

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 19, 2015

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 19, 2015, 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:

Jon Stavney, President	Tom Alvey, Vice-President
Marc Catlin	Gary Martinez
John Ely	David Merritt
Tom Gray	Doug Monger
Rebie Hazard	James Newberry
John Justman	William Trampe

Directors not participating:

Stan Whinnery	Martha Whitmore
Alden Vanden Brink	

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
Alesha Frederick, Business Support Specialist, CRWCD
Eric Kuhn, General Manager, CRWCD
Jim Pokrandt, Director, Community Affairs, CRWCD
Chris Treese, Manager, External Affairs, CRWCD
Audrey Turner, Administrative Chief, CRWCD
Jason Turner, Senior Counsel, CRWCD
Ray Tenney, Deputy Chief Engineer, CRWCD
Torie Jarvis, Northwest Colorado Council of Governments
John Porter, Southwestern Water Conservation District (SWWCD)
Bruce Whitehead, Southwestern Water Conservation District (SWWCD)
Danny Williams, Corporate Advocates

Quorum.

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

Contract Approvals.

Ray Tenney requested Board approval of two contracts pertaining to the installation of a fish barrier on the spillway at Elkhead Reservoir:

1. Funding Agreement with the Colorado Water Conservation Board (CWCB) to convey Native Species Conservation Fund monies to the River District to fund the purchase of a spillway barrier net for Elkhead Reservoir, in the amount of \$500,000, subject to final approval of the agreement by General Manager and General Counsel.

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.

2. Professional Services Agreement with AECOM to provide engineering support of the design, SEO approval, bidding, and construction engineering services for the spillway barrier net at Elkhead Reservoir in the amount of \$107,000, subject to final approval of the agreement by General Manager and General Counsel.

Mr. Tenney noted that the Upper Colorado River Recovery Program and Colorado Parks and Wildlife have agreed that construction of a barrier net across the entrance to the spillway is necessary to advance the recovery of fishes in the Yampa and Green Rivers. The funding of the barrier net project will come from the CWCB, through Native Species Conservation funds and the US Bureau of Reclamation. The River District will coordinate and oversee the installation of the fish barrier.

Director Trampe moved, seconded by Director Ely, to **approve staff recommendations** on both contract requests, as described by Ray Tenney. Director Merritt abstained. Motion carried

CWCB Dolores River Instream Flow Request.

Chris Treese reviewed the CWCB's planned instream flow filing on the main stem of the Dolores River and requested the board direct staff to file a Notice of Contest in opposition to the filing. Bruce Whitehead, SWWCD's Executive Director, expressed his appreciation to the Colorado River District for its support in opposing the CWCB filing and discussed SWWCD's concerns regarding the filing. SWWCD Board Member, John Porter expressed several concerns, one of which is the fact that these instream flows are applied to lower reaches of the river and therefore are more likely to affect future water development.

Director Justman moved, seconded by Director Catlin, to **direct staff** to file a Notice of Contest in opposition to the CWCB's planned instream flow filing on the mainstem of the Dolores River. Motion carried unanimously.

Twin Lakes Transmountain Diversion System—Use of River District Water Obtained in Case No. 95CW321.

John Currier requested staff be directed to allow the Colorado Water Trust (CWT) to investigate the use of River District Enterprise water supplies obtained pursuant to Twin Lakes Case No. 95CW321 for possible instream flow purposes in the upper Roaring Fork River basin and to allow River District staff to investigate and negotiate various options for the CWT's use of the 95CW321 water.

Director Ely moved, seconded by Director Hazard, to **approve the staff recommendation** as described. Motion carried unanimously.

State Affairs.

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

HB 15-1252 CONCERNING AN EXTENSION OF THE NUMBER OF YEARS THE INDIVIDUAL INCOME TAX RETURN INCLUDES A VOLUNTARY CONTRIBUTION DESIGNATION FOR THE COLORADO HEALTHY RIVERS FUND.

This bill would extend the sunset on this income tax check off item for 5 more years (until 2021).

Director Merritt moved, seconded by Director Monger, to **support HB 15-1252**. Motion carried unanimously.

