

**Southwestern Water Conservation District  
Board of Directors Regular Meeting via Zoom  
February 16-17, 2022**

**Present:** Dagan Chadd (February 16<sup>th</sup> and 17<sup>th</sup>) JR Ford (February 16<sup>th</sup> and 17<sup>th</sup>)  
David Guilliams (February 16<sup>th</sup>, 17<sup>th</sup> after 10am) Rusty Hinger (February 16<sup>th</sup> and 17<sup>th</sup>)  
Amy Huff (February 16<sup>th</sup> and 17<sup>th</sup>) Jenny Russell (February 16<sup>th</sup> and 17<sup>th</sup>)  
Don Schwindt (February 16<sup>th</sup> and 17<sup>th</sup>) Charlie Smith (February 16<sup>th</sup> and 17<sup>th</sup>)

**Absent:** Monte Naslund (February 16<sup>th</sup> and 17<sup>th</sup>)

**Staff:** Laura Spann, Programs Coordinator (February 16<sup>th</sup> and 17<sup>th</sup>)  
Steve Wolff, General Manager (February 16<sup>th</sup> and 17<sup>th</sup>)

**Consultants:** Christine Arbogast, Kogovsek & Associates (February 17<sup>th</sup>)  
Peter Butler, Independent Consultant (February 17<sup>th</sup>)  
Elaine Chick, Independent Consultant, Water Information Program (February 17<sup>th</sup>)  
Peggy Montano, Trout Raley (February 16<sup>th</sup>)  
Carrie Padgett, Harris Water Engineering (February 16<sup>th</sup> and 17<sup>th</sup>)  
Beth Van Vurst, Van Vurst Law, General Counsel (February 16<sup>th</sup> and 17<sup>th</sup>)  
Garin Vorthmann, Colorado Legislative Strategies (February 17<sup>th</sup>)

**Guests:** Orla Bannan, Western Resource Advocates (February 16<sup>th</sup> and 17<sup>th</sup>)  
Ty Churchwell, Trout Unlimited (February 17<sup>th</sup>)  
Neva Connolly, Mancos Conservation District (February 16<sup>th</sup>)  
Allie Cunningham, Woodwell Climate Research Center (February 16<sup>th</sup>)  
Ken Curtis, Dolores Water Conservancy District (February 17<sup>th</sup>)  
Jeff Derry, Center for Snow & Avalanche Studies (February 17<sup>th</sup>)  
James Dickhoff, Town of Pagosa Springs (February 16<sup>th</sup>)  
Mandy Eskelson, Mountain Studies Institute (February 16<sup>th</sup>)  
Rica Fulton, RiversEdge West (February 16<sup>th</sup>)  
Marcel Gatzambide, San Juan Citizens Alliance (February 16<sup>th</sup> and 17<sup>th</sup>)  
Rob Genualdi, Colorado Division of Water Resources, Division 7 Engineer (February 17<sup>th</sup>)  
Mark Houser, Eaklor Ditch Company (February 16<sup>th</sup>)  
Blake Mamich, Colorado Water Trust (February 17<sup>th</sup>)  
Jayla Poppleton, Water Education Colorado (February 17<sup>th</sup>)  
Roger Rash, Montrose County Commissioner (February 16<sup>th</sup>)  
Alyssa Richmond, Animas Watershed Partnership (February 16<sup>th</sup>)  
Deana Sheriff, West End Economic Development Corporation (February 16<sup>th</sup>)  
Ed Tolen, Southwest Basins Roundtable (February 17<sup>th</sup>)  
Chris Treese, Independent Consultant (February 17<sup>th</sup>)  
Ryan Unterreiner, Colorado Parks & Wildlife (February 16<sup>th</sup> and 17<sup>th</sup>)

**Wednesday, February 16, 2022**

**1.0 Call to Order – Roll Call and Verification of Quorum**

President Jenny Russell called the meeting to order at 9:00 a.m. Roll was taken and a quorum established.

**2.0 Review and Approve Agenda**

There was unanimous consent to approve the agenda as noticed.

(time: 00:01:00)

**3.0 SWCD Board of Director Appointments for Dolores & Mineral Counties** (time: 00:01:30)

Beth Van Vurst reported that SWCD has received director credentials for the reappointment of Rusty Hinger to represent Mineral County and Dagan Chadd to represent Dolores County on the SWCD board of directors. No appointment/reappointment notice was received from Montrose County. Until Montrose County takes action, Monte Naslund will continue to serve on the SWCD board of directors as the Montrose County representative.

