

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

**By Zoom Video Conference:**

<https://us02web.zoom.us/j/87247582439?pwd=OXB1U3pvWHlKZGtxK1VReE9NV1k3UT09>

**To Join by Phone, Dial (346) 248-7799, Enter Meeting ID 872 4758 2439**

October 12, 2022, 1:00 p.m.

Directors:

Jack Buchheister – President (present)  
Sean Flanigan – Vice President (present)  
Jim Lenzotti – Secretary (present)  
Stan Cazier – Treasurer (present)  
Mike Eytel (present)  
Gary Bumgarner (not present)  
Tom Long (present)

Others present:

MPWCD Water Resources Consultant & Hydrologist Kristina Wynne  
MPWCD Attorney Kent Whitmer  
MPWCD Attorney Katie Randall

Sue Avre, Division 5 Water Commissioner  
Neal Misbach, Division 5 Water Commissioner  
Timothy Ritschard, Division 5 Water Commissioner  
Jason Turner, Colorado River Water Conservation District  
James Bailey, Sunset Ridge Property Owners' Association  
Russell Knight, Sunset Ridge Property Owners' Association  
Don Maurais, Sunset Ridge Property Owners' Association  
Danielle Elliott, Fraser's Ridge  
Abby Wurmnest, Fraser's Ridge

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. Presentation by Russell Knight, Sunset Ridge Property Owners' Association

- A presentation was made by Russell Knight regarding proposed improvements to Sunset Ridge Pond. Sunset Ridge POA has hired Stillwater Sciences to be the technical consultants for the initial scope of work to determine the feasibility and potential design of improvements. Julie Ash is the name of the contact at Stillwater. Sunset Ridge will be

\* Denotes an action item.

going before the Grand County Board of County Commissioners to request a letter of support for their initial funding application to the River District, which is anticipated to be less than \$50,000 for the initial feasibility analysis and design. Sunset Ridge asks MPWCD to be involved as a co-applicant in this initial scope of work, since MPWCD water is stored in the Pond. Following discussion of this request, the Board indicated MPWCD's support of this initial scope of work, and directed MPWCD Staff to work with the Owners' Association to assist in this initial funding request as co-applicant.

- B. Approval of Minutes from Regular Meeting held July 13, 2022
- C. Approval of Minutes from Special Meeting held September 14, 2022

- The meeting minutes from the July 13, 2022 and September 14, 2022 meetings were included in the Board's packet. **Following discussion, Stan Cazier moved to approve the minutes from both meetings, seconded by Mike Eytel. Motion carried unanimously.**

## 2. BOARD ADMINISTRATION

### A. Proposed 2023 Meeting Dates:

- The proposed schedule of regular meetings of the Board of Directors of Middle Park Water Conservancy District for 2023 is as follows: 1:00 PM on January 11, March 1, April 12, May 31, July 12, August 30, and October 11. Stan Cazier recommended that MPWCD Staff contact the Summit County Commissioners to give advance notice of when MPWCD plans to hold a meeting in Summit County. The Board provided preliminary approval of this proposed schedule, which will be set for final approval at the January meeting.

### B. Board Appointments:

- The term for one Board seat is set to end in January 2023, from Summit County. Notice will be published and applications received for the new term 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 through September 30, 2022), Balance Sheet (September 30, 2022), Check Register (July 1 through September 30, 2022), and Accounts Receivable Aging Summary (October 3, 2022). Stan Cazier provided a summary of the financials, and indicated that there have not been significant changes since the financial reports were discussed at the budget planning session last month. **Following discussion, Sean Flanigan moved to approve the financial reports and check register, seconded by Jim Lenzotti. Motion carried unanimously.**

\* Denotes an action item.

