

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 May 9, 2024

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**CALL TO ORDER** Godwin Oliver, President, called the meeting to order at 3:00 pm

**ROLL CALL** Godwin Oliver, President  
Glen Fish, Vice President  
Don Schwindt, Secretary-Treasurer  
Wes Wilson, Director  
Landan Wilson, Director  
Ryan Gray, Director  
Ken Curtis, General Manager  
Eric Sprague, Interim Water Manager  
Jed Martinez, Maintenance Supervisor  
Lisa Jordan, Office Administrator  
Robert Stump, Bureau of Reclamation  
Adam Reeves, Attorney MBSS  
Lindsey Ratcliff, Attorney MBSS

#### **INTRODUCTION OF GUESTS**

##### **In-Person**

Brandon Johnson, MVIC

##### **Via Telephone/Teleconference**

Tony Tanner, FSA Irrigator

#### **MINUTES**

##### **APPROVAL OF THE MINUTES**

**MOTION: TO APPROVE THE MINUTES AS SUBMITTED FOR THE APRIL 11, 2024, ENTERPRISE MEETING.**

**MOTION: GLEN FISH  
SECOND: RYAN GRAY  
MOTION CARRIED UNANIMOUSLY.**

#### **FINANCIAL STATEMENTS**

**MOTION: TO APPROVE THE MARCH '24 FINANCIAL STATEMENT AND APPROVE THE STATEMENT OF PAYABLES AS PRESENTED.**

**O&M: AP/CHECK #42401-42494 & PR/CHECK #126439-126488  
\$518,619.49**

**MOTION: WES WILSON  
SECOND: LANDAN WILSON  
MOTION CARRIED UNANIMOUSLY.**

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

**Pumping Plants & Canals** – DWCD began filling the Dove Creek Canal on April 18, 2024. The week of April 22, 2024 staff began charging up all the pumping plants. As of May 1st, the Dove Creek Canal was full and all pumping plants are operational.

**Power Plants** – TPP has averaged 130 CFS with that number increasing as water usage rises. MPP is at 51 CFS with the downstream release at 49.7 CFS.

**THCC Reach 3** – There are still problems with siphon 11 on Reach 3. Staff started confined space work on April 24th and installed 3 additional internal bands. Two additional leaks were discovered upstream and did not have enough bands to repair those leaks. Upon further investigation it appears that the siphon is starting to “walk” upstream. DWCD reached out to Weeminuche Construction to build a french drain to re-route the water away from the siphon to prevent further damage. This issue is still a work in progress.

**Building Inspections** – The Cortez Office and Great Cut Dike Offices were inspected on Monday, May 6, 2024 and Great Cut Pumping Plant was inspected on Tuesday May 7, 2024.

**Employee Personal** – DWCD has hired a seasonal Weed Sprayer to assist Frank Green. Three new pickups were purchased and four old trucks were sold at auction.

