

said that he is hesitant about applying for a water use efficiency grant.

Butch Clark said that the topics which he suggested would demonstrate better use of water but not necessarily less use of water.

Susan Lohr said that staff time may be too limited to prepare a grant application.

Lee Spann suggested that Mr. Clark's ideas be shared with other groups, perhaps some in Crested Butte.

Dennis Steckel said that he agrees with Susan Lohr regarding the prioritization of staff time. He said that the District does, however, need to address conservation of water.

12. MISCELLANEOUS MATTERS

President Trampe asked how the board wanted to proceed on the first legal matter: Legal Opinion Concerning Control of Water within Streams. Mr. Bratton said that Mr. Spann had requested a legal opinion before discussion of the topic at a board worksession. President Trampe said that this matter will be addressed in a future worksession.

Tyler Martineau asked what role the District should take in regard to the anticipated flooding conditions.

Lee Spann said that the District cannot handle responses to flooding.

Dick Bratton said that the District is involved with the operation of Taylor Park Reservoir.

Susan Lohr said that the District is involved with the measurement of stream flows at gaging stations.

The consensus of the board was that the District does not have a role with respect to flooding except to provide input to the U.S. Bureau of Reclamation concerning the operation of Taylor Park Reservoir.

Tyler Martineau referred the board to his May 3, 1993 memorandum regarding the development of a financial plan for the CWCB Construction Fund. He asked the board's direction in responding to the questionnaire attached to the memorandum.

Mr. Martineau recommended that the District identify the twelve components of the Upper Gunnison Project and that he state the goals identified by the District but not rank them in any order.

Purvis Vickers asked if these projects are recreational only or can they be multiple use projects. Mr. Martineau said the CWCB wants to project future construction costs and there can be a variety of uses.

Mr. Vickers asked about the possibility of a joint project between the Division of Wildlife and water users. He said that he knows of a project on the Lake Fork and he might file a CWCB grant application on behalf of Hinsdale County.

President Trampe asked for board direction to Mr. Martineau on response to the questionnaire. Bob Arnold suggested that Mr. Martineau respond as he had presented in the memorandum to the board.

Mr. Martineau reported that the District had contracted with Lynn Cudlip to gather water quality data for the East River Water Supply/Water Quality Study.

Mr. Martineau reported that Senate Bill 180 regarding basin-to-basin transfers was defeated.

Mr. Martineau announced that the Division of Wildlife sent information on upcoming meetings on endangered species and the native fish program.

Butch Clark announced that he will report to the Community Action Network on the Upper Gunnison River Water Conservancy District activities.

13. UNSCHEDULED CITIZENS

Steve Glazer said that he will attend the Colorado River Headwaters Forum on June 2, 1993 and asked if the District would like to participate. Dennis Steckel suggested that Mr. Glazer share his information with the District.

Mr. Glazer commended Tyler Martineau for his work as Colorado Water Conservation Board chairperson.

Mr. Glazer reported that the Water Quality Control Commission has finalized its rulemaking relating to wetlands.

14. FUTURE MEETINGS

Tyler Martineau asked if the board wanted to consider a meeting out of Gunnison. He suggested Lake City or Crested Butte as alternatives.

Lee Spann moved that the next board meeting be held in Crested Butte on June 21, 1993 at 1:00 p.m. Susan Lohr seconded the motion.

President Trampe said that the June 21 meeting will be the annual meeting. Susan Lohr suggested that the meeting in Crested Butte be postponed until July 1993.

Lee Spann withdrew his motion.

President Trampe announced that the annual meeting will be held on June 21, 1993 at 1:00 p.m. in Gunnison.

15. ADJOURNMENT

The meeting was adjourned at approximately 10:45 p.m.

Respectfully submitted,

Mark Schumacher, Secretary

APPROVED:

William S. Trampe, President

OPERATIONAL EXPENSES PAID

April 7, 1993	U. S. West Communications-office telephone	\$152.57
April 7, 1993	The Paper Clip-office supplies	64.02
April 7, 1993	Colorado State Treasurer-1st Quarter Unemployment Insurance Tax	56.32
April 7, 1993	Ellis Jewelry-plaque & engraving	75.70
April 7, 1993	Tyler Martineau-March direct administrative travel expense	310.83
April 10, 1993	Silver World Publishing-March meeting notices	40.80
April 10, 1993	Chronicle & Pilot-March notices	60.95
April 12, 1993	Gunnison Combined Court-xeroxing of Court records	57.37
April 12, 1993	Treasurer-State of Colorado-PDPA appli- cation	10.00
April 30, 1993	M.C.I.-office telephone	3.21
April 30, 1993	West Virginia University-publications	7.10
April 30, 1993	The Computer Store-printer repairs	45.00
April 30, 1993	Quill Corporation-Canon Plain Paper FAX	855.35
April 30, 1993	Tyler Martineau-net salary for pay period 4/1/93-4/30/93	2,584.02
April 30, 1993	Patrice Thomas-net wages for pay period 4/1/93-4/30/93	626.35
April 30, 1993	Rita McDermott-net salary for pay period 4/1/93-4/30/93	251.45
April 30, 1993	Colorado Department of Revenue-CWT- April	229.20
April 30, 1993	First National Bank-FWT & FICA-April	1,669.96

OTHER EXPENSES PAYABLE

May 10, 1993 Scheduled Meeting:

Bob Arnold	attendance-\$25	\$25.00
Ralph Clark III	attendance-\$25	25.00
Susan Allen Lohr	attendance-\$25 & 72 mi.@.25-\$18	43.00
Ramon Reed	attendance-\$25	25.00
Mark Schumacher	attendance-\$25 & 20 mi.@.25-\$5	30.00
Peter Smith	attendance-\$25	25.00
Lee Spann	attendance-\$25 & 6 mi.@.25-\$1.50	26.50
Dennis Steckel	attendance-\$25	25.00
Doyle Templeton	attendance-\$25 & 64 mi.@.25-\$16	41.00
William Trampe	attendance-\$25 & 14 mi.@.25-\$3.50	28.50
Purvis Vickers	attendance-\$25 & 120 mi.@.25-\$30	55.00
L. Richard Bratton	May retainer fee	50.00
Bratton & McClow Williams, Turner, & Holmes P.C.	May invoice	7,365.28

**ATTORNEY INVOICES RECEIVED AND PAID
1993**

Bratton and Associates

Invoice Date	Amount	Date Paid	Budget Year Expended
12/23/92	\$5,795.34	1/11/93	1992
1/27/93	\$3,055.31	2/12/93	1993
2/26/93	\$8,222.00	3/15/93	1993
3/29/93	\$4,811.26	4/12/93	1993

Williams, Turner, & Holmes, P.C.

	Invoice Date	Amount	Date Paid	Budget Year Expended
diligence	12/31/92	\$126.30	2/8/93	1992
diligence	1/31/93	\$208.10	3/8/93	1993
water rights	1/31/93	\$234.20	3/8/93	1992
diligence	2/28/93	\$1,045.10	4/12/93	1993
water rights	2/28/93	\$70.00	4/12/93	1993
diligence	3/31/93	\$442.20	4/12/93	1993
water rights	3/31/93	\$233.40	4/12/93	1993

Helton & Williamsen, P.C.

	Invoice Date	Amount	Date Paid	Budget Year Expended
Engineering Services	4/9/93	\$63.75	4/12/93	1993

Total Disbursed \$24,306.96

Total Disbursed-1993 Budget \$18,151.12

Note: These amounts include Travel Expense

UGRWCD BUDGET SUMMARY-APRIL 1993

	<u>APRIL</u> <u>EXPENSE</u>	<u>YEAR-TO-DATE</u> <u>AS OF 4/30/93</u>	<u>1993 BUDGET</u>	<u>% EXPENDED</u>
Administrative Salary	\$3,750.00	\$14,285.69	\$45,000.00	32%
Secretary Salary	930.00	3,574.50	11,000.00	32%
Board Treasurer Salary	300.00	1,200.00	4,000.00	30%
Payroll Taxes & Benefits	437.30	1,834.11	7,000.00	26%
Staff Conference & Training	0.00	0.00	500.00	0%
Legal Retainer Fees	50.00	200.00	600.00	33%
Legal Exp & Eng. Related	6,665.71	23,830.16	65,000.00	37%
Audit & Accounting	0.00	0.00	1,200.00	0%
Rent & Utilities	0.00	0.00	1,500.00	0%
Stream Gages O&M	0.00	0.00	7,300.00	0%
Stream Gages Construction	0.00	0.00	7,000.00	0%
Bonding	0.00	50.00	300.00	17%
Insurance/Premises	0.00	0.00	500.00	0%
Office Telephone	155.78	585.69	2,700.00	22%
Attorney Telephone	0.00	0.00	500.00	0%
Legal Printing	101.75	273.15	1,300.00	21%
Administrative Travel	310.83	536.16	4,000.00	13%
Attorney Travel	0.00	476.80	2,000.00	24%
Board of Directors Travel	0.00	0.00	500.00	0%
Office Supplies	119.02	212.91	1,800.00	12%
Postage	0.00	316.00	1,200.00	26%
Copying	57.37	900.75	1,100.00	82%
Publications Acquisition	7.10	53.10	500.00	11%
Office Equipment	855.35	1,015.25	6,500.00	16%
Board of Directors Fees	450.00	1,700.00	5,000.00	34%
Board of Directors Mileage	127.00	434.50	1,400.00	31%
Uncompahgre Water Users	0.00	3,000.00	3,000.00	100%
CWC Membership	0.00	400.00	500.00	80%
WSC Water Workshop	0.00	0.00	1,200.00	0%
Water Resources Study	0.00	0.00	5,000.00	0%
Promotion & Guest Expense	75.70	75.70	1,500.00	5%
County Treasurer's Fees	999.39	2,204.89	7,000.00	31%
Subtotals	<u>\$15,392.30</u>	<u>\$57,159.36</u>	<u>\$197,600.00</u>	<u>29%</u>
Contingency			9,000.00	0%
Emergency Reserves			2,700.00	0%
Water Resource Protection & Development Reserves			37,000.00	0%
Totals	<u>\$15,392.30</u>	<u>\$57,159.36</u>	<u>\$246,300.00</u>	<u>23%</u>

UGRWCD
FINANCIAL DATA-4/1/93 THRU 4/30/93

Balance on Hand - March 31, 1993

	Checking Account	\$21,324.14
	Petty Cash	100.00
	Time C.D.-FNB	2,634.16
	Time C.D.-Wetlands Fund	917.01
	Money Maker-GS&L	40,584.54
	Time C.D.-FNB-Lake City	40,378.08
	Passbook Savings	<u>27,704.85</u>
	TOTAL FUNDS 3/31/93	\$133,642.78

Tax Receipt Collections thru March

Real Estate	\$36,022.67
Specific Ownership	3,041.61
Interest	<u>252.99</u>

Note: Treasurers' Fees are included \$39,317.27

March Tax Receipt Collections Paid in April

Real Estate	\$30,789.32
Specific Ownership	1,587.51
Interest	<u>303.30</u>

Note: Treasurers' Fees are included \$32,680.13

Interest on Investments received in April

451.07

TOTAL TO DATE

\$166,773.98

Total Disbursements thru 4/30/93

15,392.30

TOTAL FUNDS 4/30/93

\$151,381.68

Balances as of 4/30/93

Checking Account	\$38,655.53
Petty Cash	100.00
Time C.D.-FNB of Gunnison	2,656.89
Time C.D.-Wetlands-FNB of Gunnison	920.13
Money Maker-GS&L	40,701.90
Time C.D.-FNB of Lake City	40,378.08
Passbook Savings	<u>27,969.15</u>
TOTAL FUNDS 4/30/93	\$151,381.68

BRATTON & McCLOW
232 West Tomichi, Suite 202
P.O. Box 669
Gunnison, Colorado 81230
(303) 641-1903

COPY

Upper Gunnison River Water
Conservancy District
275 South Spruce Street
Gunnison, Colorado 81230

April 28, 1993

Professional services:

Diligence

04/22/93 jh Conference with Dick Bratton

UGd Work on issue of alternate uses of water rights;
telephone conference with Scott Loveless (Department
of Justice)

04/23/93 jh Research

Amount

SUBTOTAL:

[

495.00]

Administrative

04/01/93 SP Research liability issues re: volunteers

04/05/93 SP Preparation of memorandum re: volunteer issues;
revise same

04/12/93 UGd Prepare for meeting; review proposed agreement with
City of Gunnison and prepare suggested amendments;
attend regular meeting

04/19/93 UGd Telephone conference with Tyler, Lee, Andy re:
appeal - CRWCD

04/20/93 UGd Review office file re: notice of appeal issues;
telephone conferences with Lee (2), Don Hamburg,
Andy

PAYMENT IN FULL IS DUE ON RECEIPT OF STATEMENT. A LATE CHARGE
OF 1 1/2% PER MONTH WILL BE ASSESSED ON BALANCES NOT RECEIVED WITHIN 30 DAYS.

THIS STATEMENT DOES NOT INCLUDE DISBURSMENTS FOR WHICH WE HAVE NOT YET BEEN BILLED.

04/25/93 UGd Review, revise minutes of Board Meetings

Amount

SUBTOTAL: [782.50]

Rocky Point03/17/93 UGj Attend coordinating meeting with local intervenors;
review of strategy (*This item was not included in
March statement)

03/26/93 jh Conferences with Dick Bratton and Tyler Martineau

03/30/93 UGj Telephone conference with David Baumgarten re: study
contract between NESCO and Bureau of Reclamation;
outline comments

04/22/93 jh Research and review files

04/23/93 jh Research and outline strategy

SUBTOTAL: [2,620.00]

Taylor Park Res - Refill & Assignment03/30/93 UGd Telephone conference with John Hill & Tyler re:
operations of Taylor Park Reservoir04/02/93 UGd Review Hill material re: Taylor Park Reservoir
administration04/05/93 UGd Telephone conference with Lynn Collins; draft letter
to Lynn with assignment04/19/93 UGd Telephone conference with Tyler re: refill right and
management contract

SUBTOTAL: [225.00]

Private Instream Flow Rights

03/29/93 jh Conference with Mike Gheleta

jh Research

03/30/93 jh Research; conference with Tyler Martineau, Duane
Helton

PAYMENT IN FULL IS DUE ON RECEIPT OF STATEMENT. A LATE CHARGE
OF 1% PER MONTH WILL BE ASSESSED ON BALANCES NOT RECEIVED WITHIN 30 DAYS.

THIS STATEMENT DOES NOT INCLUDE DISBURSEMENTS FOR WHICH WE HAVE NOT YET BEEN BILLED.

- 03/31/93 jh Write memo; redraft agreement
- 04/02/93 jh Conference with Tyler; revisions to draft
- 04/05/93 jh Meeting with Duane Helton; conferences and final memo
- UGd Telephone conference with Mike Gross re: private instream flow rights and Taylor Park Reservoir operation; telephone conference with John Hill re: memo to Tyler
- UGd Review revised draft of memo to Tyler; telephone conference with John; telephone conference with Tyler
- 04/06/93 jh Conference with Dick Bratton and Tyler Martineau
- UGd Telephone conference with Tyler re: meeting with Cockrell and White about private instream rights
- 04/21/93 UGd Telephone conference with Ken Balcomb, Pete Klingsmith, John Kreidler re: 1975 private instream flow decree and stipulation; review 1975 decree
- UGd Review old files re: reference to fish flows in Taylor River prior to January 1975
- 04/22/93 UGd Review exhibits in 202/203 re: prior operation of Taylor Dam; prepare copies for Bureau
- UGd Attend operations meeting in Montrose with Bureau of Reclamation, Uncompahgre, CRWCD and Cockrell representatives
- 04/24/93 UGd Work on resolution of Cockrell private instream flow issue; work on draft of proposed language for agreement
- 04/27/93 UGd Telephone conference with Barney re: 1993 operations

	<u>Amount</u>
SUBTOTAL:	[2,805.00]
	<hr/>
For professional services rendered	\$6,927.50
Itemization of costs	
-Westlaw Research Fees	61.25

PAYMENT IN FULL IS DUE ON RECEIPT OF STATEMENT. A LATE CHARGE OF 1 1/2% PER MONTH WILL BE ASSESSED ON BALANCES NOT RECEIVED WITHIN 30 DAYS.

