

Beth Van Vurst announced that the board was out of executive session, during which no action was taken. The board discussed Colorado River matters (update on Upper Colorado River Commission and drought contingency planning) and development of San Juan County water rights, case no. 05CW88. The board provided direction to negotiators. The remaining topics were postponed for the afternoon executive session.

General Session

1.0 Administration

1.1 Approval of Minutes (October 10, 2017; November 9, 2017) (time: 00:05:30)

Doug Stowe moved to approve the October 10, 2017. Rusty Hinger seconded. The motion passed. Charlie Smith moved to approve the November 9, 2017 minutes as corrected. JR Ford seconded. The motion passed.

1.2 Approval of Treasurer's Report (October 2017) (time: 00:07:40)

Laura Spann summarized budget comparison, bank account summary, and check detail. Doug Stowe moved to accept the Treasurer's Report. David Guilliams seconded. The motion passed unanimously. Jenny Russell requested clarity on SWCD's authority to reimburse directors emeritus for travel expenses incurred, a topic for discussion at the next board meeting.

1.3 Board Member Reports

Bob Wolff (La Plata County) (time: 00:12:40)

At the National Water Resources Association Annual Conference, Bob and Bruce met with the Acting Commissioner of Reclamation, Allen Mikkelsen, and other Bureau of Reclamation representatives including Brent Rhees, Upper Colorado Regional Director. Mr. Mikkelsen was subsequently appointed as the Deputy Reclamation Commissioner and will be based in Denver. He has already responded to several of SWCD's concerns.

Charlie Smith (San Juan County) (time: 00:14:20)

It's extremely dry in Silverton. Charlie has had discussions with the San Juan County attorney and administrator regarding the San Juan County conditional water rights (05CW88) held by SWCD.

JR Ford (Archuleta County) (time: 00:14:40)

The mill levy increase on the ballot in November to support the acquisition of property for the proposed Dry Gulch project by the San Juan Water Conservancy District failed 75% to 25%. San Juan Water Conservancy District is looking for a part-time manager as they seek further public input on the role for the District moving forward. The District may pursue a similar mill levy increase ballot initiative next election season. There are several river restoration projects underway in Archuleta County also.

Don Schwindt (Montezuma County) (time: 00:16:40)

Don has participated in the Water Bank Work Group meetings, and will provide comments on that as part of the agenda item later in the meeting.

Rusty Hinger (Mineral County) (time: 00:17:05)

There is no snow, and tourism season has ended.

David Guilliams (Hinsdale County) (time: 00:17:15)

It's cold and dry in southern Hinsdale County.

Jenny Russell (San Miguel County) (time: 00:17:20)

The Telluride Ski Resort is now scheduled to open on December 7, but is still lacking snow.

Doug Stowe (Dolores County) (time: 00:18:25)

Dolores County Commissioners met with the Dolores Water Conservancy District and Celene Hawkins (CWCB and The Nature Conservancy) to discuss the two proposed instream flow appropriations in Dolores County. Dolores County continues to facilitate the proposed Dolores River National Conservation Area discussion.

1.4 Agency Reports

U.S. Geological Survey (USGS)

(time: 00:19:10)

Kevin Murphy reported that the gages through Durango are reporting flows at 40 cfs below average, and most gages have not been iced, which is unusual in early December. The Animas below Silverton gage has been relocated downstream 300 yards and the San Miguel near Placerville gage has been moved upstream two miles to improve the accuracy of the data. Both gages will stay offline until a clear discharge relationship can be established with the old data. There have been discussions regarding a new gage to be installed along the Pine River upstream of Vallecito Reservoir.

