

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.**

Wednesday, August 11, 2021
9:00 a.m. - 3:00 p.m.

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

Phone Number: (346) 248 7799

Meeting ID: 813 5451 4316

Passcode: 316817

Posted & Noticed August 9, 2021

Tentative Agenda

*In adherence with state and local health recommendations, **public participation in this meeting is available via Zoom only** using the connection information above. A few members of the board and staff may meet in person at SWCD's office at 841 E 2nd Avenue, Durango, Colorado. Remaining participation will be via Zoom only.*

*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 direction 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.

Wednesday, August 11, 2021

1.0 Call to Order – Roll Call, Verification of Quorum (9:00 a.m.)

2.0 Review and Approve Agenda (9:02 a.m.)

3.0 Executive Session (9:05 a.m.)

3.1 Colorado River Compact, Interstate and Intra-state negotiation matters

3.2 Montezuma Valley Irrigation Company, Case No. 18CW3052, Division 7

4.0 Summary and Action Items from Executive Session (10:05 a.m.)

5.0 Approve and/or Remove Consent Agenda Items (10:07 a.m.)

6.0 Consent Agenda (10:08 a.m.)

6.1 Approval of Minutes (June 9-10, 2021; July 1, 2021)

6.2 Acceptance of Treasurer's Report (June 2021)

7.0 Questions and Comments from Audience (10:10 a.m.)

8.0 Reports (10:15 a.m.)

- 8.1 Director Reports (as needed)
- 8.2 Staff Report
 - 8.2.1 SWCD's Strategic Plan Update
 - 8.2.2 Southwest Basins Roundtable Report
 - 8.2.3 SWCD Request for Proposals for Professional Auditing Services (2021-2025)
 - 8.2.4 2022 SWCD Board Meeting Format
- 8.3 Water Information Program Report
- 8.4 Engineering Report

The board will recess for a short break at approximately 10:30 a.m.

9.0 Old Business (10:45 a.m.)

- 9.1 Proposed 2022 SWCD Grant Program Guidelines
- 9.2 Hydrologic Conditions, including updates from the Division Engineers for Water Divisions 4 and 7 – Rob Genualdi and Bob Hurford (11:00 a.m.)
- 9.3 Colorado River Basin Hydrologic Conditions
- 9.4 Federal Affairs Update (11:30 a.m.)
 - 9.4.1 SWCD Support Letter for Federal Infrastructure Bill
 - 9.4.2 Summary of Federal Water Infrastructure Legislation
- 9.5 Southern Ute Indian Tribe's Proposed Water Quality Standards

The board will recess for lunch at 12:00 p.m.

10.0 New Business (1:30 p.m.)

- 10.1 Colorado State Engineer's Initiation of Rulemaking Process for Development of Measurement Rules in Water Divisions 4, 5, 6 & 7
- 10.2 Proposed Downscaled Modeling of Phase III Risk Study for Southwest Colorado
- 10.3 Potential SWCD Property Tax Revenue Impacts of SB293 and Ballot Initiative 27
- 10.4 Proposal for SWCD's State Legislative Representation
- 10.5 Proposed FY2022 SWCD Budget Goals and Priorities

11.0 General Counsel Legal Report (2:45 p.m.)

- 11.1 Ratification of Statement of Opposition filed in Double RL Company, Case No. 21CW3020, Water Division 4
- 11.2 June and July Water Court Resume Review (Divisions 3, 4, 7)
 - 11.2.1 Bureau of Land Management's Application for Change of Water Right and Appropriative Right of Exchange, Case No. 21CW3014, Water Division 3
 - 11.2.2 Bureau of Land Management's Application for Junior Water Right and Appropriative Right of Exchange, Case No. 21CW3029, Water Division 7
- 11.3 Proposed Renewal of 2021-2022 Weather Modification Service Contracts

12.0 Executive Session (if needed)

13.0 Adjournment (3:00 p.m.)

Upcoming Meetings

Wednesday, September 8, 2021

Monday, October 4 and Tuesday, October 5, 2021

Wednesday, December 8 and Thursday, December 9, 2021

Special Board Meeting (Budget)

Regular Board Meeting

Regular Board Meeting

Southwestern Water Conservation District
Budget Comparison Summary
January through June 2021

	Jan - Jun 21	Budget	\$ Over Budget	% of Budget
Income				
4 · SWCD INCOME				
4.1 · Property Tax	1,272,537	1,588,850	(316,313)	80%
4.2 · Specific Ownership Tax	62,786	130,000	(67,214)	48%
4.3 · Interest, PILT & Other Taxes	28,302	35,500	(7,198)	80%
4.4 · Other Income				
4.4.1 · Interest Earned	23,989	40,000	(16,011)	60%
4.4.2 · Loan Interest	0	139	(139)	0%
4.4.3 · Miscellaneous Income	1,833	5,000	(3,167)	37%
4.4.4 · Water Seminar Registration	0	2,000	(2,000)	0%
4.4.5 · ALP/WIP Cost Sharing	390	100	290	390%
4.4.7 · SJRBRIIP Water User Committee	50,873	50,873	0	100%
4.4.8 · Stream Gaging Reimbursement	26,125	28,656	(2,532)	91%
4.4.9 · Water Info Program				
44901 · WIP Partner Contributions	32,100	32,900	(800)	98%
44903 · WIP Workshop Registrations	10,090	2,000	8,090	505%
44904 · WIP Other Contributions	0	0	0	0%
44905 · WIP Account Interest	206	200	6	103%
4.4.9 · Water Info Program - Other	0	0	0	0%
Total 4.4.9 · Water Info Program	42,396	35,100	7,296	121%
Total 4.4 · Other Income	145,606	161,868	(16,263)	90%
4.5 · County Treasurer Fees	(37,002)	(52,631)	15,628	70%
Total 4 · SWCD INCOME	1,472,228	1,863,588	(391,360)	79%
Total Income	1,472,228	1,863,588	(391,360)	79%
Gross Profit	1,472,228	1,863,588	(391,360)	79%
Expense				
5 · SWCD EXPENSES				
5.1 · DISTRICT ADMINISTRATION				
5.1.1 · Management				
51101 · Wages - Executive Director	0	0	0	0%
51102 · Wages - General Manager	3,750	130,000	(126,250)	3%
51103 · Wages - Programs Coordinator	25,994	50,393	(24,399)	52%
51104 · Wages - Overtime, Pgm Coord.	264	0	264	100%
51105 · Wages - Payroll Taxes	2,298	16,235	(13,937)	14%
51106 · Wages - Retirement Benefit	0	9,020	(9,020)	0%
51107 · Wages - Health & Life Insurance	9,300	29,350	(20,050)	32%
51108 · Wages - GM Bonus	0	0	0	0%
51109 · Wages - Coordinator Bonus	0	0	0	0%
Total 5.1.1 · Management	41,605	234,998	(193,393)	18%
5.1.2 · Legal				
51201 · Attorney Fees - General Counsel	96,908	180,000	(83,092)	54%
51202 · Travel Exps - General Counsel	0	15,000	(15,000)	0%
51203 · Litigation - General Counsel	14,739	40,000	(25,261)	37%
51204 · Co River Litigation- General Co	0	40,000	(40,000)	0%
51205 · Attorney Fees - Special Counsel	16,907	45,000	(28,093)	38%
51206 · Attorney Exps - Special Counsel	0	5,000	(5,000)	0%
Total 5.1.2 · Legal	128,554	325,000	(196,446)	40%

Southwestern Water Conservation District
Budget Comparison Summary
January through June 2021

	Jan - Jun 21	Budget	\$ Over Budget	% of Budget
5.1.3 · Engineering				
51301 · Engineering - General	12,790	45,000	(32,210)	28%
51302 · Engineering - Special Projects	26,944	25,000	1,944	108%
Total 5.1.3 · Engineering	39,735	70,000	(30,265)	57%
5.1.4 · Board of Directors				
51401 · Director Fees	11,150	20,000	(8,850)	56%
51402 · Director Travel	454	11,000	(10,546)	4%
Total 5.1.4 · Board of Directors	11,604	31,000	(19,396)	37%
5.1.5 · Office Expenses				
51501 · Accounting	2,689	5,000	(2,311)	54%
51502 · Audit	8,700	8,600	100	101%
51503 · Capital Outlay	2,890	5,000	(2,110)	58%
51504 · Casual Labor	0	200	(200)	0%
51505 · Dues and Memberships	1,238	1,900	(663)	65%
51506 · Equipment Leasing	900	1,800	(900)	50%
51507 · Insurance - General Liability	7,577	7,300	277	104%
51508 · Legal Notices	0	600	(600)	0%
51509 · Manager's Discretionary Budget	0	2,000	(2,000)	0%
51510 · Meeting Expenses	701	5,000	(4,299)	14%
51511 · Miscellaneous	69	500	(431)	14%
51512 · Office Exps	2,532	6,000	(3,468)	42%
51513 · Postage	1,960	1,500	460	131%
51514 · Registration Fees	2,449	8,500	(6,051)	29%
51515 · Rent	17,502	31,412	(13,910)	56%
51516 · Staff Training/Development	0	2,500	(2,500)	0%
51517 · Staff Travel	98	20,000	(19,902)	0%
51518 · Telecommunication	1,661	3,500	(1,839)	47%
Total 5.1.5 · Office Expenses	50,966	111,312	(60,346)	46%
Total 5.1 · DISTRICT ADMINISTRATION	272,463	772,310	(499,848)	35%
5.2 · WATER SUPPLY - QUANTITY QUALITY				
5.2.1 · Regional, Interstate Planning				
52101 · SWCD Water Defense	0	0	0	0%
52102 · SWCD Water Development	0	0	0	0%
52103 · Water Bank Working Group	0	0	0	0%
52104 · Technical Other Expenses	44,054	50,000	(5,946)	88%
Total 5.2.1 · Regional, Interstate Planning	44,054	50,000	(5,946)	88%
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	1,500	13,000	(11,500)	12%
52305 · SW Colorado Permanent Radar	0	10,000	(10,000)	0%
Total 5.2.3 · Data Collection	8,500	132,594	(124,094)	6%
5.2.4 · Supply Augmentation				
52401 · Weather Modification	22,040	117,000	(94,960)	19%
52402 · Phreatophyte Removal	0	0	0	0%
Total 5.2.4 · Supply Augmentation	22,040	117,000	(94,960)	19%

Southwestern Water Conservation District
Budget Comparison Summary
January through June 2021

	<u>Jan - Jun 21</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
5.2.5 · Environmental				
52501 · Bonita Peak CAG	5,000	5,000	0	100%
52502 · SJRBRI Water User Committee	19,765	101,746	(81,981)	19%
Total 5.2.5 · Environmental	24,765	106,746	(81,981)	23%
5.2.6 · Local Financial Support	111,400	230,000	(118,600)	48%
5.2.7 · Previously Committed Support	86,238	91,294	(5,056)	94%
Total 5.2 · WATER SUPPLY - QUANTITY QUALITY	296,998	737,634	(440,636)	40%
5.3 · WATER POLICY & LEGISLATION				
5.3.1 · Federal Policy/Legislation				
53101 · Federal Lobbying Fees	37,500	50,000	(12,500)	75%
53102 · Federal Lobbying Expenses	0	5,500	(5,500)	0%
Total 5.3.1 · Federal Policy/Legislation	37,500	55,500	(18,000)	68%
5.3.2 · State Policy/Legislation				
53201 · State Lobbying Fees	7,500	10,000	(2,500)	75%
53202 · State Lobbying Expenses	0	0	0	0%
Total 5.3.2 · State Policy/Legislation	7,500	10,000	(2,500)	75%
5.3.3 · Dues & Memberships	23,638	25,450	(1,812)	93%
Total 5.3 · WATER POLICY & LEGISLATION	68,638	90,950	(22,312)	75%
5.4 · WATER EDUCATION				
5.4.1 · Water Info Program	29,746	72,295	(42,549)	41%
5.4.2 · SWCD Children's Water Festival	350	10,500	(10,150)	3%
5.4.3 · Water Leaders Pgm Scholarship	4,000	5,000	(1,000)	80%
5.4.4 · Watershed Education Program	0	6,000	(6,000)	0%
5.4.5 · Water Education Colorado	11,000	11,000	0	100%
5.4.6 · SWCD Water Seminar	0	18,000	(18,000)	0%
5.4.7 · Event Sponsorships	0	6,000	(6,000)	0%
5.4.8 · Demo CSU Farm/Water Efficiency	0	10,000	(10,000)	0%
Total 5.4 · WATER EDUCATION	45,096	138,795	(93,699)	32%
5.5 · TABOR Reserve	0	52,191	(52,191)	0%
5.6 · Emergency Contingency Reserve	0	75,000	(75,000)	0%
Total 5 · SWCD EXPENSES	683,194	1,866,880	(1,183,686)	37%
Total Expense	683,194	1,866,880	(1,183,686)	37%
Net Income	789,034	(3,292)	792,326	(23,967)%

10:17 AM
July 9, 2021
Accrual Basis

Southwestern Water Conservation District
Bank Account Summary
As of June 30, 2021

	Jun 30, 21
ASSETS	
Current Assets	
Checking/Savings	
100 · SWCD Checking (0.38%)	1,227,211.95
102 · Water Info Program Checking	121,960.09
103 · SJRBRIP Water Dev. Cmt Checking	103,151.01
107 · COLOTRUST General (0.026%)	1,000.48
166 · 1st SW Bank - CD 1 - July 2021 <small>*to be cashed out 7/16/21, moved to SWCD checking</small>	505,071.17
167 · 1st SW Bank - CD 2 - Jan 2022	1,574,222.90
168 · 1st SW Bank - CD 3 - July 2022	505,766.31
169 · 1st SW Bank - CD 4 - Jan 2023 4	418,367.25
170 · 1st SW Bank - CD 5 - Jan 2023 1	102,666.81
Total Checking/Savings	4,559,417.97
Other Current Assets	
131 · Bauer Lake Loan	5,573.59
Total Other Current Assets	5,573.59
Total Current Assets	4,564,991.56
TOTAL ASSETS	4,564,991.56
LIABILITIES & EQUITY	0.00

10:18 AM
07/09/21

Southwestern Water Conservation District

Check Detail

May through June 2021

Num	Date	Name	Memo	Account	Original Amount
Bill.com	05/03/2021	Blue Channel	2021 domain name, waterinfo.org	102 · Water Info Program Checking	-25.00
			2021 domain name, waterinfo.org	54112 · WIP Website/Tech Support	25.00
TOTAL					25.00
Bill.com	05/04/2021	Vallecito Conservation & Sporting Assn	2021 Pine River Watershed Group, Testing	100 · SWCD Checking (0.38%)	-1,500.00
			2021 Pine River Watershed Group, Testing	52304 · Water Quality Studies	1,500.00
TOTAL					1,500.00
Bill.com	05/04/2021	Dolores Water Conservancy District	WY20-21 WSJ, ESJ, WDO final invoice	100 · SWCD Checking (0.38%)	-28,340.00
			WY2021 ESJ Preseason, Seeding 1	200 · Accounts Payable	6,300.00
			WY20-21 WSJ, ESJ, WDO final invoice	52401 · Weather Modification	22,040.00
TOTAL					28,340.00
Bill.com	05/04/2021	The West Building	May 2021	100 · SWCD Checking (0.38%)	-2,498.48
			May 2021	51515 · Rent	2,498.48
TOTAL					2,498.48
Bill.com	05/04/2021	Douglas Stowe	Mtgs 1/4-3/25/21	100 · SWCD Checking (0.38%)	-500.00
			Mtgs 1/4-3/25/21	51401 · Director Fees	500.00
TOTAL					500.00
Bill.com	05/04/2021	Van Vurst Law	April 2021	100 · SWCD Checking (0.38%)	-21,744.00
			April 2021	51201 · Attorney Fees - General Counsel	19,416.00
			April 2021	51203 · Litigation - General Counsel	2,328.00
TOTAL					21,744.00
Bill.com	05/04/2021	Elaine Chick Consulting	April 2021	102 · Water Info Program Checking	-5,875.87
			April 2021	54111 · WIP Contract Coordination	5,875.87
TOTAL					5,875.87
VISA	05/04/2021	Seasons of Durango	Mtg GM Finalist, Officers and Staff	101 · SWCD Credit Card	-148.66
			Mtg GM Finalist, Officers and Staff	51510 · Meeting Expenses	148.66
TOTAL					148.66
VISA	05/05/2021	Adobe Acrobat	May 2021	101 · SWCD Credit Card	-14.99
			May 2021	51512 · Office Exps	14.99
TOTAL					14.99
VISA	05/06/2021	Charter Spectrum	April 2021	101 · SWCD Credit Card	-69.99
			April 2021	51518 · Telecommunication	69.99
TOTAL					69.99
Bill.com	05/06/2021	Christopher Treese	April 2021	100 · SWCD Checking (0.38%)	-7,775.00
			April 2021	52104 · Technical Other Expenses	6,275.00
			April 2021	53201 · State Lobbying Fees	1,500.00
TOTAL					7,775.00
Bill.com	05/06/2021	Blue Channel	Online registration troubleshooting	102 · Water Info Program Checking	-83.40
			Online registration troubleshooting	54113 · WIP Workshops	83.40
TOTAL					83.40
ACH	05/07/2021	Laura E Spann	04/19-05/02/21	100 · SWCD Checking (0.38%)	-1,449.36
			04/19-05/02/21	51103 · Wages - Programs Coordinator	1,938.40
			04/19-05/02/21	51107 · Wages - Health & Life Insurance	-92.75
			04/19-05/02/21	215 · FICA/Medicare/Fed W/H	-167.00
			04/19-05/02/21	51105 · Wages - Payroll Taxes	120.18

