

Upper Gunnison River Water Conservancy District

REGULARLY SCHEDULED MEETING

Monday, January 10, 1994
1:00 p.m.

Multi-Purpose Building - County Fairgrounds
Gunnison, Colorado

A G E N D A

- 1:00 p.m. 1. Call to Order.
- 1:10 p.m. 2. Approval of December 6, 1993 Scheduled Board Meeting Minutes.
- 1:15 p.m. 3. Consideration of Operational Expenses Paid.
- 1:20 p.m. 4. Consideration of Other Expenses Payable.
- 1:25 p.m. 5. Monthly Budget Report.
- 1:30 p.m. 6. Legal Matters: *D. Miller letter to file*
- a. Union Park Project Water Availability Appeal.
 - b. Procedures for Executive Sessions.
 - c. Procedure for Filling Vacancies on the Board of Directors.
 - d. Other Legal Matters.
- 2:30 p.m. 7. Colorado Water Congress Update.
- 2:40 p.m. 8. Taylor Park Water Management Agreement. *To file*
- 3:00 p.m. 9. 1994 Holiday Schedule. *Long Range Plan for CWC - file*
- 3:05 p.m. 10. Miscellaneous Matters. *By Rec Rec Reborn "Blue Print" Mitigation for Approval - file - responses to Approval flows protection*
- 3:30 p.m. 11. Unscheduled Citizens. *Conjunct District*
- 3:40 p.m. 12. Future Meetings.
- 3:45 p.m. 13. Employment Agreement with District Manager.
- 4:00 p.m. 14. Adjournment.

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UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT

SCHEDULED BOARD MEETING MINUTES

January 10, 1994

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The Board of Directors of the Upper Gunnison River Water Conservancy District conducted a Scheduled Meeting on January 10, 1994 at 1:00 p.m. in the Multi-Purpose Building at the Rodeo Grounds, Gunnison, Colorado.

Board members present were: Robert Arnold, Ralph E. Clark, III, Susan Lohr, Ramon Reed, Peter Smith, Lee Spann, Dennis Steckel, Doyle Templeton, William S. Trampe, and Purvis Vickers. Board member not present was Mark Schumacher.

Others present were:

- L. Richard Bratton, Board Attorney
- John McClow, Board Attorney
- Tyler Martineau, Manager
- Patrice Thomas, Office Secretary
- Rita McDermott, Treasurer
- Marija Vader, Gunnison Country Times Reporter
- Laura Anderson, Crested Butte Chronicle/Pilot Reporter
- Robert E. Miller, Citizen
- Diane Lothamer, City of Gunnison
- Brad W. Phelps, Citizen
- Palmer Vader, Gunnison County Stockgrowers
- Marlene Zanetell, Gunnison County
- David McLain
- Gary Sprung, HCCA
- Bruce Driver, HCCA Attorney
- Judy Buffington, Gunnison County Stockgrowers
- Enid Peppard, KKYY
- Lucy High, Citizen
- Peggy Lou Reese, Gunnison County Stockgrowers
- Dean Blackwell, Gunnison County Stockgrowers
- Phyllis Guerrieri, League of Women Voters
- Ken Spann, Gunnison County Stockgrowers

1. CALL TO ORDER

President Trampe called the meeting to order at approximately 1:10 p.m.

2. APPROVAL OF DECEMBER 6, 1993 MINUTES

President Trampe stated that the first item on the agenda was approval of December 6, 1993 minutes which had been circulated to the Board by mail.

Bob Arnold moved that the December 6, 1993, minutes be approved as circulated to the board. Butch Clark seconded the motion. The motion carried.

3. CONSIDERATION OF OPERATIONAL EXPENSES PAID

Bob Arnold moved to approve Operational Expenses Paid, as prepared by the treasurer, for December 1993. Susan Lohr seconded the motion. The motion carried.

4. CONSIDERATION OF OTHER EXPENSES PAYABLE

Butch Clark asked if the board should discuss the draft resolution prepared by Tyler Martineau to authorize the transfer of funds between line items to defray legal expenses in excess of the 1993 budgeted amount.

President Trampe asked if there were questions about any of the items on the list of other expenses payable.

Lee Spann suggested that Mr. Bratton review the Bratton and McClow invoice submitted for December 1993. Dick Bratton distributed a table of contents of the briefs prepared for Case No. 92SA68 and reviewed the work spent in preparing the briefs. Mr. Bratton noted that Bratton & McClow did not bill for all the hours spent in preparation and also included a 15% discount. Mr. Bratton explained that at the time he and Mr. McClow submitted an estimate of the legal expenses for 1993 they did not know that they would be responsible for preparation of the response on Aspinall water rights or a review of flood control protection. Mr. Bratton also reported that the joint attorney analysis of briefs required weekly meetings in Denver during the month of December. Mr. McClow explained that two additional issues surfaced which needed to be addressed and had not been included in other briefs. Mr. McClow said these two issues were critical to the District.

*Butch had
said
could discuss
etc*

Ramon Reed said that the work that he has observed in relation to this item seems to justify the amount of the bill.

Tyler Martineau said that the December 1993 bill from Bratton & McClow puts the District \$12,000 over the budgeted amount in the legal expenses and engineering related line item. Mr. Martineau said that the accountant had advised him that there is no legal reason why the district can not transfer funds from other line items to this item and that it can be done without increasing the revenue amount for 1993. Mr. Martineau said that he had prepared the draft resolution based on the advice of the accountant, but that the board's previous informal policy has been to provide public notice prior to changing or amending the budget.

Ramon Reed said that since \$12,000 is a significant amount to transfer it would be a good idea to provide public notice before this transfer but that the portion of the Bratton & McClow bill that can be paid from the 1993 budgeted amount should be paid.

Butch Clark moved to approve Other Expenses Payable, including that portion of the Bratton & McClow bill which does not exceed the 1993 budgeted amount in the line item of legal and engineering related expenses, except for payment of board of directors' fees and mileage to members not present at this meeting and that public notice be given prior to board approval of the transfer of funds from other line items to pay the Bratton & McClow bill in excess of the current 1993 budgeted amount in the legal and engineering expenses line item. Ramon Reed seconded the motion. The motion carried.

5. MONTHLY BUDGET REPORT

Rita McDermott, treasurer, reported that a certificate of deposit at 1st National Bank of Gunnison will mature on January 18, 1994. She said that unless the board provided other direction she would roll it over into another certificate of deposit at 3.75% interest which is an increase from the current 3.5% interest.

There were no other comments on the Monthly Budget Report prepared by the treasurer.

6. LEGAL MATTERS

a. Union Park Project Water Availability Appeal

Dick Bratton reported that they had not yet received copies of all the briefs that were filed. He said that he had received the briefs prepared by Ken Spann on the East River

rights, David Baumgarten for Gunnison County, Barney White, and Andy Williams. He said that he has not received the brief prepared by Bruce Driver or the brief prepared by the United States of America. Mr. Bratton said that Arapahoe will probably request an extension and that the briefing probably will not be completed until April 1994 at the earliest.

Dick Bratton said that as we filed a cross appeal on the 620(f) issue, he anticipates we will file a response to Arapahoe's brief on this issue. Mr. Bratton said that he will request that the board seek public input prior to preparation of a response to the brief prepared by Bruce Driver.

Susan Lohr requested a copy of the East River brief prepared by Ken Spann and Andy Williams.

Butch Clark asked if Colorado Springs and Thornton will respond to all the briefs. Dick Bratton responded that they are limited to conditional water rights issues but that they can respond to anything that is responsive to their briefs.

Dick Bratton said that the Colorado Supreme Court could conceivably rule on any one of three primary issues and not get into any of the other issues presented in the multitude of briefs. These primary issues as outlined by Mr. Bratton are:

- (1) Burden of proof prepared by Andy Williams for the Colorado River Water Conservation District,
- (2) Aspinall water rights prepared by Bratton & McClow, and
- (3) Right to use Taylor Park prepared by Barney White.

Mr. Bratton requested that the board call him with any questions that they might have after reading the briefs because the issues raised are critical to this basin.

Butch Clark suggested that the District maintain a binder of all the briefs at the office so that they will be available if the public wants to review the briefs.

b. Procedures for Executive Sessions

Dick Bratton distributed his January 10, 1994 memorandum about executive sessions and the open meeting law. Mr. Bratton reviewed the memorandum focusing on the purposes for which an executive session can be held primarily in the area of litigation. Mr. Bratton then reviewed the conclusions presented regarding the invitation of selected members of the public to attend board executive sessions.

Butch Clark asked how you can bring parties/opponents to litigation together to discuss and how do you determine who can attend these discussions. Dick Bratton said that if the client's attorney also attends so that discussion is a matter of confidential attorney-client privilege it is safer to interpret as an executive session.

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: June 2, 1994

SUBJECT: Agenda Item 14, June 13, 1994, Board Meeting --
Miscellaneous Matters.

Ken Knox has been appointed as the new division engineer for Water Division 4 by the state engineer, Hal Simpson. Division 4 includes all of the Gunnison basin. In his new position Ken will be responsible for administration of water rights in the basin. As you know Ken has been the acting division engineer since Keith Keppler left the position earlier this year.

Ray Werner of Delta has been confirmed as the new Gunnison Basin representative on the Colorado Water Conservation Board (CWCB). He took over the Gunnison basin seat on the board at its meeting in Fort Morgan on May 25 and 26. *11/1/21*

Eric Kuhn of Glenwood Springs has been confirmed as the new Colorado River Mainstem representative on the CWCB. Jim Lochhead, the previous board member, gave up his seat on the CWCB recently to become the new executive director of the Colorado Department of Natural Resources replacing Ken Salazar. Eric is well known to the Upper Gunnison District through his work on the staff of the Colorado River Water Conservation District.



Colorado Water Workshop

Western State College

Gunnison, Colorado 81231

(303) 943-7156

June 6, 1994

received
6/7/94

Mr. William Trampe
Chairman
Upper Gunnison River Water Conservancy District
275 S. Spruce Street
Gunnison, Colorado 81230

Dear Bill and Members of the Board:

Thank you for the Upper Gunnison District's contribution to the Nineteenth Annual Colorado Water Workshop, scheduled for July 20-22. Your financial support and constructive advice help to ensure the Workshop's continuing success. Sponsors' contributions keep the conference fee reasonable, fund scholarships, and help cover expenses for speakers. The Upper Gunnison District is listed as a sponsor on the 4,500 brochures that were mailed in May.

Environmental restrictions, costly court battles, and changing public values are forcing changes in water supply planning for Colorado's growing urban areas. This year's program, "Quenching the Urban Giant," examines these new approaches. Could conservation on the farm and in urban districts reduce the need for the development of new water supplies? Will environmental requirements deplete current supplies as well as restricting choices for future expansion? Panelists will discuss water banks, dry-year leasing, and systems integration. Participants will debate the benefits and costs of cooperation across district boundaries. We also have a Gunnison Basin field tour that will focus on the impacts of growth on mountain valley water resources.

Speakers will include water providers from the Front Range and West Slope municipalities. From California's North Marin Water District, John Nelson will share his experiences in implementing strict water conservation measures. Arapaho Forest Supervisor Skip Underwood, Frank Stephens of Greeley and other panelists will discuss the impact of bypass flows on urban water supplies. Jerry Swingle and Stephen Leonhardt will debate the public trust initiative and its potential effects on urban supplies. Sandra Postel of the Worldwatch Institute will bring an international perspective to the Workshop.

Sponsors receive one complimentary registration for every \$600 contributed to the Water Workshop. This year the Upper Gunnison District donated \$1200 to the Workshop, so you are entitled to 2 complimentary registrations. Please send registration forms for your free participants so that we can reserve places for them. Also, all board members are encouraged to drop in whenever their schedules allow.

I always welcome your suggestions. Please give me a call at (303)943-7156 if you have any comments or questions. Thank you for your support of the Colorado Water Workshop.

Sincerely,

Lucy High
Program Director

Upper Gunnison River Water Conservancy District

SPECIAL MEETING

Monday, May 16, 1994
7:00 p.m.

Multi-Purpose Building - County Fairgrounds
Gunnison, Colorado

A G E N D A

1. Call to Order.
2. 1994 Taylor Park Reservoir Operations.
3. Adjournment.

Persons with special needs due to a disability are requested to call the district at 641-6065 at least 24 hours prior to the meeting.

275 South Spruce Street • Gunnison, Colorado 81230
Telephone (303) 641-6065 • Fax (303) 641-6727

SPECIAL BOARD MEETING MINUTES

May 16, 1994

The Board of Directors of the Upper Gunnison River Water Conservancy District conducted a Special Meeting on May 16, 1994 at 7:00 p.m. in the Multi-Purpose Building at the Rodeo Grounds, Gunnison, Colorado.

Board members present were: Robert Arnold, Ralph E. Clark, III, Carol Drake, Susan Lohr, Ramon Reed, Mark Schumacher, Peter Smith, Lee Spann, Dennis Steckel, Doyle Templeton, and William S. Trampe.

Others present were:

L. Richard Bratton, Board Attorney
Tyler Martineau, Manager
Patrice Thomas, Office Secretary
Rita McDermott, Treasurer
Marija Vader, Gunnison Country Times Reporter
Laura Anderson, Crested Butte Chronicle/Pilot Reporter
Ken Spann, Gunnison County Stockgrowers
Diane Lothamer, City of Gunnison
Paul Vader, POWER and Citizen
Frank Vader, POWER and Citizen
Enid Peppard, KKYY

1. CALL TO ORDER

President Trampe called the meeting to order at approximately 7:10 p.m.

2. 1994 TAYLOR PARK RESERVOIR OPERATIONS

President Trampe asked Tyler Martineau to report to the board on updates to activity concerning the Taylor Park Reservoir operations since the last board meeting on May 9, 1994.

Tyler Martineau reported that at the end of the Gunnison Planning Model meeting on May 11, 1994 in Grand Junction that he had been approached by Bureau of Reclamation staff to discuss the draft agreement with Mr. Cockrell. Mr. Martineau said that he was told that the Bureau of Reclamation would not sign the agreement because of several concerns: (1) The letter from Barney White to Ken Knox asserts that Mr. Cockrell's right is senior to the refill right and asserts that Mr. Cockrell will allow storage in Taylor Park Reservoir as out-of-priority storage, (2) The flow schedule, and (3) Language in the draft agreement. Mr. Martineau said that if all four parties do not sign the draft agreement with Mr. Cockrell then it is not a valid agreement.

Mr. Martineau said that absent an agreement with Mr. Cockrell, the Bureau of Reclamation has requested recommendations from the other parties to the 1975 Agreement on a release schedule for Taylor Park Reservoir. Mr. Martineau referred the board to his May 12, 1994 memorandum outlining two options for consideration.

Lee Spann moved that the board reconsider the May 9, 1994 motion ratifying the draft agreement with Ernest Cockrell. Dennis Steckel seconded the motion. The motion carried with a 7-3 vote. Doyle Templeton had not arrived at the meeting at this time.

Dick Bratton reported on a telephone conversation this afternoon with Barney White, attorney for Ernest Cockrell. He said that the outcome of the conversation was that Barney White will contact Scott Lovelace, attorney for the Bureau of Reclamation regional office in Salt Lake City, for discussion on modifications to his letter and that Barney White is trying to avoid litigation in the basin until the litigation with Arapahoe County is completed.

Lee Spann said that it seems that this situation is at the point where Barney White is negotiating with the Bureau of Reclamation and that's where it needs to be. Mr. Spann asked what the role of the Upper Gunnison River Water Conservancy District is since the District is not a major player in this matter.

President Trampe responded that the current role of the District is probably as a mediator and that in his opinion there is something to gain for the basin by the manner in which the Taylor Park Reservoir operations are determined.

Lee Spann asked if the District is welcome as a mediator. President Trampe said that he did not know. Dick Bratton said that if he intervened that it might be suspect on both sides but that he had offered his assistance.

Dick Bratton said that in his opinion it would be best to adopt a position to get the current situation resolved and held off to not harm the Arapahoe litigation. Mr. Bratton said that legally there is room to negotiate a stand-still agreement.

Butch Clark said that he understood the Bureau of Reclamation representatives at the

May 9, 1994 meeting to say that their legal department could live with the draft agreement but that Dave Mutz was concerned about policy. Butch Clark interpreted that to mean that the disagreement is about policy not legal issues. Dick Bratton responded that it is a turf battle between the Bureau of Reclamation and Ernest Cockrell and that the District represents the beneficiaries, the people in this basin.

Mark Schumacher asked why Barney White's letter to Ken Knox was attached to the draft agreement when the letter had not been part of the negotiation between Ernest Cockrell and the District board representatives. Dick Bratton responded that Barney White probably thought that the letter would tie up loose ends.

Dick Bratton said that Barney White had indicated in his telephone conversation with him that Barney White would be willing to live with only paragraph 3 in the draft agreement which is essentially the core of the negotiations.

Ramon Reed said that there could be a third option to add to Mr. Martineau's two options presented in the memorandum. Mr. Reed suggested that the District recommend the flow schedule agreed to by the draft agreement and that the draft agreement be modified to be between Ernest Cockrell and the Upper Gunnison River Water Conservancy District.

Tyler Martineau said that he was angry about the additions and changes made to the draft agreement by Barney White. Mr. Martineau then presented his opinion about the positions of the other parties to the 1975 Agreement. Mr. Martineau said that the staff recommendations of the Colorado River Water Conservation District and the Uncompaghe Valley Water Users will be that the draft agreement not be signed because the language in paragraph 3 was negotiated with Ernest Cockrell and then substantial changes, particularly in paragraph 2, were made to the agreement and the letter to Ken Knox was circulated. Mr. Martineau said that the other three parties will recommend option #2.

Lee Spann suggested that Tyler Martineau was presuming something of the Colorado River Water Conservation District board that he did not know. Mr. Spann said that his experience indicates that the Colorado River Water Conservation District would be more inclined to support the Upper Gunnison River Water Conservancy District over the Bureau of Reclamation in this dispute.

Tyler Martineau commented on option #3 as suggested by Ramon Reed. Mr. Martineau said that the Bureau of Reclamation is the decision maker regarding the flow and release from Taylor Park Reservoir. Mr. Martineau said that in his opinion the historical consensus process of developing the flow regime to accomplish all users' purposes would be violated if the District recommends 445 cfs and the Bureau decides on 350 cfs. Mr. Martineau expressed his opinion that option #3 would create a breakdown of the consensus process and that the District would give up the ability to work with the Bureau of Reclamation.

Ramon Reed said that he believes that the consensus process is a good one but does not understand how that process would be harmed by recommending option #3. He said that he does not think saying you have to do what the Bureau says in advance is a consensus process. Mr. Reed said that Ernest Cockrell's water right had been overlooked until now but that this water right needs to be taken into account during the consensus process to develop the flow and release schedule from Taylor Park Reservoir. Mr. Reed said that if Mr. Cockrell's call were disruptive to the stream flow or lake levels than he would be concerned. Mr. Reed said that the District represents this basin and should recommend this non-disruptive flow level. Mr. Reed said that he can understand the Bureau of Reclamation's objection to Barney White's letter but not their objection to the flow level.

Bill Trampe said that he was uncomfortable accepting the 445 cfs flow regime without an agreement with Ernest Cockrell because it would change the historical operation of Taylor Park Reservoir. Mr. Trampe said that all parties should be part of the process because the Bureau of Reclamation holds the decree.

Dick Bratton explained that the 445 cfs was not proposed for flow purposes but to satisfy the legal needs of Ernest Cockrell. Mr. Bratton said that his opinion is that the 445cfs could set a precedent to detract from the refill water right. Mr. Bratton said that the current dispute is a narrow one over what the flow will be this year and how to protect the instream flow decree.

Butch Clark expressed his concern that the District should not consider itself in the position to tell Ernest Cockrell how to exercise his water right and that the District would be misled by information provided by the Bureau of Reclamation.

