

**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 via Zoom on

**Thursday, April 1, 2021**

**8:00 a.m. – 11:45 a.m.**

**12:45 p.m. – 4:20 p.m.**

**Friday, April 2, 2021**

**8:00 a.m. – 12:30 p.m.**

**Video: [Click here to join Zoom](#)**

**or**

**Phone Number: (346) 248 7799**

**Meeting ID: 852 4669 2513**

**Passcode: 931249**

Posted and Noticed March 30, 2021

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**Tentative Agenda**

*Please text 970-901-1388 if you have difficulty joining the meeting. Please raise your hand to be recognized by the chair. To raise your hand by phone, dial \*9. To raise your hand by computer, please use Alt+Y (Windows) or Option+Y (Mac). To mute and unmute by phone, dial \*6.*

*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.*

**Thursday, April 1, 2021**

**1.0 Call to Order – Roll Call, Verification of Quorum (8:00 a.m.)**

**2.0 Review and Approve Agenda (8:02 a.m.)**

**3.0 Executive Session (8:05 a.m.)**

**3.1 Upcoming Diligence for SWCD Water Rights, Case No. 13CW3011, Division 7**

**3.2 San Miguel River Basin Water Supply Planning**

- 3.3 Upcoming Diligence for the Southwestern Water Conservation District and La Plata County  
“06CW127” water rights, Division 7
- 3.4 Application of the San Luis Valley Water Conservancy District, Case No. 21CW3004, Division 3

**Break (10:05 a.m.-10:15 a.m.)**

- 4.0 **Report Out from Executive Session (10:15 a.m.)**
- 5.0 **Approve and/or Remove Consent Agenda Items (10:17 a.m.)**
- 6.0 **Consent Agenda (10:20 a.m.)**
  - 6.1 Approval of Minutes (Feb 10-11; Feb 24; March 11)
  - 6.2 Acceptance of Treasurer’s Report (February 2021)
- 7.0 **Reports (10:25 a.m.)**
  - 7.1 Director Reports
  - 7.2 Board Committee Reports
  - 7.3 Staff Report
    - 7.3.1 Proposed SWCD Special Board Meetings: May 6<sup>th</sup> and May 20<sup>th</sup>
  - 7.4 Water Information Program Report
  - 7.5 Engineering Report
    - 7.5.1 Upper Colorado & San Juan River Basin Recovery Implementation Programs
  - 7.6 General Counsel Legal Report
    - 7.6.1 February Water Court Resume Review (Divisions 3, 4, 7)
    - 7.6.2 Proposed 2021 Instream Flow Appropriation on Rincon La Vaca Creek, Division 7
      - Request to Ratify Filing of Notice to Contest
- 8.0 **New Business (11:10 a.m.)**
  - 8.1 Presentation regarding Adopted San Miguel Watershed Needs Assessment (11:10 a.m.)
  - 8.2 2020-21 Update from Center for Snow & Avalanche Studies – Jeff Derry (11:30 a.m.)

**Lunch Break (11:45 a.m.-12:45 p.m.)**

- 9.0 **Executive Session (12:45 p.m.)**
  - 9.1 General Manager Hiring Process – Conduct interviews and deliberations regarding candidates for the General Manager position
- 10.0 **Report Out from Executive Session (4:15 p.m.)**

*Recess at 4:20 p.m. until Friday, April 2, 2021 at 8:00 a.m.*

**Friday, April 2, 2021**

- 11.0 **Call to Order – Roll Call, Verification of Quorum (8:00 a.m.)**
- 12.0 **Review and Approve Agenda (8:03 a.m.)**
- 13.0 **Executive Session (8:05 a.m.)**
  - 13.1 General Manager Hiring Process—Continued deliberations regarding candidates for the General Manager position
- 14.0 **Report Out from Executive Session (8:35 a.m.)**
- 15.0 **Questions and Comments from Public (8:40 a.m.)**

**16.0 Old Business (8:45 a.m.)**

**16.1 Colorado River matters**

16.1.1 Update on Colorado Water Conservation Board's continued exploration of demand management feasibility – Amy Ostdiek (8:45 a.m.)

**16.2 Hydrologic Conditions, including updates from the Division Engineers for Water Divisions 4 and 7 – Rob Genualdi and Bob Hurford (9:00 a.m.)**

**16.3 Colorado River matters (continued) (9:20 a.m.)**

16.3.1 Discussion of guiding principles for SWCD's exploration and consideration of demand management – Chris Treese, Beth Van Vurst

**Break (10:20 a.m.-10:30 a.m.)**

**16.4 SWCD Strategic Planning Update – Jacob Bornstein (10:30 a.m.)**

**16.5 State Legislative Update – Chris Treese (11:00 a.m.)**

**16.6 Federal Legislative Update – Christine Arbogast (11:15 a.m.)**

**16.7 Southwest Basins Roundtable Update – Ed Tolen, Amy Huff (11:30 a.m.)**

**16.8 Anti-Speculation Committee – Adam Reeves (11:45 a.m.)**

**17.0 New Business (cont.) (12:00 p.m.)**

**17.1 2021 Emergency Grant Requests to SWCD – Laura Spann, Chris Treese**

17.1.1 Colorado Cooperative Ditch Company – Cottonwood Syphon Repair

17.1.2 Farmers Water Development Company – Gurley Dam Embankment Slip Repair

**18.0 Executive Session (if needed)**

**19.0 Adjournment (12:30 p.m.)**

**Upcoming Meetings**

Thursday, April 8, 2021

Wednesday, April 21, 2021

Thursday, May 6, 2021

Thursday, May 20, 2021

Wednesday, June 9 and Thursday, June 10, 2021

Special Board Meeting

Special Board Meeting

Special Board Meeting (Proposed)

Special Board Meeting (Proposed)

Regular Board Meeting

1:32 PM  
March 3, 2021

**Southwestern Water Conservation District**  
**Budget Comparison Summary**  
**January through February 2021**

	Jan - Feb 21	Budget	\$ Over Budget	% of Budget
<b>Income</b>				
<b>4 · SWCD INCOME</b>				
4.1 · Property Tax	30,910	1,588,850	(1,557,940)	2%
4.2 · Specific Ownership Tax	11,338	130,000	(118,662)	9%
4.3 · Interest, PILT & Other Taxes	(520)	35,500	(36,020)	(1)%
<b>4.4 · Other Income</b>				
4.4.1 · Interest Earned	5,769	40,000	(34,231)	14%
4.4.2 · Loan Interest	0	139	(139)	0%
4.4.3 · Miscellaneous Income	0	5,000	(5,000)	0%
4.4.4 · Water Seminar Registration	0	2,000	(2,000)	0%
4.4.5 · ALP/WIP Cost Sharing	0	100	(100)	0%
4.4.7 · SJRBRIP Water User Committee	12,719	50,873	(38,155)	25%
4.4.8 · Stream Gaging Reimbursement	0	28,656	(28,656)	0%
4.4.9 · Water Info Program	19,432	35,100	(15,668)	55%
<b>Total 4.4 · Other Income</b>	<b>37,919</b>	<b>161,868</b>	<b>(123,950)</b>	<b>23%</b>
<b>4.5 · County Treasurer Fees</b>	<b>(940)</b>	<b>(52,631)</b>	<b>51,691</b>	<b>2%</b>
<b>Total 4 · SWCD INCOME</b>	<b>78,707</b>	<b>1,863,588</b>	<b>(1,784,881)</b>	<b>4%</b>
<b>Total Income</b>	<b>78,707</b>	<b>1,863,588</b>	<b>(1,784,881)</b>	<b>4%</b>
<b>Gross Profit</b>	<b>78,707</b>	<b>1,863,588</b>	<b>(1,784,881)</b>	<b>4%</b>
<b>Expense</b>				
<b>5 · SWCD EXPENSES</b>				
<b>5.1 · DISTRICT ADMINISTRATION</b>				
5.1.1 · Management				
51101 · Wages - Executive Director	0	0	0	0%
51102 · Wages - General Manager	0	130,000	(130,000)	0%
51103 · Wages - Programs Coordinator	8,548	50,393	(41,845)	17%



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**Southwestern Water Conservation District**  
**Budget Comparison Summary**  
**January through February 2021**

	<b>Jan - Feb 21</b>	<b>Budget</b>	<b>\$ Over Budget</b>	<b>% of Budget</b>
<b>51104 · Wages - Overtime, Pgm Coord.</b>	264	0	264	100%
<b>51105 · Wages - Payroll Taxes</b>	701	16,235	(15,534)	4%
<b>51106 · Wages - Retirement Benefit</b>	0	9,020	(9,020)	0%
<b>51107 · Wages - Health &amp; Life Insurance</b>	2,684	29,350	(26,666)	9%
<b>51108 · Wages - GM Bonus</b>	0	0	0	0%
<b>51109 · Wages - Coordinator Bonus</b>	0	0	0	0%
<b>Total 5.1.1 · Management</b>	<b>12,196</b>	<b>234,998</b>	<b>(222,802)</b>	<b>5%</b>
<b>5.1.2 · Legal</b>				
<b>51201 · Attorney Fees - General Counsel</b>	17,112	180,000	(162,888)	10%
<b>51202 · Travel Exps - General Counsel</b>	0	15,000	(15,000)	0%
<b>51203 · Litigation - General Counsel</b>	5,136	40,000	(34,864)	13%
<b>51204 · Co River Litigation- General Co</b>	0	40,000	(40,000)	0%
<b>51205 · Attorney Fees - Special Counsel</b>	750	45,000	(44,250)	2%
<b>51206 · Attorney Exps - Special Counsel</b>	0	5,000	(5,000)	0%
<b>Total 5.1.2 · Legal</b>	<b>22,998</b>	<b>325,000</b>	<b>(302,002)</b>	<b>7%</b>
<b>5.1.3 · Engineering</b>				
<b>51301 · Engineering - General</b>	1,665	45,000	(43,335)	4%
<b>51302 · Engineering - Special Projects</b>	0	25,000	(25,000)	0%
<b>Total 5.1.3 · Engineering</b>	<b>1,665</b>	<b>70,000</b>	<b>(68,335)</b>	<b>2%</b>
<b>5.1.4 · Board of Directors</b>				
<b>51401 · Director Fees</b>	1,700	20,000	(18,300)	9%
<b>51402 · Director Travel</b>	0	11,000	(11,000)	0%
<b>Total 5.1.4 · Board of Directors</b>	<b>1,700</b>	<b>31,000</b>	<b>(29,300)</b>	<b>5%</b>

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**Southwestern Water Conservation District**  
**Budget Comparison Summary**  
**January through February 2021**

	<u>Jan - Feb 21</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
<b>5.1.5 · Office Expenses</b>				
51501 · Accounting	431	5,000	(4,569)	9%
51502 · Audit	0	8,600	(8,600)	0%
51503 · Capital Outlay	0	5,000	(5,000)	0%
51504 · Casual Labor	147	200	(53)	73%
51505 · Dues and Memberships	1,238	1,900	(663)	65%
51506 · Equipment Leasing	300	1,800	(1,500)	17%
51507 · Insurance - General Liability	7,744	7,300	444	106%
51508 · Legal Notices	0	600	(600)	0%
51509 · Manager's Discretionary Budget	759	2,000	(1,241)	38%
51510 · Meeting Expenses	0	5,000	(5,000)	0%
51511 · Miscellaneous	0	500	(500)	0%
51512 · Office Exps	859	6,000	(5,141)	14%
51513 · Postage	321	1,500	(1,179)	21%
51514 · Registration Fees	1,054	8,500	(7,446)	12%
51515 · Rent	4,951	31,412	(26,461)	16%
51516 · Staff Training/Development	0	2,500	(2,500)	0%
51517 · Staff Travel	44	20,000	(19,956)	0%
51518 · Telecommunication	446	3,500	(3,054)	13%
<b>Total 5.1.5 · Office Expenses</b>	<u>18,293</u>	<u>111,312</u>	<u>(93,019)</u>	<u>16%</u>
<b>Total 5.1 · DISTRICT ADMINISTRATION</b>	<b>56,852</b>	<b>772,310</b>	<b>(715,458)</b>	<b>7%</b>
<b>5.2 · WATER SUPPLY - QUANTITY QUALITY</b>				
5.2.1 · Regional, Interstate Planning				
52101 · SWCD Water Defense	0	0	0	0%
52102 · SWCD Water Development	0	0	0	0%

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**Southwestern Water Conservation District**  
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**January through February 2021**

	Jan - Feb 21	Budget	\$ Over Budget	% of Budget
52103 · Water Bank Working Group	0	0	0	0%
52104 · Technical Other Expenses	4,250	50,000	(45,750)	9%
<b>Total 5.2.1 · Regional, Interstate Planning</b>	<b>4,250</b>	<b>50,000</b>	<b>(45,750)</b>	<b>9%</b>
5.2.2 · SWCD Project Water Rights	0	10,000	(10,000)	0%
5.2.3 · Data Collection				
52301 · Center for Snow & Avalanche	7,000	7,000	0	100%
52302 · Stream Gaging - Federal	0	99,954	(99,954)	0%
52303 · Stream Gaging - Colorado	0	2,640	(2,640)	0%
52304 · Water Quality Studies	0	13,000	(13,000)	0%
52305 · SW Colorado Permanent Radar	0	10,000	(10,000)	0%
<b>Total 5.2.3 · Data Collection</b>	<b>7,000</b>	<b>132,594</b>	<b>(125,594)</b>	<b>5%</b>
5.2.4 · Supply Augmentation				
52401 · Weather Modification	0	117,000	(117,000)	0%
52402 · Phreatophyte Removal	0	0	0	0%
<b>Total 5.2.4 · Supply Augmentation</b>	<b>0</b>	<b>117,000</b>	<b>(117,000)</b>	<b>0%</b>
5.2.5 · Environmental				
52501 · Bonita Peak CAG	0	5,000	(5,000)	0%
52502 · SJRBRIP Water User Committee	0	101,746	(101,746)	0%
<b>Total 5.2.5 · Environmental</b>	<b>0</b>	<b>106,746</b>	<b>(106,746)</b>	<b>0%</b>
5.2.6 · Local Financial Support	0	230,000	(230,000)	0%
5.2.7 · Previously Committed Support	11,238	91,294	(80,056)	12%
<b>Total 5.2 · WATER SUPPLY - QUANTITY QUALITY</b>	<b>22,488</b>	<b>737,634</b>	<b>(715,146)</b>	<b>3%</b>

**Southwestern Water Conservation District**  
**Budget Comparison Summary**  
**January through February 2021**

	<u>Jan - Feb 21</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
<b>5.3 · WATER POLICY &amp; LEGISLATION</b>				
<b>5.3.1 · Federal Policy/Legislation</b>				
53101 · Federal Lobbying Fees	12,500	50,000	(37,500)	25%
53102 · Federal Lobbying Expenses	0	5,500	(5,500)	0%
<b>Total 5.3.1 · Federal Policy/Legislation</b>	12,500	55,500	(43,000)	23%
<b>5.3.2 · State Policy/Legislation</b>				
53201 · State Lobbying Fees	1,500	10,000	(8,500)	15%
53202 · State Lobbying Expenses	0	0	0	0%
<b>Total 5.3.2 · State Policy/Legislation</b>	1,500	10,000	(8,500)	15%
<b>5.3.3 · Dues &amp; Memberships</b>	23,388	25,450	(2,062)	92%
<b>Total 5.3 · WATER POLICY &amp; LEGISLATION</b>	37,388	90,950	(53,562)	41%
<b>5.4 · WATER EDUCATION</b>				
<b>5.4.1 · Water Info Program</b>	6,190	72,295	(66,106)	9%
<b>5.4.2 · SWCD Children's Water Festival</b>	0	10,500	(10,500)	0%
<b>5.4.3 · Water Leaders Pgm Scholarship</b>	0	5,000	(5,000)	0%
<b>5.4.4 · Watershed Education Program</b>	0	6,000	(6,000)	0%
<b>5.4.5 · Water Education Colorado</b>	11,000	11,000	0	100%
<b>5.4.6 · SWCD Water Seminar</b>	0	18,000	(18,000)	0%
<b>5.4.7 · Event Sponsorships</b>	0	6,000	(6,000)	0%
<b>5.4.8 · Demo CSU Farm/Water Efficiency</b>	0	10,000	(10,000)	0%
<b>Total 5.4 · WATER EDUCATION</b>	17,190	138,795	(121,606)	12%

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March 3, 2021

**Southwestern Water Conservation District**  
**Budget Comparison Summary**  
**January through February 2021**

	<b>Jan - Feb 21</b>	<b>Budget</b>	<b>\$ Over Budget</b>	<b>% of Budget</b>
<b>5.5 · TABOR Reserve</b>	0	52,191	(52,191)	0%
<b>5.6 · Emergency Contingency Reserve</b>	0	75,000	(75,000)	0%
<b>Total 5 · SWCD EXPENSES</b>	133,917	1,866,880	(1,732,963)	7%
<b>Total Expense</b>	133,917	1,866,880	(1,732,963)	7%
<b>Net Income</b>	<b>(55,210)</b>	<b>(3,292)</b>	<b>(51,918)</b>	<b>1,677%</b>

11:45 AM  
March 3, 2021  
Accrual Basis

Southwestern Water Conservation District  
**Bank Account Summary**  
As of February 28, 2021

	<u>Feb 28, 21</u>
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
100 · SWCD Checking	126,649.30
101 · SWCD Credit Card	(1,407.21)
102 · Water Info Program Checking	122,552.67
103 · SJRBRIP Water Dev. Cmt Checking	84,641.00
107 · COLOTRUST General	303,412.78
166 · 1st SW Bank - CD 1 - July 2021	503,248.74
167 · 1st SW Bank - CD 2 - Jan 2022	1,562,118.93
168 · 1st SW Bank - CD 3 - July 2022	503,693.14
169 · 1st SW Bank - CD 4 - Jan 2023 4	417,577.30
170 · 1st SW Bank - CD 5 - Jan 2023 1	102,472.96
<b>Total Checking/Savings</b>	<b>3,724,959.61</b>
Other Current Assets	
131 · Bauer Lake Loan	5,573.59
<b>Total Other Current Assets</b>	<b>5,573.59</b>
<b>Total Current Assets</b>	<b>3,730,533.20</b>
<b>TOTAL ASSETS</b>	<b>3,730,533.20</b>
<b>LIABILITIES &amp; EQUITY</b>	<b>0.00</b>

11:48 AM  
03/03/21

Southwestern Water Conservation District  
**Check Detail**  
February 2021

Num	Date	Name	Memo	Account	Original Amount
Bill.com	02/01/2021	Don Schwindt	Family Farm Alliance, Annual Conference Registration	100 · SWCD Checking	-249.00
			Family Farm Alliance, Annual Conference Registration	51514 · Registration Fees	249.00
TOTAL					249.00
Pay.gov	02/02/2021	US Geological Survey	4Q2020	100 · SWCD Checking	-70,132.00
			4Q2020	200 · Accounts Payable	70,132.00
TOTAL					70,132.00
VISA	02/02/2021	Durango Discount Blinds	Final Pymt, Blinds 3 doors	101 · SWCD Credit Card	-146.84
			Final Pymt, Blinds 3 doors	51504 · Casual Labor	146.84
TOTAL					146.84
Bill.com	02/02/2021	Charles Smith	Mtgs 9/9-12/22/20	100 · SWCD Checking	-700.00
			Mtgs 9/9-12/22/20	200 · Accounts Payable	700.00
TOTAL					700.00
ACH	02/03/2021	Colorado State Treasurer	4Q2020	100 · SWCD Checking	-42.21
			4Q2020	217 · State Unemployment Tax	42.21
TOTAL					42.21
ACH	02/03/2021	Verizon	December 2020	100 · SWCD Checking	-110.59
			December 2020	200 · Accounts Payable	110.59
TOTAL					110.59
VISA	02/03/2021	Colorado Water Congress	2021 Virtual Conference, Huff	101 · SWCD Credit Card	-200.00
			2021 Virtual Conference, Huff	51514 · Registration Fees	200.00
TOTAL					200.00

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Southwestern Water Conservation District  
**Check Detail**  
February 2021

Num	Date	Name	Memo	Account	Original Amount
Bill.com	02/04/2021	Colorado Employer Benefit Trust	March 2021	100 · SWCD Checking	-1,408.17
			March 2021	51107 · Wages - Health & Life Insurance	1,408.17
TOTAL					1,408.17
Bill.com	02/04/2021	Wright Water Engineers	Nov-Dec 2020 + Rate Credit	100 · SWCD Checking	-1,371.75
			Nov-Dec 2020 + Rate Credit	200 · Accounts Payable	1,371.75
TOTAL					1,371.75
Bill.com	02/04/2021	Robinson, Waters & O'Dorisio	January 2021	100 · SWCD Checking	-750.00
			January 2021	51205 · Attorney Fees - Special Counsel	750.00
TOTAL					750.00
VISA	02/05/2021	Charter Spectrum	January 2021	101 · SWCD Credit Card	-69.99
			January 2021	51518 · Telecommunication	69.99
TOTAL					69.99
Bill.com	02/05/2021	Elaine Chick Consulting	January 2021	102 · Water Info Program Checking	-4,120.47
			January 2021	54111 · WIP Contract Coordination	4,120.47
TOTAL					4,120.47
VISA	02/07/2021	US Postal Service	Board Packet Mailing February 2021	101 · SWCD Credit Card	-98.10
			Board Packet Mailing February 2021	51513 · Postage	98.10
TOTAL					98.10
VISA	02/07/2021	Colorado Water Congress	2021 Virtual Conference Registration, Spann	101 · SWCD Credit Card	-200.00
			2021 Virtual Conference Registration, Spann	51514 · Registration Fees	200.00
TOTAL					200.00



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February 2021

Num	Date	Name	Memo	Account	Original Amount
VISA	02/07/2021	Adobe Acrobat	Subscription Laura's computer Feb 2021	101 · SWCD Credit Card	-14.99
			Subscription Laura's computer Feb 2021	51512 · Office Exps	14.99
TOTAL					14.99
ACH	02/08/2021	Laura E Spann	1/25-2/7/21	100 · SWCD Checking	-1,632.74
			1/25-2/7/21	51103 · Wages - Programs Coordinator	1,938.40
			1/25-2/7/21	51104 · Wages - Overtime, Pgm Coord.	263.54
			1/25-2/7/21	51107 · Wages - Health & Life Insurance	-92.75
			1/25-2/7/21	215 · FICA/Medicare/Fed W/H	-215.00
			1/25-2/7/21	51105 · Wages - Payroll Taxes	136.52
			1/25-2/7/21	215 · FICA/Medicare/Fed W/H	-136.52
			1/25-2/7/21	215 · FICA/Medicare/Fed W/H	-136.52
			1/25-2/7/21	51105 · Wages - Payroll Taxes	31.93
			1/25-2/7/21	215 · FICA/Medicare/Fed W/H	-31.93
			1/25-2/7/21	215 · FICA/Medicare/Fed W/H	-31.93
			1/25-2/7/21	216 · State W/H Tax Payable	-93.00
			1/25-2/7/21	51105 · Wages - Payroll Taxes	6.61
			1/25-2/7/21	217 · State Unemployment Tax	-6.61
TOTAL					1,632.74
ACH	02/09/2021	Bill.com	January 2021	100 · SWCD Checking	-147.08
			January 2021	51501 · Accounting	147.08
TOTAL					147.08
VISA	02/12/2021	ImageNet	February 2021	101 · SWCD Credit Card	-150.00
			February 2021	51506 · Equipment Leasing	150.00
TOTAL					150.00
DWR	02/16/2021	Colorado Division of Water Resources	2020 Cherry Creek, Long Hollow Gage	100 · SWCD Checking	-2,401.00
			2020 Cherry Creek, Long Hollow Gage	200 · Accounts Payable	2,401.00
TOTAL					2,401.00

