

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**

MINUTES

Regular Meeting
March 14, 2024

CALL TO ORDER Godwin Oliver, President, called the meeting to order at 2:00 pm

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

INTRODUCTION OF GUESTS

In-Person

Brandon Johnson, MVIC; Rusty Cringle, CDWR;

Via Telephone/Teleconference

Tony Tanner, FSA Irrigator; Ed Warner, Lee Traynham, Reece Carpenter and Kelsey Deckert, Bureau of Reclamation

MINUTES

APPROVAL OF THE MINUTES

MOTION: TO APPROVE THE MINUTES AS SUBMITTED FOR THE FEBRUARY 8, 2024, ENTERPRISE MEETING.

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

MOTION: TO APPROVE THE MINUTES AS SUBMITTED FOR THE FEBRUARY 22, 2024, PERSONNEL COMMITTEE MEETING.

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

FINANCIAL STATEMENTS

MOTION: TO APPROVE THE JANUARY '24 FINANCIAL STATEMENT AND APPROVE THE STATEMENT OF PAYABLES AS PRESENTED.

**O&M: AP/CHECK #42186-42321 & PR/CHECK #126325-126393
\$760,697.17**

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

BUREAU OF RECLAMATION – POWER PLANT AUTHORITIES – Ed Warner stated that DWCD has the contract to operate the power plants on the Dolores Project. Ed stated that discussions of power plant authorities began because the power office is making upfront payments. Ed stated that it was also discovered that the proper authorities were not being used for the Power Plant Contract. The authorities being used are for transferred works, which is how the rest of the project is run. Ed explained that transferred works occur when the OM&R on facilities are transferred from the BOR. Reserve works are on the facilities that BOR retained O&MR responsibility, such as the power plants, and for those situations they have to use the correct authorities and should not be upfronting money. Ed stated that there will have to be a new contract written to cover this work. DWCD will be required to bid on this contract to continue operating the power plants on the Dolores Project.

Ken said that he talked with Ed on the phone and extended an invitation to the Bureau team to join the board meeting. Ken said that the power plants are not isolated stand alone units of infrastructure. Although they are not transferred, both of the ends of the Towaoc Power Plant (TPP) and McPhee Power Plant (MPP) are integral to the hydrology, water delivery and the control room operations of DWCD. These topics are being contemplated to argue that DWCD is the right contractor. The payment portion can be dealt with on a different level. Ed stated that the power plants being in the middle of the project doesn't have anything to do with it, the reason they are considered reserved works is because the power goes into the federal power grid. Ed doesn't want the district not to bid on this and not get the contract and noted that he and his team are exploring how to sole source this. It was noted that if this contract is sole sourced to DWCD it would change nothing except it would be a different sort of a contract. Ed stated that BOR likes having DWCD here and they are working hard to sole source this. It was stated that DWCD needs to submit a bid to retain the contract.

Don stated that he watched the project get built and take it's shape and said that his question is related to the history. Don said that salinity came in post DPR and original planning and power may have come in that way also. But we were in some ways the last traditional BOR project built but in an innovative way. Much of our contracts were written to adjust from changing from the DPR. There was a very unique relationship with BOR contractually and with it's authorities. Don said he doesn't know if any of that would help with the new found information based on the authorities. Ed said when things came in doesn't have any bearing on how they are contracted now. Ed stated that things change and he has asked if they can grandfather certain contracts in and the answer is no. Ed stated that DWCD is not the only project within this region that this has happened to and new contracts have been implemented throughout the region. Ed has confidence that they will be able to award the contract to the District. Ed said that they have been through this multiple times and stated that not going through with this is just not going to happen. Don said that Robert had reported that we may be looking at an annual renewal of contracts, but long-term would be extremely valuable. Ed said that a new contract could likely go up to 5 years and could possibly push up to 10 years. They have been talking about extensions in other cases. Ed stated that long-term contracts become more problematic, but he thinks they can go up to 5 years, 4 option years and a base year, then have the ability to extend the contract at the end of the term. Ken asked if it would help to send a letter to the effect of the intricate nature of DWCD working on the power plants. Ed said that it won't hurt anything but does not know if it will help.

Ryan Gray asked about the procurement process. Is it lowest price? Or some other criteria? Robert said that he hasn't gotten that far but will work with the management and acquisitions division and will be able to tailor that to a sole source option. Robert said that they will likely go with lowest price - best value process. They currently will put out sources sought and if there are no other potential sources then that is answered.