Butch Clark distributed a memorandum to the board which outlined questions that he has regarding the Taylor Park 2nd fill water management. Mr. Clark went over each of the points contained in his memorandum and asked for clarification on conflicting information that he has identified. Mr. Clark asked for clarification on whether the 445 cfs was for two or five days, on the Bureau of Reclamation water supply forecasts being internally inconsistent and inconsistent with other sources, on whose water is stored in Taylor Park Reservoir - the District's or Mr. Cockrell's, on the Bureau of Reclamation's criteria of flow level that will harm the fishery, on who receives the accounting credit if the inflow is greater than estimated by the Bureau of Reclamation, and what bearing the 86CW203 decision has upon the determination of the seniority of respective water rights by the historical operations.

Butch Clark said he thinks that the Bureau of Reclamation owes the District current accurate information and clear explanations on their positions so that the board can make informed decisions.

Susan Lohr said that her understanding is that the Bureau of Reclamation would support the draft agreement with the flow regime but not the inclusion of the letter from Barney White. Tyler Martineau responded that Barney White added additional language to

the draft agreement and that the Bureau of Reclamation no longer agrees.

Susan Lohr said that it appears to her that the board's initial instincts were correct to negotiate with Ernest Cockrell. Ms. Lohr suggested that the District hold firm on the original negotiated agreement between the two parties within this basin because these two parties have the most interest in the outcome.

The board members took time to review paragraph 3 of the draft agreement which corresponds to the original negotiated agreement with Mr. Cockrell.

Mark Schumacher said that his understanding, as one of the negotiators, is that paragraph 3 contains the original negotiated agreement. Mr. Schumacher said that he agreed with Susan Lohr's suggested approach.

Peter Smith who was also a negotiator said that paragraph 3 is the original negotiated agreement. Mr. Smith said that this District represents the users in this basin and, therefore, this water right of Ernest Cockrell. Mr. Smith said that he continues to favor a stand-still agreement with Mr. Cockrell if possible and proceeding with a recommendation of the 445 cfs flow for two days.

Lee Spann noted that the language in the decree, "historical operation of Taylor Reservoir," will be decided by the court. Mr. Spann expressed a concern that if the District recommends a 445 cfs flow and that Ken Knox, Acting Division Engineer, decides not to release that flow then the District may end up on the side of Ernest Cockrell in litigation against the State Engineer.

Susan Lohr said that the District would only be recognizing the water right and saying to the State Engineer to determine the release of water if it is consistent with the decree so she doesn't see the District as taking sides with this approach. Lee Spann responded that the District would be supporting the flow regime of 445 cfs and that the impact of any decision on the future of the next lawsuit should be considered.

Peter Smith said that given the statistics that he has seen that a flow of 445 cfs for two days would not be unusual and that the District would not be taking a position that will relate to interpretation of the decree.

President Trampe asked Peter Smith and Susan Lohr for clarification if they supported the original negotiated agreement with a 445 cfs flow schedule. Both responded in the affirmative.

Ramon Reed said that he believes that the proposed flow schedule which accompanies Mr. Martineau's memorandum of April 19, 1994 fits the objectives of the 1975 Agreement so recommending a flow of 445 cfs would not put the District on one side or the other prior to anticipated litigation in the future.

Tyler Martineau reviewed the water supply conditions from the Soil Conservation Service in the "Basin Outlook Report" dated May 1, 1994. He said that he could not explain the lower percentage stream flow forecast compared to the snowpack percentage. Butch Clark noted that the State Engineer has other calculations, too. Mr. Martineau said that the Bureau of Reclamation said the difference in percentage for the Aspinall Unit is because most of the accumulation was in the North Fork drainage.

Dennis Steckel mentioned the possibility of negotiating a compromise flow such as 395cfs for a place for the parties to meet.

Tyler Martineau discussed more details of the runoff projections. Mr. Martineau said that the flow amount is not important but that the process of consensus is what's important. Mr. Martineau asked how the board wants this process to work within the historic operation for the ultimate court case. Mr. Martineau asked if Mr. Cockrell is to be included in the process.

Butch Clark said that the District can and should include Mr. Cockrell in the process to determine the needs of this basin's users. Mr. Clark said that a District objective would be to avoid litigation within the basin. He said that he had been told that the Bureau of Reclamation does not want a non-government entity to participate in negotiations but that the Bureau of Reclamation does negotiate with private parties and gave examples. Mr. Clark also gave examples of the Bureau of Reclamation adopting monthly approved releases rather than daily release. Mr. Clark said that he believes the agreement with Mr. Cockrell is about a flow schedule.

Lee Spann moved that the District send the original negotiated agreement between the District board representatives and Ernest Cockrell back to Ernest Cockrell for his consideration. Susan Lohr seconded the motion.

Mark Schumacher noted that the essential language of the negotiated agreement is contained in the April 19, 1994 memorandum from Tyler Martineau to the board.

Dick Bratton said that the other three parties to the 1975 Agreement should also receive what is sent to Ernest Cockrell. Mr. Bratton also recommended that he be instructed to help Barney White and the Bureau of Reclamation negotiate a settlement.

Butch Clark said that it is costing the District a lot of money for Mr. Bratton and Barney White to converse when this approach could settle the matter simply.

Lee Spann proposed an amendment to the motion to send the original negotiated agreement sent to Ernest Cockrell to all parties to the 1975 Agreement. Susan Lohr accepted the amendment to the motion with the condition that it is made clear that no changes be made to the original negotiated agreement.

Bill Trampe said that it behooves the District not to duplicate the process and add attorneys' fees again.

Dick Bratton suggested that the board instruct Tyler Martineau to negotiate with the Bureau of Reclamation to save attorneys' fees.

Tyler Martineau said to let Barney White work with the Bureau of Reclamation. Mark Schumacher said that the motion will accomplish this approach.

Doyle Templeton asked for a clarification of the motion and the motion was read to the board.

Bob Arnold clarified that Barney White's letter to Ken Knox would not be included in the negotiated agreement sent to Ernest Cockrell.

The motion carried.

There was a brief discussion about the legal costs being incurred by the District's attorney on this matter. Tyler Martineau said that there may be litigation on this matter.

Tyler Martineau said that the Bureau of Reclamation will not sign an agreement with Ernest Cockrell so the District will need to provide a flow regime to the Bureau.

Butch Clark said that a flow schedule was attached to Mr. Martineau's memorandum of April 19, 1994 and that in the memorandum Mr. Martineau indicated that this flow schedule was accepted by all the parties at the Taylor Park Reservoir Operations meeting on April 19, 1994.

Susan Lohr said that she agreed with Mr. Clark that this flow schedule appeared to be accepted by the other parties to the 1975 Agreement and that by trying to reach an agreement with Ernest Cockrell that the District is making a recommendation consistent with the agreement.

Dennis Steckel suggested that Mr. Martineau work up another flow regime if needed. Mr. Martineau replied that he had given the board two options as described in his May 12, 1994 memorandum regarding the agenda item for this board meeting. Dennis Steckel said that a third option with plenty of storage should be developed.

Ramon Reed asked Tyler Martineau if all four parties agreed to the flow schedule at the April 19, 1994 meeting of the Taylor Park Reservoir Operations meeting. Mr. Martineau said that they had subject to the signing of the agreement. Ramon Reed said that this flow schedule is then part of the consensus process.

Susan Lohr said that the District has assembled the players in this basin and by

including Mr. Cockrell's request the District is representing everyone in the basin who has come forward. As part of the process, the District then took the request for a flow schedule to the other parties of the 1975 Agreement.

Tyler Martineau said that to include Mr. Cockrell is a change in the process so it will set a precedent. Susan Lohr said that she would be uncomfortable if Mr. Cockrell's request were ignored during the process of development of a flow schedule.

Mark Schumacher said that there is a flow schedule and that Mr. Cockrell was included in the District negotiations.

Peter Smith said that Mr. Cockrell's request has been considered by the board and that this year there appears to be enough water to accommodate the request for 445 cfs. Mr. Smith said that in dry years the District response might be evaluated differently.

Dick Bratton gave a background of the historical operation and the need for the process established in the historical operation. Mr. Bratton said that a stand-still agreement is appropriate but his advice, as an attorney, is that the board might be over-reaching to accommodate a single user request.

Peter Smith replied that he did not hear any other user interests objecting to Mr. Cockrell's request. Mr. Smith said that if there are other users to consider he would like them to step forward and be included. Mr. Smith said that currently it appears that Mr. Cockrell is confirming his water right but that if he is interfering or causing injury to others then Mr. Smith would want to know about it during the board's discussion.

Bill Trampe said that he thought there would be injury during a senior call because there is no augmentation plan.

Dennis Steckel said that he agreed with Dick Bratton that this is a response to an individual's personal need and that there could be serious ramifications.

Ramon Reed said that this matter should be viewed as giving Mr. Cockrell consideration not as giving Mr. Cockrell control. Mr. Reed said that the District needs to give consideration to the people it represents and that he thinks that the negotiation with Mr. Cockrell is doing just that.

Butch Clark said that this summer he would like the District to look at what makes sense for the basin as a whole and what can be achieved with the 2nd fill.

Tyler Martineau said that Ramon Reed's point of giving consideration to Mr. Cockrell has the potential of changing the relative position of the private instream flow right and the refill right. Mr. Martineau said that Ken Knox, Acting Division Engineer, is watching the District's decision carefully as to how he will administer priorities of rights.

Tyler Martineau said that the District still needs to give a flow schedule to the Bureau of Reclamation. Lee Spann asked when the Bureau wants this flow schedule. Mr. Martineau replied that June 25, 1994 would be the last date. Lee Spann said that it is premature to set a flow schedule until the District receives a response from Mr. Cockrell following the motion adopted by the board during this meeting. Ramon Reed suggested that Mr. Martineau explain the board's action to the Bureau of Reclamation.

Butch Clark reiterated that attached to Mr. Martineau's April 19, 1994 memorandum to the board is a flow schedule which was negotiated and that this flow schedule includes 445 cfs for two days. Mr. Clark said that this flow schedule seems to be within reason. Tyler Martineau argued the points of this flow schedule and whether it meets the request of the Bureau of Reclamation.

Lee Spann moved that the District not set a flow schedule until a response on the negotiated agreement is received from Ernest Cockrell and the four parties to the 1975 Agreement. Peter Smith seconded the motion. The motion carried.

Dick Bratton said that the original right, the instream right, and the refill right are a shield around this basin. Mr. Bratton advised the board that the issue is to look at this situation as if the instream water right were in the hands of a person who did not have the good interests of Mr. Cockrell.

3. ADJOURNMENT

President Trampe adjourned the meeting of the Upper Gunnison River Water Conservancy District at approximately 9:00 p.m.

Respectfully submitted,

Mark Schumacher, Secretary

APPROVED:

William S. Trampe, President

WILLIAMS, TURNER & HOLMES, P.C.
ATTORNEYS AT LAW
COURTHOUSE PLACE BUILDING - 200 N. 8th STREET
MAILING ADDRESS - P.O. BOX 338
GRAND JUNCTION, COLORADO 81502-0338
TELECOPIER: (303) 241-3028
TELEPHONE: (303) 242-6262

Upper Gunnison River Water

April 30, 1994

RE: UPPER GUNNISON/
ARAPAHOE/HYDROPOWER

Page 2

PROFESSIONAL SERVICES RENDERED (Continued)

AWW	1.70 hours	212.50

TOTAL SERVICES		\$1600.00

DISBURSEMENTS

April, 1994

11	Long distance calls	11.40

	TOTAL DISBURSEMENTS	\$11.40

	BALANCE DUE	\$1611.40
		=====

PLEASE RETURN DUPLICATE COPY OF STATEMENT WITH REMITTANCE
** THANK YOU **

WILLIAMS, TURNER & HOLMES, P.C.
ATTORNEYS AT LAW
COURTHOUSE PLACE BUILDING - 200 N. 6th STREET
MAILING ADDRESS - P.O. BOX 338
GRAND JUNCTION, COLORADO 81502-0338
TELECOPIER: (303) 241-3026
TELEPHONE: (303) 242-6282

received
5/6/94

Upper Gunnison River Water
Conservancy District
275 South Spruce St.
Gunnison, CO 81230

April 30, 1994
Tax ID #84-0809508
RE: UPPER GUNNISON/
ARAPAHOE/HYDROPOWER

ITEMIZED STATEMENT

PREVIOUS BALANCE \$375.00

CREDITS

March, 1994

16 Payment on account 375.00

TOTAL CREDITS \$375.00

PROFESSIONAL SERVICES RENDERED

March, 1994

22 Study Arapahoe response to power brief
AWW 1.50 hours 187.50

24 Work on 620f brief
AWW 4.00 hours 500.00

April, 1994

7 Review prior briefs and read draft of
proposed reply
AWW 2.30 hours 287.50

8 Two telephone conferences with Mr.
Bratton; work on suggestions for reply
brief
AWW 3.30 hours 412.50

11 Work on reply brief

Amount

04/12/94-Payment - thank you

(\$2,243.92)

Balance due

\$8,153.99

PAYMENT IN FULL IS DUE ON RECEIPT OF STATEMENT. A LATE CHARGE
OF 1½% 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.

	<u>Hrs/Rate</u>	<u>Amount</u>
<u>Taylor Park Reservoir Operations</u>		
03/31/94 LRB Attend meeting in Montrose re: Taylor Park operations	4.50 125.00/hr	562.50
04/18/94 LRB Work on proposed stipulation with Ernest Cockrell, i.e., conference with Bill, Tyler, Mark and Peter; several conferences with Barney White and prepare language for agreement for temporary resolution of operations	7.00 125.00/hr	875.00
04/19/94 LRB Telephone conference with Tyler and Jim Hokit; travel to Montrose for Taylor Park Reservoir Operations Meeting with Cockrell, Bureau, River District, Uncompahgre	3.00 125.00/hr	375.00
04/22/94 LRB Telephone conferences with Tyler (2), Barney re: Taylor Park Reservoir Operations Agreement	1.00 125.00/hr	125.00
 SUBTOTAL:	 [15.50	 1,937.50]
 For professional services rendered	 69.85	 \$7,818.75
Itemization of costs		
-Postage expense		21.00
-Copies from Gunnison County Clerk & Recorder's Office		141.25
-Photocopier expense		126.45
-U.P.S. delivery service		25.00
-Long distance telephone expense		21.54
 Total costs		 \$335.24
 Total amount of this bill		 \$8,153.99
Previous balance		\$2,243.92

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>Hours</u>	<u>Amount</u>
SUBTOTAL:	[30.55	3,818.75]
<u>Private Instream Flow Rights</u>		
04/04/94 LRB Conference with Bill and Tyler re: private instream rights; telephone conference with Mike Gross re: same	2.00 125.00/hr	250.00
04/05/94 LRB Review and revise memo to Board on Cockrell private instream flow rights	1.00 125.00/hr	125.00
04/11/94 LRB Review file and original decree; telephone conference with John Kreidler; conference with Tyler; revise brief; telephone conference with John Kreidler re: original case; telephone conference with Tyler re: ownership of the right	2.50 125.00/hr	312.50
04/12/94 SLP Research water right on Taylor River owned by Cockrell	1.10 75.00/hr	82.50
04/13/94 SLP Research water right owned by Cockrell per W-1991	2.70 75.00/hr	202.50
SLP Research Recorder's records re: Cockrell water right	0.70 75.00/hr	52.50
04/14/94 LRB Conference with Bill, Tyler, Mark and Peter	2.00 125.00/hr	250.00
04/18/94 JHM Conference with Dick Bratton; telephone conference with Barney White; conference with Board committee and Tyler re: language of "standstill" agreement with Mr. Cockrell	2.50 125.00/hr	312.50
SUBTOTAL:	[14.50	1,587.50]

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>Hrs/Rate</u>	<u>Amount</u>
04/18/94 JHM Telephone conference with A. Maynard re: petition for rehearing for preliminary permit application by Arapahoe/Parker; conference call with A. Maynard, J. Starr to review issues and federal questions preserved	0.50 125.00/hr	NO CHARGE
SUBTOTAL:	[4.30	162.50]
<u>Availability - Appeal</u>		
03/30/94 LRB Work on reply to Arapahoe Answer Brief (hydropower issue)	2.00 125.00/hr	250.00
03/31/94 JHM Office conference with Dick Bratton to review draft of brief and issues; revise draft of Reply Brief	3.00 125.00/hr	375.00
04/01/94 JHM Review U.S. Supreme Court cases and Colorado River Compact and CRSPA provisions; revise federal preemption argument	1.30 125.00/hr	162.50
04/04/94 JHM Review of Arapahoe County briefs and CRSPA; revise Reply Brief	3.20 125.00/hr	400.00
04/05/94 LRB Work on Reply Brief on 620 f	1.50 125.00/hr	187.50
04/08/94 LRB Telephone conference with Andy; review Andy's revisions; review brief; telephone conference with Andy	1.25 125.00/hr	156.25
04/09/94 LRB Work on Reply Brief	4.50 125.00/hr	562.50
04/10/94 LRB Work on Reply Brief	6.25 125.00/hr	781.25
04/11/94 JHM Final revisions to Reply Brief to Arapahoe County's Response to Cross-Appeal	4.30 125.00/hr	537.50
LRB Work on Reply Brief; complete revisions; telephone conference with Andy re: revisions	3.25 125.00/hr	406.25

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.

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

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

April 28, 1994

	<u>Hrs/Rate</u>	<u>Amount</u>
Professional services:		
<u>Administrative</u>		
04/11/94 JHM Attend April meeting of the Board of Directors	2.50 125.00/hr	NO CHARGE
LRB Attend April Board Meeting	2.50 125.00/hr	312.50
	<hr/>	<hr/>
SUBTOTAL:	[5.00	312.50]
<u>Union Park/FERC</u>		
04/01/94 JHM Review of FERC Order granting preliminary permit for Arapahoe County/Parker; review comments from Frances Francis; dictate memo to Board re: Order	1.00 125.00/hr	125.00
04/05/94 JRH Review A. Maynard's brief telephone conferences	2.50 125.00/hr	NO CHARGE
04/07/94 JHM Revise memo to Board re: Arapahoe/Parker Preliminary Permit	0.30 125.00/hr	37.50

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.

