

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

March 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, March 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
David H. Merritt	Rebie Hazard
William S. Trampe	Gary Martinez
Stephen M. Mathis	Tom Alvey
Tom Gray	Stan Whinnery

Directors not participating:

Steven Acquafresca	John Ely
Andrew A. Mueller	Kai Turner
Thomas R. Sharp	

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
Eric Kuhn, General Manager, CRWCD
Dave Kanzer, Senior Water Resources Engineer, CRWCD
Dan Birch, Deputy General Manager, CRWCD
Laurie DePaolo, Executive Assistant, CRWCD
Jim Pokrandt, Communication and Education Specialist, CRWCD
Jason Turner, Associate Counsel, CRWCD
Audrey Turner, Administrative Chief, CRWCD
Martha Moore, Public Affairs Specialist, CRWCD
Danny Williams, Corporate Advocates
Matt Sugar, Northwest Colorado Council of Governments
Kevin Patrick, Patrick, Miller, Kropf & Noto, P.C.

Quorum.

President Newberry found a quorum and called the meeting to order at 12:03 p.m.

Gunnison Basin Issue.

Eric Kuhn informed the board that the water year is looking to be critically dry, especially in the Uncompahgre and Gunnison river basins. It is probable that the Uncompahgre Water Users Association will place very early calls on both the Upper Gunnison and Uncompahgre rivers thus

¹An 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.

curtailing junior upstream water users. To forestall a call until at least June 1st several participants, including the Colorado River District, propose to purchase water from the Aspinall Unit. Staff recommendation was accepted by the board and described in the motion below.

Director Stavney moved, seconded by Director Trampe, to authorize the expenditure of up to \$70,000 from the General Fund to purchase water from the Aspinall Unit to serve as part of a drought mitigation bank to benefit Colorado River District constituents in the upper Uncompahgre and Gunnison River basins. Motion carried unanimously.

General Counsel Updates.

Peter Fleming updated the Board on the West Divide diligence case noting that counsel will file a response to Pitkin County's motion for determination of question of law tomorrow (Mar. 22, 2013) as well as a response to a discovery requests made by Pitkin County and American Rivers.

Peter reported that in the *Tarrant Regional Water District (TRWD) v. Oklahoma Water Resources Board* case before the US Supreme Court, the River District has been asked by both sides if the River District will be filing an *amicus brief*. Peter stated that currently, given the anticipated scope of the amicus briefs being filed others, he does not see the need for the River District to file an *amicus brief* but requested Board authorization to do so should his perspective change.

Director Merritt moved, seconded by Director Whinnery, to authorize General Counsel to file an amicus brief if he finds our filing would offer a unique perspective specifically applicable to the Colorado River District that would not otherwise be addressed by the briefs of other parties. Motion carried unanimously.

External Affairs.

State Issues Updates:

Chris Treese reported that the draft bill he circulated to the board this morning amends an aspect of HB 08-1141. HB 08-1141 required that proposed developments of 50 units or larger prove an "adequate water supply" for the full development as part of the land use permitting process. This draft bill would allow for phasing of the development in stages with each stage demonstrating an adequate water supply. Board discussion included the acknowledgment that the board does not usually take an affirmative position on a bill until it has been formally introduced.

Director Whinnery moved, seconded by Director Trampe, to **monitor the draft bill** that changes HB 08-1141. Motion carried unanimously.

SB 13-224 CONCERNING THE CREATION OF A "PROTECT OUR RIVERS" LICENSE PLATE FOR COLORADO TROUT UNLIMITED.

Senate Bill 13-224 would create the "Protect Our Rivers" license plate. The plate would be available to Colorado car owners for \$75.00 fee. Colorado Trout Unlimited would receive \$25.00 from each plate fee. This \$25.00 would not be available for litigation or lobbying by T.U. The remaining \$50.00 would be assessed for state licensing and highway trust fund contributions.

Director Trampe moved, seconded by Director Whinnery to **monitor SB 13-224**. Motion carried unanimously.

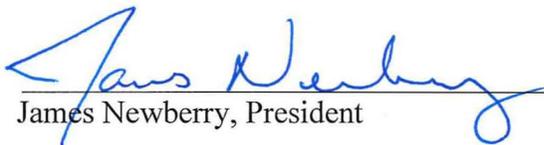
SB 13-181 COLORADO WATER CONGRESS BOARD CONSTRUCTION (CWCB) FUND PROJECTS

In response to several board members requesting further discussion on the board's previous motion to support SB 13-181 but to strike "and improve" language from Section 15, Chris Treese reminded the board that Section 15 would expand the use of CWCB funds for the acquisitions program within the instream flow program to acquire senior water rights for conversion to ISFs to: "preserve and improve the natural environment to a reasonable degree." Chris reassured the board that he has been stating that the board supports the instream flow program and the addition of the 2002 acquisitions program that included the language "and to improve the natural environment." The River District supports the program but opposes the expansion of the use of State funds for acquisitions beyond the minimum amount necessary "to preserve the environment to a reasonable degree." Chris also noted that when the board is split on a vote he lets legislators know how individual board directors, representing their county, voted.

Chris also noted that the bill, without amendment, passed the Senate unanimously and added 23 co-sponsors. The House Ag Committee amended the bill with the board's requested amendment removing the "and improve" Section 15 on an 8-5 vote. The bill will likely remain in Appropriations Committee for a week or more.

Adjournment:

There being no other business before the Board, President Newberry adjourned the meeting at 1:13 p.m.


James Newberry, President

ATTEST:



R. Eric Kuhn, Secretary/General Manager