- The Board then discussed MPWCD's policy regarding ACH & Direct Deposits. **Following discussion, Mike Eytel moved for approval of a policy allowing MPWCD to accept ACH deposits and authorizing Staff to approve requests for contractees to pay by ACH. Motion was seconded by Tom Long and carried unanimously.**

#### B. Budget

- The Board reviewed and discussed the proposed budget for 2023. Budget resolutions were discussed and reviewed. Stan Cazier explained that the mill levy will not change in 2023. Katie Randall reported that notice of the budget has been published and a copy of the proposed budget has been available for public inspection at Kremmling Town Hall; no public comments have been received. The Board discussed the change in how MPWCD will budget for emergencies, contingencies and construction projects, and the reserves required under TABOR. **Following discussion, Tom Long moved to approve the Proposed Budget for 2023, 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 Jim Lenzotti and carried unanimously.**

#### C. Attorney

- The Attorney Report and Action Items Status List were included in the Board packet materials. Kent Whitmer provided an update in addition to the report, as follows:
- Katie and Kent attended the annual meeting of CRCA stakeholders at the end of September at Denver Water's campus. The West Slope entities requested an update from Denver regarding certain obligations and the release of funding that are triggered by the Gross Reservoir expansion project under the CRCA. Denver has started construction on Gross Reservoir, despite continuing litigation. Denver takes the position that its obligation to make payments under the CRCA has not yet been perfected because of the ongoing litigation. The 10<sup>th</sup> Circuit recently overturned the District Court's dismissal of the claims brought by environmentalist groups; until that litigation is completely resolved, Denver will not make payments under the CRCA. Conversations also took place between Denver and West Slope entities regarding purchase of the Shoshone power plant and unresolved issues regarding Summit County firm yield under the CRCA. Denver and the West Slope entities agreed to schedule follow-up meetings to address ongoing concerns.
- Next, Kent provided a summary of the annual seminar held by the River District, which was attended by Stan, Kent and Katie. The seminar focused on the status of the Colorado River system, particularly the impacts of prolonged drought coupled with increased demand on this limited resource.
- Kent provided a summary of the Division 5 Bench and Bar meeting that took place recently in Glenwood, which was attended by Kent and Katie. James Heath was asked about what will happen as far as administration of a Compact call. He didn't have an answer right now but did say that the DEO and SEO are working on it.

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- Regarding a potential lease of water from GCWSD#1: MPWCD's request for a lease of this water was discussed at the last meeting of the GCWSD#1 Board. GCWSD#1 could not give an immediate answer; they needed to talk to their engineers to determine if a lease would be workable this year.
- A diligence application will be due in November 2023 for MPWCD's Troublesome water rights. The Board directed Kent to approach representatives of Circle C to see if they may still be interested in a collaboration.
- Katie explained the changes made to the action items status matrix. The Board directed MPWCD Staff to include ongoing tasks on the report, but to gray out any matters that do not have specific deadlines.

#### D. BBA Report

- In addition to the update letter included in the meeting materials, Kristina Wynne provided the following reports:
- Hydrology: reservoir levels are about the same as the report, pretty average for this time of year. Denver Water has reported an 8-year high in soil moisture content in its collection system. This bodes well for runoff efficiency next spring, but a lot can change before then.
- The Shoshone call is the only call that's on right now. Flows downstream of Windy Gap have been fluctuating near 90 c.f.s. There is no ISF call on at this time. MPWCD has Windy Gap water available this year should the ISF call come on.
- BBA is currently revising MPWCD's accounting form, in keeping with the requests made by the Division Engineer. The annual meeting between MPWCD Staff and the DEO is scheduled for December 1 in Glenwood Springs. The accounting form revisions aim to provide more information about where water is released from, and on whose behalf. Overall, the administration is getting more strict and detailed, and the revised accounting will help MPWCD respond to these changes.
- Kristina recently toured the construction site for the Chimney Hollow Reservoir, which is moving along. It's a massive project, but it is coming to fruition; it won't be too long before MPWCD can firm up its Windy Gap water rights to have a reliable supply stored in Granby Reservoir. This will be helpful to satisfy the ISF call on the mainstem of the Colorado below Windy Gap Reservoir. Stan Cazier noted that the Windy Gap agreements are fairly detailed, and requires action be taken by MPWCD to firm up the Windy Gap supply. The water rights do not become firm by default.
- Wild & Scenic: continuing to move along. The channel maintenance monitoring plan is working towards being finalized. That will provide valuable information collected by the stakeholder group for this stretch of the Colorado River.

## 4. CONTRACTS / REQUESTS

### A. Elliott – Fraser's Ridge Contract Application:

\* Denotes an action item.