UGRWCD
FINANCIAL DATA-4/1/94 THRU 4/30/94

Balance on Hand - March 31, 1994

Checking Account	\$18,953.92
Petty Cash	100.00
Time C.D.-FNB	2,727.56
Time C.D.-Wetlands Fund	951.61
Money Maker-GS&L	41,962.03
Time C.D.-FNB-Lake City	41,835.52
Passbook Svgs-CB St. Bank	40,586.15
Passbook Svgs-FNB	501.98
Accts. Payable/CWT	0
TOTAL FUNDS 3/31/94	\$147,618.77

Tax Receipt Collections thru March

Real Estate	\$35,125.14
Specific Ownership	3,495.11
Interest	14.67

Note: Treasurers' Fees are included \$38,634.92

March Tax Receipt Collections Paid in April

Real Estate	\$30,490.42
Specific Ownership	1,684.90
Interest	13.90

Note: Treasurers' Fees are included \$32,189.22

Interest on Investments received in April

904.25

TOTAL TO DATE

\$180,712.24

Transfer from FNB-ckg to FNB-svgs-\$35,000.00

Total Disbursements thru 4/30/94

10,550.42

TOTAL FUNDS 4/30/94

\$170,161.82

Balances as of 4/30/94

		INTEREST RATES	MATURITY DATES
Checking Account	\$5,861.68	2.25%	
Petty Cash	100.00		
Time C.D.-FNB of Gunnison (1 yr.)	2,751.10	3.50%	1/18/95
Time C.D.-Wetlands-FNB of Gunnison (1 yr.)	954.44	3.50%	8/16/94
Money Maker-GS&L	42,078.01	3.25%	
Time C.D.-FNB of Lake City (6 mo.)	42,192.55	3.50%	10/3/94
Passbook Savings-C.B. State Bank	40,887.48	3.05%	
Passbook Savings-FNB of Gunnison	35,563.58	3.00%	
Accts. Payable/Colo. Withholding Tax	-227.02		
TOTAL FUNDS 4/30/94	\$170,161.82		

UGRWCD BUDGET SUMMARY-APRIL 1994

	<u>APRIL</u> <u>EXPENSE</u>	<u>YEAR -TO- DATE</u> <u>AS OF 4/30/94</u>	<u>1994 BUDGET</u>	<u>% EXPEN</u>
Administrative Salary	\$3,958.33	\$14,719.75	\$47,500.00	31%
Secretary Salary	497.38	3,084.88	14,000.00	22%
Board Treasurer Salary	300.00	1,200.00	4,000.00	30%
Payroll Taxes & Benefits	420.82	2,222.74	8,500.00	26%
Staff Conference & Training	0	0	500.00	0%
Legal Exp & Eng. Related	2,243.92	40,867.87	70,000.00	58%
Audit & Accounting	39.00	39.00	1,200.00	3%
Engineering Services	0	0	10,000.00	0%
Rent & Utilities	0	1,500.00	1,500.00	100%
Stream Gages O&M	489.60	489.60	12,800.00	4%
Stream Gages Construction	0	0	4,000.00	0%
Bonding	0	50.00	200.00	25%
Insurance/Premises	(91.00)	250.00	300.00	83%
Office Telephone	104.76	495.19	2,500.00	20%
Legal Printing	48.30	279.01	1,400.00	20%
Administrative Travel	67.50	725.96	3,000.00	24%
Board of Directors Travel	0	0	500.00	0%
Office Supplies	23.13	395.90	1,500.00	26%
Postage	0	260.00	1,200.00	22%
Copying	0	0	1,200.00	0%
Publications Acquisition	0	58.00	500.00	12%
Office Equipment	0	0	1,000.00	0%
Board of Directors Fees	250.00	1,575.00	5,000.00	32%
Board of Directors Mileage	53.50	618.00	1,400.00	44%
Uncompahgre Water Users	0	3,000.00	3,000.00	100%
Taylor Park Water Management	0	284.60	10,000.00	3%
CWC Membership	0	400.00	500.00	80%
WSC Water Workshop	1,200.00	1,200.00	1,200.00	100%
Promotion & Guest Expense	0	90.24	1,700.00	5%
County Treasurer's Fees	945.18	2,130.97	7,000.00	30%
Subtotals	<u>\$10,550.42</u>	<u>\$75,936.71</u>	<u>\$217,100.00</u>	35%
Contingency			10,000.00	0%
Emergency Reserves			2,500.00	0%
Water Resource Protection & Development Reserves			1,928.00	0%
Totals	<u>\$10,550.42</u>	<u>\$75,936.71</u>	<u>\$231,528.00</u>	33%

**ATTORNEY INVOICES RECEIVED AND PAID
1994**

Bratton and McClow

	Invoice Date	Amount	Date Paid	Budget Year Expended
	12/30/93	\$6,040.30	1/10/94	1993
	1/28/94	\$12,000.00	2/14/94	1993
	1/28/94	\$15,882.31	2/14/94	1994
	2/28/94	\$3,772.46	3/14/94	1994
	3/31/94	\$2,243.92	4/11/94	1994

Williams, Turner, & Holmes, P.C.

	Invoice Date	Amount	Date Paid	Budget Year Expended
Arapahoe/Hydropower	1/31/94	\$375.00	3/14/94	1994

Helton & Williamsen, P.C.

	Invoice Date	Amount	Date Paid	Budget Year Expended
Engineering Services	12/7/93	\$553.88	1/10/94	1993
Total Disbursed		<u>\$40,867.87</u>		
Total Disbursed-1994 Budget		<u>\$22,273.69</u>		

OPERATIONAL EXPENSES PAID

April 11, 1994	U. S. West Communications-office phone	\$104.76
April 12, 1994	Valley Insurance Agency-insurance/premises	250.00
April 25, 1994	Colorado State Treasurer-1st Qtr. Unemp. Insurance Tax	57.00
April 25, 1994	Colorado Water Workshop-WSC-sponsorship	1,200.00
April 25, 1994	Silver World Publishing-classified notice	16.00
April 25, 1994	The Paper Clip-office supplies	23.13
April 25, 1994	Chronicle & Pilot-March notices	32.30
April 30, 1994	Tyler Martineau-April direct expenses	67.50
April 30, 1994	Tyler Martineau-net salary for pay period 4/1/94-4/30/94 (gross salary \$3,958.33)	2,720.41
April 30, 1994	Patrice Thomas-net wages for pay period 4/1/94-4/30/94 (gross wages \$497.38/43.25 hrs)	334.98
April 30, 1994	Rita McDermott-net salary for pay period 4/1/94-4/30/94 (gross salary \$300.00)	225.00
April 30, 1994	First National Bank-FWT & FICA-April	1,612.12

OTHER EXPENSES PAYABLE

May 9, 1994 Scheduled Meeting:

Bob Arnold	attendance-\$25	\$25.00
Ralph Clark III	attendance-\$25	25.00
Carol Drake	attendance-\$25 & 110 mi.@.25-\$27.50	52.50
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
Bratton & McClow	4/29/94 invoice	8,153.99

June 13 annual meeting - 7:00 hour

7:00 PM

Had very - meeting & be expected.

meeting - this group to be pro-active

like single focus - more concrete

Strategic Planning

D. requires new structure - activities

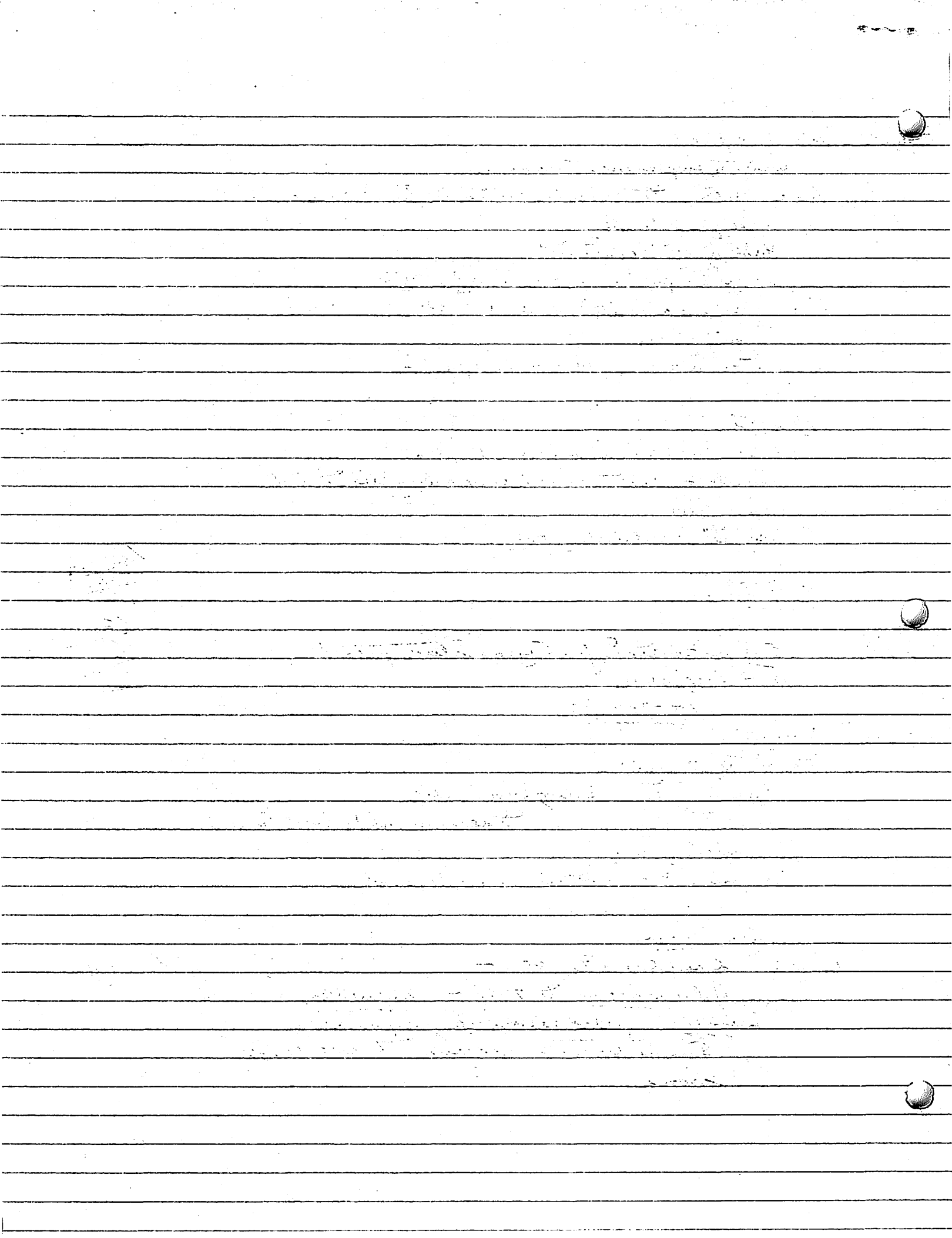
6:150 age - administration - 201 budget

His long & unlocated

Other financial

Particular my

Monthly



Tyler

April 18 Aspinall

Bureau to implement Endangerment
June meeting to describe contract for delivery water
below Redlands

Have draft of contract

August - public negotiations for FWS

Give Bureau ability to deliver 300 cfs below

contract under contract

Contract amendment in place next spring

What

If water

may draw down storage in Aspinall to

much - water could come out of historical
operation.

Looking at possibility of calls

400,000
Sealand

Meeting -

Boyer

5 year contract for 5 year study period

1994 - low flow year

100 - 300 cfs

~~16 June~~
16 June
Zing

Tyler

Aspenally -

Report by May 31

Desired flow - spring summer winter

Decision used in position to recommend for Black Canyon
needs of users

Recommend - not increase like wood of
down stream

Blue Mesa

limited draw down to 7490 -

if draw down to 7490 - recommended

Summer - filled as completely as possible

Storage used could be used. Keep care of
river.

trade off

accounting.

Ken Kavy - will use decision re: State Engineer

Ramon - very very sensitive. - statement of control of river.

Dick
Ramon Seeing from C. just protection of right.

Lee European law decree not taken seriously
C. make that decree good.

You need to take him seriously.
work with him.

Willing to work with reasonable standards
Foster and in spirit of cooperation.

What is to happen in Idaho

Clyde
Lee
multy Next meeting on flows region will be set
who would handle litigation.

If 4 parties come out with 4 recommendations
then Kroos determines what to go to

If different burden is stated
either side must State Engineer.

By R also - 1) sign 50-445

2) and sign 445

3) no ag 350

go to Salt Lake City NTEPA

Tyler opinion of concern - no agreement
only with 445
into bad precedent.

why has
it been

4% percent
of cooperation

4 parties
my position
of water
interest

No condemnation

Booked out
Prudent
all within
project.

Conduct
to Board

Bidger -
away -

also recommend
490

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 23, 1994

SUBJECT: June 14, 1994 Meeting with the City of Gunnison.

The District has received an invitation from the Gunnison City Counsel for the Board of Directors to attend a dinner on Tuesday, June 14, 1994. The purpose of the meeting will be to discuss water matters of mutual interest and to meet with Tim Beaton and John Patterson the city's water attorney and engineer. The dinner will take place at the Cattlemen Inn in Gunnison at 6:00 p.m.

Board members are requested to let our office know their plans for attending by Monday, June 6.

NOTICE!

To UGRWCD Board Members

**The time of the dinner meeting with the City of Gunnison
has been changed**

The new time is 5: 00 p.m. on Tuesday, June 14.

The dinner will still be at the Cattlemen's

Upper Gunnison River Water Conservancy District

MEMORANDUM

TO: Board Members
Upper Gunnison River Water Conservancy District

FROM: Tyler Martineau

DATE: June 3, 1994

SUBJECT: June 14, 1994 Meeting with the City of Gunnison

Just a reminder that if you plan to attend the 6:00 p.m. dinner meeting with the City of Gunnison on June 14, 1994 we need to know no later than June 6. If you have already responded to the District office please ignore this reminder.

June 3, 1994

You are invited to a meeting to discuss an interim agreement to deliver water from the Aspinall Unit (Blue Mesa, Morrow Point, and Crystal Reservoirs), past the Redlands Diversion Dam on the Gunnison River near Grand Junction, Colorado, for endangered and other native fish species. Flows would be protected from diversion while studies are being conducted by the Fish and Wildlife Service on how the Aspinall Unit should be operated to benefit native fish. Flow protection could result in increased water rights administration in the Gunnison River Basin.

Two related proposals will also be addressed: a fish ladder around the Redlands Diversion Dam and the Taylor Park Water Management Agreement. The ladder would let endangered fish (Colorado squawfish and razorback sucker) migrate to important habitat of the Lower Gunnison River for the first time in nearly a century. The Taylor Park Water Management Agreement would protect existing fish, wildlife, recreational and agricultural uses in the Upper Gunnison Basin.

Information will be provided at the meetings and opportunities given for comments and questions. Agency representatives will be on hand to discuss the proposals. To accommodate the wide area involved, three meetings have been scheduled; however, you need attend only one:

- *Wednesday, June 15, 1994, 7-10 p.m., Bill Heddles Recreation Center, 530 Gunnison River Drive, Delta, Colorado*
- *Thursday, June 16, 1994, 7-10 p.m., District Court Room (2nd floor), 200 East Virginia, Gunnison, Colorado*
- *Tuesday, June 21, 1994, 7-10 p.m., Boettcher Room, Mesa State College, 1151 Elm, Grand Junction, Colorado*

The interim agreement and related proposals are a cooperative effort of Federal and State agencies, water users and environmental groups to recover endangered fish, restore ecosystem health for native fish, and ensure future development.

If you have questions or need additional information about the meetings, please call Jone Wright at the Grand Junction Bureau of Reclamation, (303) 248-0636.

WJ

Coed -

Up Commission - ^{May} 16 June 4 / 7:00 Poles 6.
Special Meeting - Taylor Park Res.

in preparation
of MSW

Troupe - Need come aboard -

Tyler M - Last week approved committee for pl. model
and 4 parties to 1994 Agreement
talked about C. Schell,

B. J. Rec decided not to sign - ¹⁹⁹⁴ agreement
only takes effect if all parties sign. B. Jim
found in review of agreement

B's concern - letter to Ken Knox Dir by. May 5
places call on river for 1994. Darryl asserts
instream right service. Assets

Control
Storage

Schell would have control over right water

B. do feel unable to sign.

Concern about flows schedule

Flows schedule

Final decision -

Parties requested to provide B. with
schedule for this year.

Schedule

2 options (1) Max (1) 445 cfs

Talked about

(2) 350 cfs max flows

Basically agreement 445 approved,
1st guarantee.

Do you desire to reconvene into from last
week.

No agreement

x Motion to Reconvene

Dick B - called Darryl W. ^{Scott} tried to call Evelyn
to goal, wants to avoid litigation until after
major li' Union Park over.

go with an
letter

B. feels -

Darryl white Negotiator with Bureau.

Role
mediator

Role of Mediator

Ought to try to see if we can
move for both parties -

Mark. Why letter attached to agreement }
Dick Darryl wanted to cover low end.

Raman - modify - flow schedule.

Tyler - other two parties involved.
Language negotiable with C.
CASCARD not support agreement
D. expanded the agreement.

Substantive
agreement

other three parties will recommend 350 cfs

See Riner District supporting, up to you
ultimately the Bureau is decision maker

Conflict of
interests

Tyler worked in consensus based process

1966 200 optimum flow

Provision in process for up to you received worked as the

If we recommend 445 and D. says 350,

Moving away from consensus -

Consensus
How far
Bill
can I right

Raman. Consensus great - but Cochran right
overlooked till last year.

This water right needs to be paid of

Be cooperative do it myself

Flow - disruption three to four ponds
and it is not,

Troupe - Supported

Historic placing with future

not for see what representation

agreement signed by all parties

Consensus -

Dick - what the issue

445 only in there for legal - not
needed -

see precedent returned from several
rights -

who are
we w
not
445

Bureau is trying to accommodate.

give in to Cochran to get peace in valley

Panel - Support -

Susan Altony interviewed we end up with
undeniable,

stand still in simplified form
see what is historical right.

If we separate Mr. ~~Robert~~ Reich.

Then we are on side of
which side of fence are we on
C. or the Camp.

Susan - we are asking the State Engineers off
to respect decree.

Historic agreement ~~not~~ interfer
with 1975.

Col David DeLosh Report
Perry.

Randy.

Flows are not crucial.

Process what president's
changing to meet
parties decide

→ flows for one week or month
determined.

Included in power

Tracy -

Subject to historical operations.

If power
is not ask for
it in decree.

Be on side
which

Take

not take sides

Take a position
which makes
sense!

flows

what is
important
power

Want to own
even
can

Power giving consideration in power.

- Required
we have
something

Der Distrikt 16 May
at ~~St. Louis~~ ~~St. Louis~~

Upper Gunnison River Water Conservancy District

REGULARLY SCHEDULED MEETING

Monday, May 9, 1994
7:00 p.m.

Gunnison County Community Building
Rodeogrounds
Gunnison, Colorado

A G E N D A

- 7:00 p.m. 1. Call to Order.
- 7:10 p.m. 2. Approval of April 11, 1994 Board Meeting Minutes.
- 7:15 p.m. 3. Consideration of Operational Expenses Paid.
- 7:20 p.m. 4. Consideration of Other Expenses Payable.
- 7:25 p.m. 5. Monthly Budget Report.
- 7:30 p.m. 6. Legal Matters:
a. Union Park Project Water Availability Appeal.
b. Other Legal Matters.
- 7:45 p.m. 7. Taylor Park Water Management Agreement. *Sec 7*
- 8:00 p.m. 8. 1994 Taylor Park Reservoir Operations. *and to deaden file and Taylor*
- 8:30 p.m. 9. Report on April 19, 1994 Aspinall Unit Operations Meeting.
- 8:45 p.m. 10. Miscellaneous Matters. *Flat, M.C. Line, M.D. Cons, mitigation*
- 9:00 p.m. 11. Unscheduled Citizens. *need watershed meeting to cover C.A.R. B.A. water and San August.*
- 9:10 p.m. 12. Future Meetings.
- 9:15 p.m. 13. Adjournment.

Persons with special needs due to a disability are requested to call the district at 641-6065 at least 3 days prior to the meeting.

DRAFT

SCHEDULED BOARD MEETING MINUTES

May 9, 1994

The Board of Directors of the Upper Gunnison River Water Conservancy District conducted a Scheduled Meeting on May 9, 1994 at 7:00 p.m. in the Multi-Purpose Building at the Rodeo Grounds, Gunnison, Colorado.

Board members present were: Robert Arnold, Ralph E. Clark, III, Carol Drake, Susan Lohr, Ramon Reed, Peter Smith, Lee Spann, Dennis Steckel, Doyle Templeton, and William S. Trampe. Board member not present was Mark Schumacher.

Others present were:

L. Richard Bratton, Board Attorney
John McClow, Board Attorney
Tyler Martineau, Manager
Patrice Thomas, Office Secretary
Rita McDermott, Treasurer
Mary Vader, Gunnison Country Times Reporter
Laura Anderson, Crested Butte Chronicle/Pilot Reporter
Joel Tuck, Division of Water Resources
Ken Knox, Division of Water Resources
Lynn Cudlip, National Park Service
Dave Mutz, US Bureau of Reclamation
Ed Warner, US Bureau of Reclamation
Steve Glazer, HCCA
Enid Peppard, KKYY

1. CALL TO ORDER

President Trampe called the meeting to order at approximately 7:15 p.m. President Trampe called on Ken Knox, Acting Division Engineer, who introduced Joel Tuck who is the new Commissioner for Water District 59.

