

**DOLORES WATER CONSERVANCY DISTRICT
WATER ACTIVITY ENTERPRISE**

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.

MINUTES
Regular Meeting
August 15, 2024

CALL TO ORDER

Godwin Oliver, President, called the meeting to order at 3:00 pm

ROLL CALL

1. Godwin Oliver, President
2. Glen Fish, Vice President
3. Don Schwindt, Secretary-Treasurer
4. Wes Wilson, Director
5. Jeremy Redshaw, Director
6. Landan Wilson, Director
7. Ryan Gray, Director
8. Ken Curtis, General Manager
9. Eric Sprague, Water Manager
10. Gina Espeland, Admin Assistant Accounting
11. Robert Stump, Bureau of Reclamation
12. Adam Reeves, Attorney MBSS
13. Lindsey Ratcliff, Attorney MBSS

INTRODUCTION OF GUESTS

In-Person

Fred Petit, FS Landowner and Brandon Johnson, MVIC

Via Telephone/Teleconference

APPROVAL OF THE MINUTES

MOTION:

TO APPROVE THE MINUTES AS SUBMITTED FOR THE JULY 11, 2024, ENTERPRISE MEETING.

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

FINANCIAL STATEMENTS

MOTION:

TO APPROVE THE JUNE '24 FINANCIAL STATEMENT AND APPROVE THE STATEMENT OF PAYABLES AS PRESENTED. O&M: AP/CHECK #42669-42752 & PR/CHECK #126598-126653, \$478,780.59

**MOTION: JEREMY REDSHAW
SECOND: RYAN GRAY
MOTION CARRIED UNANIMOUSLY.**

O&M REPORT

Ken reported that weeds were starting to build up again on both canals. The issue with the new aquatic herbicide products compared to the magnicide that we previously used is that they take a lot longer to kill the weeds. We generally fight moss, algae and pond weed. Had a couple of call

outs in the middle of the night just for weeds plugging up the trash racks. Magnicide was put in the canals on August 6 & 7 and it achieved results that we were looking for. It acts faster than the current products and it has worked out well. Staff is already considering another treatment in 2025. There was one landowner call on losing some gold fish in pond. Ken talked with the landowner and they did admit to watering the lawn after having received the notice. Heard of no other problems with the magnicide treatment and even the crawdads are diminishing rapidly.

Canal operations have been smooth, but we lost two operators from the control room last week. The SCADA crew is down to four people which forced the supervisor, Phil, back to operating the canals. A new advertisement is out and will start interviews as applicants make themselves available.

Biggest recurring issue this month was RCPP.

Staff did some programming on the Eaton variable speed drive that controls the variable speed pumps, units 1 and 2. Eric and electricians got that back up to where it needed to be.

This last month we also lost the pressure transducer on the hydraulic tank at RCPP, and it caused the plant to drop. It was taken out by the lightning storm two weekends ago. Since the plant dropped on the weekend, we had to have a mechanic and electrician work through Saturday and Sunday, but they found it and got it replaced.

Staff also had to replace an actuator circuit board on the butterfly valve on unit 5. Without the board, it was unable to automatically open and close, but that wasn't a huge deal as the valve could be manually opened when the plant was started. Since Thursday, it's been operational.

Last Saturday also had lightning that took out four of the plants, but the on-call apprentice saw the storm coming and got them all back up in short order. You can thank Cole for getting the plants back on so quickly.

The mechanics are participating with the electricians on the dailies, but are starting to pull the accumulators on Reach 3 of THC. We've had a series of pressure accumulators that have been bad for years. They come in pairs, so hasn't been an issue. What the accumulators do is effectively the pump runs to build pressure in the accumulator and then when the control room tries to move the gate it uses the pressure stored in the accumulator to operate. When the accumulator runs low, the pump recharges it, and ends up running for fewer hours overall. It functions to protect the pump from the constant changes the control room has to make to manage the canals. We have been living off a single accumulator at many gates for several years. We are getting them repaired.

