

**The Southwestern Water Conservation District
The West Building, 841 E Second Avenue
Durango, CO 81301**

NOTICE IS HEREBY GIVEN
A Regular Board Meeting of the
Southwestern Water Conservation District
will be held on

Wednesday, February 12, 2020

841 E 2nd Avenue
Durango, Colorado
12:00 p.m. – 5:00 p.m.

Thursday, February 13, 2020

841 E 2nd Avenue
Durango, Colorado
8:30 a.m.-3:45 p.m.

Posted and Noticed February 7, 2020

Tentative Agenda

A call-in option will be available for the meeting, and if possible, please contact Laura Spann at (970) 247-1302 in advance of the meeting to verify and record your participation. Phone option: Call (605) 475-5618, Passcode 797282#

Wednesday, February 12, 2020

Three or more board members may be present for a meeting of the Strategic Planning committee from 10:00 a.m.- 11:45 a.m. at the SWCD office.

- 1.0 Call to Order – Roll Call, Verification of Quorum and Pledge of Allegiance (12:00 p.m.)**
- 2.0 Review and Approve Agenda (12:03 p.m.)**
- 3.0 SWCD Board of Director appointments for Archuleta, Dolores and San Miguel Counties (12:05 p.m.)**
- 4.0 Election of Officers (12:07 p.m.)**
- 5.0 General Counsel Legal Services for 2020 (12:15 p.m.)**
- 6.0 SWCD Human Resources (12:30 p.m.)**
 - 6.1 Employee timekeeping, work logs and benefits
- 7.0 Executive Session (if needed)**
 - 7.1 SWCD Programs Coordinator Compensation Package
 - 7.2 SWCD Executive Director Compensation Package
- 8.0 Report from Executive Session (if applicable)**

Break (1:45 p.m. to 2:00 p.m.)

9.0 SWCD Grant Program (2:00 p.m.)

9.1 2019 Grant Program Summary Report (2:00 p.m.)

9.2 Review of SWCD Grant Program Criteria (2:20 p.m.)

9.3 2020 SWCD Grant Applications for Action (2:30 – 4:50 p.m.)

Red Mesa Reservoir & Ditch Company – Reservoir Enlargement Final Engineering

Red Rocks Range HOA – Tripp Lateral 416 Emergency Response

FS Mockler Ditch – Ditch Rehabilitation

Mountain Studies Institute – Wildfire Mitigation Environmental Impact Fund

Southwest Conservation Corps –Dolores River Restoration Partnership

Upper Road 42 Water Association – Water Extension Phase I (Engineering)

Fort Lewis College – Water Action Plan Scoping Project

Mancos Conservation District – Watershed Stream Management Plan

Mountain Studies Institute – 416 Fire Aquatic Monitoring

San Juan RC&D – Bonita Peak Community Advisory Group

Trout Unlimited – Upper San Juan Watershed Enhancement Partnership Phase II

Mountain Studies Institute – Forest to Faucets Teacher Training Program

9.4 Board Feedback on Grant Program (Process, Criteria) and Wrap Up (4:50 pm)

Three or more board members may be present for a SWCD board dinner at DoubleTree Hotel at 6:00pm.

Thursday, February 13, 2020

10.0 Call to Order – Roll Call, Verification of Quorum and Pledge of Allegiance (8:30 a.m.)

11.0 Executive Session (8:35 a.m.)

11.1 Colorado River Interstate and Intra-state matters, including drought contingency planning and exploration of demand management

11.2 Case No. 05CW88, San Juan County Water Rights

11.3 Case No. 09CW51, La Plata Basin Exchange

11.4 Case No. 18CW3052, Montezuma Valley Irrigation Company

General Session (10:00 a.m.)

12.0 Report from Executive Session (10:00 a.m.)

13.0 Approve and/or Remove Consent Agenda Items (10:03 a.m.)

14.0 Introductions (10:05 a.m.)

15.0 Consent Agenda (10:15 a.m.)

15.1 Approval of Minutes (December 5; January 15; January 28)

15.2 Resolution 2020-01 Meeting Posting Location

16.0 Reports (10:20 a.m.)

16.1 Approval of Treasurer's Report (Year End 2019)

16.2 Partner Updates

16.3 Board Member Updates

16.4 Highlights: Colorado Water Congress Annual Conference

16.5 Board Committee Reports: Strategic Planning

16.6 Hydrologic Conditions Update

16.7 Office Update

17.0 Questions and Comments from Audience (11:55 a.m.)

Lunch (12:00 p.m.)

18.0 Old Business (12:45 p.m.)

- 18.1 Colorado River matters
 - 18.1.1 Interstate and intra-state matters, including drought contingency planning (DCP) effort and exploration of demand management
 - 18.1.2 Colorado River Water Bank Working Group
- 18.2 Legislative Update & Position on Bills
 - 18.2.1 Concept: Expansion of Water Conservation Program to Division 7
- 18.3 CWCB Instream Flow Program
 - 18.3.1 2020 Proposed Appropriations in Divisions 4 and 7
- 17.4 San Juan County Commissioners Meeting - 05CW88 Conditional Water Rights

19.0 New Business (2:30 p.m.)

- 19.1 2020 CWC Water Stewardship Project Funding Request
- 19.2 Update: 2020 SWCD Annual Water Seminar
- 19.3 Update: Center for Snow & Avalanche Studies

20.0 Engineering Report (3:20 p.m.)

- 20.1 Upper Colorado & San Juan River Basin Recovery Implementation Programs
- 20.2 Paradox Salinity Unit Draft Environmental Impact Statement

21.0 General Counsel Legal Report (3:35 p.m.)

- 21.1 Case No. 18CW3052, Montezuma Valley Irrigation Company
- 21.2 Waters of the United States
- 21.3 December and January Water Court Resume Review (Divisions 3, 4, 7)

22.0 Executive Session (if needed)

23.0 Adjournment (3:45 p.m.)

Upcoming Meetings

February 26, 2020	9:00 a.m.	Special Board Meeting & Teleconference
March 11, 2020	9:00 a.m.	Special Board Meeting & Teleconference
March 25, 2020	9:00 a.m.	Special Board Meeting & Teleconference
April 2, 2020	9:00 a.m.	Regular Board Meeting
April 3, 2020	9:00 a.m.	SWCD Annual Water Seminar

Except the time indicated for when the meeting is scheduled to begin, the times noted for each agenda item are estimates and subject to change. The Board may address and act on agenda items in any order to accommodate the needs of the Board and the audience. Agenda items can also be added during the meeting at the consensus of the Board.

Agenda items may be placed on the Consent Agenda when the recommended action is non-controversial. The Consent Agenda may be voted on without reading or discussing individual items. Any Board member may request clarification about items on the Consent Agenda. The Board may remove items from the Consent Agenda at their discretion for further discussion.

MEMO

Southwestern Water Conservation District

From: SWCD Staff
To: Jenny Russell, Don Schwindt, Charlie Smith, Bob Wolff
Date: February 5, 2020
Subject: Strategic Planning Committee Meeting

The first meeting of the Strategic Planning Committee will be held on Wednesday, February 12, 2020 from 10:00am-11:45am at the SWCD office.

For your background, enclosed is Steve Harris' "Mission Memo" from August 2019, which includes a report from the April 2019 "Mission Meeting," Steve's analysis and comment, and a 2006 board planning session summary.

Also enclosed is a draft "Strategic Plan" developed by Frank, which outlines possible District policy statements and goals. This document is meant to serve as a template for board discussion.

For the February 12th meeting, staff suggests that the Committee focus on revisions to the draft "Strategic Plan," including possibly assigning portions of that document to other committees for drafting.

The Southwestern Water Conservation District
The West Building, 841 E Second Avenue
Durango, CO 81301

July 23, 2019
Memorandum

To: Board of Directors
From: Steve Harris, Interim Executive Director

Subject: Development of SWCD Mission

The Board held a workshop on April 5th, facilitated by Marsha Porter-Norton. This workshop was the first in a process to develop a mission that reflects the current and future of the District in conjunction with a new executive director. The comments and notes that Marsha made are attached to this memo. This memo reflects my thoughts and organization of the topics listed during the April 5th meeting. Attached and included below is a previous review of the mission in 2006. Also below are a few of my own observations and thoughts about SWCD.

April 5th, 2019 Workshop

The April 5th meeting notes (see attached) include a broad range of topics and issues from Board members and the public. The engineer in me needed to organize of topics that Marsha listed so I made 6 broad categories and counted the number of topics in each category. The categories are:

- Water supply – drought, climate, water data collection
- Funding – needed funding
- Infrastructure – topics that mention the need for facilities
- Outreach – contact and coordination with constituents, organizations, etc.
- Policy – policies on: Colorado River basin/statewide/southwest issues, water rights
- Watershed – fires, forest management, stream water quality, logging, etc.

I then organized the topics listed by the Board and staff in each of the six categories then the same for the public topics. Attached is the memo from Marsha. On pages 5-7 of this memo is topics in Marsha's memo organized by category based on my best judgement. I then counted the number of topics in each category in the following table to attempt to organize the issues for the Board discussion in the future. This count provides an indication of the issues on people's minds at the April 5th meeting in order to help the Board and the new executive director as the mission is discussed in the future.

<u>Topic Category</u>	<u>Board and Staff</u>	<u>Public topics</u>
Water Supply	20	5
Funding	5	1
Infrastructure	5	0
Outreach	12	5
Compact, TMD	7	2
Watershed, WQ	12	14

2006 Planning Notes

In looking through the old files at the office I found a previous version of mission and planning in 2006 (attached) which I thought might be useful to the Board in development of the mission with the new Executive Director. The Board member survey in 2006 provides some overlap with the recent discussion and has some topics that have been resolved. Though not a thorough review of the differences, the topics that stood out to me were:

- The ALP has been completed and the ALP District should be “weaned” from SWCD.
- WIP value was important then and still is.
- Sponsorship of weather modification was important then and still is.
- Provide funding for local entities was important then and still is.
- The HB-1177 process was just getting started and SWCD supported the process and still does.
- Staffing was the main topic as the Board was considering the first executive director and potentially other staff.
- The Board was in the process of planning for and hiring an executive director. There was hope that there would be less need for “outsourcing to professional engineers and attorneys” to help fund the executive director position. My own note is that depending too much on the executive director may not be the best plan if the person becomes unavailable on short notice whether quitting/retiring abruptly, health problems, or some other reason.

My Personal Observations and Thoughts

These are my observations thoughts about SWCD over that last 30 or so years. These efforts are the major examples of successes SWCD has had in representing southwest Colorado interests locally, statewide, and basinwide.

- The largest “presence” that SWCD has ever had was when Fred Kroeger and Sam Maynes were the primary representatives. Fred was a major statewide and nationally known republican and Sam was the same as a democrat so no matter who was in office they had access. Whether US Senators or Congressmen, Governor, state legislators, or even some presidents called Fred or Sam to ask their opinion if it involved southwest Colorado. It was really something to watch Fred and Sam work together. Not only are Fred and Sam gone but also the era. I am not suggesting that be duplicated because it can’t but just a view of the past.
- Construction of ALP has been a major effort for 70 to 80 years, maybe longer. SWCD involvement was one of the major reasons ALP is constructed and ready to provide water. In the progression of time, SWCD has been successful and the ALP local beneficiaries are now responsible for the operation of ALP and SWCD has “bowed out”.
- Weather modification has been supported by SWCD since the early 1980’s and after a lull in the need for the program in late 1980’s and 1990’s it is now more important than ever. Weather modification is a component of the Drought Contingency Plan and in my mind may be the most important component of avoiding a compact curtailment.

- The Water Information Program started in the early 1990's has been entirely successful in providing basic water information. SWCD was the first in the State to initiate such a program and WIP is copied by WECO.
- SWCD has participated in and funded participation in the San Juan River Endangered Fish Recovery Program. SWCD and NM interests have funded representatives to participate on the Program committees who have been instrumental in implementation of Program efforts to increase the number of endangered fish in the San Juan. The Biology Committee of the Program has a tendency to study the fish first and recover second and water user interests provided the push to recover first. The Program has and continues to allow additional water uses within the District.
- The District funded participation in development of EIS's for Navajo Reservoir and the Aspinall Unit to allow flows to recover the endangered fish.
- SWCD along with the River District and others initiated the Water Bank Workgroup that has investigated temporary, voluntary, and compensated reduction of irrigation consumptive use long before the current demand management process. The concept of the water bank is just as important now as it was when it was started in 2008. The information developed by the workgroup makes SWCD a leader in investigations into irrigation demand management.
- SWCD has represented southwest water users in numerous other basin wide issues including development of the Colorado Decision Support System (CDSS),
- SWCD has assisted in the formation of water conservancy districts and water districts so that local water needs could be met.
- SWCD has assisted local entities in obtaining water rights or obtained water rights then later transferred those rights to a local entity.
- SWCD has been involved in CWCB instream flow filings with acceptable protections for current and future water users in most cases.

The following are my thoughts on some possible future activities that are in no particular order.

- Continue to provide the leadership and development of policies on basin wide issues such as listed above and future efforts such as the investigations into demand management. Bob Wolff suggested policy subcommittee(s) to provide direction to the staff and Board on major issues.
- CWCB instream flow seems to be a never ending issue with more and more streams being filed on, even though some of the streams do not have a constant flow of water. There has been some success in getting sideboards in the ISF filings though limited. Instead of being reactionary to CWCB filings maybe SWCD can work with CWCB on a general ISF policy that protects streams without program expansion and overreach. There has also been some thought to investigate the statutory authority that SWCD has to protect instream flows.
- Outreach seemed to be a significant issue with the Board based on the April 5th meeting. Currently there is not an organized process for outreach to all of the types of water users within the District. WIP provides a broad range of information as well as targeted activities (e.g. Water 101/202, childrens water festival) but does not have the staff or funding for a comprehensive outreach. The Roundtable provides four meetings a year that discusses water issues but is not an entity to develop policy but can provide input to

- SWCD on policy issues. The roundtable and WIP provide platforms for SWCD outreach efforts.
- Outreach might include a “State of the Sub-Basin” talk each year in a different sub-basin. There are 10 sub-basins (San Juan, Piedra, Pine, Florida, Animas, La Plata, Mancos, McElmo, Dolores, San Miguel) which would result in 10 years to get to all of the sub-basins then start over.
 - Visit County Commissioners on a regular basis.
 - Organization and development of an outreach program implied in the comments at the April 5th meeting is more than the WIP person can do on their own. Outreach is right up Laura’s alley and she could be the coordinator of whatever activities the Board wants to pursue by making sure the process works and assisting the executive director in development of the content.
 - Water supply seemed to be the primary issue with the Board on April 5th. This is a large issue and requires careful thinking to develop plans that are doable and informative. Information is available to provide water supply information by sub-basin using StateMod, USGS gaging, or other tools. The benefits of storage to provide resiliency to a changing climate.
 - The watershed “topic” category is an increasing issue that includes forest management. There are other groups deeply involved with this issue that SWCD can collaborate with if more involvement is eventually a priority.
 - The weather modification program sponsored by SWCD has been a major success but the local program could be improved with use of more modern equipment such as: remote controlled generators, evaluate generator locations if not restricted to locations that have to be manually operated, improved radar (already in the works). Leadership from SWCD would be helpful in obtaining funding through CWCB to implement improvements.
 - After the mission is completed and the new executive director “settled in” then staffing would be considered to assess if more people are needed and if so what type of person(s).

Summary

Again, this memo is an attempt to organize the April 5th mission meeting discussion for use by the Board and the new executive director in guiding SWCD into the future. I have also included some information from 2006 to provide the Board with a little history or SWCD mission discussions. Lastly, I have included some of my observations and thoughts to be used as little or much as the Board and executive director see fit.

DISTRIBUTION OF TOPICS BY CATEGORY

Water Supply

Board and Staff

1. Planning as it relates to drought, climate change and water uses and availability.
Potential tools to consider such as storage, work on forests, carve outs, etc.
2. Find more ways to respond to or be aware of changing drought and water conditions, climate resiliency and adaptation
3. Improve forecasting
4. Be creative in this time of uncertainty.
5. Drought
6. Longer growing season will mean more water use
7. Truly understand the supply and demand accurately to project accurately; good data; get and then how do we get it
8. What do your rights give you?
9. Water storage...mechanisms for management and adding more storage
10. Redundancy in municipal systems
11. Uncertainty in general
12. Carve outs; keep excess to cover shortages
13. Adaptation
14. Saving ag water (how?)
15. Emissions reduction as a way to get more water
16. Planning around water
17. Storage
18. Carve outs
19. Data: projection and planning
20. Planning – supply-demand (finance studies)

Public

- 1) Capture early short-term water from run off
- 2) More early tail water
- 3) Better forecasting; SNOTELS and radar
- 4) Dolores published data
- 5) Spill issues on that river; need better forecasting on that river

Funding

Board and Staff

1. Limitations on funding to address all this
2. Money and financing water plan
3. Use our grant funding to address some of these challenges
4. Infrastructure
5. Grant making is a way to work on these issues

Public

- 1) SWCD has been doing a lot; continue to expand on things in place; increase % of revenue for funding

Infrastructure

Board and Staff

1. Pay attention to changing or aging infrastructure.
2. Project suggestions (see notes below)
3. Aging infrastructure
4. Storage and infrastructure = gap
5. Maintain facilities – reservoirs

Public

Outreach

Board and Staff

1. New or renewed areas of education, outreach and grant money.
2. Bolster or increase collaboration and partnerships.
3. Include all water users and potentially reassess policies. Include more voices at the table(s).
4. Better communication re: what we know with water rights owners
5. More education and outreach: a future role
6. Take a lead in role on the Colorado River
7. Outreach and education
8. Invigorate and strengthen partnerships to ensure SW outcomes can be achieved collectively
9. Represent more types of water users
10. Partnerships
11. Outreach and education –expanded
12. Amplify the SW voice to other levels/arenas

Public

- 1) Robust stakeholder engagement; include diverse voices
- 2) Hire a director -make most of talent; advance WIP – outreach; has a temperament and skills
- 3) to maintain positive relationship with constituents and media; coordinates basin challenges; assists entities in using ISF tool; manages grant program and coordinates with SWBR; is capable of alignment with other plans
- 4) Establish SWCD and ALP as per decision made the day before
- 5) Resolve ALP remaining water rights; reduce conflict via ways the discussion happens

Compact, TMD, Law

Board and Staff

1. Trans Mountain Diversions
2. Keeping water here and in Colorado
3. How to adhere to compact calls
4. Support legislation and policy that addresses climate change and resiliency
5. Policy/legislation/ new topics
6. Leadership
7. Allocations and how SWCD will deal with this.....decisions (legislation); more state efforts; lots of deliberations; interim guidelines

Public

- 1) Participation in Colorado Water Matters
- 2) Be well positioned on San Juan

Watershed, WQ

Board and Staff

1. Water quality
2. River health, maintaining it in these changing conditions
3. Watershed protection from fires, costs
4. Forest health; access to forests to do mitigation work that will increase water quantity
5. Managed fires
6. Higher elevation ISFs
7. Soil health – grants or actions around this to mitigate carbon
8. Fire mitigation efforts
9. Opportunities for lumber and logging to thin forests
10. Tie to forest health
11. New topic areas (i.e., forestry)
12. Help respond to events (fires)

Public

- 1) Animas water quality made worse by climate change and drought; well and aquifer impacts
- 2) Functional capacity of river systems
- 3) Loss of ecological functioning
- 4) Be more inclusive of river water interests (give a seat the table);
- 5) There is an opportunity include more recreational and non-consumptive people and interests via the ISF program; re-visiting SWCD historic opposition to ISF
- 6) Water quality in large forest landscapes; look at this issue
- 7) Animas River Community Forum; benefitted from doing operational grants to this group; would like to see such funding continue for capacity funding for groups
- 8) Can we help with fences on rivers (removing them) to help rafters; use a partnership approach; same for low-head dams; SWCD could provide funding, design and communication
- 9) Focus on concept of watershed health (save money, opportunities for production, quantity, ecology, sediment, more information; reduce treatment costs)
- 10) Land/Soil/Water Stewardship (soil health, see where farms and soil health intersect; support regenerative practices to reduce carbon)
- 11) Economic impact of drought and fires;
- 12) Value of water in rivers (there is)
- 13) Water is economic opportunity
- 14) Free flowing Animas

**Southwestern Water Conservation District
Planning Meeting Report
Submitted by Marsha Porter-Norton**

The SWCD Board met on April 5th, 2019 in a planning session held at the Doubletree Hotel in Durango.

Objectives: The purposes of the planning portion of the meeting were to:

- 1) do a scan and have discussion(s) about important water issues facing Southwest Colorado both now and into the future, and
- 2) determine if SWCD would like to do further organizational and strategic planning work.

High-Level Summary: At the meeting, facilitator Marsha Porter-Norton provided the following general summary of the wide-ranging board and public feedback. The notes below are a summary, and not meant to capture each idea, concern, or opportunity. Furthermore, this list does not reflect any decisions made by the SWCD Board.

Opportunities that SWCD might consider including in a strategic plan:

- Planning as it relates to drought, climate change and water uses and availability. Potential tools to consider such as storage, work on forests, carve outs, etc.
- See notes below for topics and new things to consider studying, funding, advocating for or doing.
- New or renewed areas of education, outreach and grant money.
- Bolster or increase collaboration and partnerships.
- Concepts from today integrated into new ED position.
- Find more ways to respond to or be aware of changing drought and water conditions, climate resiliency and adaptation
- Pay attention to changing or aging infrastructure.
- Include all water users and potentially reassess policies. Include more voices at the table(s).
- Project suggestions (see notes below)
- Improve forecasting
- Be creative in this time of uncertainty.

Next Step: As a result of the board discussion and public input, the SWCD Board determined that this scoping of water-related issues be used as a starting point for strategic planning once an executive director has been hired to lead the effort.

Please see the following pages for detailed flip chart notes on board and public input taken at the meeting, along with the meeting agenda and written public comment.

Attachment 1: Detailed Flip Chart Notes

(The board and public watched a video by American Rivers, "Ranching in the New Normal," which interviewed three ranching families in southern Colorado as they adapt to drought. The video was followed by presentations on climate change research and policy from Brad Udall, Senior Water and Climate Research Scientist/Scholar at Colorado State University and Taryn Finnessey, Senior Climate Change Specialist with the Colorado Water Conservation Board. Discussion followed. The following questions were posed to the board and staff, then to the public.)

What are your general reactions to the video and presentations? Does this information apply to our region and if so how?

Board, staff, and public input:

- Adaptation
- Saving ag water (how?)
 - Allocations and how SWCD will deal with this.....decisions (legislation); more state efforts; lots of deliberations; interim guidelines
- Soil health – grants or actions around this to mitigate carbon
- Farm Bill (is a foot in the door)
- Fire mitigation efforts
- Opportunities for lumber and logging to thin forests
- Emissions reduction as a way to get more water

(Then the Board and public provided input on broader questions below.)

What are the challenges related to water that Southwest Colorado faces both now and the future?

Board and staff responses:

- Water quality
- Limitations on funding to address all this
- Drought
- Longer growing season will mean more water use
- Keeping water here and in Colorado
- Changing needs and demands
- Aging infrastructure
- Trans Mountain Diversions
- Truly understand the supply and demand accurately to project accurately; good data; get and then how do we get it>
- What do your rights give you?
- Water storage...mechanisms for management and adding more storage
- Redundancy in municipal systems
- Storage and infrastructure = gap
- River health, maintaining it in these changing conditions
- Uncertainty in general
- Money and financing water plan
- How to adhere to compact calls
- Watershed protection from fires, costs

- Better communication re: what we know with water rights owners
- More education and outreach: a future role
- Forest health; access to forests to do mitigation work that will increase water quantity
- Managed fires
- Carve outs; keep excess to cover shortages
- Higher elevation ISFs

Are there opportunities for action? If so, what are they?

Board and staff input

- Take a lead in role on the Colorado River
- Outreach and education
- Planning around water
- Storage
- Carve outs
- Tie to forest health
- Use our grant funding to address some of these challenges
- Invigorate and strengthen partnerships to ensure SW outcomes can be achieved collectively
- Infrastructure
- Data: projection and planning
- Support legislation and policy that addresses climate change and resiliency

What are existing or envisioned roles or activities that SWCD could take on to address these issues?

Board and staff input:

- Represent more types of water users
- Look at new areas
- Grant making is a way to work on these issues
- Partnerships
- Outreach and education –expanded
- Policy/legislation/ new topics
- Planning – supply-demand (finance studies)
- Leadership
- New topic areas (i.e., forestry)
- Help respond to events (fires)
- Maintain facilities – reservoirs
- Amplify the SW voice to other levels/arenas

**What are the challenges related to water that Southwest Colorado faces both now and the future?
Are there opportunities for action? If so, what are they? What are existing or envisioned roles or activities that SWCD could take on to address these issues?**

Public input:

- Generational issues as land transition occurs
- Animas water quality made worse by climate change and drought; well and aquifer impacts
- Functional capacity of river systems
- Loss of ecological functioning

- SWCD has been doing a lot; continue to expand on things in place; increase % of revenue for funding
- Robust stakeholder engagement; include diverse voices
- Hire a director..... makes most of talent; advance WIP – outreach; has a temperament and skills to maintain positive relationship with constituents and media; coordinates basin challenges; assists entities in using ISF tool; manages grant program and coordinates with SWBR; is capable of alignment with other plans
- Establish SWCD and ALP as per decision made the day before
- Capture early short-term water from run off
- More early tail water
- Be more inclusive of diver water interests (give a seat the table);
- There is an opportunity include more recreational and non-consumptive people and interests via the ISF program; re-visiting SWCD historic opposition to ISF
- Resolve ALP remaining water rights; reduce conflict around this via ways the discussion happens
- Participation in Colorado Water Matters
- Be well positioned on San Juan
- Better forecasting; SNOTELS and radar
- Water quality in large forest landscapes; look at this issue
- Dolores published data
- Spill issues on that river; need better forecasting on that river
- Animas River Community Forum; benefitted from doing operational grants to this group; would like to see such funding continue for capacity funding for groups
- Can we help with fences on rivers (removing them) to help rafters; use a partnership approach; same for low-head dams; SWCD could provide funding, design and communication
- Focus on concept of watershed health (save money, opportunities for production, quantity, ecology, sediment, more information; reduce treatment costs)
- Land/Soil/Water Stewardship (soil health, see where farms and soil health intersect; support regenerative practices to reduce carbon)
- Economic impact of drought and fires;
- Value of water in rivers (there is)
- Water is economic opportunity
- Free flowing Animas
- The Durango Herald conducted an online poll on issues SWCD should be addressing in anticipation of this session, and posed the following question to readers: *Bruce Whitehead is retiring as executive director of the Southwestern Water Conservation District. What are two of the main challenges the new director will face?* 130 readers selected from four options, and 20% chose water contamination and flooding, 1% acid rain and chem trail , 23% reservoir levels and water treatment, and 56% selected drought and climate change.
- Two members of the public provided written comments, which are attached this report.

