

**Southwestern Water Conservation District  
Board of Directors Meeting  
February 14, 2018**

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

**Absent:** Monte Naslund

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

**Consultants:** Carrie Padgett, Harris Water Engineering  
Beth Van Vurst, Fairfield and Woods

**Guests:** Orla Bannan, Western Resources Advocates  
Ken Beegles, Animas La Plata Water Conservancy District  
Justin Catalano, Florida Consolidated Ditch Company  
John Carron, Hydros Consulting  
Ken Curtis, Dolores Water Conservancy District  
Kari Distefano, Town of Rico  
Laurie Dickson, Four Corners Office for Resource Efficiency  
Steve Fearn, Colorado Water Congress  
Pete Foster, Wright Water Engineers  
Marcel Gatzambide, San Juan Citizens Alliance  
Mardi Gebhardt, Red Mesa Reservoir and Ditch Company  
Steve Harris, Harris Water Engineering  
Eric Kuhn, Retired General Manager River District  
Steve Miles, High Desert Conservation District (by phone)  
Andy Mueller, River District General Manager  
Kevin Murphy, U.S. Geological Survey  
John Porter, Colorado River Water Users Association  
Don Shriver, Public  
Mark Short, Florida Consolidated Ditch Company  
Trent Taylor, Red Mesa Reservoir and Ditch Company  
Aimee Tooker, Colorado Cooperative Ditch Company (by phone)  
Ryan Unterreiner, Colorado Parks & Wildlife  
Mely Whiting, Trout Unlimited (by phone)  
Ed Zink, Southwest Basin Roundtable

President Bob Wolff called the meeting to order at 9:00 a.m. Roll was taken and a quorum established.

**Executive Session**

*(time: 00:01:00)*

Beth Van Vurst recommended that the board go into executive session for the purpose of discussing Colorado River matters (Upper Colorado River Commission matters and drought contingency planning), the San Luis Valley Water Conservancy District water rights change case and augmentation plan (14CW3011), the USFS reserved rights claims (W-1605-76), and CWCB's proposed instream flow appropriation on Himes Creek. The statutes covering this session are § 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)(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. 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 San Luis Valley Water Conservancy District water rights change case and augmentation plan (14CW3011), the USFS reserved rights claims (W-1605-76), and CWCB’s proposed instream flow appropriation on Himes Creek. Colorado River matters were not discussed, so the topic was postponed for the afternoon executive session. The board provided direction to negotiators.

### **1.0 Review and Approve Agenda**

*(time: 00:03:20)*

President Bob Wolff described two adjustments to the agenda: item 6.1 (Colorado River Discussions) will be discussed as part of the morning West Slope Risk Assessment study, and item 7.2 (Red Mesa Reservoir Restriction) will be addressed at 1:00pm, before Old Business, to accommodate the applicant’s schedule.

### **2.0 Approve and/or Remove Consent Agenda Item**

*(time: 00:04:00)*

There were no changes to the consent agenda.

### **3.0 Consent Agenda**

*(time: 00:04:15)*

#### **3.1 Approval of Minutes (December 5, 2017; January 23, 2018)**

#### **3.2 Approval of Treasurer’s Report (Year End 2017, January 2018)**

#### **3.3 Resolution 18-01: Meeting Posting Location**

Charlie Smith moved to approve the consent agenda. David Guilliams seconded. The motion passed unanimously.

### **4.0 Phase II West Slope Risk Assessment Study, Colorado River Discussion**

*(time: 00:05:15)*

SWCD, the River District, and the four west slope Roundtables have jointly funded Phase I and Phase II of the Colorado River Risk Assessment Study to evaluate the risk for compact curtailment and critical Lake Powell reservoir levels impacting water use on the western slope. John Carron, Hydros Consulting, summarized current Colorado River Basin hydrologic conditions, coordinated reservoir management at Lake Powell and Lake Mead, and drought contingency planning efforts. Drought contingency planning in the Upper Basin has consisted of three main focuses: extended reservoir operations, water supply augmentation (cloud seeding and phreatophyte removal), and demand management (reduction in consumptive uses). He summarized the results of Phase I and Phase II of the West Slope Risk Assessment Study. Using State Mod, Phase II of the study further examined the impact of demand management in reducing risk on the Western Slope. One key conclusion from the study is that, depending on location, shepherding (moving the conserved water through the system) could be critical to ensuring that demand management is the most efficient in delivering water to Lake Powell. John will continue presenting the results of the study to the Roundtables and the CWCB board. The West Slope Caucus will host a joint Roundtable meeting at Ute Water Conservancy District on April 25. Discussions will begin on the outcomes for Phase III.