10:18 AM

07/09/21

Southwestern Water Conservation District

Check Detail

May through June 2021

Num	Date	Name	Memo	Account	Original Amount
			04/19-05/02/21	215 · FICA/Medicare/Fed W/H	-120.18
			04/19-05/02/21	215 · FICA/Medicare/Fed W/H	-120.18
			04/19-05/02/21	51105 · Wages - Payroll Taxes	28.11
			04/19-05/02/21	215 · FICA/Medicare/Fed W/H	-28.11
			04/19-05/02/21	215 · FICA/Medicare/Fed W/H	-28.11
			04/19-05/02/21	216 · State W/H Tax Payable	-81.00
TOTAL					1,449.36
Bill.com	05/07/2021	Bill.com	April 2021	100 · SWCD Checking (0.38%)	-146.91
			April 2021	51501 · Accounting	146.91
TOTAL					146.91
VISA	05/07/2021	FedEx	Bd Mtg Packet 5-6-21	101 · SWCD Credit Card	-99.30
			Bd Mtg Packet 5-13-21	51513 · Postage	99.30
TOTAL					99.30
Bill.com	05/10/2021	Red Mesa Reservoir and Ditch Co.	2020 Grant: Reservoir Enlargement Final Engineering	100 · SWCD Checking (0.38%)	-75,000.00
			2020 Grant: Reservoir Enlargement Final Engineering	5.2.7 · Previously Committed Support	75,000.00
TOTAL					75,000.00
VISA	05/10/2021	ImageNet	May 2021	101 · SWCD Credit Card	-150.00
			May 2021	51506 · Equipment Leasing	150.00
TOTAL					150.00
Bill.com	05/11/2021	Florida Consolidated Ditch Company	2021 Grant Phase II	100 · SWCD Checking (0.38%)	-25,000.00
			2021 Grant Phase II	5.2.6 · Local Financial Support	25,000.00
TOTAL					25,000.00
Bill.com	05/12/2021	Harris Water Engineering, Inc	April 2021	100 · SWCD Checking (0.38%)	-2,917.77
			April 2021	51301 · Engineering - General	2,917.77
TOTAL					2,917.77
Bill.com	05/12/2021	Laura Spann-V	Mileage (Silverton ARSG Dedication)	100 · SWCD Checking (0.38%)	-54.21
			Mileage (Silverton ARSG Dedication)	51517 · Staff Travel	54.21
TOTAL					54.21
Bill.com	05/13/2021	Haynie & Company	2020 Audit (Progress Invoice)	100 · SWCD Checking (0.38%)	-6,700.00
			2020 Audit (Progress Invoice)	51502 · Audit	6,700.00
TOTAL					6,700.00
Bill.com	05/13/2021	Christopher Treese	Travel exps 5/2-4/21; Dropbox for candidate videos	100 · SWCD Checking (0.38%)	-700.23
			Travel exps 5/2-4/21	52104 · Technical Other Expenses	688.24
			Dropbox for candidate videos	51512 · Office Exps	11.99
TOTAL					700.23
ACH	05/14/2021	United States Treasury	April 2021	100 · SWCD Checking (0.38%)	-927.14
			April 2021	215 · FICA/Medicare/Fed W/H	334.00
			April 2021	215 · FICA/Medicare/Fed W/H	240.36
			April 2021	215 · FICA/Medicare/Fed W/H	240.36
			April 2021	215 · FICA/Medicare/Fed W/H	56.21
			April 2021	215 · FICA/Medicare/Fed W/H	56.21
TOTAL					927.14
VISA	05/14/2021	FedEx	Bd Packet Mailing 5-13-21	101 · SWCD Credit Card	-132.40
			Bd Packet Mailing 5-20-21	51513 · Postage	132.40
TOTAL					132.40
VISA	05/14/2021	FedEx	Bd Packet Mailing 5-20-21	101 · SWCD Credit Card	-132.40

10:18 AM

07/09/21

Southwestern Water Conservation District

Check Detail

May through June 2021

Num	Date	Name	Memo	Account	Original Amount
			Bd Packet Mailing 5-20-21	51513 · Postage	132.40
TOTAL					132.40
VISA	05/14/2021	Fredrick Zink & Associates	April 2021	101 · SWCD Credit Card	-251.40
			April 2021	51501 · Accounting	251.40
TOTAL					251.40
ACH	05/19/2021	Laura E Spann	05/03-16/21	100 · SWCD Checking (0.38%)	-1,449.37
			05/03-16/21	51103 · Wages - Programs Coordinator	1,938.40
			05/03-16/21	51107 · Wages - Health & Life Insurance	-92.75
			05/03-16/21	215 · FICA/Medicare/Fed W/H	-167.00
			05/03-16/21	51105 · Wages - Payroll Taxes	120.18
			05/03-16/21	215 · FICA/Medicare/Fed W/H	-120.18
			05/03-16/21	215 · FICA/Medicare/Fed W/H	-120.18
			05/03-16/21	51105 · Wages - Payroll Taxes	28.10
			05/03-16/21	215 · FICA/Medicare/Fed W/H	-28.10
			05/03-16/21	215 · FICA/Medicare/Fed W/H	-28.10
			05/03-16/21	216 · State W/H Tax Payable	-81.00
TOTAL					1,449.37
Bill.com	05/20/2021	Trout Raley	April 2021	100 · SWCD Checking (0.38%)	-2,053.50
			April 2021	51205 · Attorney Fees - Special Counsel	2,053.50
TOTAL					2,053.50
Bill.com	05/24/2021	Don Schwindt	Mtgs 4/8-5/6/21; Mileage	100 · SWCD Checking (0.38%)	-567.20
			Mtgs 4/8-5/6/21	51401 · Director Fees	500.00
			Mileage 5/6/21	51402 · Director Travel	67.20
TOTAL					567.20
Bill.com	05/25/2021	Laura Spann-V	Reimbursement for GM computer	100 · SWCD Checking (0.38%)	-2,131.18
			Reimbursement for GM computer	51503 · Capital Outlay	2,131.18
TOTAL					2,131.18
Bill.com	05/25/2021	Wright Water Engineers	March 2021	100 · SWCD Checking (0.38%)	-10,941.69
			March 2021	51302 · Engineering - Special Projects	10,941.69
TOTAL					10,941.69
Bill.com	05/25/2021	Colorado Employer Benefit Trust	June 2021	100 · SWCD Checking (0.38%)	-1,408.17
			June 2021	51107 · Wages - Health & Life Insurance	1,408.17
TOTAL					1,408.17
Bill.com	05/25/2021	Water Education Colorado	2021 Water Leaders Scholarship - Rider	100 · SWCD Checking (0.38%)	-4,000.00
			2021 Water Leaders Scholarship - Rider	5.4.3 · Water Leaders Pgm Scholarship	4,000.00
TOTAL					4,000.00
Bill.com	05/25/2021	J R Ford	Mtg 5-20-21	100 · SWCD Checking (0.38%)	-100.00
			Mtg 5-20-21	51401 · Director Fees	100.00
TOTAL					100.00
VISA	05/29/2021	Verizon	April 2021	101 · SWCD Credit Card	-111.19
			April 2021	51518 · Telecommunication	111.19
TOTAL					111.19
ACH	06/01/2021	Laura E Spann	05/17-30/21	100 · SWCD Checking (0.38%)	-1,449.36
			05/17-30/21	51103 · Wages - Programs Coordinator	1,938.40
			05/17-30/21	51107 · Wages - Health & Life Insurance	-92.75
			05/17-30/21	215 · FICA/Medicare/Fed W/H	-167.00
			05/17-30/21	51105 · Wages - Payroll Taxes	120.18
			05/17-30/21	215 · FICA/Medicare/Fed W/H	-120.18
			05/17-30/21	215 · FICA/Medicare/Fed W/H	-120.18
			05/17-30/21	51105 · Wages - Payroll Taxes	28.11

10:18 AM
07/09/21

Southwestern Water Conservation District

Check Detail

May through June 2021

Num	Date	Name	Memo	Account	Original Amount
			05/17-30/21	215 - FICA/Medicare/Fed W/H	-28.11
			05/17-30/21	215 - FICA/Medicare/Fed W/H	-28.11
			05/17-30/21	216 - State W/H Tax Payable	-81.00
TOTAL					1,449.36
Bill.com	06/01/2021	Elaine Chick Consulting	May 2021	102 - Water Info Program Checking	-4,120.47
			May 2021	54111 - WIP Contract Coordination	4,120.47
TOTAL					4,120.47
Bill.com	06/02/2021	The West Building	June 2021	100 - SWCD Checking (0.38%)	-2,549.10
			June 2021	51515 - Rent	2,549.10
TOTAL					2,549.10
VISA	06/02/2021	Basin Printing	Wolff Business Cards, Nameplates (Wolff x2, Huff)	101 - SWCD Credit Card	-113.58
			Wolff Business Cards, Nameplates (Wolff x2, Huff)	51512 - Office Exps	113.58
TOTAL					113.58
VISA	06/02/2021	Zoom	Zoom Rooms Pro-ration	101 - SWCD Credit Card	-8.89
			Zoom Rooms Pro-ration	51518 - Telecommunication	8.89
TOTAL					8.89
Bill.com	06/03/2021	David Guilliams	Mtgs 2/24-5/20/21	100 - SWCD Checking (0.38%)	-700.00
			Mtgs 2/24-5/20/21	51401 - Director Fees	700.00
TOTAL					700.00
Bill.com	06/03/2021	Colorado River WCD	April 2021	100 - SWCD Checking (0.38%)	-1,800.25
			April 2021	52104 - Technical Other Expenses	1,800.25
TOTAL					1,800.25
Bill.com	06/03/2021	San Juan RC & D	2021 Operational Support - Bonita Peak CAG	100 - SWCD Checking (0.38%)	-5,000.00
			2021 Operational Support - Bonita Peak CAG	52501 - Bonita Peak CAG	5,000.00
TOTAL					5,000.00
Bill.com	06/03/2021	Christopher Treese	May 2021	100 - SWCD Checking (0.38%)	-6,575.00
			May 2021	52104 - Technical Other Expenses	5,075.00
			May 2021	53201 - State Lobbying Fees	1,500.00
TOTAL					6,575.00
Bill.com	06/03/2021	Robinson, Waters & O'Dorisio	May 2021	100 - SWCD Checking (0.38%)	-6,582.11
			May 2021	51205 - Attorney Fees - Special Counsel	6,582.11
TOTAL					6,582.11
VISA	06/04/2021	Charter Spectrum	May 2021	101 - SWCD Credit Card	-69.99
			May 2021	51518 - Telecommunication	69.99
TOTAL					69.99
VISA	06/04/2021	Adobe Acrobat	June 2021	101 - SWCD Credit Card	-14.99
			June 2021	51512 - Office Exps	14.99
TOTAL					14.99
VISA	06/07/2021	ImageNet	June 2021	101 - SWCD Credit Card	-150.00
			June 2021	51506 - Equipment Leasing	150.00
TOTAL					150.00
ACH	06/08/2021	Bill.com	May 2021	100 - SWCD Checking (0.38%)	-137.27

10:18 AM
07/09/21

Southwestern Water Conservation District

Check Detail

May through June 2021

Num	Date	Name	Memo	Account	Original Amount
			May 2021	51501 · Accounting	137.27
TOTAL					137.27
VISA	06/08/2021	City Market	Bd Mtg Snacks, Creams 6/9-10/21	101 · SWCD Credit Card	-19.18
			Bd Mtg Snacks, Creams 6/9-10/21	51510 · Meeting Expenses	19.18
TOTAL					19.18
VISA	06/08/2021	Zoom	Zoom Standard 2021 & Zoom Rooms 2021	101 · SWCD Credit Card	-703.42
			Zoom Standard 2021 & Zoom Rooms 2021	51518 · Telecommunication	703.42
TOTAL					703.42
Bill.com	06/09/2021	Van Vurst Law	May 2021	100 · SWCD Checking (0.38%)	-22,514.00
			May 2021	51201 · Attorney Fees - General Counsel	21,356.00
			May 2021	51203 · Litigation - General Counsel	1,158.00
TOTAL					22,514.00
VISA	06/09/2021	Doubletree Hotel	Bd Mtg Dinner 6-9-21 Staff Directors	101 · SWCD Credit Card	-217.73
			Bd Mtg Dinner 6-9-21 Staff Directors	51510 · Meeting Expenses	217.73
TOTAL					217.73
VISA	06/09/2021	FedEx	June Bd Mtg Packet Mailing	101 · SWCD Credit Card	-33.10
			June Bd Mtg Packet Mailing	51513 · Postage	33.10
TOTAL					33.10
VISA	06/09/2021	FedEx	June Bd Mtg Packet Mailing	101 · SWCD Credit Card	-256.60
			June Bd Mtg Packet Mailing	51513 · Postage	256.60
TOTAL					256.60
1101	06/10/2021	Jennifer Peterson	1st Place Water Cycle Drawing Contest - Jordyn Peterson	100 · SWCD Checking (0.38%)	-100.00
			1st Place Water Cycle Drawing Contest - Jordyn Peterson	5.4.2 · SWCD Children's Water Festival	100.00
TOTAL					100.00
1102	06/10/2021	Sara Anderson	2nd Place - Water Cycle Drawing Contest - Lucy	100 · SWCD Checking (0.38%)	-50.00
			2nd Place - Water Cycle Drawing Contest - Lucy	5.4.2 · SWCD Children's Water Festival	50.00
TOTAL					50.00
1103	06/10/2021	Rhita Batiste	3rd Place Water Cycle Drawing Contest - Taj	100 · SWCD Checking (0.38%)	-25.00
			3rd Place Water Cycle Drawing Contest - Taj	5.4.2 · SWCD Children's Water Festival	25.00
TOTAL					25.00
1104	06/10/2021	Kylie McGinn	1st Place Water Cycle Drawing Contest - Kylie!	100 · SWCD Checking (0.38%)	-100.00
			1st Place Water Cycle Drawing Contest - Kylie!	5.4.2 · SWCD Children's Water Festival	100.00
TOTAL					100.00
VISA	06/10/2021	Carvers	Bd Mtg Meal (Directors, Staff, Consultants) 6-9-21	101 · SWCD Credit Card	-211.78
			Bd Mtg Meal (Directors, Staff, Consultants) 6-9-21	51510 · Meeting Expenses	211.78
TOTAL					211.78
VISA	06/10/2021	Jimmy Johns	Bd Mtg Box Lunches 6-10-21	101 · SWCD Credit Card	-103.80
			Bd Mtg Box Lunches 6-10-21	51510 · Meeting Expenses	103.80
TOTAL					103.80
ACH	06/14/2021	United States Treasury	May 2021	100 · SWCD Checking (0.38%)	-927.14
			May 2021	215 · FICA/Medicare/Fed W/H	334.00
			May 2021	215 · FICA/Medicare/Fed W/H	240.36
			May 2021	215 · FICA/Medicare/Fed W/H	240.36

10:18 AM

07/09/21

Southwestern Water Conservation District

Check Detail

May through June 2021

Num	Date	Name	Memo	Account	Original Amount
			May 2021	215 · FICA/Medicare/Fed W/H	56.21
			May 2021	215 · FICA/Medicare/Fed W/H	56.21
TOTAL					927.14
ACH	06/14/2021	Laura E Spann	5/31-6/13/2021	100 · SWCD Checking (0.38%)	-1,449.36
			5/31-6/13/2021	51103 · Wages - Programs Coordinator	1,938.40
			5/31-6/13/2021	51107 · Wages - Health & Life Insurance	-92.75
			5/31-6/13/2021	215 · FICA/Medicare/Fed W/H	-167.00
			5/31-6/13/2021	51105 · Wages - Payroll Taxes	120.18
			5/31-6/13/2021	215 · FICA/Medicare/Fed W/H	-120.18
			5/31-6/13/2021	215 · FICA/Medicare/Fed W/H	-120.18
			5/31-6/13/2021	51105 · Wages - Payroll Taxes	28.11
			5/31-6/13/2021	215 · FICA/Medicare/Fed W/H	-28.11
			5/31-6/13/2021	215 · FICA/Medicare/Fed W/H	-28.11
			5/31-6/13/2021	216 · State W/H Tax Payable	-81.00
TOTAL					1,449.36
ACH	06/14/2021	Steven W Wolff	5/31-6/13/2021	100 · SWCD Checking (0.38%)	-2,039.75
			5/31-6/13/2021	51102 · Wages - General Manager	2,500.00
			5/31-6/13/2021	215 · FICA/Medicare/Fed W/H	-169.00
			5/31-6/13/2021	51105 · Wages - Payroll Taxes	155.00
			5/31-6/13/2021	215 · FICA/Medicare/Fed W/H	-155.00
			5/31-6/13/2021	215 · FICA/Medicare/Fed W/H	-155.00
			5/31-6/13/2021	51105 · Wages - Payroll Taxes	36.25
			5/31-6/13/2021	215 · FICA/Medicare/Fed W/H	-36.25
			5/31-6/13/2021	215 · FICA/Medicare/Fed W/H	-36.25
			5/31-6/13/2021	216 · State W/H Tax Payable	-100.00
			5/31-6/13/2021	51105 · Wages - Payroll Taxes	7.50
			5/31-6/13/2021	217 · State Unemployment Tax	-7.50
TOTAL					2,039.75
VISA	06/14/2021	Basin Printing	Nameplate Chadd	101 · SWCD Credit Card	-22.45
			Nameplate Chadd	51512 · Office Exps	22.45
TOTAL					22.45
VISA	06/14/2021	Office Depot	Frame for Doug's Resolution, Pens	101 · SWCD Credit Card	-36.18
			Frame for Doug's Resolution	51511 · Miscellaneous	20.99
			Pens Restock	51512 · Office Exps	15.19
TOTAL					36.18
Bill.com	06/16/2021	Haynie & Company	2020 Audit, Final Invoice	100 · SWCD Checking (0.38%)	-2,000.00
			2020 Audit, Final Invoice	51502 · Audit	2,000.00
TOTAL					2,000.00
Bill.com	06/16/2021	Harris Water Engineering, Inc	May 2021	100 · SWCD Checking (0.38%)	-4,180.12
			May 2021	51301 · Engineering - General	4,180.12
TOTAL					4,180.12
Bill.com	06/16/2021	J R Ford	Mtgs 6/9-10/21	100 · SWCD Checking (0.38%)	-200.00
			Mtgs 6/9-10/21	51401 · Director Fees	200.00
TOTAL					200.00
Bill.com	06/16/2021	Russell Hinger	Mtgs 4/21-6/10/21, Meal, Mileage	100 · SWCD Checking (0.38%)	-823.99
			Mtgs 4/21-6/10/21	51401 · Director Fees	700.00
			Mileage 6/9-10/21	51402 · Director Travel	84.00
			Breakfast (Hinger, Schwindt) 6/10/21	51402 · Director Travel	39.99
TOTAL					823.99
VISA	06/16/2021	DARCA	2021 Membership	101 · SWCD Credit Card	-250.00
			2021 Membership	5.3.3 · Dues & Memberships	250.00
TOTAL					250.00
VISA	06/17/2021	Mail Room and Copy Center	Mail Framed Resolution to Julie Stowe	101 · SWCD Credit Card	-29.56

