

OPERATIONAL EXPENSES PAID

| | | |
|-------------------|---|----------|
| February 14, 1994 | U. S. West Communications-office phone | \$120.50 |
| February 28, 1994 | Saguache Crescent-2 legal notices | 26.23 |
| February 28, 1994 | Silver World Publishing-legal notices for vacancy | 70.12 |
| February 28, 1994 | The Trophy Shop-gavel & plaque | 90.24 |
| February 28, 1994 | State Farm Insurance-health insurance premium-Tyler Martineau | 237.90 |
| February 28, 1994 | Colo. Compensation Insurance-audit adjustment for 1/1/92-1/1/93 | 199.00 |
| February 28, 1994 | Colo. Compensation Insurance-audit adjustment for 1/1/93-1/1/94 | 217.00 |
| February 28, 1994 | Tyler Martineau-net salary for pay period 2/1/94-2/28/94 (gross salary \$3,775.64) | 2,606.70 |
| February 28, 1994 | Patrice Thomas-net wages for pay period 2/1/94-2/28/94 (gross wages \$960.25/83.5 hrs) | 646.73 |
| February 28, 1994 | Rita McDermott-net salary for pay period 2/1/94-2/28/94 (gross salary \$300.00) | 225.00 |
| February 28, 1994 | First National Bank-FWT & FICA-February | 1,702.55 |

OTHER EXPENSES PAYABLE

March 14, 1994 Scheduled Meeting:

| | | |
|-------------------------------------|--|----------|
| Bob Arnold | attendance-\$25 | \$25.00 |
| Ralph Clark III | attendance-\$25 | 25.00 |
| Susan Allen Lohr | attendance-\$25 & 72 mi.@.25-\$18 | 43.00 |
| Ramon Reed | attendance-\$25 | 25.00 |
| Mark Schumacher | attendance-\$25 & 20 mi.@.25-\$5 | 30.00 |
| Peter Smith | attendance-\$25 | 25.00 |
| Lee Spann | attendance-\$25 & 6 mi.@.25-\$1.50 | 26.50 |
| Dennis Steckel | attendance-\$25 | 25.00 |
| Doyle Templeton | attendance-\$25 & 64 mi.@.25-\$16 | 41.00 |
| William Trampe | attendance-\$25 & 14 mi.@.25-\$3.50 | 28.50 |
| Purvis Vickers | attendance-\$25 & 120 mi.@.25-\$30 | 55.00 |
| Bratton & McClow | 2/28/94 invoice | 3,772.46 |
| Williams, Turner, & Holmes, P.C. | 1/31/94 invoice - Upper Gunnison/ Arapahoe/Hydropower | 375.00 |

**ATTORNEY INVOICES RECEIVED AND PAID
1994**

Bratton and McCloy

| 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 |

Williams, Turner, & Holmes, P.C.

| Invoice Date | Amount | Date Paid | Budget Year Expended |
|--------------|--------|-----------|----------------------|
|--------------|--------|-----------|----------------------|

Helton & Williamsen, P.C.

| Invoice Date | Amount | Date Paid | Budget Year Expended |
|--------------|--------|-----------|----------------------|
|--------------|--------|-----------|----------------------|

| | | | | |
|----------------------|---------|----------|---------|------|
| Engineering Services | 12/7/93 | \$553.88 | 1/10/94 | 1993 |
|----------------------|---------|----------|---------|------|

| | | | | |
|-----------------|--|--------------------|--|--|
| Total Disbursed | | <u>\$34,476.49</u> | | |
|-----------------|--|--------------------|--|--|

| | | | | |
|-----------------------------|--|---|--|--|
| Total Disbursed-1994 Budget | | \$15,882.31 | | |
|-----------------------------|--|---|--|--|

UGRWCD
FINANCIAL DATA-2/1/94 THRU 2/28/94

Balance on Hand - January 31, 1994

| | | |
|----------------------------|-------------|---------------------|
| Checking Account | \$14,804.07 | |
| Petty Cash | 100.00 | |
| Time C.D.-FNB | 2,727.56 | |
| Time C.D.-Wetlands Fund | 946.25 | |
| Money Maker-GS&L | 41,742.18 | |
| Time C.D.-FNB-Lake City | 41,835.52 | |
| Passbook Svgs-CB St. Bank | 40,586.15 | |
| Passbook Svgs-FNB | 16,321.98 | |
| Accts. Payable/CWT | -211.86 | |
| TOTAL FUNDS 1/31/94 | | \$158,851.85 |

Tax Receipt Collections thru January

| | | |
|--------------------|----------|--|
| Real Estate | \$536.87 | |
| Specific Ownership | 1,197.84 | |
| Interest | 12.76 | |

Note: Treasurers' Fees are included \$1,747.47

January Tax Receipt Collections Paid in February

| | | |
|--------------------|------------|--|
| Real Estate | \$6,482.97 | |
| Specific Ownership | 1,218.43 | |
| Interest | 1.05 | |

Note: Treasurers' Fees are included \$7,702.45

Transfer from Passbook Svgs-FNB \$15,820.00

Interest on Investments received in February 164.48
TOTAL TO DATE **\$166,718.78**

Total Disbursements thru 2/28/94 **35,697.19**
TOTAL FUNDS 2/28/94 **\$131,021.59**

Balances as of 2/28/94

| | | INTEREST RATES | MATURITY DATES |
|--|---------------------|-------------------|-------------------|
| Checking Account | \$2,915.79 | 2.25% | |
| Petty Cash | 100.00 | | |
| Time C.D.-FNB of Gunnison (1 yr.) | 2,727.56 | 3.50% | 1/18/95 |
| Time C.D.-Wetlands-FNB of Gunnison (1 yr.) | 949.06 | 3.50% | 8/16/94 |
| Money Maker-GS&L | 41,857.55 | 3.25% | |
| Time C.D.-FNB of Lake City (6 mo.) | 41,835.52 | 3.59% | 4/4/94 |
| Passbook Savings-C.B. State Bank | 40,586.15 | 3.00% | |
| Passbook Savings-FNB of Gunnison | 501.98 | 3.00% | |
| Accts. Payable/Colo. Withholding Tax | -452.02 | | |
| TOTAL FUNDS 2/28/94 | \$131,021.59 | | |

UGRWCD BUDGET SUMMARY-FEBRUARY 1994

| | <u>FEBRUARY</u> <u>EXPENSE</u> | <u>YEAR -TO- DATE</u> <u>AS OF 2/28/94</u> | <u>1994 BUDGET</u> | <u>% EXPENDED</u> |
|---|-----------------------------------|---|---------------------|-------------------|
| Administrative Salary | \$3,775.64 | \$7,168.47 | \$47,500.00 | 15% |
| Secretary Salary | 960.25 | 1,943.50 | 14,000.00 | 14% |
| Board Treasurer Salary | 300.00 | 600.00 | 4,000.00 | 15% |
| Payroll Taxes & Benefits | 1,039.15 | 1,454.85 | 8,500.00 | 17% |
| Staff Conference & Training | 0 | 0 | 500.00 | 0% |
| Legal Exp & Eng. Related | 27,882.31 | 34,476.49 | 70,000.00 | 49% |
| Audit & Accounting | 0 | 0 | 1,200.00 | 0% |
| Engineering Services | 0 | 0 | 10,000.00 | 0% |
| Rent & Utilities | 0 | 0 | 1,500.00 | 0% |
| Stream Gages O&M | 0 | 0 | 12,800.00 | 0% |
| Stream Gages Construction | 0 | 0 | 4,000.00 | 0% |
| Bonding | 0 | 50.00 | 200.00 | 25% |
| Insurance/Premises | 0 | 341.00 | 300.00 | 114% |
| Office Telephone | 120.50 | 242.77 | 2,500.00 | 10% |
| Legal Printing | 96.35 | 122.70 | 1,400.00 | 9% |
| Administrative Travel | 0 | 201.09 | 3,000.00 | 7% |
| Board of Directors Travel | 0 | 0 | 500.00 | 0% |
| Office Supplies | 0 | 212.77 | 1,500.00 | 14% |
| Postage | 0 | 260.00 | 1,200.00 | 22% |
| Copying | 0 | 0 | 1,200.00 | 0% |
| Publications Acquisition | 0 | 46.00 | 500.00 | 9% |
| Office Equipment | 0 | 0 | 1,000.00 | 0% |
| Board of Directors Fees | 800.00 | 1,050.00 | 5,000.00 | 21% |
| Board of Directors Mileage | 421.50 | 490.50 | 1,400.00 | 35% |
| Uncompahgre Water Users | 0 | 3,000.00 | 3,000.00 | 100% |
| Taylor Park Water Management | 0 | 284.60 | 10,000.00 | 3% |
| CWC Membership | 0 | 400.00 | 500.00 | 80% |
| WSC Water Workshop | 0 | 0 | 1,200.00 | 0% |
| Promotion & Guest Expense | 90.24 | 90.24 | 1,700.00 | 5% |
| County Treasurer's Fees | 211.25 | 235.92 | 7,000.00 | 3% |
| Subtotals | <u>\$35,697.19</u> | <u>\$52,670.90</u> | <u>\$217,100.00</u> | 24% |
| Contingency | | | 10,000.00 | 0% |
| Emergency Reserves | | | 2,500.00 | 0% |
| Water Resource Protection & Development Reserves | | | 1,928.00 | 0% |
| Totals | <u>\$35,697.19</u> | <u>\$52,670.90</u> | <u>\$231,528.00</u> | 23% |

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

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

February 28, 1994

Professional services:

Administrative

- 01/31/94 SLP Revise lease per letter from Dave Baumgarten;
discuss same with Dick Bratton
- 02/03/94 SLP Preparation of letter to David Baumgarten re:
clarifications to lease with County
- 02/05/94 LRB Review minutes of meetings of 12/6/93, 1/10/94 and
1/24/94
- 02/14/94 LRB Attend monthly Board Meeting in Lake City
- 02/16/94 SLP Preparation of letter to Tyler Martineau re: lease
with County; review lease
- 02/26/94 LRB Review minutes of meeting of 2/14/94

*for 1500
annual lease*
*Budget item
of 1500*
*mostly to
reg lease
compare with
other
Admin*

*where are
they*

Amount

SUBTOTAL: [962.50]

Dominguez Reservoir

- 01/31/94 LRB Status conference call with Judge Oscella and other
attorneys re: Motion for Declaratory Ruling in Case
No. 429 (Dominguez Reservoir)

SUBTOTAL: [62.50]

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

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

C W C B - transfer cond rights case

02/20/94 LRB Review Arapahoe brief

Amount

SUBTOTAL: [93.75]

Availability - Appeal

02/11/94 LRB Telephone conferences with Andy Williams (2), Ken Spann, Andy Mergen, David Baumgarten re: Northern Colorado brief; review Northern brief

SUBTOTAL: [137.50]

Augmentation

02/02/94 JRH Draft memo re: augmentation

Do we have?

02/03/94 JRH Telephone conference with Tyler Martineau and Dick Bratton

02/05/94 JRH Draft memo

JRH Draft memo

02/06/94 LRB Revise memo on Augmentation, Exchange

02/07/94 JRH Revise memo

LRB Revise memo re: Augmentation/Exchanges; conference with Bill and Tyler to review, revise memo

02/08/94 LRB Revise memo on Augmentation/Exchanges

SUBTOTAL: [1,231.25]

For professional services rendered \$2,487.50

Itemization of costs

| | |
|----------------------------------|--------|
| -Long distance telephone expense | 54.97 |
| -Westlaw research charges | 7.32 |
| -Telecopier expense | 304.00 |

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

| | <u>Amount</u> |
|--|---------------|
| SUBTOTAL: | [366.29] |
| <u>Availability - Appeal</u> | |
| -Telephone conference call on 12/22/93 | 291.08 |
| -Telephone conference call on 12/28/93 | 627.59 |
| | <hr/> |
| SUBTOTAL: | [918.67] |
| | <hr/> |
| Total costs | \$1,284.96 |
| | <hr/> |
| Total amount of this bill | \$3,772.46 |
| Previous balance | \$27,882.31 |
| 02/15/94-Payment - thank you | (\$27,882.31) |
| | <hr/> |
| Balance due | \$3,772.46 |
| | <hr/> |

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

| | <u>Amount</u> |
|---|---------------|
| For professional services rendered | \$18,556.25 |
| Itemization of costs | |
| -Lodging in Denver, 12/2/93, Dick Bratton | 43.76 |
| -Westlaw research charges | 667.60 |
| -Meals while in Denver (Dick Bratton - 1/4/94) | 35.92 |
| -Airfare to Denver and return, 1/3/94 - Dick Bratton | 378.00 |
| -Photocopies from Xerox Xpress | 32.40 |
| -Photocopier expense | 864.90 |
| -Long distance telephone expense | 130.79 |
| -Postage expense | 90.19 |
| -Photocopies from Savage Library at WSC | 10.50 |
| -U.P.S. delivery charges | 72.00 |
| | <hr/> |
| Total costs | \$2,326.06 |
| | <hr/> |
| Total amount of this bill | \$20,882.31 |
| Previous balance | \$18,040.30 |
| 01/13/94-Payment - thank you | (\$6,040.30) |
| 01/28/94-Credit - adjustment of fees | (\$5,000.00) |
| | <hr/> |
| Total payments | (\$11,040.30) |
| | <hr/> |
| Balance due | \$27,882.31 |
| | <hr/> |

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

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

OPERATIONAL EXPENSES PAID

| | | |
|------------------|--|----------|
| January 10, 1994 | Colorado State Treasurer-4th Qtr. Unemployment Insurance Tax | \$ 57.97 |
| January 10, 1994 | U. S. West Communications-office phone | 122.27 |
| January 31, 1994 | U. S. Postmaster-5 rolls of .29 stamps and 5 rolls of .23 stamps | 260.00 |
| January 31, 1994 | Colorado Dept. of Health-1994 newsletter subscription | 40.00 |
| January 31, 1994 | Division of Wildlife-rule making notice, agenda, and miscellaneous chapters | 6.00 |
| January 31, 1994 | Valley Insurance Agency-bond renewal for Tyler Martineau | 50.00 |
| January 31, 1994 | Farmers Insurance Group-commercial liability & property | 341.00 |
| January 31, 1994 | The Paper Clip-office supplies | 212.77 |
| January 31, 1994 | Silver World Publishing-Dec. meeting notice | 14.60 |
| January 31, 1994 | Chronicle & Pilot-Dec. meeting notice | 11.75 |
| January 31, 1994 | Tyler Martineau-Jan. direct administrative travel | 201.09 |
| January 31, 1994 | Tyler Martineau-net salary for pay period 1/1/94-1/31/94 (gross salary \$3,392.83) | 2,385.17 |
| January 31, 1994 | Patrice Thomas-net wages for pay period 1/1/94-1/31/94 (gross wages \$983.25/85.5 hrs) | 662.22 |
| January 31, 1994 | Rita McDermott-net salary for pay period 1/1/94-1/31/94 (gross salary \$300.00) | 251.45 |
| January 31, 1994 | First National Bank-FWT & FICA-January | 1,523.11 |

OTHER EXPENSES PAYABLE

January 5, 1994 Special Meeting and January 24, 1994 Special Meeting:

| | | |
|------------------|---|---------|
| Bob Arnold | attendance-\$25 x 2 | \$50.00 |
| Ralph Clark III | attendance-\$25 x 2 | 50.00 |
| Susan Allen Lohr | attendance-\$25 & 72 mi.@.25-\$18 x 2 | 86.00 |
| Ramon Reed | attendance-\$25 x 2 | 50.00 |
| Mark Schumacher | attendance-\$25 & 20 mi.@.25-\$5 x2 | 60.00 |
| Peter Smith | attendance-\$25 x 2 | 50.00 |
| Lee Spann | attendance-\$25 & 6 mi.@.25-\$1.50 x 2 | 53.00 |
| Dennis Steckel | attendance-\$25 x 2 | 50.00 |
| Doyle Templeton | attendance-\$25 & 64 mi.@.25-\$16 x 2 | 82.00 |
| William Trampe | attendance-\$25 & 14 mi.@.25-\$3.50 x 2 | 57.00 |
| Purvis Vickers | attendance-\$25 & 120 mi.@.25-\$30 x 2 | 110.00 |

February 14, 1994 Scheduled Meeting in Lake City, CO:

| | | |
|------------------|---------------------------------------|---------|
| Bob Arnold | attendance-\$25 & 110 mi.@.25-\$27.50 | \$52.50 |
| Ralph Clark III | attendance-\$25 & 110 mi.@.25-\$27.50 | 52.50 |
| Susan Allen Lohr | attendance-\$25 & 182 mi.@.25-\$45.50 | 70.50 |
| Ramon Reed | attendance-\$25 & 110 mi.@.25-\$27.50 | 52.50 |
| Mark Schumacher | attendance-\$25 & 130 mi.@.25-\$32.50 | 57.50 |
| Peter Smith | attendance-\$25 & 110 mi.@.25-\$27.50 | 52.50 |
| Lee Spann | attendance-\$25 & 104 mi.@.25-\$26.00 | 51.00 |
| Dennis Steckel | attendance-\$25 & 110 mi @.25-\$27.50 | 52.50 |
| Doyle Templeton | attendance-\$25 & 174 mi.@.25-\$43.50 | 68.50 |
| William Trampe | attendance-\$25 & 124 mi.@.25-\$31.00 | 56.00 |
| Purvis Vickers | attendance-\$25 & 10 mi.@.25-\$ 2.50 | 27.50 |

| | | |
|------------------|------------------------------------|------------------|
| Bratton & McClow | December balance still outstanding | \$12,000.00 |
| | January balance for current work | <u>15,882.31</u> |
| | Total Balance Outstanding | 27,882.31 |

From folks here to, People coming because of environment.

Blue Book & FERC addressed environment -

Vote for brief unity

many plus

Here became ranchers - beautiful valley.

all contributed - endorsement to protect

Polly Spaul - getting far afield. approval of brief not strong enough.