Southwestern Water Conservation District

September 18th SWCD Board Planning Session

SWCD Offices, Durango, Colorado

2006

Survey Questions for SWCD Directors:

1. What is the **purpose** of the Southwestern Water Conservation District (SWCD)?
 - a. As stated in the Legislative Act that formed the District: To protect and develop the waters of the San Juan and San Miguel Basins in southwestern Colorado.
 - b. The State Statute is quite specific on what the District purpose and powers are. I think as we begin this discussion that portion of Southwest's enabling legislation should be recited.
 - c. To promote the conservation, use and development of water resources related to the San Juan and Dolores Rivers and their tributaries.

2. What is **working** and **going well** for the District?
 - a. Help for the various water entities
 - b. Finally, progress on the Animas-La Plata (A-LP) project
 - c. Constant and time consuming legal matters with the anti-ALP & Federal (USFS) agencies.
 - d. Certainly the District can be proud of its involvement in the construction of the Animas La Plata project. While it is not all we hoped it would be, it is a great accomplishment!
 - e. Southwest (District) has granted almost \$3,000,000 to other Districts and water entities to promote water development, conservation and management.
 - f. The State recognized success and value of the Water Information Program (WIP).
 - g. The sponsorship and 50/50 cost share of the Weather Modification program
 - h. We are a good source of funding, providing grants and loans, to local water conservation development organizations.
 - i. We act as a resource to water conservation groups, providing education and information.
 - j. We are doing well financially.

3. What can the District do to **improve**? Do differently?
 - a. Meet six (6) times per year
 - b. That is what we are meeting 9/18 to talk about
 - c. Begin to focus on the needs throughout the rest of the District
 - d. If the HB 1177 process is successful, SW may be called upon to help many projects-financially, politically and technically with water engineering, legal advice and guidance.
 - e. It will be a challenge to balance further water development with not-structural and non-consumptive uses.
 - f. I'm not sure we spend our tax dollars effectively, efficiently and adequately representing the people in our districts.
 - g. The Board could be more open to new ideas and new ways of doing things.
 - h. We could do more internally based, instead of outsourcing to professional engineers and attorneys.

4. Over the next ten (10) years, how will the role of the District and its staffing/programming need change?
 - a. That is largely unknown at this time. It'll be a topic 9/18.
 - b. Much depends on coordination with ALP District
 - c. I assume that SW will gradually move toward a more involved General Manager and less day to day services from our legal, engineering and lobbying providers.
 - d. I think SWCD could use a full time administrator.

5. What is your **role as a director** of the Water District?
 - a. I am presently the representative of the La Plata County & President of the Board.
 - b. Work cooperatively with the other SWCD directors to accomplish our goals
 - c. Keep water interests in my County informed and involved regarding water matters.
 - d. Aid those entities that need advice and assistance.
 - e. To represent my district when making decisions and allocating money. To report back to my district.

6. What do you **expect** of the District paid staff and professional service providers (attorney, engineer, lobbyist) as they serve the needs of the SWCD?
 - a. Provide scientific, legal and lobbying skills on behalf of all water entities within our District.
 - b. I realize that Lynn's upcoming retirement offers an opportunity for a change in direction. The logical change would be to move to a more powerful/hands on General Manager. However, my initial thought is to move in that direction in a calculated and deliberate fashion, rather than a huge change all at once.
 - c. To represent the Board as opposed to their own opinions. To serve and work as directed as opposed to going off on their own.

7. As a District Officer, Director or Committee chair, what do you **expect** you can **contribute** by being involved?
 - a. We have had consistent support and expect to continue to have organizations, such as Club 20 to help as needed. We've had a number of supporting organizations 'save our bacon' over the years at the District.
 - b. As my wife says, "You can't take on any more jobs."
 - c. I offer a different opinion about water use and conservation that is not usually the majority opinion of the Board.

8. What **three (3) to five (5) goals** should the District be working on for 2006, 2007 and 2008?
 - a. Completion of the A-LP
 - b. Help on the La Plata Water district
 - c. Fair & honest divisions of water with New Mexico
 - d. An office that is open during all working hours of the ALP and the SWCD (regular office hours)
 - i. Our own District facilities that might include all other water agencies, such as Colorado Dept of Water Resources, Bureau of Reclamation, etc.

- j. Support, aid, facilitate, cost share, finance and encourage the HB 1177 process.
 - k. Attempt to make sure that Lynn's replacement is the type of person that can develop into a 'more involved' / hands on General Manager, rather than abrupt change.
 - l. The three primary professional service providers (PSP) have been doing a good job. Funding for a strong GM will have to come at the expense of our PSP firms. (What will be the consequence of cutting our PSP budget in future FY by a certain percentage?)
 - m. It seems that a gradual process would work best, but that leaves some questions regarding hiring Lynn's replacement.
 - n. Will there be a problem with our PSPs in training the GM.
 - o. Gradually wean the ALP from its huge dependence on SW financing
 - p. As the GM becomes more involved, a 2nd person (an office manager) will be required.
 - q. Concentrate more on the other areas of the District. I think the HB 1177 process and the potential demands it can place on the District will provide two opportunities to both better serve the balance of the District and develop a "hands on" and "more involved" GM.
 - r. To hire an administrator of SWCD that can take on some of the responsibilities currently being contracted to engineers, attorneys
 - s. To provide more money for the ground projects locally and less for contracted professional fees.
9. What **guidelines** and **processes** should the District use for hiring the next Executive Director for the District?
- a. To be discussed on Monday 9/18
 - b. A 'head hunter' service would probably facilitate the process. Unless, it is too expensive (>\$25K). I think a Committee of the Board can be just as effective if they are willing to invest / sacrifice the time.
 - c. As a Board we need to create a job description and research appropriate salary ranges.
 - d. RFP process
 - e. Interview process.

10. What else should we be discussing? Working on?

- a. The distribution of assignments with all of our staff.
- b. I suppose SW will have to become more bureaucratic and structured in granting assistance to other Districts.
- c. Discuss direction for State lobbying need.

Notes:

Surveys compiled by **Jasper Welch**, 4 Corners Mgmt Systems
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Southwestern Water Conservation District
Budget Comparison Summary
January through December 2019

	Jan - Dec 19	Budget	\$ Over Budget	% of Budget
Income				
4 · SWCD INCOME				
4.1 · Property Tax	1,539,766	1,555,900	(16,134)	99%
4.2 · Specific Ownership Tax	148,587	100,000	48,587	149%
4.3 · Interest, PILT & Other Taxes	43,078	35,500	7,578	121%
4.4 · Other Income				
4.4.1 · Interest Earned	41,066	23,000	18,066	179%
4.4.2 · Loan Interest	408	408	(0)	100%
4.4.3 · Miscellaneous Income	9,127	9,000	127	101%
4.4.4 · Water Seminar Registration	6,346	6,000	346	106%
4.4.5 · ALP/WIP Cost Sharing	9,749	16,000	(6,251)	61%
4.4.6 · ALP Cost Sharing - Wages	29,633	54,856	(25,223)	54%
4.4.7 · SJRBRIP Water User Committee	50,873	50,873	0	100%
4.4.8 · Stream Gaging Reimbursement	25,706	25,706	0	100%
4.4.9 · Water Info Program	44,467	37,000	7,467	120%
Total 4.4 · Other Income	217,374	222,843	(5,469)	98%
Total 4 · SWCD INCOME	1,948,805	1,914,243	34,562	102%
Total Income	1,948,805	1,914,243	34,562	102%
Gross Profit	1,948,805	1,914,243	34,562	102%
Expense				
5 · SWCD EXPENSES				
5.01 · Water Management & Development				
5.1.1 · Financial Assistance Program	104,599	400,000	(295,401)	26%
5.1.2 · Previously Committed Aid	114,999	100,377	14,622	115%
5.1.3 · Project Reserve Fund	0	350,000	(350,000)	0%
5.1.4 · SJRBRIP Water User Committee	102,130	101,746	384	100%
5.1.5 · SWCD Project Water Rights	0	50,000	(50,000)	0%
5.1.6 · Weather Modification	21,760	90,000	(68,240)	24%
Total 5.01 · Water Management & Developm...	343,488	1,092,123	(748,635)	31%

Southwestern Water Conservation District
Budget Comparison Summary
January through December 2019

	Jan - Dec 19	Budget	\$ Over Budget	% of Budget
5.02 · Data Collection				
5.2.1 · Center for Snow & Avalanche	5,000	5,000	0	100%
5.2.2 · Stream Gaging - Federal	88,315	88,215	100	100%
5.2.3 · Stream Gaging - Colorado	2,400	2,600	(200)	92%
5.2.4 · Water Quality Studies	7,000	13,000	(6,000)	54%
5.2.5 · SW Colorado Permanent Radar	0	10,000	(10,000)	0%
Total 5.02 · Data Collection	102,715	118,815	(16,100)	86%
5.03 · Ongoing Organizational Support				
5.3.1 · Event Sponsorships	4,581	5,000	(419)	92%
5.3.2 · Dues & Memberships	19,300	22,500	(3,201)	86%
5.3.3 · Animas River Stakeholders Group	5,000	5,000	0	100%
5.3.4 · Colorado River Studies	17,000	17,500	(500)	97%
5.3.5 · Demo CSU Farm/Water Efficiency	10,000	10,000	0	100%
Total 5.03 · Ongoing Organizational Support	55,881	60,000	(4,119)	93%
5.04 · Water Education				
5.4.1 · Water Info Program	65,239	65,595	(356)	99%
5.4.2 · Water Seminar	15,260	18,000	(2,740)	85%
5.4.3 · Water Education Colorado	10,000	10,000	0	100%
5.4.4 · Children's Water Festival	8,116	8,000	116	101%
5.4.5 · Watershed Education Program	6,000	6,000	0	100%
5.4.7 · Water Leaders Scholarship	3,250	5,000	(1,750)	65%
Total 5.04 · Water Education	107,865	112,595	(4,730)	96%
5.05 · Technical Support				
5.5.01 · Attorney Fees - General Counsel	222,182	126,000	96,182	176%
5.5.02 · Attorney Exps - General Counsel	18,587	10,000	8,587	186%
5.5.03 · Litigation - General Counsel	19,160	70,000	(50,840)	27%
5.5.04 · Attorney Fees - Special Counsel	8,854	35,000	(26,147)	25%
5.5.05 · Attorney Exps - Special Counsel	68	5,000	(4,932)	1%
5.5.06 · Lobbying Fees	50,000	50,000	0	100%
5.5.07 · Lobbying Expenses	1,469	5,500	(4,031)	27%
5.5.08 · Engineering - General	45,600	45,000	600	101%

Southwestern Water Conservation District
Budget Comparison Summary
January through December 2019

	Jan - Dec 19	Budget	\$ Over Budget	% of Budget
5.5.09 · Engineering - Special Projects	44,673	25,000	19,673	179%
5.5.10 · Technical Other Expenses	0	40,000	(40,000)	0%
Total 5.05 · Technical Support	410,592	411,500	(908)	100%
5.06 · District Staff				
5.6.1 · Wages - Executive Director	94,295	129,342	(35,047)	73%
5.6.2 · Wages - Programs Coordinator	49,842	48,925	917	102%
5.6.4 · Wages - Payroll Taxes	11,468	15,930	(4,462)	72%
5.6.5 · Wages - Retirement Benefit	5,795	8,913	(3,119)	65%
5.6.6 · Wages - Health & Life Insurance	26,241	44,696	(18,455)	59%
5.6.7 · Wages - ED Bonus	0	0	0	0%
5.6.8 · Wages - Coordinator Bonus	0	0	0	0%
Total 5.06 · District Staff	187,640	247,806	(60,166)	76%
5.07 · Meetings & Travel				
5.7.1 · Director Fees	17,400	21,000	(3,600)	83%
5.7.2 · Director Travel	22,843	31,000	(8,157)	74%
5.7.3 · Registration Fees	6,116	8,500	(2,384)	72%
5.7.4 · Meeting Expenses	10,337	7,000	3,337	148%
5.7.5 · Staff Travel	19,141	35,000	(15,859)	55%
Total 5.07 · Meetings & Travel	75,837	102,500	(26,663)	74%
5.08 · Administration				
5.8.01 · Audit	8,200	8,200	0	100%
5.8.02 · Accounting	28	500	(473)	6%
5.8.03 · Capital Outlay	3,718	4,000	(282)	93%
5.8.04 · Casual Labor	90	200	(110)	45%
5.8.05 · Equipment Leasing	1,800	1,800	0	100%
5.8.06 · Insurance - General Liability	6,384	6,000	384	106%
5.8.07 · Legal Notices	258	600	(342)	43%
5.8.08 · Miscellaneous	290	500	(210)	58%
5.8.09 · Office Expenses	7,987	7,500	487	106%
5.8.10 · Postage	942	1,000	(58)	94%

Southwestern Water Conservation District
Budget Comparison Summary
January through December 2019

	Jan - Dec 19	Budget	\$ Over Budget	% of Budget
5.8.11 · Rent	29,063	30,192	(1,129)	96%
5.8.12 · Telephone	2,345	2,000	345	117%
Total 5.08 · Administration	61,105	62,492	(1,387)	98%
5.09 · County Treasurer Fees	45,302	50,742	(5,440)	89%
5.10 · TABOR Reserve	0	67,757	(67,757)	0%
5.11 · Contingency Reserve	0	500,000	(500,000)	0%
Total 5 · SWCD EXPENSES	1,390,425	2,826,330	(1,435,905)	49%
Total Expense	1,390,425	2,826,330	(1,435,905)	49%
Net Income	558,380	(912,087)	1,470,467	(61)%

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Southwestern Water Conservation District Check Detail

November through December 2019

Num	Date	Name	Memo	Account	Original Amount
ACH	11/03/2019	Frank J Kugel	10/16-11/3/19	161 · Old TBK Checking	-3,968.95
			10/16-11/3/19	5.6.1 · Wages - Executive Director	6,599.36
			10/16-11/3/19	5.6.6 · Wages - Health & Life Insurance	-91.40
			10/16-11/3/19	221 · 457 Withholding	-676.16
			10/16-11/3/19	215 · FICA/Medicare/Fed W/H	-1,099.00
			10/16-11/3/19	5.6.4 · Wages - Payroll Taxes	409.16
			10/16-11/3/19	215 · FICA/Medicare/Fed W/H	-409.16
			10/16-11/3/19	215 · FICA/Medicare/Fed W/H	-409.16
			10/16-11/3/19	5.6.4 · Wages - Payroll Taxes	95.69
			10/16-11/3/19	215 · FICA/Medicare/Fed W/H	-95.69
			10/16-11/3/19	215 · FICA/Medicare/Fed W/H	-95.69
			10/16-11/3/19	216 · State W/H Tax Payable	-259.00
TOTAL					3,968.95
ACH	11/03/2019	Laura E Spann	10/16-11/3/19	161 · Old TBK Checking	-2,118.26
			10/16-11/3/19	5.6.2 · Wages - Programs Coordinator	2,869.44
			10/16-11/3/19	5.6.6 · Wages - Health & Life Insurance	-181.68
			10/16-11/3/19	215 · FICA/Medicare/Fed W/H	-248.00
			10/16-11/3/19	5.6.4 · Wages - Payroll Taxes	177.90
			10/16-11/3/19	215 · FICA/Medicare/Fed W/H	-177.90
			10/16-11/3/19	215 · FICA/Medicare/Fed W/H	-177.90
			10/16-11/3/19	5.6.4 · Wages - Payroll Taxes	41.60
			10/16-11/3/19	215 · FICA/Medicare/Fed W/H	-41.60
			10/16-11/3/19	215 · FICA/Medicare/Fed W/H	-41.60
			10/16-11/3/19	216 · State W/H Tax Payable	-102.00
TOTAL					2,118.26
1002	11/04/2019	Elaine Chick Consulting	October 2019	103 · WIP Checking	-3,903.80
			October 2019	54111 · WIP Contract Coordination	3,903.80
TOTAL					3,903.80
1013	11/04/2019	Douglas Stowe	Bd Mtg 10/31 & Seminar 11/1	100 · SWCD Checking	-304.40
			Bd Mtg 10/31 & Seminar 11/1	5.7.1 · Director Fees	200.00
			Bd Mtg 10/31 & Seminar 11/1	5.7.2 · Director Travel	104.40
TOTAL					304.40
1014	11/04/2019	J R Ford	Bd Mtg 10/31	100 · SWCD Checking	-169.60
			Bd Mtg 10/31	5.7.1 · Director Fees	100.00
			Bd Mtg 10/31	5.7.2 · Director Travel	69.60
TOTAL					169.60
1015	11/04/2019	Robert Wolff	Mtgs & Exps 10/9-11/1/19	100 · SWCD Checking	-609.04
			Mtgs & Exps 10/9-11/1/19	5.7.1 · Director Fees	400.00
			Mtgs & Exps 10/9-11/1/19	5.7.2 · Director Travel	209.04
TOTAL					609.04
MC	11/04/2019	Blue Channel	Support for Seminar Web Payment System	161 · Old TBK Checking	-71.70
			Support for Seminar Web Payment System	5.4.2 · Water Seminar	71.70
TOTAL					71.70
MC	11/05/2019	Pagosa Springs Sun	Grant Program Announcement	161 · Old TBK Checking	-18.47
			Grant Program Announcement	5.8.07 · Legal Notices	18.47
TOTAL					18.47
MC	11/05/2019	Telluride Newspapers Inc	Grant Program Announcement	161 · Old TBK Checking	-9.38
			Grant Program Announcement	5.8.07 · Legal Notices	9.38
TOTAL					9.38
VISA	11/05/2019	Office Depot	2020 Seminar Nametags Supplies	101 · SWCD Credit Card	-131.37
			2020 Seminar Nametags Supplies	5.4.2 · Water Seminar	131.37
TOTAL					131.37

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Southwestern Water Conservation District Check Detail

November through December 2019

Num	Date	Name	Memo	Account	Original Amount
VISA	11/05/2019	Montrose Daily Press	Grant Program Announcement	101 · SWCD Credit Card	-25.20
			Grant Program Announcement	5.8.07 · Legal Notices	25.20
TOTAL					25.20
MC	11/05/2019	Colorado Mesa University	Don S Upper Colorado River Forum	101 · SWCD Credit Card	-215.00
			Don S Upper Colorado River Forum	5.7.3 · Registration Fees	215.00
TOTAL					215.00
VISA	11/06/2019	Netgear	Upgrade to WIFI system	101 · SWCD Credit Card	-720.29
			Upgrade to WIFI system	5.8.03 · Capital Outlay	720.29
TOTAL					720.29
ACH	11/06/2019	United States Treasury	Partial Payment 10/16-11/3/19	161 · Old TBK Checking	-114.20
			Partial Payment 10/16-11/3/19	215 · FICA/Medicare/Fed W/H	5.00
			Partial Payment 10/16-11/3/19	215 · FICA/Medicare/Fed W/H	44.25
			Partial Payment 10/16-11/3/19	215 · FICA/Medicare/Fed W/H	44.25
			Partial Payment 10/16-11/3/19	215 · FICA/Medicare/Fed W/H	10.35
			Partial Payment 10/16-11/3/19	215 · FICA/Medicare/Fed W/H	10.35
TOTAL					114.20
ACH	11/06/2019	United States Treasury	Partial Payment 10/16-11/3/19	161 · Old TBK Checking	-2,795.70
			Partial Payment 10/16-11/3/19	215 · FICA/Medicare/Fed W/H	1,347.00
			Partial Payment 10/16-11/3/19	215 · FICA/Medicare/Fed W/H	587.06
			Partial Payment 10/16-11/3/19	215 · FICA/Medicare/Fed W/H	587.06
			Partial Payment 10/16-11/3/19	215 · FICA/Medicare/Fed W/H	137.29
			Partial Payment 10/16-11/3/19	215 · FICA/Medicare/Fed W/H	137.29
TOTAL					2,795.70
ACH	11/06/2019	Lincoln Financial Group	10/16-11/3/19	161 · Old TBK Checking	-1,072.12
			10/16-11/3/19	221 · 457 Withholding	676.16
			10/16-11/3/19	5.6.5 · Wages - Retirement Benefit	395.96
TOTAL					1,072.12
VISA	11/06/2019	Daily Grill	Frank/Bob NWRA Annual Conf Houston	101 · SWCD Credit Card	-54.41
			Frank/Bob NWRA Annual Conf Houston	5.7.5 · Staff Travel	27.21
			Frank/Bob NWRA Annual Conf Houston	5.7.2 · Director Travel	27.20
TOTAL					54.41
VISA	11/06/2019	Potbelly	Frank/Bob NWRA Annual Conf Houston	101 · SWCD Credit Card	-22.45
			Frank/Bob NWRA Annual Conf Houston	5.7.5 · Staff Travel	11.23
			Frank/Bob NWRA Annual Conf Houston	5.7.2 · Director Travel	11.22
TOTAL					22.45
VISA	11/06/2019	Daily Grill	Frank/Bob NWRA Annual Conf Houston	101 · SWCD Credit Card	-54.41
			Frank/Bob NWRA Annual Conf Houston	5.7.5 · Staff Travel	27.21
			Frank/Bob NWRA Annual Conf Houston	5.7.2 · Director Travel	27.20
TOTAL					54.41
VISA	11/06/2019	Cadillac Bar	Frank/Bob NWRA Annual Conf Houston	101 · SWCD Credit Card	-63.51
			Frank/Bob NWRA Annual Conf Houston	5.7.5 · Staff Travel	31.76
			Frank/Bob NWRA Annual Conf Houston	5.7.2 · Director Travel	31.75
TOTAL					63.51
VISA	11/06/2019	Pappadeaux #3	Frank/Bob NWRA Annual Conf Houston	101 · SWCD Credit Card	-175.87
			Frank/Bob NWRA Annual Conf Houston	5.7.2 · Director Travel	87.94
			Frank/Bob NWRA Annual Conf Houston	5.7.5 · Staff Travel	87.93
TOTAL					175.87

Southwestern Water Conservation District Check Detail

November through December 2019

Num	Date	Name	Memo	Account	Original Amount
VISA	11/06/2019	Pappadeaux #3	Frank/Bob NWRA Annual Conf Houston	101 · SWCD Credit Card	-181.20
			Frank/Bob NWRA Annual Conf Houston	5.7.2 · Director Travel	90.60
			Frank/Bob NWRA Annual Conf Houston	5.7.5 · Staff Travel	90.60
TOTAL					181.20
VISA	11/06/2019	Amazon.Com	New modem, cable	101 · SWCD Credit Card	-169.50
			New modem, cable	5.8.03 · Capital Outlay	169.50
TOTAL					169.50
VISA	11/07/2019	ImageNet	November 2019	101 · SWCD Credit Card	-150.00
			November 2019	5.8.05 · Equipment Leasing	150.00
TOTAL					150.00
VISA	11/07/2019	Colorado Mesa University	Frank Upper Basin Forum	101 · SWCD Credit Card	-215.00
			Frank Upper Basin Forum	5.7.3 · Registration Fees	215.00
TOTAL					215.00
VISA	11/08/2019	Westin	Frank NWRA Annual Conf Houston	101 · SWCD Credit Card	-789.97
			Frank NWRA Annual Conf Houston	5.7.5 · Staff Travel	789.97
TOTAL					789.97
VISA	11/08/2019	City of Durango	NWRA Annual Conf (Frank/Bob Airport Parking)	101 · SWCD Credit Card	-28.00
			NWRA Annual Conf (Frank/Bob Airport Parking)	5.7.5 · Staff Travel	14.00
			NWRA Annual Conf (Frank/Bob Airport Parking)	5.7.2 · Director Travel	14.00
TOTAL					28.00
VISA	11/12/2019	Steamworks	CWCB Update with Celene, Frank, Laura	101 · SWCD Credit Card	-61.87
			CWCB Update with Celene, Frank, Laura	5.7.4 · Meeting Expenses	61.87
TOTAL					61.87
VISA	11/12/2019	Hampton Inn	Frank CMU Upper Colorado River Forum	101 · SWCD Credit Card	-232.92
			Frank CMU Upper Colorado River Forum	5.7.5 · Staff Travel	232.92
TOTAL					232.92
VISA	11/12/2019	Rockslide Restaurant	Frank Laura CMU Upper Colorado River Forum	101 · SWCD Credit Card	-34.45
			Frank Laura CMU Upper Colorado River Forum	5.7.5 · Staff Travel	34.45
TOTAL					34.45
VISA	11/13/2019	Rockslide Restaurant	Frank Laura CMU Upper Colorado River Forum	101 · SWCD Credit Card	-60.60
			Frank Laura CMU Upper Colorado River Forum	5.7.5 · Staff Travel	60.60
TOTAL					60.60
VISA	11/15/2019	Springhill Suites	Frank UCRC Mtg Denver	101 · SWCD Credit Card	-156.44
			Frank UCRC Mtg Denver	5.7.5 · Staff Travel	156.44
TOTAL					156.44
VISA	11/18/2019	Verizon	Oct 2019, Upgraded Device (Laura)	101 · SWCD Credit Card	-182.15
			Oct 2019, Upgraded Device (Laura)	5.8.12 · Telephone	182.15
TOTAL					182.15
VISA	11/18/2019	Valley Publishing	FY2020 Budget Notice, Grant Apps	101 · SWCD Credit Card	-56.00
			FY2020 Budget Notice, Grant Apps	5.8.07 · Legal Notices	56.00
TOTAL					56.00