The operators are working down on THC Reach 2 and 3 doing general road cleanup. Just haven't been keeping up with it north or south in the past two years. They cleaned up downstream of section 507, then moved to Reach 3 for a week or so, and then put in the solar pump on Siphon 11. They are draining water out that is seeping out of Siphon 11. Since then, they have moved up to McPhee Dam, cleaning off the top of the dam and laying road-base on a couple of low spots in the gravel and drainage on the access road. They will be at the Dam for several weeks. They're also gearing up for the off season, when their workload will pick up.

MPP decision rests with BOR Power Office at this time, and Robert might be able to enlighten us on that. Langston is working on the Reivax exciter controls that are relatively new. We have 7 of them spread out through the 2 powerplants and the biggest 1000 horsepower Great Cut pump. They've been having data logger problems. The data logger function on these controls are critical to troubleshooting and recovering from plant outages. He is mainly working with Reivax so we can get the data so we can have a better understanding of why MPP shorted and dropped this year. If we get the go ahead from the power office, we will be scheduling with Lane Electric to get it pulled for rewinding as directed.

Ken and Eric have been gearing up for budget and planning off-season work. Have been making many worklists. We need to do erosion type protection, a lot of water screen work, as well as schedule lots of inspections on canals, pumping plants. Waiting for the end of the season for many of these. Eric has taken over much of the purchasing and is starting to centralize as much as we can. Still need electrical and mechanical expertise, but our history is that the maintenance supervisor has taken care of that and that has always worked. Once you lose you Maintenance Supervisor you lose your purchasing and worklist history.

The Bureau's McPhee & GC Dike Civil Inspection is on September 17th (Tuesday), it will be all day. If any of the Board is interested, it is a good tour to join. Usually, we start with McPhee and come back to Great Cut. We'll meet at Great Cut at 8:00 AM. Appropriate crew will support. It is the civil portion and it is a big inspection. Robert had the mechanical portion in the spring. There will be inspectors out of Denver and some from the regional office. It is the comprehensive review portion. Robert stated that is a lot more thorough than most reviews. They will go back into analysis of failure mode and modify the instrumentation monitoring if needed.

Water Accounting

Eric started with the July Inflow/Outflow, it was pretty dry most of July and demand was on the low side. The river showed the characteristic seasonal recession and elevation dropped 8 feet throughout the month of July. The river came up in August because MVIC started releasing from Groundhog. The Utes used 13,500 total which is about half of their supply. FS has made it to about 40%, 24,487AF. MVIC has diverted a total of 66,441 AF. Month totals are below average. MVIC has stored water in McPhee including Narraguinnep water. As of August, they have started draining some of that, so in the next couple of days, MVIC storage in McPhee they will start pulling on their call water and after that runs out they will start on their project water. They also have some upstream exchange and Totten credit water stored in McPhee.

Reservoir elevation is down to about 6893 ft, which gives us another 10-15 feet before we have to start running the U-pumps, because once it gets low enough, we will need to use pumps to provide for the U-Lateral.

We've had a lot of precip the last two weeks, and the precip gage at Great Cut is already almost at 1" just half-way through the month, characteristic of a monsoon.

Jeremy asked why they moved some into Narraguinnep and asked if they had gotten it fixed. Eric said that they have been filling it up to the 65' restriction then draining to make space, then filling again as an iterative way to access their whole water right for NARR, and that is why it is taking forever. If you drive by Narraguinnep and it seems fuller, it is, but this last fill is the last of the year.

Staff talked about demand, and Eric presented the Irrigator Pool Sheet Summary. He stated that, except for Ron Buehring, we don't have anyone else who is considerably high. Have some that are above 17". Did have someone express interest in extra water and Ken will go into that.

Allocation, Fred Petit, FS Landowner

Ken said that Fred can address the Board in a second. Fred has expressed interest in additional acreage of 3.5 allocated acres. Fred expressed that they were tied to a house parcel in the corner of the lot. Ken stated that after looking at the file they have the same acreage as originally petitioned. Ken stated that Fred can tell the Board what he is looking for with his CLK Farms.

