

**MINUTES<sup>1</sup>**  
**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 5, 2015**

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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 5, 2015, at the offices of the Colorado River Water Conservation District, 201 Centennial Street, Glenwood Springs, Colorado.

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**Directors participating during all or part of the meeting:**

Jon Stavney, President	Tom Alvey, Vice-President
Marc Catlin	Doug Monger
John Ely	James Newberry
Tom Gray	William Trampe
Rebie Hazard	Alden Vanden Brink
David Merritt	Stan Whinnery

**Directors not participating:**

John Justman	Martha Whitmore
Gary Martinez	

**Others participating during all or part of the meeting:**

Dan Birch, Deputy General Manager, CRWCD  
John Currier, Chief Engineer, CRWCD  
Laurie DePaolo, Executive Assistant, CRWCD  
Peter Fleming, General Counsel, CRWCD  
David Kanzer, Senior Water Resources Engineer, CRWCD  
Eric Kuhn, General Manager, CRWCD  
Martha Moore, Public Affairs Specialist, CRWCD  
Jim Pokrandt, Communication & Education, CRWCD  
Chris Treese, Manager, External Affairs, CRWCD  
Audrey Turner, Administrative Chief, CRWCD  
Jason Turner, Senior Counsel, CRWCD  
Torie Jarvis, Northwest Colorado Council of Governments  
Danny Williams, Corporate Advocates

**Quorum.**

President Stavney found a quorum and called the meeting to order at 12:04 p.m.

**State Issues.**

Chris Treese presented and the Board acted on the following legislative matters:

**HB 15-1118 CONCERNING THE EXPANSION OF THE TYPES OF HYDROELECTRICITY AMONG THE ELIGIBLE ENERGY RESOURCES UNDER COLORADO'S RENEWABLE ENERGY STANDARD.** Amends the definition of "renewable energy resources" that can be used to meet the state's renewable energy standard to include hydroelectricity and pumped hydroelectricity.

Director Merritt moved, seconded by Director Trampe, to **support HB 15-1118**. Motion carried unanimously.

**HB 15-1159 CONCERNING THE INSTREAM FLOW INCENTIVE TAX CREDIT FOR WATER RIGHTS HOLDERS.**

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<sup>1</sup>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.

In 2009, the general assembly enacted the instream flow incentive tax credit for water rights holders with a 6 year sunset. When enacted, the tax credit included a trigger that made the credit unavailable if total general fund revenues were less than a 6% increase over the previous year's appropriations. This bill removes this trigger to the tax credit. It extends the instream flow incentive tax credit for water rights holders for an additional 5 years. The bill also specifies that the donation may either preserve or improve the environment, rather than requiring that the donation only preserve the environment as originally enacted.

Director Hazard moved, seconded by Director Grey, to **monitor HB 15-1159**. Directors voting in favor of the motion: Alvey, Catlin, Gray, Hazard, Merritt, Monger, Newberry, Stavney, Trampe, Vanden Brink and Whinnery. Director voting against the motion: Ely. Motion carried.

**HB 15-1166 CONCERNING THE CREATION OF A TRIBUTARY GROUNDWATER MONITORING NETWORK IN THE SOUTH PLATTE RIVER ALLUVIAL AQUIFER.**

In 2012, the General Assembly enacted House Bill 12-1278, which directed the Colorado Water Conservation Board to contract with the Colorado Water Institute to conduct a study of the South Platte River alluvial aquifer. Recommendation 3.B. of the final study report was to implement a basin-wide groundwater monitoring network. Section 1 of this bill directs the state engineer, in consultation with the board, to design and operate a tributary groundwater monitoring network in the South Platte River alluvial aquifer.

Mr. Treese noted this bill is strictly applicable to the South Platte River.

Director Merritt moved, seconded by Director Vanden Brink, to take **no position on HB 15-1166**. Motion carried unanimously. This bill will be removed from future reporting materials presented to the Board.

