

**Southwestern Water Conservation District
Board of Directors Meeting
October 2, 2018**

Present: Bob Wolff David Guilliams Monte Naslund
JR Ford Charlie Smith Don Schwindt
Rusty Hinger

Absent: Jenny Russell Doug Stowe

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: Steve Anders, U.S. Geological Survey
Russ Anderson, Michael Baker International
Orla Bannan, Western Resources Advocates
Ken Beegles, Animas La Plata Water Conservancy District
Elaine Chick, Water Information Program
Ken Curtis, Dolores Water Conservancy District
Peter Fleming, Colorado River Water Conservation District (by phone)
Marcel Gatzambide, San Juan Citizens Alliance
Rob Genualdi, Colorado Division of Water Resources
Steve Harris, Harris Water Engineering
Celene Hawkins, The Nature Conservancy
Ann McCoy-Harold, Senator Cory Gardner's Office
Marc Miller, U.S. Bureau of Reclamation
Kevin Murphy, U.S. Geological Survey
Cleave Simpson, Rio Grande Water Conservation District
John Simpson, Colorado Division of Water Resources
Ed Tolen, La Plata Archuleta Water District

1.0 Call to Order – Roll Call and Verification of Quorum

(time: 00:00:00)

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

2.0 Review and Approve Agenda

(time: 00:00:50)

Beth Van Vurst removed case number 05CW88 regarding the San Juan County water rights, which will be discussed as part of the general counsel report in open session.

3.0 Executive Session

(time: 00:01:20)

Beth Van Vurst recommended that the board go into executive session for the purpose of discussing drought contingency planning in the Upper Colorado River Basin and within the State of Colorado, the San Luis Valley Water Conservancy District case (14CW3011), and the CWCB 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." JR Ford moved that the board go into executive session. Monte Naslund seconded. The motion passed unanimously.

On behalf of the Colorado River Water Conservation District, Peter Fleming participated in the portion of executive session discussing drought contingency planning in the Upper Colorado River basin and within the State of Colorado. His participation is permitted pursuant to the common interest agreement between the River District and SWCD.

Beth Van Vurst announced that the board was out of executive session, during which no action was taken. The board discussed drought contingency planning in the Upper Colorado River Basin and within the State of Colorado. There was not time to discuss the San Luis Valley Water Conservancy District case (number 14CW3011) or the CWCB proposed instream flow appropriation on Himes Creek. Those topics will be discussed in the afternoon executive session. The board provided direction to negotiators.

4.0 Approve and/or Remove Consent Agenda Item

(time: 00:05:00)

There was consensus to accept the consent agenda as proposed.

5.0 Consent Agenda

(time: 00:05:50)

5.1 Approval of Minutes (August 7, September 11, September 17)

5.2 Approval of Treasurer's Report (August 2018)

5.3 2019 SWCD Board Meeting Schedule

Don Schwindt proposed changing the December 2019 meeting date to Monday, December 2. Monte Naslund moved to approve the consent agenda with the adjusted schedule. JR Ford seconded. The motion passed. Charlie Smith abstained from voting on the August 7 minutes, since he was not present at the meeting.

6.0 Old Business

6.1 Colorado River Discussions

(time: 00:06:30)

Upper Basin and Intra-State Drought Contingency Planning Efforts

Beth Van Vurst summarized recent efforts by the seven basin states to finalize their drought contingency plan (DCP) by yearend, as directed by the Secretary of Interior. The Upper Basin DCP consists of three principal strategies: 1) CRSP reservoir reoperations, 2) water supply augmentation via cloud seeding and invasive phreatophyte removal, and 3) the exploration of a program to reduce consumptive use, a.k.a. demand management. That conserved consumptive use would be banked in a non-equalized storage account at Lake Powell, a component of the DCP that will need to be authorized by federal legislation. Colorado's Commissioner to the Upper Colorado River Commission, James Eklund, is empowered to execute the DCP agreement on behalf of the state. The Colorado Water Conservation Board (CWCB) will be releasing the DCP agreement via a webinar on October 9.

