

**Southwestern Water Conservation District  
Board of Directors Regular Board Meeting  
SWCD Office, 841 E 2<sup>nd</sup> Avenue  
Durango, Colorado  
April 12-13, 2023**

**Present:** Dagan Chadd (April 12-13) JR Ford (April 12 only)  
Kenny Heldman (April 12-13) Rusty Hinger\* (April 12-13)  
Amy Huff (April 12-13) Jenny Russell (April 12-13)  
Gerald Koppenhafer (April 12-13) Charlie Smith (April 12-13)

**Absent:** David Guilliams (April 12 - 13) JR Ford (April 13)

**Staff:** Mo Rock, Programs Coordinator (April 12-13)  
Steve Wolff, General Manager (April 12-13)

**Consultants:** Pete Foster, Wright Water Engineers (April 13)  
Hayes Lenhart, Wright Water Engineers\* (April 13)  
Carrie Padgett, Harris Water Engineering (April 12-13)  
Beth Van Vurst, Van Vurst Law, General Counsel (April 12-13)  
Skyler Zilliox, Wright Water Engineers\* (April 13)  
Elaine Chick, Elaine Chick Consulting  
Garin Vorthmann, Legislative Strategies  
Christine Arbogast, Kogovsek & Associates

**Guests:** Danielle Snyder, Water Education Colorado (WEco) Water Leaders Alumni  
Jeff Derry, Center for Snow & Avalanche Studies  
Eric Kuhn, Author – Adapting Colorado’s Water Systems for a 21st Century Economy and Water Supply  
Greg Peterson, Colorado Ag Water Alliance  
Aaron Derwingson, The Nature Conservancy  
Ken Curtis, Dolores Water Conservancy District (April 13)  
Ed Millard, Public\* (April 13)  
Alan Pfister, San Juan Water Conservancy District  
Pete Nylander - Southern Ute Indian Tribe  
Orla Bannan, Western Resource Advocates  
Melisa JacksonPalmer, Bank of Colorado (Finance Committee, April 12)  
Jason Portz, Bank of Colorado (Finance Committee, April 12)

*\*Asterisk indicates participation via Zoom.*

**Wednesday, April 12, 2023 – Finance Committee**

At 11:06 am Charlie Smith called to order a meeting of the Finance Committee, and roll was taken. The meeting was used to review the new online banking system. Melisa Jackson-Palmer and Jason Portz from the Bank of Colorado gave a presentation.

*Finance Committee was adjourned at 11:55 AM*

### **Wednesday, April 12, 2023**

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

President Jenny Russell called the meeting to order at 1:01 p.m. Roll was taken and a quorum was established.

#### **2.0 Review and Approve Agenda**

No revisions were recommended. There was a board consensus to approve the agenda.

#### **3.0 Approve and/or Remove Consent Agenda Items**

##### **4.0 Consent Agenda**

###### **4.1 Acceptance of Treasurers Report**

###### **4.2 Board Committee Assignments**

Charlie moved to approve the consent agenda items, seconded by Kenny Heldman. The motion passed unanimously. The board discussed committee assignments for the upcoming year. Refer to the board packet for more information on the committee assignments.

##### **5.0 Executive Session**

Beth Van Vurst recommended that the board move into executive session for the purpose of discussing agenda item 5.1, Colorado River Compact, Interstate and Intrastate negotiation matters, including the System Conservation Pilot Program and Draft Supplemental Environmental Impact Statement (EIS), and agenda item 5.2 Personnel Matters – Water Resource Specialist position. The statutes covering the discussion of agenda item 5.1 in 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.” The statutes covering the discussion of agenda item 5.2 may also be discussed in 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)(f), C.R.S., as a “personnel matter”. Pete Foster, Skylar Zilliox, and Hayes Leonhardt with Wright Water Engineers were invited to participate in the executive session discussion of agenda item 5.1 as SWCD’s consultants. Amy Huff 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.

##### **6.0 Summary and Action Items from the Executive Session**

Beth Van Vurst announced that the board was out of executive session at 12:59 p.m. During the executive session, the board discussed agenda items 5.1 and 5.2. No action was taken during the executive session.

##### **7.0 General Counsel Legal Report**

### **7.1 February & March Water Court Resume for Water Divisions 3, 4, and 7**

Beth Van Vurst stated that there were currently no applications in the water court resumes that warrant discussion at the board meeting.

### **7.2 FZA engagement letter and professional services agreement**

Beth Van Vurst and Steve Wolff spoke about the FZA engagement letter and professional services agreement for the FY2022 audit. Beth informed the board both documents have been reviewed and executed.