- Included in the meeting materials was a contract application and supporting analysis sent on behalf of Danielle Elliott for the Fraser's Ridge Project. The contract application is for 0.5 acre-feet total, to be provided from either Windy Gap or Wolford Mountain supplies. The proposed project will serve nine residential single-family homes, for the proposed uses of domestic, irrigation, stock watering, and fire protection.
- Kristina Wynne noted that BBA Water has been hired to assist the applicants in their MPWCD contract request and subsequent Water Court application. Kristina provided the following summary of the proposed project. The proponents are seeking an augmentation plan to develop a nine-home subdivision for reasonably priced housing up on St. Louis Creek near the Town of Fraser. The proponents were not able to be annexed into the Town of Fraser or otherwise secure water supply from Fraser, so they are looking to get a MPWCD contract. If their request is approved, their MPWCD contract water would not be used to offset evaporative losses, even if the proponents construct ponds or other local storage options. Should the proponents need to have a source of replacement on St. Louis Creek, such replacement would not be related to their MPWCD contract. The Board further discussed the details of this request.

B. Denaro Contract Application:

- Also included in the meeting materials is the contract application and supporting analysis sent on behalf of Bob and Elfriede Denaro. The contract request is for 0.1 acre-foot total, to be provided from either Windy Gap or Wolford supplies, for the proposed uses of household use; landscape irrigation of flowers, shrubs and trees; and a hot tub.
  - Kristina Wynne again noted that BBA Water has been hired to assist the applicants in their MPWCD contract request and subsequent Water Court application, and provided a summary of the proposed project. This contract will be part of the bookover to Northern Colorado Water Conservancy District that is done each year.
- **Following discussion, Stan Cazier moved to approve the Elliott and Denaro contract requests, seconded by Jim Lenzotti. Motion carried unanimously.**

C. Extension Requests: James Peak, Mize, Tiehen/Arapaho Valley Ranch

- MPWCD has received contract approval extension requests from Kevin Mize, Eric White (James Peak Ranch), and The Tiehen Group, Inc. (Arapaho Valley Ranch). All three applicants are continuing to make their way through Water Court, and have not yet received decrees. **Following discussion, Jim Lenzotti moved to extend the contract deadline by another 9 months, to July of 2023. Motion was seconded by Mike Eytel and carried unanimously.**

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## 5. FRASER RIVER SUPPLY DIRECTION TO STAFF

The Board announced its intent to enter into executive session pursuant to CRS §§ 24-6-402(4)(b) and 24-6-402(4)(e)(I) to receive legal advice and to discuss pending negotiations pertaining to Fraser River storage supply options. As attorney for the District, Kent Whitmer stated his opinion that the advice given is subject to the attorney-client privilege. As such, no electronic recording will be taken during this executive session. Attached to these meeting minutes is a signed Attorney's Opinion as required by C.R.S. § 24-6-402(2)(d.5)(II)(B).

**Mike Eytel made a motion to enter into executive session pursuant to CRS §§ 24-6-402(4)(b) and 24-6-402(4)(e)(I) to receive legal advice and to discuss pending negotiations pertaining to Fraser River storage supply options, seconded by Sean Flanigan. Motion carries unanimously.**

## 6. LONG TERM PLANNING

- A. Sunset Ridge Pond: The Board had additional discussion regarding this project following the presentation made earlier in the meeting. The Board directed MPWCD Staff to work with Sunset Ridge POA representatives to explore potential options to make improvements to the pond infrastructure and expand available storage. MPWCD Staff clarified that Sunset Ridge POA has requested that MPWCD join them as co-applicant for the initial funding request to explore feasibility and design of improvements to the Pond; the Board is supportive of this. **Following discussion, Jim Lenzotti made a motion for MPWCD to join as co-applicant in support of Sunset Ridge POA's initial application to find sources of funding for preliminary engineering and design. Motion was seconded by Mike Eytel and carried unanimously.**
- B. Global Augmentation Plan: Nothing new to report.
- C. Purchase / Long-Term Lease of GCWSD#1 Augmentation Pond Water: Nothing new to report.
- D. Expansion and Participation in GCWSD Reservoir: Nothing new to report.
- E. Ron Jones: Kent Whitmer provided an update about this potential collaboration opportunity. After the long-term planning session, MPWCD Staff contacted Mr. Jones to see if he would be willing to enter into a 50/50 cost-sharing agreement for the initial scope of work that would be necessary to explore the feasibility of expanding and lining his pond. Mr. Jones responded two days ago, indicating a willingness to potentially enter into the cost-sharing agreement, so long as MPWCD is willing to agree to certain terms and conditions. Mr. Jones's response had been

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forwarded to the Board for consideration, and an initial summary of the terms and conditions was provided by Kent. **Stan Cazier moved to table the discussion until the next meeting of the Board, to allow sufficient time for the Board to consider the terms and conditions proposed. Motion was seconded by Sean Flanigan and carried unanimously.** The Board directed MPWCD Staff to provide an update to Mr. Jones, and to indicate that the Board needs more than two days' advance notice to consider proposals of this nature.

