

MINUTES¹

SPECIAL JOINT MEETING OF THE BOARD OF DIRECTORS OF THE COLORADO RIVER WATER CONSERVATION DISTRICT AND OF THE COLORADO RIVER WATER CONSERVATION DISTRICT ACTING BY AND THROUGH ITS COLORADO RIVER WATER PROJECTS ENTERPRISE

February 21, 2013

Pursuant to notice duly and properly given, a special joint meeting telephone conference of the Board of Directors of the Colorado River Water Conservation District (CRWCD) and of the Colorado River Water Conservation District acting by and through its Colorado River Water Projects Enterprise was held on Thursday, February 21, 2013, at the offices of the Colorado River Water Conservation District, 201 Centennial Street, Glenwood Springs, Colorado.

Directors participating during all or part of the meeting:

James Newberry, President	Jon Stavney, Vice-President
Tom Gray	John Ely
William S. Trampe	Thomas R. Sharp
Stephen M. Mathis	Rebie Hazard
David H. Merritt	Stan Whinnery
Andrew A. Mueller	Steven Acquafresca

Directors not participating:

Gary Martinez	Kai Turner
Tom Alvey	

Others participating during all or part of the meeting:

Chris Treese, Manager, External Affairs, CRWCD
Peter Fleming, General Counsel, CRWCD
John Currier, Chief Engineer, CRWCD
Audrey Turner, Administrative Chief, CRWCD
Laurie DePaolo, Executive Assistant, CRWCD
Jason Turner, Associate Counsel, CRWCD
Martha Moore, Public Affairs Specialist, CRWCD
Danny Williams, Corporate Advocates
Matt Sugar, Northwest Colorado Council of Governments

Quorum.

President Newberry found a quorum and called the meeting to order at 12:05 p.m.

External Affairs.

State Issues:

SB 13-181 CONCERNING THE FUNDING OF COLORADO WATER CONSERVATION BOARD (CWCB) PROJECTS, AND MAKING APPROPRIATIONS IN CONNECTION THEREWITH.

Mr. Treese reported that this annual CWCB construction fund projects' bill includes a \$2MM grant for "planning, design, and construction of the Windy Gap reservoir bypass channel project." Treese noted the only likely controversy is Section 15 of the bill. Section 15 removes the limitation that state funds assisting the acquisitions section of the instream flow program be held to a stricter standard than other water rights under the acquisitions program. Under current law, the amount of flow that a junior instream flow right (i.e., new appropriation) is based on is described as "minimum amount necessary to preserve the natural

¹ An audio recording has been made of the meeting. The motions described herein may not necessarily represent a verbatim transcription. The audio recordings are available for listening at the CRWCD offices during regular office hours. These minutes are the official record of the Colorado River Water Conservation District's meeting.

environment to a reasonable degree.” Section 15 would expand the criteria for water acquisition with CWCB funds to allow for “the minimum amount necessary to preserve or improve the natural environment to a reasonable degree.”

Recommended Position: Support

Mr. Treese also noted that Section 15 would make use of construction funds consistent with the remainder of the acquisitions statute. Several board members expressed concern that identifying the definition and application of “improve to a reasonable degree” is most challenging.

Director Gray moved, seconded by Director Sharp, **to support SB 13-181 with the removal of Section 15.** Directors voting in favor of the motion: Acquafresca, Gray, Hazard, Mathis, Merritt, Sharp, Trampe and Whinnery. Directors voting against the motion: Ely, Mueller and Stavney. Motion carried.

SB 13-019 CONCERNING THE PROMOTION OF WATER CONSERVATION MEASURES

Mr. Treese noted that the intent of the bill is to provide incentives for agricultural water conservation by removing the consequences of a reduced diversion record and allowing “conserved water” to remain in the stream at least from the historic point(s) of diversion of return flow. The Board deferred action in January on this bill pending refinement of the language and direction from the sponsor regarding her preferred course of action. Although there is still no clear indication of what priorities and direction from the bill sponsor, Mr. Treese provided a redline version of the bill that represents a consensus suggestion from a Colorado Water Congress working group recommending that the bill proceed only with an amended Section 2 as the sole substance of the bill. Section 2 allows for no recording of consumptive use during those years in which particular lands are enrolled in a land conservation agreement, thereby protecting the historical consumptive use calculations. Sections 3 & 4 address nonconsumptive uses and it is the Water Congress’ the recommendation to strike those sections.

No formal board action taken, although Mr. Treese received direction to continue working with the bill sponsor to develop a narrow bill that both encourages agricultural efficiencies and protects the principles and practices of the Priority Doctrine.

SB 13-183 CONCERNING WATER CONSERVATION MEASURES IN COMMON INTEREST COMMUNITIES.

Mr. Treese noted that this bill prohibits homeowner covenants from requiring a certain amount of lawn and forbidding Xeriscape landscaping. It also provides a definition for Xeriscape.

Director Acquafresca moved, seconded by Director Stavney, to **support SB 13-183.** Motion carried unanimously.

Federal Issues:

H.R. 678 THE BUREAU OF RECLAMATION SMALL CONDUIT HYDROPOWER DEVELOPMENT AND RURAL JOBS ACT

Mr. Treese reported that Congressman Tipton (R-CO) introduced H.R. 678 to streamline the regulatory process and reduce administrative costs for small hydropower development in Bureau of Reclamation canals and conduits. The bill also provides permitting certainty by exempting small, in-canal and in-conduit hydro from NEPA. Last Congress’ version of this bill passed the House of Representatives with bipartisan support. That bill received a hearing in the Subcommittee on Water and Power of the Senate Energy and Natural Resources Committee, but time ran out in the session before full Senate passage. Mr. Tipton has asked the River District to again support his bill and to testify in support of the bill in the House Subcommittee on Water & Power.

The only difference between this year's bill and last year's is an increase of up to 5.0MW from 1.5MW to qualify as "small hydro."

Director Winnery moved, seconded by Director Merritt, to **support H.R. 678**. Motion carried unanimously.

Updates from Chris Treese:

HB 13-1013 Prohibiting Water Assignment Conditions in Federal Permits. Passed unanimously in House Ag Committee and referred to Appropriations Committee where it will likely die.

SB 13-041 PROTECTING STORED WATER. Passed Senate unanimously.

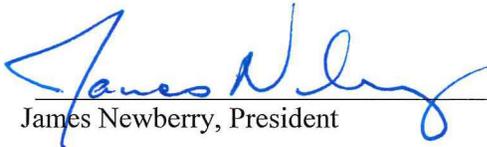
SB 13-023 INCREASING IMMUNITY LIMITS. Bill successfully amended to reduce the threshold up to 25%.

Update from Peter Fleming:

The Green Mountain Administration Agreement is effectively complete and soon will be fully executed.

Adjournment:

There being no other business before the Board, President Newberry adjourned the meeting at 12:43 p.m.


James Newberry, President

ATTEST:


R. Eric Kuhn, Secretary/General Manager