

**Animas – La Plata Water Conservancy District  
Board of Directors Meeting  
August 17, 2017  
Marvel Grange**

**Present:** Bob Wolff Ken Beegles Tom Brossia  
Lee Campbell Ron Gillen Tom Hartnett  
Jerry Schmitt Deems Taylor Ted Vickers

**Absent:** Gene Bradley Joe Colgan Dan Huntington  
Matt Isgar Steve Krest

**Staff:** Bruce Whitehead, ALPWCD Executive Director  
Laura Spann, ALPWCD Office Manager  
Adam Reeves, Maynes, Bradford, Shipps & Sheftel

**Guests:** Mardi Gebhardt, La Plata West Water Authority (LPWWA)  
Paul Gray, LPWWA  
Roy Horvath, LPWWA  
Diana Schmitt, Public

**Call to Order**

President Bob Wolff called the meeting to order at 7:00 p.m. The board recited the Pledge of Allegiance. Roll was taken and a quorum was present.

**1.0 Administration**

**1.1 Approval of Minutes (February 28, 2017, May 16, 2017)**

*(time 00:01:45)*

Tom Brossia moved to approve the February 28 and May 16 minutes. Tom Hartnett seconded. The motion passed.

**1.2 Approval of Treasurer's Report (April 2017)**

*(time 00:02:45)*

Laura Spann detailed the July 2017 Treasurer's Report, which included the budget comparison, bank account summary, and transaction detail. Ted Vickers moved to accept the Treasurer's Report. Ken Beegles seconded. The motion passed.

**1.3 Agency Reports**

**Division of Water Resources**

No representative was present; a report was not available.

**Bureau of Reclamation (BOR)**

No representative was present; a report was not available.

**Animas-La Plata Operations, Maintenance & Replacement Association**

*(time 00:07:10)*

Tom Brossia reported that the Association did not have a meeting in August. The City of Durango is seeking concurrence from all the participating entities to include the Tribute Garden in their annexation of Lake Nighthorse and the surrounding area. The City can then provide police protection and grounds maintenance to the Tribute Garden.

## **La Plata West Water Authority (LPWWA)**

*(time 00:10:00)*

Roy Horvath reported on the following items:

- Pipeline construction is making good progress, and the 30-inch line from the intake structure is near completion. Work on the 16-inch line will begin shortly, and finalized by October or November 2017.
- LPWWA is coordinating with US Department of Agriculture to complete a letter of conditions for loan funding by September 2017. Easement acquisition must also be completed by this time. To date, about half of the necessary easements have been secured. Meanwhile, Mardi has been investigating interim funding with First National Bank.
- LPWWA has arranged for bond counsel with Collins, Cockrel, and Cole.
- The estimated total cost for Phase 1 is \$4.3 million.
- 147 subscribers

## **Lake Durango Water Authority (LDWA)**

*(time 00:20:45)*

Tom Brossia that the reservoir is at 900 af of storage, which may mean no water restrictions for 2018. The reservoir was able to refill due to the rain events and higher flows in the river. Pump maintenance will be conducted in February.

## **Southwest Basin Roundtable**

*(time 00:21:35)*

The next Roundtable meeting will be on October 11 at the Durango Public Library. At the July Roundtable meeting, members discussed additional 2017 water funding, including \$10 million for the Water Supply Reserve Fund to backfill the decrease in severance tax revenues. Of that, the Southwest Basin Roundtable has received \$160,000 for the first installment for FY2018. In addition, \$10 million was allocated for a new water plan implementation grant program, of which three million is dedicated to storage. The Interbasin Compact Committee has not met since April.

## **1.4 Office Report**

*(time 00:24:00)*

Bruce reported on the following topics:

- Bruce summarized management of Lake Powell and Lake Mead under the Upper Elevation Balancing Tier.
- State legislation passed in 2016 to fund further study of storage potential on the South Platte River.
- The storage releases from Long Hollow reservoir provided supplemental irrigation water by exchange for use in Colorado, with 1119 af still in storage on August 9.
- When ALPWCD acquires 351 af of depletion or more through the incremental purchase option with the CWR&PDA, it will acquire the right to appoint their representative to the ALPOM&R Association. The District has purchased 345 af of depletion to date, of which 50 af has been transferred to the Lake Durango Water Authority. Also, beginning in 2020, the ALPWCD will be the primary vote on the Association board, with the City of Durango being the alternate vote for three years.
- There have been no further meetings regarding extension of the pipeline from the 36 inch valve below Ridges Basin Reservoir due to the City's primary focus being the construction of the waste water treatment plant.
- ALPWCD recently signed a letter of concurrence to support the City of Durango's annexation and management of the Tribute Garden.
- The Animas-La Plata Operation Maintenance and Replacement Association (ALPOM&R) filed for a change of water right for the ALP Project water rights in January 2017 in Case No 17CW3002. In lieu of a Statement of Opposition, a letter was sent to the ALPOM&R, with copies sent to the State Engineers Office, outlining the SWCD's position and concerns regarding the change. Peggy Montano has requested that SWCD be given the opportunity to review the proposed Ruling prior to submittal to the Court.
- Efforts toward resolution of claims for Federal Reserved Water Rights filed in 1976 continue among SWCD, CWCB, and USFS. The USFS and CWCB are proceeding under a proposal by the USFS to utilize the CWCB instream flow program as a possible alternative to federal reserved water rights claims.