Environmental concerns coming through to get on board

Ken Spaul

at 20 eight years. Before you is law as taught from Boulder

Calif. and Brief asking Colo Sup Court to adopt public trust doctrine in Colo. How it was done in Calif. effort to draw line in brief. Different kind of trigger.

Can you voting as Board guarantee right guarantee that all considerations not come to hear. Cooper - will affect.

Cost of doing this on to buyers

Can we assure where lines drawn.

This board officially opposed position.

How you look when going back to Brown.

If vote to support - please make it clear as to unappropriate either

to make basin wide argumentation

- will cost more money

ask court put clear standards

who has burden - to go forth. to satisfy.

who has ultimate burden -

go to legislature with this

Certain elements waited for 15 years will draw file. Not sure this make a case to Supreme court.

Cost

Credibility challenged

Standards inappropriate

Make it perspective only
→ apply to new water rights

Gay.

Tried to stay with condition not do Public Trust.

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Appreciate the

generosity

Interpretation

Count of

Commitments

Great

dedication

ing

Proof of

balancing

East

Board in

Case Law

Change

Commitment

Look at this

Board's Commitment

of which is

Look at them

people need to raise capital.
Kendall on new investment - and will differ
as making with others. - Not need relationship
Commit has opportunity to do similar
May not make much difference
government's claim every day.
not ~~with~~ what court.

Phyllis - opponent's investigation of which explanation
and depends on opposition.

Game - Big things we care about.

Some things - quantifying

one critical national resource and the destroyed
to destroy another.

We're interested in things. Court on East Bank
learn. Always assumed good another trial

apple. Can and vice

a great deal of proof is comparable to Phyllis
is a similar comparison permit

changed but all apple

Rise of apple. proper case mitigation

for - do not be misled - This is wedge to drive into
data with case of change -

and all any change - even capital or

commitment put.

County got more decision for Committee Court

more support.

City money used in of team D. etc

Not a step of M.D.

This is not about environment.

Apparatus for
Experiment

1. A large glass jar or beaker
2. A smaller glass jar or beaker
3. A piece of paper
4. A candle
5. A matchstick

Procedure

1. Place the candle in the jar

2. Light the candle

3. Place the smaller jar over the candle

4. Wait for a few minutes

5. Observe the water level

6. Record the result

Observation: The water level in the smaller jar rises as the candle burns.

Conclusion: The air inside the jar is consumed during the combustion of the candle.

Precautions: 1. Do not touch the candle when it is lit.

2. Do not place the jar on a flammable surface.

3. Use a non-flammable surface.

4. Do not breathe the fumes.

5. Do not touch the jar when it is hot.

6. Use a matchstick to light the candle.

7. Do not leave the candle unattended.

8. Do not use a glass jar with a crack.

9. Do not use a candle with a large flame.

10. Do not use a candle with a wick that is too long.

Result

The water level in the smaller jar rises.

This shows that the air is consumed.

Discussion: The experiment shows that the air inside the jar is consumed during the combustion of the candle.

This is because the oxygen in the air is used up.

As a result, the pressure inside the jar decreases.

Therefore, the water level rises.

Conclusion: The experiment proves that the air is consumed during the combustion of the candle.

This is because the oxygen in the air is used up.

As a result, the pressure inside the jar decreases.

Therefore, the water level rises.

Conclusion

The experiment shows that the air is consumed during the combustion of the candle.

This is because the oxygen in the air is used up.

As a result, the pressure inside the jar decreases.

Therefore, the water level rises.

Conclusion: The experiment proves that the air is consumed during the combustion of the candle.

Rowan - -

Do we support concept of HCCA.

Do we want to participate in U.S. Appeal

Should any considerations be included in determining.

Should the court consider environment.

does not matter who or what sign

Environment is valid consideration.

If we as board say no
Not matter us or them.

See concerns ~~are~~ addressed early in process
ridiculous amount of money and time
spent on 2 Forbs.

Burden -

Environment groups don't have any more money
than developers.

Brown court - might

Park - all these things resolved. until Gen Co.

River District in Glenwood Sp.

On board lots of attorneys -

- Some matter to be resolved by legislative
direct opposition to brief.

Politics.

P.

Bill Troupe - we kept options open.

Take away options - in ability to use resources
no guarantee. - Not expanded. to Calif

Max use begins to deny right to use water.

Has feel of whether whether water is available.

he builds structure and direct

If max use - no idea

lots of grass area.

Balanced

How to do

show we
look at
impact.

Limitation

In interpretation
or application

Burden
shows impact
Balance

Look at whole
picture
what this

Do guarantee
Brown.

will change

May use is
there

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Need water for environment

when have fast growth and balanced econ
if increase further appropriation.

Target another source. As water.
Five premises for legislation to get at this
issue.

Common ground used by everyone.
Need

Soi - Right tool, Heck brought
Please consider what this does to our
environment. Still learning
Glen Canyon Dam.

Need sophisticated approach.
all opposers - coalition -

about

Water Board to protect

Not tried common sense of gov.

Now specific environmental standard
when we are on gas.

What is reasonable and how.

No standards to apply - could eliminate the
small ones.

water.

ability to
used for
env. in
positive
or
neg.

for unjudged
reason.

Max use on
one side
of ledger

"Balance"

Speculation in
water market.

Perspective

Right tool

→ Paid up. Ben
Murray

Not to sacrifice

Do no harm

- Small operator

Proof.
economic value

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DRAFT

UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT

SPECIAL BOARD MEETING MINUTES

January 24, 1994

The Board of Directors of the Upper Gunnison River Water Conservancy District conducted a Special Meeting on January 24, 1994 at 1:00 p.m. in the Multi-Purpose Building at the Rodeo Grounds, Gunnison, Colorado.

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

Others present were:

L. Richard Bratton, Board Attorney
John McClow, Board Attorney
Tyler Martineau, Manager
Patrice Thomas, Office Secretary
Marija Vader, Gunnison Country Times Reporter
Laura Anderson, Crested Butte Chronicle/Pilot Reporter
Judy Clark, Citizen
Diane Lothamer, City of Gunnison
Duane Phelps, Gunnison County Stockgrowers
Stan Irby, Gunnison County Stockgrowers
Gerald Lain, POWER
Steve Glazer, HCCA
Marsha Julio, POWER
Enid Peppard, KKYY
Lynnee Preston, Citizen
Carl Miller, Gunnison County Stockgrowers
Greg Peterson, Gunnison County Stockgrowers
Bob Irby, Rancher
Joe Vader, Rancher
Palmer Vader, Rancher
Polly Spann, Rancher
Phyllis Guerrieri, Rancher and League of Women Voters
Ken Spann, Gunnison County Stockgrowers

1. CALL TO ORDER

President Trampe called the meeting to order at approximately 1:13 p.m. and announced that the purpose of the meeting was to develop a board position on the maximum use brief filed by High Country Citizens Alliance.

2. DEVELOPMENT OF UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT POSITION ON MAXIMUM USE BRIEF

President Trampe asked Dick Bratton to present the background for the issues which arise in consideration of the maximum use doctrine by the board.

Mr. Bratton referred the board to the memorandum mailed by him and John McClow to the board on January 19, 1994 and the supplemental memorandum distributed today which provides a definition of maximum use within the historical context.

Dick Bratton reviewed the maximum use doctrine summary with a description as advocated by the High Country Citizens Alliance(HCCA) in the brief which they filed. Mr. Bratton said one critical issue for consideration of maximum use is what constitutes beneficial use of water. Mr. Bratton reminded that water availability under the "can and will" doctrine is the issue in the Supreme Court appeal in this case. HCCA has stated that it decided to pursue the maximum use issue as a back stop in the event the court remands the case on the availability issue.

Dick Bratton then reviewed the options before the board as presented in the January 19,1994 memorandum. Mr. Bratton also reported to the board that the Colorado River Water Conservation District decided to file an opposing brief. Mr. Bratton reported that the Northern Colorado Water Conservancy District had previously stayed out of the case but decided to file an opposing brief to the maximum use brief filed by High Country Citizens Alliance.

President Trampe thanked Mr. Bratton for the background information and asked for public comment.

Gary Sprung representing the High Country Citizens Alliance gave a general summary of his view of the historical development of the western United States of America. He also reviewed his perspective of the current federal changes toward public land use. He then reviewed his interpretation of the development of Colorado law regarding unappropriated water.

Gary Sprung said that the High Country Citizens Alliance(HCCA) effort is based on the premise that there ought to be a determination that the transfer of public water to a private water right is in the public interest and that transmountain diversion is clearly against

the interest of the people of Colorado. Mr. Sprung said that HCCA wants a review to determine if the transfer of public water to a private water right, such as Arapahoe County requests, is in the public interest. Mr. Sprung said that how to determine this point is a complex question. He said that the HCCA brief on maximum use does not contribute to any future regulation of private water rights.

Gary Sprung responded to points made by Mr. Bratton. Mr. Sprung said that the maximum use brief does not require a fixed amount of water in the stream. Mr. Sprung also said that for the past twenty years he thinks that beneficial use has been interpreted as optimal use. He said that HCCA believes that the maximum use brief does not conflict with conditional water rights or the water court's previous opinion. Mr. Sprung said that HCCA thinks that their brief should be part of Colorado water law. He said that the court is less political so that those who oppose the brief aren't as important. He said that the question is what's right and the debate on the issue is worth having.

Mr. Sprung thanked the District board for the time they have taken in analyzing and considering the HCCA maximum use brief.

Steve Glazer said that he would like to supplement Mr. Sprung's comments. Mr. Glazer spoke about water quality and headwater diversion as damaging to all downstream users because of the reduction in the dilution of salinity. Mr. Glazer stated that the HCCA position on mitigation is that it is easier and cheaper to avoid damage than it is to repair damage. Mr. Glazer reiterated the legislatively established purposes of conservancy districts. He cited section 37-45-118 regarding the transfer of water out of the natural basin as providing authority for the District to support the maximum use brief. Mr. Glazer advised the board to think about their constituency and the taxpayers.

Gerald Lain said that he thought the issue had been settled three years ago when the District decided to protect water against transmountain diversion. Mr. Lain said that he sees no harm in the maximum use brief and sees its benefit as a hedge against the 20,000 acre feet left for potential diversion. Mr. Lain said that regarding the protection of irrigation water rights he believes that the District represents the entire public and about 90% of the public doesn't ranch. He said that people are moving to this area because of environmental pluses and one of those pluses is not having water available for diversion.

Polly Spann said that support of the maximum use brief could weaken the Supreme Court appeal case by giving the appearance that the District does not think it has a strong case and that environmental issues are being brought in by the back door.

Ken Spann said that the issues brought forth by the maximum use brief are in the guise of maximum use and are really asking the Supreme Court to adopt the Public Trust Doctrine as previously done in California. Mr. Spann asked the board to consider if they can guarantee that all the potential future misuses of this brief will not occur. He asked whether the board could guarantee that maximum use considerations would not be applied to

private-to-private water rights transfers in the future. Mr. Spann said that he expects the first person to be affected in this valley, if this brief were made law, to be a non-agricultural user. He said that this brief would affect everyone in this valley not just irrigators.

Ken Spann said that previously this District has filed briefs opposing the position espoused in the HCCA brief and the board's credibility could be at stake. Mr. Spann asked the board to establish some limitations if they decide to support the brief. He said that it is important that it be made clear that the brief only applies to unappropriated water because additional proof would be required even for the District's water rights. He also recommended that any support of the brief clarify that clear standards should be set and that who would have the burden of proof - the person seeking the water right or the objector - should be established. Ken Spann said that the District will draw fire from their other supporters if they support this brief even if they add the limitation that it is prospective applying only to new water rights. Ken Spann thanked the board for their effort in considering all the issues.

Gary Sprung said that HCCA agrees with the limitation of the application of the maximum use brief so that it applies only to new appropriations. He said that the brief does not include the Public Trust Doctrine or that body of law.

Dick Bratton asked Gary Sprung if the water needed for environmental purposes is not quantified how is the court to make a decision. Gary Sprung explained that this question brings up the issue of standards. Mr. Sprung said that the water court implements the quantifying process and that the legislature acts later and provides specific guidelines. Mr. Sprung said that they want the court to determine quantities for individual projects.

Phyllis Guerrieri asked what the expense would be to have to prove your water right with the environmental considerations added and who would be responsible for these expenses. Dick Bratton replied that each case would be different. In water court the individuals would have to decide how much expert testimony and the extent of the legal services they would need to prove their entitlement to a water right including defense of an environmental claim. Additional costs would be incurred under such a law by both parties. Gary Sprung said that HCCA sees the burden of proof and cost being on the shoulders of environmentalists.

Steve Glazer said that in regard to quantification of the water for environmental purposes, HCCA is looking at a balance between human needs and environmental considerations.

Ken Spann said that the question is always asked, "is this project feasible." Mr. Spann said that even if the case is remanded to the lower court, the District and other opposers would still have an opportunity to present evidence on feasibility. That evidence would include, as a part, environmental considerations under federal and state law that would be comparable to what is being asked in the maximum use brief because the proof for both

would be similar. Gary Sprung responded that the water court said that they would not second guess the issue of granting federal permits but allowed that you might be able to provide the same proof by determining the costs of developing a project under such permits.

President Trampe asked if there were any more comments from the public. There being none, President Trampe moved to board discussion.

Lee Spann said that the maximum use brief is the point of the wedge to change Colorado water law. Mr. Spann said that the HCCA presentation on this brief as a stop to transmountain diversion has been good but that the issues in this brief are not about the Arapahoe County/Union Park Supreme Court appeal and that if the District supports the maximum use brief it will come back to haunt the District. To support this position Lee Spann gave examples of Gunnison County's recent acquisition of water rights for the Dos Rios project and the City of Gunnison's application and proof for the O'Fallon Ditch. Mr. Spann said that everyone supports environmental concerns but the vote on support for the maximum use brief is a vote on whether Colorado water law should be changed.

Ramon Reed said that there are two questions that need to be considered : (1) Do we as a board support the concept of the HCCA maximum use brief, and (2) do we as a board want to participate with this brief in the Union Park case. Mr. Reed said that the board's response to the first question must be decided before the second question is addressed.

Ramon Reed said that the concept of the HCCA brief is should environmental concerns be considered in an appropriation of water rights. Mr. Reed said that he believes that the environment is a valid consideration no matter the type or size of the project. He said that he would like environmental concerns to be addressed early in the initiation of a water right application and not later in the process as occurs with the current permitting procedures. Mr. Reed said that he agrees that it should be made clear that the maximum use brief would apply to unappropriated water only. He also said that he believes that the burden of proof should be entirely the responsibility of the opposer to the water right being granted, because the cost burden would then be assumed by both parties. Mr. Reed said that he does not think it is realistic to assume that every water right application will be challenged on environmental considerations.

Purvis Vickers said that the attorneys for the HCCA had done a good job in preparing the maximum use brief but that many of the issues put forth should be decided by the legislature. Mr. Vickers said that the Colorado River Water Conservation District, of which he is a board member, held an executive session on this matter and later directed their attorney to prepare a brief opposing the maximum use brief.

Bill Trampe said that he favors keeping the options open and that he sees the maximum use brief as limiting the use of our resources. Mr. Trampe said that he sees no guarantees that the implementation of the maximum use brief will not be expanded to become the California public trust doctrine. He said that the Colorado constitution

provides the right to divert water to beneficial use and that he sees the maximum use brief as beginning to deny him the right to divert water. Mr. Trampe gave as an example the difficulty small appropriators would have in quantifying the amount of water needed for environmental concerns. Mr. Trampe said that he is not opposed to water for the environment but that there should be a way to work through the prior appropriation water law to achieve positive application of environmental considerations. Bill Trampe said that he wants to see the environmental trigger in balance with other types of water use. He said that ultimately if you impede further appropriation of water in this basin that you target existing appropriations and that could set up a speculative economy for agricultural water. Mr. Trampe said that he believes that it would be premature for anybody to support this issue until it's been thought through and analyzed. He also said that the common ground is too small to proceed at this time.

Susan Lohr said that she agrees with Bill Trampe that it is premature to support the maximum use brief. Ms. Lohr said that she believes that the District needs to accept environmental considerations but that the right tool to do this needs to be considered and that she does not think that the HCCA brief is the tool. She said that she believes that the discussion brought about by the HCCA maximum use brief has been important but that weighing environmental effects is a complex issue and needs a more sophisticated analysis. She gave the example of Glen Canyon and the possible impacts of applying narrow environmental regulations. She said that HCCA's responsibility may be to bring this brief forward but that it may be the responsibility of the District board to obtain more information about the future applications and implications before a position is taken.

Butch Clark said that he had read all the briefs filed in this case and he thinks that it is fortunate that the board can have this dialog. Mr. Clark said that he thinks that the HCCA brief provides a start to dealing with many problems and that if there is not a change in Colorado water law to reflect new values and balances, then this basin might be the one sacrificed. He said that the HCCA brief does contain many of the limitations mentioned and that it may be used in the future in different ways than currently anticipated but that he thinks it does not do any harm. Mr. Clark said he sees harm in not doing anything now and that the District should take advantage of this opportunity. He believes that the board is charged to look at the broad uses of water in this basin and that support of this brief would be a lawful way to protect water. Mr. Clark said that the maximum use doctrine is already here as a balance of all the different types of uses of water. He said that the broad picture is to protect this water. Mr. Clark said that he thinks that the District should support this brief because if the case is remanded the District will need the ability to raise these issues.

Dennis Steckel said that he thought that everyone would like to see a reasonable amount of environment benefits considered in an adjudication but that one of the issues here is that there are no standards to weigh these benefits. Mr. Steckel said that small operators could be eliminated because they could not afford the cost to prove their water right. Dennis Steckel said that he would rather support the maximum use brief than oppose it but at this time he thinks that the best position is no position.

