrain Forest Health Project and will align any comments with other St. Vrain Forest Health Partners.
- Staff continue to work on SMP/Fish Passage project implementation and next steps for the Beckwith and Haldi Ditches as pilot projects.
- Staff continue to work on an integrated flow management and a gravel pit agreement pilot.
- The next phase of the Stream Management Plan (“SMP”) implementation kick off is being planned. Staff are identifying funding sources and notifying partners.
- Progress is being made on 2023 Partner Funding projects. The Trout Unlimited project is completed.
- Staff have scheduled a tour of Boulder County’s Telemetry project for September 19. More details will be emailed to the Board.

- 2024 Partner Funding request letters were due August 1st. Staff conducted initial screening with 13 partners and received 9 request letters. The Partner Funding Committee will be meeting in September to review requests and recommendations and presentations will be made to the Board in November. Final approvals, budget and contracts will be made by the Board in December.

F. Executive Director Report – *Executive Director Cronin*

Executive Director Cronin reported:

- Staff have scheduled a mini-tour of PL-566 sites with Senator Bennet for August 21.
- The website is being transitioned to .gov, which will require changing email addresses. Photos were taken of several sites throughout the basin and of the staff for the new website.
- Staff thanked Director Sigg and her husband who donated the use of their 1956 truck in the Boulder County parade.
- Northern Water is providing project management training for staff.
- The District is providing postage for postcards that are being distributed at community events for community members to fill out and thank ditch companies for their responses to the flood as part of the 10 year anniversary of that event.
- Staff provided feedback on the State’s Water Plan implementation.

VII. Items from the Board – *President Smith*

There were no items from the Board.


VIII. ADJOURNMENT

At 2:52 PM Treasurer Rademacher moved to adjourn the meeting. Director Moore seconded the motion and the motion passed. Director Sigg left at 2:03PM and was not present for the vote.

Respectfully Submitted,



Mona Ruark, Assistant Secretary



Christopher Smith, President