10:18 AM

07/09/21

Southwestern Water Conservation District

Check Detail

May through June 2021

Num	Date	Name	Memo	Account	Original Amount
			Mail Framed Resolution to Julie Stowe	51511 · Miscellaneous	29.56
TOTAL					29.56
Bill.com	06/17/2021	Dove Creek Volunteer Fire Department	Unused Director Fees Donated in Memory of Doug	100 · SWCD Checking (0.38%)	-500.00
			Unused Director Fees Donated in Memory of Doug	51401 · Director Fees	500.00
TOTAL					500.00
VISA	06/21/2021	ImageNet	3Q21 Base + 2Q21 Overage	101 · SWCD Credit Card	-458.44
			3Q21 Base + 2Q21 Overage	51512 · Office Exps	458.44
TOTAL					458.44
Bill.com	06/21/2021	Aaron Clay	Water Law Realtors Course June 4th	102 · Water Info Program Checking	-460.00
			Water Law Realtors Course June 4th	54113 · WIP Workshops	460.00
TOTAL					460.00
1105	06/21/2021	Travis Zufelt	Water Cycle Drawing 2nd Place - Mackenzi	100 · SWCD Checking (0.38%)	-50.00
			Water Cycle Drawing 2nd Place - Mackenzi	5.4.2 · SWCD Children's Water Festival	50.00
TOTAL					50.00
1106	06/21/2021	Evan Ray	Water Cycle Drawing - 3rd Place Evan!	100 · SWCD Checking (0.38%)	-25.00
			Water Cycle Drawing - 3rd Place Evan!	5.4.2 · SWCD Children's Water Festival	25.00
TOTAL					25.00
Bill.com	06/22/2021	Fort Lewis College	2021 Grant - Dolores Adaptive Mgmt Data Repository	100 · SWCD Checking (0.38%)	-13,200.00
			2021 Grant - Dolores Adaptive Mgmt Data Repository	5.2.6 · Local Financial Support	13,200.00
TOTAL					13,200.00
Bill.com	06/22/2021	Don Schwindt	Bd Mtgs 5/13-6/10/21	100 · SWCD Checking (0.38%)	-467.20
			Mtgs 5/13-6/10/21	51401 · Director Fees	400.00
			Mtgs 6/9-10/21	51402 · Director Travel	67.20
TOTAL					467.20
VISA	06/25/2021	Fredrick Zink & Associates	May 2021	101 · SWCD Credit Card	-250.55
			May 2021	51501 · Accounting	250.55
TOTAL					250.55
Bill.com	06/28/2021	Kogovsek & Associates, Inc.	3Q2021 Retainer	100 · SWCD Checking (0.38%)	-12,500.00
			3Q2021 Retainer	53101 · Federal Lobbying Fees	12,500.00
TOTAL					12,500.00
ACH	06/28/2021	Laura E Spann	6/14-27/21	100 · SWCD Checking (0.38%)	-1,449.37
			6/14-27/21	51103 · Wages - Programs Coordinator	1,938.40
			6/14-27/21	51107 · Wages - Health & Life Insurance	-92.75
			6/14-27/21	215 · FICA/Medicare/Fed W/H	-167.00
			6/14-27/21	51105 · Wages - Payroll Taxes	120.18
			6/14-27/21	215 · FICA/Medicare/Fed W/H	-120.18
			6/14-27/21	215 · FICA/Medicare/Fed W/H	-120.18
			6/14-27/21	51105 · Wages - Payroll Taxes	28.10
			6/14-27/21	215 · FICA/Medicare/Fed W/H	-28.10
			6/14-27/21	215 · FICA/Medicare/Fed W/H	-28.10
			6/14-27/21	216 · State W/H Tax Payable	-81.00
TOTAL					1,449.37
ACH	06/28/2021	Steven W Wolff	6/14-27/21	100 · SWCD Checking (0.38%)	-1,083.37
			6/14-27/21	51102 · Wages - General Manager	1,250.00
			6/14-27/21	215 · FICA/Medicare/Fed W/H	-28.00
			6/14-27/21	51105 · Wages - Payroll Taxes	77.50
			6/14-27/21	215 · FICA/Medicare/Fed W/H	-77.50
			6/14-27/21	215 · FICA/Medicare/Fed W/H	-77.50
			6/14-27/21	51105 · Wages - Payroll Taxes	18.13
			6/14-27/21	215 · FICA/Medicare/Fed W/H	-18.13

10:18 AM

07/09/21

Southwestern Water Conservation District

Check Detail

May through June 2021

Num	Date	Name	Memo	Account	Original Amount
			6/14-27/21	215 · FICA/Medicare/Fed W/H	-18.13
			6/14-27/21	216 · State W/H Tax Payable	-43.00
			6/14-27/21	51105 · Wages - Payroll Taxes	3.75
			6/14-27/21	217 · State Unemployment Tax	-3.75
TOTAL					1,083.37
Bill.com	06/29/2021	Wright Water Engineers	April 2021	100 · SWCD Checking (0.38%)	-1,223.75
			April 2021	51302 · Engineering - Special Projects	1,223.75
TOTAL					1,223.75
Bill.com	06/29/2021	Colorado Employer Benefit Trust	July 2021 - Wolff and Spann	100 · SWCD Checking (0.38%)	-3,109.55
			July 2021 - Wolff and Spann	51107 · Wages - Health & Life Insurance	3,109.55
TOTAL					3,109.55
Bill.com	06/29/2021	The West Building	July 2021	100 · SWCD Checking (0.38%)	-2,498.45
			July 2021	51515 · Rent	2,498.45
TOTAL					2,498.45
Bill.com	06/29/2021	Christopher Treese	Steve Onboarding, June 9-10 Bd Mtg	100 · SWCD Checking (0.38%)	-1,289.65
			Steve Onboarding, June 9-10 Bd Mtg	52104 · Technical Other Expenses	1,289.65
TOTAL					1,289.65
Bill.com	06/29/2021	Wright Water Engineers	March, April 2021	100 · SWCD Checking (0.38%)	-8,835.50
			March, April 2021	51302 · Engineering - Special Projects	8,835.50
TOTAL					8,835.50



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

BOARD MEMORANDUM

From: Steve Wolff, General Manager
Subject: Update on Strategic Plan Development
Date: 4 August, 2021

I have been working with Jacob Bornstein to develop a complete draft of a strategic plan for the District. I understand there has been much discussion by the Board surrounding the concept and development of a strategic plan since 2019. However, this update only outlines the process since the Board hired Jacob. As a quick review, based on interviews Jacob conducted with Board, staff and certain consultants last spring, four strategic priorities were identified. They include:

1. *Engage in Colorado River, interstate, and transbasin issues*
2. *Support southwestern Colorado water users SW in being adaptive and resilient in face of drought and climate*
3. *Balance meeting multiple water needs, especially when there is potential for conflict or mutual benefit*
4. *Improve and restore infrastructure & storage for diverse needs*

In my conversations with Jacob, I requested a fifth priority be added to focus on internal operation of the Board and staff. That strategic priority is:

5. *Ensure the continued professional operation of the District while building a culture of mutual trust and respect.*

We are now in the process of developing narratives for all priorities to more fully describe each one, as well as discussing appropriate 5-year goals and implementation strategies. Our hope is to have a draft document to send to the Board for review in September. Based on the Board's desires, we can then discuss the draft at our regularly scheduled October meeting, or (if the Board wants to commit more time to that discussion) at a separate special Board meeting later in October.

SOUTHWEST BASINS ROUNDTABLE – JULY MEETING HIGHLIGHTS FOR SWCD BOARD

IBCC

- With Ed Millard's resignation from the Roundtable and the IBCC, the alternate (Ken Curtis) filled the vacancy. The current IBCC representatives are Al Pfister and Ken Curtis. Steve Wolff was elected to be the IBCC alternate representative.
- Russell George stepped down as the IBCC director.

Officer Elections

- The following officers were re-elected: Ed Tolen (Roundtable Chair), Brandon Johnson (First Vice-Chair) and Al Pfister (Second Vice-Chair).

Colorado River Issues

- Michelle Garrison, CWCB, detailed the conditions, operations and forecasts for Lakes Mead and Powell.
- The next CWCB board demand management workshop is scheduled for August 18th from 1-5pm. CWCB continues to accept public comment on the demand management framework and other relevant documents.

Basin Implementation Plan (BIP) Update

- Volume II of the BIP is out for review with Roundtable members now, with comments due by August 6th. All comments will be provided to the subcommittee and discussed at the upcoming August 16th BIP update subcommittee meeting. The goal of this meeting is to finalize this content for Volumes I and II in preparation for the upcoming public comment period and finalization of the documents this winter. Carrie provided a short outline of the timeline for September through January, when the BIP is scheduled to be finalized.
- Roundtable members were encouraged to review the Projects List to ensure efforts and water needs in their basin are adequately summarized.

Basin WSRF Fund Balance

- The WSRF Basin fund balance is \$412,503. An additional \$200,000 deposit from the stimulus is expected soon. These stimulus dollars must be allocated by the CWCB by May 2023. As a result, the Roundtable may be considering increasing the limit of WSRF Basin Account requests from \$25,000 to \$50,000.

Education and Outreach Updates

- The Southwest Basins Roundtable endorsed the Statewide Water Education Action Plan (SWEAP), which is a five-year outreach and engagement effort to achieve measurable objectives in water education by 2025 that contribute to the water plan's goal of sustainable water resources by 2050.
- CWCB approved the Roundtable's WSRF application to develop a Roundtable website and fund other Basin Implementation Plan (BIP) outreach opportunities. Elaine will lead the website development effort with the help of a web designer.
- Water Education Colorado is coordinating with PEPO liaisons to undertake the Water 2022 outreach campaign, which will highlight the water plan on the 100th anniversary of the Colorado River Compact and the 20th anniversary of the 2002 drought, among other milestones.

Concept Proposals

- **Colorado Aerial Snow Observations:** CWCB funded four test flights in 2021 over the Animas and Dolores basins by Aerial Snow Observatory, which utilizes LIDAR technology to measure snowpack. Denver Water and Northern Water Conservancy District are working on coordinating interest, momentum, and funding for a statewide aerial snowpack monitoring effort. As part of this effort, a WSRF grant request may come forward in October to provide local match on winter 21-22 Animas basin flights.
- **Upper San Juan Watershed Enhancement Projects:** As part of the Phase II assessment, the Upper San Juan Watershed Enhancement Partnership has identified immediate multi-purpose environmental/recreational projects south of Yamaguchi Park and north of Pagosa Springs to upgrade river access, enhance riparian areas, and improve aquatic habitat. The total combined project cost is estimated at \$2.16 million.



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

BOARD MEMORANDUM

From: Steve Wolff, General Manager

Subject: General Manager Activities

Date: 4 August, 2021

With the hope of keeping the Board of Directors informed of some of my more relevant activities/meetings between each regular board meeting, I plan to provide this memo in every board packet. Any comments on suggested changes to the format or overall usefulness would be appreciated.

1. Attended Club 20 – Water Resources Committee meeting in Montrose. Thanks for the invite and introduction from Chris Treese. (8 July, 2021)
2. Attended Dolores Water Conservancy District board meeting. Engaged in a discussion about SWCD's Guiding Principles on Demand Management document. (8 July, 2021)
3. Beth Van Vurst spent 2.5 days in SWCD's offices helping me to get up to speed on a variety of issues. Talked through a number of the ongoing and upcoming water rights cases, as well as other legal matters. (12 – 14 July, 2021)
4. Met with Mike Preston and Travis Smith. Purpose was for general introductions and to discuss upcoming leadership team meeting of the Rocky Mountain Restoration Initiative in Durango on August 31 and September 1, 2021. (15 July, 2021)
5. Met with Christine Arbogast to discuss ongoing federal legislative issues. She also introduced me (via email) to several Colorado congressional delegation staff members. (19 July, 2021)
6. Met with Peggy Montano to learn about SWCD's ALP water rights (Case No. 13CW3011). We plan to meet several times in the coming months to continue this process. (20 July, 2021)

7. Spent a day with Director Schwindt touring Montezuma County. Very good day Thanks Don. (21 July, 2021)
8. Attended a discussion on western drought issues with Secretary of the Interior Deb Haaland, Assistant Secretary Tanya Trujillo and Governor Polis in Denver. (22 July, 2021)
9. Traveled to Alamosa and met with Cleave Simpson (Rio Grande Water Conservation District). Good discussion on history/status of their district, current issues, and their subdistricts. (27 July, 2021)
10. Have reached out to local staff of all Colorado's congressional delegations to set-up introductory meetings.
11. Have reached out to pertinent contacts with the Southern Ute Indian Tribe and the Ute Mountain Ute Indian Tribe to set-up introductory meetings.
12. Participating on interview/selection panel to hire the new program director for the Upper Colorado River Endangered Fish Recovery Program. Current director Tom Chart retires on August 13. (August 2021)
13. Had a virtual introduction to the La Plata County Commissioners. (4 August, 2021)
14. Planning to tour Montezuma County with Colorado Commissioner of Agriculture Kate Greenberg.



841 East Second Avenue
Durango, CO 81301
(970) 247-1302

MEMORANDUM

August 2, 2021

To: Southwestern Water Conservation District, Board of Directors
From: Elaine Chick – Water Information Program Manager – elaine@waterinfo.org
RE: Water Information Program Update

Here is a brief update on the Water Information Program.

- After three successful virtual Water Law in a Nutshell courses this year, (January 21st sold-out with 100 participants; March 5th sold-out with 100 participants, and a Water Law for Realtors course on June 4th with 35 participants), WIP just launched another 4-hour virtual course scheduled for September 17. We opened registration two weeks ago and we now have 47 people signed up! We hope for another sell out of this program. This course is open for anyone statewide to attend. Please help spread the word. You can [click here](https://waterinfo.org/) to access the registration page and information on the WIP website. As well, the link to the WIP website is: <https://waterinfo.org/>
- As the PEPO (Public Education, Participation and Outreach) liaison to the SW Basin Roundtable, I submitted a WSRF grant proposal for the development of a new SW Basin Roundtable website. The grant was approved by the CWCB. I have formed a Roundtable workgroup and will begin with researching a web developer and getting quotes. We will be considering the same web developer who works with SWCD and WIP. I will be working with the Roundtable workgroup on an outline and content for the website.
- In collaboration with Mountain Studies Institute and Kay Phelps from Ft. Lewis College, we are researching possible dates and new ways in which to present the Forest to Faucets program this year. We are looking at October 1 and 15. We normally hold this during the summer, however, with COVID it was challenging contacting teachers prior to the year end in spring. We are hoping to have one full day of the Forest to Faucets program held at Fozzie's Farm in Lewis, CO. Fozzie's Farm is a budding farm education center that is taking a unique community approach to connecting people to land, and to each other. We look forward to working with them and creating a new experience for teachers who attend. The 2nd day we are planning to start at The Canyons of the Ancients Visitor Center and Museum for our classroom facilitation and tour to McPhee and other areas in the Dolores area for activities. We are trying to limit the amount of driving in a van due to Covid, and keep most of our activities outdoors.
- I have a Zoom meeting scheduled on August 6th with Al Pfister and Joe Tedder from San Juan Water Conservancy District to see how WIP can support their Growing Water Smart Program.
- I will be attending a planning meeting on Aug. 19th, facilitated by Jay Loschert - Montezuma Land Conservancy, regarding their Water Plan grant progress and their work on the research and youth engagement project.
- I will be attending the next PEPO meeting on Aug. 24th with the CWCB.
- The next Water Information Program partners steering committee meeting is scheduled for Thursday, September 23, 2021.

Thank you!

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

Memorandum
August 5, 2021

To: SWCD Board of Directors
From: Carrie Padgett
Subject: Engineering Report for the August 11 and 12, 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 June and July in 2021. For more background and detail please contact me.

San Juan and Upper Basin Endangered Fish Recovery Programs

I participated in multiple committee conference calls in June and July. The big news of the summer is the proposed downlisting from endangered to threatened of the razorback sucker. The proposed ruling may be found [here](#). This is the second species proposed for downlisting.

The Biology Committee held two meetings in July. The purpose of these meetings is to recommend the Annual Work Plan for fiscal year 2022 to the Coordination Committee for approval. This Annual Work Plan is a compilation of all the proposed program activities including narratives of the projects and budgets. The committee also discussed a recent failure at a restoration site along the river. The program funded construction of an off-channel pond that was completed this spring. This pond would provide additional low flow habitat that could be connect or disconnect from the river through a diversion structure. This would allow endangered fish to grow over the summer without experiencing threats normally found in the river channel. The diversion to the pond failed as the spring flows increased. The committee will continue to discuss how best to rehabilitate this site so the pond may still be functional but may not include the controlling diversion structure in the future.

The Biology Committee has spent a significant amount of time drafting a diversion prioritization document. This document describes the criteria needed when pursuing infrastructure improvements along the San Juan and Animas rivers. This document also ranked the existing diversions structures, with all structures along the San Juan listed as top priorities. Our water development interests representative was heavily involved in the drafting of this document to ensure the criteria was a “win-win” from a water users’ perspective. The draft document was presented at the recent Coordination Committee meeting. Many questions were raised about the need for Program activities within the Animas as they relate to the recovery of the fish and committee members emphasized how important it is to work on diversions in the San Juan first before venturing up any tributaries. I will continue to work with our representatives on the committees regarding this issue.

Navajo Reservoir

As of July 22, the releases from the reservoir were decreased from 700 to 500 cfs. This decrease was done in response to increasing flows (i.e. recent rains) in the critical habitat reach. The next Navajo Reservoir Operations meeting will be held virtually on August 24, 2021.

At our most recent Biology Committee meeting, the group had a lengthy discussion about the upcoming Upper Basin Drought Response Operations Agreement planned releases from Navajo. Reclamation plans to release 20,000 AF this winter over a two-month period. Reclamation estimated this would lower the reservoir by two feet. The committee discussed if prolonged elevated base flows or a slug release would be more beneficial for the fish. The group is voting by email this week on which option to recommend to Reclamation.

Animas Watershed Partnership (AWP)

The steering committee continues to meet monthly. The partnership was awarded a \$20,000 Healthy Rivers Fund grant. This money will be used for improvements to the Palmer Ranch located along the Florida. A tentative site visit with representatives from the granting agency is planned for this fall. The group continues to build relationships with landowners in the Animas basin that may lead to future projects.

Southwest Basin Roundtable 2021 BIP Update

While the 2021 BIP Update is not a part of my duties at SWCD, I wanted to provide a written update to help save time at next week's meeting. The 2021 BIP Update will include two documents, known as Volume 1 and Volume 2. Volume 1 is a standardized document for all Roundtables with the same sections for every basin. This volume includes:

- an overview of the basin,
- descriptions of demand, supply, and potential water needs,
- updated goals and strategies,
- past achievements since 2015,
- future basin projects,
- outreach strategies,
- and a conclusion (1 page summary of Volume 1).

For Volume 2, we have created webpages for each sub-basin that dive deeper into the basin-wide content presented in Volume 1. I used Esri story maps to provide maps of the basin, projects in the basin, and show environmental and recreational identified values. Volume 2 also includes narratives and a link to the Projects List, which was formally called the IPP list.

The BIP Update subcommittee has worked on the content for these two volumes, with a major focus on updating the goals and strategies, over the last 8 months. The first draft of the documents will be made available August 10 for the Roundtable's review. After this review period, the public review period will commence from October 13 through November 15. The website,

engagewcb.org, will be used to collect comments. This public review period would be the time for SWCD board members to comment. You are also welcome to work with SWCD's Roundtable representative or your own county's representatives on providing comments. I am also here to help facilitate if you have any questions.

The 2021 BIP update will be finalized in January of 2022.



THE SOUTHWESTERN WATER CONSERVATION DISTRICT

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

Friday, June 25, 2021

The Honorable Diane Feinstein, Chair
The Honorable John Kennedy, Ranking Member
Energy and Water Development Subcommittee
Committee on Appropriations
United States Senate
Washington, D.C. 20510

The Southwestern Water Conservation District (SWCD) appreciates the opportunity to submit this letter of support for appropriations in the President's recommended budget for FY 2022 to the Bureau of Reclamation, Upper Colorado Region for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program. SWCD is a political subdivision of the State that was established by the Colorado General Assembly in 1941 to protect, conserve, use and develop the water resources of the San Juan and Dolores River Basins as well as to safeguard all waters to which the state of Colorado is equitably entitled.

We are requesting your support for appropriations in the President's budget for these programs described below.

Endangered Species Programs: The Endangered Species Program also provides \$5.7 million for the Upper Colorado and San Juan River Endangered Fish Recovery programs for construction of facilities need to recover endangered fish species: **\$2,500,000** for construction of a fish barrier at the Farmer's Mutual Ditch diversion structure on the San Juan River in northwest New Mexico, **\$500,000** for floodplain habitat development in northwest New Mexico on the San Juan River, **\$2,550,000** for rehabilitation of the fish screen and passage at the Grand Valley Irrigation Company diversion on the Colorado River near Grand Junction Colorado, and **\$150,000** for Upper Colorado Program Management for contracting, budgeting, reporting, contract administration, tracking expenditures, and addressing issues and concerns associated with capital project construction.

