

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 audio tape.

DOLORES WATER CONSERVANCY DISTRICT WATER ACTIVITY ENTERPRISE

MINUTES Regular Meeting March 8, 2018

CALL TO ORDER Bruce Smart, President, called the meeting to order at 7:15 PM

ROLL CALL Bruce Smart, President
Simon Martinez, Vice-President
Don Schwindt, Secretary-Treasurer
Godwin Oliver, Director
David Frederick, Director
Wes Wilson, Director
Glen Fish, Director
Mike Preston, General Manager
Ken Curtis, Engineer
Lloyd Johnson, Maintenance Supervisor
Lisa Jordan, Office Administrator
Robert Stump, Bureau of Reclamation
Adam Reeves, Attorney
Marty Robbins, Colorado Division of Water Resources

INTRODUCTION OF GUESTS

Keenan Ertel, Montezuma County Commissioners; Brandon Johnson, General Manager MVIC; Eric Sprague, DWCD Staff; Tony Tanner, Wyatt Lancaster, FS Irrigators; Steve Wallace, Jimmy Porter, Dorothy Porter, Bernard Karwick, Nancy Karwick, John Sutcliffe, McElmo Users

MINUTES

APPROVAL OF THE MINUTES

MOTION: TO APPROVE THE MINUTES AS SUBMITTED FOR THE FEBRUARY 8, 2018 ENTERPRISE MEETING.

**MOTION: GLEN FISH
SECOND: SIMON MARTINEZ
MOTION CARRIED UNANIMOUSLY**

FINANCIAL STATEMENTS

David stated that if the Board is being asked to approve the bills and financial statements those documents should have the same date on them that is on the Agenda. Wes pointed out that the date on the Statement of Operations corresponds with the Budget Analysis.

MOTION: TO APPROVE THE JANUARY '18 FINANCIAL STATEMENT AND APPROVE THE STATEMENT OF PAYABLES AS PRESENTED.

**O&M: AP/CHECK #35774-35861 & PR/CHECK #122452-122501
\$260,916.62**

**MOTION: WES WILSON
SECOND: SIMON MARTINEZ
MOTION CARRIED UNANIMOUSLY**

O&M REPORT – Lloyd reported the following:

SCADA – The new SCADA upgrade is going smoothly and on schedule. All new components have been installed in the control room. Commissioning has been taking place all week. The upgrades in the field will be ongoing for several seasons.

Dove Creek Canal – Silt removal and rip rap placement has continued along Reach 1. Canal work just upstream of Cahone Pump Plant is in progress. A 500' liner will be installed in a couple of weeks.

South Canal – WAPA is scheduled to do their first annual underground cable testing on the South Canal system March 27, 2018.

Laterals – Meters and PRV's are being reinstalled in the field. Numerous upstream and downstream butterfly valves are being replaced at the delivery boxes. An 18" sectionalizing valve at Rd. Y and 17 on the 400 lateral is scheduled to be replaced later in March.

Pump Plants – The VFD upgrade at Cahone Pump Plant is continuing on schedule. The new excitation at Great Cut is scheduled for completion later this month. Kinder Morgan is currently boring under the intake pipe at Ruin Canyon Pump Plant.

Towaoc Highline Canal – The internal repair on Reach 3, siphon 7 was completed. Three internal repair bands were installed. Three more internal repair bands are currently being installed at check 524. Lloyd explained some of the detail regarding the repair and the length of the repair. Don asked if a smart ball could have been used to detect a leak. Ken stated the cost associated with the smart ball is prohibitive in this case and may not have detected the leak in the end.

ENGINEERING AND WATER MANAGEMENT REPORT

Water Accounting – Ken presented the 1) Colorado Basin River Forecast Center graph, the weekly SNOTEL average which compares 2018 with other years at the same time. Ken presented the High 4 & 5 Low snowpack sites and highlighted 1990, 2002 and 2018 other years that are similar were 2012 and 2013. The Dolores Project Supply Projections based on the Allocation spreadsheet show that the snow received in February up in the mountains kept us from slipping. Ken stated that there is still snow up in the midrange and low snow areas. Ken stated that MVIC, the Fishery and UF&RE need to know what kind of water allocations there will be this season for planning purposes. Ken presented the Class B and M&I lease options to the Board. Ken stated that has talked to the City of Cortez and they will be considering leasing the water that they have available.

