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Gov Safety —
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29

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aspinall - Taylor Separate Agreements.
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Upper Gunnison River Water Conservancy District

REGULARLY SCHEDULED MEETING

Monday, March 14, 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 February 14, 1994 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: a. Union Park Project Water Availability Appeal. b. Other Legal Matters.
1:50 p.m.	7.	Colorado Legislative Update.
2:00 p.m.	8.	Taylor Park Water Management Agreement.
2:15 p.m.	9.	Upper Gunnison Basin Augmentation.
2:30 p.m.	10.	Gunnison County Planning Department Request for Preliminary Plan Review for Proposed Subdivisions.
2:45 p.m.	11.	Discussion of Management of Legal Services.
3:00 p.m.	12.	Discussion of Employing a Full Time In-House Legal Counsel.
3:15 p.m.	13.	Miscellaneous Matters.
3:45 p.m.	14.	Unscheduled Citizens.
3:55 p.m.	15.	Future Meetings.
4:00 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.

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

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UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT

SCHEDULED BOARD MEETING MINUTES

March 14, 1994

The Board of Directors of the Upper Gunnison River Water Conservancy District conducted a Scheduled Meeting on March 14, 1994 at 1:00 p.m. in the Gunnison County Community Building at the Rodeogrounds, Gunnison, Colorado.

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

Others present were:

L. Richard Bratton, Board Attorney
John McClow, Board Attorney
Tyler Martineau, Manager
Rita McDermott, Treasurer
Wes Robinson, Division of Water Resources
Laura Anderson, Crested Butte Chronicle/Pilot Reporter
Enid Pepperd
Diane Lothamer, City of Gunnison
Lucy High
Deborah Hindi, County Extension
Ken Spann, Gunnison County Stockgrowers
Marlene Zanetell, Gunnison County
Mary Vadar, Gunnison Country Times
Ken Knox, Division of Water Resources

1. CALL TO ORDER

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

2. APPROVAL OF FEBRUARY 14, 1994 BOARD MEETING MINUTES

District Manager Tyler Martineau reported that Patrice Thomas, office secretary, has been out of the office sick for approximately three weeks. Minutes for the February

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14, 1994 board meeting are in draft form and will be provided to the board for consideration at a future board meeting.

Tyler Martineau introduced the new acting division engineer for Water Division 4, Ken Knox, to the board.

3. CONSIDERATION OF OPERATIONAL EXPENSES PAID

Bob Arnold moved to approve Operational Expenses Paid, as prepared by the treasurer, for February, 1994. Ramon Reed seconded the motion. The motion carried.

4. CONSIDERATION OF OTHER EXPENSES PAYABLE

Bob Arnold moved to approve Other Expenses Payable. Dennis Steckel seconded the motion. The motion carried.

5. MONTHLY BUDGET REPORT

Rita McDermott, treasurer, had no comments on the Monthly Budget Report.

Tyler Martineau asked the directors for direction concerning his memorandum to the board about receiving budgeting and accounting advice from the district's auditors. Lee Spann requested that the board delay until next month any decision on receiving advice from the district's auditors so that he could look into several aspects of the matter. Butch Clark suggested checking with the Department of Local Affairs for their advice.

6. LEGAL MATTERS

6a. Union Park Project Water Availability Appeal

Dick Bratton reported that he has received copies of the reply brief of Arapahoe County to the responsive briefs of the opposers, and the response brief of Arapahoe County to the cross-appeals of the opposers in the Union Park water availability case. Mr. Bratton said that based on his first reading of the briefs Arapahoe County did not raise any issues that were not anticipated. He stated that the District has 14 days plus 3 days mailing time to file a reply brief regarding the cross appeals by the opposers on the 620(f) issue.

Dick Bratton said that he has also received the responsive brief of the Colorado River Water Conservation District to the High County Citizens Alliance brief on maximum utilization. He has provided copies of the briefs to Tyler Martineau .

Upper Gunnison River Water Conservancy District

REGULARLY SCHEDULED MEETING

Monday, February 14, 1994
1:00 p.m.

Hinsdale County Courthouse
Lake City, Colorado

A G E N D A

1:00 p.m.	1.	Call to Order.
1:10 p.m.	2.	Purvis Vickers - Board Member, Upper Gunnison River Water Conservancy District.
1:25 p.m.	3.	Approval of January 5, January 10, and January 24, 1994 Board Meeting Minutes.
1:30 p.m.	4.	Public Hearing: Proposed Transfer of Funds from Various Line Items to Defray Expenses in Excess of the Amount Budgeted under the Legal Expenses and Engineering Related Line Item for the 1993 Fiscal Year.
1:45 p.m.	5.	Consideration of Resolution Authorizing Line Item Transfers for the 1993 Fiscal Year.
1:50 p.m.	6.	Approval of Auditor for the 1993 Audit.
2:00 p.m.	7.	Consideration of Operational Expenses Paid.
2:05 p.m.	8.	Consideration of Other Expenses Payable.
2:10 p.m.	9.	Monthly Budget Report.
2:15 p.m.	10.	Legal Matters: letters by Up Gunn and CRWCD on Union Park to file. a. Union Park Project Water Availability Appeal. b. Other Legal Matters.
2:30 p.m.	11.	Colorado Legislative Update.
2:40 p.m.	12.	Report on January, 1994 Aspinall Operations Meeting. To data file.
2:50 p.m.	13.	Taylor Park Water Management Agreement. out to file
3:10 p.m.	14.	Miscellaneous Matters. Hse Bill Rec Reform out
3:30 p.m.	15.	Unscheduled Citizens.
3:40 p.m.	16.	Future Meetings.
3:45 p.m.	17.	Adjournment.

275 S. Spruce Street • Gunnison, Colorado, 81230 • (303) 641-6065

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UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT

SCHEDULED BOARD MEETING MINUTES

February 14, 1994

The Board of Directors of the Upper Gunnison River Water Conservancy District conducted a Scheduled Meeting on February 14, 1994 at 1:00 pm in the Hinsdale Country Courthouse, Lake City, Colorado.

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

Others present were:

L. Richard Bratton, Board Attorney
John McClow, Board Attorney
Tyler Martineau, Manager
Patrice Thomas, Office Secretary
Rita McDermott, Treasurer
Grant Houston, Silver World Reporter
Laura Anderson, Crested Butte Chronicle/Pilot Reporter

1. CALL TO ORDER

President Trampe called the meeting to order at approximately 1:17 p.m.

2. PURVIS VICKERS-BOARD MEMBER, UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT

President Trampe read a resolution recognizing Purvis C. Vickers as the last founding member still on the board of the Upper Gunnison River Water Conservancy District and expressing the board's gratitude for his years of valuable service to the water users and general population of the Upper Gunnison basin and Hinsdale County.

Dennis Steckel moved adoption of Resolution 94-1 recognizing Purvis Vickers for his service to the Upper Gunnison River Water Conservancy District. Butch Clark seconded the motion. The motion carried.

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3. APPROVAL OF JANUARY 5, JANUARY 10, AND JANUARY 24, 1994 BOARD MEETING MINUTES

President Trampe stated that the next item on the agenda was approval of the January 5, January 10, and January 24, 1994 minutes which had been circulated to the Board by mail. Butch Clark pointed out two corrections for the January 10, 1994 minutes on page 8 and page 10.

Butch Clark moved that the January 5, January 10, and January 24,1994 minutes be approved as corrected. Susan Lohr seconded the motion. The motion carried.

4. PUBLIC HEARING: PROPOSED TRANSFER OF FUNDS FROM VARIOUS LINE ITEMS TO DEFRAY EXPENSES IN EXCESS OF THE AMOUNT BUDGETED UNDER THE LEGAL EXPENSES AND ENGINEERING RELATED LINE ITEM FOR THE 1993 FISCAL YEAR.

President Trampe opened the public hearing for comment on the proposed transfer of funds from various line items to defray expenses in excess of the amount budgeted under the legal expenses and engineering related line item for the 1993 fiscal year.

There were no comments.

President Trampe closed the public hearing.

5. CONSIDERATION OF RESOLUTION AUTHORIZING LINE ITEM TRANSFERS FOR THE 1993 FISCAL YEAR.

Bob Arnold moved adoption of Resolution 94-2 authorizing the transfer of funds from various line items to defray expenses in excess of the amount budgeted under the legal expenses and engineering related line item for the 1993 fiscal year. Mark Schumacher seconded the motion. The motion carried.

6. APPROVAL OF AUDITOR FOR THE 1993 AUDIT

Tyler Martineau referred the board to his January 26, 1994 memorandum recommending authorization of Kimberly Temple to perform the 1993 audit.

Lee Spann asked how much assistance Kimberly Temple provides in bookeeping and setting up District records. Tyler Martineau replied that the firm has provided assistance to Mr. Martineau during development of the District budget, on Amendment 1 issues, and on switching the District budget from a cash to an accrual method of accounting. Mr. Spann

asked if it created a problem to have the same firm perform the audit that also provides assistance on budget and bookeeping practices. Mr. Spann said that in the future these activities should be kept separate from the audit.

Tyler Martineau said that the firm of Kimberly Temple has provided advice to him on how to do certain budget and administrative items but doesn't perform the activity. Dennis Steckel said that he thought their advice was only associated with the audit but if they are also involved in the matters that Mr. Martineau cited, then Mr. Steckel shares Lee Spann's concerns about separation of the performance of the audit from budgeting and bookeeping advice. Mr. Martineau replied that the firm of Kimberly Temple is only involved in setting up the structure of the bookeeping and budgeting system.

Bob Arnold moved to approve Kimberly Temple to perform the District's 1993 audit and to authorize Tyler Martineau to enter into this contract. Butch Clark seconded the motion. The motion carried.

7. CONSIDERATION OF OPERATIONAL EXPENSES PAID

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

8. 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. Purvis Vickers seconded the motion. The motion carried.

9. MONTHLY BUDGET REPORT

Rita McDermott, treasurer, had no comments on the Monthly Budget Report.

Tyler Martineau said that there has been a delay on delivery of the printer ordered to accompany the computer for the planning model and as a result the approximately $1800 for the printer had not been disbursed in the 1993 fiscal year. Mr. Martineau said that $2000 had not been budgeted in 1994 for the purchase of this equipment and he will try to solve this problem. Mr. Martineau said that a solution may require an amendment to the 1994 budget.

Bob Arnold noted that 22% of the annual budgeted amount for postage has been expended and asked if stamps were purchased in large lots ahead of time. Mr. Martineau replied that stamps were purchased in this way.

Butch Clark referred to his February 5, 1994 memorandum to the board on the subject of legal expenses and management and requested that discussion on this item be put

on the agenda for the next board meeting. President Trampe said that it would be included on the agenda.

10. LEGAL MATTERS

10a. Union Park Project Water Availability Appeal

Dick Bratton reported that the City of Gunnison had filed a brief in support of the maximum use brief to the extent of "me too if you need, it on appeal." Mr. Bratton said that the Northern Colorado Water Conservancy District and the Southwestern Water Conservation District filed briefs opposing maximum use and included opposition to the opposer's position on conditional water rights. Mr. Bratton said that the attorneys were discussing how to respond and that Andy Williams was checking out the options this afternoon. Mr. Bratton said that Barney White felt that the briefs were not that strong on conditional water rights and that it might be better to leave it alone. Mr. Bratton said that any brief opposing Northern/Southwestern would need to be filed by February 15, 1994 and that if one were filed no position would be taken on the portion of their brief devoted to maximum use.

Dick Bratton reported that Arapahoe County had filed a request for an extension of time until March 10, 1994 and a fifty page response brief and that the requests were granted.

Dick Bratton reported that Thornton filed a motion for a consolidated thirty page brief and an extension until March 23, 1994. He said that Barney White filed an opposing brief since their initial issue was conditional water rights. The agreement was that Thornton will only file on conditional water rights.

Butch Clark said that he had attended the Gunnison City Council meeting at which they discussed the maximum use brief. Mr. Clark said that the Council vote was unanimous to support the brief and that the newspaper had provided good coverage of the discussion.

Butch Clark asked Mr. Bratton about the Chris Treece's letter to the editor in the Crested Butte Chronicle & Pilot which indicated that there might be about fourteen opposing briefs to the maximum use brief. Mr. Bratton replied that he had heard that rumour but that he had not seen any other briefs. Mr. Clark asked if there was a cut-off date for filing opposing briefs and Mr. Bratton replied thirty days after February 7, 1994.

Ramon Reed asked how long the process of responding to the responses can continue. Mr. Bratton replied that replies to the cross appeals ends the process.

10b. Other Legal Matters

Dick Bratton referred the board to the February 8, 1994 memorandum prepared by Mr. Bratton and John Hill on plans for augmentation and exchanges. Mr. Bratton reviewed

the contents of the memorandum and said that it is a first step in recognizing what will be involved in development of a basin wide augmentation plan. Mr. Bratton suggested that the board and the District should start thinking about water needs, decrees, and what is currently available. Items that need to be considered are the dollar impact, the environmental impact, and education of the public that the board identified at its December 1993 meeting. Mr. Bratton suggested that the board will want to discuss these considerations at a later meeting.

Butch Clark suggested that materials be gathered which could help in education of the board and education of the public.

Dick Bratton distinguished between and explained the differences between changes, exchanges, and an augmentation plan. Mr. Bratton suggested that Mr. Martineau could address some of the engineering issues for a future board discussion.

Tyler Martineau referred the board to his February 8, 1994 memorandum about obtaining engineering services to develop a basin-wide augmentation plan and the statement of qualifications to circulate to begin the hiring process. He reviewed the alternative approaches presented in the memorandum and asked how quickly the board wants to proceed.

Dennis Steckel said that it seemed like the Gunnison Planning Model would be a big help in provided information needed for any engineering study. Mr. Steckel asked how long it will be until a workable planning model is available. Mr. Martineau replied that a new test model will be available in several weeks and that the final version should be ready by June 1, 1994.

Dennis Steckel asked how the Bureau of Reclamation is progressing on their hydrological model, the accounting spreadsheet. Mr. Martineau said that he thinks nothing has been done recently.

Lee Spann said that the District should go ahead and develop a District basin-wide augmentation plan rather than wait for other entities such as the Bureau of Reclamation and the Division of Wildlife. Mr. Spann said that if the District had a plan in place the other entities could work with the District. Dick Bratton asked if adjustments could be made if numbers or regulations change. Mr. Spann replied that this approach would work because the District could emphasize that the plan works for this basin and ask how the other entities can work with this basin.

President Trampe asked what kind of guidelines on legal and engineering services the board wanted to provide to Tyler Martineau.

Lee Spann said that it would make sense to consider the most damaging calls first, such as Redlands Power and the Uncompaghre Water Users and prioritize from that point but that the plan should cover all possibilities.

President Trampe said he thought this approach would take away the District's negotiating leverage. Mr. Trampe said that the Fish & Wildlife Service wants their water on top of the historical Blue Mesa operations.

Ramon Reed said that the Upper Gunnison River Water Conservancy District is not a water user and he suggested that the first step be a meeting of water users to get an idea of their water needs for an augmentation plan. Mr. Reed said that he is skeptical of hiring an engineering consultant at this early stage before the process is defined. Mr. Reed suggested a board meeting specifically on this issue.

Purvis Vickers said that he preferred developing a District plan and not waiting for the government to develop a plan.

Butch Clark said that some information was needed before developing a plan and that since that information is available a consultant is not needed. Mr. Clark said that a sense of proportion is needed after evaluating the data and then determine the issues. Mr. Clark said that the where, what, when and implication of calls on each priority is needed and that the data to determine this information is available in a variety of sources. He gave several examples of available sources and suggested that Tyler Martineau put together a package in the next three months so that the District can tell a consultant what the District needs prior to hiring the consultant.

Bob Arnold said that the discussion focuses on being aggressive in development of the augmentation plan or being reactive to the Bureau of Reclamation and wait for them to give the directions. Mr. Arnold said that the second part of the discussion is the technique used to develop an augmentation plan - in-house or with the use of a consultant. Mr. Arnold said that Tyler Martineau may not have the time to devote to an augmentation plan.

Dennis Steckel said that he favored gathering all the available information instead of hiring a consultant to do that and as the next step bring the board and area water users up to date in advance of preparation of an augmentation plan.

Butch Clark said that the District has not used Tyler Martineau's engineering capabilities and if there seems to be a time constraint then the board needs to help point Mr. Martineau's efforts in a productive direction and use his expertise as manager of the water district.

Dick Bratton suggested that the board ask Tyler Martineau to prepare an outline of what needs to be done. Mr. Bratton said that he agrees with Mr. Reed that the public needs to be educated and that the preparation and process could take up to six months. Mr. Bratton said that the board could appoint a committee, direct Mr. Martineau to prepare an timetable or do both so that the District can be prepared. Mr. Bratton also suggested that the District not delay in involving an engineer since the amount of refill water right available for

agricultural purposes needs to be determined.

Peter Smith said that an educational process for the public would also provide a flow of information back and forth.

Bill Trampe said that several of the suggestions mentioned had some gray areas. He said that there were several questions about a meeting with water users. Mr. Trampe asked what kind of protection timewise would be guaranteeded to water users if there is a call.

Ramon Reed said that he appreciated Mr. Trampe's concerns as a water user but that that this type of question is what the rest of the board needs to hear from water users so that all the variables can be addressed in determing the scope of the problem to be solved in an augmentation plan. Mr. Reed reiterated his position that the scope of the problem be determined before money is spent to address the problem.

