MINUTES
SECOND REGULAR QUARTERLY MEETING OF THE
BOARD OF DIRECTORS OF THE
COLORADO RIVER WATER CONSERVATION DISTRICT

April 21, 2015

Pursuant to notice duly and properly given, the Second Regular Quarterly Meeting of the Board of Directors of the Colorado River Water Conservation District (CRWCD) was held on Tuesday April 21, 2015 at the Hotel Denver, 402 7th Street, Glenwood Springs, Colorado.

Directors participating during all or part of the meeting:
Jon Stavney, President        Tom Alvey, Vice President
Tom Alvey                   David H. Merritt
William S. Trampe            John Justman
Marc Catlin                  John Ely
Doug Monger                  Gary Martinez
Martha Whitmore              Tom Gray
Stan Whinnery                Alden Vanden Brink
James Newberry

Directors not participating:
Gary Martinez                Rebie Hazard

Others participating during all or part of the meeting:
Eric Kuhn, General Manager, CRWCD
Peter Fleming, General Counsel, CRWCD
Dan Birch, Deputy General Manager, CRWCD
John Currier, Chief Engineer, CRWCD
Chris Treese, Manager, External Affairs, CRWCD
Jason Turner, Senior Counsel, CRWCD
Audrey Turner, Administrative Chief, CRWCD
Laurie DePaolo, Executive Assistant, CRWCD
Jim Pokrandt, Community Affairs Director, CRWCD
Ray Tenney, Deputy Chief Engineer, CRWCD
Dave Kanzer, Sr. Water Resources Engineer, CRWCD
Don Meyer, Sr. Water Resources Engineer, CRWCD
Hunter Causey, Water Resources Engineer, CRWCD
Dave Smith, Engineering Technician, CRWCD
Denise Hussain, Records Administrator/Information Specialist, CRWCD
Lorra Nichols, Paralegal, CRWCD
Martha Moore, Public Affairs Specialist, CRWCD
Kem Davidson, Project Operator, CRWCD
Diane Johnson, Eagle River Water & Sanitation District
Brent Gardner-Smith, Aspen Journalism
Tyler Snyder, Fish and Cross Ranch
Jennie Snyder, Fish and Cross Ranch
Kelly Heaney, City of Steamboat Springs
David Herz, Stewart Mesa Water Company

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.
Minutes, Second Regular Quarterly Meeting (River District)
April 21, 2015

Page 2

Mike Drake, Stewart Mesa Water Company

Quorum.
President Stavney found a quorum and called the meeting to order at 9:04 a.m.

Review Meeting Agenda and Objectives.
No changes were recommended to the agenda.

Consent Agenda.
Director Alvey moved, seconded by Director Trampe, to approve the following consent agenda with four typographical errors being corrected in the minutes of the First Regular Quarterly Meeting, January 20-21, 2015. Motion carried unanimously.

Approval of Minutes and Actions Taken:

   ii. Minutes of Special Joint Meeting, Telephone Conference, February 5, 2015.


General Counsel’s Report – Executive Session.
Peter Fleming reported that the following matters qualify for discussion in Executive Session pursuant to C.R.S. §§ 24-6-402(4)(b)(legal advice) and (e)(negotiations):
   i. CRCA Implementation Issues.
   ii. Shoshone Outage Protocol Agreement.
   iii. Shoshone Protection Project.
   v. Application of City of Glenwood Springs, for Recreational In-Channel Diversion, Case No. 13CW3019, Water Division 5.
   vi. Application for Finding of Reasonable Diligence of River District and Eagle River Entities, Case No. 13CW3079, Water Division 5.

Director Monger moved, seconded by Director Whinnery, to proceed into Executive Session pursuant to C.R.S. §§ 24-6-402(4)(b)(legal advice) and (e)(negotiations). Motion carried unanimously.

Peter Fleming stated that no further record of the Executive Session need be kept based on his opinion that the discussion will constitute privileged attorney-client communications.

President Stavney reconvened into Public Session at 10:06 a.m.