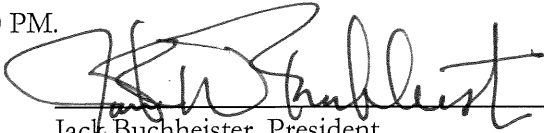
- F. Pole Creek Meadows: Nothing new to report.
- G. Grand County Mutual Reservoir and Ditch Company: Nothing new to report.
- H. Little King Reservoir (Placeholder): Nothing new to report.
- I. Bunte Highline (Placeholder): Nothing new to report.
- J. Funding Sources for Water Rights Development (Placeholder): Nothing new to report.
- K. Open Discussion and Direction to Staff

## 7. OTHER BUSINESS

- A. Colorado River Water Users Association – 2022 Conference in Las Vegas
  - Information about the annual conference was included in the meeting materials. The meeting will take place from December 14-16 at Caesar's Palace. The Board granted permission for Katie Randall and Kent Whitmer to attend; MPWCD will cover travel costs but will not compensate for any time billed. Kent asked any Board members who are interested in attending to let MPWCD Staff know, and arrangements will be made accordingly.
- B. Stan Cazier provided an update on California's plan, released yesterday, to reduce water usage by 400,000 acre-feet. This plan is not permanent.
- C. Mike Eytel announced that as of Friday he will no longer be working at the Colorado River District. The Board wishes him well in his new pursuits.

## 8. ADJOURNMENT

The meeting was adjourned at approximately 3:30 PM.

  
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Jack Buchheister, President

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NOTICE OF MEETING AND AGENDA  
REGULAR MEETING  
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October 12, 2022, 1:00 p.m.

**1. CALL TO ORDER**

- A. Presentation by Russell Knight, Sunset Ridge Property Owners' Association
- B. Approval of Minutes from Regular Meeting held July 13, 2022 \*
- C. Approval of Minutes from Special Meeting held September 14, 2022 \*

**2. BOARD ADMINISTRATION**

- A. Proposed 2023 Meeting Dates: \*
- B. Board Appointments:
  - i. Mike Eytel's term ending January 2023

**3. REPORTS**

- A. Financial/Banking
  - i. Profit & Loss Budget vs. Actual (January 1 through September 30, 2022)
  - ii. Balance Sheet (September 30, 2022)
  - iii. Check Register (July 1 through September 30, 2022)
  - iv. Accounts Receivable Aging Summary (October 3, 2022)
  - v. Approve Financials \*

\* Denotes an action item.



vi. ACH & Direct Deposit Policy \*

B. Budget

i. Proposed Budget for 2023

ii. Approve Proposed Budget \*

iii. Resolution to Adopt Budget \*

iv. Resolution (Designating Excess to General Reserve) \*

v. Resolution to Set Mill Levies \*

vi. 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

D. BBA Report

i. Water Resources Consultant & Hydrologist Report

ii. Additions since BBA Report

**4. CONTRACTS / REQUESTS**

A. Elliott – Fraser's Ridge Contract Application \*

B. Denaro Contract Application \*

C. Extension Requests: James Peak, Mize, Tiehen/Arapaho Valley Ranch \*

**The Board will convene an executive session to receive legal advice and to discuss pending negotiations pertaining to Fraser River storage supply options. The executive session is authorized pursuant to C.R.S. §§ 24-6-402(4)(b) and 24-6-402(4)(e)**

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**5. FRASER RIVER SUPPLY DIRECTION TO STAFF \***

**6. LONG TERM PLANNING**

- A. Sunset Ridge Pond
- B. Global Augmentation Plan
- C. Purchase / Long-Term Lease of GCWSD#1 Augmentation Pond Water
- D. Expansion and Participation in GCWSD Reservoir
- E. Ron Jones
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**7. OTHER BUSINESS**

- A. Colorado River Water Users Association – 2022 Conference in Las Vegas

**8. ADJOURNMENT**

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