The CWCB had a meeting in Steamboat Springs on September 19, at which demand management was discussed. Significant concern was expressed by Western Slope water users and Roundtables about the potential impacts to their communities. SWCD and the River District submitted a letter to the CWCB in advance of the meeting that outlined their conditioned support of the DCP, and emphasized specific sideboards the Western Slope would like to see for any exploration of demand management program in Colorado. The two districts also asked the CWCB to adopt a proposed resolution that would establish these sideboards as state policy, which the CWCB did not adopt at the meeting. The CWCB also heard testimony from Front Range water users, who believe a voluntary program may not be adequate to ensure compact compliance, given current hydrology and the cost of water. They have asked the state to also consider mandatory, anticipatory curtailment.

Beth outlined the six principles from SWCD and the River District's joint letter to the CWCB: 1) the storage account pool must be used for compact compliance for the benefit of the state of Colorado, 2) the storage account must be exempt from coordinated operations between Lakes Mead and Powell, 3) Colorado's contributions to the pool will be generated exclusively through voluntary, temporary, and compensated contributions of water, 4) the demand management program must not injure the water rights of others, 5) the voluntary program will be implemented in such a way to prevent disproportionate impact to any single basin or region, and the amounts of conserved water generated on the Front Range and Western Slope will be roughly proportionate to post compact

water uses on both sides of the Continental Divide, and 6) any participation in this program should be consistent with the Conceptual Framework in Colorado's Water Plan. The joint letter also asked that any use of the storage account be established through a consensus-based approach among stakeholders statewide. These principles are based on the Conservation District's initial review of possible curtailment scenarios in the event that a voluntary program did not generate enough water to avoid Compact violations, and the conclusion that lesser amounts of curtailment in advance over several consecutive years could result in the Western Slope contributing a disproportionate amount of conserved water. The Southwest Basin Roundtable, Colorado River Roundtable, the Gunnison Basin Roundtable, and Club 20 submitted letters to the CWCB in support of the principles outlined in the Districts' letter.

A board member emphasized SWCD's responsibility to lead the public conversation and develop a public process to vet any state program to deliver conserved consumptive use to Lake Powell. The public asked questions about the types of water rights that would be curtailed and transmountain diversions from the Colorado River basin. The Southwest Basin Roundtable will discuss demand management on October 10, with presentations by the CWCB and SWCD.

Celene Hawkins thanked SWCD for their comments at the CWCB meeting. Modeling has shown that any curtailment scenario in the event of a Compact violation, could significantly impact water users in our region. One of the Upper Basin DCP documents will address demand management, and it will be valuable to review that and compare it with the sideboards Western Slope users are asking. Celene asked for continued coordination going forward, as she is paying close attention to SWCD's position. The CWCB board will hold another meeting later this week. Bruce again reiterated SWCD's position that without some sideboards for demand management in place, the District may not be supportive of the DCP. Board members emphasized that the flexibility with this storage account requested by the Front Range water users is not palatable for southwestern Colorado, and asked for more information regarding Thursday's CWCB meeting, including an agenda. The public asked about the probability versus the possibility of Colorado being in compact violation, and therefore the time frame for any possible mandatory curtailment to be considered.

Risk Study – Phase III

Bruce summarized the scope of work for Phase III of the Colorado River West Slope Risk Assessment Study, which is jointly funded by the SWCD and the River District. Other water conservancy districts may contribute to the effort. The scope of work for Phase III is nearing finalization. Phase III will compare the risk of Lake Powell dropping below elevation 3525 under different Upper Basin development scenarios with the goal of quantifying and clearly portraying the risk associated with a defined amount of additional development in Colorado. The study will also quantify the reduction in risk of Lake Powell dropping below elevation 3525 achieved by implementing the DCP in both the Upper and Lower Basins. Phase III will also evaluate which post-compact water rights would be curtailed under varying levels of annual consumptive use reduction and under several different hypothetical administrative protocols. The task would also determine how much additional water will be produced at the state line from each of the basins over several years. Phase III efforts will begin in fall 2018.

Colorado River Water Bank Working Group (WBWG)

Bruce summarized the WBWG's effort to develop a scope of work to evaluate secondary economic impacts of reductions in consumptive use, specifically for the Western Slope. Carrie, Don, and Bruce have been involved in the group, which meets every two months in person. Don added that the SWCD board members and their respective counties will be good resources to inform the secondary impacts study and ensure specificity and diversity of perspectives.

7.0 Reports

7.1 Questions/Comments from the Audience

(time: 01:17:43)

The audience introduced themselves. There was discussion about the significant drop in area reservoir elevations, due to the exceptional drought conditions in southwestern Colorado and considerable evaporation from long, dry days.

