

**RIO GRANDE WATER CONSERVATION DISTRICT  
BOARD OF DIRECTORS ANNUAL MEETING  
April 18, 2023, at 10:00 A.M.  
Rio Grande Water Conservation District Conference Room  
And By Zoom Teleconference**

**Present:** Greg Higel, President; Armando Valdez, Vice-President; Zeke Ward, Secretary/ Treasurer; Peggy Godfrey, Director; Mark Deacon, Director; Mike Kruse, Director; Doug Gunnels, Director and, Elliott Salazar, Director.

**Absent:** Cory Off, Director.

**Staff and Consultants:** David Robbins, Hill & Robbins, P.C.; Amber Pacheco, Deputy General Manager; Chris Ivers, Program Manager; Taylor Chick, Program Manager; Angelo Bellah, Program Manager; Wylie Keller, Water Resource Specialist; Rose Vanderpool, Program Assistant; Linda Ramirez, Program Assistant; Kylie Gregg, Office Manager; Clinton Phillips, Davis Engineering; April Mondragon, Administrative Assistant; and, Michael Carson, Database Administrator.

**Guests:** Erin Minks, Cassandra McCuen, Heather Dutton, Michelle Lanzoni, Garin Vorthman, Chris Shaffer, Sally Weir, Lawrence Crowther, Chris Lopez, Sue Swift-Miller, Rodolfo Valdez, John Gerstle, Tomas Hanson, Steve Vandiver, Willie Hoffner, Connor Born, Craig Cotton, Fred Bunch, Andrea Compton, Laura Spann, William Myers, Mary Finnegan, Vern Heersink, Ryan Unterreiner, and Hannah Thill.

**CALL TO ORDER**

President Greg Higel called the meeting to order at 10:01 a.m. There was a quorum present for the meeting. The Pledge of Allegiance was recited.

**INTRODUCTION OF STAFF AND GUESTS**

President Greg Higel welcomed all those present and asked for introductions.

**APPROVE AGENDA**

President Higel asked to amend the agenda to add possible action on Xcel Energy contract under Program Manager Reports/Subdistrict No. 5. A motion was made by Peggy Godfrey to approve the agenda as amended. The motion was seconded by Doug Gunnels and unanimously approved.

**OATH OF OFFICE-ELLIOTT SALAZAR AND MARK DEACON**

President Higel asked for oath of office. Elliott Salazar, representing Conejos County, and Mark Deacon, representing Rio Grande County, were sworn in as a Board of Directors of the Rio Grande Water Conservation District. They were welcomed to the Board.

**ELECTION OF OFFICERS**

President Higel asked for the election of officers. David Robbins asked for nominations for President of the Board of Directors. The seat was currently held by Greg Higel. A motion was made by Armando Valdez to retain Greg Higel as President of the Board of Directors. The motion was seconded by Zeke Ward. Armando Valdez made a motion for nominations to cease. The motion was seconded by Zeke Ward. A motion was made by Armando Valdez to elect Greg Higel as President by unanimous consent. The motion was seconded by Zeke Ward and unanimously approved. Greg Higel was elected President.

President Higel asked for nominations for Vice-President. The seat was currently held by Armando Valdez. A motion was made by Mike Kruse to nominate Armando Valdez as Vice-President. The motion was seconded by Peggy Godfrey. Mike Kruse made a motion for nominations to cease. The motion was seconded by Peggy Godfrey and unanimously approved. Armando Valdez was elected Vice-President.

President Higel asked for nominations for Secretary/Treasurer. The seat was currently held by Dwight Martin. A motion was made by Armando Valdez to nominate Zeke Ward as Secretary/Treasurer. The motion was seconded by Peggy Godfrey. A motion was made by Armando Valdez to cease nominations. The motion was seconded by Peggy Godfrey and unanimously approved. Zeke Ward was nominated Secretary/Treasurer.

### **APPOINTMENT TO SUBDISTRICT BOARD OF MANAGERS-EX-OFFICIO MEMBERS**

President Higel asked for appointments of the Ex-Officio Members to the Subdistrict Board of Managers. Amber Pacheco reminded the Board of the current Ex-Officio members. A motion was made by Armando Valdez to nominate Elliott Salazar as Ex-Officio of Subdistrict No. 3. The motion was seconded by Mark Deacon and unanimously approved. Doug Gunnels reported he felt he was not doing the position justice but would be willing to continue to serve. A motion was made by Mark Deacon to retain the current slate of Ex-Officio members. The motion was seconded by Elliott Salazar and unanimously approved.

