

MEETING MINUTES  
REGULAR MEETING  
BOARD OF DIRECTORS  
MIDDLE PARK WATER CONSERVANCY DISTRICT  
Kremmling—Town Hall  
October 9, 2019, 1:00 p.m.

Directors:

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

Jack Buchheister called the meeting to order. 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. Approval of July 10, 2019 Minutes

- Gary Bumgarner moved to approve the minutes, seconded by Sean Flanagan. Motion carried unanimously.

**2. BOARD ADMINISTRATION**

A. Proposed 2020 Meeting Dates:

- The following dates were confirmed as provided in the Bylaws for Board meetings in 2020: January 8 (Frisco), April 8 (Kremmling), July 8 (Kremmling), and October 14 (Kremmling). Gary Bumgarner moved to approve the proposed meeting dates, seconded by Mike Eytel. Motion carried unanimously.

B. Board Appointments:

- Two appointments will be made in January 2020: one appointment from Grand County and one appointment from Summit County. The District will

\* Denotes an action item.

publish notice that applications for appointments will be decided by the Court.

### 3. REPORTS

#### A. Financial/Banking

- Kent Whitmer reported on Profit & Loss Budget vs. Actual (January 1 through September 29), Balance Sheet (September 29), Check Register (July 1 through September 29), and Accounts Receivable Aging Summary. Based on the general state of the budget, everything is in order. The accounts receivable report demonstrates some outstanding bills. Kent will follow up with these accounts to ensure payment is made. Gary Bumgarner moved to approve the financials, seconded by Sean Flanagan. Motion carried unanimously.
- 2018 Audit Acceptance: The finalized audit was included in this meeting's materials. Mike Eytel moved to accept the 2018 Audit, seconded by Gary Bumgarner. Motion carried unanimously.

#### B. Budget

- The Board reviewed and discussed the proposed budget for 2020 that was developed at the budget and long-term planning workshop in August. Katie Randall discussed the revenue limit calculations applicable under TABOR and by statute, and resulting changes in the mill levy for the coming year. Budget resolutions were discussed and reviewed. Gary Bumgarner moved to approve the proposed budget for 2020, and to adopt the Resolution to Adopt Budget, the Resolution Designating Excess to General Reserve, the Resolution to Set Mill Levies, and the Resolution to Appropriate Sums of Money. Motion was seconded by Sean Flanagan, and carried unanimously. Jack Buchheister signed the proposed budget and resolutions, attested to by Gary Bumgarner as Assistant Secretary.

#### C. Attorney

Kent Whitmer presented the following developments that have occurred since the Attorney's Report and Action Items Status List were provided:

- Windy Gap Firming Project: positive development: Northern and the Schmuck family closed on their agreement, which resulted in the Schmuck family withdrawing their Statement of Opposition in the case. It is anticipated that Northern will now continue to move forward with their decree in water court.
- Green Mountain Operations Protocol: a stakeholder meeting is set for October 15. The Board has previously given MPWCD attorneys the authority to approve the amended Protocol Agreement, so long as no substantive changes are made to the protocol that was originally approved by the Board.

\* Denotes an action item.

- Historic User Pool: Assistant Division Engineer James Heath provided a status update, and requested that Middle Park evaluate the report circulated to stakeholders that identifies the Division's understanding of who is included in the group. The Board agreed to review the report and communicate any corrections to the Division for further research. The next step will be to evaluate demand within the identified group, and where replacement water could come from for that demand.
- Diligence Applications: Middle Park's Fraser Valley Project diligence application is due in November. MPWCD attorneys and engineers have been cooperating to revise and finalize the application, and everything is on track to meet the filing deadline. The River District, MPWCD, and Grand County's Ranch Creek diligence application is due in December. Sean Flanagan moved to authorize MPWCD attorneys to file the diligence application for the Fraser Valley Project, and to join the River District in the Ranch Creek diligence application. Motion was seconded by Gary Bumgarner, and carried unanimously.