DWCD 2018 Outlook for McPhee and Dolores Project Irrigators as of March 5, 2018. Current forecast odds are barely enough for a full irrigation supply in 2018, with the CBRFC 50% forecast having risen 3 KAF in the last month. End of season carry over storage is likely to be low and threatens the 2019 supply. There will be more updates available in April.

MP – Most Probable – means there is a 50/50 chance the median forecast is based on historical weather & resulting hydrology.

FSA – Full Service Area – Yellow Jacket to Dove Creek the only adjustments made are taking Class B, irrigation pools could increase slightly based on M&I lease and Water Bank.

The 30-year average April through July runoff for McPhee is 295,000 acre feet. The current 50% exceedance forecast is only 38% of the average. We have the potential to collect precipitation towards the spring runoff through May. Monsoon rains always remain unpredictable.

The March forecast did not change much despite increased precipitation in late February. Current CBRFC climate forecasts are for a warm and dry early March, with potential changes mid-month. The Dolores Basin began the month of March at only 53% of the snowpack.

McPhee currently has 132,000 Acre Feet of active storage that can provide over half of the 2018 water diversion needs for our community. This higher than normal carry over provides some insurance given the current conditions. With inflows remaining on the low end, carryover into 2019 will be low and increase the potential for future shortages.

Dolores Project Municipal supplies are not subject to shortage based on contract and/or senior water rights in some cases. This applies to MWC, Cortez, Towaoc and Dove Creek.

Bruce asked if we will reach 100% water supply. Ken stated that he cannot be sure unless we get a firm 50% probability it will likely be the June meeting before that decision will be made. Bruce asked if the Board should be leasing M&I without a full supply. Ken stated that

this is a decision that he would normally bring to the Board in May however for planning purposes, he would like to have a minimum number to make decisions off of. The UF&RE needs to make a farm plan and they need to know what type of water supply they will have to work with. Ken stated that if we receive the 50% forecast amount then everyone has a full supply. Ken stated that if it is a normal weather year then DWCD would likely divert around 48KAF, but in a dry year could be much higher and some water will have to be held back to provide supply to the FSA.

Totten – McElmo Lease – Ken stated that if the DWCD Board wants to continue the McElmo lease trials, they must set parameters for 2018 leases from Totten Reservoir to McElmo irrigators. These include cost per acre foot, minimum and maximum quantities and similar operational criteria for 2018.

Background: In 2017, DWCD operated a fifth year of McElmo leases from Totten under trial conditions with the specifics in the memo table. There was no use in 2015, 2016, or 2017. In all three years, McElmo ended up with plenty of early water and never pulled on their available contracted Totten supply. Ken discussed the Totten Lease Details from prior years leasing including number of irrigators, total contract AF, delivered AF, unused AF and cost and revenue amounts. Ken also provided current Totten operating elevations and quantities.

Ken stated that based on the information provided, we currently operate 8' between 6145' to 6153' with 1,403 AF. Reservoir evaporation is approximately 48" or 613 – 790 AF, about 700 AF. Leases are predicated on a call on McElmo, which means we won't gain reservoir storage during that period. Later in the season, we may be able to collect additional inflow and re-fill like 2013 & 2014 based on monsoons and return flows, but this is not guaranteed. 700 AF of lease could effectively drain Totten while restriction remains in place. From our 2013 & 2014 experience, in consultation with DWR, operations and accounting will be controlled by reservoir elevations controlling inflows, gaged outflows & evaporation.

With the irrigation supply (particularly the late season runoff) potentially threatened by the below average snowpack, it is likely that there will be increased interest in Totten leases for 2018. On February 26, 2018, staff spoke with Jimmy Porter who claimed that those individuals who leased in 2017 will continue to do so both in order to keep the lease program alive and to maintain the lease as an insurance policy. He agreed that interest in leasing will likely increase this year in response to the drier conditions and forecast. Mr. Porter also specifically advocated the current payment method.

In 2017, the Board chose to maintain the split pricing method similar to costs within the Full Service Area, with a base fee of \$11/Acre-Foot paid at the signing of the contract, and a delivery fee of \$11/AF based on actual quantities released from Totten. It was discussed that although this would take additional administrative time and would probably reduce total revenue, it may appear more equitable and encourages longer term interest in the program.