### **APPROVE THE CONSENT AGENDA ITEMS**

President Higel asked for a motion to approve the consent agenda items.

- January 17, 2023-Quarterly Meeting Minutes
- February 17, 2023-Special Meeting Minutes
- February 28, 2023-Special Meeting Minutes
- March 3, 2023-Special Meeting Minutes

A motion was made by Armando Valdez to approve the consent agenda items as presented. The motion was seconded by Elliott Salazar, and was unanimously approved.

### **PUBLIC COMMENT**

President Higel asked for public comment. Willie Hoffner commented on the work the Board of Directors have done in connection with SB022-028. David Robbins described the process the Board has taken to get the Plan completed. Mr. Hoffner commented on the need to protect the reservoirs and the underground reservoir. Discussion was held on the irrigation start date, the priority system and the Board acting according to Colorado Water Law.

### **FINANCIAL REPORT**

President Higel asked for the financial report. Amber Pacheco presented the Profit & Loss Statement, the Balance Sheet, and the bank statement balances. She highlighted the revenue from tax collections and reported on the dividend refund from CEBT. Ms. Pacheco explained how the dividend was disbursed and reported. She reported the District had received a payment request from the contractor performing the building remodel. She provided detail on the payment made to Insitu and the storage agreement paid to San Luis Valley Irrigation District coded under Special Projects. Armando Valdez questioned the CD maturity terms and asked if the District would be able to renew them at higher rates.

A motion was made by Peggy Godfrey to approve the Financial Report as presented. The motion was seconded by Mike Kruse and unanimously approved.

### **MANAGER'S REPORT**

President Higel asked for the Manager's report. Amber Pacheco reported on her attendance at the Colorado Water Congress conference and the upcoming Rio Grande Compact meeting. She informed the Board of her acceptance to the WECO Water Leaders program and provided an update on the building remodel. Ms. Pacheco reported she had been working with the two (2) new program managers and Subdistrict staff on Preliminary Water Reports and Annual Replacement Plans. She also reported working with Pete Ampe and Matt Montgomery on land purchases with the Subdistricts.

- ***Consideration and possible approval of an agreement with Sullivan WRE, LLC for consulting services***

Amber Pacheco updated the Board on the retirement of Mike Sullivan and an opportunity to hire him for consulting services. David Robbins reported on the knowledge and expertise Mr. Sullivan would bring to the District. Discussion was held on the "cooling off" period for State employees following employment, his rate for services and how the opportunity came to the District. Steve Vandiver commented on Mr. Sullivan's work ethic and well-respected reputation.

A motion was made by Mike Kruse to enter into a consulting contract with Sullivan WRE, LLC. The motion was seconded by Mark Deacon and unanimously approved.

- ***Discussion and possible action regarding a bid process for the sale of a portion of the SD #1 Medano property***

Amber Pacheco reminded the Board of a discussion held at the last meeting regarding the sale of approximately seven hundred (700) acres of Subdistrict No. 1 owned property. Discussion was held on the conservation easement restrictions, the value of the property when Subdistrict 1 purchased it and the possibility of a buyer subdividing the property.

A motion was made by Mike Kruse to table the matter until the next meeting. The motion was seconded by Peggy Godfrey and unanimously approved.

- ***Banking Resolution***

Amber Pacheco explained the need to update the banking signature cards. Ms. Pacheco reported she and staff would work with the local banks to change the signatories to add Cleave Simpson, General Manager, Greg Higel, President, Armando Valdez, Vice-President, and Marvin (Zeke) Ward, Secretary/Treasurer. The named signatories have authorization to be able to discharge any and all banking business of the District.

A motion was made by Mike Kruse to approve the banking resolution as presented. The motion was seconded by Peggy Godfrey. The motion was amended by Armando Valdez to include the removal of Dwight Martin from the District bank accounts. The motion was seconded by Peggy Godfrey and unanimously approved.

A motion was made to also add Amber Pacheco, Deputy General Manager as a signatory. The motion was seconded by Peggy Godfrey and unanimously approved.

### **PROGRAM MANAGER'S REPORTS**

President Higel asked for Program Manager's Reports.