Fred stated that when the land was converted to CLK Farms, the 3.5 acres was taken out of the 80. They were taken with the understanding that if they combined they could get the acreage back. As of August 6, a quit claim deed was recorded with the Court House and Fred and Karen Petit will own the 80 acres and the corner of the section. It will be helpful to farming the 76.5 acres if they could get 3 acres back. Ken stated that he has not done a lot of digging on this, but did inform Mr. Petit of the moratorium on new allocation petitions. Looking that there is probably some acreage around the house that was not petitioned for, but if under single ownership they are allowed. Have not had one of these since the moratorium was put on. Given the current state the Board needs to talk and decide whether they are willing to lift the moratorium. That may take some discussion amongst the Board before talking about Mr. Petit's conditions. This came out in the last week, so little time was available for prep. He is here with no actions tonight. The moratorium has been there for 3-4 years. Concerned about capacity on the pumping plants. This parcel is on Fairview. We can try and assess if the 3.5 acres is a big infrastructure impact.

Discussion:

Don said he needs more detail. His first question was whether the 80 acres was under one ownership? Fred Petit that it was an 80 acre parcel that Fred's wife and brother-in-law took ownership of, and whenever they decided that the house was being separated from the 80 acre parcel is when 3.5 acres were taken away from the total acres. Don clarified that it was an 80 acre parcel that was owned by one person and then it became 2 parcels owned by different folks. Fred stated that no it was owned by the same family, just separated out. Don asked if separate deeds. Ken said that it looks like it is subdivided.

Godwin stated that he farmed this land from original owner, Laura Kennedy. He has farmed this land for 15-18 years. When Fred and Karen subdivided the 3.5 acres house off of this property, the rest was kept into CLK Farms. They are now buying out the brother's, Rob Kennedy, part of CLK Farms. Both parcels are now going to be one complete place under Fred and Karen Petit. He is wondering about the other 3.5 because he thought it was taken away when it was subdivided. Now that it is back under one ownership he is wondering if he can get that acreage back. Don stated that clarified and answers his question. Don said officially we may or may not

have taken the 3.5 acres away from the water supply. Ken stated that we would need to look into that deeper with a lot of other issues.

Ken stated that clearly it would not be operable until next season, but the Board needs to talk about the moratorium and the first thing you would have to do is consider lifting it.

Ken reiterated that he has not done any homework, just bringing it up to start discussing it.

Adam stated that is only if the water went away with the subdivision. Ken stated that was not necessarily true. We have added acres to multiple parcels, so not sure it is even relevant. We would have to check the maps and the current allocation and see if there are more classified acres on this ownership. Ken stated that staff needs to look into it and the current allocation and whether there is more that could be allocated.

Ken stated that if the Board is not going to lift the moratorium there is not a need for staff to look into this. Don stated that makes sense. Landan asked if the moratorium is lifted would there then be a public notice and the flood gates would open and everyone would want to get more classified water. Ken stated that he didn't think that we would have to advertise that the moratorium was lifted. Adam stated that he doesn't know how many classified acres are out there that haven't petitioned in yet. Adam stated that he didn't think it was a huge amount. Ken agreed. Ken stated that you have to remember that the Board in 2011 said go out and find a home for as much water as you can, and we were landing water for about a decade and it had dribbled to almost a stop. Then there was one final one that was the first ever denied. There is one other hopeful out there that Ken is aware of. Nobody has asked until Mr. Petit. Given the recent dry years outside of 2023, one can guess why no one was knocking on the door. Ken stated that he could analyze what is out there and come up with some estimates without checking a map, but there is a limited number of unallocated classified acres out there, so the flood gates would not open. Wes stated that we are not sure at this point that the 3.5 acres was separated from the 80. Ken agreed and stated he just checked before the meeting, and the petition looks identical to today's land report. It is dated 1988. Likely, it was one parcel at some point and maybe the subdivision happened before this. Looking at it, it looks like it is probably classified land. Don stated that there could be potential of 3.5 acres. Wes said that it is still not clear that it has been officially separated from the 80, other than the subdivision doing it on the surface. Wes asked if the 80 acres had 80 acres of water. Ken said no, it never did. Not all of it was classified as irrigable originally. Godwin said it had two county roads on each side, so they wouldn't have gotten water for the rights-of-way. It has the same acres in 1988 petition as it does today. Don clarified that the road acreages had been taken from the 80.