7.2 Partner Updates

Colorado Parks & Wildlife (CPW)

No representative was present; a report was not available.

U.S. Bureau of Reclamation (BOR)

(time: 01:22:30)

Marc Miller summarized low area reservoir storage, mostly due to hydrology. Navajo reservoir operations are also driven by endangered species recovery program agreements on the San Juan River. Starting today, the ALPOM&R Association will release 585 af to deliver to the San Juan Water Commission for the City of Farmington, the first release for delivery from the Lake Nighthorse outlet works since the project was completed. Accounting will be handed off at the stateline. *(Note: The San Juan Water Commission later delayed the request for release and delivery, and ultimately cancelled their request for the release from storage.)*

Kogovsek & Associates

No representative was present; a report was not available.

Colorado Water Conservation Board (CWCB)

(time: 01:28:00)

Celene Hawkins summarized the September board meeting, including discussion of proposed 2019 legislation to improve planning around state severance tax revenue for water programs and projects, which would be based on actual revenues received instead of forecasts, which is the current process. Current severance tax revenues have increased.

U.S. Forest Service (USFS)

No representative was present; a report was not available.

Division of Water Resources (DWR)

(time: 01:30:30)

Rob Genualdi reported that the CWCB called for their instream flow on the San Juan River, which didn't result in any additional water but may have raised awareness on water use along the river for fishery needs. Long Hollow Reservoir proved to be a valuable storage, compact compliance, and exchange resource for the La Plata basin during this year.

U.S. Geological Survey (USGS)

(time: 01:33:05)

Steve Anders reported that USGS has entered into an agreement with USBR to install rain gages across western Colorado, five of which will be in southwestern Colorado on the Mancos, Animas and Dolores rivers. An air temperature sensor will be installed at the San Miguel at Placerville gage to provide safety for USGS technicians at a reach where ice flows are common.

San Juan Citizens Alliance

(time: 01:39:10)

Marcel Gatzambide reported that the Animas River is flowing 1-10 cfs in New Mexico. San Juan Citizens Alliance, San Juan County, Animas Watershed Partnership, Animas River Stakeholders Group, Animas River Community Forum, and La Plata County are working to establish a Citizens Advisory Group (CAG), which is an official vehicle for the community to provide input to the U.S. Environmental Protection Agency regarding the Bonita Peak Mining District Superfund Site and communicate with the public. Applications are being accepted for 15-18 seats on the CAG.

Colorado River Water Users Association (CRWUA)

No representative was present; a report was not available.

Interbasin Compact Committee & Roundtable

(time: 01:42:20)

Steve Harris reported on the IBCC funding subcommittee, which is providing technical feedback on a document to guide funding needs. The Pinnacol group (guided by the Walton Family and Gates Foundations) is working to

secure funding for implementation of the state water plan. There are no representatives from southwestern Colorado in the Pinnacol group. They have prioritized the following areas: water quality, healthy streams, efficiency, sustainable agriculture, infrastructure, and compact issues. The group has conducted polling regarding water project funding, and is considering proposing a ballot initiative for the 2020 election. The IBCC meeting will meet at Fort Lewis College on October 18. The public was encouraged to attend the next Southwest Basin Roundtable on October 10, at which there will be at-large elections and further discussion of drought contingency planning.

Trout Unlimited

No representative was present; a report was not available.

Colorado Water Congress (CWC)

(time: 01:55:00)

Don Schwindt reported on his first board meeting in late September. The CWC Summer Conference again had record attendance. CWC took positions on several 2018 ballot initiatives, to oppose Proposition 112 and Amendment 74, and support Amendments Y and D (congressional and legislative redistricting). CWC has established a committee to investigate their role in advancing forest health.

Water Information Program (WIP)

(time: 02:02:40)

Elaine Chick thanked SWCD for its continued support for water education. Nearly 750 fifth graders attended the SWCD Annual Children’s Water Festival in May. The WIP Steering Committee met on October 1, at which the proposed 2019 budget was recommended for adoption by SWCD and priorities were reviewed for 2019. Water 101/201 was held in Nucla in September for more than 50 people, again with keynote presentations by Justice Greg Hobbs. The new waterinfo.org website has been launched, and board members were encouraged to provide feedback. WEco did a blog feature on Elaine and her role with WIP, which has statewide distribution. Elaine will be meeting with WIP partners this fall to report back on the year’s activities and seek their continued support.