Division of Water Resources

(time: 00:21:45)

Rob Genualdi reported that David Hofmann was replaced by Warren Gabbert as the new Water Commissioner for the Pine River. During the 2017 water year, the San Juan-Chama Project had its third highest delivery on record to New Mexico at 163,000 af, which is 177% of average. The total flow at the Hesperus gage was the highest it's been since 2005. New Mexico called on the La Plata in late May. Carryover storage in Long Hollow was over 1,000 af. NRCS has announced they plan to drop the La Plata snow course. Rob wanted to make sure the board knew of the NRCS decision, and Bruce asked if it was due to a lack of funding or if it was being dropped for other reasons.

U.S. Bureau of Reclamation (BOR)

(time: 00:28:44)

Brett Griffin summarized area reservoir levels.

Colorado Water Conservation Board (CWCB)

(time: 00:30:10)

Celene Hawkins reported on the following topics:

- The CWCB is now between the second and third rounds of applications for the Water Plan Implementation Grant Program. From southwestern Colorado, applications have been submitted from the Treanor Ditch on the La Plata River, Geothermal Greenhouse Partnership Project, Mancos Conservation District, and National Young Farmers Coalition.
- At the November board meeting, the CWCB approved the same funding package in the proposed 2018 CWCB Projects Bill that was passed in the 2017 bill. The 2018 proposal is for \$25 million total, with \$10 million to the Water Supply Reserve Fund, \$5 million toward watershed restoration, and \$10 million for the Water Plan Implementation Grant Program.
- Celene updated the board on the proposed CWCB instream flow appropriations noticed in November for southwestern Colorado:
 - Coyote Wash (tributary to Dolores River from Utah): There are no water rights along the reach and no administrative concerns from Mark Ragsdale. The proposal will come before the CWCB board in January 2018.
 - Spring Creek (tributary to Tabeguache Creek in the San Miguel basin): The appropriation will likely be delayed to 2019 with flow verification work through the winter. Mark Ragsdale had questions regarding presence of macroinvertebrates and fish in the creek and flow verification.
 - Disappointment Creek (tributary to the Dolores River): CWCB staff will meet with Dolores County, and has requested additional fieldwork. It was broken into two reaches for different seasonal and flow requirements along the two reaches, with the total reach being close to 60 miles in length. There are a number of decreed water rights on Disappointment Creek. This appropriation will likely be delayed to 2019.
 - Ricon La Vaca Creek (Hinsdale County): This appropriation has been delayed to March 2019. There will be further discussions with CPW around related permitting issues on a ditch near the Continental Divide.
 - Himes Creek (Mineral County): SWCD and DWCD has been engaged on this proposed appropriation, which is scheduled for possible action by the CWCB in March 2018. The proposal is related to USFS reserved rights, and there has been evidence of San Juan cutthroat trout thought to be extinct of particular interest to the USFS and the State. The USFS has not yet recommended a specific amount, and may request an appropriation of all remaining flow in the Creek.

Bruce requested that in advance of proposed instream flow appropriations in southwestern Colorado, the CWCB staff reach out to SWCD. SWCD was listed as a stakeholder on a number of the reaches being requested by the

U.S. BLM, but there was not outreach to the SWCD board or staff prior to it being noticed for a potential appropriation.

Colorado Water Congress (CWC)

(time: 00:49:00)

The next CWC board meeting will be on December 8 and the Water Stewardship Committee for Monday, after which Steve Fearn will have more to report. He added that the Annual Conference will be held on January 24-26, 2018 at the Denver Tech Center. Board members discussed the pending appointment to fill a vacancy on the Colorado Supreme Court, and the interest in encouraging a judge or attorney with water court experience to apply. It has been rumored that Judge Swift, Division 3 Water Court Judge, is a finalist.