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03/03/21

Southwestern Water Conservation District  
**Check Detail**  
February 2021

Num	Date	Name	Memo	Account	Original Amount
Bill.com	02/17/2021	Van Vurst Law	January 2021	100 · SWCD Checking	-22,248.00
			January 2021	51201 · Attorney Fees - General Counsel	17,112.00
			January 2021	51203 · Litigation - General Counsel	5,136.00
TOTAL					22,248.00
Bill.com	02/17/2021	Laura Spann-V	Mileage, postage, computer reimbursement	100 · SWCD Checking	-329.85
			Mileage Dove Creek to Cortez	51517 · Staff Travel	44.02
			Stamps for Tax Forms	51513 · Postage	18.70
			iDrive, Computer migration	51512 · Office Exps	267.13
TOTAL					329.85
Bill.com	02/17/2021	Dolores Water Conservancy District	WY20-21, WDO,WSJ (Preseason, Seeding 1)	100 · SWCD Checking	-28,560.00
			WY20-21, WDO,WSJ (Preseason, Seeding 1)	200 · Accounts Payable	28,560.00
TOTAL					28,560.00
Bill.com	02/17/2021	David Guilliams	Mtgs 1/4-2/11/21	100 · SWCD Checking	-400.00
			Mtgs 1/4-2/11/21	51401 · Director Fees	400.00
TOTAL					400.00
Bill.com	02/17/2021	Russell Hinger	Mtgs 1/4-1/19/21	100 · SWCD Checking	-400.00
			Mtgs 1/4-1/19/21	51401 · Director Fees	400.00
TOTAL					400.00
Bill.com	02/17/2021	Elaine Chick Consulting	Water Law, Zoom Reimbursements	102 · Water Info Program Checking	-483.92
			Water Law Postage, Covers, Tape	54113 · WIP Workshops	321.42
			WIP Zoom Subscription	54128 · WIP Meeting Expenses	162.50
TOTAL					483.92

11:48 AM  
03/03/21

Southwestern Water Conservation District  
Check Detail  
February 2021

Num	Date	Name	Memo	Account	Original Amount
Bill.com	02/22/2021	La Plata Water Conservancy District	2019 Grant - Long Hollow Recharge Pits	100 · SWCD Checking	-11,238.00
			2019 Grant - Long Hollow Recharge Pits	5.2.7 · Previously Committed Support	11,238.00
TOTAL					11,238.00
Bill.com	02/22/2021	Blue Channel	2021 Water Law in a Nutshell Registration Support	102 · Water Info Program Checking	-125.00
			2021 Water Law in a Nutshell Registration Support	54113 · WIP Workshops	125.00
TOTAL					125.00
Bill.com	02/22/2021	Robert Wolff	Mtgs 1/1-2/9/21, Shipping	100 · SWCD Checking	-938.49
			Mtgs 1/1-2/9/21	51401 · Director Fees	900.00
			Shipping Wolff-Van Vurst	51513 · Postage	38.49
TOTAL					938.49
Bill.com	02/22/2021	Harris Water Engineering, Inc	January 2021	100 · SWCD Checking	-1,665.00
			January 2021	51301 · Engineering - General	1,665.00
TOTAL					1,665.00
ACH	02/22/2021	Laura E Spann	02/08-02/21/21	100 · SWCD Checking	-1,449.37
			02/08-02/21/21	51103 · Wages - Programs Coordinator	1,938.40
			02/08-02/21/21	51107 · Wages - Health & Life Insurance	-92.75
			02/08-02/21/21	215 · FICA/Medicare/Fed W/H	-167.00
			02/08-02/21/21	51105 · Wages - Payroll Taxes	120.18
			02/08-02/21/21	215 · FICA/Medicare/Fed W/H	-120.18
			02/08-02/21/21	215 · FICA/Medicare/Fed W/H	-120.18
			02/08-02/21/21	51105 · Wages - Payroll Taxes	28.10
			02/08-02/21/21	215 · FICA/Medicare/Fed W/H	-28.10
			02/08-02/21/21	215 · FICA/Medicare/Fed W/H	-28.10
			02/08-02/21/21	216 · State W/H Tax Payable	-81.00
			02/08-02/21/21	51105 · Wages - Payroll Taxes	5.82
			02/08-02/21/21	217 · State Unemployment Tax	-5.82
TOTAL					1,449.37

11:48 AM  
03/03/21

Southwestern Water Conservation District  
**Check Detail**  
February 2021

Num	Date	Name	Memo	Account	Original Amount
Bill.com	02/23/2021	Conservation Legacy	2020 Grant Disbursement, DRRP	100 · SWCD Checking	-25,000.00
			2020 Grant Disbursement, DRRP	200 · Accounts Payable	25,000.00
TOTAL					25,000.00
VISA	02/23/2021	Fredrick Zink & Associates	January 2021	101 · SWCD Credit Card	-251.20
			January 2021	51501 · Accounting	251.20
TOTAL					251.20
Bill.com	02/24/2021	Laura Spann-V	Reimbursement, Microsoft Tech Support Call	100 · SWCD Checking	-67.23
			Reimbursement, Microsoft Tech Support Call	51512 · Office Exps	67.23
TOTAL					67.23
ACH	02/26/2021	United States Treasury	84-0628885	100 · SWCD Checking	-1,092.76
			84-0628885	215 · FICA/Medicare/Fed W/H	378.00
			84-0628885	215 · FICA/Medicare/Fed W/H	289.64
			84-0628885	215 · FICA/Medicare/Fed W/H	289.64
			84-0628885	215 · FICA/Medicare/Fed W/H	67.74
			84-0628885	215 · FICA/Medicare/Fed W/H	67.74
TOTAL					1,092.76
VISA	02/26/2021	FedEx	Packet Mailing Mtg 2/24/21	101 · SWCD Credit Card	-165.50
			Packet Mailing Mtg 2/24/21	51513 · Postage	165.50
TOTAL					165.50
Bill.com	02/28/2021	Christopher Treese	January 2021	100 · SWCD Checking	-5,750.00
			January 2021 GM Search	52104 · Technical Other Expenses	750.00
			January 2021 Admn and Policy Support	52104 · Technical Other Expenses	3,500.00
			January 2021 State Lobbying	53201 · State Lobbying Fees	1,500.00
TOTAL					5,750.00

11:48 AM  
03/03/21

Southwestern Water Conservation District  
**Check Detail**  
February 2021

Num	Date	Name	Memo	Account	Original Amount
VISA	02/28/2021	Verizon	Jan 2021	101 · SWCD Credit Card	-110.59
			Jan 2021	51518 · Telecommunication	110.59
TOTAL					110.59

# Staff Report April 2021

## Southwestern Water Conservation District



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*In the opinion of the general assembly of the state of Colorado, the conservation of the water of the San Juan and Dolores rivers and their tributaries for storage, irrigation, mining, and manufacturing purposes and the construction of reservoirs, ditches, and works for the purpose of irrigation and reclamation of additional lands not yet irrigated, as well as to furnish a supplemental supply of water for lands now under irrigation, is of vital importance to the growth and development of the entire district and the welfare of all its inhabitants and that, to promote the health and general welfare of the state of Colorado, an appropriate agency for the conservation, use, and development of the water resources of the San Juan and Dolores rivers and their principal tributaries should be established and given such powers as may be necessary to safeguard for Colorado, all waters to which the state of Colorado is equitably entitled.*

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### HYDROLOGY SNAPSHOT

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#### Update:

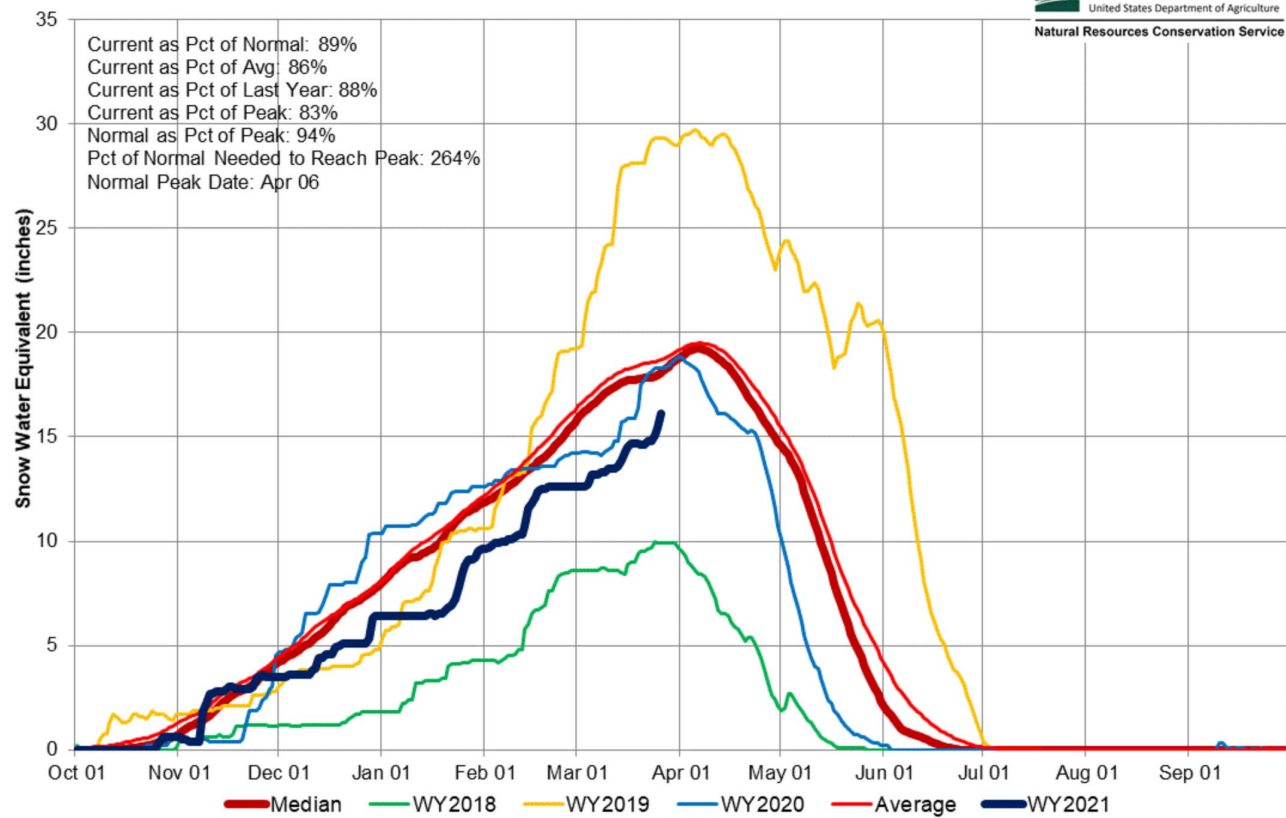
Despite the recent history-making blizzard on Colorado's Front Range, statewide snowpack sits at roughly 90 percent of average, down from 105 percent of average at the end of February. Just two river basins, the Arkansas and the Rio Grande, are registering above average snowpack respectively. Among the driest are the Gunnison Basin, at 86 percent of average, while the San Juan/Dolores basin is at just 83 percent of average. See the chart below for continued, record-setting low flows on the Animas River.

According to the U.S. Drought Monitor, the entire state remains mired in drought, with nearly half classified as being extremely or exceptionally dry, the most dangerous categories. (see graphic below)

In November, for only the second time in its history, the Colorado Water Conservation Board has activated its municipal emergency drought response plan in an effort to help cities cope with the dry conditions. As part of that effort some 14 cities have agreed to coordinate how they inform community members of potential drought restrictions. Even with slightly improving conditions, the emergency response plan remains in effect.

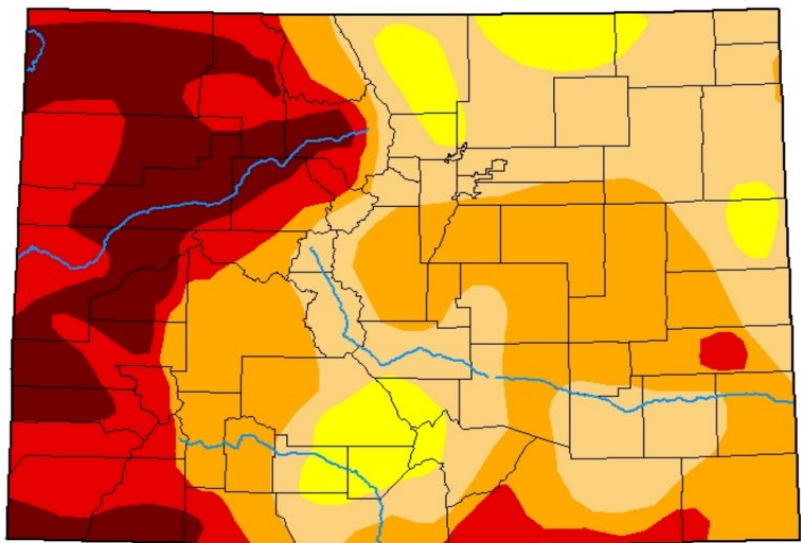
San Miguel, Dolores, Animas & San Juan River Basins Time Series Snowpack Summary

Based on Provisional SNOTEL data as of Mar 26, 2021



U.S. Drought Monitor  
Colorado

March 23, 2021  
(Released Thursday, Mar. 25, 2021)  
Valid 8 a.m. EDT



Intensity:

- None
- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>

Author:

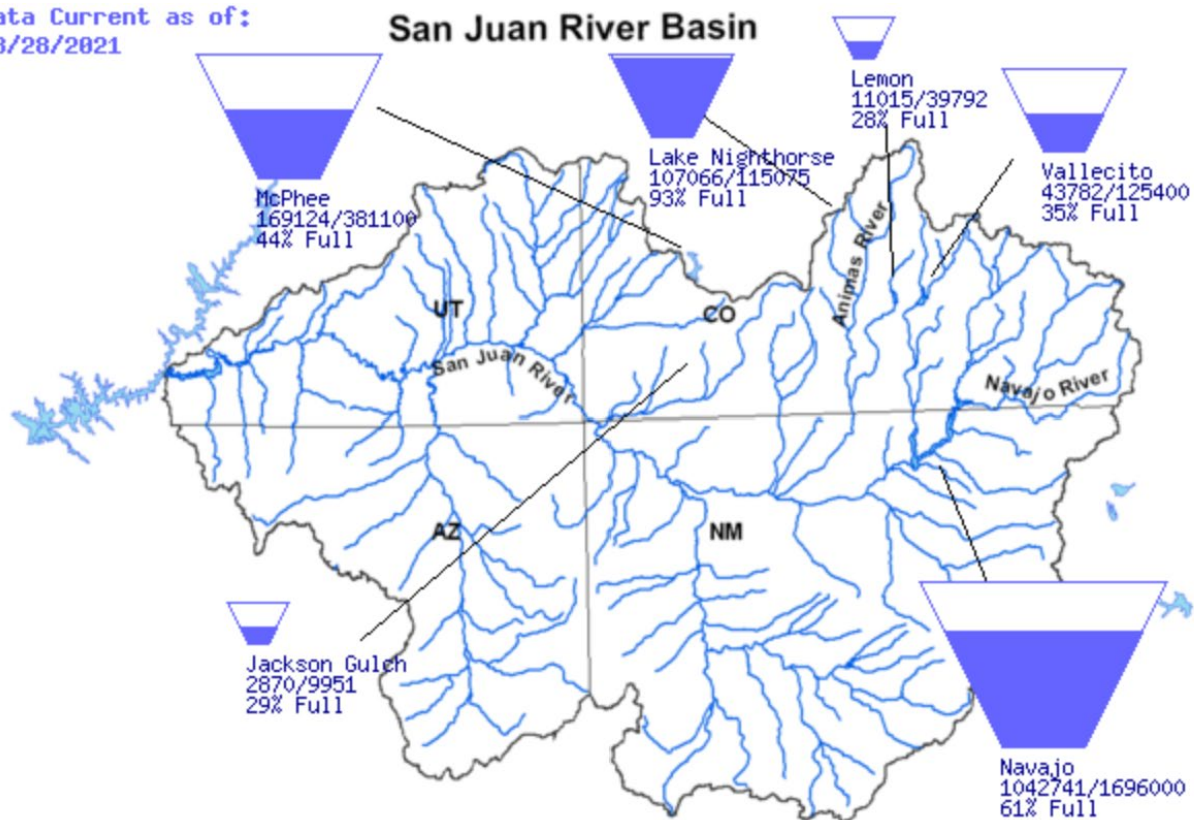
Brad Pugh  
CPC/NOAA



## STREAM FLOWS ON MARCH 29TH

**San Juan at Pagosa Springs – 139 cfs**  
**Piedra at Arboles – 98.9 cfs**  
**Pine near Ignacio – 14.5 cfs**  
**Animas at Durango – 110 cfs (again record low)**  
**La Plata at Hesperus – 6.36 cfs**  
**Mancos near Towaoc – 0 cfs**  
**McElmo Creek near Cortez – 15.5 cfs**  
**Dolores at Dolores – 57.5 cfs**  
**San Miguel at Placerville – 51.4 cfs**  
**San Miguel at Uravan – 23.7 cfs**

Data Current as of:  
03/28/2021





## THE COLORADO RIVER

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### Colorado River Hydrology & Storage Conditions

The Colorado River Basin Forecast Center continues to predict an early and weak runoff. Limited, though recently improving, snowpack and persistent, dry soil conditions are to blame.

The first half of March featured some dramatic swings in the weather that is typical of spring. The first week of March was largely dry with above normal temperatures. The second week of March brought widespread precipitation to much of the basin. Precipitation during the first half of March was mainly near to above normal across the majority of Utah/Colorado and Arizona. The northern Wasatch Range and Wyoming largely missed out on the storm systems during the first half of March, with well below normal precipitation.

Snow Water Equivalent (SWE) conditions generally range between 65-95% of normal across the Upper Colorado River Basin. The majority of the Upper Colorado River Basin has seen modest (0-5%) increases in April-July water supply volume forecasts since early March, while Great Basin volume guidance has mostly decreased (0-5%). Mid-March spring runoff guidance generally ranges from 40-80% of normal across the Upper Colorado River Basin with the mainstem Colorado enjoying the most optimistic forecasts.

Lower Colorado River Basin SWE conditions are more variable and range between 5-85% of normal. Lower Colorado River Basin January-May water supply volume guidance continues in a dismal range of between 0-40% of normal.

The US Bureau of Reclamation continues to project, water levels in Lakes Powell and Mead dropping low enough this year or next to trigger additional cuts in water deliveries to Lower Basin states. The March blizzard in Colorado, because it did not benefit much of Colorado's Western Slope, isn't likely to change that.

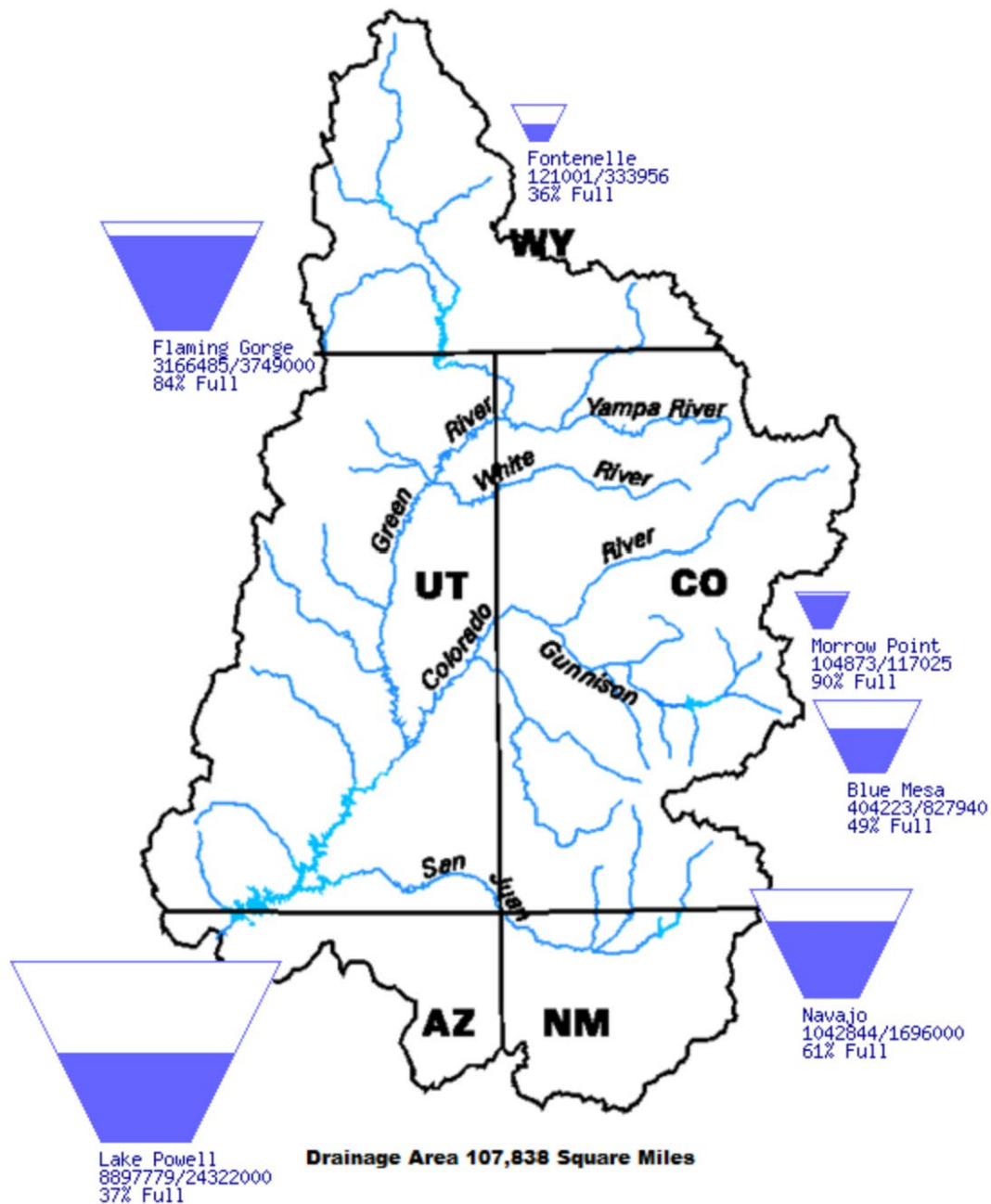
A recent study by 13 researchers conducted under Utah State University's Center for Colorado River Studies, offers the gloomiest, long-term forecast yet for the Colorado River. The new study warns that lower basin states may have to slash their diversions from the river by up to 40% by the 2050s to keep reservoirs from falling too low. Such a cut would amount to roughly twice as much as the Lower Basin states agreed to absorb under the drought contingency plan approved in 2019.

