

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

## DOLORES WATER CONSERVANCY DISTRICT WATER ACTIVITY ENTERPRISE

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### MINUTES

Regular Meeting  
June 8, 2023

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**CALL TO ORDER** Godwin Oliver, President, called the meeting to order at 5:02 pm

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

### INTRODUCTION OF GUESTS

#### In-Person

Brandon Johnson, MVIC; Simon Martinez, UF&R Enterprise

#### Via Telephone/Teleconference

Steve Garcher, Dolores County Commissioner

### MINUTES

### APPROVAL OF THE MINUTES

**MOTION: TO APPROVE THE MINUTES AS SUBMITTED FOR THE MAY 11, 2023, ENTERPRISE MEETING.**

**MOTION: LANDAN WILSON**

**SECOND: GLEN FISH**

**MOTION CARRIED UNANIMOUSLY, WES WAS ABSENT AT TIME OF VOTE.**

## FINANCIAL STATEMENTS

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

**O&M: AP/CHECK #41408-41489 & PR/CHECK #125859-125909  
\$379,711.54**

**MOTION: LANDAN WILSON  
SECOND: GLEN FISH  
MOTION CARRIED UNANIMOUSLY, WES ABSENT AT TIME OF VOTE.**

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

### **Pumping Plants & Canals**

All Pumping Plants are up and running. Frank has treated the weeds on all of the canal ROW's north and south except Reach 1 on Dove Creek Canal. We'll finish treating the pumping plants, power plants, Dike and the Dam and then start treating for pond weed and algae. All the pumping plants are running and the Field Tech's are pressuring up boxes as Farmer's call in. Dove Creek Lawn and Garden was pressured up last week and we're repairing some minor leaks. Have replaced the PRV at Brandon Oliver's, just replaced the whole valve. We've been replacing valves and PRV's as needed and we're looking at a different brand of valve because the current lead time on a Mueller BFV is 12 months.

Rob reported that at the Farmer Advisory meeting he said we would start the pumping plants for water delivery on May 2<sup>nd</sup>. After watching the weather, talking to farmers and the Personnel Committee the feedback was May 2<sup>nd</sup> was going to be too soon. So we started out slow on May 9<sup>th</sup> at 50cfs for the few farmers that wanted water. On May 19<sup>th</sup>, we increased to 95 CFS and 162 CFS on the 29<sup>th</sup> to the present. With the increase in flows, we're getting the tumble weed plugs at the checks and siphons. We had Dove Creek Pumping Plant and Cahone Pumping Plant go down from low water in the sump but we got the weeds pulled and the Control Room Operators are learning quickly. I'm very pleased with the three new Control Room Operators, two are operating solo after 6 weeks of training and one is still working with Eric. The lead mechanic position's last day is next week. Have received some applications, but none of the applications are mechanics. Not getting the applications that we had hoped for. We're down to only 3 crew members on call who are trained in restarting a pumping plant being on call for a week at a time. Being on call is very demanding, since they can't be 30 minutes away from the District and have to respond 24/7. All three are already at 100 hours of comp time and they are burning out quick. Rob stated that we are trying to get himself and maybe a couple of others trained on starting the plant, but they're too busy to spend a lot of time shadowing.

The personnel committee has been addressing staffing, and it is hard to find people to work overall. Talking with the committee, there are a lot of the crew getting side jobs and some are choosing to pursue those more. Staff knows, based on practice, that their compensation is tied to the farmers' water years and as that starts to feel less sustainable long-term, it is driving some staff members to pursue other career paths. Rob requested that the board inform him if they're aware of anyone who may be interested in working at the District.

Had a tour with the City of Cortez public works crew yesterday. Had the annual facility review, looked at Great Cut and the Dam. Said overall it is good. We don't have any outstanding items. We will be removing driftwood from the Dam. Cancelled the personnel meeting last week. Rob asked if the committee wanted to meet next Wednesday. Godwin asked if it could be at 9:30-10:00. Personnel committee Wednesday 10:00 am at Dove Creek Pumping Plant.

### **Power Plants**

Towaoc Power Plant has averaged 60 CFS, McPhee Power Plant is at 75 CFS with the downstream release at 1,210 CFS.