**4.0 Annual Election of Officers** (time: 00:02:30)

Beth Van Vurst and Steve Wolff described the virtual officer election process. Jenny Russell and Don Schwindt were nominated for board president. Jenny Russell accepted the nomination and Don Schwindt declined. Votes were submitted by secret ballot. Jenny Russell was elected board president for the upcoming year by a majority of the board.

Don Schwindt was nominated for vice-president and accepted the nomination. Votes were submitted by secret ballot. Don Schwindt was elected vice-president for the upcoming year by a majority of the board.

Charlie Smith was nominated for secretary-treasurer and accepted the nomination. Votes were submitted by secret ballot. Charlie Smith was elected secretary-treasurer for the upcoming year by a majority of the board.

**5.0 Board Committee Membership for 2022** (time: 00:14:10)

Steve Wolff directed board members to a one-page summary of the board committees as currently structured and requested that board members let staff know if they would like to adjust their committee membership.

**6.0 Approve and/or Remove Consent Agenda Item** (time: 00:15:00)

There was unanimous consent to approve the consent agenda.

**7.0 Consent Agenda** (time: 00:15:15)

**7.1 Approval of Minutes (December 8, 2021; January 7, 2022; January 20, 2022)**

**7.2 Resolution 2022-01 Designation of Meeting Posting Location**

Charlie Smith moved to approve the consent agenda. JR Ford seconded. The motion passed.

**8.0 Executive Session** (time: 00:15:40)

Beth Van Vurst recommended that the board move into executive session for the purpose of discussing agenda item 8.1, upcoming diligence application for SWCD Water Rights, case no. 13CW3011, Division 7; agenda item 8.2, San Miguel River basin water supply planning; agenda item 8.3, upcoming diligence application for SWCD & La Plata County's Animas Service Area water right, case no. 06CW127, Division 7; agenda item 8.4, application of Double RL Company, case no. 21CW3020, Division 4; and agenda item 8.5, December water court resume review for Divisions 3 & 4. The statutes covering this executive session are § 24-6-402(4)(b), C.R.S., "conferences with an attorney for the district for the purpose of receiving legal advice on specific legal questions," and § 24-6-402(4)(e), C.R.S., "determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators." Peggy Montano joined executive session as SWCD's special counsel on the SWCD Water Rights, agenda item 8.1. Dagan Chadd moved that the board go into executive session. Rusty Hinger seconded. The motion passed.

Beth Van Vurst stated that no further record of the executive session need be kept based on her opinion that the discussion will constitute privileged, attorney-client communications.

**9.0 Summary and Action Items from Executive Session** (time: 00:19:45)

Beth Van Vurst announced that the board was out of executive session at 11:06 a.m. During the executive session, the board discussed agenda item 8.1, upcoming diligence for SWCD Water Rights, case no. 13CW3011, Division 7; agenda item 8.2, San Miguel River basin water supply planning; agenda item 8.3, upcoming diligence for SWCD & La Plata County's Animas Service Area water right, case no. 06CW127, Division 7; agenda item 8.4, application of

Double RL Company, case no. 21CW3020, Division 4; and agenda item 8.5, December water court resume review for Divisions 3 & 4. No action was taken during executive session.

Rusty Hinger moved to authorize special counsel Peggy Montano to file a diligence application to maintain the SWCD Water Rights, case no. 13CW3011, Division 7. David Guilliams seconded. The motion passed.

JR Ford moved to approve the settlement proposal with the change discussed in executive session in case no. 21CW3020, Division 4, the Double RL Company's diligence application. Amy Huff seconded. The motion passed.

Dagan Chadd moved to file a statement of opposition in case no. 21CW3076, Division 4, an application by Elk Ridge Mining & Reclamation. Rusty Hinger seconded. The motion passed.

## **10.0 General Counsel Legal Report**

### **10.1 December Water Court Resume Review (Divisions 3, 4, 7)**

(time: 00:24:20)

Beth Van Vurst reported that, aside from case no. 21CW3076, there were no other applications in the December water court resumes for Divisions 3, 4 and 7 that warrant further discussion or action by SWCD.