### **5.0 Reports**

#### **5.2 Agency Reports**

##### **U.S. Geological Survey (USGS)**

*(time: 01:37:30)*

Kevin Murphy reported that the Animas is running at 70% of average. A new gaging station will be installed on the Pine River above Vallecito Reservoir in the summer of 2018.

##### **Division of Water Resources**

No representative was present; a report was not available.

##### **U.S. Bureau of Reclamation (BOR)**

No representative was present; a report was not available.

**Colorado Water Conservation Board (CWCB)**

No representative was present; a report was not available.

**Colorado Water Congress (CWC)**

*(time: 01:39:00)*

Steve Fearn reported that the CWC Annual Conference again had record attendance, and he summarized several presentations and highlights. The Water Stewardship Project is tracking ballot initiatives being reviewed by the Title board. Specifically, the proposed ballot initiative 94 may have some public trust implications as it relates to oil and gas production. The Project is also tracking a court case addressing fishing access on the Arkansas River, as it relates to public trust.

**Water Education Colorado (WEco)**

*(time: 01:42:00)*

Laura Spann directed board members to the written staff report and highlighted a few items. At the January 19 board meeting, Lisa Darling (South Metro Water Supply Authority) was elected president. WEco received a \$250,000 grant from the Walton Family Foundation for two years to support website development and increased digital content, and \$110,000 over three years from the CWCB Education and Innovation Grant Program. The Rio Grande Basin Tour is scheduled for June 11-12. Bruce participated in the peer review group for the spring *Headwaters*, which will focus on public lands. The summer issue will focus on stream management planning, and several experts from our area are participating in the review group.

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

*(time: 01:45:20)*

Bob Wolff reported on five loans approved at the late January CWR&PDA board meeting, several of which were for disadvantaged communities. Larimer County's loan was restructured as well.

**Water Information Program (WIP)**

No representative was present; a report was not available.

**Interbasin Compact Committee (IBCC) & Roundtable**

*(time: 01:48:00)*

Steve Harris reported that at the January 10, the Roundtable approved six applications for a significant portion of the Basin Account funds. The next IBCC meeting is February 18. At the December IBCC meeting, three subcommittees were formed to 1) develop a "water 101" white paper for 2018 electoral candidates, specifically gubernatorial candidates, to ensure the political leadership going forward is versed in statewide perspectives on water, 2) implement the seven point conceptual framework outlined in the state water plan, and 3) develop options to address long-term sustainable funding for water projects and protections going forward. A joint West Slope basin roundtable meeting is scheduled for April 25 in Grand Junction at the Ute Water Conservancy District.

**Colorado River Water Users Association (CRWUA)**

*(time: 01:55:30)*

John Porter reported that Jim Broderick, Southeastern Colorado Water Conservancy District, has been elected as the president. The officers rotate and Colorado holds the presidency every 14 years. There was record attendance at the CRWUA Annual Conference in December 2017. Some of the discussion topics included drought contingency planning and the role of social media in water management.

**Colorado Parks & Wildlife (CPW)**

*(time: 01:58:04)*

Ryan Unterreiner is coordinating a research project with Colorado State University to study the effects of warm water walleye stocking in the San Juan basin. He highlighted several proposed bills being considered by the state legislature to secure general CPW revenues and stabilize funding for aquatic nuisance species inspection programs.

**5.1 Board Member Reports**

**Charlie Smith (San Juan County)**

*(time: 02:04:10)*

Recent snow is promising, but well below the average. The San Juan County Commissioners are meeting with their attorney to discuss the water rights currently held by SWCD to develop a relatively ambitious timetable for maintaining diligence and continuing development of the water rights.

**JR Ford (Archuleta County)**

(time: 02:04:30)

Several river restoration projects are taking place in the County.

**Rusty Hinger (Mineral County)**

(time: 02:05:00)

Recent storms helped with the snowpack, but it's still far below normal.

**Don Schwindt (Montezuma County)**

(time: 02:05:20)

McPhee Reservoir is forecasted to have 75% supply for irrigation season, not as grim as the snowpack has been.

