

**Southwestern Water Conservation District  
Board of Directors Meeting – Teleconference  
April 13, 2016**

**Present:** John Porter, President†      Steve Fearn, Vice-President†      Bob Wolff, Secretary-Treasurer  
Jenny Russell†      Rusty Hingert      Doug Stowe†

**Absent:** J.R. Ford      David Guilliams      Monte Naslund

**Staff:** Bruce Whitehead, SWCD Executive Director  
Laura Spann, SWCD Office Manager  
Barry Spear, Maynes, Bradford, Shipps & Sheftel

**Guests:** None

*†Participated 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 no comments or questions.

### **Old Business**

#### **Legislative Update & Position on Bills**

*(time: 00:01:55)*

The Colorado Water Congress (CWC) State Affairs Committee met on April 4 and 11 to discuss water legislation introduced thus far during the 2016 Legislative Session. Bruce Whitehead explained the bills and relayed CWC discussion of the bills to the board. He referenced the summary document (Legislative Reports #2016-12 and #2016-13). There likely won't be a CWC State Affairs meeting on April 18, so SWCD will provide just the bill status update, not the full legislative report next week. The following legislation was discussed:

The following bills have been (or will likely be) postponed indefinitely:

**HB 1283 – Water Loss Audit Report Performance Standards**

**HB 1314 – Treat Preexisting Groundwater Depletions Replaced**

**HB 1315 – Allow Seaplanes in State Parks Like Motorboats**

**HB 1382 – Divert Water Piscatorial Aesthetic Beneficial Use**

**HB 1392 – Water Banks Administration**

#### **HB 1109 – Application of State Water Law to Federal Agencies**

A motion was made at the State Affairs meeting to reconsider the conditions included on the State Affairs Committee position of support for the legislation. Negotiations on language regarding any authority the federal government might have for bypass flows were successful, and the Colorado Attorney General's office approved language that did not "confirm nor deny" the federal authority. The State Affairs Committee agreed to support the legislation without conditions.

#### **HB 1228 – Ag Protection Water Right Transfer Mechanism**

CWC supports this legislation, while SWCD has some concerns. The bill has now been heard in the Senate Ag Committee.

**HB 1413 – Refinance Water Pollution Control Program**

CWC did not take a position on the bill because it moved forward quickly.

**HB 1433 –Retain and Spend Severance Tax Revenues for Reserve Fund**

CWC acted to support the bill. Bob Wolff moved to support the bill. Rusty Hinger seconded. The motion passed unanimously.

**SB 174 –CWCB Construction Fund Projects Bill**

CWC acted to support the bill. SWCD supports the bill. There is language in the bill addressing the sunset provision in previous legislation authorizing the Colorado Water Conservation Board (CWCB) to use revenues on Animas-La Plata Project water allocations sold by CWCB to pay operation, maintenance, and replacement costs to the ALPOM&R Association. Discussions continue with SWCD representatives, CWCB staff, and ALP project participants regarding the language which will likely have further revisions in the House Agriculture Committee.

**HB 1005 –Residential Precipitation Collection**

CWC took no position on this bill. Bruce Whitehead has fielded several regional media inquiries regarding the legislation, which is headed to the governor for signature.

**Executive Session**

**Request for Qualifications: General Counsel**

*(time: 00:23:25)*

Bruce Whitehead recommended that the board go into executive session for the purpose of discussing responses to SWCD’s Request for Qualifications for general counsel. The statute covering this session is §24-6-402(4)(f), C.R.S., “personnel matters.” Doug Stowe moved that the board go into executive session. Steve Fearn seconded. The motion passed unanimously.

Bruce Whitehead announced that the board was out of executive session, during which no action was taken. The board discussed responses to SWCD’s Request for Qualifications for General Counsel. Doug Stowe moved to engage Fairfield and Woods as SWCD’s general counsel. Jenny Russell seconded. A roll call vote was taken. The motion passed 5 to 1.

**Next Meetings**

Wednesday, April 27	9:00am	Teleconference (cancelled as of April 20)
Wednesday, May 11	9:00am	Teleconference
Tuesday, June 7	10:00am	Special Regular Board Meeting
Tuesday, August 9	10:00am	Special Regular Board Meeting

**Adjournment**

President John Porter adjourned the meeting at 10:00 a.m.

  
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 John Porter, President