

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
November 12, 2020

CALL TO ORDER Bruce Smart, President, called the meeting to order at 7:03 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-Via Teleconference
Rob Walker, Engineering Technician-Via Teleconference
Lisa Jordan, Office Administrator
Adam Reeves, Attorney- Via Teleconference
Dan McCarl, Attorney- Via Teleconference
Robert Stump, Bureau of Reclamation - 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 and Marty Robbins, CDWR; Rich Landreth, City of Cortez; Hattie Johnson, American Whitewater; David Frederick

MINUTES

APPROVAL OF THE MINUTES

Glen asked what the charges were to Montezuma Water Company. These are domestic water charges for the buildings located at Great Cut Dike.

MOTION: TO APPROVE THE MINUTES AS SUBMITTED FOR THE OCTOBER 8, 2020 ENTERPRISE MEETING.

MOTION: GLEN FISH
SECOND: SHELDONNA Z. IVES
MOTION CARRIED UNANIMOUSLY.

FINANCIAL STATEMENTS

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

O&M: AP/CHECK #38812-38916 & PR/CHECK #124245-124296
\$502,858.13

MOTION: SIMON MARTINEZ
SECOND: GODWIN OLIVER
MOTION CARRIED UNANIMOUSLY.

O&M REPORT – Rob reported the following:

Pump Plants – All pumping plants have been winterized. Staff is pulling the remaining 3 fixed speed pumps at Dove Creek and the 3 fixed speed pumps at Fairview next week to be sent to Brimhall for rebuild. The spare pump at Cahone will be pulled and the original pump will be put back in service. Hastings will be sand blasting and coating the 14 pipe penetrations from the manifold at Great Cut pumping plant this month. They will also be blasting and coating the pipe penetrations for the Dove Creek Canal and the U Lateral at Great Cut and the pipe penetrations in the basement of Towaoc Power Plant.

Laterals – The field techs are winterizing the field and Full Service boxes. They're also pulling meters to be rebuilt for this season.

Canals – DWCD staff is removing canal sediment from Check 305 back to Great Cut and rebuilding South Canal at the big corner just east of HWY 491. Staff will be placing tire mats and rip rap on the corner before next season.

Dove Creek Lawn & Garden – The DCL&G system has been winterized and staff is working with Simbeck for a spring installation of the new pond liner.

PMSC (Programmable Master Supervisory Control) – PMSC staff continues with their ongoing training and they will be starting their winter maintenance. All probe wells will be cleaned out again this year.

Eric Tanner, SCADA System Administrator

Power Plants – McPhee Power Plant is running steady at 25 CFS until early March 2021. Towaoc Power Plant will be winterized and locked out the week of November 16th. The Towaco Power Plant Penstock inspection by the BOR went well. Robert Stump will have a more detailed report. DWCD staff has also cleaned out the fore bay at well house two. Jersey Barriers were placed a couple of years ago to create a current that would help keep the fore bay shelf clear of sediment this seems to be working.

Dolores Project FSA Pump Plant Tour 9:00AM, Tuesday, December 1, 2020. Meet at Great Cut Dike Field Station. The intake structure is currently visible at this time, which will likely not be visible again for a while. DWCD will also be paying attention to the COVID-19 rules regarding how many people can attend the tour. Rob stated that he would like input on area facilities the Board would like to see. The dam is likely a tour on its own but if there is specific feedback staff is taking suggestions.

Rob stated that DWCD staff took the boat out while water was low to make sure there was no sluffing on the reservoir side of the dam and this has not changed since 2013.

WATER MANAGEMENT REPORT

Totten Lease to Purchase – Ken stated a letter to the State Engineer, Kevin Rein, for the DWR PFMA meeting as discussed last month with DWCD & MVIC financial support was mailed to the Board. Ken stated that Jack Byers and Dennis Miller will hopefully set up a meeting regarding removal of the restrictions. The letter and the cost approved is to meet and perform other work with DWR to make a plan. Ken stated that it is not so much for additional monitoring but to perform work (improvements) such as graveling the top of the dam and rip rapping the face of the dam. Which would be on the table in discussions with the State Engineer.