*The board recessed for a short break.*

### **Guest Presentations to the Board - Water Conservation (time: 00:30:50)**

Greg Peterson, Colorado Ag Water Alliance, presented on Drought Resiliency Projects in Southwest Colorado. Aaron Derwingson, The Nature Conservancy, presented on Conserved Consumptive Use in the Upper Colorado River Basin. Ed Millard asked about openET. Anyone can go on the openET website to obtain publicly available satellite-based estimates of evapotranspiration.

### **8.0 Recess until Thursday**

*The board recessed at 4:30 p.m. until Thursday, April 13, 2023, at 8:30 a.m.*

### **Thursday, April 13, 2023**

#### **9.0 Call to Order – Roll Call and Verification of Quorum (time: 03:37:00)**

President Jenny Russell called the meeting to order at 8:34 a.m. The roll was taken and a quorum was established.

#### **10.0 Review and Approve Agenda (time: 03:37:50)**

No revisions were offered. There was unanimous consent to approve the agenda.

#### **11.0 Questions & Comments from the Public**

There were no questions or comments.

#### **12.0 Guest Reports**

##### **12.1 Water Information Program**

Elaine Chick presented on the Water Information Program (WIP). (Written report in the packet)

- **Contributions:** Elaine noted that she has reached out for WIP Contributions - and that the program was waiting on 8 more. Most of the contributors increased their donations, including SGM who doubled theirs.
- **Partners:** Elaine is working with the City of Cortez to become a WIP partner.
- **Water Seminar:** The annual water seminar was a huge success. A total of 266 people attended the event. Of those, 211 were paid registrations and 15 were from Fort Lewis College. Moving to the Sky Ute Casino will allow us to grow - great feedback from the audience. With increased attendance, the annual seminar still came in under budget (because of the increased revenue).
- **Children's Water Festival** - Planning is going well. The Festival will take place May 10th at Fort Lewis College - 747 registered students - 36 classes. Rising River Stewards booklet- doing another print run.

##### **12.2 Harris Water Engineering Report**

Carrie Padgett gave an overview of the Harris Water Engineering Report and the Proposed Instream Flow Program Recommendations. Carrie also provided a San Juan Recovery Program Update - instead of a normal DC trip, they've postponed the briefings. Tom Pitts recommended sending support letters. Working with SWCD staff to get those submitted after board approval. Steve Wolff is recommending support. The Recovery Programs are in the President's budget. 15-Year Program Reauthorization - Everyone is in agreement on language. They are still looking for a house member to support them. The 15-year time-frame may be challenging to get through the house. Steve Wolff will be discussing with the Colorado Delegation office next week while in DC.

### **12.3 WEco Water Leaders 2022**

Danielle Snyder, (Brown and Caldwell), gave a presentation on her experience going through the WEco Water Leaders Training - the SWCD board supported her via our scholarship last year. Danielle expressed gratitude for the values she gained from WEco. The program is all leadership based, there have been over 200 water professionals to go through it. The course includes 4 in-person meetings in the state. It is a 6-month program and all basins of the state are represented. Some topics are conflict navigation, leadership style, inclusivity, building effective teams, and building emotional intelligence as a leader. The program also has a mentorship component. Danielle had two mentors including Steve Wolff and Celene Hawkins. Through this program and her mentors, Danielle was able to develop strong relationships in the basin.

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

Jeff Derry gave an update from the Colorado dust-on-snow program.

- Up until April 3rd, the snow was very clean - then we received a huge dust storm on April 3rd.
- Held a workshop in Silverton this year - water research meets operations - they had researchers give talks and then a discussion panel with panelists from the Southwest, discussing the problems they are facing and the research they want to happen. Have been collecting Dust on Snow since 2006, and in the last few years (maybe because of technology advances) they have found samples of microplastics - A very rich dataset.
- Jeff gave an overview of some of the projects, workshops, and outreach campaigns they have been involved with.

### **13.0 General Director Updates**

Amy Huff- La Plata County: Flood Control, Animas River is starting to really flow - delayed opening of Lake Nighthorse because of all the rain events. Pine River Irrigation District is releasing water from Vallecito Reservoir to make room for run-off.

Dagan Chadd, Dolores County: Flooding is a big concern in the town of Dove Creek - yesterday closed an access road to the municipal water intake because of a road wash-out.

Kenny Heldman, Montrose County: Paradox Creek is running strong, and the San Miguel at Uravan is running over 3,000 cfs. Irrigation is expected to turn on within 10 days.

Gerald Koppenhafer, Montezuma County: Runoff in Dolores is causing some flooding into the school. Lots of sandbags have been put out. The emergency manager is working on various projects. Cleaned all the trees out. Lots of downed trees but have been managed well. Montezuma Valley Irrigation Company has turned on the water but very few people want it. A few roads in Montezuma County have been washed out.

Rusty Hinger, Mineral County: Still deep snow - spring melt-off mode.