Godwin stated that he needs to limit his conversation because he will benefit as the lessor of this land and he needs to be cautious. Ken stated that Godwin is not voting at the moment, just informing. Ken said he does not know any of the history, just had the file pulled and did a glance. So whatever is relevant there is an 80 acre parcel and it will have some amount of classified acres that need to be verified and if it is more than what is on the current petition there is a process to add those back in. Ken said he would do more research and live by the classified acres on the map. Godwin said that he knows in his allocations because he has farmed this for so long that when land got separated for the house, his allocation did drop by 3.5 acres. Ken said we will argue that another day. We will look closer into the details.

Ken asked if the Board wanted him to set up for a moratorium conversation next month. Jeremy asked why the Board started the moratorium. Ken said he would look up some of the old memos. On paper we have capacity in Ruin Canyon and always have capacity issues on all areas. Staff no longer here said stuff that they hadn't shared with Ken and the Board decided not to add any more acres. It was around 2020. Adam said he recalls it was capacity issues and water supply concerns. So the Board passed the moratorium and then the real steep drought, nobody has asked and we have never lifted it and there was no reason until now.

Don compared this to demand management and stated it drives you into the same place. How do you really find the small acres to manage some water, but is still interesting how the organization may have to do the management. Ken said it has been a good background discussion, and asked the Board if they'd want to have staff start digging and having the moratorium discussion. Adam said that there are various ways that the moratorium could be lifted. You could determine if you want to lift for all cases or some subcases. He asked the status of the acres that were classified that didn't receive an allocation. Ryan stated that half of the Board was not here when the moratorium was set and it would be a good discussion for the Board. Wes asked if the previously denied applicant should be first in line. Ken stated that is a good question, but not ready to answer. Ryan restated that it would be good to know the history. Adam stated that staff had to determine where farmers want to put the land in production and decide if there is enough capacity and water available, especially in short years.

Board agreed that the history is worth talking about. Don stated that it is related to the class B stock that never got fully allocated. Ken stated that is all we can do today and told Mr. Petit that it would not be cleared up until next season. Meetings are public and Ken will flag him on details on his parcel. Ken stated for Mr. Petit that DWCD's meetings are held on the 2nd Thursday of each month. It is a good conversation to have, and staff will bring it back over the next few months to make decisions.

Brandon Oliver Request

Ken got a call from Brandon Oliver who has historically farmed JL Energy and HOV-304 (Loretta Murphy), and for business/personal, he separated from JL Energy in 2024. He is actually still the farmer of JL Energy, but is more like an employee. He leases a standalone parcel of 50.5 acres, H-304, which he is double cropping, and he thinks that he is going to run out of water. Brandon is inquiring if there is any way he could use the JL Energy water from that pool on his own pool laike he used to when they were in the same pool. Ken initially told him no, as the policy is to only allow pooling in the beginning of the year and pools are kept separate. JL Energy has a huge pool and he is an employee of JL Energy and has never gone over in the past. Ken told Brandon that he would bring it to the Board. Don't like to see a farmer get in a bind if we have the water, but this Board said we are staying at 22.1 and have a penalty policy. We, as staff, don't let it change this late in the season for various reasons including accounting. Ken said he was bringing in on Brandon's behalf. Ken verified with Eric that we can track it. JL Energy is going to underrun. Deliveries will get paid and there will be undelivered water.