## **WATER MANAGEMENT REPORT**

Forecast and Water Accounting – Eric presented the inflow outflow sheet. 1) May started with the reservoir elevation at 6912.74 and ended the month at 6920.65. Releases were high. Total inflows came in at 250,000 af for May and is close to the forecasted number. Ute Farm and Ranch used 4,410 af. MVIC's totaled 17,000 AF diversions and there was no call stored in that number. All the call was spilled in early May. There is still 3,000 AF of MVIC's Totten Credit water stored in McPhee. Total spill for May is 180,320. Had releases of 4,000 CFS for about 10 days in the middle in May. Longest high flows since 2000. These high releases were a reaction to the reservoir filling on the substantial low snow and the spill being triggered early. There were some gage errors this year, especially on the Dolores gauge in Dolores, which USGS was able to resolve temporarily.

There were also hardware issues over Memorial Day weekend with the releases gauge which DWR assisted with. Totten is being filled off the spill, and MVIC has run 950 AF into it. Rain came in at about 1 inch for May, which is average. Don asked if Totten is full. Brandon said yes. Precip is coming in an unusual variety of storms this month. Being called a Mayssoon, because the afternoon thunderstorms with high spatial variability are reminiscent of monsoons. It is different than what we are used to seeing this time of the year. Introduced some confusion into the model of the CBRFC. Have clear skies for the next 5 days. We are also cool for June and were cool through May. Landan asked if the peak runoff has already hit. Eric stated it has, and that he highlighted the highest number on the 17<sup>th</sup> of May. The storms coming in obfuscated the hydrograph, making it difficult to discern flow rates relative to weather vs runoff. 2) June, we are currently releasing 800 CFS. Releases are down because the June volumetric runoff forecast came in low, and we're trying to stay ahead of that. Inflows are still in the 2000 range. Today it is closer to 2400 cfs. We are increasing releases this weekend to 1200 and then going back down to 800 to fill the reservoir, but will watch closely over the weekend.

McPhee at 6922.8 FT. Probably hold the 800 CFS release through next week and still fill. Mid-late next week if we are stagnating we will stop the spill to fill. Don asked what was being looked at for spill management. Eric described how SNOTEL data, weather, and CBRFC's forecasts are all used daily. Landan asked about Black Mesa. Eric reported that it is still at 80% snow remaining. ASO flight supported this, estimating there is about 184,000 AF of snowpack still remaining, mostly above 10,000 AF. Black Mesa is at 11,500 elevation. Sharktooth experienced some kind of error, and stopped recording. NRCS believes the snow pillow must have been punctured. Robert stated that the snow depth is probably not accurate with the snow pillow deflating. Some difference, Sharktooth at 10,750 elevation and it is the last snotel above 10,000 and window into the north facing slopes. Not all of the remaining snow will come down during the spill, as there is still approximately 24,000 AF forecasted to come down in July. Don asked if Eric is looking at late summer storms. Eric stated that the 30 day forecast is telling us low precip, but other indicators suggest an El Nino pattern may be developing.

June's total inflow for the season is 429,706 AF and total spill is 202,609 AF.

Ken stated that we provided MVIC's Exhibit A. Eric stated that we will update this monthly moving forward. Current MVIC project supply is 13,587 AF.

Groundhog didn't fill, but think it will get to 21-22 KAF. It is full at 26 KAF.

There is reduced irrigation demands in the fields because of wet, cool conditions. Godwin stated that there is fewer hay acres, but a lot more beans and grains going in this year. Ken stated there were a fair number of breakdowns reported by farmers early this season also, likely due to delivery systems sitting idle during the last few drought years.

**ADJOURNMENT** Dolores Water Conservancy District Water Activity Enterprise Board meeting adjourned at 5:36 pm

  
Donald W. Schwindt, Secretary-Treasurer

  
Godwin Oliver, President

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## DOLORES WATER CONSERVANCY DISTRICT

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### MINUTES Regular Meeting June 8, 2023

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**CALL TO ORDER** Godwin Oliver, President, called the meeting to order at 5:36 pm

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

### INTRODUCTION OF GUESTS

#### In-Person

Brandon Johnson, MVIC; Simon Martinez, Ute F&R

#### Via Telephone/Teleconference

Steve Garcher, Dolores County Commissioner; Ed Millard

### MINUTES

#### APPROVAL OF THE MINUTES

**MOTION: TO APPROVE THE MINUTES AS SUBMITTED FOR THE MAY 11, 2023 REGULAR MEETING.**

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

**Don asked to hold approval for discussion of changes in Executive Session, after which the following action was taken.**

**MOTION: TO APPROVE THE MINUTES AS CORRECTED FOR THE MAY 11, 2023 EXECUTIVE SESSION.**

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

## FINANCIAL STATEMENTS

Ken pointed out on the bills the Mediation fees and settlement, and there will be a budget adjustment later in the year.

