

**Southwestern Water Conservation District
Board of Directors Meeting
Oct. 6, 2011**

Present: John Porter Steve Fearn April Montgomery*
 J. R. Ford Tim Kelly Monte Naslund
 John Taylor Bob Wolff Fred Kroeger (Emeritus)
**April attended portions of the meeting via phone, but was not in attendance during the Executive Session.*

Absent: Larry Deremo

Guests: Ryan Christianson Ed Zink Donald Shahan
 Dale Rodenbaugh Russ Howard Dave Grey
 Ken Beegles Rege Leach Ken Francis
 Beth Leshell

President John Porter called meeting to order at 9:00 am. Roll was called and a quorum was present.

Office Report:

Bruce reported on the following:

- The ALP Tribute Garden dedication ceremony is scheduled for Oct. 21 at 2:30 and a reception following. Details will be sent to the board.
- Colorado Water Trust is hosting a tour of the CCC Ditch Oct. 21 at 11:00 a.m. Details will be sent to the board.
- The Colorado Water Conservation Board (CWCB) approved the appropriation of the San Miguel In-stream Flow at the staff's recommended amounts during the hearing on September 13th.
- Upper Colorado River Commission (UCRC) and Bureau of Reclamation (BOR) approved the first series of projects to receive MOA funds. They included these projects in our District: 1) variable speed replacement motors for the Dolores Project, 2) the Florida Project for upstream gate replacement and canal lining on the Florida River. Projects not approved for 2012 was the Dolores hydro installation on Toawoc Highland canal. It was resubmitted for consideration of 2013 funding. Funding for the Long Hollow Project and Pine River Project spillway repair is on the list to be considered for funding in 2013. Regarding the Long Hollow Project: Colorado Water Resources and Power Development Authority (CWR&PDA) have it on their agenda for tomorrow's meeting in Durango. There may be requests for funding from regional sources including SWCD and the Southwest Basin Roundtable.
- Animas – La Plata Water Conservancy District is discussing the long term financing of the 700 af depletion of ALP water under contract with the Colorado Water Resources and Power Development Authority (CWR&PDA).
- The City of Durango has a ballot measure November 1st to purchase 1900 af of depletion of ALP water.
- The ALP OM&R Association (Association) has met and scheduled future meetings with SWCD and board members regarding ALP water rights.
- The State is considering exercising their option for 5230 af depletion. It may be discussed at CWCB's November meeting.

- Peggy Montañño has been retained as special counsel for SWCD regarding Animas-La Plata issues, as well as other issues where the board cannot be represented by MBSS. Maynes, Bradford, Shipps and Sheftel (MBSS) may have a potential conflict regarding the winter stock water issue on the Animas River. Peggy Montano filed an amicus brief on behalf of the District.
- Six board members participated in the 2012 budget workshop held Sept. 27.
- Three River Protection Workgroup meetings have been held in Silverton. A presentation was made by Animas Stakeholders group to the workgroup, and Bruce commended the work that the Stakeholders have done on water quality. The Piedra River kick-off meeting is scheduled for this week.
- The City of Durango is developing a river management plan, (from the glider port to Basin Creek) and will be at this meeting with additional information for the Board.
- The City is still in the process of researching the potential for recreation management on Lake Nighthorse.
- The Colorado Water Resources and Power Development Authority (CWR&PDA) is holding their meeting in Durango tomorrow and SWCD is hosting a reception tonight for them at the Durango Discovery Museum.
- Representatives from Ft. Lewis College have asked to brief the Board on work that is being done at the old Ft. Lewis property in Hesperus. They will be asking the Board to consider accepting a request for financial assistance out of cycle at the December meeting.
- The SWCD audit has been completed, but only at the final hour before it was due to the State. Animas – La Plata Water Conservancy District will evaluate proposals from a number of auditors for its' 2011 audit. It would be beneficial if the same auditor could be used for both districts.
- The New Mexico State Engineer, John de Antonio resigned. A replacement is expected within 30 days.
- ALPWCD has decided to discontinue receiving the Legal Report from Janice Sheftel. MBSS will be happy to discuss any changes that the SWCD Board may want. Staff will collect comments from the Directors off line.
- SWCD sent a letter to the three Colorado representatives (Tipton, Lamborn, and Coffman) on the House Natural Resource committee regarding Diana Degette's HB 2420 wilderness bill. The letter was included in the packets.
- The San Juan Wilderness Act of 2007 (S. 1635) was introduced to the Senate by Senator Udall and is co-sponsored by Senator Bennet. The water language in the bill appears to be is consistent with "headwaters language" in the 1993 Colorado Wilderness Act for lands included in the Wilderness. Bruce will work with Christine Arbogast to ensure that the water language is sufficient.
- There are a couple of small scale hydropower acts, HR 795 and HR 2842, introduced by Representative Scott Tipton. The Federal Affairs committee of the Colorado Water Congress voted support HR 2842.
- Chris Piper, Denver Water, asked that information on a water conservation bill (low-flow toilets and urinals) be shared with the Board which Bruce circulated. There was general consensus that SWCD would remain neutral at this time, and will further evaluate the bill if and when it is introduced.
- Bruce circulated a draft resolution which may be introduced during the next session by Senator Roberts regarding severance tax.
- The Colorado River Water Users Association convention will be in Las Vegas, Dec. 14-16.