2. APPROVAL OF APRIL 11, 1994 MINUTES

President Trampe stated that the first item on the agenda was approval of the April 11, 1994 minutes which had been circulated to the Board by mail.

Ramon Reed said that the motion in Section 4 of the minutes should include payment of attendance as well as travel to Carol Drake, new board member.

Ramon Reed expressed concern about the discussion as recorded in Section 8 of the April 11, 1994 minutes. He said that the entry is too detailed and that it is not totally accurate. He pointed out several examples.

Tyler Martineau responded that he had added much of the wording in Section 8 to the first draft. Mr. Martineau said that he tried to transcribe from the meeting tapes. Mr. Martineau said that the board should decide if they want detailed minutes from transcription or summary minutes.

Lee Spann expressed his opinion that minutes should be a summary record of board member actions rather than a record of lengthy discussions. Mr. Spann expressed his concern that such details as in Section 8 could be used against the Upper Gunnison River Water Conservancy District.

Dennis Steckel said that Tyler Martineau should not be doing detailed minutes and should not concentrate his staff effort on this activity.

Butch Clark said that he prefers very detailed minutes because discussion of issues is on-going.

Ramon Reed asked Dick Bratton for his opinion on Section 8 of the minutes under consideration. Mr. Bratton said that when he reviewed the draft minutes he had some concerns that the information as stated could be misleading and that he made some revisions. Mr. Bratton said that he agreed with Mr. Spann that it could come back to haunt the District but that such detailed information can also be used sometimes to refresh the memory. For example, the old minutes were critical to our success in the refill case.

Ramon Reed moved that the April 11, 1994, minutes be approved with the change to Section 4. Butch Clark seconded the motion. The motion carried with Lee Spann opposed.

3. CONSIDERATION OF OPERATIONAL EXPENSES PAID

Bob Arnold moved to approve Operational Expenses Paid, as prepared by the treasurer, for April 1994. Dennis Steckel seconded the motion. The motion carried.

4. CONSIDERATION OF OTHER EXPENSES PAYABLE

Bob Arnold moved to approve Other Expenses Payable except for payment of board of directors' fees and mileage to members not present at this meeting and the addition of payment of Andy Williams' bill in the amount of \$1611.40. Butch Clark seconded the motion. The motion carried.

5. MONTHLY BUDGET REPORT

President Trampe called on Rita McDermott, treasurer. She pointed out that the amount paid for insurance of the office premises was to the Valley Insurance Agency in the amount of \$250.00 which is different from that previously discussed by the board. Farmer's Insurance rejected the District's application. The annual amount paid to Valley Insurance Agency is below the amount budgeted for 1994.

There were no other comments on the Monthly Budget Report prepared by the treasurer.

6. LEGAL MATTERS:

a. Union Park Project Water Availability Appeal

Dick Bratton reported that the oral arguments in the appeal before the Colorado Supreme Court have been scheduled for May 24, 1994. He said that this date is earlier than he expected given the complexity of the case and the number of briefs filed. Mr. Bratton said that the attorneys will meet together to analyze their presentation within the limited presentation time based upon the issues and the parties.

Lee Spann asked if this development is good or bad. Mr. Bratton responded that hopefully the case analysis will lean toward the bigger picture rather than the many details.

Butch Clark asked if the judges' questions count in the calculation of the amount of time for presentation. Mr. Bratton replied yes.

Dennis Steckel asked which side would present first. Mr. Bratton replied that the appellant will present first before the court. We, the opposers present next, but there is still a question as to which of our parties will present first within the allotted time. Arapahoe also has the right to rebut the opposers if they reserve enough time.

Dick Bratton said that he expects our emphasis to be the lack of burden of proof by Arapahoe County. He also said that the attorneys will want to give the United States' representatives time to show their support during the presentation.

Susan Lohr asked what will happen procedurally after the oral arguments. Mr. Bratton said that there will be more analysis and research by the court, then a final decision.

Peter Smith asked for a guess as to when a final decision might be made. John McClow and Mr. Bratton estimated about two months after the oral arguments.

b. Other Legal Matters

Dick Bratton reported that John McClow attended the status conference on the lower Gunnison River. Mr. Bratton said that the bill passed which will stop the Colorado Water Conservation Board from accepting conditional water rights and converting them to instream flows. Mr. Bratton said that most parties have withdrawn but that Arapahoe County has stayed in.

Butch Clark asked for clarification.

Dick Bratton said that he was referring to the Pittsburgh and Midway right which was conveyed to the state for use in the Black Canyon. Mr. Bratton said that as the board instructed, Bratton & McClow will continue only to monitor this matter.

John McClow reported on developments regarding Arapahoe County's FERC application for the Upper Gunnison Basin Project. Mr. McClow said that he had been contacted by High Country Citizens Alliance (HCCA) because they wanted to file a petition for a rehearing. Mr. McClow said that he had only 48 hours for a response so he offered support of the petition in case it provides an opportunity to appeal and get the jurisdictional issue before the court.

Ramon Reed moved that the board ratify John McClow's decision for the Upper Gunnison River Water Conservancy District to support the High Country Citizens Alliance request to FERC for rehearing in the matter of the County of Arapahoe's and Town of Parker's application for a preliminary permit for the Upper Gunnison Basin Project. Peter Smith seconded the motion.

Lee Spann asked if this action would have any fiscal impact. Mr. McClow responded that there would be none if the District decides not to pursue it.

Tyler Martineau explained that Mr. McClow had done this work without billing the District for it since he did not have prior authorization.

The motion carried with Butch Clark abstaining.

7. TAYLOR PARK WATER MANAGEMENT AGREEMENT

Tyler Martineau said that there is not much to report on the Taylor Park Water Management Agreement but that the Sierra Club lawsuit against the U.S. Fish and Wildlife Service regarding the recovery of the endangered fish could affect the Agreement. Mr. Martineau said that the Sierra Club will not pursue the lawsuit if Section 7 consultations are done by Fish and Wildlife for all federal projects in the Upper Colorado region to determine each project's endangerment to fish. Mr. Martineau said that this approach would require extensive time for all the Bureau of Reclamation projects.

Mr. Martineau said that he has been told that the local Bureau of Reclamation staff will do a Section 7 consultation on the total Uncompaghre project which will include the Taylor Park Water Management Agreement. Mr. Martineau said that Steve McCall of the Bureau of Reclamation has said that this Section 7 consultation will be relatively simple and that this development will not keep the Bureau of Reclamation from moving forward on finalization of the Taylor Park Water Management Agreement.

Ramon Reed asked if the agricultural water of the 2nd fill can be used without the Taylor Park Water Management Agreement in place. Tyler Martineau replied that agricultural use is not a new use so there should be no problem. Mr. Reed clarified his question by asking if the historical use of agricultural water is discontinued until the signing of the Taylor Park Water Management Agreement. Mr. Martineau replied not to his knowledge.

Ramon Reed said that he then had no problem with the delay since it would also delay payment of the accounting fee for operation of Taylor Park Reservoir.

Bill Trampe said that if basin wide administration begins that the District would not have a substitute plan in place without the 2nd fill from the Taylor Park Water Management Agreement.

Ramon Reed commented that recent board discussions seem to indicate that development of an augmentation plan will be slow and that is why he asked if the historical use of agricultural water can continue without additional agreements.

Tyler Martineau said that the Bureau of Reclamation has stepped up the timetable for Aspinnall releases for endangered fishes and downstream calls to April 1995.

8. 1994 TAYLOR PARK RESERVOIR OPERATIONS

President Trampe referred the board to the memorandums, the draft agreement with Mr. Cockrell, and a letter from Barney White to Ken Knox, Acting Division Engineer which were distributed to the board. President Trampe indicated that representatives of the Bureau of Reclamation will make a presentation on this subject.

President Trampe briefly reviewed for the board the activities of the board members who met with Mr. Cockrell to develop an agreement and the attorneys who worked on language for the proposed agreement. President Trampe suggested a break so that the board members could read the materials which were distributed to them.

President Trampe reconvened the meeting after the break.

Dick Bratton indicated that neither party to this draft agreement would be harmed this year and that it would postpone any actions until litigation is completed on the refill case.

Lee Spann asked if the draft agreement reflects the content of the negotiation between Ernest Cockrell and the appointed Upper Gunnison River Water Conservancy District board members who met with him. Peter Smith responded that the draft agreement is more extensive but that basically it reflects the negotiations. Dick Bratton said that paragraph 3 in the draft agreement contains the information provided to him from the negotiations.

President Trampe said that at the time of the negotiation with Mr. Cockrell that the letter from Barney White to Ken Knox on May 5, 1994 was not available. He said that it is his opinion that the letter could have major impacts on how the draft agreement would be implemented.

Ramon Reed asked President Trampe to elaborate. Bill Trampe responded that there would be impacts to storage of water. Ramon Reed said that the letter makes aspects of storage appear beneficial and cited a portion of the letter to determine what water can be stored under the 2nd fill.

Dick Bratton replied that the issue raised in the letter is not the benefit of water under the 2nd fill for this year, but who controls the storage and release of water. Basically the discussion is if the water is controlled for fishery or for all historical purposes.

Ramon Reed said that the second part of the issue is achieving the 2nd fill to make the water right absolute and it appears this will allow it to occur this year; it doesn't appear permanent this year.

Lee Spann asked if the draft agreement preceded the letter. Dick Bratton replied yes. Mr. Spann asked if the letter is then subordinate to the draft agreement. Dick Bratton replied yes and said that the agreement indicates that a precedent is not set by this agreement.

Tyler Martineau said that if the board accepts the provisions of the letter we would not complete the refill. Mr. Martineau said that storage in the refill this year is not enough to complete the refill. Ramon Reed said that he read the letter to mean that all inflow can be counted as storage and referred to the last paragraph on page 2 of the letter. Mr. Martineau disagreed with Mr. Reed. Mr. Reed said that he did not see where outflow is bypassed by the statements in this letter.

Butch Clark reiterated that this wet year needs to be taken advantage of for the 2nd fill since Mr. Knox has said that the 1st fill has already been accomplished for this year. Mr. Clark said that he has done projections and that it appears that much of the 2nd fill could be achieved this year and that he did not think that Ernest Cockrell would be calling for outflow. Butch Clark suggested that the arithmetic needs to be done to determine how much will be available for the 2nd fill this year.

Dick Bratton said that he did not think it would be possible to achieve the 2nd fill this year because Barney White has indicated that he believes all water flowing in the stream is measured as credit towards the 445 cfs instream right for Ernest Cockrell.

Lee Spann moved adoption of the draft agreement with Ernest Cockrell regarding this year's operation of Taylor Park Reservoir as presented to the board. Ramon Reed seconded the motion. The motion carried.

President Trampe introduced Ed Warner and Dave Mutz, representatives of the Bureau of Reclamation, who spoke on the Bureau's view, as one of the four parties to the 1975 Agreement, of the draft agreement with Ernest Cockrell.

Dave Mutz said that review of the draft agreement indicates that all four parties to the Agreement would be protected and that there would be no precedents set by the draft agreement. Mr. Mutz said that the letter to Ken Knox from Barney White, however, does pose some disagreement with the Bureau's review of the historical process conforming to the 1975 Agreement.

Dave Mutz outlined the objectives of the development of the annual operations for Taylor Park Reservoir: 1) To keep the Reservoir from spilling, 2) to keep the Reservoir full as long as possible, and 3) to provide a stable flow downstream for fishes. Mr. Mutz said that the new forecasts are based on historical operations. Mr. Mutz reported that 350 cfs would be the maximum release this year. Mr. Mutz said that the Bureau of Reclamation does not see a benefit to the fishery by going to 450 cfs for two days and the resulting loss to storage in Taylor Park Reservoir.

take in
Mr. Mutz asked the rhetorical question - if there will not be injury to anyone why is the Bureau taking this position. Mr. Mutz said that including this request from Mr. Cockrell would be a threat to the four parties to the 1975 Agreement who are making decisions for the benefit of all. Mr. Mutz said that the Bureau of Reclamation perspective is that Barney White's letter indicates that Mr. Cockrell wants control of Taylor Park Reservoir and that the draft agreement refers to Exhibit A which is Barney White's letter.

Dave Mutz said that the Bureau of Reclamation senses that this matter is heading toward litigation to determine if Mr. Cockrell's right is senior to the refill right. He said that Mr. Cockrell's agreement is outside of the historical process of the four parties.

Butch Clark asked the nature of the Bureau of Reclamation water for the 2nd fill. He asked if this water is held in trust for the Upper Gunnison River Water Conservancy District. Dave Mutz replied that this is his understanding but that it could be a bigger umbrella as water held in trust for all users. Butch Clark clarified that he was asking the nature of the water right and how it is accounted for. Dave Mutz replied by trust. Ed Warner of the Bureau of Reclamation said that the Taylor Park Water Management Agreement will supplement the 1975 Agreement to allow the Upper Gunnison River Water Conservancy District to use the water to which it is entitled.

Butch Clark asked what the relation is of the Taylor Park Reservoir water for this District and for the Uncompahgre users. Dick Bratton responded that the Bureau of Reclamation makes this decision for the citizens. Butch Clark said that he considers this distinction a critical issue, how the Bureau of Reclamation releases the water and for what purposes.

Ed Warner said that by contract all four parties have a say in how the water is released. He said that they would not want to get into the Aspinall Unit situation of releasing to one party when requested and otherwise storing the water.

Butch Clark asked to clarify how the Bureau of Reclamation sees Mr. Cockrell as wanting to be a fifth party to the 1975 Agreement. Dave Mutz replied that some of the language in Barney White's letter, such as "consent to store water", shows a control issue.

Butch Clark questioned the interpretation of the refill property right. Dick Bratton read from the 1990 Agreement as to how the United States shall hold the water right.

Ramon Reed asked who had the final responsibility for the accounting of the water. Ken Knox, Acting Division Engineer, said that the diversion records of the State Engineer based on the Bureau of Reclamation information on flows are considered the official accounting of water use.

Ramon Reed asked about the Bureau of Reclamation's sensitivity to a control issue being raised by Barney White's letter. Mr. Reed said that he had discussed this issue with

Dick Bratton in regard to the interpretation of the exercise of a senior water right and control of the river. Dave Mutz replied that Ernest Cockrell does not have to prove his water right every year so Mr. Mutz questions why they are pushing to make a call in 1994 when the water might not be there.

*about
1st fill
accomplished
that is
why*

Susan Lohr said that she thinks that Mr. Cockrell's language predates the 1975 Agreement and that he doesn't assume that the District board speaks for his senior water right. Dave Mutz and Ed Warner cited reasons that they think the discussions of the annual operation of Taylor Park Reservoir based on a historical consensus process have gone on since the mid-1960s. Susan Lohr asked if that legitimizes their expectations that the District would be representing Mr. Cockrell's right. Dave Mutz said that their understanding is that Mr. Cockrell represents much of the fishery interest and that the Barney White letter doesn't seem to benefit fishery.

Lee Spann said that in the past the instream flow decree was not taken seriously. Mr. Spann said that Mr. Cockrell spent time and money to make the decree good so that now the decree is being taken seriously. Mr. Spann said that he thinks that Ernest Cockrell has earned the right to be a player on the Taylor River.

Dave Mutz said that he believes that the Bureau of Reclamation can work with Mr. Cockrell on whether the 445 cfs call needs to be in the State Engineer's "column" every year. Mr. Mutz said that they would be willing to work on a reasonable solution in a spirit of cooperation.

Tyler Martineau said that his analysis of Barney White's letter is that it is one-sided and a clear assertion that the private instream flow right is senior to the refill right. Mr. Martineau said that Mr. White's letter asserts that the historical operation does not limit Mr. Cockrell's right.

Dave Mutz said that they are looking at Barney White's letter in terms of practicality not legality.

Butch Clark said that it would seem practical to work toward a year by year evaluation including a fifth party to the process of the 1975 Agreement.

Lee Spann said that since the United States holds the water right, will the United States/Bureau of Reclamation be the litigator and lead person if this matter comes to litigation. Dave Mutz replied that the State Engineer makes the determination as to which water right gets their way so the State Engineer would be the first sued.

Tyler Martineau asked what flow the Bureau of Reclamation will recommend and which flow is a potential at this point. Dave Mutz replied that the Bureau of Reclamation's three choices now are: 1) Sign the draft agreement and proceed with the 445 cfs flow, 2) adopt a 445 cfs flow without an agreement with Ernest Cockrell, or 3) adopt a 350 cfs flow

without an agreement. Mr. Mutz said that the decision may have to go to their regional office in Salt Lake City because of the letter from Barney White.

Tyler Martineau said that personally he is concerned about option #2 and the precedent that it would set. Mr. Martineau said that he would want board direction on this option.

Dennis Steckel said that the board action has the District locked into option #1 with the Cockrell agreement and the flow schedule but not the letter of Barney White.

Dick Bratton said that the board needs to decide on their position if the other parties to the 1975 Agreement aren't willing to sign the agreement with Mr. Cockrell. Dennis Steckel asked when the District would be released from the agreement. Dick Bratton replied that the District is not obligated until the agreement is signed by all four parties. Dennis Steckel asked if it is documented that one of the four parties won't agree to sign then the District is released from the agreement. Dick Bratton said that this is correct and that the agreement is based on getting a flow release without litigation this year.

Dave Mutz said that option #2 is not likely from the position of the Bureau of Reclamation so there are really only two options for them.

Susan Lohr said that "acknowledges" means that the District recognizes that Mr. Cockrell has set terms for his call; it does not mean that the District agrees with the exercise of these terms.

Butch Clark suggested that if there is not agreement on the District's vote at the next meeting of the four parties to the 1975 Agreement that the matter be brought back to the board for review and reconsideration.

President Trampe asked the last possible date to submit the flow regime. Dave Mutz said that currently it is June 25, 1994 but that there is not a lot of time.

Lee Spann asked Mr. Mutz if he could tell what the Bureau of Reclamation's preferred option is. Mr. Mutz replied that the Bureau's position is that the operation of Taylor Park Reservoir is a cooperative decision among the four parties to the 1975 Agreement and that he cannot state a position until they have input from all four parties.

9. REPORT ON APRIL 19, 1994 ASPINALL UNIT OPERATIONS MEETING

Tyler Martineau referred the board to his May 9, 1994 memorandum and the official summary of the Aspinall Unit Operations Meeting held on April 21, 1994.

Up from
June ~~May~~ 9, 1984

John Turk. New Water Commission

Room Concern amount of much coverage - much uncertainty
old minutes 60's - 80's good value.

Smith Oral argument 24th May - Diner HCCA requested
additional 20 minutes - 60 minutes air traded.
Talking on how to divide time up.

John - ~~FIRE~~ Lower Basin - new bill stopping CWC's from
doing instead of laws.
Burden of proof - some time for U.S. / Col to show appearance.

Stew - New Basin published week except. TNC and Yanson
require legislative consent.
about 5000 on drop. and. 300 CF

Johnth FIRE ~~FIRE~~ allowed public permit. Security May want
petition for rehearing. if denied, then appeal to 10th Circuit
possible interpretation.
Support petition - improved quality.
Presumptive strike.

Raf. Juan

Water Mgt. - Sierra Club contemplated suit on
adequacy program - saying they are not making
adequate program.

Now agreement ~~between~~ ^{between} S and FWS. FWS to do Sec 7 for
all Federal projects in Up Col. Region
to determine whether any projects will continue
to jeopardize species. Flaming Gorge took 10 years
in year 3, beginning of, Sec 7,
for Against - maybe 5 more years

Maximum power. Looking at 10 years of research
apply to all Federal Projects.

Included is Uncompahgne Project.
Dr. G. J. Bybee did and want to do small Sec 7 on Taylor Park
as Sec on Uncompahgne project.

Sierra Club. plus it is simpler on Uncompahgne Project.
and long. - old, art scale,

? Argonell

Taylor Park no longer the driving force in Commodities.
Ramm is being delayed a real problem - not really?
decreased obtained by water being used, so what is to stop

Taylor - No new use -
Ramm - Can any water still be used.

