

These written minutes represent the general discussion of the DWCD Board of Directors, DWCD staff, and participants at the DWCD board meeting, and they include a record of any and all board actions taken at the meeting. The written minutes are not intended to provide a word-for-word account of the board meetings. Nor are they a direct quote of any statements offered at board meetings. All DWCD board meetings are recorded on audiotape.

**DOLORES WATER CONSERVANCY DISTRICT  
WATER ACTIVITY ENTERPRISE**

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**MINUTES**  
Regular Meeting  
May 11, 2023

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**CALL TO ORDER** Godwin Oliver, President, called the meeting to order at 5:01 pm

**ROLL CALL** Godwin Oliver, President  
Don Schwindt, Secretary-Treasurer  
Wes Wilson, Director  
Glen Fish, Director  
Landan Wilson, Director  
Jeremy Redshaw, Director  
Ryan Gray, Director  
Ken Curtis, General Manager  
Eric Sprague, Interim Water Manager  
Rob Walker, Maintenance Supervisor  
Lisa Jordan, Office Administrator  
Robert Stump, Bureau of Reclamation  
Adam Reeves, Attorney  
Lindsey Ratcliff, MBSS

**INTRODUCTION OF GUESTS**

**In-Person**

Ken and Kim Harrison, FSA; Rusty Cringle, CDWR

**Via Telephone/Teleconference**

Tony Tanner, FSA; Rich Landreth;

**Audience**

**MINUTES**

**APPROVAL OF THE MINUTES**

**MOTION: TO APPROVE THE MINUTES AS SUBMITTED FOR THE APRIL 13, 2023, ENTERPRISE MEETING.**

**MOTION: LANDAN WILSON**

**SECOND: GLEN FISH**

**MOTION CARRIED UNANIMOUSLY WES WILSON AND JEREMY REDSHAW WERE ABSENT AT THE TIME OF THE VOTE.**

## FINANCIAL STATEMENTS

**MOTION: TO APPROVE THE MARCH '23 FINANCIAL STATEMENT AND APPROVE THE STATEMENT OF PAYABLES AS PRESENTED.**

**O&M: AP/CHECK #41332-41407 & PR/CHECK #125813-125858  
\$193,261.04**

**MOTION: LANDAN WILSON  
SECOND: GLEN FISH  
MOTION CARRIED UNANIMOUSLY WES WILSON AND JEREMY REDSHAW WERE ABSENT AT THE TIME OF THE VOTE.**

**O&M REPORT** – Rob reported the following:

**Pumping Plants & Canals** – DWCD began filling the Dove Creek Canal on May 1, 2023 and plan to have all of the pumping plants pressurized during the week of May 8<sup>th</sup>. Fairview Pumping Plant laterals will be filled slowly with the jockey pump starting on May 4<sup>th</sup> staff will work their way north to Dove Creek Pumping Plant. Staff has been burning weeds and reshaping the canal ahead of the water.

**Power Plants** – Towaoc Power Plant has averaged 60 CFS with that number increasing as water usage rises. McPhee Power Plant is at 75 CFS with the downstream release at 1,200 CFS.

**Personnel Committee** – There was a Personnel Committee Meeting on April 25, 2023 at the Cahone Pumping Plant. The Field Tech's were invited to the meeting to share their input about what they've been hearing in the field. The farmers were aware that DWCD planned on starting the plants the week of May 8<sup>th</sup> so there was not a lot of input to discuss. As the ground started to dry out during the first week of May, more calls started to come in about turning the water on.

DWCD's Lead Mechanic who has been with us for 18 years is leaving us. He had a family emergency come up and realized he wanted to make a move sooner rather than later. Rob will advertise for an Industrial Mechanic position. Rob stated that we are down to one mechanic and are cross-training as time allows. Other staff will have to do more jobs now with the mechanic shortage. He is not leaving the area and is willing to answer questions and give pointers. Rob stated that this has really opened our eyes to getting the knowledge on paper that people carry in their brain. The recently installed FIIX system should help with this. Rob would like to get input at a personnel committee meeting regarding what the Board sees happening in the immediate future. Godwin, Landan and Wes are willing to meet.

