

**Southwestern Water Conservation District (SWCD)  
Colorado River Water Conservation District (CRWCD)  
Special Joint Board of Directors Meeting  
Montrose Pavilion  
Montrose, Colorado  
May 23, 2018**

<b>SWCD Directors Present:</b>	David Guilliams, Hinsdale County Charlie Smith, San Juan County Bob Wolff, La Plata County	Don Schwindt, Montezuma County Doug Stowe, Dolores County
<b>SWCD Directors Absent:</b>	JR Ford, Archuleta County Monte Naslund, Montrose County	Rusty Hinger, Mineral County Jenny Russell, San Miguel County
<b>SWCD Staff &amp; Consultants:</b>	Laura Spann, Programs Coordinator Bruce Whitehead, Executive Director	Beth Van Vurst, Fairfield and Woods
<b>CRWCD Directors Present:</b>	Tom Alvey, Delta County Marc Catlin, Montrose County Rebie Hazard, Saguache County Doug Monger, Routt County Bill Trampe, Gunnison County	Steve Aquafresca, Mesa County Tom Gray, Moffat County Dave Merritt, Garfield County Karn Stiegelmeier, Summit County Alden Vanden Brink, Rio Blanco County
<b>CRWCD Directors Absent:</b>	Kathy Chandler-Henry, Eagle County Mike Ritschard, Eagle County Martha Whitmore, Ouray County	John Ely, Pitkin County Stan Whinnery, Hinsdale County
<b>CRWCD Staff:</b>	Sonia Chavez, Water Resources Specialist Peter Fleming, General Counsel Eric Kuhn, Former General Manager Jim Pokrandt, Community Affairs Director Jason Turner, Senior Counsel	John Currier, Chief Engineer Dave Kanzer, Deputy Chief Engineer Andy Mueller, General Manager Audrey Turner, Administrative Chief
<b>Meeting Guests:</b>	Betsy Bair, Senator Gardner's Office Cheryl De Julio, Uncompahgre Valley Water Users Association (UVWUA) Cindy Dozier, Hinsdale County Ashley Greco, Representative Tipton's Office Bob Hurford, Colorado Division of Water Resources Daris Jutten, Ouray County Water Users, UVWUA Lain Leoniak, Colorado's Attorney General's Office Jim Plumbhoff, General Counsel, UVWUA Amy Ostdiek, Attorney General's Office	

SWCD Board President Bob Wolff and CRWCD Board President Tom Alvey called the meeting to order at 11:05 a.m. Roll was taken and a quorum of both boards were present.

**1. Introduction by Board Presidents**

**a. Goals of the Meeting; Approval of the Agenda**

*(time: 00:00:30)*

Bob Wolff and Tom Alvey welcomed both boards and the public to the meeting. Introductions were made. Dave Merritt moved to approve the meeting agenda. Bob Wolff seconded. The motion passed by both boards.

**b. District Activities and Updates by Bruce Whitehead & Eric Kuhn**

*(time: 00:05:05)*

Bruce Whitehead, SWCD Executive Director, reflected on topics discussed at the first joint meeting under his tenure in 2007, and progress on Lake Nighthorse storage and recreation since that time. Andy Mueller, CRWCD General Manager, highlighted the CRWCD's strategic plan to focus on the development of water resources in the region while addressing "Big River" policy questions on behalf of constituents. Board managers noted the value of SWCD and CRWCD cooperation on topics such as Colorado River policy and water court cases of mutual interest.

**2. Drought Conditions Update**

*(time: 00:15:50)*

Dave Kanzer, John Currier, and Bruce Whitehead summarized dire drought conditions on parts of the Western Slope. The governor has initiated the drought mitigation response plan for southwestern Colorado, and Bruce has emphasized the need for a meaningful financial response from the State to support those affected.

**3. Water Bank Workgroup Update**

*(time: 00:26:30)*

Andy Mueller provided background on the Water Bank Working Group (WBWG), which began about a decade ago. At the most recent meeting, the WBWG developed a mission statement "to identify and explore unaddressed issues associated with volunteer and compensated arrangements to reduce the risk of [Colorado River] compact curtailment." The WBWG is currently reviewing a compilation of studies identifying the secondary impacts of temporary fallowing to communities. This summary will soon be available for the boards and other interested parties. Bruce added that from the initial formation of the WBWG, the direction has changed from exploring the use of pre-compact water rights as "insurance" on a voluntary and compensated basis to lessen the impact of a compact curtailment to post-compact critical uses, to pre-emptively averting the risks of compact curtailment. Andy and Bruce addressed board members' questions related to quantifying conserved consumptive use resulting from any temporary fallowing, ensuring that water reaches its intended destination without impacts to other decreed water rights, and how much water should/could be banked.