Ed asked if there are any questions on any other items. Ken told Ed that he won't perform the Operating Agreement trigger letter until about June since we are starting up the irrigation season. Ed agreed.

O&M REPORT – Jed reported the following:

Canal Maintenance – An internal leak was discovered on Siphon 11 at THC Reach 3 in October. With the help of a rescue response team on location three people entered the siphon from the outlet of the siphon from west to east. The leak was located 1,434' in. It took about three hours total to complete the siphon repair. Staff then moved to Siphon 9 leak where there was a leak 60' from the manhole in the siphon. With the assistance the the same rescue team three people entered the siphon to place the internal bands to repair the leak. The week of March 10th DWCD staff will begin removing sediment on THC Reach 3 just past Siphon 11. DWCD crews will also remove sediment at Checks 518 & 519.

Pumping Plants – DWCD crews are starting to install the verticle pumps and motors at Dove Creek Pumping Plant and are preparing to install the verticle pumps and motors on Sandstone Pumping Plant on the week of March 10th.

Robert and Jed have been trying to firm up a delivery date for the water screens from Evoqua. Still no date set.

Power Plants – DWCD staff has performed the SCADA updates for McPhee Power Plant. There is a mechanical inspection on McPhee Dam scheduled on March 20th. Crews will be troubleshooting a few things upon inspection with BOR and DWCD.

Control Room – We had a meeting on March 6th with UF&R, they said that they would like water available on April 1st so the Control Room will be slowly filling the THC during the week of March 18th.

Employee Update – DWCD recently lost a field mechanic and a SCADA Operator. A new field mechanic and two control room operators have been hired to fill the positions. Ken asked Phil Kennedy, SCADA Supervisor, to come to the meeting today since he took over SCADA late last year, Ken wanted him to meet the Board. Phil said that his background was 40 years in the gas and oil industry with Kinder Morgan and hopes to bring stability to the control room and would like to impress focus and attention to detail and looking at the water as a commodity and they need to treat it as a valuable product since there was too much water spilled last year. Phil said he hopes his background will help out. Phil noted that thus far everything in his experience has been on a pipeline or on the wire so open canals are a bit different for him.

Personnel Committee – There will be one more Personnel Committee meeting before the water season starts. The meeting is scheduled for March 21st at 8 A.M. at Great Cut Dike.

WATER MANAGEMENT REPORT

Water Accounting – 1) Eric stated that there is moisture forecasted in the near future and will have similar weather coming in the same time next week. Eric said that the CBRFC will give a mid-month forecast on March 15. Eric projected the graph showing the quantitative snow for the high five snotel sights and said that we are close to median as in 2022 and slightly better than 2021. Eric noted that 2020 was the year that tricked us where we thought we had good median snowpack and ended up with only 30% of the runoff we were expecting. Eric stated that the CBRFC forecast progressed a little bit from last month. Eric explained the exceedance forecast at 90/70/50 percent. 2) Eric referred to the Project Allocations Summary stating that at this time all of the projections (90/70/50) are looking pretty good. If the storms we are having produce we will begin looking at the 70% exceedance forecast. 3) Eric handed out the MVIC Project Water Calculation sheet (Exhibit A) and stated that at the 90% exceedance scenario, would garner about an 85% project water supply which is around 13,700 AF to MVIC and total supply of 141,077 AF. 4) Eric presented the crop report template that Nikki prepared. Nikki was able to clean up a lot of the crop report history and it made her aware of how everyone was reporting their crops differently. Eric stated that the crop reports need to be standardized because the data being received is not consistant which means there are a lot of assumptions on the crop reports. Eric said that Nikki has resigned and her last day is next week and we are looking for a new engineering technician. Ken said that this topic will be presented at the FAC to get feedback on the report. 5) Eric said that the other documents are follow up from the brainstorm. Eric presented a spreadsheet on the sensitivity of increased carryover. Eric added a column since the brainstorm to show the change in AF as inches per acre to FSA instead. Eric noted that you can tell it has the largest effect in the years where there is plenty of water. Eric presented the Dolores Project Users Unused Allocations from 2010-2013 and stated that there is a main sheet that has remained unchanged from the brainstorm but Don asked for extra breakdown on MVIC's unused allocation sheet which combines Groundhog unused storage with total unused McPhee water.

