

**Southwestern Water Conservation District
Board of Directors Meeting
August 14, 2013**

Present: John Porter Steve Fearn Bob Wolff
J. R. Ford April Montgomery Monte Naslund
Doug Stowe John Taylor Fred Kroeger (Emeritus)

Absent: Tim Kelly

Staff: Bruce Whitehead, Executive Director
Laura Spann, New Office Manager
Jane Maxson, Office Manager (Retiring)
Barry Spear, Maynes, Bradford, Shipps & Sheftel (MBSS)
Steve Harris, Harris Water Engineering
Peggy Montano, Trout, Raley, Montano & Witwer

Guests: Ken Beegles Ryan Christianson Dale Rodenbaugh
Mike Preston Harold Baxstrom Tom Compton
Roy Smith Ann Oliver Davin Montoya
Carrie Lile Darlene Marcus Eric Bikis
Rick Ehat Jeff Kane Adam Reeves

President John Porter called the meeting to order at 10:00 a.m. Roll was taken and a quorum was present.

Office Manager Update (New Business)

(time: 00:00:48)

Steve Fearn updated the board on the Office Manager vacancy process. Doug Stowe, John Taylor, Steve Fearn and Bruce Whitehead participated in the hiring committee. Fifty-two applications were reviewed for the position. John Porter recused himself during the interview process, which included nine applicants. An offer was made to Laura Spann and she accepted. The terms of her letter of engagement were based on input from the last meeting. Steve asked the board to ratify the choice and accept the letter of engagement. Bruce Whitehead explained the terms of the letter of engagement. John Taylor moved to accept the letter of engagement. Doug Stowe seconded. The motion passed unanimously. John Porter recused himself. Laura Spann was welcomed to the meeting.

Approval of Minutes (May 1, June 12, July 9, and July 12)

(time: 00:15:27)

Bruce clarified that July 9 and July 12 were both posted meetings to discuss personnel. Steve Fearn moved to approve the minutes as written. Monte Naslund seconded. The motion passed unanimously.

Approval of Treasurer's Report (July 2013)

(time: 00:18:33)

Bruce detailed the revised budget comparison. SWCD receives revenues from partners who reimburse the District for the US Geological Survey stream gaging cost share and the Animas-La Plata Water Conservancy District (ALPWCD) for the wage cost share. J.R. Ford inquired as to increases in Director's Fees, which Bruce explained is due to director's fees paid to board members who are attending more meetings, and more recently meetings with the River Protection Group. Staff will follow up on the request for information. J.R. Ford moved to approve the Treasurer's Report as corrected. John Taylor seconded. The motion passed unanimously.

There was general consensus that the First National Bank signatories be updated upon Laura Spann's hire. The following will be the updated signatories:

- John Porter, President
- Bob Wolff, Board Member
- Bruce Whitehead, Executive Director
- Laura Spann, Office Manager

Board Member Reports

John Taylor

(time: 00:40:49)

The New Mexico Meadow Jumping Mouse has been discussed at the San Juan Conservation District (SJCD) meeting. The Natural Resources Conservation Service (NRCS), Conservancy and Conservation Districts across the basin and SWCD should cooperate to help landowners in the region with endangered species issues, such as the Sage Grouse and the New Mexico Meadow Jumping Mouse. Communication between NRCS and U.S. Fish and Wildlife Service (FWS) needs to improve. SJCD will be bringing a resolution before the State (Soil) Conservation District, which meets in October, to effect more coordination between these organizations. John will provide a copy of the Resolution to the board and staff.

Pagosa Area Water & Sanitation District (PAWSD) is using water from the Snowball Ditch because the San Juan River has been badly impacted by the recent West Fork Fire Complex. The Rio Grande River looks equally impacted.

JR Ford

(time: 00:44:00)

One third of the time, the San Juan River is solid black with ash from the West Fork Fire Complex. PAWSD is rotating between water sources, but continues to pick up ash in their pumps. The San Juan Headwaters Forest Health Partnership (formerly San Juan Mixed Conifer Working Group) used the SWCD grant to leverage more funding for public and private forest fire mitigation to protect the drainage above Stevens Reservoir. Colorado School of Mines, in cooperation with Imperial College of London, published a study in June on the geothermal reservoir below Pagosa Springs. The Department of Energy is investigating the idea of re-injecting geothermal water back into the ground. The City of Pagosa will be finishing trails along the river.

