

**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 18, 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 (CRWCD) and of the Colorado River Water Conservation District acting by and through its Colorado River Water Projects Enterprise was held on Thursday, February 18, 2016, at the offices of the Colorado River 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	Mike Ritschard
Tom Gray	William Trampe
Rebie Hazard	Alden Vanden Brink
John Justman	Martha Whitmore
Gary Martinez	Stan Whinnery
David Merritt	

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

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  
Chris Treese, Manager, External Affairs, CRWCD  
Jason Turner, Senior Counsel, CRWCD  
Torie Jarvis, Northwest Colorado Council of Governments  
Robert Simpson, Corporate Advocates  
Danny Williams, Corporate Advocates

**Quorum.**

President Stavney found a quorum and called the meeting to order at 12:00 p.m.

**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. Chris Treese and Peter Fleming shared a draft of potential changes to the statute. Chris Treese noted that he has spoken with potential bill sponsors, key administration officials and members of the Southwestern Water Conservation District Board and staff, and all are supportive.

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

Director Monger moved, seconded by Director Justman, for staff to continue proceeding with drafting potential legislation for the formation of a River District Subdistrict. 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.

**St. Jude's correcting legislation.**

Chris Treese noted that Peter Fleming had briefed the board in January on the outcome, concerns, and possible remedies to the Colorado Supreme Court's ruling in the St. Jude's case in which the River District filed an amicus brief.

Peter Fleming noted that a large number of attorneys have formed a coalition to legislatively address the most concerning elements of the ruling. Of particular concern is the potential threat to municipal-recreational contracts for water release and delivery, which are used to shepherd water to endangered fishes' critical habitat consistent with the 15 Mile Reach Programmatic Biological Opinion.

Director Whitmore moved, seconded by Director Ritschard, for staff to **continue to pursue legislation** correcting the ruling in the St. Jude's case. Motion carried unanimously.

**HB16-1255 CONCERNING ADDITIONAL METHODS TO MANAGE FORESTS TO SECURE FAVORABLE CONDITIONS FOR WATER SUPPLY.**

Chris Treese noted that this bill directs the Colorado State Forest Service to conduct pilot projects that utilize Colorado's good neighbor authority with the US Forest Service to implement forest management that improves forest health and resilience and supplies forest products to Colorado businesses and that target a Colorado watershed. This bill allocates at least \$200,000 (of existing appropriations) to implement the pilot projects. This bill also requires the Colorado Water Conservation Board (CWCB) to conduct, or contract, a study to document the relationship between the state water plan and the importance of forest management in protecting and managing Colorado's water resources.

Director Trampe moved, seconded by Director Catlin, to **support HB 16-1255**. Motion carried unanimously.

**HB 16-1226 CONCERNING A STUDY REGARDING THE CREATION OF ADDITIONAL WATER STORAGE IN THE SOUTH PLATTE RIVER BASIN.**

Chris Treese reported that provisions of HB 16-1226 require the CWCB and the Office of the State Engineer to conduct or commission a hydrology study of the South Platte to determine, for each of the previous 20 years, the amount of water that has exited Colorado in excess of the amount required under the South Platte Compact.

Director Catlin moved, seconded by Director Trampe, to **support HB 16-1226**. Motion carried unanimously.

**SB 16-128 CONCERNING THE ABILITY TO AMEND LIMITED TERMS THAT GOVERN THE OPERATION OF A WATER RIGHT WITHOUT REOPENING ALL TERMS GOVERNING THE PREVIOUS APPROVAL OF THE OPERATION.**

Chris Treese reported that SB 16-128 is about the limited reopening of a decreed water right if it is for augmentation or approved substitute water supply plans without reopening the entire decree or plan approval.

Peter Fleming noted that a portion of the bill that was especially unclear was whether or not a petition of reopening could only come from the original applicant.

Director Whitmore moved, seconded by Director Trampe, to **amend SB 16-128**. Motion carried unanimously.

**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. Colorado River Cooperative Agreement – Implementation Issues.

Director Whitmore moved, seconded by Director Trampe, 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 1:20 p.m.*

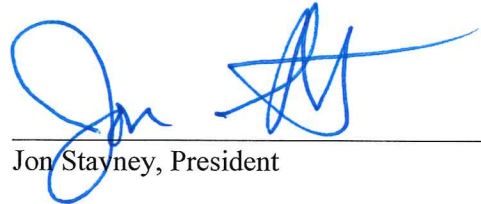
**General Counsel's Report – Public Session.**

Peter Fleming reported that during Executive Session, the Board provided guidance to staff and General Counsel on the following matters:

- Colorado River Cooperative Agreement – Implementation Issues.

**Adjourn.**

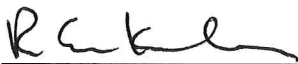
There being no other business before the Board, President Stavney adjourned the meeting at 1:21 p.m.



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Jon Stavney, President

ATTEST:

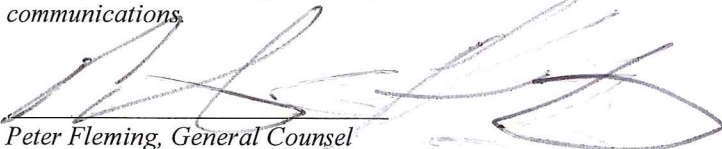


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R. Eric Kuhn, Secretary/General Manager

*Executive Session Attestations.*

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



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Peter Fleming, General Counsel

