

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

**By Zoom Video Conference**

<https://us02web.zoom.us/j/88122109937?pwd=cUdkbGdxSHg0RGpiWGpWOXFleHloZz09>

To Join by Phone, Dial (719) 359-4580  
Meeting ID 881 2210 9937, Passcode 837364

May 31, 2023, 1:00 p.m.

Directors:

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

Others Present:

MPWCD Water Resources Consultant & Hydrologist Kristina Wynne  
MPWCD Attorney Kent Whitmer  
MPWCD Attorney Katie Randall  
Neal Misbach, Division 5 Water Commissioner  
Sue Avre, Division 5 Water Commissioner  
Timothy Ritschard, Division 5 Water Commissioner  
Richard Cimino, County Commissioner for Grand County

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 April 12, 2023 Minutes

- **A motion was made by Sean Flanigan, seconded by Jim Lenzotti, that the minutes be approved as presented. Motion carried unanimously.**

2. BOARD ADMINISTRATION

A. Remaining 2023 Meeting Dates (July 12, September 13, and October 11).

- The Board decided that the July 12 meeting will be held in person in Summit County, the September 13 budget and long-term planning workshop will be held in person at the Kremmling Town Hall, and the October meeting will be by Zoom only.

## B. Learning By Doing: Letters of Support & Funding Request

Included in the meeting materials were requests for three letters of support and one funding request from Learning By Doing. Kristina Wynne provided a summary of the grant funding currently sought by Learning By Doing, and the request for funding to support phase 2 of the Grand County Stream Management Plan update. The Board discussed MPWCD's involvement with Learning By Doing, and the financial support previously provided by MPWCD to support phase 1 of the Stream Management Plan update. Learning By Doing has requested that each of the partners agree to contribute \$1,649.71 for phase 2. **Following discussion Sean Flanigan moved to authorize Jack Buchheister to sign the three letters of support on behalf of MPWCD, and to approve the contribution of \$1,649.71 to support phase 2 of the Grand County Stream Management Plan update. Motion carries unanimously.**

## C. Water Education Colorado Membership Renewal

Included in the meeting materials was information related to renewal of MPWCD's membership with Water Education Colorado. Kent Whitmer provided a summary of Water Education Colorado's initiatives and activities, and recommended that the Board pay the fee to renew MPWCD's membership for another year. **Jim Lenzotti made a motion to approve payment of the fee to renew MPWCD's membership with Water Education Colorado, seconded by Sean Flanigan. Motion carries unanimously.**

### 3. REPORTS

- A. **Attorney:** The Attorney's Report and Action Items Status List were included in the Board packets. Kent Whitmer provided an update on the Green Mountain Reservoir appeal; briefing is now complete, and copies of the briefs have been circulated to the Board. The parties have requested that oral argument take place before the Colorado Supreme Court. Kent provided an overview of the issues in this case, and the arguments put forward by both sides. Kent had no other news to report beyond what was included in the attorney's letter and what will be covered elsewhere in the agenda. He invited questions and discussion from the Board.
- B. **BBA Report:** Kristina Wynne presented the following updates since the BBA Report was provided:
  - Basin Hydrology: the hydrology update has changed since the report was issued last week, with significant increases in storage levels in reservoirs throughout the District. Northern is not intending to pump Windy Gap water this year, which means that Windy Gap supplies will not be available to MPWCD contractees from August 1, 2023 through July 31, 2024. There is no call on the mainstem of the Colorado River, and no calls are expected until later in the summer.
  - HUP/Slot Group: Kristina provided a summary of her meeting with Caleb Foy and James Heath (Division 5 Office), and Brendon Langenhuizen and

Don Meyer (River District) regarding the Slot Group issue and potential next steps. The discussion brought up several questions that require further investigation and communication with Grand Valley entities and the Bureau of Reclamation. Jack Buchheister noted that the Slot Group issue has been unresolved for some time, and it's good to see some progress being made. The Board agreed that it would be beneficial to MPWCD constituents for these conversations to continue to move forward.

