

**Southwestern Water Conservation District
Board of Directors Meeting
February 7, 2017**

Present: Bob Wolff J.R. Ford David Guilliams
Rusty Hinger Monte Naslund Jenny Russell
Don Schwindt Charlie Smith Doug Stowe

Staff: Bruce Whitehead, Southwestern Water Conservation District (SWCD) Executive Director
Laura Spann, SWCD Programs Coordinator

Consultants: Carrie Lile, Harris Water Engineering
Peggy Montaño, Trout Raley
Beth Van Vurst, Fairfield and Woods

Guests: Christine Arbogast, Kogovsek & Associates
Bob Becker, Mancos Conservation District
Peter Butler, Animas River Stakeholders Group
Elaine Chick, Public
Floyd Cook, Dolores County Commissioner
Travis Custer, High Desert and Mancos Conservation District
Trevor Denny, Colorado Office of Emergency Management
Brian Domonkos, Natural Resources Conservation Service
Steve Fearn, Colorado Water Congress
Christine Foote, Montezuma School to Farm Project
Steve Garchar, Dolores County Commissioner
Judy Garrigues, High Desert Conservation District
Rob Genualdi, Colorado Division of Water Resources
Emily Kasyon, Southwest Conservation Corps
Shannon Manfredi, Animas River Community Forum
Jim Martin, Pine River Watershed Group
Ann McCoy-Harold, U.S. Senator Gardner
Monte Miller, Thompson Epperson Ditch Company
Kevin Murphy, U.S. Geological Survey
Ann Oliver, Animas Watershed Partnership
Jessica Pace, Durango Herald
Chara Ragland, Querencia Environmental
Adam Reeves, Maynes, Bradford, Shipps & Sheftel
John Sites, Town of Silverton
Elizabeth Stuffings, San Miguel Watershed Coalition
Sarah Syverson, Montezuma School to Farm Project
Julie Westendorff, La Plata County Commissioner
John Whitney, U.S. Senator Bennet

Secretary-Treasurer Bob Wolff called the meeting to order at 8:30 a.m. Roll was taken and a quorum established.

Swearing in of New Board Members

(time: 00:01:40)

Beth Van Vurst swore in new board members Don Schwindt, Montezuma County, and Charlie Smith, San Juan County.

Discussion and Disclosure of Potential Conflicts of Interest*(time: 00:04:40)*

Beth summarized board discussion of potential conflicts of interest at the work session on February 6, specifically in the case of two active water rights cases, the Dolores River instream flow appropriation (14CW3111) and U.S. Forest Service (USFS) reserved rights (W-1605-76). SWCD and the Dolores Water Conservancy District are parties to both cases, and Don Schwindt is a board member for both districts. There was board discussion.

Executive Session*(time: 00:13:30)*

Beth Van Vurst recommended that the board go into executive session for the purpose of discussing the term of appointment for SWCD Board of Directors, director emeritus appointment, WIP coordination contract, a personnel issue involving the executive director, USFS reserved rights (W-1605-76), and Dolores River instream flow appropriation (15CW3111). The statues covering this session are § 24-6-402(4)(b), C.R.S., “conferences with an attorney for the district for the purposes of receiving legal advice on specific legal questions,” § 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,” and § 24-6-402(4)(f), C.R.S., “personnel matters.” Doug Stowe moved that the board go into executive session. Rusty Hinger seconded. The motion passed unanimously.

Beth Van Vurst announced that the board was out of executive session, during which no action was taken. The board discussed the term of appointment for SWCD Board of Directors, director emeritus appointment, WIP coordination contract, a personnel issue involving the executive director, USFS reserved rights (W-1605-76), and Dolores River instream flow appropriation (15CW3111).

General Session**Approval of Minutes (December 6, January 6, January 24)***(time: 00:15:45)*

Jenny Russell moved to approve the December 6, January 6 and January 24 minutes. David Guilliams seconded. Charlie Smith and Don Schwindt abstained. The motion passed unanimously.