THIS STATEMENT DOES NOT INCLUDE DISBURSEMENTS FOR WHICH WE HAVE NOT YET BEEN BILLED.

	<u>Amount</u>
-Postage expense	9.74
-John Hill - lodging while in Gunnison, April 21 - 23	130.92
-John Hill - meals while in Gunnison April 21 - 23	32.90
-U.P.S. delivery charges	18.00
-Telecopier expense	64.00
-Long distance telephone expense	88.72
-Photocopier expense	32.25
	<hr/>
Total costs	\$437.78
	<hr/>
Total amount of this bill	\$7,365.28

PAYMENT IN FULL IS DUE ON RECEIPT OF STATEMENT. A LATE CHARGE
OF 1 1/2% PER MONTH WILL BE ASSESSED ON BALANCES NOT RECEIVED WITHIN 30 DAYS.

THIS STATEMENT DOES NOT INCLUDE DISBURSEMENTS FOR WHICH WE HAVE NOT YET BEEN BILLED.

HELTON & WILLIAMSEN, P.C.
 384 INVERNESS DRIVE SOUTH, SUITE 115
 ENGLEWOOD, COLORADO 80112
 PHONE (303) 792-2161
 FAX (303) 792-2165

May 7, 1993

Upper Gunnison River Water Conservancy District
 275 South Spruce Street
 Gunnison, Colorado 81230

Date Recd. 5/10/93 Addn. Ckd. Piot
 Inv. Appr. _____ Amt. Appr. _____
 Pd. Date _____ Acct. # _____
 Bd. Mbr. Appr. Date _____ CK# _____
 Board Member Initials _____

INVOICE

Project Description: Provision of engineering services as requested by client of counsel.

Job Number: U201

Billing Period: April 1 through 30, 1993

Work Completed:

- 1) Read and evaluated various documents relating to the accounting of water under the Taylor Park refill right decreed in Case No. 86CW203 and Cockrell's instream flow right decreed in Case No. W-1991 including the March 29, 1993 Spronk proposal and the April 2 and April 9, 1993 memos by T. Martineau.
- 2) Met with J. Hill on April 5, 1993 to discuss the accounting issues described above.

Itemized Charges:

D. Helton	2.50 hrs @ \$85.00/hr	\$212.50
AMOUNT DUE THIS STATEMENT		\$212.50
	PREVIOUS AMOUNT DUE	\$63.75
	PAYMENT - THANK YOU	-\$63.75
TOTAL AMOUNT DUE		\$212.50

HELTON & WILLIAMSEN, P.C.

Duane D. Helton
 Duane D. Helton

BRATTON & McCLOW
Attorneys at Law
232 West Tomichi Avenue, Suite 202
P.O. Box 669
Gunnison, Colorado 81230
Telephone (303) 641-1903
Telecopier (303) 641-1943

Denver Office:
999 Eighteenth Street, Suite 1350
Denver, Colorado 80202
Telephone: (303) 295-3613
Telecopier: (303) 294-9933

L. Richard Bratton
John H. McCLOW

John R. Hill, Jr.
Of Counsel

May 6, 1993

Board of Directors and Tyler Martineau
Upper Gunnison River Water Conservancy District
Gunnison, Colorado 81230

RE: UGRWCD Conditional Water Rights

Dear Susan and Gentlemen:

You previously asked that I provide you with a legal memo covering the possibility of using the District's conditional water rights for purposes different from those for which they were originally decreed; in particular, instream uses for various purposes. The purpose of this memo is to give you a base of understanding as you begin to consider the development of said water rights and the maintenance of diligence for those rights which are not put to a beneficial use during the diligence period. John Hill and I have developed a memorandum for this purpose. This memo is enclosed. John and I plan to discuss this with you in greater detail at the next meeting on Monday, May 10, 1993.

If any of you have any questions and would like to call me to discuss it in the meantime, I would be glad to do so.

Very truly yours,



L. Richard Bratton

LRB:ddc
Enclosure

MEMORANDUM

Date: August 9, 1993

From: John R. Hill, Jr

To: Board of Directors
Upper Gunnison River Water Conservancy District

Subject: Opinion on the Utilization of the District's Conditional Water Rights Including Instream Use to Create or Enhance Fish and Wildlife Habitat and Wetlands as a Means of Making Absolute or Satisfying the Diligence Requirement (**REVISED**).

Attached hereto is a revised copy of the subject opinion. The original was dated May 5, 1993. Please discard that opinion and replace it with the revised opinion. The revision accomplishes the following:

1. Deletes a sentence on page 4 concerning the practicability of constructing reservoirs. The sentence was not based on any factual or legal investigation or specific knowledge of the feasibility of constructing any of the reservoirs. Accordingly, it should not have been included in the first instance.
2. The Stubbs Gulch Canal has been included in Table I; it was inadvertently omitted from the original version.
3. A footnote 5 has been added on page 11 to reflect that it may, under some circumstances, be possible to change the entire decreed amount. There is a case pending in the Colorado Supreme Court in which this issue will be addressed. I will follow it and keep you advised.

MEMORANDUM

Date: May 5, 1993 (revised August 9, 1993)

From: Dick Bratton and John Hill

To: Board of Directors, Upper Gunnison River Water Conservancy District

Subject: Opinion on the Utilization of the District's Conditional Water Rights Including Instream Use to Create or Enhance Fish and Wildlife Habitat and Wetlands as a Means of Making Absolute or Satisfying the Diligence Requirement.

Summary

The Colorado Water Conservation Board (CWCB) has the exclusive authority to make appropriations of minimum stream flows to preserve the environment to a reasonable degree. A minimum stream flow is a specified flow between two points on a stream without any diversion or any structure. In City of Thornton v. City of Fort Collins, 830 P.2d 915 (Colo. 1992), the Colorado Supreme Court held that water may be appropriated by [entities other than the CWCB] by means of "a structure or device which either removes water away from its natural course or location and towards another course or location or which controls water within its natural watercourse, assuming such action puts the water to beneficial use." The first means, removing water from its natural course or location and towards another course or location, permits the use of water instream for fish and wildlife or other beneficial purpose. This kind of appropriation also gives the appropriator the right to control the water (i.e. prevent others from appropriating it) throughout the reach in which it is beneficially used. This (first) means offers relatively certain prospects of success. The probability of success with the second means, controlling water within its natural course, is much less certain. There are several reasons for this. First, the degree of control which must be exerted is not at all clear. The Supreme Court held that a boat chute and a fish ladder could provide sufficient control provided Fort Collins can demonstrate that the devices function and that they put water to beneficial use. Second, it is not clear and perhaps doubtful, that the appropriator can control the water downstream of the point of control. It is not possible to predict with any confidence what type of structure or device would suffice to provide the type of "instream" control needed to qualify under the rule announced in City of Thornton. However, we doubt that projects utilizing log or rock weirs or even gabions to create pools or provide "holding" water to improve fish habitat provide enough control to qualify.

Assuming the success of an appropriation of one of the types discussed above, one or more of the District's conditional water rights could be transferred (changed) to the new point of diversion and place of use and beneficially used there. The usual limitation that no other water right may be injured applies. This usually means that only the contemplated draft or depletions of the conditional water right could be transferred. This would put the water to beneficial use and satisfy the diligence requirement.

There are also a variety of other transfers or changes that can be made to put the conditionally decreed water to beneficial use. Colorado law encourages creativity in this regard. The engineering, economic and environmental, as opposed to the legal, feasibility is more likely to limit these options.

Factual Background

This opinion addresses the water rights conditionally decreed to the Ohio Creek and East River Units of the Upper Gunnison Basin Project in Civil Action No. 5590 in the District Court of Gunnison County on January 27, 1961 in Water District No. 59 and those rights conditionally decreed to the Tomichi and Cochetopa Units of the Upper Gunnison Basin Project in Civil Action No. 5591 in the same court on December 15, 1961 in Water District No. 28. These rights were adjudicated to various features of a single comprehensive project pursuant to statements of claim filed by the Colorado River Water Conservation District (River District) based upon surveys and reconnaissance reports by the Bureau of Reclamation.

The decrees in Civil Actions Nos. 5590 and 5591 recognized that the Upper Gunnison Basin Project is a single project with multiple "interrelated features." Each feature (structure) was assigned a priority number for administrative purposes, but each structure was awarded a priority date of November 13, 1957. Thus, the rights have equal priorities with each other and with the completed features of the Upper Gunnison Basin Project such as the Aspinall Unit. The decrees also recognized that the project should promote "integrated or unified administration and distribution of waters in the Upper Gunnison Basin, so far as Colorado law permits." The original decrees also recognized, but did not specifically decree, that the water stored and diverted by the various features of the project would be used for a variety of purposes including fish and wildlife.

On January 26, 1962 the River District conveyed to the Upper Gunnison River Water Conservancy District (District) the sixteen water rights decreed for the Ohio Creek, East River, Tomichi and Cochetopa Units of the Upper Gunnison River Basin Project. Until 1991, the District had been successful in demonstrating reasonable diligence toward completion of the projects and application of the conditionally decreed water to beneficial use. Arapahoe County opposed the District's 1988 application for finding of reasonable diligence, obviously because of its own designs on the waters of the basin.¹ By decree entered May 30, 1991, the court cancelled the water rights decreed to the Taylor River Canal, East River Canal, Ohio City Reservoir and the Quartz Creek Canal. After the Colorado Supreme Court's decision and remand for further proceedings,² the District and Arapahoe County entered into a stipulation which was the basis for supplemental findings and decree providing that the East River Canal and Taylor River Canal shall not be cancelled but are subordinate to Arapahoe County's rights granted in Case No. 82CW340 (Union Park) and any which may be granted in Case Nos. 86CW226 and 88CW178.

¹Concerning the Application for Water Rights of Upper Gunnison River Water Conservancy District, District Court, Water Division No. 4, Case No. 88CW183).

²Upper Gunnison River Water Conservancy District v. Board of County Commissioners of Arapahoe County, 841 P.2d 1061 (Colo. 1992).

The remaining rights are tabulated below.

Table I — Upper Gunnison River Water Conservancy District Conditional Water Rights

Structure	Amount	Source	Decreed Use (s)	Remarks
Castleton Reservoir	9,000 af	Castle Ck.	Domestic & Irrigation	
Ohio Creek Canal	277 cfs	Ohio Ck. Pass Ck. Castle Ck.	Domestic & Irrigation	
Taylor River Canal	302 cfs	Gunnison R.	Domestic & Irrigation	Subordinated
East River Canal	82 cfs	East R.	Domestic & Irrigation	Subordinated
Monarch Reservoir	29,200 af	Tomichi Ck. Long Br. Ck. Marshall Ck.	Ambiguous, probably Irrigation, domestic & stockwater	
South Crookton Canal	277 cfs	Tomichi Ck.	Irrigation, domestic & stockwater	
Banana Ranch Reservoir	21,733 af	Cochetopa Ck.	Irrigation, domestic & stockwater	
Flying M Reservoir	15,457 af	Los Pinos Ck.	Irrigation, domestic & stockwater	
Upper Cochetopa Reservoir	12,693 af	Cochetopa Ck.	Irrigation, domestic & stockwater	
Cochetopa Meadows Ditch Enlargement	11 cfs	Pauline Ck.	Irrigation, domestic & stockwater	
Cochetopa Canal	240 cfs	Cochetopa Ck.	Irrigation, domestic & stockwater	
Pass Creek Canal	45 cfs	Cochetopa Ck.	Irrigation & other beneficial	
Los Pinos Canal	51 cfs	Los Pinos Ck.	Irrigation & other beneficial	
Stubbs Gulch Canal	277 cfs	Cochetopa Ck.	Irrigation & other beneficial	

In its Findings, Conclusions and Judgment in the diligence case the court noted that the Upper Gunnison-Uncompahgre Basin Phase I - Feasibility Study by the Colorado Water Resources and Power Development Authority is the basis upon which the District can proceed to complete the features of the Upper Gunnison Basin Project which are most viable. The court made it abundantly clear that during the diligence period ending on March 31, 1999, that the District must significantly narrow the scope of its project to those features which are most feasible for construction and identify and make appropriate transfers of water rights. Furthermore, with respect to those features identified as being most feasible, the District must complete all necessary Phase I feasibility studies and conceptual analyses and, to the extent practicable in a staged development plan perform site-specific work on each feature it intends to pursue.³ Also, with respect to those features the District assigns the highest priority the court expects "significant progress" toward Phase II feasibility studies and environmental impact analysis.

Clearly, the District's conditional water rights will not survive the next diligence period without very substantial efforts directed to putting the conditionally decreed water to beneficial use. This opinion does not, by any means, address all of the issues and options the District may have. It addresses the potential for utilizing the conditional water rights to establish or enhance stream conditions for fish, wildlife and recreation in some detail and generally discusses other options.

Questions Presented

1. Whether some or all of the District's conditional rights may be used instream to create or enhance fish and wildlife habitat; if so,
2. Whether such use will satisfy the diligence requirement.

Discussion

The District could create or enhance fish habitat downstream of the conditionally decreed reservoirs by constructing the reservoirs and operating them to improve or optimize fishery conditions. The District established this proposition in the case involving Taylor Park Reservoir second fill right. The essential element there was river regulation utilizing water stored in the reservoir. Board of County Commissioners of Arapahoe County v. Upper Gunnison River Water Conservancy District, 838 P.2d 840 (Colo. 1992); see also Bratton, "Reservoir Releases for Instream Flow Purposes" (1992).

Presently, the Colorado Water Conservation Board has the exclusive authority to appropriate minimum stream flows. C.R.S. § 37-92-102(3). This was not always the case, however. In 1973, the General Assembly enacted Senate Bill No. 97 which provided the

³We believe the court is incorrect in this requirement. See C.R.S. § 37-92-301(4)(b)(1990) (work on one feature of an integrated project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system). However, this does not detract from the necessity to make very substantial progress.

authority for the CWCB to appropriate minimum flows between specific points on a stream to "preserve the natural environment to a reasonable degree." Colo. Sess Laws, 1973 ch. 442, p. 1521. The legislature also amended the definition of "appropriation" by eliminating the requirement for a diversion. *Id.* This opened the door for private instream flows. Under this authority, the so-called "Vader Decrees" were entered confirming private instream flow appropriations on the Taylor River and some of its tributaries upstream of the confluence of Lottis Creek. These private instream flow decrees were upheld by the Colorado Supreme Court. Board of County Commissioners of Arapahoe County v. Collard, 827 P.2d 546 (Colo. 1992).

In 1979, the General Assembly again made significant amendments to the Colorado Water Right Determination and Administration Act of 1969 (Water Rights Act). Those amendments included the following new subsection:

No claim for a water right may be recognized or a decree therefor granted except to the extent that the waters have been diverted, stored, or otherwise captured, possessed, and controlled and have been applied to a beneficial use, but nothing in this section shall affect appropriations by the state of Colorado for minimum streamflows as described in section 37-92-103(4).

C.R.S. 37-92-305(9)(a). (Emphasis added). This amendment, by requiring the claimed waters to be diverted, stored or otherwise captured, possessed or controlled, effectively precludes any more private instream flows of the "Vader" type (i.e. by simply claiming beneficial use between two points on a stream). Thus, at the present time, only the CWCB has the authority to appropriate water in a given reach of a stream without diversion, capture, possession or control.

In 1992, the Colorado Supreme Court held that a fish ladder and boat chute were sufficient "control" for an instream appropriation of water. City of Thornton v. City of Fort Collins, 827 P.2d 546 (Colo. 1992). The sketch at Figure 1 will serve to illustrate the facts of that case.