Ownership costs for Totten are approximately \$8,000 to \$15,000 per year for normal operations.

Future improvements will cost substantially more, \$500,000 - \$1,000,000, which at 3% interest over 20 years, would require annual re-payments of \$34,000 to \$68,000 per year. Much more engineering and exploration of financing would take place over multiple years to complete these improvements including rip rap, shrinkage crack repair & slope protection, measurement flumes and other minor issues. Adding annual operating costs to capital costs could yield annual costs ranging from \$50,000 to \$100,000 (\$12K + \$34K + \$4K reserve = \$50K to 100K). Based on 1,000 – 2,000 AF of water sales per year would yield costs from \$25/AF - \$100/AF. Refined engineering, grants, timing and staff labor & equipment will all help to control some of these costs.

Staff Recommendation: Continue the trial leases on an annual basis for 2018 as has been run for last Five years. Increase the price for water by 3% in line with the increased charges for the Full Service Area, putting the charges at \$11.33/AF Base Fee due at the time of the contract, with an additional \$11.33/AF charge for releases from Totten. Total delivered cost would be \$22.66 per acre foot for total AF leased including required losses. Set a minimum lease volume of 100 AF to run the program. Allow a maximum of approximately 700 AF to be leased. Require Base Fee payment on firm amounts up front to the District. Only provide refunds for water that DWCD is unable to deliver.

Discussion: Bruce asked for questions from the audience. Jimmy Porter stated that they would like to continue this program. He stated that they have not used the water in the past 2 years. It was noted that the water is normally utilized early in the season. Jimmy stated that this water won't be utilized until mid-April to the first of May. Marty Robbins stated that he is concerned with the fully submerged outlet flume. Ken stated that they will work out the volume and will stay on top of the inflow and the flume.

MOTION: TO APPROVE LEASING WATER OUT OF TOTTEN RESERVOIR TO MCELMO USERS WITH A 100 AF MINIMUM AND A 719 AF MAXIMUM. DWCD TO BEGIN ACCEPTING LEASE APPLICATIONS AT 9:00 AM ON MONDAY MARCH 12, 2018. PRICING IS SET AT \$11.33 PER AF BASE FEE, PAID AT TIME OF CONTRACT. AN ADDITIONAL \$11.33/AF WILL BE CHARGED ON WATER ORDERED AND RELEASED FROM TOTTEN. DWCD WILL BILL FOR DELIVERY AMOUNTS AFTER WATER SEASON. ALL QUANTITIES INCLUDE THE MANDATORY DWR ESTIMATED LOSSES. IF DWCD IS UNABLE TO DELIVER ANY CONTRACTED WATER, COSTS WOULD BE REFUNDED TO LESSEE. IF THE WATER IS AVAILABLE AND UNUSED THERE WILL BE NO REFUNDS FOR THE BASE FEES. ALL LEASES WILL BE ON A FIRST COME FIRST SERVE BASIS.

**MOTION: GLEN FISH
SECOND: DAVID FREDERICK
MOTION CARRIED UNANIMOUSLY**

M&I Use for County Road Work – Ken stated that both Montezuma & Dolores Counties have historically pulled water from DWCD facilities and elsewhere in the two Counties to work on county roads. When the water was from DWCD, this water was provided free of charge as one government to another serving a common public paying for roads & water. This supplied M&I water helps DWCD further our local community development support mission, facilitates interagency cooperation and cuts unnecessary paperwork.

Since the In Stream Flow (ISF) 78 CFS water right placed a call below McPhee in 2016, many of the locations previously used by both counties under a free river situation were no longer accessible due to DWR Water Rights Administration. Additionally, MVIC has restricted some historical access due to water rights and by-laws. Both of these restrictions have caused additional costs or decreased service to the local community for road maintenance.

DWCD's M&I can provide a solution for many of these situations. Locations DWCD can help include anything downstream of McPhee reservoir and upstream of McPhee via exchange. Staff has worked towards a final agreement but has not fully defined all the details yet with the parties.

Current staff intentions include the following:

Waive \$106.67 cost (paid by tax payers)

Any additional delivery costs paid by DWCD will be passed on to Counties.

