

MEETING MINUTES
REGULAR MEETING
BOARD OF DIRECTORS
MIDDLE PARK WATER CONSERVANCY DISTRICT
Summit County Library – North Branch (Silverthorne) – Elk Room

Zoom Video Conference Option:

<https://us02web.zoom.us/j/89303019879?pwd=M2VLanh5aHFHc0hVTkhYOWFxYTgyUT09>

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

Meeting ID 893 0301 9879, Passcode 839589

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

Directors:

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

Others Present:

MPWCD Water Resources Consultant & Hydrologist Kristina Wynne
MPWCD Attorney Kent Whitmer
MPWCD Attorney Katie Randall
MPWCD Attorney Clay Culbreath
Kayli Foulk, Grand County (present by Zoom)
Mike Sayler, BBA Water Consultants, Inc.
Michael Sakas, DNR Colorado River Communications Specialist
Renee Valentine, This Land is My Land LLC (present by Zoom)
Rebecca Mitchell, Commissioner for Colorado, Upper Colorado River Commission
Ronald Jones (present by Zoom)
Troy Wineland, Div. 5 Water Commissioner (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:

1. CALL TO ORDER

A. Approval of March 6, 2024 Minutes

- **A motion was made by Gary Bumgarner and seconded by Sean Flanigan that the minutes be approved as presented. Motion carries unanimously.** The Board discussed implementation of a consent agenda at future meetings to more efficiently move through rote meeting topics.

2. CONTRACTS / REQUESTS

With the consent of contract applicants present at the meeting, this agenda item was moved for discussion earlier in the meeting than what was noted on the agenda.

A. Extension Request, Fraser's Ridge*

- The Board discussed the extension request submitted by Fraser's Ridge. The applicant is still making its way through Water Court. **A motion was made by Gary Bumgarner and seconded by Jim Lenzotti to approve the extension request for another nine months pursuant to MPWCD Bylaws. Motion carries unanimously.**

B. Todd Ammerman Contract Application*

- The Board discussed Todd Ammerman's application for 0.2af of water, to be provided from either Windy Gap or Wolford supplies at the discretion of MPWCD. **Following discussion, a motion was made by Stan Cazier and seconded by Gary Bumgarner to approve the contract request. Motion carries unanimously.**

C. This Land is My Land LLC Contract Application*

- Renee Valentine attended the meeting via Zoom for This Land is My Land LLC. The Board discussed this contract application for 1.4af of Wolford water, including the history of a contract that was associated with a previous owner of the affected tract of land (Thorsheim) which had been canceled. The Board requested confirmation that this contract water would not be used to replace evaporative depletions from ponds on the subject property. Ms. Valentine confirmed that there are no ponds on the property and the water will not be used for this purpose. **Following discussion, a motion was made by Gary Bumgarner and seconded by Stan Cazier to approve the contract request. Motion carries unanimously.** Ms. Valentine left the meeting at this time.

3. COLORADO RIVER NEGOTIATION UPDATE – Becky Mitchell, UCRC Commissioner for Colorado

- Colorado Commissioner for the UCRC, Becky Mitchell, made a presentation about the current status of negotiations for post-2026 operations of Lakes Powell and Mead, including details about the Upper Division States Alternative that has been submitted to Reclamation for modeling. Board discussion followed. After the presentation, Commissioner Mitchell, Michael Sakas, Kayli Foulk and Troy Wineland left the meeting.

4. BOARD ADMINISTRATION

- ### A. Remaining 2024 Meeting Dates: 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: 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. Officer Elections*

- President: Jack Buchheister
- Vice-President: Sean Flanigan
- Secretary: Jim Lenzotti
- Treasurer: Stan Cazier

Gary Bumgarner moved to elect all Officers to their current positions as listed above, Mike Eytel seconds. Motion carries unanimously.

Jack Buchheister introduced Mike Sayler to the meeting attendees, noting the many years that Mike served as MPWCD's engineer. The Board welcomed Mike to the meeting.

