



St. Vrain and Left Hand Water Conservancy District
Minutes of the Board Meeting
Via ZOOM
July 10, 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 (arrived at 1:03pm), Treasurer Rademacher, Secretary Carlson, Directors Sigg, Wolford, Moore (left at 3:15pm), Golden (left at 3:01pm) and Cassidy were present by Zoom.

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 by Zoom. Attorneys Scott Holwick and Alison Gorsevski with Lyons Gaddis, and Water Commissioner Shera Sumerford (left at 2:36 PM) were present by Zoom. Mark McLean (left at 3:30 PM), Nathan Phelps, and Liz Byron with Schnabel Engineering were present by Zoom. Steve Smith and Abdullah Javed with Applegate Group were present by Zoom.

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

There were no changes to the agenda.

II. CONSENT AGENDA

A. Approval of June 12, 2023 Board Meeting Minutes

B. Approval of May 2023 General Fund Finance Reports

C. Approval of May 2023 Enterprise Fund Finance Reports

Director Sigg moved to approve the Consent Agenda. Secretary Carlson seconded the motion and the motion passed.

III. PRESENTATIONS

A. 2022-2023 Cloud Seeding Report – *Mr. Scott Griebing*

Mr. Griebing reported the District contracted with North American Weather Consultants (“NAWC”) to operate a pilot program consisting of two remotely operated, ground-based cloud seeding generators, which were located along the base of the foothills near Lyons and Niwot. The generators were purchased by the CWCB and the District covered operating costs along with the Left Hand Ditch Company for a total of 187.5 operational hours between December 1, 2022, and April 30, 2023. NAWC performed a target and control study of precipitation and snow water equivalent using four SNOWTEL sites located in the St. Vrain basin just to the south of target sites and two SNOWTEL sites located on the eastern side of the Front Range to the north of the St. Vrain basin. The results from the pilot program indicate snow water equivalent was increased by 5-7% due to the cloud seeding operations.

B. Potential Cloud Seeding Program Expansion – Mr. Scott Griebeling

Mr. Griebeling presented data, compiled by the program operator the North American Weather Consultants, that describes how the program may be expanded to further increase snowpack in the St. Vrain basin. Staff described three options on ways to increase the number of storms seeded: 1) by making use of existing generators located to the west of the St. Vrain basin that are currently part of the Central Colorado Mountain River Basin (“CCMRB”) cloud seeding program; 2) by adding additional generators situated to capture storm events with westerly flows; and 3) by extending the operational season. The Board discussed next steps and directed Staff to conduct additional research on the three options and partner opportunities.

IV. ACTION ITEMS

A. C-BT Rental – Mr. Scott Griebeling

Mr. Griebeling reported that according to the District’s C-BT Water Rental Rules, the District may rent General Fund C-BT water to in-District agricultural producers. At the May 2023 meeting, the Board made 37.45 acre-feet of the General Fund C-BT available for rent. This left 37.45 acre-feet of C-BT water in reserve for the District’s Augmentation Program in the event the District’s reservoirs (Lake No. 4 and Copeland) did not receive any water during the 2023 runoff season. As a result of consistent rain and high river flows, both reservoirs have filled and the Augmentation Program does not need C-BT water to trade in 2023 to meet its depletion obligations. Staff recommended the Board make the remaining 37.45 acre-feet of General Fund C-BT water available to rent to the highest bidder who meets the criteria set out in the C-BT Water Rental Rules. Treasurer Rademacher moved to rent the remaining 37.45 acre-feet of General Fund C-BT water. Director Moore seconded the motion and the motion passed.

