

Interbasin Compact Committee
Southwest Basins Roundtable Meeting
Hybrid Meeting from Dolores Water Conservancy District
Durango, CO
October 26, 2023

Members Present:

| | | | |
|-------------------|----------------------------|------------------|---------------------|
| Kenny Heldman* | Montrose Municipality | John Ey | FWCD |
| Ken Beegles | At Large Member-Industrial | Jeff Rodriguez | CWCB |
| Charlie Smith* | San Juan County | Aimee Tooker | Montrose County |
| Peter Butler | La Plata County | Ed Tolen | At-Large-Chair |
| Karen Guglielmone | SMC Municipality | Buck Skillen* | At Large Member |
| Steve Harris | Legislative Appointment | Aimee Tooker* | Montrose County |
| Carolyn Dunmire* | At Large Member-Recreation | Geoff Burbey | LaPlata Water |
| Adrian Bergere | At-Large Member | Jim Wells* | San Miguel WCD |
| John Kleckner | Hinsdale County | Bruce Whitehead | Animas La Plata WCD |
| Dave DK Kanzer | CO River District | Bill Frownfelter | At-Large Member |
| Randy Carver | Montezuma County | | |

Public:

Laura Spann (CWCB), Wendy Weygandt (Montezuma Valley Irrigation Company, Recorder), George Gavrielides (Southern Ute), Ryan Unterreiner (CPW), Blake Mamich* (Colorado Water Trust), Amy Ostdiek (CWCB), Emily Zmak (CWCB), Monika Rock (SWCD), Mike Preston* (UMUT), Bob Wolff (ALP WCD), Raymond Rose (DRA), Eva Montane (Columbine Landscapes Co.), Emily Halvorsen (AGO), Linnea Spears-Lebrun, Nichol Winiecki (DWCD), Joe Tedder (SJWCD), John Whitney (Senator Bennet's Office), Carrie Padgett, Renee Lewis, Shannon Hatch, Alex Brooks, Kara Armano, Montana Cohn

*Indicates Zoom Participant

1. Introductions & Review Agenda

- Roundtable Chair Ed Tolen called the meeting to order at 3:00 p.m.

2. Public Comments

- No public comment

3. Administrative Reports

- Review and Approval Minutes
 - Bruce Whitehead moved to approve the July 27th Roundtable minutes. Steve Harris seconded. The motion passed by unanimous consent.
- Officer Reports-Ed Tolen
 - C-9 scheduled November 14 will be held at the Westin in Westminster, CO. Per Jeff Rodriguez, 10 people from each roundtable can be reimbursed for travel, mileage, and lodging. No funding for food since food will be provided.
- WSRF Basin Roundtable Fund Balance is currently at \$707,559. \$300,000 was added October 1, 2023. The funding year runs from October 1 through September 30.

4. Colorado Water Conservation Board (CWCB): Federal & Water Information Section-Colorado River Presentation-Amy Ostdiek, Emily Halverson, Emily Zmak

- Becky Mitchell is the first full time Colorado River Commissioner on the Upper Colorado River Commission as of July 5, 2023. She is travelling around the state to discuss Colorado interests with water users. Additionally, she will replace Dan Gibbs, Director of Department of Natural Resources, as the IBCC Director.
- Amy Ostdiek is assisting Becky Mitchell by also travelling throughout Colorado to capture water issues and report back.
- Law of Colorado River-Emily Halversen
 - Big Three
 - *Co River Compact 1922*-contract among states authorized by the US Constitution and ratified by US Congress and state legislators-falling under Federal and State law.
 - *Mexico Treaty 1944*-1.5 MAF; reduced allotment in extraordinary drought years
 - *Upper CO River Compact 1948*-apportions water among states on a percentage basis of total water supplies available.
 - Functional Four
 - *Boulder Canyon Project Act 1928*-authorized construction of Lake Mead
 - *CO River Storage Project Act 1956*-prioritizes Lake Powell, Flaming Gorge, Navajo, Aspinall Reservoirs
 - *AZ vs CA Supreme Court Case 1963*-apportioned water with 3 lower basin states-Nevada-California-Arizona
 - *CO River Basin Project Act 1968*-authorized central Arizona Project; and releases and storage of Lake Powell
 - Summarized points of the Colorado River Compact 1922
 - Compact is both state and federal law-1st interstate
 - Defines the Colorado River and tributaries
 - 7.5 MAF allocation for both the Upper and Lower Basin states
 - Provides water to Mexico will come from surplus water “recognized deficiency” shall be equally borne by the Upper and Lower Basin
 - The Upper Basin is not the cause of the flow issues at Lee’s Ferry being depleted below aggregate of 7.5 MAF

5. General Discussion - Colorado River Issues

- Upper CO River Compact 1948 divides allocation among states based upon percentages of available water
 - CO 51.75%
 - UT 23.00%
 - NM 11.25%
 - WY 14.00%

| | 2019 | 2020 | 2021 |
|---|----------|----------|----------|
| Water in Lake Powell | 12.9 MAF | 5.8 MAF | 3.5 MAF |
| Water Out of Lake Powell & Lake Mead | 9.0 MAF | 8.23 MAF | 8.23 MAF |

- The Lower Basin continues to pull more water than was available.
 - **The Bureau of Reclamation released a draft of supplemental EIS**
 - Lower Basin does not have priority. They need to use less water on a permanent basis
 - Focus on rebuilding water levels/storage in Lake Mead and Lake Powell
 - The Lower Basin is now willing to acknowledge overuse
- June 2022: Bureau of Reclamation called for 2-4- million AF in conservation.

