

**SECOND REGULAR JOINT QUARTERLY MEETING OF THE
BOARD OF DIRECTORS OF THE
COLORADO RIVER WATER CONSERVATION DISTRICT
AND OF THE
COLORADO RIVER WATER CONSERVATION DISTRICT
ACTING BY AND THROUGH ITS COLORADO RIVER WATER PROJECTS ENTERPRISE**

April 19-20, 2022

Pursuant to notice duly and properly given, the Second Regular Joint Quarterly Meeting of the Board of Directors of the Colorado River Water Conservation District (CRWCD) and of the Colorado River Water Conservation District acting by and through its Colorado River Water Projects Enterprise was held on Tuesday and Wednesday, April 19-20, 2022.

Directors present during all or part of the meeting:

Martha Whitmore, President, Ouray County	Kathy Chandler-Henry, Vice President, Eagle County
Mark Roeber, Delta County	Scott McInnis, Mesa County
Rebie Hazard, Saguache County	Steve Beckley, Garfield County
John Ely, Pitkin County	Doug Monger, Routt County
Alden Vanden Brink, Rio Blanco County	Stan Whinnery, Hinsdale County
Kathleen Curry, Gunnison County	Taylor Hawes, Summit County
Mike Ritschard, Grand County	Tom Gray, Moffat County

Directors not present:

Marc Catlin, Montrose County

Others present during all or part of the meeting:

Andrew A. Mueller, General Manager, CRWCD
Peter C. Fleming, General Counsel, CRWCD
Audrey Turner, Chief of Operations, CRWCD
Jason V. Turner, Senior Counsel, CRWCD
Dave Kanzer, Director of Science and Interstate Matters, CRWCD
Don Meyer, Sr. Water Resources Engineer, CRWCD
Ian Philips, Chief Accountant, CRWCD
Hunter Causey, Director of Asset Management/Chief Engineer, CRWCD
Zane Kessler, Director of Government Relations, CRWCD
Brendon Langenhuizen, Director of Technical Advocacy, CRWCD
Marielle Cowdin, Director of Public Relations, CRWCD
Amy Moyer, Director of Strategic Partnerships, CRWCD
Raquel Flinker, Sr. Water Resources Engineer/Project Manager, CRWCD
Lorra Nichols, Paralegal, CRWCD
Lindsay DeFrates, PR & Media Specialist, CRWCD
Stephanie Moore, Executive Assistant, CRWCD
Lyzzi Borkenhagen, Administrative Assistant, CRWCD
Melissa Wills, Program Associate, CRWCD
Alyson Gould, Colorado Water Trust
Dennis Webb, The Daily Sentinel
Heather Sackett, Aspen Journalism
James Fosnaught, Esq., Karp, Neu, Hanlon
Laura Spann, Southwestern Water Conservation District

¹An audio recording has been made of the meeting. The motions described herein may not necessarily represent a verbatim transcription. The audio recordings are available for listening at the CRWCD offices during regular office hours. These minutes are the official record of the Colorado River Water Conservation District's meeting.

Orla Bannan, Western Resource Advocates
Paula Stepp, Middle Colorado Watershed Council
Scott Hummer, Colorado Division of Water Resources, State Engineer's Office
Shoshana Rosenthal, Esq., Karp, Neu, Hanlon

Quorum.

President Whitmore found a quorum and called the meeting to order at 9:01 a.m.

Review Meeting Agenda and Objectives.

Andy Mueller requested that agenda item 10 be continued until the July board meeting as Mr. Hurford had an emergency and was unable to attend the meeting. Director Whinnery moved, seconded by Director Roeber, to approve the agenda as amended. Motion carried unanimously.

Consent Agenda.

Director Gray moved, seconded by Director Beckley, to approve the consent agenda as presented. Motion carried unanimously.

- a. Approval of Minutes and Actions Taken:
 - i. Minutes of First Regular Joint Quarterly Meeting, January 18, 2022.
 - ii. Minutes of Special Joint Meeting, February 3, 2022.
 - iii. Minutes of Special Joint Meeting, February 8-9, 2022.
 - iv. Minutes of Special Joint Meeting, Information and Outreach, February 9, 2022.
 - v. Minutes of Special Joint Meeting, March 31, 2022.
- b. Acceptance of Treasurer's Reports, Check Registers, and Draft Financials for November 2021 and December 2021.

General Counsel's Report – Executive Session.