## WATER MANAGEMENT REPORT

**Water Accounting** – Eric presented the Inflow/Outflow, summarizing the report. **1) April:** Reservoir elevation started at 6,871.05' and reached 6,910.87' by the end of the month. This increase was due to low snow coming in early before spilling. Inflow into McPhee: 145,200 AF for April. DWCD canals filled partly off of the low snow, saving some water during start-up. MVIC collected the full Totten credit in April. Below McPhee, releases were at 50 CFS, until the spill began at the end of the month. Precipitation for April was 0.3" approximately 50% of average for our area. The CBRFC is still gathering metrics on the substantial low runoff, but it is believed this will be the highest year on their records for the local basin (back to 1981). Narraguinnep is functionally full, but there is a small amount of Narraguinnep water still stored in McPhee. **2) May:** Reservoir elevation was at 6,918.96' on May 10<sup>th</sup>, leaving about 30,000 AF of room left in McPhee. The low runoff peaked in late April and is finally running out and the high snowpack is coming down. Dolores River Inflow is currently 3,520 CFS. Total daily inflows into McPhee were around 5,400 CFS for a few days early this month, so we increased releases to avoid filling too early. Total inflow for the season to-date is 236 KAF, and the spill as of last night is at 56 KAF. Adam asked Eric what the spill amount was in 2019. Eric stated that it was 130 KAF. It was noted that there are a lot of similarities to 2019 in 2023 but there is a difference in low snow from 2019. It was stated that for the most part the rafters are happy. Releases of 3,400 AF are recommended in the 2014 Implementation Plan which is the flood plane maintenance recommendation. **3) Spill:** Eric stated that we are currently spilling 3,400 AF. The current ROP's estimate the spill could be up to 250KAF total. Early on the Implementation Team was the only entity we were talking to now we are talking to multiple Emergency Response Teams that are experiencing flooding downstream which is not normal. McPhee was able to absorb some high flows, mitigating downstream flooding in April. This coincided with an early peak on the San Miguel. It was a tight balancing act and DWCD tried not to add to the issues going on downstream. Spill Operations: our main struggle so far is the balancing act of filling the reservoir while maintaining enough room to absorb unexpected high flows, since we filled up so early this

year. Our typical operating procedure is to avoid hitting 6,920' before the end of May, and that is proving to be a lot harder to pull off this year compared to previous spills. Remember how much snow is still up there, and keep in mind that the further the season progresses, the more potential melt the snowpack can experience, and the higher the potential flows become. Snowpack: Eric shared Ashley's handouts from the public boater meeting. Ashley is with the CBRFC. The first handout depicts the precipitation from October 2022 to February 2023 for the basin and given the information in them they felt comfortable with the snowpack for the season at 130%. The next handout is showing the March precipitation and temperature and shows that there was substantial snow late in the season with the Dolores River Basin at 225%. The next handout shows satellite imagery for the April 1 snow coverage historical comparison for the years 2017, 2019 and 2023. Due to a wet and cold March there was a significant low elevation snowpack on April 1<sup>st</sup> that is not typical even in other large snowpack years, which was very visible on Ashley's pictures. **4) Snotel:** El Diente and Lizard Head both are at 10,200' have both melted out about 50%. Lone Cone at 9,750' and Scotch Creek at 9,200' both of those have melted out. Lone Cone isn't in our basin but we look at it for comparison. Sharkstooth is at 10,750' and is 1/3<sup>rd</sup> melted out and Black Mesa at 11,550', this is the youngest snotel site and does not show up on CBRFC data since there isn't enough data. It has not started melting out. Eric summarized that there is still a lot of snow in the mountains to come down. Eric mentioned that there is an ASO flight to schedule to see how much snow is left after the snotel sites are no longer producing data. Eric also noted that Lost Canyon set a new record hitting over 1,000 CFS two days in a row. The low snow pushed us to begin the spill a month earlier than intended.

Ken said that Don asked about the M&R Team. The M&R Team looked at the principles defined in their previous studies, and there was a lot of debate and they talked about the different goals for a spill, including temperature suppression flows ahead of the spill, which were not necessary this year due to the early start. Robert took the information from the M&R Team to the Spill Team. Ken said the only thing he heard that rafters would like to see done differently was that some boaters wanted to stretch the boating season out but we may not be able to do it. Ken stated that Jim White would like to perform fish sampling on the river after Memorial Day. This is iffy, but still too far out to project. The rules of thumb are peak flows are around May 20, but you don't want to go up to fast because it is a lot tougher to hold the elevation at 6,924'. Robert agreed, they are going to try to accommodate the fish sampling at 800 cfs and are seriously looking at going up to 4,000 AF release. Robert stated that we are within the operating parameters downstream and would like to stay within them. Don said it looks to him like mother nature extended it for the boaters. Robert agreed that mother nature set the timing early, as far as extending the season, we will taper when we have to and keep the reservoir full as long as possible. Ken stated that the local boaters got on below the dam even started releasing, as early as the second week of April.