Bill T. If bank wide administrative
no-subsidiaries supply plan
Historical use of by water can be used.

Taylor Park second 2nd fill,
agreement - letter to Ken Kox.

B. Troupe - wanted a "stand still" agreement - to keep rights
to not prejudice future litigation.
Have no bearing.

all day Monday - negotiated on phone
Presented rough draft in afternoon.
still no final draft - over next two weeks working on
language

Dick.

D. Hagg
I. Inpart - source at their
control of source as released.

would full info to Taylor - recounted as
second fill.

Taylor - will pass

No instances releases and releases

Answers of Rec passed

Don Metz Metz
Ed Warner

Perspectives as one of four parties

Sufficient disclosure

Looked at letter - agree to disagree.

Looked 1975 agreement history - some can't be
used - used situation.

Group
note.

Piscent
with
U.S.
would to
for

works for many uses, many beneficiaries

Fairly low partic -

Believe discussions - previous to 1975

2nd fill important to sp bar.

Letter is real threat to whole process - to spirit of cooperation threatened by language of letter

What is happening here Had 4 party agreement

Last year Cochran claims most - no issue

Rate our release plan - no spill, feel as soon as

long as poss, ramping flows for fishery

news by dropping - still show may release 350 cfs

don't see a benefit to down stream / this

could be a detriment or no advantage

loss though small to adray - in Taylor.

Could do it if no reason - why do we do it

to keep Mr. C. happy - prove up his water

right.

Now no longer 4 parties making decisions

for Mr. C.

Tony letter - Mr. C wants him to be 5th member.

Now he wants to control releases from Taylor Park.

In litigation always attempted to pick out things.

This is headed to litigation.

* C's decree - want up to in position to represent whole area including C.

water and this alter his historical operations of

Taylor Dam

Phon - phon - Intytes 1975 exchange agreement.

agreeing to demolish - starts erasing this particular

paragraph

We will ask 4 parties reconvening a meeting

Blue Book - 1990 is supplemental to 1975

to go over sub.

could 5th

also water is this

C controlling Taylor

Concern

UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT

SCHEDULED BOARD MEETING MINUTES

June 13, 1994

The Board of Directors of the Upper Gunnison River Water Conservancy District conducted a Scheduled Annual Meeting on June 13, 1994 at 7:00 p.m. in the Gunnison County Community Building at the Rodeogrounds, Gunnison, Colorado.

Board members present were: Robert Arnold, Ralph E. Clark, III, Carol Drake, Susan Lohr, Mark Schumacher, Peter Smith, Dennis Steckel, Doyle Templeton, and William S. Trampe. Board members not present were Ramon Reed and Lee Spann.

Others present were:

L. Richard Bratton, Board Attorney
John McClow, Board Attorney
Tyler Martineau, Manager
Rita McDermott, Treasurer
Laura Anderson, Crested Butte Chronicle/Pilot Reporter
Enid Pepperd
Diane Lothamer
Lucy High
Marlene Zanetell, Gunnison County
Mary Vadar, Gunnison Country Times
Ken Knox, Division of Water Resources
Joel Tuck, Division of Water Resources
Peggy Reece, Stockgrowers
Greg Peterson, Stockgrowers
Steve Glazer, High Country Citizens' Alliance
Gary Sprung, High Country Citizens' Alliance

1. CALL TO ORDER

President Trampe called the meeting to order at approximately 7:10 p.m. Mr. Trampe asked attorney, Dick Bratton, to read the court order appointing new board members. Mr. Bratton stated that Judge Steven Patrick has reappointed Peter Smith, Lee

Spann, Dennis Steckel, and William S. Trampe to the board for additional four-year terms, and appointed Diane Lothamer to a two-year term.

There was discussion of when the new terms would become effective. Mr. Bratton described the court order of December, 1990 which states that the existing terms do not expire until June 25, 1994.

2. ELECTION OF OFFICERS FOR 1994 - 1995

President Trampe opened the nominations for board president.

Dennis Steckel nominated Bill Trampe for president. Susan Lohr seconded the nomination. Bob Arnold moved that the nominations cease. Carol Drake seconded the motion. The motion carried. Bob Arnold stated that his intention in his motion was that Bill Trampe was elected.

President Trampe opened the nominations for board vice-president.

Susan Lohr nominated Peter Smith for vice-president. Carol Drake moved and Dennis Steckel seconded that the nominations cease and that Mr. Smith be elected by a unanimous ballot. The motion carried.

President Trampe opened the nominations for board secretary.

Bob Arnold nominated Mark Schumacher for secretary. Butch Clark seconded the nomination. Butch Clark moved and Carol Drake seconded that the nominations cease and that Mr. Schumacher be elected by a unanimous ballot. The motion carried.

Bill Trampe stated to the board that Rita McDermott has resigned her position as treasurer/bookkeeper. He said that what he envisions is that the board needs to elect a treasurer out of their ranks tonight in order to move forward with all the duties and activities of the board. President Trampe opened the nominations for board treasurer.

Dennis Steckel nominated Doyle Templeton for treasurer. Mr. Templeton declined the nomination. Doyle Templeton nominated Butch Clark for treasurer. Dennis Steckel moved and Mark Schumacher seconded that the nominations cease and that Mr. Clark be elected by a unanimous ballot. The motion carried.

3. APPROVAL OF MAY 9, 1994 AND MAY 16, 1994 BOARD MEETING MINUTES

Butch Clark moved and Dennis Steckel seconded that the minutes for the May 9, 1994 and May 16, 1994 board meetings be approved as circulated. The motion carried.

4. DESIGNATION OF LOCATION FOR POSTING OF PUBLIC NOTICES

Tyler Martineau requested that the official location for posting of public notices be changed from the County Courthouse bulletin board to the bulletin board outside the offices of the District.

Mark Schumacher moved and Butch Clark seconded that the official location for posting of notices be outside the offices of the Upper Gunnison River Water Conservancy District, and that the secondary location for posting of notices be the County Courthouse bulletin board. The motion carried.

5. CONSIDERATION OF OPERATIONAL EXPENSES PAID

Bob Arnold moved to approve Operational Expenses Paid, as prepared by the treasurer, for June, 1994. Mark Schumacher seconded the motion. The motion carried.

6. CONSIDERATION OF OTHER EXPENSES PAYABLE

Tyler Martineau said that he had received a billing for \$799.50 from Kimberly Temple. Bob Arnold asked if this is the cost of the audit. Mr. Martineau stated that the District's agreement with Kimberly Temple is that her firm will bill on a monthly basis. He said that the board has been provided with a copy of the draft audit, however, it is likely that there will be some additional monthly charges.

Butch Clark requested that the audit include an opinion that the District is in compliance with Amendment 1. Tyler Martineau stated that he thought such an opinion could run into additional fees, and suggested asking in advance what sort of cost might be involved.

The board directed Tyler Martineau to obtain a cost estimate from Kimberly Temple for an audit of our Amendment 1 compliance for the July board meeting. Board consensus was that the Amendment 1 audit would be a separate document from the District's annual audit.

Mark Schumacher moved to approve Other Expenses Payable including the additional payment of \$799.50 to Kimberly Temple, and excepting those board members not present. Peter Smith seconded the motion. The motion carried.

7. MONTHLY BUDGET REPORT

There were no comments concerning the Monthly Budget Report.

8. BOOKKEEPING SERVICES

Chairman Trampe stated that the board needs to discuss how it will replace the bookkeeping services that Rita McDermott has supplied to the District over the past 12 years. He stated that as a part of that process in the near future it would good to sit down in executive session with Rita and discuss the issues that she sees that may need to be cleaned up or changed as far as her vast years of experience. He said he would like to set the time for the executive session tonight. The board discussed various dates. Chairman Trampe called the executive session to discuss personnel matters for June 27 at 7:00 p.m.

Bill Trampe asked Rita McDermott if she would be willing to serve as bookkeeper through July 31 to allow enough time to secure a new bookkeeper. Rita indicated yes she would.

The board discussed the procedures to be used to hire a bookkeeper. The board reached consensus that a request for proposals should be developed by the manager and reviewed by the treasurer, Butch Clark. The request for proposals should include an outline of services needed which should be developed with Rita's assistance. The request for proposals will be circulated to the board for comments. After receiving comments the manager is authorized to send the requests for proposals out prior to the next board meeting.

Tyler Martineau recommended that the new bookkeeper report to the treasurer and the board, and that check signing and savings withdrawal procedures be changed so that board members sign on both lines so that board members do all of the signatures. Butch Clark said that he would visit with the manager about these procedures since there are pro's and con's in terms of efficiency.

Tyler Martineau recommended that the board chairman, the treasurer, and one other board member serve as a selection committee for the new bookkeeper. Butch Clark said that he would prefer that the board make the selection, but that the committee could make a recommendation. Peter Smith volunteered to serve on the committee in addition to Butch Clark and Bill Trampe.

Bill Trampe stated that Rita McDermott had included in her letter of resignation a request that a financial review be made at the end of her bookkeeping services. He stated that the manager had done some checking and found that such reviews are common practice and could be accomplished for about \$250.00. Butch Clark said that Rita has been bookkeeper of the District for twelve years, has been commended twice by the department of local affairs for her bookkeeping, and he thinks it is appropriate and a courtesy to have a formal audit. He said he would feel better also. Bill Trampe said he thought it would be a benefit also for whoever takes over.

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 31, 1994

SUBJECT: Agenda Item 13, June 13, 1994, Board Meeting --
East River 201 Wastewater Facilities Plan.

Rothberg, Tamburini, and Winsor has completed a draft of the Upper East River Valley Areawide 201 Facilities Plan for Gunnison County. On May 19 the plan was presented to the 201 Advisory Committee. The members of the committee include the providers of wastewater services in the Upper East River Valley: the Upper Gunnison River Water Conservancy District, Gunnison County, and the High Country Citizens Alliance.

Five possible alternatives for meeting the wastewater needs of the Upper East River Valley for the next 20 years are presented in the plan. The alternatives are:

- Alternative 1) All of the five existing wastewater plants in the 201 study area would be expanded and upgraded individually as needed. The five plants are operated by Crested Butte South, East River Sanitation District, Mt. Crested Butte Water & Sanitation District, Meridian Lake Park, and the Town of Crested Butte.
- Alternative 2) Plants operated by Meridian Lake Park and Mt. Crested Butte Water and Sanitation District would be relocated to the Town of Crested Butte where a new regional plant would be constructed. The plants operated by Crested Butte South and East River Sanitation District would be expanded and upgraded as needed.
- Alternative 3) Plants operated by Meridian Lake Park, Mt. Crested Butte Water and Sanitation District, and the Town of Crested Butte would be relocated to the East River Sanitation District where a regional plant would be located. Return flows from the East River plant would flow into the East River 2-1/2 miles upstream of the confluence with the Slate River. The plant operated by Crested Butte South would be individually expanded and upgraded as needed.

Alternative 4) Plants operated by Crested Butte South, East River Sanitation District, Meridian Lake Park, Mt. Crested Butte Water and Sanitation District, and the Town of Crested Butte would be relocated to Crested Butte South where a new regional plant would be located.

Alternative 5) In the short term the plant operated by Meridian Lake Park would be relocated to an expanded plant operated by Mt. Crested Butte Water and Sanitation District. In the long term the plant operated by the Mt. Crested Butte Water and Sanitation District would be relocated to the East River Sanitation District where a regional plant would be constructed. The plants operated by Crested Butte South and Town of Crested Butte would be individually expanded and upgraded as needed.

During the advisory committee discussion Alternatives 3 and 5 were favored. It appears that Alternative 3 may become the preferred alternative in the final draft of the 201 plan.

Alternatives 3 and 5 will have an impact on water quantity in the Slate and East Rivers because wastewater flows returns will be shifted from the Slate to the East River. The result will be lower streamflows in the Slate River and higher streamflows in the East River. In the attached tables I have prepared a summary of the return flows to the Slate River and East River for each alternative. Since Slate River flows would be reduced from existing levels for alternatives 3 and 5 I have provided estimates of average year and dry year flows in the Slate and East Rivers so that the relative magnitude of the return flow changes can be assessed.

In the fall and winter of dry years the proposed reductions in return flow may have an observable impact on total stream flow in the Slate River near Crested Butte. For example, Alternative 3 would result in a reduction of return flows of 1.42 cfs which in a dry winter month (say, February, 1989) is equal to approximately 16% of the total streamflow present. The East River on the other hand would experience a benefit of increased streamflows.

In the runoff period of May, June, and early July during average or wetter years it appears that the proposed changes in return flow would be such a small percentage of the total streamflow that any impacts from moving the wastewater return points would be negligible.

I would like to know if the board wishes to take any position with respect to the proposed alternatives. The next meeting of the 201 advisory committee will be on June 20.

*Quality problems
discovery of
effluents as
flow*

*What
from
very
Report
Study
This
points*

*Key
points
recycled*

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L. Richard Bratton
John H. McClow

Steven L. Pierson

John R. Hill, Jr.
Of Counsel

M E M O R A N D U M

To: Board of Directors, UGRWCD

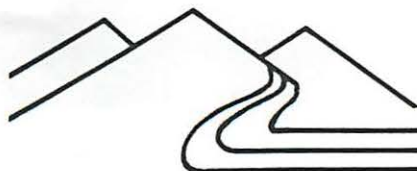
From: John H. McClow *JHM*

Date: April 7, 1994

**Re: Application for Preliminary Permit
County of Arapahoe and Town of Parker, Colorado
Upper Gunnison Basin Project No. 11038**

The purpose of this memo is to briefly update you on the progress of Arapahoe County's application to FERC for a preliminary permit for a pumped storage development in Taylor Park. As you may recall, Arapahoe and Parker filed an application for preliminary permit in 1990 as part of the Union Park Project. The application was originally rejected by FERC because the proposed project conflicts with the application for license filed by NECO for the Rocky Point Project. Arapahoe and Parker obtained a rehearing of that rejection and in 1992 the application for preliminary permit was reinstated by FERC. In addition to the UGRWCD, several local entities filed motions to intervene in the application process: Gunnison Basin POWER, Gunnison County, City of Gunnison, Crystal Creek Homeowners Association and Ernest H. Cockrell, and HCCA, Town of Crested Butte and Rainbow Services, Inc. UGRWCD filed a motion to intervene

4/11/94

received
3/22/94

Colorado Water Workshop

Western State College

Gunnison, Colorado 81231

(303) 943-7156

March 21, 1994

Mr. William Trampe
Chairman
Upper Gunnison River Water Conservancy District
275 S. Spruce Street
Gunnison, Colorado 81230

Dear Bill and Members of the Board:

I hope we can include the Upper Gunnison River Water Conservancy District as a sponsor for the 19th Annual Colorado Water Workshop, scheduled for July 20-22 at Western State College. This year's conference, *Quenching the Urban Giant*, will explore options for managing and supplying Colorado's urban water needs. Workshop topics will include systems integration and new storage development, the possibilities and limits of urban conservation, transfers and exchanges with agricultural users, the affects of bypass requirements and other environmental restrictions on urban supplies, and the impact of public trust initiatives.

Last year the Upper Gunnison District contributed \$1200 to the Water Workshop. I hope that we can count on this support again in 1994. Your sponsorship will help ensure that the Water Workshop continues to provide a unique forum for the discussion of water issues facing Colorado and the arid West.

Organizations that contribute \$1,000 or more will be listed as sponsors on the Workshop program and brochure. Five thousand brochures will be mailed at the end of May. For every \$600 contributed, sponsors receive one complimentary registration. This year the registration fee will be \$200. In addition, all UGRWCD board members are encouraged to drop in at no charge.

If you would like to be a sponsor, please let me know by **May 4**, so that we can be sure to include the Upper Gunnison District on our brochures. Checks can be made out to, "Water Workshop, Western State College, Gunnison, 81231." It would be especially helpful to receive your contribution by July 20.

Please give me a call if you have any questions or suggestions for the program. There are still several spots left for additional speakers. Thank you for your support of the Water Workshop.

Sincerely,

Lucy High
Program Director

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 6, 1994

SUBJECT: Agenda Item 12, April 11, 1994, Board Meeting --
Manager's Quarterly Report.

The following is a report on the activities in which I have been involved during the first quarter of 1994. Detailed information on many of these activities is provided in memoranda which have been distributed to the board for regularly scheduled monthly meetings.

I have been asked by the board to relate my activities to the overall priorities of the district. Last fall I identified four goals which I believe are important priorities for the manager and then cited a number of ways in which progress towards those goals might be furthered. It is important to note that the overall goals of the District are broader than the priorities assigned to the manager. It would be useful for the board to review the major goals of the district as a way of making sure that the priorities that you ask the manager to carry out are consistent with the broader goals.

The manager's priorities and my activities associated with those priorities during the first quarter of 1994 are discussed below:

PRIORITY: To prepare the district for upcoming water right administration in the Upper Gunnison basin.

Developed options for the board on moving forward with development of an augmentation plan for the Upper Gunnison basin. Developed a request for statements of qualifications from engineering firms which contains a comprehensive scope of work for development of a plan for augmentation.

Following the Board's decision to proceed with Option B for augmentation on March 14, began to carry out the board's instruction to gather existing information so as to carry out as much in-house assessment of augmentation needs as possible.

Participated in the initial testing of the planning model as time allowed. The model is up and running in the district

offices, but I have not been able to devote as much time to this task as is needed.

Participated in meetings regarding proposed Aspinall operations for 1994. Need to continue to emphasize to Federal agencies that they have a responsibility to provide the district with information on future operations for endangered fish, etc., with a sufficient lead time, before they can expect Upper Gunnison water users to implement protections against downstream calls.

Participated in the negotiations with the Bureau of Reclamation concerning the Taylor Park Water Management Agreement. Provided information to the board needed for the board to reach a decision to proceed with the agreement. Drafted additional language for inclusion in the agreement. Worked with the Bureau of Reclamation and other parties to define the purpose and need for the agreement, define alternatives to the agreement, and initiate the scoping for the environmental assessment for the agreement.

Analyzed the accounting rules for the Taylor Park Reservoir refill which will assist in the evaluation of the reservoir as a augmentation source.

Monitored development of new rules and regulations and EIS for the Reclamation Reform Act of 1982 and coordinated responses from the CRWCD, CWCB, and UVWUA to the proposed RRA rulemaking.

PRIORITY: To provide the board with information needed for decision making concerning the Upper Gunnison District conditional decrees.

Developed an engineering scope of work which would provide the board with information needed to decide how to proceed with the development of the Upper Gunnison Project. The scope of work was incorporated in the request for statements of qualifications for engineering services presented to the board at the February 14, 1994 board meeting. Since the board has decided not to retain an engineer for augmentation purposes for the time being, the board should discuss how it would like to proceed with the work related to the Upper Gunnison decrees.

PRIORITY: To provide the board with administrative and programmatic leadership.

Provided the board of directors with agendas, presentations, and written information prior to monthly board meetings.

Prepared statements of the District's position on a variety of issues at the request of the Board of Directors. Some specific issues included:

*Examiner's
letterhead
call of
1794
BY R. [unclear]*

Upper Gunnison River Water Conservancy District

March 18, 1994

Mr. Charles A. Calhoun
Acting Regional Director
Bureau of Reclamation
P. O. Box 11568
Salt Lake City, UT 84147-0568

SUBJECT: Aspinall Unit mitigation

Dear Mr. Calhoun:

Reclamation Reform Act
Blue Mesa Mitigation
Arapahoe Union Park Project
Gunnison River Ice Jamming

Administered the day-to-day business affairs of the district.

Prepared information for the board for line item transfers of funds in the 1993 budget.

Reviewed and approved expenses to be paid by the district.

Provided the board with information needed to approve the auditor for the 1993 audit. Transferred 1993 records to the auditor.

Finalized office lease. Obtained insurance for the office contents and premises.

