



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 Sigg and Moore were present in person. Directors Wolford and Golden 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. Attorney Scott Holwick with Lyons Gaddis and Mr. Mark McLean with Schnabel Engineering were present.

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

There were no changes to the agenda.

II. CONSENT AGENDA

A. Approval of April 10, 2023 Board Meeting Minutes

B. Approval of March 2023 General Fund Finance Reports

C. Approval of March 2023 Enterprise Fund Finance Reports

Treasurer Rademacher moved to approve the Consent Agenda. Secretary Carlson seconded the motion and the motion passed.

III. PRESENTATION

A. PL-566 PIFR 4 – *Mr. Scott Griebing*

Mr. Griebing gave an overview of PIFR #4. It involves 6 projects in the Longmont area for a total projected cost of \$129 million with design and construction estimated to begin in 2027. The projects are focused on agriculture supply water, watershed protection, wildlife and fish, and municipal and industrial water supply. Staff reported NRCS has approved an additional \$150K for funding the remaining PIFR requests. Work is expected to begin January 2024. The Board discussed the possible need for technical assistance from a consultant and the feasibility of moving forward with Phase II and III.

IV. ACTION ITEMS

A. Partner Funding Guidance Revisions – *Ms. Jenny McCarty*

Ms. McCarty reported the Partner Funding Guidance Review Committee met in April. Based on the Committee's feedback, Staff proposed revisions to the following sections of the Partner Funding Program Request Guidance ("Guidance"): funding criteria, review and approval process, funding agreement terms, reporting, distribution of funds, supplemental

funding, and timeline extension. Staff also proposed to streamline the Guidance and to reorganize it for clarity including language that aligns with the Water Plan rather than “7A”. The revised Guidance has been reviewed by Legal Counsel. The Board discussed the revised Guidance, retainage on payments, and the flexibility to support different types of projects. Director Sigg moved to approve the revised Guidance. Vice President Varra seconded the motion and the motion passed.

B. Resolution 2023-03 Establish Partner Funding Committee – Ms. Jenny McCarty

Ms. McCarty reported that the temporary Partner Funding Guidance Review Committee is recommending the adoption of Resolution 2023-03 to create a standing Partner Funding Review Committee (“Committee”). The Committee will meet, at a minimum, once per year to 1) review partner funding request letters in the normal annual cycle to provide feedback to: staff for preparing partners for presentation to the Board, and 2) provide feedback to staff for revisions to the Partner Funding Guidance for Board consideration. The standing Committee will consist of at least two (2) Board Directors. Director Moore moved to adopt Resolution 2023-03 Creating a Partner Funding Review Committee. Secretary Carlson seconded the motion and the motion passed.

C. Appoint the standing Partner Funding Review Committee – Ms. Jenny McCarty

Vice President Varra moved to appoint Director Golden, Director Moore, and himself to serve on the Partner Funding Review Committee. Director Sigg seconded the motion and the motion passed.

D. Set Amount of General Fund 2023 C-BT Rental – Mr. Scott Griebling

Mr. Griebling reported that in accordance with the District’s Colorado-Big Thompson (“C-BT”) Water Rental Rules (“Rental Rules”), the Board will set the amount of water available to rent to in-District agricultural producers no later than at its May meeting. Under the Rental Rules, C-BT water is awarded to the highest bidder who meets the District’s criteria. Staff reported beginning in 2022, the District entered into a ten year lease agreement with the Left Hand Water District (“LHWD”) for 250 Units of District C-BT water. Under the terms of this lease, the LHWD pays the District a reservation fee of \$100 per Unit annually. The General Fund received \$10,200 in reservation fees from the LHWD in 2023. The LHWD has informed the District that it will not exercise its option to lease any of the District’s C-BT water in 2023. Therefore, the District may rent its C-BT water to other entities in 2023. Staff reported the District’s General Fund owns 107 Units of C-BT water and Northern issued a 70% quota in 2023, resulting in 74.90 acre-feet of General Fund C-BT water available for rent.

Staff presented several scenarios on the amount of water available to rent given possible weather conditions this summer. The Board discussed the different scenarios of water availability and the impact on the Augmentation Program. Vice President Varra moved to make 37.45 acre-feet of General Fund C-BT water available to rent in May 2023. Treasurer Rademacher seconded the motion and the motion passed.