Bill Trampe said that he and Lee Spann related to historical calls which occurred prior to construction of Blue Mesa Reservoir, but he does not know what sort of calls will occur in the future because the Bureau of Reclamation and the Fish and Wildlife Service aren't prepared. Mr. Trampe said that before he could state his needs as a water user for any augmentation plan he would need to know when and what calls would be made.

Susan Lohr said that she needs some education before developing a strategy for an augmentation plan. Ms. Lohr requested an analysis of the level of threats to the basin water both determinate and indeterminate. She also requested a sensitivity analysis which would include a priority of damages for political and legal threats such as that raised by Bill Trampe regarding giving up leverage if the District begins its own augmentation plan.

Dennis Steckel requested that someone from the Colorado River Water Conservation District come speak to the board at a special meeting to provide information on all the facets of development of a general augmentation plan.

Butch Clark said that Mr. Steckel's idea sounded like a good one. Mr. Clark also suggested that other conservancy districts be canvassed on their experiences with development and operation of augmentation plans. Mr. Clark said that he also supported Susan Lohr's request for analyses to gain a sense of perspective as the board moves forward. He also suggested again that Randy Seaholm's analysis and conclusions be considered in the research.

Dick Bratton said that the District needs to obtain specific numbers, educate the public to know what to expect and to be well prepared. He said that he believes that the board is overlooking the fact that they are ahead of the general public on its knowledge of water. Mr. Bratton said the needs of this basin in an augmentation plan are very complex. Mr. Bratton said that Mr. Martineau could probably prepare a first draft of an educational document.

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Butch Clark reiterated that he thought that the knowledge is available to the District, if compiled, and that he does not think it is necessary to do the District's public relations work. Mr. Clark said that another information gathering method would be to look at each individual user's needs on the computer planning model.

Dick Bratton said that the question is not if the District will need an engineering consultant but when in the process the District will need one.

Butch Clark said the District should get its part of the work done before hiring a consultant.

Ramon Reed said that there is an another advantage to discussion with the basin water users. He said even if they do not know their needs at this time they will begin to start thinking about these considerations with the board.

President Trampe asked if there was board consensus on a meeting with water users and on an invitation to the Colorado River Water Conservation District to provide someone to address the board on development of an augmentation plan.

Lee Spann said that he disagrees with the concept of a public meeting with water users since there are many users who have never faced a call and, therefore, may not realize the serious threat. Mr. Spann suggested an alternative which would be to develop a draft plan and schedule to present to the basin water users and then get their feedback.

Mark Schumacher suggested that a letter be sent to interested entities to gain input on needs of water users and not to hold a public meeting.

Susan Lohr said there is an advantage to a public meeting in that the District can explain the need for an augmentation plan and what it involves. She said that a public meeting would increase awareness of the District's activities and said that it could be in addition to Mr. Schumacher's suggestion.

Dennis Steckel suggested that the input from water users occur at a regular board meeting and that there not be alot of fuss made.

Purvis Vickers said the District needs to indicate to the public what is happening. He offered to check with Colorado River Water Conservation District on the invitation of a augmentation plan presentation to the board.

Bob Arnold said that well users as well as irrigators need to be included as water users.

Mark Schumacher noted that Tyler Martineau's memorandum requests board direction

Up Gun 14 March 84 1:00 Gunnison

Legal fees - Augmentation Total Cost - 1500 220 273 Total

Bookkeeping Advice.

Legal Matters - Briefs Coming from Arapahoe 1st Crack
50 and 20 pages. Similar to
Nothing raised not anticipated - what do in
Not address 620f our history only delute charges - Business
14 days to respond cross-appeal.
Need to quantify water for 620f or not meet burden of proof. Gypsum
Colo River District Responsive Brief - to Maxwell Argument -
3-5 months before oral argument
Not much legal -

Legislative Update Sen 59 Conditional in House
amended to apply to only instream flow -
CWCB is opposing because of Endangered
HB 106 - Support defeated
1075 - Water Salvage - hotly contested.

Park Trieco keeps people posted

Taylor Park Water Mgt.
Developed questions about usage to give FWS
for ~~hydrologic~~ hydrologic. Vague uses
rights who benefited and detrimental.
Public Scoping for EA.

1st operations meeting 10:00 March 24 Montrose
Daily accounting spreadsheet.
accounting score - complexities.
Cochran decrees -
Not set down anywhere.
Process of consensus -
How to use private instream
How call is placed -
How U.S. will call -

7

not exactly expense

a. Elec. judgment
Emm
[ashing] engineer

Susan –

60,000 – what do we do

Need guidance

Need guidance

We

B has obligation of what we have to plan for
Burden is on us.

Resolving issue of 60,

How much and what – what interest – uncertainty

Tunnel – protect –
work with Bureau –

all on
Board for
Shiels
/background
can contribute

Corps – Dry
Modes
Work.

Do nothing until happens.

Try to understand
how hard to
apply limited
resources

Matter –

Do hard to assembly
Mach

Not make deadline –

60,000 acs – in geological analysis
1959 analysis
from new laws for irrigation.

1.0 acs

factually factually – recommend,

– quantification of risk
– more decrees to tax con
– Cockrell Decree

framework

fixed guaranty of water - not saying this -
May use means efficient balanced use - Court says
many considerations -
Look at optimum for people of Colorado -
Arap say Court should not look at Conditionals -
HCCA says not. Conditionals are valid. look at whole picture
Dick says this is not Colo Law.
we think this is way
what should be the Law Change Colo. water policy.
Meaning of support - want court to be rational.
Support is less important than what is right.
Debate with hearing.

Should

Steve Glazer - water quality - concerned about headwater
dimension.
Mitigation - if not required - cheaper to avoid than
repair.
Purpose of District - operate TMD. without
imposing or increasing costs of ~~on~~ natural
water users in basin.
Project would impair our water
General Welfare Safety Health
Think about constituency. - Each are appointed to
represent.
Funding from all property holders - not just water
water right holders.

Did
water
right
denied
or
limited

Gerald - Jane - Thought issue settled - 3 years back
when you do up hill to do all in power to oppose TMD
Dick did not see any harm
Have stuck together
See no harm - endorsement of what B decided
years back.
Is a hard hedge.
Water rights affect - adding more irrigation
water.
Board represents the public for basin
90% of people voted to support. 90% Board rounds

Ken Knox from the four parties. Mr. Bratton described the draft agreement and draft letter faxed to the district on June 13. Mr. Bratton stated that the Bureau of Reclamation has indicated that it will sign the draft agreement which is essentially the bare-bones agreement with Ernest Cockrell which was previously approved by the board and will attempt to provide an outflow of 450 cfs. He said that the runoff has come very early, Taylor Park Reservoir has filled very quickly, and therefore, the 450 cfs release may need to be made to avoid a spill of Taylor Park Reservoir. He stated that in the event the release to avoid a spill is not needed the Bureau will still consider whether to release 445 cfs or the inflow to Taylor Park Reservoir.

Tyler Martineau stated that he had been asked by the Bureau of Reclamation that afternoon when they faxed the draft letter and draft agreement if the board would consider signing both at the meeting.

Chairman Trampe recessed the meeting for 10 minutes to allow board members and public a chance to review the proposed agreement and letter.

Dennis Steckel asked if Ernest Cockrell is willing to sign the agreement. Dick Bratton said yes.

In response to a question from Dennis Steckel, Dick Bratton stated that the Bureau of Reclamation has indicated that it will sign the agreement with Ernest Cockrell.

Butch Clark said that he wished he was not under the gun to get this agreement and letter approved at the meeting. He stated he is particularly unhappy with the last paragraph of page 2 in the letter to Ken Knox.

Butch Clark asked if inflow to the reservoir drops very quickly would the special provision on page 2 of the letter result in at least one day of 445 cfs outflow from the reservoir. Tyler Martineau stated that Dave Mutz's explanation is that if the inflow to the reservoir drops very fast and they can't fill the reservoir then Mr. Cockrell will only receive the inflow which could be less than 445 cfs. He said there is a possibility that Mr. Cockrell would not get his desired 445 cfs if the inflow drops really fast.

Mr. Clark requested that the second-to-last paragraph on page 2 in the letter to Ken Knox should be included in the release schedule attached to the letter.

Ken Knox stated that he believes the letter and agreement represent a good faith effort on the part of the Bureau of Reclamation to parallel the Upper Gunnison District and to satisfy Mr. Cockrell's water right to the extent that physical water is available.

Susan Lohr moved and Peter Smith seconded that the Upper Gunnison River Water Conservancy District approve the June 13 drafts of the letter to Ken Knox from the four parties to the 1975 Agreement and the agreement of the four parties to the 1975 Agreement with Ernest Cockrell. The motion carried unanimously.

Butch Clark requested that an effort be made to define the accounting for the refill this year. Ken Knox said that he is preparing an accounting.

12. JUNE 16, 1994 PUBLIC INFORMATION MEETING ON ASPINALL UNIT ENDANGERED SPECIES CONTRACT

Tyler Martineau discussed the notice received by the board for the upcoming meeting on the endangered species contract. He expects the Bureau to give the formal six month's notice at the meeting that it will protect flows past the Gunnison Tunnel and Redlands Power Canal beginning in April, 1995. He said the Bureau has told him that if it is a dry year the Bureau will implement the contract and there could be downstream senior calls. If it is a moderate to wet year there probably would not be any calls.

Mr. Martineau asked the board for direction as to what he should say at the meeting on June 16. He said it would be helpful to see if the U. S. Fish & Wildlife Service would make a public commitment at the meeting to move forward with the Taylor Park Water Management Agreement. In return the District would probably need to make a statement of support for the endangered species recovery program on the condition that historic uses in the Upper Gunnison basin are protected.

Dennis Steckel said he would be reluctant to walk off hand in hand with the U. S. Fish & Wildlife Service without the issues surrounding the 60,000 af subordination having been resolved. The board discussed the status of the 60,000 af subordination in relation to the endangered species recovery effort.

Butch Clark said that there are a number of issues he would like to discuss with the Bureau of Reclamation since it appears to him that the endangered fish needs can be met within the existing operations of the Aspinall Unit. He stated that the District should not move too quickly.

Susan Lohr suggested that the District's position should be limited to urging the Bureau of Reclamation to protect historic operations. The board agreed with Ms. Lohr's suggestion.

Butch Clark requested a worksession to address Senator Ben Campbell's Black Canyon legislation. The board discussed the desirability of obtaining information on the legislative history of the Black Canyon legislation.

Following board discussion, Chairman Trampe set a date of June 29, 1994 at 7:00 p.m. for a worksession to discuss management of the Aspinall Unit including the Black Canyon legislation.

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`Butch Clark moved and Susan Lohr seconded that the District have a formal audit as described by Tyler Martineau from Kimberly Temple with the changing of responsibility for the treasurership.

Tyler Martineau said that the motion specifies a formal audit which is different from the financial review that Bev Tezak of Kimberly Temple's office had described. He said the financial review does not have everything in it that the formal audit has. Tyler Martineau suggested that Butch Clark visit with Kimberly Temple's office to see if he would be satisfied by what would be covered in the financial review. Butch Clark said that he would contact Kimberly Temple's office. Tyler Martineau suggested that the motion be changed to include a financial review. Butch Clark and Susan Lohr made a change in the motion to provide for a financial review instead of a formal audit.

Butch Clark expressed again his intent to talk with Kimberly Temple or Bev Tezak to find out exactly what is contained in that review prior to its conduct. Dennis Steckel asked if that was OK with Rita. Rita said yes.

The motion carried.

9. LEGAL MATTERS

9a. Union Park Project Water Availability Appeal

Attorney Dick Bratton reported on the oral arguments before the Supreme Court in the Union Park Water Availability Case. He said that the court looked at conditional water rights issues almost exclusively. He said Andy Williams, who was the first to argue, was prepared to talk about the burden of proof but never had a chance to address it. He said that Andy was up for twelve minutes and the court never got off of conditional water rights. Mr. Bratton said it was a mixed bag, they missed the part they wanted to get in on the burden of proof, but it did allow attorney Barney White, who we planned would address the conditional rights issue, a pretty good advance look at what the Supreme Court was interested in, so he was able to hone in on his argument. Mr. Bratton thought that Arapahoe County's argument that no conditional water rights should be considered was not logical. Barney, on the other hand, was able to articulate a very logical argument that conditionals should be considered. Specifically, he gave the example of the refill right which is partly a conditional water right and must be considered in its entirety since the physical structure needed to store the water is in place and all that is needed to perfect it is sufficient physical runoff. He said he thought Arapahoe County's ending argument was weak, nevertheless he said he would make no predictions on the outcome of the Supreme Court decision.

Dick Bratton predicted it will be 2 to 12 months before a decision is rendered.

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, lights 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 chances are 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.

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."

Rollie Fisher, General Secretary for the Colorado River Water Conservancy District, was also supportive. "We really prefer to see these arrangements made within the state's existing framework of laws and property rights," he said.

Robert Wigington, the water attorney for The Nature Conservancy's western regional office, said, "This procedure could finally break an impasse of uncertainties about how much water needs to be left in the big tributaries of the Colorado River to recover its endangered, native fish and how much of those same tributaries should be reserved for development. It is a sensible, step-by-step strategy for eventually fitting together instream flow protection for the fish and water development. We commend the Colorado Water Conservation Board for its adoption."

# # #

HIGH
COUNTRY
CITIZENS'
ALLIANCE

2/10/94
(mailed 4/94)

Bill Trampe, Chairman
Upper Gunnison River Water Conservancy District
275 S. Spruce St.
Gunnison, CO 81230

Dear Bill and board members,

Thank you for the work you have done on the Union Park water court case. It seems the District's work and position has been the most crucial to winning this case. It has been a pleasure for HCCA to share this work with you and other opposers.

We recently completed our political work to gain support of our position in the Union Park water project case, with some wins and losses. We appreciated your careful consideration of our ideas and actions. Your resulting product was moderate, and took many different viewpoints and concerns into account.

We look forward to future work together on the Union Park case and to continuing dialog on the role of public values and the environment in Colorado water policy.

Sincerely,

Gary Sprung

Gary Sprung
HCCA President

P.O. BOX 1066, CRESTED BUTTE, COLORADO 81224, 303/349-7104

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6. LEGAL MATTERS

6a. Union Park Project Water Availability Appeal

Dick Bratton reported that the last brief had been filed today. Mr. Bratton distributed a graph showing the annual flow for Taylor River below Taylor Park Reservoir over a period of years.

6b. Other Legal Matters

John McClow referred to his memorandum to the board about the application for preliminary permit by the County of Arapahoe and Town of Parker, Colorado, Upper Gunnison Basin Project No. 11038. Mr. McClow asked if there were any questions and there were none.

7. TAYLOR PARK WATER MANAGEMENT AGREEMENT

Tyler Martineau said that there is little to report on the Taylor Park Water Management Agreement. He said that the Bureau of Reclamation is working on the scoping process for the environmental assessment.

Butch Clark asked if the scoping will include a discussion of the accounting for the Taylor Park Water Management Agreement and if the District can request information from the Bureau of Reclamation on the procedures for the accounting for the Taylor Park Water Management Agreement.

8. 1994 TAYLOR PARK RESERVOIR OPERATIONS

Tyler Martineau referred the board to his April 11, 1994 memorandum about the 1994 Taylor Park Reservoir Operations including the annual Taylor Park Reservoir operations meeting which was held with the four parties to the 1975 Agreement on March 31, 1994. The Colorado Division of Wildlife, the Acting Division Engineer, Ken Knox, and Ernest Cockrell also attended the meeting. At the meeting the participants looked at the schedule of releases to be planned from the reservoir this year to meet a number of different uses including irrigation, fishery and recreation benefits in the Taylor River below Taylor Park Dam, fishery and recreation benefits in the reservoir itself, and rafting benefits below the dam. At the meeting Ernest Cockrell expressed his desire to exercise his private instream flow water right on the Taylor River below Taylor Park Dam by calling for 445 cfs for five days.

Mr. Martineau stated that he had met with representatives of the local user interests to develop a recommended operation for the reservoir this year.

Mr. Martineau presented two options for the operation of the reservoir for 1994. Under Option #1 the district would recommend to the other parties to the 1975 Agreement that the outflow from Taylor Park Resservoir be increased to 445 cfs for five days to accommodate Mr. Cockrell's request. Under Option #2 the district would recommend that the outflow from the reservoir not be increased above the 300-350 cfs range identified by the four parties to the 1975 Agreement as the optimum for 1994. He said that otherwise the two options are pretty much the same.

The board members discussed Option #1 and Option #2 as proposed by Mr. Martineau in his memorandum. The discussion centered on Ernest Cockrell's position that he will place a call for 445 cfs from the Taylor Park Reservoir.

Dennis Steckel asked whether the division engineer would enforce Ernest Cockrell's instream water right. He asked also for an interpretation of the instream right. Mr. Martineau read from the decree for the private instream flow water right in which it states that "nothing herein expressed will in any way alter the historical operation of Taylor Dam, either by agreement locally or by compact with the State Fish and Game Commission, the Upper Gunnison Conservancy District or any other State or Federal agency in such a manner not covered by decree of the Court so as to best serve the interests of those agencies or locale." Mr. Cockrell said in the meeting on the 31st that he would place his call for 445 cfs on the river for five days, he would also have a call on the river equal to the amount of outflow from the reservoir during the rest of the season, and that he considers the water stored in the reservoir as a consequence of that operation to be "out-of-priority" storage that he had allowed to occur.

Dennis Steckel said that what constitutes historical operation could be litigated to the end of the century. Dick Bratton said that it is probably a simpler case than that. Dennis Steckel asked if the district would win. Mr. Bratton said that based upon his preliminary investigation he believes that the district would win.