Doug Stowe

(time: 00:46:38)

Doug attended a meeting in Gunnison with FWS Director Daniel Ashe and representatives from the 11 counties with Sage Grouse critical habitat. Director Ashe commented that FWS was more concerned with bird numbers and less concerned with habitat. The 11 counties affected presented information about work being done through conservation easements and other techniques to protect Sage Grouse habitat.

Bob Wolff

(time: 00:54:14)

Four very dry months were followed by a great monsoon season. Still, the reservoirs are very low and groundwater tables are dropping. The City of Durango may build a pipeline to the Durango Pumping Plant this year. La Plata West Water Authority and Lake Durango Water Authority are close to building a water line from the inlet structure at the upper end of Lake Nighthorse to Lake Durango. By February there could be 200 acre feet (af) in Lake Durango, given the current trends.

The Animas-La Plata Operation, Maintenance and Replacement Association (ALPOM&R) recommended more restrictions on the proposed recreational use of Lake Nighthorse. It may become untenable for City of Durango to manage it. The City of Durango wants to annex the land around Lake Nighthorse for the purposes of law enforcement but the Tribes don't support annexation. The City of Durango and La Plata County are meeting on September 11 to address the issue of law enforcement for the proposed

recreation area. The Bureau of Reclamation has shown a lack of leadership in establishing the recreation area.

Monte Naslund

(time: 01:01:41)

Representatives from Montrose, Delta, Gunnison and San Miguel had a tour in Powderhorn as part of work to improve the Sage Grouse habitat. Gurley Reservoir is practically empty. Norwood, Red Vale, and Paradox are almost out of water. Delta and Montrose are at 40% supply. The San Miguel River was flowing at about 80% of normal, then it started raining and now the river is full.

April Montgomery

(time: 01:03:35)

Mud slides have blocked Highway 145 on several occasions. The Lower San Miguel has a bit more water. Naturita Creek and Trout Lake have been emptying. Public comments about the uses of Priest Lake are being accepted and funding sources are being sought for the rehabilitation of the dam. The Town of Telluride finished a pipeline on the Bridal Veil switchbacks above Telluride. The Pandora Water Treatment Plant is near completion and may include hydropower.

Steve Fearn

(time: 01:05:20)

There is lots of rain and vegetation in San Juan County. The Animas River Stakeholders Group is involved in various water quality and mining reclamation projects in the San Juan mountains. The *Durango Herald* ran a series on mining reclamation done in the area.

John Porter & Mike Preston (DWCD)

(time: 01:11:31)

The northern part of Montezuma County has had much more rain than the southern. Dolores Water Conservancy District (DWCD) is 25% water supply out of storage. Water is short with Montezuma Valley Irrigation Company (MVIC) as well. DWCD will cut off water delivery August 15 and MVIC, September 3. Recent rains extended water delivery for two more weeks.

Agency Reports

Bureau of Reclamation (BOR)

(time: 01:13:39)

Ryan Christianson distributed the reservoir status report. Almost all reservoirs were below 50% of average April-July inflows. No project water is currently being released from the Florida. BOR sent a letter to the Pine River Irrigation District to begin negotiations on a new 2500 af M&I contract, the internal draft of which is near completion. On August 20, the Robert Morris ditch and Pine River canal will shut down. Vallecito releases are dropping. The Mancos Water Conservancy District is interested in title transfer at Jackson Gulch. For the Animas-La Plata Project, drafts are almost ready for the Ute water delivery contracts and initial negotiation meetings will be arranged soon.

Division of Water Resources

Not in attendance, no report.

Chairman of Colorado Oil & Gas Commission

(time: 01:19:43)

John Porter welcomed a guest, Tom Compton, Chairman of Colorado Oil & Gas Commission, who reported on fracking activity in the nine counties.

United States Geological Survey (USGS)

(time: 01:23:16)

Not in attendance, no report.

Colorado Foundation for Water Education (CFWE)

(time: 01:23:24)

Steve Fearn reported that the tours (Lower Colorado Basin (in Colorado), Upper Colorado Basin (in Colorado), South Platte, South Metro District, Water Bike tour) were well-attended. The *Headwaters* Summer Edition is about the Rio Grande Basin.