Fort Collins filed its application in 1986 claiming 55 cubic feet per second (cfs) for the Corridor "for municipal purposes, including recreational, piscatorial, fishery, wildlife, and other beneficial uses." The Corridor was named "diversionary structure" in the 1986 application. In addition to identifying the structure, the appropriation date and the amount and uses of water, Fort Collins stated that it anticipated no diversions from the Cache La Poudre River. Fort Collins also alleged that construction and planning was underway for a system of trails along the river, development of a fishery through the Corridor, preservation and enhancement of wildlife habitat and aquatic life, as well as other public purposes. Fort Collins also alleged that instream flows were necessary for the purposes of the corridor and that uses of the water claimed will take place in the stream bed. The 1986 application also alleged that:

Since no diversions from the Poudre River are necessary to accomplish the actual and intended beneficial uses described above, Fort Collins specifically requests that the Court confirm these ... conditional water rights as in-stream rights, without the

necessity for making any diversion from the river channel; [and] that the Court find that all of the uses described above are beneficial uses of water....

Thornton, the Colorado Water Conservation Board (CWCB), the State Engineer and Northern Colorado Water Conservancy District filed statements of opposition. The objections were based primarily on the fact that Fort Collins was claiming minimum stream flow rights contrary to law. After negotiations with the CWCB and the State Engineer, Fort Collins and the state objectors reached a settlement whereby Fort Collins agreed to amend its 1986 application.⁴ The settlement with the CWCB included certain stipulations and a proposed decree. Fort Collins filed an amended application on June 1, 1988. The 1988 amendment deleted the Corridor as the named diversionary structure and substituted the Fort Collins Nature Center Diversion Dam (Nature Dam) and the Fort Collins Power Plant Diversion Dam (Power Dam). The Nature Dam diverts the Cache La Poudre River back into its "historic" channel and away from a channel cut after heavy rains and flooding in 1983-84. (Figure 1). Along the historic channel, Colorado State University (CSU) owns and maintains the Northern Colorado Nature Center. The Nature Center includes an interpretive trail system and picnic grounds for day use. Power Dam is an historic structure which Fort Collins renovated by strengthening the structure itself and by adding a boat chute and a fish ladder designed for recreational use and piscatorial preservation respectively.

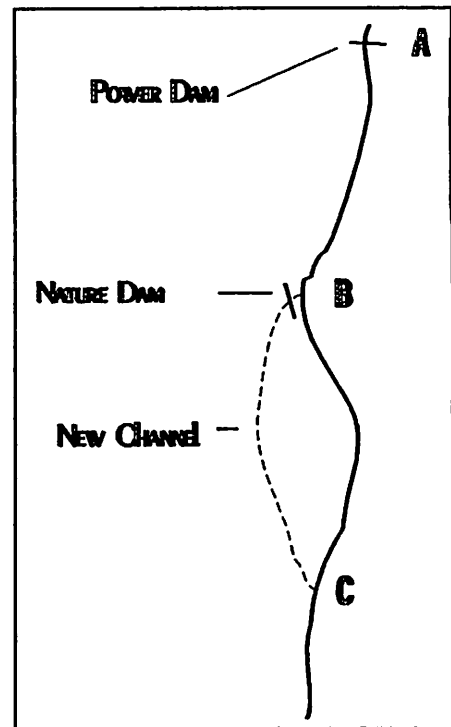


Figure 1 Fort Collins Instream Flow.

In sum, the relevant provisions of the 1988 amendments were:

- The legal description of the stream segment designated in the 1986 application as the Corridor was changed to two individual points of diversion (Nature Dam and Power Dam).
- Allegations that Fort Collins has formulated the intent and taken overt action to create the Corridor within which the city will construct diversion structures and use water within the Cache La Poudre River for municipal purposes, including recreational, piscatorial, fishery, wildlife, and other beneficial uses.
- Fort Collins had already initiated construction of Power Dam which includes a boat chute for recreational use, and a fish ladder for piscatorial purposes.

⁴Thornton and Northern Colorado Water Conservancy District were not parties to the settlement and continued to oppose the application.

Further that this diversion structure will be used to control and regulate the flow of the Poudre River to implement the intended beneficial uses of water.

- Fort Collins was designing and plans to construct the Nature Dam to divert the Cache La Poudre from the "new" channel back to its historic channel and that this diversion structure will control and regulate the flow of the river to implement the intended beneficial uses of water.

The 1988 amendments claimed 55 cfs for both the Power Dam and Nature Dam. Apparently, the two dams were complete or substantially complete by the time of trial.

The water court found that the water appropriation at Nature Dam was a diversion and not a minimum stream flow. Holding that the Nature Dam diverts Poudre River water from a more recent channel back into its historic channel, the water court stated: "but for the dam, the river would run in a different course." The court held the water to be "captured, possessed and controlled" by Fort Collins. The water court concluded that the Nature Dam is a "diversion" and that the uses of the diverted water were beneficial. Accordingly, the court entered a decree to Nature Dam for 55 cfs.

On appeal, Thornton argued that the Nature Dam is not a diversion within the meaning of the law. The Colorado Supreme Court disagreed. In support of its conclusion, the Court reviewed the relevant statutes, first noting that "appropriation" means

the application of a specified portion of the waters of the state to a beneficial use pursuant to the procedures prescribed by law....

C.R.S. § 37-92-103(3)(a). And further that C.R.S. § 37-92-305(9)(b) sets out in part the criteria for awarding a conditional water right:

[n]o claim for a conditional water right may be recognized or a decree therefor granted except to the extent that it is established that the waters can be and will be diverted, stored, or otherwise captured, possessed, and controlled and will be beneficially used and that the project can and will be completed with diligence and within a reasonable time.

The Court then explained that "water can be appropriated either by diverting water or by otherwise controlling water." Thus, the Court concluded that

an application for a conditional water right may be [granted] if either diversion of water or control of water is established, assuming that the resultant use is beneficial. A diversion in the conventional sense is not required. . . . "Diversion" or "divert" means removing water from its natural course or location, or controlling water in its natural course or location, by means of a ditch, canal, flume, reservoir, bypass, pipeline, conduit, well, pump, or other structure or device. Thus, to effect a diversion

under the statute, water either must be removed or it must be controlled.

City of Thornton, 830 P.2d at 930-931. (Citations omitted).

Then, distinguishing between "removing" and "controlling" water the Court noted that the disjunctive "or" demarcated different categories, therefore "removing" water cannot be the same as "controlling" water. Defining these terms, the Court stated:

Removal is taking the water from its natural course or location, while control is exercised over the water in its natural course or location. Clearly, a diversion in the conventional sense of the term, meaning removing water and carrying it away from its natural course or location, is no longer required. We have held that 'there may be a constitutional appropriation of water without its being at the instant taken from the bed of the stream.' Controlling water within its natural course or location by some structure or device for a beneficial use thus may result in a valid appropriation.

Id. (citations omitted).

The Court, after noting that a dam certainly qualified as a structure or device, quoted the statutory definition of "beneficial use," noting that the statute provided that water appropriated for municipal, recreational, piscatorial, fishery, and wildlife purposes is water put to beneficial uses. Id. Further, the Court held that "the authority exclusively vested in the CWCB by statute does not detract from the right to divert and put to beneficial use unappropriated waters by removal or control." Id.

The court stated its holding as follows:

Thus, according to the plain language of the foregoing statutes, we hold that water may be appropriated by a structure or device which either removes water away from its natural course or location and towards another course or location or which controls water within its natural watercourse, assuming such action puts the water to beneficial use.

Id. at 930-931. The Court also noted that the type of beneficial use to which the controlled water is put may mean that the water must remain in its natural course. The Court distinguished this type of appropriation from a minimum stream flow, which is the exclusive province of the CWCB, by noting that a minimum stream flow does not require removal or control of water by some structure or device. Furthermore, that the beneficial uses to which waters controlled by some structure or device are put may also "redound to the preservation of piscatorial and other natural resources." The Court explained further:

Although controlling water within its natural course or location by some structure or device may effect a result which is similar to a minimum flow, that does not mean that the appropriation effected by the structure is invalid under the Act. When the application of water to beneficial use is effected by some structure or device, the resulting appropriation is by a diversion within the meaning of the Act.

Id.

The water court found that Fort Collins did not claim the right to exercise dominion and control over the water once it passed the point of Nature Dam. In fact, this was a provision in the proposed decree negotiated between Fort Collins, the CWCB and the State Engineer. Thornton argued that this meant that Fort Collins had not appropriated the water for the beneficial uses it claimed because others could appropriate it after it passed Nature Dam. The Colorado Supreme Court, noting that a "stipulation cannot be used to bind a court in the determination of questions of law or mixed questions of law and fact," refused to give effect to the stipulation and held that it was not necessary for Fort Collins to disclaim the right to control the water downstream of Nature Dam. The Court stated:

Under the statutes, to control water within its natural course or location means that the appropriator exercises control over the water at least to the extent that the water continues to be put to beneficial use by the appropriator Thus, Fort Collins may validly exercise dominion over the Poudre River water once it passes the Nature Dam and continues within that segment of the river in which such water is put to beneficial use.

Id. at 931.

The Colorado Supreme Court remanded to the water court with instructions to "conclusively determine" whether the agreements between Fort Collins and Colorado State University are such as to show that the claimed waters can and will be put to beneficial use. Before moving on to discuss Power Dam, we would like to emphasize that Nature Dam involved a diversion of water into a different channel. This is by no means a radical departure from the traditional method of appropriation. So long as the water is put to beneficial use in the channel to which the water is diverted, this type of appropriation comports fairly closely with traditional concepts of the doctrine of prior appropriation.

Turning now to Power Dam, the water court found insufficient evidence to show that the flow of the river at Power Dam is "controlled," and denied the application. The water court specifically held that the boat chute and the fish ladder at Power Dam do "not add any control to the river; water is directed through the boat chute and the fish ladder only at an unspecified low flow of the river." The water court concluded that "the river continues to flow as it did prior to any construction" at Power Dam and that the effect of the Power Dam was not a "diversion" under C.R.S. § 37-92-103(7). The water court found that the claim to a right at Power Dam was not a "diversion," but a claim to a minimum stream flow, and denied the

application. Fort Collins appealed the denial of the application for a conditional water right for Power Dam.

Once again, the Colorado Supreme Court disagreed with the water court. The Court stated:

In general, boat chutes and fish ladders, when properly designed and constructed, are structures which concentrate the flow of water to serve their intended purposes. A chute or ladder therefore may qualify as a "structure or device" which controls water in its natural course or location under section 37-92-103(7).

Id. at 932. The Supreme Court noted that the water court's reasoning that the boat chute and the fish ladder at the renovated Power Dam do not add any control to the river or that the river continues to flow as it did prior to the renovation of the Power Dam suggested that the chute and the ladder fail to function as designed, i.e. they do not allow boats or fish to pass. The Court noted that, if that were the case, then the waters claimed at the Power Dam are not being put to beneficial use, and the water court may properly deny the application for this reason.

Because the nature of the "structure or device" and the type and degree of control of the flow it provides, is critical to the existence of an appropriation, as well as to understanding the Fort Collins case, John Hill visited the site. Figure 2 is a sketch showing Power Dam as constructed. A the left abutment of the dam "A" is a concrete wall. The fish ladder is at "B" and the boat chute is at "C." John visited the site on May 3 and found approximately 1-2 cfs flowing through a low flow notch "D" and some water being diverted through a ditch headgate upstream of the dam at "E." The upstream and downstream water levels are represented by the small inverted triangles. Neither the fish ladder nor the boat chute were functioning at the time of his visit.

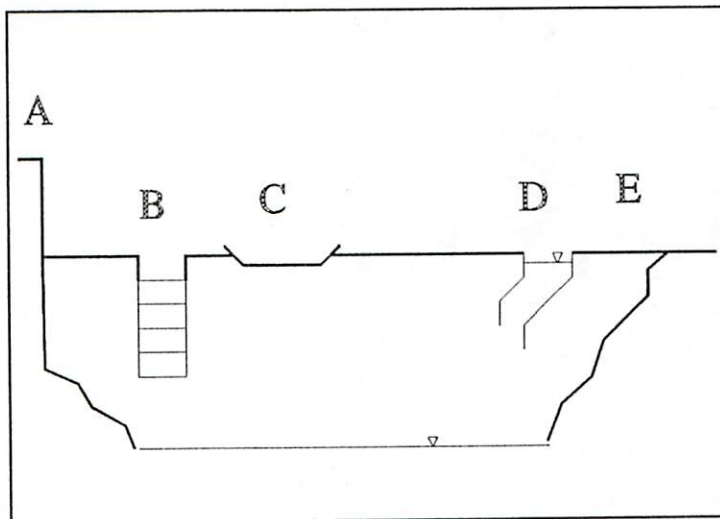


Figure 2 Power Dam.

The Colorado Supreme Court noted that there was no evidence presented at the trial that the chute and the ladder have failed to function as designed. On the contrary, the Court noted that there was some testimonial evidence that the chute and the ladder do function properly under low flow conditions. However, the record indicated that disputes remained as to whether boats (or kayaks and inner tubes) are allowed to take advantage of the chute, but that fish are using or will use the ladder was not disputed. The Court also observed that if the

chute and the ladder function as designed it means that the water can be controlled such as *to be* put to recreational and wildlife uses, both of which it characterized as beneficial uses. The Court also stated that "the chute and the ladder control and direct river water only at unspecified low flows in the river is not a defect since that is precisely what they are designed to do." *Id.* With that, the Court reversed the water court's conclusion that the Power Dam does not effect a diversion within the meaning of the Act and remanded for "a conclusive determination as to whether the boat chute and the fish ladder can and will put water to beneficial use." *Id.*

Thus, the Colorado Supreme Court has held that structures such as fish ladders and boat chutes which "concentrate the flow of water" to serve their intended purposes may qualify as a "structure or device" which controls water in its natural course or location under C.R.S. § 37-92-103(7). However, the question of whether Fort Collins' boat chute and fish ladder "can and will" put water to beneficial use must be answered in the affirmative before the city's application can be granted in the form of a decreed conditional or absolute water right. The degree of control is also an unanswered question. Also unanswered is the question whether an appropriator of a specific amount by means of a "structure or device," such as Power Dam, also has the right to control the flow downstream of the structure or device. Apparently, the beneficial use in instances like Power Dam is fish or boats negotiating the obstacle. Otherwise, an appropriator (Fort Collins) could assert the right to control upstream as well as downstream. Such a broad interpretation would likely be very forcefully challenged by traditional water development interests and by the State. On the other hand, it is reasonably clear that a diversion of a stream or a substantial part of its flow coupled with instream beneficial use, as in the example of Nature Dam, constitutes an appropriation which includes a right in the appropriator to control the diverted water throughout the reach in which it is beneficially used.

Implications for the District

One of the specific possibilities the Board expressed an interest in at the April 12, 1993 meeting was utilizing the District's conditional water rights instream in connection with improvement of trout habitat by means of log dams or similar structures. The first question this raises is changing the conditional rights. This is the easier question and we will address it first. One of the incidents of a water right is the right to change it if it does not injure other water rights. Weibert v. Rothe Bros, 200 Colo. 310, 618 P.2d 1367 (1980). A conditional water right may be changed just as any other water right. Twin Lakes Reservoir and Canal Co. v. City of Aspen, 193 Colo. 478, 568 P.2d 45, 50 (1977). The contemplated draft on the stream of the perfected right is the usual amount that can be transferred. Thus, it is clearly legally feasible to change the consumptive use that would result if the East River Canal were constructed and water diverted through it applied to the decreed beneficial uses of domestic and irrigation to a point on the East River, for example.⁵ The District would have to apply to the water court to approve a change of use, place of use, type and timing of use. Changes

⁵It may, under some circumstances, be possible to change the entire decreed amount of a conditional storage right. A case is presently pending in the Colorado Supreme Court which will decide this issue.

of water rights and plans for augmentation are fairly routine today and are certainly legally *feasible*.

The actual feasibility requires some engineering analysis. For example, the time during which most of the contemplated draft of the East River Canal would occur is the irrigation season. The time of use for fish habitat would probably be year round. On the other hand, the time at which the flow at the desired reach of the East River might need augmentation could coincide with the irrigation season.

Because of the mix of conditional storage and direct flow rights in the Cochetopa, Tomichi and Ohio Creek drainages, it would be legally feasible to change those rights or some of them to specific reaches of those downstream of the decreed points of diversion without timing problems. Once again, however, the actual feasibility requires engineering and further legal analysis.