Peter Smith asked about water that would be stored out-of-priority. Mr. Bratton said that Mr. Cockrell's reasoning for placing his call is to protect the instream water right from abandonment. Ken Knox, Acting Division Engineer, said that last year the State Engineer had determined that the instream flow water right does not satisfy the out-of-priority storage requirements.

Ramon Reed asked if the instream flow right is for up to 445 cfs and if Mr. Cockrell could call for any more than the inflow to the reservoir. Ken Knox said that Mr. Cockrell could not. Mr. Knox said he would not honor any call for storage water. Ramon Reed asked if the outflow from the reservoir is greater than the inflow whether Mr. Cockrell can make his call. Ken Knox said that Mr. Cockrell is asserting that he can call for the amount

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
	4/28/94	$8,153.99	5/12/94	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
Arapahoe/Hydropower	4/30/94	$1,611.40	5/12/94	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		$50,633.26		
Total Disbursed-1994 Budget		$32,039.08		

BIO-ENVIRONS

Water Quality • Wetlands • Environmental Assessment

May 5, 1994

To:
Upper Gunnison River Water Conservancy District
275 S. Spruce
Gunnison, CO 81230

Invoice No. 94015
Tax ID# 84-1053715

Costs incurred for completing water quality sampling
on the Slate River and East River, and Washington Gulch
April 20, 1994

Hours	
6 hrs @ $25.00/hr	$160.00
Mileage	
86 mi @ $0.28/mi	24.08
Fecal Coliform	105.00
Nutrient Analysis (7 samples @ $24.00)	140.00
Equipment	25.00
TOTAL	**$454.08**

Date Rec 5/9/94 Addn. Ckd. Acct
Inv. Appr TWA Amt. Appr. $454.08
Pd. Date _____ Acct.# 4450
Bd. Mbr. Appr. Date _____ CK# _____
Board Member Initials

1388 Cty. Rd. 8 • Gunnison, Colorado 81230 • (303) 641-1451

Kimberly S. Temple, P.C., CPAs
P.O. Box 1228
243 N. Main Street
Gunnison, CO 81230

5/27/94 TM

Bot $799.50
4333

Invoice submitted to:

Upper Gunnison River Water
Conservancy District
275 S. Spruce St.
Gunnison, CO 81230
May 25, 1994

Invoice #12691

			Hrs/Rate	Amount
04/28/94	Bev	Working trial balance and started proof of cash.	1.30 65.00/hr	NO CHARGE
04/29/94	Bev	Start audit, proof of cash and accounts payable.	4.50 65.00/hr	NO CHARGE
05/04/94	Bev	Work on audit. Taxes receivable, accounts payable, payroll and GFAAE.	4.50 65.00/hr	292.50
05/09/94	Bev	Organize workpapers, start audit programs.	1.50 65.00/hr	97.50
05/12/94	Bev	Finished audit programs.	2.00 65.00/hr	130.00
05/16/94	Bev	Fill out audit programs. Finished compensated absence. Completed working trial balance and adjusting journal entries.	2.70 65.00/hr	175.50
05/20/94	Bev	Financial statements.	1.60 65.00/hr	104.00
		For professional services rendered	18.10	$799.50

	Amount
Previous balance	$12.60
Balance due	$812.10

DISTRICT COURT, GUNNISON COUNTY, STATE OF COLORADO

C-5618

ORDER APPOINTING BOARD MEMBER FOR THE UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT

The Court has a responsibility to appoint a director for the remainder of the term of Purvis C. Vickers to the Upper Gunnison River Water Conservancy District. His term will expire in June of 1995. This is a matter which is of great importance to our community, and the Court has spent a great deal of time considering the applications, speaking with the applicants and obtaining input and recommendations. First, Mr. Vickers is to be commended for his extraordinary service stretching over more than 34 years to the time, as the Court understands it, when this District was initially formed. We are all indebted to the time and hard work which Mr. Vickers has invested in this matter.

There are three candidates: Stan Whinnery, Carol Drake and Robert W. Spears. Each is an attractive candidate for the Court's consideration:

Mr. Whinnery is a rancher in the area, his family spans multi-generations in this area (five generations), and he received the largest number of recommendations.

Mr. Drake has previously owned a business in the area, currently serves on both the REA board and the board of the First National Bank of Lake City, works part time for the Forest Service, and has lived in the community for an extended period of time and previously resided in the San Luis Valley.

Finally, Mr. Spears is an experienced lawyer having had

a diverse practice and has dealt in complex areas of the law, first in Atlanta where he was in a large firm, and thereafter in Dallas before moving to the Lake City area. He presently serves on the Lake City Planning Commission and has, in his short time in the community, become an active member of the community and came highly recommended by a number of individuals from the Lake City area.

In weighing their respective backgrounds, time in the area, experiences and the recommendations, while this has been an extremely difficult choice for the Court, the Court hereby appoints Carol M. Drake to serve out the balance of the term of Purvis C. Vickers and thanks the other two candidates for their interest.

Dated this 15th day of April 1994.

BY THE COURT:

J. Steven Patrick
District Judge

xc: Whinnery, Drake, Spears, Upper Gunnison River Water Conservancy District.

DRAFT

applications the board obtain a list of the applicants and consider them all before endorsing anybody. Mr. Martineau stated that there is no deadline for when the door will close for taking applications, and it depends solely on the decision of the Governor. He said that Steve Norris had told him that the Governor's office hoped to put the appointment on a fast track to be completed before the crush at the end of the legislative session. Butch Clark said he had heard of several other people as possible applicants but he didn't know whether they were going to submit their applications or not.

Bob Arnold stated that our cooperation with the Tri-County and Uncompahgre is important in that they have supported us in a great many things and that if they are going to support Ray Werner then he thinks the District should support Ray Werner too.

Bob Arnold moved that the district support Ray Werner to be appointed as the Gunnison basin representative on the Colorado Water Conservation Board. Lee Spann seconded the motion.

Ramon Reed stated that he would rather wait to next month to decide who to endorse. Butch Clark suggested waiting and inviting Mr. Werner to the next meeting of the board so that he could be interviewed. Peter Smith said he would like to know more about the candidate.

Bill Trampe said that it has been a tradition to endorse each other's candidates when the seat moves back and forth between the upper and lower basin. Lee Spann said that the district should support Ray Werner because he is the person that the lower basin water users want.

Dennis Steckel said that it would be premature to decide on the candidate at this time, and the district should know if there are others who have applied.

The motion carried.

Tyler Martineau said that he would send a letter to the Governor and Jim Lochhead indicating the district's support for Ray Werner.

Tyler Martineau asked if the board had any comments on his memorandum to the board concerning the National Water Quality Assessment (NAWQA). Bill Trampe said that in the Upper Gunnison basin that the water quality effects resulting from development are much more severe than the effects of agriculture.

Tyler Martineau asked if the board had any comments on the letter to Senator Linda Powers from the regional director of the Bureau of Reclamation dated February 3, 1994 concerning the Aspinall mitigation.

DRAFT

Dick Bratton reported that the Southeast Water Conservancy District filed a request to submit an amicus brief in the case which was rejected by the Supreme Court last week.

Lee Spann asked what the timetable is for oral arguments to be heard by the Supreme Court. Dick Bratton said that the date has not yet been set but will be at least several months in the future. Butch Clark asked if the replies back and forth will be finished after the next 14 days. Dick Bratton answered yes.

7. COLORADO LEGISLATIVE UPDATE

Tyler Martineau gave an update on activities on proposed water bills in the state legislature including SB-59 dealing with conditional water rights, HB-1006 concerning export of water from the State of Colorado, and HB-1075 concerning water salvage. He stated that he has not been following the legislature on a daily basis nor attending meetings of the State Affairs committee of the Colorado Water Congress.

Butch Clark and Ramon Reed suggested that the district could use an electronic bulletin board to follow bills in the legislature.

8. TAYLOR PARK WATER MANAGEMENT AGREEMENT

Tyler Martineau reported on his memorandum to the board concerning the Taylor Park Water Management Agreement. He stated that the parties to the agreement have been meeting to develop the preliminary scoping for the environmental compliance for the management agreement.

Butch Clark requested that the scoping document require the Bureau of Reclamation to be specific about what it is going to do with the refill water.

Tyler Martineau reported that the first of the Taylor Park annual operating meetings with the parties to the 1975 agreement has been scheduled for March 24, 1994 at 10:00 a.m. in Montrose. Afterwards the district will meet with the major user groups in the Upper Gunnison basin to develop a position regarding the 1994 operation of the reservoir which will be presented to the board at its next meeting on April 11.

Ramon Reed asked that the manager again request information from the Bureau concerning the historic flow regime at Taylor Park Reservoir and the cost breakdown for the administration of the agreement.

Butch Clark discussed his letter to the board dated March 5 concerning Taylor Park 2nd Fill Water Management, and offered to make the information contained in his accounting of the refill available to the board. Tyler Martineau stated that he believes revisions are needed to the accounting and offered to work with Mr. Clark to discuss his

suggested changes. Lee Spann complimented Butch Clark for his work. Butch Clark said that changes can be made easily to the accounting.

Tyler Martineau gave a report on the progress being made in the development of the daily accounting spreadsheet for Taylor Park Reservoir, and some of the complexities and difficulties being faced by the district, the Colorado River District, the Uncompahgre Valley Water Users, the Bureau of Reclamation, and the division engineer who are the developers of the accounting.

9. UPPER GUNNISON BASIN AUGMENTATION

Tyler Martineau asked the board for direction concerning the three options for proceeding with a plan for augmentation as laid out in his memorandum to the board on Upper Gunnison basin augmentation. Option A would be to proceed immediately with full development of the augmentation plan. Option B would be to begin preliminary work that will lead to development of an augmentation plan in the future. Option C would be to refrain completely from any activity concerning the augmentation plan at present.

Butch Clark suggested using information that is available at hand including the Western Area Power Administration Power Marketing EIS which has just been released. Lee Spann stated that the District should do something and move forward with the development of an augmentation plan. He stated that Tyler should proceed at least with option B as described in his memorandum. Susan Lohr stated that she agrees with Mr. Spann but that B might not be feasible without a reordering of priorities and duties that the manager must complete. She asked whether the district should hire a research or technical person to assist the manager. Tyler Martineau stated that a person with engineering expertise would be needed to assist with the augmentation plan, and that it is difficult for him currently to carry out the administrative duties of the manager and then to find time to get technical engineering work completed.

The board discussed the status of the 60,000 af subordination and its role in the development of a plan for augmentation.

Butch Clark suggested that the district should do three things before deciding to proceed with a plan for augmentation: 1) Gather information as to the need for augmentation, 2) develop a means to preserve the historic operations of the Aspinall Unit, and 3) investigate leasing water from other water users.

Dennis Steckel said the district should get started on augmentation without hiring an engineer.

Bill Trampe stated that he would like to be able to focus on an issue and allow staff to achieve that. Mr. Trampe also said that we need to answer the following questions in order to proceed with an augmentation plan: What rights do we need to augment, how much to we need to augment, what's the call, and what protection is

needed. We can't proceed until we know what the Bureau and Fish & Wildlife Service decide.

Dennis Steckel suggested analyzing one case of a call such as the tunnel call to give the district a sense of the augmentation needs that would result. Tyler Martineau stated that the district could analyze a worst case scenario, but that the district should not commit to a large augmentation plan when other means may be available at less cost. Dennis Steckel said that the District should not analyze a worst case scenario because others may read from it that the district is shooting towards developing a plan for that worst case.

Lee Spann suggested that since the board hasn't been able to give direction that the board should do nothing. He said that eventually it will be very plain.

Susan Lohr suggested that the district analyze a best case scenario for augmentation from the point of view of the district. The District should keep track of additional burdens that might be imposed in a stepwise fashion. Some would be acceptable and some would not. She stated that the district should be proactive. She stated that she is concerned about adding priorities to the staff. She asked for a list of greatest priorities for the District, and what takes the manager's time away from those priorities. She said the district will have to give up on some expectations of the manager or add staff.

Butch Clark stated that the board should chip in to provide assistance in the development of augmentation information. Susan Lohr expressed her feeling that the board's role is oversight and that for board members to be working out details of accounting with staff could place the manager in an awkward position.

Tyler Martineau said that the policy issue for which he desires direction from the board is fairly simple. The district is facing a deadline on downstream protection of flows of April, 1995. In order to meet the deadline the district would have to proceed full bore with the development of an augmentation plan which would involve substantial expenses for engineers and attorneys. However, he believes there are too many uncertainties for the board to proceed effectively. There is a second option, in which the board can take the information that it has currently on hand, and do the best that it can with it. In this case the district would proceed with the development of an augmentation plan, but move only as fast as the information will allow the district to proceed. That means that the district is not going to get the augmentation plan completed by April, 1995. A significant part of the responsibility for not being able to move forward lies with the United States, not with the District, since the Bureau and others can not define what they means by protection of flows by 1995. Mr. Martineau recommended that the district proceed with the second option, option B.

Mark Schumacher said that the board should proceed with option B. Dennis Steckel stated that Option B is like waiting for the other guy to hit you, but that the

district needs to get started. He asked how augmentation could connect with work needed on diligence.

Bill Trampe asked if the board was comfortable with moving forward with option B. No objections were made by the board members. Dick Bratton supported proceeding with option B as the board needs to have as much information as possible in order to be in a position to negotiate with the Bureau when the time comes. He suggested the district needs more than a recent graduate to provide engineering information. He recommended the district use experienced engineers such as Duane Helton or Chuck Brendecke who are familiar with the particular facts and legal rights in this basin. He said there is not much to be gained from having outsiders come to a board meeting to explain a plan for augmentation. The law applicable to plans of augmentation is relatively simple. The issues generally relate to facts which are based on the local circumstances and which are not subject to general application.

After additional board discussion Mr. Trampe asked again if there were any negative comments about alternative B. Dennis Steckel said that the district should not sit waiting for something to happen to it. There were no other specific objections to proceeding with option B.

Tyler Martineau informed the board of the Colorado Water Conservation Board's Statement of Policy and Procedure Regarding the Appropriation of Instream Flows for the Recovery of Endangered Species of the Upper Colorado River Basin. The board discussed the implications of the policy and the endangered species recovery program on the basin .

10. GUNNISON COUNTY PLANNING DEPARTMENT REQUEST FOR PRELIMINARY PLAN REVIEW FOR PROPOSED SUBDIVISIONS.

Tyler Martineau reviewed his memorandum to the board concerning the Gunnison County planning department request for preliminary plan review for proposed subdivisions. Dennis Steckel stated that the district should make it clear that it is not a reviewing agency. Lee Spann asked what is the planning commission's view on reviews provided by the district. Mark Schumacher said that the commission has not discussed the matter. Susan Lohr agreed with Dennis Steckel.

Mark Schumacher moved and Lee Spann seconded that the Upper Gunnison River Water Conservancy District should not be listed as a reviewing agency, that the manager should send a letter to Joanne Williams requesting her to send information when she thinks the information would be pertinent to the district, and the district should not be on any list for receiving planning documents. The motion carried.

DRAFT

11. DISCUSSION OF MANAGEMENT OF LEGAL SERVICES.

Bob Arnold moved that discussion of agenda items 11 and 12 be postponed indefinitely due to the present litigation. Susan Lohr seconded the motion. The motion was discussed by the board. The motion failed.

Ramon Reed stated that the district has had to revise the budget for legal expenses upwards each year, and, therefore, the district needs to change how it budgets or put constraints on how it spends. He stated his view that the district has been irresponsible in its handling of legal expenses. Butch Clark stated that the district has asked for legal help with things the district could have done by itself.

Susan Lohr asked the attorneys to provide input in writing as to how legal services should be managed.

John McClow said that the attorneys have not had significant cost overruns except for litigation. He stated that costs are always very difficult to predict for litigation. He said that the attorneys are willing to negotiate the amount of work to be performed. He suggested that the district should determine how much it wants to spend rather than asking the attorneys how much the district should budget for legal expenses each year.

Ramon Reed asked that hours worked be placed by each task itemized on the attorney's monthly invoices. John McClow said that the attorneys can easily provide the hours and that they will provide this information on invoices in the future.

Lee Spann said that the board is at fault as much as the attorneys in not limiting expenses. He said the board needs to put constraints on itself, however, the board has just spent four years on the biggest lawsuit in many years. He suggested the attorneys should tell the board how much proposed work will cost.

Susan Lohr moved that before the district authorizes any legal work in the course of a meeting that a motion of the board will be required, including an indication of cost, and that the board will summarize the legal work authorized at the end of each meeting. Doyle Templeton seconded the motion.

Ramon Reed said that he would not want to limit the manager so that he could not consult with Dick without a motion from the board beforehand. Susan Lohr agreed that her motion was not intended to limit the manager in receiving legal advice. Dick Bratton said that the motion should also not apply to Bill Trampe as the Board Chairperson.

The motion carried.

Butch Clark moved that at the end of the meeting the board should review the total expected legal costs to be incurred as a consequence of the meeting to see

what the board might have to cut back on. Peter Smith seconded the motion. The motion failed.

Butch Clark discussed additional approaches to managing the legal services of the district including the use of fixed budgets, fixed price for a package of services, and having several different legal firms working on different tasks.

Ramon Reed discussed the crossover between pure legal services associated with litigation, and political services. He said the district can't afford to have the attorneys provide political services. Dick Bratton said that looking for allies and working with them is an essential part of all litigation. He said that some parts of litigation might be considered to be political but it is different than testifying before the legislature on a proposed bill. Ramon Reed said that he would like the board to be consulted with prior to the attorneys being involved in anything that could be considered political.