Water Education Colorado (WEco)

(time: 00:51:50)

Laura Spann reported on the following:

- In October, CFWE officially rolled out its name change to Water Education Colorado, or “WEco,” along with a new logo. Motivation for the change includes growing the reach of their programs by making a few modifications to programming and by marketing programs and offerings to a broader audience. Some of those changes will include a re-design of Headwaters magazine with the winter issue, an all-new website in late spring 2018, and a series of informal, social water education activities around the state to capture more of a general public audience.
- The fall edition of *Headwaters* is focused on alternative transfer methods, and includes two articles on the water bank working group. The magazine has a fresh layout with shorter content article. Headwaters will be distributed more frequently.
- The 2018 Water Leaders program is now accepting applications. Participants receive extensive training in skills related to navigating conflict and diversity, leading self and others, and effective management and problem-solving tactics.
- WEco also offers a “Water Fluency” course, a sort of water knowledge boot camp directed at local decision makers such as county commissioners, special district employees, town managers, etc. Next year’s class will be held in Pueblo.
- WEco also hired a new staff person: Sophie Kirschenman, who will serve as education and outreach coordinator.
- Laura will be attending the Program Committee meeting and Board meeting in January.
- Jenny suggested that a NextGen Water Fluency course directed towards young adults would be a good initiative for WEco.

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

(time: 00:58:20)

At the December work session and meeting, CWR&PDA discussed how the proposed federal tax reform bill might affect the agency’s operations. If the tax exemption for government bonds were to be repealed, CWR&PDA would have to change significantly their loan process. The following loans were approved from the Clean Water Revolving Fund: \$2.45 million to Poncha Springs, \$888,000 to Cedaredge, and \$1.1 million to Hotchkiss. From the Water Pollution Control Revolving Fund, Larkspur qualified for a \$3 million loan. CWRPDA continues to grapple with how to define a disadvantaged community.

Water Information Program (WIP)

(time: 01:01:00)

Elaine Chick reported that she is working on a site outline for a redesign of the WIP website, with the goal of making the site more attractive and user friendly. Coordination has begun for the 2018 Annual Children’s Water Festival scheduled for May 2018. Elaine solicited story ideas and feedback for the WIP newsletter. Elaine met with SWCD staff and the WIP Steering Committee chair to review and outline WIP’s priorities for 2018.

Interbasin Compact Committee (IBCC) & Roundtable

(time: 01:05:00)

Steve Harris and Bruce Whitehead attended the IBCC meeting on November 30, and both thought it was a productive meeting. There was discussion of the preliminary results of the South Platte storage study, with the full report expected in fall 2018, along with a presentation from Karen Kwon (Colorado Attorney General’s Office) regarding the system conservation pilot program. Subcommittees were formed to draft a water “white paper” to

educate 2018 candidates for elected office and consider options to pursue an independent, sustainable funding source for state water projects. Bruce will serve on that subcommittee. The next IBCC meeting will be held in late February. The next Southwest Basin Roundtable meeting will be held at the Dolores Water Conservancy District in Cortez on January 10. Carrie, Ann, and Denise are coordinating a stream management plan workshop in early February.

Colorado River Water Users Association (CRWUA)

(time: 01:20:30)

John Porter, Beth Van Vurst, Bob Wolff, and Bruce Whitehead will attend the CRWUA Annual Conference in Las Vegas from December 13-15, which coincides with the Upper Colorado River Commission meeting.

Colorado Parks & Wildlife (CPW)

(time: 01:21:30)

Ryan Unterreiner thanked SWCD for their support of state aquatic nuisance species (ANS) mitigation funding. Several trout were removed from Lake Nighthorse for mercury testing. Kokanee spawn giveaway locally was postponed until next year due to a lot of success with egg collection at Blue Mesa.

1.5 Questions/Comments from the Audience

(time: 01:28:30)

Jimbo Buickerood, San Juan Citizens Alliance, encouraged partners to coordinate efforts to support the proposed legislation to fund continued ANS mitigation programs conducted by CPW.

