

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
July 9, 2020

CALL TO ORDER Bruce Smart, President, called the meeting to order at 7:08 PM

ROLL CALL Bruce Smart, President
Simon Martinez, Vice President
Don Schwindt, Secretary-Treasurer-Via Teleconference
Godwin Oliver, Director
Wes Wilson, Director- Via Teleconference
Sheldonna Z. Ives, Director-Via Teleconference
Glen Fish, Director
Ken Curtis, General Manager
Patrick McKeever, Chief of Engineering and Construction
Lloyd Johnson, Maintenance Supervisor-Via Teleconference
Rob Walker, Engineering Technician-Via Teleconference
Lisa Jordan, Office Administrator
Adam Reeves, Attorney- Via Teleconference
Dan McCarl, Attorney- Via Teleconference

INTRODUCTION OF GUESTS Via Telephone/Teleconference

Eric Sprague, DWCD Engineering Tech, Brandon Johnson, General Manager, MVIC; Ed Millard, Montezuma County/IBCC/SWBRT, Doug Pickering, Marty Robbins, DWR; Laura Spann, SW Water Conservation District, Rich Landreth, City of Cortez; Gigi Richard, M&R Team

MINUTES

Ken noted that Ed Millard was added as a guest on the June 11, 2020 Enterprise minutes as he was in attendance at the meeting.

APPROVAL OF THE MINUTES

MOTION: TO APPROVE THE MINUTES AS CORRECTED FOR THE JUNE 11, 2020 ENTERPRISE MEETING.

MOTION: GLEN FISH

SECOND: GODWIN OLIVER

MOTION CARRIED UNANIMOUSLY. SHELDONNA Z. IVES WAS ABSENT AT THE TIME OF THE VOTE.

FINANCIAL STATEMENTS

Glen asked who World Fuel Service was. Rob explained that they have taken over Honstein/Fraley Propane.

MOTION: TO APPROVE THE MAY '20 FINANCIAL STATEMENT AND APPROVE THE STATEMENT OF PAYABLES AS PRESENTED.

**O&M: AP/CHECK #38466-38550 & PR/CHECK #124030-124083
\$426,642.07**

MOTION: GODWIN OLIVER
SECOND: SIMON MARTINEZ
MOTION CARRIED UNANIMOUSLY. SHELDONNA Z. IVES WAS ABSENT AT THE TIME OF THE VOTE.

O&M REPORT – Rob reported the following:

Pump Plants – All pumping plants have been running steady for the past month. Cahone Pumping Plant was shut down for an hour on Thursday June 26th due to a leak on the 700 lateral. The sectionalizing valve to the south section was closed and the plant was restarted so the northern Full-Service area was able to irrigate while the leak was being repaired.

Laterals – The 700 lateral runs east and west along CR. T. The leak was called in on the morning of the June 26th and staff had it repaired in the afternoon of the June 27th. This is a temporary repair to get through the season and staff is planning on fixing this problem area as well as two other similar areas on the same lateral after the season. All three problem areas are at locations where drains were leaking and removed in the past. The majority of the Cahone laterals are Reinforced Concrete Pipe so staff was able to weld most of the leaks. DWCD staff is in the process of looking for a more long-term solution i.e. substituting the existing pipe with PVC in the problem areas and using bands or collars.

Canals – Weed pulling has continued at a regular pace. Staff is planning on treating South Canal with Magnicide the week of July 27th. A mass text and letter will be sent out the week of July 13th to the landowners along South Canal stating that Magnicide is not harmful to irrigated crops, livestock or humans at the concentrations used, however, it is very toxic to fish so please do not fill any ponds containing fish with water from the canal for at least three days after the treatment.

200 tons of rip rap were hauled to the South Canal turnout and crews will place it in the eroded areas along the Dove Creek and South Canals in the fall and spring.

Dove Creek Lawn & Garden – Patrick and Rob met with Simbeck at the Dove Creek Lawn and Garden pond to discuss the new liner. Simbeck will supply three different bids using two different materials (HDPE & Polypropylene). Rob noted that DWCD has used polypropylene liner in the canals.

PMSC (Programmable Master Supervisory Control) – Staff is engaged in ongoing maintenance & training. Electronic control of Gate 301 was lost on Friday the 27th. The gate was raised manually so the canal is being controlled by Gate 302. New electrical components are being replaced and if that's not the cause, there are two spare motors on hand.

Power Plants – McPhee Power Plant is running steady at 50 cfs. and Towaoc Power Plant has been averaging 170 cfs.