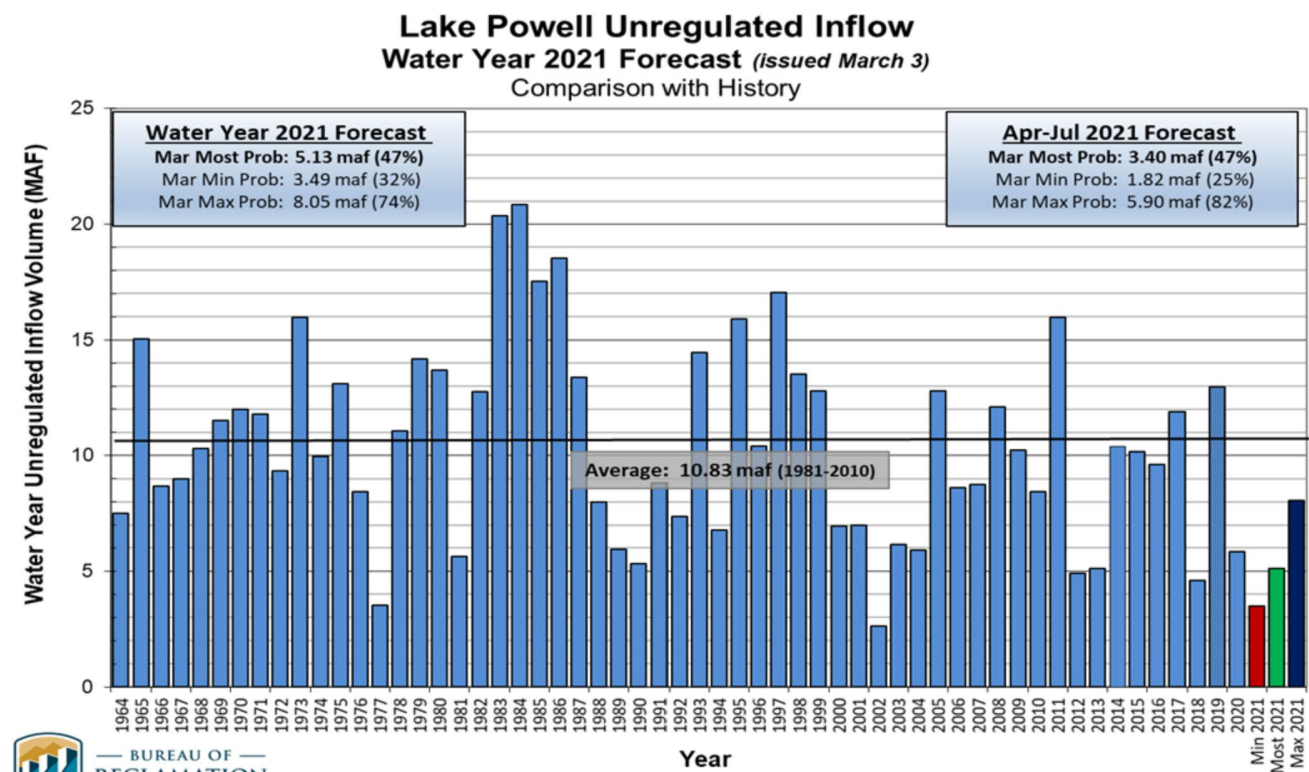
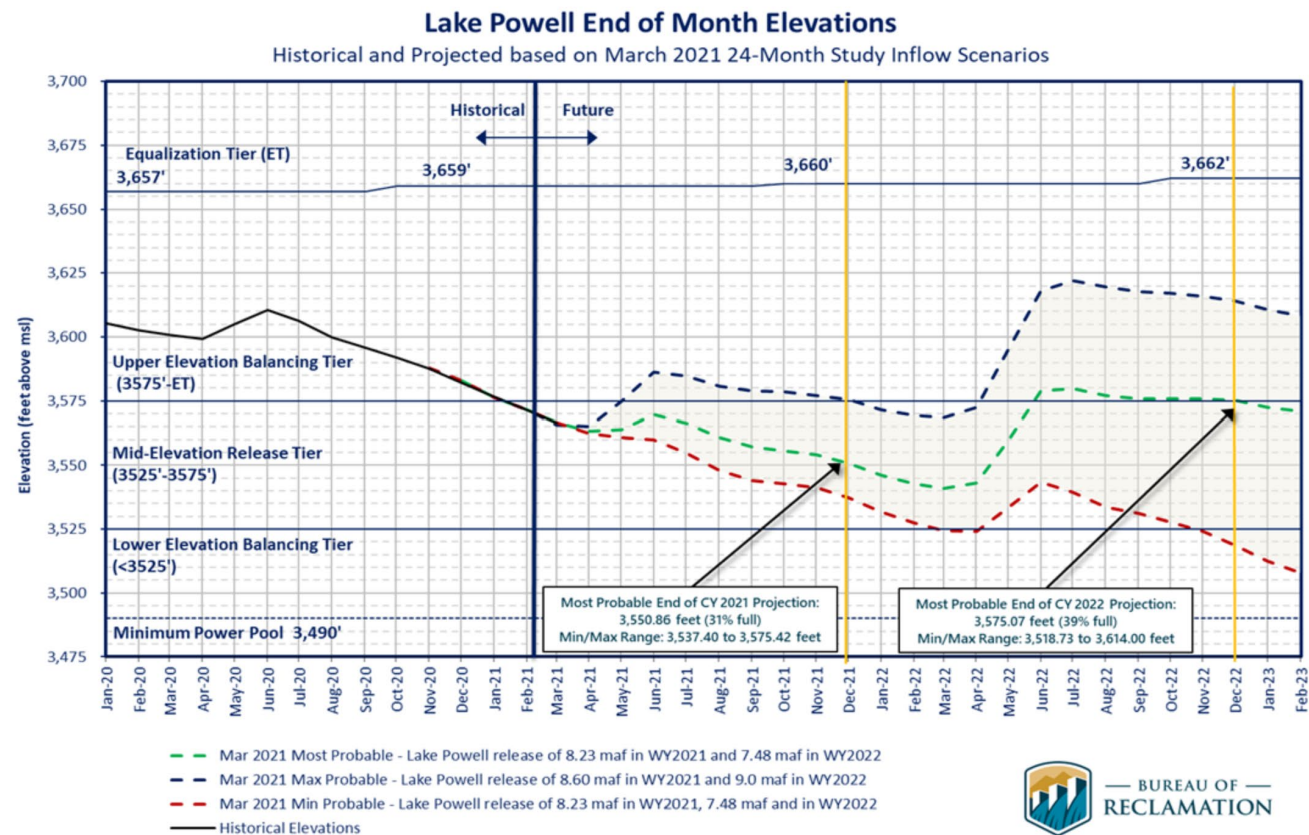
Overall, the study warned that managing the river sustainably will require substantially larger cuts in use by Lower Basin states than currently envisioned. This study focused on warming temperatures' consequences for reductions of water available to basin states over the long term.

Also noted were forecasted curbs on future diversions by Upper Basin states. While the study principally focused on Lower Basin consequences, the study took a shot at long-standing plans by the Upper Basin states to increase our take from the river. "The Upper Basin states' forecasts of river diversions are unrealistic and would make it virtually impossible to maintain stable water supplies over an extended period," the study said.

Data Current as of:  
03/27/2021

## Upper Colorado River Drainage Basin





**HARRIS WATER ENGINEERING, INC.**  
**954 EAST SECOND AVENUE, #202**  
**DURANGO, COLORADO 81301**  
**970-259-5322**  
**carrie@durangowater.com**

Memorandum  
March 24, 2021

To: SWCD Board of Directors  
From: Carrie Padgett  
Subject: Engineering Report for the February 10 and 11, 2021 Board Meeting

The following is a summary of the topics Carrie Padgett worked on for SWCD since the last Board meeting, during the months of February and March in 2021. For more background and detail please contact me.

### **San Juan and Upper Basin Endangered Fish Recovery Programs**

I participated in a series of Biology Committee meetings in February. These meetings were held over two days. Many trips were impacted by the pandemic, so results were not as robust as previous years due to few trips being taken. The next meeting of the Biology Committee is scheduled for May 4 with the Annual Meeting to be held on May 5.

- Habitat monitoring: 2020 lacked a sizeable run-off which resulted in loss of complex islands in most reaches but increased bank backwaters, secondary channel backwaters, and large embayment low velocity habitats. These were the second highest since the 1990s.
- Razorback sucker stocking: About 12,200 Razorback suckers were stocked in 2020. Most of these fish were raised at the NAPI ponds. All fish are PIT tagged prior to stocking to allow for easier identification of wild vs hatchery when/if captured in the future.
- Colorado pikeminnow stocking: The program is currently changing their stocking protocols. In previous years 400,000 age-0 fish were stocked every fall. Moving forward in 2021, age 1+ fish will be stocked for easier identification of wild vs hatchery in the field.
- Age-0 Colorado pikeminnow have been detected in 4 out of the last 5 years.
- 2020 marked the 23<sup>rd</sup> consecutive year of reproduction for Razorback suckers.

Since the annual trip to D.C. was canceled this year, a series of virtual meetings is scheduled for the week of April 19. I plan to attend any meeting with Colorado representatives present. I will also be attending the upcoming meeting with Representative Boebert to provide information specific to the Recovery Programs next week.

### **Navajo Reservoir**

I did not participate in any activities in February and March specific to Navajo Reservoir operations. The next operations meeting will be held virtually on April 20 at 1:00 pm.

### **Water Bank**

I did not participate in any activities in February and March specific to the Water Bank Work Group. No activities are planned in the upcoming months.

**Paradox Salinity Project**

I did not participate in any activities in February and March specific to the Paradox Salinity Project.

**Animas Watershed Partnership (AWP)**

The steering committee continues to meet monthly. As you may recall, AWP has two active Reclamation WaterSmart grants. Recently, the coordinate has been focused on their second grant, a Florida River Assessment to identify future project opportunities. From this work, the coordinator has met with one landowner and has started scoping a project to benefit both the landowner's agricultural operations and the river's riparian area along their property. The coordinator is currently working with the landowner and committee members on pursuing applicable grant opportunities for this future work. I have been attending finical subcommittee meetings to help develop strategic and outreach plans for upcoming years once the WaterSmart grants are completed.



**THE SOUTHWESTERN WATER CONSERVATION DISTRICT**

Developing and Conserving the Waters in the  
SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES  
**West Building – 841 East Second Avenue**  
**DURANGO, COLORADO 81301**  
(970) 247-1302

**M E M O R A N D U M**

**March 29, 2021**

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To: Southwestern Board of Directors

From: Chris Treese, Beth Van Vurst

**RE: DEMAND MANAGEMENT, Guiding Principles DRAFT  
for Initial Consideration, Discussion and Direction**

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Attached is a draft of guiding principles for SWCD consideration. The intent is to develop a set of directions for staff and consultants to use in on-going discussions and negotiations regarding the state's current demand management feasibility analysis AND beyond. In fact, it is drafted to provide direction regarding potential demand management programs not limited to the currently referenced demand management opportunities in the Drought Contingency Plan.

We anticipate these principles will be dynamic, requiring periodic review as additional time, program developments – if any, and hydrology dictate.

We do not anticipate the Board will - or should – arrive at final agreement at this week's board meetings. This is an important and controversial topic. Accordingly, board deliberation spanning at least two meetings is appropriate.

These 'guiding principles' are in addition to the conditions and criteria outlined and advocated by the SWCD and the Colorado River District in their joint letter and appearance before the CWCB in 2018.

# DEMAND MANAGEMENT: Preliminary Guiding Principles

**DRAFT** March 2021

## **Purpose:**

This document outlines the principal goals and concerns of the Southwestern Water Conservation District (SWCD) regarding formation of a potential Demand Management (DM) program in Colorado. The principles outlined below are intended to guide the SWCD in its evaluation of and input to any DM program the state of Colorado may advance.

## **DRAFT Guiding Principles:**

The foundational elements of any DM program must be voluntary, temporary, and compensated contributions of water that were beneficially used under existing rights and otherwise would have depleted Colorado River basin flows within the Upper Basin.

Before deciding whether it would be feasible to adopt, yet alone implement, a DM program within Colorado, the state of Colorado must spend the time and resources necessary to develop the technical information necessary to demonstrate the program can be accomplished at the sufficient scale, without injury to other users within Colorado, and that any conserved water can ultimately be conveyed to Lake Powell.

Any DM program must be implemented to avoid disproportionate impacts to any single basin, region, or sector of Colorado's economy.

Transmountain diverters of Colorado River water must participate in DM using water that was historically diverted under decreed transmountain water rights. Transmountain diverters must not be allowed to purchase or otherwise rely upon other intra-state Colorado River basin water supplies to accomplish their participation in DM.

Exploration of DM must be just one part of a comprehensive, basin-wide Drought Contingency Plan addressing short- and long-term water supply and demand imbalance.

DM is not a panacea. Additional options and alternatives (e.g., forest management, groundwater storage, out-of-basin imports, and others) should be fully explored as we work towards the goal of supply security and sustainability in the Colorado River basin.

A successful DM program can help ensure the safety and economic health of all Coloradans. Accordingly, state funds for any DM program should be General Fund dollars, not charges to water right holders or any other specific group.

Storage of DM "savings" should be in CRSPA Initial Units that are located as high in the system as practicable.

Releases of DM water from storage should only be made for the purpose of helping the Upper Division States assure continued compliance with Article III of the Colorado River Compact. Such releases should be timed, to the extent practicable, to provide the greatest economic, environmental, and recreational benefits.

Any DM program must recognize there will be impacts resulting from implementation of the program and that impacts, both positive and negative, will not be equally distributed.

Any DM program must include adequate mitigation for those individuals, ditch companies and/or water projects, and communities disproportionately impacted by implementation of the program. DM mitigation should be designed to provide a net benefit to participating individuals, water systems, and their communities.

SWCD recognizes that we may never have answers to all of the questions associated with DM. In order to 'test' DM and to allow for incremental implementation and accrual of meaningful DM savings, SWCD recognizes that DM implementation may be required at some scale before satisfactory answers to all questions or concerns are in place.

As it continues to evaluate the appropriateness of DM, SWCD will remain mindful of the severe consequences of failure to address the threat of Compact Administration, which could force dramatic, long-term, involuntary, and uncompensated water curtailments that will likely result in greater impacts to certain regions across the State.

SWCD will collaborate closely with the Colorado River District in order to maintain, to the greatest extent possible, harmony on DM between the two districts.



# Southwest Water Conservation District Interview Themes

## Background

Jacob Bornstein at Wellstone Collaborative Strategies interviewed board members, staff, consultants, and some key stakeholders using a needs-based interview protocol. These interviews are meant to inform the strategic planning work of the District and should not be taken to reflect consensus or strategic direction.

In addition, there are still a few people whose schedules did not accommodate the timeframe and interviews with these individuals will be sought prior to the board's first strategic planning session.

## Themes of Strategic Plan Expectations

1. **Unity:** Agree on top priorities, values, and purpose of the SWWCD.
2. **Balance:** Demonstrate that we are representative all water needs and users in the District and work through issues more cooperatively
3. **Leadership:** Increase leadership presence
4. **Big River:** ID role in big river negotiations and work
5. **Climate Change & Drought:** Agree that we need to help water users be better prepared for climactic changes and drought.

## SWWCD Impact

Each interview participant stated what they believed the District's long-term impact should be on the region. The answers were unanimously inspiring. Below is an amalgamation of the responses:

*30 years from now, the SW has enough water for a larger population, a healthy agricultural system, and a robust and healthy environment. The District has helped the region adapt to and be resilient in the face of a dryer climate while maintaining the quality of life for current and future residents. To do this, the District needs to be the leading voice that reflects the values and diversity of SW Colorado. We must foster improved infrastructure, successful Colorado River negotiations, adequate stream flows, water efficiency, high water quality, and help overcome conflicts in water needs.*

## Community Needs and Opportunities

### Interview themes on potential SWWCD values

While values were not specifically discussed in the interview protocol, several values emerged as common themes.

- Safeguard for all the waters of the SW
- Balance the needs between all water users, including agricultural, municipal, environmental, and recreational interests
- Meet the diverse needs across the District
- Rely on science and recognize that our changing climate is reducing our available supplies
- Bring diverse stakeholders together to find solutions to tough water problems

- Operate with transparency
- Be a source of knowledge and understanding
- Efficient use of water
- Uphold the beauty, culture, and livelihoods of the SW

### Themes of In-Basin Needs

The SW region has a variety of needs expressed by interviewees. Below is a summary of the major themes that arose a minimum of three times. In general, there was significant agreement on the needs of the region.

- **Drought and Climate:** The most frequent need discussed across interviews was the need to be adaptive and resilient in the face of a changing climate and drought. This has impacted agriculture and municipal water supplies as well as the environment. Reservoir storage carryover is all used up in some places.
- **Infrastructure and Storage:** There is a lot of aging infrastructure in the District and it is important for agriculture, fish passage, sediment loads, and communities for this infrastructure to be restored and improved upon. Some of the reservoirs are also not in great shape.
- **Protecting Water for Future Use:** Several respondents indicated that there is a need to protect water for future generations to use as they see fit. Much water development in the southwest is relatively recent in Colorado's history and there is concern that without water protection the ability for the region to grow and change over time would be foreclosed.
- **Tribes:** The need was expressed to be in close partnership with both tribes, as they are key partners of the District.
- **Small communities:** Some of the smaller communities were mentioned by several interviewees as not having great water rights or augmentation plans. In addition, several communities are growing and so are their water needs.
- **Agriculture:** Agricultural water supplies have also dwindled in some basins due to drought. In addition, some irrigated lands have been divided up and the water rights are not being exercised as they were historically. Similarly, there is not as much farming and agricultural water use as there used to be due to generational shifts. Several respondents discussed the need to continue to improve agricultural water conservation through measures such as installation of center pivots as opposed to flood irrigation.
- **Environment:** Nearly all interviewees stressed the importance of having a healthy environment and ensuring that fish species have sufficient clean water to survive. The endangered fish species recovery program was mentioned as needing to continue. One respondent mentioned that it is not only the nonconsumptive needs of the environment, but also the consumptive needs of cottonwoods and willows. There was concern expressed for the high level of water use by invasive tamarisk and Russian olive and the need to restore some riparian areas.
- **Recreation:** Most interviewees mentioned the importance of the recreational economy in some communities.
- **Forest Health:** Forest health is important for several reasons. The risk of fires, especially above reservoirs, were mentioned as large concern. In addition, healthy forests are likely to use less water, potentially allowing for more flexibility of water supplies. (Note: It is predicted that as the climate warms, trees and all plants will need more water to stay healthy.)

- **Water Quality:** Was discussed by several participants as being important. Mine drainage, sediment, and temperature were all specifically mentioned as being areas of concern.

### Themes of Potential Roles of the District for Meeting In-Basin Needs

While there appeared to be several common themes as they relate to values and the needs, there was greater diversity in how interview respondents thought the District could best meet the needs of the SW. In general, the ways in which the District could go about doing its work included expanding the grant and emergency program, focusing on policy and planning work, proactively working to solve problems through project or water rights development, and being a neutral convener of diverse interests to solve problems. Specifically, the following list includes those themes mentioned by at least three interview participants:

- The District's role is on a **landscape level broad policy and planning**.
- **Water Rights Management**
  - Augmentation plans in water tight areas as a tool for climate and drought planning. The District could develop an umbrella augmentation plan and create subdistricts similar to the model used in the Rio Grande.
  - Acquiring more water rights.
- **Water Infrastructure:**
  - Fix structures in the river, which helps with environment, fixing ag infrastructure, and sediment (water quality).
  - Improve water conveyance systems with old infrastructure. Need to pay attention to aging infrastructure and municipal water as well.
  - Municipal water needs where water rights aren't great and growth is occurring.
- **Ag conservation:**
  - Putting in a lot of sprinkler systems to conserve water.
  - Improve senior water rights with conservation and efficiency.
  - Consider supporting some agricultural producers to switch to crops that use less water and are more profitable.
  - Note: Agricultural conservation often improves the efficiency of agriculture and if the crop was not getting sufficient water through flood irrigation, efficiency measures can increase consumptive use while reducing total diversion amounts.
- **Support raw water quality**
- **Support the Environment**
  - Riparian restoration to replace tamarisk and Russian olive with cottonwoods and willows.
  - Environmental use is consumptive too, and that should be accounted for.
  - Appropriate storage rights and release for piscatorial purposes
  - Be involved from day 1 in Instream Flows. The Nature Conservancy, U.S. Forest Service, and other partners should come to SW first.
  - Big river issues – Concern that river health will be sacrificed in the face of climate change, worsening droughts, growing populations, etc.
- **Protecting entitlements** and safeguarding water supplies.

- Protect water rights in the face of ag producer lands being divided up and not everyone using their water rights
- Protect the water that was within our District boundaries and to keep our water for use within our boundaries – not through the divide or across the state downhill.
- Keep dry up from happening
- **Forest health.** Resiliency in face of fire and forest management to prevent and potentially help water supplies.
- **Resiliency** in the face of climate change.
- **Legislative** monitoring and analysis.
- **Convener** - setting up individual stream management plans or local groups, being independent and all driven by historical uses and water rights. neutral convener of diverse stakeholders and solutions oriented
- **Grant program** to support emergency funding, infrastructure, and other priorities.
- **Knowledge and Understanding:** The District should be a place of knowledge for the region.
  - Identify what the issues are.
  - Conduct studies about climate change, how to use and save water, irrigation efficiency.
  - Better outreach, support, and coordination with water districts. SWWCD should know every reservoir project and support those with small staff in meeting needs.
  - Monitoring - Water quality and supply monitoring
  - Understand all the issues by county across the SW and to have active communication with mix of county stakeholders, including county commission.
  - Develop a common understanding across the District of the importance of water to the region and the opportunities for multiple use of the resources
  - How both economies of ag and environment dependent on a healthy and sustainable water supply and quality. Agricultural and recreational economy. Our little rural economies are dependent on healthy watersheds.

### Other In-Basin Issues Mentioned

- Drought and Colorado river issues are all based on **climate change** and we need to be able to talk about it.
- **District leadership** is needed especially in small communities. The SW region needs clarity on the issues and the District needs to set the table and process with cooperative problem solving.
- **Tribes** are constituents and deserve representation as one of our roles is to meet the needs of the tribes. Need to develop a better and more in-depth relationships with the tribes and meet perhaps 2x per year based on their interest. The District and the tribes should work together to shape the destiny of the SW. This should be at every level: staff to staff, board to council, legal counsel to legal counsel.
- **River District partnership** has been important and should be maintained. The board should consider re-establishing a joint board meeting annually. This should be a true partnership and in some areas the SW should lead.

## Statewide / Regional Needs and Opportunities

### Themes of Big River Related Needs

Overall, there was broad agreement about the major needs associated with big river issues. Even demand management, where interviewees are split, were not split as it relates to the values of protecting water rights and agriculture.