- Ron Jones: as noted in the Board packets, Mr. Jones has agreed to move forward with the feasibility study in accordance with the terms and conditions proposed by MPWCD after the April meeting. BBA has contacted two civil engineering firms who have agreed to submit scopes of work and cost estimates for the feasibility study. The scopes of work and cost estimates will be forwarded to the Board when they are received. Kent Whitmer requested confirmation that the Board has given its approval that the feasibility study to move forward pursuant to the terms and conditions enumerated at the April meeting, and that Staff does not need further authorization to move forward in keeping with those terms and conditions when additional information is received from the civil engineering firms. The Board gave this confirmation; nonetheless, the Board requested that the scopes of work and cost estimates be provided for review and feedback by interested members.

#### 4. CONTRACTS / REQUESTS

A. Ratification of Approval of This Land Is My Land LLC Short-Term Supply

Request \*

B. Ratification of Approval of Granby Development Co. Short-Term Supply Requests \*

C. Ratification of Approval of Harrington Landscapes Short-Term Supply Request \*

Katie Randall provided a summary of the short-term contract requests that have been received and administratively approved by MPWCD Staff in keeping with the District's Bylaws. Additional details were included in the meeting packets and were discussed. **Jim Lenzotti made a motion to ratify approval of the short-term requests from This Land Is My Land LLC, Granby Development Co. and Harrington Landscapes. Motion was seconded by Sean Flanigan and carried unanimously.**

#### 5. LONG TERM PLANNING:

Kent Whitmer did not have any updates regarding long-term planning topics beyond what has already been discussed. Kent asked if Mike Eytel would be willing to provide an update about the Grand County Mutual Ditch and Reservoir Company. Mike reported that he has not been directly involved with GCMDC since his departure from the River District, so he is unable to provide specific updates of where matters currently stand. The Board directed Kent and Katie to get back up

to speed with GCMDC on behalf of MPWCD now that Mike is no longer directly involved. There was no further discussion regarding the remaining long-term planning topics included in the agenda.

## 6. OTHER BUSINESS

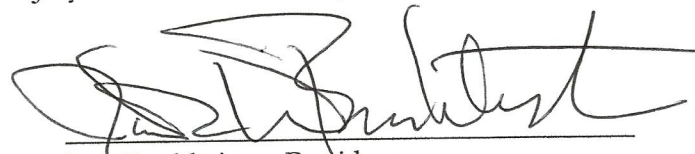
Jack Buchheister invited meeting attendees to bring forward any other business that they wished to discuss before the Board entered into executive session at the end of the meeting. County Commissioner Cimino expressed his desire to be more involved with MPWCD; this interest is shared with other County Commissioners for Grand County. The Board emphasized that any and all who are interested in MPWCD affairs are encouraged to attend Board meetings and to participate and provide input. Board membership is not a prerequisite for meeting participation. Commissioner Cimino thanked the Board and exited the meeting.

## 7. DILIGENCE APPLICATIONS

### A. Troublesome Project – 17CW3136 Due November 2023

- The Board expressed its intention to enter into executive session pursuant to C.R.S. §24-6-402(4)(e) to discuss ongoing conversations with Circle C Ranch regarding the Troublesome Project rights. Kent Whitmer is the attorney providing legal advice, and 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. **A motion was made by Mike Eytel, seconded by Sean Flanigan, to enter into executive session pursuant to C.R.S. §24-6-402(4)(e) to discuss ongoing conversations with Circle C Ranch regarding the Troublesome Project rights. Motion carried unanimously.**
- **Sean Flanigan made a motion to exit executive session, seconded by Jim Lenzotti. Motion carried unanimously.**

8. **ADJOURNMENT:** There being no other business before the Board, the meeting was adjourned. The next meeting will take place on July 12 in Summit County.



Jack Buchheister, President

**Attorney's Opinion Required by C.R.S. § 24-6-402(2)(d.5)(II)(B):** I, Kent Whitmer, as attorney for Middle Park Water Conservancy District, am of the opinion that the entire discussion in the executive session at the regular meeting of the Board of Directors on May 31, 2023, constituted a privileged attorney-client communication. As such, the executive session was not electronically recorded. The executive session was convened to discuss ongoing conversations with Circle C Ranch regarding the Troublesome Project rights, as authorized by C.R.S. § 24-6-402(4)(e).



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Kent Whitmer