Susan Lohr said that if the District accepted the HCCA brief, as presented, the District would have to also accept some national environmental definitions like "waste" which would not be environmentally sound when applied in this basin. She reemphasized the need to work through a sophisticated analysis of environmental issues.

Butch Clark reviewed references to the concept of waste in the briefs which were filed. Mr. Clark said that the courts have supported site specific conditions so it would not be asking the courts to do something that has not been done. He said that the court has procedures in place to deal with this type of quantification. Mr. Clark reiterated that the HCCA brief provides the opportunity to bring issues before the court that the court has not considered before, such as the economic value of fishing and second homes. Mr. Clark again urged support of the maximum use brief but with the limiting condition that it only applies to transmountain diversion.

Lee Spann moved to remove from the table the motion that the board take no position on the High Country Citizens Alliance maximum use brief. Dennis Steckel seconded the motion. The motion carried 7-3 with President Trampe not voting.

Lee Spann moved adoption of the motion that the board take no position on the High Country Citizens Alliance maximum use brief. Dennis Steckel seconded the motion.

Ramon Reed said that he thinks that the board needs to make a decision on the issue of environmental considerations and the issues contained in the brief but not a vote on the High Country Citizens Alliance brief.

Susan Lohr reminded the board of the previous development of District goals during work session meetings. She said the goals were primarily preservation and environment. She said that she would like to see these discussions continue and agrees with Mr. Reed that the board needs to pursue a policy on these issues.

Tyler Martineau clarified that the motion before the board is to not take a position on the High Country Citizens Alliance maximum use brief which would correspond to item 5c in the January 19, 1994 memorandum provided by Dick Bratton and John McClow.

The motion carried 7-3 with President Trampe not voting.

Ramon Reed moved adoption of the statement that the Upper Gunnison River Water Conservancy District believes it is in the best interests of the public we represent for the Colorado water courts to hear environmental concerns in cases of new water appropriations. Butch Clark seconded the motion.

Peter Smith asked how Mr. Reed envisioned this statement being brought into play. Ramon Reed replied that this motion expresses that we think the court should hear this evidence but it does not make any statement about the effect of the evidence.

Lee Spann said that Susan Lohr had suggested that the board study these issues in more detail.

Lee Spann moved to table Mr. Reed's motion. Bob Arnold seconded the motion. The motion carried 6-3 with two abstentions.

Discussion took place as to how to relay the District's decision to not take a position on the High Country Citizens Alliance maximum use brief to the Supreme Court.

Butch Clark moved to go on the record to withdraw the District's formal opposition in 1988 on these same issues and to take no position in the Supreme Court appeal. Dennis Steckel seconded the motion.

Susan Lohr asked how this could be done within legal procedures.

Butch Clark said that his intent is to no longer oppose and to make it clear that the District takes a neutral stance.

Lee Spann recalled that the District opposition had been to the public trust doctrine. Dick Bratton confirmed that Mr. Spann's recollection is correct. Lee said that Mr. Clark's motion would mean that the District was withdrawing its opposition to the public trust doctrine to which Mr. Spann would be strongly opposed.

John McClow said that if the 1988 brief were reread it would be difficult to extract the issues in the current maximum use brief from the previous brief.

Further discussion took place on how Mr. Bratton should proceed with the District's decision to take no position. Mr. Bratton said that based upon the discussion he is not planning to file anything concerning maximum use with the Supreme Court.

Butch Clark, with consent of the second Dennis Steckel, withdrew his motion.

3. LEGAL MATTERS: ARAPAHOE COUNTY/UNION PARK PROJECT SUPREME COURT APPEAL

Purvis Vickers supported moving forward on the major points of the case which was won in Judge Brown's court.

Dick Bratton reported that at a recent Colorado Water Congress debate it was noted that cooperation on grazing rights matters began with cooperation on water issues in this basin.

4. ADJOURNMENT

President Trampe adjourned the meeting at approximately 3:09 p.m.

Respectfully submitted,

Mark Schumacher, Secretary

APPROVED:

William S. Trampe, President

Upper Gunnison River Water Conservancy District

SPECIAL MEETING

Monday, January 24, 1994
1:00 p.m.

Multi-Purpose Building - County Fairgrounds
Gunnison, Colorado

A G E N D A

1. Call to Order.
2. Development of Upper Gunnison River Water Conservancy District Position on Maximum Use Brief.
3. Legal Matters:
 Arapahoe County/Union Park Project Supreme Court Appeal.
4. Adjournment.

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 *REK*

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.

Upper Gunnison River Water Conservancy District

*in any file
and with
any description by Hill*

MEMORANDUM

TO: Board Members,
Upper Gunnison River Water Conservancy District

FROM: Tyler Martineau *TM*

DATE: February 8, 1994

SUBJECT: Agenda Item 10b, February 14, 1994, Board Meeting --
Other Legal Matters.

In recent months the District has been discussing the need to obtain engineering services in connection with the development of a basin-wide plan for augmentation and in connection with the development of the Upper Gunnison Project. Attached is a draft request for statements of qualifications from consulting engineers which I have prepared for the board's review.

One concern I have is that there is considerable uncertainty at present as to how much water the U. S. Fish and Wildlife Service will require for endangered fish, how the Bureau of Reclamation will change the operation of the Aspinall Unit to meet the needs of endangered fish, how the Park Service will quantify the reserved right in the Black Canyon, and how other water users will react to all these changes. Given this uncertainty the District could expend considerable funds on engineering services while chasing several "moving targets". On the other hand the lead time needed to develop protection for upper Gunnison water users and to meet the District's diligence requirements is substantial. One possibility would be to designate certain initial tasks for the engineer to work on at the present time with follow-on tasks to be started as more information becomes available from the United States. I would like to receive direction from the board as to when it would be appropriate for the District to seek the various engineering services described.

DRAFT

2/8/94

**REQUEST FOR
STATEMENT OF QUALIFICATIONS**

*In Aug file
along with
John Mills
description
argumentation*

Upper Gunnison Basin Water Supply Investigations

by

**UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT
275 South Spruce Street
Gunnison, Colorado
(303) 641-6065
FAX (303) 641-6727**

March , 1994

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: February 2, 1994

SUBJECT: Agenda Item 11, February 14, 1994, Board Meeting --
Colorado Legislative Update.

A number of bills which address water policy matters have been introduced in the current legislative session. Bills of interest to the District are listed below:

HB 94-1006 - Sponsored by Representative Jerke - Facilitates the export of water from the State of Colorado. This was previously Bill D from the Interim Committee, a copy of which was provided to the Board for the January 10, 1994 board meeting. The Colorado Water Congress has voted to oppose Section 1 and 2 of the bill. The bill may go forward with only the language in Section 3 which would tie export fees to the consumer price index remaining. The Water Congress will support the bill in that form. The revised version of the bill was not available as of today.

HB 94-1027 - Representative Romero - Expands the powers of flood control districts. The bill authorizes the control of pollution of surface water and groundwater, and participation in the development of parks and recreation facilities. Water interests have expressed concern about the bill because it would expand the authority for water quality to another type of government entity.

HB 94-1075 - Representative Aquafresca - Precludes any claim by others to acquire water rights for water salvaged in connection with programs under the Colorado River Basin Salinity Control Act without the original water right owner's consent. The Water Congress supports the newest version of the bill.

SB 94-29 - Senator Bishop - Annual CWCB Construction Fund Bill. The bill describes the water management, and

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construction activities of the CWCB. The Water Congress supports the bill.

SB 94-54 - Senator Ament - Deals with changes of use for conditional water rights. This was previously Bill E from the Interim Committee a copy of which was provided to the Board for the January 10, 1994 board meeting. The bill as originally written has been opposed strongly by many water user organizations. New language is being proposed which would limit the change of use of conditional water rights solely in instances where the right is being acquired by the Colorado Water Conservation Board for instream uses. The new language is currently being negotiated and is changing on a day to day basis.

SB 94-94 - Senator Bishop - Allows the Department of Health to seek an injunction to prevent a threat of a violation of the water quality laws which poses an imminent and substantial danger to public health or livelihood or to state waters. The bill grew out of the Summitville incident last year.

SB 94-95 - Senator Cassidy - Basin of origin bill. The bill requires persons seeking to transport water from a natural river basin in Colorado to another location to demonstrate that they have explored all reasonable alternatives to such water transport. Chris Treece of the Colorado River Water Conservation District who is at the legislature on a daily basis said he thinks there is insufficient support for the bill to move forward.


Copies of the above bills are available at the Upper Gunnison District.

As in past years a bill may be introduced in 1994 requiring election of conservancy district boards of directors. This year's sponsor will be Representative Ken Gordon.

Upper Gunnison River Water Conservancy District

M E M O R A N D U M

TO: Board Members,
Upper Gunnison River Water Conservancy District

FROM: Tyler Martineau 

DATE: February 2, 1994

SUBJECT: Agenda Item 13, February 14, 1994, Board Meeting --
Taylor Park Water Management Agreement.


During the month of January the Colorado River Water Conservation District and the Uncompahgre Valley Water Users Association approved the December 2, 1993 draft of the Taylor Park Water Management Agreement in principle. Ed Warner of the Bureau of Reclamation told me that they will now initiate the environmental compliance process for the agreement. Dave Miller has apparently been pressing the Bureau for a full EIS to be prepared for the agreement. If he is successful in stirring up enough support for a full EIS it could substantially delay the final execution of the agreement.

As requested by the Board I have been working with Dick Bratton to provide the Bureau of Reclamation with language to be added to the draft agreement that will require the Bureau to provide an annual accounting of the uses of the refill.

Upper Gunnison River Water Conservancy District

M E M O R A N D U M

TO: Board Members,
Upper Gunnison River Water Conservancy District

FROM: Tyler Martineau 

DATE: January 26, 1994

SUBJECT: Agenda Item 6, February 14, 1994, Board Meeting --
Approval of Auditor for the 1993 Audit.

Attached is a copy of a proposal received from Kimberly Temple, CPA to perform the District's 1993 Audit. The preliminary cost estimate for the audit is \$900.00 which is a \$25.00 increase over last year. I recommend that the District authorize me to execute the letter of understanding with Kimberly Temple to perform the District's 1993 audit.

KIMBERLY S. TEMPLE

CERTIFIED PUBLIC ACCOUNTANT

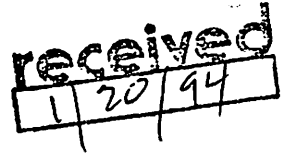
A Professional Corporation

P. O. Box 1228

243 N. Main, Suite A

Gunnison, Colorado 81230

(303) 641-2984 FAX (303) 641-5818



Kimberly S. Temple, CPA
Beverly Y. Tezak, CPA

January 19, 1994

Upper Gunnison River Water Conservancy District
Board of Directors
275 S. Spruce
Gunnison, Colorado 81230

We are pleased to offer our understanding of the services we would like to provide for Upper Gunnison River Water Conservancy District for the year ended December 31, 1993. We will audit the general purpose financial statements of Upper Gunnison River Water Conservancy District as of and for the year ended December 31, 1993. Also, the document we submit to you will include the following additional information that will not be subjected to the auditing procedures applied in our audit of the general purpose financial statements:

1. Schedule of Budget Comparison

Our audit will be conducted in accordance with generally accepted auditing standards and will include tests of the accounting records of Upper Gunnison River Water Conservancy District and other procedures we consider necessary to enable us to express an unqualified opinion that the financial statements are fairly presented, in all material respects, in conformity with generally accepted accounting principles. If our opinion is other than unqualified, we will fully discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit, we will not issue a report as a result of this engagement.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will also request certain written representations from you about the financial statements and related matters.

KIMBERLY S. TEMPLE

CERTIFIED PUBLIC ACCOUNTANT

A Professional Corporation

Upper Gunnison River Water Conservancy District

January 19, 1994

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An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. Also, we will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. However, because of the concept of reasonable assurance and because we will not perform a detailed examination of all transactions, there is a risk that material errors, irregularities, or illegal acts, including fraud or defalcations, may exist and not be detected by us. We will advise you, however, of any matters of that nature that come to our attention. Our responsibility as auditors is limited to the period covered by our audit and does not extend to matters that might arise during any later periods for which we are not engaged as auditors.

We understand that you will provide us with the basic information required for our audit and that you are responsible for the accuracy and completeness of that information. We will advise you about appropriate accounting principles and their application and will assist in the preparation of your financial statements, but the responsibility for the financial statements remains with you. This responsibility includes the maintenance of adequate records and related internal control structure policies and procedures, the selection and application of accounting principles, and the safeguarding of assets.

Our audit is not specifically designed and cannot be relied on to disclose reportable conditions, that is, significant deficiencies in the design or operation of the internal control structure. However, during the audit, if we become aware of such reportable conditions or ways that we believe management practices can be improved, we will communicate them to you in a separate letter.

We would like to begin our audit on approximately February 15, 1994, and to issue our report no later than April 30, 1994.

Our fees for these services will be based on the actual time spent at our standard hourly rates, plus travel and other out-of-pocket costs such as report production, typing, postage, etc. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our

KIMBERLY S. TEMPLE

CERTIFIED PUBLIC ACCOUNTANT

A Professional Corporation

Upper Gunnison River Water Conservancy District

January 19, 1994

Page 3

invoices for these fees will be rendered each month as work progresses and are payable on presentation. Based on our preliminary estimates, the fee should approximate \$900. This estimate is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

We appreciate the opportunity to offer our services to Upper Gunnison River Water Conservancy District and believe this letter accurately summarizes the significant terms of our proposal. If you have any questions, please let us know. If you agree with the terms of our proposal as described in this letter, please sign the enclosed copy and return it to us. This letter will continue in effect until canceled by either party.

Very truly yours,

Kimberly S. Temple, A Professional Corporation
Certified Public Accountants

RESPONSE:

This letter correctly sets forth the understanding of Upper Gunnison River Water Conservancy District.

By: _____

Title: _____

Date: _____

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

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

January 28, 1994

Professional services:

Administrative

01/09/94 LRB Prepare for monthly Board Meeting; complete memo on "executive sessions;" review and revise minutes of joint executive session with County Commissioners

01/10/94 JHM Review attorney-client privilege authorities; telephone conference with Judge Patrick re: vacancy procedure; attend January Board Meeting (3.5 hours at No Charge)

JHM Attend January Board of Directors' Meeting NO CHARGE

LRB Attend regular monthly Board Meeting

01/24/94 JHM Attend special meeting re: maximum utilization issues NO CHARGE

Amount

SUBTOTAL: [875.00]

Availability - Appeal

12/29/93 UGd Review decree and brief on absolute rights; revise brief on Aspinall rights for consideration by U.S. attorneys; telephone conference with Mike Gheleta re: changes to Aspinall rights

UGj Conference with Dick Bratton re: brief revisions; revisions to Aspinall, East River and Absolute Rights Brief

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

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

12/30/93 UGd Telephone conference with Andy re: revisions;
telephone conference with Steve Sims, Barney; revise
brief

UGj Review briefs from Opposers; legal research re:
federal preemption; revisions to Aspinall brief and
absolute rights brief

12/31/93 UGd Work on conclusion, "240,000 for sale" arguments
(2.75 hours at No Charge)

UGj Legal research re: implied limitation on water
decrees; revisions to Aspinall brief

01/01/94 LRB Complete "conclusion" work on CRSPA and compact
issues

01/02/94 JHM Revisions to Aspinall brief

LRB Complete argument on CRSPA and compacts issue;
telephone conference with Andy Mergen

01/03/94 JHM Telephone conference with Tyler Martineau, Dick
Bratton re: brief issues; office conference with
Dick Bratton re: revisions to Aspinall brief;
prepare revised draft of Aspinall issues brief

LRB Work on brief; review other opposers' briefs

01/04/94 JHM Review Aspinall brief for authorities and
development of tables; review revisions with Dick
Bratton; revisions to brief

LRB Review opposers' briefs; attend meeting of opposers'
attorneys in Denver to review briefs; check record
in Supreme Court

01/05/94 JHM Attend joint meeting of Board of Directors UGRWCD
and County Commissioners re: public trust doctrine
and County brief; telephone conference with Mike
Gheleta re: U.S. issues; revise and edit Aspinall
brief

LRB Work on brief; review maximum use brief; telephone
conference with David Baumgarten re: meeting of
Board and County Commissioners; work on brief;
telephone conference with Mike Gheleta (U.S.
Attorney) (2 hours at No charge)

PAYMENT IN FULL IS DUE ON RECEIPT OF STATEMENT. A LATE CHARGE
OF 1½% PER MONTH WILL BE ASSESSED ON BALANCES NOT RECEIVED WITHIN 30 DAYS.

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

01/06/94 JHM Review revised U.S. brief regarding Aspinall issues; legal research re: federal preemption and CRSPA; draft revisions to Aspinall brief

LRB Work on finalizing brief; telephone conference with Andy Mergen and Andy Williams re: U.S. brief (4.5 hours at No Charge)

01/07/94 JHM Prepare and edit final draft of Aspinall brief

LRB Complete argument on "marketable yield" and "subordination;" telephone conference with Andy Williams; complete brief

01/17/94 LRB Work on memo to Board re: maximum utilization

01/18/94 LRB Draft memo re: maximum utilization

01/19/94 LRB Work on memo to Board on maximum utilization issue

01/23/94 LRB Read HCCA, et. al. brief; draft explanation of "maximum use"

LRB Review response to Senator Ament and Rep. Jerke from Arapahoe County re: Union Park Project; make suggested changes

01/24/94 LRB Revise memo on meaning of "maximum use;" telephone conference with Tyler; attend Board Meeting/hearing on maximum use brief

Amount

SUBTOTAL: [16,131.25]

Augmentation

12/14/93 JRH Research and write memo on augmentation plans

12/16/93 JRH Research and write memo on augmentation plans

12/21/93 JRH Research and write memo on augmentation plans

12/30/93 JRH Research and write memo on augmentation plans

01/11/94 JRH Research and write memo on augmentation plans

01/25/94 JRH Research and write memo on augmentation plans

SUBTOTAL: [1,550.00]

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

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

OCT NOV DEC JAN FEB MAR APR MAY JUN JUL AUG SEP

Adjusted Commitments going down Black Canyon - determined by adjustment of 1993 figures to approximate average commitments for a MODERATE year.