## Projects Update

**2023 FS Cap & Pricing – 2023 FSA Cap & Pricing:** In past full supply years the Board has set a maximum cap that staff provide to full service as water supply becomes available. In recent years this cap has gone up to 28 inches and even 32 inches late in the season when water was available and need expressed by specific farmers. DWCD has charged full price on use above the contracted allocation of 22" (24.1" HOV) the last 5+ years, \$45.36/AF with the additional \$0.55/AF Water Supply Reserve replacement. So far staff has received limited input from FSA, but given the late irrigation start water sales may be down pending seasonal weather & monsoons. The Board may consider a traditional limit, spreading out water bank among all users, or take up ideas raised by Jeremy and Don on how to use the water bank.

### Contracted Diversion Amounts at GCPP

2,686.9 HOV Acres at 2.15 AF/Acre =	5,776.8 AF
26,351.9 other Acres at 1.96 AF/Acre =	51,649.7 AF
<b>Total</b>	<b>57,426.5 AF</b>

Given Full Supply 62,267 AF – 57,426.5 = 4,840.5 + 4,000 M&I + unused allocation = about 10,000 AF. Spread out over all acres adds about 4"/acre. More detailed calcs with losses would refine for actual management and communication.

In full years, there is often about 10,000 AF beyond the contracted allocations that can be more directed at individual irrigators versus spread among all. One principle to keep in mind would be an equitable distribution method. We must offer the opportunity to all. For example, ask for additional water needs from all irrigators at a set price with potentially evaluation criteria and then direct extra based on Board action. Ken thinks either method is possible, but the newer focused extra water will be the first time and will take some additional communication. It was stated that Don's idea was to focus the water instead of spread it out.

Jeremy's idea is if water is used during the spill, it doesn't necessarily cut into the reservoir's carryover into next year. He also included that increased usage on FSA land when it doesn't cost

from carryover could feasibly improve the groundwater in the fields for next year. If DWCD would give an incentive to use water early – which could be in the pool or possibly financial – carryover could be improved and on-farm soil moisture could possibly be improved. Ken stated that Don's idea is very implementable. Jeremy's has a few other quirks and would be more difficult to perform, particularly on the fly this year. Ken doesn't think there will be much input from the irrigators. We are currently at 22" (24.1" at HW) until the board decides otherwise. A postcard will be sent with any information.

**Discussion:** Ken's perception is that with last year's drought there will be an annual planting going on and noted that fertilizer and diesel prices are still high. Ken stated that from the conversations he has had when people are coming into the office is a grab bag of what each irrigator thinks. Wes said the only comment he has gotten is to keep the reservoir full as long as possible. There was discussion but no decision was made on a cap in April. If they do go over, it will cost from carryover. Godwin would like to see the Board raise the cap to 26". Don asked if Ken would be willing to send a letter instead of a postcard. Ken said it could be a letter. Don said that he supports Jeremy's concept. It is a little more difficult but doable. Don thought maybe they should implement Jeremy's idea for a month, juggling where they are right now, it might help the irrigators plan. Landan asked for clarification of Jeremy's concept. Ken stated that Jeremy would like to see the water delivered to irrigators during the spill rather than spilling. Ken thinks the spill is comfortably until the second week of June. Ken thinks they could give a financial incentive. What they can't do is go over the 10KAF or they are getting into someone else's water. For an example of how it could be beneficial, someone would try to get by without using water before the first cutting this would incentivize someone to take water for first cutting. Adam stated that Lindsey is doing a deep dive into the Reclamation law to determine the legality of allocation-based or financial incentives. Adam asked whether we are shifting the water bank to early water or is it a discount on your allocation. Adam thinks how they color and characterize the water is going to matter with regard to Reclamation Law. Adam stated DWCD needs to treat similar stakeholders similarly. There are things that make hydrologic and economical sense but are not always legal. Adam is saying he doesn't know how to characterize this in the absence of a clearly defined plan he could investigate. Landan asked for an explanation of Don's concept. Don said that if they set 26" for the cap then anything beyond that is water bank water, which could be leased individually to farmers who can use it, rather than a flat increase to all farmers, if we equitably give the option to everyone. Godwin said Don asked if this would effect the budget, Godwin said that that should be asked of Ken. Ken stated that they need to be careful with the number they can only allocate up to an amount when they know that the water won't be used. There are some customers that never use water, so some of the pool is available for distribution in a plan like this. This water is typically made available in the late season, but confidence in delivering late season water comes from knowing when irrigators are no longer using water so then any unused water can be allocated. Godwin said it seemed at the FAC irrigators weren't providing much input. Don stated that he has heard people are supportive of the concept. Ken Harrison said that he planted in the fall and wants water now, and encouraged the board to set a high allocation so he could plan accordingly now. He wants to know how much water he can use upfront because when DWCD makes later decisions it makes it harder for him to plan. Ken H. would like to know, whatever the decision is, he would rather the Board make it and let the irrigators know as soon as possible. Don stated that MVIC has operated like that. It was stated that if the irrigators can't use the water it will be left for carryover. Ken C. stated that all the water that is going out now is potentially shifting some of the use to be used during the spill. One of the issues is when you should communicate this, since we just heard about this last month. They can experiment and go up to 25" and possibly 26" or they can ask for subscribers to a targeted leasing pilot program.