- After 11 years of work and successes, the River Protection Workgroup was in agreement that they had come as far as was possible with the discussions, and there was consensus to end the current process. The drafting committee of the River Protection Workgroup had been working on development of language for federal legislation, based on years of public meetings in the various basins in southwestern Colorado.
- Board members were invited to attend the Water 101/201 seminars in Pagosa Springs on October 5 and 6.
- David Liberman was appointed to represent Subdivision 3 (Durango), but in fact lives in Durango West II, in Subdivision 2. Public notice has gone out to fill the board vacancy in Subdivision 3, with applications due on August 31. Barry Spear sent a letter to David, thanking him for his interest in serving on the board, and expressing his regrets about the mix up regarding the subdivision residency provision.
- There was discussion regarding the role of ALPWCD in the development of water uses in the La Plata basin such as Red Mesa Reservoir storage or development of the SWCD Project Water Rights, and there was general consensus to have this as an agenda item at the November meeting, with guidance from legal counsel on the parameters of ALPWCD's potential role.

## **1.5 Questions/Comments from Audience**

*(time 00:51:45)*

There were none.

## **2.0 Old Business**

### **2.1 Durango Pumping Plant Final Easement Discussions**

*(time 00:51:55)*

The final recorded Quit Claim Deed for the release of the easement for the two south parcels is in the board packet. The Bureau of Reclamation completed the appraisal of the two parcels not necessary for plant operations and the easement was released to the CWCB, which has now been released to ALPWCD. ALPWCD continues to retain ownership of the Durango Pumping Plant property in its entirety, with a perpetual easement for operations of the Durango Pumping Plant.

### **2.2 Lake Nighthorse Recreation**

*(time 00:57:50)*

ALPWCD recently signed a letter of concurrence to support the City of Durango's annexation and management of the Tribute Garden. The entrance station is not yet completed.

## **3.0 New Business**

### **3.1 LPWWA Water Commitment**

*(time 00:59:40)*

As part of the USDA funding, La Plata West Water Authority needs to show that water would be available for the contractor to test the pipeline and pumping. LPWWA representatives agreed that the current Letter of Intent would satisfy USDA requirements for their September deadline. In regards to the draft water purchase contract between ALPWCD and LPWWA, there will need to be additional discussion regarding the reversion clause, because if LPWWA fails to complete the project, USDA may take it over. Legal counsel anticipates that it would be willing to work with LPWWA to satisfy USDA while addressing the ALPWCD intent for the reversion language. The ALPOM&R Association will play a role in evaluating LPWWA's ability to pay OM&R costs.

### **3.2 ALPWCD Notice of Appointment to LPWWA Board**

*(time 01:10:30)*

Barb McCall's term on the LPWWA board will expire in November 2017. Notice of the position will be published in the *Durango Herald* on Wednesday, September 27. Applications for appointment to the board will be due on Tuesday, October 31. The ALPWCD board will consider the appointment to LPWWA at their November meeting.

### **3.3 Red Mesa Ward Reservoir Site Visit**

*(time 01:14:15)*

Bruce participated in a visit to Red Mesa Ward Reservoir to address limitations on storage coming from the Dam Safety Engineer due to concerns with the spillway. The dam could be restricted to as little as 0 storage, which would be a significant impact to storage in the La Plata Basin. Funding may be available through the CWCB water plan implementation grant program to address concerns with the dam, expand storage capacity, ensure

compact compliance, and secure use of a senior water right. There was consensus for the ALPWCD board to further consider how to support the effort to secure and expand existing storage in Red Mesa Ward Reservoir.

**3.4 Budget Committee FY2018**

*(time 01:30:45)*

There was consensus to hold the Budget Committee meeting on Thursday, September 14 at 1:30pm. All board members were encouraged to attend.

**Legal Report**

*(time 01:30:50)*

Adam Reeves reported no action on the City of Durango's potential annexation of the Durango Pumping Plant property.

**Executive Session**

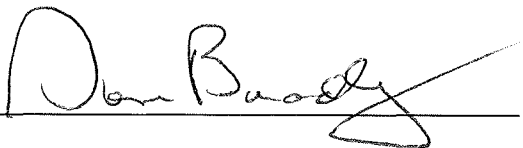
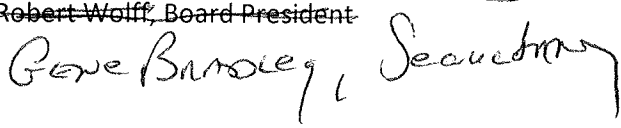
There was no need for an executive session.

**Upcoming Meetings**

Thursday, November 9                      5:00 pm                      Durango                      Regular Board Meeting

**Adjournment**

President Robert Wolff adjourned the meeting at 10:00 p.m.

  
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~~Robert Wolff, Board President~~  
 Secretary