### **13.1 Director Presentations**

#### **13.2 San Miguel County – Jenny Russell**

Board President, Jenny Russell, gave a presentation on San Miguel County, giving a general overview on their water situation. The presentation is in Board packets.

#### **13.3 San Juan County – Charlie Smith**

Board Secretary/Treasurer, Charlie Smith, gave a presentation on San Juan County, giving an overview of the history of the county and their water use. The presentation is in Board packets.

### **14.0 Staff Updates**

#### **14.1 Colorado River Basin Hydrologic Conditions and Anticipated System Operations**

Steve Wolff gave an overview of the Colorado River Basin Hydrologic Conditions, anticipated system operations, and inflow forecast to Lake Powell.

#### **14.2 2023 & 2024 CWCB Proposed Instream Flow Program Recommendations**

Carrie Padgett gave an overview of CWCB's Proposed Instream Flow Program Recommendations for 2023 and 2024. These all have been discussed before and there seem to be no concerns. Goat Creek is still being reviewed at CWCB. We will continue to monitor that one.

#### **14.3 Proposed SWCD's Strategic Plan and 2023 SWCD Action Plan**

Steve Wolff shared the proposed SWCD's 2023 Action Plan. Steve and Mo Rock worked to update the plan to reflect their goals for 2023. There are some similar items and new items. Jenny Russell requested that staff send the plan by email once it is finalized.

#### **14.4 2024 Grant Program - Draft Guidelines**

Mo Rock shared edits that SWCD Staff suggest making to the SWCD Grant Program Guidelines, including updating dates to match the new board meeting schedule, updating language around paying employees with grant funding, and adding language to add total project costs to the final report. Also discussed was that SWCD Staff and Beth Van Vurst were looking into the need for grant recipients to have insurance. Beth added that this requirement could apply to all grant recipients or just some of them. Jenny Russell requested that we talk to some of our grant recipients to see if insurance is a standard requirement or an extra step. Beth said the board may wish to balance the difficulty of this new requirement on grant recipients against the district's potential liability. Charlie Smith brought up the need for efficiency projects and if we wanted to call that out in our application, he mentioned that is where we can really help our program, and asked how we can call that out for our grant projects. Jenny requested the board meet in June to talk about efficiency or other water conservation projects and approve these at the July Board meeting.

#### **14.5 Proposed assignment of a portion of the previous year's fund balance**

Mo Rock went over the proposed assignment of a portion of the previous year's fund balance based on 2022 accounting. Her proposal is to add \$227,000 to Water Defense and \$152,000 to Water Development assignments. The accounting summary is in the board packet for review. Amy Huff moves that the board approve the assignments by the amounts recommended by staff. Gerald Koppenhafer seconds. The motion passes unanimously.

#### **14.6 IT Office Update**

Mo Rock gave an overview of current software programs that SWCD pays for and stated that SWCD staff were looking into consolidating programs - such as Microsoft and Google workspace - to save money and make systems more efficient. Additionally, Mo stated that the office has been experiencing higher amounts of internet issues - so she and Steve are looking for solutions.

#### **14.7 SWCD Social Media Footprint**

Mo Rock walked through SWCD's current Social Media footprint and stated that one of her goals this year was to add to SWCD's portfolio - adding Instagram and LinkedIn - to reach a broader audience. Jenny Russell asked that a guideline be created and sent out to the board.

#### **14.8 General Manager Activities**

Steve Wolff gave an update on his recent and future activities, including going to DC next week for NWRA meetings and congressional briefings. A summary of his activities is in the packet.

#### **Public Comment:**

Ken Curtis, Dolores Water Conservancy District, is concerned with where the Stream Restoration Bill is going. The Colorado Department of Natural Resources (DNR) seems to be trying to push this bill through. Under the current bill language, there is the possibility of significant impacts to existing water users. Hopefully, this bill will be amended to address everyone's concerns.

Laura Spann wanted to congratulate Mo on her new position. As a CWCB water plan grant manager, Laura wanted to reach out to the board to help navigate state funding. Deadlines are coming up, and water plan grants are due July 1st (not required but recommended to reach out to the round table). The next opportunity will be at the April 27 meeting. Next will be December 1st. Jenny asked Laura to give a presentation on the available funding opportunities.

*The board recessed for a quick break*

#### **15.0 Legislative Affairs**

##### **15.1 Federal Affairs Update**

Christine Arbogast gave an update on recent federal activities.

##### **15.2 State Legislative Update, Position on Bills and Colorado River Drought Security Legislative Concepts**

Steve Wolff, Beth Van Vurst, and Garin Vorthmann gave an overview of the Stream Restoration Bill (SB23-270). The bill is in committee this afternoon. Most people are asking for a shorter bill (focus on tier 1 projects) and the removal of tier 2 projects.

