

MEETING MINUTES
REGULAR MEETING
BOARD OF DIRECTORS
MIDDLE PARK WATER CONSERVANCY DISTRICT
Kremmling Town Hall

Zoom Video Conference Option:

<https://us02web.zoom.us/j/88610209908?pwd=ajh0TXRYZnhkeTdlam1rZDI4V0Jwdz09>

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

Meeting ID 886 1020 9908, Passcode 677540

March 6, 2024, 1:00 p.m.

Directors:

Jack Buchheister – President
Sean Flanigan – Vice President (present by Zoom)
Jim Lenzotti – Secretary (present by Zoom)
Stan Cazier – Treasurer
Mike Eytel (present by Zoom)
Gary Bumgarner
Tom Long

Others Present:

MPWCD Water Resources Consultant & Hydrologist Kristina Wynne
MPWCD Attorney Kent Whitmer
MPWCD Attorney Katie Randall
MPWCD Attorney Clay Culbreath
Neal Misbach, Division 5 Water Commissioner
Brendon Langenhuizen, Colorado River Water Conservation District (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 January 10, 2024 Minutes

- **A motion was made by Stan Cazier and seconded by Tom Long that the minutes be approved as presented. Gary Bumgarner abstained, motion carried.**

2. BOARD ADMINISTRATION

- A. Remaining 2024 Meeting Dates: 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 noted as follows: April (Silverthorne Library), May (Zoom only), July (Summit County Senior Center), September (Kremmling Town Hall) and October (Kremmling Town Hall). A Zoom option will be available for all in-person meetings.
- B. Board Appointments
- Katie Randall noted that the District Judges for Grand and Summit Counties have issued an order appointing Jack Buchheister and Tom Long to serve additional terms on the Board. Jack and Tom's Oaths of Office have been taken, and were filed with the Court along with the bond certificate.

3. REPORTS

- A. 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.
 - Clay Culbreath provided an update about the progress of transferring the District's digital records to the State Archives. During the transition process, it came to Staff's attention that approximately 440 files were not properly uploaded from physical storage to the Laserfiche repository when the digital migration originally occurred in 2018. A total of approximately 3,350 documents were uploaded in 2018. Clay noted that hard copies of these documents may still be in the District's storage unit, but will need to be located and re-scanned into the District's digital repository. It is not yet known how many pages are included in the files that were corrupted or lost. Board discussion followed. Jack Buchheister directed MPWCD Staff to determine the volume of documents needing to be scanned, and report back to the Board at the April meeting to determine whether the scanning should be done internally by Staff or outsourced to a third party.
 - Kent Whitmer noted that Becky Mitchell, Colorado's Commissioner to the Upper Colorado River Commission, is planning to attend the April 10 MPWCD meeting to discuss the status of negotiations for the post-2026 operating guidelines and to answer questions from the Board.
- B. Hydrologist: Kristina Wynne presented the following updates since the BBA report was provided:
- Basin Hydrology: Kristina reported that snowpack levels have improved slightly since the memo that was included in the meeting materials. The

Bureau of Reclamation has indicated that they do not anticipate pumping Windy Gap water this year based on current projections. Board discussion followed regarding potential impacts to MPWCD contractees and operations should Windy Gap water not be available in the coming year.

- River Administration: there is still no call on the Fraser River or the mainstem of the Colorado. Parties continue to operate under the Shoshone Outage Protocol while turbine repairs are underway. It is anticipated that the Shoshone power plant will come back online in the spring or summer.
- Kristina welcomed questions from the Board, and noted that other topics in the BBA report will be discussed later in the agenda.

4. SHOSHONE PERMANENCY UPDATE

- Kent Whitmer provided an update about efforts to raise the funds necessary to purchase the Shoshone water rights. The River District has committed \$20 million to the purchase price, with another \$20 million approved by the CWCB as part of this year's water projects bill. Federal funding requests are in the works for an estimated \$49 million, with the remaining funds to be raised among West Slope entities. Grand County plans to make a funding request in the amount of \$1 million from the Open Lands and Trails program, which is intended to provide funding on behalf of all Grand County water providers rather than individual funding requests being made to each entity. MPWCD has sent a letter of support to the OLRT Advisory Committee encouraging the committee to grant Grand County's funding request. Other West Slope entities have been making commitments to fund this effort as well; Board discussion ensued regarding the timeline of funding commitments needed from West Slope entities and federal funding requests. Jack Buchheister requested that this topic be continued on the April agenda for further discussion.

5. LONG TERM PLANNING

- A. **Ron Jones:** Kent Whitmer noted that this topic has been moved to the end of the agenda so the Board can discuss in executive session.
- 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 still in the process of regrouping and investigating other potential funding sources.
- C. **Circle C:** Kent Whitmer noted that this topic will be discussed later in the meeting during executive session.
- D. **Colorado River Compact Monitoring:** The Board had already discussed Becky Mitchell's attendance at the April meeting; no further discussion was needed on this topic.

- E. **Funding Sources for Water Rights Development:** Clay Culbreath provided an update on his recent efforts to secure funding for the Ron Jones Pond feasibility study. Board discussion followed.

6. HISTORIC USERS POOL SLOT GROUP ANALYSIS

- Kristina Wynne provided an update of BBA's work on this initiative. Since the January meeting, BBA has begun the process of analyzing at a high level the depletions associated with the Slot Group, with the goal of having a starting point for further conversations with the Division Engineer and interested stakeholders. Kristina provided an overview of the approach taken for this analysis to date and fielded questions from Board members. A more detailed memorandum will be provided to the Board with a summary of findings when the analysis is complete.

7. OTHER BUSINESS

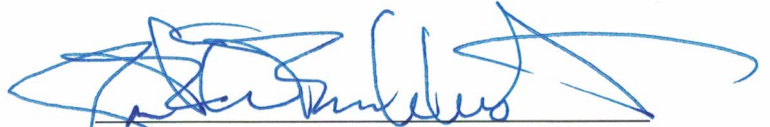
- A. **Open Forum:** Jack Buchheister invited discussion from Board members or other meeting attendees regarding any items not otherwise included on the agenda. Neal Misbach provided an update of matters for Division 5: the Division is looking to hire two hydrographers and is starting to lay the groundwork for new measurement rules that will be coming to the basin in the next decade. Jana Miller and Sue Avre will be retiring in April.

Executive Session: Ron Jones Pond and Troublesome Project Diligence Application

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 draft agreement, and the Troublesome Project diligence application and statement of opposition filed in that case. All attendees other than MPWCD Board members and Staff left the meeting at this time. **Gary Bumgarner 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 draft agreement and the Troublesome Project diligence application and statement of opposition filed in that case. Motion was seconded by Tom Long 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, Gary Bumgarner made a motion to exit executive session. Motion was seconded by Tom Long and carried unanimously.

8. **ADJOURNMENT:** There being no other business before the Board, the meeting was adjourned. The next meeting will take place on April 10, 2024 at the Silverthorne Library.



Jack W. 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 March 6, 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 draft agreement and the Troublesome Project diligence application and the statement of opposition filed in that case.



Kent Whitmer