**David Guilliams (Hinsdale County)**

(time: 02:06:15)

The Piedra basin finally got snow, about 14 inches.

**Jenny Russell (San Miguel County)**

(time: 02:06:35)

The Telluride ski area is still making snow.

**Doug Stowe (Dolores County)**

(time: 02:07:30)

Dolores County continues to move forward with the proposed Dolores River National Conservation Area.

**Bob Wolff (La Plata County)**

(time: 02:08:05)

Purgatory Resort consumed almost all of their snowmaking water. Lake Nighthorse will officially open for recreation on April 1. The City of Durango is annexing a portion of the BOR property and will provide police protection. The City is facilitating a public process to help the community address shared motorized and non-motorized recreation on the Lake.

**5.3 Questions/Comments from the Audience**

(time: 02:12:20)

Marcel Gatzambide, San Juan Citizens Alliance, is tracking an algae bloom in the Animas near the stateline. Ken Curtis, Dolores Water Conservancy District, suggested educating more localized board of county commissioners, district boards, and other local officials on Colorado River basin management.

*The board adjourned for lunch.*

**5.4 Office Report**

(time: 02:17:25)

Bruce Whitehead directed board members to the written Executive Director report. Board terms for Bob Wolff, David Guilliams, and Charlie Smith expired at the beginning of 2018. Bob and Dave have been reappointed. Closing took place on January 31 for the Red Mountain SNOTEL site. SWCD will receive the deed in the mail soon, and the parties have entered into a Memorandum of Understanding for maintenance of the property.

**7.0 New Business**

**7.2 Red Mesa Reservoir Restriction, Emergency Request**

(time: 02:19:50)

Bruce Whitehead summarized the restrictions recently imposed on the Red Mesa Ward Reservoir by the Colorado Division of Water Resources Dam Safety Engineer. The reservoir maintains pre-compact water rights, and ensures storage in a water short basin. A possible expansion of the storage capacity could assist with Interstate Compact Compliance by exchange. The restriction imposed during a low snowpack year will significantly impact water users in the La Plata Basin, and is seen as an emergency to address for initial restrictions to be lifted, with the Division of Water Resources goal of long term compliance. Trent Taylor and Mardi Gebhardt presented the emergency funding request from the Red Mesa Reservoir and Ditch Company for \$20,000 to support a final feasibility and financing study that would stand alone to review and summarize the collective knowledge obtained from the numerous previous studies, establish a firm yield for the reservoir by modifying the existing StateMod river

model, look at what entities could utilize additional water storage for the greatest regional benefit, and analyze the ability of each entity to assist in repaying debt incurred for construction of such a project and pay O&M through the coming years to keep the reservoir company solvent. The estimated study cost is \$50,000, with \$25,000 to be requested from the CWCB, and \$5,000 provided by the applicant. Doug Stowe moved to approve the emergency funding request for \$20,000 contingent upon approval of CWCB funding. David Williams seconded. The motion passed.

## **6.0 Old Business**

### **6.1 Colorado River Discussions**

*(time: 02:43:25)*

#### **West Slope Land Acquisitions**

Beth summarized recent land purchases on the west slope for the value of the pre-compact water rights in Delta and Mesa Counties.

### **6.2 2018-19 CWCB Instream Flow Recommendations & Workshop**

*(time: 02:44:50)*

At the CWCB instream flow workshop held in conjunction with the Colorado Water Congress Annual Conference, there was discussion of the 2018 Coyote Wash and Himes Creek appropriations. Potential filing for 2019 were discussed for Naturita Creek and two reaches in the Dolores Basin. Additional instream flow appropriations in the Piedra, San Juan, and Animas basins may be studied as well. SWCD will be in contact with CWCB staff regarding more information on these potential appropriations and update the board.

### **6.3 SWCD Statutory Change (Meeting Dates)**

*(time: 02:51:30)*

Representative Catlin, Representative McLachlan, and Senator Coram will sponsor SWCD's proposed legislation to create flexibility for meeting dates to be held at least every three months. The board reviewed the bill, which Beth and Bruce drafted with support from legislative drafters at the Capitol. It will be introduced within the next week.