Pool incentive was taken off of the table due to Adam's uncertainty regarding the legality under Reclamation law. Financial incentive is probably doable. It was stated that a \$5 discount could be a \$50K hit to the budget. The Board discussed if they want staff to spread the waterbank and ask for subscribers or spread it out evenly. Jeremy said the spill snuck up on us this year, and they could table his plan for when they could see the next spill coming. Don wants to start the dialogue early regardless. Ken said that irrigators possibly went from drought to the field and experiment for this year and get more input and regroup after the spill. Adam is not sure differential pricing based on date of use is legal. He doesn't know if it is something that is allowable, particularly when using water in the FSA pool. Don thinks this water is still in the water bank and sees no difference. Adam asked what happens if someone doesn't use the whole pool amount – how they pay for it. Ken explained that they would still pay the base charge, but only pay delivery on what they use. It was stated that the water use would count against the pool. Pool pricing would change depending on date of use, and this is where Adam is uncomfortable. Godwin stated that over the years they have leased land as a means to lease water that is not being used. Godwin built his pool on leasing land where the water would not be used. Godwin stated that since he has used leasing to build up his pool as a means of protection from drought, meaning he is paying for the land in all years, he could feel penalized in a full supply years if a more targeted temporary water bank is made available in drought years. Don reminded the board that the DPR criteria is not being met in terms of the volatile hydrology. This will be a very public process. Godwin's question fits within the DPR hydrology. The DPR assumed a smaller fraction of FSA land would grow alfalfa, and accordingly, the contracts

allocated an inadequate volume of water for all of the alfalfa production that ultimately went into production.

Godwin recentered the discussion on the FSA cap. Ken noted that this is an experiment, and the board may not become aware of any aggrieved parties until after the season. Adam said that just because someone might not be aggrieved, doesn't mean that it should be authorized. Ken stated that the Board could decide where the funds above the cap could go, potentially to the WSM reserve fund.

**AMENDED MOTION #1: AMEND THE MOTION TO GIVE A \$5 DISCOUNT FROM THE DELIVERY CHARGE FOR WATER USED DURING THE SPILL STARTING FROM THE BEGINNING OF USE TO JUNE 15, 2023.**

**MOTION: JEREMY REDSHAW  
SECOND: DON SCHWINDT  
MOTION CARRIED 6 TO 1 LANDAN WILSON VOTING NO.**

**AMENDED MOTION #2: IF THERE ARE MORE THAN 26" AVAILABLE ON JULY 1<sup>ST</sup> MAKE WATER AVAILABLE EQUITABLY TO FULL SERVICE USERS THROUGHOUT THE WATER BANK.**

**MOTION: DON SCHWINDT  
SECOND: JEREMY REDSHAW  
MOTION CARRIED UNANIMOUSLY.**

**ORIGINAL MOTION: AS AMENDED TWICE ABOVE. SET THE CAP AT 26" PER ACRE. ANY WATER USED BEYOND 22" TO THE CAP TO BE CHARGED AT FULL PRICE (\$45.36/AF).**

**MOTION: LANDAN WILSON  
SECOND: WES WILSON  
MOTION CARRIED UNANIMOUSLY.**

**2023 FSA Penalty for Overuse:** A draft policy was mailed to the Board. Past simple policies have been written as a resolution adopted by the Board. More complicated ones are longer documents adopted by a separate resolution. Per the draft, there are details to be nailed down such as whether we can set fixed prices now for shortage years and full supply years. Escalation in an individual year or based on prior irrigator use has also not been decided. The Board should consider setting something for 2023 and continuing working on the long-term policy.

**Discussion:** Jeremy asked if the board was ok with the penalties being doubled in a full supply year. Ken would like to get the word out but they can wait until June if they want. Eric asked if this was an amount that an irrigator can afford while still making a profit. Godwin stated that it would still be profitable, but irrigators are going to be hard pressed to use 26" this year.