WATER MANAGEMENT REPORT

Water Accounting – Ken presented the following: **1) June Inflow/Outflow:** The Dolores river was running 905 cfs at the beginning of June, dropping to 109 cfs by the end of June. The reservoir elevation on June 1st was 6,899.97 feet and down to 6893.75 by June 30th. By the end of June UF&RE had used 13,389 AF and MVIC has used 53,955 AF for the season. MVIC almost satisfied their April – June 72,000 AF limit on direct flow diversions and call water, ending June with 71,783 AF. Dove Creek Canal diversions running slower than usual in June after a fast start in May. FSA diversions were under half of the allocation at 24,447 AF at the end of June and running at 260 cfs. The Upstream users release began on June 12th after Dolores River flows dropped below 300 cfs. There were two days of rain early in the month but not enough to catch up to normal. **2) July Inflow/Outflow** – The reservoir elevation at the beginning of July was 6893.38 and was down to 6890.81. The reservoir is dropping approximately 3/10 of a foot per day as river flows keep dropping. The total Dolores tunnel diversions are approximately 300 cfs with the UF&RE delivery around 100 cfs per day. MVIC is around 350 cfs per day and Dove Creek Canal delivery is running 250 cfs per day as July continues hot and dry. **3) Projection Summary spreadsheet** – Ken stated that as of July 1st the Project supply was at 83%. UF&RE total supply is currently at 23,504 AF and Ken noted that this is a good number for UF&RE to plan on. The fishery total supply is 26,917 AF. MVIC's total supply is up significantly to 131,431 AF after June runoff ran better than expected. DWCD FSA allocation was raised to 20.5 inches/acre (22.5 @ Hove weep). DWCD will be using Class B water this year and also noted that water will be saved at the plants for late season irrigating for those that have saved allocation. Ken noted that there are two irrigators who are nearly to their maximum allocations.

Projects Update – Patrick stated that he is still learning, but has been working on a **1) Cathodic Protection** bid for the THC. He hopes to have the contracts finalized in July. He has reached out to 3 contractors and hopes to hear from them shortly. **2) Patrick** stated that Robert Stump has

presented three scenarios for an ANS station and he will try to find funding for the station once he can do a construction estimate. **3)** The Cortez Office parking lot is complete with the exception of the new flag pole that has been ordered and will be shipped by the end of the week.

ADJOURNMENT Dolores Water Conservancy District Water Activity Enterprise Board meeting adjourned at 7:28 PM

Donald W. Schwindt, Secretary-Treasurer

Bruce Smart, President

DOLORES WATER CONSERVANCY DISTRICT

MINUTES Regular Meeting July 9, 2020

CALL TO ORDER Bruce Smart, President, called the meeting to order at 7:28 PM

ROLL CALL

Bruce Smart, President
Simon Martinez, Vice President
Don Schwindt, Secretary-Treasurer-Via Teleconference
Godwin Oliver, Director
Wes Wilson, Director- Via Teleconference
Sheldonna Z. Ives, Director-Via Teleconference
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MINUTES

APPROVAL OF THE MINUTES

MOTION: TO APPROVE THE MINUTES AS SUBMITTED FOR THE JUNE 11, 2020, REGULAR AND EXECUTIVE SESSION MEETINGS.

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

FINANCIAL STATEMENTS

MOTION: TO APPROVE THE MAY '20 FINANCIAL STATEMENTS AND APPROVE THE STATEMENT OF PAYABLES AS PRESENTED.

ADMIN: AP/CHECK #11515-11526

\$6,193.15

MOTION: GLEN FISH
SECOND: GODWIN OLIVER
MOTION CARRIED UNANIMOUSLY

AGENCY REPORTS

BOR Report – Robert was not in attendance at the meeting.

Division of Water Resources Report

Marty stated that it has been tough to administer McElmo this year but noted that everyone in McElmo who leased water from Totten this season is glad that it was available.

Doug stated that the Dolores is running calm and only one upstream ditch is taking their entitlement.

Don asked if all of the water available to lease at Totten will be delivered. Ken stated that there is a little over 100 AF left to lease noting that there was an inquiry today regarding leasing more water from Totten.

T/H Committee Report

Godwin reported that the THC Committee met on June 17, 2020. **1)** The Committee paid DWCD, MVIC and UF&RE bills. **2)** Patrick has started on the cathodic protection bid contracts, after a formal review he will be ready to begin the bid process.