Colorado River Compliance Activities: The President's budget requests \$21,400,000 for Colorado River Compliance Activities that includes **\$8,640,000 for the Upper Colorado and San Juan Endangered Fish Recovery Programs** to restore critical habitat, enhance stream flows,

maintain fish ladders and screens, augment and conservation of genetic integrity through hatcheries and stocking efforts, manage non-native and sport fish, and research and monitoring to provide the scientific basis to guide decision making. This funding for the recovery programs is authorized by P.L. 106-392, as amended.

These highly successful, cooperative programs are ongoing partnerships among the states of New Mexico, Colorado, Utah and Wyoming, Indian tribes, federal agencies and water, power and environmental interests. The programs' objectives are to recover endangered fish species while water use and development proceeds in compliance with the Endangered Species Act. The programs provide ESA compliance for approximately 2,500 water projects in the Upper Colorado River Basin, including every Reclamation project upstream of Lake Powell. Because these objectives align with our statutory mandate, SWCD has been a steadfast supporter of the Upper Colorado and San Juan Recovery Programs since their inception in 1988 and 1992, respectively.

I appreciate the Subcommittee's past support and request the Subcommittee's assistance for fiscal year 2022 funding to ensure the Bureau of Reclamation's continuing financial participation in and provision of federal cost sharing for these vitally important programs.

Sincerely,

A handwritten signature in blue ink that reads "Steve Wolff". The signature is written in a cursive, flowing style.

Steve Wolff
General Manager
Southwestern Water Conservation District



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

August 5, 2021

To: SWCD Board of Directors

From: Laura Spann, Programs Coordinator

RE: Proposed 2022 SWCD Grant Program Guidelines

Enclosed for your consideration are the proposed 2022 SWCD Grant Program Guidelines. At the June meeting, the board reviewed the redlined guidelines with changes for 2022. There was general board support for the proposed revisions and two unresolved issues, specifically:

- 1) how to describe the board's intent with funding municipal and domestic raw water projects and related needs, and
- 2) clarifying and strengthening the requirements that applicants have a prudent financial reserve and adequate assessments for their long-term maintenance needs.

Those two issues are addressed by the highlighted revisions in the enclosed draft guidelines. Please review the language proposed.

We are seeking approval of the 2022 SWCD Grant Program Guidelines at this board meeting to allow for their immediate publication and applicants to begin planning their 2022 grant requests.



THE SOUTHWESTERN WATER CONSERVATION DISTRICT

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

2022 GRANT PROGRAM GUIDELINES

A. BACKGROUND

The Southwestern Water Conservation District (“SWCD”) is a political subdivision of the State that was established by the Colorado General Assembly in 1941 to protect, conserve, use and develop the water resources of the San Juan and Dolores River Basins as well as to safeguard all waters to which the state of Colorado is equitably entitled.¹ SWCD periodically offers financial assistance in the form of grants to “qualified entities,” as that term is defined below in Section C.1, that are carrying out projects consistent with SWCD’s statutory purposes. Funding for this program is subject to SWCD’s discretion as well as its annual budget and appropriation process. The Board retains the right, in its sole discretion, to approve, reduce, or deny any grant request.

B. GENERAL PROGRAM INFORMATION

For the 2022 grant program, applications may be submitted from November 1st through December 13th of 2021. Applicants are encouraged to submit their application as early as possible within the given time frame so that there is adequate time to work with SWCD staff to ensure that the application meets all requirements in advance of the December 13th deadline. Applications received after December 13, 2021 will not be considered. Final decisions will be made by the board no later than March 1, 2022.

The deadlines provided above apply to routine grant requests and may be modified to address emergency situations. SWCD understands that emergency situations may arise from catastrophic or unforeseen events, such as flooding, at other times of the year. The Board endeavors to annually allocate a portion of the grant program funds for emergency requests. Examples of emergency situations include, but are not limited to: flood event causing damage to diversions or measurement structures, catastrophic canal or pipeline failure that prevents the delivery water, spillway or dam failure, regulatory restrictions, wildfire impacts including post-fire runoff and other impacts, and toxic spills. Please contact SWCD staff directly if this occurs to discuss the possibility of submitting an emergency grant application.

¹ See C.R.S. § 37-47-101 through -151.

SWCD annually anticipates receiving grant requests well in excess of the available funds. The maximum amount of money potentially available from SWCD in the 2022 calendar year for all grant recipients is shown on the table below.

Grant Funding Category	Proposed 2022 Funds Available (Total Grant Program \$230,000)
Development or improvement of water supply and watershed restoration or enhancement projects, including related design, engineering and construction	\$92,000
Studies and facilitating stakeholder involvement on water-related matters, including water quality	\$34,500
Educational purposes, including teaching seminars, workshops and related programs	\$11,500
Emergency requests	\$92,000

The maximum amounts for each category may be adjusted on an annual basis after development of the initial budget for the upcoming fiscal year. Prior to submitting an application, please [visit SWCD's website](#).

Any member of SWCD's Board of Directors or Staff with a financial or property interest in a grant request will disclose any such interest or other conflict of interest and recuse themselves from participating in any recommendation, vote or decision-making process related to that grant request.

C. ADDITIONAL REQUIREMENTS

1. ELIGIBILITY

SWCD will consider financial assistance requests from "qualified entities" for grants for: (1) development or improvement of water supply and watershed restoration or enhancement projects, including related design, engineering and construction, (2) studies and facilitating stakeholder involvement on water-related matters, including water quality, and (3) educational purposes, including teaching seminars, workshop, and related programs. "Qualified entities" are defined by statute to include any public entity, non-profit corporation, not-for-profit corporation, carrier ditch company, mutual ditch or reservoir company, unincorporated ditch or reservoir company, or cooperative association within the boundaries of the District.² All projects, studies, and program grants will be limited to "raw" or untreated water supplies, except as provided below.

² C.R.S. § 37-47-107(1)(j.5).

Only projects or portions of projects located within the District's boundaries are eligible for grant funding.

SWCD will not consider grant requests or funding for:

- a. Projects that have already been completed; however, the board may make an exception for projects completed within the past six months arising from the emergency situations described on page one of these guidelines;
- b. Municipal or domestic drinking water projects that do not qualify as a "public water system," which is defined for the purposes of these guidelines to mean any system that does not have a public water system ID number with the state of Colorado;
- c. Any part of a municipal or domestic- drinking water project "public water system" , which is unrelated to raw water storage or delivery. located beyond the permitted or decreed point of diversion (i.e., headgate or well), that qualifies as a "public water system." located beyond the decreed point of diversion (i.e., headgate or well) ;
³Applications for eligible portions of public water system should include the state ID number for the system;
- d. Wastewater treatment projects;
- e. Legal fees or payroll costs. If your project includes these costs, please identify them as a separate line-item in the proposed budget and explain how you will pay for those costs without using SWCD grant funds;
- f. Grant administration costs; or
- g. Weed management projects, although consideration will be given to programs that specifically remove phreatophytes if the applicant demonstrates it has a plan, including funding, for appropriate revegetation and ongoing maintenance.

2. MATCHING CONTRIBUTIONS

SWCD will not award a grant for more than 50% of the total project costs,⁴ and Applicants must demonstrate that they are actively contributing to the project for which they are requesting a grant. Any grant approval will be contingent on the recipient demonstrating prior to disbursement of the grant that the Applicant has secured funding for the remaining total project costs.

In addition, Applicants or beneficiaries of the proposed project must also demonstrate that they will provide, through a cash contribution and/or in-kind goods or services, at least 25% of the total project costs (in other words, half of the matching funds). Applications proposing use of in-

³ For multi-phase projects, "total project costs" shall mean all costs related to the particular phase of the project for which the Applicant is requesting funding.

kind goods and services as all or a portion of the required matching contribution must provide detailed information identifying time and valuation (at an hourly or total project rate) of in-kind contributions. The Board may, at their option, consider previous expenditures directly related to the proposed project as matching contributions if those expenditures occurred within six months of the grant application deadline.

The Applicant's 25% match cannot be met through a loan from SWCD.

Non-profit, or non-governmental organizations, serving on behalf of a broad group of local constituents that do not receive tax revenues and do not have opportunities for third party contributions for the project, may request a reduction of the match requirement to 10% of the total project cost (subject to approval by the board) by garnering and documenting strong community or watershed support for the project.

3. LIMITS ON GRANT FUNDING

The amount of funding each "qualified entity" may receive from SWCD is further limited to the following:

- a. Recipients of grants for educational purposes may not receive more than \$5,000 in a single year or a total of \$10,000 in any given five (5) year period.
- b. Recipients of grants for development or improvement of water-related projects may not receive more than \$75,000 in a single year or a total of \$150,000 in any given five (5) year period.
- c. Recipients of grants for participation in public forums and the performance of studies may not receive, more than \$20,000 in any single year or a total of \$40,000 in any given five (5) year period.

Additional funds, outside of SWCD's grant program, may be available through SWCD's loan program. Please review Section I below or contact SWCD staff to find out more about SWCD's loan program.

4. APPLICATION INSTRUCTIONS AND PROCESS

Completion of SWCD's application form is required in order for SWCD to consider requests for financial assistance. The Board will not consider applications that do not meet the minimum requirements. To ensure consideration for funding by SWCD, please apply for a grant before the water project, study or educational program has been initiated. Please use the following application:

[General Application for Financial Assistance 2022](#)

Each Application should be typed or printed legibly and include, at a minimum, the following:

- a. Documentation confirming the applicant is a qualified entity per the definition on page 2 of these guidelines. Examples of proper documentation include (but are not limited to) articles of incorporation and corporate bylaws or certification of registration from the Colorado Secretary of State;
- b. Project type, description and location, including the county or counties within which the grant funds will be applied;
- c. Total grant amount requested;
- d. Total project cost⁵;
- e. Anticipated timeline for the project, study or educational request;
- f. Matching contributions provided by or requested from other funding partners, including the anticipated decision date for those funding requests if not already approved;
- g. Detailed project expense budget, including as a percentage of the total any costs of administering the grant;
- h. Applicant's matching contributions, including a detailed description of in-kind materials and services, if any, to be provided by the applicant should be included with basis for in-kind valuations;
- i. Applicant's current financial statements, including a summary of reserves and assessments that demonstrate adequate financial resources for ongoing operation, maintenance, and repair;
- ~~i-j.~~ Identification of development, use, or protection of pre-compact water rights;
- ~~j-k.~~ Identification of project partners and beneficiaries; and
- ~~k-l.~~ Summary of Applicant's previous funding requests and grant awards from SWCD.

Please attach additional sheets as necessary to fully answer any question in order to assure that all information that might be helpful in evaluating your application is considered. Please return the **signed copy** of the application to Southwestern Water Conservation District and retain a copy for your records. Please submit to the following address or email: Southwestern Water Conservation District, 841 E. 2nd Avenue, Durango, CO 81301 or lauras@swgcd.org. Once your grant application is received, it will be reviewed by SWCD staff to ensure that it meets the

⁴ If the requested grant will be used to fund part of a multi-phase project, please provide a summary, including a total project cost estimate and anticipated timeline, for completion of the overall project.

minimum requirements before consideration by the Board. Staff will endeavor to share its funding recommendation with the applicant prior to the meeting.

The board will hold a meeting in February 2022 to review and consider the applications. Applicants are encouraged to attend the meeting at which the funding requests will be considered, either in person or by phone, so that they can provide a brief summary of their grant request and answer questions that may arise. The board requests a thorough, completed application form be submitted in lieu of a formal presentation.

For questions about the application or board meeting, please contact SWCD staff by phone (970-247-1302) or e-mail (lauras@swgcd.org). For your reference, agendas are posted to the swgcd.org website one week prior to regular board meetings.

D. EVALUATION CRITERIA

Grant proposals will be evaluated based upon how well the proposed project, study or educational request carries out the purposes of the SWCD. The Board will give special consideration to grant proposals that further the use or protection of pre-compact water rights and the development of Colorado River Compact entitlements as well as educational-related requests that complement or otherwise further SWCD's existing programs.

Furthermore, Applicants must demonstrate adequate shareholder assessments and reserves for ongoing operation, maintenance, and repair of their infrastructure. The Board will give favorable consideration to grant proposals from Applicants that are proactively and financially planning for their own future needs.

E. FUNDS DISBURSEMENT

Once a grant application has been reviewed and approved by the Board, a request for the release of grant funds may be made during 2022. If the Applicant will not be able to use the funds in that year, please contact the SWCD office as soon as possible. For grant funds to be released, the Applicant must complete a "Request for Release of Funds" form found on the website and provide written documentation that all committed matching funds have been secured and that the Applicant continues to be a qualified entity. The signature of the Applicant's authorized representative on this form indicates that the funds are needed at that particular time and that the Applicant ensures and verifies that the funds are only being used for the specific purpose(s) described in the application and amount(s) indicated in SWCD's grant approval letter. The Applicant agrees to allow SWCD to display a public notice identifying the project or activity as being partially funded by the SWCD. Additional documentation may be requested at SWCD's discretion.

In the event the project, study, or program for which the grant was awarded ultimately comes in under budget, the grant recipient must return a pro-rata portion of the remaining funds to SWCD within 45 days of completion. For example, if the completed project, study, or program is \$20,000 under budget and SWCD contributed 20% of the total anticipated project costs, then the grant recipient must return \$4,000 (20% of \$20,000) to SWCD.

F. CHANGING THE USE OF FUNDS

If the Board approves funding for the application, and at a future date the intended use of funds changes, please notify staff as soon as possible. Board review and approval of the change is necessary. Otherwise, SWCD requires reimbursement of funds.

G. GRANT EXTENSION REQUESTS

If the Board approves funding for the application, and completion of the project, study, program or other grant-funded task has not occurred in 2022, the Applicant will submit a written grant extension request to SWCD staff describing the progress to date and the projected timeline for completion. At that time, staff may approve a one-year extension. Grant extensions are usually limited to one year. However, at its option, the Board may approve grant extensions of more than one year, or the Applicant may be required to submit a new application.

H. ANNUAL REPORTING REQUIREMENT

If the Board approves funding for the application, the Applicant must provide a written report and/or supporting documentation of the work accomplished no later than December 31st of the year in which the grant is awarded. This written report will include a detailed accounting of the use of funds including supporting documentation for any expenses incurred. Additional documentation may be requested at the discretion of SWCD. See sample final reports at swwcd.org. The Board will not consider future grant requests from Applicants that do not comply with this provision.

I. LOANS

Loans and/or loan-grant packages may be approved for water-related projects or construction, studies, educational programs, and sponsorships. The terms and security for payment will be determined at the time the loan is approved. All documents required by SWCD for the loan shall be executed before SWCD will release the approved loan amount. Documents that SWCD, at its sole discretion, may require include, but may not be limited to, a loan agreement, promissory note, deed of trust for real property, and/or a uniform commercial code financing statement for personal property.

**THE
HYDROLOGIC
UPDATE
WILL BE
PROVIDED
VIA EMAIL
IMMEDIATELY
PRIOR TO THE
BOARD MEETING.**



**Colorado River Basin States Representatives of
Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming**

July 14, 2021

The Honorable Tanya Trujillo
Assistant Secretary for Water and Science
Department of the Interior
1849 C Street NW
Washington, DC 20240

The Honorable Camille Touton
Deputy Commissioner
U. S. Bureau of Reclamation
1849 C Street NW
Washington, DC 20240

VIA ELECTRONIC MAIL

Dear Assistant Secretary Trujillo and Deputy Commissioner Touton:

The drought conditions that have been ongoing in the Colorado River Basin since 2000 have rapidly worsened in 2021, with near-record low runoff in the Upper Basin and widespread drought conditions across the Basin and much of the Western United States. Based on June 2021 hydrology, the Bureau of Reclamation's projections of Lake Powell elevations for the next five years show substantial risk of the reservoir declining to elevations that threaten infrastructure and hydropower production at Lake Powell.

As you are aware, the seven Colorado River Basin states and the Department of the Interior collaborated to develop and implement the *Colorado River Drought Contingency Management and Operations* (Colorado River Drought Contingency Plan (DCPs)) adopted in 2019.

As proposed by the Basin States, and approved with support by Congress, the Upper and Lower Basin DCPs are complementary and, together, enable prompt action to enhance conservation of Colorado River water supplies. The DCPs also provide additional water management tools necessary to help reduce the probability that Lakes Powell and Mead will decline to critically low elevations.

As the Governors' Representatives for the Colorado River Basin States, we write to express our support for the continued collaboration between the Basin States and the Department of the Interior regarding implementation of the DCPs. We understand that Reclamation's Upper Colorado River Basin Region is considering potential drought response actions in coordination with the Basin States, pursuant to the DCPs. In addition, we understand that, with the increasing likelihood of the first ever Tier 1 shortage declaration for the Lower Basin in 2022, preparations are under way in the Lower Basin to implement the required 2022 shortage reductions and DCP contributions.

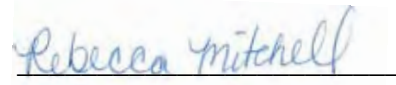
The importance of continued cooperation among the seven Basin States, between the Basin States and the Federal Government, and with federal agencies in Mexico cannot be overstated. We remain committed to continuing these cooperative efforts. In this regard we also write to request that your offices continue to meaningfully consult and coordinate as we respond to rapidly changing conditions in the Basin.

Given the hydrology we are facing, the actions being considered by Reclamation's Upper Colorado River Basin Region in 2021 will not fully alleviate the effects of the current drought. Therefore, the Basin States believe that continued cooperation is needed to address this drought for 2022 and beyond. We recognize the importance of reducing the collective risk of both Lake Powell and Lake Mead falling to critical elevations that would jeopardize the ability of both facilities continue to function as authorized to meet the natural resources, municipal, and agricultural water uses of the Basin. The Basin States stand ready to coordinate with the Department to meet this challenge.

Sincerely,



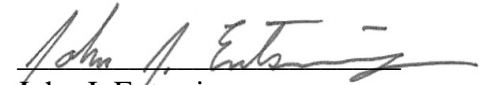
Thomas Buschatzke
Governor's Representative
State of Arizona



Rebecca Mitchell
Governor's Representative
State of Colorado



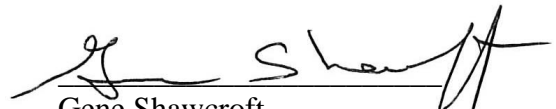
Peter Nelson
Governor's Representative
State of California



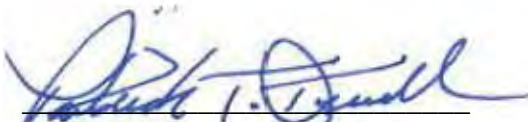
John J. Entsminger
Governor's Representative
State of Nevada



John R. D'Antonio Jr.
Governor's Representative
State of New Mexico



Gene Shawcroft
Governor's Representative
State of Utah



Patrick T. Tyrrell
Governor's Representative
State of Wyoming

July 27, 2021

The Honorable Michael Bennet
261 Russell Senate Office Building
Washington, D.C. 20510

The Honorable John Hickenlooper
B85 Russell Senate Office Building
Washington, D.C. 20510

Dear Senators Bennet and Hickenlooper:

Through this letter, the undersigned water providers, conservation districts and conservancy district from Colorado have come together to highlight a basin-wide need and our support for robust planning and investment in Western Water Infrastructure and Ecosystem Resilience programs that will help respond specifically to the challenges faced in the Colorado River Basin.