- The National Water Resources Association is having their winter convention in Tucson Nov. 14-16. The Board is being given an opportunity to meet one-on-one with BOR Director, Mike Connor if desired.
- Colorado Water Congress' winter convention is in Denver, Jan. 25-27, 2012.
- Ute Mountain Ute Tribe former chairman, Ernest House, Sr., passed away in September after a motorcycle accident. The Board sent a card to the family and flowers to the memorial service.

Questions/Comments from Audience

(time:00:49:48)

Ed Zink, Waterfall Ranch, thanked the Board for its effort in protecting agricultural water rights, particularly regarding winter stock water.

Agency Reports

Bureau of Reclamation

(time:00:52:55)

Ryan Christianson updated the Board with regional reservoir statistics. Lake Powell had its highest inflow in decades this year. Lake Powell elevation increased 50 feet this year, and is passing the maximum amount of water through the hydro-electric generators to Lake Mead.

Colorado Water Congress (CWC)

(time:00:59:01)

Steve Fearn reported that CWC Board held a retreat last week. There are 6 vacancies on the Board. Steve is on the nomination committee. At their December meeting, they will adopt a new set of bylaws that includes an increase the number of board members from 26 to 30. SWCD Directors are to send any comments to Steve.

Colorado Water Conservation Board (CWCB)

(time:01:01:43)

April Montgomery reported via phone that it was snowing in Telluride and there is no electricity. She will provide a written report to the Directors after this meeting.

ALP OM&R Association (Association)

(time:01:02:43)

Russ Howard reported that the Association received its non-profit status and state tax exemption. Maynes, Bradford, Shipps and Sheftel received a "common interest confidentiality" agreement from Hill and Robbins. This agreement would be between the parties involved in the discussions with SWCD regarding ALP water rights. Next meetings are scheduled for Nov. 8, and Dec. 19. The Association is keeping the Division of Water Resources informed of their progress on the draft protocol. The new Association office building/shop should be open after the first of the year. Pipe inspections on drop structures are continuing. The Association is asking for more test releases that will probably be done next year. The Ute Mountain Ute Tribe variable fund agreement will likely be in place by early November. The Southern Ute Indian Tribe variable fund agreement is in place and a check has been requested. The November Association meeting will be held in Shiprock. Each entity in the Association appoints a member to the board. The City of Durango and ALPWCD is represented at this time by Mike Brod, CWR&PDA. Fifty thousand (50,000) trout were stocked in Lake Nighthorse in the last three weeks; that brings the total amount of trout stocked in the reservoir to 100,000.

(Note April Montgomery, participating by phone, left meeting due to power outage in Telluride.)

Division of Water Resources (Division)

(time:01:19:20)

Rege Leach reported that most regional reservoirs are near 100% of capacity. We have had a dry summer overall; temperature was at average. There was a call from New Mexico on the La Plata River in April. The Division has used deliveries of water down Cherry Creek to assist in meeting the Compact. There has been feedback from some La Plata water rights holders, concerned that they have not received as much water as in the past before the Cherry Creek bypass. The Division stated that water is being administered in priority. Bruce Whitehead encouraged the Division to get accurate information to the Colorado water users because this was a major change in administration.

On the Dolores River, the Energy Fuels uranium processing plant will be using approximately 180 af of water on site. Energy Fuels is negotiating with CWCB, who filed an opposition to the water court case, to do an injury with mitigation. Divisions 4 (Montrose) and 7 (Durango) are working together on issue.

There were 230 structures on the initial abandonment list developed by Water Resources; owners of 80 of those structures sent letters of opposition to them being on the abandonment list. Of those 80, about 60 have been removed from the list. A final list from the Division will be provided to the court in December; remaining opposers will have an opportunity to oppose the abandonment in the water court.

