

**Southwestern Water Conservation District  
Board of Directors Special Meeting via Zoom  
July 1, 2021**

**Present:** Dagan Chadd JR Ford (left at 10:00 a.m.) Amy Huff  
Jenny Russell Don Schwindt Charlie Smith  
David Guilliams

**Absent:** Rusty Hinger Monte Naslund

**Staff:** Steve Wolff, General Manager  
Laura Spann, Programs Coordinator

**Consultants:** Pete Foster, Wright Water Engineers  
Chris Treese, Independent Consultant  
Beth Van Vurst, Van Vurst Law, General Counsel

**Guests:** Clyde Church, La Plata County Commissioner  
Ken Curtis, Dolores Water Conservancy District  
Marcel Gaztambide, San Juan Citizens Alliance  
Al Pfister, San Juan Water Conservancy District  
Marsha Porter-Norton, La Plata County Commissioner  
Ryan Unterreiner, Colorado Parks & Wildlife

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

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

### **2.0 Review and Approve Agenda**

*(time: 00:00:45)*

Steve Wolff proposed that the SWCD board address New Business after Executive Session to ensure a quorum for action items. There was board consensus to approve the agenda with the suggested change.

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

*(time: 00:01:30)*

La Plata County Commissioner Clyde Church asked about the status of Red Mesa Reservoir. Steve Wolff offered to follow up with Commissioner Church after the meeting.

La Plata County Commissioner Marsha Porter-Norton welcomed Steve Wolff as SWCD's general manager and thanked Director Huff for her service. La Plata County may be able to use some of its expected \$11 million in American Rescue Plan Act funding towards local water and sewer projects. Also, La Plata County will soon be updating its water policy and objectives.

### **4.0 Executive Session**

*(time: 00:04:30)*

Beth Van Vurst recommended that the board move into executive session for the purpose of discussing agenda item 4.1, proposed instream flow appropriation on Rincon La Vaca Creek in Water Division 7. The statutes covering this discussion in executive session are § 24-6-402(4)b), C.R.S., "conferences with an attorney for the district for the purpose of receiving legal advice on specific legal questions" and § 24-6-402(4)(e), C.R.S., "determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators." Chris Treese and Pete Foster joined the executive session as consultants for SWCD on agenda item 4.1. David Guilliams moved that the board go into executive session. Amy Huff. The motion passed.

## 5.0 Summary and Action Items from Executive Session

(time: 00:07:15)

Beth Van Vurst announced that the board was out of executive session at 9:48 a.m. Beth reported that in executive session the board discussed agenda item 4.1, proposed instream flow appropriation on Rincon La Vaca Creek in Water Division 7. No action was taken during the executive session.

Beth explained that SWCD filed a Notice to Contest the proposed instream flow (ISF) appropriation on Rincon La Vaca Creek in Water Division 7. SWCD had questions regarding the proposed interplay between Colorado Parks & Wildlife's (CPW) suggested bypass and the ISF water right, including whether there was sufficient water available without the bypass to support the appropriation of a junior ISF water right. SWCD has since learned that Colorado Water Conservation Board staff believe there is sufficient water available to support the ISF without the bypass. While CPW continues to support protecting the downstream environment on Rincon La Vaca Creek and desires to work with SWCD to accomplish that goal, they are likely going to withdraw the bypass to simplify the process for appropriating this ISF right. Based on these developments, Beth recommended that SWCD withdraw its Notice to Contest.

Charlie Smith moved to direct legal counsel to withdraw SWCD's Notice to Contest the proposed instream flow appropriation on Rincon La Vaca Creek in Water Division 7. Amy Huff seconded. The motion passed.

Ryan Unterreiner added that CPW would sincerely like to continue coordination with SWCD as CPW prioritizes the fishery in Rincon La Vaca Creek and CPW's Weminuche Pass Ditch water right.

## 7.0 New Business

### 7.1 SWCD Appointment to Southwest Basins Roundtable

(time: 00:10:30)

The board thanked Director Huff for her recent service representing SWCD on the Southwest Basins Roundtable. JR Ford moved to appoint Steve Wolff as SWCD's representative on the Southwest Basins Roundtable. Don Schwindt seconded. The motion passed.

### 7.2 SWCD Checking Account Signatories and Authorities

(time: 00:12:15)

Amy Huff moved to designate Jenny Russell, Charles Smith, Amy Huff, and Steve Wolff as signatories on SWCD's three checking accounts at the Bank of Colorado and authorize online access and credit card administrative authority for Steve Wolff. Dagan Chadd seconded. The motion passed.

### 7.3 2021 Colorado Water Congress Summer Conference

(time: 00:14:00)

Colorado Water Congress will hold its 2021 summer conference in person in Steamboat Springs on Tuesday, August 24<sup>th</sup> through Thursday, August 26<sup>th</sup>. Steve Wolff and Don Schwindt will be attending. Directors were encouraged to attend and reach out to Laura to assist with registration and hotel arrangements. Hotel rooms go quickly, and the room block is available until July 23<sup>rd</sup>.

## 6.0 Old Business

### 6.1 State Legislative Session Wrap-Up

(time: 00:16:45)

Chris Treese directed the board to his memo summarizing the 2021 state legislative session. He noted several session highlights, including the drastic change in the state's fiscal outlook from January to June, upcoming meetings of the Interim Water Resources Review Committee (three members of which represent southwestern Colorado), and the potential impacts of SB21-293 and ballot initiative 27 on SWCD's property tax revenue. Chris Treese will recommend, among other advocacy strategies, that SWCD retain a Denver-based state lobbyist to support its advocacy efforts in the future.

### 6.2 SWCD Strategic Planning Update

(time: 00:26:00)

Steve Wolff referred the board to Jacob Bornstein's "snapshot" document which summarizes SWCD's strategic planning efforts to date. One board member suggested cataloging water supply rights and uses as part of SWCD's

five-year goals. There was board consensus to direct staff and consultants to develop one-page narratives explaining each of SWCD's strategic priorities and provide initial proposals for SWCD's five-year goals, indicators, and related implementation strategies.

### **6.3 Southern Ute Indian Tribe's Proposed Water Quality Standards**

*(time: 00:30:00)*

Steve Wolff directed the board to SWCD's written comments on the Southern Ute Indian Tribe's proposed water quality standards. The Tribe said they will respond in writing to all comments received. Peter Butler has reached out to state representatives and SWCD will reach out to other stakeholders regarding the proposed standards. Steve anticipates there will be further updates for the board at the August meeting. Al Pfister added that the San Juan Water Conservancy District would be interested in coordinating and cooperating with SWCD in reviewing the proposed water quality standards as the process unfolds.

President Russell, Steve Wolff, and the board thanked Chris Treese for his invaluable contributions to SWCD over the past year, including for coordination of the general manager hiring process, state legislative lobbying, interim general manager duties and other work.

### **8.0 Adjournment**

President Russell adjourned the meeting at 10:15 a.m.



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Jenny Russell, President