Southwestern Water Conservation District Check Detail

November through December 2019

Num	Date	Name	Memo	Account	Original Amount
ACH	11/19/2019	Lincoln Financial Group	11/4-17/19	161 · Old TBK Checking	-1,236.58
			11/4-17/19	221 · 457 Withholding	789.06
			11/4-17/19	5.6.5 · Wages - Retirement Benefit	447.52
TOTAL					1,236.58
137...	11/20/2019	SW Water Conservation District	Transfer to Bank of Colorado account	161 · Old TBK Checking	-200,000.00
			Transfer to Bank of Colorado account	124 · Due From ALP/Other	200,000.00
TOTAL					200,000.00
2800	11/20/2019	Water Information Program	Close account, transfer to Bank of Colorado	162 · Checking Water Info Program	-18,992.83
			Close account, transfer to Bank of Colorado	124 · Due From ALP/Other	18,992.83
TOTAL					18,992.83
1206	11/20/2019	SJRBRIP Steering Committee	Close account, transfer to Bank of Colorado	109 · Checking SJRBRIP Committee	-3.49
			Close account, transfer to Bank of Colorado	124 · Due From ALP/Other	3.49
TOTAL					3.49
1003	11/20/2019	Elaine Chick Consulting	Water Law Course Supplies/Expenses	103 · WIP Checking	-133.52
			Water Law Course Supplies/Expenses	54113 · WIP Workshops	133.52
TOTAL					133.52
1004	11/20/2019	Aaron Clay	Water Law in a Nutshell (Durango, 10/28/19)	103 · WIP Checking	-3,162.95
			Water Law in a Nutshell (Durango, 10/28/19)	54113 · WIP Workshops	3,162.95
TOTAL					3,162.95
1005	11/20/2019	Sodexho	Water Law Catering 10/28/19	103 · WIP Checking	-1,163.25
			Water Law Catering 10/28/19	54113 · WIP Workshops	1,163.25
TOTAL					1,163.25
1017	11/20/2019	Colorado Division of Water Resources	Cherry Creek, Long Hollow Gages 2019	100 · SWCD Checking	-2,400.00
			Cherry Creek, Long Hollow Gages 2019	5.2.3 · Stream Gaging - Colorado	2,400.00
TOTAL					2,400.00
1018	11/20/2019	Fairfield and Woods, P.C.	October 2019	100 · SWCD Checking	-25,421.50
			October 2019	5.5.01 · Attorney Fees - General Counsel	15,092.00
			October 2019	5.5.02 · Attorney Exps - General Counsel	5,460.00
			October 2019	5.5.03 · Litigation - General Counsel	4,099.50
			October 2019	5.5.01 · Attorney Fees - General Counsel	770.00
TOTAL					25,421.50
1019	11/20/2019	Trout Raley	October 2019	100 · SWCD Checking	-137.50
			October 2019	5.5.04 · Attorney Fees - Special Counsel	137.50
TOTAL					137.50
1020	11/20/2019	Whitehead H2O	October 2019	100 · SWCD Checking	-600.00
			October 2019	5.5.09 · Engineering - Special Projects	600.00
TOTAL					600.00
1021	11/20/2019	The Silverton Standard	FY2020 Budget, Grant Apps Notices	100 · SWCD Checking	-39.40
			FY2020 Budget, Grant Apps Notices	5.8.07 · Legal Notices	39.40
TOTAL					39.40

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Southwestern Water Conservation District Check Detail

November through December 2019

Num	Date	Name	Memo	Account	Original Amount
1023	11/20/2019	Colorado Employer Benefit Trust	December 2019	100 · SWCD Checking	-2,748.60
			December 2019	5.6.6 · Wages - Health & Life Insurance	2,748.60
TOTAL					2,748.60
1024	11/20/2019	Don Schwindt	Mtg & Seminar 10/31-11/1	100 · SWCD Checking	-269.60
			Mtg & Seminar 10/31-11/1	5.7.1 · Director Fees	200.00
			Mtg & Seminar 10/31-11/1	5.7.2 · Director Travel	69.60
TOTAL					269.60
1025	11/20/2019	Robert Wolff	NWRA Hotel, Flight 11/5-8/19	100 · SWCD Checking	-1,484.31
			NWRA Hotel, Flight 11/5-8/19	5.7.2 · Director Travel	1,484.31
TOTAL					1,484.31
1026	11/20/2019	Laura Spann-V	CMU Forum Hotel, Mileage 11/12-14/19	100 · SWCD Checking	-400.88
			CMU Forum Hotel, Mileage 11/12-14/19	5.7.5 · Staff Travel	400.88
TOTAL					400.88
VISA	11/21/2019	Irish Embassy	Mtg LPC Commissioner Church, Bob, Frank	101 · SWCD Credit Card	-54.96
			Mtg LPC Commissioner Church, Bob, Frank	5.7.4 · Meeting Expenses	54.96
TOTAL					54.96
ACH	11/21/2019	TBK Bank	Service Charge	162 · Checking Water Info Program	-10.00
			Service Charge	54123 · WIP Office Expenses	10.00
TOTAL					10.00
ACH	11/22/2019	Laura E Spann	11/4-17/19	161 · Old TBK Checking	-1,281.04
			11/4-17/19	5.6.2 · Wages - Programs Coordinator	1,881.60
			11/4-17/19	5.6.6 · Wages - Health & Life Insurance	-167.71
			11/4-17/19	221 · 457 Withholding	-112.90
			11/4-17/19	215 · FICA/Medicare/Fed W/H	-123.00
			11/4-17/19	5.6.4 · Wages - Payroll Taxes	116.66
			11/4-17/19	215 · FICA/Medicare/Fed W/H	-116.66
			11/4-17/19	215 · FICA/Medicare/Fed W/H	-116.66
			11/4-17/19	5.6.4 · Wages - Payroll Taxes	27.29
			11/4-17/19	215 · FICA/Medicare/Fed W/H	-27.29
			11/4-17/19	215 · FICA/Medicare/Fed W/H	-27.29
			11/4-17/19	216 · State W/H Tax Payable	-53.00
TOTAL					1,281.04
ACH	11/22/2019	Frank J Kugel	11/4-17/19	161 · Old TBK Checking	-3,305.24
			11/4-17/19	5.6.1 · Wages - Executive Director	5,576.92
			11/4-17/19	5.6.6 · Wages - Health & Life Insurance	-77.88
			11/4-17/19	221 · 457 Withholding	-676.16
			11/4-17/19	215 · FICA/Medicare/Fed W/H	-878.00
			11/4-17/19	5.6.4 · Wages - Payroll Taxes	345.77
			11/4-17/19	215 · FICA/Medicare/Fed W/H	-345.77
			11/4-17/19	215 · FICA/Medicare/Fed W/H	-345.77
			11/4-17/19	5.6.4 · Wages - Payroll Taxes	80.87
			11/4-17/19	215 · FICA/Medicare/Fed W/H	-80.87
			11/4-17/19	215 · FICA/Medicare/Fed W/H	-80.87
			11/4-17/19	216 · State W/H Tax Payable	-213.00
TOTAL					3,305.24
ACH	11/22/2019	United States Treasury	11/4-17/19	100 · SWCD Checking	-2,142.18
			11/4-17/19	215 · FICA/Medicare/Fed W/H	1,001.00
			11/4-17/19	215 · FICA/Medicare/Fed W/H	462.43
			11/4-17/19	215 · FICA/Medicare/Fed W/H	462.43
			11/4-17/19	215 · FICA/Medicare/Fed W/H	108.16
			11/4-17/19	215 · FICA/Medicare/Fed W/H	108.16
TOTAL					2,142.18

Southwestern Water Conservation District Check Detail

November through December 2019

Num	Date	Name	Memo	Account	Original Amount
VISA	11/22/2019	Special Districts Association	2020 Membership	101 · SWCD Credit Card	-1,235.80
			2020 Membership	110 · Prepaid Expenses	1,235.80
TOTAL					1,235.80
MC	11/22/2019	Norton	Laura 2020 virus protection	161 · Old TBK Checking	-109.99
			Laura 2020 virus protection	110 · Prepaid Expenses	109.99
TOTAL					109.99
MC	11/22/2019	Norton	2020 Bruce computer virus protection-seeking refund	161 · Old TBK Checking	-114.98
			2020 Bruce computer virus protection-seeking refund	110 · Prepaid Expenses	114.98
TOTAL					114.98
VISA	11/22/2019	Doubletree Hotel	Frank CWCB Mtg Denver	101 · SWCD Credit Card	-261.70
			Frank CWCB Mtg Denver	5.7.5 · Staff Travel	261.70
TOTAL					261.70
1006	11/25/2019	Water Education Colorado	Water Law Course Citizen's Guides	103 · WIP Checking	-911.00
			Citizen's Guides to Water Law, Compacts	54113 · WIP Workshops	911.00
TOTAL					911.00
ACH	11/30/2019	Bank of Colorado	Service Charge, Later Refunded	100 · SWCD Checking	-0.15
			Service Charge, Later Refunded	5.8.09 · Office Expenses	0.15
TOTAL					0.15
1002	11/30/2019	Water Consult	October 5 through November 22, 2019	102 · SJRBRIIP Checking	-11,105.39
			October 5 through November 22, 2019	5.1.4 · SJRBRIIP Water User Committee	11,105.39
TOTAL					11,105.39
1007	11/30/2019	Elaine Chick Consulting	November 2019	103 · WIP Checking	-3,903.80
			November 2019	54111 · WIP Contract Coordination	3,903.80
TOTAL					3,903.80
1027	11/30/2019	High Desert Conservation District	2018 (Final grant invoice) & 2019 (1st grant invoice)	100 · SWCD Checking	-1,749.83
			2019 (1st grant invoice)	5.1.1 · Financial Assistance Program	943.88
			2018 Final Grant Invoice	5.1.2 · Previously Committed Aid	805.95
TOTAL					1,749.83
1028	11/30/2019	The West Building	December 2019	100 · SWCD Checking	-2,529.65
			December 2019	5.8.11 · Rent	2,529.65
TOTAL					2,529.65
1029	11/30/2019	Don Schwindt	CMU Upper Colorado River Forum	100 · SWCD Checking	-432.32
			CMU Upper Colorado River Forum	5.7.2 · Director Travel	432.32
TOTAL					432.32
1030	11/30/2019	Robert Wolff	NWRA Annual Conference Houston (Per Diem)	100 · SWCD Checking	-342.30
			NWRA Annual Conference Houston (Per Diem)	5.7.1 · Director Fees	400.00
			NWRA Annual Conference (Reimbursement for Expenses)	5.7.2 · Director Travel	-57.70
TOTAL					342.30
1031	11/30/2019	Frank Kugel	Mileage reimbursement November 2019	100 · SWCD Checking	-861.60
			Mileage reimbursement November 2019	5.7.5 · Staff Travel	919.30
			NWRA Annual Conference (Reimbursement for expenses)	5.7.5 · Staff Travel	-57.70
TOTAL					861.60

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Southwestern Water Conservation District Check Detail

November through December 2019

Num	Date	Name	Memo	Account	Original Amount
1032	11/30/2019	Laura Spann-V	Bd Packet Mailing Reimbursement	100 · SWCD Checking	-31.95
			Bd Packet Mailing Reimbursement	5.8.10 · Postage	31.95
TOTAL					31.95
VISA	12/02/2019	Blue Channel	Domain management swwcd.org	101 · SWCD Credit Card	-25.00
			Domain management swwcd.org	5.8.09 · Office Expenses	25.00
TOTAL					25.00
VISA	12/02/2019	Irish Embassy	Bob, Frank Lunch Mtg	101 · SWCD Credit Card	-54.96
			Bob, Frank Lunch Mtg	5.7.2 · Director Travel	27.48
			Bob, Frank Lunch Mtg	5.7.5 · Staff Travel	27.48
TOTAL					54.96
VISA	12/02/2019	Office Depot	Restock paper, pens	101 · SWCD Credit Card	-112.77
			Restock paper, pens	5.8.09 · Office Expenses	112.77
TOTAL					112.77
Ca...	12/04/2019	Water Information Program	Close WIP account (Attempt #2)	162 · Checking Water Info Program	-118.29
			Close WIP account (Attempt #2)	124 · Due From ALP/Other	118.29
TOTAL					118.29
VISA	12/04/2019	Steamworks	Frank, Bob Lunch Mtg	101 · SWCD Credit Card	-37.58
			Frank, Bob Lunch Mtg	5.7.2 · Director Travel	18.79
			Frank, Bob Lunch Mtg	5.7.5 · Staff Travel	18.79
TOTAL					37.58
VISA	12/05/2019	Jimmy Johns	Bd Mtg Box Lunches	101 · SWCD Credit Card	-95.60
			Bd Mtg Box Lunches	5.7.4 · Meeting Expenses	95.60
TOTAL					95.60
ACH	12/06/2019	Laura E Spann	11/18-12/01/19	100 · SWCD Checking	-1,362.06
			11/18-12/01/19	5.6.2 · Wages - Programs Coordinator	1,881.60
			11/18-12/01/19	5.6.3 · Wages - Overtime, Pgm Coord.	114.66
			11/18-12/01/19	5.6.6 · Wages - Health & Life Insurance	-167.71
			11/18-12/01/19	221 · 457 Withholding	-119.78
			11/18-12/01/19	215 · FICA/Medicare/Fed W/H	-136.00
			11/18-12/01/19	5.6.4 · Wages - Payroll Taxes	123.77
			11/18-12/01/19	215 · FICA/Medicare/Fed W/H	-123.77
			11/18-12/01/19	215 · FICA/Medicare/Fed W/H	-123.77
			11/18-12/01/19	5.6.4 · Wages - Payroll Taxes	28.94
			11/18-12/01/19	215 · FICA/Medicare/Fed W/H	-28.94
			11/18-12/01/19	215 · FICA/Medicare/Fed W/H	-28.94
			11/18-12/01/19	216 · State W/H Tax Payable	-58.00
TOTAL					1,362.06
VISA	12/06/2019	ImageNet	Dec 2019	101 · SWCD Credit Card	-150.00
			Dec 2019	5.8.05 · Equipment Leasing	150.00
TOTAL					150.00
ACH	12/06/2019	Frank J Kugel	11/18-12/01/19	100 · SWCD Checking	-3,662.22
			11/18-12/01/19	5.6.1 · Wages - Executive Director	5,576.92
			11/18-12/01/19	5.6.6 · Wages - Health & Life Insurance	-77.88
			11/18-12/01/19	221 · 457 Withholding	-175.19
			11/18-12/01/19	215 · FICA/Medicare/Fed W/H	-999.00
			11/18-12/01/19	5.6.4 · Wages - Payroll Taxes	345.77
			11/18-12/01/19	215 · FICA/Medicare/Fed W/H	-345.77
			11/18-12/01/19	215 · FICA/Medicare/Fed W/H	-345.77
			11/18-12/01/19	5.6.4 · Wages - Payroll Taxes	80.86
			11/18-12/01/19	215 · FICA/Medicare/Fed W/H	-80.86
			11/18-12/01/19	215 · FICA/Medicare/Fed W/H	-80.86
			11/18-12/01/19	216 · State W/H Tax Payable	-236.00
TOTAL					3,662.22

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November through December 2019

Num	Date	Name	Memo	Account	Original Amount
ACH	12/06/2019	United States Treasury	11/18-12/01/19	100 · SWCD Checking	-2,293.68
			11/18-12/01/19	215 · FICA/Medicare/Fed W/H	1,135.00
			11/18-12/01/19	215 · FICA/Medicare/Fed W/H	469.54
			11/18-12/01/19	215 · FICA/Medicare/Fed W/H	469.54
			11/18-12/01/19	215 · FICA/Medicare/Fed W/H	109.80
			11/18-12/01/19	215 · FICA/Medicare/Fed W/H	109.80
TOTAL					2,293.68
ACH	12/06/2019	Lincoln Financial Group	11/18-12/01/19	100 · SWCD Checking	-589.94
			11/18-12/01/19	221 · 457 Withholding	294.97
			11/18-12/01/19	5.6.5 · Wages - Retirement Benefit	294.97
TOTAL					589.94
VISA	12/09/2019	El Moro	Frank, Steve, Laura lunch mtg	101 · SWCD Credit Card	-56.47
			Frank, Steve, Laura lunch mtg	5.7.5 · Staff Travel	56.47
TOTAL					56.47
VISA	12/10/2019	Family Farm Alliance	2020 Annual Conf Registration Frank, Bob	101 · SWCD Credit Card	-938.00
			2020 Annual Conf Registration Frank, Bob	110 · Prepaid Expenses	938.00
TOTAL					938.00
VISA	12/10/2019	Pinnacol Assurance	2020 Workers Compensation Policy	101 · SWCD Credit Card	-580.00
			2020 Workers Compensation Policy	110 · Prepaid Expenses	580.00
TOTAL					580.00
VISA	12/10/2019	El Dorado	Bob Wolff FFA Annual Conf Deposit	101 · SWCD Credit Card	-59.02
			Bob Wolff FFA Annual Conf	110 · Prepaid Expenses	59.02
TOTAL					59.02
VISA	12/10/2019	El Dorado	Frank K FFA Annual Conf Deposit	101 · SWCD Credit Card	-70.37
			Frank K FFA Annual Conf Deposit	110 · Prepaid Expenses	70.37
TOTAL					70.37
VISA	12/10/2019	American Airlines	FFA Annual Conference, Reno, Frank	101 · SWCD Credit Card	-230.00
			FFA Annual Conference, Reno, Frank	110 · Prepaid Expenses	230.00
TOTAL					230.00
VISA	12/10/2019	Amazon.Com	Free Shipping Membership, Prime	101 · SWCD Credit Card	-12.99
			Free Shipping Membership, Prime	5.8.09 · Office Expenses	12.99
TOTAL					12.99
VISA	12/13/2019	Bally's Hotel	CRWUA Annual Conf/UCRC Mtg Frank	101 · SWCD Credit Card	-401.37
			CRWUA Annual Conf/UCRC Mtg Frank	5.7.5 · Staff Travel	401.37
TOTAL					401.37
VISA	12/13/2019	uber	CRWUA Annual Conf/UCRC Mtg	101 · SWCD Credit Card	-12.48
			CRWUA Annual Conf/UCRC Mtg	5.7.5 · Staff Travel	12.48
TOTAL					12.48
VISA	12/13/2019	Chophouse	CRWUA Annual Conf/UCRC Mtg	101 · SWCD Credit Card	-229.60
			CRWUA Annual Conf/UCRC Mtg	5.7.5 · Staff Travel	229.60
TOTAL					229.60

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Southwestern Water Conservation District
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November through December 2019

Num	Date	Name	Memo	Account	Original Amount
VISA	12/13/2019	Cowboy Ciao	CRWUA Annual Conf/UCRC Mtg	101 · SWCD Credit Card	-46.25
			CRWUA Annual Conf/UCRC Mtg	5.7.5 · Staff Travel	46.25
TOTAL					46.25
VISA	12/13/2019	Hex Kitchen	CRWUA Annual Conf/UCRC Mtg	101 · SWCD Credit Card	-216.27
			CRWUA Annual Conf/UCRC Mtg	5.7.5 · Staff Travel	216.27
TOTAL					216.27
VISA	12/13/2019	Virgin Valley Cab	CRWUA Annual Conf/UCRC Mtg	101 · SWCD Credit Card	-42.04
			CRWUA Annual Conf/UCRC Mtg	5.7.5 · Staff Travel	42.04
TOTAL					42.04
VISA	12/13/2019	Durango Airport	CRWUA Annual Conf/UCRC Mtg	101 · SWCD Credit Card	-28.00
			CRWUA Annual Conf/UCRC Mtg	5.7.5 · Staff Travel	28.00
TOTAL					28.00
VISA	12/13/2019	Hex Kitchen	CRWUA Annual Conf/UCRC Mtg	101 · SWCD Credit Card	-62.13
			CRWUA Annual Conf/UCRC Mtg	5.7.5 · Staff Travel	62.13
TOTAL					62.13
1046	12/15/2019	Kogovsek & Associates, Inc.	November, 1Q2020	100 · SWCD Checking	-12,569.81
			1Q2020	110 · Prepaid Expenses	12,250.00
			November 2019	5.5.07 · Lobbying Expenses	319.81
TOTAL					12,569.81
1045	12/16/2019	Doubletree Hotel	Seminar Venue & Catering	100 · SWCD Checking	-13,896.37
			Seminar Venue & Catering	5.4.2 · Water Seminar	13,896.37
TOTAL					13,896.37
1033	12/16/2019	Jeffrey Deems	Seminar Mileage 11-1-19	100 · SWCD Checking	-417.06
			Seminar Mileage 11-1-19	5.4.2 · Water Seminar	417.06
TOTAL					417.06
1034	12/16/2019	Brian Bledsoe	Seminar Airfare 11-1-19	100 · SWCD Checking	-521.60
			Seminar Airfare 11-1-19	5.4.2 · Water Seminar	521.60
TOTAL					521.60
1035	12/16/2019	Harris Water Engineering, Inc	November 2019	100 · SWCD Checking	-3,622.50
			November 2019	5.5.08 · Engineering - General	3,622.50
TOTAL					3,622.50
1036	12/16/2019	Club 20	2020 Membership	100 · SWCD Checking	-300.00
			2020 Membership Frank Kugel	110 · Prepaid Expenses	300.00
TOTAL					300.00
1037	12/16/2019	Charles Smith	Mtgs 10/31, 11/1, 12/5	100 · SWCD Checking	-300.00
			Mtgs 10/31, 11/1, 12/5	5.7.1 · Director Fees	300.00
TOTAL					300.00
1038	12/16/2019	Robert Wolff	Mtgs 11/5-8/19	100 · SWCD Checking	-323.13
			Mtgs 11/5-8/19	5.7.1 · Director Fees	300.00
			Mtgs 11/5-8/19	5.7.2 · Director Travel	23.13
TOTAL					323.13

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Southwestern Water Conservation District Check Detail

November through December 2019

Num	Date	Name	Memo	Account	Original Amount
1039	12/16/2019	Russell Hinger	Mtg 12/5/2019	100 · SWCD Checking	-187.00
			Mtg 12/5/2019	5.7.1 · Director Fees	100.00
			Mtg 12/5/2019	5.7.2 · Director Travel	87.00
TOTAL					187.00
1040	12/16/2019	Don Schwindt	Mtg 12-5-19	100 · SWCD Checking	-169.60
			Mtg 12-5-19	5.7.1 · Director Fees	100.00
			Mtg 12-5-19	5.7.2 · Director Travel	69.60
TOTAL					169.60
1041	12/16/2019	David Guilliams	Mtgs 10/31, 11/1, 12/5	100 · SWCD Checking	-474.00
			Mtgs 10/31, 11/1, 12/5	5.7.1 · Director Fees	300.00
			Mtgs 10/31-11/1, 12/5	5.7.2 · Director Travel	174.00
TOTAL					474.00
1042	12/16/2019	Douglas Stowe	Mtg 12/5/19	100 · SWCD Checking	-204.40
			Mtg 12/5/19	5.7.1 · Director Fees	100.00
			Mtg 12/5/19	5.7.2 · Director Travel	104.40
TOTAL					204.40
1043	12/16/2019	J R Ford	Mtg 12/5/19	100 · SWCD Checking	-169.60
			Mtg 12/5/19	5.7.1 · Director Fees	100.00
			Mtg 12/5/19	5.7.2 · Director Travel	69.60
TOTAL					169.60
1044	12/16/2019	Laura Spann-V	Bd Mtg Snacks, Tablecloth	100 · SWCD Checking	-57.91
			Bd Mtg Snacks	5.7.4 · Meeting Expenses	52.51
			Tablecloth	5.8.09 · Office Expenses	5.40
TOTAL					57.91
ACH	12/16/2019	Laura E Spann	12/2-15/19	100 · SWCD Checking	-1,281.04
			12/2-15/19	5.6.2 · Wages - Programs Coordinator	1,881.60
			12/2-15/19	5.6.6 · Wages - Health & Life Insurance	-167.71
			12/2-15/19	221 · 457 Withholding	-112.90
			12/2-15/19	215 · FICA/Medicare/Fed W/H	-123.00
			12/2-15/19	5.6.4 · Wages - Payroll Taxes	116.66
			12/2-15/19	215 · FICA/Medicare/Fed W/H	-116.66
			12/2-15/19	215 · FICA/Medicare/Fed W/H	-116.66
			12/2-15/19	5.6.4 · Wages - Payroll Taxes	27.29
			12/2-15/19	215 · FICA/Medicare/Fed W/H	-27.29
			12/2-15/19	215 · FICA/Medicare/Fed W/H	-27.29
			12/2-15/19	216 · State W/H Tax Payable	-53.00
TOTAL					1,281.04
ACH	12/16/2019	Frank J Kugel	12/2-15/19	100 · SWCD Checking	-3,662.21
			12/2-15/19	5.6.1 · Wages - Executive Director	5,576.92
			12/2-15/19	5.6.6 · Wages - Health & Life Insurance	-77.88
			12/2-15/19	221 · 457 Withholding	-175.19
			12/2-15/19	215 · FICA/Medicare/Fed W/H	-999.00
			12/2-15/19	5.6.4 · Wages - Payroll Taxes	345.77
			12/2-15/19	215 · FICA/Medicare/Fed W/H	-345.77
			12/2-15/19	215 · FICA/Medicare/Fed W/H	-345.77
			12/2-15/19	5.6.4 · Wages - Payroll Taxes	80.87
			12/2-15/19	215 · FICA/Medicare/Fed W/H	-80.87
			12/2-15/19	215 · FICA/Medicare/Fed W/H	-80.87
			12/2-15/19	216 · State W/H Tax Payable	-236.00
TOTAL					3,662.21
1003	12/16/2019	HabiTech, Inc	September-December 2019	102 · SJRBRIP Checking	-7,245.00
			September-December 2019	5.1.4 · SJRBRIP Water User Committee	7,245.00
TOTAL					7,245.00