1/1.361 or .7347538575 times the total going down the Canyon gives:
in ac-ft 41,367 55,621 64,658 25,422 39,897 104,482 106,245 162,895 173,916 78,986 44,820 51,139 949,449

Total committed for uses below Crystal (average going through Tunnel plus adjusted flow going down Canyon)

Sum of releases in ac-ft 89,420 59,007 65,142 26,088 40,381 108,472 143,972 215,797 221,982 134,246 101,894 99,688 1,286,089
cumulative releases in ac-ft 69,420 128,427 193,569 219,656 260,037 368,509 512,482 728,279 950,260 1,084,507 1,186,401 1,286,089
average over month in cfs 1,148.2 976.0 1,077.4 431.5 667.9 1,794.1 2,381.3 3,569.3 3,671.6 2,220.4 1,685.3 1,648.8

Difference between potential commitments below Crystal (Part 5) and releases (Part 3)

If potential commitment is greater than release, then the figure is negative.

Net difference in cfs 770.8 453.0 207.6 251.5 34.1 -1,046.1 -129.3 8.7 160.4 414.6 233.7 267.2
Cumulative difference - ac-ft 46,602 73,993 86,541 101,748 103,810 40,561 32,744 33,272 42,972 68,037 82,165 98,318

=== Part 6 --- BLUE MESA RESERVOIR OPERATIONS

For MODERATE YEAR 1987 -- Releases in cfs from Blue Mesa - USDOE (1994) SLCA Electric Power Marketing DEIS, p. C-34.

for power 1,570.0 1,200.0 1,050.0 500.0 510.0 500.0 1,600.0 2,370.0 3,050.0 2,350.0 1,750.0 1,750.0
for other purposes
Total in cfs from Blue Mesa 1,570.0 1,200.0 1,050.0 500.0 510.0 500.0 1,600.0 2,370.0 3,050.0 2,350.0 1,750.0 1,750.0
total in acre-feet 34,922 72,552 63,483 30,230 30,834 30,230 96,736 143,289 184,402 142,080 105,804 105,804
cumulative releases in ac-ft 34,922 167,473 230,956 261,186 292,020 322,250 418,986 562,275 746,677 888,758 994,562 1,100,367

Blue Mesa Reservoirs's capacity is 940,700 acre-feet, of which live storage is 829,500 acre-feet and dead storage is 111,2000 acre-feet.

Management targets are 581,000 acre-feet of live storage by December 31 and to fill by July 31.

USBR (1992) Information Packet distributed for Black Canyon Contract, p. 9.

assuming 111,200 acre-feet of dead storage plus

a live storage target of 700,000 650,000 581,000 829,000 829,000 829,000 829,000 829,000 829,000 829,000 800,000 750,000
gives an upper limit capacity target for management of the reservoir of:
acre-feet in reservoir 811,200 761,200 692,200 940,200 940,200 940,200 940,200 940,200 940,200 940,200 911,200 861,200

Starting with 660,000 acre-feet of live storage in reservoir USDOE (1994) SLCA Electric Power Marketing DEIS, p. C-34.

Inflow-Evap.-Releases in cfs -561.8 -342.2 -555.5 -50.0 4.4 398.1 506.2 2,030.4 1,226.2 -793.6 -717.6 -1,020.2
Net Change in acre-feet -33,966 -20,689 -33,585 -3,023 266 24,069 30,605 122,757 74,136 -47,981 -43,386 -61,681
Storage+Net Change in acre-feet 626,034 605,344 571,759 568,736 569,002 593,071 623,676 746,433 820,569 772,588 729,202 667,521
Releases to meet target 0 0 0 0 0 0 0 0 0 0 0 0
Leaving live storage of - ac-ft 626,034 605,344 571,759 568,736 569,002 593,071 623,676 746,433 820,569 772,588 729,202 667,521
and Total storage of - ac-ft 787,234 716,544 682,959 679,936 680,202 704,271 734,876 857,633 931,769 883,788 840,402 778,721

Adjusted Commitments going down Black Canyon - no adjustment made.

| 1/1 or in ac-ft | 1 times the total going down the Canyon gives: 29,700 | 27,400 | 26,600 | 62,700 | 42,100 | 44,600 | 31,000 | 75,600 | 54,900 | 50,500 | 46,000 | 28,500 | 519,600 |
|--------------------|---|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------|
|--------------------|---|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------|

Total committed for uses below Crystal (average going through Tunnel plus adjusted flow going down Canyon)

| Sum of releases in ac-ft | 57,753 | 30,786 | 27,084 | 63,365 | 42,584 | 48,590 | 68,727 | 128,502 | 102,965 | 105,760 | 103,074 | 77,049 | 856,240 |
|------------------------------|--------|--------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| cumulative releases in ac-ft | 57,753 | 88,539 | 115,623 | 178,988 | 221,571 | 270,162 | 338,889 | 467,391 | 570,356 | 676,117 | 779,190 | 856,240 | |
| average over month in cfs | 955.2 | 509.2 | 448.0 | 1,048.1 | 704.3 | 803.7 | 1,136.7 | 2,125.4 | 1,703.0 | 1,749.3 | 1,704.8 | 1,274.4 | |

Difference between potential commitments below Crystal (Part 5) and releases (Part 3)

If potential commitment is greater than release, then the figure is negative.

| | | | | | | | | | | | | | |
|-------------------------------|-----|---------|---------|---------|---------|----------|----------|----------|----------|----------|----------|----------|--|
| Net difference in cfs | 4.8 | -206.2 | -155.0 | -755.1 | -398.3 | -510.7 | 56.3 | -791.4 | -291.0 | -334.3 | -240.8 | 120.6 | |
| Cumulative difference - ac-ft | 288 | -12,178 | -21,547 | -67,198 | -91,281 | -122,156 | -118,755 | -166,604 | -184,200 | -204,410 | -218,971 | -211,679 | |

=== Part 6 --- BLUE MESA RESERVOIR OPERATIONS

For DRY YEAR 1989 -- Releases in cfs from Blue Mesa - USDOE (1994) SLCA Electric Power Marketing DEIS, p. C-36.

| | | | | | | | | | | | | | |
|------------------------------|--------|--------|--------|--------|--------|--------|---------|---------|---------|---------|---------|---------|--|
| for power | 650.0 | 180.0 | 150.0 | 200.0 | 250.0 | 200.0 | 760.0 | 900.0 | 1,150.0 | 1,300.0 | 1,300.0 | 1,300.0 | |
| for other purposes | | | | | | | | | | | | | |
| Total in cfs from Blue Mesa | 650.0 | 180.0 | 150.0 | 200.0 | 250.0 | 200.0 | 760.0 | 900.0 | 1,150.0 | 1,300.0 | 1,300.0 | 1,300.0 | |
| total in acre-feet | 39,299 | 10,883 | 9,069 | 12,092 | 15,115 | 12,092 | 45,949 | 54,414 | 69,529 | 78,598 | 78,598 | 78,598 | |
| cumulative releases in ac-ft | 39,299 | 50,182 | 59,251 | 71,342 | 86,457 | 98,549 | 144,499 | 198,912 | 268,441 | 347,039 | 425,636 | 504,234 | |

Blue Mesa Reservoirs's capacity is 940,700 acre-feet, of which live storage is 829,500 acre-feet and dead storage is 111,200 acre-feet.

Management targets are 581,000 acre-feet of live storage by December 31 and to fill by July 31.

USBR (1992) Information Packet distributed for Black Canyon Contract, p. 9.

assuming 111,200 acre-feet of dead storage plus

| | | | | | | | | | | | | | |
|--|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|--|
| a live storage target of | 700,000 | 650,000 | 581,000 | 829,000 | 829,000 | 829,000 | 829,000 | 829,000 | 829,000 | 829,000 | 800,000 | 750,000 | |
| gives an upper limit capacity target for management of the reservoir of: | | | | | | | | | | | | | |
| acre-feet in reservoir | 811,200 | 761,200 | 692,200 | 940,200 | 940,200 | 940,200 | 940,200 | 940,200 | 940,200 | 940,200 | 911,200 | 861,200 | |

Starting with 449,116 acre-feet of live storage in reservoir USDOE (1994) SLCA Electric Power Marketing DEIS, p. C-37.

| | | | | | | | | | | | | | |
|---------------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|--|
| Inflow-Evap.-Releases in cfs | -164.4 | 264.8 | 233.0 | 237.0 | 178.2 | 522.8 | 851.2 | 1,117.0 | 905.6 | -354.2 | -402.2 | -844.6 | |
| Net Change in acre-feet | -9,940 | 16,010 | 14,087 | 14,329 | 10,774 | 31,608 | 51,463 | 67,533 | 54,752 | -21,415 | -24,317 | -51,064 | |
| Storage+Net Change in acre-feet | 439,176 | 455,186 | 469,273 | 483,602 | 494,376 | 525,984 | 577,448 | 644,981 | 699,734 | 678,319 | 654,002 | 602,938 | |
| Releases to meet target | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Leaving live storage of - ac-ft | 439,176 | 455,186 | 469,273 | 483,602 | 494,376 | 525,984 | 577,448 | 644,981 | 699,734 | 678,319 | 654,002 | 602,938 | |
| and Total storage of - ac-ft | 550,376 | 566,386 | 580,473 | 594,802 | 605,576 | 637,184 | 688,648 | 756,181 | 810,934 | 789,519 | 765,202 | 714,138 | |

President Trampe referred the board to the December 23, 1993 memorandum prepared by Tyler Martineau regarding the Slate River Stream Gage.

Tyler Martineau reported that he had authorized an expenditure from the 1993 District budget so that Lynn Cudlip could take a water quality sample in December. Mr. Martineau said that Gunnison County has indicated that they will share the cost of gathering water samples at the Slate River gage for each month to May 1994. Mr. Martineau said that the monthly cost would be \$300.00 and asked if the board authorized splitting payment of this cost with Gunnison County.

Peter Smith said that he supports the expenditure for water quality sampling.

Lee Spann asked why water quality sampling had not been recommended on the East River where the major development is located. Tyler Martineau responded that there are currently four sites being sampled and that a site on the East River below Crested Butte South could be added or the District could coordinate with the sampling done by the Colorado River Water Conservation District.

Susan Lohr moved the expenditure of funds for water quality sampling with the sites for sampling to correspond as closely as possible with all existing stream gages. Bob Arnold seconded the motion.

Butch Clark said that this water quality sampling is very important to establish a data base particularly in regard to the requests for septic systems mentioned by Ken Spann of the Gunnison County Planning Commission.

Peter Smith noted that by the time contamination of the water is measured at the stream gage sites it can take years to clean up the problem.

Other sites where water quality sampling would be important were discussed. Tyler Martineau asked if the board would like him to put together a broader program of sites for Lynn Cudlip to sample based upon the board discussion. Board consensus was that Mr. Martineau proceed in this direction for January 1994 and that it would always be possible to cut back on the number of sites.

President Trampe reminded the board that Gunnison County would be paying the cost of water quality sampling for January 1994 and that the cost had been estimated at \$300.00 for the previously agreed upon sites. President Trampe confirmed that the three sites which the board would like to add to the existing four sites are the Slate River above the confluence with the East River, the East River above the confluence with the Slate River, and the East River at the new stream gage at the highway house below Cement Creek.

Ramon Reed moved to amend the motion to expend up to \$300.00 per month for water quality sampling at the seven sites discussed and that Mr. Martineau discuss the

additional sites with Gunnison County staff. Peter Smith seconded the motion. The motion to amend carried. The amended motion carried.

Tyler Martineau updated the board on the Gunnison Planning model. Mr. Martineau said that the consultants, Hydrosphere, had provided a beta version which members of the Sponsor's Committee have been testing since November 1993. Mr. Martineau said that it is evident that the program needs more work before it is ready. He said a new set of discs with a revised program will be distributed for testing about February 1, 1994 with the final model expected for distribution in April 1994.

Susan Lohr said that there is no substitute for factual data collected at physical sites.

Tyler Martineau referred the board to the summary of board member term expirations which occur in 1994.

Dick Bratton discussed Section 8 monies and suggested that the board become involved in the discussion regarding expenditure of these funds.

M. Trampe
Bill Trampe said that these monies had been the domain of the District up to the time of the Upper Gunnison study and then the community members have run with it. Bill Trampe said that he has a concern in expending time and money to study this issue unless it is approached as a package deal.

Dick Bratton suggested that these monies could be used in conjunction with diligence and a committee might be able to look quickly and see where these monies could fit in with the District's needs.

Butch Clark asked for a clearer idea on the possibilities. Mr. Bratton said that it might be possible to use these monies as matching funds for a major project such as one on the East River.

Discussion ensued as to how much money would be available and over what time period.

Dennis Steckel suggested that the board think about these monies. Ramon Reed asked if the District had the resources to devote to this issue. Susan Lohr suggested that this matter be included with a discussion of diligence.

11. UNSCHEDULED CITIZENS

Laura Anderson of the Crested Butte Chronicle & Pilot requested that a press packet be provided of meeting materials provided to the board. The board discussed ways to accomodate the information needs of the press and the public. Dick Bratton asked that Tyler

Martineau evaluate which legal documents to make available. Several board members asked Mr. Bratton to have his documents available for the board prior to meetings and also to make enough copies so that the public can be included.

Lee Spann asked that the manager, Tyler Martineau, develop a process to inform the press and the public of agenda items under discussion and to provide appropriate meeting materials.

12. FUTURE MEETINGS

A special board meeting was scheduled for January 24, 1994 at 1:00 p.m. to discuss the development of the District's position on the maximum use brief. The next regularly scheduled board meeting was set for February 14, 1994 at 1:00 p.m.

13. EMPLOYMENT AGREEMENT WITH DISTRICT MANAGER

President Trampe referred the board to the new draft of the employment agreement prepared by Tyler Martineau.

Susan Lohr moved to adopt the employment agreement prepared by Mr. Martineau which accompanied his December 27, 1993 memorandum to the board. Peter Smith seconded the motion. The motion carried.

Lee Spann requested that the district manager, Tyler Martineau, provide the board with a quarterly report of his activities. He suggested that Mr. Martineau could use the Colorado River Water Conservation District model. Dennis Steckel and Ramon Reed concurred and said that the board needs information to help plan and prioritize.

John McClow asked if the board wanted any materials from the board attorneys prior to the special meeting scheduled on January 24, 1994. There were no requests for information.

Dick Bratton asked the board to clarify if they needed a legal analysis of the maximum use issue or if the consideration was more political in nature. After board discussion, it was agreed that the board was involved in a policy decision and that Mr. Bratton would prepare a summary to help focus the possibilities before the board. Mr. Bratton said that if a legal analysis is needed after the board's decision on a position on the maximum use brief that he could ask for an extension.

14. ADJOURNMENT

President Trampe adjourned the meeting at approximately 4:21 p.m.

