



GUNNISON COUNTY, COLORADO

BOARD OF COUNTY COMMISSIONERS
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February 23, 2000

TO: Those Interested

FROM: Marlene Zanetell

RE: Update on legislative and other matters,
regarding Colorado River Water Conservation District.

The Legislative Issues Committee of which I am a member, met in telephone conference on February 17 with Chris Treese, CRWCD's Director of External Affairs and lobbyist.

Here is a summary of issues/bills CRWCD is tracking at the Colorado General Assembly:

1. The deadline for introducing bills has passed and so most of the bills of water interest have surfaced for this session. Two late bills, which have permission to be introduced, are of concern:
 - a. CRWCD supports and expects a late bill to specially authorize the conversion of a conditional storage water right in the Yampa Basin to a state in-stream flow right there.
 - b. CRWCD opposes a proposal by Representative Mark Paschall (R - Arvada) to create a permanent interim committee on water. The committee's mission would be similar to CWCB's, with representation weighted toward the eastern slope. February 18 - I contacted our Representative Carl Miller on this and encourage you to do the same. Kathleen Klein and the UGRWCD are concerned and on top of this, and we will stay in touch.
2. SB-113 was killed in Senate Agriculture Committee, by a 5-2 vote. CRWCD opposed the bill, as did the UGRWCD and Gunnison County. It proposed to enlarge membership on the Colorado Water Conservation Board, such that representation from the western slope, etc. would be weakened. See attached copy letter to Senator Chlouber from Gunnison County Commissioners expressing concern with his vote in committee favoring this bill.



3. Chris Treece is directed to track the growth bills regarding provisions relating to water matters; specifically, CRWCD opposes any language that would threaten or weaken Counties' 1041 land use powers. (Remember, Eagle County resorted to 1041 powers regarding Colorado Springs proposed Homestake II water project, which led all the way to the U.S. Supreme Court, where the County was upheld.) Also, CRWCD supports inclusion of language in growth bills, as appropriate, which requires developers to identify adequate water supply.
4. Per Legislative Issues Committee vote of February 17, in addition the CRWCD addressed the following key bills:
 - a. CRWCD supports HB 1314, authorizing the reintroduction of the bonytail (per the Recovery Program).
 - b. CRWCD supports HB1315, which authorizes the Colorado Water Control Commission to develop standards to permit domestic wastewater to be reclaimed and reused in Colorado. This pertains only to reuse for non-potable (not drinking) water purposes, for use on parks, etc., but is an important step to enable and encourage the metro area/front range to "stretch" and more efficiently use their existing water supplies.
 - c. CRWCD will monitor HB 1290 regarding water quality control's discharge permit program/fees.
 - d. CRWCD opposed HB1322 which concerns requirements for introduction of species into Colorado. A mixed bag with some good intentions, but main effect is to constrain the state's flexibility in recovery program/actions aimed at getting endangered species to where they can be delisted. For example, if a species is introduced in an area to assist recovery, the bill would deem the introduction a failure if 40% of the individuals of such species die or become unaccounted for within 12 months. How would you tag and account for within one year the fate of tens of thousands of fingerling Razorback Suckers being placed in the lower Gunnison River?

In other matters, Mike Gross hydrologist on CRWCD staff, has resigned effective April 30. Mike is well known to us here in the upper Gunnison Basin, where we have often relied upon his expertise.

As you know, Governor Owens appointment of a new Gunnison – Uncompahgre Basin representative to the Colorado Water Conservation Board is in the offing. It is presumably Montrose County's turn to fill the seat. Jim Hokit of UVWUA has applied and sought CRWCD board endorsement which we gave, noting that others might similarly seek endorsement and would be considered as well. None have done so yet, as far as I know. By law, the Governor must have a certain balance of D's and R's on the board and this may affect Jim's (R) chances. It is said the Governor may be looking for a D from Montrose, although no such candidate has yet been mentioned. I understand Kathleen Klein (D) and Tyler



Martineau (D) – who served for us on the CWCB before current member, Ray Werner of Delta – have expressed some interest. So, if you learn more about all this, hope you'll share it.

The CRWCD has \$140,000 available this year for grants for water "projects" (loosely defined) in the 15 county river district. Last year the CRWCD awarded a \$30,000 grant to Spann Ranches toward costs of a project replacing a cobble diversion dam structure on the Gunnison River with an improved structure that should divert efficiently but not require so much heavy equipment in the river to maintain it. Sounds like a good improvement all around! This year the County has applied for a \$3,000 grant toward the costs of a study to assess the hydrologic effects of the water park (for kayakers, etc.) that has been proposed to the County Commissioners on the Gunnison River stretch which the County owns and has opened to the public, just west of the Highway 50 bridge. Before proceeding to consider this, the County needs to surface any potential impacts regarding water matters.

The CRWCD will meet on March 15-16 for a special worksession on water quality issues, which I will attend. The next regular meeting (quarterly) is April 18-19.

A reminder that oral arguments on Union Park are scheduled for March 1 before the Supreme Court. Each side only gets ½ hour. Our team of opposing attorneys have decided Steve Simms, Assistant Attorney-General, and Hank Meshoar, for the United States will make our oral argument – due to the nature of the critical issues. They say the consultation with a former State Supreme Court justice reviewing our case and advising on the orals, was very productive. A decision could come by May 1st. Godspeed to all in our effort.

As you may have heard, at the request of Harold Miskel of Colorado Springs, the CWCB adjusted their agenda at the last minute and allowed Union Park proponents, County Commissioner Marie McKenzie, Dave Miller and Attorney Paul Zilas to make a ½ hour presentation. Steve Simms of the Attorney-General's office made a short rebuttal. Steve Glazer, of UGRWCD and HCCA was present also and, I think, got a word in edgewise. Eric Kuhn, the River District's Manager and also the Colorado mainstem's member on the CWCB reported to CRWCD board: "The CWCB is not technically a party in the Union Park case. However, the State Engineer and the Attorney-Generals' office have briefed the CWCB on the Aspinall-related issues. In my opinion, the State Engineer's office has been taking positions on the Aspinall decrees/CRSPA issues that are consistent with historic positions developed by state officials well before the Union Park case". David Baumgarten, County Attorney, has a transcript of the CWCB meeting segment regarding this matter, and you can stop by his office to read it, if you wish. I attach a copy of Dave Miller's recent letter to CWCB misrepresenting these issues.



FYI, you can track state legislative matters/bills on the General Assembly's home page: <http://www.leg.state.co.us>, or you can get information on the status of bills by calling (303) 866-2331.

Thank you.


Marlene Zanetell

Attachments: BOCC letter to Senator Cholouber regarding CWCB
Dave Miller letter to CWCB