Counties will prevent damage to District facilities

Private land access to divert is the responsibility of the Counties; this includes MVIC facilities

DWCD takes care of water accounting in coordination with DWR

Agreements to run in perpetuity unless changed by DWCD with notice

All water use subject to DWR administration and Reclamation DP authority

Review final letter or agreement form & details with District Legal staff

Ken would like authorization from the DWCD Board to continue working on the County use details to better prepare a document for future Board approval while supplying M&I in 2018. Ken stated that there could be water taken upstream and downstream of McPhee. DWCD is also considering putting M&I into the THC for use. There may be additional cost on the THC water that cost will be passed on to the County if the THCC does not waive any fees. Ken stated that DWCD will work with the CDWR to account for the use. Ken stated that down the road there will be a final agreement. Ken stated that he doesn't see a final agreement until much later this year or next.

Discussion: Don stated that Ken stated that MVIC will not stand in the way of DWCD sending M&I water to the Fairgrounds for the County to use. Don asked how many other turnouts would be in play. Ken stated that the Fairgrounds is the only official turnout available at this time. Pumping out of the canal is not allowed by MVIC bylaws and the Fairgrounds turnout is the only place allowed by the THCC at this time. Don stated that he thinks that the Board might want to give specific direction on how they would weigh in based on the contractual interpretation. Don stated that the Board should take steps to answer to this. Don stated that to him the option to send water that DWCD owns may not have been contemplated in the THC contract and may need to discuss this prior to any decision by the Committee. Glen stated that in that scenario any farmer that had a turnout could make a deal with the county. Don stated that he had not contemplated that and thinks that this should be easy accounting. Ken stated that there is a Board to Board meeting coming up and believes that will be a good place to discuss this topic. Don stated that he feels that the contracts should be read closely with this topic in mind. Keenan stated that DWCD already sends M&I water to UF&RE and this could be an addendum to what is already happening. Don would like staff to proactively get water to the County.

Adam stated that he hasn't reviewed the contracts under this idea either. Adam stated that the THC representative could be directed to tell the Committee that DWCD will not prohibit this and will advocate for the county to use water.

David stated that he was concerned that the cost of an M&I turnout is approximately \$5,000 and a FSA delivery box around \$50K. Ken explained that pumped users pay their fee and do not pay for installation as there is no infrastructure, this use would be in the same category.

MOTION: TO SUPPORT THE COUNTY WATER USE TO THC TO THE EXTENT NOT PROHIBITED BY LAW OR THE CONTRACT. WITH THE CAVIAT THAT IF THE MVIC WATER RIGHTS WORK OUT THE COUNTY WILL GO BACK TO USING MVIC SHARES.

**MOTION: DON SCHWINDT
SECON: GLEN FISH
MOTION CARRIED UNANIMOUSLY**

M&I Lease – Ken stated that DWCD has approximately 4,000 AF of DP M&I allotment that can be leased on an annual basis. In full supply years prior to the 2013 shortages, the total 4,000 AF has been leased to the UF&R. This year the UF&R initially anticipates leasing 1,000 AF beyond their normal full supply. The UF&R may request to lease additional M&I later in the season if water is still available. The price has generally been increased the same as FSA rates and therefore would be \$32.72 based on a 2% total increase (3% on FSA base only). The budget is based on a 2,000 AF lease. In past shortage years if M&I was needed by FSA then the total quantity was split proportionate to the two DP water supplies, 23,300 AF UF&R & 55,282 AF FSA, that work out to 1,200 AF & 2,800 respectively. Cortez M&I may also be available, approximately 1,000 AF, and can add to the total DP water available with their agreement and an approved lease. It would generally be priced at the same rate set for the UF&R M&I lease.

The District has generally set the FSA cap and conservation pricing at the same time when full supplies are available. This will happen in May or June when final inflow numbers are known.

Shortages are still possible that might drive the final distribution of DWCD M&I. Class B may vary from approximately 4,600 AF to 6,000 AF. Average FSA diversions are approximately 47,000 AF and maxed out in 2012 at 62,000 AF.