Next T/H Meeting – The Committee will meet at the DWCD, Cortez Office July 15, 2020 at 2:00 p.m.

MVIC Report

Brandon reported that **1)** MVIC has not had a July meeting but stated that MVIC has a potential engineer lined up to look at the crack in the dam at Totten. **2)** The river has died down and MVIC has tightened up the system. **3)** System wide there have been some leaks this season. There was a leak on the west lateral that was repaired today. **4)** MVIC had an inspection on the dam at Groundhog that went well.

SWCD Report

Laura reported that **1)** SWCD is currently without an executive director. The Board is rethinking short and long term priorities regarding staffing. **2)** The Annual Water Seminar has been rescheduled to October 14, 2020. The seminar will likely be held virtually due to health concerns (COVID-19). Don stated that there was a CWC meeting today and stated that the meetings that would have been in person at the summer seminar will be stretched to September and held virtually. There will be two sessions per week for an extended period. Don stated that at the Montezuma County Commissioner's meeting this week the Commissioners offered that Montezuma County could work with options to hold the SWCD Annual Seminar at the Fairgrounds to help with social distancing. **3)** Laura stated that there was a legislative summary mailed to the Board. SWCD keeps an eye on the legislative session. Colorado Water Congress has a State Affairs Committee that meets weekly and are very influential, SWCD participates in the State Affairs Committee and prepares the legislative summary. They also testify for and against legislation. During this session of the 34 bill 18 passed and 16 were postponed indefinitely or laid over. There has been a bill passed to put to the voters a ballot question to rescind the Gallagher amendment which is related to Property Tax Assessment rates. Laura stated that any bills requiring funding did not move forward this year. The draft legislation regarding waters throughout the US will be looked into. Ken asked if Laura thinks the postponed bills will come back. Laura stated that she doesn't believe they will come back noting that some had fiscal notes and some had already dropped prior to the recess.

GENERAL MANAGERS REPORT

Upper Colorado Recovery Program –There was a SYNOPSIS: COLORADO WATER CONGRESS COLORADO RIVER PROJECT by Tom Pitts mailed to the Board. At the most recent conference call, it was learned that the reauthorization schedule may get pushed back a year, but that will take some additional work with Upper Basin federal legislators. The other future program decisions around projects, budgets and funding remain on going. Ken stated that he would call out that four warm water fish species are inhabiting the lower reaches of the Colorado, Green, Yampa, White and Gunnison rivers are listed as endangered under the ESA and those five rivers are listed as critical habitat. Ken stated that we have been a part of this recovery program for many years and will continue participating. Ken stated that he has not heard good reports on the non-native fish removal technologies used in these critical habitats that could be tried on the Dolores. This is a slow-moving issue but has potential negative consequences on the Colorado River Basin. Don stated that this is an extremely important issue and we may want to consider how we want to engage as things unfold.

DWCD Support for Four Corners Water Center CWCB WSRF Grant for Lower Dolores Monitoring in Support of the Monitoring & Recommendation (M&R) Team – Ken stated that DWCD has cooperatively worked on the lower Dolores issues for decades. The most recent focus has been to provide the best options to sustain the 3 native species (Roundtail Chub, Bluehead Sucker, Flannelmouth Sucker) subject to a multi-state & federal agreement that seeks to avoid an ESA listing. The M & R Team has sought alignment with recently created Four Corners Water Center at Fort Lewis as a logical partner to host the relevant website and historical data along with development of long-term monitoring protocol to better understand the downstream ecology and geomorphology in relation to the native fishery. A 7/1/20 working draft of the scope of work was mailed to the Board. The request is for both a letter of support and \$10,000 for local matching funding over the life of the grant, which works out to \$2,000 - \$2,500 per year, in line with historical DWCD support of lower Dolores native fish efforts. Ken asked the Board to support the grant proposal with \$10,000 in funding over the life of the grant subject to future Board appropriations.

Gigi Richard stated that she would be happy to answer questions about the proposal. Ken asked if the FCWC would be willing to house the fish data. Gigi stated that for the data they will have will have meta-data, which will have links to data that they can't house themselves such as the CPW information that can't be housed in their database. The historic Dolores River Dialogue (DRD) site is currently the only thing you find on the website but will become a sub category of the website. Adam stated that he understands why CPW doesn't want to give the information, but doesn't see why they won't let Gigi put the information on the website. Gigi stated that CPW doesn't have computerized data but it is available if you want it. Bruce stated that the Board has been in support anything we can do on the lower Dolores to improve the river and the fishery to help them get through, also the studies are important and having a place to store the data is a great idea and hopes that it is supported as shown in the plan. Ken stated that we are an active participant and he would have written a letter of support but they are also asking for funding. Ken will bring it up annually during the budget since it is a request for future funding.