### **6.4 Legislative Update & Positions on Bills**

*(time: 02:55:30)*

The Colorado Water Congress (CWC) State Affairs Committee met on February 12 to discuss water legislation introduced thus far during the 2018 Legislative Session. Staff explained the bills and relayed CWC discussion of the bills to the board. The following bills were discussed:

#### **SB 134 - Public Utilities Commission Deregulate Nonprofit Water Utilities**

CWC has taken no position on this bill.

#### **SB 143 – Parks and Wildlife Measures to Increase Revenue**

CWC has discussed this bill.

#### **SJM 004 – Memorialize Former Congressman Ray Kogovsek**

CWC unanimously supported the memorial. Don Schwindt moved to support SJM 004. Bob Wolff seconded. The motion passed unanimously.

#### **HB 1151 – CWCB Approve Deficit Irrigation Pilot Projects**

CWC has discussed this bill.

#### **HB 1199 – Aquifer Storage-and-Recovery Plans**

CWC has discussed this bill.

#### **HB 1215 – Safe Disposal Naturally Occur Radioactive Material**

CWC has discussed this bill.

## **7.0 New Business (cont.)**

### **7.1 2018 Grant Requests**

*(time: 03:08:00)*

Bob summarized the board work session on February 13 at which they reviewed the 2018 grant requests in detail. Bruce outlined the 2018 grant program guidelines adopted last year, which allocated \$200,000 for water supply and watershed restoration projects, \$75,000 to public forums, studies and planning efforts, and \$25,000 to educational programs. Also, \$200,000 was set aside for emergency requests. This year's requests were considered in the context of District priorities, program guidelines, and available funding. In the water supply category, more funds were requested than were available. The following actions were taken on the 2018 grant applications:

#### Water Supply/Watershed Restoration:

- Jenny Russell moved to approve the request from the Colorado Cooperative Ditch Company to support the Brooks Trestle to Syphon Project in the full amount of \$60,607.50. JR Ford seconded. The motion passed.
- Jenny Russell moved to approve the request from the Florida Consolidated Ditch Company to support the Florida Canal Diversion Structure Rehabilitation Phase I in the reduced amount of \$55,000. David Guilliams seconded. The motion passed.
- Charlie Smith moved to approve the request from the High Desert Conservation District to support the Precision Drip Irrigation Trial and Outreach in the reduced amount of \$6,000. Don Schwindt seconded. The motion passed.
- JR Ford moved to approve the request from the Town of Ignacio to support the Irrigation Utility Improvement Project in the full amount of \$48,750. Rusty Hinger seconded. The motion passed.
- Jenny Russell moved to approve the request from the Town of Rico to support the Water System Engineering Analysis for 25% of the actual project cost, up to \$30,000 maximum. Rusty Hinger seconded. The motion passed.
- The Webber Ditch Company withdrew their application for funding.

#### Public Forums/Studies/Planning/Workgroups:

- Charlie Smith moved to approve the request from the Animas Consolidated Ditch Company to support the Urbanization and Ditch Companies Manual in the reduced amount of \$5,000, if needed after full utilization of the remaining Basin Implementation Plan grant funds. Jenny Russell seconded. The motion passed.
- Don Schwindt moved to approve the request from Fort Lewis College to support the Animas River Microbial Communities Study in the full amount of \$15,000 contingent upon potential coordination with the CDPHE and making the study publically available. JR Ford seconded. The motion passed.
- JR Ford moved to approve the request from Trout Unlimited to support the Upper San Juan River Basin Stream Management Plan Phase I in the full amount of \$13,945. Doug Stowe seconded. The motion passed.

#### Education:

- Jenny Russell moved to approve the request from Mountain Studies Institute to support the Forests to Faucets Teacher Training Program in the full amount of \$5,000. David Guilliams seconded. The motion passed.

Two requests were submitted to the board that did not meet the minimum match requirements:

- Charlie Smith moved to approve the request from Four Corners Office for Resource Efficiency to support Rain Barrel Harvesting Demonstration Site Installation, as a \$1,000 sponsorship instead of a grant. Rusty Hinger seconded. The motion passed. Laurie Dickson provided feedback that in her opinion, the match requirements were unclear, as well as difficult to meet as a non-profit that cannot provide cash match itself but rather through other grants. Staff had worked with Laurie extensively on the grant application prior to consideration by the board.
- Jenny Russell moved to deny the request from the Mancos Conservation District to support the Mancos Watershed Drought Resilience Plan. Rusty Hinger seconded. The motion passed. The board provided feedback that they would like to see more financial commitment to the effort from local stakeholders and water users that will benefit, and encouraged the applicant to apply again next year.