### **10.2 Proposed Updates to SWCD's Employee Job Descriptions**

(time: 00:24:50)

Beth Van Vurst provided the board with final draft SWCD employee job descriptions, which were updated to reflect their duties more accurately. Both employees have stated they are comfortable with the job descriptions and able to complete the tasks outlined. Charlie Smith moved to approve the updated SWCD employee job descriptions. Don Schwindt seconded. The motion passed.

*The board recessed for lunch.*

## **11.0 SWCD Grant Program**

### **11.1 2021 Grant Program Summary Report**

(time: 00:30:20)

Laura Spann summarized the 2021 grant program approvals and disbursements. Of the \$230,000 SWCD budgeted for 2021 grants, \$230,000 was awarded. Of that, \$172,454 was disbursed to nine 2021 grantees. Another \$88,965 was disbursed in 2021 to grant applicants from previous years that received extensions. Three 2021 grants were extended through 2022 totaling \$44,394. Laura highlighted a few large grant awards and the progress on the related projects.

### **11.2 Review of SWCD Grant Program Criteria**

(time: 00:35:00)

Laura Spann summarized the 2022 SWCD Grant Program Guidelines. Total 2022 funds available through the grant program is \$250,000. There was more money requested than available in the Water Supply/Watershed Restoration and Public Forums/Studies categories, so staff developed funding recommendations to comply with the guidelines and category funding allocations the board provided.

### **11.3 2022 SWCD Grant Application Presentations**

(time: 00:41:30)

Laura Spann summarized the grant application review process and expectations for applicant presentations at the meeting.

### **Emergency Category**

#### **Eaklor Ditch Company – Piping Project**

On behalf of the Eaklor Ditch Company, Mark Houser presented the emergency request for \$60,000 to support the stabilization and piping of the ditch after a recent slide that has halted the delivery of water to shareholders. The total estimated project cost is \$151,000, with the ditch company supporting most of the cost through their cash reserves, in-kind, and a special assessment yet to be collected. Given that the project supports the use of water rights identified by the applicant as pre-compact, SWCD staff recommended approval of the grant request for up to 40% of the total project cost for an amount not to exceed \$60,000 with disbursement conditioned upon the collection of a special assessment from shareholders.

**Water Supply/Watershed Restoration Category****Lone Cone Ditch & Reservoir Company – Outlet/Intake Repair**

On behalf of the Lone Cone Ditch & Reservoir Company, Deana Sheriff presented the request for \$28,439 to support engineering and design for demolition and repair of the Lone Cone Reservoir reservoir outlet and intake structure. As part of the redesign and repair, the outlet will be raised in preparation for deepening the reservoir to increase storage capacity. With this deepening and dredging, it is anticipated that reservoir storage could increase by 1,750 acre-feet. In addition to the applicant's match, San Miguel County and West End Economic Development Corporation also made cash and in-kind contributions toward the project. The total estimated cost for this phase is \$71,252. Because the project supports the maintenance of water rights identified by the applicant as pre-compact, SWCD staff recommended approval of the grant request in the simplified amount of \$28,500.

**Mancos Conservation District – Mancos Valley Smart Metering Project**

On behalf of the Mancos Conservation District, Neva Connolly presented the request for \$25,000 to support the Mancos Valley Smart Metering Project, a project recommended in the "Agricultural Action Plan," an outcome of Phase I of the Mancos River stream management plan. The action plan suggested that a measurement network comprised of water meters and data loggers on flumes and weirs, all transmitted at frequent intervals to a central website would greatly increase the efficiency of water changes. The Mancos Conservation District has partnered with the Bolen, Sheek and Beaver ditches to install equipment that will send water data to a local server. The total estimated project cost is \$65,000. Other funding comes from the CWCB Watershed Restoration Grant Program and the ditch companies. Given that the project supports the measurement and maintenance of water rights identified by the applicant as pre-compact, SWCD staff recommended approval of the grant request in the full amount of \$25,000.

**RiversEdge West – Dolores River Restoration Partnership's Stewardship/Monitoring**

On behalf of RiversEdge West, Rica Fulton presented the request for \$17,818.80 to support stewardship and monitoring efforts by the Dolores River Restoration Partnership (DRRP). Specifically, the DRRP will conduct revegetation of five acres of the project area that are now showing positive signs of passive revegetation, coordinate monitoring efforts, and organize a volunteer stewardship event. The total estimated project cost is \$36,087.60. SWCD staff recommended approval of the request in the reduced amount of \$16,500 based on the remaining category funding available.