Respectfully submitted,

Mark Schumacher, Secretary

APPROVED:

William S. Trampe, President

UGRWCD BUDGET SUMMARY-MARCH 1994

| | <u>MARCH</u> <u>EXPENSE</u> | <u>YEAR-TO- DATE</u> <u>AS OF 3/31/94</u> | <u>1994 BUDGET</u> | <u>% EXPENDED</u> |
|---|--------------------------------|--|--------------------|-------------------|
| Administrative Salary | \$3,592.95 | \$10,761.42 | \$47,500.00 | 23% |
| Secretary Salary | 644.00 | 2,587.50 | 14,000.00 | 18% |
| Board Treasurer Salary | 300.00 | 900.00 | 4,000.00 | 23% |
| Payroll Taxes & Benefits | 347.07 | 1,801.92 | 8,500.00 | 21% |
| Staff Conference & Training | 0 | 0 | 500.00 | 0% |
| Legal Exp & Eng. Related | 4,147.46 | 38,623.95 | 70,000.00 | 55% |
| Audit & Accounting | 0 | 0 | 1,200.00 | 0% |
| Engineering Services | 0 | 0 | 10,000.00 | 0% |
| Rent & Utilities | 1,500.00 | 1,500.00 | 1,500.00 | 100% |
| Stream Gages O&M | 0 | 0 | 12,800.00 | 0% |
| Stream Gages Construction | 0 | 0 | 4,000.00 | 0% |
| Bonding | 0 | 50.00 | 200.00 | 25% |
| Insurance/Premises | 0 | 341.00 | 300.00 | 114% |
| Office Telephone | 147.66 | 390.43 | 2,500.00 | 16% |
| Legal Printing | 108.01 | 230.71 | 1,400.00 | 16% |
| Administrative Travel | 457.37 | 658.46 | 3,000.00 | 22% |
| Board of Directors Travel | 0 | 0 | 500.00 | 0% |
| Office Supplies | 160.00 | 372.77 | 1,500.00 | 25% |
| Postage | 0 | 260.00 | 1,200.00 | 22% |
| Copying | 0 | 0 | 1,200.00 | 0% |
| Publications Acquisition | 12.00 | 58.00 | 500.00 | 12% |
| Office Equipment | 0 | 0 | 1,000.00 | 0% |
| Board of Directors Fees | 275.00 | 1,325.00 | 5,000.00 | 27% |
| Board of Directors Mileage | 74.00 | 564.50 | 1,400.00 | 40% |
| Uncompahgre Water Users | 0 | 3,000.00 | 3,000.00 | 100% |
| Taylor Park Water Management | 0 | 284.60 | 10,000.00 | 3% |
| CWC Membership | 0 | 400.00 | 500.00 | 80% |
| WSC Water Workshop | 0 | 0 | 1,200.00 | 0% |
| Promotion & Guest Expense | 0 | 90.24 | 1,700.00 | 5% |
| County Treasurer's Fees | 949.87 | 1185.79 | 7,000.00 | 17% |
| Subtotals | \$12,715.39 | \$65,386.29 | \$217,100.00 | 30% |
| Contingency | | | 10,000.00 | 0% |
| Emergency Reserves | | | 2,500.00 | 0% |
| Water Resource Protection & Development Reserves | | | 1,928.00 | 0% |
| Totals | \$12,715.39 | \$65,386.29 | \$231,528.00 | 28% |

*each
total*

UGRWCD
FINANCIAL DATA-3/1/94 THRU 3/31/94

Balance on Hand - February 28, 1994

| | |
|----------------------------|---------------------|
| Checking Account | \$2,915.79 |
| Petty Cash | 100.00 |
| Time C.D.-FNB | 2,727.56 |
| Time C.D.-Wetlands Fund | 949.06 |
| Money Maker-GS&L | 41,857.55 |
| Time C.D.-FNB-Lake City | 41,835.52 |
| Passbook Svgs-CB St. Bank | 40,586.15 |
| Passbook Svgs-FNB | 501.98 |
| Accts. Payable/CWT | -452.02 |
| TOTAL FUNDS 2/28/94 | \$131,021.59 |

Tax Receipt Collections thru February

| | |
|--------------------|------------|
| Real Estate | \$7,019.84 |
| Specific Ownership | 2,416.27 |
| Interest | 13.81 |

Note: Treasurers' Fees are included \$9,449.92

February Tax Receipt Collections Paid in March

| | |
|--------------------|-------------|
| Real Estate | \$28,105.30 |
| Specific Ownership | 1,078.84 |
| Interest | 0.86 |

Note: Treasurers' Fees are included \$29,185.00

Interest on Investments received in March

127.57

TOTAL TO DATE \$160,334.16

Total Disbursements thru 3/31/94

12,715.39

TOTAL FUNDS 3/31/94 \$147,618.77

Balances as of 3/31/94

| | |
|--|---------------------|
| Checking Account | \$18,953.92 |
| Petty Cash | 100.00 |
| Time C.D.-FNB of Gunnison (1 yr.) | 2,727.56 |
| Time C.D.-Wetlands-FNB of Gunnison (1 yr.) | 951.61 |
| Money Maker-GS&L | 41,962.03 |
| Time C.D.-FNB of Lake City (6 mo.) | 41,835.52 |
| Passbook Savings-C.B. State Bank | 40,586.15 |
| Passbook Savings-FNB of Gunnison | 501.98 |
| Accts. Payable/Colo. Withholding Tax | 0 |
| TOTAL FUNDS 3/31/94 | \$147,618.77 |

| INTEREST RATES | MATURITY DATES |
|-------------------|-------------------|
| 2.25% | |
| 3.50% | 1/18/95 |
| 3.50% | 8/16/94 |
| 3.25% | |
| 3.59% | 4/4/94 |
| 3.00% | |
| 3.00% | |

OPERATIONAL EXPENSES PAID

| | | |
|----------------|---|----------|
| March 14, 1994 | U. S. West Communications-office phone | \$147.66 |
| March 31, 1994 | Silver World Publishing-2/4 & 2/11 classified | 40.60 |
| March 31, 1994 | The Paper Clip-office supplies | 160.00 |
| March 31, 1994 | Gunnison Communications-Feb. meeting notice & vacancy notice | 20.46 |
| March 31, 1994 | Chronicle & Pilot-Feb. meeting notice & public hearing notice | 46.95 |
| March 31, 1994 | Water Clerk, Division No. #4-mailing list fee | 12.00 |
| March 31, 1994 | Tyler Martineau-Feb. direct expenses | 92.50 |
| March 31, 1994 | Tyler Martineau-March direct expenses | 364.87 |
| March 31, 1994 | Gunnison County Treasurer-1994 annual rent | 1,500.00 |
| March 31, 1994 | Tyler Martineau-net salary for pay period 3/1/94-3/31/94 (gross salary \$3,592.95) | 2,504.70 |
| March 31, 1994 | Patrice Thomas-net wages for pay period 3/1/94-3/31/94 (gross wages \$644.00/56 hrs) | 433.73 |
| March 31, 1994 | Rita McDermott-net salary for pay period 3/1/94-3/31/94 (gross salary \$300.00) | 225.00 |
| March 31, 1994 | First National Bank-FWT & FICA-March | 1,506.94 |
| March 31, 1994 | Colorado Dept. of Revenue-Jan-March-CWT | 666.37 |

OTHER EXPENSES PAYABLE

April 11, 1994 Scheduled Meeting:

| | | |
|----------------------|---|----------|
| Bob Arnold | attendance-\$25 | \$25.00 |
| Ralph Clark III | attendance-\$25 | 25.00 |
| Susan Allen Lohr | attendance-\$25 & 72 mi.@.25-\$18 | 43.00 |
| Ramon Reed | attendance-\$25 | 25.00 |
| Mark Schumacher | attendance-\$25 & 20 mi.@.25-\$5 | 30.00 |
| Peter Smith | attendance-\$25 | 25.00 |
| Lee Spann | attendance-\$25 & 6 mi.@.25-\$1.50 | 26.50 |
| Dennis Steckel | attendance-\$25 | 25.00 |
| Doyle Templeton | attendance-\$25 & 64 mi.@.25-\$16 | 41.00 |
| William Trampe | attendance-\$25 & 14 mi.@.25-\$3.50 | 28.50 |
| Purvis Vickers | attendance-\$25 & 120 mi.@.25-\$30 | 55.00 |
| Bratton & McClow | 3/31/94 invoice | 2,243.92 |
| Bio-Environs | costs incurred for completing water quality sampling | 489.60 |
| Kimberly Temple,P.C. | 3/4/94 Bev met with Tyler re: info for audit .3 hrs. \$19.50 | |
| | 3/20/94 Bev confirmations .3 hrs. <u>\$19.50</u> | |
| | TOTAL | 39.00 |

**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 |

Williams, Turner, & Holmes, P.C.

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

Helton & Williamsen, P.C.

| | Invoice Date | Amount | Date Paid | Budget Year Expended |
|-----------------------------|--------------|--------------------|-----------|----------------------|
| Engineering Services | 12/7/93 | \$553.88 | 1/10/94 | 1993 |
| Total Disbursed | | <u>\$38,623.95</u> | | |
| Total Disbursed-1994 Budget | | <u>\$16,257.31</u> | | |



United States Department of the Interior



GEOLOGICAL SURVEY
BOX 25046 M.S. 415
DENVER FEDERAL CENTER
DENVER, COLORADO 80225
Water Resources Division
Colorado District

2/8/94

IN REPLY REFER TO:

February 7, 1994

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


Dear Mr. Martineau:

Enclosed are the original and three copies of a Joint Funding Agreement in the amount of \$11,862.50, each side, for the operation and maintenance of the following streamgaging stations:

| <u>DESCRIPTION</u> | <u>USGS</u> | <u>UGWCD</u> | <u>TOTAL</u> |
|---|-------------------|-------------------|-------------------|
| Slate Rvr nr Crested Butte (09111500) | \$ 912.50 | \$ 912.50 | \$1,825.00 |
| Castle Cr Abv mouth nr Baldwin (09113100) | \$3,650.00 | \$3,650.00 | \$7,300.00 |
| Tomichi Cr at Sargents (09115500) | \$3,650.00 | \$3,650.00 | \$7,300.00 |
| Cochetopa Cr Blw Rock C nr Parlin (09118450) | <u>\$3,650.00</u> | <u>\$3,650.00</u> | <u>\$7,300.00</u> |
| TOTAL | \$11,862.50 | \$11,862.50 | \$23,725.00 |

If the agreement is satisfactory, please sign all copies; keep one copy for your files; and return the remaining three copies to this office by March 15, 1994. If you have any questions, please contact Ed Wilson (303-245-5257) in Grand Junction or me (303-236-4882).

Sincerely,


David J. Lystrom

Enclosure

Department of the Interior
Geological Survey
Joint Funding Agreement
FOR

Agreement No: CO9406500
Customer No: CO023
Cost Center: 4608
Project No: 00110

WATER RESOURCES INVESTIGATIONS

THIS AGREEMENT is entered into as of the 1st day of October 1993 by the GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT, party of the second part.

1. The parties hereto agree that subject to the availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation a surface-water hydrology monitoring program to provide baseline information on Slate Rv (09111500), Castle Cr (09113100), Tomichi Cr (09115500) and Cochetopa Cr (09118450), hereinafter called the program.

2. The following amounts shall be contributed to cover all of the cost of the necessary field and office work directly related to this program, but excluding any bureau level general administrative or accounting work in the office of either party.

- (a) \$11,862.50 by the party of the first part during the period October 1, 1993 to September 30, 1994
- (b) \$11,862.50 by the party of the second part during the period October 1, 1993 to September 30, 1994
- (c) Additional amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties.

3. Expenses incurred in the performance of this program may be paid by either party in conformity with the laws and regulations respectively governing each party, provided that so far as may be mutually agreeable all expenses shall be paid in the first instance by the party of the first part with appropriate reimbursement thereafter by the party of the second part. Each party shall furnish to the other party such statements or reports of expenditures as may be needed to satisfy fiscal requirements.

4. The field and office work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.

5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.

6. During the progress of the work all operations of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.

7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.

8. The maps, records or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program and, if already published by the party of the first part shall, upon request, be furnished by the party of the first part, at cost, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records or reports published by either party shall contain a statement of the cooperative relations between the parties.

9. Billing for this agreement will be rendered annually. Payments of bills are due within 60 days after the billing date. If not paid by the due date, interest will be charged at the current Treasury rate for each 30-day period, or portion thereof, that the payment is delayed beyond the due date. (31 USC 3717; Comptroller General File B-212222, August 23, 1983.).

UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT

GEOLOGICAL SURVEY
UNITED STATES
DEPARTMENT OF THE INTERIOR

By _____

By _____

By _____

By *David J. Peterson*
(SIGNATURE & TITLE)

District Chief, WRD, Colorado District

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: February 3, 1994

SUBJECT: Agenda Item 14, February 14, 1994, Board Meeting --
Miscellaneous Matters - East River Water Quality
Monitoring.

On January 18 water quality measurements were made by Lynn Cudlip in the East River basin at the following sites:

1. Washington Gulch above the confluence with Wood Creek near the Gothic Road culvert.
2. Slate River below the confluence with Coal Creek immediately downstream of the Gothic Road bridge.
3. Slate River below the confluence with Washington Gulch and above the new Slate River streamgage.
4. East River at the Brush Creek Road bridge.
5. Slate River below the confluence with Washington Gulch and below the new Slate River streamgage.
6. East River at the new East River below Cement Creek Streamgage.
7. Slate River immediately above the confluence with the East River.
8. East River immediately above the confluence with the Slate River.

The following parameters were measured: Temperature, conductivity, pH, dissolved oxygen, total phosphorus, ammonia, nitrate, and fecal coliform. The cost for each round of sampling at the above sites is about \$550.00. Included is the cost of labor and the cost for analyzing the samples. The District is splitting this cost with Gunnison County. The present plan with the county and Lynn is to repeat the measurements once each month in February, March, and April, 1994.

380
view.
Jan 10

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: February 3, 1994

SUBJECT: Agenda Item 14, February 14, 1994, Board Meeting --
Miscellaneous Matters - Gunnison River Ice Jam
Monitoring.

I was informed in mid-January that the Bureau of Reclamation decided not to monitor ice jamming conditions on the Gunnison River for the winter of 1993-1994. During recent winters (winters of 1985-86 through 1992-93) the Bureau has hired Jerry Greene, a Gunnison engineer, to observe and photograph the ice in the river and to collect temperature data. I believe the Bureau made its decision based upon the fact that there has been no major outcry on the icing issue for a number of years, and they are looking for ways to reduce expenditures.

I would recommend that the District send a letter to the Bureau emphasizing the importance of the monitoring program, and urging that the program be continued next winter.

Upper Gunnison River Water Conservancy District

WORKSESSION

Wednesday, June 29, 1994
7:00 p.m.

County Commissioners' Meeting Room
Gunnison County Courthouse
Gunnison, Colorado

A G E N D A

1. Call to order.
2. Discussion of Issues Surrounding the Management of the Aspinall Unit.
3. Adjournment.

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

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

Upper Gunnison River Water Conservancy District

SPECIAL MEETING

Monday, June 27, 1994
7:00 p.m.

Multi-Purpose Building - County Fairgrounds
Gunnison, Colorado

A G E N D A

1. Call to Order.
2. Public Comment Concerning Matters to be Discussed in Executive Session.
3. Executive Session - Personnel Matters.
4. Adjournment.

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

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

Up from 27 June 94, 7:00 Ex. Session

Will

Duties

Patrol Ex. Sec.

Working ex sec.

Notice to Court House

12 hours a day -

Time in implementation

- vacation

Tyler not delegat
had need of side to be ex.

Office Hours - Timing -

R

Awareness program
Same See § 6.1

Att. Sessions

going on from Here.
Ongoing pairs

Engineer -

Basic info gathering.

-

My Comment - Eval.

Clear Criteria -

Dear Customer -
We are sorry -

Thank you for your purchase.

Thank you for your purchase.

Thank you for your purchase.

Thank you for your purchase.

Thank you for your purchase.

Thank you for your purchase.

Thank you for your purchase.

Thank you for your purchase.

Thank you

Thank you for your purchase.

proceed the world

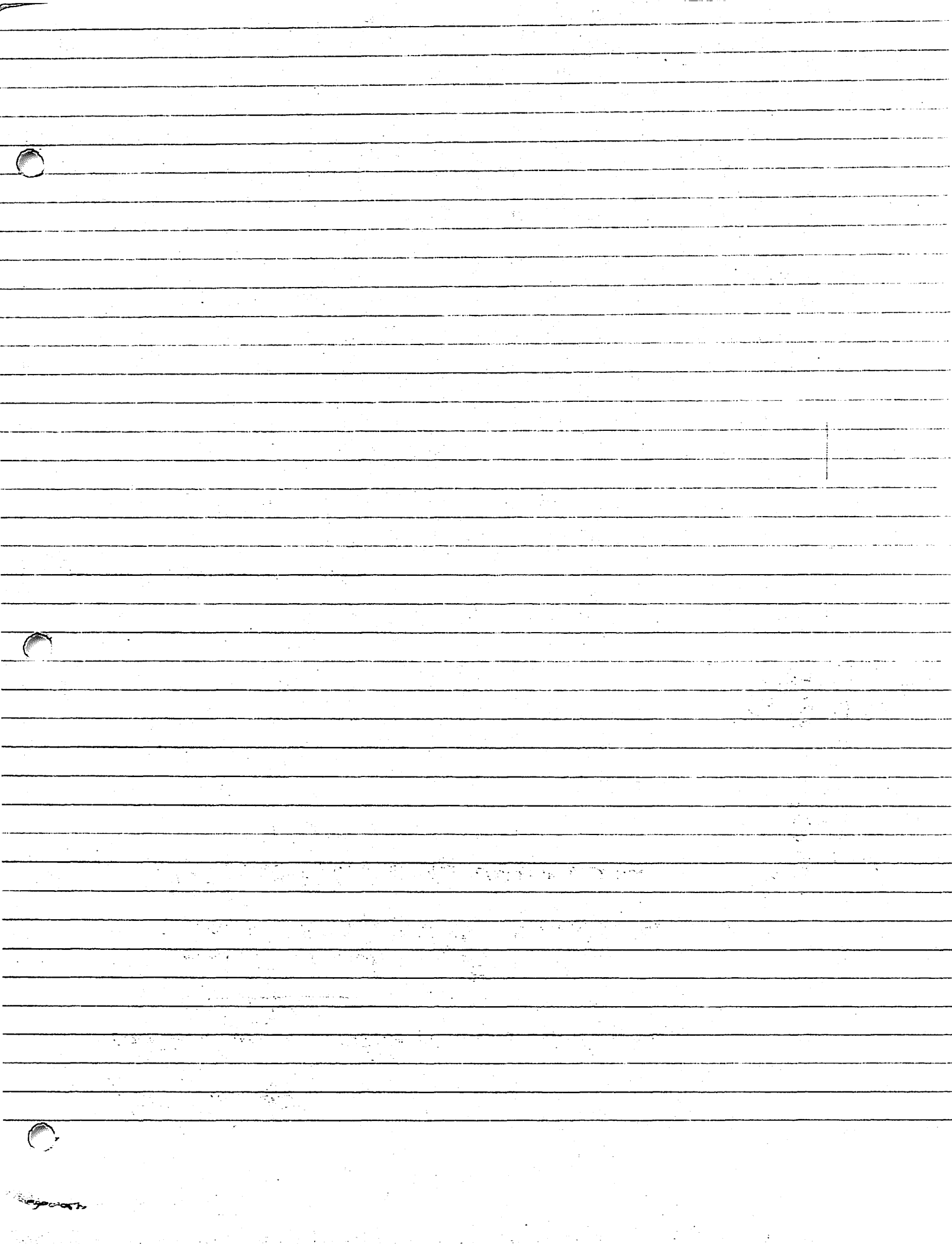
coastal waters. North of [unclear] species
density there

create national game strategy
case will impact national wetlands

Don't need to change the world around
at small

get land
over
and
check present
not in
and

San Francisco
California



Agenda Item #13
July 11, 1994

RECEIVED JUN 23 1994

ERNEST H. COCKRELL
1600 Smith, Suite 4600
Houston, Texas
(713) 651-1271

June 17, 1994

VIA FACSIMILE (303) 248-0601

Carol DeAngelis
Projects Manager
U.S. Bureau of Reclamation
P.O. Box 60340
Grand Junction, CO 81506

COPY

Re: Taylor Park Reservoir

Dear Ms. DeAngelis:

I enclose a signed copy of the June 14, 1994 agreement on operation of Taylor Park Reservoir for 1994. Although I have signed this agreement, I wish to advise you of my concerns about the Bureau's June 14 letter to the Division Engineer and the manner in which the Reservoir operations were determined this year.

