

**Southwestern Water Conservation District
Board of Directors Meeting – Teleconference
January 23, 2013**

Present: John Porter* Steve Fearn* Bob Wolff
J. R. Ford* Tim Kelly* April Montgomery*
Monte Naslund*

Absent: Larry Deremo John Taylor Fred Kroeger (Emeritus)

Staff: Bruce Whitehead, Executive Director
Jane Maxson, Office Manager
Barry Spear, MBSS
Steve Harris, Harris Water Engineering

Guests: Jim Isgar*

*Participation by phone

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

Questions/Comments from Audience

There were none.

New Business

Instream Flow Acquisitions (spending authority) (00:01:33)

CWCB is asking to change the statutory language (and appropriations) on Instream Flow Acquisitions to include "OR IMPROVE" the natural environment; current language includes only "TO PRESERVE" the natural environment. If approved, this would provide \$1 million to be used to preserve, or improve, the environment for the purpose of protecting endangered fish. CWCB wants this included in the Projects Bill which is scheduled for discussion at the CWCB next week, and comments would be considered at that time. This question was debated in 2008 in Senate Committee hearings when the use of funds was limited to "preserve". Jim Isgar joined the meeting via telephone to provide a historical perspective. He said that an Endangered Species Trust Fund Bill already created a funding of \$500,000 that could be used to avoid a listing or regulatory action for improvement of the natural environment. Jim was concerned that this would incentivize water being moved from agricultural land. He was also concerned about who would bear the cost and the administrative difficulties involved. There were also comments that the term "improve" is not quantified by decree, where "preserving" the natural environment on decreed ISF reaches is a known amount. April asked for comments to take to the CWCB meeting. Discussion occurred. There was general consensus that Bruce provide a letter to the CWCB board that would include concerns, and request that more discussion and understanding is needed prior to introducing the statutory change – it should not be included in the Projects Bill.

Legislative Update & Position on Bills

(00:30:47)

Bruce reported on the following based on Report #4:

SB41 Protection of stored water

CWC will support – SWCD supports

SB19 Promote Water Conservation Measures

CWC will continue to discuss with sponsors – SWCD “no” as written

SB23 Increase Damage Caps CGIA (injury from fire)

CWC will continue to discuss – SWCD ?

HB1012 Extend wildfire mitigation financial incentives

CWC will support

HB1013 Protect water right ownership (ski area)

CWC will support concept – SWCD supports on federal lands only

HB1018 Beneficial Use of Produced Water for dust suppression

CWC will monitor

HB1044 Authorization of use of graywater

CWC will monitor

HB1090 Payment of amounts due under a construction contract

CWC will continue to discuss with sponsors – SWCD oppose as written

HB1100 Making a ballot title easier to understand

CWC will monitor

HB1130 Reapprove Interruptible Water Supply Agreements

CWC will monitor

HJR 1004 Opposition to new special use permit water requirements

CWC will monitor – SWCD will support with amendments

SJR005 Use severance tax for water infrastructure

CWC will support – SWCD will support

HJR Drinking Water and Waste Water funding with CWR&PDA

CWC will support – SWCD will support

Request for Resolution of Support Northern Integrated Supply Project

Steve Fearn moved that SWCD adopt a resolution in support of the Northern Integrated Supply Project. A draft was included in the director packet and discussion occurred. Monte Naslund and Bob Wolff seconded the motion. It passed unanimously.

Sponsorship Request: Colorado Water Congress Annual Conference

Steve Fearn moved to provide a \$1,000 general sponsorship. Bob Wolff seconded the motion and it passed unanimously.

Old Business

Case No. 12CW34 (06CW127) USFS Application

This application includes absolute status for 152 water rights (primarily springs) under the 06CW127 case held jointly by SWCD and La Plata County. The decree 06CW127 does allow the court to decree incremental water rights that differ from the standard amounts outlined in 06CW127. For those reasons, Barry Spear recommended that the board file a friendly opposition in order to monitor it.

Discussion occurred. Steve Fearn moved that SWCD file a statement of friendly opposition. Monte seconded the motion and it passed unanimously.

Executive Session – was not needed

Next Meetings

Feb. 13 10:00 am Board Meeting **Work Session to begin at 9:00 am**
Feb. 20 9:00 am Teleconference

Adjournment

President John Porter adjourned the meeting at 10:55 a.m.



John Porter, President