M&I Rates – Synopsis: The District has 5,120 AF of non-potable Dolores Project M&I water for lease, which serves four primary M&I users: Upstream well users, FSA users, Trucking users, and Dove Creek Secondary System users (DC L&G). M&I users pay annual fees and water charges based on their individual agreements. OM&R fees have not been adjusted since 2015.

Background: Since 2015, all accounts have been charged a \$50 administration fee, \$70/AF O&M fee, and \$106.67 BOR Repayment water charge per AF. The prior change was in 2009 when O&M charge was raised from \$50/AF to \$60/AF. All M&I users except DC L&G are charged a 1 AF minimum and then 0.1 AF increments for usage in excess of 1 AF. The O&M fee is applicable to all M&I Users except FSA Irrigators who wish to purchase 1 AF M&I and utilize their existing box (no new infrastructure). These accounts pay the minimum BOR Repayment charge (\$106.67) only. As discussed last board meeting, DC L&G has its own schedule of Rates and O&M fees, which were already adjusted to \$75 each. The following table provides a breakdown of the current M&I users and revenue generated:

2023 M&I STATS

USER	ACCOUNTS	USAGE (BILLED)	REVENUE
Upstream/Well	174	208.48 AF	\$45,523
Canal M&I	146	196 AF	\$41,927
FSA Irrigators	62	62	\$6,613
Trucking	21	32.5	\$6,792

As a starting place to adjust O&M fees, the Bureau of Reclamation develops Historical O&M Cost Index Values to help track increasing costs over time and move between cost years relevant to BOR projects and organizations. The Index adjusts to the current price level values obtained from O&M cost estimating guides. The cost index provides a comparison tool to adjust historical construction costs or fees to the current year. For example, the \$70 O&M fee in 2015 would be \$90.75 in 2022 (last published year) based on the cost index. The cost index increases roughly 3%-5% each year as material, labor, and equipment prices increase. A 3, 4 or 5% annual increase is \$2.10, \$2.80 or \$3.50 per acre foot. A 3% increase to O&M over 9 years would be \$91/AF.

Assuming that the majority of M&I users do not use more than 1 AF, the annual charge would include the historical \$50 administration fee, \$90 O&M fee, and a minimum one(1) AF water charge of \$106.67 for a total minimum annual bill of \$246.67. In comparison, DC L&G users are not charged a minimum of one(1) AF, but their actual usage at \$0.33/1,000 gallons. With the new fees set at the February 2022 board meeting and assuming an average use of ½ an acre-foot, the minimum annual bill for DC L&G would be \$254. An additional \$20/AF would bring in about \$10,000 annually.

Alternatives: The Board may consider slowly raising the fees over the next few years instead of all at once to ease the burden on account holders. The O&M fee could be increased by five dollars over the next four to five years, depending on cost trends moving forward. In March of 2022, due to recent water shortages, the board held off raising the O&M fee at that time.

Staff Recommendation: DWCD staff recommends increasing the O&M fee to \$90 before the next billing cycle in April, given M&I will be available all season in 2024. If a drought forecast reappears the Board can consider on an annual basis. The additional fee will bring the O&M charge up to about half of 2022 current cost trend rates.

Discussion: Jeremy said that he is in agreement with increasing the M&I O&M charge. Godwin asked if a \$20 increase is enough. Ken said that slow and steady is what they Board has implemented with the FSA and if they want to give direction to bring back annually we can and bring it back for discussion. Don asked if Jeremy would consider annually thereafter if Reclamation's cost index changes. Ken said the Board has to set the rate but it is a trackable rate with other contracts. Ken said it is the Board authority that sets the rate.

MOTION: TO INCREASE THE O&M FEE ON M&I'S BY \$20 TO \$90 PER ACRE FOOT IMMEDIATELY AND ADJUST THE M&I RATE ANNUALLY BASED ON THE BUREAU OF RECLAMATION O&M INDEXING.

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

Ken asked the Board if they want to consider DCL&G rates next month. Godwin asked Ken and Eric to bring the DCL&G rates and how those costs compare to the Canal M&I's.

Ken noted that the Upstream users are paying for legal and water accounting. The canal and lateral M&I's are washed into the routine duties and are imbedded within the system.