The more difficult question is the legal feasibility of establishing the right to use the water that may be transferred to a point on a given stream to create or enhance fish habitat in the stream. This would involve making an appropriation of one of the types discussed in the Fort Collins case. As discussed above, diverting the stream or a substantial part of the stream to a different channel (natural or man-made) and beneficial use for fish and wildlife purposes in the channel to which the stream is diverted offers the best prospect of success. Similarly, diversion of water transferred from one of the conditional water rights to create wetland habitat for wildlife or other wetland functions (recharge of aquifer or water purification for example) is legally feasible. The federal wildlife refuges at Alamosa and Monte Vista (and throughout the West) do this very thing using state law based water rights. Those refuges are a combination of marsh, open water and fast land. Such a project involves more or less traditional diversion and recognized beneficial uses and is clearly legally feasible.

The most difficult question is the degree of control the "structure or device" must exert over the flow of the stream. We believe it must be substantial and enable beneficial use or uses which were not possible without the new appropriation. The typical "stream improvement" project of log dams, rocks placed for holding water, gabions and similar structures probably does not amount to sufficient "control" to qualify. We admit that this conclusion is based largely on instinct. That instinct, based on our combined experience, tells us that asserting what amount to instream flows based on such common stream improvement projects would draw determined opposition from traditional water development interests and even possibly provoke action by the legislature. Such claims would be perceived by the "water buffaloes," the legislature, and probably the CWCB and the State Engineer, as the same type of evil as the federal reserved rights in the national forests or wilderness areas. We believe much more substantial control is required. It is not possible to say with any confidence how substantial the structure or device must be. The courts will evaluate each application based on its own particular facts and circumstances. Whatever the means of control, it should enable

a new beneficial use or very substantially enhance an existing beneficial use.⁶ In sum, we believe the prospects of success are much better with a diversion of the "Nature Dam" type than with attempting to make an appropriation by controlling the water instream.

Assuming success in changing the use of the conditional water rights and actual beneficial use of the changed right, diligence should no longer be a problem. The right would have been transferred and put to beneficial use. The water court recognized this in its judgment and decree granting the last finding of reasonable diligence. What the court said, in effect, was to find a use for the most viable of the conditional rights and make substantial progress. A completed or near-completed project should suffice. Changing the conditional right to a new use avoids the loss of the right for lack of diligence.

Alternative Methods to Satisfy Diligence

As previously discussed, the water court has made it very plain that the District must make very substantial progress toward implementing the most viable of the individual projects including making the necessary changes of water rights. There could be a very wide range of alternatives to constructing the individual features of the Upper Gunnison Project. We will discuss several in general terms to illustrate the possibilities. However, we would first point out that the public policy of Colorado is maximum beneficial utilization of its waters. See e. g. C.R.S. 37-92-102(1)(a); *Fellhauer v. People*, 167 Colo. 320, 447 P.2d 986 (1968). Also, Colorado law encourages creativity in implementing that policy. Changes of water rights and plans for augmentation offer a great deal of flexibility provided that no other vested water right is injured. See e. g. C.R.S. 37-92-305(3) and (4), *Cache La Poudre Water Users Ass'n v. Glacier View Meadows*, 191 Colo. 53, 550 P.2d 288 (1976), *Kelly Ranch v. Southeastern Colorado Water Conservancy Dist.*, 191 Colo. 65, 550 P.2d 297 (1976).

Changing the canal direct flow rights and the storage rights to existing downstream storage facilities (Blue Mesa for example) is one alternative. It is certainly legally feasible to do this by including terms and conditions in the decrees to protect existing rights from injury. Again, as a general proposition, only the contemplated draft of the conditional rights can be transferred. The Bureau of Reclamation (BOR) would have to charge for the use of the reservoir and the use could not interfere with project purposes. If satisfactory arrangements could be worked out with the BOR, this would establish the potential for making exchanges and plans for augmentation to offset depletions from new uses of water upstream of Blue Mesa. Also, this alternative appears to be environmentally benign in the sense that it involves no new construction. In addition, it also keeps the water in the basin. Obviously, if the conditional rights are cancelled for lack of diligence, that water becomes available for appropriation by others. While this alternative is legally feasible, it also requires engineering analysis including the economic feasibility of doing so.

⁶For example, if the District elected to utilize a boat chute to make an appropriation for instream use, it should enable a use of the river which was not possible or possible only with great difficulty without the device.

Another alternative would be any project involving a diversion of water from the stream *for any* recognized beneficial use including fish and wildlife and recreation. One or more of the conditional rights could be changed to accommodate this. Such a project could include creation of wetlands for habitat or other public functions wetlands serve. Locating such a project downstream of a reach in which stream improvements are constructed could provide for flows through that reach by "calling the water through." In general terms, virtually any project the District wished to pursue that involved a diversion and beneficial use could utilize the contemplated draft of one or more of the conditional rights and is feasible from a legal point of view.

Conclusions

- A project involving a diversion of water from its natural course into another course for instream beneficial use is feasible. The appropriator has the right to control the water throughout the reach of beneficial use.
- A project involving control of the water in its natural course by some structure or device is theoretically feasible. The structure or device must enable a beneficial use of water which did not exist before or substantially enhance an existing use. The appropriator may not have the right to control the water downstream of the structure or device. It is not possible to predict the degree or extent of control of the flow required to qualify. Any attempt to make an appropriation using common stream improvement techniques is likely to draw opposition.
- Changing the conditional water right and putting the changed right to beneficial use will avoid the loss of the right for lack of diligence.
- Alternatives involving changing one or more of the conditional water rights to a new use involving a diversion is legally feasible, the limitation being that no other vested right may be injured by the change.

Structure	Amount	Source	Decreed Use (s)		
Castleton Reservoir	9,000 af	Castle Ck.	Domestic & Irrigation		
Ohio Creek Canal	277 cfs	Ohio Ck. Pass Ck. Castle Ck.	Domestic & Irrigation		
Taylor River Canal	302 cfs	Gunnison R.	Domestic & Irrigation		
East River Canal	82 cfs	East R.	Domestic & Irrigation		
Ohio City Reservoir	22,757 af	Quartz Ck.	Irrigation, domestic & stockwater		
Monarch Reservoir	29,200 af	Tomichi Ck. Long Br. Ck. Marshall Ck.	Not specific		
Quartz Creek Canal	277 cfs	Quartz Ck.	Irrigation, domestic & stockwater		
South Crookton Canal	277 cfs	Tomichi Ck.	Irrigation, domestic & stockwater		
Banana Ranch Reservoir	21,733 af	Cochetopa Ck.	Irrigation, domestic & stockwater		
Flying M Reservoir	15,457 af	Los Pinos Ck.	Irrigation, domestic & stockwater		
Upper Cochetopa Reservoir	12,693 af	Cochetopa Ck.	Irrigation, domestic & stockwater		
Cochetopa Meadows Ditch Enlargement	11 cfs	Pauline Ck.	Irrigation, domestic & stockwater		
Cochetopa Canal	240 cfs	Cochetopa Ck.	Irrigation, domestic & stockwater		
Pass Creek Canal	45 cfs	Cochetopa Ck.	Irrigation & other beneficial		
Los Pinos Canal	51 cfs	Los Pinos Ck.	Irrigation & other beneficial		
Stubbs Gulch Canal	277 cfs	Cochetopa Ck.	Irrigation & other beneficial		

MEMORANDUM --- May 4, 1993

TO: Mr. William S. Trampe, Chairman; Fellow Board Members
Tyler Martineau, Manager; Board Attorneys;
of the Upper Gunnison River Water Conservancy District

FROM: Ralph E. Clark III *Ruth*

SUBJECT: Water rights for uses within natural water courses.

=====

At the April 12th meeting, our Board discussed stream enhancement on the East River and elsewhere within the Upper Gunnison Basin. This is a part of the more general concept of obtaining water rights for beneficial use within natural water courses. This concept is in keeping with expressed desires to maintain the naturalness within our Gunnison Basin. It also offers an opportunity for putting to use, and making absolute, our conditional decrees in a manner which makes sense economically and environmentally and which contributes to our tourist economy.

Below is a summary of some relevant information obtained on this concept. I greatly appreciate the assistance and the opportunity to plagiarize good ideas from Fort Collins, Boulder, and Pagosa Springs. Page references are to the cited sources.

A. Background

1. Clarification is needed about exactly what can be done with the existing Upper Gunnison Project conditional rights. The recent district court decision on "availability" lists several intended beneficial purposes for the rights - domestic and municipal, irrigation and stockwatering, industrial, development of electrical energy, flood control, piscatorial, wildlife protection and preservation, and recreation (District Court, Water Division No. 4, Case Nos. 86-CW-226 and 88-CW-178, Findings of Fact, Conclusions of Law, Judgment and Decree (October 21, 1991; p. 22)).

a. The decrees in Cases 5590 and 5591 are not clear as to a distinction or priority between primary purpose and other purposes, particularly when there is a contemplated re-distribution of decreed quantities among features such as reservoirs and canals to effect the most economical and efficient use of water (for example Case 5590, p. 102 and Case 5591, p. 130 - 131).

b. Also unclear is whether water to be used for all the identified beneficial purposes must first be stored in a reservoir and then applied to these purposes or may be used for such purposes by virtue of being controlled in other ways. In this regard there appears to be a distinction made in the decrees between the storage reservoir projects and

the direct flow canal projects such as the East River and Taylor Canals.

c. It is also unclear how the contemplated water exchanges are to work between features of the Upper Gunnison Basin Project.

d. Within the decrees is found the general provision that if a feature develops more water than necessary to serve the intended purposes, then this water shall be allowed to flow downstream and through the Curecanti Unit. How this provision works in view of anticipated exchanges and with uses of water within the natural water course needs clarification.

2. It is important that the relation back to the priority date originally obtained with the conditional decrees of the Upper Gunnison Project is made when perfecting an absolute decree with beneficial use of water within the natural water course. That priority date was the awarded date of November 13, 1957. It is also important that the individual features of the project retain their relative equality as to priority among themselves and their priority as a whole over the Curecanti Unit features.

3. Achieving absolute rights for the presently conditional rights of the Upper Gunnison Project must make economic and environmental sense. To do this with beneficial uses for water within the natural water course does not just involve simply allowing log jams to occur. It requires careful study of the situation and careful design, construction, and maintenance.

B. Examples

The following three examples are relevant to our District's needs. The Fort Collins example illustrates a "how". The Boulder example illustrates an alternative. The Pagosa Springs example illustrates some of the kind of structures appropriate for our District's considerations in implementing this concept.

1. Fort Collins --- rights were obtained based on control of water within its natural water course.

The City of Fort Collins began the process of obtaining water rights for its Poudre River Recreation Corridor in 1986. In April of 1992 the Colorado Supreme Court affirmed the city's concept and remanded the case back to the lower court for determination of details such as an appropriation date.

The city had decided to: (a) reconstruct an existing small dam to enhance recreational use of water with structures for boat chutes and a fish ladder; and (b) construct a new dam downstream to control flows between two channels, one of which is adjacent to a nature center. In 1986 the city filed on 55 cfs for recreation, fishery, sewage dilution, and other municipal purposes. The intended use of water for sewage dilution appears to have been

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a. "Water can be appropriated either by diverting water or by otherwise controlling water. An appropriation for a conditional water right may be adjudicated if either diversion of water or control of water is established, assuming that the resultant use is beneficial. A diversion in the conventional sense is not required." (p. 29; emphasis added)

b. "... [C]ontrol is exercised over water in its natural course or location. ... Controlling water within its natural course or location by some structure or device for a beneficial use thus may result in a valid appropriation." (p. 30)

c. Municipal, recreational, piscatorial, fishery, and wildlife purposes are accepted beneficial uses (p. 31).

d. "A minimum stream flow does not require removal or control of water by some structure or device." (p. 32) Only the CWCB can appropriate a minimum stream flow. A minimum stream flow must be put to the use of preservation of nature, but water controlled by some structure or device may also be used for this purpose or effect a similar result (pp. 25 and 32).

e. Dominion over controlled water in the natural course exists to the extent the water is put to beneficial use within the controlled segment. A stream segment or reach has to be specified. Ownership by others of land adjacent to the natural course does not necessarily mean the intended beneficial uses can or will not take place. However, agreements are necessary to demonstrate capability for intended beneficial use (pp. 33 - 35).

f. The structure must be properly designed and constructed, and then must function as intended so that water is controlled for the intended use. The control function need not occur at all times. For example, it may be only at unspecified low flows, if that is precisely what the structure is designed to do (pp. 36 - 37).

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2. City of Boulder --- Change of water rights to instream flow use and assignment to the Colorado Water Conservation Board.

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Law, Judgment and Decree, dated March 10, 1993; and DRAFT - Engineering Report - Colorado Water Conservation Board / City of Boulder Instream Flow Application, Case No. 90CW193, dated December, 1992). Most of these rights were established in the 1882 original adjudication for the district and have appropriation dates in the early 1860's. Under the proposed concept, water would flow within the natural water course for about 18 miles and pass through a recreation corridor. The flows would serve to protect the natural environment and also serve to enhance recreational and educational features such as a constructed fish observatory.

Relevant considerations from this example are:

- a. Boulder specifically sought a change of water rights to instream flow use. Therefore with several sets of agreements it assigned the rights to over 70 cfs to the CWCB with provisions which included the following: (1) the CWCB would use the rights to maintain specified flow levels within particular reaches for protection of the natural environment (p. 20); (2) Boulder would act as agent for the CWCB in the administration and monitoring of these rights and flows (p. 3); (3) Boulder retained municipal use of the water under drought and emergency conditions and when it is not required to maintain instream flow conditions (p. 15); and Boulder could lease the water for use by irrigators after it had passed downstream of the identified instream flow segments (p. 20).
- b. Boulder demonstrated that the proposed changes would be no more consumptive than historic use and would be fitted into the complicated pattern of water uses and exchanges within the drainage (pp. 9 and 17 - 20).

3. Town of Pagosa Springs --- Improvement of fish habitat, recreational opportunities, and streambank stabilization.

The Town of Pagosa Springs applied for a Section 404 permit to construct a variety of structures for controlling water passing through a mile and a half segment of the San Juan River (US Army Corps of Engineers, Sacramento District, Public Notice 199375014, April 23, 1993). River restoration, a river center, trails, a fish hatchery, and other features are incorporated into this project to enhance the town's tourist economy. The town has not applied for water rights. However the permit application is an example of the design work necessary for undertaking such projects in our Upper Gunnison Basin.

The permit also illustrates the large variety of structures and devices used for control of water within the natural water courses. The town proposes construction of 25 single-wing deflectors, 5 double-wing deflectors, 12 vortex rock weirs, 4 "W" rock weirs, and 65 boulder retards. Also included are structural re-contouring of the main channel and creation of a spawning channel.

4. Aside from the construction of dams, there are many other structures and devices which may be used for controlling the water within its natural course. Below is a partial list of structures by control purpose and general type. Each type of structure can be built in different ways and with different material. The design depends very much on the intended purpose and the site and of course on available resources. The list below demonstrates the scope of possibilities for structures controlling water within the natural water course.

Storage control with: wetlands; riparian areas; vegetative manipulation; lining; weirs; and sluices.
 Flow control by blocking, deflection, separation, constriction, and retention with: drop structures - wedge, "K", "W", and "H" types; gabions; revetments; cribs; vegetation; root wad placement; rip rap; fences; porcupine and keller jacks; brush bundles; wattles; and pilings.,
 Channel and streambed control with above devices and: flushing forms and sediment traps.
 Velocity control with: plunge pools; boulder retards; vegetation; sediment traps; drop structures; and sills.
 Temperature and shade control with: vegetation and "lunker covers" or decks.
 Wave and erosion control with: liners; vegetation; cribs and containers; and fixed and floating barriers.
 Icing, ice pressure, and ice dispersion control with: vegetation; bubbler systems; booms; channel roughness; pressure absorption; coating; and ice breaking.

SOURCES:

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MEMORANDUM --- May 4, 1993

TO: Mr. William S. Trampe, Chairman; Fellow Board Members
Tyler Martineau, Manager; Board Attorneys;
of the Upper Gunnison River Water Conservancy District

FROM: Ralph E. Clark III *Ruth*

SUBJECT: Water rights for uses within natural water courses.