**MOTION: FOR WATER SEASON 2023 SET THE PENALTY PRICE FOR OVERUSE (ABOVE 26") AT DOUBLE THE FULL RATE (\$90.72/AF).**

**MOTION: WES WILSON  
SECOND: JEREMY REDSHAW  
MOTION CARRIED UNANIMOUSLY**

Ken stated that he has 2 questions on the draft long-term policy. Question 1: Escalation in a single year, Question 2: Multiple offenses. Ken referred the Board to the second page and suggested the Board think about something along the lines of \$350/AF like last year and double in a full supply year. Ken said they can set two fixed prices. Don asked Wes if he thought the draft was ready to approve. Wes said no, he just read it. Don thought it was good, and thinks it's close.

Landan said for the multiple offenses portion; there is a repeat offender and that is where this came from. Landan asked if you can somehow say that if there is an allocation of less than a certain amount then that is where the offenses come in. Eric said that they are still taking from the project. Godwin said they need to be consistent. Adam asked if the repeat offender would apply in a flush year. Jeremy stated that the repeat offender portion is too complicated. Don stated that people will take a policy and figure out a way to make it work for them. Jeremy asked if the policy was aggressive enough. Jeremy likes the policy, he worries that in a less than 10" year, \$350 is not enough of a penalty. In a less than 10" year it should be higher than \$350. Don is in favor of not

doubling the price and would rather target the acreage. Adam stated the draft policy establishes why you are setting a penalty but allows the amount of the penalty to be set each year based on conditions. Ken will write in a description for pricing.

**Other**

**ADJOURNMENT** Dolores Water Conservancy District Water Activity Enterprise Board meeting adjourned at 7:04 pm

  
Donald W. Schwindt, Secretary-Treasurer

  
Godwin Oliver, President

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## DOLORES WATER CONSERVANCY DISTRICT

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### MINUTES Regular Meeting May 11, 2023

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**CALL TO ORDER** Godwin Oliver, President, called the meeting to order at 7:04 pm

**ROLL CALL** Godwin Oliver, President  
Don Schwindt, Secretary-Treasurer  
Wes Wilson, Director  
Glen Fish, Director  
Landan Wilson, Director  
Jeremy Redshaw, Director  
Ryan Gray, Director  
Ken Curtis, General Manager  
Eric Sprague, Interim Water Manager  
Rob Walker, Maintenance Supervisor  
Lisa Jordan, Office Administrator  
Robert Stump, Bureau of Reclamation  
Adam Reeves, Attorney  
Lindsey Ratcliff, MBSS

