

**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 4, 2016**

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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 and of the Colorado River Water Conservation District acting by and through its Colorado River Water Projects Enterprise was held on Thursday, February 4, 2016, at the offices of the Colorado River Water Conservation District, 201 Centennial Street, Glenwood Springs, CO.

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

Tom Alvey, Vice-President	Doug Monger
John Ely	Mike Ritschard
Tom Gray	William Trampe
John Justman	Alden Vanden Brink
David Merritt	Stan Whinnery

**Directors not participating:**

Jon Stavney, President	Gary Martinez
Marc Catlin	Martha Whitmore
Rebie Hazard	

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

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

**Quorum.**

Vice-President Alvey found a quorum and called the meeting to order at 12:01 p.m.

**Review Meeting Agenda.**

Director Whinnery moved, seconded by Director Merritt, to accept the meeting agenda as presented. Motion carried unanimously.

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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.

**State Issues.**

Chris Treese reported on potential River District legislation that would amend the River District's organic statute to provide an alternative process for the formation of subdistricts. Treese noted that he will speak with potential bill sponsors, key administration officials and members of the Southwestern Water Conservation District Board and staff.

Board discussion included whether there should be exclusion provisions for municipalities and counties where a majority of voters vote against creation of the subdistrict.

Director Monger moved, seconded by Director Vanden Brink, for staff to proceed with drafting potential legislation for the formation of a River District Subdistrict. Motion carried unanimously.

**Introduced Legislation:**

**HB 16-1109 CONCERNING LIMITS THAT THE BASIC TENETS OF COLORADO WATER LAW PLACE ON THE ABILITY OF CERTAIN FEDERAL AGENCIES TO IMPOSE CONDITIONS ON A WATER RIGHT OWNER IN EXCHANGE FOR PERMISSION TO USE FEDERAL LAND.**

This bill is a revised version of two previous years' bills that failed. It affirms that federal water rights must be adjudicated in the Colorado water courts. It prohibits state recognition or administration of any water right that federal agencies obtained through permit conditions. It excepts bypass flow conditions from this prohibition. This later "savings" was requested by the River District and several of our headwaters counties.

Director Trampe moved, seconded by Director Ely, to **monitor HB 16-1009**. Motion carried unanimously.

**SB 16-097 CONCERNING MEASURES TO ENSURE THAT REVENUE RELATED TO THE SEVERANCE OF MINERALS IN THE STATE IS USED IN AREAS MOST IMPACTED BY THE SEVERANCE.**

This bill would prohibit transfers of severance tax revenues dedicated to higher education and local governments. It does NOT include a prohibition against transfer of Department of Natural Resources water-related revenues. The bill title does not allow amendment to include protection of water-related revenues. Therefore, Treese suggested this is not a water bill.

Director Grey moved, seconded by Director Merritt, to **monitor SB 16-097**. Motion carried unanimously.

**SJR 16-003 CONCERNING APPROVAL OF WATER PROJECT REVOLVING FUND ELIGIBILITY LISTS ADMINISTERED BY THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY.**

This bill is the required, annual Water & Power Authority's projects approval resolution authorizing revolving fund grants and loans to drinking water and wastewater projects. The resolution also includes modifications and deletions to previously authorized projects.

Director Trampe moved, seconded by Director Whinnery, to **support SJR 16-003**. Motion carried unanimously.

**Anticipated Legislation/Amendment**

**DRAFT LEGISLATION ALLOWING THE OWNER OF AN AGRICULTURAL WATER RIGHT TO CHANGE UP TO 50% OF THAT WATER RIGHT TO ANY BENEFICIAL USE FOR RENEWABLE ONE YEAR PERIODS**

Chris Treese reported that this not-yet-introduced bill is a modified version of the FLEX bills that we have opposed for the past two years, and that most of the modifications to this year's draft are a result of our requests. As a reminder, our principal concern has been with the impact on other water right owners who don't want to

take advantage of this Alternative Transfer Method but who may have to enter into additional water court cases as a result of the undefined and variable end uses of the changed (albeit temporary) water right.

Director Whinnery moved, seconded by Director Gray, to **oppose the FLEX bill**. Motion carried unanimously.

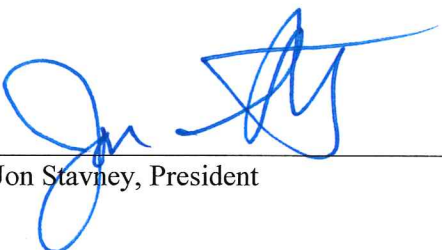
**HB 16-1005 CONCERNING A WATER PROVIDER'S AUTHORITY TO PERMIT RESIDENTIAL CUSTOMERS TO STORE PRECIPITATION FROM A RESIDENTIAL ROOFTOP FOR NONPOTABLE OUTDOOR USES.**

At the January 2016 quarterly board meeting, Chris Treese noted that that a competing "rain barrel" bill by Senator Sonnenberg was expected, however, currently the essence of his bill is being proposed as an amendment.

Director Monger moved, seconded by Director Merritt, to **support HB 16-1005 draft amendment**. Motion carried unanimously.

**Adjourn.**

There being no other business before the Board, Vice-President Alvey adjourned the meeting at 1:08 p.m.



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Jon Stavney, President

ATTEST:



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R. Eric Kuhn, Secretary/General Manager