

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

October 28, 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 (not 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  
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. Approval of July 8, 2020 Minutes

- **Gary Bumgarner moved to approve the minutes, seconded by Tom Long. Motion passed unanimously.**

2. BOARD ADMINISTRATION

A. Proposed 2021 Meeting Dates:

- The following dates were confirmed as provided in the MPWCD Bylaws for Board meetings in 2021: January 13, April 14, July 14, and October 13. **Sean Flanagan moved to approve the proposed meeting dates, seconded by Gary Bumgarner. Motion passed unanimously.**

B. Board Appointments:

- Two Board terms are set to end in January 2021: one appointment will be made from Grand County and one appointment from Summit County. Notice will be published and applications received for the new terms, as required by statute.

3. REPORTS

A. Financial/Banking

- Included in the meeting materials were the following financial statements: Profit & Loss Budget vs. Actual (January 1, 2020 through October 13, 2020), Balance Sheet (October 1, 2020), Check Register (July 1, 2020 through September 30, 2020), and Accounts Receivable Aging Summary (October 9, 2020). The Board discussed the current financial statements. Kent Whitmer reported about a Citywide Money Market account that has a balance of approximately \$250 following the transfer of most account funds to CSAFE. Mr. Whitmer recommended that the remaining balance be transferred to CSAFE, and the account be closed. **Following discussion, Gary Bumgarner moved to accept the financial reports and to close the Citywide Money Market account, moving the remaining funds into CSAFE. Motion was seconded by Jim Lenzotti, and carried unanimously.**

B. Budget

- The Board reviewed and discussed the proposed budget for 2021. The Board discussed the ongoing cost-sharing agreement with the River District for engineering expenses related to Wild & Scenic. Budget resolutions were discussed and reviewed. **Gary Bumgarner moved to approve the Proposed Budget for 2021, 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 Jim Lenzotti as Secretary.

C. Attorney

- The Attorney Report and Action Items Status List were included in the Board packet materials. Mr. Whitmer had nothing further to report.

D. Engineer

- Kristina Wynne reported that the Cameo call is off as of Monday and the Instream Flow call below Windy Gap is on. Ms. Wynne has been working to coordinate releases from Sunset Ridge Pond to cover the District's customers' depletions and meet the Instream Flow call.

- Authority to Enter into Grand County Water and Sanitation District #1 Short-Term Lease: The Board discussed the purpose of leasing water on a short-term basis from Grand County Water and Sanitation District #1 to meet the Windy Gap Instream Flow call. The proposed lease will allow MPWCD to lease water in increments of 10 acre-feet at \$600 per acre-foot to ensure that water is available throughout the winter. The Board discussed the potential advantages of extending the lease term beyond March of 2021, and to request a maximum of 40 acre-feet of water rather than 30 acre-feet. **Following discussion, Tom Long made a motion to authorize MPWCD officers to negotiate and enter into a lease for water from Grand County Water and Sanitation District #1 if needed to cover shortages during the winter. Motion was seconded by Sean Flanagan and carried unanimously.**

#### 4. CONTRACTS / REQUESTS

- A. Ratify Sun River Short Term Water Request: Included in the meeting materials was a request from Sun River Run Ranch for 25 acre-feet of Wolford water. Pursuant to his delegated authority to approve requests for less than 35 acre-feet of water, Kent Whitmer approved Sun River's request. Sun River has paid in full.
- B. Ratify WPRA Request for Snowmaking Water: Included in the meeting materials was a request from Winter Park Recreational Association for 25.44 acre-feet of Wolford water for snowmaking purposes. Pursuant to his delegated authority to approve requests for less than 35 acre-feet of water, Kent Whitmer approved this request; WPRA will pay for water that is used during the Winter. **Following discussion, Gary Bumgarner made a motion to ratify approval of the Sun River Short Term Water Request and WPRA Request for Snowmaking Water. Motion was seconded by Sean Flanagan and passed unanimously.**
- C. Roper Contract Application: Included in the meeting materials was a contract application from Lee and Robert Roper for 0.2 acre-feet of water (0.1 acre-feet each from Windy Gap and Wolford). The Ropers currently have an exempt well, and they want to expand their uses to non-exempt purposes. **Following discussion, Sean Flanagan made a motion to approve this contract request, seconded by Jim Lenzotti. Motion passed unanimously.**
- D. Additional Contract Request: Another water request was recently received from Eric Mangeot at LRE Water on behalf of Big Fish Amalgamated, LLC, requesting a water contract in the amount of 3.2 acre-feet to augment evaporative losses for two ponds that divert off of Skunk Creek. **Following discussion about the nature of the request, Windy Gap water restrictions, and proposed uses for this water, Jim Lenzotti made a motion to deny the request, seconded by Gary Bumgarner. Motion passed unanimously.**