- **Junior Position:** The SW region is relatively junior, with fewer pre-compact rights than many basins. This puts the SW region's water users at high risk under a strict curtailment regimen and, as one interviewee put it, "could be a disaster."
- **Keeping the Nature of the SW:** Interviewees are worried about exporting the beauty, culture, and livelihood of the SW for the benefit of downstream interests and also those interests of the Front Range and other more senior western slope basins. This is inclusive of farming due to buy and dry, the needs of communities, recreation, and the environment.
- **Protecting the Future:** Foreclosing on the future of the SW and its residents was a major theme, leading to several interview participants sharing the need to keep water in Colorado.
- **Dryer Future:** Many respondents were clear that there will be a dryer future with a decrease in supplies and an imbalance between supply and demand across the entire Colorado River Basin and in several places within the SW District.
- **Prepare for Tighter Management:** Many areas within the District are also ill-prepared for tighter management. Many water users don't have headgates that are lockable or have working measurement devices.
- **Demand Management:** Interviewees were split on the issue of demand management. Those interviewees that are open to it, see it as a voluntary tool that can help add flexibility without economic impact. Those with deep concerns about demand management focused on two concepts. The first is that it will lead to broad scale permanent buy and dry. The second is that crops like alfalfa and hay cannot be easily recovered after they are dried up for a year or more. Others didn't think demand management was viable not only from an agricultural perspective but also from a cost and logistics perspective. In addition, a few mentioned that management should be local in order to be more successful and build buy-in and trust.
- **Interim Guidelines:** There was broadscale agreement that the interim guidelines could have a large impact on the SW region.
- **Litigious Environment:** Whether demand management or curtailment, there is concern that we will enter a highly litigious period and will need to be prepared for that.
- **Instream Flows:** Last among the themes was some concern about instream flows shepherding water downstream. As one respondent put it, "I don't mind instream flows, but think we shouldn't get carried away because we are sending water to another state."

### Themes of Big River Roles for SWWCD

As one interviewee put it, "The District has a unique and important role to play as one of three entities in state that has statutory charge to safeguard the waters of Colorado." Some major themes emerged as to how the District could go about doing this work:

- **Leadership:** The District has opportunities to be a leader in communicating the region's concerns and thoughts on demand management and interim guidelines. To do so, it needs to continue being a voice at the state and federal levels in order to protect what we have. The

District should re-engage in becoming the leader in communicating SW interests to state agencies. For instance, it should host Becky Mitchell and Kevin Rein to discuss interim guidelines and Colorado river issues. SW needs to be consistently present as a leader and collaborator in multiple Colorado River venues from the roundtable to the Colorado River Water Users Association (CRWUA). If demand management becomes a reality, the District might have the authority to manage the program in the region and its funds. The District should take an active role in the interim guidelines.

- **Southwest Consensus:** The District could develop the SW consensus on Colorado River issues so that they can be a constructive player in state and interstate conversations. The SW should develop a vision and policy on Colorado river issues by bringing in different voices to figure out what the issues are. This would include hearing people's concerns and ideas across the District about demand management.
- **Outreach to Constituents:** The District should do a better job letting constituents, water managers, and the counties know what we are doing for them and how we are working on their behalf.
- **Water Management:** May need to mirror what was done with sub districting and water management in the San Luis Valley. The District should play a pivotal role, but it will take a lot of time and could require additional staff if get into use rules.
- **Legislation and Policy:** The District should continue to follow and analyze legislation.
- **Tribes:** The District has a unique opportunity to develop better relationship with the tribes as it relates to the Colorado River.
- **Planning:** The District needs to support the region in planning for a dryer future across the basin and in the SW. This includes planning for a decrease in supply and an imbalance between supply and demand.
- **Innovation:** The District could help solve problems through innovation. For instance, one board member is working on idea where a water rights holder leases water in exchange for a sprinkler system. Whatever is saved goes to the reservoir. These and other concepts were mentioned as opportunities to help overcome conflict and help add flexibility in managing water supplies into the future.

## Program Opportunities

### What's working well and what need improvement

Respondents were asked which of the current programs are working well and which are not. In general, there was a feeling that a lot is working fairly well, but there is some areas of improvement for all programs.

- **Water supply augmentation through weather modification:** Several interviewees believe that it is important to continue supporting weather modification, while an equal number are not sure if it's effective or that the District should be spending so much a year on it. If it is effective, one board member mentioned the need to upgrade systems.
- **Endangered fish species recovery efforts in the San Juan Basin:** Many interviewees discussed this as one of the most successful programs. That said, most water users don't know how important it is and outreach is needed. Given its broad importance, one board member indicated they were not sure why we aren't bringing more funding partners together. One board member warned that the program and federal funding expire in 2023



and we need to be prepared for how we are going to handle that. Fish ladders and other infrastructure will have to be maintained in perpetuity.

- **SWCD's grant program:** The grant program had the largest diversity of opinion.
  - **Benefits:** The majority of respondents indicated that grant program is good and that people rely on it. The District has become a go to for amalgamating funding for larger projects by providing match. Money for emergency repairs is vital. Some respondents indicated that more money should be put into the grant program because of so much aging infrastructure and the need to maintain these water rights. In addition to providing grants, the program has other benefits. It is a tool of communication and partnership in knowing who's doing what on the ground.
  - **Outreach:** Could do more outreach, as a lot of people don't know about it.
  - **Competing Priorities:** Others expressed an interest in only supporting the emergency funds, given other priorities.
  - **Level of Need:** Concern was expressed regarding the extent to which funding is needs based and if water users could pay for some of the repairs themselves.
  - **Progress:** There was some acknowledgement that the grant program has improved and is funding a more diverse set of projects across the region, but more work in that direction could be beneficial.
  - **Operational Improvements:** It was mentioned that the grant program does not require contracts and that the guidelines aren't clear. It was suggested that it could be operationally improved without making it too bureaucratic.
  - **Environmental Projects:** While the grant program has funded important environmental projects, it was noted that the percentage in the funding is small and that sometimes these projects are disqualified for small technicalities compared to other projects.
- **Regional water education (Annual Children's Water Festival, Water Information Program, Annual Water Seminar):** Nearly all respondents consider the Children's Water Festival and WIP program to be successful. There is concern that we live in such a polarized country and education can help be a bridge. As for the Annual Water Seminar, it was noted that this has improved over time and is beginning to address the topics of interest to those in the region and have more of a two-way conversation.
- **Federal and state legislative and Policy monitoring, communications, and analysis:** Need to be more representative for when we choose to support or not support legislation.
- **Colorado River negotiations:** See above comments for big river negotiations.
- **Water Rights management:** District has a small portfolio. Some believe that the District should get more involved in acquiring water rights, but others mention this is expensive and the District should be focused on partnering with other water rights holders to help them maintain their rights, absolute and conditional.
- **Data collection:** Supporting gaging stations and water quality monitoring is very important. If we don't know how much water we have, it is hard to manage. USGS is struggling to maintain some of these stations on their own.

### Strategic Opportunities for Growth

- **Climate Change:** We are ground zero when it comes to climate change and this should be a critical priority

- **Planning:** We should have a comprehensive look at what should be accomplished related to watershed health, water quality, or quantity needs
- **Driving Force:** Should be a convener rather than commenter. For instance, should be fostering steam management plan
- **Get more people involved:** Need to do a better job getting more people involved, including younger people such as at Fort Lewis College.
- **Partnerships:** Improving partnerships was a general theme. This includes with the Tribes as mentioned above, and also with the River District, CWCB, and DWR. Additional emphasis was on partners within the basin to help solve problems and fund priorities. One interviewee mentioned that we should be offering more services to water users, such as engineering support when they have a need.
- **Public Affairs / Engagement:** A common theme is that the District could do a better job at engaging its constituents around a variety of issues.

### Internal Operational Needs and Opportunities

Strong need was expressed for a General Manager. There was also support from many interviewees for hiring additional staff. This could include bringing key roles, such as the leading engineer and attorney, in-house to be more cost effective. In addition, there was an interest in increasing public affairs and outreach, hiring an assistant manager, and perhaps adding additional administrative support to allow current staff to fill some of those roles. One interviewee mentioned the need for a board investment policy.

Of the eight board members interviewed, four indicated that the annual revenues were adequate to meet the District's goals and priorities and four indicated that more revenues were likely needed. The split was not along traditional political lines. In general, staff and consultants also felt like the District could use more funds. Within those that believe there are sufficient funds, there was an interest in looking at the budget and making sure that all funds are being spent wisely. Some in this group do not believe people should be taxed more unless there is a specific and large purpose. Of those who indicated that more funds are needed, some suggested innovative means of generating income outside of increasing the mill levy. Ideas included bonds, loans, and finding opportunities that could earn a "profit" such as adding hydroelectric power generation to water projects.

### Potential Next Steps

There are a few potential steps that could be taken to further reach consensus and prioritize the path forward. Options include:

1. Either the full board or a subset of the board could further develop the plan during a series of three meetings as previously scoped and move forward for board approval.
2. The District could take this information and provide it to the next General Manager to lead a process of finalization.
3. Wellstone Collaborative Strategies, perhaps in partnership with key staff and consultants, could present a draft plan after board guidance for the board to react to and finalize during one strategy session.





## THE SOUTHWESTERN WATER CONSERVATION DISTRICT

Developing and Conserving the Waters in the  
SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES  
West Building – 841 East Second Avenue  
DURANGO, COLORADO 81301  
(970) 247-1302

### MEMORANDUM

March 29, 2021

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To: Southwestern Board of Directors

From: Chris Treese

RE: Colorado legislative report

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With only a week since our last meeting, I have just one new bill on which I'm requesting Board action.

#### Requested Action:

#### [HB21-1226](#)

#### Aquatic Nuisance Species Control

Esgar and Will

Coram and Donovan

SUMMARY: HB 1226 adds authorities and requirements to Colorado's current aquatic nuisance species (ANS) control program. Specifically, it makes it illegal for anyone to fail to stop at an ANS inspection station. It also directs CPW to investigate and report to the General Assembly what other states are doing to control or prevent ANS spread or infections.

ANALYSIS: Colorado is one of less than a handful of states that continues to be mussel-free. This bill simply provides some additional teeth and direction to Colorado's current ANS, primarily quagga and zebra mussel, inspection and control program. Colorado's first highway inspection station is expected to be along US Highway 160 near the Four Corners, targeting trailers from Lake Powell and protecting McPhee and other SW reservoirs. This bill is calendared for first hearing on Thursday (4/1 – no foolin').

**RECOMMENDED POSITION: Support**

#### Legislative Commentary & Updates:

#### Navigable Waters - Clean Water Act

As we've discussed, the "Trump rule" on Waters of the US (WOTUS) is now in effect in Colorado. The new rule decreases the jurisdictional scope of streams and rivers considered to

be waters of the United States and therefore subject to federal permits for the discharge of dredge or fill material (§404). The new administration is expected to move quickly to revise the “Trump rule.” However, this will require at least three years, as both the Obama and Trump revised rules did.

The state, through its Department of Public Health and Environment (CDPHE), is drafting a bill directing the Water Quality Control Commission (WQCC) to promulgate rules to protect state waters that are no longer covered by the new federal rule. Legislation is also required to fund this new program area within the WQCD. As currently proposed by the state, the program will be entirely cash (fee) funded from permit applications.

The Colorado Rock Products Association has proposed an alternative that would not require legislation – in their version. They propose that Colorado rely on the state’s existing, broader definition of “waters of the state” (versus the ever-changing federal definition of “waters of the U.S.”). With the state’s definition covering essentially all streams and rivers, including the so-called “gap waters,” Rock Products contends there is no need for new rules or legislation, just additional state enforcement. Unresolved in their alternative is how the WQCD would fund its new enforcement program and whether or not the state would have adequate notice of potentially polluting activities to effectively enforce.

I am attending weekly stakeholder meetings led by the state with another meeting this afternoon. Beth and I continue working closely with the many parties at interest to ensure a timely, reasonably financed, and balanced state dredge and fill program, or an alternative, is put into place.

#### Mutual Ditch, Water Shares bill

HB 21-1046, the Mutual Ditch Corp bill, that was completely re-written in first committee passed the full House last week on a 62-0 vote. I expect smooth sailing for the bill in the Senate. The SWCD board’s position is monitor.

#### Leadership changes

This past weekend, the Colorado Republican Party voted current vice chair Kristi Burton Brown to the party’s top spot. After nearly nine hours and three rounds of voting, Burton Brown nudged out former secretary of state Scott Gessler for the chairman’s position. Party members also elected unsuccessful University of Colorado regent candidate Priscilla Rahn to the vice chair position and unsuccessful state House candidate Marilyn Harris as secretary, creating the state party’s first all-female officer group.

#### Good Friday holiday

Colorado General Assembly is planning on taking this Friday off in observance of Good Friday.

There are only rumors at this time regarding a possible final adjourning of the 2021 legislature. The 120-day constitutional limit sets a maximum deadline of June 12 (Saturday), 2021.



## SOUTHWESTERN WATER CONSERVATION DISTRICT

2021 State Legislative Update: [March 29, 2021](#)

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Below is a summary of 2021 water-related legislation under consideration by the Colorado General Assembly. These summaries generally apply to the bills as introduced.

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

The Colorado Water Congress (CWC) State Affairs Committee met on March 29<sup>th</sup>. **Positions taken on bills are in red text for CWC and green text for SWCD.**

### THE FOLLOWING BILLS HAVE NOT YET BEEN CONSIDERED BY SWCD.

<a href="#">HB21-1226</a>	<b>More Robust Check Station Aquatic Nuisance Species</b>
<b>SWCD Position:</b>	<a href="#">Discussion</a>
<b>CWC Position:</b>	<a href="#">Discussion</a>
<b>Sponsors:</b>	House (Esgar, Will), Senate (Coram, Donovan)
<b>Committee of Reference:</b>	House Agriculture, Livestock & Water
<b>Bill Status:</b>	Introduced on March 18 <sup>th</sup> and assigned to House Agriculture, Livestock, and Water Committee.
<b>Title:</b>	Concerning additional measures to control aquatic nuisance species, and, in connection therewith, prohibiting a person from refusing to stop at a check station and directing the division of parks and wildlife to report to the general assembly regarding implementation of the act.
<b>Summary:</b>	Current law allows qualified peace officers to stop a conveyance, including a boat trailer and a boat, and inspect the conveyance for the presence of aquatic nuisance species before the boat is launched onto waters of the state and before departing from the waters of the state or a vessel staging area, and to impound and quarantine a conveyance that is contaminated until it is decontaminated. Authorized agents can detain and inspect conveyances but cannot impound or quarantine conveyances. Section 1 of the bill directs the division of parks and wildlife in the department of natural resources to investigate the methods that other states are using with respect to the location and operation of check stations and report regarding its investigation and the operation of check stations pursuant to the bill to the general assembly's committees with jurisdiction over wildlife. Section 2 authorizes a qualified peace officer to stop and inspect for the presence of aquatic nuisance species a conveyance that has encountered an aquatic nuisance species check station. Section 3 prohibits a person who encounters a check station from failing or refusing to stop at the check station while transporting a conveyance during the check station's hours of operation without presenting the conveyance for inspection.
<b>Comments:</b>	<i>(Note: This summary applies to this bill as introduced.)</i>

**THE FOLLOWING BILLS HAVE ALREADY BEEN CONSIDERED BY SWCD.**

<b><u>SB21-034</u></b>	<b>Water Resources Financing Enterprise (POSTPONED INDEFINITELY)</b>
<b>SWCD Position:</b>	Monitor
<b>CWC Position:</b>	No Position
<b>Sponsors:</b>	Senate (Coram)
<b>Committee of Reference:</b>	Senate Agriculture & Natural Resources
<b>Bill Status:</b>	Postponed indefinitely by the Senate Agriculture and Natural Resources Committee.
<b>Title:</b>	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.
<b>Summary:</b>	<p>This bill creates the water resources financing enterprise. The board of the enterprise would consist of the combined boards of the Colorado Water Resources and Power Development Authority and the Colorado Water Conservation Board. The enterprise will provide financing (including grants and low interest loans) to drinking water suppliers, wastewater treaters, and raw water suppliers. "Raw water suppliers" are limited to those providing raw water for treatment and use as drinking water.</p> <p>The enterprise would be funded with a \$0.25/1000 gal. fee above 4,000 gal./mo. minimum on drinking water bills. The fee would be collected by drinking water utilities and remitted to the state. As a fee-based enterprise, new revenues collected would not be included in any TABOR calculations for state budget caps. Fees may be adjusted annually for inflation and to address "certain equity concerns."</p> <p>Although clearly established as an enterprise fund, voters will be asked in November 2022 to authorize the creation of the enterprise.</p>
<b>Comments:</b>	
<b><u>SB21-054</u></b>	<b>Transfers for Wildfire Mitigation and Response (PASSED &amp; SIGNED BY GOVERNOR)</b>
<b>SWCD Position:</b>	Support
<b>CWC Position:</b>	Support
<b>Sponsors:</b>	Senate (Hansen/Rankin) House (McCluskie)
<b>Committee of Reference:</b>	Senate Appropriations
<b>Bill Status:</b>	Passed and signed by the governor.
<b>Title:</b>	Concerning transfers from the general fund to cash funds to be used to address wildland fires, and, in connection therewith, making an appropriation.
<b>Summary:</b>	<p>SB 54 transfers from the General Fund \$13 million to three cash funds for wildfire preparedness and post-fire mitigation.</p> <ul style="list-style-type: none"><li>• Section 1 transfers \$6 million to the forest restoration and wildfire risk mitigation grant program cash fund.</li><li>• Section 2 transfers \$3 million from the general fund to the wildfire preparedness fund. The division of homeland security and emergency management will use these funds as<ul style="list-style-type: none"><li>○ State match for federal hazard mitigation assistance grants to local governments that are used to mitigate wildland fire hazards; and</li></ul></li></ul>

- To provide local governments that are eligible to receive the federal grants with strategic planning assistance for wildland fire hazard mitigation.
- Section 3 transfers \$4 million to CWCB construction for the watershed restoration program.

**Comments:**

<b><u>SB21-087</u></b>	<b>Agricultural Workers' Rights</b>
<b>SWCD Position:</b>	Oppose
<b>CWC Position:</b>	Discussion
<b>Sponsors:</b>	Senate (Danielson), House (McCormick, Caraveo)
<b>Committee of Reference:</b>	Senate Business, Labor & Technology; Senate Appropriations
<b>Bill Status:</b>	Passed out of Senate Business, Labor & Technology as amended on March 17 <sup>th</sup> and referred to Senate Appropriations.
<b>Title:</b>	Concerning agricultural workers' rights.
<b>Summary:</b>	<p>This lengthy and detailed bill removes the historical exemption of agricultural labor from state and local labor and minimum wage laws. It also provides detailed directions and limitations on farm-labor operations including, among others:</p> <ul style="list-style-type: none"> <li>• Specifies meal breaks and rest periods,</li> <li>• Even specifically prohibits use of the short-handled or long-handled hoes,</li> <li>• Creates an agricultural work advisory committee to study and analyze agricultural wages and working conditions and</li> <li>• Creates an appeal process and enforcement actions, including minimum penalties, for aggrieved agricultural employees, whistleblowers, and key service providers.</li> </ul>

**Comments:**

<b><u>SB21-164</u></b>	<b>Uniform Easement Relocation Act (POSTPONED INDEFINITELY)</b>
<b>SWCD Position:</b>	Oppose
<b>CWC Position:</b>	Oppose
<b>Sponsors:</b>	Senate (Gardner)
<b>Committee of Reference:</b>	Senate Agriculture & Natural Resources
<b>Bill Status:</b>	Postponed indefinitely by Senate Agriculture and Natural Resources.
<b>Title:</b>	Concerning the "Uniform Easement Relocation Act".
<b>Summary:</b>	The bill would enact the "Uniform Easement Relocation Act," drafted by the Uniform Law Commission. The bill sets procedures to relocate most easements. Nearly half of this lengthy bill outlines what must not be done in order to relocate an easement.

**Comments:**

<b><u>SB21-189</u></b>	<b>Colorado Water Conservation Board Construction Fund Project</b>
<b>SWCD Position:</b>	Support
<b>CWC Position:</b>	Discussion
<b>Sponsors:</b>	Senate (Donovan), House (Arndt)
<b>Committee of Reference:</b>	Senate Agriculture and Natural Resources

**Bill Status:** Introduced on March 19<sup>th</sup> and scheduled for consideration by Senate Agriculture and Natural Resources Committee on April 1<sup>st</sup>.

**Title:** Concerning the funding of Colorado Water Conservation Board projects, and, in connection therewith, making an appropriation.

**Summary:** SB 189 is the annual construction fund bill for CWCB projects' authorizations. In addition to a pared-down list of authorized operations expenditures (e.g., weather modification, flood plain mapping), this year's bill allows a transfer of up to \$2,000,000 to the interstate litigation fund. It also authorizes the CWCB to make a loan up to \$3,000,000 to assist the confined aquifer recovery project in the San Luis Valley. Finally, in a much shorter than normal projects' bill, Section 7 conditionally reinstates funding for the water efficiency grant program with \$550,000 annually if the general assembly chooses not to spend 100% of the money in the operational fund on core departmental programs.

**Comments:**

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**HJR21-1002      Water Projects Eligibility Lists (PASSED & SIGNED BY THE GOVERNOR)**

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**SWCD Position:** Support

**CWC Position:** Support

**Sponsors:** House (Arndt), Senate (Donovan)

**Committee of Reference:** House Agriculture, Livestock & Water

**Bill Status:** Passed and signed by the governor.

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

**Summary:** See bill text for full fund eligibility lists.

**Comments:**

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**HB21-1008      Forest Health Project Financing**

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**SWCD Position:** Support as amended

**CWC Position:** Support

**Sponsors:** House (Arndt/Catlin), Senate (Cooke/Hansen)

**Committee of Reference:** House Agriculture, Livestock & Water, House Finance

**Bill Status:** Passed out of the House as amended and assigned to Senate Agriculture and Natural Resources Committee.

**Title:** Concerning increased options for financing forest health projects, and, in connection therewith, financing wildfire mitigation treatments.

- Summary:** HB 1008 provides additional options for financing forest health projects by authorizing:
- Creation of special improvement districts by a combination of local governments,
  - Special assessments on property specially benefited by the improvement district, including forest health projects,
  - Specifically authorizing counties, municipalities, special districts, water conservancy districts, the Colorado River District, and the Southwestern Water Conservation District to participate in and finance forest health projects; and
  - A forest improvement district to use sales tax revenue for forest health projects.

The bill also extends the statutory sunset of the Colorado Water Resources Power and Development Authority to issue bonds to fund watershed protection and forest health projects from July 1, 2023, to July 1, 2033.

**Comments:**

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**HB21-1043 Study Underground Water Storage Maximum Beneficial Use**

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**SWCD Position:** Monitor

**CWC Position:** Support

**Sponsors:** House (Holtorf), Senate (Sonnenberg)

**Committee of Reference:** House Agriculture, Livestock & Water

**Bill Status:** Passed as amended out of House Agriculture, Livestock and Water Committee and referred to House Finance Committee.