Colorado Water Conservation Board (CWCB)

(time: 01:24:44)

April Montgomery reported on a CWCB tour of West Fork Complex Fire damage near Creede and Del Norte. CWCB transferred \$2.5 million to the area for restoration and erosion control. Focus issues for CWCB are the Colorado Water Plan and Policy 19; however, Policy 19 is not an action item for the September meeting. A pilot program for fallowing agricultural land is also being discussed. The next meeting will be in Telluride on September 23-24. CWCB board and staff will also be meeting with Telluride community members and local schools as an educational opportunity. There will be a community reception on Tuesday, September 24, for which April requested SWCD sponsorship. Steve Fearn moved to sponsor the CWCB Telluride community reception with \$400. Bob Wolff seconded. The motion passed unanimously.

Interbasin Compact Committee (IBCC) & Roundtable

(time: 01:33:18)

Bruce Whitehead reported on Colorado Water Plan (CWP) requested by Governor Hickenlooper. The CWCB was directed to work with the IBCC and Basin Roundtables to integrate grassroots input in the CWP. The Southwest Basin Roundtable (Southwest BRT) meetings have changed to every two months. Input from the Basin Roundtables will go through the IBCC to the CWCB to be incorporated in the CWP. The Basin Implementation Plan (BIP) will include the list of Identified Projects and Processes (IPPs), which were previously separated by consumptive and non-consumptive uses and will now be combined into one list. A request for funding to assist in the development of the BIP has been made to CWCB.

(time: 01:38:15)

Mike Preston talked about the BIP. Rather than prioritize IPPs, the Southwest BRT is working to identify all water supply gaps in the nine river basins, create strategies to address those gaps and then move those strategies to the top of the list. To complete a draft BIP by December 2014, the number and length of Southwest BRT meetings has been increased. CWCB will invest up to 33% of Southwest BRT requests for funding projects that fall under the BIP. CWCB has contributed additional funds to assist in Southwest BRT's technical work. SWCD board members should make it known if they are aware of any supply gaps. Carrie Lile and Ann Oliver will be the BIP project managers. The expedited CWCB application for funding was submitted yesterday.

(time: 01:53:08)

Bruce explained low/no regrets IPPs, which are projects that can be implemented with no or few objections from all interested parties. IBCC members participated in a poll and Bruce reported on those results.

(time: 02:02:23)

Steve Harris discussed the IBCC's work on new supply. IBCC members mostly had no/low regrets on every aspect of the four legs of the stool (IPPs, conservation, new supply and agricultural dry up), except for new supply. Three Western Slope BRTs met in July and one concept discussed was a Compact for the remaining supplies in the Colorado River. The River District has created a model to evaluate risk for additional Upper Basin development. The conversation around new supply is widening, rather than narrowing. Steve thought the SWCD board will be more involved in the new supply discussion than the Southwest BRT.

Colorado Water Congress (CWC)

(time: 02:12:22)

Steve Fearn described the agenda for the CWC Summer Conference August 21-23 in Steamboat. On the agenda is an Opening Program by Dan Keppen from Family Farm Alliance, Colorado Water Plan, California's perspective on state water planning, and the National Water Resources Association's (NWRA) internal crisis. Texas and California have withdrawn from NWRA over disagreements about

direction, which has resulted in restructuring and a new director. The CWC Water Policy and Public Trust Doctrine Poll, which was conducted on August 1 by Ciruli Associates, will also be discussed. SWCD contributed \$10,000 to the CWC's educational outreach around the Public Trust Doctrine. CWC is accepting nominations for the Wayne N. Aspinall "Water Leader of the Year" Award. There was consensus directing staff to submit a letter recommending Jim Isgar for consideration.

Resolution #13-04

(time: 02:19:25)

Monte Naslund moved to adopt Resolution #13-04: Upon Retirement to Honor Jane Maxson's Dedicated Service to the Southwestern Water Conservation District. Bob Wolff seconded. The motion passed unanimously. John Porter read the Resolution and the board thanked her for her work for SWCD, ALPWCD and the Southwest BRT. On behalf of ALPWCD, Bob Wolff also thanked Jane.

Office Report

(time: 02:26:00)

Bruce Whitehead reported on the Four States Irrigation Council tour of the Southwest Basin on August 14-16. SWCD is hosting a reception for the Council tonight at 6 pm at the Durango Discovery Museum, with sponsorship from Maynes, Bradford, Shipps & Sheftel; Harris Water Engineers; and Trout, Raley, Montaño, Witwer & Freeman. The Council was established in 1952 as forum for irrigators to exchange ideas and information. The member states are Colorado, Wyoming, Nebraska and Kansas. Bruce outlined the tour program and speakers.

Questions/Comments from Audience

(time: 02:33:39)

No comments or questions.