12. DISCUSSION OF EMPLOYING A FULL TIME IN-HOUSE LEGAL COUNSEL.

Susan Lohr moved that board postpone indefinitely the discussion of agenda item 12. The motion was seconded by Lee Spann.

Ramon Reed suggested forming a budget committee to work with the manager to develop the annual budget

The motion carried.

13. MISCELLANEOUS MATTERS

Tyler Martineau reviewed memoranda provided to the board concerning applicants for the Hinsdale County director's position, the new executive director of the Colorado Department of Natural Resources, Jim Lochhead, and the new acting division engineer for water division 4, Ken Knox.

Tyler Martineau provided the board with a letter of recommendation, and resume for Ray Werner which the district received from the Tri-County Water Conservancy District. Mr. Werner has applied for the Colorado Water Conservation Board seat for the Gunnison Basin and has been endorsed by Tri-County. Mr. Martineau stated that the manager of the Uncompahgre Valley Water Users Association has indicated that they will strongly support Ray Werner although the Uncompahgre board has not yet taken a formal action. He stated that Tri-County and Uncompahgre would like the district to support them in their endorsement of Ray Werner for the conservation board seat.

Butch Clark asked who else the manager had heard of that might be applying for the seat, including Rich Tisdale of Ouray. Mr. Martineau said that had not heard whether Mr. Tisdale had applied. Mr. Clark suggested that when the door closes on the

Pre Blue Mesa.

(1) analysis of Threats

Everyone good.

deeper

2) Sensitivity of Analysis

Beneficial - Cost

District Service in Kind

Lots of ways to deal with situation.

What are historical uses of refill

depletions -

→ Scoping.

Taylor

Taylor

Newsletter - low priority

Contest -

? Hel Town uses

Blue Mesa Mitigation -

Destination wand - to participate

@ all depletions

Volunteer Mitigation

> Scoping for Blue Canyon

Ramon - Expression.

Manager How you get legal sec.

Hill -

Memo from Hill

Brief - list

Conditions

RESOLUTION 94-_____

WHEREAS, Purvis C. Vickers was a founding member of the Board of Directors of the Upper Gunnison River Water Conservancy District, and has served on the board since its first meeting on July 9, 1959; and,

WHEREAS, Mr. Vickers has served continuously as a member of the board for a period of thirty four years, which includes the board's entire existence; and,

WHEREAS, Mr. Vickers served as Vice-President of the district for a period of ten years between June 17, 1968 and June 19, 1978; and,

WHEREAS, Mr. Vickers has displayed a long-standing interest in resolving the water problems of the Upper Gunnison basin; and,

WHEREAS, Mr. Vickers has continuously worked to support the interests and needs of the Hinsdale County division of the District which he specifically represents; and,

WHEREAS, Mr. Vickers is held in affection and esteem by the individual board members of the District.

NOW, THEREFORE BE IT RESOLVED, that the members of the Board of Directors of the Upper Gunnison River Water Conservancy District express their gratitude and deep appreciation for the years of valuable service rendered by Mr. Vickers to the water users and general population of the Upper Gunnison basin and Hinsdale County; and,

BE IT FURTHER RESOLVED, that the Secretary is hereby directed to provide a copy of this Resolution to Mr. Vickers.

We, the undersigned officers of the Board of Directors of the Upper Gunnison River Water Conservancy District, do hereby certify that the foregoing resolution was duly adopted by a unanimous vote of the members present at a regularly scheduled meeting of the Board of Directors on the 14th day of February, 1994.

UPPER GUNNISON RIVER
WATER CONSERVANCY DISTRICT

_____
William S. Trampe, President

ATTEST:

_____
Mark Schumacher, Secretary

DRAFT

13. EAST RIVER 201 WASTEWATER FACILITIES PLAN

Tyler Martineau asked the board if they had any comments on his memorandum concerning the East River 201 Wastewater Facilities Plan. The board and several members of the public discussed the plan. The board did not express any opinion on the alternatives presented in the plan.

14. MISCELLANEOUS MATTERS

Dr. Cynthia Cary, a researcher from the University of Colorado at Boulder, presented a discussion of studies of the boreal toad in the Upper Gunnison basin. She discussed the rapid decline in populations of the toad over the past 25 years. Statewide the toad has declined from over 200 populations prior to 1970 to 10 populations today. She stated that only two known populations of the boreal toad remain in the Upper Gunnison basin, on Brush Creek, and in Queen's Basin. The toad has been declared as an endangered species by the state of Colorado. The goal of state agencies is to develop a recovery program for the toad so that it does not become listed at the federal level.

Tyler Martineau discussed the memorandum on the Colorado River Decision Support System (CRDSS) which he had provided to the board. The board directed Mr. Martineau to provide information from the Gunnison Basin Planning Model to assist the CRDSS developers in the development of their computer models. The board also directed Mr. Martineau to stay involved in the CRDSS program but to limit the time that he puts into the effort.

15. UNSCHEDULED CITIZENS

Steve Glazer requested the board to participate in the scoping for the environmental impact statement (EIS) for the expansion of Crested Butte Mountain Resort. Butch Clark said that it would be a good idea for the District to raise issues. Bill Trampe said that the District is not a regulatory agency and should not take a position on other's water rights. Susan Lohr suggested that the District write a letter to the forest service to examine the effects of the proposed expansion on water resources and water rights. There was board consensus to move forward with Ms. Lohr's suggestion.

16. FUTURE MEETINGS

President Trampe announced that a special meeting of the board will be held on June 27, 1994 at 7:00 p.m., a worksession will be held on June 29, 1994 at 7:00 p.m., and the next regularly scheduled meeting of the board will be held on July 11, 1994 at 7:00 p.m. The preferred location for each of these meetings will be in the Gunnison County Community Building at the Rodeogrounds.

DRAFT

17. ADJOURNMENT

President Trampe adjourned the board meeting at 10:40 p.m.

Respectfully submitted,

_____

Mark Schumacher, Secretary

APPROVED:

_____

William S. Trampe, President

I Item 11

MEMORANDUM ---- February 5, 1994

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

FROM: Ralph E. Clark III

SUBJECT: Legal Expenses and Management -- Item for Future Discussion

==========

At the February 14th meeting, the Board will consider a second revision of last year's budget line item for the District's legal expenses. Dick and more recently John have served the District well over many years, and most especially in the opposition to Union Park and Rocky Point. However, estimating and management of legal expenditures is proving difficult. These cases will hopefully end soon. But, we can expect the biggest expenditure item in future District budgets to continue to be legal expenses. Two changes in the District's future situation indicate this and suggest that the Board examine a new management direction.

First, by necessity the scope of the District's activity is changing to become much broader and legal expenses are not likely to decrease significantly in the coming years from the level of the past few months. Aside from Union Park and Rocky Point, many other matters will be requiring legal attention. Some are mentioned below and others are noted in memoranda from Dick, John, and Tyler prepared for the October and November meetings.

Second, to a greater or lesser extent, many of these matters can pose conflicts between interests of the District itself and the interests of present and future water rights holders and water users. Such matters are likely to include: administration; augmentation; allocation of second-fill water; changes of use and determinations on adequacy of water supplies in conjunction with land use changes; development of the District's conditional rights; non-point source pollution planning; and the District's involvement with endangered species recovery and with changes in the operation of the Aspinall Unit.

Given these two changes in the District's situation and the District's obligation to its taxpayers for effective and efficient management, I suggest the Board consider at its next regular meeting in March:

1. Employing a full time "in-house" general counsel for the District beginning next year. Budget details for Gunnison County's Department of Attorney suggest this could reduce overall legal costs from the present trend and increase availability of professional legal expertise. By comparison, the County's departmental budget was $115,000 in 1993. The District's recent trend in expenditures has been about $10,000 per month and upwards. The District's budget for legal expenses in 1994 is $70,000 but upward revision is expected.

2. To address the possibilities of future conflicts arising between the District's water interests and those of others, the District's general counsel should not represent any other water interests within the basin.

3. To maintain continuity of legal representation, access to background experience and information, and specialized knowledge, the District's budget in coming years should provide for retaining outside legal services as needed.

DRAFT

UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT

SCHEDULED BOARD MEETING MINUTES

April 11, 1994

The Board of Directors of the Upper Gunnison River Water Conservancy District conducted a Scheduled Meeting on April 11, 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, Ramon Reed, Mark Schumacher, Peter Smith, Lee Spann, Dennis Steckel, Doyle Templeton, and William S. Trampe. Board member not present was Susan Lohr.

Others present were:

L. Richard Bratton, Board Attorney
John McClow, Board Attorney
Tyler Martineau, Manager
Patrice Thomas, Office Secretary
Rita McDermott, Treasurer
Purvis Vickers
Marija Vader, Gunnison Country Times Reporter
Laura Anderson, Crested Butte Chronicle/Pilot Reporter
Frank Vader, Citizen
Diane Lothamer, City of Gunnison
John J. Malensek, Citizen
Paul Vader, Rancher
Greg Peterson, Gunnison County Stockgrowers and Citizen
Ken Knox, Division of Water Resources
Lynee Preston, Citizen
Ted Bemis, Citizen
Lucy High, Colorado Water Workshop

1. CALL TO ORDER

President Trampe called the meeting to order at approximately 7:14 p.m. and introduced Carol Drake as the newly appointed board member to represent Division 1 and fill the term of Purvis Vickers who resigned.

2. APPROVAL OF FEBRUARY 14, 1994 AND MARCH 14, 1994 BOARD MEETING MINUTES

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

Butch Clark noted several corrections to the minutes. Lee Spann asked if he should provide information, at this point, about the auditor as discussed at the last board meeting. President Trampe suggested that Mr. Spann bring it up later in the meeting since it was not related to the minutes.

Bob Arnold moved that the February 14, 1994 and March 14, 1994 minutes be approved as corrected. 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 March 1994. Ramon Reed seconded the motion. The motion carried.

4. CONSIDERATION OF OTHER EXPENSES PAYABLE

Ramon Reed 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 substitution of Carol Drake for Purvis Vickers for board member travel to this board meeting. Bob Arnold seconded the motion. The motion carried.

5. MONTHLY BUDGET REPORT

There were no comments on the Monthly Budget Report prepared by the treasurer. Lee Spann said that the District appears to be in compliance with local government audit statute 29-1-603(2) regarding the use of the same auditor for performance of the annual audit and accounting advice during the fiscal year.

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: March 1, 1994

SUBJECT: Agenda Item 9, March 14, 1994, Board Meeting -- Upper Gunnison Basin Augmentation.

At the monthly meeting on February 14, 1994 the board discussed options for proceeding with the development of a plan for augmentation of water supplies throughout the upper Gunnison basin. A number of views were expressed:

* The District should take the lead in developing an augmentation plan. By taking a lead we will cause others to work around the plan we have developed.

* The District should have a meeting of water users to determine what they perceive as their needs for augmentation before proceeding with the augmentation plan.

* The District has existing information available to it which should be used by the manager to answer many of the augmentation questions. An engineering consultant should be used to answer specific questions only when absolutely necessary.

* The District should not commit itself to the implementation of an augmentation plan until absolutely necessary. If it does it may foreclose opportunities to achieve other solutions to the District's water needs that would be less costly. 69,000

* The District needs an analysis of the threat posed by reoperation of the Aspinall Unit prior to taking any action.

* The District needs a sensitivity analysis of where the District might give up leverage by proceeding with an augmentation plan.

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

* The District should have someone share with us their personal experiences with the development of an augmentation plan.

I believe the principle issue before the board is how quickly to proceed with the plan. There are several options:

A) Proceed immediately with full development of the augmentation plan. The board would retain a consulting engineer as soon as possible to complete a scope of services similar to that in the draft request for statements of qualifications.

B) Begin preliminary work that will lead to development of an augmentation plan in the future. There are several tasks which could be undertaken at the present time:

Decided to do B

* Depending on the outcome of the scoping for the environmental compliance for the Taylor Park Water Management Agreement, there will be a need for an outside consultant to complete specific engineering tasks in connection with the management agreement. This engineering work will also be needed for the development of an augmentation plan. For example, engineering will be needed to quantify uses of water which have historically occurred under the refill water right.

* The district has information available which could be used by staff (as time permits) to investigate augmentation needs. Results would be preliminary in nature since federal decisions regarding the reoperation of the Aspinall Unit, the Black Canyon reserved water right, and endangered species have yet to be made. The effort could help the board to understand the risks posed by reoperation of the Aspinall Unit and assist the board in narrowing the engineering and legal services scope of work needed for the development of an augmentation plan in the future.

C) Refrain completely from activity concerning the augmentation plan until uncertainties surrounding the reoperation of the Aspinall Unit and the Black Canyon reserved water right are resolved.

It would be helpful for the board to provide direction concerning the speed with which the District should develop the augmentation plan, including the options described above. The board will then be in a position to decide when it should conduct public meetings with water users, and when to invite others to explain their experiences with augmentation plans.

Upper Gunnison River Water Conservancy District

MEMORANDUM

TO: Board Members,
Upper Gunnison River Water Conservancy District

FROM: Tyler Martineau TM

DATE: February 24, 1994

SUBJECT: Agenda Item 10, March 14, 1994, Board Meeting -- Gunnison County Planning Department Request for Preliminary Plan Review for Proposed Subdivisions.

This week I received a copy of the Preliminary Plan Submittal for the Meridian Lake Park Subdivision, Filing No. 3 from the Gunnison County Planning Department. The Meridian Lake subdivision is located in Washington Gulch near the Town of Mt. Crested Butte. The planning department has provided the District with the preliminary plan for two principal purposes. First, to inform the District about land use changes and accompanying water use changes which may affect the District, and second, to provide the District with an opportunity to review and comment on the proposed plans. The deadline for commenting on the plan is April 1, 1994.

Because we can anticipate that additional preliminary plans will be brought to the District's attention in the near future I believe it would be useful for the board to provide direction as to what sort of involvement the District should have in general in the County's land use planning process.

I would recommend that the District encourage the County to provide copies of proposed plans and other submittals to the District. The information contained in the plans will be useful in helping the District carry out its responsibilities. On the other hand the District should be cautious about reviewing and commenting on such documents. Without a reordering of priorities the District does not have the staff to perform in-depth reviews. Given this limitation I believe it will be difficult to insure that shortcomings in proposed plans have not been missed. If the District becomes involved in subdivision reviews it may expose the District to some liability concerns in the future.

Can say or comment (?)

Mitigation

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

United States Department of the Interior
BUREAU OF RECLAMATION
Upper Colorado Regional Office
P.O. Box 11568
Salt Lake City, Utah 84147-0568

AGENDA ITEM 13
Miscellaneous Matters
March 14, 1994

TAKE PRIDE IN AMERICA

IN REPLY REFER TO
UC-420
ENV-7.00

received
2-7-94

FEB -3 1994

received
2/16/94

Honorable Linda Powers
Colorado State Senate
PO Box 2300
Crested Butte CO 81224

Dear Ms. Powers:

I would like to take this opportunity to thank you for our meeting on January 19, 1994, wherein you inquired on the status of our Aspinall Unit mitigation along the Gunnison River near Gunnison, Colorado.

As you are aware, the Aspinall Unit (Blue Mesa, Morrow Point, and Crystal Reservoirs) was constructed between 1965 and 1975 under the Colorado River Storage Project Act, which authorizes fish and wildlife and recreation measures. Reclamation, the U.S. Fish and Wildlife Service, and the Colorado Division of Wildlife are implementing a fish and wildlife mitigation program. Main features of the program are terrestrial wildlife mitigation and acquisition of fishing access to replace river fishing lost due to the reservoirs.

Under the terrestrial program, 10,300 acres (4,168 hectares [ha]) have been acquired and are being developed. Under the fishing program, 26 miles (42 kilometers [km]) of class 1 (Gunnison and Taylor Rivers) fishing access were originally designated to be acquired. Key fishing access has been acquired along the Gunnison River above the North Fork confluence and along the river upstream from Gunnison, Colorado. Reclamation has acquired the equivalent of 7 miles (11 km) of class 1 fishing access (12 actual miles [19 km] of stream of varying types) from willing sellers.

We have recently stepped up our efforts to fulfill our obligation to acquire the remaining 19 or so miles (31 km) of fishing access. In 1991, easement access was acquired from the Redden family just west of Highway 135 near Gunnison, Colorado, and the Van Tuyl family's river corridor was acquired in fee in early 1993. It should be noted that our approach has changed from attempting to acquire the minimum-required 50-foot-wide (15-meter-wide) access easement to our approach on Van Tuyl and our most recent project the Guerrieri/Esty properties where we are working with the owners to put together a package that works for all parties involved. This has changed our concept from an easement

acquisition to a fee corridor acquisition where the corridor has potential multiple uses such as preservation of wetlands and wildlife habitat.

Most recently we have been working very closely with the Trust For Public Lands who was instrumental in acquiring the Van Tuyl property and bringing the Guerrieri acquisition to an achievable proposal. The Guerrieri/Esty property is a very complex transaction that the Trust For Public Lands has put together. We are in full support of the transaction as formulated, although we admit at this point in time we are struggling to resolve the valuation issue. Presently, our staff is working with the Trust For Public Lands and its appraiser, and we hope to resolve this in the very near future. I assure you we are committed to acquiring this particular property even if it means we have to get the property reappraised.

There are several obstacles which need to be overcome in order for us to complete our acquisition of the remaining 19 or so miles (31 km) of river corridor, the first being cost. Based on our latest information, we estimate it could cost upwards of $20,000,000 to acquire the remaining 19 miles (31 km) required. It should be noted that, although land values indicate the minimum cost of slightly over $1,000,000 for approximately 220 acres (89 ha), this does not consider the estimated $19,000,000 in damages to the remaining properties as a result of opening the river corridor to public access. It's important we have support to maintain adequate funds in our budget to meet our goal.