I attended the Taylor Park Reservoir operations meeting in Montrose on April 19 in order to discuss, in good faith, a schedule of releases which would optimize the beneficial use of water for both my instream flow right in the Taylor River and the second filling of Taylor Park Reservoir. I expressed a willingness, as I did in 1993, to agree to a schedule of storage and releases which would protect all of the water rights in the basin, including the Bureau's, and avoid divisive litigation over the relative priorities of our water rights. I came to the meeting in the spirit of cooperation which we developed with your predecessor, Ron Johnston, during the Arapahoe County litigation.

The April 19 meeting was attended by several of the Bureau's representatives. We agreed to a schedule of releases which would fully satisfy my 445 c.f.s. instream flow right for a period of time, while permitting storage of projected inflows under the priority of the second filling decree and subsequent releases in amounts necessary to optimize fishery and recreational uses. We

Carol DeAngelis
June 17, 1994
Page 2

came away from the meeting with a clear understanding as to how the Reservoir would be operated. Based on that understanding, my attorney wrote to the Division Engineer on May 5 expressing my concurrence with the agreed schedule.

I am troubled by the statements in your June 14 letter to the Division Engineer that the Bureau "is not in agreement" with the release schedule attached to Mr. White's May 5 letter, and that "it is not the responsibility of Mr. White to set the release criteria for Taylor Park Reservoir." The Bureau agreed to this release schedule at the April 19 meeting. I understand that the amount and timing of the inflows into the Reservoir have changed significantly from the projections which were available to us on April 19, and I have always expressed a willingness to change the schedule based on new hydrologic information. Indeed, Mr. White's May 5 letter to the Division Engineer expressly acknowledges that conditions may change. While the Bureau is certainly entitled to state its position concerning the relative priorities of our water rights, I see no reason for the adversarial tone of your letter or the inaccurate characterization of the release schedule which was adopted on April 19.

Your letter implies that Mr. White independently set a release schedule for Taylor Park Reservoir. I trust that you understand that Mr. White has acted as my attorney in this matter and that his May 5 letter was written on my behalf, as indicated in the first paragraph of the letter. I have been and will continue to be personally involved in all discussions concerning Reservoir operations.

The participants at the April 19 meeting agreed to negotiate the terms of a "Five-Party Agreement" which would protect the interests of all parties in the event of a future dispute concerning the relative priorities of our water rights. After considerable discussions, the Upper Gunnison River Water Conservancy District and I were able to reach agreement on language concerning 1994 operations. I regret the Bureau of Reclamation's refusal to sign that agreement, which resulted in considerable delay in resolving the issue this year. While the abridged version of the agreement which I have enclosed with this letter is not as comprehensive as I would like it to be, I am signing it in reliance on the commitment in your June 14 letter to the Division Engineer to increase releases from the Reservoir to match the actual inflow, up to 445 c.f.s. Given the fact that the peak runoff occurred before the Bureau had finally resolved its own position on the proposed agreement, I do not regard the June 19 date stated in your letter as the only opportunity to achieve a 445 c.f.s. release. I will expect the Bureau and Uncompahgre to ramp up to 445 c.f.s. on the first occasion at which inflows exceed the release schedule identified in your letter.

Purpose: examination of Aspinall Unit operations under dry 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 -- DRY YEAR - 1989

| Actual for 1989 | 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-36 - C-37. | | | | | | | | | | | | | |
| into Blue Mesa | 492.0 | 448.0 | 385.0 | 439.0 | 431.0 | 729.0 | 1,622.0 | 2,033.0 | 2,077.0 | 968.0 | 915.0 | 469.0 | 665,540 |
| into Morrow Point | 38.0 | 37.0 | 37.0 | -15.0 | 24.0 | 66.0 | 207.0 | 192.0 | 102.0 | 37.0 | 88.0 | 63.0 | 52,963 |
| into Crystal | 186.0 | 98.0 | 92.0 | 73.0 | 46.0 | 99.0 | 224.0 | 244.0 | 183.0 | 64.0 | 43.0 | 66.0 | 85,732 |
| average total cfs inflow to Aspinall Unit for month | 716.0 | 583.0 | 514.0 | 497.0 | 501.0 | 894.0 | 2,053.0 | 2,469.0 | 2,362.0 | 1,069.0 | 1,046.0 | 598.0 | 804,235 |
| inflows in acre-feet | 43,289 | 35,248 | 31,076 | 30,048 | 30,290 | 54,051 | 124,124 | 149,275 | 142,806 | 64,631 | 63,241 | 36,155 | |
| cumulative inflow in ac-ft | 43,289 | 78,537 | 109,613 | 139,662 | 169,952 | 224,003 | 348,127 | 497,402 | 640,208 | 704,839 | 768,080 | 804,235 | |

=== Part 3 -- WATER RELEASES FROM ASPINALL UNIT -- DRY YEAR - 1989

| | | | | | | | | | | | | | |
|--|--------|--------|--------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Evaporation in cfs - USBR (1994) SLCA Electric Power Marketing DEIS; pp. C-36 - C-37. | | | | | | | | | | | | | |
| from Blue Mesa | 6.4 | 3.2 | 2.0 | 2.0 | 2.8 | 6.2 | 10.8 | 16.0 | 21.4 | 22.2 | 17.2 | 13.6 | |
| from Morrow Point | | | | | | | | 2.1 | 14.3 | 13.8 | 1.4 | | |
| from Crystal | | | | | | | | | | | | | |
| Total evaporation in ac-ft | 387 | 193 | 121 | 121 | 169 | 375 | 653 | 1,094 | 2,158 | 2,177 | 1,125 | 822 | 9,395 |
| Released in cfs from Crystal - USDOE (1994) SLCA Electric Power Marketing DEIS; p. C-37. | | | | | | | | | | | | | |
| for power | 960.0 | 303.0 | 293.0 | 293.0 | 306.0 | 293.0 | 1,193.0 | 1,334.0 | 1,412.0 | 1,415.0 | 1,464.0 | 1,395.0 | |
| for other purposes | | | | | | | | | | | | | |
| total released in cfs | 960.0 | 303.0 | 293.0 | 293.0 | 306.0 | 293.0 | 1,193.0 | 1,334.0 | 1,412.0 | 1,415.0 | 1,464.0 | 1,395.0 | |
| total in acre-feet | 58,041 | 18,319 | 17,715 | 17,715 | 18,501 | 17,715 | 72,128 | 80,653 | 85,369 | 85,550 | 88,513 | 84,341 | 644,561 |
| cumulative releases in ac-ft | 58,041 | 76,361 | 94,075 | 111,790 | 130,291 | 148,005 | 220,134 | 300,787 | 386,156 | 471,707 | 560,220 | 644,561 | |

=== 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 1989 to represent dry conditions - USGS (1990), Water Resources Data, p. 193.

| | | | | | | | | | | | | | |
|-----------------------------|---------|-------|-------|-------|-------|---------|---------|---------|---------|-------|---------|---------|---------|
| Monthly average flow in cfs | 1,143.0 | 944.0 | 854.0 | 870.0 | 989.0 | 1,356.0 | 2,542.0 | 1,878.0 | 1,392.0 | 824.0 | 1,005.0 | 1,207.0 | 907,137 |
|-----------------------------|---------|-------|-------|-------|-------|---------|---------|---------|---------|-------|---------|---------|---------|

Projected habitat requirement at Whitewater Gage desired to meet needs of endangered fish - USFWS (April 1992) Gunnison River Study Flows.

| | | | | | | | | | | | | | |
|---------------------|-------|-------|-------|-------|-------|-------|-------|---------|---------|---------|---------|---------|---------|
| For dry year in cfs | 700.0 | 700.0 | 700.0 | 700.0 | 700.0 | 700.0 | 900.0 | 3,000.0 | 2,000.0 | 1,000.0 | 1,000.0 | 1,000.0 | 792,022 |
|---------------------|-------|-------|-------|-------|-------|-------|-------|---------|---------|---------|---------|---------|---------|

Difference between desired flow pattern and actual flow with a negative figure indicating insufficient flow.

| | | | | | | | | | | | | | |
|-----------------------------|-------|-------|-------|-------|-------|-------|---------|----------|--------|--------|-----|-------|--|
| dif. from Whitewater in cfs | 443.0 | 244.0 | 154.0 | 170.0 | 289.0 | 656.0 | 1,642.0 | -1,122.0 | -608.0 | -176.0 | 5.0 | 207.0 | |
|-----------------------------|-------|-------|-------|-------|-------|-------|---------|----------|--------|--------|-----|-------|--|

| | | | | | | | | | | | | | |
|--------------------------------|--------|--------|--------|--------|--------|---------|---------|---------|---------|---------|---------|---------|--|
| cumulative difference in ac-ft | 26,784 | 41,536 | 50,847 | 61,125 | 78,598 | 118,259 | 217,534 | 149,698 | 112,939 | 102,298 | 102,600 | 115,115 | |
|--------------------------------|--------|--------|--------|--------|--------|---------|---------|---------|---------|---------|---------|---------|--|

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 | 93.0 | -106.0 | -196.0 | -180.0 | -61.0 | 306.0 | 1,492.0 | 828.0 | 342.0 | -226.0 | -45.0 | 157.0 | |
|-----------------------------|------|--------|--------|--------|-------|-------|---------|-------|-------|--------|-------|-------|--|

| | | | | | | | | | | | | | |
|--------------------------------|-------|------|---------|---------|---------|--------|--------|---------|---------|---------|---------|---------|--|
| cumulative difference in ac-ft | 5,623 | -786 | -12,636 | -23,519 | -27,207 | -8,706 | 81,500 | 131,560 | 152,238 | 138,574 | 135,853 | 145,345 | |
|--------------------------------|-------|------|---------|---------|---------|--------|--------|---------|---------|---------|---------|---------|--|

=== 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 1992 when inflow was 70.8% of average - USBR (1993) Summary of Actual Releases for 1992.

Note - these commitments may not vary directly with amount of inflow.

| | | | | | | | | | | | | | |
|------------------------|---|---|-------|--------|--------|-------|---|---|---|---|---|---|--------|
| to rights below Canyon | 0 | 0 | 8,000 | 19,400 | 21,200 | 6,800 | 0 | 0 | 0 | 0 | 0 | 0 | 55,400 |
|------------------------|---|---|-------|--------|--------|-------|---|---|---|---|---|---|--------|

| | | | | | | | | | | | | | |
|---------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------|
| to NPS/Endangered Species | 18,400 | 17,900 | 18,400 | 18,400 | 17,300 | 18,400 | 17,800 | 33,100 | 17,800 | 18,400 | 18,400 | 17,900 | 232,200 |
|---------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------|

| | | | | | | | | | | | | | |
|----------------------|--------|-------|-----|--------|-------|--------|--------|--------|--------|--------|--------|--------|---------|
| to State of Colorado | 11,300 | 9,500 | 200 | 24,900 | 3,600 | 19,400 | 13,200 | 42,500 | 37,100 | 32,100 | 27,600 | 10,600 | 232,000 |
|----------------------|--------|-------|-----|--------|-------|--------|--------|--------|--------|--------|--------|--------|---------|

| | | | | | | | | | | | | | |
|----------|---|---|---|---|---|---|---|---|---|---|---|---|---|
| to Other | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|----------|---|---|---|---|---|---|---|---|---|---|---|---|---|

| | | | | | | | | | | | | | |
|--------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------|
| Total down Canyon in acre-feet | 29,700 | 27,400 | 26,600 | 62,700 | 42,100 | 44,600 | 31,000 | 75,600 | 54,900 | 50,500 | 46,000 | 28,500 | 519,600 |
|--------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------|

| | | | | | | | | | | | | | |
|---------|-------|-------|-------|---------|-------|-------|-------|---------|-------|-------|-------|-------|--|
| av. cfs | 491.2 | 453.2 | 440.0 | 1,037.1 | 696.3 | 737.7 | 512.7 | 1,250.4 | 908.0 | 835.3 | 760.8 | 471.4 | |
|---------|-------|-------|-------|---------|-------|-------|-------|---------|-------|-------|-------|-------|--|

| | | | | | | | | | | | | | |
|-------------------------|--------|--------|--------|---------|---------|---------|---------|---------|---------|---------|---------|---------|--|
| cumulative in acre-feet | 29,700 | 57,100 | 83,700 | 146,400 | 188,500 | 233,100 | 264,100 | 339,700 | 394,600 | 445,100 | 491,100 | 519,600 | |
|-------------------------|--------|--------|--------|---------|---------|---------|---------|---------|---------|---------|---------|---------|--|

01/06/94 JHM Review revised U.S. brief regarding Aspinall issues; legal research re: federal preemption and CRSPA; draft revisions to Aspinall brief

LRB Work on finalizing brief; telephone conference with Andy Mergen and Andy Williams re: U.S. brief (4.5 hours at No Charge)

01/07/94 JHM Prepare and edit final draft of Aspinall brief

LRB Complete argument on "marketable yield" and "subordination;" telephone conference with Andy Williams; complete brief

01/17/94 LRB Work on memo to Board re: maximum utilization

01/18/94 LRB Draft memo re: maximum utilization

01/19/94 LRB Work on memo to Board on maximum utilization issue

01/23/94 LRB Read HCCA, et. al. brief; draft explanation of "maximum use"

LRB Review response to Senator Ament and Rep. Jerke from Arapahoe County re: Union Park Project; make suggested changes

01/24/94 LRB Revise memo on meaning of "maximum use;" telephone conference with Tyler; attend Board Meeting/hearing on maximum use brief

Amount

SUBTOTAL: [16,131.25]

Augmentation

12/14/93 JRH Research and write memo on augmentation plans

12/16/93 JRH Research and write memo on augmentation plans

12/21/93 JRH Research and write memo on augmentation plans

12/30/93 JRH Research and write memo on augmentation plans

01/11/94 JRH Research and write memo on augmentation plans

01/25/94 JRH Research and write memo on augmentation plans

SUBTOTAL: [1,550.00]

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

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

DRAFT UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT

ATTORNEY AND RELATED ENGINEERING INVOICES RECEIVED AND PAID ---FOR BUDGET YEAR 1994

| Invoice From: | Month | Invoice Date | Payment Date | Amount | Allocation By Purpose | | | | | | | | | |
|---|-------|--------------|--------------|-------------|-----------------------|-------------------|-----------------------|--------------------|------------------------|------------------|---------------|----------------|---------------------|---------------|
| | | | | | Fee Adjustment | Admin. and Office | Availability Un. Park | FERC / Rocky Point | Taylor Res. Operations | Private Instream | CWCB Instream | Basin Augment. | Dominguez Reservoir | Service Costs |
| January | | | | | | | | | | | | | | |
| Bratton and McClow | | 28-Jan-94 | 14-Feb-94 | \$15,882.31 | (\$5,000.00) | \$875.00 | \$16,131.25 | | | | | \$1,550.00 | | \$2,328.06 |
| Williams, Turner and Holmes | | 31-Jan-94 | 14-Mar-94 | \$375.00 | | | \$375.00 | | | | | | | |
| February | | | | | | | | | | | | | | |
| Bratton and McClow | | 28-Feb-94 | 14-Mar-94 | \$3,772.46 | | \$982.50 | \$137.50 | | | | \$93.75 | \$1,231.25 | \$62.50 | \$1,284.96 |
| March | | | | | | | | | | | | | | |
| Bratton and McClow | | 31-Mar-94 | 11-Apr-94 | \$2,243.92 | | \$625.00 | \$1,531.25 | | | | | | | \$87.67 |
| April | | | | | | | | | | | | | | |
| Bratton and McClow | | 28-Apr-94 | 12-May-94 | \$8,153.99 | | \$312.50 | \$3,818.75 | \$162.50 | \$1,937.50 | \$1,587.50 | | | | \$335.24 |
| Williams, Turner and Holmes | | 6-May-94 | 12-May-94 | \$1,611.40 | | | \$1,600.00 | | | | | | | \$11.40 |
| May | | | | | | | | | | | | | | |
| Bratton and McClow | | 1-Jun-94 | 13-Jun-94 | \$4,578.40 | | \$512.50 | \$1,862.50 | | | \$1,250.00 | | | \$62.50 | \$890.90 |
| June | | | | | | | | | | | | | | |
| Bratton and McClow | | 1-Jul-94 | pending | \$684.54 | | \$437.50 | | \$82.50 | | \$93.75 | | | | \$70.79 |
| Year to date expenditures for Legal Expenses and Related Engineering Expenses | | | | | | | | | | | | | | |
| Expenditures to date including pending invoices: | | | | \$37,282.02 | (\$5,000.00) | \$3,725.00 | \$25,456.25 | \$225.00 | \$1,937.50 | \$2,931.25 | \$93.75 | \$2,781.25 | \$125.00 | \$5,007.02 |
| Budgeted for 1994 | | | | \$70,000.00 | | | | | | | | | | |
| Percent of Budget to date including pending invoices: | | | | 53% | | | | | | | | | | |

Upper Gunnison River Water Conservancy District

GUNNISON, COLORADO 81230

M E M O R A N D U M

TO: Board Members,
Upper Gunnison River Water Conservancy District

FROM: Tyler Martineau

DATE: June 29, 1994

SUBJECT: Agenda Item 6, July 11, 1994, Board Meeting --
Proposed Amendment 1 Audit.

*Not yet talked
to Dept of Local
Affairs
and Dept of H.A.
proposed updates
in Amendment 1
17 Aug 93
+ Dept. Budget
+ Insurance
Dept. Clerk
Janet etc*

As requested by the Board I asked Bev Tezak of Kimberly Temple's office about an audit of the District's compliance with Amendment 1.