Old Business

Draft CWCB Policy 19 – Improve Natural Environment

(time: 02:34:40)

Bruce Whitehead explained that the CWCB wants inputs from SWCD on proposed provisions to Policy 19, especially refining the definition of "improvements to the natural environment." As the proposed provisions are written, the CWCB can either acquire water rights for maintaining the natural environment under existing instream flow rights or they can acquire or receive donations of water rights to "improve the natural environment," the definition of which is unclear. The expanded use of funds to acquire water rights to "improve the natural environment" was included in the CWCB Projects Bill from the last legislative session, and the SWCD objected to that provision of the bill. Jennifer Gimbel committed to developing additional language to be included in Policy 19 to further establish the criteria for acquiring water rights for these purposes. The board should share comments or revisions with April Montgomery or Linda Bassi (CWCB) at the next board meeting.

Dolores Instream Flow Recommendation

(time: 02:38:52)

Bruce Whitehead gave an update on activity since the last meeting. The Bureau of Land Management (BLM) and Colorado Parks and Wildlife (CPW) have made a recommendation to the CWCB to file for Instream Flow on the Dolores River that would extend from below the confluence of the San Miguel to the confluence of West Creek (near Gateway). The recommendation would equate to the second highest amount for an instream flow filing in Colorado history, with flows as high as 900 cfs during the peak of the hydrograph. Roy Smith (BLM) detailed the instream flow recommendation, which is based on modeling done to meet needs of three sensitive fish species: the Roundtail chub, Bluehead sucker and Flannelmouth sucker. The CWCB is currently doing water availability analysis and has not yet filed for the instream flow. This instream flow would be a new junior appropriation on the Dolores River. Mike Preston expressed DWCD's concern that the impacts of the instream flow filing could extend upriver to affect operations of the Dolores Project.

BLM Wild and Scenic Proposed Suitability on Dolores River

(time: 02:51:12)

Bruce explained that two stretches of the Dolores River, from the confluence of the San Miguel to Gateway and near the Utah-Colorado border, are possible Wild and Scenic candidates. Wild and Scenic designation by Congress earmarks a federally reserved water right. For Wild and Scenic Eligibility or Suitability, there is no water right. Federal lands, in this case, would be managed to protect the outstanding and remarkable values identified on the river. SWCD has written letters to the CWCB and the BLM opposing a finding of Wild and Scenic suitability of the Dolores River and supporting alternative methods of protection. A Dolores River Workshop has been scheduled on October 18 in Naturita.

Roy Smith added that the proposed final San Juan Land Use Plan and Environmental Impact Study (EIS) will be available in September. There will be an opportunity to protest and appeal the plan before the BLM finalizes it through Record of Decision six months from now. Wild and Scenic Eligibility is defined as an inventory of identified stream segments with outstanding river-related values. Wild and Scenic Suitability designates a stream segment as best suited for Wild and Scenic management. When a stream segment is not yet designated by Congress as Wild and Scenic, the BLM uses an Interim Management Plan for the river that forbids diversions or storage projects on public lands, requires protections for water quality, maintains the classification, i.e., level of development of the river corridor, and forbids actions that would adversely affect the outstanding qualities of the river. Sections of the Dolores River below McPhee Reservoir and above the confluence of the San Miguel, have been Wild and Scenic Suitable, and thus under an Interim Management Plan, since 1979. The U.S. Forest Service also follows the same regulations.

Paradox Project EIS Process – MOU

(time: 03:01:46)

Steve Harris explained that the BOR wants SWCD to be a cooperating entity in reevaluating the removal of salt from Paradox Valley. Roughly 200,000 tons of salt enter the Dolores River at Paradox. The BOR currently removes 110,000 tons of salt per year. Action alternatives are being discussed in weekly BOR webinars. BOR and cooperating agencies are working on a Memorandum of Understanding. The existing deep reinjection well is causing tremors and the life of the existing deep-well injection is ending. The cost of a new deep-well injection pump is \$40 million. The most feasible option will probably be a new deep well near the existing location. An analysis of the salt is being done.

Recreation Update Lake Nighthorse

(time: 03:09:18)

ALPWCD started hosting public meetings on the Lake Nighthorse Recreation Plan in 2009. The Plan was submitted for National Environmental Policy Act (NEPA) review in 2011, on which there has been no BOR action yet. Bruce updated the board on recent correspondence. ALPOM&R wrote a letter to BOR asking to be considered as a potential recreation area manager. ALPWCD submitted a letter to BOR Regional Director Larry Walkoviak, and after two months, the BOR responded. The BOR also sent a letter to Mike King, Department of Natural Resources.