Steve Wolff - recommended that the board take an amended position (as described above) on SB23-270.

Gerald - Tier 1 projects seem fine but tier 2 is problematic.

Amy Huff - 63 days is not enough time to stop a project – support tier 1, but doesn't think 63 days is enough time for tier 2 projects. She would like to support a bifurcation of this where we support tier 1, but we need to think more deeply about the impacts of tier 2.

Comments from the Public:

Orla Bannan (Western Resource Advocates) - is supportive of this bill. There are a lot of stream miles that are degraded and these projects can help build resilience with water quality issues. Appreciates protecting water users and resources.

Jenny Russell replied that we all support the goal, and bifurcation - supporting tier 1 and continuing to make comments on tier two.

Amy Huff - supports stream restoration and wants to protect stream restoration.

Charlie moved for the board to take an "amend" position, supporting the inclusion of tier 1 projects but removal of tier 2 projects. Gerald Koppenhafer seconds – the motion passes.

Land use Bill - SB23-313 – This is one of the top priority issues for the governor's office. The intent is to streamline land use policy around the state to address housing and affordable housing issues. It is very controversial. There were over 451 witnesses that testified at the committee hearing, mostly in opposition. City governments are adamantly opposed because it shifts the authority that local governments have with land use to state control. There are amendments that are being negotiated right now. There is water language in the bill to try and create more holistic and statewide water management regarding growth, but it is very vague.

The Colorado Water Congress State Affairs Committee took a position of opposition last week.

Jenny Russell - wants to oppose, stating that the state telling us what to do is not going to help us.  
Charlie Smith - one size doesn't fit all in Colorado.

Gerald Moves to oppose SB23-313. Dagan seconds. The motion passes unanimously.

Water quality fee bill – right now many of the water quality review and permit fees are set through statute, which is unlike other regulated commissions. This bill attempts to set up a process to transfer that authority to the Water Quality Control Commission. More flexibility to change and move fee amounts. Trying to set up sideboards. Steve Wolff mentioned he has discussed this with Peter Butler and he has no significant concerns.

SB 23-262 Water desalination study and report – was just introduced and directs the CWCB to do a literature review. The bill was heard in committee yesterday and was passed without amendments. The bill sponsors' intent was to initiate the conversation so people were thinking about desalination in the Colorado River Basin. He referenced the work that has been done in Israel.

Colorado River Legislative Concepts. Garin - potential legislation in regard to the Colorado River – there is not a bill out, but the Colorado Water Congress State Affairs Committee circulated a discussion document that has been worked on by west slope interests. No specific bill is being pushed forward - everything is still very high-level concepts and there are many unanswered questions.

Beth – what would the water be used for specifically (e.g., compact compliance?) and what is the role of the west slope conservation districts?

Steve Wolff - doesn't like the concepts but if something moves, SWCD needs to be part of the conversation/program.

Ed Millard - who is advancing these bills – SWCD, River District, state, non-profits?

Steve Wolff replied that no bills have been introduced yet, but the River District, SWCD, NGOs, and the state have been involved in the conversations.

## **16.0 Partner Updates & Presentations**

### **16.1 Adapting Colorado's Water Systems for 21st Century Economy and Water Supply**

Eric Kuhn gave a presentation on the report he and Jennifer Gimbel authored last year for Common Sense Institute. Colorado is going to have to do more in the future with less. If you look at growth through 2050 – we're going to grow 1.5 million on the front range. The impacts will be felt on the west slope because the Colorado front range is reliant on Colorado River water.

Al Pfister asked if they looked at Albuquerque doing less with Colorado River Water. Eric said that they have a dual system, so when they do not have a San Juan supply, they can turn to their other sources. He is more concerned with what happens on the Front Range.

### **17.0 Executive Session (as Needed)**

None needed.


### **18.0 Upcoming Meetings & Announcements**

Steve Wolff brought up upcoming meetings - including stakeholder meetings with State Engineer Kevin Rein on May 24th and 25th. Additionally, we will need a board call in late June for acceptance of the audit. Jenny Russell asked if anyone had any dates that would absolutely not work for them. After the 20th of June seemed to work better for everyone. We are looking at an alternative location for the July Board Meeting, possibly Telluride. Lastly, Steve asked if we should combine our 2024 April meeting with the Seminar. We can shoot for a one-day meeting at the very end of March to have the April Meeting followed by the Seminar. Kenny Heldman and Amy Huff volunteered to provide director presentations in April.

Gerald Koppenhafer made a comment that a canal in Jackson Lake has significant issues. Steve mentioned that we do have an emergency fund if they need funding to fix the issue.

### **18.0 Adjournment**

President Russell adjourned the meeting at 12:21 p.m.



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Jenny Russell, President