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

**ADMIN: AP/CHECK #12346-12363**

**\$109,890.85**

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

## AGENCY REPORTS

**BOR Report** – Robert reported that we received approval to go forward on the valves and actuator project through the MOA 2 Basin Fund. He is working on getting a draft management plan together and routing it around. It is required under the MOA 2 program addressing the communication between state & BOR. He hopes contracting to award at the beginning of Fiscal Year 2024. District would install materials over the next couple of years.

**Division of Water Resources Report** – DWR not in attendance.

**T/H Committee Report** – Godwin stated that the Committee met May 17, 2023 1) The Committee paid DWCD, MVIC and Ute Farm and Ranch.

**Next T/H Meeting** – The Committee will meet at the DWCD, Cortez Office June 21, 2023 at 2:00 p.m.

**MVIC Report** – Brandon reported that MVIC had a tough month of May, starting when Beaver ditch washed out. Brandon went up again on June 1<sup>st</sup> to survey damages. Brandon passed around some pictures. There are two wash outs. The first has a control spillway above to control inflow. The ditch drops down 20 feet and then another picture shows that it drops 40 feet after the first wash out. He is not sure what they are going to do to fix it. You have to fix the first hole before you can fix the second hole. He took up some engineers to look at the damages and they estimated around 20,000 cubic yards on the first hole and 40,000-50,000 on the second. They will have to create a spillway, cofferdam or something in order to fix the second wash out. The gage going into Beaver was running 122 to 125 CFS while water flowing at the hole estimated about 80 CFS, forward and reverse combined. Don asked how far are these from previous breaches? Les said one had happened between the two, the others had been higher up than these. Les said he had never seen anything like these. Brandon said he didn't know where they are going to get the fill dirt. Don said it is pretty rough places and wanted to know where dirt was acquired in previous beaches. Brandon said just at the sites. Totten started filling on the spill this week on Tuesday and in order to get the restriction off, they wanted 7 days of spill. DWR had a different chart than Brandon and they are working through it.

**UMUT/UF&R Enterprise Updates** – Simon Martinez reported Latisha is the new Water Resource Manager for the Tribe, and will come soon to meet the Board. She was hired to oversee the Water Resources Committee. The Chairman was not able to make it, but will come soon to talk to the Board. This year better than last expecting to run 74 pivots, but still ended with 1200 acres of fallow ground out of 7,600 acres. UF&R running into labor issues as well, they need to have more irrigators. Communication between UF&R and District is still good. UF&R put in 1,100 acres of oats and 1,200 acres of corn and after the wheat harvest then plan on putting in some more alfalfa acres and changing the crop pattern on the farm end back to 2,500 acres of alfalfa. We are wrapping up the first cutting and started late on the water and the soil temp has been low. UF&R seeing a lot lower temps from years past. UF&R will use the majority of the allotment, but not all of it. They will be moving cattle to the high country, delayed because of larkspur. Simon said that the cooperation and the work that has been done through the farm and puts a positive light in SW Colorado. UF&R will be receiving recognition from Colorado Department of Ag at the State Fair in Pueblo. Latisha will start coming as much as she can, Simon will update on UF&R and Michael remains on THCC. The Chairman would still like to come and open up the line of communication between the Tribe and the District.

Don said that Great Cut reported 1 inch of precipitation and he had 3 inches at his place. He asked Simon how would he compare storms? Simon said he is seeing low temps and little precipitation; lower temps is something they had not previously dealt with.

Don said he wanted to follow up on the regular attendance and with the DWCD Board wrestling with the exploratory thinking of working with the UMUT & F&R in moving forward. Don asked if that we can capture that working with the Tribe. Simon agreed to working together and mentioned two projects, running a new fiber line out to the farm that could help THC and new storage at the end of Reach 3. Don said that Simon when he was a Board member was hearing all the things that this Board was dealing with and thinks there is real value from their participation and wants to keep the line of communication going.