- ***Subdistrict No. 1-Taylor Chick***

Taylor Chick provided a recap of where the Subdistrict ended 2022. He highlighted the projections in the Annual Replacement Plan and reported on the continued work to secure forbearance agreements. Mr. Chick reported Farm Units were mailed out and explained why the Subdistrict agreed to not use Closed Basin Project allocations. He described the Well Purchase Program process and provided the number of wells and acre-feet of water purchased through the program.

- ***Subdistrict No. 's 2, 3 and 6-Angelo Bellah***

Angelo Bellah updated the Board on the Annual Replacement Plans and the option added to forbearance agreements to allow a sign-up for five (5) or ten (10) years. He provided an update on the water accounting, property purchases and the ongoing training with Amber Pacheco. Mr. Bellah highlighted the number of secured forbearance agreements and was asked to communicate with the ditch companies on when they would receive payment.

- ***Subdistrict No. 's 4 and 5-Chris Ivers***

Chris Ivers provided an update on the purchase of the Peachwood property and the CWCB loan status. He highlighted the lease of nine (9) quarters and described the revegetation process. Mr. Ivers thanked Sally Wier, Sarah Parmar and Ron Bowman in connection with the purchase. Mr. Ivers updated the Board on Subdistrict No. 5's progress with the new well driller for the larger augmentation well. Mr. Ivers described the capacity of the well and reported a transducer was put in the well for ongoing measurements. He reported Subdistrict No. 5 is not currently allowed to utilize the first well drilled by Ray Newmyer and he explained the issues and possible ways it could be salvaged. President Higel questioned the Subdistrict's remedy for the mistakes made by the driller of the first well. Mr. Ivers also reported on the lease of three (3) quarters from North Star Farms with the intent to purchase them and the daily trips to fill the generator with diesel powering the well on the Hazard property. He asked the Board to consider approval of a contract with Xcel Energy for a transmission line to the new well. Mr. Ivers explained the fee for the transmission line was included in the CWCB loan.

A motion was made by Armando Valdez to authorize approval of Subdistrict No. 5 to engage with Xcel Energy on the transmission line. The motion was seconded by Mark Deacon and unanimously approved.

Discussion was held on the cost and distance of the transmission line.

### **DISTRICT ENGINEER'S REPORT**

President Higel asked for the District Engineer's report. Clinton Phillips presented the change in the unconfined aquifer storage study update. He provided the change for March 2023, the change between March 2022 and 2023, the current aquifer level, the current five (5) year average level and the acre-feet needed to get to the -400,000 level. Mr. Phillips presented a map showing the location of the

monitoring wells and received a request to include Subdistrict No. 5's well in the future. He reported on effects on the wells being monitored in Saguache County and the relationship to the groundwater allocation set by the Board of Managers of Subdistrict No. 5 and the delayed irrigation in previous seasons.

#### **DISTRICT ATTORNEY'S REPORT-DAVID ROBBINS**

President Higel asked for the District Attorney's report. David Robbins addressed the six (6) month "cooling off period" of former State employees and the District's ability to engage Mr. Sullivan. Mr. Robbins reported on conversations he had with the Nature Conservancy regarding the possibility of the sale of 700 acres of the Medano property. He also provided an update on the SWAG case and the preparation of the defense. Mr. Robbins informed the Board of the continued work being done on behalf of Subdistrict No. 2 regarding the Navajo Development change case and the conversations with Saguache County's attorney on activities being conducted in Subdistrict No. 5. He provided an update on the bill at the legislature regarding stream restoration and SB22-028 funding. Mr. Robbins reported on the diligence filing for the Zapata recharge sites and the continued monitoring of the Texas vs. New Mexico case. He informed the Board of his participation at the Law of the Rio Grande Conference and his upcoming attendance to the Rio Grande Compact meeting in Santa Fe.