**Town of Pagosa Springs – Yamaguchi South Project**

On behalf of the Town of Pagosa Springs, James Dickhoff presented the request for \$32,000 to support the Yamaguchi South Project, which consists of the construction of aquatic habitat improvements, recreation structures and improving river access within Town-owned lands. SWCD funding would go only to habitat improvements, specifically the creation of low flow channels, riffle and pool habitat, fish passage, and similar measures to increase the resiliency of the San Juan River. The total estimated project cost is \$664,720 and is supported by Archuleta County, Trout Unlimited, Friends of the Upper San Juan, The Nature Conservancy, and Weminuche Audobon. A CWCB grant request is also pending for this project. While the project did not meet the required 25% match, SWCD staff recommended approval of the match waiver request given the broad local support. SWCD staff recommended approval of the request in the reduced amount of \$30,000 based on the remaining category funding available.

**Public Forums, Studies & Planning Category****Animas Watershed Partnership – Animas River Stream Management Plan Phase I**

On behalf of the Animas Watershed Partnership, Alyssa Richmond presented the request for \$16,020 to support Phase I of the Animas River Stream Management Planning process. This phase includes convening the steering committee, developing the stakeholder group, outlining a scope for the process, and conducting data gap analysis. The total estimated cost of this phase is \$82,098 and is supported by Mountain Studies Institute, Trout Unlimited and numerous stakeholders. Given the broad local support for the effort, SWCD staff recommend approval of the match waiver request. SWCD staff recommended approval of the grant request in the simplified amount of \$16,000.

**Mancos Conservation District – Water Quality & Urban Water Conservation Plan**

On behalf of the Mancos Conservation District (MCD), Neva Connolly presented the request for \$5,000 to support the Mancos Valley Water Quality and Urban Water Conservation Plan. MCD will engage the local community to evaluate community water quality priorities, conduct testing, analyze and summarize water quality data, and develop an urban water conservation plan for Mancos residents to support the well-being of their hydrologic system. SWCD funding would support sonde probes, E. coli tests, water quality tests shipping, and printing of educational materials. The total estimated project cost is \$10,000. SWCD staff recommended approval of the grant request in the full amount of \$5,000.

**Woodwell Climate Research Center – Science on the Fly in Southwest Colorado**

On behalf of the Woodwell Climate Research Center, Allie Cunningham presented the request for \$17,550 to support ongoing water quality monitoring by Science on the Fly in southwest Colorado, specifically in the San Miguel, Animas and La Plata River basins. The total estimated project cost is \$33,002. SWCD funding would cover a year of monthly sampling, specifically hobo sensors and sample analysis. SWCD staff recommended approval of the grant request in the reduced amount of \$16,500, which is 50% of the total project cost excluding administrative indirect costs.

**11.4 2022 SWCD Grant Applications Decisions**

*(time: 01:45:45)*

David Guilliams moved to approve the Eaklor Ditch Company's grant application to support their emergency piping project for 40% of the actual final project cost in an amount not to exceed \$60,000, with disbursement conditioned upon documentation that the special assessment from shareholders for the remaining costs has been collected. Rusty Hinger seconded. The motion passed.

Dagan Chadd moved to approve the Lone Cone Ditch & Reservoir Company's grant application to support the Lone Cone Reservoir outlet and intake repair in the simplified amount of \$28,500. Amy Huff seconded. The motion passed.

Don Schwindt moved to approve the Mancos Conservation District's grant application to support the Mancos Valley Smart Metering Project in the requested amount of \$25,000. Dagan Chadd seconded. Charlie Smith recused himself as a shareholder in the Beaver Ditch Company, a beneficiary of the project. The motion passed.

Amy Huff moved to approve RiversEdge West's grant application to support the Dolores River Restoration Partnership's ongoing stewardship and monitoring in the reduced amount of \$16,500. David Guilliams seconded. The motion passed.

JR Ford moved to approve the Town of Pagosa Springs' grant application to support the Yamaguchi South Project in the reduced amount of \$30,000. Rusty Hinger seconded. The motion passed.

Amy Huff moved to approve the Animas Watershed Partnership's grant application to support Phase I of the Animas River Stream Management planning process in the reduced amount of \$16,000. Dagan Chadd seconded. The motion passed.

Charlie Smith moved to approve the Mancos Conservation District's grant application to support the Mancos Valley Water Quality and Water Conservation Plan in the requested amount of \$5,000. Don Schwindt seconded. The motion passed.

