

MEETING MINUTES  
REGULAR MEETING  
BOARD OF DIRECTORS  
MIDDLE PARK WATER CONSERVANCY DISTRICT

Via Zoom Video Conference: <https://us02web.zoom.us/j/9707265701>  
To Join by Phone, Dial 720-928-9299, Enter Meeting ID 970-726-5701

July 8, 2020, 1:00 p.m.

*The meeting was held via Teleconference due to social distancing requirements necessitated by the COVID-19 virus.*

Directors:

Jack Buchheister – President (present)  
Sean Flanagan – Vice President (present)  
Jim Lenzotti – Secretary (present)  
Richard Doucette – Treasurer (present)  
Mike Eytel (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  
Sue Avre, Division 5 Water Commissioner  
Neal Misbach, Division 5 Water Commissioner

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. Introductions

B. Approval of April 8, 2020 Minutes \*

**Dick Doucette moved to approve the minutes, seconded by Jim Lenzotti. Motion carried unanimously.**

2. BOARD ADMINISTRATION

A. Remaining 2020 Meeting Date (Note: rescheduled to October 28<sup>th</sup>)

\* Denotes an action item.

The October quarterly meeting was rescheduled to account for the extended deadline for the Assessor's office to certify valuations to local governments. The October meeting will take place on October 28<sup>th</sup> at 1:00 PM.

B. Budget/Long Term Planning Workshop: Scheduled for October 7<sup>th</sup> at 1:00 PM.

Additional details about the meeting locations and/or Zoom meeting information will be provided closer to the date of the workshop and October Board meeting, respectively.

### 3. REPORTS

#### A. Financial/Banking

Mr. Whitmer reported on the District's current financials as follows: Profit & Loss Budget vs. Actual (January 1, 2020 through June 27, 2020), Balance Sheet (June 27, 2020), Check Register (January 1, 2020 through June 27, 2020), and Accounts Receivable Aging Summary. The Board discussed the ongoing uncertainties that result from COVID-19, and the ways in which MPWCD's budget and finances may be affected. Staff will continue to be cognizant of limiting costs and involvement to essential tasks until directed otherwise by the Board. **Following discussion, Dick Doucette moved to approve the financial reports, seconded by Tom Long. Motion carried unanimously.**

#### 2019 Audit:

The 2019 Audit report was included in the meeting materials and was discussed. Overall, the report is very similar to previous years. **Dick Doucette moved to accept the 2019 Audit, seconded by Jim Lenzotti. Motion carried unanimously.**

#### B. Attorney

The Attorney Report and Action Items Status List were included in the Board packet materials. Recent developments that were not included in the report and status list will be discussed as they come up under particular agenda items later in the meeting.

Stan Cazier reported on the Colorado River Water Users Association meeting that took place in May, and the IBCC meeting that was held on June 17. Mr. Cazier also provided an update about the ongoing efforts to design an equitable demand management program, and revisions to the Water Plan and Basin Implementation Plans.

#### C. Engineer

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

\* Denotes an action item.

- **Updated Basin Hydrology Numbers:** no major changes in the reservoirs since her written report was sent out. The Shoshone power plant is scheduled to be repaired and back online in the next week or so. If that happens, it's likely that at least the junior Shoshone call will come on and we will need to make releases accordingly from Wolford. Flows at Cameo are below average this year. There is no Cameo call yet, but we can anticipate the call coming on sometime at the end of the month, if not earlier. Granby is about a foot from full, but Northern does not anticipate it to spill, nor do they expect to pump from Windy Gap. Accordingly, Windy Gap water will not be available this year for our water contractees.
- **GCWSD Lease:** Mr. Whitmer reported that GCWSD#1 is aware of MPWCD's interest in renewing the lease, and that it must be renewed before October. Mr. Whitmer will follow up with the GCWSD#1 Board accordingly.
- **Green Mountain:** James Heath reported that Green Mountain achieved a physical fill earlier this month.
- **Sunset Ridge Pond:** as of late June the pond is full, and the Owners' Association anticipates being able to make releases this winter. The new staff gauge was installed, which will make it easier to get accurate measurements. Bill Steinmiller has contacted BBA to request an analysis for the Owners' Association to better understand evaporative depletions and other accounting specifics for the pond. There were no objections from the Board; BBA was directed to move ahead with conducting the analysis.
- **GCWSD Augmentation Plan:** Included in the meeting materials is an analysis of the proposed augmentation plan. There are no glaring theoretical objections to the proposed plan; MPWCD simply needs to ensure that there are no lingering questions with the accounting, and that contracts and exchanges are represented accurately in the augmentation plan given the constraints of pertinent decrees. LRE is currently preparing responses to MPWCD's questions, and answers should be provided in the next month.
- **Wild and Scenic:** the plan became final in June. Ms. Wynne will continue to attend the quarterly meetings, and will participate in the stakeholder group and cooperative measures committee.
- **Learning By Doing:** Ms. Wynne continues to attend bi-monthly meetings and occasional calls to stay abreast of recent developments.

#### 4. CONTRACTS / REQUESTS

##### A. Eslick Contract Reinstatement \*

Mr. Whitmer reported that at the April meeting, the Eslick contract was the only outstanding invoice among water contractees. After multiple efforts to contact this contractee to secure payment, the Board voted to terminate the Eslick contract at the April meeting, with a 60-day grace period. Before the end of the grace period, this contractee paid the amount owed in full. **Following discussion, Dick Doucette moved to reinstate the Eslick contract in full force and effect, seconded by Jim Lenzotti. Motion carried unanimously.**

#### 5. AMENDED AND RESTATED GREEN MOUNTAIN RESERVOIR PROTOCOL AGREEMENT

\* Denotes an action item.