Animas – La Plata Project Water Rights Application C-A & DD

(time: 03:11:00)

Animas – La Plata Project Administrative Protocol

Stipulation 02CW85 – Retained Jurisdiction

Special Counsel Peggy Montano recommended that the Animas-La Plata Project Water Rights Application C-A & DD, the Animas-La Plata Project Administrative Protocol and Stipulation 02CW85 – Retained Jurisdiction be addressed in Executive Session.

Animas River Total Maximum Daily Loads

(time: 03:11:56)

Jeff Kane, attorney with MBSS, reported that SWCD sent comments to the New Mexico Environment Department (NMED) about proposed total maximum daily loads (TMDL) for phosphorus and E. coli

(Escherichia coli) on the Animas River. On Friday, NMED distributed a final draft and responded to comments. Of the issues SWCD raised, the final draft included a more detailed and accurate description of the Animas-La Plata Project and its effects on water quality. NMED acknowledged data sampling inadequacy, but will move forward using that data given resource limitations. Only three other entities commented: the City of Aztec, San Juan Water Commission and Southern Ute Indian Tribe. Colorado Water Quality Control Division provided clarifying comments orally. Ann Oliver added that the Animas Watershed Partnership (AWP) did not submit comments because not all members wanted to make a group-wide comment. The group is a partner in E. coli sampling. The New Mexico Water Quality Control Commission will have a hearing on TMDL on September 10. SWCD can participate in subsequent hearings on whether the water quality is impaired and support improves in data collection. Jeff and Carrie Lile (AWP) will coordinate further to keep SWCD apprised of potential impacts to future water uses and water quality. Jeff will investigate, in coordination with AWP, what data needs to be developed for Colorado around future water uses should water quality issues arise. Jeff will contact NMED about the possibility of submitting written testimony for the September 10 hearing.

New Business

Priest Lake EA

(time: 03:28:47)

Priest Lake is a small reservoir with seepage issues near the summit of Lizard Head Pass. The federal funding commitment to rebuild the dam has been minimal. Excel energy initially agreed to contribute funds and then stepped back. The U.S. Forest Service has interest in repairing the dam for augmentation below the dam and CPW may use the reservoir for cutthroat trout. They have asked for general comments on an Environmental Assessment (EA). There was consensus to direct Bruce and April to determine if SWCD should comment and give them authorization to do so, if necessary.

Basin Roundtable IPP List & Implementation Plan – Bridge Funding

(time: 03:35:40)

To advance the development of the IPP list while the Southwest BRT waits for funding from CWCB, the Southwest BRT requested that SWCD fund two months of Carrie Lile and Ann Oliver's consulting work in the interim period. CWCB will consider an expedited request for statewide and Southwest BRT funds in September. Steve Fearn moved to authorize Harris Water Engineering, Inc. to spend \$10,000 more than budgeted to support two months of work on the BIP. Bob Wolff seconded. The motion passed.

Report from Congressman Scott Tipton's Office

(time: 03:47:03)

John Porter welcomed guest Darlene Marcus, Field Representative for U.S. Congressman Scott Tipton. The Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act, sponsored by Congressman Tipton, passed with bipartisan support and was signed into law by the President. The Congressman is working on the Healthy Forest Management and Fire Act to reduce wildfires by giving commissioners more say in forest management. There is concern about the New Mexico Meadow Jumping Mouse. Progress is being made on the Gunnison Sage Grouse. Eleven County Commissioners have drafted a Memorandum of Understanding and are working closely with FWS to prevent critical habitat designation and listing the Sage Grouse as an endangered species. Public meetings in Monticello, Utah and Gunnison will take place in early September.

Financial Request – Long Hollow Reservoir

(time: 03:50:32)

Eric Bikis (Bikis Water Consultants), Rick Ehat (Construction Manager), and Davin Montoya (Vice President, La Plata Water Conservancy District) attended the meeting to bring an urgent grant request to the board. Davin and Rick explained that more grouting for was needed than anticipated; thus, the project went over budget. Dam construction is now at a critical stage. Support from SWCD would help bolster a three million dollar request to Colorado Water Resources and Power Development Authority. Steve Fearn moved to approve the \$100,000 grant request. Monte Naslund seconded. The motion passed.