Landan asked if Trent Nielson requested the same thing in 2022 and we told him no. Ken stated that is why it is coming to the Board. Jeremy said that we have to say no because that is what we have said in the past and it is our policy. In theory he can go over and pay double. Ken stated that we want to tell people no and have told people no. Ken stated that shortage versus full supply years is the difference. Wes said that his option if the Board says no is he can go over and pay the penalty, unless we shut him off. Landan asked if Brandon knew how much he needed. Don said an interesting alternative that if we bumped the allocation to 23 or 24. Ken stated that this Board had already opted to carry over max water, rather than raising the allocation.

Eric stated that carry over looks good and McPhee will likely end up with at least 49,000 AF. Good for a year that we didn't have a spill. The 49,000 is the total that gets distributed out. Eric stated that it is roughly 8 inches of water for Full Service. Ken said we are going to be better than the empty years.

Landan asked if he called prior to the double cropping or after. Ken stated that he asked last night and Ken no idea when he decided to double crop.

Jeremy said that we are going to have to say no, but we are going to figure out how to be more flexible and how to make it work better. Don asked if there was a way to give more.

Adam stated that he would reply that making policy on the fly from a single request is not how a unit of government typically operations. Ken stated that he would argue back that in this business, it is different every year due to conditions with the markets and supplies so we cannot be as rigid. Policy is important and so is guidance and consistency, but we face a new game every year. That is why they come to the Board. Adam stated that you will recall the very fine memo Lindsey prepared on pricing of water and of different pricing of different water and how you price it then focus on treating people equivalently based with that. In the past, what you have done is to raise the cap and that went across the whole project and then there were discussions about different pricings. Then we had discussions about if you take water late and who takes it. If you decide you are going to provide extra water to one person, then we have to offer it to anyone else in that situation. Ken stated that what Brandon is really wanting is to put his pool back together that he dissolved. Adam stated that in some ways, it is an easier solution to allow late pooling than raising the allocation.

Don said we need to be thoughtful to all and keep in mind the others who come talk to the Board. Godwin stated that a big issue that we need to look at is that Trent's case occurred in a short water year. This year we have a full allocation.

Landan agreed with Jeremy to say no. Brandon is in a flush year and he planted a crop already so he is making income off that additional water versus Trent had to pay extra for the water that he went over. Wes said he is mixed because we do have the water. He asked if we raised the

cap to 23 would that be enough. Wes stated that you have to offer to all if we raise the cap. Jeremy said you are going to raise the cap for 1 farmer and the majority are saying they want carry over. Jeremy said we all have to do it if we want carry over. Landan said there is no need to raise the cap. If he wants to go over and pay the double, he can. Wes said if we raise the cap it has to be across the board to all users. Don said he doesn't disagree with that, but the farmer will have to sign up for it.

Godwin said going off what Landan said and what Ken said then DWCD is going to shut them off.

Glen stated that it is a good argument and only way to answer the question is to vote.

Adam stated that the request is for late pooling. The reason you don't allow late pooling is that you want to be able to manage in the end of the season and it is the administrative hassle at the end of the season.

Jeremy said he would like to say no to this request, but would like to discuss further for flexibility. Glen said that could almost be condensed into a motion.

MOTION:

TO STAY WITH DWCD'S CURRENT POLICY AND NOT ALLOW LATE WATER POOLING.

MOTION: JEREMY REDSHAW

SECOND: LANDAN WILSON

MOTION CARRIED WITH GODWIN OLIVER ABSTAINING.

Ken asked Jeremy on timing of discussion. Jeremy said this winter after the water season. Ken said he would relay the decision to Brandon Oliver.

ADJOURNMENT

Dolores Water Conservancy District Water Activity Enterprise Board meeting adjourned at 4:09 p.m.