**Title:** Concerning a study of underground water storage to maximize the beneficial use of water within Colorado.

**Summary:** This bill directs the CWCB, in consultation with the state engineer, to sponsor a study of underground water storage for later recovery. The study must identify:

- Specific aquifers that are hydrologically and legally available to be used for underground storage and subsequent beneficial use;
- Sources of revenue that could be used to pay for underground storage projects;
- Planned, potential or existing underground storage projects that meet the objectives identified in the study; and
- Recommend legislative changes needed to implement underground storage projects.

The bill directs the study be submitted to the Water Resources Review Committee by August 1, 2022, including recommended legislation to implement the study's recommendations

**Comments:**

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**HB21-1046 Water Share Right Mutual Ditch Corporation**

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**SWCD Position:** Monitor

**CWC Position:** Support

**Sponsors:** House (Arndt/Catlin), Senate (Fields/Sonnenberg)

**Committee of Reference:** House Agriculture, Livestock & Water

**Bill Status:** Passed out of the House as amended and assigned to the Senate Agriculture and Natural Resources Committee.

**Title:** Concerning the use of a water right obtained through a mutual ditch corporation.

**Summary:** The House Ag. Committee unanimously voted to adopt the sponsors' amendment rewriting the entirety of HB21-1046. The strike below (SBEC) amendment resulted from extensive stakeholder outreach and collaboration at the State Affairs Committee of CWC. The resulting SBEC amendment reflects a consensus compromise for a workable bill addressing the most troubling elements of recent water court rulings. The amended bill clarifies that, subject to the Articles of Incorporation and Bylaws of the corporation:

- When stockholder demand exceeds supply, mutual ditch corporations may limit or otherwise rotate delivery of water ratably among the stockholders;
- When a stockholder is not using some of or all of the available water under the stockholder's shares, the remaining stockholders taking delivery of water through the ditch may use any unused portion of the water that would otherwise have been available to that stockholder's shares, absent certain exceptions; and
- The provision is not intended to prevent a stockholder from changing the use of the water rights represented by the stockholder's shares, create any impediments to changes in use, affect storage water rights, or change the standards for water court approval to change a water right.

**Comments:**

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**HB21-1105**      **Low-Income Utility Payment Assistance Contributions**

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**SWCD Position:** Support  
**CWC Position:** No action  
**Sponsors:** House (Kennedy), Senate (Hansen)  
**Committee of Reference:** House Finance

**Bill Status:** Introduced on February 16th and scheduled for House Finance Committee on March 29<sup>th</sup>.

**Title:** Concerning utility customers' financial contributions for low-income utility assistance.

**Summary:** This 17-section bill has several water-related elements. Section 1 removes the low-income energy assistance program (LEAP) from the "tier 2" severance tax operational fund money, something the water community has advocated for years. Later sections provide for voluntary, opt-in charges that a water utility may offer its customers to help finance a water utility bill payment assistance program. Alternatively, HB 1105 allows a water utility to implement its own water utility bill payment assistance program.

**Comments:**

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**HB21-1233**      **Conservation Easement Tax Credit Modifications**

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**SWCD Position:** Monitor  
**CWC Position:** Discussion  
**Sponsors:** House (Roberts, Will), Senate (Donovan, Winter)  
**Committee of Reference:** House Agriculture, Livestock & Water



- Bill Status:** Introduced on March 19<sup>th</sup> and assigned to the House Agriculture, Livestock, and Water Committee.
- Title:** Concerning modifications to the requirements for claiming an income tax credit for the donation of a perpetual conservation easement.
- Summary:** HB 1233 makes numerous changes affecting claims for an income tax credit for the donation of a perpetual conservation easement. The proposed changes are generally favorable and clarifying for potential easement donors.
- 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. Beth Van Vurst, SWCD General Counsel, and Chris Treese, lobbyist, ensure the views and priorities of southwestern Colorado are considered as the State legislature enacts new laws affecting water resources.

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](mailto:lauras@swwcd.org). We hope that you find the updates beneficial and informative.

# Colorado Water Congress

## 2021 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
HB21-1008	Forest Health Project Financing	8-Mar	16-Feb	2/22 Ag	04-Mar F	9-Mar	10-Mar	12-Mar						
HB21-1043	Study Underground Water Storage Maximum Beneficial Use	1-Mar	16-Feb	3/1 Ag	F									
HB21-1046	Water Share Right Mutual Ditch Corporation	15-Mar	16-Feb	3/17 Ag		22-Mar	23-Mar	24-Mar						
HB21-1105	Low-income Utility Payment Assistance Contributions	22-Mar	16-Feb	F										
HB21-1168	Historically Underutilized Businesses Local Government Procurement	29-Mar	4-Mar	3/30 TLG										
HB21-1226	More Robust Check Station Aquatic Nuisance Species		18-Mar	Ag										
HB21-1233	Conservation Easement Tax Credit Modifications		19-Mar	Ag										
HB21-1242	Create Agricultural Drought and Climate Resilience Office		24-Mar	Ag										
SB21-028	Promulgation of Public Health Rules and Orders	1-Mar	16-Feb	3/2 SVMA										

[illegible]

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
SB21-176	Protecting Opportunities and Workers' Rights	29-Mar	8-Mar	J										
HJR21-1002	Water Projects Eligibility Lists	16-Feb	15-Jan	2/18 Ag			24-Feb	23-Feb	04-Mar Ag		10-Mar	11-Mar	11-Mar	21-Mar

BILL STATUS	ABBREVIATIONS
Bill scheduled for action at next SA meeting (yellow)	Ag = Agriculture, Livestock & Water
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 did not go to second committee or no action required (black)	F = Finance Committee

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

**First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 21-0816.01 Thomas Morris x4218

**HOUSE BILL 21-1226**

---

**HOUSE SPONSORSHIP**

**Esgar and Will,**

**SENATE SPONSORSHIP**

**Coram and Donovan,**

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**House Committees**

Agriculture, Livestock, & Water

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING ADDITIONAL MEASURES TO CONTROL AQUATIC NUISANCE**  
102              **SPECIES, AND, IN CONNECTION THEREWITH, PROHIBITING A**  
103              **PERSON FROM REFUSING TO STOP AT A CHECK STATION AND**  
104              **DIRECTING THE DIVISION OF PARKS AND WILDLIFE TO REPORT**  
105              **TO THE GENERAL ASSEMBLY REGARDING IMPLEMENTATION OF**  
106              **THE ACT.**

---

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

Current law allows qualified peace officers to stop a conveyance,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

including a boat trailer and a boat, and inspect the conveyance for the presence of aquatic nuisance species before the boat is launched onto waters of the state and before departing from the waters of the state or a vessel staging area, and to impound and quarantine a conveyance that is contaminated until it is decontaminated. Authorized agents can detain and inspect conveyances but cannot impound or quarantine conveyances.

**Section 1** of the bill directs the division of parks and wildlife in the department of natural resources to investigate the methods that other states are using with respect to the location and operation of check stations and report regarding its investigation and the operation of check stations pursuant to the bill to the general assembly's committees with jurisdiction over wildlife.

**Section 2** authorizes a qualified peace officer to stop and inspect for the presence of aquatic nuisance species a conveyance that has encountered an aquatic nuisance species check station.

**Section 3** prohibits a person who encounters a check station from failing or refusing to stop at the check station while transporting a conveyance during the check station's hours of operation without presenting the conveyance for inspection.

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*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, 33-10.5-103, **amend** (1) as follows:

**33-10.5-103. Powers and duties of the division - annual report - repeal.** (1) (a) In order to prevent, control, contain, monitor, and, whenever possible, eradicate aquatic nuisance species from the waters of the state, the division is authorized to establish, operate, and maintain aquatic nuisance species check stations in order to inspect conveyances pursuant to section 33-10.5-104.

(b) (I) THE DIVISION SHALL INVESTIGATE THE METHODS THAT OTHER STATES ARE USING WITH RESPECT TO THE LOCATION AND OPERATION OF CHECK STATIONS AND REPORT PURSUANT TO SUBSECTION (5) OF THIS SECTION ON ITS INVESTIGATION AND THE IMPLEMENTATION OF SECTIONS 33-10.5-104 (1)(b)(II) AND 33-10.5-105 (1)(e).

1 (II) THIS SUBSECTION (1)(b) IS REPEALED, EFFECTIVE SEPTEMBER  
2 1, 2025.

3 **SECTION 2.** In Colorado Revised Statutes, 33-10.5-104, **amend**  
4 (1)(b) as follows:

5 **33-10.5-104. Inspection of conveyances - impoundment and**  
6 **quarantine - reimbursement - rules.** (1) (b) Every qualified peace  
7 officer is authorized to stop and inspect for the presence of aquatic  
8 nuisance species a conveyance:

9 (I) (A) Prior to a vessel being launched onto waters of the state;

10 ~~(H)~~ (B) Prior to departing from the waters of the state or a vessel  
11 staging area;

12 ~~(H)~~ (C) That is visibly transporting any aquatic plant material;  
13 and

14 ~~(V)~~ (D) Upon a reasonable belief that an aquatic nuisance species  
15 may be present; OR

16 (II) THAT HAS ENCOUNTERED AN AQUATIC NUISANCE SPECIES  
17 CHECK STATION.

18 **SECTION 3.** In Colorado Revised Statutes, 33-10.5-105, **amend**  
19 (1)(c) and (1)(d); and **add** (1)(e) as follows:

20 **33-10.5-105. Prohibition of aquatic nuisance species - rules -**  
21 **penalties.** (1) A person shall not:

22 (c) Refuse to comply with a proper order issued under this article  
23 10.5; ~~or~~

24 (d) Fail or refuse to reimburse the division in accordance with  
25 section 33-10.5-104 (6)(a); OR

26 (e) IF THE PERSON ENCOUNTERS AN AQUATIC NUISANCE SPECIES  
27 CHECK STATION, FAIL OR REFUSE TO STOP AT THE AQUATIC NUISANCE



1 SPECIES CHECK STATION WHILE TRANSPORTING A CONVEYANCE DURING  
2 THE CHECK STATION'S HOURS OF OPERATION WITHOUT PRESENTING THE  
3 CONVEYANCE FOR INSPECTION.

4 **SECTION 4. Act subject to petition - effective date -**  
5 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
6 the expiration of the ninety-day period after final adjournment of the  
7 general assembly; except that, if a referendum petition is filed pursuant  
8 to section 1 (3) of article V of the state constitution against this act or an  
9 item, section, or part of this act within such period, then the act, item,  
10 section, or part will not take effect unless approved by the people at the  
11 general election to be held in November 2022 and, in such case, will take  
12 effect on the date of the official declaration of the vote thereon by the  
13 governor.

14 (2) This act applies to conduct occurring on or after the applicable  
15 effective date of this act.

# KOGOVSEK & ASSOCIATES, INC.

## MEMORANDUM

TO: Southwestern Water Conservation District Board

FROM: Christine Arbogast

DATE: March 22, 2021

RE: Board report

I hope this finds you all doing well.

The new Administration and Congress are off to an unusual and slower start than is typical, but with the COVID package now passed, activity is beginning to pick up.

Cabinet Secretaries Vilsack (USDA); Regan (EPA) and Haaland (Interior) are all now in place, and in the meantime, the Administration has placed many people in subcabinet positions and in “acting” positions in order to stand up the agencies under the new leadership. I expect that the official subcabinet nominations will begin to be made at Interior. It is unclear until announced whether the “acting” Commissioner of Reclamation Camille Touton and Assistant Secretary for Water and Science Tanya Trujillo will be the nominees for those positions, but we should learn before Memorial Day.

In Congress, Senator John Hickenlooper was appointed to the Energy and Natural Resources Committee, which has primary jurisdiction over Western water issues. Senator Michael Bennet is now the chair of two important subcommittees: Senate Agriculture Committee Subcommittee on Forests and Conservation, and Senate Finance Committee Subcommittee on Energy, Natural Resources and Infrastructure. And freshman Congresswoman Lauren Boebert was appointed to the House Natural Resources Committee and its subcommittee on Water, Oceans and Wildlife.

Outside of the ongoing Senate confirmation process for administration officials, dozens of hearings are being held on the next primary topic: an infrastructure package. There are multiple committees which have jurisdiction over transportation, water and broadband infrastructure.

The one thing certain is the focus on a possible package; what is uncertain is how it will take shape. There remain significant questions including the scope, how to pay for it, and when it will happen.

There is a strong coalition of Western interests which has a well-developed strategy for shining light on Western water infrastructure, beyond the nationwide impact of improving drinking water and wastewater systems with a massive investment of federal dollars. The coalition includes the National Water Resources Association, the Family Farm Alliance, Western Growers Association, Farm Bureau and others.

The concern is that the unique aspects of Western water, largely built upon Bureau of Reclamation projects, will be overshadowed by efforts to shore up the Safe Drinking Water Act and Clean Water Act revolving funds, and a push for massive investment in the U.S Army Corps of Engineers backlog. Wedging Reclamation into those broader discussions will take a concerted effort, because outside of the West, BoR is a rather obscure agency.

Strategies include a specific title for Western water emerging from the House and Senate resources committees, or a strong push for larger “plus ups” or additions to funding in the annual appropriations process.

I am attaching a letter recently sent to the Administration by our Colorado Senators and Oregon’s Senators in support of Western water infrastructure. Thanks goes out to Senator Bennet for leading this effort.

Additionally, the infrastructure conversation includes ongoing discussion about investment in forest health and wildfire mitigation.

On a more “local” note, the House recently passed H.R. 803, which is combination of multiple western public lands bills. The “lead” bill is Congresswoman Diana DeGette’s Colorado wilderness bill, which has been introduced many times in the last 20 years. It also includes the CORE Act, a bill led by Senator Bennet and Congressman Joe Neguse, which has been carefully crafted and included significant state and local input and consultation.

Thank you for your letter to the two Senators regarding the Senate’s consideration of the House-passed bill. It requests discussion with stakeholders, including the water community, before moving forward with the bill in the Senate Energy and Natural Resources Committees.

I am monitoring introduction of bills related to Western water resource development, management and conservation and will bring to your attention any which might be impactful to the District. This includes initiatives on forest health. One bill of note is a revised Water Rights Protection Act by Congresswoman Boebert (commonly referred to as the ski area bill regarding permitting and water rights). The bill has been introduced but no action has been scheduled in the House Natural Resources Committee.

I plan to participate in your upcoming meeting and to update any information in this report, and to answer any questions you might have.

# United States Senate

WASHINGTON, DC 20510

March 19, 2021

Susan Rice  
Director  
U.S. Domestic Policy Council  
1650 Pennsylvania Ave. NW  
Washington, D.C. 20502

Brian Deese  
Director  
U.S. National Economic Council  
1650 Pennsylvania Ave. NW  
Washington, D.C. 20502

Dear Director Rice and Director Deese:

As the Biden Administration looks to support the country's economy and job creation through infrastructure investment, we ask that you include water resource and delivery systems in these considerations.

In the West, water is a precious resource that our states, communities, small businesses, and agriculture need to survive. Unlike other parts of the country, the West relies on a complex system of water storage, pipes, dams, reservoirs, and other projects. As climate change fuels more severe droughts and greater uncertainty, meaningful investment in western water infrastructure, including natural infrastructure, is increasingly important. There is broad bipartisan support in the West for climate resilient infrastructure that can simultaneously provide water for our communities and agriculture, protect and enhance rivers and habitat, and bolster the vibrant outdoor economy.

The Biden Administration has a powerful opportunity to invest in western water infrastructure. Similar to other infrastructure efforts, these investments can stimulate local economies and provide jobs. Both are critical as the nation recovers from the COVID-19 pandemic. Accordingly, we have included five initial recommendations for western water as the Biden Administration puts together a broad infrastructure proposal.

- Fully Fund Aging Water Delivery and Storage Systems: The Bureau of Reclamation (BOR) estimates they will need \$3.8 billion over the next five years to address immediate, short-term needs,<sup>1</sup> and many BOR projects already authorized or under construction often don't receive adequate funding.<sup>2</sup> Insufficient and inconsistent funding increases cost and forces communities to wait even longer for safe and reliable drinking water. Acting and investing now will prevent more costly repairs in the future.
- Increase Storage Capacity in Existing Facilities: Water storage is an important tool to help western communities plan and prepare for drought and climate change's effects. We suggest an effort to increase water storage capacity at existing facilities to improve drought resilience.

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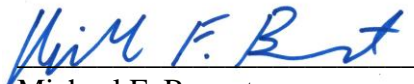
<sup>1</sup> [https://www.usbr.gov/infrastructure/docs/Reclamation\\_Strategic\\_Asset\\_Management\\_Plan.pdf](https://www.usbr.gov/infrastructure/docs/Reclamation_Strategic_Asset_Management_Plan.pdf)


<sup>2</sup> <https://crsreports.congress.gov/product/pdf/R/R46303>

- Repair Dams: The Association of State Dam Safety Officials estimates that rehabilitating federal and nonfederal dams would cost more than \$70 billion.<sup>3</sup> State regulators have deemed certain dams unsafe, a designation that limits a reservoir's storage capacity and poses a safety risk to the nearby communities. Support for states as they bring dams up to standard would create jobs and improve public safety.
- Invest in USDA Conservation Programs: The 2018 Farm Bill (P.L. 115-334) included critical western drought provisions to support voluntary water conservation and efficiency improvements by farmers, ranchers, and the entities that serve them. Implementing these authorities in a coordinated and flexible fashion, with additional funding for the Regional Conservation Partnership Program, the Environmental Quality Incentives Program, and the Watershed Act ("P.L. 566"), would help to address the water supply challenges and sustain our agricultural economy.
- Prioritize Clean Water for Tribal Nations: Providing reliable, clean drinking water is an essential component of the Federal responsibility to Indian Tribes. For too long, this basic responsibility has been neglected. The federal government should work in collaboration with tribes to support the planning, design, development, and operation of water infrastructure to ensure reliable clean drinking water for tribal nations.

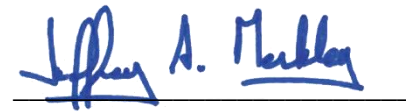
We are eager to continue working with you to develop an infrastructure proposal that will restore watersheds and support the West's water needs. Thank you for your consideration.

Sincerely,

  
Michael F. Bennet  
United States Senator

  
Ron Wyden  
United States Senator

  
John Hickenlooper  
United States Senator

  
Jeffrey A. Merkley  
United States Senator

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<sup>3</sup> <https://fas.org/sgp/crs/homesec/IF10606.pdf>

## 2021 SWCD Grant Program – Staff Application Review (Date: 3-10-21 Follow-up Date: 3-13-21, 3-25-21)

Name of Project/Applicant: **Colorado Cooperative Ditch Company – Cottonwood Syphon Emergency Repairs**

<u>Total Project/Phase Cost</u>	<u>Amount of Request SWCD funds</u>	<u>Applicant Match (Cash / In-Kind)</u>	<u>Other Funding Sources</u>
<b>\$68,407.02</b>	<b>\$30,000.00</b>	<b>\$38,407.02</b>	<b>None</b>
	(less than 50% of total)	(at least 25% of total)	

<u>Project Type</u>	<u>Limits (Annual Max/5 Year Max Since 2018)</u>	<u>SWCD Request</u>
Education	\$5,000 / \$10,000	
Water Supply/Restoration	\$75,000 / \$150,000	
Public Forums/Workgroups	\$20,000 / \$40,000	
<b>Emergency</b>	<b>No limit specified</b>	<b>\$30,000</b>

### Statutory Purposes of SWCD (C.R.S. 37-47-101)

Conservation of San Juan & Dolores rivers for storage, irrigation, mining, or manufacturing purposes; Construction of reservoirs, ditches and works of irrigation and reclamation of lands not yet irrigated, as well as supplemental supply; Promotion of the health and general welfare of State of Colorado; and Safeguarding of water to which Colorado is equitably entitled.

If educational, does the project/program complement SWCD's existing efforts? **N/A**

<b>Pre-Compact Water Right</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<b>(See application for details)</b>
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<u>Application Information</u>	<u>Criteria Met:</u>
Date Received	✓
Eligible Entity	✓
Required Match	✓
Less than 50% of Total Project Cost	✓
Project Type, Description, Location	✓
Anticipated Project Timeline	✓
Detailed Project Expense Budget	✓
No Legal, Payroll, or Grant Admin Costs supported by SWCD	✓
Identification of Project Beneficiaries & Partners	✓
Summary of Previous SWCD Funding Requests and Awards	✓
Not for a Project That Was Already Completed	✓ – Temp. repairs completed in March, need materials on site, should temporary repair fail
Use of Funds in 2021	✓ – winter 2021/2022 but will need materials immediately
Has Secured Remaining Project Funding	✓
Purposes of District	✓
<b>-Pre-Compact</b>	✓
-Compact Development & Entitlement	✓
-Health & Welfare	✓
-Irrigation & Storage	✓

Staff Recommendation: **Approve in the reduced amount of \$27,642.**

There is \$32,000 remaining in the Emergency category and \$23,243 unawarded from the Water Supply and Education categories for a total of \$55,248 remaining in the overall 2021 grant program. Chris and Laura recommend staying within the overall budgeted amount of \$230,000 for the grant program by approving both requests in the reduced amount of \$27,642. The board would move unapproved funds from Water Supply and Education categories to the Emergency category. This seems appropriate given that both applications are true emergencies and maintain pre-compact water rights.

### Applicant Grant History

Date	Name	Notes	Amount
2021	Colorado Cooperative Ditch Co.	Cottonwood Syphon Emergency Repairs <i>(Requested)</i>	<i>\$30,000.00</i>
2019	Colorado Cooperative Ditch Co.	Brooks Trestle to Syphon Project	\$66,607.50
2014	Colorado Cooperative Ditch Co.	Tuttle Draw Syphon Replacement Project	\$17,750.00
			<b>\$114,357.50</b>

Director Notes/Questions:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.