5. REPORTS

A. Financial/Banking:

- Approve Financials*
Included in the meeting materials were the following financial reports: Profit & Loss Budget vs. Actual (January 1, 2024 through March 31, 2024), Balance Sheet (March 31, 2024), Check Register (January 1, 2024 through March 31, 2024), and Accounts Receivable Aging Summary (April 1, 2024). Stan Cazier noted that there have been lots of big projects assigned to legal and engineering teams for the District, and the year is still young. Given these considerations, the finances appear to be in order. **Following discussion, Gary Bumgarner moved to approve the financial reports including check register, seconded by Stan Cazier. Motion carries unanimously.**
- Acceptance of 2023 Audit*
The 2023 audited financial statements were included in the meeting materials and were discussed. **Sean Flanigan made a motion to accept the 2023 audit, seconded by Jim Lenzotti. Motion carries unanimously.**

B. Attorney

- The Attorney's Report and Action Items Status List were included in the Board packet materials. 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.

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

- Basin Hydrology: Kristina reported that snowpack levels and forecasting information have more or less stayed the same since the memo was distributed. ShOP operations ended as of this morning. Windy Gap is not expected to pump this year, and Granby is expected to spill. Accordingly, it appears unlikely that Windy Gap water will be available this year for MPWCD contractees. Board discussion followed.
- Kristina welcomed questions from the Board and noted that other topics in the BBA report will be discussed later in the agenda.

6. ESTABLISHMENT OF 2025 WATER SERVICE AND USE FEES*

- Kent Whitmer discussed the suggested water rates for 2025, which incorporate the 5% yearly increase provided under the District's contracts. Board discussion followed. **Stan Cazier moved to approve the 2025 Water Service and Use Fees as proposed in the meeting materials, seconded by Sean Flanigan. Motion carries unanimously.** A finalized Water Rates sheet will be posted to the District's website to reflect the 2025 rates. The new rates will go into effect for the bills sent out this summer for water provided in 2025.

7. WOLFORD MOUNTAIN REQUEST AND PAYMENT CRWCD*

- Included in the BBA report in the meeting materials was the recommendation that MPWCD order 520 acre-feet of water from Wolford Mountain Reservoir, which is double the estimated depletions for the coming year. The Board discussed the available options and considerations that affect the amount of water to order, including budget considerations and the likelihood that Windy Gap water will not be available in the coming year. **Following discussion, Stan Cazier made a motion to authorize MPWCD Staff to order 520 acre-feet of water from Wolford Mountain Reservoir, and to make payment to the River District for this amount of water. Motion was seconded by Mike Eytel and carried unanimously.**

Ronald Jones joined the meeting at this time.

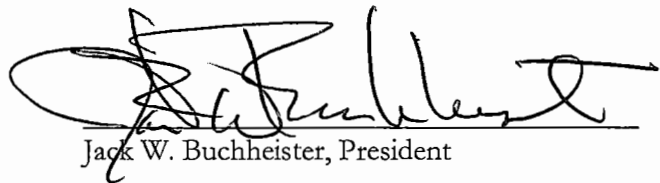
8. LONG TERM PLANNING

- 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.
- Circle C:** Kent Whitmer noted that this topic will be discussed later in the meeting during executive session.
- Colorado River Compact Monitoring:** The Board had already discussed this topic during Commissioner Mitchell's presentation; no further discussion was needed.

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 Sean Flanigan 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 Sean Flanigan and carried unanimously.

12. **ADJOURNMENT:** There being no other business before the Board, the meeting was adjourned. The next meeting will take place on May 29, 2024 via Zoom only.



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 April 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 draft agreement and the Troublesome Project diligence application and the statement of opposition filed in that case.



Kent Whitmer

D. **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.

9. HISTORIC USERS POOL SLOT GROUP ANALYSIS

- Due to time constraints, this topic will be discussed at the next regular Board meeting in May.