**4. Colorado River Risk Study Phase I and II Review & Update**

*(time: 00:36:30)*

Eric Kuhn provided background on the Upper Colorado drought contingency planning, Colorado water plan's discussion of avoiding compact curtailment, and the Phase I and II methodology and conclusions. Eric responded to board member questions related to the 2007 Interim Guidelines, the possible use of Lake Powell storage account on a long-term basis, and Upper Basin storage opportunities that would avoid evaporation losses at Lake Powell.

**5. Colorado River Risk Study Phase III Process & Funding**

*(time: 00:54:15)*

Andy Mueller and John Currier detailed the proposed scope of work for Phase III of the Colorado River Risk Study, and policy discussion at the West Slope Roundtable meeting on April 25. Essentially, Phase III will focus on basin-specific questions regarding varied hydrologic and demand management scenarios to inform policy discussions for each community. The goal is to create reliable, transparent information for decision-making. With ongoing Colorado River discussions, Bruce Whitehead emphasized that Phase III was timely and time-sensitive. The staff from both Districts responded to board questions regarding State Engineer powers for promulgating rules, additional questions to address in the Phase III scope of work, among others.

Bob Wolff moved for SWCD to fund the Colorado River Risk Study Phase III as proposed, in equal proportion with the River District in an amount not to exceed \$65,000 (half of \$130,000). David Guilliams seconded. The motion passed.

Doug Monger moved for the River District to fund the Colorado River Risk Study Phase III as proposed, in equal proportion with SWCD in an amount not to exceed \$65,000 (half of \$130,000). Bill Trampe seconded. The motion passed.

Bob Wolff moved to direct SWCD staff to pursue Phase III in an open and transparent manner while inviting Front Range and state participation. However, the scope of work as proposed would not be altered. Additional staff would seek financial support for the study from respective water users in their basins. Don Schwindt seconded. The motion passed.

Doug Monger moved to direct River District staff to pursue Phase III in an open and transparent manner while inviting Front Range and state participation. However, the scope of work as proposed would not be altered. Additional staff would seek financial support for the study from respective water users in their basins. Bill Trampe seconded. The motion passed.

There was consensus to seek formal moral and technical support from the four West Slope Roundtables for the Phase III study and scope of work, and coordinate this effort through a West Slope Caucus call to be held soon. However, Water Supply Reserve Funding would not be solicited from the two Districts.

## **6. Upper Colorado River Commission Update**

*(time: 02:45:05)*

Beth Van Vurst and Peter Fleming summarized drought contingency planning discussions by the Upper Colorado River Commission, including demand management and the possibility of a non-equalized account in Lake Powell. Peter outlined the West Slope's concerns about these initiatives.

## **7. General Counsel's Report**

*(time: 02:56:50)*

### **a. Approval of Joint Common Interest Agreement**

Peter Fleming described the common interests that both Districts have in carrying out their respective statutorily charged purposes and the oral common interest agreement under which both Districts have operated and shared information in the past to protect West Slope interests. General Counsel for both Districts recommended that their respective boards memorialize the past and prospective intention of the Districts to share information and work-product related to Colorado River matters in a written joint common interest agreement.

Dave Merritt moved for the River District to approve the written Joint Common Interest Agreement as submitted. Bill Trampe seconded. The motion passed.

Doug Stowe moved for SWCD to approve the written Joint Common Interest Agreement as submitted. Don Schwindt seconded. The motion passed.

### **b. Matter Proposed for Executive Session**

*(time: 03:13:00)*

#### **Negotiations related to Drought Contingency Planning in the Upper Basin and within Colorado**

Peter Fleming recommended that the board go into executive session with the SWCD pursuant to the Districts' joint common interest for the purpose of discussing negotiations related to drought contingency planning in the Upper Basin and within Colorado. 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." Steve Aquafresca moved that the board go into executive session. Karn Stiegelmeier seconded. The motion passed unanimously.

Beth Van Vurst recommended that the board go into executive session with the River District pursuant to the Districts' joint common interest for the purpose of discussing negotiations related to drought contingency planning in the Upper Basin and within Colorado. 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." David Guilliams moved that the board go into executive session. Doug Stowe seconded. The motion passed unanimously.

**c. Public Session**

**Summary and Possible Action items from Executive Session**

*(time: 03:14:40)*

Beth Van Vurst and Peter Fleming announced that the boards were out of executive session, during which no action was taken. The boards discussed negotiations related to drought contingency planning in the Upper Basin and within Colorado.

**8. Adjournment of Joint Meeting**

Presidents Bob Wolff and Tom Alvey adjourned the joint meeting at 4:15 p.m. The River District continued the meeting for other items of business.



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Robert Wolff, President