Donald W. Schwindt, Secretary-Treasurer Godwin Oliver, President

DOLORES WATER CONSERVANCY DISTRICT

MINUTES
Regular Meeting
August 15, 2024

CALL TO ORDER

Godwin Oliver, President, called the meeting to order at 4:09 pm

ROLL CALL

Godwin Oliver, President
Glen Fish, Vice President
Don Schwindt, Secretary-Treasurer
Wes Wilson, Director
Jeremy Redshaw, Director
Landan Wilson, Director
Ryan Gray, Director
Ken Curtis, General Manager
Lisa Jordan, Office Administrator
Gina Espeland, Admin Assistant Accounting
Robert Stump, Bureau of Reclamation
Adam Reeves, Attorney MBSS
Lindsey Ratcliff, Attorney MBSS

INTRODUCTION OF GUESTS

In-Person

Brandon Johnson, MVIC; and Fred Petit, FS Landowner

Via Telephone/Teleconference

APPROVAL OF THE MINUTES

MOTION:

TO APPROVE THE MINUTES AS SUBMITTED FOR THE JULY 11, 2024 REGULAR MEETING.

**MOTION: JEREMY REDSHAW
SECOND: RYAN GRAY
MOTION CARRIED UNANIMOUSLY.**

Landan stated that Robert Stump needed to be removed from the attendance list on the Executive Session Meeting.

MOTION:

TO APPROVE THE MINUTES AS CORRECTED FOR THE JULY 11, 2024 EXECUTIVE SESSION MEETING.

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

FINANCIAL STATEMENTS

MOTION:

TO APPROVE THE JUNE '24 FINANCIAL STATEMENTS AND APPROVE THE STATEMENT OF PAYABLES AS PRESENTED. ADMIN: AP/CHECK #12559-12569, \$9,656.60

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

AGENCY REPORTS

BOR Report

Robert reported that the delivery date has been extended to October 31st on the MOA valves and actuators. In regard to the powerplants, McPhee went down and he has been working with Gary and Ken to get quotes together for repairs and working with Denver TSC and Power office. Currently McPhee is not generating power. On the powerplants contract, Robert stated that Ken had provided the BOR Notice of Sole Source Intent, responses were due by August 15, 2024 and no one responded to it. The determination will run through sole source process to review once more before Small Business Administration approves it. Solicitors will proceed after that and BOR should reach out to the District once that process is done hopefully by the end of September.

Ryan stated that the black out period starts September 20th and asked if you have to be under contract before September 20 because the Bureau is changing their accounting software and are not doing anything before the end of the year? Robert stated yes, but it is more for payment as they can't award a contract during the blackout period. No payments can be made during that period and they try not to award contracts during that period because it could interfere with payment requests.

Division of Water Resources Report

Not present.

T/H Committee Report

Wes stated that he would have to defer he was not able to attend the committee meeting on July 17, 2024. Godwin mentioned that he is the alternate and to let him know and he might be available to attend. Ken stated the Committee discussed routine maintenance going on. Brandon, Robert and Ken have taken the lead on the T/H budget that will be discussed at the August 21st meeting. The Committee meeting minutes were included in the Board mailout.

Next T/H Meeting

The Committee will meet at the DWCD, Cortez Office August 21, 2024 at 2:00 p.m.

MVIC Report

Brandon stated that MVIC has been working on routine maintenance items. Also trying to get Narraguinnep fixed so the restriction can be lifted. The BOR Water Smart program is going on, having completed the studies and waiting for the results. Now are in the preliminary planning stages for alignment surveys. He is also working on the guard gates at Groundhog, trying to seal off old leak and putting in the new hydraulic cylinder. Brandon along with some of the Board were up at Groundhog today, lots of moisture and very wet up there with Fish Creek is running a little.

GENERAL MANAGER REPORT

Miscellaneous Updates:

ANS – Zebra Mussel Velligers found in Colorado River above Grand Valley:

Zebra Mussel velligers were found above the Roller Dam in the Grand Valley. CPW is warning Utah and have increased their public outreach to all boaters along the river. They have not found adult mussels and increasing testing and monitoring to find the source. Hand launched boats have historically not been inspected as they do not spend extended periods in the water, tend to dry easily and can launch wherever. Once CPW has better location data they will let the whole state know. Our local inspections are going well. In the future we are going to move the inspection site to the dirt overflow lot above the current location. Good to keep progress moving forward.