1.6 Office Report

(time: 01:31:00)

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

- Board terms for Bob Wolff, David Guilliams, and Charlie Smith expire in January 2018. Their respective Boards of County Commissioners were notified in a letter on December 1 of the terms expiring for those board members.
- Bruce summarized area reservoir levels and streamflow conditions.
- Bruce participated in a call to brainstorm ideas to encourage attendance at the Colorado Water Workshop in Gunnison, including decreasing the registration fee, attracting younger professionals and farmers, and redirecting the programming to interest new audiences. Jenny expressed interest in participating in future brainstorming calls.
- Results of West Slope Risk Study Phase II will be presented to the SWCD board at their February meeting. John Carron from Hydros Consulting, and Eric Kuhn and Andy Mueller from the Colorado River District will plan to attend the meeting in person.
- Bob Wolff, Bruce and Christine Arbogast attended the NWRA meeting in Tucson in November, and met with Bureau of Reclamation officials. At the request of Bob and Bruce, the BOR has expressed a desire to begin discussions on the final cost allocation for the Animas La Plata project.
- Bruce met with Trent Taylor, President of the Red Mesa Reservoir Company, to discuss potential funding sources for spillway renovation and possible enlargement at Red Mesa Reservoir on Hay Gulch. Trent planned to follow-up with CWCB staff by phone or in writing.

2.0 Old Business

2.3 SWCD Statutory Change (Meeting Dates)

(time: 01:41:45)

Beth Van Vurst provided draft legislative language to update the SWCD statute to provide the board with flexibility regarding regular board meeting dates. There was general consensus to pursue a statutory change to the board meeting dates to require the board to meet at least every three months and allow for special meetings as needed. Staff has been in contact with legislators regarding introduction of the proposed legislative change during the 2018 session.

2.2 Red Mountain SNOTEL Update

(time: 01:52:20)

At the November 9 meeting, the SWCD board acted to approve up to \$40,000 to contribute toward the purchase and authorize staff to seek an opinion from special counsel regarding SWCD's TABOR status and the land purchase. Since that time, discussions took place with an attorney with extensive background on TABOR about

SWCD accepting other public funds, and staff recommends that another entity accept the funds and complete the land purchase. 100% of the funds have been committed from the funding partners. Tri-County Water Conservancy District has agreed to coordinate the funding, and the transaction can be completed before year end or early in 2018. Rusty Hinger moved to accept the Red Mountain SNOTEL site property if it should be donated to the SWCD by the Tri-County Water Conservancy District (or other entity) at a future date. Doug Stowe seconded. The motion passed unanimously.

2.4 2018 Proposed Meeting Schedule

(time: 01:55:50)

After discussion with the Colorado River District, staff proposed that the tentative joint meeting with the River District be moved to April or later. Charlie Smith moved to adopt the 2018 proposed meeting schedule as adjusted. JR Ford seconded. The motion passed.

2.1 Colorado River Discussions

(time: 01:59:20)

The Upper Colorado River Commission (UCRC) will be holding a meeting open to the public on Wednesday, December 13 in Las Vegas during the Colorado Rural Water Users Association Conference. Beth and Bruce also plan to attend a work session of the UCRC. An update regarding recent UCRC discussions was provided to the board in executive session.

Bruce provided background on the formation of the Water Bank Working Group (WBWG) more than 10 years ago. After lots of progress in collection data regarding the potential for water banking to be a viable tool in protecting Colorado water use under a compact compliance scenario. However, the WBWG's purpose has drifted to also include a drive by some for ongoing demand management as a part of drought contingency planning. Now the WBWG is at a crossroads about its purpose, structure, decision making process, public outreach, and communications. One discrete study the group has recently agreed to undertake is to detail the secondary impacts of water banking. Don described the group's discussion of developing a "lessons learned" document for the public (and internally among the participants to protect the State of Colorado's positions). Carrie described progress on Phase II of the West Slope Risk Assessment Study, and how that modeling can inform the WBWG's efforts. Board members added that after 10 years, it's a good moment to reassess without making any big decisions, and refocus SWCD's WBWG participation on how the effort impacts southwestern Colorado. At this time, the board is not supportive of additional pilot programs for agriculture after the 2018 SCPP's have been completed.