Southwestern Water Conservation District Check Detail

November through December 2019

Num	Date	Name	Memo	Account	Original Amount
ACH	12/16/2019	Lincoln Financial Group	12/2-15/19	100 · SWCD Checking	-576.18
			12/2-15/19	221 · 457 Withholding	288.09
			12/2-15/19	5.6.5 · Wages - Retirement Benefit	288.09
TOTAL					576.18
1047	12/16/2019	Robert Wolff	CRWUA Annual Conference	100 · SWCD Checking	-400.00
			CRWUA Annual Conference	5.7.1 · Director Fees	400.00
TOTAL					400.00
ACH	12/16/2019	United States Treasury	12/2-15/19	100 · SWCD Checking	-2,263.18
			12/2-15/19	215 · FICA/Medicare/Fed W/H	1,122.00
			12/2-15/19	215 · FICA/Medicare/Fed W/H	462.43
			12/2-15/19	215 · FICA/Medicare/Fed W/H	462.43
			12/2-15/19	215 · FICA/Medicare/Fed W/H	108.16
			12/2-15/19	215 · FICA/Medicare/Fed W/H	108.16
TOTAL					2,263.18
1048	12/17/2019	Robert Wolff	CRWUA Hotel & Flight	100 · SWCD Checking	-1,567.07
			CRWUA Hotel & Flight	5.7.2 · Director Travel	1,567.07
TOTAL					1,567.07
VISA	12/17/2019	ImageNet	1Q2020, Overage 4Q2019	101 · SWCD Credit Card	-804.51
			1Q2020	110 · Prepaid Expenses	412.15
			Overage 4Q2019	5.8.09 · Office Expenses	392.36
TOTAL					804.51
VISA	12/17/2019	Colorado Water Congress	CWC Annual Conf Registrations (6)	101 · SWCD Credit Card	-3,690.00
			CWC Annual Conf Registrations (5)	110 · Prepaid Expenses	3,075.00
			CWC Annual Conf Registration (Elaine)	125 · Due From WIP	615.00
TOTAL					3,690.00
VISA	12/17/2019	United Airlines	Laura WEco Board Mtg 1-24-20	101 · SWCD Credit Card	-442.60
			Laura WEco Board Mtg 1-24-20	110 · Prepaid Expenses	442.60
TOTAL					442.60
VISA	12/19/2019	Charter Spectrum	Dec 2019	101 · SWCD Credit Card	-139.89
			Dec 2019	5.8.12 · Telephone	139.89
TOTAL					139.89
VISA	12/19/2019	United Airlines	Frank, Laura DMWG mtgs Denver 2/10/19	101 · SWCD Credit Card	-885.20
			Frank, Laura DMWG mtgs Denver 2/10/19	110 · Prepaid Expenses	885.20
TOTAL					885.20
VISA	12/19/2019	Matt's Breakfast	CRWUA/UCRC Frank, Bob	101 · SWCD Credit Card	-45.65
			CRWUA/UCRC Frank, Bob	5.7.5 · Staff Travel	45.65
TOTAL					45.65
VISA	12/19/2019	El Jimador	MOA Mtg Frank, Ken C, Steve A	101 · SWCD Credit Card	-36.72
			MOA Mtg Frank, Ken C, Steve A	5.7.5 · Staff Travel	36.72
TOTAL					36.72
VISA	12/20/2019	Blue Channel	2020 WIP and SWCD web hosting	101 · SWCD Credit Card	-420.00
			2020 SWCD web hosting	110 · Prepaid Expenses	180.00
			2020 WIP web hosting	125 · Due From WIP	240.00
TOTAL					420.00

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02/04/20

Southwestern Water Conservation District Check Detail

November through December 2019

Num	Date	Name	Memo	Account	Original Amount
VISA	12/20/2019	Colorado Politics	2020 Subscription	101 · SWCD Credit Card	-159.00
			2020 Subscription	110 · Prepaid Expenses	159.00
TOTAL					159.00
VISA	12/26/2019	Verizon	Dec 2019	101 · SWCD Credit Card	-105.92
			Dec 2019	5.8.12 · Telephone	105.92
TOTAL					105.92
ACH	12/29/2019	Laura E Spann	12/16-29/19	100 · SWCD Checking	-1,327.50
			12/16-29/19	5.6.2 · Wages - Programs Coordinator	1,881.60
			12/16-29/19	5.6.6 · Wages - Health & Life Insurance	-167.71
			12/16-29/19	221 · 457 Withholding	-56.45
			12/16-29/19	215 · FICA/Medicare/Fed W/H	-130.00
			12/16-29/19	5.6.4 · Wages - Payroll Taxes	116.66
			12/16-29/19	215 · FICA/Medicare/Fed W/H	-116.66
			12/16-29/19	215 · FICA/Medicare/Fed W/H	-116.66
			12/16-29/19	5.6.4 · Wages - Payroll Taxes	27.28
			12/16-29/19	215 · FICA/Medicare/Fed W/H	-27.28
			12/16-29/19	215 · FICA/Medicare/Fed W/H	-27.28
			12/16-29/19	216 · State W/H Tax Payable	-56.00
TOTAL					1,327.50
ACH	12/29/2019	Frank J Kugel	12/16-29/19	100 · SWCD Checking	-3,662.22
			12/16-29/19	5.6.1 · Wages - Executive Director	5,576.92
			12/16-29/19	5.6.6 · Wages - Health & Life Insurance	-77.88
			12/16-29/19	221 · 457 Withholding	-175.19
			12/16-29/19	215 · FICA/Medicare/Fed W/H	-999.00
			12/16-29/19	5.6.4 · Wages - Payroll Taxes	345.77
			12/16-29/19	215 · FICA/Medicare/Fed W/H	-345.77
			12/16-29/19	215 · FICA/Medicare/Fed W/H	-345.77
			12/16-29/19	5.6.4 · Wages - Payroll Taxes	80.86
			12/16-29/19	215 · FICA/Medicare/Fed W/H	-80.86
			12/16-29/19	215 · FICA/Medicare/Fed W/H	-80.86
			12/16-29/19	216 · State W/H Tax Payable	-236.00
TOTAL					3,662.22
1049	12/30/2019	San Juan RC & D	2019 San Miguel SMP Phase II	100 · SWCD Checking	-6,265.00
			2019 San Miguel SMP Phase II	5.1.1 · Financial Assistance Program	6,265.00
TOTAL					6,265.00
1050	12/30/2019	Colorado River WCD	Phase III Risk Study, Aug-Sept 2019	100 · SWCD Checking	-5,106.38
			Phase III Risk Study, Aug-Sept 2019	5.1.2 · Previously Committed Aid	5,106.38
TOTAL					5,106.38
1051	12/30/2019	Fairfield and Woods, P.C.	November 2019	100 · SWCD Checking	-17,742.21
			November 2019	5.5.01 · Attorney Fees - General Counsel	14,586.00
			November 2019	5.5.02 · Attorney Exps - General Counsel	1,560.21
			November 2019	5.5.03 · Litigation - General Counsel	946.00
			November 2019	5.5.01 · Attorney Fees - General Counsel	210.00
			November 2019	5.5.01 · Attorney Fees - General Counsel	440.00
TOTAL					17,742.21
1052	12/30/2019	The West Building	January 2020	100 · SWCD Checking	-2,419.46
			January 2020	110 · Prepaid Expenses	2,419.46
TOTAL					2,419.46
1053	12/30/2019	Colorado Employer Benefit Trust	January 2020	100 · SWCD Checking	-2,841.96
			January 2020	110 · Prepaid Expenses	2,841.96
TOTAL					2,841.96
1054	12/30/2019	Water Education Colorado	2020 Support	100 · SWCD Checking	-10,500.00
			2020 Support	110 · Prepaid Expenses	10,500.00
TOTAL					10,500.00

Southwestern Water Conservation District Check Detail

November through December 2019

Num	Date	Name	Memo	Account	Original Amount
1055	12/30/2019	CO Special Districts P&L Pool	2020 Coverage	100 · SWCD Checking	-6,302.00
			2020 Coverage	110 · Prepaid Expenses	6,302.00
TOTAL					6,302.00
1056	12/30/2019	Colorado Water Congress	2020 Support, Membership Dues	100 · SWCD Checking	-7,568.00
			2020 Support, Membership Dues	110 · Prepaid Expenses	7,568.00
TOTAL					7,568.00
ACH	12/30/2019	United States Treasury	12/16-29/19	100 · SWCD Checking	-2,270.14
			12/16-29/19	215 · FICA/Medicare/Fed W/H	1,129.00
			12/16-29/19	215 · FICA/Medicare/Fed W/H	462.43
			12/16-29/19	215 · FICA/Medicare/Fed W/H	462.43
			12/16-29/19	215 · FICA/Medicare/Fed W/H	108.14
			12/16-29/19	215 · FICA/Medicare/Fed W/H	108.14
TOTAL					2,270.14
VISA	12/30/2019	Irish Embassy	Bob, Frank lunch mtg? looking for receipt	101 · SWCD Credit Card	-51.85
			Bob, Frank lunch mtg? looking for receipt	5.7.2 · Director Travel	25.93
			Bob, Frank lunch mtg? looking for receipt	5.7.5 · Staff Travel	25.92
TOTAL					51.85
1057	12/31/2019	BVN Technology	New router configuration, printer issue	100 · SWCD Checking	-126.00
			New router configuration, printer issue	5.8.09 · Office Expenses	126.00
TOTAL					126.00
1058	12/31/2019	Harris Water Engineering, Inc	Dec 2019	100 · SWCD Checking	-3,397.50
			Dec 2019	5.5.08 · Engineering - General	3,397.50
TOTAL					3,397.50
1059	12/31/2019	US Geological Survey	4Q2019	100 · SWCD Checking	-45,407.00
			4Q2019	5.2.2 · Stream Gaging - Federal	45,407.00
TOTAL					45,407.00
ACH	12/31/2019	Bank of Colorado	Service Charge, Later Refunded	100 · SWCD Checking	-11.50
			Service Charge, Later Refunded	5.8.09 · Office Expenses	11.50
TOTAL					11.50

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February 4, 2020
Accrual Basis

Southwestern Water Conservation District
Bank Account Summary
As of January 31, 2020

	<u>Jan 31, 20</u>
ASSETS	
Current Assets	
Checking/Savings	
100 · SWCD Checking	43,142.44
101 · SWCD Credit Card	(4,014.01)
102 · SJRBRIP Checking	113,452.18
103 · WIP Checking	121,642.95
105 · COLOTrust Project Reserve	482,857.80
106 · COLOTrust Emergency Reserve	263,645.91
107 · COLOTrust General	151,679.19
123 · CD1 - 24 Month	1,525,774.15
159 · CD2 - 12 Month	408,313.33
160 · CD3 - 12 Month	100,199.59
	<hr/>
Total Checking/Savings	3,206,693.53
Other Current Assets	
131 · Bauer Lake Loan	11,011.25
	<hr/>
Total Other Current Assets	11,011.25
	<hr/>
Total Current Assets	3,217,704.78
	<hr/>
TOTAL ASSETS	<u>3,217,704.78</u>
 LIABILITIES & EQUITY	 0.00

Office Report February 2020

Southwestern Water Conservation District



FROM YOUR EXECUTIVE DIRECTOR



NOTES FROM FRANK KUGEL

The Colorado River Water Users Association (CRWUA) Conference was held in Las Vegas, NV on December 11-13, 2019. One of the highlights was a presentation by Bureau of Reclamation Commissioner Brenda Burman, who exclaimed 'What a difference a year makes!', in summarizing how the seven basin states signed the Drought Contingency Plan after being threatened into action by Burman at the 2018 CRWUA conference. In other CRWUA news, I was chosen to replace our own Bob Wolff as one of three Colorado representatives on the CRWUA board of trustees.

I attended a meeting to discuss the Upper Colorado River Basin Fund in Montrose on December 18, 2020. This Basin Fund is comprised of funds appropriated from the U.S. Treasury for capital projects, as well as proceeds from the sale of hydroelectric power, transmission services and M&I water service sales. The Basin Fund is used to fund important work associated with the Salinity Control Forum, the Upper Colorado River Basin and San Juan River Basin Endangered Fish Recovery Implementation Programs, and the Glen Canyon Dam Adaptive Management Working Group. These programs are described throughout Colorado's Water Plan. In addition, in 2011, the Upper Division Colorado River Basin States (Colorado, Wyoming, Utah, and New Mexico), BOR, the United States Department of Energy Western Area Power Administration, and the Colorado River Energy Distributors Association signed a memorandum of agreement (MOA) that authorizes the use of the Basin Fund to further the purposes of the 1956 Colorado River Storage Project (CRSP) Act (Public Law 485) through fiscal year 2025. This MOA authorized additional uses for operational and maintenance on CRSP facilities, among other specified purposes, and provides more than \$5 million for the CWCB to direct toward CRSP operation and maintenance activities. Other representatives from southwestern Colorado in attendance included Ken Curtis of the Dolores Water Conservancy District and John Ey of the Florida Water Conservancy District. We heard an overview and update on the Basin Fund MOA from Lain Leoniak and Alex Funk of CWCB, followed by updates from project stakeholders. John Ey mentioned that progress on their ditch piping project on the lower Florida had been slowed by the presence of a rare species of meadow jumping mouse. CWCB is to provide a summary of project funding to the group.

I attended the National Water Resources Association Leadership Forum in Chandler, AZ on January 7-8. This was the first meeting of NWRA to be chaired by newly elected Board President Christine Arbogast. The purpose of the meeting was to set goals for 2020. Infrastructure funding was chosen to be the focus of NWRA in 2020.

The Colorado Water Conservation Board held its bi-monthly board meeting in Westminster on January 27-28. The Spring Creek Notice of Intent to appropriate an instream flow right was postponed as a result of voicing our concerns over the application.

The Colorado Water Congress Annual Conference was held January 29-31. The highlight of the conference was the announcement of the 2020 Aspinall Award. This prestigious award was given out to none other than our lobbyist, Christine Arbogast. Please congratulate Christine at your next opportunity.

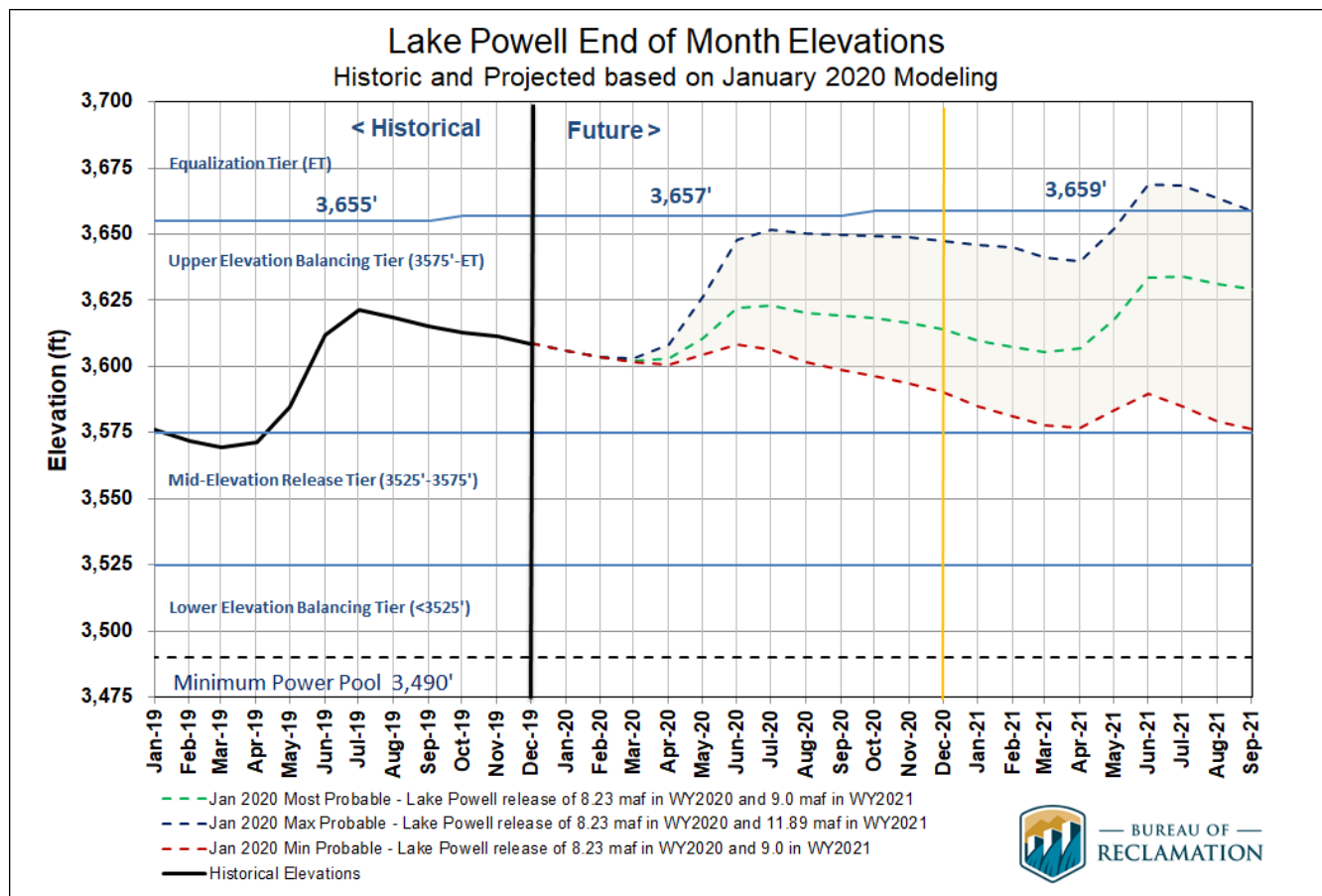
THE COLORADO RIVER

COLORADO RIVER HYDROLOGY & STORAGE CONDITIONS

The current storage levels for Lake Powell show the content at 12,247,000 AF and elevation 3605.14 feet as of February 4. This is 50% of capacity. Reclamation projects the “most probable inflow” to result in a peak elevation of 3624 feet occurring in June 2020. **For Water Year 2020**, coordinated reservoir operations will likely remain in the Upper Elevation Balancing Tier. Under this Tier the initial annual water year release volume is 8.23 maf. Releases from Lake Powell are projected to be 8.23 MAF in 2020 and 9.0 MAF in 2021.

Lake Mead is currently storing 11,277,000 AF at an elevation of 1094.82 feet. This is 43% of capacity.

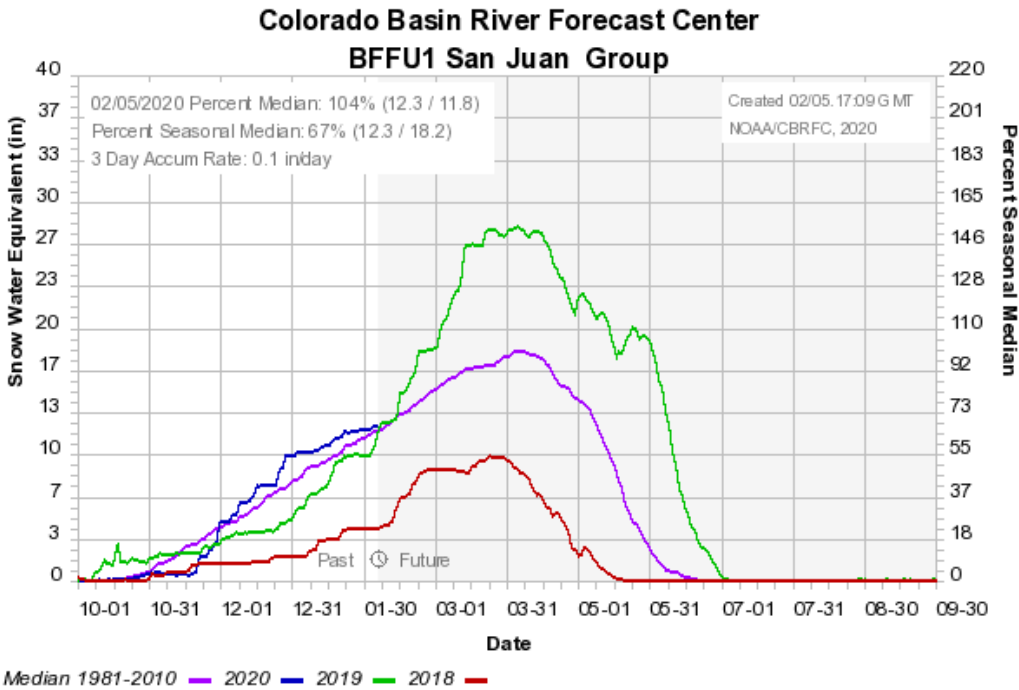
The interim guidelines are requiring the lower basin states to have mandatory reductions in usage. In 2020, Arizona will face a mandatory reduction of 192,000 acre feet, while Nevada will face an 8,000 acre foot reduction. California is not facing a mandatory reduction in 2020.



HYDROLOGY SNAPSHOT

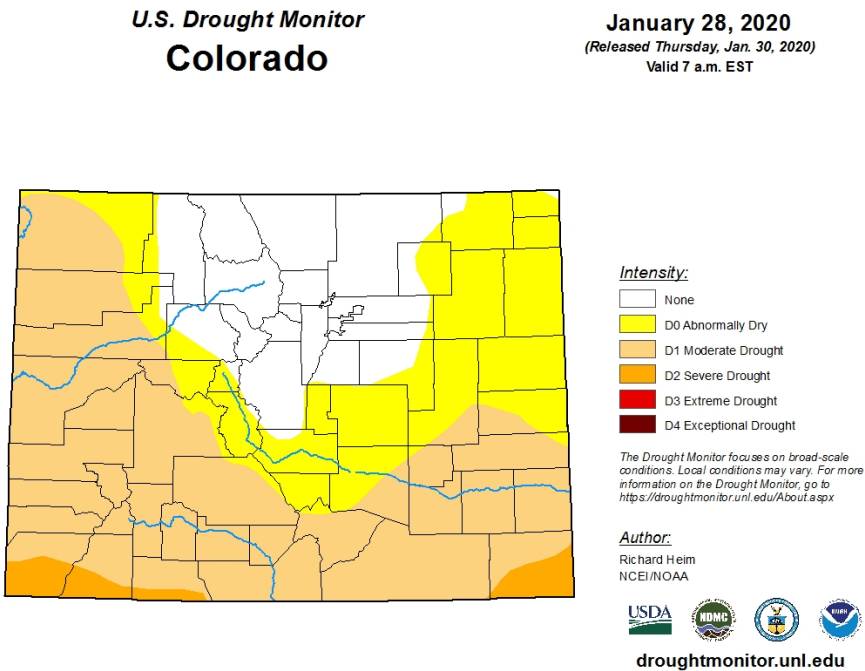
SNOWPACK

The combined SNOTEL chart for the San Juan and Dolores basins shows that above-normal snow amounts occurred in late November and most of December, but that January was somewhat drier than normal in southwestern Colorado.



DROUGHT CONDITIONS WORSEN

Southwestern Colorado is in a Moderate to Severe Drought, as indicated by the U.S. Drought Monitor.



The good news is that both the 6-10 and 8-14 day forecasts for southwestern Colorado call for cooler temperatures and above-normal precipitation. The 90-day forecast for March through May calls for warmer than normal temperatures and normal precipitation.

