

**Southwestern Water Conservation District  
Board of Directors Regular Meeting by Teleconference  
June 30, 2020**

**Present:** Bob Wolff JR Ford David Guilliams  
Charlie Smith Don Schwindt Rusty Hinger  
Jenny Russell

**Absent:** Monte Naslund Doug Stowe

**Staff:** Laura Spann, Southwestern Water Conservation District (SWCD) Programs Coordinator

**Consultants:** Carrie Padgett, Harris Water Engineering  
Beth Van Vurst, Van Vurst Law

**Guests:** Elaine Chick, Water Information Program  
Ken Curtis, Dolores Water Conservancy District  
Michael Fiebig, American Rivers  
Marcel Gaztambide, San Juan Citizens Alliance  
Rob Genualdi, Colorado Division of Water Resources  
Ed Millard, Southwest Basins Roundtable  
Gigi Richard, Four Corners Water Center at Fort Lewis College  
John Simpson, Colorado Division of Water Resources

**1.0 Call to Order – Roll Call and Verification of Quorum**

President Bob Wolff called the meeting to order at 8:35 a.m. Roll was taken and a quorum established.

**2.0 Review and Approve Agenda**

*(time: 00:01:20)*

Beth Van Vurst recommended removal of items 14.3 (Colorado River interstate and intra-state matters, including re-negotiation of the interim guidelines and exploration of demand management), 14.4 (Rio Grande Water Conservation District's SWSP Application pursuant to C.R.S. 37-92-308 (5) for the 2020/2021 water year), and 14.5 (Paradox Valley Unit Environmental Impact Statement) from the executive session agenda. David Guilliams moved to approve the agenda as revised. Jenny Russell seconded. The motion passed by unanimous consent.

**3.0 Introductions & Zoom Instructions**

*(time: 00:03:00)*

Guidelines for Zoom meeting participation were reviewed and the remaining participants were identified.

**4.0 Approve and/or Remove Consent Agenda Item**

*(time: 00:05:00)*

There was board consensus to approve the consent agenda as noticed.

**5.0 Consent Agenda**

*(time: 00:05:15)*

**5.1 Approval of Minutes (April 2; April 15; April 29; May 6; May 27; June 3; June 11; June 16)**

**5.2 Acceptance of Treasurer's Report (May 2020)**

Jenny Russell moved to approve the consent agenda as presented. Don Schwindt seconded. The motion passed by unanimous consent.

**6.0 New Business**

**6.1 SWCD's Draft Strategic Plan**

*(time: 00:06:30)*

Beth Van Vurst provided comments on the draft SWCD strategic plan as developed by the Board Strategic Planning Committee. After some discussion regarding the mission statement and initial goals, there was

consensus to move line-by-line review with general counsel to a Board Strategic Planning Committee meeting in July. The Strategic Planning Committee would work towards developing a final SWCD strategic plan to bring to the board for consideration at the August board meeting. There was board feedback that the SWCD strategic plan specifically state the District's interest in raw water--not treated water--supply infrastructure support.

## **7.0 Questions & Comments from the Audience**

*(time: 00:27:45)*

There were no questions or comments from the audience. Bob Wolff noted that SWCD will be considering how to structure opportunities for public comment on relevant agenda items. Elaine Chick, Water Information Program, updated the board on progress on the Southwest Basin Roundtable video, which is scheduled to be completed by November.

## **8.0 Old Business**

### **8.1 Colorado River matters**

#### **8.1.1 Interstate and intra-state matters, including re-negotiation of the interim guidelines and exploration of demand management**

*(time: 00:32:45)*

Beth Van Vurst reported that the Colorado Water Conservation Board's (CWCB) demand management workgroups have concluded their meetings and are now in the process of conveying their final work product to the CWCB project management team. That team will then compile the information and deliver it to the CWCB board either at the July meeting or a subsequent workshop. It is not yet clear if the workgroups will continue to meet after this board review. The CWCB's funding for the demand management feasibility investigation was significantly reduced during the state legislative session. Also, the Upper Colorado River Commission has awarded contracts for an economic, legal, and engineering analysis of the feasibility of demand management. Board members were also directed to several Colorado River-related news articles in their board packet.