#### D. Engineer

Kristina Wynne presented the following updates since the Engineer's Report was provided:

- Basin Hydrology: the reservoirs have gone down a little since the report, but are still higher than they were at this point last year. Predictions for this winter are mixed. The Shoshone and Cameo calls are still on. The Windy Gap ISF call is not on, but Northern has reduced deliveries out of Granby. The issue is whether the Windy Gap ISF call will come on in the winter, especially since Windy Gap water spilled out of Granby.
- Sunset Pond: the outlet is partly insulated, but work continues. The hydrant has been replaced at the outlet, and measurement devices have been installed.
- Kristina has reviewed information received from surveys of MPWCD customers. Bishop-Brogden staff will conduct a more thorough evaluation of these surveys in coming months.
- Kristina reported on various options to address potential shortages if the Windy Gap ISF call comes on this winter.
- Authority to Enter into GCWSD #1 Short-Term Water Lease: Gary Bumgarner moved to authorize MPWCD to negotiate and enter into a lease, on generally the same terms as past contracts, for water from Grand County Water and Sanitation District #1 if needed to cover shortages this winter, seconded by Mike Eytel. Motion carried unanimously.

## 4. CONTRACTS / REQUESTS

### A. Richmond Request to Decrease Water Rates

\* Denotes an action item.

- Kristina Wynne reported the results of her research into rate increases charged by other water providers around the state.
  - The Board evaluated Middle Park's 5% annual rate increase, and decided that the increase is well aligned with industry standards and is reasonable given growing costs of District administration.
- B. Ratify WPRA Request for Snowmaking Water
- Pursuant to his delegated authority to approve requests for less than 35 acre-feet of water, Kent Whitmer approved WPRA's request for snowmaking water for this winter.
  - Sean Flanagan moved to ratify the decision to approve WPRA's request for snowmaking water for this winter, seconded by Gary Bumgarner. Motion carried unanimously.
- C. Sun River Short Term Water Request
- Gary Bumgarner moved to approve the short-term request for 31 acre-feet of Wolford Reservoir water for Sun River Run Ranch RV LLC and the Town of Granby. Motion was seconded by Sean Flanagan, and carried unanimously.

## 5. LONG TERM PLANNING

A productive long-term planning session was held at the end of August. A summary of discussed projects and long-term goals is as follows:

- A. Maintenance of Fraser Valley Water Rights: the Board agreed that it is prudent to develop and maintain this water right.
- B. Purchase of GCWSD#1 Augmentation Pond Water: Kent Whitmer reiterated the potential conflict of interest that could arise from his concurrent representation of GCWSD#1. The Board discussed the continuing concern about potential shortfalls along the Fraser River, where storage options are limited. The Board authorized Kent Whitmer to express MPWCD's interest in this potential purchase to GCWSD#1, and to request that GCWSD#1 evaluate the amount of water that would be available for purchase.
- C. Grand County Mutual Reservoir and Ditch Company: Mike Eytel explained the history of the Grand County Mutual Reservoir and Ditch Company, and the status of current efforts to secure control of the Company. Board discussion followed, and it was agreed that MPWCD will continue to closely monitor progress on the project, but will not consider involvement in the project until more concrete details are known.

\* Denotes an action item.

- D. Little King Reservoir: The Board directed MPWCD attorneys to research the water rights and ownership of the Little King Reservoir, and to present results to the Board for further evaluation.
- E. Bunte Highline: Discussion about the history of the Bunte Highline and current use. The Board directed MPWCD attorneys to contact representatives of the River District for information about the status of the Bunte Highline, and potential next steps.
- F. Funding Sources for Water Rights Development: Discussion and evaluation of the potential of to pursue Open Lands funding for water rights development in the District.
- G. Policy on Sale of Contracts for Evaporative Depletions (Fish/Aesthetic Ponds): Kent Whitmer explained recent requests for water contracts for fish and aesthetic ponds, which are likely the result of heightened scrutiny from the Division Engineers regarding evaporative depletions. Middle Park contract language specifically provides for curtailment of evaporative and irrigation uses in times of shortage. The Board discussed the historical reasoning behind such restrictions for long-term contracts, and the advisability of changing this policy in the future. The Board decided against changing the current policy, and will continue to evaluate these requests on a case-by-case basis.