Peter Fleming reported that the following matters qualify for discussion in Executive Session pursuant to C.R.S. §§ 24-6-402(4)(b)(legal advice) and (e)(negotiations):

- a. Matters Proposed for Executive Session:
 - i. Wolford Mountain Reservoir and Ritschard Dam Operations (An Enterprise Matter).
 - ii. CRCA Implementation Matters.
 - iii. Green Mountain Reservoir, Administrative Protocol Adjudication, Case No. 13CW3077, Water Division 5.
 - iv. Colorado Springs Utilities Diligence, Case No. 15CW3019, Water Division 5, and Proposed Enlargement of Montgomery Reservoir.
 - v. Eagle Park Reservoir Company, Case Nos. 18CW1340 & 19CW3145, Water Division 5.
 - vi. Application of Colorado River District, Ouray County, Ouray County Water Users Association, and Tri-County Water Conservancy District for Ram's Horn Reservoir Project, Case No. 19CW3098, Water Division 4.
 - vii. Colorado River District Conditional Water Rights.
 - viii. Colorado River Compact, Interstate Matters, and Demand Management.

Director Chandler-Henry moved, seconded by Director Ely, to proceed into Executive Session pursuant to C.R.S. §§ 24-6-402(4)(b)(legal advice) and (e)(negotiations). Motion carried unanimously.

Peter Fleming stated that no further record of the Executive Session need be kept based on his opinion that the discussion will constitute privileged attorney-client communications.

President Whitmore reconvened into Public Session at 2:23 p.m.

General Counsel's Report – Public Session.

Peter Fleming reported that during Executive Session, the Board provided guidance to staff and General Counsel on the following matters:

- a. Matters Proposed for Executive Session:
 - i. Wolford Mountain Reservoir and Ritschard Dam Operations (An Enterprise Matter).
 - ii. CRCA Implementation Matters.
 - iii. Green Mountain Reservoir, Administrative Protocol Adjudication, Case No. 13CW3077, Water Division 5.
 - iv. Colorado Springs Utilities Diligence, Case No. 15CW3019, Water Division 5, and Proposed Enlargement of Montgomery Reservoir.
 - v. Eagle Park Reservoir Company, Case Nos. 18CW1340 & 19CW3145, Water Division 5.
 - vi. Application of Colorado River District, Ouray County, Ouray County Water Users Association, and Tri-County Water Conservancy District for Ram's Horn Reservoir Project, Case No. 19CW3098, Water Division 4.
 - vii. Colorado River District Conditional Water Rights.
 - viii. Colorado River Compact, Interstate Matters, and Demand Management.

Mr. Fleming also reported that there were no action items resulting from Executive Session.

License Agreement for Mahon Access for Water Pump and Pipeline:

Director McInnis moved, seconded by Director Monger, to approve staff's recommendation to authorize counsel to draft, and the General Manager to execute, a new ten-year access license agreement for the Mahon Pump and Pipeline, consistent with the terms of the Mahon's 2012 License Agreement. Motion carried unanimously.

Hill v. Warsewa *et al.*, Case No. 20CA1780:

Directors were invited to ask questions and/or provide comments to staff regarding the case update.

Update on Waters of the United States:

Directors were invited to ask questions and/or provide comments to staff regarding the case update.

Update on 2020 Abandonment List:

Directors were invited to ask questions and/or provide comments to staff regarding the Abandonment List update.

Grand Lake Clarity:

Directors were invited to ask questions and/or provide comments to staff regarding the Grand Lake Clarity update.

Public Comment.

No public comment was received.

President Whitmore recessed the meeting at 2:30 p.m.

President Whitmore found a quorum and reconvened the meeting at 2:41 p.m.

General Manager's Report.

Colorado River Basin Hydrology Report - Update:

Dave Kanzer and Don Meyer shared data reflecting below-average snowpack, above-average temperatures, low runoff forecasts, and dry soil and atmospheric. One important metric changed since the previous board meeting, which Mr. Kanzer discussed during his basin-wide analysis—Lake Powell dropped below the 'target elevation' of 3,525 in March.

USGS Joint Funding Agreement (JFA) & Middle Colorado Watershed Council:

Director Hawes moved, seconded by Director Curry, to approve staff's recommendation to authorize the General Manager to enter into a Joint Funding Agreement (JFA) with the USGS, subject to review and approval by legal counsel, in an amount not to exceed \$500,000, to engage in cooperative wildfire impact-related data collection and analysis activities over the next three years. Motion carried unanimously.