## GENERAL MANAGER REPORT

### Minor Updates:

Ken reviewed the recent FSA postcard with recent Board decisions. Cap for the WY 2023 set at 25 and (27.4" at Hovenweep) inches per classified acre. Also giving a \$5.00/AF discount on irrigation water delivery through June 15<sup>th</sup>. There is a penalty of \$90.72/AF for use over the cap. If more available, staff will communicate increasing the cap later in the summer. Ken initially heard the \$5.00 is nice, but it didn't make a big impact on how FS farmers reacted to full supply. He hasn't heard much else about the penalty or cap. Ken said he would get out and talk to irrigators and follow up at FAC. On the \$5.00 discount, we got lucky since the 15<sup>th</sup> was a weekday, because all of the meters had to be read on the 15<sup>th</sup> for the discount. May need more time to work through in the future before implementing. We didn't read meters at the end of May since it usually takes a couple of days and were reading on 6/15. We need to know that the farmers are going to get value out of it before additional tweaks to policies.

**FSA Penalty Policy & Dolores Basin Study follow up** - Ken will delay bringing back a penalty policy until later in summer as currently set. Ken will continue to take Board comments or suggestions. He will take it to the Farmer Advisory Committee in the Fall and Spring.

Don said he wanted to back up one step and ask when we will look at water above the current cap? Eric will have to look at the June numbers that come in and so July the earliest.

Don said that we should talk about it every month. Ken said he would add it to the Agenda as a cap item. Adam said he wanted to talk to the Board about the cap in Executive Session.

Robert provided Ken a couple of studies that he found on the Basin Study and is looking at ways to get some answers to Board questions. Robert shared a couple of studies and talked to some personnel that may be able to come to a DWCD Board meeting for a presentation. He will arrange it around the Board's schedule. Don said that we are not ready to move with enough specificity. Don said putting the homework into these examples won't happen until fall or winter. After discussion Robert was asked to inquire about delaying any commitments on moving forward until winter. Robert said might delay might only be a problem on the time allowed for funding.

Ken received a BLM letter in March that asks for ½ acre foot of augmentation water for a well permit at Bradford Campground. They wanted free augmentation water because CG built by BOR in conjunction with project and looks like O&M. Ken discussed with Adam and will respond that DWCD has found no authorities for this.

Ken provided information on upcoming SDA training for Board members.

**Legislation Update – Federal, State & DWR Rule Making:** Ken updated the Board on the Hill v Wasera case that the Colorado Supreme rejected holding Hill did not have standing to sue to pursue state ownership of the lands of a potentially navigable river. DWCD is connected through contributions to CWC Stewardship that led legal efforts in support of the state. The Stewardship group see cases like these as potentially breaking down prior appropriation doctrine and potentially leading towards public trust doctrines threatening water rights. CA had the Mono Lake case under public trust that took water rights away from LA. These recurring threats is why the CWC Stewardship committee exists and it is worth reading the article as the pressure is not going away. Historically, threats to prior appropriation were not a problem, but based on the quote from the CU law school show the pressure remains to upend our prior appropriation system. We might hear more at Water Congress.

On DWR rule making, Kevin Rein, the Colorado State Engineer met in Cortez on May 25 at DWCD's Cortez Office at 4:00PM and also in Durango the afternoon before. Ryan, Don and Glen were able to make it here in Cortez and Adam and Lindsey made it on the 24<sup>th</sup>. Ken said if we ever get into any compact curtailment DWR would need better water records data. River managers are going to do better measurement on the West Slope and Measurement Rules are coming to Division 7. Kevin

covered the compacts and how they are all different. The compliance point is 2 states away from Lake Powell. We don't know what the UCRC is going to ask for and how Colorado will comply. He did projections and doesn't see compliance volumes going below 75 million into the foreseeable future, he doesn't see less than 85 MAF for some years. Kevin posed the question, is it harmful for curtailment rulemaking too soon? He mentioned that it could be acres out of production. Colorado may work out a way to supplement uses via augmentation. Our current augmentation is upstream and we don't have a headgate. It would have to be through engineering to work in the end.

Adam said it was surprising that he said, that just running curtailment off priorities would not be the way to do it and not be consistent with how we do things in Colorado. He is really talking about the front range and making up their cut out of storage or ag on the west slope or from their own west slope storage. Adam said he likes augmentation rather than demand management. Don said he was really backing up his prior positions. He spoke early on in more specificity. Demand management was going to be the end result of SCPP and still have DROA and the DCP legislation putting water in the ISC pool in Powell. DM was going to be the source to fill it. It is a different game today. As he has backed up from early on the whole thing of this talk was this will be unique. He won't get ahead of others before Colorado will have to decide on its own. We are going to get the measurements in and have better data before we create rules. We know we have to get better data to address a new deal that hasn't been settled by policy makers. It is an evolving process we are watching. This why we have Colorado River Issues on our agenda each month and have to keep up with the evolution of the thinking. The four states have to decide collectively how to negotiate and address the problems. Colorado always wants to be in the lead and ready for what is coming, which includes everything that we are doing. The piece of legislation that created the task force is a result that could lead to future legislation. Interesting place we are in and we continue to learn things.

