

MEETING MINUTES
REGULAR MEETING
BOARD OF DIRECTORS
MIDDLE PARK WATER CONSERVANCY DISTRICT
Frisco – Summit County Community and Senior Center, Ute Room
83 Nancy's Place, Frisco CO 80443
January 8, 2020, 1:00 p.m.

Directors:

Jack Buchheister – President (present)
Sean Flanagan – Vice President (present)
Jim Lenzotti – Secretary (present)
Richard Doucette – Treasurer (present)
Mike Eytel (present)
Gary Bumgarner (present)
Tom Long (present)

Others present:

MPWCD Engineer Kristina Wynne
MPWCD Attorney Stan Cazier
MPWCD Attorney Kent Whitmer
MPWCD Attorney Katie Randall
Sue Avery, Division 5 Water Commissioner
James Heath, Assistant Division Engineer, Division 5
Neal Misbach, Division 5 Water Commissioner
Karn Stiegelmeier, Summit County Commissioner
Elizabeth Lawrence, Summit County 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 9, 2019 Meeting Minutes
- **Gary Bumgarner moved to approve the minutes, seconded by Sean Flanagan. Motion carried unanimously.**

2. REPORTS

- A. Financial/Banking
- Kent Whitmer reported on Profit & Loss Budget vs. Actual (January 1, 2019 through December 31, 2019), Balance Sheet (December 31, 2019), Check Register (September 30, 2019 through December 31, 2019), and Accounts Receivable Aging Summary. Based on the general state of the budget, everything is in order. Several unexpected short-term contracts came through at the end of 2019, and expenses were generally lower than expected. Efforts

continue to collect payment from the six contractees that have not yet paid; the Board will consider termination of these water contracts at the quarterly meeting in April if payment is not received. **Gary Bumgarner moved to approve the financials, seconded by Tom Long. Motion carried unanimously.**

B. Attorney

Kent Whitmer presented the following developments that have occurred since the Attorney's Report and Action Items Status List were provided:

- Update on Moffat Case: Karn Stiegelmeier provided an update on the recent decision from Boulder County District Court.
- Stan Cazier provided an update on the IBCC's December meeting, which included demand management discussions and preliminary discussions of implementing Proposition DD. The next meeting will take place in March.

C. Engineer

Kristina Wynne presented the following updates since the Engineer's Report was provided:

- Updated Basin Hydrology numbers. The Board discussed options for replacement water should the CWCB instream flow call come on below Windy Gap Reservoir.
- Sunset Ridge Pond: the owners' association has insulated the outlet, but haven't installed the solar heater as anticipated. It is unknown whether a winter test release will be approved by the owners' association in order to determine if freezing will continue to be an issue.
- A final accounting for Water Year 2019 has been submitted to the Division Engineer for Water Division No. 5. Kristina reviewed the final accounting with the Board. The Division will continue to work with Kristina to ensure proper accounting measures are in place for individual homeowners who report directly to the Division.
- Discussion took place regarding the ongoing need to ensure that replacement water aligns with the decreed source of supply for Middle Park contractees. Although this will not be an issue after the Windy Gap water becomes firm, an interim solution may be necessary. One potential solution would be to operate an administrative exchange in years where Granby spills, to move Wolford water up the basin.
- De minimis: Conversations are ongoing between the Division Engineer for Water Division No. 5 and Middle Park representatives, with the goal of getting more clarity from the CWCB on the issue.
- Wild & Scenic: a special meeting was held on Monday. The provisional period ends in June; at that time the plan that is in place will be finalized. A long-standing dispute continues regarding interpretation of the Resource Guides. Middle Park will continue to monitor the situation as the provisional period comes to an end.