ADJOURNMENT

Dolores Water Conservancy District Water Activity Enterprise Board meeting
adjourned at 2:55 pm



Donald W. Schwindt, Secretary-Treasurer



Godwin Oliver, President

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DOLORES WATER CONSERVANCY DISTRICT

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Regular Meeting
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ROLL CALL Godwin Oliver, President
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INTRODUCTION OF GUESTS

In-Person

Brandon Johnson, MVIC; Rusty Cringle, CDWR;

Via Telephone/Teleconference

Tony Tanner, FSA Irrigator; Steve Wolff, General Manager SWCD

MINUTES

APPROVAL OF THE MINUTES

MOTION: TO APPROVE THE MINUTES AS SUBMITTED FOR THE FEBRUARY 8, 2024 REGULAR MEETING.

MOTION: GLEN FISH
SECOND: RYAN GRAY
MOTION CARRIED UNANIMOUSLY.

MOTION: TO APPROVE THE MINUTES AS SUBMITTED FOR THE FEBRUARY 8, 2024 EXECUTIVE SESSION.

MOTION: GLEN FISH
SECOND: RYAN GRAY
MOTION CARRIED UNANIMOUSLY.

FINANCIAL STATEMENTS

MOTION: TO APPROVE THE JANUARY '24 FINANCIAL STATEMENTS AND APPROVE THE STATEMENT OF PAYABLES AS PRESENTED.

ADMIN: AP/CHECK #12484-12496

\$775,440.09

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

AGENCY REPORTS

BOR Report – Robert stated that 1) he is working with the contracting officer to get the water screens delivered from Evoqua. Robert stated that it has been troublesome communicating with the contractor. Robert stated that April 8 is the date needed to get the water screens installed prior to water start up. Landan asked if there were additional water screens that need to be repaired? Robert said that this is the last group of water screens on the contract. It was stated that these water screens belong on South Canal and we have already heard that if it remains dry, irrigators want water on Hovenweep by April 15. 2) Robert stated that there will be a Safety of Dams inspection taking place Wednesday, March 20, 2024. This is a comprehensive review focused on all things mechanical, ie: valves, gates elevators etc. for McPhee Dam and Great Cut Dike. Robert stated that they will need a lockout tagout at the dam.

Division of Water Resources Report – Rusty stated that he didn't have anything to report.

T/H Committee Report – Wes stated that the Committee met February 21, 2024 1) The Committee paid DWCD and MVIC. The Committee meeting minutes were included in the Board mailout.

Next T/H Meeting – The Committee will meet at the DWCD, Cortez Office March 20, 2024 at 2:00 p.m.

MVIC Report – Brandon stated that 1) MVIC cancelled the stock run due to lack of orders. 2) Ditches will come on when they have enough orders to fill them. 3) Work at Narraguinep will begin Tuesday, March 19. 4) MVIC will begin their Water Smart grant work next week. 5) MVIC has hired two new ditchriders. 6) THC will begin filling March 18. 7) Les reported poor low snow. 8) Ken said that the billing question is resolved and MVIC has paid their O&M bill for 2024.

SWCD Report - Steve Wolff encouraged people to sign up for the annual SWCD seminar. Steve noted that breakfast is at 8:00 and the seminar starts at 8:30 am.

GENERAL MANAGER REPORT

Miscellaneous Updates

Wednesday March 27, 2024 SWCD Seminar: Please let office know if you wish to be signed up. Don, Ryan, Glen, Wes, Landan are signed up with rooms for Don & Glen.

M&R Team meets 10 AM Monday April 8, 2024 location TBD - Ken will meet with Wes and Steve Garchar next week.

Legislation Update: SB 24-148 Precipitation Harvesting Storm Water Detention received CWC State Affairs support as a pilot program with provisions for substitute water supply or augmentation plans. Other bills remain under negotiation and discussion including the Dredge & Fill bill. Ken said that there are some big differences and he thinks there are legitimate concerns about putting a new program on the CDPHE & WQCD. Ken said that Senator Simpon's bill on conservancy districts is not getting much traction. Steve Wolff and SWCD follow legislation closely. Ken noted that the legislative process will get very crowded at the end of session.

Lower DR National Monument: Two articles were included in the packet. Ken is still looking for opinions from the NCA participants. DWCD may discuss appropriate actions. This topic should come up at M&R Team and there may be implications for the Lower Dolores River National Monument. Ken said that he will talk to Wes and Steve Garchar and hopefully get James Snyder, MVIC representative and Gerald for Montezuma County to attend.