It is also important we bring on board new partners in this project. The Trust For Public Lands has been an excellent partner and has put together deals that Reclamation could not do on its own, but oftentimes making a proposed acquisition work involves acquiring interest in lands or land rights that Reclamation has no authority to acquire. When this happens there is a need for other partners to put up money for additional lands or for developing new water sources to enable a farmer to discontinue future use of the river corridor, or to purchase replacement lands so that a rancher can continue his/her operation. We would welcome an opportunity to develop a partnership with the Colorado Department of Natural Resources as described by Mr. Ken Salazar, Executive Director of Natural Resources, on January 19, 1994.

Another issue we feel is important and that needs to be readdressed is the credit being given to us for different classes of rivers we obtain access on. On certain rivers, like the Gunnison and Taylor, we are credited one for one. On class 2 streams, we receive 1 mile (2 km) credit for every 2 miles (3 km) of stream we buy. When you consider the limited number of willing sellers on the Taylor and Gunnison Rivers, it becomes obvious that many of the remaining miles (km) of required mitigation will need to come from class 2 streams. The problem is that cost to the Government on class 2 streams is not very much, if any, less per mile (km) than on class 1 streams. With this in mind, it could cost upwards of $40,000,000 to procure the remaining required corridors.

Agenda Item 13, 3/14/94
Miscellaneous Matters

United States Department of the Interior

NATIONAL PARK SERVICE
CURECANTI NATIONAL RECREATION AREA
102 ELK CREEK
GUNNISON, COLORADO 81230

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:

A7021(CURE)

March 8, 1994

Tyler Martineau
Upper Gunnison River Water Conservancy District
275 S. Spruce
Gunnison, CO 81230

Dear Prospective Participant:

Curecanti National Recreation Area (CURE) will undertake scoping for a water resources management plan this year. We are requesting your presence at a meeting to discuss issues and topics that Curecanti should address in their scoping report. CURE believes it is time to focus greater emphasis on its water resources as a means of insuring the continuance of all the various uses and benefits that arise from impounded waters, and also the tributaries that feed the Aspinall Unit.

We will be requesting your input regarding topics such as water quality and quantity, water rights, recreation, fisheries, point source pollution, impacts from activities within the park unit boundaries, and extractive activities from outside the boundaries. The list is not all inclusive and we assume their will be other issues that we need to consider.

Our need for a comprehensive water resources management plan stems from the fact that Curecanti's water surface is some thirty percent of the total park unit acreage. We provide excellent opportunities for flat water and stream fishing in the summer, ice fishing in the winter, and boat related activities of all kinds. In fact, in 1993 our visitation was over one million. Additionally, these impounded waters and the free flowing waters tributary to the reservoir system serve as habitat for many organisms including bald and golden eagles and river otter. Scoping and the resultant plan will outline how we are to maintain these activities and habitat that are water based.

* In progress now between Curecanti and Black Canyon of the Gunnison is an EIS that will discuss alternatives for water delivery between the two entities. Its affects on a water resources management plan must be anticipated.

* That growth within the Gunnison Basin dictates probable changes to water quality and quantity. As the receiving body of water for the upper Gunnison River, we must assess and anticipate how changes in population will affect the water resource.

* Lastly, forty-five percent of Curecanti is bordered by private lands. We are noting that much of this land, which has been undeveloped for years, is being purchased with the intent of future development. Impacts to the water resource must be considered.

This brief outline of major impacts to our water resources may provide you with ideas for scoping as part of water resource management plan development. At this point, we would like to hold a scoping meeting the week of April, tentatively April 12 and 13. If you can attend, please let us know and we will personally contact you to pinpoint the actual date.

Once we have set a date, we will provide you with an agenda for the meeting. Thank you for your consideration in helping us with our scoping process.

Sincerely,

John F. Chapman

John F. Chapman
Superintendent

DRAFT

UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT

SCHEDULED BOARD MEETING MINUTES

April 11, 1994

The Board of Directors of the Upper Gunnison River Water Conservancy District conducted a Scheduled Meeting on April 11, 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, Ramon Reed, Mark Schumacher, Peter Smith, Lee Spann, Dennis Steckel, Doyle Templeton, and William S. Trampe. Board member not present was Susan Lohr.

Others present were:

L. Richard Bratton, Board Attorney
John McClow, Board Attorney
Tyler Martineau, Manager
Patrice Thomas, Office Secretary
Rita McDermott, Treasurer
Purvis Vickers
Marija Vader, Gunnison Country Times Reporter
Laura Anderson, Crested Butte Chronicle/Pilot Reporter
Frank Vader, Citizen
Diane Lothamer, City of Gunnison
John J. Malensek, Citizen
Paul Vader, Rancher
Greg Peterson, Gunnison County Stockgrowers and Citizen
Ken Knox, Division of Water Resources
Lynee Preston, Citizen
Ted Bemis, Citizen
Lucy High, Colorado Water Workshop

1. CALL TO ORDER

President Trampe called the meeting to order at approximately 7:14 p.m. and introduced Carol Drake as the newly appointed board member to represent Division 1 and fill the term of Purvis Vickers who resigned.

2. APPROVAL OF FEBRUARY 14, 1994 AND MARCH 14, 1994 BOARD MEETING MINUTES

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

Butch Clark noted several corrections to the minutes. Lee Spann asked if he should provide information, at this point, about the auditor as discussed at the last board meeting. President Trampe suggested that Mr. Spann bring it up later in the meeting since it was not related to the minutes.

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5. MONTHLY BUDGET REPORT

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Upper Gunnison River Water Conservancy District

MEMORANDUM

TO: Board Members,
Upper Gunnison River Water Conservancy District

FROM: Tyler Martineau TM

DATE: March 3, 1994

SUBJECT: Agenda Item 13, March 14, 1994, Board Meeting -- Miscellaneous Matters - Applications for Director for the Hinsdale County Division.

Three applications have been received by Judge Steven Patrick for the director's position for Hinsdale County to succeed Perk Vickers. The applicants are:

Carol Drake
Robert Spears
Stan Whinnery

According to the schedule that has been set up with Judge Patrick he will notify us of his appointment by the end of March.

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Upper Gunnison River Water Conservancy District

MEMORANDUM

TO: Board Members,
Upper Gunnison River Water Conservancy District

FROM: Tyler Martineau TM

DATE: March 3, 1994

SUBJECT: Agenda Item 13, March 14, 1994, Board Meeting -- Miscellaneous Matters - Executive Director Colorado Department of Natural Resources.

As you may have read in the newspapers Ken Salazar resigned last month as Executive Director of the Department of Natural Resources. Governor Romer has announced that his successor will be Jim Lochhead of Glenwood Springs. The executive director plays a significant role statewide as the representative of the Governor on water policy matters.

Jim Lochhead, who is well known in West Slope water circles, is Colorado's Commissioner on the Upper Colorado River Commission, and has served for the past decade as the Colorado mainstem representative on the Colorado Water Conservation Board. He has represented the state extensively in discussions of Colorado River Compact issues with other states in recent years.

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Upper Gunnison River Water Conservancy District

MEMORANDUM

TO: Board Members,
Upper Gunnison River Water Conservancy District

FROM: Tyler Martineau TM

DATE: March 4, 1994

SUBJECT: Agenda Item 13, March 14, 1994, Board Meeting -- Miscellaneous Matters - Division Engineer, Water Division 4, Gunnison Basin.

The division engineer for Water Division 4, Keith Keppler, has accepted a new position in the State Engineer's Office in the Arkansas Valley where he will be working on groundwater matters. As of March 1 Ken Knox became the acting division engineer for Water Division 4. Ken has been the assistant division engineer in Montrose for the past several years.

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Finally, it is important that Reclamation gain public support from the State and local governments in order to use its right of eminent domain to acquire this access when appropriate. We are of the opinion that we have the right and, in some cases, the need to acquire property by condemnation. We see this as a last resort, but in order to keep costs in line with fair market values, some critical properties can only be acquired by this means. We would like to see the Colorado legislature encourage the Colorado Department of Natural Resources to manage all properties acquired for mitigation on the Aspinall project whether from willing sellers or by condemnation.

Thank you for your interest. Should you have any questions or need additional information, please contact Mr. Bruce E. Snyder at (801) 524-5441.

Sincerely yours,

Charles A. Calhoun
Acting Regional Director

cc: Honorable Linda Powers
Colorado State Senate
Colorado State Capitol
200 East Colfax
Denver CO 80203

Honorable Ben Nighthorse Campbell
United States Senate
Washington DC 20510

Honorable Hank Brown
United States Senate
Washington DC 20510

Honorable Scott McInnis
House of Representatives
Washington DC 20515

Mr. Ken Salazar
Executive Director of Natural Resources
Colorado Department of
Natural Resources
6060 Broadway
Denver CO 80216

Mr. Fred Field
Chairman
Gunnison County Board
of Commissioners
Courthouse Square
200 East Virginia
Gunnison CO 81230

Trust for Public Lands
Attention: Ms. Sandra Tassel
PO Box 2383
Santa Fe NM 87504

Mr. David Harrison
Moses, Willemyer, Harrison,
and Woodruff, PC
PO Box 1440
Boulder CO 80306

THE 1994 COLORADO "GIVE THE VOTE ON WATER" INITIAITVE

Article XVI Section 5. Water of Streams Public Property. The water of every natural stream, not heretofore appropriated, within the state of Colorado, is hereby declared to be the property of the public, and the same is dedicated to the use of the people of the state, subject to appropriation as hereinafter provided.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF COLORADO THAT FROM AND AFTER JANUARY 1, 1995, THAT THE STATE OF COLORADO ADOPT AND DEFEND A STRONG PUBLIC TRUST DOCTRINE REGARDING THE PUBLICS' RIGHTS AND OWNERSHIPS IN AND OF THE WATERS IN COLORADO; AND THAT THE PUBLIC FURTHER REQUIRES THAT THE STATE OF COLORADO PROTECT AND DEFEND THE PUBLICS' INTERESTS IN WATERS FROM UNWARRANTED OR OTHERWISE NARROW DEFINITIONS OF ITS WATERS AS PRIVATE PROPERTY; BUT, HOWEVER, THAT THE RIGHTS OF THE USES OF WATERS BY THE MANNER OF APPROPRIATION NOT BE HEREINUNDER DENIED.

ADDITIONALLY, ANY CHANGE IN THE BOUNDARIES OF A WATER CONSERVANCY DISTRICT OR A WATER CONSERVATION DISTRICT, OR ANY PROPOSAL REGARDING THE CONTINUED EXISTENCE OF A WATER CONSERVANCY DISTRICT OR A WATER CONSERVATION DISTRICT, MUST RECEIVE THE APPROVAL OF THE MAJORITY OF THE STATUTORILY QUALIFIED ELECTORS OF THAT DISTRICT'S VOTERS WHO ACTUALLY CAST BALLOTS AT AN ELECTION REGARDING SUCH ISSUES.

ADDITIONALLY, ALL DIRECTORS OF WATER CONSERVANCY DISTRICTS AND WATER CONSERVATION DISTRICTS SHALL BE ELECTED TO THOSE DIRECTORSHIPS IN A MANNER SIMILAR TO THE ELECTION OF DIRECTORSHIPS FOR OTHER COLORADO SPECIAL DISTRICTS. WATER CONSERVANCY DISTRICTS AND WATER CONSERVATION DISTRICTS SHALL INCLUDE THOSE POLITICAL SUBDIVISIONS AUTHORIZED BY STATUTE AS SUCH PRIOR TO THE EFFECTIVE DATE OF THIS SECTION, AND ANY AND ALL GOVERNMENTAL SUBDIVISIONS OF SUBSTANTIALLY SIMILAR PURPOSE AND FUNCTION OF EITHER TYPE OF DISTRICT WHICH MAY BE CREATED EITHER STATUTORILY OR CONSTITUTIONALLY HEREAFTER.

ADDITIONALLY, ANY OWNERSHIP IN THE RIGHTS OF USE OF WATERS MAY BE DECREED TO THE PUBLIC WITH THE UNDERSTANDING THAT SUCH DECREED WATER USE RIGHT SHALL BE DEDICATED TO THE BENEFIT OF ANY STREAM OR WATERCOURSE OR TO ANY LENTIC WATER BODY FOR THE BENEFIT AND USE OF THAT SYSTEM WITHOUT HINDRANCE FROM A STATE OF COLORADO OR OTHER GOVERNMENTAL BODY. IT IS FURTHER PROVIDED HERE THAT THE COLORADO WATER CONSERVATION BOARD, OR ANY GOVERNMENTAL SUBDIVISION OF A SUBSTANTIALLY SIMILAR PURPOSE AND FUNCTION WHICH MAY BE CREATED EITHER STATUTORILY OR CONSTITUTIONALLY HEREAFTER, MUST ACCEPT AND PROTECT SAID PUBLIC

OWNERSHIP AND DEDICATION FROM TRANSFER FROM THE PUBLICS' OWNERSHIP, OR FROM TRANSFER FROM THE WATER SYSTEM TO WHICH THAT DECREE WAS DEDICATED. IT IS SPECIFICALLY ENACTED HERE THAT ANY AND ALL DEDICATIONS OF DECREED WATERS TO THE USES OF STREAMS AND WATERS AND LAKES SHALL BE DEFENDED BY COLORADO GOVERNMENT AS AN ELEMENT IN THE MATTER OF COLORADO'S PUBLIC TRUSTS IN WATERS.

Upper Gunnison River Water Conservancy District

MEMORANDUM

TO: Board Members,
Upper Gunnison River Water Conservancy District

FROM: Tyler Martineau TM

DATE: March 3, 1994

SUBJECT: Agenda Item 13, March 14, 1994, Board Meeting -- Miscellaneous Matters - National Water Quality Assessment (NAWQA) Program.

On March 2 I attended the first liaison committee meeting for the National Water Quality Assessment Program which is being initiated by the U. S. Geological Survey in the Upper Colorado River Basin. Approximately 45 persons mostly from federal and state agencies attended. The Upper Colorado River Basin program is in the planning phase. Intensive water quality monitoring will be conducted at as yet undetermined sites throughout the Colorado River Basin including the Gunnison Basin in 1996 through 1998. Results will be reported on in 1999. The program will involve about $6 million of sampling of surface and ground waters, biological indicators of water quality, and river sediments between 1995 and 1998.

A principle purpose of the meeting was to determine the top five water quality priorities as determined by the liaison committee. They are:

1) The effects of metals, sediment, and salinity from energy and mineral extraction.
2) The effects of nutrients, trace elements, pesticides, and sediments from agriculture.
3) The effects of salinity from natural, agricultural, and municipal sources.
4) The effects of sediment, nutrients, and organics from increasing development and construction.
5) The impacts of hydrologic modifications on water quality including: Transbasin diversions, channel modifications, and dams.

Those of us present from the Upper Gunnison basin emphasized the importance of not just collecting data where water quality problems exist but also collecting data where there is good water quality in order to document baseline conditions and to aid in preventing the future decline of existing water quality. The next meeting of the NAWQA liaison committee has been scheduled for October 12 and 13, 1994 in Gunnison.
We have additional information on the NAWQA program available in the District's office.

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Upper Gunnison River Water Conservancy District

MEMORANDUM

TO: Board Members,
Upper Gunnison River Water Conservancy District

FROM: Tyler Martineau TM

DATE: February 28, 1994

SUBJECT: Agenda Item 5, March 14, 1994, Board Meeting -- Monthly Budget Report - Accounting and Budgeting Advice.

At last month's board meeting the board members discussed whether it is appropriate for the district to obtain advice concerning bookkeeping and budgeting from the same accounting firm that performs the district's annual audit. I raised this question with Beverly Tezak, the C.P.A. from Kimberly Temple's office who performs our audit. Ms. Tezak said that the principle limitation on her is that, as the district's auditor, she may not make any decisions on behalf of the district. For example, she is prohibited from:

* Serving on the board of directors.
* Exercising any management authority.
* Signing checks.
* Deciding the dollar amounts to be budgeted in the district's annual budget.

On the other hand she can perform the following:

* Recommend methods for setting up and keeping the district's books.
* Provide advice how the district should prepare and administer its annual budget.

I recommend that the staff be authorized by the board to consult with the district's auditor concerning proper methods for setting up and performing the district's bookkeeping and concerning proper budgeting procedures.

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Upper Gunnison River Water Conservancy District

MEMORANDUM

TO: Board Members,
Upper Gunnison River Water Conservancy District

FROM: Tyler Martineau TM

DATE: March 1, 1994

SUBJECT: Agenda Item 8, March 14, 1994, Board Meeting -- Taylor Park Water Management Agreement.

On February 25 Bill Trampe and I met with Steve McCall of the Bureau of Reclamation (USBR), Jim Hokit of the Uncompahgre Valley Water Users Association, and Mike Gross and Eric Kuhn of the Colorado River District to begin development of the Environmental Assessment (EA) for the Taylor Park Water Management Agreement. We made progress with respect to the following:

* The Upper Gunnison District's need for a written commitment from the USBR as to the cost and specific scope of any studies conducted by the District for use in the EA prior the work being undertaken.

* Preliminary wording for the purpose and need statement for the EA.

* What are the presently existing conditions that will be described in the EA.

* What are the alternatives to the proposed agreement to be considered in the EA including the "no action" alternative.

We will meet again on March 10 to develop a preliminary outline for the EA that can be used to initiate the scoping process.