#### A. Discussion and Approval \*

Mr. Whitmer provided context and history about the Green Mountain Reservoir Protocol Agreement and associated Water Court application. After many years, the parties were able to amend and restate the Protocol Agreement, and finalized the application. The Amended and Restated Green Mountain Reservoir Protocol Agreement and Water Court Application were included in the meeting materials. No substantive changes have been made since the MPWCD Board previously approved an earlier version of the Protocol Agreement and Application. **Following discussion, a Motion to approve the Amended and Restated Green Mountain Reservoir Protocol Agreement and Amended Application for a Determination of Water Rights was made by Dick Doucette, seconded by Tom Long. Motion passed unanimously.**

#### 6. STATUS OF DILIGENCE APPLICATIONS: FRASER VALLEY WATER RIGHTS

- A. Fraser Valley Reservoirs – 2019CW3140. The Board discussed the status of the application, and the interplay of water rights associated with the Downstream Reservoir structure. A Response to the Summary of Consultation was filed on April 27, and MPWCD is working with Referee Ryan to address her remaining questions.
- B. Ranch Creek Application with River District & Grand County – 2019CW3170. A Response to the Summary of Consultation has been filed, and the parties are waiting for a Ruling from the Referee.
- C. Middle Park Water Conservancy District Exchange – A diligence application for this water right is due in April 2021.

#### 7. LONG TERM PLANNING

- A. Purchase/Long-Term Lease of GCWSD#1 Augmentation Pond Water: Mr. Whitmer will move forward with the request that the lease be renewed. Mr. Whitmer also reported that GCWSD#1 has recently been investigating the feasibility of lining and expanding Reservoir 1. The Board expressed its interest in being involved in future conversations with GCWSD#1 to explore potential partnership in this project.
- B. Grand County Mutual Ditch and Reservoir Company: Mike Eytel reported that a draft of the Historic Consumptive Use analysis is currently being circulated among GCMDRC Board members for review and comment. GCMDRC is moving forward on the pilot project, and hopes to meet with the CWCB by the end of the year.
- C. Little King Reservoir: Conversations have been held with the new owners to explore a potential partnership with MPWCD to repair the dam. Geotechnical analysis is currently underway to better understand what work will be needed to repair the dam.

\* Denotes an action item.

The Board expressed interest in being involved in the conversation, and requested that Ms. Wynne continue to monitor developments.

D. Bunte Highline: Ms. Wynne provided historical context of the water rights involved. Ms. Wynne will continue to monitor.

E. Open Discussion and Direction to Staff \*

Mike Eytel provided a BIP update. When the BIPs were first drafted, the project list took the “kitchen sink” approach to including projects; many CRCA agreement projects were included even though they are not directly water-related. Efforts are underway to try to include a Grand County project in the list of shovel-ready projects that will receive funding.

Gary Bumgarner underscored the importance of keeping MPWCD’s focus on storage and water in the Fraser Valley. The Board expressed its desire to promote projects that will secure water higher up the Fraser Valley.

#### 8. OTHER BUSINESS

The Board discussed a pilot program sponsored by the CWCB that seeks to understand demand management efforts in high altitude irrigated areas. At this point, the study is in its infancy; participants near Kremmling have voluntarily stopped irrigating their high-altitude hay to evaluate yields in subsequent years.

James Heath provided an update on current operations at the DWR given COVID budget restrictions. Neal Misbach reported that Bill Thompson is retiring as a commissioner. If water users need help in the Kremmling area, they should get in touch with Neal.

#### 9. ADJOURNMENT

The meeting was adjourned at 2:40 PM.



Jack Buchheister, President

\* Denotes an action item.

NOTICE OF MEETING AND AGENDA  
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2. BOARD ADMINISTRATION

A. Remaining 2020 Meeting Date (**Note: rescheduled to October 28<sup>th</sup>**)

B. Budget / Long Term Planning Workshop

3. REPORTS

A. Financial/Banking

i. Profit & Loss Budget vs. Actual (1/1/20 through 6/27/20)

ii. Balance Sheet (6/27/20)

iii. Check Register (1/1/20 through 6/27/20)

iv. Accounts Receivable Aging Summary

v. Approve Financials \*

vi. 2019 Audit \*

B. Attorney

i. Attorney's Report

ii. Action Items Status List

\* Denotes an action item.

iii. Update from Stan Cazier: IBCC and Roundtable Updates

iv. Additions since Attorney's Report or Action Items Status List

C. Engineer

i. Engineer's Report

4. CONTRACTS / REQUESTS

A. Eslick Contract Reinstatement \*

5. AMENDED AND RESTATED GREEN MOUNTAIN RESERVOIR PROTOCOL AGREEMENT

A. Discussion and Approval \*

6. STATUS OF DILIGENCE APPLICATIONS: FRASER VALLEY WATER RIGHTS

A. Fraser Valley Reservoirs – 2019CW3140

B. Ranch Creek Application with River District & Grand County – 2019CW3170

C. Middle Park Water Conservancy District Exchange – Application due April 2021

7. LONG TERM PLANNING

A. Purchase / Long-Term Lease of GCWSD#1 Augmentation Pond Water

B. Grand County Mutual Reservoir and Ditch Company

C. Little King Reservoir

D. Bunte Highline

E. Funding Sources for Water Rights Development

F. Open Discussion and Direction to Staff \*

8. OTHER BUSINESS

9. ADJOURNMENT

\* Denotes an action item.