DWCD Board Member Class B Representative to MVIC Board: The Board picked this conversation back up with Jeremy in attendance. Ken said that Don gave good history on the MVIC

Board. The Board came to the conclusion that they feel it is important to have someone by Ken's side at MVIC meetings. Don reiterated the history of DWCD having representation at the MVIC meeting on Class B matters. Don stressed good communication between the two boards.

MOTION: FOR JEREMY REDSHAW TO BE THE REPRESENTATIVE TO THE MVIC BOARD.

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

Colorado River Basin Issues: The two basins sent in competing proposals, which were mailed to the Board. They did not send in a joint seven state proposal by the Monday, March 11 deadline. Based on meetings and articles in packet, the LB did want limits on future UB uses and cuts from the UB after the LB addresses the structural deficit. Ken said that there are several articles that were mailed out such as the CWCB infographic and the UB & LB proposals. Ken said that the UCRC met and accepted all of the SCPP proposals that were submitted. Ken noted that the conservation plans will be backstopped by federal money to keep the big reservoirs at good levels. Another article covered the MOU between the UB Tribes and UCRC. Ken mentioned an article highlighting UB sharing in future shortages says that Colorado might have to cut out 400 KAF which he noted the cuts that have already been made in the UB like our project. The Gila Indian reservation has come out and said they may not be on board with the LB proposal, Gila River is primarily in AZ. Ken noted that there is an interesting mix of parties in this discussion. Ken stated that DWCD's position is that we firmly support Commissioner Mitchell and back her discussion.

Steve Wolff said that if you compare the proposals, they are close on some issues and other issues they are very far apart, specifically how to distribute shortages after the structural deficit. The LB proposal gaps include how they account for water between states and they also have Mexico in that equation. Mexico has to be dealt with by the State Department. Steve noted that he foresees and interesting few weeks coming up.

Don asked Steve if he thinks there will be some agreement with the seven states the near future? Steve said he doesn't know, the current issues are the toughest he has ever seen. Some issues like tributary accounting were not addressed in the proposals. Don said that the reason he asked is because he still has faith in the process that they will get there. Don doesn't think it will get solved with legal teams. Steve agrees that litigation is not a good option.

Lease DWCD's MVIC Class A Shares: Ken stated that he had a positive meeting with Simon, Mike & Letisha and they see how leasing the Class A shares would be beneficial in shortage years and potentially long term. Ken said that he had further discussions with Simon who sees the benefit of the water this year and has some late season use for the water. Simon sent an email saying UF&RE intends to lease the full 170 shares of the DWCD's MVIC Class A water in 2024. Simon would also like to begin discussions to plan a long-term course for the utilization of the DWCD's 170 MVIC Class A shares. Ken said that this is a viable option and he will put something together for next month. The cost to lease these shares has traditionally increased to follow the FSA rate. Godwin said that Simon would like to come to the April Board meeting. Godwin stated that Simon said he would also be willing to entertain some sort of water trade. The DWCD office has had local individuals call to lease the Class A shares and staff has deferred them. Jeremy wants to wait to put the shares on the market in favor of dealing with the UMUT/UF&RE. Don, Wes and Glen are also in favor of waiting until after discussions with UMUT/UF&RE.

Follow up on February 14, 2024 Brainstorm: The Board reviewed the separate outline notes from the Brainstorm. Modified materials were presented by staff & attorneys and a status report was given on those in progress. Any Board clarification of direction given should be noted. 1) Ken said that there are maps for the solar project in the packet. This project will be subject to the new rate M&I rate that passed earlier today. 2) Ken stated that the reconciliation issue was solved with MVIC. 3) Ken stated that he still owes the board a follow up on the WSM reserve discussion. 4) Ken stated that the other water supply issues are for executive session.

Set FSA Farmer Advisory Committee Date for Week of April 1, 8 or 15: Given the supply summary in the packet, if the spring dries out, we could still go into a small shortage, about 20 inches/acre (21.8 HOV). If storms continue, then we will have a full supply. The April 1st forecast will be our next chance at updates with an ASO flight around that time. Ken stated that we plan to hold the meeting at PVFD. Farmer needs given the current conditions should probably be the driver. The FAC was set for Wednesday, April 10 at 5:30 pm.