3. CONTRACTS / REQUESTS

A. Ratification of Fiscal Focus Partners Contract:

- Upon verbal authorization from Treasurer Dick Doucette, Kent Whitmer signed the Fiscal Focus Partners Contract for next year's audit. **Motion to ratify the agreement made by Dick Doucette, seconded by Jim Lenzotti. Motion carried unanimously.**

B. Ratification and Approval of GCWSD No. 1 Short-Term Water Lease:

- Pursuant to the direction and authorization from the Board at the October meeting, Kent Whitmer approached the water counsel for Grand County Water & Sanitation District No. 1, and negotiated and entered into a water lease on behalf of Middle Park. The lease formalizes the arrangement between GCWSD and MPWCD, and provides for 10AF increments of water to be provided to Middle Park by GCWSD, up to a total of 30AF. **Motion to ratify the lease was made by Tom Long, seconded by Mike Eytel. Motion carried unanimously.**

C. Status of Polacsek Contract:

The application was received over a year ago, and Middle Park has been waiting to hear back from the Polacseks. Kent Whitmer contacted Alan Polacsek, who indicated that they are no longer interested in entering into a contract for water from Middle Park.

D. Status of Zook Contract:

The Board had previously granted an extension to Douglas Zook, who was waiting for the Water Court to issue a decree. Mr. Zook has now received his decree, and has signed the contract that was previously approved by the Board. Jack will countersign the agreement.

4. LONG-TERM PLANNING: Kent Whitmer provided an update on the following long-term planning projects, and the Board discussed the merits and pending tasks for each.

A. Maintenance of Fraser Valley Water Rights: Middle Park's Fraser Valley diligence application was filed in November. The Ranch Creek diligence application was filed jointly by the River District, Middle Park, and Grand County in December. No Statements of Opposition have yet been received in either case.

B. Purchase/Long-Term Lease of GCWSD#1 Augmentation Pond Water: GCWSD is in the midst of pursuing an augmentation plan; an application for the plan has been filed with the Water Court. The results of that case will directly impact GCWSD's ability to enter into any potential agreement for Middle Park to purchase or lease on a long-term basis any water. GCWSD is aware that Middle Park is highly interested in this water, but they are unable at this time to give a definitive answer either way.

C. Grand County Mutual Ditch and Reservoir Company: Mike Eytel reported that the GCMDRC remains in a holding pattern: the annual meeting of shareholders is scheduled for January 9, 2020. The GCMDRC will continue its efforts to develop and implement a pilot project.

- D. Little King Reservoir: Kent Whitmer attempted to contact the owners of record of the Little King Reservoir, but has not received any response. The nature of the water rights were discussed, as well as the possibility that the land and water rights have come under new ownership.
- E. Bunte Highline: Kent Whitmer discussed the nature of these water rights with Peter Fleming from the River District. Board discussion followed regarding valuation and measurement of the water rights, and potential funding sources that might become available via cooperation with the River District. Middle Park will continue to monitor the status of these rights.
- F. Funding Sources for Water Rights Development: General Board discussion.
- G. Open Discussion and Direction to Staff: Staff will continue to monitor and investigate these potential long-term plans.

5. BOARD ADMINISTRATION

- A. 2020 Meeting Dates have been previously approved, and will take place as follows: April 8th, July 8th and October 14th.
- B. Board Appointments: Jack Buchheister and Tom Long's terms will end on January 30, 2020. Jack and Tom have submitted their applications to renew their terms; no other applications were received. The applications have been referred to the District Court Judges for appropriate consideration.
- C. Approval of Posting of Place of Meetings and Agenda: Under recent changes to the Open Meetings Law, local governments are encouraged to post the notices of meetings online rather than in physical locations. Accordingly, Middle Park will post the notices of meetings of the Board of Directors on the website, or in the event that the website is unavailable, in the physical locations set forth in the Resolution Designating the Location for Posting Notice of Meetings of the Board of Directors of Middle Park Water Conservancy District. **Motion to approve the Resolution made by Sean Flanagan, seconded by Tom Long. Motion carried unanimously.**

6. COLORADO RIVER WATER USERS CONVENTION

- A. Dick, Mike, Stan, and Kent gave their impressions from the CRWUA convention in December in Las Vegas.


7. OTHER BUSINESS

James Heath provided an update about the status of his analysis of the Historic User Pool. He expects to finalize his preliminary analysis shortly, and will seek feedback when it is finalized.

The Board granted approval for Stan Cazier to attend the Water Congress meeting in Denver at the end of the month.

8. ADJOURNMENT

The meeting was adjourned at 3:00 PM.



Jack Buchheister, President