



**St. Vrain and Left Hand Water Conservancy District  
Minutes of the Board Meeting  
1715 Iron Hore Drive #250, Longmont, CO  
November 13, 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 (left at 4:12pm and rejoined by Zoom at 4:33pm), Treasurer Rademacher, Secretary Carlson, Directors Moore, Sigg, Cassidy (left at 4:28pm), Wolford (left at 4:26pm), and Golden (by Zoom) 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. Attorney Scott Holwick with Lyons Gaddis was present.

Mike Litzenberger with Supply Ditch Company (left at 2:05pm). Matt Rooney with Dave Miller Ditch Company, Matt Marshall with Larimer Conservation District, Tracy Sanders and Aaron Caplan with Town of Lyons, Chiara Forrester with The Watershed Center, Vanessa McCracken with Boulder Valley and Longmont Conservation Districts, and Emily Gallagher and Andy Breiter with Grama Grass and Livestock were present (all left at 3:05pm).

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

There were no changes to the agenda.

**II. CONSENT AGENDA**

**A. Approval of October 9, 2023 Board Meeting Minutes**

**B. Approval of September 2023 General Fund Finance Reports**

**C. Approval of September 2023 Enterprise Fund Finance Reports**

Vice President Varra moved to approve the Consent Agenda. Treasurer Rademacher seconded the motion and the motion passed.

**III. PRESENTATIONS**

**A. 2024 Partner Funding Requests – *Ms. Jenny McCarty***

Ms. McCarty reported that staff reviewed thirteen (13) potential projects and nine (9) funding request letters were submitted to the District by the August 1, 2023 deadline. Staff vetted each using the funding criteria outlined in the Guidance and decided that one (1) request was more appropriately funded through the District's sponsorship line item within the approved 2023 budget. The remaining eight (8) project requests were considered by the Partner Funding Review Committee ("Committee") at its September meeting. The Committee voted on whether to recommend each project and what amount of funding for consideration to the Board. The Committee voted in favor of six (6) of the projects. Staff discussed the outcome of the Committee's recommendation with each partner following the Committee meeting. Three (3) project requests were withdrawn after the Committee meeting based on Committee feedback, other funding sources acquired, and/or changes in scope of work. Ms. McCarty presented how

each of the remaining five (5) funding requests aligned with several points of the District's Water Plan, the total project cost for each request, the amount requested from the District by each potential recipient, staff's recommended amount for each request, and the Committee's recommended amount for each request.

The following five organizations made a presentation of their funding request to the Board:

**1. Dave Miller Ditch Company – Mr. Matt Rooney**

The Dave Miller Ditch Company is requesting \$100,000 for its Ditch Piping Project. Mr. Rooney reported the project will deliver water to 17 shareholders, with 33.5 acre-feet of water rights along Apple Valley Road in Lyons, who have been out of irrigation water following the 2013 flood. This phase of the project expands on previously completed headgate automation by solar and seeks to further modernize the system by piping. The project will irrigate about 65 acres of private/commercial agriculture. The total project cost is \$690,194. Staff recommended the Board allocate \$50,000, and the Committee recommended the Board allocate \$20,000 for the Ditch Piping Project in the District's 2024 budget.

**2. Larimer Conservation District - Mr. Matt Marshall**

The Larimer Conservation District is requesting \$75,000 in funding for its Elk Park Forest Restoration Project. Mr. Marshall reported the project will implement forest restoration treatments in the Elk Park area northeast of Allenspark, consisting of three (3) privately-owned properties totaling 305 acres. Although the project is directly outside of District boundaries, it expands treatments on adjacent National Forest land and fuel breaks to help reduce fire risk to the Ralph Price Reservoir and other water resources within District boundaries. The total project cost is \$873,071. Staff and the Committee recommended funding this project below the original request because the project work is outside of the District boundary on private lands. Staff and the Committee recommended the Board allocate \$37,500 for the Elk Park Forest Restoration Project in the District's 2024 budget.