The Colorado River serves as the primary drinking water supply for 40 million people, and source for irrigation of over 5 million acres of crop fields across seven Western states and northern Mexico. Its flow supports generation of up to almost 5 Megawatts of hydroelectric energy, and makes up the life source for 11 National Parks and countless wildlife while serving as an essential part of the cultural fabric for tribal and other communities spanning portions of the Rocky Mountains and the entirety of the desert southwest.

Despite these critical demands, the Colorado River Basin has been experiencing some of the worst drought conditions in recorded history for the past 21 years and counting. This year alone has been characterized as the “year of superlatives” in which adjectives such as “worst,” “driest,” and “first time ever” have been regularly used to describe the situation from the headwaters in Colorado and Wyoming through each Upper and Lower Basin State, and into Mexico. First time shortages from the Bureau of Reclamation’s largest reservoir at Lake Mead will be declared in August for 2022 operations. Reclamation and the Upper Colorado River Commission are creating the drought response plan to transfer storage from upstream reservoirs before critical elevations are breached at Lake Powell by next spring. Unfortunately, this is not projected to be an aberrant Water Year for the Colorado River Basin. Both near and long-term projections and various modeling analyses suggest the prospects of improved water supply cannot be relied upon for future planning.

The Colorado River Basin Drought Contingency Plans that Congress helped authorize in 2019 have helped prepare for the immediate ramifications of the drought that the Basin is currently experiencing. But more is needed to help ensure the Basin’s resilience to higher temperatures, changing precipitation patterns, and pronounced storage fluctuations going forward.

Time is of the essence. The trending of climate to hotter, drier conditions has major implications for water supply in the Colorado River Basin. It leads to lower snowpack totals,

which is 80% of the Colorado River water supply. It draws moisture from land and water bodies, leaving less for runoff to streams and rivers or for reservoir storage. It results in more frequent and greater magnitude wildfires that interfere with life, property, and water resource systems, and raises river temperatures that directly affect aquatic health and ecosystems.

To help respond to this challenge, the undersigned water providers have partnered to identify and outline some of the priority program and funding needs that can help build a sustainable, resilient future for the Basin. As further detailed in the attached summary, these priority efforts include:

- Protecting access to and availability of critical public water supplies by accelerating research, planning, and construction of large-scale augmentation programs; securing funding and commitments to create or conserve water in the Lower Basin; supporting municipal and agricultural conservation programs; advancing efforts to improve tribal access to reliable drinking water supplies; making investments in utility infrastructure; and making investments in science, outreach, and education to ensure a shared understanding of the challenges brought about by a warming climate and increasing populations in the southwestern United States and Mexico;
- Restoring watershed health by conducting rangeland stewardship activities; strengthening forest management and restoration activities to reduce and mitigate the effects of catastrophic wildfire; and implementing agricultural adaptations that enrich soils, restore watershed health, and improve overall ecosystem function; and
- Securing authorization and funding for species protection programs, expanding and revising salinity control programs, and developing advanced water monitoring and weather forecasting programs.

Together, these and other programmatic and funding strategies can provide a framework for implementing urgent responses to protracted drought and climate change, for investing in the near-, medium-, and long-term programs necessary to continue providing water for people and the environment, and for cultivating a culture of water-related resilience throughout the Basin.

As you will note, this request contains a significant allocation of federal resources to operations in the Lower Basin, we outline them in this letter with the understanding that the Lower Basin states and water users support these requests and the concepts set forth in the comprehensive resiliency package attached.

The Colorado River Basin is uniquely situated to absorb growing conflict between demands for limited water supplies and the interrelated hydrologic, ecological, social, and economic impacts of a drying climate. Whether the Colorado River Basin will serve as a lesson in the ravages or resilience to prolonged drought and climate change will depend in part on the collaboration,

timing, and extent of actions taken now and over the next decade to mitigate and adapt to changing conditions. From specific programs and authorities to funding needs, we look forward to collaborating with the federal government as soon as possible to help ensure the Colorado River Basin continues to support a thriving economy and a durable environment.

Sincerely,



Andrew Mueller
General Manager
Colorado River Water Conservation District



Steve W. Wolff
General Manager
Southwestern Water Conservation District



James S. Lochhead
CEO/Manager
Denver Water
On behalf of the Front Range Water Council

James W. Broderick
Executive Director
Southeastern Colorado Water Conservancy
District

Marshall P. Brown
General Manager
Aurora Water

Seth Clayton
Executive Director
Board of Water Works of Pueblo, CO

Kevin Lusk
President
Twin Lakes Reservoir and Canal Company

Earl Wilkinson
Chief Water Services Officer
Colorado Springs Utilities

Bradley D. Wind
General Manager
Northern Water

Attachment

Colorado Water Provider/District Letter
Attachment – Resilience Strategies for Colorado River Basin

	Item		Funding Needs for CRB	How contributes to resilience
1	Utility scale recycle/reuse Enhance funding to accelerate research, planning and construction of Regional Recycled Water Programs in the Colorado River Basin (CRB) to produce high-quality water from purified wastewater.		\$450 million See explanation and testimony for H.R. 4099.	Augments water supplies and advances climate resilience opportunities by promoting production of high-quality water from purified wastewater that can expand the flexibility in how to use and share the Colorado River (CR) water supplies and help address the current supply imbalance in the CRB, where demands from cities and farms risk outstripping supplies.
2	System conservation/compensated reduction in demand	Expand CR system water conservation opportunities in the Lower Colorado River Basin through § 206 of the Energy and Water Development and Related Agencies Appropriations Act (2015).	\$250 million	Voluntary, compensated reductions in demand can help bolster reservoir levels, avoid/defer shortages, avoid prospects of buy and dry, and benefit water users that reduce demand.
		Assist interested Upper Basin States with implementation of water conservation efforts if such efforts are deemed feasible and an Upper Basin program is approved and made operational in accordance with the Upper Basin Drought Contingency Plan agreements.	\$35 million	

	Item	Funding Needs for CRB	How contributes to resilience
3	<p>DCP and Minute 323 Implementation</p> <p>Advance the Secretary’s commitment to implement Lower Basin programs, including responsibility to create or conserve 100,000 acre-feet or more per annum of CR system water to contribute to conservation of water supplies in Lake Mead and other Lower Basin Colorado River reservoirs.</p> <p>Help fulfill obligations for Drought Contingency Plan (DCP) implementation in the Upper Basin by providing sufficient funds for Bureau of Reclamation and Upper Division (including the Upper Colorado River Commission (UCRC)) to plan for and implement the DROA, help assess the feasibility of an Upper Basin Demand Management Program, among others, and administer the Upper Basin Compact.</p> <p>Advance the United States’ funding and commitments to share in salinity management, generation of water for the environment, research and monitoring, restoration projects, or related water supply projects evaluated under Minute 323.</p>	<p>\$250 million (figure being advanced for Senator Wash, Brock Reservoir considerations – through 2026)</p> <p>\$50 million per year for 1-time projects in the Lower Basin through 2026</p> <p>\$15 million for Upper Basin Drought Contingency Plan implementation, including funds for Bureau of Reclamation and UCRC staffing and consulting capacity</p> <p>\$300 million for Minute 323 or related water supply projects associated with the 1944 Water Treaty or accompanying agreements.</p>	<p>Full implementation of DCP agreements, including federal commitment for water, as well as Minute 323 and Upper Basin drought response operations are all necessary to sustain successful collaboration and cooperation on the River to prevent further deterioration of reservoir levels.</p>

	Item	Funding Needs for CRB	How contributes to resilience
4	<p>Forest management and wildfire risk reduction</p> <p>Partner with States and Tribes to identify and invest in priority wildfire reduction and mitigation areas that have a high risk of wildfire, are in the wildland-urban interface (where structures directly abut wildland fuels), and/or pose a significant threat to public water supplies.</p> <p>Provide programs (e.g., the U.S. Forest Service's Shared Stewardship Program) and funding to promote effective forest management practices that mitigate against watershed degradation, severe wildfire, and other climate change impacts in collaboration with state and Tribal efforts. Actions could include working with States and Tribes to incentivize water retention and access in high- to mid-elevation watersheds, improving conditions in overgrown forests, and restoring forests that have experienced widespread mortality from fire, insects, drought, and/or clear cutting.</p>	<p>\$750 million for 1 million acres</p>	<p>Targeting high priority watersheds for reducing wildfire risk mitigates extreme hazards and increases resilience of water supply systems and reduces future response costs for basin that supplies water to 40 million people and 5 million acres. Forest management practices help prevent soil erosion, support water infiltration, regulate snow melt and water supply, improve water quality, lower water treatment costs, capture carbon, and benefit wildlife habitat and fisheries. It can also help adapt to climate shifts as conditions in the Basin change, such as regulating snow melt runoff and increasing economic resilience through job creation and reduced emergency costs, among other benefits.</p>
5	<p>Endangered Species Programs</p> <p>Secure funding regardless of vacillation in hydropower or other revenues from federal CRB facilities to sustain the Upper Colorado River Endangered Fish Recovery Program, San Juan River Recovery Implementation Program, Glen Canyon Dam Adaptive Management Program and Multi-Species Conservation Program.</p>	<p>\$100 Million Upper Colorado River Endangered Fish Recovery Program, San Juan River Recovery Implementation Program, Glen Canyon Dam Adaptive Management Program</p> <p>\$50 million Multi-Species Conservation Program</p>	<p>These programs are vital to maintaining fish and wildlife resource protections that also work to sustain access to CR water supplies consistent with the Endangered Species Act. They require continued authorization and sufficient funding to sustain effective operations in the face of climate change. Those operations include protecting the current, proposed downlisting of the humpback chub and razorback sucker from endangered to threatened status.</p>

	Item	Funding Needs for CRB	How contributes to resilience
6	<p>Naturally distributed storage</p> <p>Restore highly-degraded, natural, meadow systems in high- to mid- elevation watersheds to improve local aquifer recharge, water retention, reconnect historic floodplains, and support productive meadows and riparian ecosystems. (Note: Not intended to interfere/affect grazing).</p>	\$50 million	Wet meadow restoration using site-specific, natural materials that rely on natural riverine, wetland, hydrologic, and ecological processes on private (voluntary) or public lands can improve system function and resiliency.
7	<p>Watershed management</p> <p>Advance rangeland stewardship and watershed health and incentivize water conservation on public, tribal, and non-public lands within the CRB. Projects could focus on eligible activities such as land management practices to reduce dust on snow, protect soil moisture, State endorsed efficiency and conservation activities that will result in proven water savings within the CRB – including fallowing that operate consistent with applicable laws to bolster CRB water supplies.</p>	\$100 Million for the Bureau of Reclamation’s Cooperative Watershed Management Program. and/or the Bureau of Land Management’s Soil, Water, and Air Program.	<p>Watershed health through on-the-ground projects and comprehensive stakeholder planning and programs is critical to ensuring sustainability of water use and river health in the major CR tributaries.</p> <p>Specifically, it can help build adaptive capacity in ecosystems and ranching operations to deal with climate shifts, reduce and sequester greenhouse gas emissions, and help provide cost effective mechanisms to restore working lands and improve land values and operation profitability.</p>
8	<p>Irrigation Upgrades</p> <p>Upgrades to irrigation water delivery infrastructure to enhance resilience to drought and climate change in ways that deliver ecosystem benefit and groundwater sustainability without increasing consumptive uses</p>	\$1 Billion	Reducing system losses, improving delivery systems to reduce adverse effects on streams and rivers, and/or reducing groundwater over-draft will all help agricultural operations respond to water availability challenges driven by drought and climate change.
9	<p>Regenerative ag practices that build healthy soils</p>	\$100 Million	Healthy soils created through regenerative agricultural practices can reduce irrigation needs and bolster resilience of agricultural operations to drought/higher temperatures.

	Item	Funding Needs for CRB	How contributes to resilience
10	<p>Water forecasting and monitoring</p> <p>Advance efforts to improve water forecasting and monitoring in the CRB by:</p> <ul style="list-style-type: none"> (1) Developing the airborne snow observatory and measurement program within the Department of the Interior. (2) Funding advancements in weather and water supply forecasting at the CRB Forecasting Center. (3) Funding subseasonal-to-seasonal (S2S) forecasting research and modeling. <p>Developing the CRB water tracking program at the USGS to advance accuracy in measuring and monitoring water supplies within the CRB.</p> <p>Advance efforts by NASA Western Water Applications Office to prioritize and advance improvements to water supply forecasting, monitoring and consumptive water use accounting and forecasting.</p>	\$75 Million	Future conditions may not reflect the past. Without accurate readings, planning decisions regarding reservoir storage and releases are more imprecise and inefficient, reducing the ability to readily adapt to extreme weather events and shifts in climate. Accurate precipitation forecasting needs to extend beyond the current 10-to-14-day limitation.
11	Universal Access to Drinking Water for Tribes in CR Basin	Defer to Tribes on funding needs – may refer to Tribal Access to Clean Water Bill	
12	Rural Water Infrastructure	Proportionate share of Western Water Infrastructure funding for projects benefitting from CRB water supplies.	Getting reliable water to remote areas.



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

BOARD MEMORANDUM

From: Steve Wolff, General Manager

Subject: Summary of Water Related Portions of the Federal Infrastructure Package

Date: 4 August, 2021

For those interested, below is a summary of water-related portions of the federal infrastructure package currently under consideration by the United States Senate. The details in this bill are still in flux and we expect numerous amendments to be offered up during the process. Also, see the attached letter sent to Colorado's Senate Offices signed by SWCD, Colorado River District and Front Range Water Council.

Western Water Infrastructure: This section authorizes \$8,300,000,000 for FY22-26 for Bureau of Reclamation western water infrastructure, including:

- \$3.2 billion for aging infrastructure,
- \$1.15 billion for water storage, groundwater storage and conveyance projects (includes \$100 million for small water storage),
- \$1 billion for water recycling and reuse projects (includes \$450 million for large water recycling projects),
- \$250 million for desalination projects,
- \$1 billion for rural water projects,
- \$500 million for dam safety projects,
- \$300 million for Drought Contingency Plan (includes \$50 million for Upper Basin States),
- \$400 million for WaterSMART Water and Energy Efficiency Grants (includes \$100 million for natural infrastructure projects),
- \$100 million for the Cooperative Watershed Management Program,
- \$250 million for Aquatic Ecosystem Restoration Program,
- \$100 million for multi-benefit watershed projects, and
- \$50 million for Colorado River Endangered Fish Recovery programs.

Water Infrastructure: The \$55 billion in new spending includes: \$43.4 billion for the State Revolving Loan Funds (SRF), including \$23.4 billion traditional State Revolving Fund (SRF) activities; a historic \$15 billion for lead service line replacement through the Drinking Water SRF; \$10 billion to address PFAS contamination, with \$5 billion being distributed through the SRFs and \$5 billion going to the small and disadvantaged community grant program; and \$3.5 billion for the Indian Health Service Sanitation Facilities Construction program, including funding for all currently-authorized Indian Water Rights Settlements.

\$2.2B over 5 years for the Aging Infrastructure Account: The Aging Infrastructure Account was created in the 2020 Consolidated Appropriations bill. Its function is to provide funds and funding assistance to The Bureau of Reclamation for costs of certain major, nonrecurring maintenance of bureau-owned water infrastructure at water infrastructure projects across the West that are in need of major upgrades or replacement. As those facilities, most of which are more than 50 years old, continue to age, the issue of treating water thoroughly and in a timely manner only increases. This amount was credited to the Western Water section of the Energy Title.

\$500M over 5 years for the Western Area Power Administration's power purchase and transmission activities: The West and Midwest have over the past year been hit by worsening drought conditions and polar vortex, which has impacted Western Area Power Administration's (WAPA) reserve funds to purchase power on the open market. This funding will provide a critical infusion of funds to ensure that as drought conditions worsen WAPA does not deplete their power purchase funds. A depletion of funds would result in significant rate increases to customers across 15 states.

\$80M in FY22 for NOAA procurement of high-performance computing: This funding will allow the National Oceanic and Atmospheric Association (NOAA) to procure research supercomputing infrastructure used for weather and climate model development to improve drought, flood, and wildfire prediction, detection, and forecasting. NOAA has indicated that this is their highest priority for monitoring and responding to drought conditions.

\$340M for 5 years (total \$1.7B) for Indian Health Services Sanitation Facilities Construction Enhancement: Sanitation and water infrastructure on tribal lands is severely outdated, as was made clear during the COVID-19 pandemic. This funding will be provided for sanitation facilities construction within Indian Health Services at the U.S. Department of Human Health Services (HHS). Such funds would provide for the planning, design, construction, modernization, improvement, and renovation of water, sewer, and solid waste sanitation facilities that are funded, in whole or part, by the Indian Health Service.

\$100M over 5 years for Drought Contingency Plan Funding: The Drought Contingency Plan was agreed between the 7 states of the Upper and Lower Colorado Basins, and approved by Congress, to prepare for increasingly harsh drought conditions. This section provides \$50M each to the Upper and Lower Basins for drought contingency operations, such as monitoring and reclamation at Lake Powell and Lake Mead. This amount was credited to the Western Water section of the Energy Title.

\$40M over 5 years for Missouri River Basin Drought and Snowpack Monitoring: This funding is provided to the Army Corps of Engineers to carry out Soil Moisture and Snowpack Monitoring activities as authorized in section 4003(a) of the Water Resources Reform and Development Act of 2014. These activities will enhance soil moisture and snowpack monitoring in the Upper Missouri River Basin to reduce flood risk and improve river and water resource management in the Upper Missouri River Basin as extreme drought conditions spread across the US.

\$1M for a Soil Moisture and Snowpack Monitoring Pilot Program: This funding will support a NOAA study and pilot program with the State mesonet programs in the Upper Missouri River Basin. The program will study soil moisture and snowpack through a monitoring network in the Upper Missouri River Basin pursuant to section 511(b)(3) of the Water Resources Development Act of 2020. The study will include assessments of:

- The contribution of the soil moisture, snowpack, and other relevant data generated by the network to weather, sub-seasonal and seasonal, and climate forecasting products on the local, regional, and national levels;
- The enhancements made to the National Integrated Drought Information System, the National Water Model, and the United States Drought Monitor, and other relevant national modeling efforts, using data and derived data products generated by the network;
- The contribution of data generated by the network to remote sensing products and approaches; and
- The viability of the ownership and operational structure of the network.

\$618M over 5 years for USDA NRCS Watershed Programs: This section provides \$500M for Watershed and Flood Prevention Operations (WFPO) and \$118M for Watershed Rehabilitation Programs. Both programs are critically important to Western and Midwestern states being hit by drought. WFPO helps units of federal, state, local, and tribal governments protect and restore watersheds up to 250,000 acres. This program provides for cooperation between the Federal government and the states and their political subdivisions to work together to prevent erosion; floodwater and sediment damage; to further the conservation development, use and disposal of water; and to further the conservation and proper use of land in authorized watersheds.

The Watershed Rehabilitation Program helps project sponsors rehabilitate aging dams that are reaching the end of their design lives. This rehabilitation addresses critical public health and safety concerns. Since 1948, the Natural Resources Conservation Service (NRCS) has assisted local sponsors in constructing 11,845 project dams.