**The meeting recessed for lunch at 12:45 p.m. and resumed at 1:45 p.m.**

#### **SENATOR BENNET'S OFFICE-ERIN MINKS**

President Higel asked for the report from Senator Bennet's office. Erin Minks updated the Board on the Farm Bill which includes the CREP Program. She reported on a hearing with the conservation subcommittee and provided the name of a new senator from Kansas interested in groundwater policies. Ms. Minks updated the Board on supporting funding for the Sand Dunes and the Baca Wildlife Refuge on a possible acquisition of the mineral rights. Discussion was held on the possibility to expand the CREP Program

#### **DIVISION (3) ENGINEER'S REPORT**

President Higel asked for the Division 3 Engineer's report. Craig Cotten provided a snowpack update and presented the Snowtel data from around the basin. He highlighted the snow/precipitation update, the snow water equivalent in the upper Rio Grande and emphasized the peak date. Mr. Cotten presented the April 1<sup>st</sup> forecasted runoff, the estimated annual flow at Del Norte, the obligation to the downstream states and the proposed curtailment.

#### **U.S. F. & W.S. REPORT-CHRIS SCHAFFER**

President Higel asked for the U.S.F. & W.S. report. Chris Schaeffer updated the Board on the Baca National Wildlife Refuge monitoring program and an open house on May 16<sup>th</sup>.

#### **U.S.B.R. REPORT-MARY FINNEGAN**

President Higel asked for the U.S.B.R. report. Mary Finnegan read the report into record. A copy of the report is attached.

#### **U.S.B.L.M REPORT-SUE SWIFT-MILLER**

President Higel asked for the U.S.B.L.M report. Sue Swift-Miller reported the San Luis Valley wetlands had been selected as the No. 1 focal area in Colorado to receive ARPA funds. She explained what the funds would be used for, highlighted the water right cases being worked on and the name of the acting Field Office Manager.

#### **U.S.P.S. REPORT-FRED BUNCH/ANDREA COMPTON**

President Higel asked for the U.S.P.S. report. Fred Bunch introduced the acting Superintendent, Andrea Compton. He reported on researchers visiting the Park and their focus at the dunes. Mr. Bunch updated the Board on the mineral rights acquisition and a meeting regarding the Big Little Spring Creek. He provided an update on the elk disbursement project, gaging system and the status of the creek making its way down to the parking lot. Andrea Compton provided an update on operations at the Park, the remodel of the Visitor's Center, occupancy at the camp-grounds and the future transportation and transit plan.

#### **SLVWC DISTRICT/ROUNDTABLE REPORTS - HEATHER DUTTON**

President Higel asked for a report from the SLVWCD/Roundtable. Heather Dutton provided an update on Shaw Reservoir and thanked the Board for their support on the Snowtel sites. She reported on the stream restoration bill and the end of her term on the CWCB Board. Ms. Dutton highlighted a recent

snowshoe trip on Wolf Creek and acknowledged Steve Keller and Dwight Martin for their time on the Board.

**COLORADO LEGISLATIVE STRATEGIES-GARIN VORTHMANN**

President Higel asked for Colorado Legislative Strategies report. Garin Vorthman provided a legislative update. A copy of her report is attached.

**COLORADO OPEN LANDS -SALLY WEIR**

President Higel asked for the Colorado Open Lands report. Sally Weir updated the Board on the closing of Peachwood Farms property and thanked all those involved. She reported on the holding pattern on other groundwater easements. Ms. Weir explained the challenges appraisers are experiencing and reported COL is not actively pursuing groundwater conservation easements. She reported on the reauthorization of the Farm Bill and provided an update on a bill to explore solar on lands with conservation easements.

**EDUCATION REPORT-HANNAH THILL**

President Higel asked for the education report. Hannah Thill highlighted the level of education she works with. She reported on the expansion of the Youth Conservation Camp and the Envirothon competition coming up in Denver. Ms. Thill highlighted her roll in teaching land management. Elliott Salazar encouraged Ms. Thill to engage with schools in the entire San Luis Valley.

**RIO GRANDE HEADWATER RESTORATION PROJECT AND RIO GRANDE RESTORATION FOUNDATION -CONNOR BORN**

President Higel asked for Rio Grande Headwater Restoration. Connor Born provided an update on the Farmers Union Diversion Improvement Project, the Rio Grande Diversion Improvement Project, the Independent Ditch Headgate Improvement Project and the benefits of each project. He presented photos and maps of the areas. Mr. Born presented a funding request (copy attached) and named those who had already contributed.

A motion was made by Armando Valdez to approve the funding request for the Rio Grande Watershed PL-566 Project Development and Administrative Support. The motion was seconded by Mark Deacon and unanimously approved.