=====

At the April 12th meeting, our Board discussed stream enhancement on the East River and elsewhere within the Upper Gunnison Basin. This is a part of the more general concept of obtaining water rights for beneficial use within natural water courses. This concept is in keeping with expressed desires to maintain the naturalness within our Gunnison Basin. It also offers an opportunity for putting to use, and making absolute, our conditional decrees in a manner which makes sense economically and environmentally and which contributes to our tourist economy.

Below is a summary of some relevant information obtained on this concept. I greatly appreciate the assistance and the opportunity to plagiarize good ideas from Fort Collins, Boulder, and Pagosa Springs. Page references are to the cited sources.

A. Background

1. Clarification is needed about exactly what can be done with the existing Upper Gunnison Project conditional rights. The recent district court decision on "availability" lists several intended beneficial purposes for the rights - domestic and municipal, irrigation and stockwatering, industrial, development of electrical energy, flood control, piscatorial, wildlife protection and preservation, and recreation (District Court, Water Division No. 4, Case Nos. 86-CW-226 and 88-CW-178, Findings of Fact, Conclusions of Law, Judgment and Decree (October 21, 1991; p. 22).

a. The decrees in Cases 5590 and 5591 are not clear as to a distinction or priority between primary purpose and other purposes, particularly when there is a contemplated redistribution of decreed quantities among features such as reservoirs and canals to effect the most economical and efficient use of water (for example Case 5590, p. 102 and Case 5591, p. 130 - 131).

b. Also unclear is whether water to be used for all the identified beneficial purposes must first be stored in a reservoir and then applied to these purposes or may be used for such purposes by virtue of being controlled in other ways. In this regard there appears to be a distinction made in the decrees between the storage reservoir projects and

the direct flow canal projects such as the East River and Taylor Canals.

c. It is also unclear how the contemplated water exchanges are to work between features of the Upper Gunnison Basin Project.

d. Within the decrees is found the general provision that if a feature develops more water than necessary to serve the intended purposes, then this water shall be allowed to flow downstream and through the Curecanti Unit. How this provision works in view of anticipated exchanges and with uses of water within the natural water course needs clarification.

2. It is important that the relation back to the priority date originally obtained with the conditional decrees of the Upper Gunnison Project is made when perfecting an absolute decree with beneficial use of water within the natural water course. That priority date was the awarded date of November 13, 1957. It is also important that the individual features of the project retain their relative equality as to priority among themselves and their priority as a whole over the Curecanti Unit features.

3. Achieving absolute rights for the presently conditional rights of the Upper Gunnison Project must make economic and environmental sense. To do this with beneficial uses for water within the natural water course does not just involve simply allowing log jams to occur. It requires careful study of the situation and careful design, construction, and maintenance.

B. Examples

The following three examples are relevant to our District's needs. The Fort Collins example illustrates a "how". The Boulder example illustrates an alternative. The Pagosa Springs example illustrates some of the kind of structures appropriate for our District's considerations in implementing this concept.

1. Fort Collins --- rights were obtained based on control of water within its natural water course.

The City of Fort Collins began the process of obtaining water rights for its Poudre River Recreation Corridor in 1986. In April of 1992 the Colorado Supreme Court affirmed the city's concept and remanded the case back to the lower court for determination of details such as an appropriation date.

The city had decided to: (a) reconstruct an existing small dam to enhance recreational use of water with structures for boat chutes and a fish ladder; and (b) construct a new dam downstream to control flows between two channels, one of which is adjacent to a nature center. In 1986 the city filed on 55 cfs for recreation, fishery, sewage dilution, and other municipal purposes. The intended use of water for sewage dilution appears to have been

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Upper Gunnison River Water Conservancy District

M E M O R A N D U M

TO: Board Members,
Upper Gunnison River Water Conservancy District

FROM: Tyler Martineau *TM*

DATE: April 23, 1993

SUBJECT: Agenda Item 10, May 10, 1993, Board Meeting --
Gunnison Basin Planning Model.

Based upon the direction received from the Board of Directors at the April 12, 1993 meeting, the sponsors committee for the Gunnison Basin Water Management and Planning Project has developed a list of reservoir sites to be included in the planning model. Since a substantial purpose for the planning model is to assist the Upper Gunnison District with the development of the Upper Gunnison Project the following reservoirs will be included in the model:

Castleton Reservoir
Monarch Reservoir
Banana Ranch Reservoir
Flying M Reservoir
Upper Cochetopa Reservoir

Castle Creek
Tomichi Creek
Cochetopa Creek
Los Pinos Creek
Cochetopa Creek

Attached is a list of all the reservoir sites in the Gunnison Basin which the sponsors committee desires to be included in the model. At least one reservoir site has been retained at a high priority in each major drainage in the Upper Gunnison basin. The sponsors have asked Hydrosphere to make every effort to retain all of the reservoirs shown on the list as requested by the board. It should be remembered that once a reservoir site is placed at a node in the model, that reservoir site can be assigned the characteristics of many different sizes and types of reservoir.

I have sent out a letter to see if there are additional sites that should be included in the model. There will also be an opportunity at the May 10 board meeting for additional sites to be suggested. *over*

GUNNISON BASIN MODELS
PLANNING MODEL

CONSENSUS

APRIL 16, 1993

NODE NUMBER	STREAM	RESERVOIR	PRIORITY		
			HIGH	MEDIUM	LOW
8	GUNNISON	CRYSTAL	XX		
16	GUNNISON	MORROW PT.	XX		
20	GUNNISON	BLUE MESA	XX		
23	SOAP CK	SOAP CK	XX		
24	LAKE FK	GATEVIEW			XX
26	LAKE FK	GATES	XX		
28	CEBOLLA	CEBOLLA NO. 1			XX
29	CEBOLLA	CEBOLLA NO. 2	XX		
35	OHIO CK	LOWER OHIO			XX
39	OHIO CK	CASTLE			XX
42	OHIO\CASTLE CK	CASTLETON	XX		
49	CEMENT CK	CEMENT CK	XX		
51	SLATE R	CRESTED BUTTE 2	XX		
52	EAST R	CRESTED BUTTE 1	XX		
55	BRUSH CK	BRUSH CK	XX		
59	LOTTIS CK	UNION PK	XX		
62	TAYLOR R	PIEPLANT	XX		
66	COCHETOPA CK	UPPER COCHETOPA	XX		
70	COCHETOPA CK	BANANA RANCH	XX		
71	COCHETOPA CK	PAULINE	XX		
72	COCHETOPA CK	FLYING M	XX		XX
75	QUARTZ CK	PARLIN			XX
77	QUARTZ CK	OHIO CITY			
79	QUARTZ CK	PITKIN	XX		
82	RAZOR CK	RAZOR CK			XX
84	TOMICHI CK	ELKO	XX		
86	TOMICHI CK	MONARCH	XX		
102	UNCOMPAGRE	RIDGEWAY	XX		
104	COW CK	SNEVA\COMBS	XX		
105	COW CK	RAMS HORN	XX		
130	UNCOMPAGRE TB	RESERVOIR 3			XX
134	TAYLOR R	TAYLOR PARK	XX		
138	CIMARRON R	SILVER JACK	XX		
143	CEDAR CK	CERRO	XX		
144	CEDAR CK	FAIRVIEW	XX		
147	ANTHRACITE CK	SNOWSHOE	XX		
NEW 4	GUNNISON	DOMINQUEZ	XX		
NEW 6	GUNNISON	AUSTIN	XX		
NEW 102A	DALLAS CK	DALLAS DIVIDE	XX		
NEW	SMITH FK	CRAWFORD	XX		
NEW	SMITH FK	GOULD	XX		
NEW 45	EAST R	GUNNISON 1	XX		
NEW 56	TAYLOR R	GUNNISON 2 & 3	XX		
NEW 33	ANTELOPE CK	GUNNISON 4	XX		
NEW 89	SPRING CK	OLATHE RES	AS A DEMAND		
NEW 11	CRYSTAL CK	FRUITLAND MESA	XX		
NEW	MUDDY\HUBBARD	ELECTRIC MTN	AS A DEMAND		
NEW	WASHINGTON G	NORTH VILLAGE	XX		
NEW	SLATE	UNKNOWN C	XX		
NEW	MUDDY	OVERLAND	XX		
NEW 60	TAYLOR R	ROCKY POINT	XX		

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turner creek

turner creek

Upper Gunnison River Water Conservancy District

M E M O R A N D U M

TO: Board Members,
Upper Gunnison River Water Conservancy District

FROM: Tyler Martineau *TM*

DATE: April 26, 1993

SUBJECT: Agenda Item 11, May 10, 1993, Board Meeting --
CWCB Agricultural and Multipurpose Water Systems
Water Conservation and Water Use Efficiency Grants
Program.

Senate Bill 87 which was enacted in 1992 authorized the Colorado Water Conservation Board to use \$500,000.00 to make grants for for agricultural and multipurpose water systems water conservation and water use efficiency pilot demonstration projects. The CWCB grants must be matched on a 50% cost sharing basis with local funds. Attached is information provided by the CWCB about the grants program. The deadline for applications for this year's program is July 1, 1993.

If any members of the board know of suitable projects within the Upper Gunnison basin please let me know. An opportunity to discuss the grant program will be provided on the agenda for the May 10 board meeting.

AGRICULTURAL AND MULTIPURPOSE WATER SYSTEMS CONSERVATION AND USE EFFICIENCY

BACKGROUND

Water plays a vital role in Colorado's economy and quality of life. As water demands by urban, industrial, recreational and environmental interests increase, water conservation and use efficiency improvements will drive water management in order to meet those demands.

Water conservation, the practice of reducing waste and overall water consumption, has typically been practiced only in times of drought or emergency. Today, water conservation is widely considered a key element of water resource management and is integrated into water resource planning. Issues such as limited water supplies, ground water depletion and poor water quality are but a few reasons behind implementation of water conservation measures. Water use efficiency, the practice of optimizing beneficial utilization of available water supplies, is being integrated into water resource management as a result of growing economic and conservation linked demands.

Water in Colorado is becoming an increasingly expensive commodity while at the same time becoming an essential public amenity. As such, water conservation and water use efficiency are critical components in the water management equation.

WATER CONSERVATION/WATER USE EFFICIENCY IN COLORADO

In years past water conservation referred solely to the impoundment of water. Irrigation practices were more concerned with simplicity than with water use efficiency. These historical definitions have prevailed in the western United States. The contemporary meaning broadens the concept by adding demand management and improving conservation and efficiency in the use of available water supplies. It is anticipated that these concepts may be the most viable alternative to providing adequate future water supplies in Colorado.

As a practical measure, conservation and water use efficiency considerations should concentrate on agricultural water since approximately 90% of the water consumed in Colorado is consumed by irrigation. This is not to suggest that this is not an appropriate beneficial use of those water supplies or that the agricultural community is inherently inefficient in water use, rather it is where the greatest potential gains are likely to be made.

Although the conservation and salvage of agricultural water are widely lauded as goals of more efficient water use, they require considerable technical care to implement. Apparent water waste resulting from conveyance losses (seepage) or from inefficient flood irrigation practices (return flows) are not lost to the hydrologic system but available for downstream appropriation. Actual gains to the water supply can only be realized by reducing consumptive use whether it be beneficial or non-beneficial consumptive use.

Additionally, conservation and/or water use efficiency practices effective in one hydrologic setting may not be effective or practical in another setting. One of the principal factors identified as inhibiting more efficient use of water resources in Colorado is the uncertainty in state law regarding the entitlement of the owner of a water right to benefit from the conservation and salvage of an incremental amount of water as a result of a water conservation practice. The incentive under the current system of water rights administration in Colorado is for an individual appropriator to affect a maximum historical diversion and consumptive use of irrigation water merely to perfect the existence of a water right appropriation. The water rights system, in addressing any claims to conserved or salvaged water, must consider the protection of downstream rights and secondary impacts affecting the local economy, the environment and social values.

Water policy historically evolves as we reexamine the way we handle the important responsibility of managing and conserving water in a chronically water-short state. As such, water conservation and water use efficiency will develop as the system evolves through the advent of policy incentives, public education, market orientation, technological advances and the willingness to develop win-win scenarios in the Colorado water community.

Water conservation and water use efficiency is of statewide concern. Indeed, incorporated into the mission statement of the Colorado Water Conservation Board (CWCB) is that the duty of the CWCB is "to promote the conservation of the waters of the State of Colorado in order to secure the greatest utilization of such waters...." [37-60-106(1), CRS]. As such, the Colorado General Assembly in Senate Bill 92-87 authorized the CWCB to address the issue of water conservation and water use efficiency in agricultural and multiple use water systems. The CWCB acknowledges that a multitude of federal, state and local resource conservation agencies have either a direct interest or are actively involved in water conservation efforts in Colorado. The CWCB intends to work closely with those agencies in reaching designated goals. The CWCB further acknowledges that ultimately no efforts in the area of agricultural water conservation and water use efficiency can be successful without the participation and approval of the agricultural community.

SB 87: AGRICULTURAL AND MULTIPURPOSE WATER SYSTEMS WATER CONSERVATION/WATER USE EFFICIENCY

SB 87 provides authorization for the following activities:

1. Promote efficient management and operation of agricultural and multipurpose water systems.
2. Authorizes the CWCB to expend up to five hundred thousand dollars as demonstration grants on a fifty percent cost sharing basis for projects addressing water conservation and use efficiency in agricultural and multipurpose water systems and in reducing operational costs of such systems.
3. The Board shall report annually, as part of the requirement under CRS 37-60-122, on the status of activity under this program and on the results of completed demonstration projects.

The primary methods for the CWCB to carry out these goals are to:

1. Provide a central clearing house and repository for agricultural and multipurpose water conservation and water use efficiency information and track on-going efforts in Colorado.
2. Provide technical assistance to agricultural and multipurpose water system users toward adoption of water conservation and water use efficiency demonstration projects.
3. Administer the agricultural and multipurpose water system water conservation and water use efficiency grants program.

GRANTS PROGRAM

Legislation authorized the use of \$500,000 on a fifty percent cost sharing basis for agricultural and multipurpose water systems water conservation and water use efficiency pilot demonstration projects. The purpose for the grant program is twofold. One purpose is to provide seed money for agricultural and multipurpose water system managers and users throughout Colorado to demonstrate water conservation and water use efficiency measures. A second purpose is to stimulate the development of creative and innovative approaches to water conservation and water use efficiency in this area that will enhance management approaches in achieving savings in operational costs. The grant program will provide an opportunity to learn more about water conservation and water use efficiency and acquire data regarding "what works and what doesn't."

Successful completion of these pilot demonstration projects will result in the following benefits/opportunities:

1. To apply state-of-the-art technology and management practices to agricultural water conservation and water use efficiency in Colorado.
2. To identify scenarios where water conservation and water salvage practices can effectively be undertaken within the current framework of Colorado water rights administration.
3. To identify scenarios where water conservation and water use efficiency practices are economically beneficial to farmers.
4. To identify incentives for irrigators that will promote water conservation and water use efficiency.
5. To address interrelationships of water conservation and water use efficiency practices with the environment.

The agricultural/multipurpose water system water conservation demonstration grants program provides discretionary funds for the implementation of water efficiency demonstration projects throughout the State. The following pages explain the grant program and application criteria.

GRANT PROGRAM PROVISIONS

GRANT ELIGIBILITY

Any agency or political subdivision of the State, user group or management group of an agricultural water system or multipurpose water system operating in the State, or individuals or groups of individuals may apply for grant awards. Projects must be carried out in the State of Colorado. Grant applicants with limited resources and innovative proposals showing promise for water conservation or water use efficiency will be given special consideration.

PROJECT ELIGIBILITY

In general, water conservation and water use efficiency projects eligible for grant awards should be designed to either add to the knowledge of existing practices or management procedures relative to their effectiveness in achieving water savings or operations costs savings or address new innovation and technology. Although not exhaustive, the Appendix lists categories and a range of measures for potential water conservation and water use efficiency demonstration projects. However, any proposed project that appears to meet the goals of the demonstration grant program will be considered by the CWCB for grant funding. The duration of demonstration projects under this grant series must not exceed 30 months from date of contract to submittal of a final report.