\$216M over 5 years for Tribal Climate Resilience. This section provides \$216 million for tribal climate resilience, adaptation, and community relocation planning, design, and implementation of projects that address the varying climate challenges facing tribal communities across the country. Of that, \$130M is for community relocation and \$86M is for climate resilience and adaptation projects.



ENVIRONMENTAL PROGRAMS DIVISION

ENVIRONMENTAL PROGRAMS DIVISION
SOUTHERN UTE INDIAN TRIBE
PO BOX 737 MS #81, IGNACIO, CO 81137
(970) 563 – 0135 (Office) • (970) 563 – 0384 (Fax)

Responses to Comments from Treatment as a State Application Commenters Following Advance Notice of and Request for Review and Comment on the Tribe's Proposed Water Quality Standards

August 4, 2021

By an email transmitted on May 3, 2021, the Southern Ute Indian Tribe provided those entities and individuals who commented on the Tribe's 2015 application to the U.S. Environmental Protection Agency seeking treatment in the same manner as a state under Clean Water Act Section 518(e) for the purposes of implementing water quality standards and a Clean Water Act Section 401 certification program, an advance opportunity to review and comment on the Tribe's proposed water quality standards. On May 14th and June 1st, the Tribe notified these commenters that comments on the proposed water quality standards would be received until June 15, 2021 and a Question & Answer webinar would be held on June 3, 2021. The Tribe received forty-eight comments during this period. The Tribe has carefully considered all of the comments received. This document provides the Tribe's responses to all comments received.

For convenience and clarity, comments or paraphrases of comments are set forth below. Similar comments were received by multiple commenters. To avoid duplicating responses or incorporating responses by reference, the Tribe has grouped comments together by subject matter. The subject matter is set forth in the headings. Comments are italicized to distinguish them from the Tribe's specific responses.

Tribal Authority and Jurisdiction

Comments:

- *Several commenters suggested the Tribe clarify the scope of its authority for setting water quality standards. Specifically, several commenters asked the Tribe to limit its assertion of authority to water bodies located on trust lands. One commenter suggested that "[t]he question of whether the Tribe's water quality standards will apply to fee lands located within the exterior boundaries of the Reservation should be answered before the Tribe's proposed standards go into effect. Otherwise, the owners of fee land within the Reservation's exterior boundaries are put in the impossible position of not knowing where to apply for a permit and who will be conducting 401 certifications."*
- *There is no mention in the draft document of allotted land within the exterior boundaries of the Reservation. It appears as though the Tribe considers allotments in the same manner as Reservation land. It would be useful if the document addressed*

how water on or flowing through allotments would be regarded, and the authority by which the Tribe asserts any authority over water on allotted lands.

Tribe's Response:

The Tribe appreciates and understands these comments. The Tribe's standards apply broadly to all water bodies on the Reservation over which the Tribe has authority to set water quality standards, including EPA delegated federal authority, as well as tribal inherent authority. EPA's delegated authority to the Tribe is limited to water bodies on land held in trust by the United States for the benefit of the Tribe. As stated in Section 1.4 (Applicability) of the Tribe's proposed water quality standards, "[t]he Tribe intends that the standards that it is adopting apply to the water bodies in question [i.e., water bodies located on non-Indian owned fee land] only to the extent that the Tribe has jurisdiction and is not attempting to resolve that jurisdictional issue here." The scope of the Tribe's authority may depend on the definition of "waters of the United States" and on certain facts and circumstances.

The Tribe respectfully declines to further clarify the scope of its authority. The Tribe understands the commenters' desire for clarity, but it is not the Tribe's intention in these standards to resolve all jurisdictional questions relative to the applicability of the standards and respectfully disagrees that it is necessary to resolve the jurisdictional issue before it adopts standards.

Comments:

- *What will be the formality for issuing permits to non-tribal members or on fee lands beyond the exterior boundaries of the Reservation?*

Tribe's Response:

For any activity that originates within the exterior boundary of the Reservation, regardless of whether the applicant is a tribal member or not, the EPA and the U.S. Army Corps of Engineers are the permitting authorities. The EPA, the U.S. Army Corps of Engineers, and the State of Colorado are permitting authorities for projects beyond the exterior boundaries of the Reservation.

Comment:

- *This is more of an informative question, but what has triggered the Tribe to develop and implement their own water quality standards? Besides the Animas River catastrophe, were there other events (i.e., severe, or moderate) that altered/impacted the water quality within the exterior boundaries of the Reservation?*

Tribe's Response:

The Tribe has been working towards implementing its own water quality standards on the Reservation for over 20 years, long before the Gold King Mine spill. Obtaining TAS status under section 303(c) and section 401 of the Clean Water Act gives the Tribe a greater role in protecting water bodies on the Reservation and is an expansion of the Tribe's sovereignty.

CWA 401 Certification

Comments:

- *Several commenters asked for clarification regarding the scope of the Tribe's Clean Water Act Section 401 certification authority.*

Tribe's Response:

On March 28, 2018, the Tribe received treatment-as-a-state status to administer the 401 certification program for activities that result in a discharge that originates in a water body located on tribal trust land. For an activity resulting in a discharge that originates in water bodies on fee land, the EPA has 401 certification authority. The EPA and the U.S. Army Corps of Engineers are permitting authorities for projects on both tribal trust and fee land. It is the Tribe's understanding the CDPHE may currently issue discharge permits to certain facilities located on fee land, however, the Tribe asserts that EPA is the appropriate permitting authority of those facilities. The Tribe's 401 procedures would apply when the Tribe is the 401 certification authority, i.e., when an activity originates on tribal trust land.

Comment:

- *Once the Tribe's Standards have been implemented, if a federal agency is reviewing a permit application for a project on fee land within the Reservation, the Colorado Department of Public Health and Environment (CDPHE) or the EPA would be contacted for 401 Certification. Please clarify what standards would be used to determine compliance under the 401 Certification if the review is completed by the CDPHE or the EPA. Additionally, what role would the Tribe have in the certification process when they are a consulting agency for projects on fee lands?*

Tribe's Response:

Under EPA's regulations for implementing Clean Water Act Section 401, found at 40 C.F.R. Part 121, in deciding whether to grant, grant with conditions, deny, or waive certification, certifying authorities must determine whether a discharge from a proposed project will comply with "water quality requirements." "Water quality requirements" means "applicable provisions of [Sections] 301, 302, 303, 306, and 307 of the Clean Water Act, and state or tribal regulatory requirements for point source discharges into waters of the United States." 40 C.F.R. 121.1(n). Typically, certifying authorities must, among other things, determine the size of the area potentially affected, and take into account potential downstream impacts. When consulted by another certifying authority, the Tribe would anticipate providing relevant information and assistance regarding the meaning of, content of, application of, and methods to comply with water quality requirements.

Comment:

- *We propose that the Tribe include language under sections 6.1 and 7.1 to indicate that the narrative water quality criteria are not grounds for denying 401 Certification when the subject discharge is within the authorized limits of a permit issued by a relevant agency. Discharges authorized by the EPA under a National Pollutant Discharge Elimination System (NPDES) permit or fill discharges authorized under an*

U.S. Army Corps of Engineers (USACE) permit may be contrary to the requirements of the narrative criteria in the Standards. In addition, while the inclusion of a narrative biological criteria is commended and notably consistent with the goals of the CWA Section 101 (a)(2), we suggest adding clarification that the criteria apply to species that are not undesirable or nuisance species as referenced under Section 6.1 (7).

Tribe's Response:

The goal of the narrative water quality criteria is to be able to assess and protect water quality using parameters that humans and biota can directly perceive and in situations where numeric standards for individual pollutants or parameters may not be sufficient. The narrative criteria may be grounds for denying or adding conditions to a 401 certification.

Antidegradation Policy

Comment:

- *Have sections of the river been categorized under tiers as identified in the antidegradation policy?*

Tribe's Response:

For the purposes of its antidegradation policy, the Tribe has not yet categorized river segments by tiers. The Tribe anticipates, at least initially, using a waterbody-by-waterbody approach to implementing its antidegradation policy whenever there is a proposed activity requiring antidegradation review. Under this approach, all segments are categorized as at least tier 1. The Tribe will identify water bodies that will be afforded tier 2 or tier 3 protection on a case-by-case basis whenever there is a proposed activity that could impact water quality, taking into account the pollutant, chemistry of the stream, and other specifics of the proposed activity. The Tribe understands that the state of Colorado currently implements its antidegradation policy by assigning tiers to each specific river segment. However, examining the tiers on a case-by-case basis allows for greater flexibility for the Tribe and dischargers depending on the pollutants and characteristics of the stream at a particular location. The Tribe fully intends to work with permittees and the EPA during the antidegradation review process to ensure tribal waters are protected.

Comment:

- *Are there any tier 3 waters?*

Tribe's Response:

The Tribe has not yet identified any tier 3 waters.

Comments:

- *Clarify the antidegradation policy and how it applies to dischargers within the exterior boundary of the Reservation. Provide an example of what it would look like for a discharger to expand their capacity or upgrade a permit.*

- *Would the Tribe insist these standards be applied to any discharge permit renewals or changes to permits?*
- *As a corollary, SWCD requests clarification on if the Tribe's described anti-degradation review process in its standards proposal is different than the State's, would the permitting authority for fee land have to use both the State's process on fee land and the Tribe's process on Tribal Waters? We note that the Tribe's anti-degradation policy and the State's appear very similar, but we are not clear they are identical. Again, we are also discussing this issue with the State.*
- *Similarly, SWCD requests clarification as to who will issue NPDES permits on fee land within the Reservation boundaries and perform anti-degradation reviews.*
- *On fee lands, does the Tribe oversee monitoring or the non-tribal individual? As part of the antidegradation implementation procedures, if a party is non-tribal, would this individual be responsible for providing all required information, monitoring data, etc.? If not, who would assume these responsibilities and costs?*

Tribe's Response:

Currently, the Tribe has not applied for and has received no delegation from EPA for the NPDES discharge permitting program on the Reservation. That authority is held by EPA. If the Tribe's proposed water quality standards are approved, for projects occurring upstream and within the exterior boundaries of the Reservation, permit writers must take into consideration the Tribe's standards.

The antidegradation policy specifies how the Tribe will determine, on a case-by-case basis whether, and to what extent, water quality may be lowered. Section 13 and Appendix A of the Tribe's proposed water quality standards outline specific procedures governing tribal review, applicant and tribal responsibilities, and approval of a proposed regulated activity that may have some effect on surface water quality. Appendix A of the Tribe's proposed water quality standards outlines the role of the applicant for any proposed activity that may lower water quality, this includes but is not limited to monitoring data. The Tribe fully intends to work with permittees and the EPA during the antidegradation review process to ensure tribal waters are protected, as outlined in the implementation procedures.

Regarding antidegradation review, for federal permits on tribal trust lands, the Tribe will conduct the antidegradation review. For federal permits on fee lands, the Tribe in consultation with the EPA, will conduct any antidegradation review the Tribe deems necessary. The EPA will give notice to the Tribe (through a "neighboring jurisdiction" letter) of any upstream proposed discharges for which, in EPA's view, there is a "reasonable potential" to impact downstream waters on trust land.

Comment:

- *Section 13 Antidegradation General Guidelines in Appendix (p. vi): Based on a limited review of the antidegradation requirements, a few key thresholds stood out to us. The Tribe's regulations identify both 5% and 10% as guidelines for defining significant degradation relative to ambient pollutant concentration. This section is*

unclear and also very stringent. The General Guidelines text currently states (with unclear text in yellow):

As a non-binding rule of thumb, proposed activities that would lower ambient quality of any parameter by more than 5%, reduce the available assimilative capacity by more than 5%, or increase pollutant loadings to a segment by more than 5% will be presumed to pose significant degradation. The intent of this guideline is to establish a de minimis test of significance and to eliminate from further review only those proposed activities that will result in truly minor changes in water quality. Regardless of other considerations, any proposed activity or activities that will cumulatively lower a water quality parameter, lead to a reduction in assimilative capacity, or increase in pollutant loading greater than 10% shall be considered significant degradation.

For comparison, Colorado's guideline is a 15% pollutant concentration change threshold and a 10% bioaccumulative toxics threshold. Additionally, if 100:1 dilution is present in Colorado, a no significant impact determination is made. Antidegradation-driven requirements can be extremely costly for small dischargers due to extremely stringent treatment requirements and can have other unintended environmental consequences (e.g., higher energy requirements and greenhouse gas emissions for treatment processes, disposal of concentrated pollutant reject streams from reverse osmosis, technologically enhanced radioactive material [TENORM]).

Tribe's Response:

The intent of the non-binding rule of thumb is to eliminate from further review the activities that will result in minor changes in water quality. It is the Tribe's understanding that a pollutant concentration change threshold as suggested would not be approvable by EPA. The Tribe intends to work with permittees and the EPA during the antidegradation review process to ensure tribal waters are protected.

Technical

Comments:

- I do think the Tribe's proposed standard of 50 ug/l would affect discharge permits that could be applied to mine drainages near Silverton and may affect the Town of Silverton's discharge permit as well. Silverton's wastewater collection system picks up a lot of metals from infiltration of groundwater under the town. They already have a zinc issue because of it. Durango's wastewater discharge might also exceed 50 ug/l simply because the source water it gets from the Animas has much higher manganese concentrations. Manganese is a particularly difficult and expensive metal to remove from a waste stream. I'd sure like to see the Tribe look at this issue more closely.*
- Secondary Drinking Water Parameters (Manganese, Sulfate, Dissolved Iron): These standards are based on taste and odor issues, rather than human health. These pollutants can occur naturally at concentrations higher than the proposed standards. Colorado's Regulation 31 allows an option for using the existing conditions of these pollutants as of January 1, 2000, as an alternative basis for the standards where*

naturally occurring concentrations are elevated. (Note: chloride is also a Secondary Drinking Water Standard, but does not receive this allowance.) Dissolved manganese is an impairment listing on Colorado's 2022 303(d) List for the Animas River and some of its tributaries in Colorado, even with allowance of a January 1, 2000 standard option. Has the Tribe considered inclusion of a provision that recognizes naturally occurring elevated conditions for these Secondary Drinking Water parameters?

- *SWCD requests that the Tribe not adopt water quality standards that are currently not being met because of natural conditions, particularly if it is likely that those standards may need to be revisited at a triennial review in the next few years. Levels of some water quality constituents whose sources are predominately natural currently exceed or may exceed the Tribe's proposed standards. For example, concentrations of manganese in the Animas River on the reservation are 100 to 150 micrograms per liter (ug/l) and most of the manganese originates from naturally mineralized areas upstream in San Juan County. The proposed tribal standard for public water supply is 50 ug/l, far less than existing concentrations in the river. We understand that the La Plata River also has high manganese concentrations, although we haven't yet seen any data. Our concern is that it is much easier and less resource intensive process to apply stricter standards in the future if needed than to loosen standards in the future if they are determined to be too stringent given natural sources. Temperature, manganese, and aluminum are constituents that we have identified so far where there may be concerns. Although we have not seen aluminum data for the Animas River on the Reservation, EPA's relatively new, chronic aquatic life criteria is far exceeded in the Animas River just below the confluence with Cascade Creek. The State has not adopted EPA's aquatic life aluminum criteria and currently has retained its older standard because of concerns that the criteria does not provide the appropriate level of protection.*

Tribe's Response:

The Tribe's proposed water quality standards aim to achieve the highest attainable use. Under Section 8.1(4)(d) of these standards, the Tribe may adopt site-specific numeric criteria when "the concentration resulting from natural background exceeds numeric criteria for aquatic life or other uses." The natural background sources versus the anthropogenic or anthropogenic-exacerbated sources would need to be studied and examined prior to any site-specific adoption of any pollutant. If the Tribe should modify a specific-criteria or, if a site- or segment-specific criteria needs to be developed, the Tribe will consider doing so by reviewing data presented during a triennial review. A full scientific defensible study may be provided to the Tribe if a site-specific standard is proposed for any segment.

Comment:

- *Are there particular contaminants of concern for the Tribe that may be at or near exceeding the water quality standards proposed?*
- *What pollutants or non-point sources (i.e., chemical, physical, or biological) have been most concerning to and determinantal to the Tribe? Is it an accumulation of nutrient loads being dispersed from upstream sources?*

Tribe's Response:

The Tribe is equally concerned about all potential contaminants and is interested in maintaining the water resources in a manner that protects the health, welfare, and environment of the tribal membership, the broader Reservation community, and the Reservation.

Comment:

- *Is the data used to develop these standards going to be made available?*

Tribe's Response:

The data used by the Tribe is already publicly available. Pursuant to the EPA federal grant guidelines, all water quality data collected currently, and in the past, is regularly uploaded to the EPA water quality database, Water Quality Exchange Portal or WQX, for public access.

Comment:

- *In review of SUIT's Proposed Water Quality Standards, the [New Mexico Environment] Department notes a few distinctions from State standards, as explained below. One of the variations noted is the difference between SUIT's proposed acute and chronic temperature criteria and the State's criteria. For example, the acute (maximum) temperature criteria are different for each of the subcategories (e.g., SUIT's proposed cool water maximum temperature criterion is equivalent to New Mexico's cold water aquatic life use maximum temperature criterion). In addition, for chronic temperature criteria, the Department uses an exposure criterion with either a four or six consecutive hour maximum occurring over a three consecutive day period; SUIT proposes a more conservative maximum weekly average temperature that is several degrees lower than State criteria.*

Tribe's Response:

The Tribe appreciates the Department noting these temperature designations in the proposed water quality standards.

Comment:

- *Further, the [New Mexico Environment] Department notes that for Pine River (Segment 3 from Dry Creek to the New Mexico State Line), the proposed aquatic life use is warm water with a maximum temperature criterion of 30C and a maximum weekly average temperature of 27C. Pine River (a.k.a. Los Pinos River) in New Mexico has a cold water aquatic life use with a maximum temperature criterion of 24C and a maximum 6-hour, 3-day temperature of 20C. The Department is not concerned about these differences given the information from the SUIT's evaluation. The Department noted that the State's aquatic life designated use for Los Pinos River may be unattainable and is considering an analysis to determine the appropriate aquatic life use.*

Tribe's Response:

The Tribe appreciates the Department noting these uses in the proposed water quality standards.

Comment:

- *As it pertains to recreational uses, both the State and SUIIT have equivalent criteria for primary contact, and SUIIT's secondary contact criteria is equivalent to the criteria for primary contact. The [New Mexico Environment] Department noted that the La Plata River (Segment 3), as it comes into New Mexico, is designated with a secondary contact recreational use; however, the Tribe's proposed secondary contact criterion is equivalent to New Mexico's primary contact criterion for the same tributary. Therefore, this designation poses no issue for New Mexico.*

Tribe's Response:

The Tribe appreciates the Department noting these criteria in the proposed water quality standards.