MOTION: TO SUPPORT THE GRANT WITH \$10,000 IN FUNDING OVER THE LIFE OF THE GRANT SUBJECT TO FUTURE BOARD APPROPRIATIONS.

**MOTION: DON SCHWINDT
SECOND: SHELDONNA Z. IVES
MOTION CARRIED UNANIMOUSLY**

Current FSA Impacts: COVID 19 on Ag Markets, Drought, Weather, Trucking: Commodity prices remain lower than 2020, but prices may have stabilized for now. Currently there are additional business closures as Covid-19 case numbers rise around some western states as current restrictions are modified. On June 11 the Board added 30 days to cutoff allowing FS irrigators to carry April 2020 irrigation charges until July 31 without being shutoff. Normally the April charges would have been due by June 30th or the water would have been shut off. Interest charges of 1% per month on outstanding charges after 30 days remained in place. Only 14 farmers had not paid their April bills by mid-June and could have used this opportunity. Ultimately only 11 have not made their April payment. The Board also wanted to revisit the topic in July. After discussion the Board may wish to make other adjustments still available on water rates, interest rates and/or cutoff date remaining at 120 days after invoice. If the 120-day cutoff continues, April bills will be due by the first of August and May by the first of September. Based on current numbers only about 10% of eligible individuals are currently utilizing the additional time.

Discussion: Ken stated that staff would like to confirm that the payment cutoff of 120 days is month by month. So far there have not been any adjustments to interest rates or to base payments. Ken stated that DWCD will likely move forward with the capital purchase items budgeted for 2020. Lloyd took bids on a track hoe and one vehicle. There are no planned purchase in 2021 as we would be paying back the track hoe. The next replacements on the schedule include a UTV, a generator and a spray truck. Ken stated that we plan to stay on track in 2020. Ken stated that the Board should give guidance. Godwin stated that from his perspective a lot of hay is sitting in hay barns and the feed value is on the low end of the spectrum. Godwin stated that the 120 days should be extended for an additional month, but would like to revisit the extension at the August Board meeting.

MOTION: TO EXTEND THE 120 DAY PAYMENT CUTOFF FOR AN ADDITIONAL MONTH THE BOARD WILL REVISIT THIS EXTENSION AT THE AUGUST MEETING.

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

Colorado River Compact Issues, Drought Contingency Planning, Demand Management Ongoing Work on Policy/Strategy Framework:

- The CWCB regular Board meeting is scheduled for July 15 & 16 where they will receive the Workgroup reports. Current indications are they will have a workshop in August and future CWCB direction formulated by September at the earliest.
- Arizona has started their formal statewide workgroups to address the 2026 renegotiations, presentation slides are available, and provides an interesting contrast to Colorado's practices.
- A GVWUA letter addressing recent hedge fund land purchases is also included that relates to the Aspen Journalism new article emailed and handed out or mailed last month.
- A Colorado River Basin Climate and Hydrology: State of the Science report is out and will remain a topic on all Colorado River issues for the foreseeable future. A recorded webinar is available and the data as appropriate will show up in future discussions.

Discussion: Ed Millard stated that Arizona is moving forward with negotiations regarding the 2026 renegotiations. Colorado is distracted by DM and has not made as much progress in negotiations. While Utah is trying to get water to the Navajo Nation, Wyoming and New Mexico have not made much progress either. Ed stated that the DCP is completed by 2026 with new Guidelines.

