



St. Vrain and Left Hand Water Conservancy District
Minutes of the Board Meeting
6800 Nimbus Road, Longmont, CO
September 11, 2023

I. ROUTINE ITEMS

A. Call to Order – *President Smith*

President Smith called the meeting to order at 1:04 PM.

B. Roll Call – *Assistant Secretary Ruark*

Board members present: President Smith, Treasurer Rademacher, Secretary Carlson, Directors Moore, Sigg, Cassidy, Golden (present by Zoom), and Wolford (arrived at 1:16 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, Alison Gorsevski and John Chmil (left at 2:10 PM) with Lyons Gaddis were present. Nathan Phelps with Schnabel Engineering was present (left at 1:20pm).

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

There were no changes to the agenda.

II. CONSENT AGENDA

A. Approval of August 14, 2023 Board Meeting Minutes

B. Approval of July 2023 General Fund Finance Reports

C. Approval of July 2023 Enterprise Fund Finance Reports

Secretary Carlson moved to approve the Consent Agenda. Treasurer Rademacher seconded the motion and the motion passed. Director Wolford was not present to vote on this motion.

III. EXECUTIVE SESSION

At 1:07 PM, Treasurer Rademacher moved to enter into an Executive session pursuant to Sec. 24-6-402(4)(b), C.R.S., for purpose of consulting with the District’s legal counsel on specific legal questions regarding the possible extension of the mill levy measure and related election process; and pursuant to Sec. 24-6-402 (4) (b), C.R.S., for purpose of consulting with the District’s legal counsel on specific legal questions related to elements of potential CIF projects, including water rights.

Director Moore seconded the motion, and the motion passed. Director Wolford was not present for the vote on this motion, but joined the Board meeting during this Executive Session. Discussion was held and guidance was provided. At 2:09 PM, Treasurer Rademacher moved to exit Executive Session. Director Wolford seconded the motion, and the motion passed.

IV. REPORTS

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

Commissioner Sumerford was not present.

B. Legal Report – Mr. Scott Holwick

Mr. Holwick presented the following report:

- There were no applications of interest filed in the July resume for Water Division No. 1.
- 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. Applicant circulated a proposed ruling and preliminary engineering supporting its claims on May 26th. Per the Case Management Order, the District will provide comments by September 8th.
- In the Application of Martin Marietta, Case No. 22CW3182, 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 submitted limited comments on July 14th. Per the Case Management Order, Applicant must provide a response to the District’s comments on or before September 29th.
- 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. Per the Case Management Order, Applicant must provide a response to the District’s comments on or before September 29th.
- 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 submitted limited comments on July 21st. Applicant revised its draft accounting based on comments from Schnabel and sent a revised proposed ruling which Counsel and Mr. McLean believe to be non-injurious to the District. Counsel recommended that the Board authorize a stipulation in this case. Treasurer Rademacher moved to file a stipulation. Secretary Carlson seconded the motion and the motion passed.
- In Case No. 21CW3179, Longmont and Boulder County’s change of Bonus Ditch Company shares, the Division of Engineer executed a stipulation. A proposed ruling will be made soon.

C. Hydrology Report – Mr. Scott Griebing

Mr. Griebing reported:

- There were no drought conditions in Boulder County in September, only in the southwest areas of the state.
- Precipitation was a little above average for August 2023.
- Stream flows are average for this time of year.

D. Projects and Programs Report – Mr. Scott Griebling

Mr. Griebling reported:

- Staff met with the National Park Service about Copeland and discussed: County Road 115 ownership and drainage issues; potential demolition of a cabin located on both District and NPS properties; fire mitigation; and powerline improvements. Staff plan to meet with the new Park Superintendent later in the year.
- Central Colorado Mountain River Basin has agreed to collaborate with the District on the weather modification project and will share its generators. Staff are working to extend the season into November.
- Staff continue to work on Lake 4 Operations & Maintenance agreements with Boulder County.
- Staff are waiting for a final decision on the Bureau of Reclamation grant for the ASO project and submitted a 2024 WSRF Application through the South Platte Basin Roundtable.
- NRCS has not sent an official report back on PL-566 PIFR #1. Staff conducted a tour of several PL-566 project sites with Senator Bennet’s staff.
- Staff met with Senator Hickenlooper’s staff at Water Congress.
- Boulder County approved the District’s request for payment of \$15,000 for a permanent and a temporary easement for work on the bridge located on the Copeland property and is finalizing documentation for the parties’ agreement.

Ms. McCarty reported:

- Staff attended two events commemorating the 2013 flood hosted by: 1) Global Water Dances which the District sponsored, and 2) Town of Lyons.
- CIF Phase IIb deliverables will be presented at the October board meeting.
- CIF Phase III RFQ was sent to a list of 45 consultants. RFQs are due September 15.
- Staff continues to conduct initial feasibility of individual CIFs.
- Staff continues to work with Counsel on the Coffintop diligence application.
- The South St. Vrain Diversion Remote Operation project is still delayed due to equipment back order.
- The St. Vrain Forest Health Partnership decided to postpone working with a potential biofuels end user until 1st quarter in 2024.
- Staff submitted comments on the draft USFS NEPA report.
- Staff continue to facilitate collaborative meetings on SMP/Fish Passage project implementation. The group is working on a guiding principles document.
- Staff are meeting with USFS regional staff about the National Fish Passage grant which is due next month.
- Progress is being made on 2023 Partner Funding projects with the exception of the City of Longmont (“City”) Sandstone Ranch Xeric Garden project, which has been tabled due to increased construction costs. The City recognized the time and funds spent by the District on project design and decided to reimburse the District’s grant funds. If and when the project is resumed, the City will use the approved design signage and will acknowledge the District’s support of the project on all signage. A tour of Boulder County’s Telemetry project is scheduled for September 19. The City of Longmont Water Conservation project is complete, except for reporting required in the funding agreement.
- Staff received 2024 Partner Funding request letters and conducted initial screening. The Partner Funding Committee will be meeting on September 21st to review requests and

recommendations and presentations will be made to the Board in November. Final approvals, project budgets, and contracts will be directed by the Board in December.

E. Executive Director Report – Executive Director Cronin

Executive Director Cronin reported:

- The 2024 budget will include contingent and district projects line items similar to the 2023 budget.
- The office roof construction was delayed until next week.
- The Town of Lyons Board of Trustees is considering a Rights of Nature resolution on September 18.
- Executive Director Cronin thanked the staff for the impact its work is having in and outside the community. The Board expressed their appreciation as well.
- Staff are preparing the 2024 annual work plan which will include Board tours.
- Staff thanked the Directors who participated in the Lower St. Vrain float trip.

V. ITEMS FROM THE BOARD – President Smith

- President Smith asked staff to review the District’s Employee Handbook and the FMLA requirements for public employees.
- Secretary Carlson attended the Lyons 2013 Flood Commemoration event.

VI. ADJOURNMENT

At 2:54 PM President Smith moved to adjourn the meeting. Director Cassidy seconded the motion and the motion passed.

Respectfully Submitted,



Mona Ruark, Assistant Secretary



Christopher Smith, President