10. OPEN FORUM

- Kent Whitmer reported that a draft agreement had been provided to Mr. Jones after the March meeting, and Mr. Jones provided his comments in return after the Board packets went out. Mr. Jones's comments had been circulated to the Board before the meeting.
- Because the Board had not had time to review Mr. Jones's comments in detail before the meeting, Mr. Jones offered to provide a summary of the important issues that will need to be addressed. Board discussion followed. Mr. Jones assured the Board that he would make himself as available as possible in the coming months to assist MPWCD in meeting its funding request deadlines, and he agreed that MPWCD can move forward with these funding requests while contract negotiations are underway.
- The Board thanked Mr. Jones for his time and thoughts, and confirmed that a response would be provided after the Board has had time to review the comments received. Mr. Jones left the meeting at this time.

11. OTHER BUSINESS:

A. Document Retention

Kent Whitmer provided a summary of the discussion on this topic from the March meeting, and gave an update on MPWCD Staff's efforts to locate the physical copies of the potentially missing files. To date, MPWCD Staff has spent approximately 7 hours searching a sample of 8 boxes from the storage unit, and was unable to locate any of the physical files that corresponded to the documents identified as corrupt during the transfer to the State Archives. There are a total of approximately 160 boxes in the District's storage unit. Kent Whitmer will give the matter some thought and will present potential options to locate these files in a cost-effective manner at the next meeting.

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. **Mike Eytel 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**

NOTICE OF MEETING AND AGENDA
REGULAR MEETING, BOARD OF DIRECTORS
MIDDLE PARK WATER CONSERVANCY DISTRICT
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Zoom Video Conference Option:

<https://us02web.zoom.us/j/89303019879?pwd=M2VLanh5aHFHc0hVTkhYOWFxYTgyUT09>

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

Meeting ID 893 0301 9879, Passcode 839589

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

1. CALL TO ORDER

A. Approval of March 6, 2024 Meeting Minutes *

**2. COLORADO RIVER NEGOTIATION UPDATE – Becky Mitchell, UCRC
Commissioner for Colorado (1:15 – 2:00 P.M.)**

3. BOARD ADMINISTRATION

A. Remaining 2024 Meeting Dates: May 29, July 10, September 11, and October 9

B. Officer Elections*

i. President, Vice-President, Secretary, Treasurer

4. CONTRACTS / REQUESTS

A. Extension Request, Fraser's Ridge*

B. Todd Ammerman Contract Application*

C. This Land is My Land LLC Contract Application*

5. REPORTS

A. Financial/Banking:

i. Profit & Loss Budget vs. Actual (1/1/24 through 3/31/24)

ii. Balance Sheet (3/31/24)

iii. Check Register (1/1/24 through 3/31/24)

iv. Accounts Receivable Aging Summary (4/1/24)

v. Approve Financials*

vi. Acceptance of 2023 Audit*

B. Attorney

i. Attorney's Report

ii. Action Items Status List

C. Hydrologist

i. BBA Report

6. ESTABLISHMENT OF 2025 WATER SERVICE AND USE FEES*

7. WOLFORD MOUNTAIN REQUEST AND PAYMENT CRWCD*

8. LONG TERM PLANNING

A. Sunset Ridge Pond

B. Circle C

C. Colorado River Compact Monitoring

*Denotes an action item.

- D. Funding Sources for Water Rights Development
- 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. Open Discussion and Direction to Staff

9. HISTORIC USERS POOL SLOT GROUP ANALYSIS

- A. Update from BBA Water

10. OPEN FORUM

11. OTHER BUSINESS

- A. Document Retention*
- B. Ron Jones

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.

12. WATER RIGHTS

- A. Troublesome Project – 23CW3176

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 Troublesome Project diligence application and statement of opposition filed in that case.

13. ADJOURNMENT

*Denotes an action item.