Bruce Whitehead thanked Rege for allowing Division staff to participate in the ongoing River Protection Workgroups activities.

United States Geological Survey (USGS)

(time:01:45:42)

Dave Grey reported that the basin has had a very dry summer in most areas. The Spring Creek at La Boca gage will not be funded by the Southern Ute Indian Tribe effective October 1st. USGS is negotiating with Excel Energy regarding four gages: 1) Ames- South fork of San Miguel, 2) Ames-above Trout Lake 3) Tacoma-above the diversion on Cascade Creek, and 4) Tacoma-below the diversion on Cascade Creek. Dave will be making measurements every 2 weeks through the winter. The new gages on Cascade Creek will comply with FERC requirements.

Gage costs will remain the same as 2011 at \$16,200 per gage. The amount of money that the USGS can match for gages has decreased. SWCD's costs will increase about \$8,000 for 2012. CWCB will fund the Placerville gage one more year. Dave was contacted and asked that the USGS keep operating the gages at Slick Rock and Placerville. Dave just installed a high rate data transmitter at Uravan.

The BOR is getting pressure to monitor the flows in Basin Creek. The Salt Lake City BOR office does not think it should be contributing as much as it is to the Tall Timbers gage operation, and suggested that cost should be picked up by the ALP Association or SWCD.

(John Porter welcomed Peggy Montano to the meeting.)

IBCC & Basin Roundtable

(time:01:58:40)

Steve Harris reported that the next Roundtable meeting is next week in Cortez. The scenario planning tool will be discussed. The roundtable will also elect to fill two vacancies for which there are four applicants.

Approval of Minutes

Steve Fearn moved to approve the Sept. 27, 2011 minutes as written. John Taylor seconded the motion and it passed unanimously.

Approval of Treasurer's Report

Bob Wolff moved to accept the Sept. 2011 treasurer's report. Monte Naslund seconded the motion and it passed unanimously.

Board Member Reports

(time:02:05:24)

John Taylor (Hinsdale County)

The River Protection Workgroup for the Piedra River begins this week. There has been an increase in flows due to rains this week. The ground is well saturated. Two Archuleta County Commissioners are attending the RPWG meetings on the Piedra.

J. R. Ford (Archuleta County)

It's wet in Pagosa. There is a geothermal workshop today in Pagosa Springs; 80-90 people from various locations in the state are in attendance and they are studying a couple of new projects.

Bob Wolff (La Plata County)

The Animas – La Plata Water Conservancy District (ALPWCD) is shifting its primary focus from the ALP Project to determining a way to pay for its ALP water allocation which will be discussed at their next board meeting. The City of Durango Parks & Recreation Department continues to move towards a recommendation to the City Council to manage recreation at Lake Nighthorse. Regarding winter stock water, the La Plata County Commissioners are informed and very supportive about protecting those historical uses.

John Porter (Montezuma County)

The Mancos River and McElmo Creek had spikes this week. Dolores Water Conservancy District will observe their 50th anniversary with a celebration on Nov. 12. The Mancos Water Conservancy District has utilized most of the \$6 million federal grant on rehab projects.

Steve Fearn (San Juan County)

The Animas River Stakeholders Group (ARSG) has been working over 16 years to improve water quality through mine remediation in the Mineral Creek, Cement Creek and Upper Animas River areas. Mineral Creek has shown dramatic improvement; zinc loading has dropped 50% and is meeting water quality standards. The biggest opportunity for improvement is on Cement Creek in the Gladstone area—there is natural loading from the Red Mountain area. Water there was treated until 2004 and gains were made. Since a shutdown of the treatment facility, it is evident that loading metals increased until 2008 and then shown a slight downward trend after. It was having a major impact on the Animas as far south as Bakers Bridge. The Environmental Protection Agency (EPA) did a characterization study to see if it would qualify for listing as a superfund site. Results

showed that it would barely qualify for the designation. Community meetings were held and many in the community, as well as the ARSG, were not supportive of a superfund listing. Sunnyside Gold may agree to help fund \$6.5 million for a new treatment plant and operating expenses; they would not provide funding, however, if it receives a superfund listing. The Animas River Stakeholders Group is moving ahead with a collaborative process that includes EPA. The Bureau of Land Management (BLM) is also somewhat responsible for discharge from the American Tunnel because the outlet is on BLM property.

Tim Kelly (Mineral County)

The summer was dry, but September has been very wet and it was snowing this morning at his residence. They're anticipating a La Nina winter with less precipitation and colder temperatures.