Executive Session

(time: 04:22:23)

John Porter announced that the board would go into executive session for the purpose of discussing the Animas-La Plata Due Diligence Case, Animas-La Plata Water Rights Protocol and Retained Jurisdiction. The statutes that cover this session are § 24-6-402(4)(a), C.R.S., "the executive session concerned the purchase, acquisition, lease, transfer or sale of any property interest," § 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)(d), C.R.S., "specialized details of security arrangements or investigations." Steve Fearn moved that the board go into executive session. John Taylor seconded. The motion passed unanimously.

Note: Due to technical problems, remainder of meeting not recorded. Minutes based on notes taken during meeting, and review of content by legal counsel, consulting engineer, and office staff.

Barry announced that the board was out of executive session during which no action was taken. Steve Fearn moved to sign the stipulation ending retained jurisdiction in 02CW85. Monte Naslund seconded. The motion passed. Steve Fearn moved to direct counsel to proceed in filing the application in the Due Diligence case. Monte Naslund seconded. The motion passed. Bob Wolff moved to direct staff to draft and send a letter to the State Engineer accepting all provisions of A-LP Protocol except the provision dealing with caps for New Mexico in Section 6. Doug Stowe seconded. The motion passed.

New Business (Continued)

Budget Committee

All board members are invited to participate in the SWCD Budget Workshop on Wednesday, September 18 at 1:30pm at the District office. A notice will be posted for the meeting in the event that a quorum is present at the meeting.

CWC Summer Convention Sponsorship

A motion was made and seconded to provide a \$500 for the Colorado Water Congress summer convention.

Harris Water Engineering Fee Increase

Steve Fearn moved to authorize an increase in Harris Water Engineering's fees for the services provided by Carrie Lile to \$70/hour. John Taylor seconded. The motion passed unanimously.

Family Farm Alliance Membership

Bob Wolff moved to fund Family Farm Alliance membership of \$8400. John Taylor seconded. The motion passed unanimously.

New Mexico Meadow Jumping Mouse

Jeff Kane reported that the New Mexico Meadow Jumping Mouse will be listed as an endangered species and critical habitat will be designated for portions of the Florida River, San Britos Creek, in portions of La Plata County. There have been significant declines in species population. The Florida Water Conservancy District will submit comments. Comments are due by August 19. Steve Fearn moved to direct Jeff Kane to provide comments on the proposed listing. Bob Wolff seconded. The motion passed unanimously.

Engineering Report

Steve Harris reported on the Water Bank Agreement with Colorado River District for a Phase 2B study. SWCD previously approved the agreement but it is not yet ready for Bruce to sign. For Phase 2B, a dozen consultants were contacted; only one turned in a proposal. Within the next year, the San Juan Recovery

Implementation Program (SJRIIP) will begin the process to revise flow recommendations. A Scope of Work has been circulated to SJRIIP participants for review and comment. The SJRIIP steering committee provided comments on the Scope of Work, which won't be completed for another year. CWCB conducted a survey of Colorado residents regarding their knowledge of water issues. One particularly notable result was that most residents thought domestic or home water use was as much as irrigation use, which is incorrect. Irrigation accounts for 85% of water use statewide and as much as 98 % in southwestern Colorado. In speaking with politicians or the public, it can't be assumed that the audience knows how water is being used.

Legal Report

02CW85 – Retained Jurisdiction

Barry Spear reported that all parties agreed to the stipulation which would terminate retained jurisdiction by the Court. Parties will continue to work on the Protocol.

05CW88 – San Juan County

Talks continue with attorney Nancy Agro representing the Hennis Group. The proposed decree was approved by Trout Unlimited. Barry will continue to push for settlement of the case.

09CW51 La Plata Exchange

Counsel addressed all questions from the Southern Ute Indian Tribe. Counsel is waiting for the Tribe to agree to the proposed decree. It is hoped that the case can be settled prior to the next board meeting.

12CW34 USFS C-A (06CW127)

The U.S. will circulate a draft decree before the next status conference on November 1.

80CW237 & B1751 ALP Due Diligence

The application for due diligence is due by the end of August. Attorneys (Barry and Peggy) and staff are prepared to file by the due date.

06CW127 Animas RICD Due Diligence

MBSS prepared a draft that must be filed by the end of the year.

Next Meetings

October 9	Wed	10:00 am	SWCD Board Meeting (Draft Budget)
December 9	Mon	10:00 am	SWCD Board Meeting (Budget Hearing)

Adjournment

President John Porter adjourned the meeting at 4:56 pm.



John Porter, President