Ken stated that the final numbers for the Totten lease water in 2020 are about 305AF.

Water Accounting – Patrick presented the following: **1) October Inflow/Outflow:** **a)** Reservoir elevation started October at 6,867.36 and is now at an elevation of 6,863.18. **b)** McPhee active capacity is at 18,511 AF. **c)** McPhee's remaining fish pool is 8,872AF. MVIC had a stock run from October 12-October 14, 2020. October 16th was the pool reset. **d)** MVIC began running 12.8cfs then ramped up to 20cfs in the Lone Pine on November 12, 2020 for the fall Narraguinnep fill. **e)** As of November 10, 2020, the Black Mesa SNOTEL recorded a total snow depth of 16".

Projects Update

Cathodic Protection –The deep well (150ft-6") was installed on October 22, 2020. All of the below earth items were completed on October 23, 2020. This included the deep well, anodes/all other deep well items, conduits, and the post for the rectifier. The remaining electrical connections and rectifier installation is currently scheduled for November 17, 2020. This will be the conclusion of the new cathodic system with the exception of the follow up testing which occurs 30 days after start up which would be approximately December 21, 2020.

ANS Station – No updates to the ANS project.

David Frederick Request for Irrigation Water FVPP - David Frederick would like to petition for irrigation water on approximately 40 acres on a Road U parcel about 1 road mile from the existing DWCD system as shown on the map included in the Board packet. The Fairview Block currently irrigates 8,045.6 allocated acres, 161.8 acres over the original design. Some acres were moved early in the Project history. More recently DWCD has provided water to some infill parcels most without new infrastructure, one with a new box ranging in size from 9 to 65 acres. When contacted, DWCD staff indicated that they would want to monitor box pressures during the next year on the closest box before going further, among looking at other issues. David would like to address the Board directly about getting irrigation water.

Patrick stated that the map presented is approximately 107 acres but the request is only for 40 acres. It was stated that this area is outside of the allocated acres and there are pressure issues in this area. DWCD staff was unable to get necessary data during the 2020 water season. Patrick stated that DWCD can re-evaluate at the end of the year next year. Patrick recommended that David talk with Godwin.

David stated that he does not remember it this way and he would like to get started as he would like to begin budgeting now as he has certain time constraints with regard to when he spends the money planned for this project. Sheldonna asked David what he discussed with Godwin. It was stated that David asked Godwin about pressure issues with the new center pivots and they discussed David possibly finding property elsewhere where it might be more feasible. David stated that the water was not far from him. David feels like there would only be one crossing of a pipeline if he is coming from Dean and Sheldonna Ives' box or coming from Ray Patterson's box.

Don asked Patrick if the land has been classified. Patrick stated that the land is not allocated nor is it classified. Don stated that it would take time to get it classified. Don stated that there are also capacity issues that would have to be investigated. Patrick stated that there are pressure issues in that block and that is a problem. Patrick stated that it would be one year before DWCD could give David an answer and another year to bring back a response. A minimum of 2 years. Don stated that the time-frame makes sense. Don stated that he assumes that David thinks there are more than 40 acres that could be classified. David stated that he thinks there are only 40 acres as the remaining acreage is very rocky. Don stated that concept-wise DWCD should be open to the discussion of adding more acres to the project as we add potential water supply areas. Don stated that he is supportive of trying to make this work. There would be pressure and capacity problems that DWCD could work on solving. Don stated that two years is not unexpected. David stated that his biggest expenditure would be the pipeline and would like to have an idea of the cost of a full service box and meter going into March and April.

