

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

**By Zoom Video Conference:**

<https://us02web.zoom.us/j/88377255558?pwd=YjFkYkZ3YnBJcVg5ZFBNU1JmMXd0dz09>

To Join by Phone, Dial (719) 359-4580

Meeting ID 883 7725 5558, Passcode 071783

January 10, 2024, 1:00 p.m.

Directors:

Jack Buchheister – President  
Sean Flanigan – Vice President  
Jim Lenzotti – Secretary  
Stan Cazier – Treasurer  
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  
MPWCD Attorney Clay Culbreath  
Sue Avre, Division 5 Water Commissioner  
Neal Misbach, Division 5 Water Commissioner  
Tim Ritschard, Division 5 Water Commissioner  
Troy Wineland, 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 October 11, 2023 Minutes
- **A motion was made by Stan Cazier and seconded by Tom Long that the minutes be approved as presented. Motion carried unanimously.**

**2. BOARD ADMINISTRATION**

- A. 2024 Meeting Dates: January 10, March 6, April 10, May 29, July 10, September 11, and October 9.

- The schedule of regular meetings of the Board of Directors of Middle Park Water Conservancy District for 2024 was discussed, with meeting locations decided as follows: the March, September, and October meetings will be held in Kremmling; the April and July meetings will be held in Summit County; and the May meeting will be by Zoom only. A Zoom option will be available for all in-person meetings.

B. Approval of Posting of Place of Meetings and Agenda

- Included in the meeting materials is a Resolution Designating the Location for Posting Notice of Meetings of the Board of Directors of Middle Park Water Conservancy District. **A motion to approve the Resolution was made by Jim Lenzotti and seconded by Tom Long. Motion carried unanimously.**

C. Board Appointments:

- Katie Randall explained that the terms for two Board seats will end on January 30: District No. 1 (Grand County) and District No. 5 (Summit County). Notice was published and applications were received from Jack Buchheister and Tom Long to each serve an additional term on the Board. No other applications were received. A letter will be submitted to the District Judges in Grand and Summit Counties, requesting that Jack and Tom be appointed to serve another term.

### 3. REPORTS

A. Financial/Banking

- Included in the meeting materials were the following financial reports: Profit & Loss Budget vs. Actual (January 1, 2023 through December 29, 2023), Balance Sheet (December 29, 2023), Check Register (January 1, 2023 through December 29, 2023), Accounts Receivable Aging Summary (December 29, 2023), and CSAFE & CSAFE CORE Shareholder Statements (December 31, 2023). Kent Whitmer provided a summary of the reports and invited questions from the Directors.

B. Budget - Revised

- Katie Randall provided a summary of local government budget legislation passed in the special session last November. In keeping with this legislation, the MPWCD 2024 budget and mill levy have been revised to reflect the new assessed valuations received from Summit and Grand Counties. An engagement agreement has been received from Fiscal Focus Partners, the auditor for MPWCD, quoting \$5,150 for the 2023 audit. This amount was more than the \$4,700 previously budgeted for audit expenses for the coming year. The revised budget, mill levy certifications, and associated resolutions were discussed. **Stan Cazier made a motion, seconded by Mike Eytel, to approve the budget as presented in the packets, subject to an adjustment to the line item for the audit to \$5,150. Motion carried**

**unanimously.** Next, the budget resolutions were reviewed and discussed. **Stan Cazier moved to approve the Resolution to Adopt Budget, the Resolution Designating Excess to General Reserve, the Resolution to Set Mill Levies, the Resolution to Appropriate Sums of Money, and the Certifications of Tax Levies for Grand and Summit Counties. Motion was seconded by Sean Flanigan and carried unanimously.**

- **A motion to approve the engagement agreement with Fiscal Focus Partners was made by Tom Long, seconded by Jim Lenzotti and carried unanimously.**

C. Attorney

- Kent Whitmer noted that many of the items in the attorney’s report will be discussed under various agenda items later in the meeting and invited questions from the Board.

D. Hydrologist: Kristina Wynne presented the following updates since the BBA report was provided:

- Basin Hydrology: Kristina reported that not much has changed since the memo that was included in the meeting materials. Denver Water is reporting slightly higher levels of storage than last year. It’s been a slow start for snowpack this season. Kristina will attend the annual Reclamation meeting tomorrow, and hopes to learn more about their plans for Windy Gap pumping this year.
- Accounting: a draft of the 2023 accounting was submitted to the Division Engineers before the annual meeting in December, and BBA has received an email from the Division that they have no further comments. The 2023 accounting will now be formally submitted to the Division Engineers. There are no changes to the forms for 2024, but accounting continues to be an increasingly expensive and time-consuming effort for MPWCD. BBA will continue to try to keep this work as efficient as possible.
- Slot Group: this issue was briefly discussed at the annual meeting with the Division Engineers on December 14. To move this effort forward, BBA proposes doing some initial calculations to get the conversations started in earnest. The goal of these initial calculations is to provide a high-level analysis to better understand what the depletions might be. Board discussion followed. The Board directed BBA to begin conducting the analysis as discussed.