**HB 15-1167 CONCERNING A STUDY REGARDING THE CREATION OF ADDITIONAL WATER SUPPLIES IN THE SOUTH PLATTE RIVER BASIN.**

This bill directs the Colorado Water Conservation Board to study the feasibility of supplementing water supplies in the South Platte River basin through the construction of a new reservoir on the mainstem of the South Platte River and the importation of water into Colorado from the Missouri River basin. The study is to be completed by the end of 2015.

Director Merritt moved, seconded by Director Alvey, to **support HB 15-1167**. Directors voting in favor of the motion: Alvey, Catlin, Gray, Hazard, Merritt, Monger, Newberry, Stavney, Trampe, Vanden Brink and Whinnery. Director voting against the motion: Ely. Motion carried.

**HB 15-1178 CONCERNING THE STATE ENGINEER'S AUTHORITY TO ALLOW WELL USERS TO LOWER THE WATER TABLE IN AN AREA THAT THE STATE ENGINEER DETERMINES IS EXPERIENCING DAMAGING HIGH GROUNDWATER LEVELS.**

The bill authorizes the state engineer, for the purpose of lowering the water table in an area that the state engineer determines is experiencing damaging high groundwater levels, to rescind an order or to decline to order a well user in the area to discontinue an out-of-priority diversion or to replace an amount of water otherwise required by an augmentation plan or a substitute water supply plan.

Director Ely moved, seconded by Director Trampe, to **oppose HB 15-1178**. Motion carried unanimously.

**HJR 15-1006 CONCERNING APPROVAL OF WATER PROJECT REVOLVING FUND ELIGIBILITY LISTS ADMINISTERED BY THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY.**

Annual resolution approving the Water Projects' Revolving Fund Eligibility List administered by the Colorado Water Resources and Power Development Authority.

Director Merritt moved, seconded by Director Gray, to **support HJR 15-1006**. Motion carried unanimously.

**SB 15-121 CONCERNING THE ELIGIBILITY FOR FINANCING PROVIDED BY THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY OF A PUBLIC WATER SYSTEM THAT IS NOT OWNED BY A GOVERNMENTAL AGENCY.**

Adds "private nonprofit entities" to entities eligible to receive drinking water revolving funds administered by the Colorado Water Resources and Power Development Authority. Currently, only local governments are eligible for this funding. This bill also changes the definition of "public water systems" to include those owned or operated by private non-profit entities.

Director Monger moved, seconded by Director Vanden Brink, to **monitor SB 15-121**. Motion carried unanimously.

**UPDATES:**

**Son of SB 14-023:**

Mr. Treese reported that the "Son of SB 14-023" bill is to be introduced by Feb. 13<sup>th</sup> and that he is scheduled to meet again with the drafting group to seek resolution to the Colorado River District's remaining concerns.

**Water Quality Fee Bill Transparency Act:**

The Water Quality Control Division has drafted a "Water Quality Fee Transparency Act" that updates and organizes the current fees to reflect the work the Department is currently doing. The draft bill includes a separation of the existing fees into sectors discussed during the clean water fee stakeholder process: commerce & industry, construction, public & private utilities (which includes MS4s), pesticides, water quality certifications (which includes 401 certifications), and animal feeding operations. This bill creates a new fee for water quality certifications; there is currently no funding source for this activity. The bill introduces a fee for new permit applications that would be credited against the annual permit fee.

**General Manager Update:**

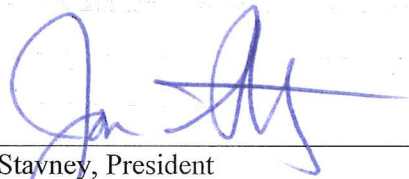
John Currier reported that he and Director Newberry recently briefed the Town of Kremmling on the status of Wolford Mountain Reservoir dam embankment investigations. The briefing was well received and no specific concerns were expressed.

**Directors Concerns:**


Director Monger expressed concerns about the Governor's proposal to divert "surplus" severance tax revenues (above budgeted revenues) to the General Fund in this fiscal year. Staff was directed to write a letter expressing those concerns.

**Adjournment:**

There being no other business before the Board, President Stavney adjourned the meeting at 12:46 p.m.

  
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Jon Stavney, President

ATTEST:

  
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R. Eric Kuhn, Secretary/General Manager

