

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE NORTH WELD COUNTY WATER DISTRICT

Held: February 10, 2025, at 8:30 A.M.

The meeting was conducted via teleconference.

ATTENDANCE

The meeting was held in accordance with the laws of the State of Colorado. The following directors were in attendance:

Tad Stout, President
Nels Nelson, Treasurer
Anne Hennen, Assistant Secretary
Matt Pettinger, Assistant Secretary
Scott Cockroft, Secretary

Also present were Eric Reckentine, District General Manager, Garrett Mick, District Operations Manager; Jon Wagner, Esq., WHITE BEAR ANKELE TANAKA & WALDRON, Assistant District general counsel; Scott Holwick, Lyons Gaddis, District special counsel; Jamie Dickinson, Spencer Fane, District special counsel; Jan Sitterson and Richard Raines, Water Resources; Wendy Greenwald, The Solution PR; and members of the public.

ADMINISTRATIVE MATTERS

Call to Order

The meeting was called to order at 8:30 A.M.

Declaration of Quorum and Confirmation of Director Qualifications

Mr. Stout noted that a quorum for the Board was present and that the directors had confirmed their qualifications to serve.

Reaffirmation of Disclosures of Potential or Existing Conflicts of Interest

Mr. Wagner advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Mr. White reported that disclosures for those directors that provided WHITE BEAR ANKELE TANAKA & WALDRON with notice of potential or existing conflicts of interest, if any, were filed with the Secretary of State's Office and the Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Mr. Wagner inquired into whether members of the Board had any additional disclosures of potential or existing conflicts of interest about any matters scheduled for discussion at the meeting. The Directors reviewed the agenda for the meeting and confirmed that they have no additional conflicts of interest in connection with any of the matters listed on the agenda.

Approval of Agenda Mr. Reckentine presented the Board with the agenda for the meeting. Upon motion duly made and seconded, the Board unanimously approved the agenda as amended to add a discussion regarding Honey Creek Resources potential conflict of interest.

PUBLIC COMMENT None.

CONSENT MATTERS **AGENDA** Upon motion duly made and seconded, the following items on the consent agenda were unanimously approved, ratified and adopted:
Minutes from January 13, 2025, Regular Meeting
a. Draft Financials January 2025
b. Invoices through February 10, 2025
c. Tri-Hydro On-Call Services Change Order 2025
d. Tri-Hydro Scope of Work for Compliance
e. Reynolds Change Order 001 – 36 Inch Line Lowering
f. NEWT III change order
g. Letters of Intent

Cache La Poudre Water Users Association, Grey Mountain Water Right Mr. Holwick noted that the Cache La Poudre Water Association had a prior right to Grey Mountain water. The Association conveyed 7/8ths of its share to Northern Water and is now conveying 1/8 remaining to “water user members”. Many of the water districts are members including the District. Mr. Reckentine stated the District should pursue an opportunity to purchase it pr rata share which has not been offered by the association. It is unknown what a “member unit” is for water rights purposes. There may be an opportunity to acquire a portion of a water right. There is no recommended direction at this time, Mr. Holwick will work to get a return call from the Association.

Update Regarding Status of Litigation with Eagle View Farms, LLC Ms. Dickinson provided a brief update regarding the trial conducted in January 2025. The Board discussed the trial in the Executive Session.

Update to Tolling Agreement Work Session The Board discussed negotiations with the Dairy parties in the Executive Session.

Executive Session: The Board reserves the right to enter into Executive Session for the following purposes: Receiving legal advice and discussing matters subject to negotiation and strategy pursuant to § 24-6-402(4) Upon a motion duly made and seconded, followed by an affirmative vote of at least two-thirds of the quorum present, the Board(s) enter into executive session for the purpose of receiving legal advice on and discussing matters pursuant to Section 24-6-402(4)(b) & (e), C.R.S. related to the Water Rights Acquisition, Status of Litigation with Eagle View Farms, LLC, Dairy Tolling Agreement.

(b),& (e), C.R.S. related to the Acquisition of Water Rights, Status of Litigation with Eagle View Farms, LLC, Dairy Tolling Agreement.

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., no record will be kept of the portion of this executive session that, in the opinion of legal counsel to the District, constitutes privileged attorney-client communication pursuant to Section 24-6-402(4)(b), C.R.S.

Also pursuant to Section 24-6-402(4), C.R.S., the Board did not adopt any proposed policy, position, resolution, rule, regulation or take formal action during the executive session.

The Board reconvened in regular session at 10:48 a.m.

DISTRICT MANAGER’S REPORT

Tap Sales

Mr. Reckentine reported to the Board that there were 0 taps sold in 2025.

Town of Eaton, Executed Amended Water Service Agreement

Mr. Reckentine reported that the agreement has been executed.

NOCO Water Alliance

Mr. Reckentine reported on the status of the NOCO Water Alliance and the principals’ resolution they proposed. The Board declined to renew its membership at this time. Mr. Reckentine will continue to attend meetings until he is told not to and will discuss the Districts position with the Alliance.

Closed on 80 Units of C-BT

Mr. Reckentine reported that the District has closed on the 80 Units of CB-T approved for purchase.

Notifications Sent to Towns Seeking Revised and Amended WSAs

Mr. Reckentine reported that the District has provided notice to all Town that they need to begin negotiations for new water services agreements by March 1.

Ditch Board Election Results – NPIC and WSSC - Discussed

Mr. Reckentine reported on the results of NPIC and WSSC elections.

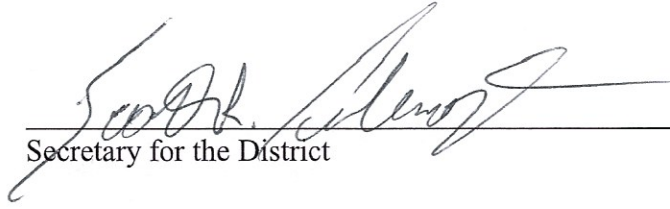
OTHER BUSINESS

Discussion was held on Honey Creek conflict of interest. The board dd not express concern with Hiney Creek working for FCLWD as long as the waiver was mutule

ADJOURNMENT

There being no further business to be conducted, the meeting was adjourned.

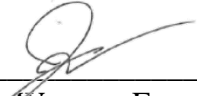
The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting



Secretary for the District

ATTORNEY STATEMENT
REGARDING PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that, in my capacity as the attorney representing North Weld County Water District, I attended the executive session at the regular meeting of North Weld County Water District on February 10, 2025 for the sole purpose of discussing matters subject to negotiation and strategy pursuant to § 24-6-402(4) (b) & (e), C.R.S. related to the Status of Litigation with Eagle View Farms, LLC, and Dairy Tolling Agreement. I further attest it is my opinion that all of the executive session discussion constituted a privileged attorney-client communication as provided by Section 24-6-402(4)(b), C.R.S. and, based on that opinion, no further record, written or electronic, was kept or required to be kept pursuant to Section 24-6-402(2)(b), C.R.S. or Section 24-6-402(2)(d.5)(II)(B), C.R.S.



Jon L. Wagner, Esq.