Approval of Treasurer’s Report (Year End 2016)*(time: 00:16:15)*

SWCD spent 78% of the total 2016 budget. Monte Naslund moved to accept the Treasurer’s Report. Rusty Hinger seconded. The motion passed unanimously.

Agency Reports**U.S. Geological Survey (USGS)***(time: 00:18:25)*

Kevin Murphy added that warm temperatures have de-iced several gages in the area, allowing for increased collection of flow data this winter. USGS finalized an agreement with San Miguel County to funding ongoing operations of the Dolores River at Slickrock gage from March through September. Several other entities are also funding partners.

Board Member Reports**Doug Stowe (Dolores County)***(time: 00:19:25)*

Recently elected Dolores County Commissioners Floyd Cook and Steve Garchar were introduced to the board.

Jenny Russell (San Miguel County)*(time: 00:20:30)*

There is lots of snow in San Miguel County.

David Guilliams (Hinsdale County)*(time: 00:20:50)*

Dave learned a lot at his first Colorado Water Congress Annual Conference in late January.

Monte Naslund (Montrose County)*(time: 00:21:20)*

There is an effort to learn how to raise hemp in western Montrose County.

Don Schwindt (Montezuma County)*(time: 00:21:50)*

Montezuma County Commissioners and Montezuma Valley Irrigation Company have withdrawn their funding for the legal review of the proposed Dolores River National Conservation Area legislation. Dolores Water Conservancy District will likely be coordinating a managed release from McPhee Reservoir.

Rusty Hinger (Mineral County)

(time: 00:22:50)

Much of south Mineral County is under snow.

JR Ford (Archuleta County)

(time: 00:23:05)

There was lots of rain and snow this winter.

Charlie Smith (San Juan County)

(time: 00:23:30)

There is uncertainty about how the U.S. Environmental Protection Agency (EPA) under a new administration will address the Bonita Peak Superfund site. It appears the water treatment plant will continue operations well into the future. San Juan County is eager to continue discussions regarding the water rights currently owned by SWCD.

Bob Wolff (La Plata County)

(time: 00:24:00)

La Plata County convened a day-long workshop on water planning and economic development. By February 2, La Plata County sent a letter to the EPA regarding the Southern Ute Indian Tribe's request for state status regarding water quality control, which will likely be granted. Starting in 2017, the Tribe will begin to establish water quality standards for EPA's review and public comment. At that point, SWCD may want to review the proposed standards. The Southern Ute Indian Tribe may elect to be a water quality permitting agency.

Bob Wolff moved to appoint John Porter, currently involved with the Colorado River Water Users Association and future use allocation discussions, and Steve Fearn, currently involved with the River Protection Workgroup and Colorado Water Congress, as directors emeritus. Both directors emeritus would continue these roles and have related travel costs paid by SWCD. Monte Naslund seconded. The motion passed unanimously. Board positions on the Colorado River Water Users Association and Colorado Water Congress are not appointed or directly representative of SWCD. Board members requested a financial breakdown of these estimated costs.

Agency Reports (cont.)

Division of Water Resources

(time: 00:30:40)

Rob Genualdi reported that the Animas-La Plata Operations, Maintenance & Replacement Association filed a change of water right application for alternate points of diversion on January 31. Long Hollow Reservoir's storage has increased significantly, due to bypass flow requirement having been met through other sources and a good winter snowpack.

Colorado Water Congress (CWC)

(time: 00:34:00)

Attendance at CWC's Annual Conference in late January increased since the previous year. Three prominent speakers were Governor Hickenlooper, former Governor Lamb and Senator Gardner. Other discussions included a look at the water community's public image, lower and upper basin perspectives on Colorado River conditions, and water quality concerns. Travis Smith of the San Luis Valley was honored with the 2017 Aspinall Award. At the January Colorado Water Congress board meeting, there was discussion of creating an additional fund to address public trust initiatives.