Glen stated that the measurement was the main subject. Glen said that he was surprised by the measurement in this area. Marty specifically brought up McElmo and need to start getting the flumes fixed through a grant process. It doesn't apply to the Dolores Project, but adjudicated rights and the roundtable. Marty said that 95% of the measurement devices are not what they should be in order to get the data. Don asked where does prior appropriation fit in the process? Individual landowners and water rights owners need to step up. Adam said that they want measurement to meet the "shall not deplete" clause and base it on aerial photos that might show subsurface consumptive use versus diversion. Colorado is trying to back up their claims and prove that we have good measurement. Don said he learned that McElmo is living off MVIC waste water. They used to be served by MVIC predecessors, but were doing their own maintenance. Don toured some of the McElmo ditch diversions and most will be able to sweep the river. Marty will let them sweep, but measurement not up to requirements. We are still the ones tapped in to help as a public entity. Potentially need MVIC to assist and decide how to approach. The Board discussed facilitating meetings and possibly organizing local water users.

Adam explained that the consequence is probably not losing a water right, but more likely a compliance order that could affect administration cutting you off until in compliance. There were discussions on measurement versus shut off. Marty will administer to the best of his ability, but if they can't measure, DWR has to decide how to handle fair distribution. Adam said that first they curtail the un-decreed and then next the most junior. They have to decide if you are un-decreed diversion or you are the most junior. Don connected measurement and administration to larger CR issues and how they may end up balancing all the interests via measurement and rules and good data.

**Colorado River Basin Issues – Colorado River Compact Issues, DCP, DROA, DM, SEIS & Drought Resiliency:** Ken has been busy with Adam & Don trying to get Don appointed to the task force.

Lower basin put forth a deal to Reclamation to save water for 1.2 billion dollars as described by the two letters in the packet. BOR pulled the SEIS back. All the articles and quotes different leaders in the Colorado River Basin and now we need to pivot to 2026 renegotiation for the long term. Formally heard today that BOR will come back with a new SEIS if all the states agree to the deal. The upper basin has not seen any of the details, but agree that the Bureau needs to study it. CWCB reported that DROA is in full recovery mode for the CRSP reservoirs, no more extra releases this year.

DM currently under discussion by the UCRC per the 2019 DCP. CWCB studied DM for quite a few years and paused because they were ahead of the other states. This task force is looking at a lot of things that look like DM. AZ Governor is putting a hold on new subdivision development without an approved 100 year water supply, but not totally stopping growth. CWCB showed the SCPP projects for system water. CWCB called SCPP small, tough and messy. Someone asked the State Engineer about return flows and DWR is not making SCPP projects replace return flows. That question came out of the Arkansas Basin. UCRC meeting next week. SCPP locally went from 8 projects to 3. We will get a report later in the year and had 5 local users bail out. Colorado had the most SCPP projects and least amount of water. We won't have detailed reports until next year on SCPP results.

One handout was a recent presentation by John McCrow, former CR Commissioner that calls the CR Drought Task Force a bad idea and lays out why it may show our cards too early.

## LEGAL REPORT

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

**Homestake** – Adam said that this is being wrapped up.

Adam requested an Executive Session to discuss the following: Revisions to Executive Session Minutes, Water Rights Protection, Water Supply and Project Land Use Discussion and Colorado River Issues.

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

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

**RECESSED FOR EXECUTIVE SESSION AT 7:09 P.M.  
RECONVENED REGULAR MEETING AT 8:03 P.M.**

## REPORT OUT OF EXECUTIVE SESSION

Adam reported that in Executive Session the Board discussed corrections to Executive Session Minutes, as well as water supply and project planning issues related to Colorado River issues that might be subject to notices. No decisions were made.

**NEXT DWCD BOARD MEETING** – Thursday, July 13, 2023 - 5:00 P.M.

**ADJOURNMENT** Meeting adjourned at 8:06 P.M.

  
Donald W. Schwindt, Secretary-Treasurer

  
Godwin Oliver, President