Clarified and carried out the procedure for filling a vacancy on the board of directors. Worked with district court, and Hinsdale County to coordinate and provide information needed in order for Hinsdale County board member's vacancy to be filled. Initiated process which will lead to board member appointments at the June 13, 1994 board meeting and provided information to interested parties.

Reviewed and acted as necessary on letters, requests, submittals of information from members of the board of directors.

PRIORITY: To carry out the District's obligations to meet water user needs.

Developed proposed operation plan for Taylor Park Reservoir for 1994 based upon meetings with the parties to the 1975 agreement and local users. Developed background paper and options for the board of directors concerning 1994 operations and Ernest Cockrell's instream flow water right. Prepared spreadsheets describing the proposed operation for 1994.

Continued work on East River Study. Completed an estimate of existing population in the East River basin which required coordination with Crested Butte, Mt. Crested Butte, and Gunnison County. Developed projections for future population in the East River basin for the years 2013 and 2033 which are now being reviewed by Gunnison County and the USBR.

In conjunction with Gunnison County instituted a water quality sampling program in the East River basin and served as the on-going day-to-day manager of the program.

The Honorable Ben Nighthorse Campbell
United States Senate
Washington, DC 20510

The Honorable Hank Brown
United States Senate
Washington, DC 20510

The Honorable Scott McInnis
House of Representatives
Washington, DC 20515

Mr. Jim Lochhead, Executive Director
Colorado Department of Natural Resources
1313 Sherman St., RM 718
Denver, CO 80203

Mr. Fred Field, Chairman
Gunnison County Commissioners
200 E. Virginia
Gunnison, CO 81230

Trust for Public Lands
ATTN: Ms. Sandra Tassel
P. O. Box 2383
Santa Fe, NM 87504

Mr. David Harrison
Moses, Wittemyer, Harrison,
and Woodruff, P.C.
P. O. Box 1440
Boulder, CO 80306

Mr. Gary Tomsic
Gunnison County Mitigation Committee
200 E. Virginia
Gunnison, CO 81230

of inflow and the difference between the outflow and inflow is charged against the refill. Ken Knox said that Mr. Cockrell must actually place the call in which case it would be honored if it is a valid call and if he is senior. Ramon Reed said that the amount of inflow that is called by the instream flow water right could not be counted towards any second fill accounting. Ken Knox agreed that is the crux of the matter, trying to prove up the refill amount. He said the instream call lessens the amount of water that is available in priority.

Bill Trampe said that when there is 450 cfs inflow to the reservoir, and if Mr. Cockrell's call for 445 cfs is accepted, there is 5 cfs going to the refill. Ken Knox said that is true.

Peter Smith asked about whether the instream flow right could affect the first fill. Ken Knox said that it cannot, and that the first fill has already been completed this year.

Ramon Reed asked whether there is a call on right now. Ken Knox said there is not any call on the mainstem of the Gunnison or Uncompahgre. Ramon Reed asked whether all the inflow right now is counting towards the second fill. Ken Knox said yes, he is not aware of Mr. Cockrell having placed any call.

Dennis Steckel asked if Ernest Cockrell is satisfied with having less than the inflow to the reservoir go past his property, can he say he is really calling for, or acquiring an interest in, everything going into the reservoir. Ken Knox said suppose the inflow to the reservoir is 500 cfs, Mr. Cockrell's call is for 445 cfs, there is 200 cfs in the river below the reservoir, and Mr. Cockrell says he is happy with the 200 cfs, but wants to keep an accounting of the 245 cfs which he considers his water and wants to store in the reservoir. Ken Knox said the State Engineer's office would not allow the storage.

Dennis Steckel said the only reason you measure the flow upstream of the reservoir is to see the maximum amount that could be available to Cockrell, but outside of that, what flows into the reservoir is irrelevant unless he actually calls for more water in the stream on his property. Ken Knox agreed.

Peter Smith asked what is the significance of a five day call. Ken Knox said his impression is that Mr. Cockrell is making the call to avoid the risk of abandonment. Mr. Knox said that the test of abandonment is water that is available but not taken for a period of ten years. Ken Knox said there are two things required as far as abandonment: 1) The water must be available, and 2) There must be an intent to abandon. Mr. Knox said he does not believe there is any way that Mr. Cockrell has an intent to abandon any part of his water right. That is a verbal assurance that Ken Knox said he can give, but he said he can't write down that he will never try to have the water right abandoned. Peter Smith asked whether a one day call would get him as much influence as a five day call. Mr. Knox said that statutorily 445 cfs, for one minute in a 10 years period is required. Peter Smith asked if five days was enough of a call for this year. Ken Knox said that he looks at it as though Mr. Cockrell had 445 cfs last year.

Managed

Tyler Martineau expressed concern that Mr. Cockrell's position will alter the historic use of Taylor Park Reservoir and set a precedent. He gave the following example: Say that the inflow to the reservoir is 500 cfs and the outflow that the four parties to the 1975 Agreement have decided is appropriate is 300 cfs, that means that in the absence of any call from Cockrell 200 cfs will be going into storage and 300 coming out. If Mr. Cockrell was to put his call on, one interpretation might be that he could call to the extent of the release that has already been decided on by the the four parties to the 1975 Agreement, meaning that he could call up to the 300 cfs. The other interpretation is that he could place his call for the full 445 cfs, and if it's honored by the Division Engineer, then the release from the reservoir would have to be turned up to 445 cfs in which case the amount storable under the refill would be 55 cfs. Mr. Martineau stated that if the precedent is established that Mr. Cockrell can call with his right to the full extent of the 445, then in the future he might decide to place that call for a longer period of time. He stated that if the operation of the reservoir is changed this year by the four parties to the 1975 Agreement to accommodate Mr. Cockrell, it could become part of the historic practice under which the reservoir is operated.

Ramon Reed said he has some concern about the meaning of the word historical since the operation of the reservoir has changed significantly with the 1975 Agreement. He said that if we fight this and can't prove the historic use then it may have the exact opposite effect and Mr. Cockrell may place his call 365 days per year. He stated that Mr. Cockrell has been a real valuable ally in the water court cases. Ramon Reed asked Dick Bratton what he is considering as historical operation. Mr. Bratton suggested that it is a matter of potential litigation and the board might want to go into executive session to discuss it.

Butch Clark said this is not the situation in which we should be trying to resolve this issue. He said Mr. Cockrell has shown a great willingness to be cooperative in this matter.

Butch Clark moved adoption of Option #1 as presented in Mr. Martineau's memorandum and the operating objectives be written to accomplish the inclusion of Option #1 at the next meeting of the four parties to the 1975 Agreement. Ramon Reed seconded the motion.

Lee Spann said that he considers Mr. Cockrell a player on the Taylor River. Mr. Spann asked if anyone had talked with Mr. Cockrell about placing a call this year and not for the next nine years and other options to accomodate both the District's and Mr. Cockrell's need for water from Taylor Park Reservoir.

Mr. Cockrell
Bill Trampe indicated a concern for certainty in the amount of water available each year.

The board discussed further what historic use and precedent might mean in relation to Mr. Cockrell's position on making a call for water.

Dick Bratton stated that if Mr. Cockrell comes in and asks for 445 cfs and it is accepted without objection, it could be utilized as evidence to establish a precedent and therefore it is not inappropriate to sit down and negotiate but the district should do that before there is any precedent. He said the other thing that should be done is that if the district can make Mr. Cockrell understand why the district needs the water, that he believes Mr. Cockrell will try to work with the district.

Frank Vader said that Mr. Cockrell desires to cooperate, and that we are all headed towards the same goal. Mr. Vader suggested a meeting with Mr. Cockrell without attorneys to see what could be worked out.

Ramon Reed asked for an explanation of the legal procedure for a call. He said suppose on June 1 there is 500 cfs inflow to the reservoir and the recommended outflow is 300 cfs and Cockrell makes his 445 cfs call, what exactly happens. Ken Knox said that he could not say whether he will or will not honor the call because there are two people he needs to talk to, the Attorney General, and the State Engineer. He said that if Mr. Cockrell wanted to place a full 445 cfs call year-round it would have to pass a real hard test, because the basis, measure, and limit of a water right is application to beneficial use. Mr. Knox said that he has a responsibility to maximize beneficial use in the basin. He said that it is a balancing process. He said the district has tried to address very many specific multiple interests in the upper basin. He said that if there is more water released for Mr. Cockrell's instream flow water right, that will reduce the water available for irrigation.

The board discussed the pros and cons of negotiation with Mr. Cockrell and the pros and cons of voluntarily accepting a call by Mr. Cockrell this year or litigation to try to prevent a call by Mr. Cockrell.

The motion was defeated.

The board discussed the time schedule for finalization of the 1994 Taylor Park Reservoir Operations schedule including the next operations meeting to be held on April 19.

Lee Spann moved that board representatives appointed by President Trampe meet with Ernest Cockrell prior to the April 19 meeting to try to resolve this issue through negotiation. Dennis Steckel seconded the motion.

Bob Arnold asked if the representatives would be board members. Lee Spann replied that his motion indicated board members and no paid staff as representatives to the meeting with Mr. Cockrell. Bob Arnold asked if President Trampe was indicated as a representative. Lee Spann replied that he intended President Trampe as a representative to this meeting and other board members appointed by President Trampe.

The motion carried.

President Trampe appointed Mark Schumacher and Peter Smith to join with him at the meeting.

Tyler Martineau asked for clarification on how to proceed from the meeting with Ernest Cockrell to the April 19 meeting with the four parties to the 1975 Agreement. Lee Spann said that if a settlement is reached with Mr. Cockrell that it should be taken forward to the April 19 meeting. Dennis Steckel said that if a settlement is not reached with Mr. Cockrell that the discussion should be brought forth to the board again.

9. ACTING DIVISION ENGINEER-KEN KNOX

Ken Knox gave a brief report on activities through the State Engineer's office. He said that the snowpack is now 91% of average. He reviewed the State Engineer's goals including public service as a first priority and explained the Division Engineer's projects and priorities for the Gunnison basin.

Butch Clark asked about the Upper Arkansas augmentation plan. Ken Knox replied that he had read that plan and that it appeared to have applicability to the Gunnison basin and the Upper Gunnison River Water Conservancy District.

10. COLORADO WATER WORKSHOP SPONSORSHIP

Lucy High reported on the plans for the water workshop planned for this summer. The theme will be "Quenching the Urban Giant." She asked the District for sponsorship again in the amount of \$1200.

Butch Clark moved that the Upper Gunnison River Water Conservancy District support the Colorado Water Workshop in the amount of \$1200.00 as already budgeted in the District's 1994 budget. Bob Arnold seconded the motion. The motion carried.

11. BOARD OF DIRECTORS APPOINTMENTS

Tyler Martineau referred the board to his memorandum about the terms of board members which expire in June 1994. He noted that applications for the positions should be sent to Judge Steve Patrick by May 13, 1994 and that notice will be published in the newspapers.

12. MANAGER'S QUARTERLY REPORT

President Trampe referred the board to Mr. Martineau's memorandum and report

which was circulated by mail. There were no comments.

13. MISCELLANEOUS MATTERS

Tyler Martineau asked Lucy High if she had anything to report on the water festival planned in Gunnison. She and Diane Lothamer provided some general information and invited the District to participate in the activities.

Ramon Reed moved that Susan Lohr be nominated as ditch queen. Lee Spann seconded the motion. The motion carried.

Tyler Martineau reported that the joint water quality monitoring with Gunnison County on the East River will end in April 1994. He said that the \$1000.00 which was budgeted will be depleted so the monitoring will cease.

Lee Spann asked how the data will be available. Mr. Martineau said that he has reviewed the data and that it is available in the District office.

Butch Clark asked if it would be useful to continue this monitoring. Mr. Martineau said that it would be useful because the water quality monitoring is being done in conjunction with the stream gage flow measurement. Butch Clark said that there is a specification that Arapahoe County establish gages for monitoring and that the District might look at further monitoring locations in conjunction with the FERC application.

Tyler Martineau said that his preference for a new gage would be the East River above the Slate River.

Ramon Reed asked about the memorandum from Mr. Martineau about the Tri-State Generation and Transmission Association exchange with the Bureau of Land Management. Mr. Reed wondered about the water that might be made available. There was discussion about the possibilities.

Dominique

14. UNSCHEDULED CITIZENS

There were no comments.

15. FUTURE MEETINGS

The next board meeting will be May 9, 1994 at 7:00 p.m. in the Multipurpose Building. The annual board meeting is scheduled for June 13, 1994 at 7:00 p.m. in the Multipurpose Building.

16. ADJOURNMENT

President Trampe adjourned the meeting of the Upper Gunnison River Water Conservancy District at approximately 9:35 p.m.

Respectfully submitted,

Mark Schumacher, Secretary

APPROVED:

William S. Trampe, President

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: June 9, 1994

SUBJECT: Agenda Item 14, June 13, 1994, Board Meeting --
Miscellaneous Matters.

During the past two years the State of Colorado has embarked upon a \$2-3 million effort to develop a hydrologic database and associated computer programs known as the Colorado River Decision Support System (CRDSS). CRDSS will be used by Colorado governments and water user organizations to answer questions throughout the seven Colorado River Basin states concerning compact delivery requirements, upper and lower basin water supply needs, and endangered fish recovery issues.

*State
paid
for
CRDSS
not
essential
to
abandon
S.D. water*

Included in CRDSS will be individual water rights and reservoir operation computer models for each of the six basins tributary to the Colorado River in Colorado. A water rights and reservoir operations computer model is a computer program which has been written to simulate how water rights would be administered and reservoirs would be operated in a variety of "what if" situations. Among other things, it allows a person to analyze the effects of changes in water rights administration or reservoir operations upon water users and other interested parties prior to implementing such changes on the ground. The first basin for which a new model will be developed is the Gunnison basin. The new model for the Gunnison basin is intended to do the same things as the Gunnison Basin Planning Model which our district and others have financed and been developing for the past several years. The Gunnison Basin Planning Model is now in the final stages of testing and should be available in a final version in September.

*Key
asked
for this
before*

*But must
detail*

The CRDSS developers say they wish to develop their first water rights and reservoir operations model in the Gunnison basin because there is so much data and information available about water use and administration in the basin due to the development of the Gunnison Basin Planning Model. Development

*yes
Gunnison
now*

MEMORANDUM ---- June 6, 1994

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

FROM: Ralph E. Clark III *Butch*

SUBJECT: Future Aspinall Unit operations

=====

INTRODUCTION

Many issues will be packaged into upcoming discussions about future operations of the Aspinall Unit. Our Board will be a major participant in these discussions. A major task before our Board will be trying to fit together many decisions related to the future operations of the Aspinall Unit in a way which makes sense for the future of our Upper Gunnison Basin as a whole.

From a regional perspective, issues already included in the package are: endangered species recovery; hydroelectric power production; quantification of rights through the Black Canyon; and water resource planning for the Curecanti Recreation Area. Likely to be added soon are the issues of: salinity control; marketing of Aspinall Unit water and transfers within and beyond Colorado; water conservation planning; and water quality planning and management. From a local perspective, there are many issues in the package - particularly protection from downstream water calls; the need for and development of augmentation plans; reaffirmation of the "60,000 acre-foot subordination;" and possibly the completion of mitigation requirements for the Aspinall Unit.

The Bureau of Reclamation is organizing a public information meeting on future Aspinall operations. It remains scheduled for June 16th - although no announcements have appeared. The last such meeting was in May of 1992.

The purpose for this memo is to provide some background for use in upcoming discussions. Attached are two assessments of Aspinall Unit operations. One is for a moderate or average year situation. The other is for a dry year situation. They focus upon meeting flow requirements of endangered fish species and continuing historic call protection obtained through the Unit's operations. Hopefully, the assessments and the memo will encourage production of additional information and useful criticism leading to more informed participation in discussions and better decision making.

SECTION I - EXPLANATION OF THE ASSESSMENTS

Below are two sections. The first explains the attached assessments of future Aspinall operations. Both assessments make use of available information and are done to improve understanding of what meeting flow requirements for endangered fish species and providing call protection will mean to our Upper Gunnison Basin. The second section presents some conclusions. It also points out some needs for additional information.

Two different situations are assessed. One is for a "moderate" or average inflow situation - the water year 1987. The other is for a "dry" situation - the water year 1989. Specific citations to all information used in the assessment are provided in the printout for each situation. This is to facilitate review, criticism, and improvement of the assessment.

Monthly data about inflows and releases in each situation were obtained from a detailed analysis of the Aspinall Unit's operation given by the Department of Energy (Western Area Power Administration) in its Salt Lake City Area Integrated Projects Electric Power Marketing Draft Environmental Impact Statement (February 1994). Information on endangered species study flow requirements in a dry and in a moderate or average year situation was obtained from a memorandum prepared by the Fish and Wildlife Service on this topic in April of 1992. Information on flow requirements at the Redlands Diversion came from summaries of the interagency Aspinall operations meetings held in 1994. Information on flows through the Gunnison Tunnel was obtained from Bureau of Reclamation documents as was information about the designated commitments or bookkeeping for water released from the Aspinall Unit. The DEIS recently prepared by the Department of Energy also provided information on commitments and purposes for water released from the Aspinall Unit and it provided data on the reservoir levels for Blue Mesa and the other two reservoirs.

Part 1 of the assessment explains the notation and assumed constant used to make conversions between flow in cubic feet per second and quantity in acre-feet. Part 2 sets out the inflows for the particular situation assessed. Part 3 sets out the releases from the Aspinall Unit for the particular situation assessed. Part 4 compares requirements under the moderate or dry situation for endangered fish species downstream at the Whitewater Gage and at the Redlands Power Canal Diversion with the actual reported flow conditions in a dry or a moderate year. Part 5 sets out potential commitments or bookkeeping allocations for management of water released from the Aspinall Unit. These are then compared specifically with actual releases in the two situations. The focus of Part 6 is upon Blue Mesa Reservoir in order to assess what happens to water level and storage in this reservoir in the two situations.

Monthly differences between the flow desired for endangered species and actual flow conditions in each situation are indicated at the conclusion of Part 4. Negative numbers show the

extent of insufficient water flow in comparison with the specified requirement. Positive numbers show the extent by which the flow is greater than the specified endangered species requirement. At the conclusion of Part 5 are monthly differences between the possible commitments for releases from the Aspinall Unit and actual releases reported in the moderate and dry situations. Both sets of difference figures show how management of the Aspinall Unit might be adjusted to more nearly achieve desired flow conditions.

The Whitewater Gage on the Gunnison River serves as the reference point for endangered fish species habitat requirements on the lower Gunnison and for bypass or "fish ladder" requirements at the Redlands Power Canal Diversion. The Whitewater Gage is located about 15 river miles upstream from the confluence of the Gunnison and Colorado Rivers in Grand Junction. Aside from the Redlands Diversion which is sited very close to the confluence, there is about 60 cubic feet per second of reported diversion downstream from the gage. This gage has been used since before 1900 to determine inflow from the Gunnison into the Colorado. Part 4 is intended to show the difference, by month, between what has occurred and what is desired.

Habitat requirements studied by the Fish and Wildlife Service vary according to the flow conditions for the year - that is, dry requirements for a dry year, wet for wet, etc. (see the Fish and Wildlife Service memorandum dated April 16, 1992). Flows past the Whitewater Gage average about 1.8 million acre feet but vary widely around this average. Total flow past the gage in Water Year 1975 is almost at the average and the flow pattern for this water year is used for assessment of the moderate year situation.

SECTION II - CONCLUSIONS FROM THE ASSESSMENT

Note in Part 4 the large positive cumulative differences in acre-feet reached by September for both the moderate and the dry year situations. This indicates that over the period of a full water year, the total quantity of water flowing past the Whitewater Gage is more than adequate to meet the requirements of endangered fish species habitat and fish ladder or bypass requirements. Monthly difference figures indicate that adjustments of timing and quantities of releases made from the Aspinall Unit would achieve the flow pattern desired for endangered species requirements. In effect, management of releases from the Aspinall Unit could be for "topping up" flows at Whitewater when and as needed - greater releases at some specific times and perhaps less at others.