Ken Curtis is now chairing the Colorado River subcommittee of the Southwest Basins Roundtable. At the next meeting on Thursday, July 23 at 9am, the subcommittee plans to discuss the recently released Western Water Assessment, the demand management feasibility study, and recent land purchases in the Grand Valley.

#### **8.1.2 Colorado River Water Bank Working Group**

*(time: 00:37:55)*

Carrie Padgett reported that the Colorado River Water Bank Working Group (WBWG) is currently reviewing the draft secondary impacts study, which looks at the potential secondary economic impacts associated with voluntary, temporary and compensated agricultural dry-up on the Western Slope. The WBWG is also considering how to conduct outreach on the results of the study to participating entities such as SWCD and the public, including developing a summary of the conclusions for the general public.

#### **8.2 Proposed extension of C.R.S. 37-92-305(3)(c) to Water Division 7, including but not necessarily limited to, water conservation program participants**

*(time: 00:40:30)*

The SWCD board continues to hope to discuss the proposed extension of C.R.S. § 37-92-305(3)(c) to Water Division 7 in person. A board member requested background information and a review of how the water conservation program is working in other divisions prior to further discussion of this item.

### **8.3 Legislative Update**

*(time: 00:43:30)*

The Colorado General Assembly adjourned on June 15, 2020. The proposed state "dredge and fill" bill was not ultimately introduced. Colorado Water Congress plans to host a stakeholder process to further discuss this legislative concept.

#### **8.3 SWCD Personnel Matter: Health Insurance Benefits for 2021**

*(time: 00:44:45)*

Beth Van Vurst reminded the board that if they would like to consider restructuring the employee health insurance benefit or selecting the plans that are offered to employees in 2021, the District's current health insurance plan's renewal deadline is in early October. There was board consensus to direct the Board Personnel Committee to discuss this topic and bring a recommendation back to the board for consideration. The board also

requested that the Board Personnel Committee review a comparison of health insurance benefits between local governmental entities including the ALPOM&R Association, City of Durango, and La Plata County.

## 9.0 New Business

### 9.2 Sponsorship Request for NWRA Table Talks

(time: 00:50:45)

The National Water Resources Association is largely funded by revenue from events, which have been cancelled due to COVID-19. David Guilliams moved to approve the National Water Resources Association sponsorship request for \$300 to support their upcoming online "Table Talks" event. Don Schwindt seconded. The motion passed by unanimous consent.

### 9.3 Requests for COVID-19 Modifications from SWCD Funding Recipients

(time: 00:55:00)

Laura Spann reported that public health concerns have prompted a few recipients of SWCD funding to reach out for permission to shift their allocation from what the SWCD board originally funded to new or re-envisioned programs. After guidance from the Finance Committee, Laura contacted all 2020 SWCD grant recipients and entities that receive annual funding from SWCD requesting a brief written update regarding any major COVID-19 related adjustments or budgetary changes. No grant recipients initially responded back with major project or budgetary adjustments. However, two annual funding recipients did reply. The Watershed Education Program, which conducts field trips with 5th graders in the San Miguel basin, may not know until late summer whether fall field trips can move forward, so their potential funding adjustment request will likely be presented at the August board meeting.

Rusty Hinger moved to approve a Water Education Colorado's request to reallocate \$1,500 of SWCD's sponsorship originally slated for the June basin tour, which was cancelled, to update two publications: the Citizen's Guide to Water Law and the Citizen's Guide to Interstate Compacts. David Guilliams seconded. The motion passed by unanimous consent.

### 9.4 Proposed Two-Day August Board Meeting in lieu of Board Tour and Remote Meeting (time: 01:01:50)

The SWCD board had planned to hold its August board meeting in Silverton and along with the meeting, conduct a tour of the Upper Animas basin. Given the board's current workload, the increase in local COVID-19 cases, and the continuing restrictions on public gatherings, there was board consensus to cancel the tour and hold two half-day meetings via Zoom on August 4<sup>th</sup> and 5<sup>th</sup>.

## 10.0 Reports

### 10.1 Director Reports

(time: 01:10:15)

Don Schwindt (Montezuma County) reported that Colorado Water Congress (CWC) has cancelled the in-person summer conference and replaced it with 10 hour-long webinar sessions in late August and early September. It is very possible that the January conference will also be cancelled. He also noted recent developments on the Waters of the United States (WOTUS) rule. CWC may request additional financial support to submit an amicus brief as part of the Colorado vs. EPA WOTUS rule litigation. In Montezuma County, soil moisture is gone and there have been several fires caused by dry lightning storms. McPhee Reservoir was forecasted to fill in 2020 and ended the runoff season short.