High Desert has received a grant to pipe the lower Wilson Ditch for 1.6 miles. Recently they have been focusing down towards McElmo and landed a water smart grant for improvement that will positively affect our community.

Ken has been working with Leonard Rice Engineering (LRE) on modeling and updating our water accounting operations. LRE, Page Weil, has helped us with our 2025 BOR ASO grant and also has worked with CWCB ASO management. Page proposed to DWCD doing a CWCB Water Plan Grant to put all our water accounting on a Gold Sim program. Gold Sim has been around over a decade. Though it is a flexible program it locks us into one program. It would automate a lot of the water accounting work, particularly data entry, the ones that are a cut/paste hand entry. Looking at about \$300,000.00 for the project and DWCD would have to match 12.5% at least, \$36,000 in next year's budget. We need to bring to Board in October. Longer term updating and upgrading our water accounting process is the way to go for us. We would be training our employees on Gold Sim. Still antiquated with our Excel sheets and our water accounting is critical so we think that this efficiency will help us. If the Board has any immediate input we could accelerate and bring to Board next month to meet the December 1st deadline and budget deadlines. Don asked why we would bring in Page Weil? He would help program the Gold Sim initially and load our past data and links to future inputs. It is a data base where you would have all past data collected and populate with new data in the future. It would then produce reports and graphics for spills and reports of our daily and annual water accounting like the inflow/outflow. Eric stated that it is a software tool for what Eric has to do separately from various sources, like USGS & DWR gages. This is one software that will store the data and add automation to the process that will save time when producing routine water accounting reports. Don stated that he is a novice on the modeling, but doesn't want us to not be led into something that is not understood, a black box. Ken stated that we will be trained to do our own programming. Don asked if the training is more than just the outcome and staff agreed that would be necessary. Gold Sim will have historical data and analyzing historical data is a big part of what we do. We will have the skill set to change scenarios like a penalty policy. We will need to be able to get under the hood and will help build it. We can put all the documentation in the program that we want. We can have Page come in remotely next month and present more detail. Ryan asked what the subscription (annual) or maintenance fee is. Unknown at this time. Robert asked if the information would be saved on a data base and not on the cloud. Eric specifically asked if it could be stored on his computer or a designated server

and it would not be on the cloud. Robert stated that the Bureau is anti-cloud when it comes to operation and maintenance and SCADA because of potential security breaches. Would it automate data collection from the SCADA system? Eric stated no that our SCADA system is not connected to the internet. Ken stated that he would have a presentation to the Board at the September meeting.

Colorado River Issues:

Ken stated that he grabbed articles showing current headlines and conversation on CR issues plus a couple of CWCB memos on current hydrology and SCPP. The CWCB graphics are older that talks about use in the UB & LB, we expect a more detailed update soon. Seeing a lot of articles that don't say much, just describe the disputes between Upper and Lower Basin. Ryan and Don will be attending Summer Water Congress next week and have a 30 minutes session with Commissioner Mitchell, we ought to think about things to ask.

The most recent articles are about the SEIS, the federal emergency response to get us to 2026 and new operating guidelines. The money is starting to flow to the lower basin; there is an article that LB farmers are getting paid \$700/AF. Hay exports are down and LB farmers are happy to have SCPP and avoid planting forage crops during the heat of the summer. Alfalfa is just a annual summer crop down in the lower basin, whereas we go 5-10 years. They plant cheap seed since they have the water. Some articles talk about how to get us to 2026. Other articles talk about the dispute and how all states need to share in future shortages. That is not the current upper basin position right now. One article mentions that after 2026 the negotiations will determine which states get how much water. Really, 2026 is how you operate Mead and Powell and it doesn't specifically say much on individual state allocations. We still have the unresolved LB tributaries and other disputes. The articles are not very precise, but talk about the head butting behind closed doors.

