

MEETING MINUTES
REGULAR MEETING
BOARD OF DIRECTORS
MIDDLE PARK WATER CONSERVANCY DISTRICT
Frisco – Summit County Community and Senior Center, Fremont Room

Zoom Video Conference Option:

<https://us02web.zoom.us/j/82585898479?pwd=RngrVXhUUTRaeW9oYldvRnBrMGtnQT09> To

Join by Phone, Dial (719) 359-4580

Meeting ID 825 8589 8479, Passcode 086463

July 12, 2023, 1:00 p.m.

Directors:

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

Others Present:

MPWCD Water Resources Consultant & Hydrologist Kristina Wynne
MPWCD Attorney Kent Whitmer
MPWCD Attorney Katie Randall
Neal Misbach, Division 5 Water Commissioner (present by Zoom)
Timothy Ritschard, Division 5 Water Commissioner (present by Zoom)
Russell Knight, Sunset Ridge Property Owners Association (present by Zoom)

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 May 31, 2023 Minutes

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

2. BOARD ADMINISTRATION

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

- The Budget & Long-Term Planning Workshop will take place on September 13 at the Kremmling Town Hall.

3. SUNSET RIDGE PROPERTY OWNERS ASSN. PRESENTATION

Kent Whitmer provided a summary of recent conversations with SRPOA representatives. Back in January, SRPOA was on a tight deadline to submit a grant application to the Colorado Healthy Rivers Fund to get a feasibility study funded. Given the short notice before the deadline, MPWCD was not in a position to join the application as co-applicant. The application focused on SRPOA's priorities of promoting pond health and stream health. MPWCD wished SRPOA the best of luck, and asked to be kept abreast of developments so MPWCD could ensure its interests in Sunset Ridge Pond were protected. SRPOA recently learned that the grant application was not successful. Part of the feedback that SRPOA received was that the application would have a better chance of success if MPWCD were to join as co-applicant. SRPOA owns the land, but it is MPWCD's water that is stored in Sunset Ridge Pond. Meetings were held with Kent Whitmer, Julie Ash (Stillwater Sciences), and Russell Knight to discuss potential areas of mutual interest and ways that MPWCD and SRPOA can collaborate in future funding requests. Although pond and stream health are important to MPWCD, its main priority is to protect its existing supply in Sunset Ridge Pond, to ensure that releases can be made to the Fraser River when needed, and to potentially expand the Pond to gain more storage capacity on the Fraser River. A site visit took place, and these issues were discussed in more detail. As a result of these discussions, Julie Ash is willing to put together a new grant application seeking funding of a feasibility study, this time with MPWCD as co-applicant, and with the scope of the study to include both MPWCD and SRPOA priorities. It is anticipated that MPWCD will contribute in-kind services to support this funding proposal including engineering support from BBA and legal support from the Whitmer Law Firm.

Russell Knight then summarized SRPOA's position and goals with the funding request. Mr. Knight provided details of other potentially interested parties who could collaborate in this request, including Trout Unlimited, the East Grand Fire District, and Learning By Doing. At this point, he wants to make sure that SRPOA and MPWCD are on the same page and are ready to move forward as co-applicants to seek funding for a mutually-beneficial project. Pond expansion will add to the cost and complexity of the project, and SRPOA wants to make sure that MPWCD is on board. Discussion followed, and Board members asked Mr. Knight for additional details about the work that's contemplated at this point in the feasibility study, potential funding sources in addition to the Healthy Rivers Fund, and the extent of MPWCD's commitment to this endeavor. Kent Whitmer explained that if the Board decides to move forward as co-applicant for the funding request, the next step is for Julie Ash to draft a grant application, which will be reviewed by SRPOA and MPWCD before submission. **Following discussion, a motion was made by Gary Bumgarner and seconded by Jim Lenzotti to move forward with the funding request as proposed. Motion carries unanimously.**

4. REPORTS

A. **Financial/Banking:**

- Included in the meeting materials were the following financial reports: Profit & Loss Budget vs. Actual (January 1, 2023 through June 30, 2023), Balance Sheet (June 30, 2023), Check Register (January 1, 2023 through June 30, 2023), and Accounts Receivable Aging Summary (June 29, 2023). Kent

Whitmer provided a summary of the reports and other financial updates. Annual bills went out to water contractees around the 1st of June, and payments are coming in. Payments are due September 1. MPWCD has received more interest income than anticipated in the 2023 budget, as rates continue to improve. MPWCD is over budget for the Board of Directors' expenses, due to the raise in Director compensation that was approved after the budget was finalized. Jack will transfer funds from the operating account to CSAFE to keep the operating account balance below FDIC limits. MPWCD staff will research ways to streamline the process of moving money between accounts in a manner that is acceptable to the auditor; more information will be presented at the next meeting for the Board to consider. There is nothing unusual of note in the Check Register or Accounts Receivable Aging Summary. Kent invited questions from the Board. **Following discussion, Tom Long moved to approve the financial reports including check register, seconded by Sean Flanigan. Motion carried unanimously.**