#### INTRODUCTION OF GUESTS

##### In-Person

Ken and Kim Harrison, FSA; Rusty Cringle, CDWR

##### Via Telephone/Teleconference

Tony Tanner, FSA; Rich Landreth; Ed Millard

#### MINUTES

##### APPROVAL OF THE MINUTES

**MOTION: TO APPROVE THE MINUTES AS SUBMITTED FOR THE APRIL 13, 2023  
REGULAR MEETING.**

**MOTION: WES WILSON  
SECOND: LANDAN WILSON  
MOTION CARRIED UNANIMOUSLY.**

**MOTION: TO APPROVE THE MINUTES AS SUBMITTED FOR THE APRIL 13, 2023  
EXECUTIVE SESSION.**

**MOTION: GLEN FISH  
SECOND: JEREMY REDSHAW  
MOTION CARRIED UNANIMOUSLY.**

#### FINANCIAL STATEMENTS

**MOTION: TO APPROVE THE MARCH '23 FINANCIAL STATEMENTS AND APPROVE THE STATEMENT OF PAYABLES AS PRESENTED.**

**ADMIN: AP/CHECK #12335-12345**

**\$4,745.75**

**MOTION: WES WILSON  
SECOND: GLEN FISH  
MOTION CARRIED UNANIMOUSLY.**

## **AGENCY REPORTS**

**BOR Report** – Robert stated that 1) the three rebuilt water screens are back and installed. The schedule is to complete the remaining two pumping plants and three water screens after the irrigation season and have them reinstalled next spring. 2) Eric and Robert will continue working on the spill managing downstream releases. The M&R Team set some goals for implementation, some met by default like temperature suppression being one, 25 CFS served as temperature suppression which was released to bring the powerplant up to speed. Peak flow of 3,400 CFS for flood plain interaction was a tentative goal set by the M&R team and is the current release rate. There will be a fairly long rafting season and are currently staying within the operating parameters while avoiding downstream flooding. 3) There was a public meeting May 4, 2023, there was good discussion at that meeting with a lot of questions. Overall people are pleased with the communication DWCD is employing through the website and the coordination with DRBA and American Whitewater. There seems to be a desire for a longer boating season vs. high flow rates. Don asked if they were looking at 2,000 CFS as the minimum boatable flow versus the old 800 CFS? Robert stated that this is evolving with the life cycle of the river channel. The more the river entrenches and gets narrower the more it changes what the ideal floatable ranges are. The minimum has been viewed as 800 CFS and the minimum ideal has been 1,200 CFS. Whereas 2,000 CFS seems to be the sweet spot where the greatest skill level of rafters who utilize the river. 3,400 CFS is the top end those with more skill enjoy it, those with less skill could get in trouble. From a geomorphological standpoint 2,200 CFS is where you get channel maintenance with side channel interaction & riffle development. They have settled on 2,200 CFS as being ideal for boatable flows but still get the side channel interaction. Don asked in how many reaches does the 2,200 CFS help all the way down to the confluence with the San Miguel? Robert stated that where the canyon is tighter and narrower the 2,200 CFS doesn't affect much. It is mostly where the river is wider and flatter, where you get the flood plain work and channel interaction. Ponderosa Gorge to Dove Creek Pumps it doesn't work well but from Dove Creek Pumps past Slickrock it works well, then the river focus goes back to the canyon below Bedrock which is a tight steep canyon so the 2,200 CFS doesn't have much benefit there.

**Division of Water Resources Report** – Rusty stated that CDWR 1) measured flow at gage below McPhee on May 9, 2023. They have some target numbers to take additional measurements. 2) Summit Irrigation turned on May 5, 2023.

**T/H Committee Report** – Godwin stated that the Committee met April 19, 2023 1) The Committee paid DWCD and MVIC.

**Next T/H Meeting** – The Committee will meet at the DWCD, Cortez Office May 17, 2023 at 2:00 p.m.

**MVIC Report** – Brandon was not in attendance but asked Ken to report. 1) MVIC had a Totten inspection on Monday, May 8 and Narraguinnep was inspected Thursday, May 9. 2) MVIC turned on last week with the exception of the Moonlight Ditch which is not on. 3) Beaver Ditch overflowed and breached on Monday night. Ken stated that Brandon is very busy and apologized for not making it to the meeting.

## **GENERAL MANAGER REPORT**

### **Minor Updates:**

**ANS:** The first mussel fouled boat of the 2023 season for McPhee was intercepted May 1st. The staff identified a single mussel on the anchor of a boat from Lake Powell. The boat was fully decontaminated prior to allowing launch. Great job to Rob and the rest of the McPhee team!

**UMUT & UF&R:** They have deferred until June for their first update. They have hired a Water Resources Department Director, Letisha Yazzie, who started Monday May 1st. She will probably join us at the June meeting to meet the DWCD Board.

**WaterSmart Grant for WY 2024 & 2025 ASO flights:** Ken is working with other Colorado Airborne Snow Observations participants to apply for a new Reclamation emerging technology grant to further ASO flights in the Dolores Basin and across Colorado. As a longer-term data integration project to



CBRFC and possibly other runoff forecasting the exact full implementation is unknown. With their help Ken intends to submit on Friday May 12, 2023. DWCD would be asking for around \$668K in grant funding this could go up to \$900K. CWCB would still be contributing around \$45,000. Ken would need a Board commitment of funding and stated that he wrote up \$13K but is now asking for \$15K for the next three years. It is a lot of leverage and is a brand new program for BOR there are 5-8 entities putting in for ASO flights. We are seeing benefits and trying to create the longer-term record. If we don't find some deeper pockets we will likely have to opt out of this. Ken will bring a resolution to sign in June, but needs approval at this time.

**MOTION: TO APPROVE A \$15K COMMITMENT FOR THE NEXT THREE YEARS FOR AIRBORNE SNOW OBSERVATION (ASO) FLIGHTS.**

**MOTION: LANDAN WILSON  
SECOND: JEREMY REDSHAW  
MOTION CARRIED UNANIMOUSLY**

**Moratorium on new DWCD U/S Augmentation/Exchange above Fill Gulch (Dolores County & Rico):** Upstream residential well development has been steady and routine over the last decade. DWCD eventually contracted our remaining excess *de minimis* augmentation water to Rico for their town well development with a small amount set aside for Sundial subdivision upstream of Fill Gulch, near the Montezuma/Dolores County line. Lately, we've had additional requests including some water court applications that rely on privately owned augmentation ponds to comply. Development pressure remains for new Rico water use. The town has had staff turnover while growing. Ken would like the Board to pass a moratorium for eight months to allow staff to review conditions on the upper Dolores in Dolores County and communicate with Rico and the County so we can better understand what we can commit to augmenting and how to handle new potential development water requests. Ken explained that Rico has switched their water source from Silver Creek to a well and all of Rico is within the District. We have effectively run out of water for new wells. The newest applicant will have to get their augmentation plan through the Court. Adam stated that the tricky part is that we can't just do a contract under DWCD's exchange plan. The current application is reasonably complex and there are evolving ideas of where the wells and pond will be and whether they will operate under one contract or three. Adam thinks we should pause until the Board needs to think of future augmentation plans. The *de minimis* cannot be increased. Don asked if an eight-month moratorium was long enough? Ken said that they may come back and ask for more time.