Anne Castle hosted a fall shepherding workshop in Frisco. Bruce summarized the discussion surrounding legislation being proposed by Anne and others to authorize shepherding of water for compact compliance as a beneficial use. There are differing opinions regarding the pressing need for any legislation, and whether the UCRC and various State Engineers may already have the authority to shepherd water for Compact compliance.

3.0 New Business

3.1 CWCB Proposed ISF Recommendations

(time: 02:36:15)

CWCB has provided notice of the proposed instream flow (ISF) recommendations to be considered for appropriation in early 2018. Among them are five reaches within SWCD's boundaries: Coyote Wash (Montrose County), Spring Creek (Montrose County), Disappointment Creek (Dolores & San Miguel Counties), Ricon La Vaca Creek (Hinsdale County), and Himes Creek (Mineral County). Celene Hawkins provided a thorough summary as part of the CWCB update.

There was board discussion about increasing SWCD's involvement throughout the instream flow appropriation process including the January instream flow workshop, appreciation for Celene Hawkins' detailed presentation of the proposed ISF to SWCD and affected stakeholders, and the need for improved public outreach by CWCB staff. The Himes Creek proposed appropriation will be discussed as part of the USFS reserved rights case, which was recommended for executive session.

3.3 Certificates of Deposit Maturity

In December 2014, SWCD invested in two three-year Certificates of Deposit (CDs) at the Bank of the San Juans, (\$750,000 at 0.55%) and 1st Southwest Bank (\$250,000 at 0.60%). Staff recommends cashing out both existing CDs when they mature on December 22, 2017. Staff presented the board several options for reinvesting the funds in CDs, which would be fully collateralized by the bank per the Public Deposit Protection Act (PDPA). There was board discussion regarding shorter term CDs, how the banks were approached, and a penalty clause. David Guilliams moved to cash out both existing CDs when they mature on December 22, 2017, and open two new two-year CDs at First National Bank, one for \$200,000 and another for \$816,000. JR Ford seconded. The motion passed unanimously.

3.4 WIP Independent Contractor Agreement

(time: 02:55:00)

Staff presented the draft 2018 independent contractor agreement with Elaine Chick Consulting for coordination of the Water Information Program (WIP), which has been agreed to by staff and Elaine with small adjustments. The WIP Steering Committee recommended the contract be renewed for 2018. Jenny Russell moved to direct staff to execute the 2018 WIP independent contractor agreement. David Guilliams seconded. The motion passed.

3.2 FY2018 Budget Hearing & Adoption

(time: 02:57:20)

Several board members attended the September workshop, at which the board and staff evaluated the draft FY2018 budget line by line. The budget was reorganized by broad categories in an effort to better communicate SWCD's priorities and investments in southwestern Colorado. The board also discussed the proposed budget at their October 10 meeting. The budget notice was published in newspapers in all nine counties, with the draft budget available to the public after October 15. The public budget hearing was open for public comment.

Bruce summarized the Statement of Objection to SWCD's proposed FY2018 budget from San Juan Citizens Alliance (SJCA), which was delivered to SJCA the day before the board meeting, with specific objections to an alleged lack of transparency in the budget presentation and the prioritization of taxpayer funds threatening the region's natural river systems.

Regarding the first objection, Bruce explained that two SJCA staff members requested copies of the budget the week prior to the meeting, and a copy of the budget that had been available to the public since October 15 was provided as requested by the SJCA on Wednesday November 29, and was acknowledged by Jimbo Buickerood in an e-mail on Thursday November 30. A fully expanded version of the budget was provided to Marcel Gatzambide from SJCA during lunch and prior to the public budget hearing the day of the meeting. The budget was also discussed at the October 10 SWCD board meeting, which Marcel Gatzambide attended. The adopted budget will be made available to the public upon request after today's meeting. Legal counsel explained that SWCD has complied with all relevant budget law. Marcel Gatzambide described that having less specific line items hidden under broader categories made it impossible to compare expenses such as special or general counsel fees proposed for 2018 with the budget for previous years. Board members added that if the public needs more specific information, SWCD could provide that information as requested. Also, going forward, in the year that there is a change in budget format, the public could be provided the budget in the old and new format for consistency and comparison purposes. The public and SJCA was invited to participate in next year's budget workshop to allow for a more timely response to public comment on the budget.