## THE SOUTHWESTERN WATER CONSERVATION DISTRICT

Developing and Conserving the Waters of the  
SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES  
IN SOUTHWESTERN COLORADO

### GENERAL APPLICATION FOR FINANCIAL ASSISTANCE

SWCD SUBMITTAL CHECKLIST	
Required, Please Initial	
AKT	I acknowledge I have read and understand the <a href="#">2021 SWCD Grant Program Guidelines</a> .
AKT	The financial request to SWCD does not exceed 50% of the total project cost.
AKT	The applying organization is funding at least 25% of the total project cost.
AKT	The request is for funds to be used in 2021, for a project to be completed in 2021.
AKT	I understand that SWCD does not fund payroll, legal, or grant administration costs.
AKT	I have included a <u>detailed</u> project expense budget.
AKT	I have included a <u>detailed</u> project funding budget.
AKT	I have consulted with SWCD staff to ensure all minimum criteria has been met.
Optional	
<input checked="" type="checkbox"/>	Feasibility and/or Engineering Studies
<input checked="" type="checkbox"/>	Maps
AKT	Photos
<input checked="" type="checkbox"/>	Letters of Support

WATER ACTIVITY SUMMARY			
<b>Date of Submittal</b>	March 25, 2021		
<b>Type of Request</b>	Grant <input checked="" type="checkbox"/>	Loan <input type="checkbox"/>	Grant/Loan Package <input type="checkbox"/>
<b>Project Name</b>	Cottonwood Syphon Emergency Repairs		
<b>Applicant</b>	Colorado Cooperative Company		
<b>Project Location (River Basin)</b>	San Miguel River Basin		
<b>Amount of Request</b>	\$30,000		
<b>Total Project Cost</b>	\$68,407.02		
<b>Applicant Match</b>	\$38,407.02		
<b>Year for Use of Funds</b>	2021		

WATER ACTIVITY CATEGORY		
X	Limit	Category
	\$75,000	<b>Water Supply/Watershed Restoration:</b> Water supply or watershed restoration projects, including design, engineering, and construction
	\$20,000	<b>Public Forums/Studies:</b> Public forums, work groups, studies, planning efforts
	\$5,000	<b>Education:</b> Teaching seminars, workshops, and related programs
X	N/A	<b>Emergency:</b> Situations arising from catastrophic or unforeseen events
<p><b>Note:</b> The amount of funding each applicant may receive is further limited by the funding received in any given five-year period, as well as the total amount allocated to each category by the board. Review the <a href="#">guidelines</a> carefully and consult staff if needed (970-247-1302).</p>		

## APPLICANT INFORMATION

<b>Name of Authorized Entity</b>	Colorado Cooperative Company
<b>Type of Qualified Entity (See Guidelines)</b>	Ditch Co
<b>Mailing Address</b>	P.O. Box 231
<b>Federal ID Number</b>	84-0172520
<b>Contact Person</b>	Aimee Tooker
<b>Position/Title</b>	Secretary/Treasurer
<b>Phone Number</b>	970-864-7131
<b>Email</b>	<a href="mailto:Cccditch1894@gmail.com">Cccditch1894@gmail.com</a>

## APPLICANT DESCRIPTION

Please provide a brief description of the applying entity. For ditch companies, please provide the number of shareholders, acres served, and annual assessment.

The Colorado Cooperative Company has been operating since 1894. As of 2021 we have 160 shareholders and 3250 total shares. The annual assessment in the last few years has been \$38 per share. The assessments are the total operating budget for the year with a total of \$123,500. Irrigated acres of farmland is approximately 7000-7500. 3.38 cfs are provided to the Towns of Nucla and Naturita thru the Colorado Cooperative Company. 6-9 cfs are carried to users down stream with water calls to provide clean, quick water per the decree filed.

**1894, Winter:** Nine men and one woman met in Denver and organized the Colorado Co-operative Company. Their purpose was to establish a co-operative community somewhere in Colorado where equality and service, rather than greed and competition, should be the basis of the community.

**February 16, 1894:** The company was formed purely along economic lines and incorporated with a capital stock of \$100,000—1000 shares each with a par value of \$100.

**1894, Summer:** B.L. Smith was sent out with a team and wagon to locate sufficient land that could be watered under one irrigation system. Finally, he came upon 30,000 acres of sagebrush parks on the Tabeguache that could potentially be watered by way of a 15 mile ditch sourced from the upstream San Miguel River.

**November 1894:** Families began relocating to the first camp in Naturita. Here they planted gardens and wintered.

**January 1895:** The Company started publishing a monthly paper called "The Alturian". It was the means to reach out to people across the nation with their ideas and visions for the CCC. Letters of inquiry began arriving and the membership grew.

Pinon, C. 1900.



**1895, Fall:** The ditch was surveyed, roads built, a sawmill set up, and a settlement camp quickly built.

**February 1896:** Ground breaking for the ditch.

Now a more permanent settlement was established at Cottonwood Creek on the San Miguel. It was named Pinon, and had its own post office, a boardinghouse and school among the 50 buildings constructed.

**September 1896:** The ditch was complete to a point 1 1/2 miles above Cottonwood Creek. By January the company was ready to start construction on the Cottonwood Trestle.



**June 1898:** The first head gate uprights were raised. They had completed about half the work on the ditch. An explosion at the sawmill killed 2 men.

**1901:** M.D. Bowen & Co. was the first contractor to be awarded work for 4 1/2 miles of construction.

**January 1903:** The last nail was driven into the Cottonwood Trestle. It was built on a curve and was 110 feet high, 840 feet long, 52 feet wide at the base and 12 feet wide on top. This was the highest trestle of its kind to be built in the United States.

**June 4, 1904:** Ten years after the first survey, water flowed through the ditch to the initial point on Tabeguache Park.

Nucla Main Street looking south, C. 1909.



**March 20, 1904:** Nucla Town Improvement Company organized the town layout and the rules of cooperative ownership. By 1914 the people voted out the system in favor of private ownership, only the ditch remained cooperatively owned and operated.



Comrade Zatterstrom has been taking our engineer out locating some corners of land on which he wishes to file. It is near the spring on the grade.  
*The Alturian* 8/30/1899

**Nucla's name explained by one source:**  
2/14/1935 C.E. Williams wrote a letter to the Colorado State Historical Society stating that the "Colony" members were invited to submit names for the new town. He submitted a list that included Nucla as an adaptation of the word nucleus—a center which grows by attrition.

**TODAY THE CCC** consists of 170 shareholders who own and maintain the ditch. The co-operative owns 3,250 total shares, pulling 145 cfs from the river. Nine shareholders serve on the CCC Board; the annual meeting is held in January. Current issues include converting the three remaining trestles to a syphon system.

Each year the Rimrocker Historical Society and the CCC sponsor an all-day, ATV ditch tour.



### FURTHER READING

*The Visionaries, First & Second Generation of the Pinon, Ute and Nucla Areas.* 1998. Rimrocker Historical Society.

*The Spell of the Tabeguache.* Ellen Z. Peterson. 1957. Rimrocker Historical Society.

*Uncompahgre Country.* Wilson Rockwell. 1999. Western Reflections.

Web Browsing: American Utopias 1900; Western water wars; 1900 water trestles; Colorado Ute Indians; *The Alturian*; The Desert Land Act & The Homestead Act.



## WATER ACTIVITY DESCRIPTION

Please provide a narrative description of the activity's physical location, as well as its purpose and benefits. Provide a description of the water supply source to be utilized or the water body affected by the project. If possible, include measureable results such as acres served, watersheds impact, types of crops, number of taps, length of ditch improvements, length of pipe installed, area of habitat improvements, or students impacted. Photos, maps, or other graphics can be inserted here or attached.

Please explain how the project assists SWCD in furthering its statutory mission to protect, conserve, use, and develop the water resources of southwestern Colorado, as well as safeguard all waters to which Colorado is entitled. Specifically, if you project enhances or preserves any pre-compact water rights, please describe the quantities, appropriation dates, and adjudication dates of those rights. For help acquiring water rights information, call DWR (970-247-1845).

The Cottonwood syphon is the oldest syphon in the Colorado Cooperative Company's system installed in the early 1960's. It is along the Main lateral close to Pinon. It is essential to water irrigation distribution to all 160 shareholders on Tabeguache Park and for the domestic use of the Town of Nucla and the Town of Naturita.

31.28 cfs. Appropriation 1895 Adj. 1911

39.62 cfs. Appropriation 1908 Adj. 1916

10.00 cfs. Appropriation 1926 Adj. 1929

29.11 cfs. Appropriation 1932 Adj. 1939

35.00 cfs. Appropriation 1939 Adj. 1942

The project is 50 to 60 ft of 5 ft diameter pipe with a midline syphon replacement with 2 special dresser couplers. The last picture is the repair patch that is currently in place.







### WATER PROJECT TIMELINE

Please provide a narrative description of the timeline for the project's major tasks and/or a detailed outline.

The project will be complete in the winter of 2021-2022 unless the temporary repair fails during this up coming water irrigation season and emergency replacement and repair will need to be made immediately. It is imperative that we have all materials on site in case of Cottonwood syphon failure.

### ENGINEERING AND LEGAL FEASIBILITY

Will the Project require the acquisition of an additional water right or change of existing water rights? If yes, please explain.

no

Will the Project require state or federal regulatory permits of any type? If yes, please explain.

no

Please list below and attach to this application any feasibility studies or investigations that have been completed or are now in progress for the proposed project.

n/a

## WATER ACTIVITY BUDGET

Please provide any narrative description of the project expense and funding budget that is necessary. Please describe in-kind contributions, if any, and the anticipated decision date for those funding requests that have not already been approved.

Load and transport new pipe and dressers  
 Truck in machinery, welders, etc. to job site  
 Remove old dressers and cut out temporary patch  
 Weld in place new pipe and new dressers  
 8-10 yards of concrete for new thrust box replacement  
 Clean up old materials, scrap, etc. and haul off site  
 Haul our machinery, welders, etc. from job site  
 Machinery and Welder rentals  
 Operators, welders, laborers

Cotton Wood project pg 1			
Excavator	cat 315 L	\$ 120. <sup>00</sup> per hour	
track loader	cat 939	\$ 75. <sup>00</sup> per hour	
track Dresser	cat D5C	\$ 75. <sup>00</sup> per hour	
welders	lincoln / miller	\$ 30. <sup>00</sup> per hour	
misc. Tools, Torches etc.	-	? N/A	
welding rod - gas/oxygen	-	? N/A	
hours	estm.	20 days - 160 hours	\$ 4800. <sup>00</sup>
16 <sup>0</sup> operators	15 <sup>00</sup> hour	320 man hours	\$ 5760. <sup>00</sup>
16 <sup>0</sup> Labor	minim Wage	480 man hours	
115 Welders	20 <sup>00</sup> hour	230 man hours	\$ 4600. <sup>00</sup>
((trucks not included hired) \$ 100. <sup>00</sup> hour) (Nor are truck/trailers hired) +1-			\$ 15,160. <sup>00</sup>
5' pipe 60'	15768. <sup>46</sup>		
2 Dresser kits	19138. <sup>56</sup>		
		-	34907.02
Installation costs	33500. <sup>00</sup>		
TOTAL			68407. <sup>02</sup>
CCC	38407.02		
SWCD	30000. <sup>00</sup>		

*[Signature]*

pg 2

mobilize material to site. load & unload

3) load on semi-trailer.

2) 30 ft 5' pipe 60 st total (12000 lbs total)

1 day 1) 2 Dresser kits

estm 2500.<sup>00</sup>

3 laborers / 2 operators

Mobilize Equipment and Welders, Tools etc.

3) load on semi-trailer.

1 Excavator, 1 loader, 1 Paver

1 day load Backhoe to site

load welders, tools, tools etc to get to site

3 laborers / 2 operators

estm 2500.<sup>00</sup>

Removal of Temporary patch & existing  
Dressers. cut out w/ torch lift out  
with equipment, etc. move material out of  
construction zone

3 laborers / 2 operators / 2 welders

2-3 days

\$3400.<sup>00</sup> - estm 5000.<sup>00</sup>

prepare site to Enter & Exit

1 day for work to be completed

2 operators / 1 laborer

estm 1500.<sup>00</sup>

prepare New Dressers for installation

2 days Cut old legs off old ones, weld to New  
ones. But New Dresser kits to size and  
existing pipe for fit, prepare for weld.

2 operators / 3 laborers

estm 3500.<sup>00</sup>

Weld New Drassers in Place pg 3  
4 days connect legs to exist foundations  
2 welders / 2 operators / 3 laborers  
estm. 7000.<sup>00</sup>

Cut New / old pipe for fit.  
weld new pipe into place  
2 welder / 2 operator / 3 laborers  
~~estm. 6000.<sup>00</sup>~~  
4 days 2 Welder / 2 operators / 3 laborers  
estm. 6000.<sup>00</sup>

2 day New Concrete Thrust Block in Place  
8-10 yds concrete. \$ 200.<sup>00</sup> per yard?  
2 operators / 3 laborers estm. 3000.<sup>00</sup>

1 day De-mobilize Equipment and welders etc.  
See ~~Some~~ mobilizing in? estm. 2500.<sup>00</sup>

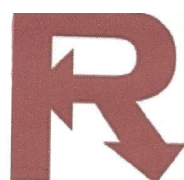
1 day clean up scrap (removed) materials  
haul from site estm. 2500.<sup>00</sup>  
2 operator / 2 laborers

33500.<sup>00</sup> ~~30000.<sup>00</sup>~~  
+ some pipe costs

Dem



Amy	Phone #	Cash Customer Name	
	970-428-2326	CC Ditch	
Description		Price Each	Amount
2 pc 30' long 60" .3125 wall pipe		251.13	15,067.80T
Montrose Cnty 4.65% State, PSI & Mont Cnty Sales Tax		4.65%	700.66



136 S. Maple Ave.  
Montrose, CO 81401  
(970) 249-7922

**Rusty Roof • Structural Steel • Metal Recycling**

### Estimate

Date	Estimate #
2/8/2021	77

<b>BILL TO:</b>
CASH CUSTOMER - COD ONLY
AMY TOOKER
cccditch1894@gmail.com
970-428-2326

<b>SHIP TO:</b>
CC DITCH
30274 DD ROAD
NUCLA, CO
DEAN 970-428-7870

PO #		Rep	Phone #		Cash Customer Name	
		DM	970-428-7870		CC DITCH	
Loc	Item	Quantity	Description	Price Each	Amount	
	SPECIAL ...	2	Series 400-60.00"x60.00"x3/8"x20" Dresser Coupling w/ Standard Nuts & Bolts, Shop Coat About 18-25 days out	4,906.25	9,812.50T	
	SPECIAL ...	4	4 ea. 60" OD x 36" long x 5/16" wall pipe/seam fully welded out About 7-14 days out	2,108.02	8,432.08T	
	DELIVER...	1	DELIVERY CHARGES 21-0011 Montrose Cnty 4.65% State, PSI & Mont Cnty Sales Tax	45.61 848.37	45.61 848.37	

Pricing on estimates are only valid for ONE (1) day from date of original quotation.

**TOTAL** \$19,138.56



### MATCHING REQUIREMENTS

Applicants must demonstrate that they are actively contributing to the project for which they are requesting funding. Any grant approval will be contingent upon the recipient ultimately demonstrating that they have secured funding for the full project cost.

In addition, applicants must also demonstrate that they will provide, through a cash contribution and/or the performance of in-kind services, at least 25% of the total project costs. See the guidelines and speak to staff for further clarification. Attach additional information if necessary.

Contributing Entity	Amount and Form of Match (note cash or in-kind)
Colorado Cooperative Company employees will complete all work associated with the project.	Cash \$38,407.02
Total Applicant Match (At Least 25%)	\$38,407.02
Total Other Funding	\$0
SWCD Request (Up to 50% of Project Cost)	
<b>Total Project Cost</b>	<b>\$68,407.02</b>

### WATER PROJECT BUDGET

Task/Materials Description	Funded By (Applicant, SWCD, Other)	Amount
Various <i>(See handwritten notes included under "Water Activity Budget" with task, material and labor descriptions)</i>	CCC	\$33,500
Material Pipe	CCC \$4,907.02 and SWCD \$10,861.44	\$15768.46
Material Dresser kits	SWCD	\$19138.56
<b>Total Project Cost</b>		<b>\$68,407.02</b>
<b>Grant Administration Costs as a Percentage of Total Project Cost</b>		<b>% 0</b>

### PREVIOUS SWCD AWARDS AND REQUESTS

Please list all previous request and awards from SWCD by year, amount, and project title. Please ensure that your entity does not exceed the five year limits on awards outlined in the [guidelines](#).

Brooks Trestle to Syphon Project 2019 \$66, 607.50  
Tuttle Draw Syphon Replacement Project 2014 \$17,750

--

<b>APPLICANT LIABILITY OR INDEBTEDNESS</b>
--

Please list any existing long-term liability (multi-year) or indebtedness that exceeds one thousand dollars. This might include bank loans, government agency loans, or bond issues. Please provide the lender name, address, remaining principal, annual payment, and maturity date. If any of these liabilities are currently in default or have been in default at any time in the past, please provide a detailed explanation. Attach a separate schedule as necessary.

none

<b>FOR LOAN REQUESTS</b>
--------------------------

Please identify all revenue sources for the applicant that would be available to repay SWCD should financial assistance be offered in the form of a loan.

<b>APPLICANT SIGNATURE</b>
<p>By signing below, I acknowledge I have read the SWCD Grant Program guidelines, I understand the program requirements, and I submit this application, which is complete and true to the best of my knowledge.</p> <p><b>Should the grant funds be awarded</b>, I commit to requesting funds when they are needed, and using them only for the specific purpose and amount indicated in my application. SWCD requires written documentation of all committed project funds prior to disbursement.</p> <p>I understand that if the project is under budget, there is an expectation that grant funding will be returned to SWCD in the proportion the project was under budget.</p> <p>I understand that if the intended use of grant funds changes, board approval will be necessary. I also understand that SWCD may require additional documentation regarding the use of the funds at its discretion.</p> <p>I acknowledge SWCD's requirement for a final written report, including a description of work completed and a detailed accounting of the use of funds.</p>

Aimee Tooker  
Signature

03/10/2021  
Date

Printed Name Aimee Tooker

Please sign and submit the completed application and any supplemental information via email to [lauras@swgcd.org](mailto:lauras@swgcd.org) or mail it to SWCD 841 E. 2<sup>nd</sup> Ave., Durango, CO 81301.

Do not hesitate to contact staff with any questions as you develop your application:  
Laura Spann, 970-247-1302, [lauras@swgcd.org](mailto:lauras@swgcd.org)

## 2021 SWCD Grant Program – Staff Application Review (Date: 3-22-21 Follow-up Date: 3-23-21, 3-26-21)

Name of Project/Applicant: **Farmers Water Development Company – Gurley Dam Embankment Slip Reconstruction**

<u>Total Project/Phase Cost</u>	<u>Amount of Request SWCD funds</u>	<u>Applicant Match (Cash / In-Kind)</u>	<u>Other Funding Sources</u>
<b>\$379,494.06</b>	<b>\$32,000</b>	<b>\$100,599.45</b>	
	(less than 50% of total)	(at least 25% of total)	

<u>Project Type</u>	<u>Limits (Annual Max/5 Year Max Since 2018)</u>	<u>SWCD Request</u>
Education	\$5,000 / \$10,000	
Water Supply/Restoration	\$75,000 / \$150,000	
Public Forums/Workgroups	\$20,000 / \$40,000	
<b>Emergency</b>	<b>No limit specified</b>	<b>\$32,000</b>

### Statutory Purposes of SWCD (C.R.S. 37-47-101)

Conservation of San Juan & Dolores rivers for storage, irrigation, mining, or manufacturing Purposes; Construction of reservoirs, ditches and works of irrigation and reclamation of lands not yet irrigated, as well as supplemental supply; Promotion of the health and general welfare of State of Colorado; and Safeguarding of water to which Colorado is equitably entitled.

If educational, does the project/program complement SWCD's existing efforts? **N/A**

<u>Pre-Compact Water Right</u>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<b>(See details in application.)</b>
--------------------------------	---	-----------------------------	--------------------------------------

<u>Application Information</u>	<u>Criteria Met:</u>
Date Received	✓
Eligible Entity	✓
Required Match	✓
Less than 50% of Total Project Cost	✓
Project Type, Description, Location	✓
Anticipated Project Timeline	✓
Detailed Project Expense Budget	✓
No Legal, Payroll, or Grant Admin Costs supported by SWCD	✓
Identification of Project Beneficiaries & Partners	✓
Summary of Previous SWCD Funding Requests and Awards	✓
Not For a Project That Was Already Completed	✓
Use of Funds in 2021	✓
Has Secured Remaining Project Funding	✓ – seeking \$197,000 from USDA and San Miguel County \$50,000
Purposes of District	✓
<b>-Pre-Compact</b>	✓
-Compact Development & Entitlement	✓
-Health & Welfare	✓
-Irrigation & Storage	✓

**Staff Recommendation:** **Approve in the reduced amount of \$27,642, conditioned on applicant providing confirmation of other grant funds awarded to support the full project cost (per SWCD grant guidelines).**

There is \$32,000 remaining in the Emergency category and \$23,243 unawarded from the Water Supply and Education categories for a total of \$55,248 remaining in the overall 2021 grant program. Chris and Laura recommend staying within the overall budgeted amount of \$230,000 for the grant program by approving both requests in the reduced amount of \$27,642. The board would move unapproved funds from Water Supply and Education categories to the Emergency category. This seems appropriate given that both applications are true emergencies and maintain pre-compact water rights.

### Applicant Grant History

Date	Name	Notes	Amount
2021	Farmers Water Development Co.	Gurley Dam Embankment Slip Reconst. <i>(Requested)</i>	<i>\$32,000.00</i>
2014	Farmers Water Development Co.	Williams Drop Headgate Repair, Rehab	\$50,000.00
			<b>\$80,000.00</b>

Director Notes/Questions:

[illegible]





**THE SOUTHWESTERN WATER CONSERVATION DISTRICT**  
Developing and Conserving the Waters of the  
SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES  
IN SOUTHWESTERN COLORADO

**GENERAL APPLICATION FOR FINANCIAL ASSISTANCE**

SWCD SUBMITTAL CHECKLIST	
Required, Please Initial	
X	I acknowledge I have read and understand the <a href="#">2021 SWCD Grant Program Guidelines</a> .
X	The financial request to SWCD does not exceed 50% of the total project cost.
X	The applying organization is funding at least 25% of the total project cost.
X	The request is for funds to be used in 2021, for a project to be completed in 2021.
X	I understand that SWCD does not fund payroll, legal, or grant administration costs.
X	I have included a <u>detailed</u> project expense budget.
X	I have included a <u>detailed</u> project funding budget.
X	I have consulted with SWCD staff to ensure all minimum criteria has been met.
Optional	
X	Feasibility and/or Engineering Studies
	Maps
X	Photos
X	Letters of Support

WATER ACTIVITY SUMMARY			
<b>Date of Submittal</b>	March 19, 2021		
<b>Type of Request</b>	Grant <b>X</b>	Loan	Grant/Loan Package
<b>Project Name</b>	Gurley Dam Embankment Slip Reconstruction		
<b>Applicant</b>	The Farmers Water Development Company		
<b>Project Location (River Basin)</b>	San Miguel		
<b>Amount of Request</b>	\$32,000.00		
<b>Total Project Cost</b>	\$379,494.06		
<b>Applicant Match</b>	\$100,599.45		
<b>Year for Use of Funds</b>	2021		

WATER ACTIVITY CATEGORY		
<b>X</b>	<b>Limit</b>	<b>Category</b>
	\$75,000	<b>Water Supply/Watershed Restoration:</b> Water supply or watershed restoration projects, including design, engineering, and construction
	\$20,000	<b>Public Forums/Studies:</b> Public forums, work groups, studies, planning efforts
	\$5,000	<b>Education:</b> Teaching seminars, workshops, and related programs
<b>X</b>	N/A	<b>Emergency:</b> Situations arising from catastrophic or unforeseen events
<p><b>Note:</b> The amount of funding each applicant may receive is further limited by the funding received in any given five-year period, as well as the total amount allocated to each category by the board. Review the <a href="#">guidelines</a> carefully and consult staff if needed (970-247-1302).</p>		



APPLICANT INFORMATION	
<b>Name of Authorized Entity</b>	The Farmers Water Development Company
<b>Type of Qualified Entity (See Guidelines)</b>	
<b>Mailing Address</b>	PO Box 10, Norwood, CO 81423
<b>Federal ID Number</b>	84-0201050
<b>Contact Person</b>	David Alexander
<b>Position/Title</b>	President
<b>Phone Number</b>	(970)327-4650
<b>Email</b>	farmerswdc@yahoo.com

APPLICANT DESCRIPTION
<p>Please provide a brief description of the applying entity. For ditch companies, please provide the number of shareholders, acres served, and annual assessment.</p> <p>The Gurley Reservoir provides agricultural water to 210 shareholders that covers approximately 12,000 acres of land, our annual assessment is \$124,477.50. We also supply the water to the Norwood Water Commission for the municipal water which provides water to the Town of Norwood and residents of Wrights Mesa.</p> <p>The Gurley Reservoir has pre-compact water rights totaling 3,199af and were acquired as follows:</p> <p>199af - Appropriation date 1888 Adjudication date 1897</p> <p>702af – Appropriation date 1906 Adjudication date 1916</p> <p>2,298af – Appropriation date 1913 Adjudication date 1916</p>

WATER ACTIVITY DESCRIPTION
<p>Please provide a narrative description of the activity's physical location, as well as its purpose and benefits. Provide a description of the water supply source to be utilized or the water body affected by the project. If possible, include measureable results such as acres served, watersheds impact, types of crops, number of taps, length of ditch improvements, length of pipe installed, area of habitat improvements, or students impacted. Photos, maps, or other graphics can be inserted here or attached.</p> <p>Please explain how the project assists SWCD in furthering its statutory mission to protect, conserve, use, and develop the water resources of southwestern Colorado, as well as safeguard all waters to which Colorado is entitled. Specifically, if you project enhances or preserves any pre-compact water rights, please describe the quantities, appropriation dates, and adjudication dates of those rights. For help acquiring water rights information, call DWR (970-247-1845).</p>



The Gurley Reservoir had a surface slip on the downstream slope of the dam in the Spring of 2019, after inspection from the State Water Engineer our storage capacity was limited to 50%. This has been an extreme challenge for the company being the only source for the municipal water and one of the few sources of agricultural water in the area. Repairing the dam will bring the reservoir back to full operating capacity and will return the storage capacity to 10,000acre feet.