**MOTION: TO PLACE A MORATORIUM ON NEW DWCD UPSTREAM AUGMENTATION/EXCHANGE ABOVE FILL GULCH FOR A DURATION OF 12 MONTHS.**

**MOTION: DON SCHWINDT  
SECOND: WES WILSON  
MOTION CARRIED UNANIMOUSLY**

**Reclamation Basin Study for the Dolores, Plan of Study (PoS):** Robert Stump will help us discuss some of the aspects we've learned about whether DWCD should go forward with a Dolores Basin Plan of Study with UF&RE, MVIC and McElmo irrigators as partners and other interested parties as stakeholders. Conducting the one year \$200,000 PoS (50%/50% match with BOR) would ultimately lead to a more expensive longer technical study with partners and stakeholder input. Hopefully we can line out some idea of the time lines and potential costs for continued Board consideration. Our current draft Hydrology Study Scope was mailed to the Board. Ken stated that what a Plan of Study does is turn our simple scope into a detailed report scoping the future Basin Study. The next step Basin Study can also cost many hundreds of thousands of dollars. It would take a year to complete the PoS and a couple years to perform a hydrologic Basin Study. They want us to develop the PoS with our project partners and project stakeholders. The project partners are likely UMUT, MVIC, McElmo & FSA (ie: DWCD). Stakeholders would be the other parties we interact with regularly. This is a thorough process but lengthy and pricey. We might have to decide on proceeding in the next several months. Robert said that they take the preliminary work and form it into a Basin Study scope of work. This is not a grant but a partnership through a Memorandum of Agreement defining the scope of the basin being studied. The BOR is not project centric and this would be more basin wide focused and may reach out further. An additional requirement is a robust public process. We would likely have routine project partner meetings and have stakeholder public processes at certain phases. Don asked if our simple scope was ready to begin the process? Ken said it depends on how we want to run a study, outside private consultant or BOR process. The BOR would help get input from all the partners & stakeholders to fill out the scope, a lengthy and possibly expensive process. Don said there was a definitive comment recently wondering why we don't have Mancos and McElmo, other places in Montezuma County included in some processes. As soon as Gerald went to Washington, DC national environmental groups told him there would be a monument if they don't get the NCA. Don said that both MVIC and Dolores Project were built to use Dolores River water to extinction just like transmountain diversions. Don wondered how much we should approach this at the meeting with Kevin Rein, where do we allocate our resources. Don thinks we need Reclamation's help once we have a better plan design. Robert said the Basin Study is not intended to change anything or develop

new data. They want to use existing data that they have and show what water is available and see where it goes, where it is needed and increasing awareness are the study objectives. Cities and Counties could be partners or stakeholders. Robert said there are other studies that have been done and could be easily produced for the Board to read. Technologically there are benefits but it takes a lot of time and money. Ken will find some examples and will email them out first and print upon request. Robert offered to bring in BOR reps to discuss in more depth.

**Legislation Update – Federal, State & DWR Rule Making:** The big topic is SB23-295, establishing a Colorado River Drought Task Force, successfully racing through the waning days of this Colorado legislative session. The Board should consider putting forth a local candidate(s) to be appointed by specific legislators. Two seats could be filled by a local interest, a local government representative appointed by the President of the Senate or an ag producer with water rights appointed by the Minority Leader of the Senate. A current version of the legislation was mailed to the Board.

Kevin Rein, the Colorado State Engineer is scheduled to be in SW Colorado May 24 – 25. The May 25<sup>th</sup> meeting in Cortez will be held at DWCD's Cortez Office at 4:00PM.

A CWC Letter opposing SB23-213 imposing a state-wide land use bill was also mailed out as was another article on the lower Dolores NCA.

Stream Restoration Bill – There was some verbiage that caused water managers some concern. If anyone in the state presumes injury from an installation, they would have to go to water court to get action. Senator Cleve Simpson and others got them to pull out the language. These projects have been going forward when receiving Division Engineer support. Ken stated that he didn't like the one size fits all approach since what you do upstream could be different from what happens downstream of development. There are some installations that are not impactful but discussions went round and round on pond surface areas and will now go to the Legislative Water Resource Committee. It will likely show up at the summer water congress WRC agenda in August.