Bob Wolff (La Plata County), JR Ford (Archuleta County), Jenny Russell (San Miguel County), David Guilliams (Hinsdale County), and Rusty Hinger (Mineral County) all reported that stream flows have dropped precipitously, and tourism is booming.

Charlie Smith (San Juan County) reported that the U.S. Environmental Protection Agency will close the bulkheads on the Red and Bonita mines and then conduct pressure tests and monitor water outflow. The U.S. Forest Service may be interested in acquiring a water right at the Mineral Point diversion on Burrows Creek to improve Animas River water quality through the Bonita Peak Mining District. He has encouraged Kendall Mountain Recreation Area to utilize San Juan County water rights for snowmaking.

## 10.2 Board Committee Reports

(time: 01:25:15)

Laura Spann directed the board to unofficial notes from the Board Strategic Planning meetings on April 22<sup>nd</sup> and May 6<sup>th</sup> and the Board Finance Committee meeting on May 18<sup>th</sup>.

### 10.2.2.1 Discussion and Guidance regarding COLOTRUST investments

(time: 01:26:30)

JR Ford and Bob Wolff recommended that the board reduce its investments in COLOTRUST and instead pursue CDs with local banks to improve the safety of taxpayer dollars in the context of current economic volatility. JR Ford moved that the board authorize the Board Finance Committee to open CDs at a competitive interest rate with funds transferred from COLOTRUST, with the specific amount of any such transfer being determined by the Finance Committee after taking into account SWCD's anticipated operating costs for the remainder of the year. Don Schwindt seconded. The motion passed by unanimous consent.

## 10.3 Hydrologic Conditions Update

(time: 01:35:30)

Laura Spann referred the board to the hydrologic conditions update in the packet, which includes local and regional reservoir levels, stream flows, the drought monitor, and the Lake Powell forecast.

## 10.4 Office Update

(time: 01:38:30)

Laura Spann demonstrated the conference room audiovisual upgrade, which includes several monitors, microphones, and cameras for videoconferencing capability. There was board consensus to direct staff to investigate virtual alternatives to SWCD's annual water seminar for consideration at the August meeting.

## 7.0 Questions & Comments from the Audience (continued)

(time: 01:46:50)

Gigi Richard, Four Corners Water Center at Fort Lewis College, offered the possibility of collaborating on a "State of the Southwest Basins" fall evening virtual event as an alternative to the SWCD's annual water seminar.

Ed Millard reported on the recent Interbasin Compact Committee (IBCC) meeting.

## 11.0 Engineering Report

Carrie Padgett reported on the following topics:

### 11.1 Upper Colorado & San Juan River Basin Recovery Implementation Program

(time: 01:58:00)

Carrie reported that the focus of recovery program discussion has been post-2023 planning efforts and related funding. In recent years, program funding has declined while expenses have increased. Tom Pitts has proposed quantifying the value of in-kind water use contributions to the Recovery Programs. There was board discussion regarding the importance of both recovery programs as a collaborative solution to endangered species concerns in the Colorado River basin that also protects water users and the need for SWCD's continuing engagement as the programs move into their next chapter.

### 11.2 Paradox Salinity Unit Environmental Impact Statement

(time: 02:04:45)

Carrie Padgett has been coordinating with the CWCB and the River District regarding the Paradox Valley Salinity Unit Environmental Impact Statement. SWCD plans to encourage the U.S. Bureau of Reclamation (USBR) to provide more frequent operational updates to the local community. The cooperating agency comment period ended on June 22<sup>nd</sup> and USBR is expected to release the Environmental Impact Statement and any final alternatives in the coming month for public comment.

*The board adjourned for a short break.*

## 12.0 General Counsel Legal Report

### 12.1 Rio Grande Water Conservation District's SWSP Application pursuant to C.R.S. 37-92-308(5) for the 2020/2021 water year

(time: 02:07:15)

Beth Van Vurst submitted a second comment letter on June 8<sup>th</sup> to the State Engineer's Office regarding concerns for potential injury to water users in the San Juan River basin from the Rio Grande Water Conservation District's Substitute Water Supply Plan (SWSP) application to change the use of about 750 acre-feet of transmountain water previously diverted from the Pine River Weminuche Pass and the Williams Creek Squaw Pass ditches to replace current well depletions in connection with their annual replacement plans.