Board Meeting Start at 2:00 PM beyond March 2024: One or two Board members asked after the brainstorm to place this back on the agenda. Given the diverse schedules of the Board members, the Board should discuss and set as appropriate. Godwin said that Ryan asked about the starting times in summer vs. winter. Ryan said that he may have not remembered correctly regarding summer times and winter times. Ryan said that he had not considered interagency participation the last time meeting times were discussed but stated that it is evident today and that could be a consideration.

Jeremy stated that he doesn't like the late-night meetings. Wes stated that it would be better for him to move them to a later time but what Ryan said makes sense with regard to interagency interaction. Landan said that he can make earlier meetings work once a month. Godwin said that he sees the Board as more active and more productive in the middle of the day. Don said that he can adjust to any time. Ryan said that he is good with 2:00 PM. Wes prefers 6:00 PM. Jeremy asked Wes if 3:00 PM was better than 2:00 PM. Wes said he is fine with 3:00 PM Glen would support 3:00 PM.

MOTION: TO MOVE THE DWCD MEETING START TIME TO 3:00 PM.

**MOTION: JEREMY REDSHAW
SECOND: RYAN GRAY
MOTION CARRIED UNANIMOUSLY.**

Don asked if the Board would be meeting on the 3rd Wednesday each month? Ken said that he has cancelled everything that doesn't make water move between now and June. Ken said that he is spending a lot more time at Great Cut Dike and we will not have staff capacity for special meetings since there are other season startup meetings that are taking priority. Some of the longer scheduled projects will also slow down until later. Ken said that getting everything running by June is the current focus.

JUWI Trucking M&I Request: Ken listed this item to provide some time to discuss and answer questions before we start working on a final contract for the April Board meeting. Two maps were included in the mail out. There were a few questions for the attorney's that they will discuss in executive session. Ken said that Jed will work on how it will look in the field so JUWI doesn't damage DWCD facilities. Ken doesn't have anything additional for tonight and will draft a contract for review next month.

Ken noted that next month the Board will need to discuss the moratorium on upstream applications. There is an applicant that would like to put in a distillery at Stoner. Ken said that if approved, Stoner may be the biggest upstream user at around 13AF.

LEGAL REPORT

MVIC 87.3 Change Case – Adam stated that to his knowledge, MVIC has not made any further progress with SWCD.

Main Canal 1&2 Due Diligence – Adam stated that they received one statement of opposition. Adam believes that they will be able to work through that statement of opposition. All parties have until the end of the month to oppose and he won't be surprised to see further opposition.

2000 Operating Agreement Contract No. 99-WC-40R-6100 – Adam stated that they have looked at the Operating Agreement, the history of the Operating Agreement and looked at assessing the discretionary federal action that the federal government might have in making alterations. Adam asked for further discussion in executive session.

Carriage Contract – Adam said that the Carriage Contract has the same sort of issue as the Operating Agreement.

Water Rights Protection, Water Supply and Project Land Use discussion involving legal advice and/or negotiations subject to Executive Session

Adam requested an executive session to discuss the following: M&I water deliveries, pending water rights applications, 2000 Operating Agreement Contract No. 99-WC-40R-6100, DWCD/BOR Carriage Contract No. 02WC-40-7060 and Water Rights Protection and Colorado River Issues.

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 M&I WATER DELIVERIES, PENDING WATER RIGHTS APPLICATIONS, 2000 OPERATING AGREEMENT CONTRACT NO. 99-WC-40R-6100 AND WATER RIGHTS PROTECTION AND COLORADO RIVER ISSUES.

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

**RECESSED FOR EXECUTIVE SESSION AT 3:57 P.M.
RECONVENED REGULAR MEETING AT 5:20 P.M.**

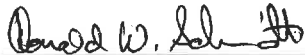
REPORT OUT OF EXECUTIVE SESSION

Adam reported that in executive session the Board discussed matters related to pending water rights applications on the Dolores River, received legal advice with respect to the interpretation of contracts effecting the District and briefly discussed strategy related to Colorado River Issues. No decisions were made.

OTHER

NEXT DWCD BOARD MEETING – Tuesday, February 8, 2024 – 2:00 P.M.

ADJOURNMENT Meeting adjourned at 5:21 P.M.



Donald W. Schwindt, Secretary-Treasurer



Godwin Oliver, President