Sheldonna asked if David would be open to the idea of getting water on another piece of property. David stated that water on the piece being discussed would probably give it better resale value. Bruce asked Patrick if the water volume is available. Patrick stated that 2 times this year there were pressure drops related to volume. Don stated that is a volume problem and we don't want to be unfair to the neighbors. Don stated DWCD has always been careful to not have water going to land that is not equal to all of the other land. If you have land that is not at the same pressure as the other parcels then that is a problem in itself. Patrick stated that there will be four pressure meters installed on the end but stated that there are two known pressure issues and they don't know why. Staff needs a full year's worth of data so they have accurate information. Bruce stated that Patrick needs to do some studying this summer and since this is an unknown it may take time to get back with a good answer. Wes Wilson stated that this is something that should be looked at. Wes asked if the plant is over allocated, Ken stated that it is over allocated.

David stated that for clarification: Step 1 is that the land has to be classified and allocated. Step 2 is how can the pressure problems be pinpointed and Step 3 is to possibly look at a water box in the future. David stated that he was hoping they could have pre-planning on what location the water would be coming from. Bruce asked Patrick for his thoughts, Patrick stated that a delivery box installation is approximately \$13,287.50. It is Patrick's understanding that David wants to install the box and hope that everything else goes his way. Pressure loss at the plant is beginning to get over extended and everyone turning on at once is a trigger in dropping the plant.

Ken stated that the normal process is staff assures that water is deliverable (pressure, volume, land class), there is no way to get pressure data until next year in those two individual boxes. Ken stated that the petition process is a 2-3 month process once the water is determined to be deliverable. Ken's recommendation is that David should not proceed at this time and should allow staff to commence with the field work. David asked Ken to send him an email.

Ken asked if any of the Board members would like to make a motion to go any further than for staff to continue working on this. No motion was made.

High Desert Conservation District

2020 Nozzle Exchange Summary – Greg Vlaming issued a summary stating that during 2020 the HCDC Nozzle Exchange Program worked with 11 side-roll irrigators, 9 with the DWCD FSA, and 2 with MVIC. The goal of the project is to replace older, worn and often inefficient nozzles on side-

rolls for large scale, commercial hay producers. HDCD exchanged nozzles on 18 side-roll, about 600 nozzles.

2020 Soil Health Research and Demonstration Project - Greg Vlaming issued a summary stating that in May 2020, HDCD installed a six-plot research and demonstration project that evaluates and quantifies soil health improvements that result with a modest application of organic matter. Six, 2,000 sq ft plots were identified and marked, with each plot located in an agricultural field under different management practices. The plots are all located in Yellow Jacket or Lewis CO. This project will continue.

ADJOURNMENT Dolores Water Conservancy District Water Activity Enterprise Board meeting adjourned at 7:52 PM

Donald W. Schwindt, Secretary-Treasurer

Bruce Smart, President

DOLORES WATER CONSERVANCY DISTRICT

MINUTES Regular Meeting November 12, 2020

CALL TO ORDER Bruce Smart, President, called the meeting to order at 7:52 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-Via Teleconference
- Rob Walker, Engineering Technician-Via Teleconference
- Lisa Jordan, Office Administrator
- Adam Reeves, Attorney- Via Teleconference
- Dan McCarl, Attorney- Via Teleconference
- Robert Stump, Bureau of Reclamation - 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 and Marty Robbins, CDWR, Rich Landreth, City of Cortez; Hattie Johnson, American Whitewater;

MINUTES

APPROVAL OF THE MINUTES

MOTION: TO APPROVE THE MINUTES AS SUBMITTED FOR THE OCTOBER 8, 2020, REGULAR MEETING AND EXECUTIVE SESSION MINUTES.