Monte Naslund (Montrose County)

Montrose County has had a good water year. It has turned to winter. The CCC Ditch Company continues to monitor work on the ditch.

Old Business

DeGette Wilderness Bill

(time:02:30:05)

Barry said that the topic was covered in the Executive Director report. Barry will report on other wilderness bills at the next meeting.

Winter Stock Water

(time:02:30:20)

Peggy Montaño, representing SWCD on this issue, reported that she filed an amicus brief with the court on the Zink/Falls Creek case regarding winter stock use. Copies were distributed to the board members. Peggy described the brief and answered questions.

(April Montgomery rejoined the meeting via telephone.)

Board Member Reports (continued)

April Montgomery (San Miguel County)

(time:02:45:09)

April attended the Dolores River Dialogue meeting, receiving an update on "The Way Forward" that SWCD helped fund. The group is moving forward well with the exception of the gage on Slip Rock. She asked if there would be assistance from USGS on that gage, and asked if SWCD would consider contributions in the future. Initially, the gage was installed largely for the benefit of the rafting community who has not provided funding historically. Data is being used by many more groups today.

SWCD's position on the San Miguel In-Stream Flow (ISF) was discussed at a recent San Miguel County Commissioner's meeting. SWCD staff was not in attendance, but April Montgomery, Jenny Russell, and a Norwood Water Commissioner were present for the discussion. The BOCC felt that the District should be cautious in taking actions that are in opposition to the county's positions. April added that the perception from the BOCC was that SWCD opposed the ISF. They will send a letter asking for an explanation of the District's actions. Discussion occurred. It was clarified that the District did not oppose the ISF, and testified in support the appropriation with reduced amounts for the minimum amount necessary to protect the environment as required by statute. It was

added that the ISF on the San Miguel sets precedence for all waters leaving the state and that the Colorado Water Conservation Board should request only the minimum amount necessary to sustain habitat. April responded that she discussed the issue with CWCB Staff and Board and there is not a lot of support for the District's position.

San Miguel In-stream Flow

(time:02:55:31)

Bruce referred the board to the memo in the packet. Both Bruce and Barry Spear testified at the CWCB hearing. Tom Wesche testified as a biology expert. John Porter provided comments as a member of the public. Joan May, San Miguel County Commissioner and Jenny Russell from Telluride provided input. Montrose County BOCC and the Town of Norwood provided testimony in opposition to the ISF. Barry reported that CWCB approved the recommendation of the CWCB Staff for the flows recommended by the CWCB Staff which were higher than the flows recommended by Tom Wesche's report. The next step is for CWCB to file the application for a water right before the end of 2011. MBSS has considered different options that the Board could take that will be discussed in Executive Session. It was clarified that all options (including taking no further action) would be presented and discussed in Executive Session.

Engineering Report

(time:03:02:39)

Steve Harris reported on the following:

- Steve attended the last meeting of the Aspinall operators group that was attended by the Dept. of the Interior (DOI). The DOI is preparing to make a Record of Decision before the spring runoff in 2012 and asked the cooperators for one more unofficial review of the EIS. There were no changes on the Dolores issues.
- The water bank continues to move forward. MWH, the consultant for the project started working on the scope. Currently there is a Technical subgroup, a Legal subgroup and the larger steering group. There is a call next week. Discussion occurred.
- Responses to the Colorado River Water Availability Study are completed. The Southwest Basin Roundtable's issues include: recovery implementation plan, reservoir releases, the McElmo natural flow cannot be calculated, the range is too big. There is 2011 funding for the San Juan Recovery Program without using the Upper Basin MOA funding. Legislation will be introduced this month to get funding extended. La Plata – Archuleta Water District hired a new manager, Ed Tolen, formerly of the Ute Water Conservancy District who began work Sept. 1st in their office in Ignacio. The District has a measure on the ballot to get debt authorization.
- Carrie Lile is workin^g on the Animas Watershed project.

John Porter introduced Ken Francis and Beth Lashell, representing the old Ft. Lewis campus in Hesperus. They discussed a grant concept to bring the old Ft. Lewis domestic water up to current standards (there is no potable water now) and asked if they could make a request for financial assistance out of cycle, if necessary, at a future meeting.

The Board took a short luncheon break.

New Business

Requests for Financial Assistance

Center for Snow & Avalanche Studies

(time:03:33:50)

Chris Landry recapped last season's work and requested \$5,000 for 2012. He is asking for 2011 level amounts from all contributors. The Center recorded 11 events in 2011 with most occurring between February and May.