General Counsel’s Report – Public Session.
Peter Fleming reported that during Executive Session, the Board provided guidance to staff and General Counsel on the following matters:
   i. CRCA Implementation Issues.
   ii. Shoshone Outage Protocol Agreement.
   iii. Shoshone Protection Project.
   v. Application of City of Glenwood Springs, for Recreational In-Channel Diversion, Case No. 13CW3019, Water Division 5.
vi. Application for Finding of Reasonable Diligence of River District and Eagle River Entities, Case No. 13CW3079, Water Division 5.


Director Whitmore moved, seconded by Director Newberry, to approve an amendment adding a reference to SB05-133 and non-substantive changes to the River District’s Conservation Program-approval Application form. Motion carried unanimously.

Director Newberry moved, seconded by Director Trampe, to approve a Memorandum of Agreement with the Board of County Commissioners of Grand County regarding the River District’s assistance in the management of environmental and recreational water resources acquired by Grand County. Motion carried unanimously.

Director Merritt moved, seconded by Director Whitmore, to authorize the General Manager to execute a five year lease agreement with Diane and Bryon Gaston for use of the River District’s Homestake Creek property and to direct staff to include weed control and property maintenance terms in the lease and to inspect the property prior to execution of the lease. Motion carried unanimously.

Director Merritt moved, seconded by Director Alvey, to authorize counsel to file concurrent Statements of Opposition in the Application for Finding Reasonable Diligence of the City of Colorado Springs in Case No. 15CW3019, Water Division 5 and Civil Action No. 49-cv-0782-MSK-CBX in the United States District Court, District of Colorado. Motion carried unanimously.

Director Alvey moved, seconded by Director Trampe, to authorize counsel to execute a stipulation resolving the River District’s opposition to the Application for Water Rights of the Southeastern Water Conservancy District, Case No. 06CW8, Water Division 2. Motion carried unanimously.

Executive Committee Report.
Dave Kanzer reported that for 2015, a total of 42 qualifying applications were received with 14 grants being recommended by staff for funding (4 large grants, 10 small grants). A complete list of applications is attached as Appendix A.

Mr. Kanzer reviewed the grant funding criteria and guidelines used in the review process. Ranking criteria used by staff to evaluate applications for funding was discussed and include appropriateness of the project; project description; budget; funding; technical adequacy; project effectiveness; sponsor’s ability to complete; cost effectiveness; and applicant participation. The program awards both small and large grants with $60,000 total project cost being considered a small grant application and any project with total costs exceeding $60,000 considered a large grant application. Priority is given to those projects that utilize and/or preserve pre-CO water rights.

Several grant recipients expressed their appreciation to the Board for the grant awards. A presentation was then made by a grant applicant from the Fish and Cross Ranch whose application was not recommended.

Director Whitmore moved, seconded by Director Monger, to accept the Executive Committee’s grant recommendations as presented. Motion carried unanimously.

Following a discussion of the Fish and Cross Ranch application, Director Ely moved, seconded by Director Trampe, to increase the grants program budget for 2015 in an amount not to exceed $40,000 to be awarded to the Fish and Cross Ranch project. Motion failed 1:11 with Director Ely voting for the motion.
General Manager’s Report.
Colorado River Interstate Issues:
Eric Kuhn reported that from a basin-wide perspective 2015 will be a very dry year. April-July inflow to Lake Powell is projected to be 52% of average.

IBCC/Roundtables Update:
Mr. Kuhn requested input from the Board on a series of questions regarding details of the “insurance plan” which is currently included in the IBCC’s seven points framework. The framework is intended to guide future new transmountain diversion discussions. The “insurance plan” would cover existing uses and some level of new West Slope uses to avoid a curtailment under the 1922 Compact. Questions include: what is meant by an increment of new uses? What tools do we need to implement an insurance plan? What if an insurance plan is implemented and it fails to avoid a compact curtailment? Do we need a backup plan that still covers critical uses? A policy question posed was what is the role of the state’s policy boards in the development of an insurance plan versus the role of the roundtables?