MATCHING FUNDS REQUIREMENTS

Applications for grants must provide for and identify matching funds to satisfy a fifty percent cost sharing basis, as stipulated in SB 87. Matching funds can include direct expenditure of applicant funds for necessary project costs including contracted professional services, and/or in-kind staff support and services necessary to complete designated project tasks. This may include personal services costs for a qualified Project Administrator.

APPLICATION PERIOD

The application period for this grant series will remain open until July 1, 1993. Opportunity to apply for grants will occur annually until funds are exhausted.

APPLICATION REVIEW AND AWARD CYCLES

Grants selections will be determined and awards will be made approximately 75 days after application deadlines.

FUNDS DISTRIBUTION

As noted earlier, \$500,000 has been authorized for one-time use from the CWC'B Construction Fund for pilot demonstration projects addressing agricultural and multipurpose water system water conservation and water use efficiency. A maximum of \$100,000 will be awarded for any individual project. A payment schedule will be approved for each project. Upon finalization of award contract, disbursement of funds may be requested by the grantee to meet project startup costs.

APPENDIX

POSSIBLE CATEGORIES OF WATER CONSERVATION AND WATER USE EFFICIENCY MEASURES FOR AGRICULTURAL AND MULTIPURPOSE WATER SYSTEMS

- **TECHNOLOGY INVENTORY AND ASSESSMENT;** develop a data base identifying relevant state-of-the-art technology and practices.
- **PROGRAMS INVENTORY AND ASSESSMENT;** develop a clearing house relative to R&D activities and operational programs in Colorado.
- **AGRICULTURAL WATER CONSERVATION;** projects might include water salvage, reductions in diversions, reducing crop consumption through genetic improvements, the development of cooperative operating agreements, and identifying scenarios where various conservation measures can be effective in Colorado under the institutional and legal restraints in place.
- **AGRICULTURAL WATER USE EFFICIENCY;** projects might include irrigation application technology demonstration, irrigation scheduling practice and technology and operating cost efficiencies.
- **MULTIPURPOSE WATERS SYSTEMS;** projects might address water conservation and use efficiency measures involving stream diversions, storage, water conveyance, water use and application practices, operating agreements and potential operating cost savings.
- **WATER QUALITY;** projects might address operational practices effectively reducing salinity loading, reducing nitrate/nitrite loading, and potential costs savings from such operating modifications.
- **WATER REUSE AND RECLAMATION;** projects might include studies, system enhancement and municipal-agricultural operating agreements.
- **WATER SUPPLY IMPROVEMENTS;** projects might include artificial ground water recharge and watershed improvements potentially increasing available water supplies.
- **PUBLIC INFORMATION/EDUCATION;** measures could include the development of educational materials, media workshops or community activities.

Upper Gunnison River Water Conservancy District

M E M O R A N D U M

TO: Board Members,
Upper Gunnison River Water Conservancy District

FROM: Tyler Martineau *TM*

DATE: May 3, 1993

SUBJECT: Agenda Item 12, May 10, 1993, Board Meeting --
CWCB Construction Fund.

Water user organizations are being asked to provide the Colorado Water Conservation Board with information that will assist the CWCB with the development of a long-term financial plan for its Construction Fund. An opportunity will be provided at the May 10 meeting for the board members to provide direction concerning the District's response to the enclosed questionnaire.

My recommendation with regard to Section B of the questionnaire would be for the district to list the various features of the Upper Gunnison Project and their associated conditional decrees. With respect to Section C of the questionnaire, it may be more productive to give a rating of 1 (most important) to all of the goals which are deemed to be important by the District, rather than take a lot of time at this point trying to decide which goals should be given higher priorities than others.

STATE OF COLORADO

COLORADO WATER CONSERVATION BOARD
Department of Natural Resources

721 State Centennial Building
1313 Sherman Street
Denver, Colorado 80203
Phone (303) 866-3441
FAX (303) 866-4474



Roy Romer
Governor

Ken Salazar
Executive Director, DNR

Danes C. Lile, P.E.
Director, CWCB

MEMORANDUM

TO: Colorado Water Users

FROM: Danes C. Lile, Director

DATE: April 27, 1993

SUBJECT: **WATER PROJECT CONSTRUCTION - FINANCIAL ASSISTANCE**

The Colorado Water Conservation Board is in the process of developing a long-term financial plan for the Construction Fund. The purpose of the long-term financial plan is to provide a more effective service to water users and the public. As a first step, the staff is attempting to survey statewide the need for new water resources structures or the repair of existing facilities. Please provide us with your present and future needs by identifying any raw water diversion structures, reservoirs, pipelines, canals, ditches, or other related structure that your organization may be planning to construct or repair.

A major focus of the long-term financial plan will be the identification of long-term goals for the fund including development of the states' compact entitlement. Accordingly, we are also interested in obtaining your input on the relative importance to your organization of several goals and the methods of achieving them.

Please take a few minutes to fill out the attached questionnaire and return it no later than Monday, May 17, 1993 in the self-addressed stamped envelope that is provided. The results of this survey will be compiled by July 1, 1993 and discussed at the Board's next regular meeting scheduled for July 22-23, 1993 at Meeker, Colorado.

Please feel free to add comments where you wish to supply additional information. Thank you for your time.

Colorado Water Conservation Board

Questionnaire on Needs

April 23, 1993

A. General Information

Name _____ Title _____

Organization _____

Street _____ City _____ Zip _____

Work Telephone _____

B. Water User Needs

1. Please list any water resources projects your organization is considering constructing by specifying below the name of the project, estimated size in acre-feet, estimated cost in current dollars, potential funding source(s), and estimated start date.

<u>Project Name</u>	<u>Size</u>	<u>Est. Cost</u>	<u>Funding Source</u>	<u>Start Date</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

2. Please list any dams owned by your organization on the State Engineer's restricted list by specifying below the name of the dam, total capacity, restricted capacity, date of restriction, estimated cost to repair, and estimated start date.

<u>Dam Name</u>	<u>Total Capacity</u>	<u>Restriction</u>	<u>Date Restricted</u>	<u>Cost</u>	<u>Funding Source</u>	<u>Start Date</u>
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

3. Please list any conditional storage water rights held by your organization by specifying the name of the decree, source, decreed amount in acre-feet, potential uses, adjudicated type, and adjudication date.

<u>Name</u>	<u>Source</u>	<u>Decreed Amount</u>	<u>Uses</u>	<u>Type</u>	<u>Adjudication Date</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

4. Does your organization have a long-term plan for replacement of existing facilities or for new construction? (If yes, please attach a copy with your response.)

Yes No Not Sure

5. What barriers, if any, stand in the way of your organization from fully achieving its water resources development goals?

<input type="checkbox"/> Permits and other Regulatory Constraints	<input type="checkbox"/> Endangered Species
<input type="checkbox"/> Historic Preservation	<input type="checkbox"/> Fish and Wildlife Impacts
<input type="checkbox"/> Existing Development	<input type="checkbox"/> Lack of Consensus
<input type="checkbox"/> Lack of Funds	<input type="checkbox"/> Financial Package Limitations
<input type="checkbox"/> Other (please specify)	

6. What is the general trend in the consumptive use of water in your organization's service area projected to be over the next five years?

Increasing Water Use Decreasing Water Use No Change

7. Would you like a copy of the Board's Construction Fund Project Construction Guidelines?

Yes No

8. Would you like a staff member to provide information about the Board's Construction Fund programs?

Yes No

C. Construction Fund Long-term Financial Plan

9. Please rate on a scale from 1 to 5, with 1 being the most important, each of the following CWCB identified long-term goals in importance to your organization:

<input type="checkbox"/> Development of the State's Compact Entitlement
<input type="checkbox"/> Building Water Resources Infrastructure
<input type="checkbox"/> Improved Water Management through Conservation and Efficiency
<input type="checkbox"/> Mitigation of Fish and Wildlife Impacts
<input type="checkbox"/> Improved Information Management/Data Collection

10. Please rate on a scale from 1 to 5, with 1 being the most important, each of the following methods of developing the state's compact entitlement or achieving other goals in importance to your organization:

- Construction of New Large Reservoirs of 20,000 acre-feet or more
- Construction of New Small Reservoirs of less than 20,000 acre-feet
- Enlargement of Existing Reservoirs
- Rehabilitation of Restricted Dams
- Artificial Recharge of Groundwater Aquifers
- Investigations of Project Feasibility
- Regional Water Studies
- Data Collection/Dissemination
- Flood Control
- Acquisition of Rights-of-Way
- Appropriation of Water
- Water Conservation Grants/Information
- Irrigation Efficiency Grants/Information
- Weather Modification
- Other (please specify)

11. Please rate on a scale from 1 to 5, with 1 being the most important, the construction of each of the following water resources structures in importance to your organization:

- | | |
|---|---|
| <input type="checkbox"/> Raw Water Diversion Structures | <input type="checkbox"/> Raw Water Supply Pipelines |
| <input type="checkbox"/> Canals and Ditches | <input type="checkbox"/> Raw Water Reservoirs |
| <input type="checkbox"/> Water Treatment Plants | <input type="checkbox"/> Treated Water Distribution Systems |
| <input type="checkbox"/> Treated Water Reservoirs | <input type="checkbox"/> Other (please specify) |

12. Has your organization entered or considered entering into any cooperative water supply agreements with other water users?

- Yes No Not Sure

Comments: _____

Thank you for your participation in this survey.

Upper Gunnison River Water Conservancy District

M E M O R A N D U M

TO: Board Members,
Upper Gunnison River Water Conservancy District

FROM: Tyler Martineau *Tm*

DATE: April 26, 1993

SUBJECT: Agenda Item 12, May 10, 1993, Board Meeting --
Treasurer's Duties.

At the January, 1993 board meeting Rita McDermott and I were requested to develop a list of responsibilities for the treasurer/bookkeeper position which Rita occupies with the District. Shortly afterwards Rita developed the attached list which the two of us have discussed and feel is a good description of the duties which she is currently performing with the district. Our recommendation is that the board approve the attached list of responsibilities at the May 10, 1993 board meeting.

**UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT
TREASURER'S RESPONSIBILITIES AS OF FEBRUARY 1, 1993**

Prepare Monthly Payroll:

- Individual payroll records
- Monthly payroll reports
- Quarterly payroll reports
- Yearly payroll reports
- Quarterly 941 IRS Tax reports
- Quarterly Colo. Unempl. Tax reports
- Federal & Colo. withholding tax deposits

Prepare W2's and 1099's at years end

Set up new employees with W4's and I9's

Attend monthly scheduled meetings re: finances

Prepare Monthly Reports:

- Budget Summary
- Financial Data
- Operating Expense
- Attorney Invoice

Pay all invoices & mail same

Reconcile checkbook

Track outstanding checks

Post all entries: Receipts & disbursements to General Journal
and then to Ledger, running a trial balance (to be set up on computer)

Compile information required for the annual audit

Compile information required for budget preparation

Maintain & update an equipment inventory list

Maintain individual records for each investment account
showing all activities

Other tasks as needed to carry out the Treasurer's and
bookkeeper's functions for the District

*? are there any Cash
not listed that are
part of internal control
plan p 27 Audit opinion*

*Audit
Cash
responsibilities*

MEMORANDUM

TO: Tyler Martineau, Manager
Upper Gunnison River Water Conservancy District

DATE: May 10, 1993

FROM: L. Richard Bratton

RE: UGRWCD - Board of Directors' Bonds

In response to your memo to me of April 26, 1993 regarding the necessity of a bond for Board Members, Colorado Revised Statutes (1973), Section 37-45-114(b) provides in relevant part:

Each director shall hold office during the term for which he is appointed and until his successor is duly appointed and has qualified and shall furnish a corporate surety bond at the expense of the district, in the amount and form fixed and approved by the Court, conditioned for the faithful performance of his duties as such director. (Emphasis supplied.)

Thus, the requirement of the directors' corporate surety bond is statutory in nature and could not be abolished by amending the District By-laws.

Upper Gunnison River Water Conservancy District

M E M O R A N D U M

TO: Board Members,
Upper Gunnison River Water Conservancy District

FROM: Tyler Martineau *TM*

DATE: April 29, 1993

SUBJECT: Agenda Item 12, May 10, 1993, Board Meeting --
Fiduciary Bonding for the Board of Directors.

Attached are copies of three additional applications for fiduciary bonds for the directors as I was requested to provide at the April 12 board meeting. I have also asked Dick Bratton to provide the board with an explanation of the source of the requirement for board member bonding, and an opinion as to whether the board could eliminate the bonding requirement if it chose to do so.

INDIVIDUAL EMPLOYEE APPLICATION

Name of Applicant: _____

Home Address: _____
(Number, Street, City, State, Zip Code)

Prior Address: _____
(If living at above address less than three years, state prior address.)

1. Personal Information:

a. Place of Birth: _____ b. Date of Birth: _____ Mo/Day/Yr c. Soc. Sec. No.: _____

d. Marital Status: Married Single Divorced e. Number of Dependents: _____

f. Names of Parents: _____

g. Address of Parents: _____

h. If parents are deceased, provide name and address of nearest living relative: _____

i. Were you ever convicted of anything other than a minor traffic offense? yes no
If yes, give details: _____

2. Financial Information:

a. Real estate you own valued at: \$ _____ Encumbered for: \$ _____

b. Personal Property you own valued at: \$ _____ Encumbered for: \$ _____

c. Do you have indebtedness? yes no If yes, state amount and to whom due: _____

d. Did you ever declare bankruptcy? yes no If yes, give details: _____

e. Were you ever in business for yourself? yes no If yes, give disposition of business and length of time: _____

f. Other income: yes no If yes, specify amount and source: _____

3. Current Employment Information:

a. Employer's Name: _____ b. Business: _____

c. Business Address of Employer: _____

d. If different from c. above, state your place of employment: _____

e. Your position: _____ f. Date of Hire: _____

g. Salary or Compensation: \$ _____ h. How often paid: _____

i. Will you share in profits or losses or employer's business? yes no If yes, give details: _____

j. Bond No./Policy: _____ k. Amount: \$ _____ l. Effective Date: _____

Agency: _____

Address: _____

USF&G[®]
INSURANCE

4. Former Employment Information:

a. Provide your employment history for the last ten years. Explain any period of unemployment.

Name and Address of Previous Employer (START WITH MOST RECENT EMPLOYER.)	Mo./Yr.	Position you occupied and Address (if different)	Name and Present Address of Supervisor	Reason for Leaving
	From			
	To			
	From			
	To			
	From			
	To			
	From			
	To			
	From			
	To			

b. Have you ever been bonded? yes no If yes, give name of employer and name of bonding company: _____

c. Were you ever denied a bond? yes no If yes, give details: _____

d. Were you ever discharged from a position? yes no If yes, give details: _____

5. References (other than your employer, previous employers and persons related to you):

Name	Occupation	Address

I hereby warrant that the foregoing statements are true and correct to the best of my knowledge and belief. In the event that claim is made on my account, I agree to cooperate with the USF&G Companies in the investigation of same. I understand that if any USF&G Company is obligated to pay any loss, damage or expense, including court costs and attorney fees, because of my actions, I will be obligated to reimburse said Company.

I authorize anyone to furnish the USF&G Companies information concerning my character, habits, ability and financial responsibility, and particularly the cause of the termination of my employment at any time.

Signed, and dated this _____ day of _____ 19____

Witness _____
Applicant's Signature

An investigative consumer report regarding your character, general reputation, personal characteristics and mode of living may be made in connection with this application.

APPLICABLE IN NEW YORK STATE

Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance containing any false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime.