HB 15-1259 CONCERNING THE USE OF RAIN BARRELS TO COLLECT PRECIPITATION FROM A RESIDENTIAL ROOFTOP FOR NONPOTABLE OUTDOOR USES.

The bill allows residential properties to have a maximum of two rain collection barrels for private use on the subject property. Ultimately the Metro area urban lawn and garden use of collected rainwater should reduce municipal water diversions, including transmountain diversions.

Director Martinez moved, seconded by Director Gray, to **support HB 15-1259**. Motion carried unanimously.

HB 15-1277 CONCERNING MEASURES TO EFFECTUATE THE CONSERVATION OF NATIVE SPECIES IN COLORADO, AND, IN CONNECTION THEREWITH, MAKING APPROPRIATIONS FROM THE SPECIES CONSERVATION TRUST FUND FOR PURPOSES RECOMMENDED BY THE DEPARTMENT OF NATURAL RESOURCES.

The bill is the annual projects authorization bill for the Species Conservation Trust Fund and includes money for west slope non-native fish control and funds for the lower Gunnison basin's selenium control efforts.

Director Catlin moved, seconded by Director Alvey, to **support HB 15-1277**. Directors voting in favor of the motion: Alvey, Catlin, Ely, Gray, Hazard, Martinez, Monger, Newberry, Stavney and Trampe. Director voting against the motion: Justman. Motion carried.

HB 15-1278 CONCERNING THE USE OF AGRICULTURAL WATER RIGHTS TO CULTIVATE MARIJUANA WITHOUT THE NEED FOR A CHANGE OF WATER RIGHT.

This bill confirms that agriculture water rights may be used for indoor and outdoor marijuana production.

Director Monger moved, seconded by Director Trampe, to **support HB 15-1278**. Directors voting in favor of the motion: Alvey, Catlin, Ely, Gray, Hazard, Martinez, Monger, Newberry, Stavney and Trampe. Director voting against the motion: Justman. Motion carried.

SB 15-198 CONCERNING MODIFICATIONS TO THE COLORADO WATER CONSERVATION BOARD'S FALLOWING PILOT PROGRAM, AND, IN CONNECTION THEREWITH, EXPANDING THE PROGRAM TO ALLOW AN AGRICULTURAL WATER RIGHT OWNER TO LEASE AN AGRICULTURAL WATER RIGHT FOR TEMPORARY AGRICULTURAL, ENVIRONMENTAL, INDUSTRIAL, OR RECREATIONAL USE.

This bill expands allowable uses of water from temporarily fallowed agricultural lands. Under the current statute water from temporarily fallowed agricultural lands may only be leased to municipalities, this bill would allow the water to be leased for agricultural, industrial, recreational, and environmental end uses as well as municipal.

Director Hazard moved, seconded by Director Trampe to **monitor SB 15-198**. Directors voting in favor of the motion: Alvey, Catlin, Ely, Hazard, Martinez, Monger, Newberry, Stavney and Trampe. Directors voting against the motion: Gray and Justman. Motion carried.

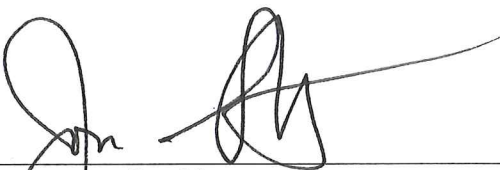
SB 15-212 CONCERNING A DETERMINATION THAT WATER DETENTION FACILITIES DESIGNED TO MITIGATE THE ADVERSE EFFECTS OF STORM WATER RUNOFF DO NOT MATERIALLY INJURE WATER RIGHTS.

This bill addresses the need for storm water detention facilities both for post-fire mitigation as well as larger rain events. The bill specifies that storm water detention and infiltration facilities and post-wildland fire facilities do not injure water rights. The bill also specifies that water can only be retained for 72 hours and cannot be placed to beneficial use, nor the detention (temporary storage) be used as a basis for a water right claim. Mr. Treese noted that the bill continues to receive considerable amendments, including a rebuttable presumption of no injury.

Director Gray moved, seconded by Director Monger to **support SB 15-212**. Motion carried unanimously.

Adjournment:

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



Jon Stavrey, President

ATTEST:



R. Eric Kuhn, Secretary/General Manager