Comments provided by the Board noted a potential lack of support for any insurance plan that may favor one basin or one use over another; a lack of action or participation in the process by the West Slope could result in the condemnation of West Slope agricultural water rights to continue transmountain diversions; the roundtables may be the most favorable venue for development of an insurance plan and garnering both support and acceptance of such a plan; and the importance of the River District’s continued participation in the process at the roundtables and IBCC.

Service Anniversaries Recognition:
Ray Tenney expressed the River District’s appreciation to Kem Davidson for 20 years of service. Dan Birch followed suit by expressing the District’s appreciation to John Currier for 5 years of service.

RCPP Update:
It was reported that funding contracts for improvements on Reclamation projects are currently being reviewed by the NRCS in Washington D.C. and have yet to be returned. Four projects in the Lower Gunnison Basin (Uncompahgre, Smith Fork, Paonia, and Bostwick Park) are slated to receive $8,000,000 for improvements. As the lead partner, the River District coordinated and submitted the request on behalf of the four projects.

Technical Staff Update Memo:
Eric Kuhn referred the Board to a memo from the technical staff updating staff’s participation in water quality issues.

Annual Policy Discussion.
Chris Treese reminded the Board of the policy review process. In 2004, the Board chose to formalize the development and review processes of River District policies. Approximately one-third of the policies are reviewed by the Board annually.

Federal Reserved Water Rights:
Director Merritt moved, seconded by Director Gray, to re-adopt the River District’s Federal Reserved Water Rights policy as presented. Motion carried unanimously.

Colorado’s Prior Appropriation Doctrine:
Director Merritt moved, seconded by Director Gray, to re-adopt the River District’s Prior Appropriation Doctrine Policy as presented. Motion carried unanimously. (The policies are attached as Appendices B. and C.).
Agricultural and Agriculture’s Water Use:
By consensus, staff was directed to delete the word “municipal” from the last bullet in the policy statement and insert the word “involuntary” after the word “Opposes” and to replace the word “sustainability” in the second bullet of the policy statement with language that conveys the importance of a thriving agricultural sector. This policy will be on the July quarterly Board meeting agenda for further consideration.

Colorado Water Plan:
By consensus, staff was directed to include language in the policy to address how the plan is to be communicated to Colorado’s citizens. This policy will be on the July quarterly Board meeting agenda for further consideration.

External Affairs,
Information and Outreach Update:
Jim Pokrandt directed the Board’s attention to the 2014 CRWCD Annual Report which will be mailed to approximately 700 interested parties, is available on the CRWCD website, and is distributed throughout the year at various events.

Martha Moore reported the new CRWCD website was launched on February 20th and is continuing to be developed. It was also noted that the H2O water camp was held at the Keystone Science School with 38 high school students in attendance. A second camp will be held in October 2015.

State Affairs:
SCR15-002: SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF COLORADO AN AMENDMENT TO THE COLORADO CONSTITUTION CONCERNING PROCEDURES RELATED TO A CITIZEN-INITIATED CONSTITUTIONAL AMENDMENT.
Recommendation: Support.
This resolution would establish three steps to amend the Constitution in the future:

1. Constitutional amendments would be placed on an even-year general election ballot after title settings and signature requirements are met. This vote would authorize the measure for future review and a final vote on the following odd-year election.
2. If initially authorized by voters, the Legislative Council would conduct at least one public hearing in each district on the proposed question and its fiscal and administrative impacts.
3. A vote on the next general election ballot in the odd year would be held for final approval by Colorado voters.

Director Catlin moved, seconded by Director Whinnery, to support SCR15-002. Motion carried unanimously.

Federal Affairs:
Chris Treese reported that Congressman Tipton has introduced H.R. 695, the “Health Forest Management and Wildfire Prevention Act.” This bill would streamline treatment of bark beetle infested areas by allowing treatment in certain roadless areas, allowing governors to designate “high risk areas” in federal lands to facilitate treatments, and allow the Secretary of Agriculture to make similar designations on National Forest lands.

Director Whinnery moved, seconded by Director Catlin, to support H.R. 695. Motion carried unanimously.