*The board adjourned for a short break.*

The Nature Conservancy and partners have been awarded funding by the Bureau of Reclamation to build an interactive, web-based tool that will allow users to integrate existing freshwater datasets, enhance presentation and understanding of the condition of riverine systems and water use in western Colorado, and support decisions related to water management for a diversity of uses. Celene Hawkins is leading the effort and would like to work through the Roundtable's Environmental and Recreational Needs Subcommittee to design a robust stakeholder engagement process that will tap into local expertise and allow us to develop a tool that best meets the needs of local interests. Board members were invited to participate in the process.

### 7.3 Election of Officers

(time: 04:01:30)

Bob Wolff was the unanimous nomination by secret ballot for board president. JR Ford moved to elect Bob Wolff for board president by acclimation. Doug Stowe seconded. The motion passed unanimously.

Doug Stowe and Don Schwindt were nominated by secret ballot for board vice-president. Jenny Russell moved to elect Doug Stowe for board vice-president by acclimation. Bob Wolff seconded. The motion passed.

Don Schwindt, JR Ford, and Jenny Russell were nominated by secret ballot for board secretary-treasurer. David Guilliams moved to elect Jenny Russell for board secretary-treasurer by acclimation. Rusty Hinger seconded. The motion passed.

### 7.4 Director Emeritus Reimbursement for Expenses

(time: 04:10:45)

Jenny Russell requested clarification and board discussion of SWCD's statutory authority to reimburse directors emeritus for travel and meeting expenses, as was conducted in 2017 for Steve Fearn as board member of Colorado Water Congress and John Porter as board member of the Colorado River Water Users Association. John Taylor had travel expenses reimbursed previously as a director emeritus for his participation in the River Protection Workgroup. Legal counsel clarified that there is nothing in the SWCD statute that expressly authorizes or prohibits reimbursement of expenses for director emeritus appointments. However, the statute does authorize for the reimbursement of expenses for directors and "other appointees." There was board consensus to continue reimbursing directors emeritus for travel expenses and add a new budget line item for 2019 to specifically track director emeritus travel expenses. Currently director emeritus expenses are tracked under director expenses.

### 7.5 San Miguel Environmental & Recreational Needs Assessment Correspondence

(time: 04:18:00)

Jenny Russell provided background on the San Miguel Environmental and Recreational Needs Assessment pilot project, the roll out of the draft assessment, outreach efforts made to water users with the intention of enhancing delicate working relationships, and lessons learned in this pilot project. The Colorado Cooperative Ditch Company submitted a letter to SWCD highlighting concerns that water users in the lower San Miguel basin were not adequately consulted in the initial drafting of the assessment. Bruce Whitehead forwarded their concerns to the Southwest Basin Roundtable via email prior to the Roundtable's January meeting since this was a Basin Roundtable pilot project, after having discussions with the Ditch Company President. Jenny stated that she felt project proponents or relevant board members should have been notified prior to sending it out to the Roundtable. She asked that a process for communication be put in place for SWCD to address stakeholder concerns in local projects. There was board discussion regarding the need for patience as misunderstandings happen in the water community and our broader civil society, the flow of information from staff to the SWCD board and then to other entities, decision making via email per the Open Meetings Law, and SWCD's obligation to amplify all stakeholder voices and perspectives equally. No formal action was taken by the board.

### 7.6 Instream Flow Program – Pre-existing Stock Water Use

(time: 04:44:20)

In general and pursuant to state statute, CWCB will subordinate instream flow appropriations to any pre-existing uses, even if they weren't decreed. In the Yampa Basin, historic stock water practices have recently been subject to a call by the instream flow program. The River District has raised concern about this administrative practice. This was brought to the SWCD board by general counsel and staff as a water administration issue to monitor as it is resolved.