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RESOLUTION 94-_____

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT AUTHORIZING THE TRANSFER OF FUNDS FROM VARIOUS LINE ITEMS TO DEFRAY EXPENSES IN EXCESS OF THE AMOUNT BUDGETED UNDER THE LEGAL EXPENSES AND ENGINEERING RELATED LINE ITEM FOR THE 1993 FISCAL YEAR.

WHEREAS, In December, 1992, the Board of Directors of the Upper Gunnison River Water Conservancy District (the Board) adopted the operating budget for the General Fund of the District for the fiscal year beginning January 1, 1993 and ending December 31, 1993; and

WHEREAS, In October, 1993, the Board amended the operating budget for the General Fund for the fiscal year beginning January 1, 1993 and ending December 31, 1993; and

WHEREAS, the Board having been advised of actual expenses incurred as of the end of the 1993 fiscal year finds that the amount expended over the course of the year under the Legal Expense and Engineering Related line item in the General Fund is approximately $12,000.00 more than the amount previously budgeted for that specific line item; and

WHEREAS, the Board deems it desirable to designate monies from within the General Fund to be used to cover the expenditures under the Legal Expense and Engineering Related line item which are in excess of the amount previously budgeted; and

WHEREAS, the existing budget for the General Fund has monies available in several line items including the Increase in Water Resources Protection and Development Reserve line item which will not otherwise be disbursed under the 1993 budget, and which can, through line item transfers, be used to cover the additional legal and engineering related expenses without increasing the total amount of expenditures for the General Fund over the amount previously budgeted for the 1993 fiscal year.

NOW, THEREFORE, BE IT RESOLVED; by the Board of Directors of the Upper Gunnison River Water Conservancy District that subsequent to public hearing conducted at a scheduled meeting of the Board held on February 14, 1994, and in accordance with sections 129-1-106 and 29-1-109, C.R.S., as amended, that:

> Available funds from within the total existing 1993 appropriation for expenditures from the General Fund are hereby authorized to be transferred from the various line items including the Increase in Water Resources Protection and Development Reserve line item to cover expenses incurred in excess of the amount budgeted in the Legal Expenses and Engineering Related line item.

We, the undersigned officers of the Board of Directors of the Upper Gunnison River Water Conservancy District, do hereby certify that the foregoing resolution was duly adopted by a unanimous vote of the members present at a regularly scheduled meeting of the Board of Directors on the 14th day of February, 1994.

UPPER GUNNISON RIVER
WATER CONSERVANCY DISTRICT

_____
William S. Trampe, President

ATTEST:

_____
Mark Schumacher, Secretary

Butch Clark asked what the distinction is between policy discussions and litigation discussions. Dick Bratton responded that you cannot take action on any discussion in an executive session; he emphasized that action occurs only at open public meetings.

Not an answered question

Susan Lohr asked if the board meets with another attorney and party in litigation in executive session and that party becomes an opponent later are the contents of the executive session subject to discovery. Dick Bratton responded that the discussion could be subject to discovery and that it was important to gather information during the executive session and to be well advised beforehand as to what not to discuss. Susan Lohr asked if this situation is the reason attorneys usually interpret discussions to the boards. Mr. Bratton replied that it is one of the reasons.

Purvis Vickers noted that inviting others to an executive session and deciding who to include could become very complex.

John McClow confirmed that meeting in executive session to receive legal advice from one's own attorney qualifies but discussing litigation with another party's attorney may not qualify for executive session and if the other party subsequently decides to subject the meeting to discovery it may do so.

Susan Lohr asked if the board could meet in executive sessions to discuss litigation without the board's attorney. Mr. McClow replied that it did not qualify under the statute. Dick Bratton said that the statute specifies "legal questions" rather than litigation.

c. Procedure for Filling Vacancies on the Board of Directors

President Trampe announced the intended resignation of Purvis Vickers from the Upper Gunnison River Water Conservancy District.

Purvis Vickers said that he will continue to serve until a new appointment is made for the Hinsdale County division of the District. Mr. Vickers said that he had met with the Hinsdale County Commissioners and they will advertise for interested persons. He said that anyone who is interested in this position can write to Judge Steven Patrick to notify him of their interest.

John McClow said that he spoke with Judge Patrick. He said that Judge Patrick would like to follow the established procedure for filling expired terms to fill this vacancy which will expire in June 1995. Judge Patrick said that he would like to receive resumes in addition to letters of interest or nomination and that he will conduct interviews prior to making an appointment. Mr. McClow said that Judge Patrick favors beginning the process now but that he will need a formal letter of resignation from Mr. Vickers to himself and to the Upper Gunnison River Water Conservancy District prior to making an appointment.

d. Other Legal Matters

President Trampe called on Bruce Driver and Gary Sprung representing the High Country Citizens Alliance to discuss the maximum use brief which was filed in the Arapahoe County/Union Park Project Supreme Court Appeal.

Bruce Driver said that several conditions motivated his clients in filing the maximum use brief. He said that they would like these issues addressed to remove the threat that the vagueness of Judge Brown's ruling creates. He said that the environmental impact of Union Park must be considered. He said that he believes in the people's right to express concern about the transfer of public water into private hands.

Bruce Driver delineated for the board the changes that had been made in the brief based upon input and comments from the Upper Gunnison River Water Conservancy District and others. Mr. Driver also outlined for the board the specific reasons why he thought the District should support the maximum use brief. Mr. Driver said that he thought the District should support the brief because if the case is remanded the District will need all the arrows possible in its quiver. He also said that the law of Union Park on maximum use as determined by Judge Brown is pro development, "drain every drop," and that the court needs another version. He said that when the issues of water development go before the Colorado Legislature there needs to be a Supreme Court decision supporting environmental concerns on the Western Slope. He said that there needs to be a safety net if 1041 permitting authority is lost. He said that the residents of Gunnison County want public values protected and that protection of the environment is a current issue. He said that his clients have been responsive to the District and tried to accomodate the District's concern by incorporating changes in the maximum use brief.

Butch Clark asked if Mr. Driver was satisfied with a limited type of support such as the brief prepared by Gunnison County. Mr. Driver responded that if the District has reservations about full support it would be acceptable to express limitations.

Ramon Reed asked for an explanation of the duplication aspect such as the 1041 permitting process already in place and how would the Court not supersede that process. Mr. Driver referred Mr. Reed to pages 23-25 in the brief, section D, Ability to Avoid Duplication. He said that he contemplated a thorough review by the water judge and that environmental impacts would need be be balanced with other factors. Mr. Reed asked for clarification of a sentence on page 25, "If insufficient protection is afforded, the judge must weigh the evidence and attempt to strike a balance that results in beneficial use consistent with the Colorado constitution." Bruce Driver replied that his clients were not seeking an environmental veto, but environmental balance.

Lee Spann said that an extensive environmental review process is already in place. He asked what Mr. Driver would want to cover that's not already covered by the current regulations. Mr. Driver said that he prefers local and state regulations over federal

regulations. He said that the federal regulations go into effect after property rights are issued, they do not address all the environmental impacts and that a water judge could address these factors.

Susan Lohr said that the basin is vulnerable to removal of the seasonal flood cycle if there is transmountain diversion and that currently there is no federal regulation that takes the seasonal flood cycle at the headwaters into review.

Bruce Driver said that the environmental benefits are not to keep more water but to look at irrigation and wetlands. He said that without this law flood irrigation could be threatened because previous maximum use law means "drain every drop."

Peter Smith asked if Mr. Driver's approach might stop all future development in the valley. Mr. Driver said that it is not the intent of the brief but it could happen. He said that the brief is addressed at major water projects.

Bill Trampe asked what Mr. Driver's goal would be in securing legislative recognition of any Supreme Court action. Mr. Driver said that he anticipated that the legislature would follow the directions set by the court. Gary Sprung said that he thought the legislature would give a list of considerations, pro and con, for evaluation and then the judge would weigh these matters. Bruce Driver said that the legislature would give direction to achieve environmental balance not use an environmental veto.

Bill Trampe said that it appeared that to avoid duplication with other existing regulations this brief would create an omnipotent entity to cover what others do not. Mr. Driver responded that this is the people's water and there is no additional power to a water judge. Mr. Driver said that the environment is already protected quite a bit by local, state and federal regulations and if it could be shown that the state is taking responsibility then the local water judges would take over the power of federal bureaucrats. Gary Sprung said it is important to establish that states control water allocation and it is important to show the federal government that this can be done.

Lee Spann said that a narrow concept of the environment is espoused in this brief. He asked if Mr. Driver had considered if the Judge interpreted these issues broadly that the Front Range might argue the beneficial environmental uses that occur on the other side of the mountain. Mr. Driver responded that the Front Range environment is building condos and that socio-economic considerations were not included in this brief. Lee Spann said that the Platte River and other environmental issues occur on the Front Range.

Susan Lohr asked if the board should consider how it would oppose this brief if it was used in other ways. Bruce Driver replied that the board should consider how it might be applied elsewhere if the board decides to support the brief but that the board could limit its application to transmountain diversion.

Susan Lohr asked if the case is remanded does the brief have to be considered by the lower court. Bruce Driver replied if the Supreme Court instructs the lower court to consider the brief, then it must. Gary Sprung said that the Supreme Court could just tell the lower court that it is allowable evidence.

Susan Lohr asked if the case is remanded who becomes a party and who are the attorneys. Bruce Driver said that all parties become a party if the case is remanded. John McClow clarified that if the case is remanded the Supreme Court will be specific in their instructions.

Butch Clark said that if the District provides a supporting brief then it can be advisory to the Supreme Court on considerations for what is of benefit to the Gunnison Basin. It pointed out that his interpretation of the statute creating conservancy districts instructs them to consider the defense and protection of waters.

Ramon Reed asked what the District procedure will be on developing a position on this maximum use brief. President Trampe suggested a special meeting for public input and discussion. He said that it remains to be seen if an executive session would be necessary. He hoped that a decision on the board's position could be made at the special meeting.

Bruce Driver expressed his thanks to the board for considering the position of his clients.

Ramon Reed asked if the attorneys would be able to respond to the brief in time. John McClow said that a request for an extension would give the attorneys time to respond.

There was board consensus on the procedure and a special meeting was scheduled for January 24, 1994.

Tyler Martineau referred the board to his memorandum about the Colorado Water Conservation Board(CWCB) letter to Ament and Jerke in which they were favorable to the Gunnison basin. Mr. Martineau asked if the District wants to write a letter of support of the CWCB letter and explain the District perspective on these issues to the legislature. The board directed Mr. Martineau to prepare a draft letter and have Dick Bratton review the draft.

7. COLORADO WATER CONGRESS UPDATE

Tyler Martineau referred the board to his December 17, 1993 summarizing the Colorado Water Congress State Affairs Committee meeting on December 16, 1993. Mr. Martineau said that he would like board direction regarding attendance at future State Affairs Committee meetings.

Butch Clark asked Mr. Martineau if he thought Bills D and E which were attached to the memorandum were the only bills to watch at this time. Mr. Martineau said that the State

The board discussed the discussion points noted by Mr. Martineau in his memorandum. The first point was the Bureau of Reclamation request for input on Gunnison River flows and Blue Mesa Reservoir levels.

Ramon Reed asked where this year's proposed operation fits in terms of the 5-year endangered fish flow studies - low, middle, or high. Dave Mutz of the Bureau of Reclamation replied that they have been flexible in this determination in order to get the study done, but that 1994 has been classified as a low flow year.

Tyler Martineau explained that users are to provide input for each of the four seasons on the desired flow in the Black Canyon of the Gunnison and the reservoir level for Blue Mesa Reservoir by May 31, 1994. As noted in his memorandum Mr. Martineau recommended that the Upper Gunnison River Water Conservancy District recommend that the level of flows not cause downstream calls and not trigger basinwide administration which could affect this District. Mr. Martineau recommended that Blue Mesa Reservoir be filled as completely as possible in the summer for recreational uses and that it be maintained at the current December 31 level of 7,490 feet to prevent ice jamming.

Ramon Reed said that he thinks Mr. Martineau's recommendations express the sentiments of the board and concurs that the District objectives be relayed to the Bureau of Reclamation but that specific numbers for flows and levels do not need to be transmitted.

Butch Clark mentioned that there will be trade-offs between summer and winter in the Blue Mesa Reservoir levels and suggested that the operation of Taylor Park Reservoir is connected to this determination.

There was board consensus to accept Tyler Martineau's recommendations for input to the Bureau of Reclamation on flows for the Gunnison River and levels of Blue Mesa Reservoir.

After discussion, it was decided that June 16, 1994 would be the best date for the Bureau of Reclamation to hold a public information meeting in Gunnison on the endangered species contract.

Butch Clark suggested that the Upper Gunnison River Water Conservancy District sponsor a forum so that all the water users can get together to exchange information on water resources in relation to management of the Aspinall Unit.

10. MISCELLANEOUS MATTERS

Tyler Martineau reminded everyone that the deadline for applications for the Upper Gunnison River Water Conservancy District board is May 13, 1994.

Tyler Martineau referred the board to his May 9, 1994 memorandum regarding a meeting held with Hal Simpson, State Engineer. Mr. Martineau thanked Ken Knox, Acting Division Engineer, for arranging the meeting.

Butch Clark said that he would like to see a watershed forum sponsored by the District as he mentioned earlier. Mr. Clark said that he had been approached to see if the District wanted to enter a float in the Water Festival parade. There appeared to be little interest.

Butch Clark reported on the Blue Mesa Mitigation Committee meeting with Gunnison County representatives. Gunnison County staff will prepare a charge for the Blue Mesa Mitigation Committee.

Ramon Reed said that the District needs to work toward resolution of the 60,000 acre feet Blue Mesa subordination because it is an issue in terms of the need to develop an augmentation plan. Tyler Martineau said that he agreed but that it is pending completion of the Arapahoe appeal. Butch Clark said that he agrees with Mr. Reed that it needs to be sorted out. Dennis Steckel said that the issue of considering out-of-priority exercise of rights should be applied uniformly.

Dave Mutz said that the Bureau of Reclamation would support Butch Clark's suggestion of a watershed forum.

Lee Spann mentioned a monoply game about the principles of water for school children which was used at the Grand Junction Water Fair.

Dick Bratton said that a panel on the history of water operations in the Gunnison Basin will be held on May 10 in conjunction with the Water Festival and that the District is invited to participate.

11. UNSCHEDULED CITIZENS

Steve Glazer spoke to the board about the need for strategic planning in watershed management.

12. FUTURE MEETINGS

The next board meeting will be the annual meeting. The annual board meeting is scheduled for June 13, 1994, 7:00 p.m. at the Gunnison County Multi-Purpose Building.

DRAFT

13. ADJOURNMENT

President Trampe adjourned the meeting of the Upper Gunnison River Water Conservancy District at approximately 10:30 p.m.

Respectfully submitted,

_____

Mark Schumacher, Secretary

APPROVED:

_____

William S. Trampe, President

ASPINALL UNIT OPERATIONS ASSESSMENT file: aspmod; R. Clark (2JUN94)

Purpose: examination of Aspinall Unit operations under moderate inflow conditions.