Discussion: Godwin stated that if DWCD leases water to UF&RE and end up in a shortage then this will be a poor decision. Ken stated that based on historical decisions the Board has made they have proportioned out the water between UF&RE and FSA. Ken stated that this was a big part of the Drought Contingency Plan. Early planning for the Utes was also the reason they didn't have fields planted in the "Miracle May" and lost revenue. Ken directed the Board to the spreadsheet that shows the worst case scenario in 2018. This scenario could also include leasing water from the City of Cortez. Based on the worst case scenario, then the proportionate floor would be 1,200 AF instead of 2,000 AF. Mike stated that with 2,000 AF of water leased, DWCD would garner \$60K in revenue. Mike explained that the financial tradeoff is attractive. Don asked what the chances are that DWCD could lease the City M&I water. Ken would like to continue discussions with the City. Don would support 2,000 AF but if the Board wants to be conservative they could go to a proportionate amount. Don asked the Full Service irrigators on the Board for their input. David stated that this would mean giving up a quarter of an inch per acre. Simon stated that currently UF&RE has taken a significant amount of acreage off of the table and if they don't have the M&I water it will have a significant impact to UF&RE. Simon stated that UF&RE is 30 days ahead of the FSA irrigators. Simon stated that the Drought Contingency Plan was put together to help farmers plan. Simon stated that they have to depend on the water in the reservoir and utilized any water they receive. Ken stated that this is a project of partners and doesn't believe that anyone has ever cut off one of the partners. Godwin stated that he feels it is more fair to proportion the M&I water. Mike stated that one way to look at this is that if the City lease becomes available then it is also proportioned out. Ken stated that he will bring the decision back each month until the final numbers are determined. Wes stated that with the City water the Board could commit to 1,500 AF.

MOTION: APPROVE THE UF&RE LEASE FOR A MINIMUM OF 1,500 AF. TO SET PRICE AT \$32.72/AF.

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

Projects Update – Ken did not have anything additional to report

Background Documents and Educational Information – The Board decided to hold off one month on this discussion in the interest of time. Don asked for a reminder in the mail out to bring appropriate materials.

Other – Wes asked why Totten reservoir was held at less than full elevation. Ken explained that there was a crack in the dam that led to a restriction keeping the reservoir down 5 feet for several years. Wes asked about the turnout that Keenan was under the assumption is the Bureau turnout. Ken and Brandon explained that this is a completely different type of turnout and is actually MVIC's turnout that was installed for a specific use. The County added a riser right before the MVIC turnout. The County had to apply to Reclamation for access to use the easement unrelated to receiving the water. Ken stated that all of the facilities are divvied up by who takes the water. For example, everyone pays for the Dam. Mike also noted that in the case of this turnout, DWCD doesn't have total control like they would on the north system.

ADJOURNMENT Dolores Water Conservancy District Water Activity Enterprise Board meeting adjourned at 9:08 PM

Donald W. Schwindt, Secretary-Treasurer

Bruce Smart, President

DOLORES WATER CONSERVANCY DISTRICT

MINUTES Regular Meeting March 8, 2018

CALL TO ORDER Bruce Smart, President, called the meeting to order at 9:08 PM

Bruce Smart, President
Simon Martinez, Vice-President
Don Schwindt, Secretary-Treasurer
Godwin Oliver, Director
David Frederick, Director
Glen Fish, Director
Wes Wilson, Director
Mike Preston, General Manager
Ken Curtis, Engineer
Lloyd Johnson, Maintenance Supervisor
Lisa Jordan, Office Administrator
Robert Stump, Bureau of Reclamation
Adam Reeves, Attorney
Marty Robbins, Colorado Division of Water Resources

INTRODUCTION OF GUESTS

Brandon Johnson, General Manager MVIC; Eric Sprague, DWCD Staff

APPROVAL OF THE MINUTES

MINUTES

MOTION: TO APPROVE THE MINUTES AS SUBMITTED FOR THE FEBRUARY 8, 2018 REGULAR MEETING.

**MOTION: WES WILSON
SECOND: GODWIN OLIVER
MOTION CARRIED UNANIMOUSLY**

FINANCIAL STATEMENTS

MOTION: TO APPROVE THE JANUARY '18 FINANCIAL STATEMENTS AND APPROVE THE STATEMENT OF PAYABLES AS PRESENTED.