Director Chandler-Henry moved, seconded by Director Whinnery, to approve staff's recommendation to authorize the General Manager to enter into an agreement, subject to review and approval by legal counsel, with the Middle Colorado Watershed Council, not to exceed \$500,000, related to the above-mentioned proposed USGS JFA. Motion carried unanimously.

Director Whinnery moved, seconded by Director Vanden Brink, to approve staff's recommendation to waive one-half of the management fee, typically 3 percent, associated with the Middle Colorado Watershed Council Agreement, this results in an in-kind contribution of River District staff time in the amount of \$7,500, for the administration of these agreements for the three-year life of the project. Motion carried unanimously.

Weather Modification/Cloud Seeding Update:

Dave Kanzer provided information on the background of the program, future opportunities to purchase two new remotely operated cloud seeding generators, the current activities of the program, and future plans for the program.

Service Anniversary Recognitions.:

Hunter Causey expressed the River District's appreciation to Jack DeSanti for his 5 years of service to the District.

Demand Management, Intrastate Resiliency Toolkit & Drought Response Operations:

Andy Mueller requested the board provide direction to staff regarding the District's Revised Demand Management Market Structure Conceptual Proposal for use, if and when, the State of Colorado indicates it is prepared to move forward with its assessment and/or implementation of a Demand Management Program and that Staff actively engage in the State's development of a "drought resiliency toolbox". Collectively, the directors advised staff to set the current draft aside until further notice.

Directors' Updates and Concerns.

Directors reported concerns throughout the District regarding the ongoing drought, algae issues, lower peak flows, warmer temperatures, early runoff, wind, efforts on curtailment, and the impacts of summer tourism.

President Whitmore recessed the meeting at 4:56 p.m.

Wednesday, April 20, 2022

President Whitmore found a quorum and reconvened the meeting at 8:32 a.m.

Community Funding Partnership (CFP) Applications.

Amy Moyer proposed the following projects for approval pursuant to the River District's Community Funding Partnership:

- a. Applicant: Buffalo Mountain Metropolitan District; Project: Water Tank (3) Interior Rehab Project in the amount of \$25,000 and that the awarded funds be attributed to Infrastructure (90%) and Conservation and Efficiency (10%).

Director Monger moved, seconded by Director Hazard, to approve staff's recommendation to approve the Buffalo Mountain Metropolitan District Project in the amount of \$25,000. Motion carried unanimously.

- b. Applicant: High County Conservation Center; Project: Advancing Irrigation Efficiency Across Summit County Project in the amount of \$76,475 and that the awarded funds be attributed 100% to the CFP funding Conservation and Efficiency category.

Director Chandler-Henry moved, seconded by Director Beckley, to approve staff's recommendation to approve the High County Conservation Center Project in the amount of \$76,475. Motion carried unanimously.

- c. Applicant: Town of Oak Creek; Project: Sheriff Reservoir Dam Rehabilitation Final Design Project in the amount of \$80,000 and that the awarded funds be attributed to Productive Agriculture (10%); Infrastructure (60%); Healthy Rivers (10%); Watershed Health and Water Quality (10%); and Conservation and Efficiency (10%).

Director Monger moved, seconded by Director Vanden Brink, to approve staff's recommendation to approve the Town of Oak Creek Project in the amount of \$80,000. Motion carried unanimously.

- d. Applicant: Town of Somerset; Project: Drinking Water Improvements Project in the amount of \$91,702 and that the awarded funds be attributed to Infrastructure (40%); Watershed Health and Water Quality (40%); and Conservation and Efficiency (20%).

Director Curry moved, seconded by Director Whinnery, to approve staff's recommendation to approve the Town of Somerset Project in the amount of \$91,702. Motion carried unanimously.

- e. Applicant: Grandview Canal & Irrigation Company; Project: Smith Fork Headgate and Airport Reservoir Project in the amount of \$135,000 and that the awarded funds be attributed to Productive Agriculture (35%), Infrastructure (35%), Healthy Rivers (5%), Watershed Health and Water Quality (10%); and Conservation and Efficiency (15%).

Director Monger moved, seconded by Director Hazard, to approve staff's recommendation to approve the Grandview Canal & Irrigation Project in the amount of \$135,000. Motion carried unanimously.

- f. Applicant: Crawford Clipper Ditch Company; Project: Upper West Lateral Pipeline Project in the amount of \$150,000 and that the awarded funds be attributed to Productive Agriculture (35%), Infrastructure (35%), Watershed Health and Water Quality (15%), and Conservation and Efficiency (15%).