Colorado Foundation for Water Education (CFWE)

(time: 00:38:30)

Laura Spann attended her first CFWE board meeting in January 2017, after participating in the CFWE Programs Committee in 2016. Steve Fearn resigned from the CFWE board in December. Background was provided on Jayla Poppleton, the new CFWE Executive Director. Board members and public were encouraged to take a copy of the Fall 2016 *Headwaters* issue regarding the public's trust in water safety. Regarding upcoming programs: West Slope Water Fluency Course will be held May-July in the Colorado River Basin (Glenwood Springs, Palisade, Grand Junction). An informational webinar on the course is scheduled for March 8, and scholarships are available. SWCD staff and southwestern water professionals have met with CFWE staff on several occasions to assist in the

planning of the Basin Tour. Slated for June, the tour will highlight water needs and discussions in southwestern Colorado. Board members were encouraged to spread the word.

Colorado Water Resources & Power Development Authority (CWR&PDA)

(time: 00:41:50)

Bob summarized loans authorized from the Water Pollution Control Revolving Fund at the January CWR&PDA board meeting.

River Protection Workgroup

(time: 00:43:20)

An update will be provided as part of the agenda item under Old Business.

Water Information Program (WIP)

(time: 00:43:50)

The WIP Steering Committee met on January 19, and discussed participating entity projects, 2017 program priorities, the WIP coordinator transition and educational grant applications to SWCD. Since the last meeting, SWCD staff has distributed the January and February newsletters, responded to informational requests, and coordinated the WIP Steering Committee meeting. Staff recommends the board take action to finalize the agreement with the new WIP contractor for program coordination at today's meeting.

Interbasin Compact Committee (IBCC) & Roundtable

(time: 00:44:50)

Brandon Johnson, Montezuma Valley Irrigation Company manager, was elected to serve as the At-Large Agricultural Representative. April attended her last meeting as the CWCB director for southwest Colorado on January 23 and 24, and was recognized and thanked for her dedication and time served on the Board. Roundtable members adopted revised criteria and related documents for Water Supply Reserve Fund grant requests, which can be found on the webpage. The next meeting will be at the Durango Community Recreation Center on April 12. The last IBCC meeting was held jointly with the Colorado Ag Water Alliance; the next meeting has not yet been scheduled.

U.S. Bureau of Reclamation (BOR)

No representative was present; there was no report made.

Questions/Comments from the Audience

(time: 00:46:25)

Christine Arbogast provided an update on federal affairs, including Colorado delegation positions on relevant natural resources committees, Congressional Review Act, the BLM land use planning rule, stream protection rule, the new nominee for Secretary of Interior, and the amendment to the LACEY Act.

Peter Butler reported on the U.S. EPA's Bonita Peak Superfund Site, and a local initiative to develop suggested goals for the Bonita Peak site and how funds and efforts should be focused. Current local groups involved in this effort are the Animas River Stakeholders Group, Animas River Community Forum, Animas Watershed Partnership, and the Coalition for Clean Water (Trout Unlimited).

Office Report

(time: 01:04:35)

Bruce Whitehead directed board members to the written Executive Director report, which he summarized:

- Snowpack is at 175% of normal for the basin.
- A webinar meeting was held on January 11 facilitated by James Eklund with representatives from CWCB, Colorado River District, SWCD, and the Front Range and Western Slope Basin Roundtables, and the State expressed interest in greater participation, or leading Phase II of the Colorado River risk assessment study with a revised scope of work coordinating interests statewide. CWCB consideration of the WSRF grant request to fund the study has been tabled until the March CWCB meeting, once the scope of work has been revised to address all stakeholders' concerns. Bruce has been working with CWCB, and River District staff on the revision of the Scope of Work.
- Board members and public were invited to attend the Ditch and Reservoir Company Alliance Annual Conference in Ignacio from February 15-17, and the SWCD Annual Water Seminar on Friday, April 7.

- John Porter was recognized for his 26 years of service, and Steve Fearn for 22 years of service to the board and southwestern Colorado.