ADMIN: AP/CHECK #11093-11108

\$20,673.22

**MOTION: WES WILSON
SECOND: SIMON MARTINEZ
MOTION CARRIED UNANIMOUSLY**

AGENCY REPORTS

BOR Report

Robert stated that 1) Lloyd covered the MOA and SCADA topics. There will be PLC's that need to be installed over the next few years. Robert complimented the DWCD staff on a job well done.

Division of Water Resources Report

Marty did not have a report.

T/H Committee Report

Godwin reported that the THC Committee had a meeting on December 20, 2017. **1)** DWCD staff completed an internal repair to the pipe on Siphon 7 at the Ute Fairgrounds. Three internal repair bands were installed. The Committee agreed to purchase four additional bands to have on hand in the event of another leak. **2)** The Committee paid DWCD and MVIC. **3)** Eric Whyte will be the representative and Simon will be the alternate on the THCC for UF&RE.

David stated that NRCS has a few new employees and asked if they could also go on the THC tour. Stating that it could be an opportunity for them to learn the system. Ken and Brandon stated that those employees would be welcome to come at any time for a smaller tour if they would like.

Next T/H Meeting – The Committee will meet at the DWCD, Cortez Office March 21, 2018 at 8:00 a.m. for the annual tour. The meeting will take place at the Cortez Office directly after the tour. Board members are welcome to attend.

MVIC Report

Brandon reported that **1)** Narraguinnep fill began on March 6, 2018. **2)** MVIC is planning a stock run on the week of March 26th.

GENERAL MANAGERS REPORT/DECISION ITEMS

Monitoring and Recommendation Team – There will be a public meeting on March 12, 1:30-4:30, in the Conference Room at Dolores Public Lands Office on Highway 184. The purpose of this meeting is to share 2017 spill management objectives, operational challenges and monitoring results in an open public meeting. The M&R Team meeting on March 14 will report out the public meeting, examine some of the monitoring, overseeing reservoir management, riparian monitoring, fishery monitoring and boater survey. The M&R Team meeting will begin to look toward the future based on lessons learned and ongoing hydrologic variation. The Agendas for both meetings were mailed out to the Board.

Board to Board Meeting – The next Board to Board meeting is scheduled for March 20, 7:00PM DWCD. Potential topics include: Call water accounting relative to Water Year 2017, including a review of Exhibit A. There may be an M&I trucking discussion. Brandon stated that there can be discussion regarding whether or not to have an April meeting due to the upcoming farming season. Don asked what topic was left to discuss from the February meeting. Ken and Brandon stated that the storing of Narraguinnep water and call water were discussed and may need further discussion.

Farmer Advisory Committee – A Farmer Advisory Committee meeting will be scheduled for March 27 or 28, 5:30 DWCD, Chili will be served and Board members are encouraged to attend. Mike will make a round of calls to the Committee members to see what day is better for them. Ken asked if the Board would like staff to send out postcards announcing the meeting, the Board would like to have the postcards mailed out this time.

SWCD Annual Seminar – SWCD Annual Seminar is scheduled for Friday, April 6. DWCD will register all board members. Anyone wanting to ride-share should show up at the DWCD parking lot at 7:30AM.

2018 Brainstorm – One purpose of the brainstorm was to put current issues faced by the Board into a 10-year historic context. The other purpose was to provide a framework for selecting topics that the Board would like to consider in more depth. The Brainstorm Agenda was mailed out as a refresher on potential topics. There will be 30 minutes set aside each Board meeting to provide background documents and educational information about priority topics identified by the Board.

Instream Flow Pilots, Federal Reserved Water Rights – The intent to appropriate the Himes Creek instream flow has now been delayed until the May CWCB Board meeting in Salida. Mike and Ken are working with CWCB Instream Flow, Forest Service and Colorado Parks and Wildlife Managers to set up technical discussions aimed at finding an acceptable approach to the Forest Service protecting small, isolated, high altitude native trout streams without creating problems lower in the river system where human needs are addressed via the Colorado Prior Appropriation System. The legal team will begin to review options for addressing Himes Creek if it proceeds as scheduled. The Board now has the April and May

Board meetings before Himes Creek is scheduled for consideration by CWCB, and things are still fluid. So, the legal team will continue to set context for the decisions that lie ahead.

Legal Discussions MVIC-DWCD – Groundhog, 505cfs, Change in Use of MVIC 87.3 conditional water right

Legal Report – Any additional updates on other pending legal matters in open session, with items needing Attorney-Board confidentiality taken up in executive session as necessary.