B. 2023 C-BT Water Exchange MOA – Mr. Scott Griebeling

The District’s Enterprise Fund owns 152 C-BT Units which yielded the equivalent of 106.4 acre-feet in 2023. This water cannot be used to make releases for the District’s Augmentation Program. The District co-owns Lake No. 4 Reservoir with the Boulder County Parks and Open Space (“County”) and both entities currently have water stored in Lake No. 4. Staff recommends executing a Memorandum of Agreement (“MOA”) for an exchange of an equal amount of the County’s water in Lake No. 4 to maximize the amount of water available to the District’s Augmentation Program for future deliveries. The 2023 MOA with the County exchanges all 106.4 acre-feet of the Enterprise Fund C-BT water for 106.4 acre-feet of the County’s Lake No. 4 water. The County’s Lake No. 4 water will be assigned to the District in monthly accounting. This water will remain available to the District, less evaporative losses, for future deliveries. Director Wolford moved to execute the 2023 MOA with Boulder County Parks and Open Space. Secretary Carlson seconded the motion and the motion passed.

C. Resolution 2023-04 Intent to Match Funds for Bureau of Reclamation Grant R23AS00079 – Mr. Scott Griebeling

Mr. Griebeling reported that in May 2023, Staff submitted an application for a Bureau of Reclamation grant R23AS00079, “Snow Water Supply Forecasting Program FY 2023,” to fund airborne snow observation flights along the Northern Front Range in 2024, 2025, and 2026. As part of the application process, the District committed to contributing \$25,000 annually as matching funds (pending annual appropriation by the Board). The Bureau of Reclamation requires a Board resolution stating that the applicant will meet the financial obligations/matching funds associated with the grant if it is awarded. Staff recommended the

Board adopt Resolution 2023-04: “A resolution expressing the District’s intent to match funds associated with receipt of a financial assistance award under Bureau of Reclamation Grant R23AS00079.” Treasurer Rademacher moved to approve Resolution 2023-04. Director Moore seconded the motion and the motion passed.

D. Open Records Request Policy – Executive Director Cronin

Executive Director Cronin reported the District’s Open Records Request Policy was first adopted by the Board in December 2015. This Policy was reviewed by Staff and the District’s Legal Counsel. The revised Policy reflects language updates and clarification of statute requirements. Staff recommended the Board of Directors approve the updated Open Records Request Policy. Director Sigg moved to approve the updated policy. Director Wolford seconded the motion and the motion passed.

V. REPORTS

A. Water Commissioner Report – Ms. Shera Sumerford

Commissioner Sumerford gave the following report:

- No call conditions on the mainstem.
- No call conditions on St. Vrain Creek.
- The St. Vrain Creek at Lyons gage reading was 325.2 cfs at 8:00AM on 7/10/23.
- High peak flow at midnight on June 8 was 1031 cfs.
- District 5 Reservoirs at the end of June were 92% full. All reservoirs look really good. There are major issues with the Lake McIntosh outlet.

B. Legal Report – Mr. Scott Holwick

Mr. Holwick presented the following report:

- There was one application of interest filed in the May resume for Water Division No. 1. In the Application of Lakeview Village, Inc., Case NO. 23CW3054, the Applicant seeks to perfect a conditional exchange, or in the alternative, obtain a finding of reasonable diligence for it. The conditional exchange was decreed in Case No. 94CW268 for 0.5 cfs (with an annual volumetric limit of 100 AF) to deliver leased water from Boulder’s WWTP (75th and Valmont) down Boulder Creek to St. Vrain Creek to augment depletions from two adjacent reservoirs, one of which is located on an unnamed tributary to St. Vrain. Given the relatively nominal amount of the water right sought to be perfected, Counsel does not recommend filing a statement of opposition in this case.
- 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. Applicant circulated a proposed ruling on May 11th and the District’s comments are due by July 14th.
- In the Application of Aurora, Case NO. 22CW3185, Aurora seeks to change the Petrie Ditch water right (Park County) for use primarily in District No. 2 but also in District 5 (one storage location is the Everist St. Vrain Gravel Pit Reservoir located on the lower reach of St. Vrain Creek). This case is pending before the Referee. Applicant circulated a proposed ruling and preliminary engineering supporting its claims on May 26th and filed an amended application on May 31st. The District’s comments are due by September 8th.