## **WATER MANAGEMENT REPORT**

**Water Accounting** – Eric presented the Inflow/Outflow, summarizing the report. **1) April:** Eric stated the Control Room staff began filling the THC in March. By April 15 UF&RE was using 90 cfs. There was an interruption in deliveries to UF&RE April 20-26 to perform repairs on siphon 11. Eric stated that with regard to the MVIC column, most of the Lone Pine numbers were to fill Narraguinnep. The Dove Creek Canal (DCC) began filling mid-month and all of the pumping plants were pressurized and running on May 1. Total inflow for April was 23,366 AF which is low and similar to the inflow in 2020. Eric stated that April was quite dry with precipitation at .5” for the month. **2) May:** McPhee has gained elevation, up to 6905’, due to MVIC not filling Narraguinnep. There was a nice increase in flows where the river reached 1,000 CFS then a couple of cold fronts moved in and the river is now hovering around 700 CFS. MVIC system started in May and is currently running approximately 250 CFS. DCC is running approximately 40 CFS. Total inflow for May so far is 10,025 CFS. **3) SWE:** Eric projected the charts showing the SWE at the snotel sights and stated that runoff is low going into May. The chart compared water year’s 2024, 2022, 2021 2020 and 2018. Eric stated that there is still snow in the mountains and the cool weather is causing a delayed reaction so it is coming down slowly. Eric projected an image showing just the 2024 snotel sites and stated that we are probably a week to two weeks out from all of the snow being gone. Eric stated that Black Mesa is always last. Eric stated that there was an ASO flight performed on April 30. The ASO showed 115KAF of snow/water as of April 30. Eric said that the CBRFC forecast from April 30 thru the remainder of the season was 83KAF. This wide difference in forecast makes us wary of using the CBRFC forecast. Eric showed the 90/50/70 percent forecast from CBRFC. Eric said that there are definitely indicators to treat 2024 like 2020 as they are very similar so far. Eric said that he estimated 86KAF for April-July, stating that he still doesn’t fully trust the 90 percent runoff forecast. Eric said that Ashley, with CBRFC, also thinks that the model is high. Eric said that none of the forecasts include M&I water or MVIC shares going south. Eric said that DWCD has 4KAF of M&I that has been distributed in past shortage years. Eric said the Board needs to talk about what to do with the M&I and if there is a compelling reason to raise the allocation now or wait to see how the runoff comes in. Ken said if there is no reason to up the allocation today staff will wait 2-4 weeks to make a decision. Wes said that he is okay with waiting until June to increase the allocation. Don said that as they discuss the water report, how much difference would it make to pull in the 4KAF. Ken said that Simon has shown interest in the M&I if there is a shortage. Right now M&I is being left out of the calculation but Class B is included in the allocation. Don asked Brandon what he thinks MVIC allocation will be, Brandon thought it would be 42”. Brandon said that it depends on what happens at Groundhog. If it warms up at Groundhog he could see the allocation going up. Adam asked if CBRFC has any understanding that their model has missed the mark all over Colorado? Eric said they are aware but they have to be careful about the process they use when they change the model. They have a hydrologist whose specialty is the Dolores who DWCD communicates with regularly. Don asked Godwin and Landan what their feeling was in the full service area. Godwin said at the FAC that there wasn’t as much discussion regarding irrigator plans as there has been in the past. Godwin said that he would almost like to see DWCD add the M&I to the calculation and bump the water allocation. Godwin said that if UF&RE leases DWCD’s 170 shares that is around 600 AF if the MVIC allocation is 48”. Don said that he doesn’t mind cutting short the water at the end of the season but not everyone is the same. Landan feels more comfortable at the 19” and waiting for an increase. Landan thinks people are looking at this year like

it is a full season. Ken asked if the Board was willing to put the M&I up for lease. Ken stated that he and Eric will work on a plan for the M&I to discuss in June. Ken said that they will also look at the numbers to see if they can increase the allocation a step.

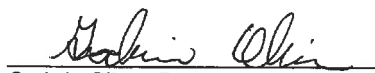
Ken said that the April 30th ASO flight was good and DWCD staff has been performing sampling for the flights. Ken noted that in hindsight they might have flown this week or next rather than the 30th. Ken said that the 50% forecast was 200KAF and staff was watching numbers and knew the river was going to drop during the heat spell in April. It was stated that the numbers are confusing since there was a 90KAF loss on the forecast but only 30KAF in runoff. Ken said that he submitted a grant on May 7 to pay for ASO flights for the next 3 years. Ken said that final numbers will be available to analyze around 60 days from now. Don asked if they were comfortable using the analogues and if they are good predictors? Ken said that they are using them; it's not perfect. Ken said that he feels comfortable that May will be a bigger month than April. There is correlation between good water years and low snow. There was no low snow this year because the spring was warm.

