

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

To Join via Zoom Video Conference:

<https://us02web.zoom.us/j/86919159291?pwd=ys0R7gzlsnlQz4UUG2zVCt191WD7bd.1>

To Join by Phone, Dial (719) 359-4580 Meeting ID 869 1915 9291, Passcode 928348

October 9, 2024, 1:00 P.M.

Directors:

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

Others Present:

MPWCD Water Resources Consultant & Hydrologist Kristina Wynne
MPWCD Attorney Kent Whitmer
MPWCD Attorney Katie Randall
MPWCD Attorney Cooper Gehle (present by Zoom)
Brendon Langenhuizen, River District (present by Zoom)
Neal Misbach, Division 5 Water Commissioner (present by Zoom)
Troy Wineland, Division 5 Water Commissioner
Tim Ritschard, Division 5 Water Commissioner (present by Zoom)
Nina Waters, Summit County Commissioner (present by Zoom)
Jack Schroeder (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**
2. **CONSENT AGENDA**
 - a. Approval of September 11, 2024 Minutes
 - b. Proposed 2025 Meeting Dates and Locations
 - c. Financial/Banking Reports

Gary Bumgarner made a motion to approve the consent agenda as presented. Sean Flanigan seconded, motion carries unanimously.

3. **BOARD ADMINISTRATION:** Stan Cazier and Sean Flanigan's terms ending January 2025

- The terms for two Board seats are set to end in January 2025: District No. 4 (Grand County) and District No. 6 (Summit County). Notice will be published and applications received for the new terms as required by statute.

4. **CONTRACTS / REQUESTS**

a. **Contract Extension Requests: Johnson, Spring Creek Gulch***

- Kent Whitmer explained that these two contract requests were previously approved by the Board at the January 2024 meeting. The contractees are still making their way through Water Court and have requested an extension of their contract approvals for another nine months. Additional details about the extension requests were included in the meeting materials. **Tom Long made a motion to approve the extension requests for the Johnson and Spring Creek Gulch contract requests, seconded by Gary Bumgarner. Motion carries unanimously.**

b. **Decker Contract Application***

- Kent Whitmer explained that this is a contract request for 0.2 acre feet of water to be provided from Windy Gap or Wolford Mountain Reservoir supplies at the discretion of MPWCD. This water will serve one residence for household use, irrigation of native grass and aspen, and a hot tub. Additional details of this contract request were included in the meeting materials. The Board discussed the application. **Following discussion, Gary Bumgarner made a motion to approve the contract request, seconded by Sean Flanigan. Jim Lenzotti voted against; motion carries.**

5. **REPORTS**

a. Budget

i. Approve Proposed Budget for 2025*

- The Board reviewed and discussed the proposed budget for 2025. Katie Randall noted that notice of the budget has been published and a copy of the proposed budget has been available for public inspection at Kremmling Town Hall; no public comments have been received. **Gary Bumgarner made a motion to approve the 2025 budget as included in the meeting materials. The motion was seconded by Tom Long and carried unanimously.**

ii. Resolution to Adopt Budget; Resolution (Designating Excess to General Reserve); Resolution to Set Mill Levies; Resolution to Appropriate Sums of Money*

- The budget resolutions were reviewed and discussed. **Sean Flanigan moved to approve the Resolution to Adopt Budget, the Resolution Designating Excess to General Reserve, the Resolution to Set Mill Levies, and the Resolution to Appropriate Sums of Money. Motion was seconded by Gary Bumgarner and carried unanimously.**

- b. Attorney (Attorney Report/Action Items Status List)
 - Kent Whitmer noted the report and action items status list that were included in the meeting materials; several topics will be discussed in later agenda items. Kent invited questions from the Board.
- c. Hydrologist (BBA Report)
 - Kristina Wynne noted the report that was included in the meeting materials, and provided the following updates: MPWCD's annual accounting will be submitted in November. The new accounting report format appears to be working well and incorporates the changes previously requested by the Division Engineer. The flow below Windy Gap decreased significantly in the beginning of October. No call has come on yet, but that could change soon. Kristina reminded the Board that no Windy Gap water is available this year. Kristina noted that correspondence has recently been received from a contractee who has asked if MPWCD would make a special release to facilitate an absolute claim for their exchange water right. Board discussion followed, and this topic was slated for further analysis and decision at a later Board meeting. Kristina also provided an update of recent conversations with Julie Ash regarding funding efforts by SRPOA for potential improvements along the Fraser River.

6. LONG TERM PLANNING

- a. TABOR Discussion*
 - Kent Whitmer introduced Cooper Gehle, a new associate attorney at the Whitmer Law Firm. Cooper has picked up where Clay Culbreath left off with investigations into funding sources for District projects. Cooper provided a summary of the research conducted to date into funding options and the potential of MPWCD to de-Bruce at a future election. Kent and Cooper met with the team at Seter, Vander Wall & Mielke, P.C. to discuss de-Brucing options; the scope of work and engagement agreement were included in the meeting materials. Board discussion followed. Following discussion, Jack Buchheister directed Staff to follow up with Seter, Vander Wall & Mielke to secure cost estimates for different de-Brucing options and potential questions to put before the District's voters.
- b. Funding Sources for Water Rights Development
 - This topic was discussed in agenda item 6.a. above.
- c. Lease of GCWSD#1 Augmentation Pond Water*
 - Included in the meeting materials is a lease agreement between Grand County Water & Sanitation District No. 1 and Middle Park Water Conservancy District, whereby MPWCD would lease water from GCWSD#1 through October of 2025. The lease term length and availability limitations were discussed. **Following discussion, a motion was made by Tom Long and seconded by Jim Lenzotti to approve the Lease Agreement. Motion carries unanimously.**
- d. Open Discussion and Direction to Staff: None.

7. **OPEN FORUM:** None.

8. **OTHER BUSINESS**


- a. Ron Jones
 - b. Troublesome Project – 23CW3176
- **A motion was made by Tom Long 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 to discuss legal questions and negotiations related to the Troublesome Project diligence application and statement of opposition filed in that case. Motion was seconded by Sean Flanigan and carried unanimously.**
 - Kent Whitmer stated that the entirety of the executive session is subject to attorney-client privilege; as such, the session will not be recorded.
 - **A motion was made by Tom Long, seconded by Gary Bumgarner, to exit the executive session. Motion carries unanimously.**
 - A special meeting will be held on November 15 via Zoom for the Board to discuss and potentially approve the agreement with Ron Jones.

9. **OTHER BUSINESS**

- a. Colorado River Water Users Association – 2024 Conference in Las Vegas
- Kent Whitmer noted that registration is open for the 2024 conference, which will take place from December 4-6. Kent plans to attend in person. Any Board members who are interested in attending should contact Staff for registration details.

10. **ADJOURNMENT**

- a. There being no further business to discuss, the meeting was adjourned.



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 sessions at the regular meeting of the Board of Directors on October 9, 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