MOTION: WES WILSON
SECOND: SHELDONNA Z. IVES
MOTION CARRIED UNANIMOUSLY

FINANCIAL STATEMENTS

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

ADMIN: AP/CHECK #11567-11582

\$8,502.19

**MOTION: SHELDONNA Z. IVES
SECOND: GODWIN OLIVER
MOTION CARRIED UNANIMOUSLY**

AGENCY REPORTS

BOR Report – Robert stated that **1)** The penstock was inspected. During that inspection they looked at 2.1 miles of 84 inch pipe. DWCD staff removed all the manholes which was very helpful. BOR noted a couple of little damages to the mortar lining which can be repaired at the next inspection and have likely been there since construction. **2)** Robert stated that the tunnel was also inspected. The last inspection was in 2017 there was nothing significantly different and there were no recommendations. **3)** The fixed speed pumps will be removed and taken to Brimhall next week for rebuild. **4)** The Associated Facilities Review (AFR) on the DWCD facilities is nearly complete with just the pumping plants left. The McPhee Dam Periodic Facilities Review (PFR) is complete and BOR is finalizing the report. There are a few recommendations, some of which were taken care of right away and will be eliminated from the report. **5)** Denver Technical Service Center personnel are scheduled to come down for the installation of the rectifier, testing and to train DWCD personnel on the new cathodic protection at the Penstock.

Division of Water Resources Report

Doug stated CDWR is in their record season as normal for this time of year.

T/H Committee Report

Godwin reported that the THC Committee met on October 21, 2020 and a small group went on a field inspection of the cathodic and other minor issues. **1)** The Committee paid DWCD and MVIC bills. **2)** Patrick continues work on the cathodic protection having receive and accepted a bid from QualCorr. **3)** There was a Siphon Inspection at Check 528. There was a small crack in the first section of the siphon, DWCD staff installed stainless steel bands which seem to be working. **4)** There was a Committee inspection of the penstock and cathodic protection on October 27, 2020.

Next T/H Meeting – The Committee will meet at the DWCD, Cortez Office November 18, 2020 at 2:00 p.m.

MVIC Report

Brandon reported that **1)** MVIC is working on system wide annual maintenance and working on the Lone Pine canal liner north of Hwy 184. **2)** MVIC would like to focus on the 2021 Totten lease and MVIC taking control of operations in 2021. Also, the Totten purchase at the next Board to Board meeting.

RECESS FOR PUBLIC HEARING ON UPSTREAM USERS INCLUSION 8:00 PM RECONVENED 8:02 PM

DELIBERATION FOR PUBLIC HEARING ON UPSTREAM USERS INCLUSION: Don asked why there was one application for 1.72 AF versus the normal 1.0 AF minimum and do we have it covered. Ken stated that the use is likely for ponds or outdoor use above a normal household use. Doug monitors these users in addition to DWCD annual reports. This number is derived from the Consumptive Use calculation. Wes asked if these people all get charged the same as in FSA? Ken stated that upstream users are charged the same as all M&I Users, rates remain uniform across use classifications. Ken stated that we have made the assumption that these charges cover administrative and legal costs as opposed to physical delivery on our canal system.

MOTION: TO APPROVE THE FOLLOWING PROPERTIES IN MONTEZUMA AND DOLORES COUNTIES FOR INCLUSION INTO THE DISTRICT.

MONTEZUMA COUNTY

Justin Collier
18667 Highway 145
Dolores CO 81323
PID: 535912300010

Eric & Nancy Wegner
27377 Highway 145
Dolores CO 81323
PID: 533104300002

Greg & Nancy Chambers
18738 Highway 145
Dolores CO 81323
PID: 535912401002

Michael G. & Denise L. Rhode
18736 Highway 145
Dolores CO 81323
PID: 535912401001

DOLORES COUNTY

Thomas Griffith
51030 County Road 38
Dolores CO 81323
PID: 504706100032

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

RECESSED FOR BUDGET HEARING AT 8:08 PM
RECONVENED 8:10 PM

See General Manager's report for further budget discussion/deliberation.

GENERAL MANAGERS REPORT

Budget Discussion/Deliberation – Ken stated that the October books will be complete soon. Ken stated that CWCB wants to run the modeling project through DWCD as the fiscal agent and Ken will make the appropriate change to the budget regarding this item that will have a cost and offsetting revenue. There will be a review of needed cash flow and this amount may change, but will not affect rates or anything else. There have not been any other changes since the workshop.

Ken stated that the Personnel Committee will have another meeting to see if they can come up with something for the salary survey and employee wages but they won't make employee changes until after the personnel committee finishes their work. Any decisions will come back to the Board for approval. There was no specific direction from the Board. Staff will ready resolutions for adoption at the December Board meeting for submission of the Budget to the State.