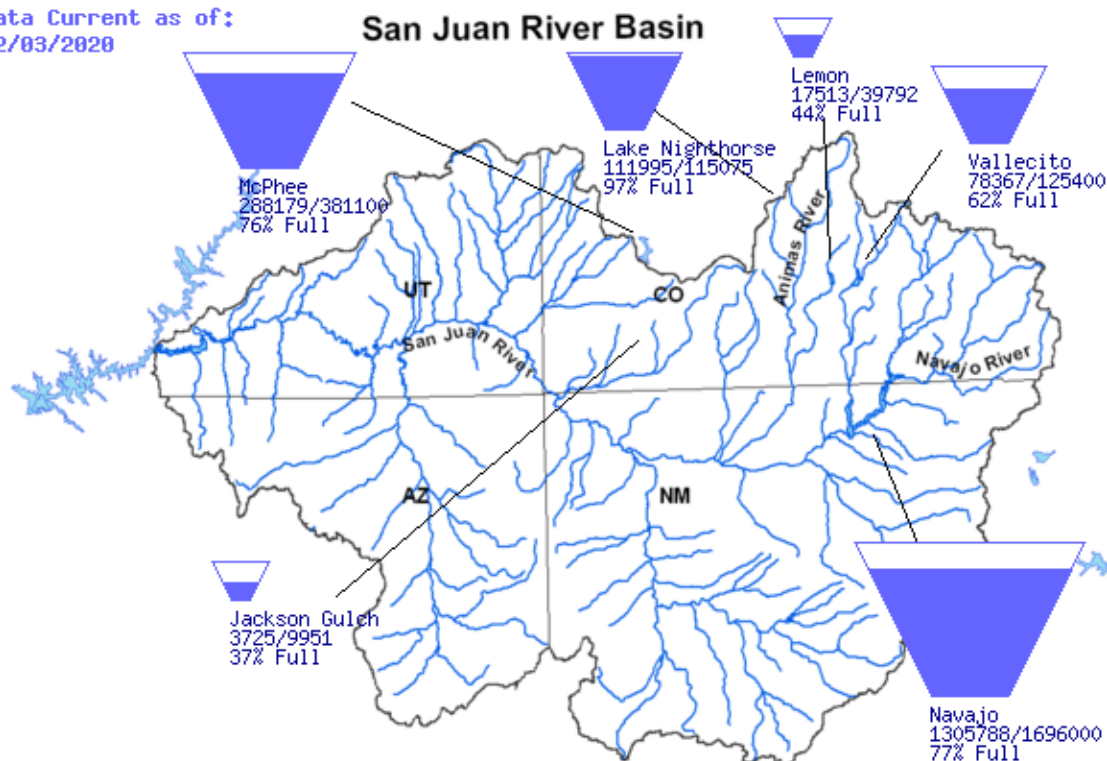
UPDATED STREAM FLOWS

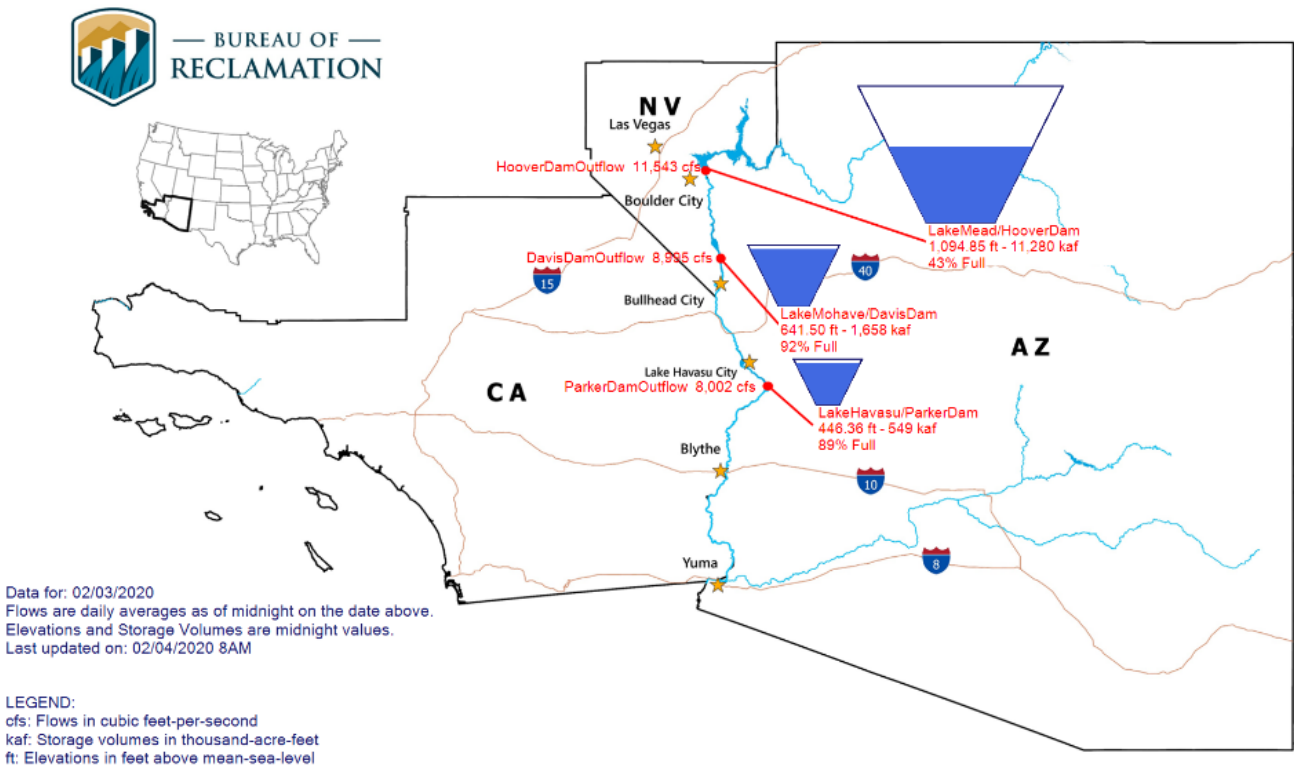
STREAM FLOWS ON 2/5/20

San Juan at Pagosa Springs – 47 cfs
Piedra at Arboles – NA
Pine near Ignacio – NA
Animas at Durango – 153 cfs
La Plata at Hesperus – NA
Mancos near Towaoc – NA
McElmo Creek near Cortez – NA
Dolores at Dolores – NA
San Miguel at Placerville – NA

UPDATED TEA-CUP SUMMARIES

Data Current as of:
02/03/2020





DISTRICT OPERATIONS



NOTES FROM THE OFFICE

We are pursuing bids for upgraded teleconferencing equipment and are scheduled to have a new telephone system installed in the office.

UPCOMING MEETINGS



- | | |
|--|----------------------|
| • Family Farm Alliance Annual Conference (Reno, NV) | February 20-21, 2020 |
| • CWCB Board Meeting (Denver metro) | March 11-12, 2020 |
| • Law of the Colorado River (Scottsdale, AZ) | March 12-13, 2020 |
| • Southwestern Water Conservation District board mtg & seminar | April 2-3, 2020 |
| • Children's Water Festival (Durango) | May 6, 2020 |
| • CWCB Board Meeting (Southwestern Colorado) | May 20-21, 2020 |
| • Lower Colorado Basin Tour | November 10-13, 2020 |



OCTOBER 2019

Executive Summary

EXPLORING PERCEPTIONS OF A VOLUNTARY AGRICULTURAL WATER CONSERVATION PROGRAM ON THE WESTERN SLOPE OF COLORADO

PREPARED BY:

Kelsea E. MacIlroy
Ph.D. Candidate
Department of Sociology
Colorado State University

Kelsea.MacIlroy@colostate.edu

This project and report were made possible
by the generous support of
The Nature Conservancy.

EXECUTIVE SUMMARY

As stakeholders in the Upper Basin look to develop solutions to avoid curtailment under the 1922 Colorado River Compact by protecting critical levels at Lake Powell, a central question is the feasibility of a demand management program in helping provide that security. The package of drought contingency plan agreements for the Colorado River Basin, adopted on May 20, 2019 includes the authorization of a 500,000 acre-foot storage account for the Upper Basin at the four initial units of the Colorado River Storage Project (Flaming Gorge, Navajo, the Aspinall Unit, and Lake Powell). Under the agreement, the Upper Basin will also explore the feasibility of a demand management program that would conserve water in order to fill the storage account. The intended purpose of a demand management program and the associated storage account would be to provide compact security for the Upper Basin states in the face of ongoing drought and declining reservoir levels. The success of such a program is dependent upon whether the Upper Colorado River Commission, the four Upper Basin states, the Secretary of the Interior, and interested stakeholders can develop and implement a demand management program that is amenable to all parties.

Water management in the West is a contested arena, full of perspectives about what that management should look like, different relationships with water, and varying structural and legal conditions that impact how water can and cannot move from one place to another. For demand management, concerns, challenges, and roadblocks are emerging that make the design and implementation of such a program difficult. Not only are the technical, legal, financial, and geographical/landscape issues challenging, but the socio-cultural components of what a program would mean add to the complexity of investigating the feasibility of a demand management program. It is also these socio-cultural components that have been least explored by stakeholders in the demand management discussions to date.

This report, commissioned by The Nature Conservancy, was designed to assist in understanding, identifying, and addressing some of these socio-cultural components. The objective of this research was to explore perceptions of a potential demand management program among stakeholders on the Western Slope of Colorado during the late Spring of 2019. The hope is that this research would shed light on the barriers and opportunities for a demand management program, solicit ideas and feedback on what a successful program would look like, and explore why water users would or would not participate. The findings detailed in this report are based on interviews, observations at meetings, and listening sessions conducted in all four sub-basins of the Western Slope. A total of 34 participants aided in the research, including an additional 10 key informants who assisted by providing expert perspectives, information on demand management program development, and insights from their experiences working in water.

In the course of research several important themes emerged, which are explored in further detail in the main report. The summary below describes three key findings from the report along with a set of recommendations based on these findings and feedback from participants.

Key Findings

1. Awareness and understanding of demand management varies

Peoples' awareness and understanding of demand management varies greatly. Their perceptions about the need for a demand management program, and whether they see such a program as unnecessary, as an opportunity, a burden, or some combination, depends greatly on how they perceive the water challenges in the Colorado River Basin. A lack of understanding of the purpose and objectives of demand management, combined with the fact that it is in the early stages of development, leads many to curiosity on what could be possible for such a program. However, the lack of clarity also leads to a prevalence of misconceptions about the purpose of demand management and creates space for suspicion and uncertainty, which can breed fear-based responses. Most often these responses came in the form of concerns that a particular area, or even the entire Western Slope, will be sacrificed for the good of everyone else in Colorado or the Basin. In addition, a lack of clarity feeds the rumor mill about what the unintended consequences of demand management could be.

Many interviewees made an effort to reposition demand management in light of the entire Colorado River Compact and relations between the seven basin states and Mexico. These interviewees felt that to neglect discussions of these "big river issues" (such as the structural deficit) and how to address them was to ignore the underlying cause of the problem. Interviewees with concerns about the larger Colorado River system addressed how demand management fit in a few different ways. While some felt that framing demand management as a "tool" in the toolbox for Upper Basin states was imperative in this conversation, they also wanted to see recognition that the roots for creating a program like demand management emerge from fundamental problems with the Colorado River Compact. In some cases, participants said they would be more on board with demand management if they also saw efforts that included renegotiating the Interim Guidelines, addressing growth and potential water use increases in the Basin, or the implementation of shortage cuts in the Lower Basin. Another group felt that to have a conversation on demand management was pointless, as they were not interested in discussing something they felt missed the point of actually addressing Big River Issues.

2. Defining "voluntary, compensated, temporary, and proportional/parity" is not straightforward

The State of Colorado has limited their current exploration of demand management to a program that would be "voluntary, temporary, and compensated." However, almost everyone

interviewed struggled to define those terms. This ties back to how people perceive the underlying water challenges in the Colorado River Basin, which shapes whether they see demand management as an opportunity or a burden. The difficulty in defining these terms also illustrates the challenge in further refining a potential demand management program.

In defining the voluntary component of a program, some interviewees saw it as the ability to choose to participate or not. This view appeals to a sense of opportunity inasmuch as it was the chance for participants to choose an option that provided them more control, a monetary benefit, and hopefully the ability to avoid worse outcomes such as a mandatory program. Others wondered how “voluntary” voluntary really was, seeing it as double-speak and questioning whether a successful program could be truly voluntary.

Compensation for participation in a demand management program was also difficult for participants to conceptualize. Instead, many ended up asking questions related to where the money would come from, who should pay for compensation, what compensation was actually for, how to ensure that compensation was not being gamed, and whether it was possible to truly compensate for water.

Just as compensation is difficult to define and voluntary takes on a range of meanings, so too does the term temporary. For many it comes down to temporary being the opposite of permanent, but just where that line is was difficult to define. This led many to equivocate with a “I’ll know what temporary means, when I see it,” type of response. However, most of the interviewees described temporary as not “buy and dry,” but that line was also difficult to define. Overall, in the discussion between temporary versus permanent, one group views temporary as a protection from speculation and buy and dry, while the other sees it as simply a different method of arrangement, the outcome – agricultural land not in production – is the same.

There is a tension between a demand management program that would be entirely voluntary and one that would provide “parity” – that is, one that would either ensure (or equally incentivize) participation from multiple geographies and water use sectors and/or prevent disproportionate impacts to any one geography/sector. Fundamentally, proportionality or parity – depending on who you ask – is about establishing whether this is a situation in which each entity is only looking out for their best interest to the detriment of all those around them, or a collaborative endeavor that recognizes the interconnectedness between entities.

The discussion of what it means to have a voluntary, compensated, and temporary demand management program reveals a host of underlying values and concerns to irrigators and water managers on the Western Slope. Even the idea of a voluntary program is not as straight-forward as it first sounds to people when they start unpacking what the implications and secondary impacts could be. Though on the surface, “voluntary” means having the choice or freedom to

participate, that freedom is constrained by a number of things including the threats to the success of the program and the fact that everyone then has the ability to choose not to participate. Many see the free market ideals that are quilted into the fabric of Western Slope values as potentially detrimental to the long-term viability of agriculture and irrigation in the region. Without the protections afforded by a program with more controls and oversight, the power of cities could usurp the voluntary “choice” many on the Western Slope hold dear.

3. Conversations about demand management are linked to other tensions

Conversations about demand management, especially on the West Slope, do not take place in a vacuum but tap into other pressures (past and present) on natural resource management and concerns about what the future holds. There is a general sense of vulnerability and fear that each community is in the cross hairs, and a feeling that a “way of life” itself is under attack. This stems from more than just demand management and calls for conserving water. Resistance to demand management is tied to a long history of extractive industries being increasingly called out for their harm to the environment, expanding regulation, and economic collapses of extractive industries. The impacts of these challenges can and have caused rural economies to collapse and towns to dry up so that they are no longer pleasant places to be. This is the landscape that demand management enters.

Thus, demand management becomes the current scapegoat for concerns that rural areas and economies are being pushed further to the margins and the sense that irrigated agriculture has a target on its back. Demand management is perceived, by some, as an unsurprising continuation of a long string of threats to the way that things have been done. Resistance then is seen as a powerful tool in defending a way of life and an existence that is perceived to be endangered. Evidence from communities in Crowley County – the “go to” reference for communities impacted by “buy and dry” practices – serves as a visceral and powerful reminder that Western slope communities are vulnerable.

Key Recommendations

The following recommendations for stakeholders investigating demand management are based on the report's main findings and feedback from interviewees:

- The lack of clarity, awareness, and understanding of demand management leads to confusion and uncertainty. This can create resistance as people try to fill in the knowledge gaps on their own.
- Terms used to describe a potential demand management (voluntary, compensated, temporary, and proportional/parity) are not as straight-forward as they appear but are surprisingly tricky and difficult to define. To treat them as simple will miss key insights gathered from this research.

- Symbolic efforts and gestures from entities perceived as more powerful (e.g. Front Range municipalities) will go a long way in opening the conversation around water issues and demand management.
- A “one-size-fits-all” approach for demand management could create structures of inequality, either in access to participation in a demand management program or in prioritizing certain areas over others.
- In terms of outreach and education, recommendations from those who worked in land and water conservation as well as those involved in grassroots communication efforts emphasized the importance of relationships and involvement of those “on-the-ground” who understand how the water moves through the landscape.
- It is vital to acknowledge and recognize that the conversation about demand management taps into much deeper waters. Not only is this a discussion about recognizing the value the Western Slope plays in helping define what “Colorado” means, it is also about shaping the future of Colorado.

It is important to understand the social and cultural perceptions of demand management because they help shed light on why feelings of opportunity and resistance to demand management exist, how those feelings can be tied to current economic and political conditions, and where opportunities might be to find a path forward.



COLORADO RIVER DISTRICT

PROTECTING WESTERN COLORADO WATER SINCE 1937

MEMORANDUM

TO: BOARD OF DIRECTORS, CRWCD
ANDY MUELLER, GENERAL MANAGER
JOHN CURRIER, CHIEF ENGINEER

FROM: MIKE EYTEL, SENIOR WATER RESOURCE SPECIALIST *ME*

SUBJECT: PHREATOPHYTE CONTROL AND THE PARADOX PLANT (TAMARISK) GO BACK

DATE: JANUARY 10, 2020

ACTIONS:

No action requested. This report is provided as an update to the Board of Directors on the current status of phreatophyte control as a way to increase water supply.

STRATEGIC INITIATIVE(S):

- 1. Outreach and Advocacy
- 3. Climate and Hydrologic Uncertainty
- 4. Colorado River Supplies:
- 9. Water Efficiency and Conservation
- 10. Water Quality

Removing phreatophytes from riparian areas, and thereby reducing consumptive use, is commonly considered an effective method of increasing water supply. But how effective is it really? This memorandum reviews the “state of the science” with a focus on tamarisk. As an invasive species, tamarisk has received most of the phreatophyte removal attention in the Colorado River Basin over the past 70 years. In summary basin-wide scale tamarisk removal may slightly increase water supplies but the amounts are slight compared to the overall consumptive use in the Colorado River Basin.

Background

Phreatophytes are deep-rooted plants that access a substantial portion of their water needs from the phreatic zone or groundwater. Generally associated with riparian corridors, phreatophytes are adaptable and may also be found in uplands and in areas with marginal soils. These types of plants are capable of developing tap roots 20 - 30 feet or greater in length depending on depth to groundwater. There are more than seventy plant species classified as *phreatophytes* such as pickleweed, rabbitbrush, salt grass, alfalfa, cottonwood, willow, greasewood, salt cedar (aka

amarisk), and Russian olive. This memorandum deals primarily with Tamarisk aka “the paradox plant,” since tamarix is the most prevalent invasive phreatophyte in the Colorado River Basin.

Like kudzu in the south, the “tamarix” genus (50 – 60 species) or “tamarisk” was introduced to the United States in the early 19th century from Eurasia as an ornamental shrub for windbreaks, shade, and erosion control. It was commonly planted for erosion control during the dust bowl. There are both evergreen and deciduous species in the U.S. The deciduous species are often referred to as a “paradoxical plant” from its selection theory and longevity, as it disperses many offspring (seeds) and can live for more than 100 years. Tamarix is highly drought tolerant, tolerates saline soils, and uses both surface and groundwater. These traits allow Tamarix to take advantage of environmental stressors and anthropogenically modified hydrology in the arid west to out-compete native vegetation.¹ Since its introduction into the arid southwest, tamarix now occupies more than 250,000 acres in the Colorado River Basin.²

Water saved by Tamarisk Removal

“Tamarisk” has often been villainized for its rampant thirst for water. Early studies grossly overstated high rates of evapotranspiration (ET) up to 4 - 7 acre-feet per acre with little consideration of native fauna ET. Not to mention lower ET's were often measured but also given little consideration. This left the impression that clearing tamarisk would yield large volumes of water. The plants basin wide ET was often compared to the annual consumptive use of three times the household use of Los Angeles.³ Estimates in 1961, in Arizona, California, New Mexico, Nevada, Utah, and Colorado were that phreatophytes consume between 10 - 12 million acre-feet annually.⁴ These studies led the way for the water salvage eradication of tamarix effort from the 1950's through the 1980's.

What these early studies all failed to note was ET rates are highly variable and dependent on many external factors, like water availability, elevation, temperature, soil morphology, and climatic conditions. All of which are difficult to accurately measure in the field. As methods to estimate ET improved, so did our understanding of overall riparian water consumption on a basin wide scale. These newer studies show basin-wide ET is relatively constant regardless of prevalence of tamarix.⁵ In certain upland areas, removal of Tamarix along with revegetation of more xeric plant types may yield a small amount of salvage water, even though replacement in riparian areas generally results in minimal or no water savings once native vegetation is reestablished. Any water supply gained by large scale removal of tamarix is temporary and nearly the same once native revegetation is established.

¹ Invasion and Restoration of Western Rivers Dominated by Tamarix. Hisham N El Waer. USDA Forest Service RMRS-GTR-377. 2018.

² Tamarix Coalition. Colorado River Basin Tamarisk and Russian Olive Assessment. December 2009.

³ Millar, H. 2004. When aliens attack. Sierra July/August 30–39, 63.

⁴ Blaney, H. 1961. Consumptive Use and Water By Phreatophytes in Western United States. USDA.

⁵ Nagler, P. L., R. Scott, C. Westenburg, J. Cleverly, E. Glenn, and A. Huete. 2005b. Evapotranspiration on western U.S. rivers estimated using the enhanced vegetation index from MODIS and data from eddy covariance and Bowen ratio flux towers. Remote Sensing of Environment 97:337–351.

Yes, large scale phreatophyte removal will yield some water. However, the results are generally costly, temporary, and difficult to predict. Restoration costs vary widely and are largely dependent on the width and density of tamarisk infestation. Revegetation costs range from \$0 for natural regeneration up to \$1,500 per acre for major restoration efforts. Saline soils can significantly increase revegetation costs. The Colorado River Basin Water Supply and Demand Study in 2012 cited conversion of 60,000 acres of tamarisk at a cost of \$400 per acre could yield up to 30,000 acre-feet annually. This is a relatively small amount of water, considering the over-use in the lower Colorado River Basin,⁶ and the extent of invasion of tamarisk within the Colorado River Basin.

Conclusion

A better understanding of tamarix water budget and its effect on the environment has ushered in a new era for tamarix. No longer demonized for its thirst, tamarix is now looked at for its value to the ecosystem in some areas. Tamarix provides valuable ecosystem services to various species within its habitat.⁷ Current scientific thought is there are some populations of tamarix which are detrimental and should be eradicated, while other populations should be supported. From a water supply perspective in the Upper Colorado River Basin any restoration efforts related to tamarix removal and riparian restoration should focus on site specific areas where the habitat and ecosystem have been negatively impacted and should not be driven by the desire to increase yield in the system. In functioning ecosystems with tamarix present doing nothing may be the right solution. Ultimately tamarix removal is another tool in the toolbox for water demand reductions. However, the decision to remove tamarix is more an issue about invasive species mitigation rather than salvaging water.

⁶ Bureau of Reclamation. Colorado River Basin Water Supply and Demand Study. Table 2. Summary of Representative Options.

⁷ Sher, Quigley 2013. Tamarix. A Case Study of Ecological Change In The American West.

**SPORTS**

Late Panthers' rally falls short in Moab **6A**

**BUSINESS**

Farmington promotes film production in northwest N.M. **1B**

OPINION

Student journalism got battered, but bullies worry us **4A**

CORTEZ || DOLORES || MANCOS

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TUESDAY, DECEMBER 17, 2019

Region gets \$50M forest project

\$5 million per year slated for wildfire mitigation efforts

BY JIM MIMIAGA
JOURNAL STAFF WRITER

Southwest Colorado has been chosen for \$50 million in additional funding for expanded forest health and wildfire mitigation efforts on public

and private land.

The newly formed Rocky Mountain Restorative Initiative selected the forest project proposal, which encompasses nearly 750,000 acres along Colorado Highway 160, including portions of the San Juan

National Forest and towns of Dove Creek, Cortez, Dolores and Durango.

"It's a really great boost, and we expect to get a lot more fuel reduction work done through this collaborative effort," said San Juan National Forest Supervisor Kara Chadwick.

The RMRI is a partnership between the U.S. National Forest Service and the National Wild Turkey Federation, along with local 30 collaborative or-

ganizations, businesses and government agencies.

The entities will pool resources to fund local wildfire mitigation efforts and programs over a 10-year period, with a target of spending \$5 million per year.

It will be used to pay for prescribed burns, forest thinning and programs that support affordable and practical defensible space projects for residents and towns within the wildfire

urban interface zone.

Protecting recreation areas, water resources and wildlife habitats also is a focus of the additional funding.

Southwest Colorado's request for the funding stood out because programs and groups needed to carry out the mitigation plans are already in place, organizers said.

"Collaborations already

See **FOREST, 8A**

Forest: Infusion of funding means on-the-ground work can begin sooner for projects

Continued from 1A

exist on the ground to get work done on a large scale. Also, there is an existing wood products industry and social license to utilize all tools, including prescribed fire," said Cindy Dozier, board chairwoman of Club 20, a Western Slope advocacy group and one of the RMRI collaborative partners.

There also is a real need to reduce the region's overstocked forests, which presents the risk of unnaturally large wildfires that threaten recreation, water sources and communities.

Chadwick said the San Juan Forest's upcoming projects for prescribed burns, commercial logging and forest treatment have completed the required National Environmental Policy Act reviews.

The infusion of additional funding means on-the-ground work can begin sooner.

"We have signed NEPA in place, so the funding will not go toward environmental analyses," she said.

Another focus for the additional funding is supporting programs that help private landowners and subdivisions thin forests.

RMRI aims to give more support to groups and programs such as Wildfire Adapted Partnership (formerly Firewise)

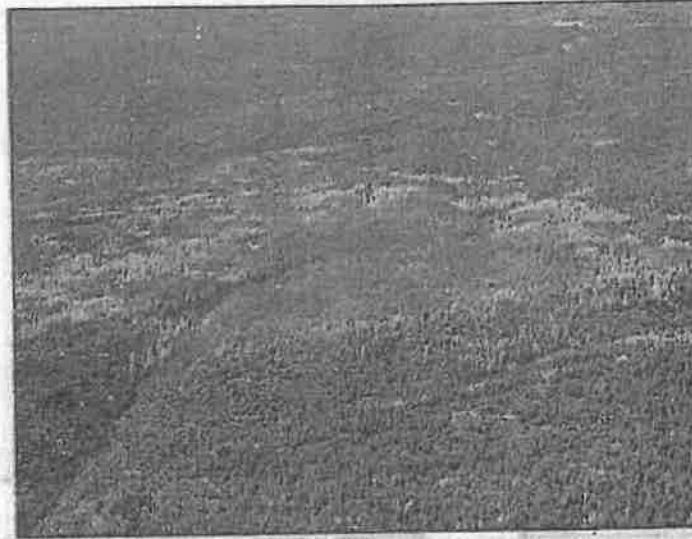
that target private landowners who want to thin vegetation on their properties. Expanded outreach and education programs will also improve to connect landowners with grant funding and cost-share programs.

"Being chosen bolsters our efforts to reduce fire risks for our communities and forest," said Danny Margoles, coordinator of the Dolores Watershed Resilient Forests, one of the collaborating groups.

"Restoring our forests to a more natural state through fuel reduction is safer for everyone. That way when fires do hit, they serve their historical role of burning low intensity, and are less likely to become catastrophic."

The region also was chosen because commercial logging in the San Juan National Forest has seen an uptick in the past two years, a key advantage for thinning out large swaths of overgrown ponderosa pine forests. Montrose Forest Products began large-scale ponderosa pine logging operations in Montezuma and Dolores counties for its new mill in Montrose.

Aspen Wood Products restarted the excelsior mill in Mancos, and Ironwood south of Dolores recently renovated a former mill site into a plywood laminate factory using



Courtesy of Colorado State Forest

This 2018 aerial view of The Glade area shows the impacts of a growing beetle kill problem in the San Juan National Forest. Increased commercial logging in the area is expected to reduce the forest's susceptibility to large infestations of pine beetles.

local timber. Small-scale mills also are contributing.

There is a cascade of positive economic impacts when forest management becomes a priority, including logging and milling jobs, trucking and forestry, said Mike Preston, chairman of the Southwest Basin Roundtable.

Coordinated efforts are underway to develop training programs for timber jobs through Pueblo Community College, local high schools and Fort Lewis College, he said.

The expansion of fire mitigation programs is expected to benefit private landowners and create jobs.

