



St. Vrain and Left Hand Water Conservancy District
Minutes of the Board Meeting
1715 Iron Hore Drive #250, Longmont, CO
October 9, 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 Moore, Sigg, Golden and Wolford (present 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 Alison Gorsevski with Lyons Gaddis was present. Commissioner Sumerford was present (left at 2:19 PM). Mark McLean and Nathan Phelps with Schnabel Engineering were present (left at 3:56 PM). Steve Smith and Abdullah Javed with Applegate Group were present (left at 3:56 PM).

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

There were no changes to the agenda.

II. CONSENT AGENDA

A. Approval of September 11, 2023 Board Meeting Minutes

B. Approval of August 2023 General Fund Finance Reports

C. Approval of August 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 Draft Budget – *Budget Officer Cronin*

In accordance with C.R.S., §29-1-105, and Article V.II. of the St. Vrain and Left Hand Water Conservancy District (“District”) Bylaws, the Budget Officer presented the 2024 Draft General Fund and Draft Water Activity Enterprise Fund Budget (“Budget”) to the Board of Directors (“Board”). Budget Officer Cronin reported the Budget Committee (“Committee”) met on September 26th and reviewed the draft Budget. The Committee had no substantive changes or recommendations to the draft Budget and did not set another meeting date. Staff will present a detailed, line by line draft Budget at the November meeting. The final General Fund and Water Activity Enterprise Fund Budgets will be presented in December.

B. 2024 Cloud Seeding Program Update – *Mr. Scott Griebing*

Mr. Griebing reported the District’s pilot cloud seeding program (“Program”) in St. Vrain basin is planned for the upcoming winter of 2023-2024 with North American Weather Consultants

("NAWC"). NAWC will operate 2 cloud seeding generators ("generators") located at the same east slope locations used during the 2022-23 season. The full operational season is November 1st through April 15th and, if conditions allow, staff will request an extension to operate from April 16th through the 30th. Staff also presented two options to expand the Program by targeting storms moving from West to East in collaboration with Central Colorado Mountain River Basin ("CCMRB"). One option is using CCMRB's two existing remotely operated generators located to the west of the Continental Divide. The District would pay an estimated annual operating costs of \$11,000. The second option is the installation of a new remotely operated generator near Willow Creek Pass in collaboration with CCMRB and NAWC.

Staff recommended renewing the agreement with NAWC to operate east slope generators for the 2023-2024 season. The Board discussed the locations, operating timelines, and costs of operating generators on the east and west slopes. Director Moore moved to renew an annual contract with NAWC and to authorize the Board President to sign the agreement. Secretary Carlson seconded the motion and the motion passed with 7 Directors voting yes and Director Golden voting no.

The Board requested Staff to bring additional information on operating west slope generators to the November meeting.

IV. REPORTS

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

Commissioner Sumerford gave the following report:

- The call on the mainstem is Bijou Canal, admin #31423, 1-13-1936.
- The call on St. Vrain Creek is James Ditch, admin #6757, 6-30-1869.
- The St. Vrain Creek at Lyons gage reading was 16.6 cfs at 8AM on 10/9/23.
- District 5 Reservoirs at the end of September were 73% full and at end of August were 78% full.

B. Legal Report – *Ms. Alison Gorsevski*

Ms. Gorsevski presented the following report:

- 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. Per the Case Management Order, Applicant provided a response to the District's limited comments on September 29th. Counsel conferred with staff and Applicant.
- 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. Per the Case Management Order, the Applicant is to circulate a revised proposed ruling and supplemental preliminary engineering supporting its claims by December 20th and Opposers are to provide additional comments by April 19th.
- 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 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. Per the Board's direction, Counsel executed a stipulation which at the time of preparation of this report has not been approved by the Court.

- 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. Per the Case Management Order, Applicant provided a response to the District's comments on September 29th; and opposers are to provide additional comments, if any, on or before November 28th.
- In the Application of Longmont, Case No. 21CW3179, Longmont seeks, among other claims, to change the use of its shares of the Bonus Ditch Company's water rights. Longmont obtained stipulated settlements from all opposers, and the Court entered a final decree on September 21st.

C. Hydrology Report – Mr. Scott Griebling

Mr. Griebling reported:

- For September and early October, there were no drought conditions in Boulder County, only in the southwest areas of the state.
- Precipitation in September was at or slightly below average for this time of year.
- Stream flows are slightly below normal and the total volume is near average for this time of year.