- B. **Attorney:** The Attorney's Report and Action Items Status List were included in the Board packet materials. Kent Whitmer provided an update on the Green Mountain Reservoir appeal. Oral argument has been set before the Colorado Supreme Court on Wednesday, September 20 at 10:00 AM. Arguments will be limited to one attorney and 30 minutes for each side. The arguments will be viewable online. Appellees plan to meet on Friday to discuss details. 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.
- C. **BBA Report:** Kristina Wynne presented the following updates since the BBA Report was provided:
- Basin Hydrology: For the first time in several years, the state of Colorado is drought-free. There are no calls on the mainstem. Depending on whether the monsoon materializes this summer, there may not be any Cameo call, or there may be a junior Cameo call in August. Granby did spill this year, so there will be no Windy Gap water available to MPWCD contractees for the coming year.
 - HUP/Slot Group: Nothing new to report at this point. The initial discussions with the River District and the Division Engineer brought up more issues that need to be researched.
 - Troublesome Project: Work is ongoing to update the Troublesome analysis. More information will be provided to the Board as soon as it's available.
 - Ron Jones: a cost estimate and scope of work was received from WaterVation for the feasibility study for Mr. Jones's ponds. A request for a cost estimate and scope of work was submitted to another civil engineering firm, but no response was received. BBA has worked with WaterVation on other projects, and has been satisfied with their work. WaterVation's cost estimate for the feasibility study was \$4,625, but did not include a bathymetric survey of the

ponds. WaterVation has indicated that they do this type of work, and could add the survey to the scope of work if desired. **A motion was made by Gary Bumgarner, seconded by Mike Eytel to approve the scope of work submitted by WaterVation with the addition of a bathymetric study to the scope, with a total cost not to exceed \$10,000. Motion carries unanimously.** Kent Whitmer will contact Ron Jones to let him know that WaterVation has been selected to do this work; Kristina Wynne will contact WaterVation to get an updated cost estimate to include a bathymetric survey.

- Remaining 2023 Operations: Included in Kristina’s report are tables analyzing the recent winter CWCB ISF calls on the Colorado River below Windy Gap, and the effects that the call may have on MPWCD’s owed depletions. This analysis was discussed by the Board. Kent Whitmer indicated that GCWSD#1 has been contacted to see if MPWCD could potentially lease water for the coming year; a definitive answer has not yet been received. The Board discussed the timing and potential impacts of the Windy Gap Firing Project when Chimney Hollow Reservoir has been constructed and starts to fill.

5. NWCCOG – QQ MEMBERSHIP PROPOSAL

Included in the meeting materials was information regarding membership in the Northwest Colorado Council of Governments – Water Quality/Quantity Committee (QQ). Katie Randall provided a summary of MPWCD’s historic involvement with QQ, and benefits of meeting attendance and membership. **Following discussion Mike Eytel made a motion, seconded by Jim Lenzotti, to join as members of QQ. Motion carries unanimously.** Katie will be in touch with QQ staff to move forward with this membership proposal.

6. CONTRACTS / REQUESTS

A. Denaro Contract Extension Request

B. Fraser’s Ridge Contract Extension Request

Kent Whitmer explained that contract requests were previously approved by the Board in October of 2022 for Bob and Elfriede Denaro and Fraser’s Ridge, LLC. These contractees are still making their way through Water Court and have requested an extension of their contract approval for another nine months. **Gary Bumgarner made a motion to approve the contract extension requests for Denaro and Fraser’s Ridge, LLC. Motion was seconded by Sean Flanigan and carried unanimously.**

C. Granby Development Co. Short-Term Contract Request

A short-term request was submitted by Granby Development Co. in association with the Cold Springs nursery in Granby. The request is for 1.6 acre-feet of water from Sunset Ridge Pond, to provide proof of a local source of supply to cover depletions to the Fraser River in connection with renewal of Granby Development Co.’s SWSP. The Board discussed this request, as well as the

availability of water higher up on the Fraser River given that Windy Gap water will not be available in the coming year. It is currently unknown whether MPWCD will be able to lease water from GCWSD#1. **Following discussion of these concerns, Gary Bumgarner made a motion to table this request until the September Board meeting, seconded by Jim Lenzotti. Motion carries unanimously.**

7. LONG TERM PLANNING:

There was no further discussion of any long-term planning items beyond what has already been discussed.

8. DILIGENCE APPLICATIONS

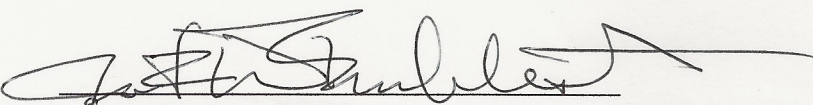
A. Troublesome Project – 17CW3136 Due November 2023

- Kent Whitmer again disclosed that he and Gary Bumgarner own water rights in both irrigation companies in the Troublesome Valley. Kent provided a summary of conversations with Circle C and MPWCD, and recent efforts to secure feedback from irrigators in the area regarding potential impacts of the proposed deal involving the Troublesome Project rights. A meeting has been scheduled for July 24 with Circle C and irrigators in the area to discuss these issues in more detail.

9. OTHER BUSINESS:

- After the meeting materials were sent out, Kent Whitmer received a confidential CRCA update from Peter Fleming. Kent will forward to the Board with the explicit request that the information not be shared with anyone.
- Jack Buchheister has received a request to sign an extension of the Learning By Doing Memorandum Of Understanding. The original MOU is set to expire after the initial 5-year term. The extension requested does not make any substantive changes to the original MOU. **Following discussion, Mike Eytel made a motion authorizing Jack Buchheister to sign the extension MOU for Learning By Doing. Motion was seconded by Gary Bumgarner and carried unanimously.**
- Kristina Wynne noted that Learning By Doing is hosting a stakeholder meeting to gather input regarding the update to the Grand County Stream Management Plan. The meeting will take place on July 18 at 5:30 P.M. in Granby. All are welcome to attend.

10. ADJOURNMENT: There being no other business before the Board, the meeting was adjourned. The next meeting will take place on September 13 in Kremmling.


Jack Buchheister, President