Bruce then read the SJCA's second objection related to the amount SWCD budgeted under the water quality line item, which they said was insufficient given the water quality concerns and lack of data in southwestern Colorado. Additionally, water quality and river system health would be negatively impacted by any project that would further dewater the basin, and SJCA asked that SWCD consider this as they prioritize funding for the region. Bruce detailed additional areas of SWCD's direct and indirect water quality funding that were already included in the 2018 proposed budget, ranging from \$80,000-\$155,000 depending on the number of relevant grant requests. Board members added that any proposals for water quality studies are and will be considered as part of the grant program.

Bruce and Laura outlined the specific changes to the final proposed budget, including the final property tax revenue, the addition of \$2,000 to support the CWC Water Stewardship Project, employee compensation, and the incorporation of WIP and San Juan Recovery Program revenues and expenses.

The following motions were made:

- Doug Stowe moved to approve Resolution 2017-06 to adopt the proposed 2018 budget. Jenny Russell seconded. The motion passed unanimously.
- David Guilliams moved to approve Resolution 2017-07 to certify the mill levy of .407 on the assessed valuation of \$3,704,440,539 (corrected by staff after the meeting to be \$3,704,440,249) to generate revenue of \$1,507,707 in 2018. Jenny Russell seconded. The motion passed unanimously.
- Charlie Smith moved to approve Resolution 2017-08 to appropriate funds in the amount of \$2,756,106 to be spent in 2018. Jenny Russell seconded. The motion passed unanimously.

The mill levy will be certified to all nine counties before the December 15 deadline, and the adopted budget will be submitted to the state by the January 31 deadline. Adopted budgets have not been posted directly to the SWCD website, but can be accessed through a link on the SWCD site to the Department of Local Affairs database where all public budgets are available and archived.

4.0 Engineering Report

(time: 03:29:30)

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

- **San Juan River Basin Recovery Implementation Program (SJRBRIP):** Carrie attended the three-day meeting, which included a review of the long-range plan, brainstorming new ideas to support recovery and recruitment, and discussion of non-native removal efforts. Some ideas for the Program to stimulate recruitment were to conduct additional habitat restoration, create a large backwater pond for rearing, stock mature adults, or increase base flows during the summer. With the positive sampling results in Lake Powell, there is the potential to show recovery of the meta-population in connected river systems. To determine the real impact of non-native populations on endangered species recovery, a non-native study will be conducted. SWCD provided a letter of support for the proposed federal legislation to continue funding of the endangered species recovery programs.
- **Water Bank Working Group (WBWG):** This was discussed as part of Old Business.
- **West Slope Risk Assessment Study:** Carrie participated in webinar on the West Slope Risk Assessment study.
- **Animas Watershed Partnership (AWP):** AWP plans to partner with the Southern Ute Indian Tribe for a grant to improve conditions on the Florida River, specifically providing buffer fencing and upgrading irrigation systems to release less discharge and hopefully less nutrients.

5.0 General Counsel Legal Report

(time: 03:39:30)

Beth Van Vurst referred the board to the written report, and highlighted the following issues:

- **Southern Ute Indian Tribe's Application for Program Authority Under the Clean Water Act:** The Southern Ute Indian Tribe's application for authority to administer certain water quality programs is still under consideration with the EPA. The State is coordinating with the Southern Ute Indian Tribe to encourage similar water quality standards implemented by both authorities.
- **12CW34 USFS C-A (06CW127):** This case has been in a holding pattern for several years due to the USFS working on settlement with other parties in the case. There is a revised ruling being circulated.
- **13CW3040 City of Ouray:** SWCD has entered into a stipulation in this case, and is waiting for the applicant to resolve issues with the other objectors.
- **W-1605-76 USFS Reserved Water Rights:** The topic was recommended for executive session.
- **14CW3011 San Luis Valley WCD:** SWCD met with the applicants in Alamosa, and received a revised settlement proposal for consideration just prior to the SWCD meeting. The settlement will be reviewed by staff and legal counsel, and will be discussed with the board at the next meeting.