D. Projects and Programs Report – Mr. Scott Griebling

Mr. Griebling reported:

- The District was not awarded the Bureau of Reclamation ("BOR") grant for the ASO project. Staff plan to meet with BOR staff to debrief and learn about 2024 grant application process.
- For 2024, there is one ASO flight planned for the North Front Range and will be funded with remaining 2023 WSRF funds, anticipated funding from CWCB, local sponsors and 2024 WSRF funds.
- Staff released an RFP for the Copeland Water Delivery Infrastructure Feasibility Study with a start date in January 2024.
- Copeland seepage is lower as lake levels drop.
- Staff continue to work on Lake 4 Operations and Maintenance agreements with Boulder County.
- NRCS has not sent an official report yet on PL-566 PIFR #1.

Ms. McCarty reported:

- CIF Phase IIb deliverables will be discussed in executive session.
- Staff received 9 proposals from the CIF Phase III RFQ and selected 8 engineering teams for the short list.
- Staff continues to conduct initial feasibility of individual CIFs.
- Staff continues to work with legal counsel on the Coffintop diligence application.
- Chiara Forrester is back working with The Watershed Center on the St. Vrain Forest Health Partnership.

- Staff will be participating in The Watershed Center’s Old St. Vrain Stream Restoration Project Community Meeting on October 23rd.
- The South St. Vrain Diversion Remote Operation project has started and construction is nearly completed. We are awaiting word that remote operation is working before considering construction complete.
- The Basin Collaborative is making progress on the Fish Passage Playbook implementation and has prioritized the Haldi and Beckwith diversions as pilot projects. Potential funding sources include US Fish and Wildlife Service’s National Fish Passage Program nation-wide and regional pools, and Bureau of Reclamation WaterSMART grants.
- Staff are making progress on Stream Management Plan (“SMP”) implementation.
- Progress is being made on 2023 Partner Funding projects and updates will be presented at the November Board meeting. The BCPOS Water Use Efficiency and Telemetry project is completed, and a tour was held on September 19th.
- The Partner Funding Committee (“Committee”) met on September 21st to review 2024 requests. Project presentations and Committee recommendations will be made to the Board in November. Final approvals, project budgets, and contracts will be directed by the Board in December. Vice President Varra complimented staff and the rest of the Committee on a great meeting.

E. Executive Director Report – *Executive Director Cronin*

Executive Director Cronin reported:

- The 2024 budget includes funds for polling.
- A ditch company contacted Staff on a utility crossing issue in the eastern side of the District.
- The office roof construction was completed. The rest of the building is still being completed.
- The Town of Lyons Board of Trustees is having a workshop on October 16 on Rights of Nature and have invited Staff to attend.
- Staff are conducting a tour with CU students on Oct 17.
- On October 20, Ms. McCarty is graduating from Water Leaders.
- Staff are meeting with City of Longmont staff on Oct. 25 to discuss joint water projects.
- Staff attended the Sustaining Colorado Watersheds Conference in Avon and Sean participated on a panel on the criticalness of language in stream restoration projects.
- Dennis Yanchunas was elected as the next Board President of Northern Water.
- Northern Water’s Fall Symposium is on November 15 at Embassy Suites in Loveland.
- The November Board meeting will be lengthy with partner funding and 2024 budget presentations.
- The new website is almost completed. Staff requested a new web address of ‘svlh.gov’ and are waiting for approval from .GOV.

V. ITEMS FROM THE BOARD – *President Smith*

- Treasurer Rademacher thanked staff for attending the BLVCD annual dinner.
- President Smith reported the local region was well represented at the Avon conference.

VI. EXECUTIVE SESSION

At 2:19 PM, Treasurer Rademacher 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. Vice President Varra seconded the motion, and the motion passed. Discussion was held and guidance was provided. The consultants were not present for the discussion from 2:27 PM to 2:30 PM and left the executive session at 3:56 PM.

At 4:23 PM, Treasurer Rademacher moved to exit Executive Session. Vice President Varra seconded the motion, and the motion passed.

VII. ADJOURNMENT

At 4:24 PM, Treasurer Rademacher moved to exit Executive Session. Vice President Varra seconded the motion, and the motion passed.

Respectfully Submitted,



Mona Ruark, Assistant Secretary



Christopher Smith, President