Comments:

- *The Standards have established designated uses for ephemeral washes (Section 5.7, Table 14). Since ephemeral washes are exempt from regulation under the NWPR, we are hoping to determine the reasoning for including designated uses for these washes.*
- *Section 5.7, Table 14. Designated Uses for Ephemeral Washes: As defined in the proposed standards, "Ephemeral Waters are water bodies that flow or contain water only in direct response to precipitation in the immediate watershed. The stream channel of such a water body is generally above the adjacent water table." Thus, ephemeral washes are typically dry except in direct response to precipitation events. The proposed designated uses of Public Water Supply, Recreation 2, Agricultural, and Aquatic Warm 2 Uses for all ephemeral washes reservation-wide seem overly stringent and not well supported. We recommend removing some or all of the use designations for ephemeral washes. For example, basic protections could be provided by applying an Agricultural Use designation only.*

Tribe's Response:

Ephemeral washes are an important component of the watershed that require protection. The scientific literature regarding the biological importance of nonperennial waters is robust and shows the diversity and sensitivity of species that occupy these systems. Although EPA may be limited in the extent to which it can approve the Tribe's standards, the Tribe is not limited to asserting its federally delegated authority for setting water quality standards. Without attempting to resolve the precise parameters of its inherent authority, the Tribe is also establishing its water quality standards based on its inherent authority.

Comment:

- *In the definitions of the Standards, increased temperature can be considered a pollutant. This is concerning because agricultural diversion causes the de-watering of streams, which can cause the stream temperatures to rise. Section 2.2 of the*

Standards states: “Implementation of these water quality standards shall not interfere with the lawful diversion of water pursuant to decreed water rights.” Additionally, the NWPR exempts groundwater from regulation. To fulfill the Section 2.2 implementation mandate and for consistency, we would propose the following definition changes.

- (1) Nonpoint Source of Pollution means any source of pollutants to surface waters that is not from a single attributable location. Nonpoint source pollution is typically associated with water moving over or through the ground and can originate from many types of diffuse sources (e.g., agricultural, ranch and forest lands, construction sites, development, urban runoff, atmospheric deposition, etc.). **Non-point source discharge from agricultural activities originating off Tribal land is exempt from these standards.***
- (2) Point Source is any discernible, confined and discrete conveyance including, but not limited to, any pipe, ditch **(not including irrigation ditches)**, channel, sewer, tunnel, conduit, well, discrete fissure, container, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. **Point Source does not include irrigation return flows or hydro-electric conveyance structures on agricultural facilities.***
- (3) Pollutant includes, but is not limited to dredged soil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954 as amended, 42 U.S.C. Section 2011, et seq.), heat **(except to the extent caused by dewatering due to agricultural diversions)**, wrecked or discarded equipment, oil, mine tailings, rock, sand, cellar dirt and industrial, **municipal, and agricultural waste (excluding return flows from irrigation)** discharged into water.*
- (4) Pollution includes such contamination, or other alteration of the physical, chemical, or biological properties of any waters of the Tribe, **except to the extent caused by dewatering due to agricultural diversions**, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance, or any exotic biota into any waters of the Tribe that will or is likely to create a nuisance to or impair any beneficial use of such waters.*

Tribe's Response:

As described in Section 2.2 of the proposed water quality standards, the standards will not interfere with the lawful diversion of water pursuant to decreed water rights. Furthermore, many activities related to agriculture are exempt under the CWA. The Tribe respectfully declines to make the suggested changes.

Comment:

- *Arsenic: The “Water + Organism” standard for arsenic of 0.018 ug/L has numerous temporary modifications to the standard (rounded to 0.02 ug/L) in Colorado as Colorado works through its 10-year Water Quality Roadmap. For segments with Water Supply only, Colorado currently allows use of a hyphenated standard where 0.02 ug/L is retained as the underlying standard, but assessment and permit limits are based on the drinking water standard of 10 ug/L. The 0.018 ug/L standard is below the limit of technology for treatment and below the practical quantitation limit of 1 ug/L for laboratory analysis of samples (in Colorado standards). Adopting the 0.018 ug/L arsenic standard may result in impairment listings without a feasible mechanism to meet the standard. Based on Colorado’s 2022 303(d) List, this is expected to be a likely issue on the Animas River, Florida River, Dolores River, La Plata River, Rio Blanco River, and possibly others. Has the Tribe considered a delay in adoption of this standard with a higher interim value to allow time to further explore this issue, similar to Colorado’s approach in the 10-year Water Quality Roadmap?*

Tribe's Response:

The Tribe’s proposed water quality standards aim to achieve the highest attainable use. Under Section 8.1(4)(d) of these standards, the Tribe may adopt site-specific numeric criteria when “the concentration resulting from natural background exceeds numeric criteria for aquatic life or other uses.” If the Tribe should modify a specific-criteria or, if a site- or segment-specific criteria needs developed, the Tribe will consider doing so by reviewing data presented during a triennial review. The natural background sources versus the anthropogenic or anthropogenic-exacerbated sources would need to be studied and examined prior to any site-specific adoption of any pollutant. A full scientific defensible study may be provided to the Tribe if a site-specific standard is proposed for any segment.

Comment:

- *Selenium: In areas with naturally occurring selenium-bearing formations (e.g., Mancos shale), it may not be possible to meet EPA’s new more stringent selenium criteria. This is also a topic in Colorado’s 10-year Water Quality Roadmap process. Has the Tribe considered adopting Colorado’s current water-column based standard of 4.6 ug/L (chronic) and 18.4 ug/L (acute) that correspond to EPA’s previously recommended selenium values? Colorado agencies are currently conducting selenium-related studies on fish species in Colorado that could support an alternative standard(s) that would be protective and perhaps more reasonably attained. Based on review of Colorado’s 2022 303(d) List, it appears that selenium issues may not be significant on the Tribe’s land; however, selenium impairments have been identified in Colorado on the main stem of the Mancos River.*

Tribe's Response:

The Tribe's proposed water quality standards aim to achieve the highest attainable use. Under Section 8.1(4)(d) of these standards, the Tribe may adopt site-specific numeric criteria when "the concentration resulting from natural background exceeds numeric criteria for aquatic life or other uses." If the Tribe should modify a specific-criteria or, if a site- or segment-specific criteria needs developed, the Tribe will consider so by reviewing data presented during the triennial review. Current water quality data collected by the Tribe do not indicate a concern regarding selenium concentrations. When measured, selenium concentrations are below the proposed standard for all reaches sampled within the last 5 years.

Comment:

- *pH: What is the basis for the 6.6 pH standard? EPA's recommended aquatic life criteria for pH range from 6.5 to 9.0. We wonder if the reference to 6.6 in several locations in the draft standard could be a typographical error.*

Tribe's Response:

Thank you for this comment. The Tribe has reconsidered the pH range and revised the standard to a range of 6.5 to 9.0.

Comment:

- *Specific Conductance: Specific conductance can vary dramatically in streams depending on the dominant source of flows. For example, during low flow conditions where streamflow is dominated by groundwater, conductivity can be quite high in some areas. We suggest deleting this standard. Specific conductance is not included as a stream standard in Colorado; however, Water Quality Policy 24 "Implementing Narrative Standards in Discharge Permits for the Protection of Irrigated Crops" still provides a regulatory mechanism to limit electrical conductivity (EC) and sodium absorption ratio (SAR) in discharge permit limits for the purpose of protecting water used for crop irrigation. It may be advantageous to omit the specific conductance stream standard but rely on permitting policies and limits to manage conductivity levels in discharges (e.g., through EC/SAR limits).*

Tribe's Response:

The wide range of this criteria was developed with the noted variations in mind. In the interest of protecting tribal waters from spills and accidental discharges, and to quantify the extent of those incidences, the specific conductance standard is an important criterion.

Comments:

- *Temperature: We applaud the Tribe's efforts to collect empirical data to support segment-specific temperature standards. However, we have some concerns that it may be premature to adopt these standards based on the limited temperature data available. For example, even though the temperature data were measured over an 8-year period cumulatively, each stream segment has a much more limited data set, with some segments only having one season or one year of monitoring. The Animas*

and San Juan segments have the longest records at approximately 3 to 3.5 years. Although the work that the Tribe completed to collect segment-specific temperature data is valuable, the data collection period may not reflect the range of temperature conditions naturally occurring on various stream segments.

Based on information provided in the Rationale document, it appears that the Pine River Segment 3, Animas River Segments 1 through 3, La Plata River Segment 3, Stollsteimer Creek, and Capote Reservoir do not meet the proposed acute temperature standards. (A comparison of chronic temperature standards is not provided in the rationale.) Based on the comparison of the Colorado, New Mexico and the Tribes' proposed temperature standards for the Animas River, it appears that the Tribe's proposed standards are lower and also not currently attained for the three segments. Although the Animas temperatures are most similar to the Cool category proposed by the Tribe, these segments would nonetheless be considered impaired for temperature using the Tribe's proposed standard. We note, however, that they would meet the New Mexico standard.

We also suggest clearly defining how the temperature standards are assessed and what types of excursions are allowed due to warming events and/or air temperature, low flows, winter shoulder season, etc. In terms of assessment, a general statement is provided: "An appropriate assessment procedure shall be used to identify when such excursions are or may be impairing aquatic life." We think it would be beneficial to define allowable excursions at least at a basic level in the regulations. For example, can the maximum daily and weekly average temperatures be exceeded once every three years? (See Colorado Regulation 31 Table 1 footnotes as examples.) Also, the temperature standard in the Tribe's Table 20 appears to have an "o" footnote that is not included in the draft.

In summary, based on the available information, it appears that additional segment-specific work is needed to assign appropriate temperature standards for several segments. We are not opposed to the general approach being used by the Tribe, but we recommend additional segment-specific refinement and explicit provision for allowable excursions.

- *The La Plata Water Conservancy District (LPWCD) has concerns with the proposed temperature designations along the La Plata River. The La Plata River segments on the Southern Ute Indian Reservation have been designated Warm 1 and Warm 2 under the CDPHE. The proposed Standards designate the river as Cool from the northern boundary of the Reservation to the confluence with Cherry Creek and from the confluence with Long Hollow to the New Mexico border. The section of river from Cherry Creek to Long Hollow is designated as Warm. The river often has naturally low flows through a stretch that begins below Breen and above Cherry Creek. It is likely that this part of the river will not meet the Cool temperature requirements. The change downstream from a Warm designation to a Cool designation below Long Hollow is also likely to be a challenging requirement. Despite receiving additional inflows from Long Hollow and return flows from*

irrigation, the river is lower in elevation and coming from a stretch that is expected to have increased temperatures. The change from winter to summer temperatures in mid-April presents additional concerns as the area typically has increased temperatures earlier in the year. LPWCD requests the Tribe reconsider the temperature designations for these parts of the La Plata River based on the conditions of the La Plata River.

Tribe's Response:

Thank you for this thoughtful comment. The Tribe used empirical water temperature data to set the temperature standards for each river segment. The most current stream temperature data was used to determine temperature thresholds for the various reaches. The Tribe may decide to modify the temperature designations by reviewing data presented during a triennial review of its standards.

Two footnotes were added to Table 15 of the proposed water quality standards that further define the duration and frequency calculations for the temperature standards.

The footnote for temperature in Table 20 has been deleted.

Comment:

- *Description of Duration and Exceedance Frequency Components of Standards: To fully understand numeric standards, three components need to be clearly described: 1) magnitude, 2) duration over which the standard is assessed, and 3) frequency of allowed exceedances. The Tribe provides the magnitude component of the standard, but does not provide information on the additional components of the standards for most pollutants, with the exception of E. coli. As examples of information that could be added to improve clarity, see the footnotes for Tables 1 through 3 in Colorado's Regulation 31.*

Tribe's Response:

Thank you for the comment. Two footnotes were included below Table 15 to further describe the duration and frequency of the temperature standards. Footnotes were also added to Table 20, numeric criteria for aquatic life, and Table 21, numeric criteria for human health, to describe the duration and frequency criteria of the standards.

Comment:

- *Section 8.1 Establishing Numeric Criteria, #3. To allow the Tribe more flexibility in developing site-specific standards, we suggest deleting the following statement: "Ambient acute criteria shall be based on the default values in this document." Temperature is an example of why this flexibility may be needed. As currently written in the Tribe's Water Quality Standards, acute temperature standards are exceeded on several segments. This sentence significantly constrains the Tribe's ability to develop a more appropriate segment-specific temperature standard.*

Tribe's Response:

The Tribe's proposed water quality standards aim to achieve the highest attainable use. Under Section 8.1(4)(d) of these standards, the Tribe may adopt site-specific numeric criteria when "the concentration resulting from natural background exceeds numeric criteria for aquatic life or other uses." If the Tribe must modify a specific-criteria or, if a site- or segment-specific criteria needs developed, the Tribe will consider doing so during a triennial review. A full scientific defensible study may be provided to the Tribe if a site-specific standard is proposed for any segment. No changes to the standards have been made regarding this comment.

Comment:

- *Section 11 Outstanding Tribal Resource Waters (OTRW): The confidential classification aspect of this designation seems potentially challenging to administer. With a confidential classification it would be difficult to evaluate discharge permit requirements as listed in Table 22 if the relevant segments are unknown.*

Tribe's Response:

The text in the proposed water quality standards states that the Tribe holds the option of keeping OTRW confidential. The Tribe has not yet assigned an OTRW designation to any water body on the Reservation. This section may be examined as part of a triennial review if it poses administrative burdens to implement.

Comment:

- *Colorado's Regulation 31 provides explicit criteria related to upgrading and downgrading standards with provisions that reference naturally occurring conditions (e.g., Section 31.6). We suggest that the Tribe consider incorporating similar provisions.*

Tribe's Response:

The Tribe's proposed water quality standards aim to achieve the highest attainable use. Under Section 8.1(4)(d) of these standards, the Tribe may adopt site-specific numeric criteria when "the concentration resulting from natural background exceeds numeric criteria for aquatic life or other uses." If the Tribe must modify a specific-criteria or, if a site- or segment-specific criteria needs developed, the Tribe will consider doing so during a triennial review. The natural background sources versus the anthropogenic or anthropogenic-exacerbated sources would need to be studied and examined prior to any site-specific adoption of any pollutant. A full scientific defensible study may be provided to the Tribe if a site-specific standard is proposed for any segment.

Comments:

- *An assessment methodology needs to be applied to water quality data to determine if there is a violation of standards. Those assessments are also an integral part of developing impaired waters lists under section 303(d) of CWA. Tribes or states need to certify under section 401 of CWA that activities occurring under a federal license or permit, including under section 404 permits and Federal Energy Regulatory*

Commission (FERC) licenses, will not violate applicable Tribal and State water quality standards.

- *SWCD requests that the Tribe develop a document or tables listing what assessment parameters will be used for each of the water quality standards listed in the Tribe's proposal. The Tribe is adopting EPA criteria for a number of water quality constituents. Those criteria typically include assessment parameters for determining if a violation of the criteria has occurred. (For example, for a chronic criterion, the 85th percentile of data collected may not be higher than the criterion over a thirty-day period). This list will directly help the Tribe in assessing possible violations of its standards. In addition, the Tribe did not apply for, and EPA did not delegate authority, under section 303(d) to develop impaired waters lists. As a result, we presume EPA will develop 303(d) lists for Tribal Waters and possibly for other waters within the exterior boundaries of the Reservation. Clearly, having an assessment document or table would be beneficial in developing an impaired waters list. It will also help those upstream of Tribal Waters in understanding what constituents might be treated differently by the Tribe in comparison to the State. This is important because there are constituents where the State has adopted EPA's numeric criteria, but uses different assessment parameters than what EPA suggests.*

Tribe's Response:

The Tribe does not have CWA 303(d) authority. Therefore, the development of an impaired waters list and assessment methodologies are not required by EPA. The Tribe's authority is limited to CWA Sections 303(c) (standard setting) and 401 (certification).

Outreach

Comment:

- *Has the Tribe consulted with CDPHE on these standards?*

Tribe's Response:

The state of Colorado was provided an advanced comment period which occurred from November 17, 2020 through January 29, 2021. The State's comments, along with the Tribe's responses, can be found in the response to comment document dated April 7, 2021, which are available for a limited time at <https://www.southernutensn.gov/justice-and-regulatory/epd/public-comments/>.

Comment:

- *Will the Tribe have a public hearing for these standards?*

Tribe's Response:

Pursuant to 40 CFR 25.5, the Tribe will engage in a comment period that satisfies all federal requirements set by the EPA, which will include a public hearing.

Comment:

- *The Tribe has given parties that commented last year on its Treatment as a State (TAS) application to EPA a thirty-day time period to comment on the Tribe's*

proposed water quality standards. Thirty days is a short timeframe for SWCD to develop comments, particularly since SWCD's board has regular meetings every two months. Our understanding is that the Tribe will have a general public comment period starting sometime in July. With more time to better understand the implications of the Tribe's proposal, SWCD may provide additional comments during the public comment period.

Tribe's Response:

The Tribe appreciates this comment and understands that the SWCD may provide additional comments during the public comment period.

Comment:

- *We understand that adopting water quality standards for Tribal Waters is a new and complicated process. As noted above, there are a number of implications that are not addressed in the Tribe's proposal that create uncertainty. SWCD would like to see as many of these issues resolved as possible before the Tribe acts on its draft proposal to reduce uncertainty for those on fee lands and others upstream of Tribal Waters. We look forward to working with the Tribe, the State and EPA to reduce uncertainty associated with the Tribe adoption of its own water quality standards and believe that some discussion on these issues would be beneficial before the public comment period begins.*

Tribe's Response:

Thank you for the comment. The Tribe appreciates the discussions regarding all aspects of its proposed standards. The Tribe intends to discuss and work collaboratively with all interested individuals, organizations, and agencies concerning its proposed water quality standards. The Tribe will be inviting additional comments during the general public comment period.



Steve Wolff <steview@swwcd.org>

Upcoming Measurement Rules Effort

1 message

Rein - DNR, Kevin <kevin.rein@state.co.us>

Tue, Jul 27, 2021 at 1:09 PM

To: Alden VB <aldenvb@yahoo.com>, Jason Turner <jturner@crwcd.org>, "Kathleen Curry (kathleencurry@montrose.net)" <kathleencurry@montrose.net>, etolen@laplawd.org, Andy Rossi <arossi@upperyampawater.com>, Jeff Comstock <jcomstock@moffatcounty.net>, Andy Mueller <amueller@crwcd.org>, schavez@ugrwc.org, steview@swwcd.org
Cc: Bob Hurford - DNR <bob.hurford@state.co.us>, James Heath - DNR <james.heath@state.co.us>, Erin Light - DNR <erin.light@state.co.us>, Robert Genualdi - DNR <robert.genualdi@state.co.us>, Mike Sullivan - DNR <mike.sullivan@state.co.us>, Lain Leoniak <Lain.Leoniak@coag.gov>

The objective of this e-mail is to inform you that I will soon announce that the State Engineer's Office will begin a rulemaking process for measurement rules in West Slope river basins. Rulemaking will begin with stakeholder meetings in the communities of the Yampa-White-Green, the Colorado, the Gunnison, and the Animas-La Plata-Dolores - more succinctly, water divisions 4, 5, 6, and 7.

This e-mail is being specifically addressed to:

Basin Roundtable Chairs:

Yampa-White-Green Chair, Alden Vanden Brink

Colorado River Chair: Jason Turner

Gunnison River Chair: Kathleen Curry

Southwest Chair: Ed Tolen

Others

Upper Yampa Water Conservancy District Manager: Andy Rossi

Rio Blanco Water Conservancy District: Alden Vanden Brink

Moffat County Natural Resources Department: Jeff Comstock

Colorado River Water Conservation District: Andy Mueller

Upper Gunnison River Water Conservancy District Manager: Sonja Chavez

Southwestern Colorado Water Conservation District Manager: Steven Wolf

Copies to Division Engineers:

Bob Hurford

James Heath

Erin Light

Rob Genualdi

Along with Deputy State Engineer, Mike Sullivan, I will soon announce a public webinar through a Zoom meeting to inform listeners of our plan to initiate rulemaking for measurement rules only - different from compact compliance administration rules - and to schedule local, in-person stakeholder meetings. The timing of those meetings will be phased over time from basin to basin. As a part of that webinar, we will provide more information on the timing and other items related to the process for developing measurement rules and their content.