**3. Supply Ditch Company – Mr. Mike Litzenberger**

The Supply Ditch Company is requesting \$136,750 in funding for its Supply Ditch Repair project. Mr. Litzenberger reported the project aims to protect water supplies by reducing ditch losses, which are estimated to be up to 45%+ of losses along the entire 40-mile ditch. The Supply Ditch Company proposes to line and reinforce the 1,000-1,200-foot section with the greatest losses. The total project cost is \$274,250. Staff recommended the Board allocate \$68,000, and the Committee recommended the Board allocate \$34,000 for the Supply Ditch Repair Project in the District's 2024 budget.

**4. Town of Lyons – Ms. Tracy Sanders and Mr. Aaron Caplan**

The Town of Lyons is requesting \$27,500 in funding for its Streambank Restoration Project. Ms. Sanders reported the project aims to develop designs for restoring a streambank just downstream of the Highland Diversion on St. Vrain Creek in Lyons, CO. This is one of the last streambank restoration projects identified by the Town of Lyons in response to the 2013 flood. Once designs are completed, the Town of Lyons will be seeking partners for construction. Mr. Caplan reported the previous property owner of land along the streambank was not interested in participating which delayed the project. The total project cost is \$110,000. Staff and the Committee recommended that the Board allocate \$27,500 for the Streambank Restoration Project in the District's 2024 budget.

**5. The Watershed Center – Ms. Chiara Forrester**

The Watershed Center is requesting \$100,000 for its Resilient Rivers and Forests Project. Ms. Forrester reported the project aims to protect water supplies through collaborative landscape-scale forest and river restoration based on recommendations in the St. Vrain and Left Hand Stream Management Plan (“SMP”), St. Vrain Forest Health Partnership (“SVFHP”) Plan and Basin-wide Adaptive Management Plan. As described in the SMP, water supplies across the St. Vrain and Left Hand Watershed are vulnerable to increased sediment inputs, debris flows, and flash floods that can follow high-severity wildfires. Forests across the St. Vrain and Left Hand Watershed are also vulnerable to high-severity wildfires due to climate change and prior fire suppression. The project will leverage ongoing collaborative momentum, and includes three key components: outreach and education, cross boundary forest restoration, and river restoration. The total cost is \$380,000. Staff and the Committee recommended the Board allocate \$100,000 for the Landscape-Scale Forest Restoration Project in the District’s 2024 budget.

Ms. McCarty reported the District appropriated funds in 2023 for the two (2) multi-year projects that are carrying over funding in 2024. The following organizations gave an update to the Board:

**1. Boulder Valley and Longmont Conservation Districts – Ms. Vanessa McCracken**

The Boulder Valley and Longmont Conservation District (“BVLCD”) reported that \$50,000 of the \$100,000 2023 reward remains to be spent in 2024 for the Forest Restoration in Action Project. The project supports active forest management practices to reduce fire risk, promote native habitat, build ecological resilience, and protect watersheds. Ms. McCracken reported work is nearing completion at Camp St. Malo (82 acres), Eagle Ridge (130 acres) and Gold Hill Phase I (93 acres). BVLCD is working with other partners in Conifer Hill, Tahosa Valley and Buttonrock areas. The following project sites will begin in 2024: Ski Road (100 acres, 3 landowners), Gold Hill Road (about 100 acres, 2 landowners) and Silver Spruce Ranch (26 acres, 1 landowner). Staff and the Committee recommended the Board reappropriate \$50,000 for this project in 2024.

**2. Grama Grass and Livestock – Ms. Emily Gallagher**

Grama Grass and Livestock reported that \$11,362 of the \$17,600 2023 reward remains to be spent in 2024 for the Land Monitoring and Education project. Ms. Gallagher reported that the project aims to show whether regenerative agriculture and holistic management using rotating cattle grazing to mimic historic bison grazing is working towards restoring native grasslands and wetlands. The project uses holistic livestock management to increase drought resiliency, reduce water runoff and erosion, and produce local food. In 2023 Grama Grass & Livestock established a monitoring location for all properties to gain baseline data and used District funds for monitoring materials and testing samples. At each location, the monitoring protocol included GPS coordinate locations, soil samples, forage samples, water infiltration test, live plant measurements, aggregate extraction, refractometer readings, and 6 penetrometer readings. In 2024, Grama Grass & Livestock will complete year 1 of transitional monitoring. Once monitoring is complete, Grama Grass will compare 2024 results to 2023 results. Staff and the Committee recommended the Board reappropriate \$11,362 for this project in 2024.