=== Part 1 --- NOTATIONS AND CONSTANTS

Notations -- acre-feet or ac-ft expressed as whole number - 8,679
-- cubic feet per second or cfs expressed with tenths - 567.8

Constants: 1 cfs for a month equals 60.4597 acre-feet

=== Part 2 --- WATER RECEIVED INTO ASPINALL UNIT -- MODERATE YEAR - 1987

Actual for 1987	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	TOTALS in acre-feet
Monthly Inflows in average cfs for month - USDOE (1994) SLCA Electric Power Marketing DEIS, pp. C-34 - C-35.													
into Blue Mesa	1,017.0	862.0	497.0	452.0	517.0	903.0	2,114.0	4,415.0	4,299.0	1,581.0	1,051.0	745.0	1,115,663
into Morrow Point	94.0	61.0	69.0	61.0	82.0	98.0	373.0	534.0	311.0	74.0	58.0	44.0	112,395
into Crystal	210.0	135.0	152.0	135.0	123.0	147.0	275.0	680.0	507.0	164.0	130.0	97.0	166,566
average total cfs inflow to Aspinall Unit for month	1,321.0	1,058.0	718.0	648.0	722.0	1,148.0	2,762.0	5,629.0	5,117.0	1,819.0	1,239.0	886.0	1,394,624
inflows in acre-feet	79,867	63,966	43,410	39,178	43,652	69,408	166,990	340,328	309,372	109,976	74,910	53,567	
cumulative inflow in ac-ft	79,867	143,834	187,244	226,422	270,073	339,481	506,471	846,799	1,156,171	1,266,147	1,341,057	1,394,624	

=== Part 3 -- WATER RELEASES FROM ASPINALL UNIT -- MODERATE YEAR - 1987

Evaporation in cfs - USBR (1994) SLCA Electric Power Marketing DEIS; pp. C-34 - C-35.													
from Blue Mesa	8.8	4.2	2.5	2.0	2.6	4.9	7.8	14.6	22.8	24.6	18.6	15.2	
from Morrow Point								2.1	14.3	13.6	1.4		
from Crystal													
Total evaporation in ac-ft	532	254	151	121	157	296	472	1,010	2,243	2,310	1,209	919	9,674
Released in cfs from Crystal - USDOE (1994) SLCA Electric Power Marketing DEIS; p. C-35.													
for power	1,763.0	1,429.0	1,285.0	683.0	702.0	748.0	1,763.0	1,763.0	1,763.0	1,763.0	1,763.0	1,763.0	
for other purposes	156.0						489.0	1,815.0	2,069.0	872.0	156.0	153.0	
total released in cfs	1,919.0	1,429.0	1,285.0	683.0	702.0	748.0	2,252.0	3,578.0	3,832.0	2,635.0	1,919.0	1,916.0	
total in acre-feet	116,022	86,397	77,691	41,294	42,443	45,224	136,155	216,325	231,682	159,311	116,022	115,841	1,384,406
cumulative releases in ac-ft	116,022	202,419	280,110	321,404	363,846	409,070	545,226	761,550	993,232	1,152,543	1,268,565	1,384,406	

ASPINALL UNIT OPERATIONS ASSESSMENT page 2 Purpose: examination of Aspinall Unit operations under moderate inflow conditions.
file: aspmod; R. Clark (2JUN94)

	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	TOTALS in acre-feet
=== Part 4 -- ENDANGERED SPECIES FLOWS													
Whitewater Gage Readings --- Average reported annual flow past gage for 83 years is 1.868 million acre-feet with considerable variation - USGS (1992) Water Resources Data.													
Using actual flow pattern from WY 1975 to represent average conditons - USGS (1992), data base.													
Monthly average flow in cfs	1,368.0	1,963.0	1,805.0	1,852.0	1,735.0	1,615.0	2,653.0	6,466.0	5,639.0	2,679.0	1,023.0	1,277.0	1,818,325
Projected habitat requirement at Whitewater Gage desired to meet needs of endangered fish - USFWS (April 1992) Gunnison River Study Flows.													
For moderate year in cfs	1,100.0	1,100.0	1,100.0	1,100.0	1,100.0	1,300.0	3,000.0	6,000.0	5,000.0	1,900.0	1,700.0	1,300.0	1,553,814
Difference between desired flow pattern and actual flow with a negative figure indicating insufficient flow.													
dif. from Whitewater in cfs	268.0	863.0	705.0	752.0	635.0	315.0	-347.0	466.0	639.0	779.0	-677.0	-23.0	
cumulative difference in ac-ft	16,203	68,380	111,004	156,470	194,862	213,906	192,927	221,101	259,735	306,833	265,902	264,511	
Projected requirement at Redlands Power Canal Diversion - 750 cfs for Redlands plus 300 cfs for endangered fish bypass. - USBR (8 Nov 1993) Memo. to Mgt. Committee, p. 1.													
Required in cfs	1,050.0	1,050.0	1,050.0	1,050.0	1,050.0	1,050.0	1,050.0	1,050.0	1,050.0	1,050.0	1,050.0	1,050.0	761,792
Difference between desired flow pattern and actual flow with a negative figure indicating insufficient flow.													
dif. from Whitewater in cfs	318.0	913.0	755.0	802.0	685.0	565.0	1,603.0	5,416.0	4,589.0	1,629.0	-27.0	227.0	
cumulative difference in ac-ft	19,226	74,426	120,073	168,562	209,977	244,136	341,053	668,503	945,952	1,044,441	1,042,809	1,056,533	
=== Part 5 -- COMMITMENTS BELOW CRYSTAL													
These are potential demands for water from Aspinall Unit and not actual releases. They are used for comparison with releases.													
Commitments going through Gunnison Tunnel as reported average - USBR (1990) AB Lateral FEIS p. 99.													
average for irrigation - cfs	464.0	56.0	8.0	11.0	8.0	66.0	624.0	875.0	795.0	914.0	944.0	803.0	
in acre-feet	28,053	3,386	484	665	484	3,990	37,727	52,902	48,065	55,260	57,074	48,549	
cumulative in acre-feet	28,053	31,439	31,923	32,588	33,071	37,062	74,789	127,691	175,756	231,017	288,090	336,640	
hydropower flows in cfs	none												
Total through Tunnel - ac-ft	28,053	31,439	31,923	32,588	33,071	37,062	74,789	127,691	175,756	231,017	288,090	336,640	
Commitments going down Black Canyon in acre-feet -- starting with reported releases in 1993 when inflow was 136.1% of average - USBR (1994) Summary of Actual Releases for 1993.													
Note - these commitments may not vary directly with amount of inflow.													
to rights below Canyon	0	0	8,000	11,300	9,100	0	0	0	0	0	0	0	28,400
to NPS/Endangered Species	35,000	34,100	35,000	18,400	16,700	18,400	123,000	156,000	107,000	22,000	30,000	34,000	629,600
to State of Colorado	21,300	41,600	27,000	1,600	5,300	1,600	21,600	36,000	33,000	30,000	0	23,000	242,000
to Other	0	0	18,000	3,300	23,200	122,200	0	29,700	96,700	55,500	31,000	12,600	392,200
Total down Canyon in acre-feet	56,300	75,700	88,000	34,600	54,300	142,200	144,600	221,700	236,700	107,500	61,000	69,600	1,292,200
av. cfs	931.2	1,252.1	1,157.8	517.7	514.4	330.8	2,391.7	3,175.7	2,315.6	860.1	496.2	942.8	
cumulative in acre-feet	56,300	132,000	220,000	254,600	308,900	451,100	595,700	817,400	1,054,100	1,161,600	1,222,600	1,292,200	

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D. C. 20426

JUN 13 1994

Project No. 7802-005
Rocky Point Pumped
Storage Project
Natural Energy Resources
Company

Mr. Jonathan W. Gottlieb
Reid & Priest
701 Pennsylvania Avenue, N.W.
Suite 800
Washington, DC 20004

Dear Mr. Gottlieb:

On July 31, 1987, Natural Energy Resources Company (NECO) filed a license application for the Rocky Point Project 7802, a 1,000-megawatt pumped storage project, to be located near Rocky Point, Colorado within the Gunnison National Forest.

The project would use the Bureau of Reclamation's (BOR) Taylor Park Reservoir as its lower reservoir. Taylor Park Reservoir is part of the Uncompahgre Valley Reclamation Project. The construction and operation of the project is contingent upon the BOR's approval of the use of its Taylor Park Reservoir.

On June 15, 1992, the staff requested additional information to be submitted within 6 months. On October 20, 1992, NECO filed a request for an extension of time to submit the additional information citing the need to obtain the approval from BOR to use the Taylor Park Reservoir. By letter dated November 5, 1992, NECO was granted 90 days to obtain a final agreement with BOR for the use of the BOR's Taylor Park Reservoir.

On February 2, 1993, NECO requested a 60-day-extension of time stating that: (1) BOR is unwilling to sign a design and operations agreement with NECO until the NEPA process is completed; (2) NECO would have an indication from BOR within a month or two regarding the preferability of an alternative design and, at that time, NECO would inform the Commission whether NECO would adopt the alternative as its preferred design; (3) NECO would enter into and file within 30 to 60 days a BOR-NECO reimbursement and study plan agreement for the alternative design; and (4) at that point, NECO may request the Commission to hold the application in abeyance to conduct the studies under the agreement and prepare an amendment to the application. The extension was granted by letter dated March 2, 1993. The agreement mentioned in item 3 was executed on March 31, 1993.

On July 23, 1993, NECO filed a motion to hold the license

application in abeyance until December 31, 1994, "...to allow NECO sufficient time to develop additional information necessary for the Commission and BUREC [BOR] to properly evaluate the license application for the project". In other words, NECO is requesting an extension of time until December 31, 1994, to conduct the studies mentioned in item 4 in the previous paragraph and submit the additional information the staff requested. The scope of the proposed studies is contained in NECO's PROPOSED STUDIES SCOPE report to BOR dated June 29, 1993, (filed with the Commission on July 6). Under NECO's work schedule, contained in the July 23, 1993, request, it would complete the studies by the end of 1993, conduct the planning and agency consultation in early spring 1994, perform the field work in summer 1994, and submit the additional information requested in our letter of June 15, 1992, by December 31, 1994.

According to a telephone conversation with a NECO representative (Glen Rockwell, May 2, 1994), NECO has not started the studies for BOR referred to in its schedule that it was going to finish by the end of 1993.

This application has been pending for almost seven years, during which time NECO has yet to develop a definite and final project development plan nor does it appear that it will have one in the foreseeable future. NECO's persistent failure to conduct relevant studies and submit additional information is not excused by its pending motion to hold the application in abeyance. Diligent pursuit of these studies might have provided a basis for granting the motion. However those are not the facts before me. Therefore, I am denying NECO's motion of July 23, 1993, and dismissing this application.

This letter is issued under authority delegated to the Director and constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this letter, pursuant to 18 C.F.R. § 385.713.

If you have any questions please contact Héctor M. Pérez at (202) 219-2843.

Sincerely,

Fred E. Springer
Director, Office of
Hydropower Licensing

Upper Gunnison River Water Conservancy District

ANNUAL MEETING

Monday, June 13, 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. Election of Officers for 1994 - 1995.

7:40 p.m. 3. Approval of May 9, 1994 and May 16, 1994 Minutes.

7:45 p.m. 4. Designation of Location for Posting of Public Notices.

7:50 p.m. 5. Consideration of Operational Expenses Paid.

7:55 p.m. 6. Consideration of Other Expenses Payable.

8:00 p.m. 7. Monthly Budget Report. – If Rita is willing as office of Board - shall thought expense

8:05 p.m. 8. Bookkeeping Services. Commendable job - she is responsible for funds - if disagree audit = if paid if need that is appropriate

8:15 p.m. 9. Legal Matters: Task description - Interview authorize to sign Bill & sign and use bookkeeping service.

a. Union Park Project Water Availability Appeal. Evidence?

b. Other Legal Matters. Rocky Point / Adj Rec

8:25 p.m. 10. Taylor Park Water Management Agreement. Taylor File. Hinsdale Co. concern on not reservoir limit Carl

8:30 p.m. 11. 1994 Taylor Park Reservoir Operations. Lake Reservoir 27 June & Lake Canyon

9:00 p.m. 12. June 16, 1994 Public Information Meeting on Aspinall Unit Endangered Species Contract. Meg memo To Aspen File

9:10 p.m. 13. East River 201 Wastewater Facilities Plan. Aug availability of water

9:25 p.m. 14. Miscellaneous Matters. Ski Area mitigation

9:35 p.m. 15. Unscheduled Citizens.

9:40 p.m. 16. Future Meetings.

9:45 p.m. 17. 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.

275 S. Spruce Street • Gunnison, Colorado, 81230 • (303) 641-6065

DRAFT

UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT

SPECIAL BOARD MEETING MINUTES

June 27, 1994

The Board of Directors of the Upper Gunnison River Water Conservancy District conducted a Special Meeting on June 27, 1994 at 7:00 p.m. in the Gunnison County Community Building at the Rodeogrounds, Gunnison, Colorado.

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

Others present were:
Tyler Martineau, Manager
Rita McDermott, Treasurer
Enid Pepperd

1. CALL TO ORDER

President Trampe called the meeting to order at approximately 7:10 p.m. Mr. Trampe stated that the meeting would be a special meeting with the intention of going into executive session for personnel matters.

2. PUBLIC COMMENT CONCERNING MATTERS TO BE DISCUSSED IN EXECUTIVE SESSION

President Trampe asked if there was any public comment that anyone wanted to make concerning the personnel matters to be discussed in executive session. There were no comments.

3. EXECUTIVE SESSION - PERSONNEL MATTERS

Dennis Steckel moved and Doyle Templeton seconded that the board adjourn into executive session. The motion carried.

DRAFT

Enid Pepperd and Tyler Martineau left the meeting prior to the beginning of the executive session.

4. ADJOURNMENT

President Trampe adjourned the board meeting at 8:30 p.m.

Respectfully submitted,

_____

Mark Schumacher, Secretary

APPROVED:

_____

William S. Trampe, President

Upper Gunnison River Water Conservancy District

MEMORANDUM

TO: Board Members,
Upper Gunnison River Water Conservancy District

FROM: Tyler Martineau Tyler

DATE: June 17, 1994

SUBJECT: Rocky Point Project

I received the enclosed letter a few minutes ago. I thought you would want to see it as quickly as possible. I assume Dick Bratton and John McClow will want to brief you on its contents soon.

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

MEMORANDUM ---- March 5, 1994

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

FROM: Ralph E. Clark ~~III~~

SUBJECT: Taylor Park 2nd Fill water management

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INTRODUCTION -- Attached are results from a spreadsheet model prepared for assessment of Taylor Reservoir's operations under various assumed conditions. Sources for assumptions are referenced. Assumptions can be easily changed to permit study of other combinations such as different storage management targets and release patterns. This could improve our understanding and lead to the more effective and efficient use of consultants.

BACKGROUND -- The starting point for this assessment is with operational plans for average, dry, and wet years set out by the BoR in 1982. These plans reflect implementation of the 1975 Agreement. Judge Brown concisely described the exchange accounting principals of the 1975 Agreement in his "availability" decision for the Union Park case. The exchange is driven by water released, not stored, in Taylor Reservoir. In sum, all water released from the beginning of the water year in excess of 20 cfs is credited under the exchange to the UVWUA's first filling. This practice would appear to produce the earliest 1st Fill each year and the largest 2nd Fill.

IMPLICATIONS -- The attached runs from the assessment model suggest:

* The 2nd Fill is "available" (positive values) after July on an average year, does not occur in a dry year, and that the quantity of the 2nd Fill in an average year is small in terms of desired or optimum stream flows. What appears possible is spreading and shifting forward a part of the large flows released in the late summer in the BoR pattern to the winter and early summer months. But, that has consequences to Taylor Reservoir.

* The amount and appearance of the 2nd Fill depends on the particular year's precipitation. However, the water level of Taylor Reservoir, especially in the summer, depends much more on management decisions. One key factor is the amount of storage left in the reservoir at the conclusion of a water year in September and used to begin the next year's operations. Another is the setting of reservoir storage management targets by month with the necessary consideration for flood control.

* Two consecutive years of average flows and with indicated release pattern will result in a very low water level within Taylor Reservoir in the second year (see runs 1 and 5). This points out the need to consider how use of the 2nd Fill could

affect the attractiveness, environmental conditions, and economic activity based upon Taylor Reservoir.

* The amount of carryover storage appears critical. A starting point of 65,000 acre-feet in storage is about optimal for achieving desirable water levels in Taylor Reservoir (see runs 1,4, and 5).

* In a dry year, there would not be a 2nd Fill and water available for augmentation, if the Taylor River drainage experienced the same dry conditions as other parts of the basin. Yet, the BoR's monthly release pattern comes close to achieving the Upper Gunnison's desired flow conditions in 1992 (see run 2).

* The quantity of water made available and consequences of using the 2nd Fill upon Taylor Reservoir will come from decisions made almost a year in advance - especially as to the amount left in storage to start the year and the assumption of average, dry, or wet year conditions in the monthly release pattern. Much can happen in the intervening period between making a decision, committing the water, and seeing the consequence. Some tool such as this model should be used for monitoring and fine tuning. The "real time" data to do this is available.

* There is inherent variability of precipitation between parts of our basin. There is also dependence of 2nd Fill results on management decisions with a large time delay and built in uncertainties. Both suggest caution in expecting consultants to provide us with definitive answers. We need to first refine our questions in the manner of this assessment to ensure the usefulness of work commissioned and results obtained from consultants.

file: triflow R. Clark -- updated 6MAR94

TAYLOR RESERVOIR OPERATIONS ASSESSMENT

Constants 1 cfs for a month equals 60.1 acre-feet
1st. Fill quantity 111,260 acre-feet

AVERAGE	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	TOTAL
Year's flows in acre-feet - (Rocky Point (1987); p. SDR-33, citing USBR Operational Plan 1982)													
Monthly Inflow	6,000	5,000	4,000	4,000	4,000	5,000	8,000	29,000	43,000	19,000	6,000	4,000	137,000
Cummulative Inflow	6,000	11,000	15,000	19,000	23,000	28,000	36,000	65,000	108,000	127,000	133,000	137,000	
Monthly Releases	12,000	9,000	6,000	6,000	6,000	9,000	9,000	9,000	9,000	14,000	24,000	24,000	137,000
av. cfs for month	199.7	149.8	99.8	99.8	99.8	149.8	149.8	149.8	149.8	232.9	399.3	399.3	
Cumulative Releases	12,000	21,000	27,000	33,000	39,000	48,000	57,000	66,000	75,000	89,000	113,000	137,000	

==========

First and Second Fillings - remaining due under 1st fill is negative and available to 2nd fill is positive
with adjustment for 20 cfs bypass (District Court Judgement in 86-CW-226 and 88-CW-178, pp. 35 - 36)

	-100,462	-91,462	-85,462	-79,462	-73,462	-64,462	-55,462	-46,462	-37,462	-23,462	538	24,538

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Taylor Reservoir capacity is 111,260 acre-feet and designed to spill at 106,230 acre-feet
(District Court Judgement 86-CW-226 and 88-CW-178, p. 33)

Reservoir Storage Mgt. Targets - (USBR (1992) CRFS 10/92 Most Probable Water Supply)												
	65,000	63,000	61,000	59,000	57,000	55,000	53,000	68,000	98,000	102,000	96,000	86,000
Starting with contents of: 65,000 acre-feet												
Storage+Inflow-Releases	59,000	55,000	53,000	51,000	49,000	45,000	44,000	64,000	98,000	103,000	84,000	64,000
Releases to meet target	0	0	0	0	0	0	0	0	0	1,000	0	0
Leaving in storage	59,000	55,000	53,000	51,000	49,000	45,000	44,000	64,000	98,000	102,000	84,000	64,000