We'd like your help both in getting the word out to water users and in participating in the stakeholder engagement process so we can develop functional rules that best accommodate the needs of the water users.

There are many areas on the West Slope where measuring devices are not in place. This makes water administration by the Division Engineer difficult when there is a need to place a call and curtail junior water rights to prevent injury to senior water right holders. Even though our Division Engineers already have statutory authority to order the installation of measuring devices, from past experience we have learned that while the prospect of rulemaking is

daunting and has potential to create concern from all water users, an inclusive rulemaking process allows for stakeholder participation and engagement to create measurement rules that will work best for all water users in the various river basins.

We also want to be responsive to interstate compact concerns in the Colorado River Basin. While I maintain that compact administration is not imminent, we need to prepare for that potential someday. Measuring devices will be necessary should compact administration be necessary and measurement rules are the best possible approach to ensuring we have appropriate measuring devices in the West Slope basins.

Importantly, I would like to ask you and your organizations to assist Mike and me by participating in the meetings to be scheduled after the webinar, helping identify stakeholders in your area and locations for the meetings, and getting the word out about the stakeholder meetings. We believe that local involvement will lead to better measurement rules and buy-in from the water users, which will help with implementation and compliance.

We value your involvement as Mike and I plan our stakeholder meetings and look forward to coordinating these next steps with you. Please contact us if you have questions about whether you're willing to help us. We will contact you after the webinar to discuss the logistics of basin-specific meetings. Thanks in advance.

Kevin G. Rein, P.E.
State Engineer, Director



COLORADO
Division of Water Resources
Department of Natural Resources

Mobile: 303.358.3022
1313 Sherman Street, Room 818, Denver, CO 80203
kevin.rein@state.co.us | <https://dwr.colorado.gov/>



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

August 4, 2021

To: Steve Wolff, General Manager

From: Chris Treese, Independent Consultant

RE: **SB21-293 Impact Analysis**

Action: No action is requested related to this memo. However, the Board should be aware of the small reduction in District property tax revenue collections in 2023 and 2024 budgets. Additionally, the Board should be aware of the still small but more significant reductions proposed by Initiative #27 and may wish to take a position on #27 if it qualifies for the November ballot.

Bottom Line: A detailed but still preliminary analysis of the effects of Senate Bill 293 suggests that the District will suffer between a one-quarter and one-third of one percent reduction in property tax collections in 2023 and 2024 budget years. My projections are a reduction of roughly \$4,500 each year. This level of reduction will likely be offset by increases attributable to new construction, annual oil and gas production fluctuations, and the 2023 reassessment.

True Confessions: My initial reading of the legislature's SB21-293's fiscal note, the related media reports, and my initial spreadsheet projections indicated a much larger impact to SWCD, along the lines of 20% reductions. After closer examination and confirming with the legislature's fiscal analyst, my worst fears were allayed but not before I scared you and Laura with my initial findings. Sorry.

Note: Since Montrose, Mineral and Hinsdale counties are not wholly within SWCD, I excluded them from my calculations. These three counties combined represented only 1.1% of SWCD's 2021 property tax collections, and there is no reason to believe that the portions of these three counties within SWCD would be affected significantly differently than the six "whole" counties. Therefore, my estimate of 'roughly \$4,500 reduction' remains valid.

Background: In November 2020, Colorado voters approved Amendment B, the Gallagher Amendment Repeal and Property Tax Assessment Rates measure. Amendment B repealed the

1982 Gallagher Amendment, which set residential and non-residential property tax assessment rates in the state constitution. Amendment B allowed the legislature last year to freeze property tax assessment rates at the current rates of 7.15% for residential property and 29% for non-residential property. Amendment B allows the state legislature to provide for future property tax assessment rate decreases through state law while continuing to require voter approval for rate increases consistent with TABOR provisions.

Prior to passage of SB 293, there were only two classes of property for assessment rates, residential and non-residential. The assessment rate for residential property varied in order to maintain the constitutionally-set ratio of residential to non-residential assessments. The assessment rate for residential for 2021 is 7.15%, and the assessment rate for nonresidential property is 29.0%.

The Colorado General Assembly introduced and passed Senate Bill 21-293 in the final ten days of this year's session. SB 293 was a Joint Budget Committee (JBC) bill. It was motivated largely by the prospect of Citizen's Initiative #27 (more on Initiative# 27 below).

For budget years 2023 and 2024 only, SB 293 reduces the property tax assessment rate for all residential properties, with a separate rates for multi-family residential properties, agricultural property, and property used for renewable energy production.

For property tax years 2022 and 2023, the bill reduces the assessment rates for certain subclasses of property as follows:

- the assessment rate for multifamily residential property is reduced to 6.80%*;
- the assessment rate for all other residential property is reduced to 6.95%;
- the assessment rate for agricultural, non-residential property is reduced to 26.40%; and
- the assessment rate for non-residential property used to produce renewable energy is reduced to 26.40%.

*The provision of the bill that reduces the assessment rate for multifamily residential property takes effect only if Initiative #27 is not approved at the November 2021 statewide election or if no such measure is on the ballot.

Senate Bill 293 also amends the existing property tax deferral program. However, since the state "back fills" revenue losses to local governments under this program, it is not important to SWCD nor relevant to this analysis.

To calculate property taxes, a property's actual value is multiplied by an assessment rate to determine its assessed value. The assessed value is then multiplied by local mill levies to determine the amount of property tax due. The TABOR amendment prohibits increasing tax rates, including mill levies, without voter approval, even if the government's assessed value declines. This is sometimes referred to as the "ratchet effect." SWCD has not "de-Bruced" and therefore cannot raise its mill levy beyond its current 0.407 mills. Therefore, a decline in the District's assessed value, whether because of economic conditions, oil & gas production or price levels, statute (like SB 293), or initiative (like #27), the District's property tax revenues will decline a roughly commensurate amount.

As noted above, the impact to SWCD from implementation of SB 293 should be minor. More than 92% of the District's total assessed value is represented by non-residential property that does not enjoy any reduction in its assessment rate (29%). Additionally, the reductions in assessment rates for residential and the three new classes of property are relatively minor. Therefore, the property tax revenue collections for the two years implicated by SB 293 should be unaffected.

Initiative #27: The Title Board approved title setting and signature gathering on Citizen's Initiative #27. Proponents submitted a reported 190,000 signatures this week on the petitions for Initiative #27. 124,632 valid signatures are required to qualify an initiative for the ballot. If a sufficient number of valid signatures are verified, it will be on this November's ballot.

The approved ballot title and submission clause is:

Shall there be a change to the Colorado Revised Statutes concerning property tax reductions, and, in connection therewith, reducing property tax revenue by an estimated \$1.03 billion in 2023 and by comparable amounts thereafter by reducing the residential property tax assessment rate from 7.15% to 6.5% and reducing the property tax assessment rate for all other property, excluding producing mines and lands or leaseholds producing oil or gas, from 29% to 26.4% and allowing the state to annually retain and spend up to \$25 million of excess state revenue, if any, for state fiscal years 2022-23 through 2026-27 as a voter-approved revenue change to offset lost revenue resulting from the property tax rate reductions and to reimburse local governments for revenue lost due to the homestead exemptions for qualifying seniors and disabled veterans?

#27 would reduce assessment rates for both residential and nonresidential properties. #27 would reduce the residential assessment rate from 6.95% (the new rate set by SB 293) to 6.5%. In contrast to SB 293, #27 would reduce the assessment rate on nearly all non-residential property from 29% to 26.4%. These are greater reductions than created by SB 293 and most significantly reduces by 9% the non-residential property assessment ratio. SB 293 effectively made no change in the current 29% ratio. #27 does not create any new classifications of property.

Non-residential property assessments currently comprise 91% of the District's assessed value. Therefore the 9% reduction in the assessment rate for non-residential properties will have a significant impact on District property tax collections. Additionally, #27 if qualified for the ballot and approved by voters will impact every year's budget starting with 2023, not just SB 293's effect on 2023 and 2024.

Statewide, the fiscal impact of #27 is projected to be greater than \$1 billion. Contrast this with SB 293's fiscal note projecting a statewide reduction in property tax revenues of \$200 million.

There are conflicts between Senate Bill 293 and Initiative #27. SB 293 amends the underlying statutes that the initiative proposes to change. Therefore, a reliable projection of the fiscal impact of #27 to SWCD is not possible at this time.

However these legal conflicts are resolved, there will be sizeable reductions in property tax collections by all local governments statewide. Since SWCD relies predominantly on property

taxes for its budget, SWCD will be disproportionately affected relative to most other local governments.

If #27 passes in November, I anticipate additional legislation in 2022 attempting to resolve the conflicts and mitigate the impacts to local governments.



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

August 4, 2021

To: Steve Wolff, General Manager
From: Chris Treese, Independent Consultant
RE: **Legislative Representation, Colorado**

Action: I suggest the Board give its initial approval to selection of legislative representation at the Capitol. Further, the Board should give direction to staff and consultants to issue a limited-distribution Request for Proposals (RFP) for such representation. Final selection and budgeting would occur during the 2022 budget process.

Denver Lobbyist. As evidenced by past investment, the Board recognizes the importance of keeping apprised of and maintaining a voice in the legislative process. In the past, the General Manager traveled nearly every week to Denver Sunday afternoon, returning Monday afternoon. This was expensive and perhaps not the best or most effective use of the GM's time and District resources. This year, the Board contracted with me to provide representation primarily through virtual and electronic media. This worked reasonably well during COVID-related travel and meeting restrictions; however, hiring someone, or a team, who is Denver-based and routinely at the Capitol and readily available to legislators would be more valuable to both the District and to your elected officials.

I still foresee an in-person role for the GM but at a much-reduced level of involvement. Infrequent, but timely, GM travel to Denver can add gravitas to the GM's presence and message.

I am willing to compose a simple RFP for GM and GC approval. After consultation with the GM regarding prospective lobbyist candidates, I would email that select group and assist in evaluation of proposals. To minimize travel expenses, I believe we can conduct most if not all interviews in Steamboat Springs in association with the summer CWC conference at the end of this month or virtually.

All communications would include a clear 'disclaimer' that final selection is subject to board approval and annual budgeting.

My primary criteria in seeking legislative representation for SWCD will be the ethics, communications skills, and insights that the District wishes to be associated with and represented by.



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

July 14, 2021

To: Steve Wolff, General Manager

From: Chris Treese, Independent Consultant

RE: Interim Water Committee, changes

The Colorado General Assembly's Legislative Council just announced several changes to the Water Resources Review Committee (aka, Interim Water Committee) for 2021.

Senator Kerry Donovan (D-Vail) has been designated chairman and Rep. Barbara McLachlan (D-Durango) has been designated vice chair.

The other Senate members of the committee are:

Senator Jerry Sonnenberg (R-Sterling),
Senator Don Coram (R-Montrose),
Senator Jeff Bridges (D-Greenwood Village) and
Senator Sonya Jaquez Lewis (D-Lafayette).

The other House members are:

Representative Hugh McKean (R-Loveland),
Representative Marc Catlin (R-Montrose),
Representative Karen McCormick (D-Hygiene), and
Representative Dylan Roberts (D-Eagle).

Previously, the chair and vice-chair were not named. Additionally, Senator Jaquez Lewis and Representative McCormick are newly named. These are two additions, no removals or replacements.

As expected, Senator Donovan was named chair. Representative McCormick, as chair of House Ag. Committee, was a notable omission from the original committee membership, but still an oddity that she was not named vice-chair. Welcome, especially for Southwestern but also surprising, is Representative McLachlan's being named vice-chair.

Meeting dates, locations and times are being worked out. The first meeting is still expected to be in conjunction with the Water Congress summer meeting in Steamboat in August.

Subject matter for meetings under development. Southwestern should consider recommending subject areas for committee consideration/presentation.



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

August 3, 2021

To: Steve Wolff, General Manager

From: Chris Treese, Independent Consultant

RE: Interim Water Committee 2021

Action: I suggest SWCD cover the Interim Water Committee meetings this summer.

The Water Resources Review Committee (WRRC) just announced the following meetings. Additional meetings may be announced; however, with the chair running for Congress, I'm doubtful.

August 25	Steamboat Springs	1:30p
September 14	Denver, Capitol	TBD
October 27	Denver, Capitol	TBD

Steve, you will be in Steamboat for the first meeting. I will be in Steamboat but am currently scheduled to be in a Water & Power Development Authority board meeting during the committee's meeting. I will, however, seek to introduce you to any and all legislators remaining for the balance of the conference.

I expect all meetings at the Capitol to be viewable online. I do not know if the committee will allow remote testimony. I may be able to help cover the Denver meetings. Depending on what you and the Board decide regarding contracting with a Denver-based lobbyist, s/he/they may be able to cover.

The interim committee must make its initial bill drafting requests no later than September 20. Committee approval of draft bills must be no later than November 1. The special rules of the WRRC require two-thirds approval of the committee's 10-person membership, or 7 yes votes, for any action.



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

BOARD MEMORANDUM

From: Steve Wolff, General Manager
Laura Spann, Programs Coordinator

Subject: 2022 Budget Preparation

Date: 4 August, 2021

SWCD staff are starting to prepare a draft 2022 budget for review and consideration by the board beginning at our budget workshop on 8 September, 2021. We have gone through the Budget Process the board adopted in 2019 (attached). With that in mind, a few steps/dates are outlined below.

- **August board meeting:** Board appoints a budget officer (Steve Wolff) and reviews goals and activities. Budget Officer presents draft of goals and activities for the coming year to the board for discussion, prioritizing, and preliminary approval.
- **September budget workshop and interim:** Between the August board meeting and the 8 September, 2021 budget workshop, Budget Officer will work with the Secretary-Treasurer (Director Smith) to develop a draft budget based on goals for the coming year. Initial draft budget presented to the board by Budget Officer during the budget workshop. Budget Officer advises board of Assessors' estimates of assessed values. Board discusses draft budget and directs staff to make any agreed-upon changes.
- **October board meeting:** Prior to the October board meeting, a revised draft budget will be distributed to the board members for their individual review. The Board will review the revised budget, including September changes, and the draft budget message at its October meeting. The Board will endeavor to have the draft budget substantially complete as a result of discussion at the 4 - 5 October, 2021 meeting. After 15 October, 2021, this draft budget will be available for public inspection and will be posted on SWCD's website with a link on the main page. Notice that the draft budget is available for inspection, as well as the date/time of the December public budget hearing, will be published.

Moving forward, my plan is to link our budget priorities to our strategic plan. Since the first version of our strategic plan is still “under development”, I think we can use the strategic priorities that came out of the strategic plan interviews to help guide us in our 2022 budget process.

Looking towards 2022, a few items that may need consideration by the Board.

- Given the memo and report by Chris Treese (Agenda #11.2), should the Board plan for a 20% (or other) reduction in future (beginning in 2023) revenues?
- Should the Board consider adding to either the SWCD Water Defense or SWCD Water Development? If so, how much and where would we take reductions in the budget to accomplish this? Should we have a stated goal or cap for these categories?

Category	Current Assigned Value	2022 Budget Additions	Assigned Maximum Value (Cap)
Water Defense	\$ 1,760,000	???	???
Water Development	\$ 1,140,000	???	???

- With the possible implementation of “measurement rules” by the Colorado State Engineer, should SWCD plan to offer some financial support to water users in our basin that need to take additional actions (e.g., installation of suitable measuring devices) to come into compliance with the rules? If so, should this be done through our existing grant program?
- Chris Treese has provided a very good draft of an Investment Policy for consideration. Given time constraints we are not planning to bring it up for discussion at this meeting, but rather will be on the agenda for our October meeting. However, we strongly believe a good investment strategy is necessary to better manage SWCD’s financial resources.

Southwestern Water Conservation District Budget Process

This schedule and procedure abides by requirements of Local Government Budget Law and procedures recommended by the Colorado Department of Local Affairs (DOLA).

1. **August board meeting:** Board appoints a budget officer (typically the executive director) and reviews goals and activities. Budget Officer presents draft of goals and activities for the coming year to the board for discussion, prioritizing, and preliminary approval.
2. **September budget workshop:** Between the August board meeting and the September budget workshop, Budget Officer works with the Secretary-Treasurer to develop a draft budget based on goals for the coming year. Initial draft budget presented to the board by Budget Officer (statutory deadline is October 15). Budget Officer advises board of Assessors' estimates of assessed values. Board discusses draft budget and directs staff to make any agreed-upon changes.
3. **October board meeting:** The Board will review the revised budget, including September changes, and the draft budget message. *The Board will endeavor to have the draft budget substantially complete as a result of discussion at the October meeting.* After October 15th, this draft budget will be available for public inspection. Notice that the draft budget is available for inspection, as well as the date of the December public budget hearing, will be published.
4. **December board meeting:** Board conducts public hearing on the proposed budget. Following the public hearing, the board may revise the proposed budget in response to public comment and as otherwise allowed by state statute. Board adopts the budget based on final assessed valuations and sets the mill levy based upon receipt of final assessed valuations from the nine counties by the statutory deadline (December 10). Budget Officer certifies the mill levy to the County Commissioners by the statutory deadline (December 15).
5. **Prior to January 31:** Budget Officer files the budget, budget message, related resolutions, and mill levy certifications with DOLA prior to deadline (January 31). SWCD's adopted budget is then publicly available on the [DOLA Local Government Information System](#).

Adopted by motion on October 31, 2019 to be effective for the 2021 budget and all future years until specifically modified by board action.



THE SOUTHWESTERN WATER CONSERVATION DISTRICT

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

June 30, 2021

Colorado Water Conservation Board
1313 Sherman Street, Room 718
Denver, CO 80203

Dear Director Mitchell and the CWCB Board:

On behalf of Southwestern Water Conservation District Board of Directors, I am writing to express support for the Town of Dove Creek's grant/loan application to address their urgent raw water storage needs through construction of a modest but invaluable 100-acre-foot (af) reservoir.

In a normal year, Dove Creek receives "project" water from May through October via the Dove Creek canal from the Dolores Water Conservancy District (DWCD). The Town's existing reservoir stores municipal water for use in the winter. Due to two years of exceptional drought conditions, the Town of Dove Creek faces the catastrophic loss of its domestic source water in July 2021. DWCD can no longer keep their canal charged and unfortunately this is the only source option available.

Dove Creek wants to avoid this dire situation in future years. Extra raw water storage in the proposed 100-af reservoir will enable Dove Creek to hold purchased water for longer and ensure a stable drinking water supply for the community.

Projects like Dove Creek's raw water storage reservoir align with SWCD's mission to keep and use Colorado water in Colorado. Dove Creek has already secured and purchased the water they need to avoid catastrophic supply disruptions; they just need the infrastructure to prepare for future dry years. This project is a great opportunity for CWCB to support one of many southwestern Colorado communities impacted by acute water shortage.

We encourage the CWCB board to give this funding request full and favorable consideration.

Sincerely,

Steve Wolff, General Manager