## 5. LONG TERM PLANNING

- Long-term planning for MPWCD was discussed in detail during the workshop on October 21. The Board reiterated the importance of keeping all options open for the District moving forward; of particular importance is maintaining and furthering the options for long-term water supply with Grand County Water and Sanitation District #1. The Board gave direction to Mr. Whitmer to entertain all options, with the ultimate goal of securing water for MPWCD to pursue its statutory purposes.

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

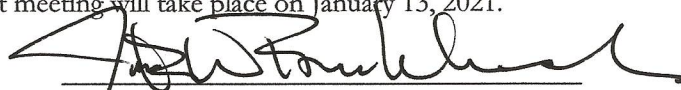
- A. Fraser Valley Reservoirs (2019CW3140) and Ranch Creek Application with River District & Grand County (2019CW3170): Decrees have been issued in both cases; The next diligence applications will be due in 2026. Ms. Wynne underscored the importance of ensuring proper documentation and accounting for the Sunset Ridge Pond, to facilitate making an absolute claim in the future for the remainder of this water right. A portion of this water right was made absolute in the most recent diligence application, and the rest has been continued conditionally.
- B. Middle Park Water Conservancy District Exchange – Application due April 2021: The Board discussed the upcoming diligence application and the work that is needed to maintain these water rights.
- C. Troublesome Project: The Board discussed the East Troublesome Fire, potential impacts on Haypark Reservoir, impacts on canals, and present and future discussions on the use of these water rights with the Forest Service in light of the fires.

## 7. OTHER BUSINESS:

- Mike Ritschard from the River District had contacted Mr. Whitmer to discuss the proposed mill levy increase that will be on the 2020 ballot; unfortunately, Mr. Ritschard was unable to attend the meeting. The Board discussed the merits of an increased mill levy for the River District.
- The Board discussed potential efforts to assist in future revegetation efforts in Grand County following the East Troublesome fire. The Board directed Mr. Whitmer to notify Grand County of the availability of water on a short-term basis for revegetation efforts.

## 8. ADJOURNMENT

The meeting was adjourned at 1:55 PM. The next meeting will take place on January 13, 2021.



Jack Buchheister, President

NOTICE OF MEETING AND AGENDA  
REGULAR MEETING  
BOARD OF DIRECTORS  
MIDDLE PARK WATER CONSERVANCY DISTRICT

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To Join by Phone, Dial 720-928-9299 Participant Code: 970-726-5701  
October 28, 2020, 1:00 p.m.

**1. CALL TO ORDER**

- A. Approval of July 8, 2020 Minutes \*

**2. BOARD ADMINISTRATION**

- A. Proposed 2021 Meeting Dates: \*

- i. January 13, 2021
- ii. April 14, 2021
- iii. July 14, 2021
- iv. October 13, 2021

- B. Board Appointments:

- i. Dick Doucette's term ending January 2021
- ii. Sean Flanagan's term ending January 2021

**3. REPORTS**

- A. Financial/Banking

- i. Profit & Loss Budget vs. Actual (January 1 through September 30, 2020)
- ii. Balance Sheet (October 1, 2020)
- iii. Check Register (July 1 through September 30, 2020)
- iv. Approve Financials \*
- v. Accounts Receivable Aging Summary (October 9, 2020)

- 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

\* Denotes an action item.

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

D. Engineer

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

**4. CONTRACTS / REQUESTS**

- A. Ratify Sun River Short Term Water Request \*
- B. Ratify WPRA Request for Snowmaking Water \*
- C. Roper Contract Application \*

**5. 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 \*

**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. OTHER BUSINESS**

- A. Mike Ritschard, River District – discussion of proposed mill levy increase on 2020 ballot

**8. ADJOURNMENT**

\* Denotes an action item.