**2024 FSA Cap & Pricing** – No discussion for May this item will stay on the agenda for June.

**2024 FSA Penalty for Overuse** – Adam stated that attorneys have completed a draft policy which can be discussed in June. Adam said that he and Lindsey need DWCD staff to fill in some numbers and they also need some input from the Board on a couple of items. Lindsey asked the Board if they; 1- want to say anything about penalty escalation for people in the same year, and 2-does the Board want anything in the policy about repeat offenders in different years. Adam said that there are also a couple of variables to look at, 1-in a shortage year where overuse will hurt your neighbor and 2- a year when overuse comes out of the carryover storage. Adam said that the shortage year scenario should be more draconian since it actually is hurting someone now. Landan said that he would like to see escalation for repeat offenders in separate years. Adam said that it is a common practice that first offenders are treated as harshly as repeating a second time and so on. Adam stated that the Board will have to decide what the breakpoints are that make a person a repeat offender. Ryan said that if you make it too strict then irrigators will become fearful about using 100% of their water and there will be underuse all the time. Adam said that there hasn't been a discussion on proportion to the allocation. Don said that he agrees with adding these factors to the list. It was stated that last year there was an exception made for for a break on a line stating that if this happens and the irrigator notifies DWCD and comes to the Board there can be forgiveness, however an irrigator must notify DWCD immediately. Don said that an irrigator knows when they are about to go over and shouldn't stop watching the meter. Don said that there should be a finite buffer. Wes said that each year is different. Adam said that his advice is to make the buffer pretty tight, not worth getting penalized. The information is readily available by DWCD staff to find out what your individual cutoff is. Wes said that 3 of 5 years could be a breakpoint for repeat offenders. If you are going to over the allocation 3 years out of 5 and by quite a bit no matter who it hurts is definitely a repeat offender. Don said that hurting the water bank is worse than hurting carryover storage. Injury to carryover is theoretical.

**ADJOURNMENT** Dolores Water Conservancy District Water Activity Enterprise Board meeting adjourned at 4:11 pm

  
Donald W. Schwindt, Secretary-Treasurer

  
Godwin Oliver, President

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## DOLORES WATER CONSERVANCY DISTRICT

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### MINUTES Regular Meeting May 9, 2024

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**CALL TO ORDER** Godwin Oliver, President, called the meeting to order at 4:11 pm

**ROLL CALL** Godwin Oliver, President  
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### INTRODUCTION OF GUESTS

#### In-Person

Brandon Johnson, MVIC

#### Via Telephone/Teleconference

Tony Tanner, FSA Irrigator

### MINUTES

### APPROVAL OF THE MINUTES

**MOTION: TO APPROVE THE MINUTES AS SUBMITTED FOR THE APRIL 11, 2024 REGULAR MEETING.**

**MOTION: WES WILSON  
SECOND: LANDAN WILSON  
MOTION CARRIED UNANIMOUSLY.**

**MOTION: TO APPROVE THE MINUTES AS SUBMITTED FOR THE APRIL 11, 2024 EXECUTIVE SESSION.**

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

## FINANCIAL STATEMENTS

**MOTION: TO APPROVE THE MARCH '24 FINANCIAL STATEMENTS AND APPROVE THE STATEMENT OF PAYABLES AS PRESENTED.**

**ADMIN: AP/CHECK #12516-12528**

**\$13,639.30**

**MOTION: LANDAN WILSON  
SECOND: RYAN GRAY  
MOTION CARRIED UNANIMOUSLY.**

## AGENCY REPORTS

**BOR Report** – Robert stated that 1) the water screens were delivered, installed and commissioned. 2) Robert stated that with regard to the valves and actuators there was some confusion with the actuators on interchangeability between the plants which is one main thing they were looking for. That has been sorted out and will result in a more robust actuator which will be a little more expensive so he is currently working on that change order. 3) With regard to power, Robert is finishing up getting the performance work statement which will go to AMP and eventually out for solicitation.

**Division of Water Resources Report** – Rusty was not in attendance-no report. It was stated that McElmo went on call May 9, 2024.

**T/H Committee Report** – Wes stated that he was not in attendance at the Committee meeting on April 17, 2024. There were draft minutes in the packet.