**DISCUSSION AND POSSIBLE ACTION SB22-028**

President Higel asked for discussion regarding SB22-028. David Robbins reported on a memo from Kevin Rein containing comments regarding the Groundwater Compact Compliance and Sustainability Fund draft. Mr. Robbins described a language issue and the need for the Board to submit an amended application to include projects sponsored by the Rio Grande Water Conservation District. Mr. Robbins recommended approval of the changes contained in the memo from Kevin Rein and to allow staff to resubmit the program.

A motion was made by Armando Valdez to accept the amendments requested by the State to the SB22-028 submittal. The motion was seconded by Peggy Godfrey. Mike Kruse abstained. The motion passed unanimously.


**OTHER REPORTS OR COMMENTS**

President Higel asked for other reports or comments. Armando Valdez asked how to start the process to request expanding the CREP boundaries. Staff was directed to engage with the Subdistricts to see if there is interest to expand the CREP Program to include alfalfa.

**ADJOURN**

The meeting was adjourned at 4:00 p.m.

The next quarterly meeting is scheduled for July 18, 2023.

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Secretary/Treasurer



## Rio Grande Water Conservation District

8805 Independence Way • Alamosa, Colorado 81101

Phone: (719) 589-6301 • Fax: (719) 992-2026

Protecting & Conserving San Luis Valley Water

### RESOLUTION

Whereas, the Rio Grande Water Conservation District does banking with all local banks in the San Luis Valley, and

Whereas, the position of General Manager for the Rio Grande Water Conservation District is held by Cleave A. Simpson, and

Whereas, the Rio Grande Water Conservation District Board of Directors desire to have Cleave A. Simpson as signatory for all bank accounts held by the District, and

Whereas, the Board of Directors of the Rio Grande Water Conservation District desire to have the President, Greg Higel; the Vice-President, Armando Valdez; the Secretary/Treasurer, Marvin (Zeke) Ward; and Amber Pacheco, Deputy General Manager as signatories on all bank accounts held by the District, and

Therefore, be it resolved, that the Rio Grande Water Conservation District Board of Directors request that the subject banks change the signatories to Cleave A. Simpson - General Manager, - Greg Higel-President, Armando Valdez -Vice-President, Marvin (Zeke) Ward-Secretary/Treasurer, and Amber Pacheco, Deputy General Manager to discharge the banking business of the District.

Signed on this Eighteenth day of April, 2023, at an annual meeting of the Rio Grande Water Conservation District.

Greg Higel, President

Armando Valdez, Vice President

Marvin Ward, Secretary/Treasurer

Cleave Simpson, General Manager

Amber Pacheco, Deputy General Manager



**OATH OF DIRECTOR OF THE RIO GRANDE  
WATER CONSERVATION DISTRICT**

I, Mark Deacon, do solemnly swear to support and defend the constitutions of the United States and of the State of Colorado and to impartially, and without fear and favor, discharge the duties of the office of Director of the Rio Grande Water Conservation District.

  
\_\_\_\_\_  
Mark Deacon

STATE OF COLORADO                    )  
  ) ss.  
COUNTY OF ALAMOSA                )

Subscribed and sworn to before me this 19 day April, 2023.

Notary Public: April Mondragon

APRIL MONDRAGON  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20054023915  
MY COMMISSION EXPIRES 06/15/2025

My commission expires: 6-15-25

**OATH OF DIRECTOR OF THE RIO GRANDE  
WATER CONSERVATION DISTRICT**

I, Elliott Salazar, do solemnly swear to support and defend the constitutions of the United States and of the State of Colorado and to impartially, and without fear and favor, discharge the duties of the office of Director of the Rio Grande Water Conservation District.



\_\_\_\_\_  
Elliott Salazar

STATE OF COLORADO                    )  
  ) ss.  
COUNTY OF ALAMOSA                 )

Subscribed and sworn to before me this 18 day April, 2023.

APRIL MONDRAGON  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20054023915  
MY COMMISSION EXPIRES 06/15/2025

Notary Public: April Mondragon

My commission expires: 6-15-25



# Bureau of Reclamation Report to the RGWCD

## April 18, 2023

### OPERATIONS

Water salvage operations continued as recommended by the Project Operating Committee to meet Rio Grande Compact and mitigation obligations.