## 6. PENDING DILIGENCE FILINGS

- A. Middle Park's Fraser Valley Project (November) – see previous discussion.
- B. River District's Ranch Creek (December) – see previous discussion.

## 7. OTHER BUSINESS

- The Colorado River Water Users Association meeting will take place in Las Vegas in December. Stan Cazier is on the Board of the Association and plans to attend. Kent Whitmer requested approval to attend as well, along with any interested Board members. Gary Bumgarner made the motion to approve attendance at this meeting by Stan Cazier, Kent Whitmer, and any interested Board members. The motion was seconded by Sean Flanagan, and carried unanimously.

## 8. ADJOURNMENT

Motion to adjourn made by Mike Eytel, seconded by Sean Flanagan. The meeting was adjourned at 2:52PM.

  
\_\_\_\_\_  
Jack Buchheister, President

\* Denotes an action item.

NOTICE OF MEETING AND AGENDA  
REGULAR MEETING  
BOARD OF DIRECTORS  
MIDDLE PARK WATER CONSERVANCY DISTRICT  
Kremmling—Town Hall  
October 9, 2019, 1:00 p.m.

**1. CALL TO ORDER**

- A. Approval of July 10, 2019 Minutes \*

**2. BOARD ADMINISTRATION**

- A. Proposed 2020 Meeting Dates: \*

- i. January 8, 2020
- ii. April 8, 2020
- iii. July 8, 2020
- iv. October 14, 2020

- B. Board Appointments:

- i. Tom Long's term ending January 2020
- ii. Jack Buchheister's term ending January 2020

**3. REPORTS**

- A. Financial/Banking

- i. Profit & Loss Budget vs. Actual (January 1 through September 29)
- ii. Balance Sheet (September 29)
- iii. Check Register (July 1 through September 29)
- iv. Approve Financials \*
- v. Accounts Receivable Aging Summary
- vi. Acceptance of Audit \*

- B. Budget

- i. Budget / Long Term Planning Workshop Notes
- ii. Property Tax Revenue Limit Calculations (TABOR)
- iii. Approve Proposed Budget \*
- iv. Resolution to Adopt Budget \*
- v. Resolution (Designating Excess to General Reserve) \*
- vi. Resolution to Set Mill Levies \*
- vii. Resolution to Appropriate Sums of Money \*

- C. Attorney

- i. Attorney's Report
- ii. Action Items Status List
- iii. Additions since Attorney's Report or Action Items Status List.

\* Denotes an action item.

D. Engineer

- i. Engineer's Report
- ii. Authority to Enter into GCWSD #1 Short-Term Water Lease \*

**4. CONTRACTS / REQUESTS**

- A. Richmond Request to Decrease Water Rates \*
- B. Ratify WPRR Request for Snowmaking Water \*
- C. Sun River Short Term Water Request \*

**5. LONG TERM PLANNING**

- A. Maintenance of Fraser Valley Water Rights
- B. Purchase of GCWSD#1 Augmentation Pond Water
- C. Grand County Mutual Reservoir and Ditch Company
- D. Little King Reservoir
- E. Bunte Highline
- F. Funding Sources for Water Rights Development
- G. Policy on Sale of Contracts for Evaporative Depletions (Fish / Aesthetic Ponds) \*
- H. Open Discussion and Direction to Staff \*

**6. PENDING DILIGENCE FILINGS**

- A. Middle Park's Fraser Valley Project (November)
- B. River District's Ranch Creek (December)

**7. OTHER BUSINESS**

**8. ADJOURNMENT**

\* Denotes an action item.