Water Task Force Article – Ken stated that this one passed. There was a task force set up with specific membership and specific people. SWCD will get to appoint a person, there will be a Western Slope industrial user, SW local government, a municipal person and DNR gets a seat. The State Engineer and Commissioner of Ag will also be on the task force. Ken tried to oppose then asked to amend to include others like DWCD and got our name out there. His suggestion is to get someone to represent the project and MVIC. Don and Ken talked, Don indicated that he would be willing to do this with knowledge of DWCD and MVIC. Ken wants to get a sense of the Board. He could get a letter letting people know of our interest. Don stated that he is willing to tackle this. Don stated that this is wired to DM and water to Lake Powell but he will try to get the train stopped. Ken would like to say that it is the Board's desire to have Don be on this task force. The Board concurred that Don is the best person to have on the task force if possible.

**Colorado River Basin Issues – Colorado River Compact Issues, DCP, DROA, DM, SEIS & Drought Resiliency:** The Reclamation 24-month study came out with the anticipated 9.5 MAF release from Powell to Mead. Multiple graphics and related materials were included in the mail out. Adam has taken the lead on a draft SEIS comment letter that will be the next action due May 30. Then onto a policy for DWCD use in external interactions. The BOR is letting the 2007 Interim Guidelines to operate normally and release 9.5 MAF everyone is getting a reprieve from further cuts for the moment. Water use is divided by basin so the dropping reservoir storage remains a lower basin issue. The second graphic shows why Powell is dropping, more releases than inflow. The UB initiated DROA and finally stopped when snowpack made it unnecessary. The 07 Interim Guidelines were written to have the minimum release of 7 MAF. When you get too low, near power pool, the 07 IG minimum release can crash Powell below power levels. It was operationally never expected to happen and was not publicly acknowledged. Now the great snow pack has pushed the problem down the road. Lake Powell forecasted inflow went from 8 MAF to 11.3 MAF over the month of March. They are still holding to the 2023 required cuts, but think shortage tiers for 2024 will go back up a tier for less saved water next year.

Don said DWCD should provide comments. We should not accept the path the BOR would have us follow, don't squander the good snowpack. Those actions were inadequate for the hydrology cards mother nature has provided. The seven states are still negotiating and the UB should be stronger in saying the law (compact) should take back over. Don thinks we should say the last interim guidelines are wrong and say the water is too precious to store it in Powell, we need to store it in the UB. Wes said that he heard they would be refilling Flaming Gorge and Blue Mesa before another DROA release. Ken said that they stopped the release at 463 KAF, short of the planned 500 KAF, and they are now talking about recovery, calling it Focus Moves to Recovery. The reservoirs are going to get good inflow and come up. They won't do DROA in 2023 but that doesn't mean they won't go back to it in 2024. Adam thinks there is interest in letting Powell drive the upper reservoirs instead of the other way around as a way to increase the deliveries to the LB. This year bought us enough time to get through interim guidelines renegotiation. Reclamation views all UB storage to prop up Powell and to increase releases to the LB. It was stated that Navajo reservoir is tough to refill because of the environmental obligations. The environmental obligations out of Aspinall make keep it from refilling. There are some who will say that this is an all seven states problem and everyone needs to

contribute. Colorado has verbally said it is not everyone's issue so not everyone does not have to contribute.

#### **LEGAL REPORT**

**MVIC 87.3 CFS Water Rights Filing** – Adam stated he has nothing new on this case. John Justus is still trying to work with the State.

Adam requested an Executive Session to discuss the following: Colorado River Issues, Water Supply and the SEIS.

**MOTION: MOVE INTO EXECUTIVE SESSION PER CRS 24.6.402(b) TO OBTAIN ADVICE FROM COUNSEL AND CRS 24.6.402(e) MATTERS OF NEGOTIATION FOR DISCUSSIONS ON WATER RIGHTS AND COLORADO RIVER ISSUES, WATER SUPPLY AND SEIS.**

**MOTION: JEREMY REDSHAW  
SECOND: WES WILSON  
MOTION CARRIED UNANIMOUSLY.**

**RECESSED FOR EXECUTIVE SESSION AT 8:27 P.M.  
RECONVENED REGULAR MEETING AT 9:20 P.M.**

#### **REPORT OUT OF EXECUTIVE SESSION**

Adam reported that in Executive Session the Board discussed matters related to Colorado River issues, Water Supply and the SEIS. No decisions were made.

#### **OTHER**

**NEXT DWCD BOARD MEETING** – Thursday, June 8, 2023 - 5:00 P.M.

**ADJOURNMENT** Meeting adjourned at 9:20 P.M.

  
Donald W. Schwandt, Secretary-Treasurer

  
Godwin Oliver, President