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

(time: 02:05:10)

Bob reported that his term is up in October 2018, and he has reapplied for a second term.

Water Education Colorado (WEco)

(time: 02:06:00)

Laura Spann reported on the September WEco board meeting, and WEco’s efforts to develop the Statewide Water Education Action Plan for delivery to the CWCB by June 2019. The Plan will establish two statewide goals for education, and may be useful for programs like WIP to guide their strategies and programming. Ed Tolen, La Plata Archuleta Water District, summarized how WEco’s Water Leaders program helped him know himself better as a professional and a leader. He has since been elected as Southwest Basin Roundtable Vice-Chair.

Bruce thanked Ann McCoy-Harold, Field Representative for Senator Gardner, for facilitating meetings regarding instream flow program in southwestern Colorado. Ann added that Butch Knowlton, La Plata County Emergency Management, has said he would be willing to lead the effort to secure permanent radar for southwestern Colorado.

U.S. Bureau of Land Management (USBLM)

No representative was present; a report was not available.

The board adjourned for lunch.

7.3 Board Member Reports

(time: 02:14:15)

Don Schwindt (Montezuma County)

Don emphasized the need to understand the relationship between forest management and water consumption. He provided an article to the board on the topic, and described the various forums in which this information would contribute to policymaking. There was board discussion regarding regional forest treatments efforts and the related research opportunities.

Monte Naslund (Montrose County)

Montrose County had several bad fires over the summer. Norwood farmers had only a week of water. There's no water, no pasture, and they are selling cows.

Rusty Hinger (Mineral County)

Tourists have still been traveling, the resort has been full. It rained enough that the grass was wet.

JR Ford (Archuleta County)

The Town of Pagosa Springs avoided implementing mandatory restrictions, although they did request voluntary water use restrictions. JR also added that Steve Hartvigsen had done research to show the increased tree hydration after thinning.

Charlie Smith (San Juan County)

High elevation streams are not running like they normally do. The Bear Creek supply for Silverton cannot be diverted, so there is currently no alternative supply available for the Town. Steve Fearn previously did a study on potential for hydropower for Highland Mary.

David Guilliams (Hinsdale County)

Cattle have been shipping out early. Springs have dried up that he's never seen.

Bob Wolff (La Plata County)

The Animas River is running 97 cfs through Durango, a record low. The 416 fire is now out. Debris flows on the train tracks had impeded rides for several weeks. CWCB and the Department of Emergency Management secured a temporary radar for Missionary Ridge.

7.4 Office Report

(time: 02:37:00)

Staff referred to the written report, and highlighted the following items:

- Bruce detailed record low stream flows and low reservoir elevations across the region.
- **USFS reserved rights claims:** The USFS, CWCB, and SWCD have been in discussions to consider the potential of addressing federally reserved water rights claims in the San Juan basin by utilizing the CWCB's instream flow program. For one such test case on Himes Creek, the CWCB has recommended all unappropriated flows to protect a unique population of San Juan lineage cutthroat trout. SWCD has maintained that this could set a bad precedent and would be an expansion of the instream flow program, and has asked the USFS and CWCB to quantify the flows necessary to provide adequate protections to a reasonable degree.
- **Water Bank Working Group:** SWCD's position has been to focus the effort of the work group on secondary impacts; however, many members would like to see the group explore other challenges related to demand management.
- **State Legislation:** The following bills will be submitted with the support of the Interim Water Resources Review Committee: Bill 2 (Severance Tax Operational Fund Distribution Methodology); Bill 1 (Republican River Water Conservation District); Bill 3 (Memorial for Arkansas Valley Conduit); and Bill 5 (Memorial for Corps of Engineers to Dredge Lower Arkansas River). While the Interim Water Resources Review Committee has withdrawn draft Bill 6 (Protect Water Quality Adverse Mining Impacts), it will likely be introduced by Rep. Roberts and McLachlan in January. The only proposed change from HB18-1301, a similar bill introduced in 2018 that passed the House then was killed in the Senate, is some language to further clarify that Good Samaritan efforts would not be limited or impacted. SWCD board supported HB18-1301, along with San Juan, La Plata, San Miguel, and Ouray counties, San Miguel Watershed Coalition, and San Juan Citizens Alliance.
- **Water Stewardship Project:** CWC's Water Stewardship Project is tracking progress in the Hill vs. Warsewa case, which has raised the question of the state's title to navigable streambeds. Should the motions to dismiss from the defendant and the State be denied, the case may directly raise the issue of public trust. CWC is also tracking litigation related to Amendment 71, a constitutional initiative passed in 2016 to make it more difficult to alter the constitution by ballot initiative. A stay has meant that Amendment 71 was implemented for the 2018 ballot initiative process, but the decision may alter the rules for 2020.