Ed presented graphs depicting how the interim guidelines operated versus the prior Long Range Operating Criteria (LROC) which would have left about 4.0 MAF more in Powell and Mead much lower. Ed stated that it turned out that a paper written by attorneys from Arizona showed AZ would "reserve the right to challenge future use of the 602(a) storage algorithm after expiration of the interim period, if it reappears." 2007 IG goals include delaying the onset and minimize the extent and duration of shortages in the Lower Basin. Additionally they sought to maximize the protection afforded to the Upper Division States by Lake Powell against calls upon the Upper Division to curtail uses and keep more water in Lake Powell than in Lake Mead during high reservoir conditions, which is a benefit to the Upper Division States, but would send more than 8.23 MAF to Lake Mead during low reservoir conditions when water levels approach critical shortage trigger levels in the Lower Basin. Ed also covered the power plant water use that is rapidly diminishing, related activities of the CWCB, IBCC and SWCD. He then discussed WAM land purchases in Grand Valley and stated that they want to use improved efficiencies to protect the elevations in Lake Mead and stated that the water has been separated from the land, at least temporarily. Ken stated that Ed has followed and well documented the Water Update and the Basin Implementation Plan Update shown on one slide. It was stated that there is a need to focus on Forest and need to mitigate the water use in the forest if temperatures continue to increase. Ken stated that this will be discussed at the Roundtable over the next year. Ken stated that he doesn't like the rigid schedule imposed by CWCB as they don't realize the work load difficulties they impose on those who work by the seasons. Ken stated that there are several local SSWBRT members participating on the BIP updates. Ken also noted that the Montezuma County Commissioner's meeting was good with regard to independently getting to the same place regarding these issues. Ken hopes to start talking to MVIC but noted that they have the same irrigation season scheduling issues as DWCD.

DWCD Policy for Colorado River related matters: DCP/DM: The Board will continue discussing their statement of principles in executive session.

Background on Division 7 Exemption: 37-92-305. Standards with respect to rulings of the referee and decisions of the water judge – definitions: No action needed at this time unless the Board wants to discuss further in executive session.

CWCB Meeting – CWCB's next meeting will be held July 15-16. CWCB staff will be reporting for about an hour to the Board with no public input, Ken will be listening to that meeting. CWCB staff will still have an August Workshop where DWCD can make comments. We expect any CWCB Board action to take place in September.

SWBRT – SWBRT is scheduled to meet July 23rd. There will be a DCP/DM work group meeting prior to the SWBRT meeting with Ken will be participating online.

Resolution 20-01 Authorizing Signatory Staff for CD Purchase at Four Corners Community Bank – Ken stated that the JP Morgan Chase investment was called and since national yields are low, the best that our financial advisor could offer was 0.9% on a replacement investment. DWCD is looking to purchase a local CD from Four Corners Community Bank who is offering a more favorable rate. Staff would use the \$245K from the called CD to purchase the new CD.

MOTION: TO APPROVE RESOLUTION 20-01 AUTHORIZING SIGNATORY STAFF FOR CD PURCHASE AT FOUR CORNERS COMMUNITY BANK.

MOTION: WES WILSON
SECOND: SIMON MARTINEZ
MOTION CARRIED UNANIMOUSLY

Authorization for Treasurer and General Manager to switch COLOTRUST Accounts after review with COLOTRUST – Ken stated that DWCD has traditionally kept their money in COLOTRUST and also have approximately \$4.5M in investments (CD's) and approximately \$4.5M in COLOTRUST that has more liquidity, available overnight. Recently SWCD felt they wanted to move out of COLOTRUST. Ken stated that DWCD is currently in the PLUS+ account that does have

a little more risk but follows the state legislation pool requirements. There is also a more conservative option in COLOTRUST PRIME. Ken explained that any government with a significant amount of cash will place funds in an investment account or pool that follows state law as FDIC only covers funds to \$250K in any single institutional account. Don and Ken have begun discussions on whether to stay in the PLUS+ account or move the funds to PRIME. Ken stated that the Board can work on this as a group or authorize Ken and Don to make the decision. The difference is moving from 0.4% annual yield (PLUS+) to 0.2% annual yield (PRIME). Due to COVID-19 and the upcoming election there may not be resolution to unfavorable rates for quite some time. Don stated that he would like to have Board guidance on how much they want to be involved and he and Ken will find time to talk and digest the information from COLOTRUST. Godwin and Glen think it should be left with the Treasurer and General Manager. Bruce agreed, as long as DWCD is holding to finding protection and getting the best rate in the climate at this time.

MOTION: TO AUTHORIZE DON SCHWINDT, TREASURER AND KEN CURTIS, GENERAL MANGER, TO MAKE THE DECISONS TO REGARDING ANY MOVEMENT WITH REGARD TO THE COLOTRUST ACCOUNTS.

**MOTION: GODWIN OLIVER
SECOND: GLEN FISH
MOTION CARRIED UNANIMOUSLY**

Support for CWC Amicus Brief – Adam stated that Colorado sued the administration over the new Waters of the US Rule, in part Colorado sought a preliminary injunction on various grounds. The court rejected entering that preliminary injunction on all of the grounds that Colorado asserted. Notwithstanding that, the Court said had Colorado argued other issues, then they would have entered the preliminary injunction. So, the Court made it easier on Colorado by allowing that Colorado could have produced more compelling support on their own. There is an issue out there about the extent to which existing Colorado law allows the State to regulate dredge and fill under a program that would be compared to the current 404 Program. That Colorado law applies to point sources not to ordinary dredge and fill operations. CWC has identified this as an issue and through Don, the local CWC representative, we learned of their interest in doing this special project to address that Colorado law issue.