TRINITY UNIVERSAL INSURANCE COMPANIES



Bond No. Branch Office at.....
 Form..... Agency at.....
 Period.....19.....to.....19..... Amount.....Rate.....
 Premium for term \$..... Premium per annum \$.....
 (If bond issued for a different term than one year fill in this space)

APPLICATION FOR BOND Public Officials and their employees (Including Federal Officials)

Application of..... Title of Office.....
 (Give name in full)
 Elected Appointed19....., Employer.....
 (Give date of appointment or election) (United States, State, County, Village, Individual Official, etc.)
 Term begins.....19..... Amount of bond..... Effective date.....
 Term expires.....19..... Bond in favor of.....
 Is bond to be filed annually or for term of office?..... Social Security Act Account No.....
 1. Place of birth..... Date of birth.....
 2. Present locality of residence.....
 (Give Residence address—Street and number—Postal zone number where possible)
 3. If possessed of real estate or personal property furnish approximate value. Real Estate \$.....
 Encumbered \$..... Location..... Personal Property \$.....
 4. Give particulars and amounts of your debts \$.....
 5. What is your present business?..... Will you continue therein?.....
 6. State total income \$..... including \$..... income from this office.
 7. How long have you lived in the community?.....
 8. Have you ever applied to any other source for a bond? When? To whom? Were you successful?
 9. How much public money will you handle during the year? \$.....
 10. What experience have you had in similar work?.....
 11. Will you have any deputies or subordinates?..... How many?..... Will they be bonded?
 By whom?..... Amount?.....

IN CONSIDERATION of the TRINITY UNIVERSAL INSURANCE COMPANY, the SECURITY NATIONAL INSURANCE COMPANY or TRINITY UNIVERSAL INSURANCE COMPANY OF KANSAS, INC., as the case may be, acting as surety on the bond herein applied for, I hereby agree to pay to said Company, at its office in the City of Dallas, Texas, or to an authorized local agent, in advance, the premium charge of..... as the premium for the first year of said bond, and, if said bond be for a definite term, to pay in advance the same amount as the premium for each of the subsequent years of said term, or, if said bond be for an indefinite term, to pay in advance, for each of the subsequent years during which liability under said bond shall continue in force a premium computed in accordance with the Company's schedule of rates in force at the time such premium shall become due, until I serve upon said Company at the said office competent written legal evidence of its discharge from its said suretyship and all liability by reason thereof.

It is agreed that the terms of agreement herein shall be binding upon the applicant in the event of his subsequently holding the said office, and his acceptance, expressed or implied, from the surety of its suretyship covering him therein.
 That the acceptance by the Surety of this agreement or of additional security or of premiums or other compensation for its suretyship shall not in any way abridge, defer or limit its rights, privileges or immunities as surety which it might otherwise have or create against it any liability which would not otherwise exist.

The undersigned further agrees for himself, his heirs, executors, administrators and assigns to indemnify and keep indemnified the Surety from and against any liability, loss, costs, charges, suits, damages, counsel fees and expenses of whatever nature which the Surety shall or may for any cause, at any time, sustain or be put to in consequence of the Surety having executed said bond or bonds, or any renewal, continuation, extension or modification thereof; and that the Surety shall have the right to pay or compromise any expense, claim or charge, of the character enumerated in this agreement, and the voucher or other evidence of such payment shall be prima facie evidence of the propriety thereof and of my liability therefor to the Surety.

I do also agree that said Surety may decline to become surety for me upon the bond hereinbefore applied for, or any other bond or obligation, and that it may cancel or withdraw from such bond, if executed, or any other bond, obligation or suretyship it may execute for me, or any renewal, continuation, extension or modification thereof; and I do also expressly relieve said Surety and all others from liability for disclosing or furnishing any information which it may have obtained concerning me or my affairs, and do also relieve said Surety from any compliance with any provisions of any laws concerning the disclosure of any knowledge or information which may have been obtained concerning me or my affairs, and do release and discharge said Surety, and every person, association, firm or corporation furnishing it with any information concerning me or my affairs from any and all liability or responsibility under or by reason of any of the provisions of any of said laws, and from any and all claims, demands, causes of action and damages that may have, or purport to have, arisen by reason of any such laws, or any amendments thereof, or supplements thereto.

The Surety shall have the right, at its option, to fill in any blanks left herein, to correct any errors in the description of said bond or bonds or any of them, or in said premium or premiums, it being hereby agreed that such insertions, or corrections, when so made, shall be prima facie correct.

Signed and sealed _____ 19_____
 Witness → _____ Applicant →
 sign here sign here



IMPORTANT:

WHEN THIS SHORT FORM APPLICATION IS USED FOR OFFICIAL BONDS OF TREASURERS OR OTHER MONEY HANDLING OFFICERS THE FOLLOWING SHOULD BE COMPLETED. IF THE REQUIRED INFORMATION IS NOT GIVEN IN RESPONSE TO THE QUESTIONS, IT MAY BE NECESSARY TO RETURN THIS BLANK FOR COMPLETION.

1. Are you endorser or surety for anyone?..... Amount? \$.....
 Have you ever been bankrupt or insolvent?.....
 Have you ever been in default in any office or position?.....
2. Have you previously held this office?..... If so, during what period?
 Who furnished your bond?.....
3. When are the accounts of this office examined?.....
 Date last examined?..... Results?.....
 Examined by?.....

THE FOLLOWING INFORMATION IS VERY IMPORTANT

BE SURE TO ANSWER EACH QUESTION

4. In what name will bank account be carried? Give the exact title of the account.....
 In what banks will funds be deposited?.....
 What will be maximum deposit in each bank?.....
 What will be average deposit in each bank?.....
 Are banks members of F. D. I. C.?.....
 By whom have depository banks been designated?.....
 Date of last designation?....., 19.....

ATTACH COPY OF RESOLUTION DESIGNATING DEPOSITORIES OR FORWARD AS SOON AS AVAILABLE.

IF APPLICATION IS FOR BOND OF SHERIFF, DEPUTY SHERIFF, POLICEMAN, OR PROCESS SERVING OFFICIAL OR IS FOR \$5,000 OR MORE, COMPLETE THE FOLLOWING

5. Give names and addresses of five personal references. (Omit relatives and business partners).

6. Please fill in the following blanks, giving dates of your employment and names of your employers during the past five years, showing places of residence even if not employed continuously during that period.

From What Date (Give Month and Year)	To What Date (Give Month and Year)	Employed as	At Address	In Service of (Name of Employer or Corporation)	Under (Name of Manager, Superintendent or Head of Department—for Reference, with present Post Office Address)

COMPLETE APPLICABLE SECTION ON REVERSE
Section
Public Official 1
Fidelity 2
Probate 3
Referee, Receiver, etc. 4
Court 5
License 6
Lost Securities 7



Western Surety Company

Individual
Partnership
Corporation

Form 10 APPLICATION FOR BOND—ANY KIND

Applicant (For partnership, give full names of partners and trade names) Please print		Taxpayer I.D. or S.S. #	Age	Married <input type="checkbox"/> Single <input type="checkbox"/>
Address (Street and Number) (City) (State) (Zip)				
Occupation or business	How long so engaged?	Previous Surety <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, give name and reason for change.		
Type of Bond	Amount of Bond \$	Effective Date		
Complete name and address of Obligee				

FINANCIAL STATEMENT as of _____
Check applicable section on the reverse to see whether a financial statement is necessary.

ASSETS		LIABILITIES	
Cash (List Banks)		Accounts Payable	
		Taxes due—Gas	
		Taxes due & accrued—Other	
Stocks + Bonds—Describe		Notes Payable to Bank	
		Notes Payable to Others (Describe)	
Notes Receivable—Describe		Mortgage on Real Estate	A
Merchandise or Material in Stock		Mortgage on Real Estate	B
Accounts Receivable		Other Liabilities—Describe	
Real Estate, Homestead	A		
Real Estate, Investment	B	TOTAL LIABILITIES	
Furniture and Fixtures		Capital Stock (Paid in)	
Other Assets—Describe		NET WORTH OR SURPLUS	
TOTAL ASSETS		TOTAL Liabilities and Net Worth	

Gross Sales - Two Years Ago _____ Last Year _____ Net Income - Two Years Ago _____ Last Year _____

INDEMNITY

The undersigned applicant and indemnitors hereby request Western Surety Company (the "Company") to become surety for the above bond. The undersigned hereby certify the truth of all statements in the application, authorize the Company to verify this information and to obtain additional information from any source, and jointly and severally agree:

- (1) To pay the usual premiums, including renewal premiums.
- (2) To completely INDEMNIFY the Company from and against any liability, loss, cost, attorney's fees and expenses whatsoever which the Company shall at any time sustain as surety or by reason of having been surety on this bond or any other bond issued for applicant, or for the enforcement of this agreement, or in obtaining a release or evidence of termination under such bonds.
- (3) To furnish the Company with satisfactory and conclusive termination evidence that there is no further liability on this bond or any other bond issued for applicant.
- (4) Upon demand by the Company for any reason whatsoever, to deposit current funds with the Company in an amount sufficient to satisfy any claim against the Company by reason of such suretyship.
- (5) That the Company shall have the right to handle or settle any claim or suit in good faith. An itemized statement of loss and expense incurred by the Company, sworn to by an officer of the Company, shall be prima facie evidence of the fact and extent of the liability of the undersigned to the Company.
- (6) That the Company may decline to become surety on any bond and may cancel or amend any bond without cause and without any liability which might arise therefrom.
- (7) That the Company shall, without notice, have the right to alter the penalty, terms and conditions of any bond issued for undersigned, and this agreement shall apply to any such altered bond.
- (8) That if a contract or performance bond is issued hereunder, the undersigned hereby assign to the Company any monies now due or hereafter becoming due under the contract, including all deferred payments and retained percentage, supplies, tools, plants, equipment and materials due or used on the contract, and
- (9) At the Company's discretion, this indemnity agreement shall be governed in all respects by the laws of the State of South Dakota and the undersigned applicant and indemnitors consent to the jurisdiction of the courts of the State of South Dakota and the United States District Court for the District of South Dakota in all actions or proceedings arising from or relating to this indemnity agreement.
- (10) That this indemnity may be cancelled as to subsequent liability by an indemnitor upon written notice to the Company at Sioux Falls, South Dakota 57192, effective ten (10) days after the earliest date thereafter upon which the Company could have cancelled all bonds in force for applicant.
- (11) In the event of any payment by the Company, to pay the Company interest on such amounts at the highest legal rate from the date such payments are made.

Signed this _____ day of _____, 19 _____

Agency _____
Agent's Code _____
Address _____ Street _____
City _____ State _____ Zip _____

X _____
X _____ *as Indemnitor*

Note: Personal indemnitors should sign their names and add the word "indemnitor" in their own handwriting, e.g. *John J. Indemnitor*.

AGENT'S RECOMMENDATION

Your recommendation will be helpful and may be the difference between getting a refusal or having the bond written. Tell us what you know and think of the applicant. _____

AGENT: Check here if this correspondence was previously faxed to WSCO. _____

1 PUBLIC OFFICIAL BOND
NO FINANCIAL STATEMENT NECESSARY.

Net Worth: \$	Elected <input type="checkbox"/> Appointed <input type="checkbox"/>	Date:	Term of Office:	Premium will be paid: <input type="checkbox"/> Annually? <input type="checkbox"/> for term? <input type="checkbox"/>
---------------	--	-------	-----------------	---

2 FIDELITY BOND
NO FINANCIAL STATEMENT NECESSARY.

Annual Salary	Will applicant sign checks? <input type="checkbox"/> Yes <input type="checkbox"/> No	Is countersignature required? <input type="checkbox"/> Yes <input type="checkbox"/> No By whom?	Regular audits? <input type="checkbox"/> Yes <input type="checkbox"/> No By whom?
Are bank accounts reconciled by someone not authorized to deposit or withdraw from the accounts? <input type="checkbox"/> Yes <input type="checkbox"/> No		Ever discharged from any employment? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Last position held? Reason for leaving?		How long in present position?	Applicant's net worth: \$

3 PROBATE BOND
NO FINANCIAL STATEMENT NECESSARY.

HAVE PRINCIPAL SIGN THIS APPLICATION.

Name of deceased (Ward)	Date of death	Date of appointment	Is applicant indebted to the estate or trust? <input type="checkbox"/> Yes <input type="checkbox"/> No (If yes, explain on an attached sheet)
Name and address of attorney (If none, do not write the bond; submit it to our underwriters.)		Assets of estate or trust (describe)	
Name and age of <input type="checkbox"/> minor(s) <input type="checkbox"/> incompetent	Applicant's relationship to <input type="checkbox"/> deceased <input type="checkbox"/> ward(s)		Applicant's net worth \$
Are guardianship funds to be used for support of minor(s)? <input type="checkbox"/> Yes <input type="checkbox"/> No (If so, send copy of court order authorizing monthly expenditures.)		What is the source of the guardianship funds? (If an insurance settlement, do not execute the bond; instead refer it to an underwriter.)	
Who are the heirs of this estate?			
Will any business of the estate be continued by fiduciary? (If so, send a copy of court order.) <input type="checkbox"/> Yes <input type="checkbox"/> No		Is this bond required on the demand of an interested person? <input type="checkbox"/> Yes <input type="checkbox"/> No Who?	
Name and address of court:			
What is the applicant's experience in handling fiduciary responsibilities?			

4 REFEREE'S RECEIVER'S TRUSTEE'S BOND
NO FINANCIAL STATEMENT NECESSARY.

HAVE PRINCIPAL SIGN THIS APPLICATION.

Plaintiff	Name and address of principal's attorney	
Defendant	Name and location of Court	Applicant's net worth \$

5 COURT BOND OTHER THAN 3 AND 4
FINANCIAL STATEMENT NECESSARY.

HAVE PRINCIPAL SIGN THIS APPLICATION.

Name and location of Court	Name of Defendant
Name and address of attorney	If an Injunction or Restraining Order bond, does applicant anticipate a foreclosure or collection action against him? <input type="checkbox"/> Yes <input type="checkbox"/> No If so, submit for underwriting.
Explain purpose of bond (submit copy of relevant documents)	

6 LICENSE AND PERMIT BOND
FINANCIAL STATEMENT NECESSARY WHERE STATE IS THE OBLIGEE.

HAVE PRINCIPAL SIGN THIS APPLICATION.

Net worth: \$	Public liability insurance carried? <input type="checkbox"/> Yes <input type="checkbox"/> No (Give limits)	Property damage insurance carried? <input type="checkbox"/> Yes <input type="checkbox"/> No (Give limits)
---------------	--	---

7 LOST SECURITIES BOND
FINANCIAL STATEMENT NECESSARY.

HAVE PRINCIPAL SIGN THIS APPLICATION.

Serial Number and description (Please submit a copy or sample of the form it was on.)	Date of instrument	Payable to applicant only? <input type="checkbox"/> Yes <input type="checkbox"/> No If not, who is it payable to?
Are securities endorsed? <input type="checkbox"/> Yes <input type="checkbox"/> No	Describe manner of loss	Has notice of loss been given? <input type="checkbox"/> Yes <input type="checkbox"/> No When? To Whom?
If registered, in whose name?	If a check, has payment been stopped? <input type="checkbox"/> Yes <input type="checkbox"/> No If so, when?	If a deed of trust or note, has either been involved in a lawsuit? <input type="checkbox"/> Yes <input type="checkbox"/> No Was a judgement obtained? <input type="checkbox"/> Yes <input type="checkbox"/> No



Western Surety Company

HOME OFFICE:

P.O. Box 5077
Sioux Falls, South Dakota 57117-5077
(800) 331-6053
339-0060 in SD
FAX 1 (605) 335-0357

COLORADO WILDLIFE COMMISSION

AGENDA

BEST WESTERN COW PALACE INN
LAMAR, COLORADO
MAY 13-14, 1993

received
5/3/93

THURSDAY, MAY 13, 1993

- 7:00 a.m. Breakfast
- Agenda 1 8:30-8:35 Pledge of Allegiance
- Agenda 2 8:35-8:40 (A) Approve Minutes of March 11-12, 1993
- Agenda 3 8:40-8:45 (A) Election of Officers
- Agenda 4 8:45-9:00 (I) *Commission Reports and Director's Highlights
- Agenda 5 9:00-10:30 (A) Regulations for Final Adoption
Smeltzer **Chapter 2, Big Game** - Including but not limited to deer, elk, antelope and moose license numbers and related General Provisions or Chapter 2 items. Consideration may be given to limited modification of big game seasons or big game season dates.
- 10:30-10:45 RECESS
- Agenda 6 10:45-11:00 (A) Smeltzer **Chapter 9, Lands and Waters** - Emergency regulations made permanent - Limited to final adoption of regulations regarding the newly acquired Monument Lake State Wildlife Area, El Paso County, Colorado.
- Agenda 7 11:00-11:45 (I) Draft Regulations
Smeltzer **Chapter 8** - Field trials and dog training.
Smeltzer **Chapter 17** - Game damage - sheep prices.
- Agenda 8 11:45-12:00 (I) Awards

12:00-1:00

LUNCH

Regulations Issues

Agenda 9 1:00-2:00 (I) Smeltzer

Chapter 3 - Small Game (Limited to Ptarmigan and Sage Grouse).