Board to Board Meetings – MVIC has requested that winter Board to Board meetings resume on Tuesday November 16, 2020, 7:00 PM at the DWCD Cortez Office back meeting room and virtually with GoTo Meeting. Likely topics could include Totten purchase, MVIC's 87.3 change case, Colorado River matters. Other topics may come from the Boards. There may be limits as to how many people can meet in person at the Board to Board. Don asked about future Board to Board meetings through the winter. Brandon recommended that everyone reserve the third Tuesday at 7:00 PM for the rest of the winter through March.

DWCD Support, Opposition or silence on American Whitewater (AW) CWCB Grant Request – The current grant summary by American White Water was provided to the Board and would be for CWCB Colorado Water Plan Grant on December 1. Although no local SW Basin Roundtable funds were requested, AW asked for SWBRT support October 22. Several Dolores Project water users on the Roundtable including Ken were caught off guard and did not feel comfortable supporting the measure so it failed to receive the requested support. Ken worked with AW to clean up the grant description to remove some concerns and it was presented to the Monitoring and Recommendation Team (MRT). AW is on the MRT and has provided helpful recreational flow targets used over the last few years by DWCD and BOR in managing McPhee spills. Ken would generally be supportive of partners that we work with on specific grants and either support or remain on the sidelines. AW may go back to a November 18 SWBRT and get their requested support. The full grant proposal & other information will continue to become available.

Discussion: Hattie Johnson, with AW, stated that AW would like to talk more about the work they are proposing and they are asking for a support letter or letter to CWCB that states they have had some outreach. AW would like to develop a method to quantify what the economic impact is statewide for whitewater recreation. The thinking is they can take the next step from the flow preference study and then find out what it equals in terms of dollars. They would develop the tool and develop a plan on how to gather spending data in 2022 to then determine what the local economic impacts are. Bruce Smart asked what AW would be looking for in the study and how do they foresee it being used. Hattie stated that part of that would be determining what data to collect, such as sales tax, that they could be gathering. AW might look at employment in commercial industries, like shuttle services and rafting companies. What it means when there is a spill and how that affects the surrounding areas. Hattie stated that for the Dolores we often talk about spills on weekends rather than during the week and those possible impacts, unlike other rivers. Hattie stated that one of their questions would be does the community see a boost from a weekend spill rather