Activities and Meetings since Last Board Meeting:

February 13: ANS Task Force Meeting – Ken by telephone
February 13: MVIC Board Meeting – Bruce, Ken, Godwin
February 15: 2018 Brainstorm
February 16: Himes Creek Call – GM, Kara Chadwick, Linda Bassi
February 20: Dolores County Workshop: Forest Health, Instream Flows, Road Maintenance Water – GM, Ken
February 20: Board to Board Meeting – 6 DWCD Boards, Ken, GM, Eric
February 21: Interview on Weather/Water Supply Outlook with Austin Cope, KSJD - GM
February 22: Forest Health Advisory Council, Frisco - GM
February 26: Planning Meeting M&R Team Public Meeting, March 12 and M&R Team Meeting March 14 – Bruce Smart, Celene Hawkins, GM
February 27: City of Cortez, M&I Water for Marine Life Reservoir – GM, Robert, Vern
February 28: Meeting JoDee Powers, Montezuma County Economic Development Council to Explore Forest Health Awareness, and Related Economic Opportunities for the Local Businesses – GM
February 28: Himes Creek ISF Process Phone Call – Kara Chadwick, Linda Bassi, GM
February 28: Towaoc-Highline Committee – Godwin, Ken, Rob
March 7: DWRf Collaborative, DWCD, 1:30PM
March 8: DWRf Steering Committee
March 8: General Manager Evaluation, 5:30, Dinner Provided

Upcoming Meetings and Activities:

March 12: 2017 Managed Release Public Meeting, Dolores Public Lands Office, on Hwy 184, a few miles east of Dolores, sponsored by M&R Team, 1:30-4:30PM
March 13: EDS power plant discussion at Ute Mountain Tribal Council Workshop GM, Ken, Steve Harris
March 13: MVIC Board Meeting, 2:00PM
March 14: M&R Team Meeting, 1:00-5:00PM, DWCD Meeting Room
March 20: MVIC-DWCD Board to Board Meeting, 7:00PM, DWCD
March 21: Towaoc-Highline Tour, Meet DWCD, 8:00AM
March 27: Farmer Advisory Committee Meeting, 5:30, Chile
April 4: DWRf Collaborative, 1:30 DWCD
April 6: Southwestern WCD Annual Seminar, Ride Sharing 7:30AM, DWCD Parking Lot
April 10: MVIC Board Meeting, 2:00PM
April 11: Southwest Basin Roundtable, Durango Public Library, 3:00PM (2:30 Social Time)
April 11: Pre-Roundtable Webinar, Upper Basin Risk Assessment, Durango Public Library, 1:00-2:30PM
April 12: DWRf Steering Committee, 10:00AM, DWCD

Legal Report – Adam stated that the Himes Creek ISF scheduling discussions will take place at March CWCB meeting and they will likely move forward with it in May. This is very concerning as this is a significant departure from where the CWCB Board has been in the past.

Adam asked to have an executive session to discuss the Instream Flow Pilots, Federal Reserve Water Rights and Change in use of MVIC 87.3 conditional water right.

RECESSED FOR BREAK AT 9:40 PM
RECONVENED AT 9:47

MOTION: TO MOVE INTO EXECUTIVE SESSION PURSUANT TO CRS 24-6-402-4(b) TO RECEIVE LEGAL ADVICE FROM THE ATTORNEY AND CRS 24-6-402-4(e) TO GIVE DIRECTION TO

MOTION: SIMON MARTINEZ
SECOND: WES WILSON
MOTION CARRIED UNANIMOUSLY

**RECESSED FOR EXECUTIVE SESSION AT 9:47 PM.
RECONVENED REGULAR MEETING At 11:09 PM.**

REPORT OUT OF EXECUTIVE SESSION – The Board discussed Himes Creek Instream Flow Pilots, Federal Reserve Water Rights, and M&I water provided to the County. Change in use of MVIC 87.3 conditional water right. No action taken in or out of Executive Session.

NEXT DWCD BOARD MEETING – Thursday, April 12, 2018 - 7:00 P.M.

ADJOURNMENT Meeting adjourned at 11:09 P.M.

Donald W. Schwindt, Secretary-Treasurer

Bruce Smart, President