It was also reported that Congressman Tipton has introduced H.R. 1830, the “Water Rights Protection Act,” which is largely in response to the U.S. Forest Service’s past proposed directives requiring ski areas to assign their water rights to the federal government as a condition of any permit or modification.
Director Whitmore moved, seconded by Director Merritt, to support in concept H.R. 1830 and directed staff to continue working with Congressman Tipton’s staff to preserve federal agency authority to impose reasonable bypass flows on new water projects. Motion carried unanimously.

Directors’ Concerns.
A discussion ensued regarding the Grants Program with topics including increasing the Grants Program budget, having a review of the rating criteria, reviewing the types of projects being funded, ensuring geographic diversity of grant awards, and reducing or eliminating the Grants Program. Other comments addressed the importance of distributing all grant applications to the Board before the Executive Committee meeting for review of recommended applications and the future viability of the Capital Projects Fund (funding mechanism for the Grants Program). Staff was directed to explore modifications and alternatives to the Grants Program and to prepare a ten-year pro forma of the Capital Projects Fund for presentation at the July 2015 quarterly meeting.

Future Meetings.
  a. Third Regular Quarterly Meetings, July 21-22, 2015, Glenwood Springs, CO.
  b. CRWCD Water Seminar, September 10, 2015, Grand Junction, CO.
  c. CRWCD 2016 Budget Workshop/Special Joint Meeting, September 24, 2015, Location TBD.
  d. Fourth Regular Quarterly Meetings, October 20, 2015, Glenwood Springs, CO.
  e. Other Meetings:
     i. Western State Water Workshop, June 24-25, 2015, Gunnison, CO.
     ii. CWC Summer Convention, August 19-21, 2015, Vail, CO.
     iii. CRWUA Convention, December 16-18, 2015, Las Vegas NV.

Adjourn.
There being no other business before the Board, President Stavney adjourned the meeting at 7:48 p.m.

ATTEST:

Jon Stavney, President

R. Eric Kuhn, Secretary/General Manager

Executive Session Attestations.
I hereby attest that the portions of the Executive Session that were not recorded constituted privileged attorney-client communications.

Peter Fleming, General Counsel
<table>
<thead>
<tr>
<th>REAR 2015 GRANT PROGRAM</th>
<th>Project Information</th>
<th>Project Details</th>
<th>Costs</th>
<th>Grant Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Project Name</strong></td>
<td><strong>Description</strong></td>
<td><strong>Funding Source</strong></td>
<td><strong>Amount</strong></td>
<td><strong>Funding Source</strong></td>
</tr>
<tr>
<td>1. <strong>100 bench with backrest</strong></td>
<td><strong>Create shelter for students</strong></td>
<td><strong>Donated</strong></td>
<td><strong>$100</strong></td>
<td><strong>Donated</strong></td>
</tr>
<tr>
<td>2. <strong>Cedar Key</strong></td>
<td><strong>Restore historic lighthouse</strong></td>
<td><strong>Federal</strong></td>
<td><strong>$500,000</strong></td>
<td><strong>State</strong></td>
</tr>
<tr>
<td>3. <strong>Cedar Key</strong></td>
<td><strong>Historic boat restoration</strong></td>
<td><strong>Federal</strong></td>
<td><strong>$100,000</strong></td>
<td><strong>Private</strong></td>
</tr>
<tr>
<td>4. <strong>Cedar Key</strong></td>
<td><strong>Paddleboard rental and rental</strong></td>
<td><strong>State</strong></td>
<td><strong>$20,000</strong></td>
<td><strong>Private</strong></td>
</tr>
<tr>
<td>5. <strong>Cedar Key</strong></td>
<td><strong>Tide gauge installation</strong></td>
<td><strong>Private</strong></td>
<td><strong>$5,000</strong></td>
<td><strong>Private</strong></td>
</tr>
<tr>
<td>6. <strong>Cedar Key</strong></td>
<td><strong>Paddleboard rental and rental</strong></td>
<td><strong>Private</strong></td>
<td><strong>$10,000</strong></td>
<td><strong>Private</strong></td>
</tr>
</tbody>
</table>