The other articles are about the UCRC and SCPP which expires this year, but has new federal legislation to extend the program. The UCRC is pushing to account for saved water and get credit for SCPP. The River District has pushed similar ideas as most UB users don't want to do SCPP to feed the lower basin over use. Don and Ryan may hear about some water accounting pilots. We are the one SCPP project that we know exactly where the water is going. Don said we are pretty unique and if the UCRC is successful in storing saved water in the Powell Pool it could put where we are today at risk in terms of the status quo. Adam stated that he doesn't see how you take credit in Powell without shepherding. Adam is struggling with how we created water in Powell without tracking water to Powell. Don stated that it is the difficulty of shepherding. We have to looking intrastate because we may be different that the other 3 upper basin states or maybe not. We have to be thoughtful about this for our long-term needs. Ken said that we can bring this up in executive session.

Articles: Fleck captured that you should be thoughtful of how you think about wasted water as an important difference on how the lower basin and upper basin operate differently. The 2024 water year status article had some interesting graphics and basically Mead and Powell are in good shape. The Bureau accounting makes the LB look good, but that is not all the water they are using out of the system. Powell and Mead are still in pretty good shape going into mid-season 2024. The Denver slaughter house ban shows an outside political force trying to change existing business and mess with ag markets. Another covers the USDA bringing more money to specific water districts across the west. They didn't allow anybody to apply for this, the USDA chose the districts calling it a pilot to attempt to save water around the west. They have already named the recipients. Another article covers following for water conservation. The history lesson was interesting, the issues remain after 30 years. The water business is multi decade process and it never hurts to keep learning about the big picture.

LEGAL REPORT

MVIC 87.3 Change Case

Adam reported that MVIC settled with Southwestern. He passed around a couple of tables that shows what we were settling with them for and what Southwestern did. They took a haircut. Can talk more about it further.

Main Canal 1&2 Due Diligence

Adam stated that we have status conference in our diligence case on last Friday. The court is willing to give us until February to come back and talk to them about where we are and given all things that the District needs to complete. Need to produce some information for the opposer.

DWCD/BOR Operating Agreement

Adam stated that he didn't have anything on this item for open session.

Water Rights Protection, Water Supply and Project Land Use Discussion involving legal advice and or negotiations subject to Executive Session

Adam stated that he would request an Executive Session to update the Board on our water rights filing, operating agreement and further discussion on water rights protection and Colorado River.

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 MAIN CANAL 1&2 DUE DILIGENCE CASE, 2000 OPERATING AGREEMENT, WATER RIGHTS SUPPLY AND PROTECTION INCLUDING COLORADO RIVER ISSUES.

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

**RECESSED FOR EXECUTIVE SESSION AT 4:54 P.M.
RECONVENED REGULAR MEETING AT 5:51 P.M.**

REPORT OUT OF EXECUTIVE SESSION

Adam reported that in Executive Session the Board discussed pending water rights matters related to McPhee Reservoir, status of 2000 Operating Agreement, water rights protection and Colorado River issues. Also discussed Montezuma Water Case 2024-3016 and received legal advice. Not sure if Board is going to authorize a Statement of Opposition on that.

MOTION:

FILE A STATEMENT OF OPPOSITION IN THE MONTEZUMA WATER CASE NO.2024-3016

**MOTION: DON SCHWINDT
SECOND: RYAN GRAY
MOTION CARRIED UNANIMOUSLY WITH WES WILSON AND GLEN FISH
ABSTAINING.**

Ken offered to bring necessary information/discussion to Wes and Glen to the Montezuma Water Co Board Meeting. Adam stated that their attorney should have the information. Godwin repeated that it is a friendly opposition.

NEXT DWCD BOARD MEETING

Thursday, September 12, 2024 – 3:00 P.M.

ADJOURNMENT

Meeting adjourned at 5:54 P.M.

Donald W. Schwindt, Secretary-Treasurer

Godwin Oliver, President