- Bruce will present at an event on conserved consumptive use programs hosted by the Grand Valley Water Users Association. The Hutchins Water Center will host an event on November 7-8.

8.0 New Business

8.1 Subdistrict Formation – Cleave Simpson

(time: 02:56:00)

Cleave Simpson, Rio Grande Water Conservation District, gave an educational presentation on water administration in the San Luis Valley, including the U.S. Bureau of Reclamation's Closed Basin Project, State Engineer rulemaking, and his District's efforts to form sub-districts to replenish the unconfined aquifer. He responded to board questions regarding schemes to export water from the Valley, among other topics.

The board adjourned for a short break.

8.2 2018 Ballot Initiatives

(time: 03:52:50)

Bruce and Don summarized the ballot initiatives potentially affecting water. Proposition 112 (Initiative 97), "Increased Setback Requirement for Oil and Natural Gas Development," would establish that all new oil and gas development not on federal land be located at least 2,500 feet from any occupied structure or vulnerable area. Should any local government create a different ordinance, the larger buffer zone would govern. Water Congress opposes Proposition 112, as well as Amendment 74 (Initiative 108), "Compensation for Reduction in Fair Market Value by Government Law or Regulation." Amendment 74 would amend the state constitution to expand just compensation to include any reduction in a private property's fair market value by government law or regulation. The River District has also acted to oppose Amendment 74. There was not board interest in taking a position on the ballot initiatives. There was board discussion regarding the gubernatorial candidates and their positions on crucial water issues. Staff will investigate whether SWCD is able to reach out to candidates regarding their positions on water policy, or if Water Congress has done so.

8.3 West Building Lease Agreement Renewal

(time: 04:06:30)

After working with a realtor and investigating potential office space rental opportunities in the Durango area, staff provided a summary of the options they reviewed and recommended renewal of the current lease, which expires on October 31, 2018. Bruce outlined the draft terms being discussed with the West Building for a five year lease (with a two-year option). Monte Naslund moved to direct staff to finalize negotiations on the lease agreement with the West Building per the terms discussed. Charlie Smith seconded. The motion passed unanimously.

8.4 CC Ditch Company Grant Extension Request

(time: 04:10:50)

Bruce Whitehead presented the request from the CC Ditch Company to extend approval through 2019 of their \$60,607.50 grant to complete their Brooks Trestle to Syphon Project. JR moved to approve the CC Ditch Company request to extend use of their grant funds through 2019. Don Schwindt seconded. The motion passed unanimously. Monte Naslund abstained.

8.5 USFS Easements & Workplans

(time: 04:11:50)

Bruce Whitehead summarized some surprising term and conditions requested by the USFS office in Pagosa Springs for operation and maintenance plans on historic ditches. In addition, several water users are not able to do maintenance on their ditch because the ditch bill easement issue has not been decided by the USFS. Charlie Smith moved to direct staff to submit a letter to the US Forest Service asking them to resolve outstanding ditch bill easement management plans in a timely manner. Monte Naslund seconded. The motion passed. Don Schwindt requested that a stronger action was needed. Don Schwindt moved to direct staff to develop a template O&M plan for southwestern Colorado that is acceptable to the USFS and water users. Monte Naslund seconded. The motion passed. David Guilliams abstained. Board members requested more information.

8.6 Review of Proposed Budget Fiscal Year 2019

(time: 04:28:20)

Several board members attended the FY2019 budget workshop on September 11, and provided input on the draft budget. A public notice will be published, and the budget will be available for public inspection as of October 15. The budget hearing and adoption will be held at the December 4 board meeting. As requested, supplemental

information was provided on the Project Reserve Fund, along with annual reports from several programs that receive annual funding from SWCD.