than a weekday spill. Don asked how data would be collected if there is no spill? Hattie stated that what AW has worked over the last two years with the BLM to determine and develop a survey that had some economic and spending question through an online forum. In the absence of a spill they would use that data already collected, but if there is a future spill they would continue gathering on the ground and online data. Don doesn't see the uniqueness to having referenced the Dolores River area at all, are there paths to the data laid out specifically for this area compared to other rivers? Hattie stated that it is unique to the Dolores as it is the only place that a survey has been tried before. Don followed up that if they have data, he didn't see why the Dolores was referenced? Does the grant have some unique path that requires AW to further the study as far as sales tax, employment data and wages along with a lot more data out there that they don't have yet. Hattie agreed that there is more information they would like that was not collected and updated data would be preferred. Don stated that he will be interested in the comments that Ken will be bringing to the table along with Ed and other roundtable members relative to all the work we've done to build the working relationships on the lower Dolores. Don commented that it is important to feel assured that it doesn't bring challenges however this study comes out and that it is shared with the public. Ed Millard stated that from the Dolores County perspective, as stated by Steve Garchar, Dolores County has a pretty good idea of how much they get from the rafters, not very much compared to agriculture. There is actually a cost to the County for road work, trash and search and rescue. They don't see that it is beneficial to them. Hattie stated that she would be joining Dolores County on Monday and would like to find out more about those costs and bring tools to the County that could help alleviate costs. Montezuma County is supportive of economic studies and the past flow studies in some areas but rafters could be putting pressure on the DWCD and the County to increase flows. On the Animas & Arkansas have existing commercial activity right in the communities. With the remoteness of the Dolores river there doesn't seem to be a huge benefit for either County. Ed stated that AW talks about the Roundtable in the application and it is actually the M&R team in this area that they need to tailor the grant language around. Ed stated that if they are using the CWP environmental/recreational flow tool? Hattie said no, they would use the existing AW flow tool. Ed said that staying away from the Water Plan recreational flow tool could take away a little of the local concern. Hattie explained that the boatable data tool is really identifies opportunities based on historical hydrology. Ed stated that Montezuma County Commissioners (MCC) would almost rather AW focus their efforts on another community that has boatable spills every year and that MCC are skeptical. Glen stated that as the representative for DWCD on the Roundtable he needs to have the support of the Board. Glen stated that he is not ready to support this at the Roundtable as this study could compare having boating versus agriculture. Bruce summarized that we are a project that delivers water to the agriculture community and agree wholeheartedly with the recreation when it is available but the purpose of the project is to deliver water to irrigators. Sheldonna was wondering if this would warrant a quick discussion in executive session or not. Adam stated that if the Board wants advice from him or they want to instruct negotiators then they could take it into executive session. Ken stated that he is not hearing a groundswell of support and sounds to him like there is no action. Ken will be at the CWCB meeting and would likely not comment on this. If the Board wants him to take a more active stance, they should give Ken guidance or someone can make a motion. Don stated that he is not ready to make a motion until he learns more from the roundtable members to understand that the AW application could allow Ken to be silent at the CWCB meeting if it remains in line with our current M&R Team practices. Don would want to have Ken express concern at CWCB if they are uncomfortable with what could happen to the cooperation that has built up around the M&R Team and the unique operations on the Dolores and past politics. Both Ed Millard and Steve Garchar weren't supportive from the M&R Team standpoint. MCC are uncomfortable and there is not consensus on the M&R Team until both counties are on board with this application. Likewise, the Roundtable is not ready to support and might be uncomfortable with AW going forward to CWCB. It is unfortunate that we have not had time to adequately work through this. Don pointed out that Ken might need to diplomatically point out to the CWCB these concerns. Ken stated that this is probably the appropriate path. Ken stated that there has been interest in the Dolores River for a long time, AW has become a stakeholder and has helped with flow studies in the past. AW put together an application that put together 4 extremely different areas (rivers) for a statewide study. They put together their grant without time to fully lay the ground work that should have been put together a couple of months ago to reach consensus. Ken will continue to work with AW, Dolores County and Montezuma County and express to CWCB to hear that we don't consider ourselves the same as the other rivers. Hattie stated that there are two things to offer from their perspective; 1) the past where they have worked together and 2) the approach they are taking to develop the study method and one that could be replicated around the state for use on other rivers while being able to use on a unique river like the Dolores. Looking at diverse areas was intentional to capture a broad range. Hattie can see at this point in the develop stage that they can remove the Dolores until it is further developed that the local stakeholders can see some benefit to bringing it back to the Dolores. Ed stated that they should work in a more conventional rafting area which would make the MCC more comfortable until we have time to work through the details. AW is part of the M&R Team and Hattie will continue to give updates and ensure they are capturing the uniqueness of local constraints even without implementing the tool on the Dolores. Ed remarked that it was clear that the students presenting this morning were unable to get down here to learn about local issues, which caused some concerns.

Colorado River Compact Issues, Drought Contingency Planning, Demand Management – CWCB will be talking about these topics next week. Multiple venues continue to discuss Colorado River Issues including the Reclamation 7.D Review on the 2007 Interim Guidelines, Demand Management, the 2026 renegotiation of the 2007 IG's, forest health, climate change, irrigation

efficiency improvements and more. The CWCB will meet November 18 & 19 to consider their next steps. Comments on the BOR 7.D Review are due Friday November 13.