## 8.0 Engineering Report

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

- **San Juan River Basin Recovery Implementation Program (SJRBRIP):** Several meetings are scheduled in late February to report out data for 2017 and discuss the recruitment bottleneck. SWCD has submitted two letters of support for the proposed House and Senate bills to authorize continued federal funding for the Recovery Program. For Recovery Program's trip to DC to update Congressional staff on the Recovery Program, the State of Colorado is sending Michelle Garrison. There was board consensus to authorize Carrie to participate in the DC Recovery Program trip on behalf of SWCD. Carrie attended a recent meeting on Navajo Reservoir operations and inflow is at 35% of average; BOR estimates that this will be the fourth worst year on record. No shortage sharing is anticipated this year, however, due to higher 2017 inflows.
- **Water Bank Working Group (WBWG):** The next meeting is scheduled for March 6 in Salida. Carrie is working on a draft summary document of lessons learned, which will be shared with the SWCD board.
- **Animas Watershed Partnership (AWP):** The Ute Mountain Ute Tribe has started to participate in the AWP. Ann has submitted a grant request to BOR for the Florida Watershed Restoration Opportunity Assessment.

## 9.0 General Counsel Legal Report

(time: 05:02:30)

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

- 9.1 **12CW34 USFS C-A (06CW127):** The applicant has recently reached an agreement on the proposed ruling with DWR, and forwarded the ruling to SWCD for comment and review.
- 9.2 **15CW3111 Dolores ISF:** The CWCB filed a Motion for Summary Judgment in November asking the court to affirm its ISF appropriation filing. The River District and SWCD filed a combined response, then CWCB and a coalition of environmental groups both filed a reply. The Conservation Districts jointly filed a motion to file a sur-reply or, in the alternative, to strike the Conservation Groups' reply. The CWCB and the Conservation Groups both filed responses opposing that motion, and the Conservation Districts' reply is due by the end of this week. At the status conference on February 13, the judge said he would review the motions and several parties requested oral argument.
- 9.3 **14CW3011 San Luis Valley WCD:** Settlement discussions are ongoing with the applicant. This case was discussed in the morning executive session.
- 9.4 **W-1605-76 USFS Reserved Water Rights, CWCB ISF Appropriation Himes Creek:** The USFS, SWCD, and the CWCB have been in discussions regarding the use of the CWCB's instream flow program to facilitate settlement of the reserved water rights claims in southwestern Colorado. As part of this discussion, CWCB has noticed its intention to file an instream flow appropriation on Himes Creek for an unspecified amount, but including the possibility of requesting all unappropriated flows. This case was discussed in the morning executive session.
- 9.5 **10CW36 Timothy and Lori Lovato:** A status conference is scheduled for April, at which SWCD hopes the applicant will withdraw their request for a change of water right on the transmountain diversion portion of the application, at which time SWCD will get out of the case.
- 9.6 **Waters of the United States (WOTUS) Rule:** The implementation of the 2015 WOTUS rule has been pushed back to February 6, 2020.
- 9.7 **05CW88 San Juan County Water Rights:** General Counsel will reach out to the San Juan County attorney, and San Juan County has begun the process of initiating actions that will assist with the development of the water rights or in maintaining diligence on the water rights.
- 9.8 **Water Court Resume Review (Divisions 3,4,7):** The resume has been reviewed, and there were no cases recommended for involvement by the board.
- 9.9 **13CW3040 City of Ouray:** This case has been set for a 2-day trial that will begin on November 8th. SWCD will not need to participate in the trial since SWCD has already entered into a stipulation with the Applicant.

The EPA is still reviewing the Southern Ute Indian Tribe's application for authority to administer certain Clean Water Act programs. General Counsel recommended one other Colorado River issue for the afternoon executive session.

## 10.0 Special Counsel Legal Report

(time: 05:16:00)



Bruce Whitehead reported that special counsel Peggy Montano is having discussions with potential partners regarding the SWCD Project Water Rights. For case number 17CW3002, the ALP Project Water Rights, Carolyn Burr has said SWCD will have an opportunity to comment on the draft decree before it is submitted to the court. Peggy was not able to attend the board meeting due to scheduling conflicts.

### 11.0 Executive Session

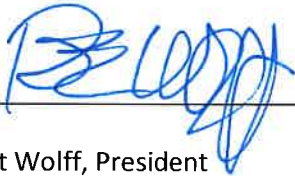
*(time: 05:18:00)*

Beth Van Vurst recommended that the board go into executive session for the purpose of discussing Colorado River matters, specifically drought contingency planning. 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. 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 Colorado River matters, specifically drought contingency planning. The board provided direction to negotiators.

### 10.0 Adjournment

President Bob Wolff adjourned the meeting at 4:51 p.m.



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Robert Wolff, President