

MEETING MINUTES
REGULAR MEETING
BOARD OF DIRECTORS
MIDDLE PARK WATER CONSERVANCY DISTRICT
Kremmling—Town Hall
July 10, 2019, 1:00 p.m.

Directors:

Jack Buchheister – President (present)
Sean Flanagan – Vice President (present)
Jim Lenzotti – Secretary (present)
Richard Doucette – Treasurer (present)
Mike Eytel (not present)
Gary Bumgarner (present)
Tom Long (present)

Others present:

MPWCD Engineer Kristina Wynne
MPWCD Attorney Stan Cazier
MPWCD Attorney Kent Whitmer
MPWCD Attorney Katie Randall
James Heath, Assistant Division Engineer, Division 5
Karn Stiegelmeier, Summit County Commissioner
Neal Misbach, Division 5 Water Commissioner
Sue Avery, Division 5 Water Commissioner

Jack Buchheister called the meeting to order at 1:02 PM. The Board generally followed the agenda, and the following topics and resolutions were discussed and passed, as the case may be, during the meeting (a copy of the agenda is attached):

1. CALL TO ORDER

- A. Introductions
- B. Approval of April 10, 2019 Minutes
 - Gary Bumgarner moved to approve the minutes, seconded by Tom Long. Motion carried unanimously.

2. BOARD ADMINISTRATION

- A. 2019 Meeting Dates (October 9th)
 - The remaining 2019 meeting date has previously been approved, and is currently set for October 9 at 1:00 PM in the Kremmling Town Hall.

B. Budget/ Long Term Planning Workshop

- Scheduled for 10:00 AM on Wednesday August 21 at The Whitmer Law Firm, 129 E. Byers Ave. Hot Sulphur Springs, CO 80451.

3. REPORTS

A. Financial/Banking

- Richard Doucette reported on Profit & Loss Budget vs. Actual (1/1/1 through 6/28/19), Balance Sheet (6/28/19), and Check Register (1/1/19 through 6/28/19). Based on the general state of the budget, everything is in order. Discussion of split transactions in QuickBooks to account for withholdings. Motion to approve the financials made by Gary Bumgarner, seconded by Sean Flanagan. Motion carried unanimously.
- 2018 Audit Acceptance: A difference was noted between the language of the 2017 Audit and the 2018 Audit, regarding TABOR. The Auditor indicated that this change was inadvertent. Jim Lenzotti moved to accept the 2018 Audit with the amendment to note 4 on page 11, seconded by Sean Flanagan. Motion carried unanimously.

B. Attorney

1. Attorney's Report (updates to previous report)
2. Action Items Status List (previously provided)
3. Additions since Attorney's Report and Action Items Status List were discussed.
 - Granby Reservoir: update and discussion on the likelihood of Granby Reservoir spilling this summer. More information will be given later in the Engineer's report.
 - Green Mountain Operations Protocol: status update regarding submission of a motion to state court for approval of the protocol at the state level only. The Protocol Agreement has been amended to remove references to federal court. Gary Bumgarner moved to give MPWCD attorneys the authority to approve the amended Protocol Agreement and to give the President and Secretary the authority to sign the amended Protocol Agreement so long as no substantive changes are made to the protocol that was originally approved by the Board. Seconded by Jim Lenzotti. Motion carried unanimously.
 - Consolidated Ditches Case: the Colorado Supreme Court issued its opinion, ruling in favor of Denver Water. The opinion allows Denver to reuse transbasin water appropriated after 1940.
 - Historic User Pool: update from Kent regarding ongoing conversations with the Division Engineer's office. James Heath (present at the meeting) and his team are working to identify members of the Historic User Pool. A conference call is scheduled for later this month.

C. Engineer

1. Engineer's Report

- Report from Kristina Wynne regarding the various outcomes depending on the timing of the Granby Reservoir spill, which is anticipated to happen within the next week. Conversations with Northern are ongoing, to attempt to mitigate negative consequences to Middle Park resulting from the spill. Discussion followed, regarding potential options for MPWCD if Windy Gap is unavailable due to Granby spill. Kristina will evaluate available data on water use by contractees to determine if additional amounts of water are available that would not be apparent if use is equal each month throughout the year.
- Kristina was at a cooperative measures committee meeting for Windy Gap stakeholders. The committee has put together a “toolbox” of measures that can be put to use. MPWCD water was one of the toolbox items discussed. Kristina made clear to the committee that any use of the water would have to be approved in advance by the MPWCD Board, and that contractually it cannot be used for instream flow purposes, or if needed by a MPWCD contractee.

4. CONTRACTS / REQUESTS

- A. Richmond Request to Decrease Water Rates: discussion and agreement that the issue will be put on the agenda for long-term planning workshop in August.
- B. Zook: application is still progressing through water court. Sean Flanagan moved to grant an extension of six months for closing, seconded by Richard Doucette. Motion carried unanimously.
- C. 440-808: pending receipt of the signed contract and payment from the applicant.

5. LONG TERM PLANNING

- A. Grand County Mutual Reservoir and Ditch Company – Is it part of the solution?
 - Kent Whitmer gave a summary of current status, followed by Board discussion. It was agreed that the topic merits more in-depth consideration at the long-term planning workshop in August.
- B. Open Discussion

- Gary Bumgarner suggested that Middle Park increase its involvement with Grand County Open Lands as a means to potentially tap into that resource and acquire additional water for the District. Discussion followed, and it was agreed that MPWCD Staff will investigate further.

6. DILIGENCE FILINGS

A. Middle Park's Fraser Valley Project (December)

- Kent Whitmer reported on the current status of the draft diligence application and progress towards development.

B. River District's Ranch Creek (November)


- Kent Whitmer reported on the current status of the diligence application and progress towards development.

7. OTHER BUSINESS

None.

8. ADJOURNMENT

Motion to adjourn made by Richard Doucette, seconded by Jim Lenzotti. The meeting was adjourned at 2:13 PM



Jack Buchheister, President

NOTICE OF MEETING AND AGENDA
REGULAR MEETING
BOARD OF DIRECTORS
MIDDLE PARK WATER CONSERVANCY DISTRICT
Kremmling—Town Hall
July 10, 2019, 1:00 p.m.

1. CALL TO ORDER

- A. Introductions
- B. Approval of April 10, 2019 Minutes *

2. BOARD ADMINISTRATION

- A. Remaining 2019 Meeting Date (October 9th)
- B. Budget / Long Term Planning Workshop?

3. REPORTS

A. Financial/Banking

- 1. Profit & Loss Budget vs. Actual (1/1/19 thru 6/28/19)
- 2. Balance Sheet (6/28/19)
- 3. Check Register (1/1/19 thru 6/28/19)
- 4. 2018 Audit
- 5. Approve Financials *
- 6. Accept 2018 Audit*

B. Attorney

- 1. Attorney's Report—Questions?
- 2. Action Items Status List—Questions?
- 3. Additions since Attorney's Report or Action Items Status List.

C. Engineer

- 1. Engineer's Report—Questions?

4. CONTRACTS / REQUESTS

- A. Richmond Request to Decrease Water Rates
- B. Zook—Request for Extension*

* Denotes an action item.

C. 440-808—Pending

5. LONG TERM PLANNING

A. Grand County Mutual Reservoir and Ditch Company—Is it part of the solution?

B. Open Discussion

6. PENDING DILIGENCE FILINGS

A. Middle Park's Fraser Valley Project (December)

B. River District's Ranch Creek (November)

7. OTHER BUSINESS

8. ADJOURNMENT

* Denotes an action item.