Board President Smith stated contracts for the multi-year projects were approved last year and funds are appropriated as part of the 2024 Budget. The Board appreciated the updates from the partners and thanked them for their work in the community.

**B. 2024 Draft Work Plan – Mr. Scott Griebling**

Mr. Griebling presented the 2024 Draft Work Plan which aligns with the District’s Water Plan and outlines the projects and tasks staff plan to complete throughout the year. The workplan is divided into the following areas: Water Plan implementation, Water Activity Enterprise tasks, General District tasks, Outreach, Board and Committee Meetings, and Administrative tasks.

**C. 2024 Draft Budget – Budget Officer Cronin**

Budget Officer Cronin reported the Budget Committee met on September 26<sup>th</sup> and the Finance Committee met on November 6<sup>th</sup> and provided input on the draft 2024 General Fund and Enterprise Fund Budgets. The Final Budget will be presented at the December Board meeting. Budget Officer Cronin presented the following significant updates to the 2024 Draft General Fund Budget:

- Ad Valorem of \$5,465,996 reflects SB22-238 which was passed by the Colorado Legislature in 2022 and not Proposition HH.
- Interest is projected to be higher in 2024 due to improved interest rates at COLOTRUST.
- Revenues/Grants includes PL-566 funding for a PIFR #1 environmental phase.
- Misc Consulting General includes PL-566 map, basin story map, outreach and education, 2024 election costs, polling, and weather modification analysis.
- Operational expenses include new accounting software and 5% increase in Ironhorse OA fees.
- Under District Project is a new line item “Ditch Infrastructure” to support an assessment of local ditches and diversions and needed improvements.
- Contingency spend includes funds for fish passage projects.
- Transfers include funds for the Board Designated Acquisition Reserve to meet the \$1.2 million approved over three years for future capital improvement projects.

The Board discussed the approval process of 2024 Partner Funding Requests, the 2024 budget, and the difference in amounts recommended by staff and recommended by the Partner Funding Review Committee. Following discussion, the Board took the following actions:

- The Watershed Center – Director Wolford moved to approve \$100,00 in 2024 for the Resilient Rivers and Forests Project. Director Cassidy seconded the motion and the motion passed.
- Town of Lyons – Secretary Carlson moved to approve \$27,500 in 2024 for Streambank Restoration Design and Director Moore seconded the motion. Eight Directors voted ‘yes’ and Director Wolford voted ‘no’, and the motion passed.
- Supply Ditch Company – Vice President Varra moved to approve \$44,000 for Supply Ditch repairs in 2024. Director Sigg seconded the motion and the motion passed.
- Larimer Conservation District – Director Wolford moved to approve \$75,000 in 2024 for Elk Park Forest Restoration and Director Cassidy seconded the motion. The Board discussed the project area, other funding sources and impact on protecting water resources. Directors Wolford, Cassidy and Carlson voted ‘yes’, and Directors Sigg, Rademacher, Smith, Moore, Varra, and Golden voted ‘no’. The motion did not pass.

Director Golden made a motion to approve \$37,500 and Director Sigg seconded the motion. The Board discussed the amount requested. Director Golden withdrew his motion.

President Smith moved to approve \$50,000 and Secretary Carlson seconded the motion. Eight Directors voted 'yes' and Director Golden voted 'no'. The motion passed.

- Dave Miller Ditch Company – Vice President Varra moved to approve \$35,000 in 2024 for Ditch Piping, and Secretary Carlson seconded the motion. The Board discussed the amount requested and the role of the project manager. Eight Directors voted 'yes' and Director Cassidy voted 'no'. The motion passed.