For 2022, the Project delivered 8,110 AF to the Rio Grande. An additional 166 AF was credited through exchange for total creditable delivery of 8,276 AF. Total Project production for 2022 was 11,673 AF.

For the YTD (1/1/2023 to 3/31/2023)

A total of 602 AF was delivered to the Alamosa National Wildlife Refuge through CHO1 & 2.

A total of 351 AF was delivered to the Blanca Wildlife Habitat Area through CHO3 & 4.

Delivery to the Rio Grande has been 1,899 AF.

San Luis Lake is dry at an Elevation of 7509 ft.

### San Luis Lake (3/31/23)

San Luis Lake	San Luis Lake Elevation ....	7509 ft. MSL
	Storage	0 acre-feet
	TDS	N/A ppm TDS

### Project Deliveries: (1/1/2023 to 3/31/23)

Deliveries to:	Rio Grande—total	1,899 acre feet
	Alamosa National Wildlife Refuge—total	602 acre feet
	Blanca Wildlife Habitat Area—total	351 acre feet
	San Luis Lake—total	0.0 acre feet
	Head Lake (West)	0.0 acre feet
	<b>Total Deliveries as of March 31, 2023</b>	<b><u>2,852 acre-feet</u></b>

## **MAINTENANCE BRANCH**

Well rehabilitation operations were completed for 16 salvage wells in 2022 and 7 salvage wells to date in 2023. Blade work continued on lateral roads and canal berms. Weed management continued at canal check structures. Preventative maintenance on project features is ongoing.

### **Rio Grande Water Conservation District**

District staff continued to assist with civil maintenance of the Project and salvage well preventative maintenance through 2022. The civil maintenance contract was discontinued at the beginning of 2023.

## **WATER LABORATORY**

A total of 634 samples were collected from the Closed Basin Project during the period of October 1, 2022, through March 31, 2023.

Total Dissolved Solids at the Outlet was an average of 299 mg/L for the period.

Colorado Rio Grande Restoration Foundation  
Rio Grande Headwaters Restoration Project  
623 Fourth Street  
Alamosa, CO 81101  
(719) 589-2230



March 27, 2023

Rio Grande Water Conservation District (RGWCD)

**Re: 2023 Funding Request for Rio Grande Watershed PL-566 Project Development and Administrative Support**

To the RGWCD Board,

The Colorado Rio Grande Restoration Foundation would like to request your support of our staff time spent in 2023 to facilitate the Rio Grande Watershed NRCS PL566 program, including the Preliminary Investigation Feasibility Report (PIFR) and Watershed Plan. This is a funding program through the Natural Resources Conservation Service (NRCS), authorized by the Watershed Protection and Flood Prevention Act (P.L.-83-566), and known simply as "PL566." The Rio Grande Watershed PL566 funding request would help fund a variety of irrigation and water storage infrastructure improvement project as well as river restoration. Below is an estimate of our time commitment and funding need for the project in 2023:

Description	Total
Staff time to facilitate PL566 process in 2023 estimated at 240 hours at a rate of \$50 per hour.	\$12,000
<b>Total Funding Requested from RGWCD</b>	<b>\$3,000</b>

The San Luis Valley Water Conservancy District, Conejos Water Conservancy District, and Alamosa La-Jara Water Conservancy District have each contributed \$3,000 to our work facilitating the project, for a total of \$9,000.

Thank you for your support of this project! If you have any questions about this request, please feel free to call me at (719) 589-2230.

Sincerely,

Daniel Boyes  
Executive Director, RGHRP

Rio Grande National Forest  
Rio Grande Water Conservation District Report  
03/24/2023  
Watershed Program Manager, Daryl Kohut

- Supervisor's Office move to Del Norte is complete.
  - New Address: 1055 9<sup>th</sup> St., Del Norte, CO 81132
- Seasonal road closures in effect. They typically last from mid-March to early May.
- Five Below Timber Management Project Draft Decision Notice and Environmental Assessment are available. For more info see our website or call the Divide Office at 719-657-3321.
- Logging activity/traffic:
  - NFSR 842 South Spring (Ute Pass Side)
  - NFSR 41G (North) Binos Beetle Salvage and Watch Tower Beetle Salvage
  - NFSR 41G (South) West of La Garita, Cecilia Beetle Salvage
- Stream crossing repair projects scheduled for this field season as part of the Rio Chama CFLRP:
  - FSR 107 repair in the Sheep Creek-Conejos R. HUC 12 on unnamed tributary.
  - FSR 117 repair in the Toltec Creek-Rio de Los Pinos HUC 12 to restore spring connection to riparian area.