We currently have an Engineer's Repair Plan submitted to the State of Colorado and are waiting for the approval to begin the repairs on the dam, our expected start date is August 1, 2021. We will replace the weak material on the dam with on-site materials pulled from the reservoir borrow pits per the engineered plan and will extend the outlet pipe 25 linear feet as we flatten the slope of the dam. We plan to provide most of the labor for the project in-house, the only thing that will have to be sub-contracted will be the welding of the pipe extension, we will be able to rent any equipment needed. We own an excavator, dozer and dump truck that we will use as much as possible.

#### WATER PROJECT TIMELINE

Please provide a narrative description of the timeline for the project's major tasks and/or a detailed outline.

We will begin pulling material from the borrow-pits located in the reservoir and will stockpile the material until we rent a crusher to break the material to the specified size. All crushing will be done on-site, our projected start date for the actual repair will be August 1, 2021. We should be done with running water by this time and will have the reservoir at or below the set storage limit of 50%. Once we begin work on the repair, we should be able to complete before winter.

#### ENGINEERING AND LEGAL FEASIBILITY

Will the Project require the acquisition of an additional water right or change of existing water rights? If yes, please explain.

No

Will the Project require state or federal regulatory permits of any type? If yes, please explain.

Yes, requires approval of the Engineered Repair Plan from the State of Colorado

Please list below and attach to this application any feasibility studies or investigations that have been completed or are now in progress for the proposed project.

Attached is the Engineer's project description.



## WATER ACTIVITY BUDGET

Please provide any narrative description of the project expense and funding budget that is necessary. Please describe in-kind contributions, if any, and the anticipated decision date for those funding requests that have not already been approved.

We have started working with West End Economic Development (WEEDC) on all other funding opportunities, along with the help of WEEDC we have secured possible funding from San Miguel County in the amount of \$50,000. We will know whether this has been secured after their budget review April 1st. WEEDC is also working on putting together a grant application to the USDA, we are asking for at least \$197,000 which is within their grant funding amount available and the timeline for funding is 45 days after approval of the grant. We will also look loan opportunities through the CWCB, but would like to fund with grants as much as possible.

We plan on providing the labor and some equipment costs as our in-kind contribution. We have two ditchrider's that will be able to focus on the repair once the irrigation season is over (most likely by August 1, 2021) and the company owns an excavator, dozer and dump truck that we will use as much as possible.

We have already purchased the outlet tube extension and will begin to pull the material from the borrow pits as soon as possible, we will initially begin with crushing materials on-site, we will rent both the crusher and loader and will use funds obtained from this grant toward those costs. We will also continue to self-fund as much as we can to keep this project moving forward while awaiting further funding. To date FWDC has paid a total of \$51,634.14 out-of-pocket for the Engineer's Repair Plans and the Geotechnical surview and reports, this also includes the purchase of the outlet tube extension and dam repair plan review fee paid to the Colorado Division of Water Resources; unfortunately, most of the engineering and geo-tech cost fell early last year but I have listed more recent costs that we have paid out-of-pocket and those are included in the matching funds graph below.

We plan to provide matching funds for our request through our labor and equipment to pull material from the borrow pits at the reservoir, and explanation of how I came up with these amounts is included below.

I figured all my matching labor rates provided in house as follows:

Labor - \$35/hour

Equipment - \$115/hour

Equipment with Operator - \$150/hour

Pulling material from the borrow pits – 55hours w/an excavator plus operator

Labor required for the rest of the project – 320 hours for two laborers

Equipment required for the rest of the project – 120 hours

FWDC will also continue to pay Engineering and Geo-tech fees out-of-pocket, we will also do all the seeding and re-mulching of the dam after the repair and plan to pay for this ourselves as well. These costs are also included in the matching funds amount.

### MATCHING REQUIREMENTS

Applicants must demonstrate that they are actively contributing to the project for which they are requesting funding. Any grant approval will be contingent upon the recipient ultimately demonstrating that they have secured funding for the full project cost.

In addition, applicants must also demonstrate that they will provide, through a cash contribution and/or the performance of in-kind services, at least 25% of the total project costs. See the guidelines and speak to staff for further clarification. Attach additional information if necessary.

Contributing Entity	Amount and Form of Match (note cash or in-kind)
FWDC – Labor for pulling material from borrow pits 55 hours with an excavator and operator (\$150x55)	\$8,250 In-Kind Match
FWDC – Paid 03/02/21 to CO Division of Water Resources – Dam Plan Review	\$2,277.96 out-of-pocket
FWDC - Geo-Technical Engineering	\$23,404.92 out-of-pocket
FWDC – Engineering Oversight	\$21,733.14 out-of-pocket
FWDC – Seeding & Mulching (We will do this in-house)	\$5,000 out-of-pocket
FWDC – 2 Ditchrider's labor @ \$35/hour each 320 hours to complete the project (\$70x320)	\$22,400.00 In-Kind Match
FWDC – Paid 09/14/20 to Recla Metal Outlet Tube Extension	\$3,733.43 out-of-pocket
FWDC – Equipment Cost Match Owned by FWDC needed to complete the repair (120 hours x \$115/hour)	\$13,800.00 In-Kind Match
Total Applicant Match (At Least 25%)	\$100,599.45
Total Other Funding	\$246,894.61
SWCD Request (Up to 50% of Project Cost)	\$32,000
<b>Total Project Cost</b>	<b>\$379,494.06</b>

### WATER PROJECT BUDGET

Please provide a detailed project budget. You can use the template below or provide a more detailed table in an attachment.

Note: Please describe any payroll or legal costs, as well as any costs for administering this and other grants. SWCD will not fund those portions of the project.

Task/Materials Description	Funded By (Applicant, SWCD, Other)	Amount
<b>DETAILED BUDGET ATTACHED</b>		
<b>Total Project Cost</b>		<b>\$</b>
<b>Grant Administration Costs as a Percentage of Total Project Cost</b>		<b>%</b>



#### PREVIOUS SWCD AWARDS AND REQUESTS

Please list all previous request and awards from SWCD by year, amount, and project title. Please ensure that your entity does not exceed the five-year limits on awards outlined in the [guidelines](#).

2014 – Williams Drop Headgate Repair and Rehabilitation \$50,000

#### APPLICANT LIABILITY OR INDEBTEDNESS

Please list any existing long-term liability (multi-year) or indebtedness that exceeds one thousand dollars. This might include bank loans, government agency loans, or bond issues. Please provide the lender name, address, remaining principal, annual payment, and maturity date. If any of these liabilities are currently in default or have been in default at any time in the past, please provide a detailed explanation. Attach a separate schedule as necessary.

NONE

#### FOR LOAN REQUESTS

Please identify all revenue sources for the applicant that would be available to repay SWCD should financial assistance be offered in the form of a loan.

N/A

#### APPLICANT SIGNATURE

By signing below, I acknowledge I have read the SWCD Grant Program guidelines, I understand the program requirements, and I submit this application, which is complete and true to the best of my knowledge.

**Should the grant funds be awarded**, I commit to requesting funds when they are needed, and using them only for the specific purpose and amount indicated in my application. SWCD requires written documentation of all committed project funds prior to disbursement.

I understand that if the project is under budget, there is an expectation that grant funding will be returned to SWCD in the proportion the project was under budget.

I understand that if the intended use of grant funds changes, board approval will be necessary. I also understand that SWCD may require additional documentation regarding the use of the funds at its discretion.

I acknowledge SWCD's requirement for a final written report, including a description of work completed and a detailed accounting of the use of funds.

  
Signature

March 18, 2021  
Date

Printed Name Dave Alexander

Please sign and submit the completed application and any supplemental information via email to [lauras@swgcd.org](mailto:lauras@swgcd.org) or mail it to SWCD 841 E. 2<sup>nd</sup> Ave., Durango, CO 81301.

Do not hesitate to contact staff with any questions as you develop your application:  
Laura Spann, 970-247-1302, [lauras@swgcd.org](mailto:lauras@swgcd.org)

**ENGINEER'S ESTIMATES**

**Gurley Reservoir - Embankment Slip Repair**

**January 28, 2021**

	Item Description	Quantity	Unit	Unit Price	Total
1a	Topsoil Removal & Waste (Average 3" Thick)	238	c.y	\$ 10.00	\$ 2,380.00
2a	Compacted Fill - Replacement of Slip Material with on-site 3" minus borrow material	2020	c.y.	\$ 25.00	\$ 50,500.00
2b	Toe Bulkhead Fill - Slip area, on-site 12" minus borrow material	2015	c.y.	\$ 20.00	\$ 40,300.00
2c	Toe Bulkhead Fill - West Addition, on-site 12" minus borrow material	2455	c.y.	\$ 20.00	\$ 49,100.00
3a	Riprap (D50=36")	170	c.y.	\$ 135.00	\$ 22,950.00
3b	Riprap (D50=24")	500	c.y.	\$ 120.00	\$ 60,000.00
3c	Aggregate Filter,	100	c.y.	\$ 45.00	\$ 4,500.00
3d	Geotextile Fabric,	360	s.y.	\$ 15.00	\$ 5,400.00
4	36" Outlet Pipe Extension	25	l.f.	\$ 600.00	\$ 15,000.00
5	Seeding & Mulching	0.7	acre	\$ 5,000.00	\$ 3,500.00
	Mobilization (5%)	1	l.s.	\$ 25,000.00	\$ 25,000.00
	Estimated Construction Cost (ECC)				\$ 278,630.00
	Total With 20% Contingency				\$ 334,356.00
	Geotechnical Engineering				\$ 23,404.92
	Engineering Oversight				\$ 21,733.14
	Total Estimated Project Cost				\$ 379,494.06



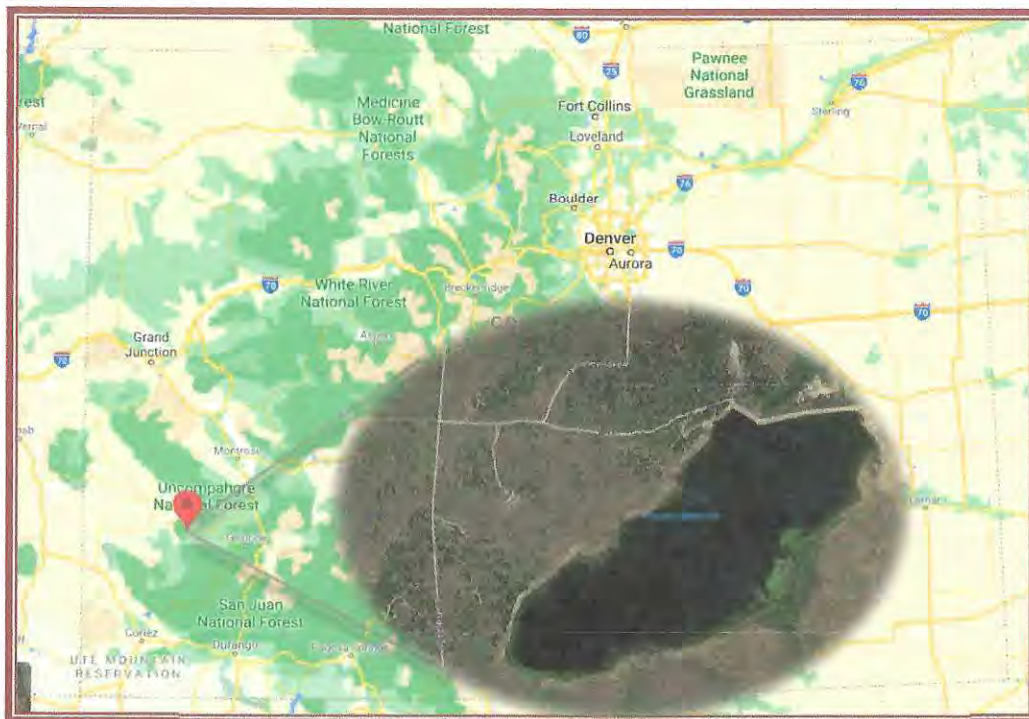
## **Introduction**

This report details the methods and results of the Gurley Reservoir Embankment Slip investigation. During the spring of 2019 snow accumulation which had built up in a cornice on the north side of the Gurley Dam, had almost entirely melted. A spring storm brought about 3 inches of rainfall. The combination of the snowmelt and spring rainfall event caused complete saturation of the dam embankment in the vicinity of the winter cornice. This proved to be the point at which the embankment stability reached a factor of safety (FS) of less than 1. In the area just below the cornice, a layer about 3 feet in depth slipped and slid down the slope toward the outlet pipe. The total area of the slip was about 75 feet wide and carried 85 feet down the slope. We were on site 4 days after the slip to inspect and analyze the slope failure. It was determined that the embankment slip was caused by excess surface moisture. A reassuring fact was that the piezometer reading showed no change and were at a level much below the failure which indicated that seepage through the dam was not the cause. Since then, the team has worked towards producing plans and specifications for repair of the failure. This report outlines this process

## **Project Description**

The Gurley Reservoir Dam is located approximately 7 miles south of Norwood Colorado in San Miguel County. The embankment is located in Section 25, Township 44 N, Range 13 W, 6<sup>th</sup> Principal Meridian. The approximate coordinates of the site are Latitude 38° 2' 8.39" N and Longitude 108° 14' 50.60" W, Elevation: 8275 ft.

This embankment slip is located on the north side of the dam embankment towards the westerly side of the dam. The top width of the dam is approximately 26 feet wide. By taking a cross section at the slip failure, the upstream face is generally at 3.37H : 1V slope and the downstream face (slip surface) is generally at 2.19H : 1V.



**Figure 1 – Vicinity/Location Map of Gurley Reservoir Dam, San Miguel County, Colorado.**



### **Procedure**

The procedure to analyze and perform the overall design of the embankment slip repair required many steps and stages although they simplified to fit within 5 main steps. These steps are summarized below:

- (1) Site Investigation
- (2) Geotechnical Investigation
- (3) Geotechnical Results
- (4) Design
- (5) Engineer's Estimate

### **Site Investigation**

On May 6, 2019 a section of embankment soils at the Gurley Reservoir became saturated and failed on the north side (land side) of the dam. On May 10, 2019 the first inspection trip was made and the initial evaluation was completed. The 75 feet wide by 85 feet long failure extended about 36 inches perpendicular to the embankment. The soils were very unstable and completely saturated. The soils appeared to be silty clay and low strength at saturation. There were additional tension cracks above the scarp and bulge was extremely unstable due to the high moisture content. There visually appeared to be a clay layer below the slip surface that the water did not penetrate and saturate like the surface layer. Shallow hand bores showed that the inner core of the embankment was moist but unsaturated. The east side of the slip included an area that had previously failed and had been replaced with onsite borrow material. As the slope failed, it appeared to weaken the previously repaired area and cause limited failure in the previously repaired area. Refer to the aerial photograph below, Figure 2 for reference of the slip in relation to the outlet, previously repaired areas and orientation to the dam crest.



**Figure 2 – Embankment Slip on Gurley Reservoir Dam, San Miguel County, Colorado.**

### **Geotechnical Investigation**

As a critical component in evaluating the slope failure on the Gurley dam, geotechnical engineering was essential. Grand Valley Consulting completed the necessary work to produce the geotechnical investigation plan. The plan was produced and submitted for approval on September 19, 2019 and revised on October 14, 2019, to the Colorado Division of Water resources Dam Safety Division. The plan outlined the proposed procedure for the geotechnical investigation testing methods. This plan is attached and can be viewed in Appendix A. On November 18, 19 & 20, 2019 the geotechnical testing was completed on-site. A tracked drilling machine was used and was able to be manipulated into place by the testing company. Three bore holes were drilled, with the similarities found in these borings, the forth proposed hole was determined not critical and the three bores were used for the investigation. The final Geotechnical Investigation report was provided June 23, 2020 with the recommendations. An on-site design meeting took place on July 29, 2020 with an Engineer's Inspection Report provided on August 13, 2020. The plan and design was discussed at this meeting and an addendum to the geotechnical report was provided August 28, 2020. These reports can be found in Appendix A and should be relied upon for the any geotechnical information.

### **Geotechnical Results**

As outlined in the Geotechnical Reports included in Appendix A. The cause of the failure was the result of saturated soils comprised of silty, sandy clay. In the slope stability model, the factor of safety (FS) was found to be 1.35 in a typical scenario, but in a saturated scenario, as existed the spring of 2019, the FS fell below 1 to an estimated 0.992. It was then determined that if the failed material was replaced with the tested on-site borrow material, the FS increased to 1.369 in a saturated scenario. With the design regulations requiring a FS of 1.5 or greater, we determined that changing the geometry was the easier path forward and increasing the strength of the surface material. Ultimately, it was determined that if the slip area was repaired with the borrow material and the slope was flattened to 2.5H:1V from the +/- 2H:1V that the FS would increase to 1.540. The point at which the "flattening" should start on the slope was determined to be at elevation 8247.27 (27.7 feet below the dam crest) to form a toe buttress effect. The repair material for the slip was determined to be a graded 3 inch minus material where-as the toe buttress material could be a larger graded 12 inch minus material. The details of this analysis, the soil analysis and details can all be found in Appendix A.

### **Design**

The Gurley Reservoir embankment slip repair design was based on the "Rules and Regulations for Dam Safety and Dam Construction" effective date January 1, 2020. Using these regulations, the geotechnical recommendations outlined above and the field data collected, a design was developed to fit our embankment configuration and on-site borrow sources. The first step was to determine the appropriate repair for the failure area. Using the Geotechnical data provided, it was determined that removing the failed material down to a minimum of a 6 foot depth and replacing with a compacted 3 inch minus material would stabilize this area but not to the required FS of 1.5. The limits of this repair was determined by on-site embankment features. The repair was extended easterly to a natural bend or crease in the embankment and extended to a stable previous repair to the west. It was determined that this material must be placed in lifts and compacted with mechanical means to achieve the compaction requirements set forth in the project specifications.



It is anticipated that this repair area will be overbuild and then graded to the design lines shown on the plans.

The next step in the design was to determine how to bring the slope stability to a FS of 1.5. Geometric details were changed in the slope stability model until the FS was achieved. A toe buttress feature was incorporated into the design. The extents of the toe buttress was decided to extend from the same crease in the slope mentioned above on the east and extend west beyond the failed slope to create a toe buttress width of about 290 feet and a slope of 2.5 Horizontal (H) to 1 Vertical (V). The west tie-in was a natural tie-in where the slope was already close to the 2.5H:1V desired slope. The toe buttress material shall be keyed into the existing slope and mechanically compacted as specified in the specifications.

During the initial phases of investigation, incorporating a drain in the repair was discussed. In the geotechnical analysis, the required FS was reached in a worst case scenario (saturated) thus eliminating the need for a drain. In addition, the borrow material is a well-draining material which will naturally drain away from the embankment and remain structurally sound even at saturation.

By extending the toe of the embankment with the toe buttress, the outlet pipe then needed to be extended. The 36" steel outlet pipe was extended on the downstream end as part of this design. The pipe is planned to be welded to the existing pipe and tested for watertightness. The pipe will be installed on a compacted surface and backfilled as specified. This outlet pipe design includes a re-orientated plunge pool with appropriate designed riprap to protect the area from the outlet pipe flow.

The design was tailored to use on-site materials as appropriate and incorporate these materials in a geometry that will have a FS of 1.5 in a saturated state. The repair extends laterally to include all the adjacent areas and bring the FS to above the required as set forth by the current state regulations.

#### **Engineer's Estimate**

Below in Table 1 is an Engineer's Estimate produced for the embankment slip repair. There are 10 main items with associated costs. Each of these 10 items have multiple components and are outlined here.

##### **Item No.**

- 1a. – The topsoil, brush and debris will need to be stripped from the existing slope and wasted in an appropriate location as determined by the Owner. Approximately 3" of material will be removed prior to the placement of any repair material or buttress material. It is estimated that this item will cost approximately \$10 per cubic yard, (c.y.)
  
- 2a – This item is the main repair material for the slip area. This material shall meet the specification and gradation and generally be referred to as the 3 inch minus material. It is anticipated that this material will be produced on-site from the proposed borrow site and crushed to the required specification. This material will be processed,

trucked to the site and compacted in place. This item is estimated at \$25 per c.y. of placed material.