Mr. Griebing reported the following significant updates to the Enterprise Fund 2024 Budget:

- Increase in Augmentation Program fees of 4% in 2024.
- Transfer from the General Fund for Copeland.
- Increase in Outside Services for Copeland rehabilitation and expansion design and engineering services.
- Operational expenses include OA fees, building maintenance, new accounting software, and operating manual for Lake 4.
- Transfers include funds to Board Designated Capital Reserve.

#### IV. ACTION ITEMS

##### A. Lake 4 Operations and Maintenance Agreement – *Mr. Scott Griebing*

Mr. Griebing reported the District and Boulder County Parks and Open Space ("County") have prepared an updated Lake No. 4 Tenancy In Common agreement ("TIC"), that includes an accompanying Operations and Maintenance agreement. The TIC agreement was first established with the Rock'n WP Ranch Lake No. 4 ("Lake No. 4") purchase on November 29, 2001. In 2013, Lake No. 4 was damaged by the flood and subsequently Lake No. 4 infrastructure was repaired and rebuilt. The State of Colorado's Division of Water Resources also requested more formal accounting for Lake No. 4 operations since the flood. The District and the County have prepared an amended and restated the TIC agreement to reflect the changes to Lake No. 4, including a new easement for the Lake 3 spillway.

Mr. Griebing reported the Operations and Maintenance ("O&M") agreement further clarifies the roles and Lake No. 4 operations and maintenance responsibilities of each entity to reflect the current operations and addresses the DWR administrative requirements. The District and the County agreed that a separate O&M agreement, included as an Exhibit to the TIC agreement, would allow both entities needed flexibility as the O&M agreement can be updated to reflect evolving operations without the need to change the TIC agreement. The O&M agreement acknowledges the TIC agreement as the primary document to describe the parties' rights, obligations, shared expenses and ownership interest and it does not supersede the TIC agreement. The TIC agreement is perpetual unless changed by Court Order or consent of the parties.

Staff recommended the Board approve the Amended and Restated Tenancy In Common Agreement and the included Operations and Maintenance Agreement Between Boulder County and the St. Vrain and Left Hand Water Conservancy District Related to Lake No. 4 and authorize the Board President to sign both.

The Board discussed the process for repairing damaged structures back to operating conditions and the obligations by each party to share costs to do so. The Board decided to take no action on this item at this time and requested Staff to get information that clarifies the process and the cost-sharing for such scenario.

**B. C-BT Long Term Agreement with Boulder County – *Mr. Scott Griebing***

Mr. Griebing reported that in years past, the District has exchanged Colorado-Big Thompson (“C-BT”) water owned by the Water Activities Enterprise (“Enterprise Fund”) to the Boulder County Parks and Open Space (“County”) for County water in Lake No. 4. The Lake No. 4 water transferred to the District from the County will be used to meet the demands of the District’s augmentation program. The MOA memorializes the commitment from both the District and the County to exchange water when supplies are available. Key highlights include the following:

- The MOA has a ten (10) year term with automatic renewal for four (4) additional five (5) year terms.
- Under the MOA, the District and the County will indicate the water they have available for exchange on an annual basis.
- The District may exchange up to 152 acre-feet of C-BT water, the entire amount of Enterprise Fund C-BT water under a 100% quota scenario.
- Neither entity is required to exchange any water if supplies are not available or other needs for the water arise.
- In the event that the County desires to lease its Lake No. 4 water to others, the District has the right of first refusal.

Staff recommended approving the of the Memorandum of Agreement Between the County of Boulder and St. Vrain and Left Hand Water Conservancy District for Water Exchange and authorize the Board President to sign the Agreement. Director Sigg moved to approve the Memorandum of Agreement and authorize the Board President to sign the Agreement. Treasurer Rademacher seconded the motion and the motion passed. Directors Wolford and Cassidy were not present for the vote.