## Summary of the 2023 Legislative Session

Three weeks to go!

Regarding water matters, the legislative session has been quiet. Only two bills came out of the Water Resources and Agriculture Review Committee process over the interim. The first, HB23-1010, was a bill to study high altitude water storage in the form of snow. This proposal was first presented by Representative Hugh McKean. Tragically, McKean passed away unexpectedly so when the bill was formally introduced there wasn't a legislative champion to pick it up and push forward. The bill was postponed indefinitely in January.

The second bill to be proposed by the Water Resources and Agriculture Review Committee was a bill to change the WRARC from an interim committee to one that meets year-round. SB23-010 moved quickly through the process and the WRARC has already met twice during the session to hear presentations on topics such as stream restoration, interstate compacts and water quality standards.

The most controversial proposal in water matters has been a proposal from the Colorado Department of Natural Resources to protect stream restoration projects by creating a rebuttable presumption that a stream restoration project does not cause material injury to a vested water right. After months of stakeholder calls, the concept was starting to be formed of creating multiple project tiers, with small and simple projects, like bank stabilization, being put into the first tier. Bigger projects that potentially held back a large amount of water would be put in the second tier. With the fear that time was running out, SB23-270 was introduced at the beginning of April, but stakeholder conversations continued. On April 13 the bill was significantly amended in the Senate Agriculture & Natural Resource committee to limit the focus of the bill to just the Tier 1 level of projects. Ongoing conversations about the bigger project in Tier 2 will happen over the interim in the hopes that a compromise proposal can be introduced as a bill in 2024.

Other bills are also making their way through the legislative process. Below is a brief summary and status of some of the proposals:

- HB23-1220: Study Republican River Groundwater Economic Impact
  - o The bill requires the Colorado Water Center at Colorado State University to complete a study of the economic impact to the areas of Colorado, Kansas, and Nebraska affected by the Republican River basin of Colorado not meeting its obligation under the terms of the South Fork Focus Zone Resolution to retire 25,000 acres of irrigated land in the zone.
  - o Status: Passed out of the House Agriculture, Water & Natural Resources Committee to Appropriations on March 30.
  
- HB23-1221: Water Quality Data Standards



- Requires CDPHE to issue written guidance specific to total maximum daily load development for pollutants discharged into state waters, with input from stakeholders, by January 1, 2025
- Status: Passed out of the House Energy & Environment Committee to Appropriations on March 23
  
- SB23-274: Water Quality Control Fee-setting By Rule
  - Moves fee setting authority on certain water quality permits from the General Assembly to the Water Quality Control Commission
  - Status: Introduced April 13. Assigned to Senate Finance Committee
  
- SB23-177: 2023 CWCB Water Projects Appropriations
  - Appropriates money from the CWCB Construction Fund in the Department of Natural Resources to the CWCB and the Division of Water Resources for specified water-related projects.
  - Status: Passed 3<sup>rd</sup> Reading in the Senate on April 10
  
- SB23-262: Water Desalination Study and Report
  - Requires the CWCB to conduct a comprehensive literature review of existing research on the challenges and opportunities of desalination facilities in California or Mexico.
  - Passed out of the Senate Agriculture & Natural Resources Committee to Appropriations on April 12