"There will be a need for more contractors that can help landowners plan and execute treatments to create defensible space," Preston said.

The selection of the Southwest Colorado Project is just the beginning of the planning process. Next steps include holding a series of meetings to determine funding opportunities and barriers that

need to be addressed; refining proposals; and developing a strategic plan.

The Rocky Mountain Restoration Initiative is made up of representatives from federal, state, private and nonprofit organizations.

Partners include National Wild Turkey Federation, U.S. Forest Service, Colorado Department of Natural Resources, Colorado Timber Industry Association, The Nature Conservancy, Outdoor Recreation Industry Office, Colorado State Forest Service, Colorado Department of Fire Prevention and Control, National Fish and Wildlife Foundation, Club 20, Rocky Mountain Research Station, Denver Water, National Forest Foundation, Colorado Water Conservation Board, Vail Resorts, Inter-mountain Forest Association, Great Outdoors Colorado, U.S. Natural Resources Conservation Service, Colorado Parks and Wildlife, Bureau of Land Management, Arkansas Basin Roundtable, Colorado Springs Utilities, Mule Deer Foundation, Southwest Basin Roundtable, Xcel Energy, Montrose Forest Products, Interbasin Compact Committee, Gates Family Foundation, American Forest Foundation and Blue Forest Conservation.

For more information, visit RestoringTheRockies.org.



SOUTHWESTERN WATER CONSERVATION DISTRICT

2020 State Legislative Update: February 3, 2020

Below is a summary of 2020 water-related legislation under consideration by the Colorado General Assembly. These summaries apply to the bills as introduced and are pulled directly from the bill text [online](#).

Click on the bill number to view the most recent bill language and other information.

Bills introduced since the last SWCD board teleconference (January 28th) are highlighted in blue.

The Colorado Water Congress (CWC) State Affairs Committee met on February 3rd. **Positions taken on bills since the last SWCD board teleconference (January 28th) are in red text for CWC and green text for SWCD.**

SB20-008	Enhance Penalties Water Quality Criminal Violations
SWCD Position:	Discussion
CWC Position:	Action postponed until 2/10.
Sponsors:	Senate (Winter), House (Jackson/Hooton)
Committee of Reference:	Agriculture & Natural Resources
Title:	Concerning the enhancement of penalties for criminal violations of water quality laws.
Summary:	<p>Current law specifies that a person who commits criminal pollution of state waters that is committed:</p> <ul style="list-style-type: none">• With criminal negligence or recklessly is subject to a maximum daily fine of \$12,500; and• Knowingly or intentionally is subject to a maximum daily fine of \$25,000. <p>Section 1 of the bill makes a:</p> <ul style="list-style-type: none">• Criminally negligent or reckless violation a misdemeanor and increases the penalty to \$25,000, imprisonment of up to one year, or both; and• Knowing or intentional violation a class 5 felony and increases the penalty to \$50,000, imprisonment of up to 3 years, or both. <p>Current law specifies that a person who knowingly makes any false representation in a required record or who knowingly renders inaccurate any required water quality monitoring device or method is guilty of a misdemeanor and is subject to a fine of not more than \$10,000, imprisonment in the county jail for not more than 6 months, or both.</p> <p>Section 2 makes these violations a class 5 felony and specifies that if 2 separate offenses occur in 2 separate occurrences during a period of 2 years, the maximum fine and imprisonment for the second offense are double the default amounts.</p>
Comments:	

SB20-153	Water Resource Financing Enterprise (NEW SINCE LAST SWCD REPORT)
SWCD Position:	Discussion
CWC Position:	Discussion
Sponsors:	Senate (Coram)

Committee of Reference:	Agriculture & Natural Resources
Title:	Concerning the creation of an enterprise that is exempt from the requirements of section 20 of article X of the state constitution to administer a fee-based water resources financing program.
Summary:	<p>The bill creates the water resources financing enterprise (enterprise). The board of the enterprise (board) consists of the board of directors of the Colorado water resources and power development authority and the Colorado water conservation board. The enterprise will provide financing to "water providers", defined to include drinking water suppliers, wastewater treatment suppliers, and raw water suppliers. Raw water suppliers are limited to those that provide raw water for treatment and use as drinking water.</p> <p>Customers of drinking water suppliers will pay a fee to the supplier, who will transmit it to the enterprise to be used for the financing. The fee is 25 cents per 1,000 gallons of drinking water delivered per month to each metered connection in a drinking water supplier's public water system, collected after the first 4,000 gallons of drinking water delivered per month to an individual metered connection. The board may adjust the fee based on inflation and equity concerns for large nonresidential customers and customers who pay tiered rates that start higher than 4,000 gallons per month.</p> <p>The enterprise can provide financing for grants, loans, and in-kind technical assistance in arranging third-party financing. In determining whether to provide financing, the board shall consider the following factors:</p> <ul style="list-style-type: none"> • A water provider's ability to pay, including whether the water provider has sought or received other financial assistance; • Whether a water provider is subject to noncompliance or increased requirements related to the provision of raw water, drinking water, water treatment, or wastewater treatment; • Whether the proposed use of financing relates to a project identified in and in furtherance of the state water plan; and • The geographic location and demographic characteristics of the water provider and its customers. <p>The enterprise shall provide, and a water provider may use, the financing only:</p> <ul style="list-style-type: none"> • In connection with the provision of raw water, drinking water, water treatment, or wastewater treatment; and • For feasibility studies, consulting, planning, permitting, and construction of infrastructure and water conservation projects and related recreational, hydroelectric, and flood control facilities, including necessary enlargement and rehabilitation of facilities but excluding maintenance and operation.

Comments:

<u>HB20-1095</u>	Local Governments Water Elements in Master Plans
SWCD Position:	Discussion
CWC Position:	Monitor.
Sponsors:	House (Arndt), Senate (Bridges)
Committee of Reference:	Rural Affairs & Agriculture
Title:	Concerning the authority of a local government's master plan to include policies to implement state water plan goals as a condition of development approvals.

Summary: The bill authorizes a local government master plan to include goals specified in the state water plan and to include policies that condition development approvals on implementation of those goals.

Comments:

HB20-1097 **Connected Municipal Use No Change If Already Quantified**

SWCD Position: Discussion
CWC Position: Postponed, awaiting input from CWC subcommittee that is working towards an amendment.
Sponsors: House (Young, Arndt)
Committee of Reference: Rural Affairs & Agriculture
Title: Concerning the ability to use water that has been adjudicated for municipal use in an interconnected treated municipal water supply system if the historical consumptive use of the water right has already been quantified in a previous change of the water right.

Summary: Current law limits the place of use of water subject to a changed water right that has been decreed for use in a treated domestic or municipal water supply system to only that system. The bill authorizes the use of that water in an interconnected treated domestic or municipal water supply system if:

- The water is attributable to a water right for which the historical consumptive use has previously been quantified, diverted from a point of diversion that has already been decreed for that water right, and delivered from the decreed treated system to the interconnected treated system without the water being returned to the natural stream; and
- The owner of the water right has given written notice to the division engineer that identifies the proposed accounting for the use of the water right and the division engineer has approved the accounting.

The owner of the water right must give notice to all persons on the substitute water supply plan notification list for the applicable water division. The division engineer will review any comments received on the proposed accounting and make a determination whether the accounting is adequate. This determination may be appealed to the water judge. Other than the place of use, all of the terms and conditions of the previous change of water right decree continue to apply to the water right. A claim to any return flows from the use of the water right in the interconnected treated domestic or municipal water supply system must be approved by the water judge.

Comments: State Affairs Committee has formed a subcommittee with East and West Slope chairs.

HB20-1119 **State Government Regulation of Perfluoroalkyl and Polyfluoroalkyl Substances**

SWCD Position: Discussion
CWC Position: Action postponed until 2/10.
Sponsors: House (Exum/Landgraf), Senate (Hisey/Lee)
Committee of Reference: Natural Resources & Environment
Title: Concerning the authority of the state government to regulate perfluoroalkyl and polyfluoroalkyl substances.

Summary: The bill addresses the authority of the state government to regulate perfluoroalkyl and polyfluoroalkyl substances (PFAS).

Section 1 of the bill addresses when PFAS may be used for firefighting foam system testing both in general and in certain aircraft hangars.

Section 2 grants the department of public health and environment the power to adopt and enforce standards and regulations that require public drinking water systems to sample drinking water supply sources and finished drinking water for PFAS.

Section 3 clarifies that the water quality control commission may set standards related to PFAS in surface water and groundwater and may require wastewater systems to collect PFAS data relevant to the commission setting PFAS standards.

Section 4 requires the solid and hazardous waste commission to promulgate rules for a certificate of registration for any facility or fire department that possesses PFAS in firefighting agents or firefighting equipment and for standards for the capture and disposal of PFAS in firefighting agents or firefighting equipment.

Comments:

[HB20-1138](#) Public Real Property Index

SWCD Position: Discussion

CWC Position: **Action tabled for 2/10.**

Sponsors: House (Coleman/Larson), Senate (Bridges/Gardner)

Committee of Transportation & Local Government

Reference: Appropriations

Title: Concerning supplementing the centralized inventory of state-owned real property maintained by the office of the state architect to include all publicly owned real property.

Summary: Not later than December 31, 2020, the bill requires each state agency, state institution of higher education, and political subdivision of the state to submit to the office of the state architect (office) a list of all usable real property owned by or under the control of the agency, institution, or political subdivision of the state. This list must include, if applicable:

- The address where the real property is located;
- The size of the real property;
- How the real property is zoned;
- Contact information for the state agency, institution, or political subdivision of the state that owns or controls the real property;
- The plan, if one is available, for the use, development, or sale of the real property; and
- A description that includes the condition of the real property and a measurement of total area of the real property that is vacant, unused, or underdeveloped.

Not later than December 31 of each subsequent year, each state agency, state institution, and political subdivision of the state must submit to the office any updates to the information the agency, institution, or political subdivision of the state originally submitted to the office about the usable real property the agency, institution, or political subdivision of the state owns or controls.

Beginning July 1, 2021, whenever any state agency, state institution of higher education, or political subdivision of the state plans to offer any usable real property for sale, or otherwise plans to solicit any offer to purchase real property, the agency, institution, or political subdivision of the state shall notify the office.

Not later than July 1, 2021, the office must establish and maintain a current database that includes the information listed above. This database must be available free of charge to the public on the office's website.

Comments: Amendment proposed to exempt municipal water utilities.

HB20-1143 Environmental Justice and Projects Increase Environmental Fines

SWCD Position: Discussion

CWC Position: Discussion.

Sponsors: House (Exum/Landgraf), Senate (Hisey/Lee)

Committee of Reference: Natural Resources & Environment

Title: Concerning additional public health protections regarding alleged environmental violations, and, in connection therewith, raising the maximum fines for air quality and water quality violations and allocating the fines to environmental mitigation projects.

Summary: Current state law sets the maximum civil fine for most air quality violations at \$15,000 per day and most water quality violations at \$10,000 per day, but federal law allows the federal environmental protection agency to assess a maximum daily fine per violation of \$47,357 for these violations.

Sections 2 and 4 of the bill raise the maximum fine to \$47,357 per day and direct the air quality control commission and the water quality control commission in the department of public health and environment (department) to annually adjust the maximum fine based on changes in the consumer price index.

Current law allocates all water quality fines to the water quality improvement fund; **section 4** authorizes the use of money in that fund to pay for projects addressing impacts to environmental justice communities. Section 4 also extends the repeal date for the water quality improvement fund to September 1, 2025.

Current law allocates all air quality fines to the general fund; **section 3** allocates them to the newly created community impact cash fund. Section 3 also:

- Specifies that the department is to use money in the community impact cash fund for environmental mitigation projects (EMPs);
- Defines an EMP as a project that avoids, minimizes, or mitigates the adverse effects of a violation or alleged violation of the air quality or water quality laws;
- Creates the environmental justice advisory board to recommend EMPs in response to violations or alleged violations that affect environmental justice communities; and
- Creates an environmental justice ombudsperson position within the department, who serves as chief staff to the advisory board and advocates for environmental justice communities.

Section 3 also requires the department to post proposed EMPs on the department's website in a format that allows the public to submit comments on the proposed EMP, not approve an

EMP until at least 45 days after the EMP has been posted on its website, and include a description of all approved EMPs in its departmental SMART Act presentations.

Section 1 sunsets the advisory board on September 1, 2025.

Comments:

HB20-1157	Loaned Water for Instream Flows to Improve Environment
SWCD Position:	Discussion
CWC Position:	Postpone action until 2/10 to allow the proposal of an amendment to the bill that would protect existing undecreed exchanges.
Sponsors:	House (Roberts/Will), Senate (Donovan)
Committee of Reference:	Rural Affairs & Agriculture
Title:	Concerning the Colorado water conservation board's authority to use water that a water right owner voluntarily loans to the board for instream flow purposes.
Summary:	<p>Under current law, the Colorado water conservation board (board), subject to procedural requirements established to prevent injury to water rights and decreed conditional water rights, may use loaned water for instream flows if the loaned water is used for preserving the natural environment of a stream reach that is subject to a decreed instream flow water right held by the board.</p> <p>The bill expands the number of years within a 10-year period that a renewable loan may be exercised from 3 years to 5 years, but for no more than 3 consecutive years, and allows a loan to be renewed for up to 2 additional 10-year periods. The bill limits the duration that an expedited loan may be exercised for up to one year and prohibits an applicant from seeking additional expedited loans regarding a water right following an approved expedited loan of that water right.</p> <p>The bill also expands the board's ability to use loaned water for instream flows to improve the natural environment to a reasonable degree pursuant to a decreed instream flow water right held by the board.</p> <p>In considering whether to accept a proposed loan, the board must evaluate the proposed loan based on biological and scientific evidence presented, including a biological analysis performed by the division of parks and wildlife.</p> <p>The state engineer will review a proposed loan and must consider any comments filed by parties notified of the application in determining whether the loaned water will not cause injury to other vested or conditionally decreed water rights. The filing fee is increased from \$100 to \$300.</p> <p>The board is required to promulgate rules regarding the necessary steps for reviewing and accepting a loan for instream flow use to improve the natural environment to a reasonable degree.</p> <p>The state engineer's decision to approve or deny a proposed loan may be appealed to a water judge, who is required to hear and determine the matter on an expedited basis using the procedures and standards established for matters rereferred to the water judge by a water referee.</p>

Comments:

HB20-1159 State Engineer Confirm Existing Use Instream Flow

SWCD Position: Support.

CWC Position: Support.

Sponsors: House (Roberts/Catlin), Senate (Donovan/Coram)

Committee of Reference: Rural Affairs & Agriculture

Title: Concerning the authority of the state engineer to confirm the extent of uses of water in existence on the date of an instream flow appropriation.

Summary: Current law specifies that the Colorado water conservation board's appropriation of water for instream flow purposes is subject to existing uses and exchanges of water. The bill directs the state engineer, in administering current law, to confirm a claim of an existing use or exchange if the use or exchange has not previously been confirmed by court order or decree. The person making the claim may also seek confirmation by the water judge.

Comments:

HB20-1164 Housing Authority Exemptions from Water Fees

SWCD Position: Discussion

CWC Position: Oppose.

Sponsors: House (Rich/Becker), Senate (Zenzinger)

Committee of Reference: Transportation & Local Government

Title: Concerning the exemption of a housing authority from certain fees imposed by a water conservancy district.

Summary: The bill specifies that housing authorities are exempt from tap fees and development impact fees imposed by a water conservancy district.

Comments:

HB20-1172 No Abandonment of Water Rights for Efficiencies (NEW SINCE LAST REPORT)

SWCD Position: Discussion

CWC Position: Discussion

Sponsors: House (Arndt), Senate (N/A)

Committee of Reference: Rural Affairs & Agriculture

Title: Concerning protecting the water rights of persons who implement efficiencies that reduce their water usage.

Summary: Current law provides that a period of nonuse of a portion of a water right is tolled, and no intent to discontinue permanent use is found for purposes of determining an abandonment of a water right, for the duration that the nonuse of the water right by its owner is a result of any of certain conditions. The bill adds a condition that applies when the nonuse of a portion of a water right is a result of the implementation of efficiency improvement projects or methods that result in a reduction of the amount of water diverted for the decreed beneficial use. In such case:

- For the period of nonuse to be tolled, the owner of the water right must submit written notice of the efficiency improvement project or method to the division engineer, on a

- form prescribed by the division engineer, within one year of the date that the efficiency improvement project or method is first implemented; and
- The nonuse of the portion of the water right is tolled for a maximum of 20 years.

Comments:

HB20-1233

Basic Life Functions In Public Spaces (NEW SINCE LAST REPORT)

SWCD Position: Discussion
CWC Position: Not yet discussed
Sponsors: House (Melton, Benavidez)
Committee of Reference: Transportation & Local Government
Title: Concerning constitutional protections for conducting basic life functions in public spaces.

Summary: The bill **prohibits** the state and any city, county, city and county, municipality, or other political subdivision (government entity) from restricting any person from:

- Conducting basic life functions in a public space unless the government entity can offer alternative adequate shelter to the person and the person denies the alternative adequate shelter; and
- Occupying a motor vehicle, provided that the motor vehicle is legally parked on public property or parked on private property with the permission of the property owner.

Comments:

For reference, listed below are bills that the SWCD board has already discussed and CWC has taken a position on.

<u>SB20-024</u>	Require Public Input on Water Demand Management Program
SWCD Position:	Discussion
CWC Position:	Monitor.
Sponsors:	Senate (Coram/Donovan), House (Arndt/Catlin)
Committee of Reference:	Agriculture & Natural Resources
Title:	Concerning the inclusion of public input in the development of a state water resources demand management program.
Summary:	Water Resources Review Committee. The bill requires the CWCB and the water resources review committee to involve the public and provide opportunities for public comment, using procedures similar to those used for initial adoption of the state water plan , before adopting any final or significantly amended water resources demand management program as part of the Colorado upper basin states' drought contingency plan.
Comments:	Postponed indefinitely by one of the sponsors.
<u>SB20-048</u>	Study Strengthening Water Anti-Speculation Law
SWCD Position:	Discussion
CWC Position:	No position taken, CWC will continue to monitor the bill's progress.
Sponsors:	Senate (Donovan/Coram), House (Roberts/Catlin)
Committee of Reference:	Agriculture & Natural Resources
Title:	Concerning a study to consider the strengthening of the prohibition on speculative appropriations of water
Summary:	Water Resources Review Committee. Current law specifies that an appropriation of water cannot be based on speculation, as evidenced by either of the following: <ul style="list-style-type: none">• The applicant does not have either a legally vested interest or a reasonable expectation of procuring such an interest in the lands or facilities to be served by the appropriation, unless the appropriator is a governmental agency or an agent in fact for the persons proposed to be benefited by the appropriation; or• The applicant does not have a specific plan and intent to divert, store, or otherwise capture, possess, and control a specific quantity of water for specific beneficial uses. The bill requires the executive director of the department of natural resources to convene a work group to explore ways to strengthen current anti-speculation law and to report to the water resources review committee by August 15, 2021, regarding any recommended changes.
Comments:	
<u>SJR20-003</u>	Water Projects Eligibility Lists
SWCD Position:	Support.
CWC Position:	Support.
Sponsors:	Senate (Donovan), House (Roberts)
Committee of Reference:	Agriculture & Natural Resources

Title: Concerning approval of water project revolving fund eligibility lists administered by the Colorado water resources and power development authority.

Summary: Pursuant to C.R.S. 37-95-107.8 (4)(b), this bill codifies additions, modifications, or deletions to the Drinking Water Project Eligibility List and Water Pollution Control Project Eligibility List, as developed by the Water Quality Control Commission.

Comments:

HB20-1037 **Augmentation of Instream Flows**

SWCD Position: Discussion

CWC Position: Support conditioned upon forthcoming amendment.

Sponsors: House (Arndt), Senate (Coram)

Committee of Reference: Rural Affairs & Agriculture

Title: Concerning the CWCB's authority to augment stream flows with acquired water rights that have been previously decreed for augmentation use.

Summary: The bill authorizes the CWCB to augment stream flows to preserve or improve the natural environment to a reasonable degree by use of an acquired water right that has been previously quantified and changed to include augmentation use, without a further change of the water right being required.

Comments:

HB20-1042 **PFAS Polyfluoroalkyl Substances Manufacturer Notice Requirements**

SWCD Position: Discussion

CWC Position: Monitor

Sponsors: House (Valdez, McKean), Senate (Moreno/Tate)

Committee of Reference: Transportation & Local Government

Title: Concerning a modification of the notice requirements for manufacturers of perfluoroalkyl and polyfluoroalkyl substances.

Summary: **Statutory Revision Committee.**

House Bill 19-1279, enacted in 2019, requires manufacturers of class B firefighting foam that contains intentionally added polyfluoroalkyl substances to notify, in writing, sellers of their products about the state's new regulations of these products "no less than one year prior to the effective date of section 25-5-1303", which is impossible because the notice requirements did not exist prior to the bill's effective date on August 2, 2019. The bill **addresses this error** by modifying the effective date of the required notice to prior to August 2, 2020.

Comments:

HB20-1069 **Add Water Well Inspectors Identify High-Risk Wells**

SWCD Position: Discussion

CWC Position: Support

Sponsors: House (Saine/Titone), Senate (Sonnenberg/Coram)

Committee of Reference: Rural Affairs & Agriculture

Title: Concerning the inspection of water wells.

Summary: Water Resources Review Committee.

The bill requires the state engineer to employ a minimum of 4 water well inspectors in the state's water well inspection program.

The bill requires the state board of water well construction and pump installation contractors, on or before November 1, 2020, to promulgate rules for identifying high-risk water wells that should be prioritized for inspection. Thereafter, the state engineer shall use the rules to identify high-risk water wells and shall prioritize the inspection of high-risk water wells.

The bill clarifies that money in the well inspection cash fund shall be appropriated to and expended by the state engineer only for the well inspection program.

Comments:

HB20-1072 Study Emerging Technologies for Water Management

SWCD Position: Discussion

CWC Position: Support

Sponsors: House (Arndt/Saine), Senate (Sonnenberg/Bridges)

Committee of Reference: Rural Affairs & Agriculture

Title: Concerning a requirement that the university of Colorado study potential uses of emerging technologies to more effectively manage Colorado's water supply, and, in connection therewith, making an appropriation, conditioned on the receipt of matching funds from gifts, grants, and donations.

Summary: Water Resources Review Committee.

The bill declares that new technologies, such as blockchain, telemetry, improved sensors, and advanced aerial observation platforms, can improve monitoring, management, conservation, and trading of water and enhance confidence in the reliability of data underlying water rights transactions. To advance the potential use of these new technologies, the bill:

- Authorizes and directs the University of Colorado, in collaboration with the Colorado Water Institute at Colorado State University, to conduct feasibility studies and pilot deployments of these new technologies to improve water management in Colorado; and
- Appropriates \$40,000 from the general fund, contingent on the university of Colorado's receipt of a matching \$40,000 in gifts, grants, and donations, for the purpose of funding the studies and pilot programs.

Comments:

HB20-1094 Repeal Fee Cap On-site Wastewater Treatment System

SWCD Position: Discussion

CWC Position: Support.

Sponsors: House (Catlin/Arndt), Senate (Ginal/Coram)

Committee of Reference: Rural Affairs & Agriculture

Title: Concerning a repeal of the dollar limitation on the fee that a local board of health may set for on-site wastewater treatment system permits.

Summary: Current law requires that a local board of health set the permit fee for on-site wastewater treatment system permits in an amount to recover the actual indirect and direct costs associated with the permit and sets a \$1,000 cap on the fee. The bill repeals the dollar limitation on the fee.

Comments:

Monitoring legislation is integral to keeping a finger on the pulse of dynamic water policy in the state. On behalf of its diverse constituents in southwestern Colorado, the Southwestern Water Conservation District (SWCD) tracks state water legislation closely, specifically through participation in the Colorado Water Congress State Affairs Committee. Beth Van Vurst, SWCD General Counsel, and Frank Kugel, SWCD Executive Director, participate in the State Affairs Committee meetings weekly during the legislative session (January-May) and ensure southwestern Colorado is considered as the State legislature enacts new laws affecting water management.

SWCD staff provides this written summary of water-related legislation, updated throughout the session via email to interested stakeholders and public. To be added to the list, please contact lauras@swwcd.org. We hope that you find the updates beneficial and informative.