Old Business

Legislative Update

(time: 01:08:30)

The Colorado Water Congress (CWC) State Affairs Committee met on February 6. Bruce Whitehead explained the bills and relayed CWC discussion of the bills. He referenced the summary document (Legislative Report #2017-04). The following bills were discussed:

SB 036 – Appellate Process Concerning Groundwater Decisions

CWC postponed action until the next meeting.

SB 040 – Public Access to Government Files

CWC acted to oppose the legislation.

SJM 1001 – Memorialize Congress to Fund Wildfire Response

CWC acted to support this bill.

SB 049 – Exempt Drains Designated Groundwater Requirements

This bill was postponed indefinitely.

SB 117 – Recognize Industrial Hemp as Ag Product for Ag Water Right

CWC discussed this bill, and has not taken action.

SB 152 – Implement Changes Made by Amendment 71

CWC discussed this bill, and has not yet taken action.

Additional proposed legislation relates to the St. Jude’s Supreme Court ruling and recreation and piscatorial water rights, as well as other legislation for seaplane access to Colorado waterways. Bruce responded to board member questions.

2017 Schedule (June Meeting Date)

(time: 01:26:50)

There was consensus to reschedule the June meeting for Wednesday, June 14.

River Protection Workgroup

(time: 01:29:50)

SWCD has been involved in the River Protection Workgroup process for nearly 10 years, a process which has addressed water issues across various basins in southwestern Colorado. A significant success of the process has been the Hermosa Creek Watershed Protection Act. As part of the effort to arrive at a broader agreement spanning several basins, the board will address several key remaining issues in executive session, including a possible designation of a Wild and Scenic River, alternative protections for other segments and release of those segments from Wild and Scenic Suitability, and expansion of the Piedra area or similar protections. The intent of the small group is to honor the “Agreement in Principle” arrived at after hundreds of consensus-based public meetings and broad community participation. More information regarding the River Protection Workgroup is available on the website hosted by Fort Lewis College.

New Business

Term of Appointment for SWCD Board of Directors

(time: 01:38:20)

J.R. Ford moved to direct staff and legal counsel to draft a letter to Board of County Commissioners regarding the importance of staggered terms for continuity in board operations, to be reviewed by the board before submittal. Doug Stowe seconded. The motion passed unanimously. There was consensus to ensure that all other board terms are on a three-year cycle, and correct any errors with the counties.

Election of Officers

(time: 01:42:40)

Doug Stowe and Bob Wolff were nominated for board president by secret ballot. Doug declined the nomination. Monte Naslund moved to elect by acclamation Bob Wolff as president. David Guilliams seconded. The motion passed unanimously.

Jenny Russell moved to elect by acclamation Doug Stowe as vice president. JR Ford seconded. The motion passed unanimously.

Rusty Hinger, Jenny Russell, and David Guilliams were nominated for secretary treasurer by secret ballot. Jenny Russell was elected secretary treasurer by secret ballot.

Review and consideration of SWCD Appointments and Duties

(time: 01:55:00)

Doug Stowe moved to appoint Bob Wolff to represent SWCD on the Southwest Basin Roundtable. JR Ford seconded. The motion passed unanimously. There was consensus that Jenny Russell and Bob Wolff would participate in the USFS reserved rights negotiations. There was consensus that Steve Fearn and Bruce Whitehead continue participation in the River Protection Workgroup discussions, and that Charlie Smith participate as a Steering Committee member.

Resolution 17-01 Meeting Posting Location

(time: 02:04:10)

Doug Stowe moved to adopt Resolution 17-01 Meeting Posting Location. JR Ford seconded. The motion passed unanimously.

Resolution 17-02 Reliable State Water Project Funding Sources

(time: 02:07:00)

Jenny Russell moved to adopt Resolution 17-02 Reliable State Water Project Funding Sources as corrected. Rusty Hinger seconded. There was discussion. The motion passed unanimously.

Resolution 17-03 Aquatic Nuisance Species Mitigation Funding

(time: 02:13:50)

Don Schwindt moved to adopt Resolution 17-03 Aquatic Nuisance Species Mitigation Funding. JR Ford seconded. The motion passed unanimously.