Glen said that he has performed work on Don Schwindt's place and he dug into a very unusual amount of water where there was a pipeline and staging area that was dry when he put it in. Glen asked if there was an industry standard on acceptable leaking. Ryan said that there was no standard on a water tight pipe. Glen asked what type of material the pipe chute was made out of. Ken said it is made of steel and also thinks there is a concrete mortar inside and may have concrete on the outside of the pipe. Ken stated that there is 400 feet of head on this pipe. Robert said that it is not technically a siphon more of a piped drop chute which drops to the EDS (Energy Dissipation Structure) then the EDS dissipates all of the energy from the 400 feet of head, it is more of a drop and was designed to deal with pressure. Ken said that there could be friction losses as it is a big pipe.

**Next T/H Meeting** – The Committee will meet at the DWCD, Cortez Office May 15, 2024 at 2:00 p.m.

**MVIC Report** – Brandon stated that 1) MVIC has been slow to start up. 2) MVIC continues to work on the dam at Narraguinnep. 3) A dive team is scheduled to fix the seal on the guard gate at Groundhog. There will be a barge and diver, teams are currently trying to figure out a way to move the grate to get to the guard gate. The repairs for Groundhog are under warranty. Brandon will coordinate a ANS inspection on the barge. 4) There was a meeting with SWCD on the 87.3 CFS and still remains unresolved.

## GENERAL MANAGER REPORT

### Miscellaneous Updates

**Colorado Legislative Updates:** The Dredge & Fill bill went down to the wire with a final CWC State Affairs vote to support on Monday May 6. The other potentially impactful bills are in the hands of the legislators and we may have a full summary possibly by next month. SW Taskforce recommendations bill is also interesting in that it supports protecting the power plant water rights on the Yampa, even though not an actual recommendation. Ken said that there is another bill on impact fees limits for special districts that has been controversial.

**WIP Video Production:** Don, Glen & Ken will start working with Elaine in June. We have an outline and ideas of participants that we need to work through. They intend to produce a video on the MVIC system and will work with Brandon and some other MVIC people. WIP was started by DWCD and SWCD and MVIC also participates. They used to put out brochures but have shifted to videos now or other social media outlets. Elaine has agreed to do a video on agriculture and the local history and what it means to Montezuma and Dolores Counties. Don said that from the time the Dolores Project has come online there has been a lot of press mostly focused on the FSA and UFRE. Recently the Tribe, especially with Colorado River issues, is getting more publicity all the time. Don said that MVIC has always been ignored in the publicity of the project and they are a very important player and very intertwined in the Project. They need to emphasize the three irrigator components to the Project's story and how they are inter-related with different attributes.

Don said that in the handouts and articles there is a very disappointing article called "Western Water A to Z" and how the Dolores River shows region's water issues in microcosm. Don stated that this article is a sketch of the story. In Robert Crifasi's story he thinks that the Dolores Project should not have been built and the water should be in the Lower Dolores which is very disappointing. Crifasi learned about water on the South Platte representing Boulder on mutual ditch company boards. Don said that to protect the project we have to change this attitude. Don said that this project has always been under attack and partnering with WIP is one way to get our story out there.

**SWCD Presentation at SWBRT:** SWCD and the River District began working together but have more recently been working independently on local water rights positions. Pete Foster presented work on SWCD study on local water rights relative to pre & post compact. They are willing to present locally. Ken would propose the Board set up a workshop and invite all other DP participants. This probably won't work until fall, but Ken wants the Board to start the discussion. This could be set up as a Board to Board but we could invite all the users. They are treating Dolores and McElmo as one basin and it becomes weirdly intermingled and tough to track the numbers. Don thought we would have a real interest on how SWCD represents us in the risk study.