Note the commitments set out in Part 5. They indicate management intention as to what goes through the Gunnison Tunnel or down the Black Canyon. These commitments are potential demands used for planning and comparison with actual releases. The commitments are obtained from the Bureau's bookkeeping for the Aspinall Unit in the dry year of 1992 and the wet year of 1993. The later set

of figures was adjusted to approximate management commitments expected in a moderate year. Bookkeeping figures for 1987 and 1989 were not available. Comparison of these commitment figures with actual downstream requirements suggests a need for further explanation as to how these bookkeeping line items are defined and how reported quantities are determined.

Of note in part 6, Blue Mesa Operations, is that all releases from this reservoir are made for power purposes according to the Department of Energy. Also of note is the reported storage increase amounting to over 160,000 acre-feet accomplished during the dry water year of 1989. In effect the increase of storage served to stabilize the reservoir level for recreational and scenic purposes during this water year while more than sufficient water passed the Whitewater Gage to meet the endangered species requirements for a dry year situation. The increase in storage also indicates the capability for management of operations at the Aspinall Unit to continue provision of call protection to the Upper Gunnison Basin.

SUMMARY

Both assessments show full utilization of inflows to the Aspinall Unit achieved through the combination of many different uses occurring concurrently and sequentially. Management of releases to provide habitat and bypass requirements for endangered fish species should not require calls upon water users in the Upper Gunnison Basin coming from Redlands or the Gunnison Tunnel. Flows past both diversion points can be managed, as in the past, to serve these rights. The assessments also show that meeting endangered fish requirements and meeting flow requirements through the Black Canyon are not likely to produce perceptible changes, if any, in levels of Blue Mesa Reservoir that go beyond past experience or will result from planned hydroelectric operations.

Finally, it should be noted that the Department of Energy's (Western Area Power Administration) draft environmental impact statement provides a month by month flow analysis for dry, moderate, and wet year situations (Appendix C). Its purpose was evaluation of the long term marketing program for electrical power generated from the Colorado River Storage Project and other integrated hydroelectric projects. Importantly, this analysis appears to assume continuation of essentially past operational practice for the Aspinall Unit. Increased peaking power production from the Aspinall Unit would result in perceptively greater fluctuation of Morrow Point and Crystal Reservoirs. However, the re-regulated flows from Crystal Reservoir in the dry, moderate, and wet year situations would be very close to past experience. This too suggests that future operations of the Aspinall Unit can continue to provide call protection to our Upper Gunnison Basin.

BRATTON & McCLOW

the feasibility of their proposed project. The permit lasts for three years, and Arapahoe and Parker are required to make reports of their progress in studying feasibility every six months. We should receive copies of those reports.

The order issuing the preliminary permit can be appealed within thirty days from March 24, but I do not believe that an appeal would be successful, given the text of the order. Therefore, I recommend that the Board monitor the six month progress reports during the three year period, and defer aggressive involvement in this project until such time as Arapahoe and Parker make application for a license, if that ever occurs.

OTHER EXPENSES PAYABLE

May 16, 1994 Special Meeting:

Bob Arnold	attendance-\$25	\$25.00
Ralph Clark III	attendance-\$25	25.00
Carol Drake	attendance-\$25 & 110 mi.@.25-\$27.50	52.50
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

June 13, 1994 Annual Meeting:

Bob Arnold	attendance-\$25	\$25.00
Ralph Clark III	attendance-\$25	25.00
Carol Drake	attendance-\$25 & 110 mi.@.25-\$27.50	52.50
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

Bratton & McClow	5/31/94 invoice	4,578.40
Bio-Environs	5/5/94 invoice	454.08
Kimberly Temple, CPA's	4/21/94 invoice	12.60

OPERATIONAL EXPENSES PAID

May 9, 1994	U.S. West Communications-office phone	\$123.77
May 9, 1994	Patrice Thomas-additional April pay (gross wages \$61.64/5.36 hrs)	41.52
May 9, 1994	Valley Insurance Agency-bond renewal/ board members	50.00
May 24, 1994	U.S. Postmaster-5 rolls .23 stamps	115.00
May 24, 1994	Chronicle & Pilot-legal notice-vacancies	18.40
May 24, 1994	Gunnison Country Times-2 legal notices- vacancies	70.67
May 24, 1994	Silver World Publishing-legal notices- vacancies	134.20
May 24, 1994	Saguache Crescent-legal notice-vacancies	29.93
May 24, 1994	State Farm Insurance-health insurance- Tyler Martineau	285.45
May 31, 1994	Chronicle & Pilot-April notices & logo	35.20
May 31, 1994	Tyler Martineau-May direct expenses	83.00
May 31, 1994	Tyler Martineau-net salary for pay period 5/1/94-5/31/94 (gross salary \$3,958.33)	2,720.41
May 31, 1994	Patrice Thomas-net wages for pay period 5/1/94-5/31/94 (gross wages \$664.13/57.75 hrs)	447.28
May 31, 1994	Rita McDermott-net salary for pay period 5/1/94-5/31/94 (gross salary \$300.00)	225.00
May 31, 1994	First National Bank-FWT & FICA-May	1,692.74

P. C. Thomas
Contract

UGRWCD BUDGET SUMMARY-MAY 1994

	<u>MAY</u>	<u>YEAR-TO- DATE</u>	<u>1994 BUDGET</u>	<u>% EXPENDED</u>
	<u>EXPENSE</u>	<u>AS OF 5/31/94</u>		
Administrative Salary	\$3,958.33	\$18,678.08	\$47,500.00	39%
Secretary Salary	725.77	3,810.65	14,000.00	27%
Board Treasurer Salary	300.00	1,500.00	4,000.00	38%
Payroll Taxes & Benefits	666.74	2,889.48	8,500.00	34%
Staff Conference & Training	0	0	500.00	0%
Legal Exp & Eng. Related	9,765.39	50,633.26	70,000.00	72%
Audit & Accounting	0	39.00	1,200.00	3%
Engineering Services	0	0	10,000.00	0%
Rent & Utilities	0	1,500.00	1,500.00	100%
Stream Gages O&M	0	489.60	12,800.00	4%
Stream Gages Construction	0	0	4,000.00	0%
Bonding	50.00	100.00	200.00	50%
Insurance/Premises	0	250.00	300.00	83%
Office Telephone	110.29	605.48	2,500.00	24%
Legal Printing	288.40	567.41	1,400.00	41%
Administrative Travel	83.00	808.96	3,000.00	27%
Board of Directors Travel	0	0	500.00	0%
Office Supplies	0	395.90	1,500.00	26%
Postage	115.00	375.00	1,200.00	31%
Copying	0	0	1,200.00	0%
Publications Acquisition	0	58.00	500.00	12%
Office Equipment	0	0	1,000.00	0%
Board of Directors Fees	250.00	1,825.00	5,000.00	37%
Board of Directors Mileage	66.50	684.50	1,400.00	49%
Uncompahgre Water Users	0	3,000.00	3,000.00	100%
Taylor Park Water Management	0	284.60	10,000.00	3%
CWC Membership	0	400.00	500.00	80%
WSC Water Workshop	0	1,200.00	1,200.00	100%
Promotion & Guest Expense	0	90.24	1,700.00	5%
County Treasurer's Fees	1,332.57	3,463.54	7,000.00	49%
Subtotals	<u>\$17,711.99</u>	<u>\$93,648.70</u>	<u>\$217,100.00</u>	43%
Contingency			10,000.00	0%
Emergency Reserves			2,500.00	0%
Water Resource Protection & Development Reserves			1,928.00	0%
Totals	<u>\$17,711.99</u>	<u>\$93,648.70</u>	<u>\$231,528.00</u>	40%

UGRWCD
FINANCIAL DATA-5/1/94 THRU 5/31/94

Balance on Hand - April 30, 1994

Checking Account	\$5,861.68
Petty Cash	100.00
Time C.D.-FNB	2,751.10
Time C.D.-Wetlands Fund	954.44
Money Maker-GS&L	42,078.01
Time C.D.-FNB-Lake City	42,192.55
Passbook Svgs-CB St. Bank	40,887.48
Passbook Svgs-FNB	35,563.58
Accts. Payable/CWT	-227.02
TOTAL FUNDS 4/30/94	\$170,161.82

Tax Receipt Collections thru April

Real Estate	\$35,125.14
Specific Ownership	3,495.11
Interest	14.67

Note: Treasurers' Fees are included \$38,634.92

April Tax Receipt Collections Paid in May

Real Estate	\$41,726.30
Specific Ownership	1,178.36
Interest	5.37

Note: Treasurers' Fees are included \$42,910.03

Reimbursement for personal phone calls-Martineau 13.48

Interest on Investments received in May 169.46

TOTAL TO DATE **\$213,254.79**

Transfer from FNB-ckg to FNB-svgs-\$22,500.00

Total Disbursements thru 5/31/94 17,725.47

TOTAL FUNDS 5/31/94 **\$195,529.32**

Balances as of 5/31/94

Checking Account	\$8,852.33
Petty Cash	100.00
Time C.D.-FNB of Gunnison (1 yr.)	2,751.10
Time C.D.-Wetlands-FNB of Gunnison (1 yr.)	957.18
Money Maker-GS&L	42,190.56
Time C.D.-FNB of Lake City (6 mo.)	42,192.55
Passbook Savings-C.B. State Bank	40,887.48
Passbook Savings-FNB of Gunnison	58,063.58
Accts. Payable/Colo. Withholding Tax	-465.46
TOTAL FUNDS 5/31/94	\$195,529.32

INTEREST RATES	MATURITY DATES
2.25%	
3.50%	1/18/95
3.50%	8/16/94
3.25%	
3.50%	10/3/94
3.05%	
3.00%	



STATE OF COLORADO

TIMOTHY M. O'BRIEN, C.P.A.
State Auditor

OFFICE OF STATE AUDITOR
(303) 866-2051
FAX (303) 866-2060

Legislative Services Building
200 East 14th Avenue
Denver, Colorado 80203-2211

May 16, 1994

5/19/94

Board of Directors
Upper Gunnison River Water Conservancy District
c/o Rita D. McDermott, Secretary
507 North Spruce Street
Gunnison, Colorado 81230

RE: #2662

Dear Board Members:

The Colorado Local Government Audit Law (Section 29-1-607, C.R.S.) directs the State Auditor to examine the audits of all local governments in Colorado. In compliance with this law, we have reviewed the audited financial report of the Upper Gunnison River Water Conservancy District for the year ended December 31, 1992. We found your report to be well-prepared and informative.

If we may be of any assistance to you, please feel free to call us.

Very truly yours,

Linda Greenly

Linda Greenly, CPA
Director of Local Government Audits

LG:y

cc: Kimberly S. Temple
Certified Public Accountant

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

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

June 1, 1994

	<u>Hrs/Rate</u>	<u>Amount</u>	
Professional services:			
04/27/94 LRB Review draft of agreement by Barney and letter to Division Engineer from Barney; telephone conference with Barney	0.75 125.00/hr	93.75	/
04/29/94 LRB Draft revisions to proposed agreement on 1994 Taylor Park Reservoir operations; telephone conference with Ed Warner	1.00 125.00/hr	125.00	/
LRB Review minutes of meeting of April 11	0.60 125.00/hr	A 75.00	
05/02/94 JHM Status conference by telephone with Judge Brown, Attorney General, and opposers' counsel	0.50 125.00/hr	62.50	
05/03/94 LRB Telephone conference with Andy Mergen (U.S.), Barney White re: oral argument	0.40 125.00/hr	Arant 50.00	
LRB Telephone conference with Barney; meet with Tyler and Bill re: terms of agreement and Aspinall operations	1.50 125.00/hr	187.50	/
05/04/94 LRB Telephone conferences with Barney (3), Tyler (3); conference with John; make several revisions to proposed agreement	2.00 125.00/hr	250.00	/

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>Hrs/Rate</u>	<u>Amount</u>
05/05/94	LRB Revise proposed agreement; telephone conference with Barney re: terms of agreement; review revised agreement	2.00 125.00/hr	250.00 T
05/09/94	LRB Telephone conference with Dave Mutz (Bureau of Reclamation)	0.25 125.00/hr	31.25 T
	LRB Attend monthly meeting of the Board of Directors	3.50 125.00/hr	437.50
05/12/94	LRB Meeting in Denver of attorneys representing opposers to discuss strategy for oral argument in Supreme Court	5.00 125.00/hr	625.00
05/16/94	LRB Meeting with Bill and Tyler re: instream flow right/issues; attend special board meeting re: instream flow right	2.50 125.00/hr	312.50 T
05/17/94	LRB Draft outline of notes for Andy Williams oral argument	1.25 125.00/hr	156.25
05/22/94	LRB Review briefs, outlines of arguments; prepare suggestions and proposed opening for Andy; meetings with Andy (2)	4.00 125.00/hr	500.00
05/23/94	LRB Meeting with attorneys for opposers re: oral argument	3.50 125.00/hr	437.50
05/24/94	LRB Meeting with Andy re: oral argument	0.75 125.00/hr	93.75

*Taylor Mgt
1250.25*

For professional services rendered 29.50 \$3,687.50

Itemization of costs

-Westlaw research charges, 4/5/94	119.12
-Copies from Gunnison County Clerk & Recorder	61.25
-Telecopier expense	56.00
-Postage expense	3.48
-Airfare to Denver (roundtrip), 5/22/94	206.00
-Taxi fare while in Denver, 5/22/94	12.00
-Lodging for Dick Bratton and Andy Williams while in Denver, 5/22/94 - 5/24/94	367.99

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>
-Long distance telephone expense	50.66
-Photocopier expense	14.40
	<hr/>
Total costs	\$890.90
	<hr/>
Total amount of this bill	\$4,578.40
Previous balance	\$8,153.99
05/13/94-Payment - thank you	(\$8,153.99)
	<hr/>
Balance due	\$4,578.40
	<hr/>

User summary

<u>User</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
JHM John 125	0.50	125.00	\$62.50
LRB Dick 125	29.00	125.00	\$3,625.00

PAYMENT IN FULL IS DUE ON RECEIPT OF STATEMENT: A LATE CHARGE
OF 1½% 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.

Allen D. (Dave) Miller
P.O. Box 567
Palmer Lake, Colorado 80133
(719) 481-2003 • FAX (719) 481-4013

March 28, 1994

The Honorable Mike Leavitt
Governor, State of Utah
State Capitol Building
Salt Lake City, Utah 84114

The Honorable Michael J. Sullivan
Governor, State of Wyoming
State Capitol Building
Cheyenne, Wyoming 82002

The Honorable Bruce King
Governor, State of New Mexico
State Capitol Building
Sante Fe, New Mexico 87503

The Honorable Roy Romer
Governor, State of Colorado
State Capitol Building
Denver, Colorado 80203

Re: **Landmark Federal Claims On Upper Basin Compact Waters,
Colorado Supreme Court Union Park Reservoir Case, 92 SA 86.**

Dear Upper Basin Governors:

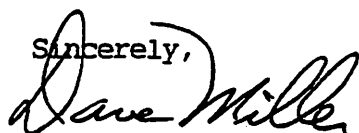
The enclosed letter indicates: "The State of Utah is satisfied with the position the Colorado Attorney General's office has taken in this case".

However, as concerned Upper Colorado River Basin governors, you should be aware the Colorado Attorney General's office does not set policy. The Colorado Water Conservation Board, itself, purposely avoided the critical federal and interstate issues. This regrettable avoidance was directed by the Colorado Water Conservation Board (11-10-93), upon advice from Colorado's Colorado River Commissioner. Incredibly, this Commissioner's private law firm has been serving as special council to the Colorado River Water Conservation District, which is one of the opposers to Union Park Reservoir in this case.

As clearly indicated in the subsequent United States and Arapahoe County Briefs, the federal government is now claiming federal reservoirs can preempt Upper Basin Compact entitlements for federal power, fish, recreation, and flood control purposes.

If this new federal interpretation of Colorado River Law were to prevail in Colorado Supreme Court, the current and future ability of all Upper Basin states to use their respective Compact waters would be severely impaired. In fact, California, Arizona, and Nevada would be winners by default in the current national movement to "let waters flow naturally in rivers as Mother Nature intended".

In view of this alarming Western water crisis, I respectfully recommend each of you petition to enter this landmark case on behalf of your respective Upper Basin states.

Sincerely,

Dave Miller
concerned Colorado citizen

ADM/bm

Encls: Utah letter 3/22/94; Paper on Colorado River Commissioner 3/26/94
cc: Upper Colorado River Commission and Colorado legislators

March 26, 1994

ROMER APPOINTEE SHOULD NOT BE CONFIRMED

Many Colorado water leaders hope the Colorado Senate will not confirm Jim Lochhead as Governor Romer's next appointee to head the Department of Natural Resources.

Although Lochhead is a fine West Slope water lawyer, his serious conflicts of interest and green-leaning water views should disqualify him from this critical state leadership position.

For many years, Jim's law firm has represented the Colorado River Water Conservation District in pitched legal battles against East Slope use of Colorado's unused Colorado River Compact waters. Incredibly, while his private business has been apposing statewide use of enough water to supply several Metro Denvers, he has been Romer's most influential statewide water strategist. He currently serves as Colorado River Commissioner, Special Commissioner On Colorado River Matters, and board member of the Colorado Water Conservation Board -- all Romer appointments.


Lochhead is also one of the few Western water strategists who still believes Colorado can perpetually rely on the 1922 Colorado River Compact to protect its water for future generations. This naive notion is the basis for Colorado's current high risk water development deferral strategy. California, Arizona, and Nevada water leaders are pleased with Jim's inordinate influence on Colorado water matters.

Lochhead openly subscribes to the extremist slogan that "large reservoirs are a thing of the past". What Jim fails to consider, however, is the fact large reservoirs provide the only physical way Colorado can save its wasted Compact waters during heavy snow melt years to protect the environments of both slopes during the 2 to 5 year drought cycles. The West Slope suffers from wet year floods, while East Slope cities and farms suffer during long droughts. There is an enviro-friendly way to conserve state waters for urgent Colorado needs.

Largely because of Lochhead's lock on state water policy, the Colorado Water Conservation Board is currently apposing Arapahoe County's unique Union Park Reservoir proposal in Colorado Supreme Court. This large, off-river facility will save wasted Compact waters on the Continental divide during wet cycles to provide low-cost gravity distribution to both slopes during extended droughts. Union Park type reservoirs should be Colorado's ultimate water development objective. The yield cost would be half that of Two Forks.

Unfortunately, while Colorado is permanently losing its renewable West Slope surface waters to new federal rule changes on dams, power, flood control, fish, re-permitting, etc., Lochhead is promoting small, high-cost groundwater and reuse alternatives for Front Range water users.

In short, Lochhead's policies are causing Colorado's environmental and economic future to flow down river. His confirmation has been delayed three weeks, while the Senate ponders his conflicts and views. Hopefully, the Senate will make the right decision in these pivotal times.

Dave Miller 
concerned Colorado citizen

P.O. Box 567
Palmer Lake, CO. 80133
(719)481-2003



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RESOURCES

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

D. Larry Anderson
Division Director

1635 West North Temple, Suite 310
Salt Lake City, UT 84116-3156
801-538-7230
801-538-7279 (Fax)

March 22, 1994

Mr. Allen D. (Dave) Miller
P.O. Box 567
Palmer Lake, CO 80133

Mr. Miller:

Re: Arapahoe County's Union Park Reservoir Proposal

As Utah's Interstate Streams Commissioner, as well as Utah's Upper Colorado River Commissioner, I have worked closely with the Commission as well as the state of Colorado in the decision not to get involved in this case.

The state of Utah is satisfied with the position the Colorado Attorney General's office has taken in this case. The date to file amicus briefs has already passed, and at this time the state of Utah does not intend to take any action.

Thank you,

A handwritten signature in cursive script that reads "D. Larry Anderson".