- **10CW36 Timothy and Lori Lovato:** Until the applicant removes the trans-mountain source, the Treasure Pass Ditch for augmentation, SWCD is still party to the case. The applicant is seeking another source of augmentation in Water Division 3.
- **Waters of the United States (WOTUS) Rule:** At the November 9 teleconference, the board authorized general comments on the draft WOTUS rule, which were submitted by the deadline. Those comments were included in the board packet.
- **05CW88 San Juan County Water Rights:** Charlie Smith moved to direct legal counsel to begin negotiations of an intergovernmental agreement or joint ownership for development of the San Juan County water rights. Doug Stowe seconded. The motion passed.
- **Complaint for Declaratory Relief, Deep Green Resistance v. State of Colorado:** Deep Green Resistance has withdrawn their complaint after several motions by the state to dismiss the complaint as frivolous.
- **Water Court Resume Review (Divisions 3,4,7):** Staff and legal counsel have reviewed the water court resumes, with a few court cases that may require closer review.
- **Water Quality Control Commission Regulation 93 Hearing:** A copy of SWCD's prehearing statement is included in the packet, which highlighted outdated or few data points.
- **Western Resources Advocates Board Outreach:** At the request of the Western Resource Advocates legal counsel, Orla Bannan will be reaching out to the SWCD board and staff regarding water needs and concerns. Beth advised the board that they could participate in the discussions as they choose, but they may want to report back to the board.
- **Judge Swift, Division 3 Water Court:** Don moved to submit a letter of support for the appointment of Judge Swift to the Colorado Supreme Court. David seconded. There was board discussion. The motion was tabled until a December teleconference, at which the board could be presented with more information on the remaining candidates.
- **15CW3111 Dolores ISF:** Beth provided background on the case and a summary of recent activity. This item was recommended for executive session. Barb West, a member of the public, asked what the remaining steps were in the court process and whether it was possible to provide information about the costs of this specific litigation at some point in the future, and for more consideration by the board for the ongoing legal costs in these types of policy disputes. Ken Curtis, DWCD, added that he believed the role of SWCD was indeed to address matters of policy where other entities or districts with discreet responsibilities, or smaller geographic representation, may not.

6.0 Special Counsel Legal Report

(time: 04:25:00)

Peggy Montaño reported on case number 17CW3002, which was a change of water right filed by the ALPOM&R Association to provide for direct delivery of the ALP water rights to the New Mexico state line. Peggy has been in communication with the Association, which has cancelled their December meeting. Peggy anticipates seeing the draft decree before it goes to the court.

7.0 Executive Session

(time: 04:27:00)

Beth Van Vurst recommended that the board go into executive session for the purpose of discussing the USFS reserved rights (case no. W-1605-76), Dolores River instream flow appropriation (case no. 15CW3111), and the SWCD Project water rights. The statutes 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." Doug Stowe moved that the board go into executive session. JR Ford seconded. The motion passed unanimously. Don Schwindt recused himself for the Dolores River instream flow case and portions of the USFS reserved rights case. Peggy Montano participated in the executive session.

Beth Van Vurst announced that the board was out of executive session, during which no action was taken. The board discussed the USFS reserved rights (case no. W-1605-76), Dolores River instream flow appropriation (case no. 15CW3111), and SWCD Project Water Rights. The board provided direction to negotiators.

8.0 Adjournment

President Bob Wolff adjourned the meeting at 4:10 p.m.



Robert Wolff, President