Old Business (continued)

Nutrient Update

(time:03:52:10)

It was announced that Jeff Kane passed the Colorado Bar today. Jeff referred the Board to the packet memo. The Water Quality Control Commission is proposing to adopt criteria for both nitrogen and phosphorus that would apply to every stream and lake in the state. If adopted, Colorado would be the first state to adopt a nitrogen and phosphorus standard for every water body in the state; the EPA is applying pressure to do that. The Nutrient Coalition is planning to propose an alternative rule that has to be submitted by October and asked the Board for direction. Smaller communities are looking at legislative interventions; Jeff asked if SWCD would want to be involved. Discussion occurred. Bob Wolf moved that Jeff continue to work on Board responses to both issues. Steve Fearn seconded the motion and it passed unanimously. Jeff distributed a 303(d) and M&E list proposals table and asked for input from the Board on any concerns. Discussion occurred. There was consensus that Jeff work with Bruce Whitehead to prepare responses.

New Business

Requests for Financial Assistance (continued)

(time:04:14:05)

Montezuma Water Company

Colin Berdzar, Assistant Manager of Montezuma Water Company made a presentation to request \$23,783 to complete the 2nd phase of water treatment plant upgrades that would result in cost savings. MWC provides drinking water to approximately 5,000 households spread across a large rural area. The upgrade is to install a meter that will give a more accurate reading of how much water is leaving the treatment facility. This is for 2012 funds.

Durango Parks & Recreation Department

(time:04:25:20)

Cathy Metz, Durango Parks & Recreation Department Director, presented a proposal to request \$5,000 to be used to complete stream features in the Animas Water Park (RICD). Monies would also be used to reconstruct the river trail that was damaged by boulders delivered on the site. This request would be used as a match for other community contributions. Cathy also announced that work on the City's Animas River Management Plan is beginning with Joy Lujan (National Park Service) as public process coordinator. Joy helped with the Lake Nighthorse Recreation Plan.

Banks Tyner Ditch Company

(time:04:35:32)

Sherry Bacus and Ron Guffey presented a proposal requesting \$25,120 to be used to replace a head gate for a senior water right on the Florida River below Highway 160. The engineering work has already been completed and paid for. In-kind cost share is being done by some of the water users who will do the construction. This is for 2011 funding.

Mountain Studies Institute

(time:04:41:48)

Marcie Bidwell, Executive Director, made a presentation requesting \$2,500 to continue education on the "My Water Comes From the San Juans" to get children participation in a pilot project in 2012. It will include children from Silverton, Durango, and Ignacio as an after-school opportunity.

Mancos Conservation District

(time:04:50:00)

Dick White and Russell Klatt presented their request for \$15,000 that would be used to help pay for a technical assistant salary. The technician works out of the NRCS office and is necessary to continue work on water projects that include 2 headgate wier structures and mitigation for fishkill.

Spring Creek Ranch

(time:04:59:00)

Donald Shahan of Spring Creek Ranch made a presentation requesting \$25,000 to determine what repair is needed to a dam, hopefully without the need to breach it for repairs. Water is stored in New Mexico and used by irrigators in Colorado and New Mexico.

Pine River Watershed

(time:05:05:35)

Hamilton Wright made a presentation requesting \$2,500 in 2012 funds to do chemical analysis on Vallecito Lake water and cover administrative costs. Hamilton reported that in 2011, Vallecito Lake returned to the purity levels equal to those from 1996. Cost share has been requested from the Pine River Irrigation District and the Vallecito Lake Council. Discussion occurred regarding the issue of mercury testing. Bruce Whitehead will investigate some type of collaborative effort to look at mercury levels in southwestern Colorado.

J. R. Ford moved to approve the requests from Durango Parks & Recreation, Center for Snow & Avalanche Study, Mountain Studies Institute, and Pine River Watershed. Bob seconded the motion and discussion occurred. The motion passed unanimously.

Mancos Conservation District's request was discussed. There was a concern by the Board about funding a salary for a federal employee through NRCS. There was general consensus that the projects they are working on are valid. Bruce Whitehead will discuss the issue with Mancos Conservation District and suggest that they restructure their request and return with a revised project specific proposal at the December board meeting.