Dagan Chadd moved to approve the Woodwell Climate Research Center's grant application to support Science on the Fly's water quality monitoring in southwest Colorado in the reduced amount of \$16,500. Amy Huff seconded. The motion passed.

**11.5 Board and Staff Feedback on Grant Program Process & Criteria**

(time: 01:57:30)

Laura Spann recommended a few clarifications in the SWCD grant program guidelines. Staff will provide proposed revisions to the 2023 SWCD grant program guidelines for board consideration at the March 31<sup>st</sup> or June 8<sup>th</sup> board meetings.

*The board recessed on Wednesday, February 16th at 2:30 p.m. until Thursday, February 17th at 9:00 a.m.*

**Thursday, February 17, 2022**

**12.0 Call to Order – Roll Call and Verification of Quorum**

(time: 02:13:00)

President Jenny Russell called the meeting to order at 9:00 a.m. Roll was taken and a quorum established.

**13.0 Review and Approve Agenda**

(time: 02:14:00)

There was unanimous consent to approve the agenda as noticed.

**14.0 Questions & Comments from Public**

(time: 02:14:15)

There were no questions or comments from the public.

**15.0 Reports**

**15.1 Hydrologic Conditions, including updates from Division 4 and 7 Engineers**

(time: 02:15:50)

Rob Genualdi, Division 7 Engineer, summarized snowpack, area reservoir levels, temperatures, and hydrologic conditions in southwest Colorado. He mentioned several open water commissioner positions on the Mancos and Upper San Juan rivers.

**15.2 Update from Roundtable Colorado River Subcommittee**

(time: 02:30:00)

Ken Curtis and Ed Tolen summarized the formation of the Southwest Basins Roundtable Colorado River Subcommittee, an informational and educational forum which has explored the demand management feasibility study, drought contingency planning, studies by the Water Bank Working Group, and the West Slope Risk Studies. At the most recent meeting, the Subcommittee reviewed demand management positions statements released by other Roundtables and the Colorado River District’s demand management program outline (aka, the “punching bag”). This outline highlighted the vulnerability of southwest Colorado’s junior water rights. Currently the Southwest Basin Roundtable does not appear to have an appetite to develop its own demand management statement. Steve Wolff added that Upper Colorado River Commission received a Reclamation grant to conduct a demand management feasibility study, which is expected to be released by September 30, 2022. The next Subcommittee meeting will include a presentation from the Rio Grande water users on their efforts to maintain compact compliance. There was board discussion around SWCD taking a more vocal lead in conducting outreach and policy leadership regarding Colorado River issues and the proposed demand management program, which depends on SWCD having clear understanding of southwest Colorado vulnerabilities. SWCD adopted guiding principles regarding demand management feasibility investigation in June 2021.

**15.3 Director Reports**

(time: 02:51:00)

Don Schwindt (Montezuma County) reported on recent hydrologic conditions and encouraged additional measurement of groundwater storage to better understand how soil moisture will impact streamflows. McPhee Reservoir is close to empty (44%, which includes an inactive capacity too).

JR Ford (Archuleta County) reported there was six inches of snow at Wolf Creek Ski Area. The San Juan River has not frozen over from town to Mesa Canyon this year, which JR has never seen and may indicate that it has been an extremely warm winter.

Charlie Smith (San Juan County) reported on the possible settlement between Sunnyside Mines and U.S. Environmental Protection Agency (EPA) regarding the Gold King Mine spill and what reclamation efforts may result from the resulting financial compensation.

Rusty Hinger (Mineral County) reported he received four inches of snow and some creeks have started running in February.

Dagan Chadd (Dolores County) reported that it is dry with a little snow yesterday. The Town of Dove Creek is designing its much-needed municipal reservoir, funded in part by a CWCB loan.

Amy Huff (La Plata County) reported that Purgatory has received four inches of snow.

Jenny Russell (San Miguel County) reported that it has been warm and dry. A portion of the river north of Telluride town park has been dry, which Jenny has never seen before. The Town of Telluride is updating their Climate Action Plan with more aggressive goals and implementation strategies.

#### **15.4 Summary and Acceptance of Year End 2021 Treasurer's Report**

*(time: 02:58:20)*

Laura Spann directed the board to SWCD's Treasurer's Report for year end 2021 and highlighted several expense items. JR Ford moved to accept the Year End 2021 Treasurer's Report. Rusty Hinger seconded. The motion passed.