**Total** | **$1,800,000** | **$750,000** |

**Note:** The table above represents a simplified version of the proposed grants in the REAR 2015 GRANT PROGRAM. The actual project details, funding sources, and amounts may vary.
<table>
<thead>
<tr>
<th>NUMBER</th>
<th>PROJECT EXTENSION</th>
<th>PROJECT TITLE</th>
<th>DESCRIPTION</th>
<th>COUNTY</th>
<th>COUNTY GOVERNMENT</th>
<th>TOTAL COST</th>
<th>GRANT AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>37</td>
<td></td>
<td>McCall Blue River Restoration Project</td>
<td>Reclaim a section of the Blue River previously mined with 3 sections of river that were restored allowing year round surface flow and riparian habitat.</td>
<td>N</td>
<td>Downtown</td>
<td>$4,382,000.00</td>
<td>$150,000.00</td>
</tr>
<tr>
<td>38</td>
<td></td>
<td>McCall Blue River Restoration Project</td>
<td>Reclaim a section of the Blue River previously mined with 3 sections of river that were restored allowing year round surface flow and riparian habitat.</td>
<td>N</td>
<td>Downtown</td>
<td>$4,382,000.00</td>
<td>$150,000.00</td>
</tr>
<tr>
<td>39</td>
<td></td>
<td>McCall Blue River Restoration Project</td>
<td>Reclaim a section of the Blue River previously mined with 3 sections of river that were restored allowing year round surface flow and riparian habitat.</td>
<td>N</td>
<td>Downtown</td>
<td>$4,382,000.00</td>
<td>$150,000.00</td>
</tr>
<tr>
<td>40</td>
<td></td>
<td>McCall Blue River Restoration Project</td>
<td>Reclaim a section of the Blue River previously mined with 3 sections of river that were restored allowing year round surface flow and riparian habitat.</td>
<td>N</td>
<td>Downtown</td>
<td>$4,382,000.00</td>
<td>$150,000.00</td>
</tr>
<tr>
<td>41</td>
<td></td>
<td>McCall Blue River Restoration Project</td>
<td>Reclaim a section of the Blue River previously mined with 3 sections of river that were restored allowing year round surface flow and riparian habitat.</td>
<td>N</td>
<td>Downtown</td>
<td>$4,382,000.00</td>
<td>$150,000.00</td>
</tr>
<tr>
<td>42</td>
<td></td>
<td>McCall Blue River Restoration Project</td>
<td>Reclaim a section of the Blue River previously mined with 3 sections of river that were restored allowing year round surface flow and riparian habitat.</td>
<td>N</td>
<td>Downtown</td>
<td>$4,382,000.00</td>
<td>$150,000.00</td>
</tr>
</tbody>
</table>

**TOTALS**

<p>| | | | | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$15,984,877.00</td>
<td>$1,176,102.83</td>
<td>$15,808,774.17</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$4,064,006.00</td>
<td>$156,818.00</td>
<td>$3,907,188.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$61,769.00</td>
<td>$2,118.00</td>
<td>$63,887.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$337,438.04</td>
<td>$38,886.13</td>
<td>$368,324.17</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$63,972.08</td>
<td>$12,106.08</td>
<td>$51,866.00</td>
</tr>
</tbody>
</table>
Federal Water Rights

**Colorado River Water Conservation District Policy Statements:**
The policy of the Colorado River Water Conservation District is that when the Congress or the President creates special federal land designations, such designations must clearly and explicitly specify and quantify the minimum amount, if any, of water necessary to fulfill the purpose of the land reservation. The River District will advocate that the quantification of any reserved rights be the minimum amount essential to preserve the primary purpose of the Congressional or Executive action which creates the federal land designation.

**Background & Discussion:**
The "Winters Doctrine" arose from the Supreme Court's 1908 decision in which it held that an implicit reservation of water rights is associated with historical federal designations of lands where water rights were not specified. The Winters Doctrine clearly established the judicial precedent of federal reserved water rights where such rights are necessary to fulfill the purpose of the federal reservation. The Winters Doctrine stands for the proposition that when the federal government makes a reservation of land, it necessarily and impliedly reserves (and exempts from appropriation under state law) sufficient water to meet the needs of the land reservation.