Spring Creek Ranch's request was discussed. There was concern about directly funding private entities. There was also concern that the irrigation water is used in Colorado, but stored in a reservoir in New Mexico. It was suggested that the San Juan Conservation District may be able to request funds for the project. John Taylor moved to approve the request if an entity, such as the San Juan Conservation District, presents the request and if a mechanism could be structured to meet all legal requirements. Monte seconded the motion. More discussion ensued. The motion passed unanimously. Barry Spear will research the legal aspects. A new request could be considered at the December board meeting.

Discussion occurred regarding the Banks-Tyler request. John Taylor moved to approve. Tim Kelly seconded the motion and discussion ensued. Concern was expressed about the percentage of total cost that SWCD is being asked to fund. Tim withdrew his second. Steve Fearn seconded the original motion. The motion passed with one nay vote.

It was suggested that future requests need to include more details on costs and number of shareholders. The Board expressed a desire to establish guidelines for future board decisions. A work session will be scheduled prior to the next board meeting.

The Montezuma Water Company request was discussed. John Taylor moved to fund the request as a grant. The motion died for a lack of a second. John Porter will relate the board's decision to the Company.

Colorado Association of Conservation Districts Sponsorship (time:06:17:24)

Steve Fearn moved to provide \$1,000 for a 2011 sponsorship. J. R. Ford seconded the motion and it passed unanimously.

Family Farm Alliance (time:06:18:48)

Bob Wolff moved and J. R. Ford seconded to provide \$7,000 for 2011 membership. The motion passed unanimously.

SWCD Website (time:06:19:47)

During the budget committee meeting, it was discussed that the SWCD website be expanded to include items such as agendas, and approved minutes. It was the general consensus that meeting notices and agendas, as well as approved minutes could be posted on the web. Further items could be added as desired at a future date if needed.

Colorado Open Records Act (CORA) (time:06:23:51)

Barry reported on the request for documents submitted by Russell & Pieterse concerning the San Miguel In-Stream Flow and the Norwood Water Commission Documents from the original request were provided for review to Nate Smith on Sept. 9, 2011. They were subsequently supplemented. Correspondence was included in the packet.

Discussions with Animas – La Plata OM&R Association (time:06:29:25)

This will be discussed in Executive Session.

Proposed Legislation regarding Performance Standards for High Efficiency Toilets Sold in Colorado

(time:06:29:48)

The draft of proposed legislation was included in the packets. This Board was being asked to consider support of the bill. Discussion took place. It was determined the SWCD would remain neutral at this time.

2012 Budget (time:06:35:30)

SWCD Budget Committee presented a proposal for this meeting. There was discussion on highlighted items. The Budget will be adopted at the December meeting; Trudy will notice the proposed budget. Trudy was thanked for her support.

Legal Report

(time:06:57:30)

Barry reported on the following:

- MBSS assisted Norwood Water Commission in their water rights filing. The Montrose County case has been set for trial in November 2012. The Norwood Water Commission case has not been scheduled. The two entities opposed CWCB ISF application because of the effect it might have on future water needs.
- A decree will be submitted to the court on the Molas Lake case (04CW50) and work on the other two cases (Silverton and San Juan County) are moving forward.
- Town of Ouray re-filed the change of water right for the Red Mountain Pass Ditch on Mineral Creek in Division 4.

Barry recommended that the Board go into Executive Session for the purpose of discussing options that SWCD could take regarding the CWCB San Miguel ISF. Also to be discussed is the disposition of ALP Water Rights. Statutes covering the session include § 24-6-402(4)(a), C.R.S., "the executive session concerned the purchase, acquisition, lease, transfer or sale of any property interest."; § 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 Montañó was asked to remain in the Executive Session. Bob Wolff moved to go into Executive Session. Monte Naslund seconded the motion and it passed unanimously.

Executive Session

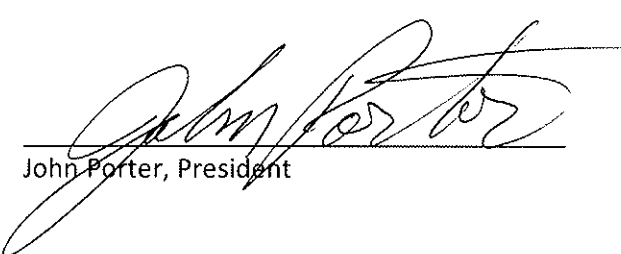
Barry Spear announced that the Board is out of Executive Session where options for the District regarding the San Miguel In-Stream Flow and ALP Water Rights were discussed. No action was taken during the Session. The Board will take no action on either issue at this time.

Next Meeting

December 6, 2011 10:00 am District Office

Adjournment

John P. adjourned the meeting at 5:24 P.M.



John Porter, President