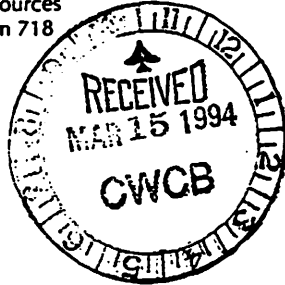
D. Larry Anderson, P.E.
Director

cc: Governor Leavitt
Upper Colorado River Commission
Mike Quealy, Assistant Attorney General

STATE OF COLORADO

OFFICE OF THE EXECUTIVE DIRECTOR

Department of Natural Resources
1313 Sherman Street, Room 718
Denver, Colorado 80203
Phone: (303) 866-3311
TDD: (303) 866-3543
FAX: (303) 866-2115



received
3/12/94

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DEPARTMENT OF
NATURAL
RESOURCES

Roy Romer
Governor

Ken Salazar
Executive Director

Ron Cattany
Deputy Director

News Release

March 10, 1994

News Contact: Chuck Lile or Peter Evans

For Immediate Release

(303) 866-3441

STREAMFLOW POLICY ADOPTION IMPORTANT STEP TOWARD COLORADO'S ENDANGERED FISH RECOVERY EFFORT

While the gridlock between the logging industry and spotted owl supporters in the northwestern part of the country was capturing national news headlines, a cooperative partnership in the Rocky Mountain states has been working quietly to avoid a similar crisis over four endangered fish species in the Colorado River.

On Tuesday, March 8, the Colorado Water Conservation Board (CWCB) moved this effort forward by adopting a procedure for protecting the streamflow needs of the endangered fish.

"This procedure is a significant breakthrough. It sets the stage for protecting the instream flows necessary to recover the endangered fishes without compromising Colorado's ability to develop the water it is entitled to under the Colorado River Compact. This is a win-win situation for the endangered fish and for water developers in the state," said John Hamill, a U.S. Fish and Wildlife Service employee who coordinates the Recovery Program for the Endangered Fishes of the Upper Colorado River Basin.

Five years ago, Colorado entered into an agreement with the U.S. Department of the Interior, the states of Utah and Wyoming, and the Western Area Power Administration to implement a program to increase populations of four fish species which the U.S. Fish and Wildlife Service had listed as in danger of extinction in the Upper Colorado River Basin. The mission of the program is to recover the Colorado squawfish, humpback chub, bonytail chub and razorback sucker while allowing water implement to proceed. Water development and environmental protection interests also participate in the recovery program as full voting members.

Upper Gunnison River Water Conservancy District

Since inception of the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin in 1988: (1) no water development projects have been denied permits or funding due to Endangered Species Act requirements; (2) the federal government has agreed to rely exclusively on state laws and state agencies for the protection of instream flows needed to recover the endangered fishes; and (3) a consensus approach to decision-making ensures that Colorado's interests are fully considered.

One of the recovery program's primary objectives is to create an alternative to the traditional regulatory process, which emphasizes mitigation of the environmental impacts of individual projects and does not always, address the most critical needs of the species or utilize state government agency expertise and resources. The traditional regulatory model frequently results in costly litigation, while the Upper Colorado recovery program emphasizes open, cooperative analysis and planning to avoid habitat damage and to develop longer-term strategies for habitat restoration and protection.

"The federal regulations do not provide an effective opportunity to protect habitat or to restore habitat destroyed or impaired in the past. We are proving that there are other ways to address mega-environmental concerns," said CWCB Deputy Director Peter Evans, who represents Colorado on the recovery program Management Committee. "The Upper Colorado River program is an important new model. Because this program provides us with the opportunity to protect Colorado's interest in what otherwise would be a federal decision process, we have accepted a large measure of responsibility for successful recovery of the endangered fish."

As the headwaters state for the Colorado River and its major tributaries, Colorado's adoption of criteria for determining seasonal streamflows that address the needs of both endangered fishes and water development is an important step for the overall recovery effort.

"The Department of Natural Resources, the CWCB and its staff approached this initiative with great caution due to the complexities inherent in protecting future development needs and determining the ecological needs of the endangered fish, while also ensuring that Colorado's compact entitlement remains secure," Evans said.

"Nonetheless, CWCB members and staff worked long and hard to understand the specific biological and regulatory circumstances, and should be commended for both the ingenuity and commitment which the adoption of this flow protection procedure reflects."

The new procedure has been greeted favorably by a wide range of water interests. Consulting engineer Tom Pitts of Hall, Pitts & Associates, who represents water users on the recovery program team, said, "This procedure reaffirms that water for endangered fishes in the Upper Basin will be provided in accordance with state water law and the interstate compacts, and that Colorado water users can develop water in accordance with the state's apportionment under the interstate compacts."

Snodgrass and North Village, night skiing, back bowl lifts, etc.

Public urged to comment on ski area's expansion plans

by Mark Reaman

Crested Butte Mountain Resort wants to expand significantly in the next ten years and the United States Forest Service is beginning its analysis of such an expansion this week. The scoping and environmental impact analysis process is expected to take up to two years. Public comment is being asked for by June 1.

The first public meeting on the proposal will be held Tuesday, March 29, at 7 p.m. in the Gothic Cafeteria to take input. Forest Service representatives will outline the process and CBMR officials will detail their expansion plans.

Snodgrass...uh, Crested Butte North

CBMR officials still want to expand the area to Snodgrass Mountain as well as to some of the back bowls such as Teocalli and Third Bowl. They want to change the name of Snodgrass to a gentrified Crested Butte North and offer lifts, restaurants and accommodations in the area.

They are also considering such things as a snowmaking reservoir at the East River, lifts under the T-bar or Keystone lifts for night skiing and additional lifts servicing the back bowls on the current ski mountain.

Don't bring up what's already been approved

The Forest Service gave initial approval to the Snodgrass expansion plan in 1982. Jeff Burch of the Forest Service said he wants to keep this latest analysis on track to new additions to the expansion plan and not rehash the previous approval.

"In a sense, this process includes a renewal of the previous Snodgrass approval but the decision to allocate the lands on both the main mountain and Crested Butte North to ski area

use and development has already been made. This decision will not be revisited unless an effect that cannot be mitigated on some very significant resource is discovered through this analysis," Burch explained.

"The bottom line is that this is a ski area so let's focus on planning this right and lessen the negative impacts to make it a better ski area," said Burch. "The reality is that this has been designated as a ski area by the Forest Service and now it is up to us to make it a better plan."

Burch said the plan to expand the ski area to Snodgrass will be retained unless a so-called "show stopper" is found. That would have to be something along the lines of endangered species or plants being found in the area or a significant impact on quality wetlands.

Impacts on the hill and down valley to be considered

This current process getting underway will consider myriad impacts. According to its scoping document, the Forest Service will conduct studies evaluating the impact of the proposal on "both on-site (right where a lift would be constructed) and off-site (down-valley) effects.

"Issues or areas of concern identified so far include: water quality, water quantity for snowmaking and consumption, vegetation, wetlands, air quality, wildlife, cultural resources, geologic hazard, avalanche hazard, recreational opportunities (downhill skiing and dispersed winter recreation), transportation (highway, air), growth impacts on local infrastructure, and social and economic impacts," the document reads.

FS wants public to focus the analysis

Burch explained that he expects the public to come up with other

areas which the Forest Service needs to study. "These issues will be looked at big-time," promised Burch. "We want the public to give us additions to this list and suggest where we can focus our analysis efforts."

Burch made assurances that the plan put forward by CBMR would be looked at closely and changes would be made to improve the proposal.

Stewart Johnson, CBMR's vice president of mountain operations, said the plan emphasizes the skiing on Snodgrass and the expert terrain in the back bowls. "This plan represents our vision for the next several years on the main mountain and Crested Butte North. We really feel these expansion plans will make this a better ski resort."

Servant to everyone

"I work closely with the ski area but I am a servant to all interests," said Burch. "We will do a very thorough analysis and look at all the resources up there. I want this process to serve the public and allow us all to come up with the best possible decisions."

Burch said the Forest Service looks at a thorough environmental impact statement as having a shelf life of about five to ten years. He expects this EIS process to be completed sometime in 1996.

"We want the public to tell us which effects of this expansion should be analyzed in detail. What is the public concerned with?" asked Burch. "We want to know where to focus our resources."

The first meeting for such input will be held the evening of March 29 at the Gothic Cafeteria. The Forest Service wants public comments before June 1. Detailed copies of the CBMR expansion proposal can be obtained through the Forest Service office in Delta, Colorado.

PEI VEGETA

Nine days best deal

A glass

Hummu
W

Vege
or
rio.

Spinach a
with a Su

Winter
Medley
mushroo
squash
artichoke
over

Vegan W
Pistachio I
roas

Cherry
c

All fo
Thursda
Ma

Take advantage
select from a va

Kids choose fr

Dinner
120 Elk Avenue

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

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

March 31, 1994

	<u>Hrs/Rate</u>	<u>Amount</u>
Professional services:		
<u>Administrative</u>		
02/14/94 JHM Attend February Board Meeting in Lake City	7.00 125.00/hr	NO CHARGE
03/14/94 JHM Attend March meeting of Board of Directors	4.00 125.00/hr	NO CHARGE
LRB Review agenda material for March meeting; attend March meeting	4.50 125.00/hr	562.50
03/20/94 LRB Review minutes of meeting of 3/14/94	0.50 125.00/hr	62.50
SUBTOTAL:		[16.00 625.00]
<u>Availability - Appeal</u>		
03/12/94 LRB Review Arapahoe Reply Brief and Answer Brief to Cross Appeal Briefs	4.00 125.00/hr	500.00
03/15/94 JHM Initial review of Response of Arapahoe County to UGRWCD Cross Appeal; note issues for Reply	1.20 125.00/hr	150.00
03/16/94 JHM Outline issues and summarize points for Reply to Arapahoe County Response to Cross Appeal	0.80 125.00/hr	100.00

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>Hrs/Rate</u>	<u>Amount</u>
03/22/94 JHM Research and preparation of Reply Brief for Cross Appeal	1.50 125.00/hr	187.50
LRB Prepare Motion for Extension of Time to File	0.25 125.00/hr	31.25
03/23/94 JHM Research and preparation of Reply Brief for Cross Appeal	1.50 125.00/hr	187.50
03/24/94 JHM Research and preparation of Reply Brief for Cross Appeal	3.00 125.00/hr	375.00
	_____	_____
SUBTOTAL:	[12.25	1,531.25]
	_____	_____
For professional services rendered	28.25	\$2,156.25
Itemization of costs		
-Long distance telephone expense		28.23
-Postage expense		11.89
-Photocopier expense		47.55

Total costs		\$87.67

Total amount of this bill		\$2,243.92
Previous balance		\$3,772.46
03/16/94-Payment - thank you		(\$3,772.46)

Balance due		\$2,243.92

PAYMENT IN FULL IS DUE ON RECEIPT OF STATEMENT. A LATE CHARGE
OF 1½% 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.

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

DATE: May 4, 1994

SUBJECT: Agenda Item 10, May 9, 1994, Board Meeting --
Miscellaneous Matters.

Hal Simpson, the Colorado State Engineer, was in Gunnison today with Ken Knox and met with Bill Trampe, Dick Bratton, Mike Gross, and myself. We discussed accounting and administration issues concerning the reoperation of the Aspinall Unit for endangered fish, and concerning the operation of Taylor Park Reservoir. The following matters came up during our discussion:

* Joel Tuck will be the new water commissioner for Water District 59 this year.

* If downstream senior calls are made next year the state engineer will administer the call against junior surface water rights in the Upper Gunnison basin. The state engineer would not administer the call against uses of groundwater until after he has developed rules for administration of wells. The rulemaking would take about a year to complete. The state engineer would probably not initiate the rulemaking until the downstream calls have come on the river and he is assured that the calls will reoccur on a routine basis. If the downstream call would occur rarely, say once every 20 years, he would not consider it worthwhile to develop rules for administration of wells.

* If downstream senior calls occur the state engineer will reexamine whether the basin should be declared overappropriated in which case the ability to obtain a new well permit without an augmentation plan will be more limited than at present.

* If downstream senior calls occur the state engineer will curtail any upstream junior depletion no matter how small if it can contribute to meeting the demand of the downstream right.

* If the downstream calls occur the state engineer will work with the District to approve substitute supply plans which would allow individual upstream juniors to continue to divert in the face of a downstream call. The substitute supply plans would be a short term solution to use while augmentation plans are being developed. The substitute supply plans may be based upon replacement of depletions by individual water rights in cases where the depletion has been estimated by an engineer. Without an engineering estimate the water user would be required to provide enough augmentation water to replace his or her diversions.

* If the District and USBR desire to make the conditional portion of the refill in Taylor Park Reservoir absolute, it will be based upon how much fill of the reservoir is achieved. In the state engineer's opinion paper fill accounting can be used to perfect the refill.

* The meeting participants discussed the accounting for the Taylor Park Reservoir refill and the private instream flow water right. It was agreed that daily reservoir operation studies need to be completed before defining the accounting procedures with specificity.

Upper Gunnison River Water Conservancy District

REGULARLY SCHEDULED MEETING

Monday, April 11, 1994
7:00 p.m.

Gunnison County Community Building
Rodeogrounds
Gunnison, Colorado

A G E N D A

- 7:00 p.m. 1. Call to Order.
- 7:10 p.m. 2. Approval of February 14, 1994 and March 14, 1994 Board Meeting Minutes.
- 7:15 p.m. 3. Consideration of Operational Expenses Paid.
- 7:20 p.m. 4. Consideration of Other Expenses Payable.
- 7:25 p.m. 5. Monthly Budget Report.
- 7:30 p.m. 6. Legal Matters:
a. Union Park Project Water Availability Appeal.
b. Other Legal Matters.
- 7:45 p.m. 7. Taylor Park Water Management Agreement.
- 7:50 p.m. 8. 1994 Taylor Park Reservoir Operations.
- 8:00 p.m. 9. Acting Division Engineer - Ken Knox.
- 8:30 p.m. 10. Colorado Water Workshop Sponsorship.
- 8:40 p.m. 11. Board of Directors Appointments.
- 8:50 p.m. 12. Manager's Quarterly Report. *me*
- 9:00 p.m. 13. Miscellaneous Matters. *Invite Ken Baker Update*
- 9:15 p.m. 14. Unscheduled Citizens. *- Ethier - Initiated response*
- 9:25 p.m. 15. Future Meetings.
- 9:30 p.m. 16. Adjournment.

Persons with special needs due to a disability are requested to call the district at 641-6065 at least 3 days prior to the meeting.

Aspinall - Try to do summary sheet

Handout

Another consideration

- work session on 27th
- Subordination

Black Canyon Bick
some language

San Campbell office

- look at info from
16th and other
possibilities

Operations - Taylor Park Mgt

Hinsdale - concern about benefit

Book keeping - not much activity

- Rita done commendable job
as reflected in review comment
from Dept of Local Affairs people of merit
- appropriate for audit - offers procedure, deserves this
for her... unfortunate fiscal year, simple
not coincide with annual year
- need a task description - something along
lines of Taylor Park Pres. reviewing checks
and somebody reconciling invoices,
checks, and authorization, revenues
and bank statements.
- Budget Committee

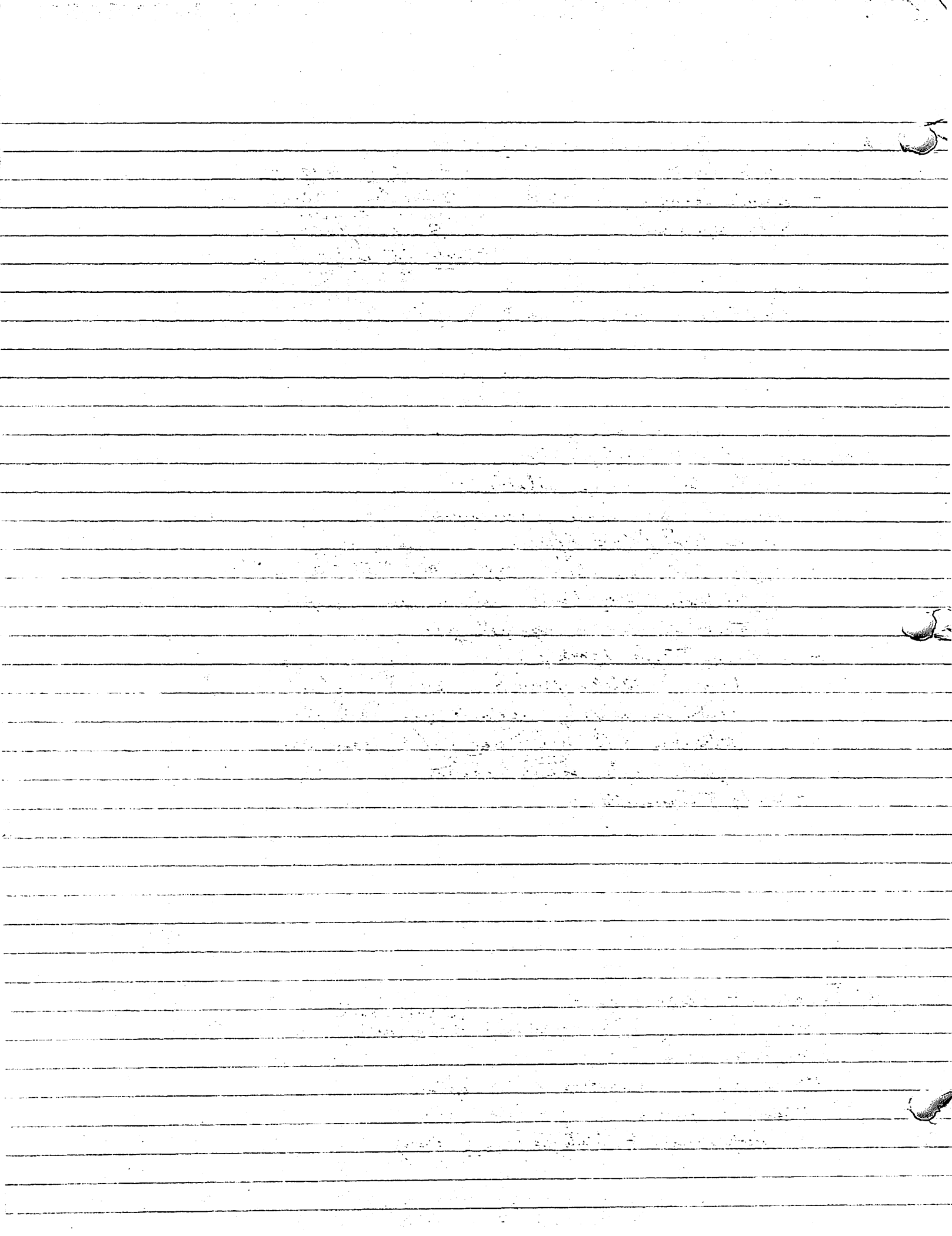
Mitigation - willingness

Buyer Seller - for acquisition of property ^{or easement}

May take long time

Meanwhile - exploring other options

that in some way provide access
improving quality of areas of study -



Up beam 11 Apr 94 7:30

call up

Minutes

Budget Report

Auditor -

Legal -

filed last brief.

Union Park Project.

Taylor Park water Mgt.

Seeping starting in May or June -

wide area accounting in seeping.

Taylor Park operations

meeting - looked at annual forecast.

During meeting, Cochran talked about exercising

first claim flow right.

release 300-350

125,000

Wanted the decision by next spring.

flushing flow

March 1

T. Enhancing the stream -

"Stored and priority 37-80-120

State engineer will allow

This water does not satisfy

not imminent need, expansion of

is we beyond Cochran.

2nd file

445 cfs

upto 445 cfs

if and flow from Taylor, exceeds in flow

if need

can call

Coke has 445 bed happy with 200

bed 500 in flow. -

water in fund of project.

Abandonment - water available and not take it
no intent to abandon.

500-cfs in flow - 300 cfs

200 cfs new.