#### **15.5 Board Committee Reports (Finance Committee Meeting January 18<sup>th</sup>)**

*(time: 03:03:50)*

##### **15.5.2 SWCD Short-Term & Long-Term Cash Management**

Steve Wolff reported on the three items discussed at the SWCD Board Finance Committee meeting on January 18<sup>th</sup> (agenda items 15.5.1, 15.5.2, and 15.5.3). Given the low interest rate climate, SWCD's best rate of return is currently available through its Bank of Colorado checking account. Staff will continue to monitor interest rates, which are expected to rise in 2022 and 2023, and bring any improved investment opportunities to the Finance Committee for consideration.

##### **15.5.1 Proposed assignment of a Portion of the FY2021 Year End Fund Balance**

Steve Wolff described the table provided in the board packet and highlighted the staff recommendation regarding assignment of a portion of the projected 2021 year-end fund balance, which was developed in consultation with the SWCD Board Finance Committee. Don Schwindt moved to assign a portion of the FY2021 year-end fund balance as follows: SWCD Water Defense - \$2,080,000, SWCD Water Development - \$1,386,000. Dagan Chadd seconded. The motion passed.

##### **15.5.3 Proposed SWCD Investment Policy**

Steve Wolff summarized the proposed SWCD investment policy, which has been reviewed by general counsel and the SWCD Board Finance Committee. Amy Huff moved to adopt the SWCD investment policy as proposed. Charlie Smith seconded. The motion passed.

#### **15.6 Water Information Program (WIP) Report**

*(time: 03:10:40)*

Elaine Chick summarized coordination and promotion of SWCD's Southwest Water Seminar and asked board members to spread the word. Elaine Chick, WIP manager, directed board members to the year end 2021 WIP update in their packet, which was sent to all WIP partners. WIP held five successful "Water Law in a Nutshell" courses in 2021; the next four-hour virtual water law course help will be April 22<sup>nd</sup>. WIP and the Southwest Basin Roundtable's Public Education Participation and Outreach PEPO liaison are collaborating with the Water 22 campaign, including the statewide student water awareness week in April and a mini-basin tour in fall 2022. Last week, at a meeting of water festival coordinators statewide, many indicated they would not be holding an in-person event this year. Elaine has reached out to fifth grade teachers for feedback on how to best support them with spring water education. Planning has begun for the summer Forest-to-Faucets teaching training program and the Youth River Stewardship Program, which creates opportunities for kids to engage with their rivers. As PEPO liaison, Elaine is coordinating the development of an independent Southwest Basins Roundtable website and logo.

## 15.7 Outstanding Waters Update

Peter Butler summarized the purpose of an Outstanding Waters (OW) designation, SWCD's concerns regarding potential impacts of 19 proposed OW designations in southwest Colorado in the context of rising temperatures due to climate change, and recent SWCD meetings with the OW designation proponents to address those concerns. Peter further clarified how temperature is considered as part of OW proposals by the Colorado Water Quality Control Division. Beth Van Vurst recommended that the SWCD board authorize filing a request for party status prior to the March 16<sup>th</sup> for the June rulemaking hearing on the proposed OW designations. Don Schwindt moved to file a request for party status for Chapter 34 and 35 regulation hearings with the Colorado Water Quality Control Division. Amy Huff seconded. The motion passed. Carrie Padgett will be mapping the proposed OW designations overlaid with water diversion structures to evaluate potential impacts to existing water uses.

The Southern Ute Indian Tribal Council is expected to consider adoption of their proposed water quality standards by the end of February, after which time it will sent to the EPA for review.

## 15.8 Engineering Report

### 15.8.1 Upper Colorado & San Juan River Basin Recovery Implementation Programs (time: 03:38:00)

Carrie Padgett reported that the 20,000-acre-foot release from Navajo Reservoir scheduled for November and December 2021 as part of the Colorado River Drought Reservoir Operations Agreement (DROA) was eventually cancelled because forecasted inflows predicted that it would cause a shortage for existing obligations from the reservoir. Carrie noted that the Colorado River Basin Forecast Center, which provides models that inform operations at reservoirs within the District, bases their data on a 30-year moving average which recently shifted from 1981-2011 to 1991-2021, excluding several wet years from the 1980s. Thus, moving forward, averages may not reflect pre-drought data. The San Juan River Basin Recovery Implementation Program's Biology Committee two-day annual meeting will be held in late February and review field efforts, non-native removal, and progress toward endangered species recovery. Other current Program issues include the recent discovery that razorback suckers are hybridizing with other suckers and post-2023 program authorization and planning.