The draft 7.D came out on November 3 and comments are due tomorrow, only 10 days to review more than 100 pages. Ken summarized that at a recent Colorado Mesa University (CMU) Colorado River Issues Forum a lively debate started about how Powell operations would have operated under the prior Long Range Operating Criteria (LROC) versus the current record from the 2007 IG rules. Previous Colorado River District materials had indicated Powell may have been 4.0 MAF higher under LROC versus the current 2007 IG operations, though information indicates the range might be closer to 2.5 MAF to 3.0 MAF. During CMU presentations from the Lower Basin, it was asserted that there would have been minimal difference. This led to some back & forth that lays out a desire to bring a more accurate assessment so that the Lower Basin (LB) & Upper Basin (UB) are at least talking about the same modeling. Our previous comments to Reclamation did ask for a comparison of LROC to the 2007 IG. Reclamation declined. Ken plans to comment and stated that he is not sure that the 2007 IG has adequately protected the UB from curtailment or future development as expressed by the Colorado River Basin Project Act that authorized both CAP & the DP in the final flurry of Reclamation construction and full utilization of CR water supply. This modeling will be integral to the 2026 renegotiation of the 2007 IG that is initiated by the 7.D review. Decisions based on the modeling will determine future Powell/Mead operations that will affect UB users like the Dolores Project.

Don stated that he only watched the DM portion of the CMU Colorado River Issues Forum. He stated that it was a strong solid statement that DM was not where they would be going in the near future, much better to invest in infrastructure in the UB. In terms of making comments to the BOR, there is value in asking that they look at the Long Range Operating Criteria (LROC) comparison and that is a good place to track with Don's letter to CWCB and we need to work up to the BOR and approach LROC as a focal point of future negotiations.

Ed Millard stated that the CMU forum was great. Ed stated that the UB and LB panels are worth listening to and the DM panel was good. The Agriculture panel started slow and finished strong and they don't like DM. Pat O'Toole came in regarding Forest Health which was good. The River District performed a 2018 comparison and they said that extra water went down the river to Lake Powell. Ed stated that he will likely put in a brief comment and is good with Ken's approach at this time. The IG's accomplished avoiding shortage in the LB, but may not have met precluding impacting UB uses. Amy Haas of the UCRC picked up the LROC numbers and focused on the need to understand how much extra water went to the LB. Utah and others are trying to review the modeling to better define the LROC versus 2007 IG operations.

Don stated that as he watches this unfold, and sees the path, he thinks it is important to narrow our fight. There is potential to the Front Range to have the UB have a pool to use in Powell. He is opposed to having a pool to use in Powell in the short term. Don stated that the UB needs to continue to get their share as the LB will get their share of the compact and we need to know what that is. The focus was on surplus in the last set of guidelines. There is no surplus and the UB needs to figure out what their real shortage is if we have to curtail and get the LB to stop using UB water. There is a ton of complexity in the four basin states. Wyoming is the only one that may not have fully utilized. Water from the Gallup pipeline will go to AZ at least by truck. We don't want a pool in Powell until we know how it will be used. We may need more storage. For now, we need to narrow our fight to the immediate issues.

Legal Fees – Sheldonna had asked in the Budget Workshop why the legal fees are lower this year. Ken thought there were less legal issues, but this would be a good time to discuss. The budget for 2021 is back to \$90K based on past experience. Sheldonna asked Adam if some legal things are being pushed back because of COVID-19 and if there will be higher costs in the upcoming years. Adam stated that what it comes down to is DWCD hasn't needed legal work as much this year. Adam noted that MBSS rates will be going up in 2021 as they have not been raised in 10 years. Adam stated that he doesn't anticipate anything big on the horizon. Simon asked if Adam sees a lot of legal advice being needed to finalize Totten issues with MVIC. Adam stated there would be back & forth, but that there was discussion of MVIC reimbursement to DWCD on legal fees. Adam is hopeful that it won't be hugely expensive. Adam stated that what costs a lot is going to court and going to trial. The District has reasonable relationships and there shouldn't be a huge amount for court work.

Potential Outstanding Waters (OSW) Designation – DWCD has been working with partners, CPW, SJNF, and TU, to find alternative protections for upper Dolores tributaries to avoid the problems that arose from Himes Creek that could have also applied to Rio Lado. Our local TU has let DWCD know that it has asked CDPHE to explore Outstanding Waters designation on some of the tributaries to protect the native trout. Adam and Dan will brief the Board on our discussions on this as a possible upper Dolores protection. If necessary, TU has volunteered to join us at a future Board meeting.