First we discussed the possibility of the auditor making statements about the District's Amendment 1 compliance in the annual audit of the District's financial statements. Bev Tezak said that the auditors do not make statements that an entity has complied with Amendment 1 in an annual audit. It would be too difficult for an auditor to ensure that such a statement was true. A statement that they will make if they observe a problem is that the entity might not be in compliance with Amendment 1 requirements. For example, if she had found a problem with Amendment 1 compliance in the course of performing her audit of the District's financial statements she would have added a statement to the District's audit report. In her opinion Amendment 1 audits will not become part of annual audits until the uncertainty surrounding the implementation of Amendment 1 is resolved.

Second, we discussed the possibility of her office preparing a separate Amendment 1 audit for the District. Her preliminary estimate is that an Amendment 1 audit would cost as much as the district's annual financial audit, about \$900.00. If the District wishes to pursue further having such an Amendment 1 audit performed she said her firm would need to consider whether, in fact, they would be able to perform such an audit and prepare a refined cost estimate.

Butch Clark participated in a discussion of this matter with Bev Tezak on June 28, therefore, he may have some thoughts to add.

Upper Gunnison River Water Conservancy District
GUNNISON, COLORADO 81230

Bev Em
284.60

M E M O R A N D U M

TO: Board Members,
Upper Gunnison River Water Conservancy

FROM: Tyler Martineau

DATE: June 30, 1994

SUBJECT: Agenda Item 8, July 11, 1994, Board Meeting --
Mid-Year Financial Review.

*Bev Em
amount to checking
invoices check
pay will bank balances
not difficult
Asked Bev Tezak
also talk with Rita*

At the June 13, 1994 meeting of the Upper Gunnison River Water Conservancy District the board voted to conduct a review of the District's financial records as of the time that responsibility for bookkeeping duties for the District changes. Butch Clark stated at the meeting that he would talk with Bev Tezak or Kimberly Temple to find out what is included in the scope of the review, to see whether the board would be satisfied with the results. I believe Butch will be available at the board meeting on July 11 to report on his findings. @

Assuming that the review costs between \$250.00 and \$300.00 it is likely that the District will exceed its budget of \$1,200.00 for audit and accounting expenses this year. Therefore, the board should be aware that it may need to amend the 1994 budget before the year is completed.

Upper Gunnison River Water Conservancy District

GUNNISON, COLORADO 81230

M E M O R A N D U M

TO: Board Members,
Upper Gunnison River Water Conservancy District

FROM: Tyler Martineau

DATE: July 1, 1994

SUBJECT: Agenda Item 10, July 11, 1994, Board Meeting --
Consideration of Resolution Amending Signature and
Countersignature Authorizations for Checks Issued in
the Name of the District.

At the June 13, 1994 board meeting the board discussed changing the list of persons authorized to sign and countersign checks for the District. At present Bill Trampe and Bob Arnold are authorized to sign checks, and Rita McDermott and I are authorized to countersign checks. In the future only board members would have the authority to sign checks. I have prepared draft resolutions for the board to consider at the July 11 meeting. I am recommending that the board pass a separate resolution for each bank where the District has deposited funds, directing each bank to honor only the signatures shown in the resolution. Butch Clark suggested adding a third board member to the signature and countersignature lines in case the other board members named are not available. If the board desires to add a third board member to each signature line, the board will need to designate two additional board members as signatories prior to adopting the resolutions.

The District needs to move forward on this matter with haste because Bob Arnold is no longer the vice-president, and Rita will shortly be unavailable to countersign checks.

DRAFT

RESOLUTION 94-_____

I HEREBY CERTIFY that I am the duly elected and qualified Secretary of the Upper Gunnison River Water Conservancy District and the keeper of the records and seal of said District and the following is a true and correct copy of a resolution duly adopted at a regular meeting of the Board of Directors of said District held in accordance with the By-Laws of said District on the 11th day of July, 1994.

"Whereas, On July 12, 1993 The Board of Directors of the Upper Gunnison River Water Conservancy District (The Board) designated the First National Bank of Gunnison (now the First National Summit Bank) a depository of the District and that funds so deposited may be withdrawn upon a check, draft, note or order of the District; and

"Whereas, On July 12, 1993 the Board designated those persons authorized to sign and countersign checks, drafts, notes or orders for the payment of money in the name of the District; and

"Whereas, the Board desires to amend the list of persons authorized to sign checks, drafts, notes or orders for the payment of money in the name of the District.

"Now, Therefore, Be It Resolved, that all checks, drafts, notes, or orders drawn against said account be signed by any one of the following:

| NAME | TITLE |
|-------------------|----------------------|
| William S. Trampe | Board President |
| Peter Smith | Board Vice-President |
| _____ | Board Member |

and countersigned by any one of the following:

| | |
|---------------------|-----------------|
| Ralph E. Clark, III | Board Treasurer |
| Mark Schumacher | Board Secretary |
| _____ | Board Member |

whose signatures shall be duly certified to said Bank, and that no checks, drafts, notes or orders drawn against said Bank shall be valid unless so signed.

"Be It Further Resolved, that said Bank is hereby authorized to honor and pay any checks, drafts, notes or orders so drawn, whether such checks, drafts, notes or orders be

DRAFT

Resolution 94-_____
July 11, 1994

payable to the order of any such person signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes or orders, or to the individual credit of any of the other officers or not. This resolution shall take effect on August 1, 1994 and continue in force until further written notification to said Bank.

In Witness Whereof, I have hereunto affixed my name as Mark Schumacher, Secretary and have caused the seal of said District to be hereto affixed this _____ day of _____, 1994.

Mark Schumacher, Secretary

DRAFT

RESOLUTION 94-_____

I HEREBY CERTIFY that I am the duly elected and qualified Secretary of the Upper Gunnison River Water Conservancy District and the keeper of the records and seal of said District and the following is a true and correct copy of a resolution duly adopted at a regular meeting of the Board of Directors of said District held in accordance with the By-Laws of said District on the 11th day of July, 1994.

"Whereas, On July 12, 1993 The Board of Directors of the Upper Gunnison River Water Conservancy District (The Board) designated Gunnison Savings and Loan a depository of the District and that funds so deposited may be withdrawn upon a check, draft, note or order of the District; and

"Whereas, On July 12, 1993 the Board designated those persons authorized to sign and countersign checks, drafts, notes or orders for the payment of money in the name of the District; and

"Whereas, the Board desires to amend the list of persons authorized to sign checks, drafts, notes or orders for the payment of money in the name of the District.

"Now, Therefore, Be It Resolved, that all checks, drafts, notes, or orders drawn against said account be signed by any one of the following:

| NAME | TITLE |
|-------------------|----------------------|
| William S. Trampe | Board President |
| Peter Smith | Board Vice-President |
| _____ | Board Member |

and countersigned by any one of the following:

| | |
|---------------------|-----------------|
| Ralph E. Clark, III | Board Treasurer |
| Mark Schumacher | Board Secretary |
| _____ | Board Member |

whose signatures shall be duly certified to said Bank, and that no checks, drafts, notes or orders drawn against said Bank shall be valid unless so signed.

"Be It Further Resolved, that said Bank is hereby authorized to honor and pay any checks, drafts, notes or orders so drawn, whether such checks, drafts, notes or orders be

DRAFT

Resolution 94- _____
July 11, 1994

payable to the order of any such person signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes or orders, or to the individual credit of any of the other officers or not. This resolution shall take effect on August 1, 1994 and continue in force until further written notification to said Bank.

In Witness Whereof, I have hereunto affixed my name as Mark Schumacher, Secretary and have caused the seal of said District to be hereto affixed this _____ day of _____, 1994.

Mark Schumacher, Secretary

DRAFT

RESOLUTION 94-_____

I HEREBY CERTIFY that I am the duly elected and qualified Secretary of the Upper Gunnison River Water Conservancy District and the keeper of the records and seal of said District and the following is a true and correct copy of a resolution duly adopted at a regular meeting of the Board of Directors of said District held in accordance with the By-Laws of said District on the 11th day of July, 1994.

"Whereas, On July 12, 1993 The Board of Directors of the Upper Gunnison River Water Conservancy District (The Board) designated the First National Bank of Lake City a depository of the District and that funds so deposited may be withdrawn upon a check, draft, note or order of the District; and

"Whereas, On July 12, 1993 the Board designated those persons authorized to sign and countersign checks, drafts, notes or orders for the payment of money in the name of the District; and

"Whereas, the Board desires to amend the list of persons authorized to sign checks, drafts, notes or orders for the payment of money in the name of the District.

"Now, Therefore, Be It Resolved, that all checks, drafts, notes, or orders drawn against said account be signed by any one of the following:

| NAME | TITLE |
|-------------------|----------------------|
| William S. Trampe | Board President |
| Peter Smith | Board Vice-President |
| _____ | Board Member |

and countersigned by any one of the following:

| | |
|---------------------|-----------------|
| Ralph E. Clark, III | Board Treasurer |
| Mark Schumacher | Board Secretary |
| _____ | Board Member |

whose signatures shall be duly certified to said Bank, and that no checks, drafts, notes or orders drawn against said Bank shall be valid unless so signed.

"Be It Further Resolved, that said Bank is hereby authorized to honor and pay any checks, drafts, notes or orders so drawn, whether such checks, drafts, notes or orders be

Resolution 94-_____
July 11, 1994

DRAFT

payable to the order of any such person signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes or orders, or to the individual credit of any of the other officers or not. This resolution shall take effect on August 1, 1994 and continue in force until further written notification to said Bank.

In Witness Whereof, I have hereunto affixed my name as Mark Schumacher, Secretary and have caused the seal of said District to be hereto affixed this _____ day of _____, 1994.

Mark Schumacher, Secretary

RESOLUTION 94-_____

DRAFT

I HEREBY CERTIFY that I am the duly elected and qualified Secretary of the Upper Gunnison River Water Conservancy District and the keeper of the records and seal of said District and the following is a true and correct copy of a resolution duly adopted at a regular meeting of the Board of Directors of said District held in accordance with the By-Laws of said District on the 11th day of July, 1994.

"Whereas, On July 12, 1993 The Board of Directors of the Upper Gunnison River Water Conservancy District (The Board) designated the Crested Butte State Bank (now the First National Summit Bank) a depository of the District and that funds so deposited may be withdrawn upon a check, draft, note or order of the District; and

"Whereas, On July 12, 1993 the Board designated those persons authorized to sign and countersign checks, drafts, notes or orders for the payment of money in the name of the District; and

"Whereas, the Board desires to amend the list of persons authorized to sign checks, drafts, notes or orders for the payment of money in the name of the District.

"Now, Therefore, Be It Resolved, that all checks, drafts, notes, or orders drawn against said account be signed by any one of the following:

| NAME | TITLE |
|-------------------|----------------------|
| William S. Trampe | Board President |
| Peter Smith | Board Vice-President |
| _____ | Board Member |

and countersigned by any one of the following:

| | |
|---------------------|-----------------|
| Ralph E. Clark, III | Board Treasurer |
| Mark Schumacher | Board Secretary |
| _____ | Board Member |

whose signatures shall be duly certified to said Bank, and that no checks, drafts, notes or orders drawn against said Bank shall be valid unless so signed.

"Be It Further Resolved, that said Bank is hereby authorized to honor and pay any checks, drafts, notes or orders so drawn, whether such checks, drafts, notes or orders be

DRAFT

Resolution 94-_____
July 11, 1994

payable to the order of any such person signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes or orders, or to the individual credit of any of the other officers or not. This resolution shall take effect on August 1, 1994 and continue in force until further written notification to said Bank.

In Witness Whereof, I have hereunto affixed my name as Mark Schumacher, Secretary and have caused the seal of said District to be hereto affixed this _____ day of _____, 1994.

Mark Schumacher, Secretary

The board discussed the need to participate in the Colorado Water Conservation Board (CWCB) meeting to be held in Gunnison on July 19 and 20, 1994. The board wants to make known its concerns about the endangered species contract including the need for protection of upper basin water users from downstream calls.

Several board members expressed an interest in meeting with Ray Werner, the newly appointed CWCB member who represents the Gunnison basin. The board asked Mr. Martineau to see if Mr. Werner could visit informally with the board prior to the scheduled board meeting on July 11, 1994.

3. Adjournment

Vice-Chairperson Peter Smith adjourned the worksession at approximately 9:10 p.m.

AGREEMENT

This agreement is dated as of June 18, 1994, by and between Ernest H. Cockrell ("Cockrell"), the Upper Gunnison River Water Conservancy District ("Upper Gunnison"), the Colorado River Water Conservation District ("River District"), the Uncompahgre Valley Water Users Association ("UVWUA"), and the United States Bureau of Reclamation ("Bureau").

Whereas, the Bureau owns Taylor Park Reservoir, located in Gunnison County, Colorado, and by the contract dated December 13, 1948, symbol Ilr-1530, the UVWUA operates and maintains the reservoir in accordance with the terms and conditions of said contract. The Bureau holds legal water rights decreed in connection with the Reservoir: a senior right decreed in 1941, with a priority date of August 3, 1904, for irrigation and other purposes, in the amount of 111,260 acre-feet; and a junior right decreed in Case No. 86CW203, Water Division No. 4, in the total amount of 106,230 acre-feet, with an appropriation date of August 28, 1975, for recreational, fishery, wildlife, and irrigation purposes (the "86CW203 right").

Whereas, Cockrell owns certain water rights decreed in the amount of 445 c.f.s., in the Taylor River above the confluence of Lottis Creek, and 225 c.f.s. in the Taylor River below the confluence with Illinois Creek, adjudicated in Case No. W-1991, Water Division No. 4, with an appropriation date of June 1, 1910, for stock water, recreation, wildlife procreation, fish culture and heritage preservation purposes (the "W-1991 right").

Whereas, on August 28, 1975, Upper Gunnison, the River District, the UVWUA and the Bureau entered into the Taylor Park Reservoir Operation and Storage Exchange Agreement (the "1975 Agreement") related to the operation of Taylor Park Reservoir.

Whereas, the parties wish to agree on certain principles regarding administration of the W-1991 rights and 86CW203 rights during water year 1994.

NOW THEREFORE, in consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

That, in any litigation between any of the Four Parties to the 1975 agreement and Cockrell regarding the relative priorities of the 86CW203 and W-1991 rights, any changes in the operation of Taylor Park Reservoir in water year 1994 which were or were not made specifically in response to a river call by, or other request to satisfy, the W-1991 right shall not set any precedent regarding future reservoir operations as against the Four Parties or Cockrell, nor create an estoppel, waiver, laches or other preclusion of claims by the Four Parties or Cockrell regarding the meaning of the term "historical operations" as used in the W-1991 Decree, or the relative priority of the W-1991 and 86CW203 rights.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first written above.

Ernest H. Cockrell

ERNEST H. COCKRELL

U.S. BUREAU OF RECLAMATION

UPPER GUNNISON RIVER WATER
CONSERVANCY DISTRICT

By: Carol DeAngelis

By: William S. Steward

UNCOMPAHGRE VALLEY WATER
USERS ASSOCIATION

COLORADO RIVER WATER
CONSERVATION DISTRICT

By: Keith Cuth

By: Thomas R. ...

STATE OF COLORADO

Colorado Water Conservation Board
Department of Natural Resources

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

received
7/5/94



Roy Romer
Governor

James S. Lochhead
Executive Director, DNR

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

NOTICE OF CHANGE OF MEETING LOCATION

Notice is hereby given that a regular meeting of the Colorado Water Conservation Board will be held at the **Aspinall-Wilson Center, Western States College, Gunnison, Colorado** commencing at 1:30 p.m. on Tuesday, July 19, 1994, and continuing on Wednesday, July 20, 1994, at 8:00 a.m.

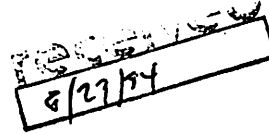
All programs, services and activities of the Department of Natural Resources and the Colorado Water Conservation Board are operated in compliance with the federal Americans with Disabilities Act. If you need a special accommodation as a result of a disability, please call Lorraine Martinez at (303) 866-3441. To assure that we can meet your needs, please notify us of your request at least 7 days in advance.

STATE OF COLORADO



Colorado Water Conservation Board Department of Natural Resources

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



Roy Romer
Governor

James S. Lochhead
Executive Director, DNR

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

Notice and Agenda

Notice is hereby given that a regular meeting of the Colorado Water Conservation Board will be held at the Gunnison County Community Building, 275 S. Spruce, Gunnison, Colorado commencing at 1:30 p.m. on Tuesday, July 19, 1994, and continuing on Wednesday, July 20, 1994, at 8:00 a.m.

All programs, services and activities of the Department of Natural Resources and the Colorado Water Conservation Board are operated in compliance with the federal Americans with Disabilities Act. If you need a special accommodation as a result of a disability, please call Lorraine Martinez at 866-3441. To assure that we can meet your needs, please notify us of your request at least 7 days in advance.

Tuesday, July 19, 1994

*Bangor at
College*

Call to order at 1:30 p.m.