Chapter 5 - Small Game (Migratory Birds, Waterfowl).

Chapter 6 - Raptors (Falconry/Hawking).

Chapter 11 - Wildlife Parks Licenses (Limited to section 1102A2 regarding Wildlife Exhibitor Parks and exhibition of wildlife).

Agenda 10 2:00-2:45 (I) Daley

Budget/Operations Decisions Update

2:45-3:00

RECESS

Agenda 11 3:00-3:30 (A) Griess

License Suspensions

Agenda 12 3:30-3:45 (A) Daley

*Commission Discretionary

Agenda 13 3:45-4:00 (I) Harris/
Nesler

Colorado River Basin Fish Stocking Criteria Policy

Agenda 14 4:00-4:45 (A)

Real Estate Items for Adoption

Graul

Douglas Reservoir, Windsor Reservoir Company - Lease

Towry

Navajo SWA, BOR - Memorandum of Understanding

Kochman

Dry Creek Basin SWA, Young - Exchange

Norman

Mt. Shavano, Chaffee County - Road Easement

Impact Assistance

Agenda 15 4:45-5:00 (I)

Public Presentation

5:00

RECESS

FRIDAY, MAY 14, 1993

7:00 a.m.

Breakfast

Agenda 16 8:30-8:45 (A)	Gerrans	*Habitat Partnership Program Nominations
Agenda 17 8:45-9:00 (I)	DeClaire	*Legal Report
Agenda 18 9:00-9:30 (A)	Regions	Damage Claims
Agenda 19 9:30-10:00 (A)	Griess	Search and Rescue
10:00-10:15		RECESS
Agenda 20 10:15-10:45 (I)	Salazar	*Legislative Update
Agenda 21 10:45-11:15 (A)	Kochman	Tiger Muskie Stocking on Western Slope - Potential Sites X
Agenda 22 11:15-11:45 (A)	Desilet	Arkansas River Implementation Plan - 2 Final Action
Agenda 23 11:45-12:00 (A)	Lytle	Wildlife Exportation
12:00		ADJOURN

*ITEMS WHICH MAY BE MOVED
(I) - INFORMATION ITEM
(A) - ACTION ITEM

WATER LEGISLATIVE REPORT

Colorado Water Congress • 1390 Logan St., Rm. 312 • Denver, Colorado 80203 • Phone: (303) 837-0812

Dick MacRavey, Editor

April 23, 1993

We are now in the "last" days of the session. Most of the "bad" water bills are dead; however, it is always possible for a bill to get "late bill status" -- so be vigilant.

The few remaining bills (i.e., HB 93-1273 - CWCB Construction Fund and SB 93-180 - Water Right Across County Lines) are struggling towards resolution. HB 93-1273 will, in all probability, make it through the process. SB 93-180, as you suspect, has a far tougher road to travel.

In terms of appointments to the Water Quality Control Commission, Water Resources & Power Development Authority and the Colorado Water Conservation Board, the Water Quality and Authority appointments are confirmed. The CWCB appointments are about to be confirmed. The list of these appointments are set forth below. All of the below appointments were supported by CWC.

APPOINTMENTS

WATER QUALITY CONTROL COMMISSION

for terms expiring February 15, 1996:

Sue Ellen Harrison of Boulder, Colorado, reappointed;
Peter D. Nichols of Carbondale, Colorado, reappointed;
David A. Pusey of Fort Collins, Colorado, reappointed.

COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY

for terms expiring October 1, 1995:

Theodore V. Hermanns of Montrose, Colorado, to serve as a member from the Gunnison-Uncompahgre drainage basins experienced in the planning and developing of water projects and as a Republican;

Robert O. Burr of Walden, Colorado, to serve as a member from the North Platte drainage basin and as a Republican;

for terms expiring October 1, 1996:

Sara Duncan of Denver, Colorado, to serve as a member from the city and county of Denver who is familiar with its water problems experienced in water law and as a Democrat;

Michael B. Smith of Fort Collins, Colorado, to serve as a member from the South Platte drainage basin outside the city and county of Denver experienced in water project financing and as a Democrat, reappointed.

(continued on Page 4)

BILL	SPONSOR	TITLE	CWC LEG. RPT. DESCRIPT. DATE	BILL STATUS (AS OF 4/23/93)	CWC LEGISLATIVE POSITION
SB 93-045	WATTENBERG	Executive Department Agencies Regulations	2/10/93	Postponed Indefinitely 3/17/93	3/15/93 Opposes
SB 93-074	BIRD	Implementation of Section 20, Article X	2/10/93	Conference Cmte. Report Adopted -- Pending Senate Action	NO POSITION
SB 93-075	BIRD	Money Transfers For Water Purposes	2/10/93	Governor Signed on 2/16/93	NO POSITION
SB 93-076	BIRD	Funding of Satellite Water Monitoring	2/10/93	Governor Signed on 2/16/93	NO POSITION
SB 93-082	BIRD	State's Share of Severance Tax Proceeds	2/10/93	Governor Signed on 2/16/93	NO POSITION
SB 93-083	BIRD	App of Moneys from Water Conserve Board	2/10/93	Governor Signed on 2/16/93	NO POSITION
SB 93-112	CASSIDY	Transport of Water From River Basins	2/10/93	Technically Dead -- Missed Deadline	1/20/93 OPPOSES
SB 93-114	AMENT	Pesticide Law Application	2/10/93	In Conference Committee	NO POSITION
SB 93-130	NORTON	Enterprise Status of Water Activities	2/10/93	Governor Signed on 3/30/93	1/25/93 SUPPORTS 2/8/93 Special Committee Established
SB 93-133	BLICKENSERFER	State Administrative Procedures	2/10/93	Pending Senate Floor Action	Special Committee Established
SB 93-159	CASEY	Water Conservancy District Procedure	2/10/93	Postponed Indefinitely 2/4/93	2/1/93 OPPOSES
SB 93-180	AMENT	Water Rights Across County Lines	2/10/93	Pending Senate Floor Action	2/8/93 SUPPORTS
SB 93-182	MUTZBAUGH	Regulation of Biosolids	2/10/93	House Appropriations Committee	2/8/93 SUPPORTS
SB 93-234	BIRD	State Budget "Long Bill"	4/23/93	In Conference Committee	NO POSITION
SB 93-241	BIRD	Water Rights on Residential Wells	4/23/93	In Senate Ag Committee	
SJR 93-7	SHOP	Wastewater Treatment Systems	2/10/93	In House Ag Committee	1/20/93 SUPPORTS

BILL	SPONSOR	TITLE	CWC LEG. RPT. DESCRIPT. DATE	BILL STATUS (AS OF 4/23/93)	CWC LEGISLATIVE POSITION
SJR 93-16	AMENT <i>Tobin?</i>	Recognition of Water Rights	4/23/93	Pending Senate Floor Action	4/19/93 SUPPORTS
HB 93-1054	JUNE	Metro Sewage Disposal District Contract	2/10/93	Governor Signed on 3/4/93	1/25/93 SUPPORTS
HB 93-1060	ADKINS	Water Well Application Notices	2/10/93	Governor Signed on 3/30/93	1/20/93 SUPPORTS
HB 93-1080	AGLER	Statutory Provisions for Counties	2/10/93	In Conference Committee	WATCH
HB 93-1130	CHLOUBER	Water Pollution Control Property	2/10/93	Postponed Indefinitely 4/19/93	NO POSITION
HB 93-1158	FOSTER	Plans for Water Conservation	2/10/93	Postponed Indefinitely 2/4/93	1/25/93 OPPOSES
HB 93-1177	CHLOUBER	Upstream Storage of Water	2/10/93	Postponed Indefinitely 2/4/93	1/25/93 OPPOSES
HB 93-1184	EISENACH	Fee Review of Plans by State Engineer	2/10/93	Postponed Indefinitely 4/9/93	2/1/93 SUPPORTS
HB 93-1211	GEORGE	Payments in Lieu of Taxes	2/10/93	Technically Dead -- Missed Deadline	2/8/93 OPPOSES
HB 93-1240	BLUE	Tabulation of Water Rights	2/10/93	Governor Signed on 4/19/93	NO POSITION
HB 93-1250	ROMERO	Natural Resources Dept. Ed Programs	2/10/93	Governor Signed on 4/15/93	NO POSITION
HB 93-1260	DUKE	Water Rights for Residential Wells	2/10/93	Postponed Indefinitely 2/12/93	NO POSITION
HB 93-1263	ADKINS	Gov't Competition with Private Enterprise	2/10/93	In Senate State Affairs Committee	NO POSITION
HB 93-1273	REESER	Water Conservation Construction Fund	2/10/93	Passed House Second Reading with Amendments 4/22/93	2/8/93 SUPPORTS

COLORADO WATER CONSERVATION BOARD

for terms expiring February 12, 1996:

Janice C. Sheftel of Durango, Colorado, to serve as a representative of the San Miguel-Dolores-San Juan drainage basins and as a Democrat, reappointed;

Charles L. Thomson of Pueblo, Colorado, to serve as a representative of the Arkansas drainage basin and as a Republican;

Raymond B. Wright of Monte Vista, Colorado, to serve as a representative of the Rio Grande drainage basin and as a Republican, reappointed.

NEW BILLS

SB 93-234 by Senator Bird; also Representative Grampas. SB 93-234 provides for the payment of the expenses of the executive legislative, and judicial departments of the State of Colorado, and of its agencies and institutions, for an during the fiscal year beginning July 1, 1993, except as otherwise noted.

SB 93-241 by Senator Bird. SB 93-241 concerns extension of the statutory provisions which create a presumption of no material injury to water rights, or to any existing will for wells on residential sites which are used for specified limited purposes.

SJR 93-16 by Senator Ament; also Representative Jerke. SJR 93-16 concerns the recognition of water rights established under Colorado law and the preservation of state authority over the appropriation and administration of waters allocated for use in Colorado by interstate compacts and equitable apportionment decrees.

If you have any questions about legislation, please do not hesitate to contact Dick MacRavey at 837-0812 -- (in the event that I am not in the office, please leave both your work and home telephone numbers).

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April 19, 1993

Board of Directors
Upper Gunnison River Water Conservancy District
Gunnison, Colorado 81230

Dear Susan and Gentlemen:

I am enclosing a copy of two articles out of the Friday, April 16th edition of *The Pueblo Chieftan*. The first relates to the recent appointment to the Great Outdoors Colorado board, the second to the Colorado Water Conservation Board.

It is unfortunate that we were not able to get someone appointed from Gunnison on the Great Outdoors board. However, it is obvious from seeing the appointments from our congressional District that we did not have the political power. Tilman Bishop, a Republican State Senator from Grand Junction, has been heavily involved in the Great Outdoor Colorado matter and has been an influential State legislator for some time. Tom Farley, the other representative from our District, has been active in Democratic politics for some time. He is a former State legislator. His wife, Kathy, is a Pueblo County Commissioner.

I would suggest that the Board devote some time and consideration to the suitability of making an application for a grant from this board. There are a number of possibilities that were identified in the Upper Gunnison/Uncompahgre study. Also, it may be possible that there are some opportunities in conjunction with utilization of the Upper Gunnison project conditional decrees. However, because of the expected extreme competition for these funds, I would suggest that you have Tyler investigate the Great Outdoors Colorado board activities to determine as much as he can about them, i.e., when they will hold their first meeting, staffing, when applications will be accepted, policies with regard to awarding of grants, and any other matters which may be significant.

The appointment of Tommy Thomson to replace Bob Jackson on the Colorado Water Conservation Board will not be a significant change as far as any activities of the Upper Gunnison Board may be involved in. Although Bob Jackson is well known to several of us in Gunnison, Tommy Thomson is also well known and in general would be sympathetic to the activities of this Board. I have personally known Tommy since he was

BRATTON & McCLOW

Board of Directors
Upper Gunnison River Water Conservancy District
April 19, 1993
Page 2

the Chamber of Commerce manager in Salida over forty years ago. The other appointments on the CWCB board are re-appointments.

Very truly yours,



L. Richard Bratton

LRB:ddc
Enclosure
cc: Tyler Martineau (w/enclosure)
Gary Tomsic (w/enclosure)

Farley, Tempel named to help divvy up outdoors lottery funds

By TOM McAVOY

Chieftain Denver Bureau

DENVER — Gov. Roy Romer included two area men in his appointments Thursday to the Great Outdoors Colorado board, which will control millions of dollars of lottery funds for parks and recreation.

Tom Farley, a Pueblo lawyer and former legislator, and Prowers County Commissioner Bob Tempel will represent the area on the 15-member GO Colorado trust fund board.

Romer said the board, which he nominated subject to Senate confirmation, will supervise \$5 million to \$10 million annually for the first five years, then jump to \$42 million or more a year starting in 1998.

Amendment 8, which voters approved last November, commits only a portion of lottery funds to parks and recreation until 1998 so lotto revenue can retire prison

construction bonds.

The governor vowed to veto a pending bill that would repeal lotto — and the GO Colorado board's source of money — in 1998.

To serve on the new board, Farley, 58, agreed to resign as a Colorado State Fair Authority director as soon as Romer names a replacement. His successor will be Pueblo County's designated member of the fair board.

Tempel, 66, is a Wiley farmer and rancher instrumental in planning for the Great Plains State Park, a likely recipient of lottery funds from GO Colorado.

San Luis Valley native Ken Salazar, director of the Colorado Department of Natural Resources, also will serve on the GO Colorado board by virtue of his office.

Rebecca Frank of Grand Junction will be the State Wildlife Commission representative and

Jose Trujillo of Denver the State Parks Board representative.

The governor had 12 direct appointments: Farley, Tempel, Rep. Ruth Wright of Boulder, Sen. Tilman Bishop of Grand Junction, Elmer Chenault of Littleton, Jane Ragle of Colorado Springs, John Fielder of Greenwood Village, Salvador Gomez of Louisville, Susan Kirkpatrick of Fort Collins, Fred Niehaus of Highlands Ranch and George Beardsley and Tom Strickland, both of Denver.

They represent various business, real estate, legal, education and political interests across Colorado.

Of note, Fielder is a nationally recognized wildlife photographer and book publisher. Niehaus formerly was the governor's business development director, and Strickland is a lawyer who formerly served on the State Highway (now Transportation) Commission.

Pueblo Chieftain 4/16/93

Thomson replaces Jackson on water board

Chieftain Denver Bureau

DENVER — Charles L. "Tommy" Thomson, general manager of the Southeastern Colorado Water Conservancy District in Pueblo, was named Thursday to the Colorado Water Conservation Board.

Thomson, a longtime leader in state water circles, will succeed Robert A. Jackson, also of Pueblo, as the Arkansas Drainage Basin representative on the 13-member board.

Gov. Roy Romer appointed

Thomson and reappointed Raymond B. Wright of Monte Vista, the Rio Grande Basin representative, and Janice C. Sheftel of Durango from the San Juan-San Miguel-Dolores Basin.

All three nominations for terms expiring Feb. 12, 1996, are subject to Colorado Senate confirmation.

Thomson studied engineering at Colorado State University and has headed the Southeastern Colorado Water Conservancy District since its creation in 1966. He has served three terms as president of

the Colorado River Water Users Association and is former national board chairman for the 50 State Water Resources Congress.

Wright, a CSU graduate, is a San Luis Valley farmer who has served on the state Water Conservation Board since 1984. He is vice president of the Rio Grande Water Conservation District and former president of the Colorado Certified Potato Growers Association.

Sheftel is a water lawyer in Durango who has served on the state board since 1990.