Colorado Water Congress 2020 Bill Status Sheet

Bill No.	Short Title	CWC Position	Introduced	1st Committee	2nd Committee	2nd Reading	3rd Reading	Introduced	1st Committee	2nd Reading	3rd Reading	First House Repass	Conference Committee	Governor
HB20-1037	Augmentation of Instream Flows	27-Jan	8-Jan	23-Jan RA		28-Jan	29-Jan							
HB20-1042	PFAS Polyfluoroalkyl Substances Manufacturer Notice Requirements	21-Jan	8-Jan	28-Jan. T & LG		31-Jan								
HB20-1069	Add Water Well Inspectors Identify High-risk Wells	21-Jan	8-Jan	3-Feb RA										
HB20-1072	Study Emerging Technologies for Water Management	21-Jan	8-Jan	27-Jan RA	Ap									
HB20-1094	Repeal Fee Cap On-site Wastewater Treatment System	27-Jan	13-Jan	30-Jan RA										
HB20-1095	Local Governments Water Elements in Master Plans	3-Feb	13-Jan	3-Feb RA										
HB20-1097	Connected Municipal Use No Change If Already Quantified		14-Jan	13-Feb RA										
HB20-1119	State Government Regulation of Perfluoroalkyl and Polyfluoroalkyl Substances	10-Feb	15-Jan	20-Feb EE										
HB20-1138	Public Real Property Index	10-Feb	16-Jan	18-Feb CD	19-Feb T & LG									
HB20-1143	Environmental Justice and Projects Increase Environmental Fines		17-Jan	10-Feb EE										
HB20-1157	Loaned Water for Instream Flows To Improve Environment	10-Feb	17-Jan	10-Feb RA										

HB20-1159	State Engineer Confirm Existing Use Instream Flow	3-Feb	21-Jan	10-Feb RA										
HB20-1164	Study Strengthening Water Anti-speculation Law	3-Feb	18-Jan	12-Feb T & LG										
SB20-008	Enhance Penalties Water Quality Criminal Violations	10-Feb	8-Jan											
SB20-024	Require Public Input on Water Demand Management Program	21-Jan	8-Jan	30-Jan Ag										
SB20-048	Study Strengthening Water Anti-speculation Law	27-Jan	8-Jan	23-Jan Ag		28-Jan	29-Jan	31-Jan						
SJR20-003	Water Projects Eligibility Lists	27-Jan	21-Jan	30-Jan Ag										

BILL STATUS	ABBREVIATIONS
Bill scheduled for action at next SA meeting (yellow)	RA = Rural Affairs Committee
Bill not calendared (no fill)	Ap = Appropriations Committee
Bill Passed, date of action (green)	BLEW = Business, Labor, Economic and Workforce Development Committee
Bill no longer active (gray)	CC = Conference Committee
Bill Postponed Indefinitely, Lost or Laid Over to end of session, date of action (orange)	F = Finance Committee
Bill did not go to second committee or no action required (black)	HIE= Health, Insurance, and Environment

			J = Judiciary
<u>CWC POSITION</u>			LG = Local Government Committee
Bill scheduled for activity in CWC State Affairs (yellow)			SVMA = State, Veterans, and Military Affairs Committee
Support (green)			TE = Transportation and Energy Committee
Oppose (orange)			UA = Upon Adjournment
Amend (blue)			UR = Upon Recess
Monitor, Neutral, No Position			Ag = Agriculture and Natural Resources Committee
			EE = Energy & Environment
			CD = Capital Development



COLORADO

Division of Water Resources

Department of Natural Resources

Board of Examiners of Water Well Construction
and Pump Installation Contractors

February 3, 2020

BOE Policy 2020-1

DEFINING HIGH RISK WELLS AND KEY PHASES OF WELL CONSTRUCTION

Background

The Well Inspection Program was instituted for the protection of the groundwater resources of the State of Colorado and public health through enforcement of minimum well construction and pump installation standards. The program was created under Senate Bill 03-045.

This policy is derived from the recommendations of an audit by the Office of the State Auditor, found in the report [Water Well Inspection Program, Performance Audit, May 2019](#). This policy addresses Recommendations 1A, 1B, 1C, and 2C of that report and seeks to create a more efficient and effective Well Inspection Program.

Objective

To create a risk-based Well Inspection Program, it is necessary to identify the various well construction factors that increase the potential for groundwater contamination or mixing of groundwater from different aquifer sources and then to prioritize those factors for the purpose of well inspections. Board of Examiners Staff (Board Staff) has developed a matrix providing guidance to the Well Inspection Program on which types of well construction and pump installations pose the highest potential risk to Colorado's groundwater and to consumers if not constructed properly. As directed by Audit Recommendation 1A, high-risk wells will be inspected at a higher rate than other wells. Key phases of well construction are also identified to help inspectors prioritize when to visit higher risk wells. Each January, the Chief Well Inspector will establish and communicate a quantitative rate for high risk inspections over the year and include that information on the Division of Water Resources website.

The risk matrix considers the **likelihood** of impacts to the public health and groundwater resources of Colorado and the **consequences** of such impacts. Much of the data needed to determine the likelihood and consequences will be provided on the well permit application. However, some information will not be available until the advance notification is given. Therefore, the actionable risk can not be determined until the well contractor provides advance notice of well construction to the Division of Water Resources (DWR). Board Staff and the Well Inspectors will assign a numeric value for each risk factor based on their hydrogeological knowledge and experience. The risk factor values will consider both high-risk wells, but also high-risk construction situations, like those in areas that have not been inspected frequently or by contractors who have not been inspected recently. The values will be selected from within the ranges of values outlined below. These examples are meant to guide Board Staff and the Well Inspectors in their final numeric assignments as delineated in the **Policy** section.



Risk Factor Weight Ranges: Low (L) = 1-3, Medium (M) = 4-6, High (H) = 7-9

Application Risk Factors (based on Information Provided on the Permit Application)

Geography: (Likelihood)	Geothermal = H	Well Status:	Exempt/small capacity = L
	Denver Basin = M	(Consequences)	Nonexempt/large capacity = M
	Division 3 = M		
	Cheyenne Basin = M	Well Use:	Industrial = L
	Karst = M	(Consequences)	Dewatering = L
	Designated Basin = L		Monitoring = L
	Rest of State = L		Irrigation = M
			Commercial = M
			Residential/Domestic = M
			Municipal = H
Proposed Driller: (Likelihood)	Licensed Contractor = L	Aquifer:	Alluvial = L
	Authorized Individual = L	(Likelihood & Consequences)	Fractured granite = L
	Self/Private Driller = H		Other bedrock aquifers = L-M
			Dakota aquifer = M
			Laramie-Fox Hills = M
			Unconfined San Luis Valley = M
			Confined San Luis Valley = H

Notification Risk Factors (based on Information Provided during Advanced Notification)

Aquifer Type: (Likelihood & Consequences)	Type III = L	Time Since Contractor Last Inspected:	< 6 months = L
	Type II = L		6-12 months = M
	Type I (single) = M	(Likelihood)	> 12 months = H
	Type I (multiple) = H		
	Laramie Fox Hills = H		
Variance: (Likelihood)	No Variance = L	Time Since Inspection in Division	< 6 months = L
	Variance = H	(Likelihood)	6-12 months = M
			> 12 months = H

The Overall Risk Value will be determined by adding the sum of the Application Risk Factors to the sum of the Notification Risk Factors.

Overall Risk Value = Sum of Application Risk Factors + Sum of Notification Risk Factors

The Overall Risk Value will be considered by well inspectors daily before performing field inspections.

Key Phases of Well Construction and Completion

Well inspections during key phases ensure the well meets minimum construction, installation, or abandonment standards and therefore protects groundwater resources and public health and safety. Table 1 outlines the key phases for all aquifer types. Well Inspectors must prioritize the inspection of key phases by communicating and coordinating with well drillers and pump installers on proposed construction or installation schedules.

Table 1 Key Phases for Well, Pump, and Cistern Inspection (All Aquifer Types)	
Abandonment	Installation of Perforated Casing
Annular Space	Minimum Required Grout Interval(s)
Disinfection	Total Depth
Initial Pump/Initial Cistern Installation	Well/Cistern Location

Policy

The Well Inspection Program will prioritize inspections of wells that pose a higher risk of adversely affecting groundwater resources and the public health, safety, and welfare. To assist with this practice, Board Staff will develop and maintain a business process that calculates the Overall Risk Value (ORV) of proposed wells. Specific numeric assignments for Application and Notification Risk Factors are stored and displayed in a [worksheet](#) maintained on the Division of Water Resources website. The Well Inspection Program will use the ORV to identify higher risk wells and plan an inspectors' daily work schedule. A variety of wells ranked higher in risk and other lower risk well constructions, pump installations, and abandonments will be inspected as directed by the Chief Well Inspector.

The Well Inspectors will coordinate with the driller or pump installer on the anticipated dates of key phases of well construction or pump installation and will prioritize visits to high-risk category wells during key phases of well construction, pump installation, or well abandonment. Well Inspectors will record which phases were observed during the inspection. These records will be maintained in a database to track well inspections. Staff will regularly report the numbers of inspections, the quantitative rate of high-risk category inspections, and the key phases inspected to the Board. After each year of implementation of this policy, Board Staff will review the number of high-risk wells that were constructed and update the required quantitative rate of high-risk category wells to be inspected by the program in the following year.

Well Inspectors may prioritize the inspection of any well or key phase based on their own professional knowledge and discretion as well as consideration of safety-related factors.

Approval

This policy may only be modified or revoked in writing by the Board of Examiners of Water Well Construction and Pump Installation Contractors.

Approved 2-3-2020

Keith Branstetter

Keith Branstetter, Chairperson
Board of Examiners of Water Well Construction
and Pump Installation Contractors

MEMO

Southwestern Water Conservation District

From: Laura Spann
To: SWCD Board of Directors
Date: February 4, 2020
Subject: Past SWCD Positions on Legislation related to the Water Conservation Program

As the board requested at their January 15th teleconference, below is a brief background on SWCD's past positions and discussion regarding legislation to establish, and then expand, the water conservation program. This background was developed from listening to meeting recordings.

SB13-19 (Promote Water Conservation)

This bill established the water conservation program in Division 4, 5, and 6. In 2013, the SWCD board expressed concerns regarding potential impacts from the program for agricultural water users, but there was no official SWCD board position taken. The Colorado Water Congress State Affairs Committee supported the bill as amended.

HB17-1233 (Protect Water Historical Consumptive Use Analysis)

This bill was originally drafted to expand the program statewide but was eventually amended to expand only to Divisions 1, 2, and 3. The State Affairs Committee supported the bill. SWCD had not yet had the opportunity to discuss the bill, so Bruce voted against it at the State Affairs Committee meeting based on the concerns expressed in 2013. Those concerns included uncertainty as to how the program might be used and if the program would result in a dry up of irrigated agriculture. The SWCD board remained neutral on the bill. At the last hour, Senator Crowder made a motion from the floor to exclude Division 7, which passed. Bruce was surprised by this and mentioned that likely there would be an effort to include Division 7 in the future.

Enclosed for your reference is a University of Denver Water Law Review article on HB 17-1233, as well as a CWCB memo from March 2019 regarding a water conservation program on the San Miguel River.

Colorado HB17-1233: Protect Water Historical Consumptive Use Analysis

ELAINE NOLEN · JUNE 27, 2018



H.B. 17-1233, 71st Gen. Assemb., 1st Reg. Sess. (Colo. 2017) (expanding the application of current state law that prevents water saved in a government-sponsored water conservation program from reducing historical consumptive use).

[House Bill 17-1233](#) (“HB 1233”), titled *Protect Water Historical Consumptive Use Analysis*, accomplishes three objectives: (1) to expand application of a preexisting law to water Divisions 1, 2, and 3; (2) to clarify that participation in a government-sponsored program includes water conservation pilot programs; and (3) to limit state agencies that can approve a water conservation program to only those with explicit statutory jurisdiction over water conservation or water rights. Democratic House Representative Jeni Arndt of District 53, located in water Division 1, and Republican Senator Larry Crowder of District 35, located in water Division 2, introduced HB 1233 in the House on March 7, 2017. The House approved the bill on March 24, the Senate approved an amended version on April 17, and Colorado Governor John Hickenlooper signed HB 1233 on May 3.

A historical consumptive use analysis is part of a proceeding to change a water right. A water right owner may only change that right up to the amount of water historically consumed for a beneficial use. Prior to HB 1233, Colorado law provided that in Water Divisions 4, 5, and 6, historical consumptive use analyses were not to consider reduction in water usage resulting from participation in a government-sponsored water conservation program. In the initial draft of HB 1233, the sponsors sought to apply this rule to all seven of Colorado’s water divisions. However, at the Senate second reading, the Senate passed Senator Crowder’s proposed amendment to remove water Division 7 of southwestern Colorado from the bill. Senator Crowder explained that feedback from the representative from that water division led him to propose the amendment.

Sponsors introduced HB 1233 with the same legislative intent as the sponsors of Senate Bill 13-019, 69th Gen. Assemb., 1st Reg. Sess. (Colo. 2013), the bill that established this protection for water right owners in Divisions 4, 5, and 6. Both bills sought to grant water right owners some relief from the “use it or lose it” system. The sponsors brought HB 1233 not as an environmental initiative but as an agricultural one, aimed at providing Colorado farmers wanting to participate in voluntary pilot programs with peace of mind that their water rights would not be diminished. At the hearing before the House Agricultural, Livestock, and Natural Resources Committee, Representative Arndt summarized HB 1233’s objectives to “protect private property rights and agriculture,” “add certainty,” and “consolidate other legislation” so farmers could feel confident pointing to this bill to protect their rights. An example that came up several times throughout the hearing process involved a conservation pilot program in the town of Gilcrest, located in water Division 2. The pilot program encourages farmers to pump their well water to help combat flooding caused by high ground water levels. However, testimonials explained that farmers would pump water but were still hesitant to reduce use of surface water rights. The sponsors asserted HB 1233 could help instill confidence in farmers to participate in this program and use well water rights instead of their surface water rights.

Opposition in the House Committee expressed concerns that the bill was “overkill” and that it would be better to wait on more complete feedback from pilot programs like the one in Gilcrest to see if expanding the bill to the other divisions was appropriate. The sponsor and witnesses conceded the protections offered in HB 1233 are arguably provided in other legislation, but they defended the bill as a “belt and suspenders” measure and as “another tool in the toolbox” to provide peace of mind to farmers. Testimonials in support of the bill included the Nature Conservancy, Special Advisor for Water Policy to the Governor, Colorado Water Trust, Colorado Water Congress, and an Arkansas Valley farmer. HB 1233 passed this committee with eight votes in favor and five opposed.

Opposers on the Senate Agriculture, Natural Resources, and Energy Committee expressed concern that the bill harmed water users on Colorado’s eastern plains by “not being able to quantify [their] historic use” and asserted that water divisions would have come forward if they wanted to be included in the law. A representative from the Colorado River Water Conservation District, which covers Divisions 4, 5, and 6 where the law is in effect, spoke in support of the measure, explaining that the system has worked in these divisions and could work in others areas. HB 1233 passed this committee with six votes in favor and five opposed.

The passing of HB 1233 provides a clear legislative reference to help assure water right owners that participating in government-sponsored water conservation programs will not jeopardize their property rights. While it does have an environmental element to protect conservation, it does not guarantee that water will not be used. If one user conserves water, the next-priority user can still take it out of the river. The bill’s protections even have the potential to result in more depletion of the river when a change does occur than without the bill. Upon a change, if an owner’s historical consumptive use includes water saved in a conservation program, the formerly conserved water that had not left the river because of the conservation could then be removed from the river and used consumptively after the change. However, regardless of this bill, owners of conserved water can always stop conserving and use the full extent of their water. Without the bill, this risk exists until the water rights are changed, because the actual historical consumptive use limits future use, but because the bill does not count conserved water against the historical consumptive use analysis, the risk remains even after a change. But, in exchange for this risk, the bill encourages conservation. Nevertheless, the bill does have the potential to be a useful tool for entities that work to manage water conservation and water rights in Colorado to help influence and balance water use in the best interest of water right owners and the public.

Elaine Nolen

Image: The Colorado Capitol. Flickr User [Onasill ~ Bill Badzo](#), Creative Commons.

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COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

1313 Sherman Street
Denver, CO 80203

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Jared Polis, Governor

Dan Gibbs, DNR Executive Director

Rebecca Mitchell, CWCB Director

TO: Colorado Water Conservation Board Members

FROM: Linda Bassi, Section Chief
Kaylea White, Senior Water Resource Specialist
Stream and Lake Protection Section

DATE: March 20-21, 2019 Board Meeting

AGENDA ITEM: 7. Request for Approval of Water Conservation Program on San Miguel River

Introduction

The Nature Conservancy (“TNC”) has been working with the Silverhawk Ranch (“Ranch”), a water rights owner on the San Miguel River, to explore market-based opportunities to maintain flows on the San Miguel River while providing economic support to agricultural water users. This year, the Ranch and TNC plan to test a split-season fallowing arrangement whereby the Ranch will cease diverting certain of its decreed water rights. The Ranch has submitted a proposal to the CWCB requesting approval of this arrangement as a water conservation program to ensure protection of its subject water rights from a presumption of abandonment and reduction in historical consumptive use due to non-diversion.

Staff Recommendation

Staff recommends that the Board approve the Silverhawk Ranch proposal as a water conservation program subject to sections 37-92-103(2) and 37-92-305(3)(c), C.R.S. (2018).

Background

In 2005 and 2013, the General Assembly enacted bills to protect water rights used in a water conservation program from the presumption of abandonment and from a reduction in historical consumptive due to non-diversion of those water rights. Those bills were codified in the following statutory provisions: Section 37-92-103(2) defines “abandonment of a water right” and provides that “[a]ny period of nonuse of any portion of a water right shall be tolled, and no intent to discontinue permanent use shall be found for purposes of determining the abandonment of a water right for the duration that . . . nonuse of a water right by its owner is a result of participation in . . . a water conservation program approved by a state agency. . . .” Section 37-92-305(3)(c) provides that “[in] determining the amount of historical consumptive use for a water right in divisions 1, 2, 3, 4, 5, or 6, the water judge shall not consider any decrease in use resulting from . . . the nonuse or decrease in use of the water from the water right as a result of participation in . . . a water conservation program . . . approved in advance . . . by a water conservation district, water district, water authority, . . . water conservancy district, . . . or a state agency with explicit jurisdiction over water conservation or water rights.”



In 2005, the CWCB approved the Colorado River System Conservation Pilot Program as a water conservation program. The purpose of that Program was to explore and learn about the effectiveness of temporary, compensated, and voluntary water demand management actions. The Board also provided funding for specific water conservation activities as part of the water conservation program. That is the only water conservation program this Board has approved to date. The Colorado River Water Conservation District approves water conservation programs within its service area, and has approved seven such programs to date. Because this proposed split-season fallowing arrangement is located in an area that is not covered by the Colorado River Water Conservation District's program or any other existing water conservation programs, the Ranch has submitted this request for approval to the CWCB. The full request and a map showing the location of the subject diversion structures are attached to this memo.

Proposed Water Conservation Program

The Silverhawk Ranch, located on the San Miguel River near Naturita, Colorado, uses water from the San Miguel River to irrigate hay fields and to support a cow-calf operation. This year, TNC and the Ranch are testing a split-season fallowing arrangement and have entered into a non-diversion agreement under which TNC will compensate the Ranch for participating in this program. Currently, the Ranch diverts its decreed direct flow water rights from the Parkway/New Parkway diversion structure (decreed in Case Nos. CA1627, WO233, 02CW116, 02CW261, CA3785, CA7945, CA4641) and the Doing diversion structure (decreed in Case Nos. CA1627, CA4641, W2210) to irrigate hay fields on both sides of the San Miguel River. The non-diversion agreement provides that the Ranch will stop diverting its decreed water rights for the Parkway/New Parkway and Doing diversion structures on April 16, 2019 and refrain from diverting for the remainder of 2019. (Typically, the irrigation season in this area of the San Miguel River basin begins as early as March and can extend to as late as November). The Ranch will continue to irrigate portions of the property with the Ranch's water shares in the Highline Canal/CCC Ditch.

The estimated amount of water conserved under this water conservation program is approximately 1,600 acre-feet of diversions. This amount was estimated based on an engineering review of the historical average annual diversions of the Ranch's water rights for the Parkway/New Parkway and Doing ditches.

To verify implementation of the non-diversion agreement, TNC has installed photo point monitoring on the Ranch to document that diversions of water at the Doing and Parkway/New Parkway structures will cease starting on April 16, 2019. TNC and Ranch representatives will meet periodically to verify and document non-diversion at these structures. Additionally, the Ranch will rely upon the water commissioner's recordkeeping of the lack of diversions at these structures.



Proposal for Approval of Water Conservation Program

1. Introduction

Please accept this Proposal for Approval of Water Conservation Program under C.R.S. §§ 37-92-103(2), 37-92-305(3)(c) for the Silverhawk Ranch, located near Naturita, CO. The Silverhawk Ranch is requesting that the Colorado Water Conservation Board approve Silverhawk Ltd.'s enrollment in a water conservation program to provide protection from abandonment and reduction in historic consumptive use for the Silverhawk Ranch's water rights for the 2019 irrigation season.

2. Landowner Information

Silverhawk Ltd.
P.O. Box 98
Nucla, CO 81424
silverhawkranch@aol.com
(970) 864-2125

3. Proposed Water Conservation Program Project Description

The Silverhawk Ranch is located on the San Miguel River near Naturita, Colorado. The Silverhawk Ranch uses water from the San Miguel River to irrigate hay fields and to support a cow-calf operation on the ranch. The Silverhawk Ranch and The Nature Conservancy are collaborating to investigate market-based opportunities to maintain critical flows on the San Miguel River while providing economic support to agricultural water users. In 2019, the Silverhawk Ranch and The Nature Conservancy are testing a split-season fallowing arrangement where the Silverhawk Ranch will stop diverting its decreed water rights for the Parkway/New Parkway and Doing diversion structures on April 16, 2019. The Silverhawk Ranch will continue to irrigate portions of the ranch with the Silverhawk Ranch's water shares from the Highline Canal/CCC Ditch.

4. Project Location, Places of Use

See attached map for the project location. Currently, the Silverhawk Ranch diverts its decreed, direct flow water rights from the Parkway/New Parkway diversion structure (CA1627, WO233, 02CW116, 02CW261, CA3785, CA7945, CA4641) and the Doing diversion structure (CA1627, CA4641, W2210) to irrigate hay fields on both sides of the San Miguel River.

5. Estimated Amount of Conservation

Approximately 1600 AF of diversions. This amount was estimated based on an engineering review of the historic average annual diversions of the Silverhawk Ranch's water rights for the Parkway/New Parkway and Doing ditches.

6. Verification Method

The Nature Conservancy has set up photo point monitoring on the Silverhawk Ranch to verify that the Doing and Parkway/New Parkway structures will cease diversions starting on April 16, 2019. The Nature Conservancy and the Silverhawk Ranch will meet periodically to verify and document non-diversion at these structures.

7. Timeframe/Schedule




The Silverhawk Ranch's split season fallowing will start on April 16, 2019 and will remain for the duration of 2019. There is flexibility built into the fallowing agreement in case the Division of Water Resources exercises the alternate point of diversion at the Highline Canal/CCC Ditch (which may affect the fallowing schedule in 2019).

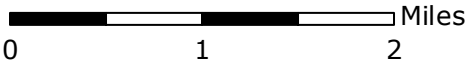
8. Funding Requested

The Silverhawk Ranch is not requesting funding from the Colorado Water Conservation Board for this project (and no public funding is being used in this project).

Silverhawk Ranch Diversion Structures



-  Silverhawk Ranch Diversion Structures
-  Streams/Rivers
-  Ditch



1:63,360



ROBERT D. LINDNER RANCHES

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MESA FARM**
201 COUNTY RD. 306
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81301

February 5, 2020

**PINEY PEAK
RANCH**
6581
SHEEPHORN CREEK RD.
BOND, COLORADO
80423

Bob Wolff, President
Southwestern Water Conservation District
Via email c/o lauras@swwcd.org

Re: Conservation Program Legislation

Dear Mr. Wolff,

My family and I own several ranches in southwestern Colorado where we lease our property to our family livestock operations. Our water rights are used for irrigation purposes to graze livestock on our pastures. I am writing to encourage the Southwestern Water Conservation District (SWWCD) to adopt a conservation program that would extend protections to water rights owners in the southwest.

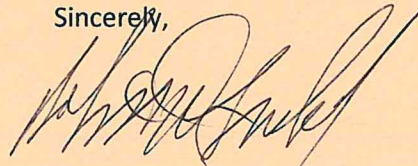
Good land stewardship and conservation is important to our family and we are looking into improving irrigation systems to reduce the amount of diverted flows needed to meet crop demands and other drought resiliency projects. However, we are concerned about the effect of water conservation projects on our water rights,

I understand that laws have been enacted in Colorado to protect water rights owners if they enroll in a conservation program run by organizations such as SWWCD, but, while the law is available across the state, it is not available in southwest Colorado.

Please consider supporting legislation that includes southwest Colorado in the law's protection and adopting a conservation program that would give water users an opportunity to become even better stewards of our resources while protecting water rights in the area.

Thank you for your consideration.

Sincerely,



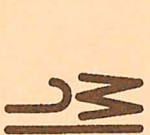
Robert D. Lindner, Jr.

**WEMINUCHE
VALLEY RANCH**
P.O. BOX 839
PAGOSA SPRINGS
COLORADO
81147

**EL RANCHO
PINOSO**
398B COUNTY ROAD 326
PAGOSA SPRINGS
COLORADO
81147

**THE NOTCH
RANCH GROUP**
P.O. BOX 839
PAGOSA SPRINGS
COLORADO
81147

RDL:pam



Benjamin D. Wolcott
7600 Road 38
Mancos, CO 81328
(970) 749-2241
wolcottranches@gmail.com

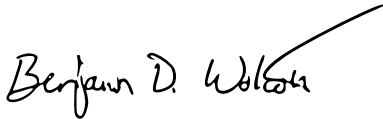
February 4, 2020

To Whom It May Concern:

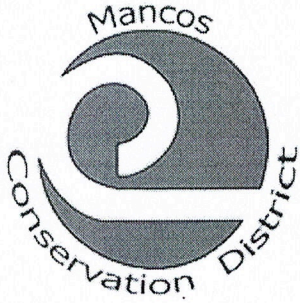
I wish to express my support for allowing Colorado Division of Water Resources Division 7 to be eligible for the protections of HB17-1233 and no longer excluded. As a landowner and irrigator near Mancos, Colorado I feel having the opportunity to act in the best interest of the land is an integral part of our duty as stewards. Being able to adapt to change is an important ability needed to survive. Having protection of water rights, while acting for conservation in times of need, allows water users to better manage both the water and the land. Withholding this protection can only result in harm to land managers.

As it is often pointed out, we do not have a specific recipe for "best management", but I do feel that we can learn and grow with our communities to achieve steps towards conservation. I wish to conserve and protect the land I work with, the business that feeds my family, and the ties we have to our community. To best achieve these goals, I am willing to adapt and overcome adversity. I believe that HB17-1233 allows for new ideas and opportunities in water management that can be of aid to managers into the future.

Sincerely,

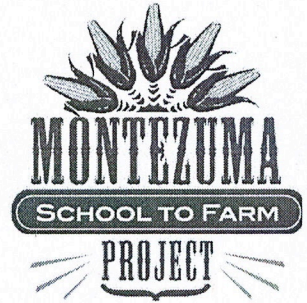
A handwritten signature in black ink that reads "Benjamin D. Wolcott". The signature is written in a cursive style with a long, sweeping line extending from the end of the name.