## 17.0 Legislative Affairs

### 17.1 Federal Affairs Update (time: 03:46:30)

Christine Arbogast, Kogovsek & Associates, reported on several federal issues, including bipartisan co-sponsorship for proposed legislation to extend the endangered species recovery programs, incomplete fiscal year 2022 appropriations bills, efforts to disburse funding from the Bipartisan Infrastructure Law, recent hearings on the 2023 farm bill, and expected drought packages from the California delegation. Christine added that federal natural resources priorities are taking a backseat to other pressing matters, including the possible Russian invasion of Ukraine, the proposed budget, and divisiveness in a mid-term election year. Redmesa Ditch and Reservoir Company may be able to access funding to support reservoir rehabilitation from the Natural Resources Conservation Service (NRCS) through P.L. 566 (Watershed Protection and Flood Prevention Act), which is estimated at \$11.5 million. Redmesa Reservoir may ask SWCD to serve as a sponsor (or passthrough) for NRCS funding.

### 17.1.1 Proposed Good Samaritan Legislation (time: 04:05:30)

Steve Wolff, Ty Churchwell (Trout Unlimited), and Peter Butler (independent consultant) summarized the impetus for proposed federal Good Samaritan legislation, which aims to reduce liability risks under the Clean Water Act and Superfund rules for volunteer organizations wishing to remediate abandoned, active-draining, mines. The proposed legislation creates a pilot permitting program with conditional liability relief for Good Samaritans to enable not-for-profit cleanup efforts to move forward, while ensuring Good Samaritans have the skills and resources to comply with federal oversight. Currently, the bill has bipartisan Senate sponsorship and is pursuing similar House sponsorship. Both the environmental community and mining industry are collaborating and supportive of the bill. Ty Churchwell encouraged the SWCD board to support the legislation, as it has done with past Good Samaritan legislative proposals. There was SWCD board consensus to indicate SWCD's general support in concept for Good Samaritan legislation to members of the Colorado Congressional delegation, with the understanding that staff and counsel will review the proposed legislation.



*The board recessed for a short break.*

## **17.2 State Legislative Update & Positions on Bills**

*(time: 04:20:20)*

Steve Wolff and Garin Vorthmann summarized the following proposed state water bills:

HB22-1092 (Loans from Irrigation Districts to Landowners) would allow an Irrigation District to loan funds to their landowners to upgrade or enhance their irrigation systems. While Pine River Irrigation District (PRID) has not yet taken a position on this bill, initially PRID board members did not see the need for or value of this legislative change. Colorado Water Congress and the Colorado River District support the bill. SWCD did not take a position on HB22-1092.

HB22-1151 (Turf Replacement Program) would authorize the Colorado Water Conservation Board to incentivize turf removal by providing matching funds for existing community turf programs and establishing a statewide turf removal program; however, appropriations to support the programs have not yet been identified. Charlie Smith moved that SWCD monitor HB22-1151 (Turf Replacement Program). Don Schwindt seconded. The motion passed.

SB22-114 (Fire Suppression Ponds Water Rights) addresses administration of fire suppression ponds in existence prior to 1975. Several concerns exist about the bill as introduced and amendments have been proposed to address some of them. Colorado Counties, Inc has put forward this bill, and La Plata and Dolores Counties support it. Amy Huff moved that SWCD support SB22-114 (Fire Suppression Ponds Water Rights) with proposed amendments. Don Schwindt seconded. There was discussion. The motion passed.

SB22-126 (Prioritize Water Storage Projects South Platte Basin) would prioritize funding for projects from the South Platte basin over other projects identified in the recently updated Basin Implementation Plans. Staff and consultants recommended that the board oppose the bill because it may negatively impact project funding and other efforts in southwestern Colorado. Charlie Smith moved that SWCD oppose SB22-126 (Prioritize Water Storage Projects South Platte Basin). Don Schwindt seconded. The motion passed.

