

**Southwestern Water Conservation District  
Board of Directors Special Meeting via Zoom  
March 30, 2023**

**Present:** Dagan Chadd J.R. Ford Kenny Heldman  
Rusty Hinger Amy Huff David Guilliams  
Gerald Koppenhafer Jenny Russell Charlie Smith

**Staff:** Mo Rock, Programs Coordinator  
Steve Wolff, General Manager

**Consultants:** Garin Vorthmann, Colorado Legislative Strategies  
Beth Van Vurst, General Counsel, Van Vurst Law  
Carrie Padgett, Harris Water Engineering

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

President Jenny Russell called the meeting to order at 12:02 p.m. The roll was taken and a quorum was established.

**2.0 Review and Approve Agenda**

There was unanimous consent to approve the agenda.

**3.0 Questions & Comments from the Public**

There were no questions or comments from the public.

**4.0 State Legislative Update & SWCD Position on Bills**

Garin Vorthmann provided the following state legislative updates:

- Senate passed the budget; headed to the House
- Draft - Concerning projects that restore the environmental health of natural stream systems.
- HB23-1242 Concerning water used in oil and gas operations; the objective is to decrease the amount of freshwater that is used in oil & gas operations.
- SB23-213 Concerning state land use requirements and other matters.
- Draft Water Permit fees & make-up of water quality control commissions; fees are currently set by statute; asking for an 8% increase to adjust for inflation; bill expected to be introduced next week; one section about the clean water cash fund which allows them to bring in federal money.

**5.0 Colorado River - Update on System Conservation Pilot Program**

Steve Wolff gave an update on 8 projects located within SWCD's boundaries that were put forth for the 2023 system conservation pilot program. SWCD and the Colorado River District were given the same documentation that was provided to the public, which consists primarily of highly redacted applications. Steve Wolff has talked to Ken Curtis (Dolores Water Conservancy District or "DWCD") since all projects are in the Dolores Project Area. Ken Curtis commented that the DWCD board was made aware of these applications. While the DWCD Board is not taking a position on any of these applications or how the projects would be carried out, the DWCD Board is not against what the farmers are doing to get money for crop switching. Beth Van Vurst commented that they are discussing any appropriate actions given

the limited amount of information that has been provided. We don't know what specific water rights are involved, whether these projects will be operated in a manner that deprives others in Colorado of the ability to beneficially use water, or how these projects fit into the overall Dolores Water Project operations. There are also concerns that these projects may push costs onto other water users that are actively using water within the Dolores system. The Upper Colorado River Commission has set their meeting to approve SCPP application on April 10th but it may be postponed. Beth Van Vurst proposed the idea of writing a letter and running it by Jenny Russell and JR Ford. Charlie Smith asked the question of what our response should be. The Upper Colorado River Commission has set their meeting for April 10th but it may be postponed. Beth Van Vurst proposed the idea of writing a letter and running it by Jenny Russell and JR Ford. Charlie Smith asked the question of what our response should be.

Ed Millard asked if it is true that DWCD and SWCD are not going to see any of the contracts. Steve indicated the redacted SCPP applications are available on the CWCB website.

## **6.0 Executive Session**

### **6.1 Colorado River Compact, Interstate and Intrastate matters, including System Conservation Pilot Program**

Beth Van Vurst recommended that the board move into executive session for the purpose of discussing agenda item 5.1, Colorado River Compact, interstate and intrastate negotiation matters, including the system conservation pilot program. The statutes covering this executive session are § 24-6-402(4)(b), C.R.S., "conferences with an attorney for the [district] for the purpose of receiving legal advice on specific legal questions," and § 24-6-402(4)(e), C.R.S., "determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators." Amy moved that the board go into executive session. Kenny seconded. The motion passed.

Beth Van Vurst stated that no further record of the executive session needs to be kept based on her opinion that the discussion will constitute privileged, attorney-client communications.

## **7.0 Summary and Any Action Items from Executive Session**

Beth Van Vurst announced that the board was out of executive session. During the executive session, the Board discussed Colorado River Compact, interstate and intrastate negotiation matters, including the system conservation pilot program. No action was taken during the executive session.

## **8.0 Adjournment**

President Jenny Russell adjourned the meeting at 1:20 p.m.

  
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Jenny Russell, President