Mountain Studies Institute (MSI) submitted a letter requesting consideration of annual funding as part of SWCD's budget. Elaine Chick described her impressions of the program, and her support for the MSI request. There were suggestions that WIP use some of its carry over funds to help fill the gap for F2F, and PEPO funding to support it. There was board consensus not to add the Forest to Faucets program as a line item category, encourage MSI to submit a grant application for 2019, and revisit MSI's request for a future budget once SWCD has received their final report.

9.0 Engineering Report

(time: 05:08:15)

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

- 9.1 Upper Colorado & San Juan River Basin Recovery Implementation Program (SJRBRIP):** Carrie will attend the next meeting on December 4. The razorback sucker will be downlisted – a great success for the SJRBRIP. The Colorado pikeminnow may also be downlisted in 2019, encouraged by the population estimates. Thanks to the Congressional delegation, 2019 funding for the SJRPRIP was appropriated. Navajo Reservoir releases have decreased to 500 cfs, thanks to recent rains.
- 9.2 Colorado River Water Bank Working Group:** This topic was covered earlier in the meeting. Carrie will attend the Grand Valley Water Users Association seminar on October 23. She and Don continue to engage on the scope of work for the secondary impacts study.
- 9.3 Risk Study - Phase III:** This topic was covered earlier in the meeting.
- 9.4 Animas Watershed Partnership:** Ann Oliver has stepped down as the AWP coordinator. Two grants are in the contracting process, under Buck Skillen's leadership. Still, the future of the organization is unclear, and there are discussions about merging with other existing river groups.
- 9.5 Paradox Salinity Unit:** The recommendations will be released by year end 2019 on how to address the aging Salinity Unit outside Paradox.

10.0 General Counsel Legal Report

(time: 05:21:30)

Beth Van Vurst reported on the following topics:

- 10.1 05CW88 San Juan County Water Rights:** SWCD and San Juan County are negotiating a draft Memorandum of Agreement for joint development of the water rights, which will likely be ready for board review at the December meeting.
- 10.2 14CW3011 San Luis Valley WCD:** SWCD has entered into a stipulated settlement with the applicant, with conditions designed to protect all water users in the Pine River basin, and consistent with historic operations of the ditch.
- 10.3 CWCB Proposed ISF Appropriation Himes Creek:** There has been no recent activity regarding CWCB's intention to file an instream flow appropriation on Himes Creek for all unappropriated flows. There will likely be more information on this topic at the December meeting.
- 10.4 Water Court Resume Review (Divisions 3,4,7):** The resume has been reviewed, and there were no cases recommended for consideration by the board.
- 10.5 W-1605-76 USFS Reserved Water Rights:** This case has been pending for decades and there have been no recent settlement discussions.
- 10.6 12CW34 USFS C-A (06CW127):** The applicant has recently reached an agreement on the proposed ruling with DWR, and SWCD has provided comments on the ruling to the USFS. The USFS is revising the ruling to address SWCD's concerns.
- 10.7 10CW36 Timothy and Lori Lovato:** SWCD hopes the applicant will withdraw their filing for a change of water right on the trans-mountain diversion as a replacement supply, at which time SWCD will consider getting out of the case. General counsel hopes to be coming to the board with a request to withdraw SWCD's statement of opposition.
- 10.8 13CW3040 City of Ouray:** SWCD has stipulated out of this case, although it is still pending with other opposers.

11.0 Special Counsel Legal Report

Peggy Montano reported on the first release for delivery from the Animas La Plata Project to fill Farmington Lake. Bruce contacted the Division Engineer to ensure this delivery was treated as an interstate delivery of project water. She has also contacted the Ute Mountain Ute Tribe to set up a winter meeting with the SWCD board regarding development of the SWCD Project Water Rights. She will follow up again to schedule a meeting in early 2019.

12.0 Executive Session

Beth Van Vurst recommended that the board go into executive session for the purpose of discussing the San Luis Valley Water Conservancy District case (14CW3011) and the CWCB 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." Monte Naslund moved that the board go into executive session. David Guilliams 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 case (14CW3011) and the CWCB proposed instream flow appropriation on Himes Creek.

13.0 Adjournment

President Bob Wolff adjourned the meeting at 5:35 p.m.



Bob Wolff, President