## **18.0 Partner Updates & Presentations**

### **18.1 Water 22 Campaign Update and Sponsorship Request**

*(time: 04:53:50)*

Jayla Poppleton, Water Education Colorado, summarized the Water 22 campaign, a 12-month effort to raise public awareness about water's critical role in our state's future. "Water 22," as the campaign is named, capitalizes on key milestones this year, including the 100-year anniversary of the Colorado River Compact, the release of the Water Plan update in summer 2022, Water Education Colorado's 20-year anniversary, and several others. The goal is to generate media coverage, social media buzz, and coordinate events statewide to draw attention to the value of water and our role as stewards. There will be several southwest-Colorado based events, including a mini-basin tour, coordination with local breweries, southwest experts participating in the speakers bureau, and other events.

As the campaign lead, Water Education Colorado (WEco) is asking that SWCD sponsor the Water 22 campaign in the amount of \$2,500. SWCD has budgeted \$6,000 toward general "event sponsorships." SWCD staff recommended approval of this sponsorship request based on the benefits that Water 22 brings to southwest Colorado. Dagan Chadd moved to support the Water 22 campaign with a \$2,500 sponsorship. Amy Huff seconded. The motion passed.

### **18.2 Update from Center for Snow & Avalanche Studies**

*(time: 05:14:50)*

Jeff Derry, Center for Snow & Avalanche Studies, summarized recent monitoring and data collection by the Center for Snow & Avalanche Studies and how local water managers utilize that information for real time decision making. He also presented recent activities of the Colorado Dust on Snow program. He relayed the various tools from the Center available to stakeholders and water managers.

## 16.0 Staff Report

### 16.1 Colorado River Basin Hydrologic Conditions

(time: 05:35:45)

Steve Wolff referred directors local and Colorado River basin hydrologic conditions summarized in their packet.

### 16.2 2022 CWCB Proposed Instream Flow Program Recommendations

(time: 05:36:00)

#### 16.2.1 Spring Creek, Division 4

Steve Wolff reported on the CWCB's proposed instream flow appropriation for 1.1 cfs from March 15<sup>th</sup> through May 31<sup>st</sup> on a seven-mile reach of Spring Creek (tributary to the San Miguel River) in Montrose County. While statute permits utilizing the instream flow program to protect the natural environment to a reasonable degree, the Spring Creek appropriation may be the first to use the ISF tool in that way. SWCD staff and counsel want to further evaluate the methodology used to recommend the flow necessary to protect this unique riparian community.

Steve Wolff also noted that CWCB has stepped in to fill a funding gap for the USGS Hermosa Creek near Hermosa stream gage.

### 16.3 Proposed SWCD Strategic Plan & 2022 Action Plan

(time: 05:43:00)

Steve Wolff summarized comments and changes to the proposed SWCD strategic plan. Charlie Smith moved to adopt the SWCD Strategic Plan. Rusty Hinger seconded. There was board discussion. The motion passed. Steve solicited additional comments on the draft SWCD action plan for consideration at the March 31<sup>st</sup> meeting.

### 16.4 Proposed Agenda & Budget: SWCD's 38<sup>th</sup> Southwest Water Seminar

(time: 05:46:45)

Steve Wolff directed the board to the draft Southwest Water Seminar hybrid program in their packets, on which directors are listed as moderators and will be asked to participate in coordination calls with their panel. Elaine Chick detailed the proposed seminar budget expenses and revenues. The SWCD board was generally supportive of soliciting seminar sponsorships.

### 16.5 Draft Newsletter for Board Review

(time: 06:03:30)

Laura Spann directed the board to the draft SWCD-WIP "Nine Basins Bulletin" in their inbox for review and feedback, which will be further refined based on public and board feedback over the coming year. The board provided input and suggested revisions and additions on the newsletter content. There was general board support for February distribution of the newsletter as presented.

### 16.6 Lower Basin Tour, New Dates: November 2-4, 2022

(time: 06:13:00)

Steve Wolff noted that the Colorado River District-SWCD Lower Basin tour has been rescheduled for November 2-4, 2022. Details are in the board's packet.

### 16.7 General Manager Activities

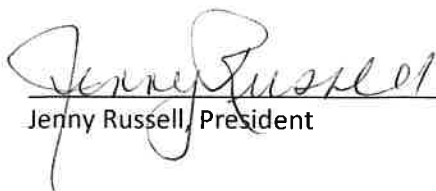
Steve Wolff directed board members to the written board report summarizing his activities and meetings since the last update. The next regular board meeting is planned for in-person.

## 19.0 Executive Session (as needed)

There was no need for an additional executive session.

## 20.0 Adjournment

President Russell adjourned the meeting at 1:30 p.m.

  
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Jenny Russell, President