- o Upper Basin devised a 5-Point Plan and continues to manage water within the means of what is available. The Upper Basin was never out of compliance and responded with:
 - System Conservation Pilot Program SCPP
 - Demand Management Feasibility Investigation
 - Drought Response Operation Agreement (DROA)
- SCPP
 - o Earlier application window began in October 2023
 - o Pay water users not to use water on a temporary basis
 - o Transparent pricing mechanism
 - o Increased education and outreach
 - o Expand information and opportunity to provide comment
 - o Prioritize projects that support innovative water conservation development of drought resiliency tools
- Climate variability is real
 - o Prepare for variability
 - o Prepare for both ends of hydrology-dry and wet years
 - o Be flexible
- How can the Public Engage with CWCB-Emily Zmak
 - o Encourage Basin Input
 - o Give Becky Mitchell material to engage with
Commissioner's Corner:
<https://cwcb.colorado.gov/colorado-river-commissioners-corner>
Engage CWCB comment page:
<https://engagecwcb/colorado-river>
 - o PEPO and Water Education
 - o Steve Harris moved to have the SWBRT write a position paper supporting Becky Mitchell, Bruce Whitehead amended the motion to use the Colorado's Post 2026 Principles rooted in irrefutable truths that we can all agree to: 1) Acknowledging that climate variability is real. 2) Recognizing that water users in the Lower Basin are not more important than water users in the Upper Basin. 3) Preventing overuse in the Lower Basin. 4) Defending against attempts at Compact curtailment in the Upper Basin States. 5) Operating Lake Powell and Lake Mead to respond to actual hydrology and protect storage. 6) Preserving federal reserved water rights for Tribal Nations. In addition, any interstate agreement must comply with federal environmental law and advance coordination between the United States and Mexico. Dave Kanzer seconded. The motion passed by unanimous consent.

6. PEPO Liaison Report - Elaine Chick

- No report.

7. CWCB Update - Jeff Rodriguez

- CWCB Leadership
 - o Director, Lauren Ris
 - o Deputy Director, Anna Mauss
- IBCC Director
 - o Becky Mitchell
- Funding Updates
 - o WSRF
 - o Water Plan Grants

- C-9 Summit
 - Draft agenda on Engage CWCB
 - Westin Hotel in Westminster (Please RSVP)

REMINDERS:

- Drought Summit – recording online
- CWCB Deadlines
 - WSRF - Deadline December 1
 - WPG - Deadline December 1.
- Wildfire Ready Watersheds: Accepting applications
<https://www.wildfirereadywatersheds.com>
- Technical Assistance and local Capacity- accepting applications
- Climate Change in Colorado Report-to be released in late 2023

8. Water Plan Grant Letter of Support Request - Montana Cohn

- Bruce Whitehead clarified efforts should start from McPhee and go to the confluence in UT and all the work is done in Colorado.
- Steve Harris made the motion to approve the letter of support and [Bruce Whitehead](#) seconded the motion. The motion passed by unanimous consent.

9. WSRF Grant Requests

- Dolores River Anglers: Robinson Restoration (\$100,000.00 Roundtable WSRF)
 - Bruce Whitehead moved to approve the project with Trout Unlimited as the sponsor and fiscal agent. Buck Skillen seconded the motion. The motion passed by unanimous consent.
- San Juan Water Conservancy District: Education Video Series -This is Your Watershed (\$20,250 Roundtable WSRF)
 - Steve Harris moved to approve the project. John Ey seconded the motion. The motion passed by unanimous consent.

10. Upcoming Events

- December 25, 2023 - WSRF Grant Applications Due for January 2024 Meeting
- January 25, 2024 - Regular Roundtable Meeting & WSRF Grant Awards – Cortez
- January 31, 2024 – February 2, 2024 Colorado Water Congress Annual Convention
- April 25, 2024 – Roundtable Meeting & WSRF Grant Awards-Durango
- July 25, 2024-Roundtable Meeting & WSRF Grant Awards-Cortez
- October 24, 2024-Roundtable Meeting & WSRF Grant Awards-Durango
- Other Announcements

11. Wrap UP and Adjournment (At or Before 6:00 PM)

Chair Ed Tolen adjourned the meeting at 5:52 p.m.