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For Comparison - in cfs												
UpGun Agreed Flow - 1992	150.0							200.0	233.0	300.0	250.0	300.0
UpGun Agreed Flow - 1993	150.0							400.0	400.0	400.0	325.0	300.0
Optimum Fishery Flow - (see 86-CW-226, p. 37)	100 to 500	100 to 150	100 to 150	100 to 150	100 to 150	100 to 150	300 to 500	300 to 500	300 to 500	500	500	500

Run 1

file: triflow R. Clark -- updated 6MAR94

TAYLOR RESERVOIR OPERATIONS ASSESSMENT

Constants 1 cfs for a month equals 60.1 acre-feet
1st. Fill quantity 111,260 acre-feet

DRY Year's flows in acre-feet - (Rocky Point (1987); p. SDR-33, citing USBR Operational Plan 1982)

	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	TOTAL
Monthly Inflow	9,000	6,000	4,000	4,000	4,000	4,000	8,000	6,000	8,000	7,000	6,000	7,000	73,000
Cummulative Inflow	9,000	15,000	19,000	23,000	27,000	31,000	39,000	45,000	53,000	60,000	66,000	73,000	
Monthly Releases	14,000	8,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	12,000	12,000	12,000	93,000
av. cfs for month	232.9	133.1	83.2	83.2	83.2	83.2	83.2	83.2	83.2	199.7	199.7	199.7	
Cumulative Releases	14,000	22,000	27,000	32,000	37,000	42,000	47,000	52,000	57,000	69,000	81,000	93,000	

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First and Second Fillings - remaining due under 1st fill is negative and available to 2nd fill is positive
with adjustment for 20 cfs bypass (District Court Judgement in 86-CW-226 and 88-CW-178, pp. 35 - 36)

-98,462	-90,462	-85,462	-80,462	-75,462	-70,462	-65,462	-60,462	-55,462	-43,462	-31,462	-19,462

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Taylor Reservoir capacity is 111,260 acre-feet and designed to spill at 106,230 acre-feet
(District Court Judgement 86-CW-226 and 88-CW-178, p. 33)
Reservoir Storage Mgt. Targets - (USBR (1992) CRFS 10/92 Most Probable Water Supply)-

	65,000	63,000	61,000	59,000	57,000	55,000	53,000	68,000	98,000	102,000	96,000	86,000
Starting with contents of: 65,000 acre-feet												
Storage+Inflow-Releases	60,000	58,000	57,000	56,000	55,000	54,000	57,000	54,000	57,000	52,000	46,000	41,000
Releases to meet target	0	0	0	0	0	0	4,000	0	0	0	0	0
Leaving in storage	60,000	58,000	57,000	56,000	55,000	54,000	53,000	54,000	57,000	52,000	46,000	41,000

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For Comparison - in cfs

UpGun Agreed Flow - 1992	150.0							200.0	233.0	300.0	250.0	300.0
UpGun Agreed Flow - 1993	150.0							400.0	400.0	400.0	325.0	300.0
Optimum Fishery Flow - (see 86-CW-226, p. 37)	100 to 500	100 to 150	100 to 150	100 to 150	100 to 150	100 to 150	300 to 500	300 to 500	300 to 500	500	500	500

file: triflow R. Clark -- updated 6MAR94

TAYLOR RESERVOIR OPERATIONS ASSESSMENT

Constants 1 cfs for a month equals 60.1 acre-feet
1st. Fill quantity 111,260 acre-feet

WET	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	TOTAL
Year's flows in acre-feet - (Rocky Point (1987); p. SDR-33, citing USBR Operational Plan 1982)													
Monthly Inflow	9,000	8,000	6,000	6,000	6,000	6,000	12,000	44,000	65,000	29,000	9,000	6,000	206,000
Cummulative Inflow	9,000	17,000	23,000	29,000	35,000	41,000	53,000	97,000	162,000	191,000	200,000	206,000	
Monthly Releases	24,000	9,000	6,000	6,000	9,000	12,000	20,000	20,000	39,000	29,000	24,000	24,000	222,000
av. cfs for month	399.3	149.8	99.8	99.8	149.8	199.7	332.8	332.8	648.9	482.5	399.3	399.3	
Cumulative Releases	24,000	33,000	39,000	45,000	54,000	66,000	86,000	106,000	145,000	174,000	198,000	222,000	

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First and Second Fillings - remaining due under 1st fill is negative and available to 2nd fill is positive
with adjustment for 20 cfs bypass (District Court Judgement in 86-CW-226 and 88-CW-178, pp. 35 - 36)

-88,462	-79,462	-73,462	-67,462	-58,462	-46,462	-26,462	-6,462	32,538	61,538	85,538	109,538

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Taylor Reservoir capacity is 111,260 acre-feet and designed to spill at 106,230 acre-feet
(District Court Judgement 86-CW-226 and 88-CW-178, p. 33)
Reservoir Storage Mgt. Targets - (USBR (1992) CRFS 10/92 Most Probable Water Supply)

	65,000	63,000	61,000	59,000	57,000	55,000	53,000	68,000	98,000	102,000	96,000	86,000
Starting with contents of: 65,000 acre-feet												
Storage+Inflow-Releases	50,000	49,000	49,000	49,000	46,000	40,000	32,000	56,000	82,000	82,000	67,000	49,000
Releases to meet target	0	0	0	0	0	0	0	0	0	0	0	0
Leaving in storage	50,000	49,000	49,000	49,000	46,000	40,000	32,000	56,000	82,000	82,000	67,000	49,000

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For Comparison - in cfs												
UpGun Agreed Flow - 1992	150.0							200.0	233.0	300.0	250.0	300.0
UpGun Agreed Flow - 1993	150.0							400.0	400.0	400.0	325.0	300.0
Optimum Fishery Flow - (see 86-CW-226, p. 37)	100 to 500	100 to 150	100 to 150	100 to 150	100 to 150	100 to 150	300 to 500	300 to 500	300 to 500	500	500	500

Run 3

file: triflow R. Clark -- updated 6MAR94

TAYLOR RESERVOIR OPERATIONS ASSESSMENT

Constants 1 cfs for a month equals 60.1 acre-feet
1st. Fill quantity 111,260 acre-feet

AVERAGE	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	TOTAL
Year's flows in acre-feet - (Rocky Point (1987); p. SDR-33, citing USBR Operational Plan 1982)													
Monthly Inflow	6,000	5,000	4,000	4,000	4,000	5,000	8,000	29,000	43,000	19,000	6,000	4,000	137,000
Cummulative Inflow	6,000	11,000	15,000	19,000	23,000	28,000	36,000	65,000	108,000	127,000	133,000	137,000	
Monthly Releases	12,000	9,000	6,000	6,000	6,000	9,000	9,000	9,000	9,000	14,000	24,000	24,000	137,000
av. cfs for month	199.7	149.8	99.8	99.8	99.8	149.8	149.8	149.8	149.8	232.9	399.3	399.3	
Cumulative Releases	12,000	21,000	27,000	33,000	39,000	48,000	57,000	66,000	75,000	89,000	113,000	137,000	

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First and Second Fillings - remaining due under 1st fill is negative and available to 2nd fill is positive
with adjustment for 20 cfs bypass (District Court Judgement in 86-CW-226 and 88-CW-178, pp. 35 - 36)

	-100,462	-91,462	-85,462	-79,462	-73,462	-64,462	-55,462	-46,462	-37,462	-23,462	538	24,538

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Taylor Reservoir capacity is 111,260 acre-feet and designed to spill at 106,230 acre-feet
(District Court Judgement 86-CW-226 and 88-CW-178, p. 33)

Reservoir Storage Mgt. Targets - (USBR (1992) CRFS 10/92 Most Probable Water Supply)												
	65,000	63,000	61,000	59,000	57,000	55,000	53,000	68,000	98,000	102,000	96,000	86,000
Starting with contents of: 85,000 acre-feet												
Storage+Inflow-Releases	79,000	61,000	59,000	57,000	55,000	51,000	50,000	70,000	102,000	103,000	84,000	64,000
Releases to meet target	14,000	0	0	0	0	0	0	2,000	4,000	1,000	0	0
Leaving in storage	65,000	61,000	59,000	57,000	55,000	51,000	50,000	68,000	98,000	102,000	84,000	64,000

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For Comparison - in cfs												
UpGun Agreed Flow - 1992	150.0							200.0	233.0	300.0	250.0	300.0
UpGun Agreed Flow - 1993	150.0							400.0	400.0	400.0	325.0	300.0
Optimum Fishery Flow - (see 86-CW-226, p. 37)	100 to 500	100 to 150	100 to 150	100 to 150	100 to 150	100 to 150	300 to 500	300 to 500	300 to 500	500	500	500

Pun 4

file: triflow R. Clark -- updated 6MAR94

TAYLOR RESERVOIR OPERATIONS ASSESSMENT

Constants 1 cfs for a month equals 60.1 acre-feet
1st. Fill quantity 111,260 acre-feet

AVERAGE	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	TOTAL
Year's flows in acre-feet - (Rocky Point (1987); p. SDR-33, citing USBR Operational Plan 1982)													
Monthly Inflow	6,000	5,000	4,000	4,000	4,000	5,000	8,000	29,000	43,000	19,000	6,000	4,000	137,000
Cummulative Inflow	6,000	11,000	15,000	19,000	23,000	28,000	36,000	65,000	108,000	127,000	133,000	137,000	
Monthly Releases	12,000	9,000	6,000	6,000	6,000	9,000	9,000	9,000	9,000	14,000	24,000	24,000	137,000
av. cfs for month	199.7	149.8	99.8	99.8	99.8	149.8	149.8	149.8	149.8	232.9	399.3	399.3	
Cumulative Releases	12,000	21,000	27,000	33,000	39,000	48,000	57,000	66,000	75,000	89,000	113,000	137,000	

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First and Second Fillings - remaining due under 1st fill is negative and available to 2nd fill is positive
with adjustment for 20 cfs bypass (District Court Judgement in 86-CW-226 and 88-CW-178, pp. 35 - 36)

	-100,462	-91,462	-85,462	-79,462	-73,462	-64,462	-55,462	-46,462	-37,462	-23,462	538	24,538

==========

Taylor Reservoir capacity is 111,260 acre-feet and designed to spill at 106,230 acre-feet
(District Court Judgement 86-CW-226 and 88-CW-178, p. 33)

Reservoir Storage Mgt. Targets - (USBR (1992) CRFS 10/92 Most Probable Water Supply).

	65,000	63,000	61,000	59,000	57,000	55,000	53,000	68,000	98,000	102,000	96,000	86,000
Starting with contents of: 45,000 acre-feet												
Storage+Inflow-Releases	39,000	35,000	33,000	31,000	29,000	25,000	24,000	44,000	78,000	83,000	65,000	45,000
Releases to meet target	0	0	0	0	0	0	0	0	0	0	0	0
Leaving in storage	39,000	35,000	33,000	31,000	29,000	25,000	24,000	44,000	78,000	83,000	65,000	45,000

==========

For Comparison - in cfs												
UpGun Agreed Flow - 1992	150.0							200.0	233.0	300.0	250.0	300.0
UpGun Agreed Flow - 1993	150.0							400.0	400.0	400.0	325.0	300.0
Optimum Fishery Flow - (see 86-CW-226, p. 37)	100 to 500	100 to 150	100 to 150	100 to 150	100 to 150	100 to 150	300 to 500	300 to 500	300 to 500	500	500	500

Run 5

What Effect Will 201 Study Alternatives Have on Stream Flows in the Slate River and Upper East River

The following table shows the average monthly flows that would return to the Slate River and Upper East River during the peak and low flow seasons for each alternative. The peak season flow information has been obtained from Table 5-1 of the draft Upper East River Valley Areawide 201 Facilities Plan. Low season flows are assumed to be one-half of peak season flows based upon existing seasonal occupancy patterns and existing seasonal infiltration and inflow to wastewater treatment plants.

	Peak Wastewater Flow Season: December - July		Low Wastewater Flow Season: August - November	
Year & Alternative	Wastewater Return Flows to the Slate River (cfs)	Wastewater Return Flows to the Upper East River (cfs)	Wastewater Return Flows to the Slate River (cfs)	Wastewater Return Flows to the Upper East River (cfs)
1993 - Existing Plants				
Mt. Crested Butte	0.70	0.00	0.35	0.00
Meridian Lake Park	0.02	0.00	0.01	0.00
Town of Crested Butte	0.70	0.00	0.35	0.00
East River Sanitation	0.00	0.06	0.00	0.03
Total	1.42	0.06	0.71	0.03
2013 - Alternative 1 or 2				
Mt. Crested Butte	1.88	0.00	0.94	0.00
Meridian Lake Park	0.05	0.00	0.03	0.00
Town of Crested Butte	0.86	0.00	0.43	0.00
East River Sanitation	0.00	0.26	0.00	0.13
Total	2.79	0.26	1.37	0.13

2013 - Alternative 3

Mt. Crested Butte	0.00	1.88	0.00	0.94
Meridian Lake Park	0.00	0.05	0.00	0.03
Town of Crested Butte	0.00	0.86	0.00	0.43
East River Sanitation	0.00	0.26	0.00	0.13
Total	0.00	3.05	0.00	1.53

2013 - Alternative 4

Mt. Crested Butte	0.00	0.00	0.00	0.00
Meridian Lake Park	0.00	0.00	0.00	0.00
Town of Crested Butte	0.00	0.00	0.00	0.00
East River Sanitation	0.00	0.00	0.00	0.00
Total	0.00	0.00	0.00	0.00

Alternative 4 would not return any flows to the Slate River or Upper East River since all treated wastewater would be returned to the East River below Crested Butte South.

2013 - Alternative 5

Mt. Crested Butte	0.00	1.88	0.00	0.94
Meridian Lake Park	0.00	0.05	0.00	0.03
Town of Crested Butte	0.86	0.00	0.43	0.00
East River Sanitation	0.00	0.26	0.00	0.13
Total	0.86	2.19	0.43	1.10

Note: The amount of change in return flows to the Slate River brought about by selecting any one of the alternatives will be equal to the difference between the future return flow to the Slate River for that alternative and the existing return flow to the Slate River. For example, during the low season Alternative 3 will result in a reduction of 0.71 cfs in return flows in the Slate River. Increases in return flows to the East River brought about by selecting Alternative 3 or 5 will occur as a result of two factors: 1) Transfer of return flows from the Slate River to the East River, and 2) Population growth in Mt. Crested Butte will result in increases in diversions from the East River which in turn will create additional returns to the East River.

What are the Monthly Flows in the Slate River Near Crested Butte and in the East River Near Crested Butte in Average and Dry Years

Flows were measured by the U. S. Geological Survey on the Slate River 0.5 miles below the confluence with Coal Creek and on the East River 1.2 miles below the confluence with Brush Creek between 1941 and 1950. The average of the annual discharges for 1941-1950 for the East River At Almont is close to the long term average annual runoff recorded at Almont since 1911. Based upon the long-term streamflow record at the East River At Almont, the 10 year averages at the Slate River Near Crested Butte and the East River Near Crested Butte for the period 1941-50 are assumed to approximate the long term average on the Slate and Upper East Rivers respectively. Caution: Changes in diversions and return flow patterns have most likely altered flows in the Slate and East Rivers in recent years.

Average Year Flows at the Slate River Near Crested Butte Gage Site (based upon streamflows measured 1941-50)

Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
28.2	22.0	14.6	10.7	9.6	12.6	128.6	542.2	621.3	202.3	47.3	22.9

Average Year Flows at the East River Near Crested Butte Gage Site (based upon streamflows measured 1941-50)

Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
46.0	35.2	26.4	21.0	18.7	20.1	86.0	413.4	602.7	260.6	86.3	51.2

1989 has been selected by the U. S. Bureau of Reclamation as a moderately dry year for water supply planning purposes in the Gunnison basin. Streamflows on the Slate River Near Crested Butte and the East River Near Crested Butte for 1989 have been estimated based upon USGS measurements of streamflow made at the East River At Almont.

USGS Measurements of Monthly Mean Discharge in cfs - East River At Almont

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
1989	82.5	87.8	65.9	51.1	54.7	88.5	460.0	845.0	853.0	281.0	195.0	73.4

Slate River Near Crested Butte Discharge as a Percentage of East River At Almont Discharge

Average	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
1941-50	24.8	22.4	20.1	17.4	15.9	21.7	45.5	51.4	47.4	39.1	21.5	22.0

East River Near Crested Butte Discharge as a Percentage of East River At Almont Discharge

Average	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
1941-50	43.3	36.6	36.8	34.0	30.8	34.5	31.6	39.1	46.0	50.8	40.3	50.7

Estimated Dry Year Monthly Mean Discharge in cfs at the Slate River Near Crested Butte Gage Site

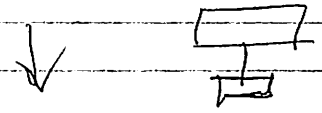
	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
1989	**20.5**	**19.6**	**13.3**	**8.9**	**8.7**	**19.2**	**209.2**	**434.5**	**404.4**	**110.0**	**41.8**	**16.2**

Estimated Dry Year Monthly Mean Discharge in cfs at the East River Near Crested Butte Gage Site

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
1989	**35.7**	**32.1**	**24.3**	**17.4**	**16.8**	**30.5**	**145.2**	**330.1**	**392.0**	**142.7**	**78.7**	**37.2**

Contact in reorganizing Dept. Purpose.
Coordinated Tariff -

approval
Mitzahut



Tariff -
Results of Exchange

Legal Services -
Tariff -
House Council -
12 Legal Council -

Hill
argument

Unrealistic Expectations
Change
Constraints -

Tariffs - Triage - fixed cost.
Endorse Raymond -

Peter Smith

Mitzahut

8% Delta 7% Moratorium -

11th April.