Engineering Report

(time: 02:20:00)

Carrie Lile referred board members to the written report, and highlighted the following:

- **San Juan River Basin Recovery Implementation Program (SJRBRIP):** Given current snowpack and forecasts, BOR is planning on a 42-day spring peak release at 5,000 cfs from Navajo Reservoir.
- **Water Bank Working Group (WBWG):** Carrie participated in a panel on the Grand Valley Water Users Association consumptive conservation pilot program at the Colorado Water Congress Annual Conference January. Carrie has been involved the public outreach planning for the WBWG. Carrie responded to board questions. Don Schwindt volunteered to participate in the WBWG. (Note: Don participated previously as an Agricultural Representative on the WBWG.
- **Animas Watershed Partnership (AWP):** Grassburger will do a benefit for AWP on March 1. AWP is soliciting letters of support by February 10 for a WaterSMART grant for water quality, resilience and improvement program in New Mexico. There was consensus to direct the executive committee to review the AWP WaterSMART application to consider a possible letter of support from SWCD.

New Business (cont.)

Water Information Program Coordination Contract

(time: 02:38:30)

Elaine Chick, independent contractor selected via the Request for Qualifications process for Water Information Program coordination, introduced herself to the board and provided background on her relevant experience. Elaine, Beth and Bruce will continue to negotiate provisions of the contract for WIP coordination.

SNOTEL Site, Red Mountain*(time: 02:42:30)*

Brian Domonkos, Natural Resources Conservation Service, provided background on the Red Mountain SNOTEL site, which has provided 38 years of data. The site is the highest SNOTEL in the area and provides some of the only late season snowpack information when snow remains at the higher elevations. This site directly impacts five forecast points for the Animas, Ridgway, Uncompahgre, San Miguel and Lake Fork basins. The landowner wants to remove the Red Mountain SNOTEL site from the property, and the NRCS does not have an existing easement. Several entities have expressed interest in maintaining the site at its current location, including the Colorado Water Conservation Board (CWCB), Upper Gunnison Water Conservancy District, and SWCD. Several entities have expressed interest and ability to own the property, with funding for the purchase to be provided by several potential partners. There was consensus to direct staff to investigate the potential for partnering in funding the potential purchase of the parcel to ensure continued operation of the Red Mountain SNOTEL site.

Grant Program Criteria*(time: 03:22:00)*

Bruce summarized questions discussed at the February 6 board work session. Staff was directed to draft documents outlining potential criteria, program structure, and other related procedures based on board feedback for the next meeting.

Grant Request: San Miguel County, Slickrock Gage Operations*(time: 03:23:50)*

Bruce Whitehead presented the request to support operations of the USGS Slickrock gage for \$2,000. San Miguel County was alerted that the gage operations would be discontinued due to lack of funding as of January 1, 2017, and has taken on the role of fiscal partner with the USGS. The gage is currently used to monitor flows for four endangered fish species, recreation, and controlled releases from McPhee Reservoir. With other committed funds and partners, a \$2000 commitment from SWCD would result in excess funds for operations this year.

Grant Request: San Miguel Watershed Coalition*(time: 03:31:45)*

Elizabeth Stuffings presented the request to support water quality monitoring in the San Miguel basin in the amount of \$7,000 for 2017. The data collected at 27 sites by the San Miguel Watershed Coalition fills gaps and supplements monitoring efforts by state and federal agencies, and is disseminated through the Colorado Data Sharing Network. Expansion of the monitoring will include macroinvertebrate sampling. Other funding sources include the Telluride Foundation, Town of Ophir, BLM and the Coalition itself. Board members asked questions.

Grant Request: Town of Silverton*(time: 03:35:30)*

John Sites presented the request to support rehabilitation of the Town of Silverton treatment plant and water tank #1 in the amount of \$50,000 for 2018. The proposed project will address structural and compliance issues. The total estimated project cost is \$600,000. Other potential funding sources include a State Revolving Fund loan of \$230,000, a Department of Local Affairs grant, and in-kind contributions from the Town in \$20,000. Board members asked questions, and suggested the Town have further discussion with the Colorado Water Resources and Power Development Authority staff.