Director Monger moved, seconded by Director Chandler Henry, to approve staff's recommendation to approve the Crawford Clipper Ditch Company Project in the amount of \$150,000. Motion carried unanimously.

- g. Applicant: Colorado River District Staff; Project: 2022 Yampa River Flow Pilot Project in the amount of \$26,250 and that the awarded funds be attributed to Productive Agriculture (50%) and Healthy Rivers (50%).

Director Gray moved, seconded by Director Vanden Brink, to approve staff's recommendation to approve the Colorado River District Staff Project in the amount of \$26,250. Motion carried unanimously.

President Whitmore recessed the meeting at 10:01 a.m.

President Whitmore found a quorum and reconvened the meeting at 10:07 a.m.

External Affairs.

Information and Outreach Committee Update:

Marielle Cowdin and Lindsay DeFrates reported that the District had scheduled a total of 12 State of the River Meetings and 5 of those meeting had already occurred, totaling 465 people in attendance. The District education and outreach efforts continue and its social media efforts have seen an uptick in engagement. Additionally, the District's annual seminar has been scheduled for September 16, 2022 in Grand Junction.

State Affairs:

Zane Kessler reported that there are only 20 working days left of the legislative session. The joint budget committee completed the reconciliation of the 36.4 billion appropriations bill and both houses readopted it. SB22-029 (Concerning Investment Water Speculation) is unlikely to come out of committee and is calendared for another conversation later this summer. The District also anticipates future communications with Senator Simpson regarding Trans Mountain Diversions.

Federal Affairs:

Zane Kessler reported that on March 11th, six months into FY22, President Biden signed the FY22 omnibus appropriations bill into law. On March 28th, President Biden released his FY23 budget request which included \$1.75 billion for the Bureau of Reclamation and \$2.7 billion for Forest Service wildfire mitigation activities, of which \$321 million is for hazardous fuels reduction. In 2023 the Forest Service projects that it will be able to mitigate wildfire risk on 3.8 million acres in high priority and high-risk areas, important progress towards implementing its 10-year Fire Risk Reduction Strategy.

Director Chandler-Henry moved, seconded by Director Curry, to approve staff's recommendation to support Upper Colorado and San Juan River Basins Recovery Act (3693) by extending the authorization for DOI to implement capital projects for the endangered fish recovery programs for the Upper Colorado and San Juan River basins. Motion carried unanimously.

Annual Policy Discussion.

Zane Kessler reported that the District's Colorado Water Plan Policy (previously revised in July 2015), Instream Flow Policy (previously revised in July 2016), Endangered Species Act Policy (previously revised in April 2019), Recreational Water Use Policy (previously revised and readopted in April 2019), and Water Quality Policy (previously revised and adopted in July 2019) were ready for review and revision consistent with the Board's practice of reviewing approximately one-third of its policies on a rotating three-year basis. Additional comments and suggested edits were received from the Directors for each policy and new drafts will be provided for additional comment and/or approval during the July Quarterly meeting.

Project Operations and Updates. (Enterprise Matters).

Approval of Agreement with Colorado Water Trust RE: Authorization for Elkhead Application:

Director Gray moved, seconded by Director Monger, to approve staff's recommendation to authorize the General Manager to enter into a one-year water supply contract with the Colorado Water Trust for up to 650 acre-feet from Elkhead Reservoir, subject to review and approval by legal counsel.

Future Meetings.

- a. Third Regular Joint Quarterly Meeting, July 19-20, 2022, Glenwood Springs, CO.
- b. CRWCD Budget Workshop/Special Joint Meeting, September 15, 2022, Location (TBD).
- c. CRWCD Annual Seminar, September 16, 2022, Colorado Mesa University, Grand Junction, CO.
- d. Fourth Regular Joint Quarterly Meeting, October 18-19, 2022, Glenwood Springs, CO.
- e. Other Meetings:
 - i. Lower Basin Fact Finding Tour: November 2-4, 2022, Location (TBD).

Adjourn.

There being no other business before the Board, President Whitmore adjourned the meeting at 11:52 a.m.



Martha Whitmore, President

ATTEST:



Andrew A. Mueller, Secretary/General Manager

Executive Session Attestations.

I hereby attest that the portions of the Executive Session that were not recorded constituted privileged attorney-client communications.



Peter Fleming, General Counsel