- 2b – This item is the material to be used to flatten the downstream face of the dam as outlined on the plans, creating the toe buttress. This material shall meet the specification and gradation and generally be referred to as the 12 inch minus toe buttress material. It is anticipated that this material will be produced on-site from the proposed borrow site and screened or crushed to the required specification. This material will be processed, trucked to the site and compacted in place. This item is estimated at \$20 per c.y. of placed material.
- 2c – This item is the material to be used to flatten the downstream face of the dam within the westerly repair limits. This material shall meet the specification and gradation and generally be referred to as the 12 inch minus toe buttress material. This will be the same material as item 2b above but placed further west. It is anticipated that this material will be produced on-site from the proposed borrow site and screened or crushed to the required specification. This material will be processed, trucked to the repair and compacted in place. This item is estimated at \$20 per c.y. of placed material.
- 3a – This item shall be the material placed directly below the outlet pipe to armor the outlet flow. The Riprap was sized based on the maximum flow of 210 cfs in a plunge pool configuration. This material will be placed 90 inches thick with an average stone size of 36 inches and a maximum stone size of 72 inches. Smaller stones shall be used to chink in between the larger stones creating a robust mat to resist these large flows. This item was estimated at \$135 per c.y. and it was estimated that the material placed will be approximately 3000 lb per c.y.
- 3b – This item shall be the material placed on either side of the larger riprap above where there will not be direct impact from the outlet pipe flow. The Riprap was sized based on the design guidelines for plunge pools. This material will be placed 60 inches thick with an average stone size of 24 inches and a maximum stone size of 48 inches. Smaller stones shall be used to chink in between the larger stones creating a robust mat to resist these large flows. This item was estimated at \$120 per c.y. and it was estimated that the material placed will be approximately 3000 lb per c.y.
- 3c – This item shall be an aggregate filter below the riprap material to resist erosion from below the riprap layers. This aggregate filter will be in combination with the geotextile fabric. This item was estimated at \$45 per c.y.
- 3d – This item shall be a geotextile fabric filter and shall be placed below the riprap and aggregate filter materials to resist the erosion forces on the existing soils. This item was estimated at \$15 per s.y.
- 4 – The 36 inch outlet pipe shall extend the existing outlet pipe to allow the addition of the toe buttress material and not cover the outlet pipe. The pipe is intended to be

welded to the existing outlet pipe and be installed on firm bedding at the same grade as the existing outlet pipe. This pipe will be partially cantilevered with the main flow hitting the plunge pool at the deepest spot for maximum energy dissipation. The outlet pipe extension is estimated at \$600 per linear foot (l.f.) of installed, welded pipe.

- 5 – After the Toe bulkhead material and slip repair has been completed, the slopes and disturbed areas shall be revegetated with the seed mix specified and mulched as appropriate. The estimated cost for revegetation is \$5000 per acre.
- 6 – Mobilization and demobilization can vary significantly from contractor to contractor. Many Contractors add hidden costs in this item where others will add them to the other associated items. In this estimate, it was included at \$25,000 as a lump sum price but could significantly vary depending on Contractor.

With these main items and their associated costs it was deemed appropriate to add a 20% contingency as well as approximately 7% for Geotechnical engineering costs and 6.5% for Engineering oversight and inspection. With these additional costs, it is estimated that the Gurley Reservoir Embankment Stabilization will cost approximately \$378,356.00. Please refer to the table below along with the Engineer's Estimate included in Appendix B.

**Table 1 – Engineer's Estimate**

ENGINEER'S ESTIMATES					
Gurley Reservoir - Embankment Slip Repair					
January 23, 2021					
	Item Description	Quantity	Unit	Unit Price	Total
1a	Topsoil Removal & Waste (Average 3" Thick)	238	c.y	\$ 10.00	\$ 2,380.00
2a	Compacted Fill - Replacement of Slip Material with on-site 3" minus borrow material	2020	c.y.	\$ 25.00	\$ 50,500.00
2b	Toe Bulkhead Fill - Slip area, on-site 12" minus borrow material	2015	c.y.	\$ 20.00	\$ 40,300.00
2c	Toe Bulkhead Fill - West Addition, on-site 12" minus borrow material	2455	c.y.	\$ 20.00	\$ 49,100.00
3a	Riprap (D50=36")	170	c.y.	\$ 135.00	\$ 22,950.00
3b	Riprap (D50=24")	500	c.y.	\$ 120.00	\$ 60,000.00
3c	Aggregate Filter,	100	c.y.	\$ 45.00	\$ 4,500.00
3d	Geotextile Fabric,	360	s.y.	\$ 15.00	\$ 5,400.00

4	36" Outlet Pipe Extension	25	l.f.	\$ 600.00	\$ 15,000.00
5	Seeding & Mulching	0.7	acre	\$ 5,000.00	\$ 3,500.00
6	Mobilization and Demobilization	1	l.s.	\$ 25000.00	\$ 25,000.00
	Estimated Construction Cost (ECC)				\$ 278,630.00
	Total With 20% Contingency				\$ 334,356.00
	Geotechnical Engineering				\$ 23,000.00
	Engineering Oversight				\$ 21,000.00
	Total Estimated Project Cost				\$ 378,356.00

### **Summary**

As previously described, the Gurley Reservoir Dam will be repaired with a combination of on-site borrow materials to achieve a factor of safety of 1.54 in the area modeled. The geotechnical analysis indicates that this is at a worst case scenario where the embankment is saturated. The outlet pipe will be extended to beyond the proposed toe buttress and the Riprap was designed to resist channel velocities and energy exerted in the extended plunge pool. While keeping the results and calculations in mind, it was ultimately determined that this will be a permanent repair to the Gurley Reservoir Dam and protecting its stability from future snow and rainfall events









## BOARD OF COMMISSIONERS

HILARY COOPER KRIS HOLSTROM LANCE WARING

Southwestern Water Conservation District  
Emergency Grant  
Laura Spann  
SWCD 841 East 2<sup>nd</sup> Ave  
Durango, CO 81301

March 11, 2021

RE: Farmers Water Emergency Grant application

Dear SWCD Board Members,

The San Miguel County Board of County Commissioners is in full support of the Farmers Water Emergency Grant application.

The Gurley Reservoir is critical infrastructure for the west end communities of San Miguel County, including the Town of Norwood and unincorporated Wright's Mesa. It supplies water to the Town of Norwood and surrounding agricultural lands. The dam has been degrading over time and recently a breach occurred which will require more extensive repair. The repair is urgent to prevent additional damage and to restore the full capacity of the reservoir. The estimated repairs are beyond the financial capacity of Farmer's Water the owner/managing entity of the Gurley Reservoir.

Currently, the damage is limiting the capacity of the reservoir to 50 percent. As we face more extreme drought conditions, this places all of the County's west end communities at risk, threatening municipal water supplies, agriculture and water supplies for fire suppression.

The need and urgency for these funds are immediate and we ask for your support of this Emergency Grant Application.

Sincerely,  
San Miguel County  
Board of Commissioners

Lance Waring, Chair

Kris Holstrom, Vice Chair

Hilary Cooper, Commissioner



## **TOWN OF NORWOOD**

*P.O. Box 528  
1670 Naturita Street  
Norwood, Colorado 81423  
[www.norwoodtown.com](http://www.norwoodtown.com)*

March 15, 2021

Southwest Water Conservation District  
841 East Second Avenue  
Durango, CO 81301

**Regarding: Consideration of Funding Request for Farmers Water Development Company.**

Dear President Russell and Board Members:

The Town of Norwood and I would like to take this occasion to express our wide-ranging support for Farmers Water Development Company's ("FWDC") funding request. The Gurley Reservoir, owned by Farmers Water Development Company, is the source for storage of the municipal water and the irrigation water for the Raw Water Irrigation system which serves the Town of Norwood. The Gurley Reservoir dam repair is the strategic piece of the puzzle for the FWDC organization to continue serving the Town of Norwood and surrounding area in the capacity that is required. As you consider this application, The Town of Norwood requests your vote of approval for full funding of the Farmers Water Development Company's proposed dam stabilization project.

To their credit, The FWDC Boards, past and present, have managed much of this areas' water with exceptional expertise. Thank you in advance for your consideration of the application submitted by Farmers Water Development Company and Norwood Board of Trustees request an affirmative decision.

Sincerely,

C. Kieffer Parrino, Mayor  
Town of Norwood

**NORWOOD WATER COMMISSION**  
1670 NATURITA STREET  
P.O. BOX 528  
NORWOOD, COLORADO 81423  
(970) 327-4288 • (970) 327-0451 FAX

March 15, 2021

Southwest Water Conservation District  
841 East Second Avenue  
Durango, CO 81301

**Regarding: Consideration of Funding Request for Farmers Water Development Company.**

Dear President Russell and Board Members:

The Norwood Water Commission and I would like to take this opportunity to express our complete support for Farmers Water Development Company's ("FWDC") funding request. The Town of Norwood's municipal water is largely provided and stored in the Gurley Reservoir owned by Farmers Water Development Company. The Gurley Reservoir dam repair is paramount in the FWDC Board achieving stabilization while providing water, not only to the Norwood Water Commission but many others as well. As you consider applications for funding requests, the Norwood Water Commission Board asks that the need for this funding gets recognized as an intricate stepping stone to the end goal of the Farmers Water Development Company. The FWDC Board has shown exceptional stewardship of water for many generations and now they are in need of funding to continue that task. Thank you in advance for your consideration of the application submitted by Farmers Water Development Company and request a favorable decision.

Sincerely,



Finn Kjome, Chairman  
Norwood Water Commission





Norwood Fire Protection District  
1605 Summit St.  
Norwood, CO 81423  
970-327-4800  
[nfpdadmin@norwoodcofire.com](mailto:nfpdadmin@norwoodcofire.com)

March 9, 2021

To Whom It May Concern:

I am writing this letter of recommendation on behalf of Farmer's Water Development Company. The Norwood Fire Protection District fully endorses all repairs and improvements to the Gurley reservoir. The Gurley reservoir is the sole source of drinking water for the Norwood community servicing over 2500 residents. It also provides raw water used for field irrigation and the watering of farm/ranch animals, both of which are the mainstay of our community.

The Norwood Fire Protection District depends on the water supplied from the Gurley reservoir for all fire suppression within the district to include structural and wildland. Norwood is in an extreme risk area for wildland fires and with the continued and increasing drought in Western Colorado, we need all the water possible to combat these growing fires.

The Norwood Fire Protection District **STRONGLY** supports Farmer's Water and their efforts to improve water conditions for the Norwood area.

Please feel free to contact me with any questions or concerns.

Respectfully,

John J. Bockrath, District Chief  
Norwood Fire Protection District

Office: 970-327-4800  
Cell: 970-729-0934  
Email: [norwoodchief@gmail.com](mailto:norwoodchief@gmail.com)

Southwest Water Conservation District,  
I just wanted to take a  
minute to say hello and thank  
you for your membership. We  
appreciate your support!

Amber Weber  
719.488.9941  
clarconference@gmail.com

# New Year, New Goals

*Amber Weber, Executive Director*



## Ditch and Reservoir Company Alliance

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### CONFERENCE NEWS

### GOALS FOR 2021

### ANNUAL MEETINGS

### SPONSORSHIPS

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### DARCA'S VISION:

**We aim to be a  
friend, partner, and  
advocate in the water  
community.**

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### Amber's Accounts

Though 2020 may not have been your year, I have heard many talk about how great last year was for them, and really when I think about it, DARCA had a pretty great year too. The Board and Staff met and really defined a vision and path forward for us all; we had an awesome conference before everything shut down, giving us the opportunity to see each other; because of the conference, many partnerships and projects were developed; I got to know you all a little bit better; and we brought on new members, sponsors, and staff who have all contributed to the DARCA family to make us even stronger. I am thankful for each of you and am glad that we are moving through 2021 together!

**Advocacy, Integrity, Authenticity, Leadership, Education, Community**

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## Amber's Accounts Continued

Now, despite the challenges that lie before us, I want to focus on DARCA. There can be background noise to distract us from our mission, but this year, DARCA is the focus, not our challenges. With that, in this newsletter, you will find our plans for the year. 2021 will look different than most, but we aim to make the very best of it, and we think we have a pretty good plan on how to do that. Please know, that every board member and staff member values you and your point of view, so never hesitate to reach out to any of us for help or to lend advice or your opinion. We are here for you, and you matter. We hope you know that we truly mean that and aim to show you this year. Thank you for your support!

Amber Weber, Executive Director



## Goals for 2021

The DARCA Board of Directors met in November for our second annual board retreat and strategic planning session. Amber, Micaela, and three board members attended our socially distanced, in-person version while the remaining board members attended via Zoom. We were joined by special guests- grandkiddos graced our screen and Jeff Henderson, author of *Know What You're FOR* and acclaimed speaker, chatted with us too! Through our two days together, we laughed... a lot, we got to know each other better, we set a vision for DARCA, set a course of action for 2021, and we talked about you (that's why your ears were burning!). We came together to make sure we came up with ways to show you we are here for you. Here are some things we are wanting to focus on this year:

- to get to know you better
- to be a better resource to share information
- DARCA handbook reboot (more on page 3)
- to be a friend in the water business
- a community partner and advocate
- make sure you know that you belong at the table (advocacy, education, etc.)

**Advocacy, Integrity, Authenticity, Leadership, Education, Community**



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## Conference News

We know you are anxiously waiting to get back to an in-person DARCA conference and we are right there with you! We have such a great time, don't we? For 2021, safety is a top priority. There are many ideas and perspectives on this, but it all comes down to this- we want to keep you safe and follow the guidelines that are set before us. We will miss the appearance of Ben, our loud and fun "live(ly) auction", the amazing community/family feeling, and the laughter, but we have a plan!

I am going to come see you. I want to get to know you and your operation. If you want me to visit you, your board, members, and operation, let me know! Holler at me via [darcaconference@gmail.com](mailto:darcaconference@gmail.com) or 719-688-9941 (personal cell). I have my calendar ready- I can't wait to safely see you!



## Coming Soon!

Most DARCA members know about the beloved Handbook. This is a document filled with wisdom and examples on how to navigate a variety of things that may show up at your door including urban encroachment, bylaws, etc. It is time to upgrade that document, so you can expect a bulkier and fancier version in the coming year. If you would like to see a specific topic stay/appear in the handbook, let Amber know!

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**Our handbook is our most requested document and it's getting a facelift!**

**Advocacy, Integrity, Authenticity, Leadership, Education, Community**

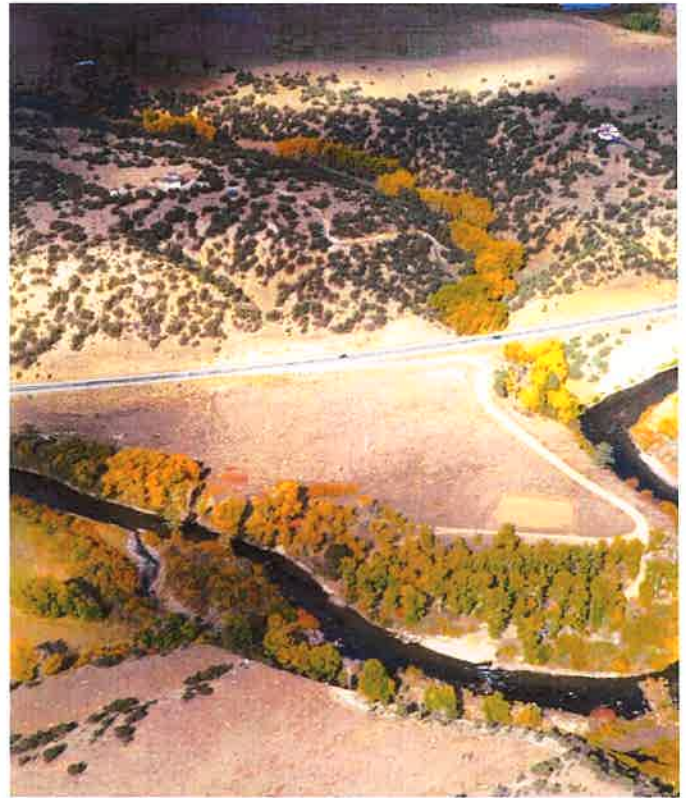
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## Annual Meetings

Annual meetings are an essential part of running a ditch or reservoir company. Elections, assessments, large projects, etc. are discussed and approved by the membership. **DARCA is holding their annual meeting with elections and a detailed treasurer's report on March 11th. Contact Amber for login information or if you'd like to run for a spot on the board!**

If you cancelled your annual meeting, we would like to urge you to speak with legal counsel about potential ramifications. We have heard from ditch companies and their legal personnel that cancelling could pose a threat to your organization. We don't want that! If you need help with a virtual meeting, let Amber know! We cannot run your meeting, but can walk you through it and help you setting it up.

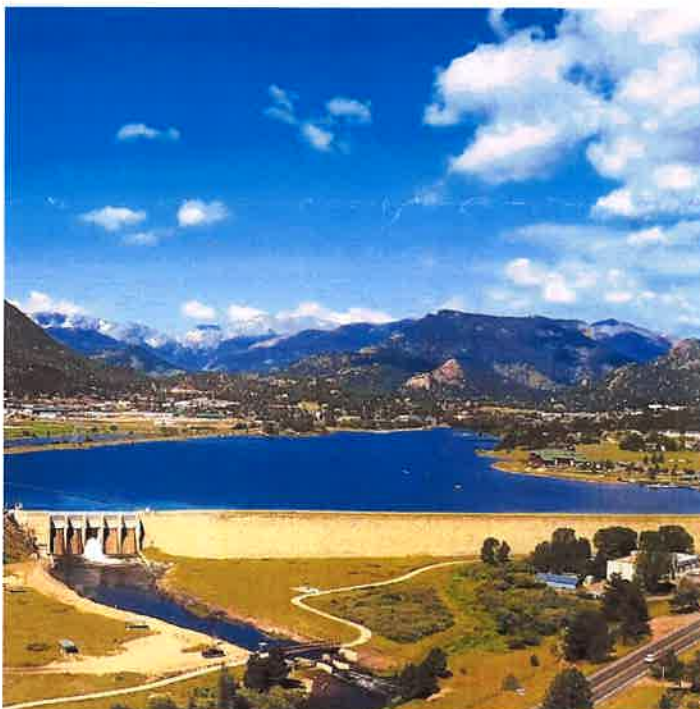


## Legislation

Advocacy comes in many shapes and sizes, but one of the ways DARCA participates in advocacy, is through the Colorado Water Congress' State Affairs Committee. Here, DARCA has a voice on draft legislation that may impact you. We will post this information to our website and send out frequent emails, so please speak up on these issues. You belong at the table and this is one way to be seated there. We need and want to hear your voice!

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**2021 Legislation resumes again February 16th! We will keep you posted on draft bills and actions via email and the website!**



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## Sponsorship

<https://forms.gle/J6CbvAREZvuSS7Tn6>

We are incredibly thankful for our sponsors. You allow us to stay active in the water community, share resources with our members, and advocate for our members. One of my favorite things about our sponsors is that I get to connect you with members. I have had several members need engineers, pipe, liners, etc. and guess what? I can refer them to you! It's a perk of a sponsor!

We know the conference is a great time to chat about projects and partnerships, so we are putting together our referral document to send to members when they're in need. Fill out the form (link above in green) to sign up as a sponsor!

*We are asking that you consider sponsoring DARCA in 2021. We appreciate your continued support!*



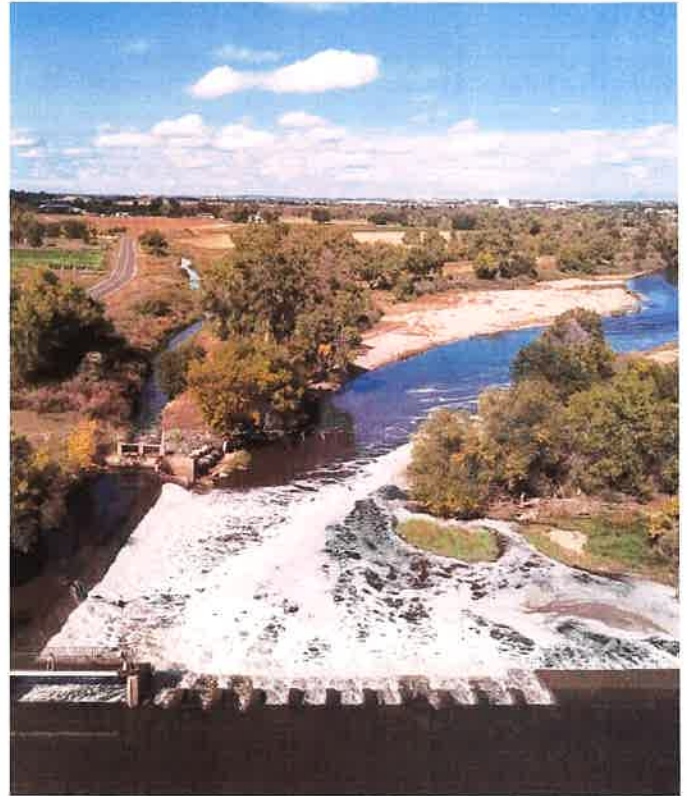
DARCA WEBINAR SERIES

## A Connected World

Prepared by Micaela Fenton



**Advocacy, Integrity, Authenticity, Leadership, Education, Community**



## Networking

DARCA has entered the social space of social media and we would love to follow you (in a very professional, non-stalker way). We'd like to see what is happening in your world, celebrate success with you, etc. We also have a private Facebook group set up for our members so that you can chat with each other directly to ask questions and network with each other. Send us your information so we can add you to the group and follow you!

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**@DARCAonline**

**Facebook, Twitter, LinkedIn**





*Protecting Water for Western Irrigated Agriculture*

P.O. Box 216 Klamath Falls, OR 97601

February 6, 2021

Laura Spann  
Southwestern WCD  
841 East 2<sup>nd</sup> Avenue  
Durango, CO 81301

Dear Laura:

Thank you for your recent generous contribution to the Family Farm Alliance, which allows us to continue to advance our vision for sound Western water policy. We are grateful for your contribution and urge that you consider contributing to the Alliance again. The Family Farm Alliance – for nearly three decades – has stood up for Western family farmers and ranchers to defend irrigated agriculture. Our founders' commitment to the Alliance is prevalent today as they continue to build our organization to carry their vision forward, a vision which is now embraced by our Western members.

Farmers and ranchers and the businesses they rely upon face enough challenges, let alone worrying about whether once-certain water supplies will be available to support their operations. Meanwhile, there are countless environmental activist groups – some with budgets exceeding \$100 million - who are doing everything in their power to influence courts, media and politicians in order to reallocate water supplies away from agriculture.

The unique nature of Western agriculture – the challenges associated with a strong federal presence, the arid climate, the burgeoning population and energy development - must be reflected by our elected decision makers and used to develop unique solutions that help the West best contribute to overall national agricultural production and conservation. The Alliance continues to carry that message and lead the charge in developing those solutions. With global population now exceeding 7 billion people, the need to provide food to our country and the world has never been more pressing. Our food production capability really is a national asset and worthy of protecting. In the West, water is an essential component of that capability.

We think we give our contributors a huge bang for their buck. The Alliance was founded in the early 1990's with one overriding ethic: Agriculture doesn't need another association, but it does need an effective, low cost grass roots group that can get the job done. That belief was our foundation and it still drives every decision we make. All staff work is done under contract, so we maintain flexibility and very low overhead. And we have a proven track record of success that includes 80 invitations to appear before Congress since 2005.

Grassroots membership is vital to our organization. Thank you again for your loyal support. If you would like further information about the Alliance's activities or policy direction, please feel free to contact me at (541)-892-6244. If you have questions or seek further information about your membership and contributing to the Alliance, please contact Jane Townsend at (916)206-7186 or [jane@familyfarmalliance.org](mailto:jane@familyfarmalliance.org).

Sincerely,

Dan Keppen  
Executive Director