Grant Request: High Desert Conservation District*(time: 03:45:30)*

Judy Garrigues and Travis Custer presented the request to support the promotion of sustainable agriculture through water conservation and soil health in Montezuma County in the amount of \$15,520 for 2017. The program includes consultations regarding improved irrigation management, pivot assessments, workshops, crop cover trials, and other educational opportunities for producers. The total estimated project cost is \$58,360. Other funding sources include NRCS, CWCB, High Desert Conservation District, and producers. Board members asked questions.

Grant Request: Pine River Watershed Group*(time: 03:56:00)*

Jim Martin updated the board on 2016 monthly water sampling results from Pine River, Vallecito Creek, Grimes Creek and Vallecito Reservoir. The group requested \$1,000 to support ongoing water sampling in 2017. Other funding partners include the Pine River Irrigation District. Board members asked questions.

Grant Request: Thompson Epperson Ditch Company

Monte Miller presented the request to support an extension of ditch piping for 600 feet in the amount of \$25,000 for 2017. The ditch company has been awarded a CWCB grant in the amount of \$30,000 and the ditch company is committing \$25,000. The total project cost is an estimated \$80,000. Board members asked questions.

Educational Grant Request: Mancos Conservation District*(time: 04:06:40)*

Sarah Syverson and Christine Foote presented the request for \$20,000 in support of the development and promotion of a Montezuma School to Farm Drought Curriculum Manual for kindergarten through second grades to educate basin students in drought resilient conservation methods. The total project cost is estimated at \$108,000. Other funding sources include the Colorado State Conservation Board, AmeriCorps, Dolores and Cortez School Districts, private donations, fundraisers, and Mancos Conservation District. Board members asked questions.

Educational Grant Request: Southwest Conservation Corps*(time: 04:16:20)*

Emily Kasyon presented the request for \$25,000 in support of the Dolores River Restoration Project 2017-2018, which includes the following activities: 1) removal and treatment of non-native, invasive plants on public land, 2) planting of native grasses and shrub species on public land, 3) monitoring of vegetation on multiple project sites to prevent infestation of weeds and inform management actions. Young adults will be engaged to complete the above tasks as Conservation Corps interns, gaining experience in conservation management. Partners include the Walton Family Foundation, BLM, SW Conservation Corps, The Nature Conservancy, impacted counties, U.S. Fish & Wildlife Service and the Tamarisk Coalition. Board members asked questions.

Educational Grant Request: Animas River Community Forum*(time: 04:22:20)*

Shannon Manfredi presented the request for \$14,840 in support of operating expenses for the Animas River Community Forum for 2017. The Forum's purpose has been to promote communication, coordination and collaborative action; foster public confidence; support resiliency in local communities; and enhance planning, improved public safety and health for the future, all while honoring the institutional authorities and decision making of governmental and community organizations. To date the ARCF partners primarily includes representatives from local, state, federal and tribal governments, the education, agricultural, and business sectors, non-consumptive users, and local conservation organizations. The total estimated costs of operating is \$78,425 for 2017. Other potential funding sources include the Colorado Division of Mining Reclamation and Safety and the Southwest Basins Roundtable, the Colorado Water Conservation Fund, Department of Local Affairs, municipal, tribal and federal partners. Board members asked questions. Several forum participants were present to support the request.

Grant Request: Schroder Ditch Company*(time: 04:30:45)*

No representative was available to present the request.

Colorado Water Conservation Board (CWCB)*(time: 04:31:40)*

April Montgomery provided a written update by email. The Statewide Water Supply Initiative will be updated, with a completion goal of December 2017. Roundtables will be involved in that process, with outreach beginning in March. The CWCB board heard presentations on the aquatic nuisance species program and requested that staff consider how CWCB can assist in securing the necessary funding to reduce the risk of infestation.