**V. REPORTS**

**A. Finance Report – *Treasurer Rademacher***

Treasurer Rademacher reported the Finance Committee met on November 6 and discussed the Augmentation Program fee setting model. 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. Executive Director Cronin reported the following items were discussed at the November 6, 2023 Finance Committee:

- For the 2023 budget, Staff will be transferring additional funds from the General Fund into the Board Designated Acquisition Reserve to meet the \$1.2 million approved over three years for future capital improvement projects.
- Mr. Griebing was issued a debit card to use specifically for Enterprise Fund expenses.

**B. Water Commissioner Report**

The Board tabled this item.

**C. Legal Report**

The Board tabled this item.

**D. C-BT Annual Summary**

The Board tabled this item.

**E. Hydrology Report**

The Board tabled this item.

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

Mr. Griebling reported:

- PIFR #2 will begin in the first quarter of 2024.
- NRCS National is reviewing PIFR #1. Staff is preparing for the Plan/EA phase to begin in 2024.
- The District’s cloud seeding program for the 2023/2024 season has begun. Cloud seeding was done for 3 hours on November 18<sup>th</sup>.
- Staff are in discussions with NCAR about conducting research on the District’s weather modification program.

**G. Executive Director Report**

The Board tabled this item.

**VI. ITEMS FROM THE BOARD – President Smith**

The Board tabled this item.

**VII. EXECUTIVE SESSION**

At 4:48 PM, Director Moore moved to enter into an Executive session pursuant to Sec. 24-6-402(4)(e)(I), C.R.S., for purposes of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators regarding potential CIF projects and regarding potential election polling, and pursuant to Sec. 24-6-402(4)(b), C.R.S., for legal advice regarding the same. Treasurer Rademacher seconded the motion, and the motion passed. Discussion was held and guidance was provided. At 4:57 PM, Director Moore moved to exit Executive Session. Secretary Carlson seconded the motion, and the motion passed.

**VIII. ADJOURNMENT**

At 4:58PM, Director Sigg moved to adjourn the general meeting. Secretary Carlson seconded the motion, and the motion passed. Directors Wolford and Cassidy were not present for the vote.

**Water Activity Enterprise Board Meeting**

**I. ROUTINE ITEMS**

**A. Call to Order – President Smith**

President Smith called the meeting to order at 4:59 PM.

**B. Roll Call – Assistant Secretary Ruark**

**Board members present:** President Smith, Vice President Varra (by Zoom), Treasurer Rademacher, Secretary Carlson, Directors Moore, Sigg, and Golden (by Zoom) were present.

**Staff members, consultants, and guests:** Executive Director Sean Cronin, Water Resources Engineer Scott Griebling, Watershed Program Manager 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**

The Board tabled Item 2.A Augmentation Program 2023 Summary.

**II. ACTION ITEMS**

**A. Augmentation Program Fee Increase – Mr. Scott Griebling**

Mr. Griebling reported the District’s Augmentation Program (“Program”) currently provides water for out-of-priority depletions for 212 members in the St. Vrain and Left Hand basins. Staff presented a fee setting model to the Finance Committee at its November meeting. The Finance Committee provided guidance to Staff to cover Program costs, build reserves and plan for Copeland Reservoir improvements in 2029. Copeland Reservoir is a decreed storage facility for the Program, and a rehabilitated reservoir will serve to bolster the Program’s ability to meet the challenges of an uncertain water future.

Staff recommended the Board approve a 4.0% increase in Augmentation Program Fees for residential, commercial, and administrative members. A fee increase will increase the Program’s unrestricted cash balance and increase funds needed for capital and operating reserves and provide sufficient funds for Copeland Reservoir construction expenses. The recommendation is supported by the Finance Committee. Director Sigg moved to approve a 4.0% increase in the Program’s fees. Secretary Carlson seconded the motion and the motion passed. Directors Cassidy and Wolford were not present for the vote.

**III. ADJOURNMENT**

At 5:03 PM, Secretary Carlson moved to adjourn the meeting. Director Sigg seconded the motion, and the motion passed. Directors Cassidy and Wolford were not present for the vote.

Respectfully Submitted,



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Mona Ruark, Assistant Secretary



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Christopher Smith, President