Benjamin D. Wolcott
Owner
Wolcott Ranches of Mancos, LLC



To promote long-term sustainable use and protection of the Mancos River Watershed. We provide educational, financial and technical assistance to meet these conservation goals.

The Montezuma School to Farm Project unites our local agricultural heritage with our growing future by engaging students at the crossroads of sustainable agriculture, resource conservation, health, and economics experience in outdoor garden classes, on field trips, through youth farmers markets, and summer farm camp.



February 3rd, 2020

Bob Wolff, President
Southwestern Water Conservation District
Via email c/o lauras@swwcd.org

Dear Mr. Wolff,

The Mancos Conservation District (MCD) Board of Supervisors gives its highest level of support and encouragement to the Southwestern Water Conservation District (SWWCD) to adopt a conservation program that would extend protections to water rights owners in the southwest. The protections offered in HB17-1233 would be greatly welcomed in the Mancos Valley and Division 7 as a whole. These said protections would make our Mancos River and watershed work MCD is engaged in more relevant and practical to our agricultural water users.

Land stewardship and conservation practices are of the utmost importance to the irrigators along the Mancos River. MCD is constantly looking into improving irrigation systems to reduce the amount of flows needed to meet crop demands and other drought resiliency projects, while not compromising our water users' rights. Including Division 7 into the protections offered in HB17-1233 would both protect our water users and also encourage conservation practices along the Mancos River.

Please consider supporting legislation that includes all of Division 7 in the law's protection and adopting a conservation program that would give water users an opportunity to become even better stewards of our resources while protecting water rights in the area.

Thank you for your consideration and time to read this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Nolan', is written over a circular stamp or seal.

Michael Nolan

President, Mancos Conservation District

604 Bauer Avenue
P.O. Box 694
Mancos, CO 81328
970-533-7317

Southwestern Water Conservation District

West Building, 841 E Second Avenue
Durango, CO 81301

Memorandum

To: Board of Directors

From: Frank Kugel, Executive Director

Date: January 23, 2020

Subject: Meeting Concerning San Juan County Water Rights

This memo is to describe the San Juan County Commissioners meeting that I attended on January 22, 2020. Accompanying me at the meeting was Charlie Smith, San Juan County (County) representative on the Southwestern Water Conservation District (SWCD) Board. Those in attendance included the three county commissioners, Ernie Kuhlman, Peter McKay and Scott Fetchenhier, county administrator Willy Tookey and county attorney Dennis Goldbricht.

Charlie and I presented to the County representatives an overview of Water Court Case No. 05CW88. We stated that diligence for the case has an application deadline of August 31, 2020. I highlighted conditions from the Memorandum of Agreement (MOA) between the County and SWCD signed in February 2019 to address the maintenance and development of the conditional water rights. The MOA includes provisions for transfer of the conditional water rights held by SWCD to the County as the rights are made absolute. I provided a list of rights and requested that the County provide us with an update on their status for inclusion in our diligence application. As of the meeting no portion of the water rights have been made absolute.

We discussed recent activities to support the diligence application. These include:

- 1) This meeting as described herein.
- 2) Water was diverted at the Gladstone and Howardsville points of diversion in 2019 into trucks for dust control. The County has requested diversion records from EPA for this use. The diversions will be included in a future water court application to convert that portion of these conditional water rights to absolute.
- 3) There are plans to divert water at the Eureka point of diversion for irrigation. If the plans are implemented in early 2020 this water usage will also be included in the future water court application for conversion to absolute.
- 4) Lastly, the fire trucks may be able to divert water from the river using these water rights.

The next coordination meeting will be held in the summer of 2020.

SAN JUAN COUNTY, COLORADO

BOARD OF COMMISSIONERS MEETING AGENDA

January 22, 2020

CALL TO ORDER: 6:30 P.M.

BOCC Meeting Minutes for January 8, 2020

APPOINTMENTS:

6:40 P.M. Ladonna Jaramillo, County Clerk

7:00 P.M. Frank Kugel, Executive Director Southwestern Water Conservation District

7:30 P.M. Xcel Energy Public Service Company - Land Use Permit Application for the replacement of the underground pipe that conveys water from Cascade Creek to the Tacoma Hydroelectric Plant within the Cascade Village and Twilight Meadows Subdivisions.

7:45 P.M. Kevin Farmer- Cannabis Deliveries and Hospitality Business

CORRESPONDENCE

Southwest Health Alliance

OLD BUSINESS

Appointment to Boards and Commissions

NEW BUSINESS

Authorize New Bank Signatures

Authorize Citizen State Bank Credit Cards for Kristina Rhoades and Anthony Edwards

Resolution 01-2020 Census 2020 Complete County Committee

CR 22A Discussion

2019 Financial Report

2018 Audit

Commissioner and Staff Reports

Next Regular Meeting – February 12, 2020 8:30 A.M.



December 2, 2019

Dear Colorado Water Stewardship Project Supporter-

Thank you for your support of the Colorado Water Stewardship Project.

The Colorado Water Congress membership believes our work on ballot initiatives and protection against imposition of the Public Trust to be among CWC's top priorities. Because this ongoing effort on behalf of all our members does require funding to maintain its effectiveness, the Executive Committee of the Colorado Water Stewardship Project is requesting contributions from participating organizations to support activities in 2020.

Requested contributions for 2020 are based on the attached 2020 Project Strategy and Budget recommended by the Stewardship Project Executive Committee and the Colorado Water Congress Board. The overall project budget for 2020 is \$50,000.

While we anticipated a quiet year in 2019, the Stream Access Litigation became a topic that needs our attention. Specifically, CWC is active in this case because it posed a threat to our position on Public Trust. After a positive ruling in the lower court, Public Trust proponents are seeking to overturn this decision in the 10th Circuit Court of Appeals.

We have also continued our work tracking proposed ballot initiatives filed for the 2019-20 election cycle. To date, 130 ballot initiatives have been filed. None pose a significant threat to our position related to Public Trust. The deadline for filing initiatives for the 2020 ballot is still about 4 months away. The ballot initiative tracking sheet is available on the CWC website.

The strategy is for the CWC to maintain a long-term capacity to respond to ballot measures as Colorado law allows for public entities, including title setting and appeals prior to petition circulation. (Actual campaign work remains the responsibility of the private sector.)

Should any credible ballot initiative threat emerge, there will be a direct appeal for additional funds to address that specific measure. A strong CWC response would be essential, being mindful that all CWC work must comply with the same restrictions placed on any public entity by the Fair Campaign Practices Act.

Your continued participation will help protect all Colorado water users from potentially damaging ballot proposals. We appreciate your support of this vital program. If you have any questions, please contact Chane Polo at Chane@cowatercongress.org.

Sincerely,

Doug Kemper

Colorado Water Congress Executive Director



Colorado Water Stewardship Project 2020 Strategy Outline

The Colorado Water Stewardship Project is a committee of Colorado Water Congress members deeply concerned about the adverse impact of ballot measures on Colorado's water community. Funding support is by modest continuing commitments from these members.

Project Financial Status

- End of 2019 projected balance: \$10,000.
- Budget funds primarily covered the development and submission of a CWC amicus brief on *Hill v. Warsewa*. We are monitoring this case, and Amendment 71, which may involve work past December 2019.
- No funding efforts made in 2019 because there were no immediate ballot initiatives that posed threats to the Public Trust Doctrine.
- For 2020, the funding target is \$50,000.

Project Resources

- Project Manager
 - Chané Polo, *Colorado Water Congress*.
- Contractors
 - Legal Services, Steve Leonhardt, *Burns, Figa & Will P.C.*
 - Political Insights, Floyd Ciruli, *Ciruli & Associates*.

Response System

Tier 1. Monitor and Update.

- Monitor and summarize ballot initiatives filed.
- Scan websites and social media of likely ballot proponents.
- Continuous online reports on the content and status of ballot initiatives.
- Tracking and reports on both lawsuits (*Hill v. Warsewa* and Amendment 71).

Tier 2. Presence at Title Board Hearings.

- Participate in and present oral arguments at Title Board Hearings for initiatives that are a specific threat.

Tier 3. Public Engagement.

- Work with state and local government, other natural resources interests, and other interested parties to prepare communications on current threats.

Tier 4. Legal Action.

- Develop and file title appeal or amicus brief.

If a credible ballot threat emerges, a strong CWC response is needed on a larger scale. Although CWC maintains a reserve fund for an initial response, overall project success would ride on the strength of a separate, one-time appeal for at least \$100,000. Ballot campaign activities by the private sector aimed at defeating a measure would be costlier.

The deadline for filing ballot initiatives is March 2020 and the deadline for signatures will be August

2020. To date, 126 initiatives have been filed for the 2019-20 ballot. We expect that number to reach 300, and a few of those to directly affect the water community. In 2020, we will continue to track proposed initiatives filed, monitor Amendment 71 and the *Hill v. Warsewa* case, and study the shifting political landscape in anticipation of the 2020 elections.

2019 Accomplishments

Project Purpose*

Continue alertness of ballot initiatives that might adversely impact Colorado water community interests. Maintain baseline and reserves to fund immediate response. Pursue legal action when appropriate. Complete tasks that are not specific to any one proposed measure. Build communications network and strengthen partnerships.

2019 Project Accomplishments

Monitor and summarize ballot initiatives filed.

Scan websites and social media of likely ballot proponents.

Work with state and local government, oil and gas interests, and other interested parties to prepare communications on programs supported by severance tax revenue.

Favorable 10th Circuit decision on Amendment 71.

**No resources will be used for campaign purposes. All work will comply with the Fair Campaign Practices Act as applied to public entities and be reviewed by legal counsel.*

2019 Work Products

Ballot initiative tracking sheet.

Periodic Enews, webinars, and event presentations.

Tracking on both lawsuits (stream access litigation and Amendment 71).

CWC amicus brief on *Hill v. Warsewa* case.

Project Background

Over the past 27 years, several ballot measures have periodically been introduced that would substantially disrupt Colorado's system of water law and regulation. Whether in the form of a Public Trust Doctrine, environmental rights, or local control; Colorado's economy and water supply reliability would be directly threatened by these sudden, sweeping changes. In recent years, Colorado has also seen an effort to impose the Public Trust Doctrine through litigation.

On their surface, these ballot proposals might appeal to voters who often must decide on complex issues. Because they can move so quickly, a rapid response capacity and long-term presence is required. The CWC Board created the Colorado Water Stewardship Project to be the sentinel for Colorado's water community.

The Colorado Water Stewardship Project maintains vigilance and a readiness to respond to ballot measures as Colorado law allows for public entities, including title setting and appeals prior to petition circulation. Campaigns to urge votes to deny a ballot measure rely on the private sector.

**SAN JUAN COUNTY/TOWN OF SILVERTON
BPMD LOCAL PLANNING GROUP
1557 Greene Street
PO BOX 466
Silverton, CO 81433
1(970) 387-5766**

December 17, 2019

EPA BPMD Superfund Project Manager and Staff
Attn: Ms. Christina Prograss
Superfund Project Manager, EPA, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

Re: BPMD Adaptive Management Priority Approach

Dear Ms. Prograss:

We appreciate the Environmental Protection Agency (EPA) organizing our work session on November 7th for the Bonita Peak Community Advisory Group (CAG) and the Bonita Peak Mining District (BPMD) Local Planning Group to introduce and discuss the EPA's proposed site strategy options for Adaptive Management. This decision-making approach, which invited input into the formation of the approaches, is representative of the level of engagement and transparency that our local community imagined and expected when originally submitting the BPMD Superfund Request to the Colorado Governor and, by extension, to the EPA. We look forward to this type of collaboration between the BPMD Planning Group and EPA as we move forward in applying and administering the Adaptive Management Process within the Bonita Peak Mining District Superfund site. In this correspondence, we have included: 1) the group's preferred Adaptive Management Approach, 2) the local BPMD Planning Group's input and priorities, and 3) an attachment of a list of items of local concern (Ex. A).

In considering the site strategy options presented, the BPMD Local Planning Group now advises the EPA to focus on reducing metal contributions in the Gladstone area, and to prioritize mitigating the impacts of the Gold King, Red & Bonita, American Tunnel, and Mogul drainages. We generally support Site Strategy Option #4, reestablishing a groundwater equilibrium through installing and managing bulkheads at various portals with the following stipulations:

- 1.) the bulkheads and portals remain accessible;
- 2.) the bulkheads are monitored regularly for safety purposes;
- 3.) the hydrologic conditions are monitored; and

- 4.) water treatment of residual mine drainage and instream flow remains available unless and until it can be determined with certainty that water treatment is no longer necessary to meet the current and future anticipated goals in the watershed.

The BPMD Local Planning Group recognizes that implementing the bulkheading process will be incremental over time. More specifically, as a bulkhead is installed a monitoring period will be necessary to determine the effects on groundwater and surface water chemistry and hydrology. Therefore, the BPMD local planning group advises the EPA to assess the efficacy of mine remediation for Site Strategy Option #1a concurrently with the bulkheading assessment. Option #1a targets improving water quality in Reach 2 - the Upper Animas River from Eureka to the confluence of Cement Creek.

Addressing Uncertainties through Adaptive Management

Consistent with the definition of Adaptive Management, the BMPD Local Planning Group is encouraged by the use of this approach to target management and resource decisions to incrementally reduce site uncertainties while supporting continued site progress and continuous learning. The BPMD Local Planning Group offers the following recommendations to streamline decision making, reduce uncertainty, facilitate site progress, and control costs. In addition, the BPMD Local Planning Group has identified general thoughts and concerns that we recognize as important considerations as we move forward with the adaptive management strategy, which include the following:

- Each individual site needs to be surveyed and site boundaries need to be identified;
- The EPA needs to create and identify the process for delisting and removing sites from the BPMD;
- The EPA needs to present the approach being taken with a conceptual site model to assess and address natural background;
- The Gladstone Water Treatment Plant needs to be maintained in a sound, safe and functional operating condition, which includes the capacity to treat all of the primary draining portals in Upper Cement Creek drainage;
- A rigorous Adaptive Management Project Plan needs to be developed and implemented with stakeholders that includes: conceptual site model(s), monitoring and assessment plan, data sharing protocol, and adaptive management decision points (AMDPs) where the EPA, BPMD Local Planning Group, CAG, State of Colorado, U.S. land management agencies, and watershed stakeholders can be properly included and engaged throughout the Adaptive Management decision-making process; and
- A pilot study area above the treatment plant needs to be established so innovative water treatment technologies can be evaluated as part of the AM goal of continuous learning and improvement.

In conclusion, we want to thank the EPA for your continuing efforts to collaborate with the State of Colorado, the BPMD Planning Group members, and the CAG. As we move forward, we believe it is essential we remain cognizant of our decisions and how they not only

impact those within the boundaries of the BPMD but how our approach addresses the needs and concerns of all those downstream within the watershed. Finally, we look forward to our next meeting where we can begin planning our next steps.



Anthony D. Edwards
Bonita Peak Mining District Communications Liaison
on behalf of the Bonita Peak Mining District Local Planning Group

Cc:

Senator Michael Bennet

Senator Cory Gardner

Representative Scott Tipton

Navajo Nation

Southern Ute

Ute Mountain Ute

State of Colorado Governor

State of New Mexico

State of Utah

La Plata County Commissioner Julie Westendorff

San Juan County Commissioner Ernie Kuhlman

Silverton Mayor Chris Tookey

Durango Mayor Melissa Youssef

EPA Headquarters and Region 8

EXHIBIT A

SAN JUAN COUNTY/TOWN OF SILVERTON GENERAL CONCERNS, CONSIDERATIONS AND REQUESTS

- Goals: What do we want to see happen? What is the measurement of success?
- Science: What is the science to justify each reclamation project? Where are the data gaps?
- Preservation: All projects need to comply with the National Historic Preservation Act.
- Repository: A permanent repository needs to be developed on a site that has already been environmentally impacted.
- Innovation: Develop innovative solutions to site remediation.
- Retaining a seat at the table, including maintaining a collaborative working relationship with EPA, BLM, Forest Service, CDPHE, DRMS and other state and federal agencies.
- What is background? How is it determined? Would this be the appropriate subject for a TAG grant to provide professional expertise to review how background is being determined?
- Engage with private property owners and limit the impacts to private property.
- Mitigate the impacts on San Juan County/Town of Silverton roads and trails.
- Projects should be designed and implemented in a manner compliant with County regulations.
- Minimize adverse impact on tourism and recreation.
- Integrate education, information and signage into the BPMD Superfund Project.
- Minimize and/or eliminate impacts to:
 - Town's water treatment plant;
 - Town and County water rights;
 - Federal land management agencies; and
 - Impact on residential and commercial development, future mining.

Bonita Peak CAG

Ms. Christina Prograss
Superfund Project Manager, EPA, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

Dec. 15, 2019

Dear Ms. Prograss:

Thank you for organizing the work session in November in Silverton for the Bonita Peak Community Advisory Group (CAG) and the Silverton-San Juan County Planning Group. It is this type of meaningful engagement that our local community desires as EPA moves forward with activities in the Bonita Peak Mining District Superfund site (BPMD). We believe that EPA's Adaptive Management approach will lead to more robust and timely progress at the BPMD Superfund site.

After the November meeting, the CAG held its own internal work session to further discuss site strategy options for the BPMD. As you are aware, the CAG has seventeen members with significant water quality and mining experience in the Animas River basin. Some members have worked on water quality in the basin for twenty-five years. Four of the members were appointed by the towns of Silverton and Durango and San Juan and La Plata counties. Our thoughts are described below.

The CAG believes EPA's initial main focus should be on the four big sources of metals in the Gladstone area – the mine drainages of the Gold King, Red & Bonita, American Tunnel, and Mogul. To address these sources, we support the presumptive remedy for Upper Cement Creek found within Site Strategy Option #4, reestablishing the groundwater table by installing bulkheads at various portals provided that: 1.) the tunnels to the bulkheads are maintained for access, 2.) the bulkheads are inspected regularly to monitor their integrity and the water pressures behind them, 3.) hydrologic monitoring and analysis continues to ensure long-term efficacy of remedial actions at Gladstone, and 4.) an option remains for some type of water treatment of residual mine drainage or instream flow if the bulkheads don't improve water quality to the degree that water treatment of drainage could.

These mine sites will be the most expensive to address. While currently the BPMD enjoys high priority status as a Superfund site, the CAG is quite concerned its priority could change in the future. We want to see major investigatory and remedial projects funded first while we have this elevated status. We also note that bulkheads can be funded with manageable, annual budgeting, unlike a large water treatment facility which may need a big financial infusion all at once.

The CAG recognizes that the bulkheading process will take a significant amount of time. As each bulkhead is closed, there needs to be a waiting period to monitor the effects on groundwater and surface hydrology. Therefore, for the reasons listed below, the CAG recommends that EPA concurrently assess the mine remediation potential and develop specific water quality and fishery goals as described in Site Strategy Option #1a. Option #1a targets improving water quality in Reach 2 - the Upper Animas River from Eureka to the confluence of Cement Creek.

First, improvements in water quality in Cement Creek through addressing the main, mining-related metal sources can be reasonably estimated. For example, the effects of running the four major drainages near Gladstone through a treatment plant are well understood. There is a much higher level of uncertainty in what potential water quality improvements are attainable with remediation of mine sites in the Upper Animas River above Cement Creek. If significant metal reductions can be attained, substantial improvements in Reach 1 - the Animas Canyon below Silverton - may also be realized. Without understanding what improvements can be made in the Upper Animas, it is difficult to estimate what improvements are possible in Reach 1.

Second, the majority of the 48 sites identified when the Superfund site was initiated affect Reach 2. It is not clear that remediation of some of these sites will result in measureable improvements to this stream reach. Three of the priorities for local community members are for EPA to: delineate the boundaries of the initially listed sites so that claim holders and property owners know whether or not they have cleanup liabilities, determine localized background water quality conditions around sites, and remove less significant sites from this list as quickly as possible. By focusing on this reach, EPA should address these community priorities for many sites relatively quickly.

Detailed Discussion

Cement Creek

According to data from the Animas River Stakeholders Group (ARSG), almost half of all metal loading from 120 draining mines sampled around Silverton comes from the four mines around Gladstone listed above. Clearly these sites are a high priority.

It appears that neither EPA nor CDPHE is interested in piping the four main drainages to a treatment plant at Gladstone as a long-term solution because of maintenance issues related to keeping the pipes operable. Their preference is to either drain the mountain and treat the American Tunnel discharge, or reestablish the groundwater table by bulkheading all the draining mines.

Over the years, various stakeholders have discussed removing bulkheads #2 and #3 in the American Tunnel and treating the discharge as was done by Sunnyside Gold Corp. from 1996 to 2002. This would mostly dry up the drainages from the Gold King and Red & Bonita. However, EPA's position's appears to be that draining the mountain would be accomplished by drilling behind the bulkheads and pumping out water (including the Sunnyside mine pool behind bulkhead #1). We suspect EPA is unwilling to remove bulkheads for liability issues associated with the Sunnyside mine pool. Drilling behind the bulkheads would add more piping to the system than piping the four drainages to a treatment plant described above and would add wells and pumps. It is a much more costly proposition than the current configuration with piping from the Gold King and Red & Bonita going to the existing treatment plant. This alternative of draining the mountain is described in EPA's Site Strategy Option #3. That leaves reestablishing the groundwater table through bulkheading, continuing a process that was started many years ago with existing bulkheads.

Currently, EPA is gathering data on the groundwater hydrology in the area. While developing a hydrologic model of the mountain would be useful, the CAG is concerned the additional resources needed for studying the very complex hydrologic state may lead to diminishing marginal returns in terms

of knowledge and utility. We prefer adopting an adaptive management approach where hydrologic data and analysis would continue as bulkheads are installed. We also understand that there are inherent risks with this strategy, and if issues arise, there must be a mechanism in place to release and treat water backed up by the bulkheads such as that which currently exists at the Red & Bonita. The Gladstone treatment plant should remain in operation until all bulkheading is complete, hydrologic conditions have stabilized, and site goals have been achieved.

In order to adaptively manage Upper Cement Creek, the CAG recommends first shutting the valve on the Red & Bonita bulkhead. The second priority is to pressure grout around the existing bulkheads in the Mogul and American Tunnel (#3) to minimize leakage while monitoring the open stope above the Mogul bulkhead for possible Mogul mine pool overflow. There are also two other mines above the Red & Bonita that may need to be sealed. Finally, the Gold King 7 level should be bulkheaded. Monitoring of hydrologic conditions at each step would provide EPA valuable information about additional studies or actions needed to meet site goals.

Although not a preferred option, it is clearly feasible to pipe the four major mine drainages to a treatment plant. The expected water quality in Cement Creek if this were done should be used as a yardstick for improvements in Cement Creek. If water quality resulting from bulkheading falls short of expectations when compared to this yardstick, treatment of residual mine drainage or instream flow needs to remain as an option.

Upper Animas above Cement Creek

For the reasons described above, the CAG is also interested in EPA prioritizing assessment of possible mine remediation and developing water quality and fishery goals under Site Strategy Option #1a. Zinc concentrations in the Animas River above Cement Creek are much lower than the zinc concentrations in Cement Creek because of higher flows. However, the zinc load (pounds/day) at the bottom of this segment is quite similar to the zinc load coming from Cement Creek when Sunnyside Gold Corp. operated its treatment plant at Gladstone. This load is significant and impacts the river downstream in the canyon. Unfortunately, there is much uncertainty as to how much of this load can be reduced through mine remediation. At this point, the actual remediation of mines affecting this reach is a lower priority than the bulkheading in Cement Creek. Our initial interest is to know what can be done in terms of metal reductions so that goals can be developed, boundaries of mine sites can be delineated, and inconsequential mining sources can be removed from the initial priority list.

We recognize that Interim Records of Decision (IROD) are not easily changed once adopted. Therefore we like designating realistic goals for a stream segment and having flexibility to prioritize actions taken at certain mine sites and potentially not at others that may not be big metal loaders.

At this point, Mineral Creek is a lower priority for the CAG. Significant reductions in zinc, copper, and cadmium have already been accomplished by ARSG and its partners, and these metals concentrations essentially meet aquatic life water quality standards. The toxic levels of aluminum and iron in lower Mineral Creek, which also affect the Animas River below Silverton, are mostly from natural sources. We are also concerned that development of an IROD including Mineral Creek will be significantly slowed by the involvement of the U.S. Forest Service.

Overall, we understand the BPMD is a large and challenging site, and we applaud EPA for wanting to manage the site adaptively. While Cement Creek should be the priority, reestablishing the groundwater table will be a long process with potential waiting periods. Therefore, we believe assessing metal load reductions from mine sites and developing stream reach goals in the Upper Animas Reach needs to be pursued early on as well.

We very much want to be kept abreast of next steps EPA takes in making its decisions on site strategy, including a resource allocation analysis of the CAG's recommended strategy and any others the EPA chooses to analyze. We think this Adaptive Management approach is most likely to lead to better water quality and public acceptance of EPA's efforts in the Animas River basin. Please let us know if you have any questions.

Regards,

A handwritten signature in cursive script that reads "Peter Butler".

Peter Butler, Ph.D.
Chair, Bonita Peak CAG

CAG Members:

Peter Butler	Chara Ragland
Ty Churchwell	John Ott
Marcel Gaztambide	Melissa May
Anthony Edwards	Larry Perino
Paul Montoia	Jenna Emerick
Russ Anderson	Trevor Downing
Parker Newby	Terry Morris
Charlie Smith	Levi Lloyd
Brian Devine	

Cc:

Senator Michael Bennet	CDPHE-John Putnam
Senator Cory Gardner	SWCD – Bob Wolff
Rep. Scott Tipton	EPA-Brigid Lowery
La Plata County Commissioner Julie Westendorff	EPA- Doug Ammon
San Juan County Commissioner Ernie Kuhlman	EPA-Shahid Mahmud
Silverton Mayor Chris Tookey	EPA-Schatzi Fitz-James
Durango Mayor Melissa Youssef	EPA- Helen Duteau
USFS – Kara Chadwick	EPA-Greg Sopkin
BLM- Kris Doebbler	EPA-Patrick Davis
DNR– Tim Mauck	