**Magnicide Use on DCC in 2024:** Ken stated that there have been excessive crawdads within the system impacting not only the irrigators but DWCD field operations. There was no budget for magnicide use this year however it would help with the crawdads along with the weeds. Ken stated that he will project potential financial impacts. It will drive the budgeted line item over, but should not exceed the full materials budget. Ken stated that the product must be purchased by May 16. Jed said that the crawdads are invasive and could cause infrastructure problems since they also burrow from the inside. Ken said that from now forward he will try to integrate this purchase every 5 years or so. Ken said that he brought this back to the board as information since the budget will be going over on that line item but not the expenses as a whole.

**Colorado River Basin Issues:** Several articles were included in the packet that cover a variety of actions going on in the CR Basin. Though not related directly to post 2026 negotiations, they show how groups are responding to future potential drier times. One addresses our local SPCP projects, a second on municipal buy & dry in AZ and also an idea for market-based solutions to CR shortages. The final mail out article by Eric Kuhn presents more legal background on the Law of the River. Here in Colorado, Aurora is in the news for buying a large farm in the Arkansas Valley that has raised objections from SEWCD (article not included). A separate handout covers some CRD information & PR materials on the Shoshone purchase which is part of their strategy for locking in this historic right to help them through future drier times. So, we all await Reclamation study results for negotiators to reconvene.

**Discussion:** 1) River District/Shoshone Water rights piece that has popped up in the news and we will be hearing more about Shoshone. Ken said this is right in line, if you are the CRD and see this potential, why wouldn't you buy it? Don commented that we have multiple competing laws for both intrastate versus interstate and federal versus state laws and have to craft the best solution for our community. In the case of Shoshone, it took the ISF to make it happen. 2) Ken said that in the next set of handout articles, the first two articles are about the Town of Nederland and the repeal of their "rights of nature" ordinance. They passed a resolution for "rights of nature" to protect local rivers and bolstered that until they had problems for their new rights for a new dam. 3) Larimer County approved Thorton's plan to divert their 1970's purchased rights on the third iteration through the 1041 process. 4) Another article "Colorado River might recover from two-decade drought thanks to precipitation" would be good news. 5) The next focuses on Utah, quoting Gene Shawcroft, and mentions the poor runoff yields that we spoke of earlier tonight and was recognized around the CR upper basin. Ken pointed out the graphics showing CR peak consumptive use in the 1980's and the downward trend since. 6) The LB tribes are working with AZ on future municipal supplies. It was announced that the Navajo's have settled with Arizona on the UB Little Colorado rights, a long running issue. There aren't many details available yet, but it is a big deal. There is an active trend to settling tribal water rights. 5) In the Western Water A-Z article there was an interview with the author and Ken believes that this is the preface to his book that calls out the Dolores Project. 6) Ken presented the latest article out of Schmidt, Kuhn and Fleck commenting on concerns for the post 2026 IG renegotiation that had some interesting bullets that the board should read.

## LEGAL REPORT

**MVIC 87.3 Change Case** – Adam said that he is disappointed to hear that the MVIC case still facing challenges. He will call John Justus for an update.

**Main Canal 1&2 Due Diligence** – Adam stated that on the Main Canal 1 & 2 Diligence we have received Statements of Opposition from MVIC, Montezuma Water, DWR and SWCD. Attorneys need to discuss particulars with staff and possibly MVIC, but Adam stated that he didn't have anything for executive session.

**2000 Operating Agreement Contract No. 99-WC-40R-6100** – Adam had nothing new to report.

**DWCD/BOR Carriage Contract No. 02-wc-40-7060** – Adam had nothing new to report.

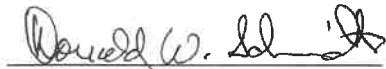
**FSA Overuse Penalty Policy** – Adam said that there was nothing additional.

No executive session needed for the legal team.

**OTHER**

**NEXT DWCD BOARD MEETING** – Tuesday, June 13, 2024 – 3:00 P.M.

**ADJOURNMENT** Meeting adjourned at 5:14 P.M.



Donald W. Schwindt, Secretary-Treasurer



Godwin Oliver, President