**RGWCD**

**Bill Tracking List**

April 17, 2023

Bill #	Position	Calendar Notification	Short Title	Sponsors	Most Recent Status	Fiscal Note
<a href="#">HB23-1005</a>		NOT ON CALENDAR	New Energy Improvement Program Changes	J. Willford (D)   B. Titone (D) / S. Jaquez Lewis (D)   J. Marchman	3/8/2023 Governor Signed	<a href="#">Fiscal Note</a>
<a href="#">HB23-1010</a>		NOT ON CALENDAR	Task Force On High-altitude Water Storage	B. McLachlan (D) / J. Bridges (D)   C. Simpson (R)	1/23/2023 House Committee on Agriculture, Water & Natural Resources Postpone Indefinitely	<a href="#">Fiscal Note</a>
<a href="#">HB23-1220</a>		NOT ON CALENDAR	Study Republican River Groundwater Economic Impact	R. Holtorf (R)   K. McCormick (D)	3/20/2023 House Committee on Agriculture, Water & Natural Resources Refer Unamended to Appropriations	<a href="#">Fiscal Note</a>
<a href="#">HB23-1221</a>		NOT ON CALENDAR	Water Quality Data Standards	M. Soper (R)   T. Mauro (D) / C. Simpson (R)	3/23/2023 House Committee on Energy & Environment Refer Amended to Appropriations	<a href="#">Fiscal Note</a>
<a href="#">HB23-1274</a>		Tuesday, April 18 2023 State Library Appropriations 7:30 a.m. Room Old (19) in house calendar.	Species Conservation Trust Fund Projects	K. McCormick (D)   M. Catlin (R)	4/13/2023 House Committee on Agriculture, Water & Natural Resources Refer Unamended to Appropriations	<a href="#">Fiscal Note</a>
<a href="#">HB23-1281</a>		Thursday, April 20 2023 Energy & Environment 1:30 p.m. Room LSB-A (2) in house calendar.	Advance The Use Of Clean Hydrogen	B. Titone (D)   S. Vigil (D)	4/3/2023 Introduced In House - Assigned to Energy & Environment	
<a href="#">SB23-010</a>		NOT ON CALENDAR	Water Resources And Agriculture Review Committee	J. Bridges (D)   C. Simpson (R) / B. McLachlan (D)	3/10/2023 Governor Signed	<a href="#">Fiscal Note</a>
<a href="#">SB23-111</a>	N/A	Monday, April 17 2023 THIRD READING OF BILLS - FINAL PASSAGE (13) in senate calendar.	Public Employees' Workplace Protection	R. Rodriguez (D) / S. Woodrow (D)	4/14/2023 Senate Second Reading Passed with Amendments - Committee, Floor	<a href="#">Fiscal Note</a>



<a href="#">SB23-177</a>	Monday, April 17 2023 Agriculture, Water & Natural Resources 1:30 p.m. Room 0107 (3) in house calendar.	2023 Colorado Water Conservation Board Water Projects Appropriations	D. Roberts (D)   C. Simpson (R) / K. McCormick (D)   M. Catlin (R)	4/10/2023 Introduced In House - Assigned to Agriculture, Water & Natural Resources	<a href="#">Fiscal Note</a>
<a href="#">SB23-178</a>	Tuesday, April 18 2023 Transportation, Housing & Local Government 1:30 p.m. Room LSB-A (2) in house calendar.	Water-wise Landscaping In Homeowners' Association Communities	S. Jaquez Lewis (D)   P. Will (R) / K. McCormick (D)   M. Lindsay (D)	4/12/2023 House Committee on Transportation, Housing & Local Government Witness Testimony and/or Committee Discussion Only	<a href="#">Fiscal Note</a>
<a href="#">SB23-237</a>	NOT ON CALENDAR	Transfer To Water Plan Implementation Cash Fund	B. Kirkmeyer (R)   J. Bridges (D) / R. Bockenfeld (R)   S. Bird (D)	4/13/2023 Sent to the Governor	<a href="#">Fiscal Note</a>
<a href="#">SB23-262</a>	Tuesday, April 18 2023 SENATE APPROPRIATIONS COMMITTEE 7:30 AM LSB-B (5) in senate calendar.	Water Desalination Study And Report	K. Priola (D) / N. Ricks (D)   M. Soper (R)	4/12/2023 Senate Committee on Agriculture & Natural Resources Refer Unamended to Appropriations	<a href="#">Fiscal Note</a>
<a href="#">SB23-270</a>	Tuesday, April 18 2023 GENERAL ORDERS - SECOND READING OF BILLS (10) in senate calendar.	Projects To Restore Natural Stream Systems	D. Roberts (D)   C. Simpson (R) / K. McCormick (D)	4/13/2023 Senate Committee on Agriculture & Natural Resources Refer Amended to Senate Committee of the Whole	<a href="#">Fiscal Note</a>
<a href="#">SB23-274</a>	Tuesday, April 18 2023 SENATE FINANCE COMMITTEE 2:00 PM SCR 357 (4) in senate calendar.	Water Quality Control Fee-setting By Rule	F. Winter (D) / R. Dickson (D)	4/11/2023 Introduced In Senate - Assigned to Finance	