V. REPORTS

A. Finance Committee Report – Treasurer Rademacher

Treasurer Rademacher reported the Finance Committee met before the Board meeting. The Directors reviewed 1st quarter 2023 invoices, receipts, and bank reconciliation reports and had no concerns. The Directors will be meeting on August 24 to continue the discussion on the Augmentation Program Fee Model 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 Barnes Ditch (Lake Loveland fill), admin #15720, 1-14-1893.
- The call on St. Vrain Creek is Supply Ditch, admin #10378, 5-31-1878.
- The St. Vrain Creek at Lyons gage reading was 114 cfs at 8:00AM on 5/8/23.
- District 5 Reservoirs at the end of April were 66% full.
- Snowpack for Upper CO is 122%, South Platte is 89% and St. Vrain is 81% of normal.

C. Legal Report – Mr. Scott Holwick

Mr. Holwick presented the following report:

- There were no applications of interest filed in the March resume for Water Division No. 1.
- 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 case is currently set for a 14-day trial to commence on July 24th. Pursuant to the Board's direction, Counsel executed a stipulation which was approved by the Court on April 20th.
- 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 will circulate a proposed ruling by May 12th and the District's comments are due by July 14th.
- In the Application of Longmont, Case No. 21CW3209, the City seeks conditional surface 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 6889 AF. All parties executed stipulated settlement agreements and the Court entered a final decree on April 26th.

D. Hydrology Report – Mr. Scott Griebing

Mr. Griebing reported:

- Soil conditions and drought conditions are drier.
- Snowpack is lower than last month.
- Streamflow is below average for this time of year and potential rain this week could delay runoff.

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

Mr. Griebing reported:

- The Weather Modification Project extended operations through April 30, operated during 3 storms in April, and operated about 183 hours for the season. Next steps are to winterize the generators and determine operations for 2024.
- Staff are working with Boulder County on a road easement on District property near Copeland and will present an expansion decision matrix in June.
- ASO's first flight was delayed to weather. Staff are researching funding match sources for a BOR grant that is due May 12.

Ms. McCarty reported:

- The Jamestown Fire Mitigation Project video will be shown at the Lyons library on May 10th.
- The St. Vrain Forest Health Partnership and the District are continuing discussions with a potential biofuels end user.
- Staff submitted comments on the St. Vrain Forest Health Project Environmental Assessment.
- Staff attended a public meeting about how a \$1 million Colorado State Forest Service grant to St. Vrain Forest Health Partnership will be spent.
- Staff met with partners on SMP/Fish Passage project implementation and next steps on Beckwith and Haldi as pilot projects.
- Staff continue to investigate an integrated flow management and gravel pit agreement pilot.
- Staff met with consultants on CIF Phase IIb tasks and received several draft deliverables. Staff continue to conduct initial feasibility of individual CIFs and are working towards a Phase 3 RFP.
- South St. Vrain Diversion Remote Operation equipment has been ordered and installation is scheduled for July or August.
- The District's Valley Water News was highlighted in the Citizen Science Soil Health newsletter.
- Progress is being made on the 2023 Partner Funding projects. Staff has received 1st quarter reports. City of Longmont's Garden in a Box will hold a kickoff event in May. Staff are exploring dates for site visits of BOCO open space and Gramma Grass.

F. Executive Director Report – Executive Director Cronin

Executive Director Cronin reported:

- The District received an open records request for Resolution 2023-02 Coffintop Diligence. Staff and Legal Counsel are reviewing the current open records policy and if any updates are necessary, they will be introduced at the July Board meeting.
- A catalytic converter was installed on the truck with a cage to prevent future thefts.
- Staff are meeting with Highland Ditch to discuss funding opportunities.
- Staff are presenting to the Longmont Water Board on PL-566 updates.
- The Chimney Hollow June 19 tour is filled.
- The District purchased an AED for the office.

G. Items from the Board – President Smith

The deadline for applying for the vacant at-large Director position is May 12.

VI. EXECUTIVE SESSION

At 2:56 PM, Vice President Varra moved to enter an Executive Session under §§ 24-6-402 (4) (b) and (4) (e), C.R.S., so that it 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. Secretary Carlson seconded the motion, and the motion passed. Discussion was held and negotiation guidance was provided. At 3:24 PM, Treasurer Rademacher moved to exit Executive Session. Secretary Carlson seconded the motion, and the motion passed.

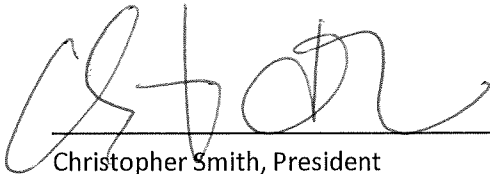
VII. ADJOURNMENT

At 3:25PM, Secretary Carlson moved to adjourn the meeting. Director Moore seconded the motion and the motion passed.

Respectfully Submitted,



Mona Ruark, Assistant Secretary



Christopher Smith, President