### 12.2 State Engineer's Decennial Abandonment List

(time: 02:09:45)

Beth Van Vurst reminded the board that the State Engineer will release the preliminary decennial abandonment list on July 1<sup>st</sup>. Rob Genualdi, Division 7 Engineer, provided information regarding the timeline for pursuing removal of a water right from the preliminary abandonment list.

### 12.3 April and May Water Court Resume Review (Divisions 3, 4, 7)

(time: 02:11:45)

Beth Van Vurst reported that there were no applications in the April and May water court resumes for Divisions 3, 4 and 7 that warrant a filing of statement of opposition from SWCD.

## 9.0 New Business (continued)

### 9.1 Acceptance of FY2019 Audit Report

(time: 02:12:15)

Adam Wilkes, Haynie and Company, detailed the 2019 audit and answered board questions. There were no audit disagreements and all requested documentation was supplied. No audit issues arose, and SWCD will receive a clean opinion for the 2019 audit. JR Ford moved to accept the final draft 2019 audit as presented for submittal to the State by the July 31 deadline. Rusty Hinger seconded. The motion passed.

## 14.0 Executive Session

(time: 02:34:40)

Beth Van Vurst recommended that the board move into executive session for the purpose of discussing agenda items 14.2 (Process and Criteria for hiring the Executive Director or General Manager), 14.6 (Potential Consulting Services Agreement(s) for Engineering and/or other Services), and 14.7 (Application of the Montezuma Valley Irrigation Company, Case No. 18CW3052, Division 7). The statutes covering this session are § 24-6-402(4)(b), C.R.S., "conferences with an attorney for the district for the purpose of receiving legal advice on specific legal questions," and § 24-6-402(4)(e), C.R.S., "determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators." C.R.S. § 24-6-402(4)(f)(1), "personnel matters," also covers discussion of agenda item 14.2. Jenny Russell moved that the board go into executive session. Rusty Hinger seconded. The motion passed.

*The board adjourned for lunch.*

## 15.0 Report from Executive Session

(time: 02:37:30)

Beth Van Vurst announced that the board was out of executive session at 1:00 p.m. The board discussed agenda items 14.2 (Process and Criteria for hiring the Executive Director or General Manager), 14.6 (Potential Consulting Services Agreement(s) for Engineering and/or other Services), and 14.7 (Application of the Montezuma Valley Irrigation Company, Case No. 18CW3052, Division 7). No action was taken during the executive session.

### 13.1 Short-Term and Long-Term SWCD Objectives, Organizational Structure, Staffing and Consultant Needs

(time: 02:38:54)

Beth Van Vurst referred the board to documents summarizing recent executive director, staffing, legal counsel, and consulting costs. She briefly summarized a comparison with the other three water conservation districts' staff and consultants.

**13.1.1 Executive Director or General Manager job search goals, including job description, deadline for applications and hiring process** (time: 02:38:54)

There was board discussion regarding whether there is a need for an interim General Manager, with eventual board consensus to consider potential names for an interim manager (if deemed necessary) or a combination of consultants for interim duties at the August board meetings. There was board consensus to direct the Board Personnel Committee to develop a manager's job description for consideration at the August board meeting. It was suggested that the Board Personnel Committee consider how existing and new consultants might be useful in assuming portions of the manager job duties as they develop the job description.

**13.1.2 SWCD Representation on Various Committees and Boards** (time: 2:54:30)

The board considered a list of various committees and boards where SWCD previously was represented by the executive director. There was board consensus to appoint Bob Wolff as SWCD's representative to the Southwest Basins Roundtable. Bob will also participate in the Basin Implementation Plan (BIP) Subcommittee of the Roundtable. Carrie Padgett solicited several SWCD project updates on the Animas River for the BIP and will update the board regarding the Environmental and Recreational Subcommittee of the Roundtable.

Beth confirmed that the following committees will meet in July: Personnel, Finance, and Strategic Planning.

**16.0 Adjournment**

President Bob Wolff adjourned the meeting at 4:00 p.m.



---

Bob Wolff, President