

**Southwestern Water Conservation District  
Board of Directors Special Meeting via Zoom  
March 16, 2023**

**Present:** JR Ford                      Kenny Heldman                      RustyHinger  
Amy Huff                      Gerald Koppenhafer                      Jenny Russell  
Charlie Smith                      Dagan Chadd                      David Guilliams

**Absent:**

**Staff:** Mo Rock, Programs Coordinator  
Steve Wolff, General Manager

**Consultants:** Garin Vorthmann, Colorado Legislative Strategies  
Beth Van Vurst, General Counsel, Van Vurst Law  
Peter Butler, Water Quality Specialist

**Guests:** Laura Spann, CWCB; Ken Curtis, DWCD; Ed Millard; Allan Pfister

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

President Jenny Russell called the meeting to order at 12:00 p.m. Roll was taken and a quorum was established.

**2.0 Review and Approve Agenda**

There was unanimous consent to approve the agenda.

**3.0 Questions & Comments from the Public**

There were no questions or comments from the public.

**4.0 State Legislative Update & SWCD Position on Bills**

Steve Wolff and Garin Vorthmann discussed the following bills and provided the following state legislative updates:

- Draft Stream Restoration bill – Water Congress Subcommittee meeting next Tuesday; Bill may be introduced next week
- SB23-177 – 2023 Colorado Water Conservation Board Water Projects Appropriations. Steve Wolff recommended taking a position of support. David Guilliams moved the Board support SB23-177. Rusty Hinger seconded. The motion passed unanimously.
- HB23-1220 – Study Republic River Groundwater Economic Impact. This bill was brought to the Board’s attention primarily for informational purposes.
- HB23-1065 - Ethics Complaints Against Local Government Officials and Employees - This bill was also brought to the Board’s attention primarily for informational purposes.

**5.0 Status Update on 2023 System Conservation Pilot Program (SCPP)**

- Steve and Beth updated the Board on the status of the 2023 System Conservation Pilot Program, including the applications that were received from water users within SWCD’s boundaries as well as the role various entities have in reviewing and approving SCPP applications. The Colorado Water Conservation Board (CWCB) released a memo listing proposed SCPP projects in Colorado - very little information was provided on the individual

projects. Eight projects are located within Southwestern Conservation District - all within the Dolores Project - all for crop switching.

- Steve and Beth both expressed concerns and disappointment with how the SCPP review and approval process has been carried out. Colorado's Commissioner previously committed to including SWCD and the River District in the SCPP review and approval process. However, Steve received an email from Colorado's Commissioner last week that appears to significantly walk back the commitment that had been made to both SWCD and the River District in December of 2022.
- SWCD is asking for the whole SCPP to be more of an open review process. SWCD wants to see the information that supported each project proposal, including operating plans - so SWCD can evaluate the project proposal and any potential impacts. CWCB committed that they will send us the applications, but with redactions.
- SWCD and the River District asked the CWCB board to delay taking action at their most recent meeting - declined an extension on decision but CWCB board was told their role was limited to approving the program within Colorado as a "water conservation program" - not evaluating individual applications, which will be done at the UCRC level by Colorado's Commissioner Becky Mitchell.
- Trying to keep the lines of communication open.
- Seems to be an overall understanding that this process has not been as transparent as it could be. UCRC is planning to meet in 2 weeks.

Public Comment: Ed Millard - UCRC approval meeting; would like to be notified.

## **6.0 Executive Session**

### **6.1 Colorado River Compact, interstate and intrastate negotiation matters**

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. 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."

Kenny Helman moved that the board go into executive session. Charlie Smith seconded. The motion passed.

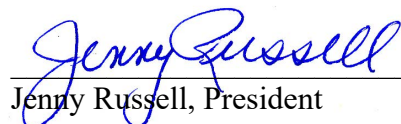
Beth Van Vurst stated that no further record of the executive session need be kept based on her opinion that the discussion will constitute privileged, attorney-client communications.

### **7.0 Summary and Any Action Items from Executive Session**

Beth Van Vurst announced that the board was out of executive session at 1:22 p.m. During the executive session, the board discussed agenda item 5.1, Colorado River Compact, interstate and intrastate negotiation matters. No action was taken during executive session.

### **8.0 Adjournment**

President Jenny Russell adjourned the meeting at 1:24 p.m.

  
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Jenny Russell, President