#### 4. CONTRACTS / REQUESTS

A. Tom Hill Contract Application

- Kent Whitmer provided a summary of the contract request submitted by Tom Hill for the Spring Creek Gulch Ranch development. The application contemplates a contract to serve a development on Highway 34 in Grand Lake. Kent explained that Mr. Hill has been approved for other water

contracts from MPWCD, but those contracts are associated with other properties than what would be served by the present application. The cumulative amount contracted to Mr. Hill and his associated entities would not exceed the 5 acre-foot limitation set forth in the MPWCD Bylaws. The present contract request is for a mixed Wolford and Windy Gap contract in the amount of 1.1 acre-feet, for household use, irrigation of landscaping, hot tub, municipal, and fire protection uses for 10 single-family residences and 14 duplexes, for a total of 38 units. BBA has assisted Tom Hill in creating his contract application and supporting materials, and Kristina answered questions from the Board. The Board discussed the contract request. **Following discussion, a motion was made by Jim Lenzotti and seconded by Stan Cazier to approve the contract request for Tom Hill. Motion carried unanimously.**

B. Rick & Cindy Johnson Contract Application

- Kent Whitmer provided a summary of the contract request submitted by Rick and Cindy Johnson for their house on Grand Lake. The property is currently served by the Town of Grand Lake for water in the summer but not in the winter. The contract request is for a mixed Windy Gap and Wolford contract, in the amount of 0.1 acre-foot for household use, outdoor irrigation, and to fill and re-fill a hot tub for one residential unit and one residential guest cottage. BBA has assisted Rick and Cindy Johnson in creating their contract application and supporting materials, and Kristina answered questions from the Board. The Board discussed the contract request. **Following discussion, a motion was made by Tom Long and seconded by Sean Flanigan to approve the contract request for Rick and Cindy Johnson. Motion carried unanimously.**

## 5. LONG TERM PLANNING

- A. **Ron Jones:** Kent Whitmer proposed moving this topic to the end of the agenda so the Board could discuss in executive session. The Board agreed.
- B. **Sunset Ridge Pond:** Kent Whitmer provided an update on SRPOA's recent efforts to secure funding for improvements to Sunset Ridge Pond following denial of the Windy Gap Environmental Fund grant application. SRPOA is in the process of regrouping and investigating other potential funding sources. The Board emphasized MPWCD's priority in ensuring that appropriate steps are being taken by SRPOA to make this water available year-round. Board discussion followed.
- C. **Circle C:** Kent Whitmer has been in communication with counsel and engineers for Circle C, and a meeting has been scheduled between the Circle C engineers and BBA to discuss the engineering analysis that was done in connection with the Troublesome Project diligence application. Kent provided an update on the diligence application,

explaining that statements of opposition are due by the end of January in that case.

- D. **Colorado River Compact Monitoring:** Kent Whitmer reported that he and Stan attended a signing ceremony for the Shoshone purchase and sale agreement. This agreement is a significant step towards Shoshone permanency, which has been a West Slope priority for decades.

## 6. DILIGENCE APPLICATIONS

- A. Troublesome Project – 17CW3136 Due November 2023: This item had already been discussed.

## 7. OTHER BUSINESS

- A. Grand County Funding Request – Wildfire Ready Watershed Program Match
- Kent Whitmer reported that Grand County had reached out before the meeting but after the packets went out. The match has already been met for this initiative, so no donation is needed from MPWCD at this time. The Board asked Staff to provide updates as this initiative moves forward.
- B. Columbine Lake Assignment Agreement
- Katie Randall reported that no action is needed at this time; the agreement has been signed by all parties.
- C. Colorado River Water Users Association – 2023 Conference in Las Vegas
- Stan Cazier, Mike Eytel, and Katie Randall attended the annual convention, and provided a report of themes and updates from the convention. The Board directed MPWCD Staff to reach out to Commissioner Becky Mitchell’s team to see if she would be available to attend a future MPWCD meeting to provide an update on post-2026 negotiations.
- D. Document Retention
- Clay Culbreath provided an update about recent work with Peak Digital to export MPWCD documents stored in Laserfiche to the State Archives. That process is still underway. There may be some files that were not properly uploaded from the physical storage to the Laserfiche repository when the digital transition originally occurred. Investigations are underway to figure out what might have happened and how to best remedy the situation. Updates will be given to the Board as they become available.