- 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. Applicant is a member of the District's aug 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. Applicant circulated a proposed ruling and draft accounting on May 12th and the District's comments are due by July 14th.
- 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's comments are due by July 31st.
- Counsel is working with Staff to prepare the Coffintop Diligence and will file a water court application on or before January 31, 2024.

C. Hydrology Report – *Mr. Scott Griebling*

Mr. Griebling reported:

- With the extensive rain in May and June, there are currently no drought conditions anywhere in Colorado.
- Precipitation was over 200% of average for June, 2023.
- The snowpack has completely melted out at SNOTEL sites in the Basin.
- The extended rains resulted in above median flows for June.

D. Projects and Programs Report – *Mr. Scott Griebling*

Mr. Griebling reported:

- Copeland came into priority on May 16 and has been filled to 63 acre-feet.
- No call conditions continue on the St. Vrain and the South Platte and releases from Lake 4 or Copeland for the Augmentation Program are not needed.
- Staff is making progress on a Lake 4 Operations & Maintenance Agreement with Boulder County.
- A draft PL-566 PIFR #1 report was sent to NRCS for review.

Ms. McCarty reported:

- Staff and consultants continue to work on CIF Phase IIb tasks. Staff continue to conduct initial feasibility of individual CIFs and are working on a CIF Phase III RFP.
- The Coffintop diligence application is due January 31, 2024.
- The St. Vrain Forest Health Partnership and the District are continuing discussions with a potential biofuels end user. The Partnership received a \$1 million COSWAP grant and mitigation work has started near Button Rock Reservoir. Staff have visited the area to view mitigation efforts.
- Three properties remain to be treated as part of the Jamestown project. Mitigation is on schedule to be completed early August. A post-project survey will be sent out.
- South St. Vrain Diversion Remote Operation equipment has been ordered with one piece being back ordered. The contract is good through 2024, therefore the project is still on schedule.
- Staff continue to meet with partners 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 and are meeting with relevant diversion owners.
- Progress is being made on 2023 Partner Funding projects. The District helped BVLCD to leverage an additional \$100K from the Colorado State Forest Service. Staff are exploring dates for site visits for the Boulder County Parks and Open Space project and the Gramma Grass and Livestock project.
- 2024 Partner Funding request letters are due August 1st. Staff anticipate 6-12 request letters. The Partner Funding Committee will be meeting in September to review requests and presentations will be made to the Board in November. Final approvals, budget and contracts will be made by the Board in December.

E. Executive Director Report – Executive Director Cronin

Executive Director Cronin reported:

- New website photos of the Directors are planned for the morning of the August 14th meeting. The location is to be determined.
- Staff are scheduling a field trip for August 31st of the lower St. Vrain Creek.
- The District’s roof is expected to be under repair in August. The August Board meeting will be held at a different location.
- The Watershed Center has a new executive director, Yana Sorkin.
- Staff are meeting with 7A ballot supporters and reporting on progress made with 7A funds.

VI. Items from the Board – President Smith

There were no items from the Board.

VII. EXECUTIVE SESSION

At 2:37 PM, Treasurer Rademacher moved to enter into Executive Session under §§ 24-6-402 (4) (b) and (4) (e), C.R.S., so that the Board may receive specific legal advice related to elements of potential CIF Phase II projects and additional information about and instruction to the District’s negotiator(s) on potential CIF Phase II project negotiations. Director Moore seconded the motion, and the motion passed. Discussion was held and negotiation guidance was provided. At 3:47 PM, Director Sigg moved to exit Executive Session. Director Wolford seconded the motion, and the motion passed. Directors Moore and Golden were not present for the vote.

VIII. ADJOURNMENT

At 3:48 PM Director Sigg moved to adjourn the meeting. Secretary Carlson seconded the motion and the motion passed. Directors Moore and Golden were not present for the vote.

Respectfully Submitted,

Mona Ruark, Assistant Secretary

Christopher Smith, President