Don stated that CWC asked for an expedited ruling from the Judge, that this was an issue that CWC felt strongly about for their advocacy role with regard to Colorado Water Rights protection issues. The Board is quite broad in terms of its membership and it is a challenging position that the State took which put CWC in a difficult position. Don stated that there is a Litigation Committee that recommended that the Board weigh in. The Litigation Committee chose a narrow path with this amicus brief and the CWC Board passed a motion establishing a special project to be funded by voluntary contributions of CWC members for purposes of filing an amicus brief. The amicus filing shall specifically challenge the position of the State of Colorado that it has the authority to regulate dredge and fill activities in waters of the US or dredge and fill activities of the so-called “gap waters”. Don stated that he was supportive of requesting funding for the special project.

Other – Ken stated that he has two additional non-agenda items.

Audit – The audit was handed out to the Board. Ken stated that the 2019 Audit was clean. DWCD exceeded the expenditures in the DCL&G budget due to unforeseen repairs, but had funds to cover the extra costs. Ken stated that the depreciation is on rolling stock since they don’t depreciate federal project facilities and our water rights are not depreciated.

Pump Back Storage – Steve Harris and Ken have been talking to Absaroka. Ken stated that we don’t have the power needs in this area for a large pump back project nor the capacity to get it out on current transmission lines. Absaroka has proposed a radically changed double tank idea to put a tank at the top of the hill and one at the bottom of the hill using DWCD M&I water. This would be in the 10 megawatt range down from 400 megawatts. They are working on details and have informed Adam as there will still be the same issues to deal with. This will be brought back to the Board once staff has worked through the details. It does look like the O&M work could be an option for DWCD.

LEGAL REPORT

Adam stated that **1)** with regard to MVIC 87.3 CFS change case, John Justus is trying to set up a meeting with parties the, he has been unable to set this up due to recent changes at SWCD. **2)** Adam attended a DCP policy work session this week. **3)** DWCD has not formulated any sort of policy with respect to Division 7 Exemption.

Adam requested an Executive Session to discuss and receive legal advice related to DWCD Policy Development on DCP/DM, to discuss further status and potential support of the amicus brief on the Waters of the US case and Division 7 Exemption.

Don noted that SWCD will have a meeting before DWCD’s next meeting regarding Division 7 Exemption.

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 TO DISCUSS POLICY DEVELOPMENT ON DCP/DM, STATUS AND POTENTIAL SUPPORT OF AMICUS BRIEF ON THE WATERS OF THE US CASE AND DIVISION 7 EXPEMPTION.

**MOTION: GLEN FISH
SECOND: GODWIN OLIVER
MOTION CARRIED UNANIMOUSLY.**

RECESSED FOR EXECUTIVE SESSION AT 9:10 P.M.

RECONVENED REGULAR MEETING AT 9:54 P.M.

REPORT OUT OF EXECUTIVE SESSION

Adam reported that in Executive Session the Board received legal advice related to development of DCP/DM Policy and additional legal advice on related to potentially participating in an amicus filing contemplated by CWC and Division 7 Exemption. No decisions were made.

Don would like to request \$500 to support the legal fund for the CWC amicus brief.

**MOTION: TO CONTRIBUTE \$500 TO THE LEGAL FUND FOR CWC AMICUS BRIEF
MOTION: DON SCHWINDT
SECOND: WES WILSON
MOTION PASSED UNANIMOUSLY.**

Regarding the Demand Management Policy, this was discussed and direction was given. This will be finalized and circulated and brought back to the Board in August.

Ken asked if any Board member wanted to put forward an opinion regarding Division 7 Exemption. Glen and Godwin would like to stay silent.

Other

Glen asked what brand the new track hoe will be. It was stated that the track hoe will be a John Deere. Trade in and warranty were better with John Deere than Caterpillar. Rob noted that the District saved \$40K by going with John Deere.

NEXT DWCD BOARD MEETING – Thursday, August 13, 2020 - 7:00 P.M.

ADJOURNMENT Meeting adjourned at 10:02 P.M.

Donald W. Schwindt, Secretary-Treasurer

Bruce Smart, President