Adam stated that this group is trying to protect the native cutthroat trout. Adam stated that TU has proposed an OSW for Bear Creek, Coal Creek from the wilderness boundary, East Fork of the Dolores, Priest Gulch Creek, Slate Creek from the wilderness boundary, Snow Spur Creek, Stoner Creek, West Fork of the Dolores from wilderness boundary to Burrow Bridge and Wildcat Creek. Adam stated that he doesn't see anything particular about these he will look into this further noting

that they are relatively small tributaries. OSW requires extensive monitoring to prove existing water quality and then OSW regulations would prevent future degradation by human activities. They are mostly up in the forest on public lands and in the wilderness area. Don is concerned about fire on these tributaries and whether work would be precluded. Having this designated as OSW doesn't protect them as there aren't point sources for pollution, but politically there could be support with regard to maintain forest health. Ken stated that his concern is Bear Creek Reservoir and grazing. TU, CPW and Duncan Rose have agreed to come and give a presentation to the Board. DWCD continues to cooperate and we don't see this as a big problem. Adam and Dan will assist Ken. Bruce asked if this would be a preserved fish area. It doesn't allow anyone to degrade the water quality from a permitted action by the USFS. Permitted discharge of pollutants would be regulated, like mining could be a problem. Adam couldn't identify that grazing would be an issue, but he needs to look closer. Adam doesn't see any obvious significant issues with this. This is the beginning and there is a lot of work that will need to be done on this. Don stated that forest health issues may be dealt with during logging activities that could be critical and we need to monitor.

LEGAL REPORT

Adam stated that they had a second meeting of the anti-speculation group. They talked about risks. When people are speculative intent to selling water out of the area, they don't care about maintaining the infrastructure which is bad for the others on a ditch. Front Range cities are viewing this differently because when they see speculation, they see increased diversions & use to boost the sale amount. That's different here where people have long term water use already established. He has reservations regarding were recommendations to the legislature are going, even though this was a good meeting.

MVIC 87.3cfs Water Rights Filing – Adam continues discussions with John Justus and would like to have a brief discussion in executive session.

Water Quality Control Commission Dolores Temperature Standard Hearing DWCD Request for Party Status – Dan stated that a letter was written to the Water Quality Control Commission on November 4, 2020 regarding the Classification and Numeric Standards for: San Juan River and Dolores River Basins, Regulation #34 (5 CCR 1002-354; and Gunnison and Lower Dolores River Basins, Regulation #35 (5 CCR 1002-35) rulemaking and scoping hearing. The District does not wish to participate in the scoping hearing and is not asking that the Commission consider specific changes to the standards that apply to the waterbodies and stream segments at issue in the rulemaking the District does wish to update the Commission about two stream segments of the Dolores River that are of special significance and concern to the District and that were at issue in the Commission's Regulation #39 rulemaking last year. The District would like to first work with the Commission over the coming years to support the additional study occasioned by the provisional listing, and appreciates the opportunity to update the Commission as to the status of the Segments and to provide its input as to whether the existing standards that apply to the Segments are appropriate.

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 IN TO DISCUSS MVIC 87.3 CFS CHANGE CASE.

**MOTION: SIMON MARTINEZ
SECOND: GODWIN OLIVER
MOTION CARRIED UNANIMOUSLY.**

RECESSED FOR EXECUTIVE SESSION AT 9:37 P.M.

RECONVENED REGULAR MEETING AT 9:46 P.M.

REPORT OUT OF EXECUTIVE SESSION

Adam reported that in Executive Session the Board discussed status of the MVIC 87.3 cfs Change Case. No decisions were made.

Other

NEXT DWCD BOARD MEETING – Thursday, December 10, 2020 - 7:00 P.M.

ADJOURNMENT Meeting adjourned at 9:47 P.M.