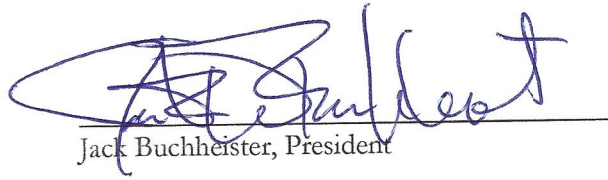
### **Executive Session: Ron Jones Pond**

There being no further items to discuss in an open forum, the Board announced its intent to enter into executive session pursuant to C.R.S. §§ 24-6-402(4)(b) and 24-6-402(4)(e)(I) to discuss legal questions and negotiations related to the Ron Jones Ponds. All attendees other than MPWCD Board members and Staff left the meeting at this time. **Tom Long made a motion to enter into executive session pursuant to C.R.S. §§ 24-6-402(4)(b) and 24-6-402(4)(e)(I) to discuss legal**

questions and negotiations related to the Ron Jones Ponds agreement. Motion was seconded by Stan Cazier and carried unanimously. Kent Whitmer is the attorney providing legal advice, and stated his opinion that the entire discussion of this executive session is subject to the attorney-client privilege. As such, no electronic recording will be taken during this executive session.

Following discussion, Jim Lenzotti made a motion to exit executive session. Motion was seconded by Mike Eytel and carried unanimously.

8. **ADJOURNMENT:** There being no other business before the Board, the meeting was adjourned. The next meeting will take place on March 6, 2024 in Kremmling.



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 January 10, 2024, constituted a privileged attorney-client communication. As such, the executive session was not electronically recorded. The executive session was convened pursuant to C.R.S. §§ 24-6-402(4)(b) and 24-6-402(4)(e)(I) to discuss legal questions and negotiations related to the Ron Jones Ponds agreement.



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Kent Whitmer

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

**By Zoom Video Conference:**

<https://us02web.zoom.us/j/88377255558?pwd=YjFkYkZ3YnBJcVg5ZFBNU1JmMXd0dz09>

To Join by Phone, Dial (719) 359-4580  
Meeting ID 883 7725 5558, Passcode 071783

January 10, 2024, 1:00 p.m.

**1. CALL TO ORDER**

- A. Approval of October 11, 2023 Meeting Minutes \*

**2. BOARD ADMINISTRATION**

- A. 2024 Meeting Dates: January 10, March 6, April 10, May 29, July 10, September 11, and October 9.

- i. Approval of schedule for in-person vs. virtual meetings for 2024 \*

- B. Approval of Posting of Place of Meetings and Agenda \*

- C. Board Appointments:

- i. Jack Buchheister and Tom Long's terms ending January 2024

**3. REPORTS**

- A. Financial/Banking

- i. Profit & Loss Budget vs. Actual (1/1/23 through 12/29/23)  
ii. Balance Sheet (12/29/23)  
iii. Check Register (1/1/23 through 12/29/23)  
iv. Accounts Receivable Aging Summary (12/29/23)  
v. CSAFE & CSAFE CORE Shareholder Statements (12/31/23)

\* Denotes an action item.



vi. Approve Financials \*

B. Budget - Revised

i. Revised Proposed Budget for 2024

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 \*

vii. Certifications of Tax Levies, Grand and Summit Counties \*

C. Attorney

i. Attorney's Report

ii. Action Items Status List

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

D. Hydrologist

i. BBA Report

ii. Additions since BBA Report

**4. CONTRACTS / REQUESTS**

A. Tom Hill Contract Application \*

B. Rick & Cindy Johnson Contract Application \*

**5. LONG TERM PLANNING**

\* Denotes an action item.

- A. Ron Jones \*
- B. Sunset Ridge Pond
- C. Circle C
- D. Colorado River Compact Monitoring (Placeholder)
- E. Global Augmentation Plan (Placeholder)
- F. Purchase / Long-Term Lease of GCWSD#1 Augmentation Pond Water (Placeholder)
- G. Expansion and Participation in GCWSD Reservoir (Placeholder)
- H. Pole Creek Meadows (Placeholder)
- I. Grand County Mutual Ditch and Reservoir Company (Placeholder)
- J. Little King Reservoir (Placeholder)
- K. Bunte Highline (Placeholder)
- L. Funding Sources for Water Rights Development
- M. Open Discussion and Direction to Staff

## **6. DILIGENCE APPLICATIONS**

- A. Troublesome Project – 17CW3136 Due November 2023

## **7. OTHER BUSINESS**

- A. Grand County Funding Request – Wildfire Ready Watershed Program Match \*
- B. Columbine Lake Assignment Agreement
- C. Colorado River Water Users Association – 2023 Conference in Las Vegas
- D. Document Retention

## **8. ADJOURNMENT**

\* Denotes an action item.