The dispute in the Winters case involved conflicts between claims to water by American Indian Tribes on the Fort Belknap Indian Reservation in Montana and appropriation claims made under state law by settlers in the Milk River basin. The U.S. Supreme Court held that the Indian treaty establishing the reservation impliedly reserved sufficient water of the Milk River for "use which would be necessarily continued through years." The court found that without water the reservation would be worthless and the purpose of the reservation would be destroyed.

The Supreme Court later clarified that when the federal government makes any reservation of land (not just an Indian reservation) it impliedly reserves only that amount of water sufficient to fulfill the purpose of the reservation, no more. *Cappaert v. United States*, 426 U.S. 128 (1978)

When Congress passed the McCarran Amendment, it waived its sovereignty with respect to state adjudication and administration of federal water rights claims, reserved and junior appropriations. The U.S. Congress adopted the McCarran Amendment in 1952 providing for state adjudicatory jurisdiction over federal water claims. The River District believes that the McCarran Amendment appropriately provides for adjudication of federal, reserved water rights in state water courts following the same manner and procedures as for other water rights.
Prior Appropriation

Colorado River Water Conservation District Policy Statement:
The Colorado River Water Conservation District supports Colorado’s system of prior appropriation as a fair and orderly system for allocating Colorado’s scarce water resources. Moreover, Colorado’s prior appropriation system has been proven TO BE both successful and flexible in addressing the public’s changing demands, beneficial uses, and values regarding Colorado water resources (e.g., instream flow and recreation in-channel diversion water rights). Additional flexibility and adaptation of the prior appropriation doctrine may be warranted to ensure the equitable allocation of Colorado’s remaining Colorado River Compact entitlement among the river’s sub-basins within Colorado and to equitable allocate water uses in the event of interstate compact administration.

Background:
Generally, water does not naturally exist in sufficient quantities where and when it is needed to sustain human settlement and enterprise in Colorado. As a scarce resource, the demand for which exceeds its supply, water in Colorado requires a system of allocation and enforcement to meet the needs of Colorado’s citizens and the natural environment, both current and future.

Colorado’s prior appropriation doctrine is enshrined in the state’s constitution, which states in relevant part:

“Section 5. Water of streams public property: The water of every natural stream, not heretofore appropriated, within the state of Colorado, is hereby declared to be the property of the public, and the same is dedicated to the use of the people of the state, subject to appropriation as hereinafter provided,” and

“Section 6. Diverting unappropriated water - priority preferred uses: The right to divert the unappropriated waters of any natural stream to beneficial uses shall never be denied. Priority of appropriation shall give the better right as between those using the water for the same purpose; but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall have the preference over those claiming for any other purpose, and those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes.”

Additionally, a rich body of law, both legislative and judicial, has evolved to address the state’s need for an orderly and transparent system of water administration and the embodiment of the prior appropriation doctrine as that system.

Colorado’s prior appropriation doctrine has proven its ability to adapt to the changing needs and
values of the state regarding its scarce water resources. Notable among recent adaptations of Colorado’s water allocation system are the 1972 Instream Flow Act and the 2001 Recreation In-Channel Diversion Act, both of which were adopted in a manner consistent with and incorporated into the prior appropriation system.

The 1922 Colorado River Compact and the 1948 Upper Colorado River Basin Compact provide that under certain circumstances, Colorado may be required to curtail water uses within the Colorado River basin to comply with interstate compact administration. The strict application of the prior appropriation doctrine in the event of compact administration could result in extreme hardship and economic disruption throughout the state. Merely the potential for future curtailment may result in undesirable speculation and competition for firm water supplies as Colorado moves closer to its full compact entitlement. Therefore, limited and targeted future adaptation of the prior appropriation doctrine may be necessary in order to equitably allocate the state’s remaining Colorado River entitlement and to equitably address the curtailment of water uses that may be necessary to comply with the 1922 and 1948 compacts.