Financial Assistance Requests Approval*(time: 04:33:00)*

The following motions were made:

- San Miguel County, Slickrock Gage Operations, up to \$2,000 not to exceed total cost of operation for the gage in 2017 operations, Jenny Russell moved to approve, David Guilliams seconded, motion passed; future requests to reviewed on an annual basis each year;
- San Miguel Watershed Coalition, \$7,000, Jenny Russell moved to approve, David Guilliams seconded, motion passed;

- Town of Silverton, \$50,000, 2018, Doug Stowe moved to postpone consideration until October 2017, David Guilliams seconded, motion passed;
- High Desert Conservation District, \$15,520, Charlie Smith moved to approve, Jenny Russell seconded, motion passed;
- Schroder Ditch Company, \$75,000, Jenny Russell moved to deny, Don Schwindt seconded, motion passed;
- Pine River Watershed Group, \$1,000, David Guilliams moved to approve; Monte Naslund seconded, motion passed;
- Thompson Epperson Ditch Company, \$25,000, Doug Stowe moved to approve, JR Ford seconded, motion passed;
- Mancos Conservation District (Education), \$20,000, David Guilliams moved to approve, Rusty Hinger seconded, motion passed;
- Southwest Conservation Corps (Education), \$25,000, 2017-2018, Jenny Russell moved to approve with half of the funds disbursed each year, Charlie Smith seconded, motion passed; and
- Animas River Community Forum (Education), \$14,840, Doug Stowe moved to approve, Charlie Smith seconded, motion passed 8-1.

General Counsel Legal Report

(time: 04:51:00)

Beth Van Vurst referred the board to the written report. Cases currently before the water court are in negotiations. The remaining legal report topics were recommended for executive session. Beth responded to board questions.

Executive Session

(time: 04:59:30)

Beth Van Vurst recommended that the board go into executive session for the purpose of discussing the WIP independent contractor agreement, ongoing negotiations in the River Protection Workgroup, USFS reserved rights (W-1605-76) and Dolores River instream flow appropriation (15CW3111). The statues covering this session are § 24-6-402(4)(b), C.R.S., “conferences with an attorney for the district for the purposes 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.” David Guilliams moved that the board go into executive session. Monte Naslund seconded. Don Schwindt recused himself from the portion of the executive session during which the USFS reserved rights (W-1605-76) and Dolores River instream flow appropriation (15CW3111) cases were discussed. The motion passed unanimously.

Beth Van Vurst announced that the board was out of executive session, during which no action was taken. The board discussed the WIP independent contractor agreement, ongoing negotiations in the River Protection Workgroup, USFS reserved rights (W-1605-76) and Dolores River instream flow appropriation (15CW3111). David Guilliams moved to direct legal counsel to move forward in finalizing negotiations of the WIP independent contract. Monte Naslund seconded. The motion passed unanimously.

Special Counsel Legal Report

(time: 05:03:30)

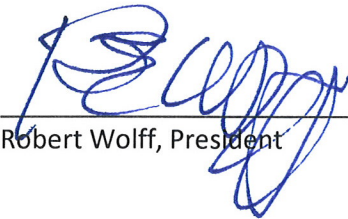
Peggy Montañó reported that former State Senator Ellen Roberts has affiliated with Trout Raley, and will be based in Durango. The ALPOM&R Association filed an application for the ALP Project water rights (Case No 17CW3002) for a change of points of diversion for direct flow below the Durango Pumping Plant by January 31, 2017. Monte Naslund moved to direct legal counsel to file a statement of opposition on behalf of SWCD in Case No 17CW3002. JR Ford seconded. The motion passed unanimously.

Next Meetings

Wednesday, February 22	9:00am	Board Teleconference
Wednesday, March 8	9:00am	Board Teleconference
Wednesday, March 22	9:00am	Board Work Session
Thursday, April 6	10:00am	Special Regular Board Meeting
Friday, April 7	8:00am	SWCD Annual Water Seminar

Adjournment

President Robert Wolff adjourned the meeting at 6:00 p.m.



Robert Wolff, President