1. Review and approval of Agenda and specific meeting goals (1:30 - 1:40 p.m.)
2. Review and approval of Minutes (1:40 - 1:45)
3. Director's Reports (1:45 - 2:15)
4. Instream Flow Program - Statements of Opposition (2:15 - 2:30)
 - a. Case No. 1-94CW036; City of Black Hawk
 - b. Case No. 1-94CW043; Boulder Mountain Lodge
 - c. Case No. 4-93CW269; Billorado Properties
 - d. Case No. 4-93CW270; Billorado Properties
 - e. Case No. 4-94CW052; Tri-County Water Conservancy District

5. **Instream Flow Program - Informational Items (2:30 - 3:00)**
 - a. **Resolved Cases**
 1. Case No. 5-93CW043; Wildcat Ranch Assoc.
 2. Case No. 5-93CW174; Blue River Valley Ranch Lakes Assoc.
 3. Case No. 5-94CW025; Thorne
 - b. **De Minimis Cases**
 1. Case No. 4-94CW060; Crested Butte Recreation Development
 2. Case No. 5-94CW046; Sunset Ridge Estates
 3. Case No. 5-94CW084; The Enclave at Travis Creek
 4. Case No. 7-94CW021; Sittner
 - c. Case No. 4-93CW224; Whinnery
6. **Instream Flow Program - Preliminary Notice (3:00 - 3:20)**
 - a. Water Division 1; Boulder, Clear Creek, Gilpin, Jefferson, and Larimer Counties
7. **Instream Flow Program - Rules and Regulations (3:20 - 3:40)**
8. **Water Quality - Informational Items (3:40 - 4:10)**
 - a. Report on Water Quality Forum
 - b. Watershed Protection Working Paper
 - c. Clean Water Act Reauthorization
 - d. Dillon Reservoir Refill - consent decree
 - e. Wolford Mountain Settlement Status
9. **Floodplain Designation and Approvals (4:10 - 4:20)**
 - a. **Flood Insurance Studies:**
 1. Chaffee County, Poncha Springs, Colorado, dated February 19, 1987 - approval Floodplain Resolution No. 361
 2. Clear Creek County, Silver Plume, Colorado, dated July 1, 1978 - approval Floodplain Resolution No. 362
 3. Garfield County, Parachute, Colorado, dated September 27, 1991 - approval Floodplain Resolution No. 363
 4. Mesa County, Fruita, Colorado dated July 17, 1992 - approval Floodplain Resolution No. 364
 5. Gunnison County, Gunnison, Colorado, dated November 16, 1991 - approval Floodplain Resolution No. 365
 - b. **Flood Hazard Boundary Maps/Flood Insurance Rate Maps:**
 1. Costilla County, San Luis, Colorado, dated May 24, 1974 - approval Floodplain Resolution No. 366

2. Crowley County, Ordway, Colorado, dated August 22, 1975 - approval Floodplain Resolution No. 367
 3. Logan County, Crook, Colorado, dated February 5, 1986 - approval Floodplain Resolution No. 368
- c. Master Drainage Studies:
1. Costilla County, San Luis, Colorado, dated December 1, 1988 - approval Floodplain Resolution No. 369
 2. Crowley County, Ordway, Colorado, dated June 1, 1987 - approval Floodplain Resolution No. 370
10. Proposed Guidelines for the Administration of Flood Control Project funding from the CWCB's Construction Fund (4:20 - 4:35)
 11. Request from the Colorado Department of Transportation for a Roadway Easement within the CWCB's Chatfield Downstream Channel Improvement Project Right-of-Way (4:35 - 4:50)
 12. Water Project Construction Loan Program - Feasibility Studies (4:50 - 5:00)
 - a. City of Fort Morgan - New Raw Water Reservoir
 - b. Town of Norwood - New Raw Water Reservoir
 13. Small Dam Site Reconnaissance Program - proposed plan for continuation in FY 1994-95 (5:00 - 5:10)
 14. Public Comments on matters to be discussed in Executive Session (the Board will meet in Executive Session during breakfast on July 20, 1994). (5:10 - 5:30)
 - a. Kansas v Colorado
 - b. Case No. 4-92CW107; TNC Case

A RECEPTION FOR TYLER MARTINEAU will be held at Jose's at Tomichi Village Inn, in the Market Cafe, Highway 50 East, Gunnison, Colorado (6:00 p.m.)

DINNER AND PRESENTATION BY VARIOUS LOCAL INTERESTS will be held at Jose's at Tomichi Village Inn, in the Market Cafe, Highway 50 East, Gunnison, Colorado (7:00 P.M.)

TOMICHI VILLAGE INN IS LOCATED 1 MILE EAST OF GUNNISON

Wednesday, July 20, 1994

Call to order 8:00 a.m.

15. Aspinall Unit and Taylor Park Issues Related to the Interstate Compact and Water Development, Endangered Species, National Monument, Recreational Fisheries, etc. (8:00 - 10:00)

16. Proposed Federal Legislation to Designate the Black Canyon of the Gunnison National Monument as a National Park (10:00 - 10:30)
17. Grand Valley Water Management and "Saved/Salvaged" Water Issues (10:30 - 11:30)
Lunch (11:30 - 1:00)
18. Colorado River Issues (1:00 - 2:30)
 - a. Seven States/10 Tribes Negotiations
 - b. 1995 Annual Operating Plan
 - c. Colorado River Legislation Proposal
 - d. Endangered Species Recovery Program Issues
 1. San Juan River Long Range Implementation Plan
 2. Strategy for Flow Protection - status of implementation efforts
 3. Preliminary Notice - 15 Mile Reach Accretions
 4. Yampa River Storage and Flow Protection MOU with Colorado River Water Conservation District - approval
 - e. Case No. 5-91CW247; Orchard Mesa Check
19. Arkansas River Issues (2:30 - 3:00)
 - a. Kansas v. Colorado
 - b. Arkansas River Coordination Committee
20. CWCB Long Range Plan - discussion of comments, suggested revisions, and approval (3:00 - 3:45)
21. Metro Water Studies - status report (3:45 - 4:15)
22. Future Meetings
 - September 13-14, 1994 - Denver
 - November 1-2, 1994 - Summit County
 - January _____, 1995 - Denver ??
 - March _____, 1995 - Denver ??

Adjournment (approximately 4:30)

/bj

Distribution: A, B, and C

bjjuly94.agn

UGRWCD BUDGET SUMMARY-JANUARY 1994

| | <u>JANUARY</u> <u>EXPENSE</u> | <u>YEAR -TO- DATE</u> <u>AS OF 1/31/94</u> | <u>1994 BUDGET</u> | <u>% EXPENDED</u> |
|---|----------------------------------|---|---------------------|-------------------|
| Administrative Salary | \$3,392.83 | \$3,392.83 | \$47,500.00 | 7% |
| Secretary Salary | 983.25 | 983.25 | 14,000.00 | 7% |
| Board Treasurer Salary | 300.00 | 300.00 | 4,000.00 | 8% |
| Payroll Taxes & Benefits | 415.70 | 415.70 | 8,500.00 | 5% |
| Staff Conference & Training | 0 | 0 | 500.00 | 0% |
| Legal Exp & Eng. Related | 6,594.18 | 6,594.18 | 70,000.00 | 9% |
| Audit & Accounting | 0 | 0 | 1,200.00 | 0% |
| Engineering Services | 0 | 0 | 10,000.00 | 0% |
| Rent & Utilities | 0 | 0 | 1,500.00 | 0% |
| Stream Gages O&M | 0 | 0 | 12,800.00 | 0% |
| Stream Gages Construction | 0 | 0 | 4,000.00 | 0% |
| Bonding | 50.00 | 50.00 | 200.00 | 25% |
| Insurance/Premises | 341.00 | 341.00 | 300.00 | 114% |
| Office Telephone | 122.27 | 122.27 | 2,500.00 | 5% |
| Legal Printing | 26.35 | 26.35 | 1,400.00 | 2% |
| Administrative Travel | 201.09 | 201.09 | 3,000.00 | 7% |
| Board of Directors Travel | 0 | 0 | 500.00 | 0% |
| Office Supplies | 212.77 | 212.77 | 1,500.00 | 14% |
| Postage | 260.00 | 260.00 | 1,200.00 | 22% |
| Copying | 0 | 0 | 1,200.00 | 0% |
| Publications Acquisition | 46.00 | 46.00 | 500.00 | 9% |
| Office Equipment | 0 | 0 | 1,000.00 | 0% |
| Board of Directors Fees | 250.00 | 250.00 | 5,000.00 | 5% |
| Board of Directors Mileage | 69.00 | 69.00 | 1,400.00 | 5% |
| Uncompahgre Water Users | 3,000.00 | 3,000.00 | 3,000.00 | 100% |
| Taylor Park Water Management | 284.60 | 284.60 | 10,000.00 | 3% |
| CWC Membership | 400.00 | 400.00 | 500.00 | 80% |
| WSC Water Workshop | 0 | 0 | 1,200.00 | 0% |
| Promotion & Guest Expense | 0 | 0 | 1,700.00 | 0% |
| County Treasurer's Fees | 24.67 | 24.67 | 7,000.00 | 0% |
| Subtotals | <u>\$16,973.71</u> | <u>\$16,973.71</u> | <u>\$217,100.00</u> | 8% |
| Contingency | | | 10,000.00 | 0% |
| Emergency Reserves | | | 2,500.00 | 0% |
| Water Resource Protection & Development Reserves | | | 1,928.00 | 0% |
| Totals | <u>\$16,973.71</u> | <u>\$16,973.71</u> | <u>\$231,528.00</u> | 7% |

UGRWCD
FINANCIAL DATA-1/1/94 THRU1/31/94

Balance on Hand - December 31, 1993

| | |
|---------------------------|------------|
| Checking Account | \$4,787.44 |
| Petty Cash | 100.00 |
| Time C.D.-FNB | 2,703.71 |
| Time C.D.-Wetlands Fund | 943.45 |
| Money Maker-GS&L | 41,627.12 |
| Time C.D.-FNB-Lake City | 41,465.74 |
| Passbook Svgs-CB St. Bank | 40,280.42 |
| Passbook Svgs-FNB | 40,853.47 |

TOTAL FUNDS 12/31/93 \$172,761.35

Tax Receipt Collections thru December

| | |
|--------------------|--------------|
| Real Estate | \$213,841.40 |
| Specific Ownership | 16,887.81 |
| Interest | 1,963.43 |

Note: Treasurers' Fees are included \$232,692.64

December Tax Receipt Collections Paid in January

| | |
|--------------------|----------|
| Real Estate | \$536.87 |
| Specific Ownership | 1,197.84 |
| Interest | 12.76 |

Note: Treasurers' Fees are included \$1,747.47

Transfer from Passbook Svgs-FNB \$25,000.00

Interest on Investments received in January 1,316.74
TOTAL TO DATE \$175,825.56

Total Disbursements thru 1/31/94 16,973.71
TOTAL FUNDS 1/31/94 \$158,851.85

Balances as of 1/31/94

| | | INTEREST RATES | MATURITY DATES |
|--|--------------|-------------------|-------------------|
| Checking Account | \$14,804.07 | 2.25% | |
| Petty Cash | 100.00 | | |
| Time C.D.-FNB of Gunnison (1 yr.) | 2,727.56 | 3.50% ** | 1/18/95 |
| Time C.D.-Wetlands-FNB of Gunnison (1 yr.) | 946.25 | 3.50% | 8/16/94 |
| Money Maker-GS&L | 41,742.18 | 3.25% | |
| Time C.D.-FNB of Lake City (6 mo.) | 41,835.52 | 3.59% | 4/4/94 |
| Passbook Savings-C.B. State Bank | 40,586.15 | 3.00% | |
| Passbook Savings-FNB of Gunnison | 16,321.98 | 3.00% | |
| Accts. Payable/Colo. Withholding Tax | -211.86 | | |
| TOTAL FUNDS 1/31/94 | \$158,851.85 | | |

**At our last scheduled meeting, I reported this rate would be 3.75% upon renewal, however when I received the renewal notice it showed 3.5%. In checking this out, I was apparently quoted the interest rate for regular funds as opposed to public funds.

President Trampe said that it would be open to anyone within the District boundaries.

Tyler Martineau said that Gunnison County is forming a Blue Mesa Mitigation Committee and asked if a board member would like to serve on this Committee.

Dick Bratton said that John McClow would like to serve on the Blue Mesa Mitigation Committee as a private citizen and asked if the board had any objection to Mr. McClow submitting his name for appointment as a private citizen. John McClow reiterated that his interest was as a private citizen.

Butch Clark said that this would be a good opportunity to include wetland mitigation.

Mark Schumacher said that mitigation won't happen in the Upper Gunnison River because of Division of Wildlife guidelines and he said that he favors going for a cash settlement.

Butch Clark said that he had heard that some of the Utah money might be available for mitigation in Colorado. Mr. Clark suggested that mitigation dollars might be combined with GOCO dollars and that it should be looked at from a broad perspective.

President Trampe asked if the board thought it was appropriate for the District to participate on the Blue Mesa Mitigation Committee. The board consensus was yes. President Trampe asked if the District representative should be a board member or staff.

Dennis Steckel said that if a board member wanted to represent the District it would be appropriate and that he supported John McClow serving as a private citizen on the Blue Mesa Mitigation Committee.

Dick Bratton said that this approach could provide a double whammy with more knowledgeable people. Mr. Bratton said that he agrees with Mr. Clark about maintaining a broad perspective.

Butch Clark volunteered to serve as the District representative on the Gunnison County Blue Mesa Mitigation Committee.

Ramon Reed suggested that the board discuss Mr. Clark's memorandum on legal expenses and management to determine where the District is going and what it can afford. Mr. Reed requested an executive session to discuss legal fees as personnel and contractual matters.

Susan Lohr suggested that this discussion be considered at the end of the agenda.

Butch Clark reported that the Glen Canyon Environmental Impact Statement is available.

Peter Smith asked to discuss Tyler Martineau's resignation from the Colorado Water Conservation Board and whether it would be wise to ask Mr. Martineau to reconsider. President Trampe said that Mr. Martineau's term expires in May 1994 and that he has not resigned. Mr. Martineau said that he had written to Governor Romer to say that he would not stand for reappointment to the Colorado Water Conservation Board and that he had received acknowledgement of the content of his letter. Peter Smith said that based on this information any further discussion would be inappropriate. Mr. Martineau thanked Mr. Smith and others for their interest and support in asking him to change his mind about reappointment to the Colorado Water Conservation Board.

15. UNSCHEDULED CITIZENS

Laura Anderson said that she appreciated the press packets of board meeting materials.

16. FUTURE MEETINGS

President Trampe announced that the next scheduled board meeting will be held March 14, 1994 at 1:00 pm in the Gunnison County Community Building.

Ramon Reed moved to adjourn to executive session for the purpose of discussing legal services. Butch Clark seconded the motion.

Dick Bratton said that the full content of the memorandum provided by Butch Clark should be discussed and that there should be public discussion. John McClow recommended that the board clarify the reasons to allow an executive session.

President Trampe said that he wondered about the appropriateness of the topic for executive session.

Ramon Reed reworded his motion to adjourn to executive session for discussing legal services as personnel matters. Butch Clark, as second, accepted the change in wording.

John McClow said that personnel matters qualify for executive session discussion.

The motion carried.

President Trampe adjourned to executive session for the purpose of discussing legal services as personnel matters.

President Trampe reconvened the meeting after executive session and no action was taken.

17. ADJOURNMENT

President Trampe adjourned the board meeting at approximately 4:55 pm.

Respectfully submitted,

Mark Schumacher, Secretary

APPROVED:

William S. Trampe, President

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

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

July 1, 1994

| | <u>Hrs/Rate</u> | <u>Amount</u> |
|--|-------------------|---------------|
| Professional services: | | |
| <u>Administrative</u> | | |
| 05/30/94 LRB Review minutes of May 9 and May 16 meetings | 0.50 125.00/hr | 62.50 |
| 06/13/94 JHM Attend June Board of Directors' Meeting | 3.00 125.00/hr | NO CHARGE |
| LRB Attend annual meeting | 3.00 125.00/hr | 375.00 |
| 06/16/94 JHM Attend endangered fish/water management hearing | 2.00 125.00/hr | NO CHARGE |
| | ----- | ----- |
| SUBTOTAL: | [8.50 | 437.50] |
| <u>Rocky Point</u> | | |
| 06/13/94 JHM Telephone conferences with David Baumgarten re: status of motion for abatement from FERC and review status of studies under UVWUA Agreement | 0.50 125.00/hr | 62.50 |
| | ----- | ----- |
| SUBTOTAL: | [0.50 | 62.50] |

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

***** CHARGES FOR SERVICES NOT BILLED FOR WHICH WE HAVE NOT YET BEEN BILLED. *****

Hrs/Rate

Amount

Private Instream Flow Rights

| | | |
|---|-------------------|--------------|
| 06/07/94 LRB Telephone conference with Scott Loveless re: Cockrell instream flow rights | 0.50 125.00/hr | 62.50 |
| 06/13/94 LRB Telephone conference with Scott Loveless re: 1994 operation | 0.25 125.00/hr | 31.25 |
| SUBTOTAL: | | [93.75] |
| For professional services rendered | 9.75 | \$593.75 |
| Itemization of costs | | |
| -Long distance telephone expense | | 36.54 |
| -Telecopier expense | | 32.00 |
| -Photocopier expense | | 2.25 |
| Total costs | | \$70.79 |
| Total amount of this bill | | \$664.54 |
| Previous balance | | \$4,578.40 |
| 06/14/94-Payment - thank you | | (\$4,578.40) |
| Balance due | | \$664.54 |

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

STATEMENT OF WORKS FOR WHICH YOU HAVE NOT YET BEEN BILLED

**ATTORNEY INVOICES RECEIVED AND PAID
1993**

Bratton and Associates

| Invoice Date | Amount | Date Paid | Budget Year Expended |
|--------------|-------------|-----------|----------------------|
| 12/23/92 | \$5,795.34 | 1/11/93 | 1992 |
| 1/27/93 | \$3,055.31 | 2/12/93 | 1993 |
| 2/26/93 | \$8,222.00 | 3/15/93 | 1993 |
| 3/29/93 | \$4,811.26 | 4/12/93 | 1993 |
| 4/28/93 | \$7,365.28 | 5/10/93 | 1993 |
| 5/27/93 | \$7,225.52 | 6/21/93 | 1993 |
| 6/29/93 | \$5,100.88 | 7/12/93 | 1993 |
| 7/29/93 | \$6,153.92 | 8/9/93 | 1993 |
| 8/27/93 | \$8,979.82 | 9/13/93 | 1993 |
| 9/29/93 | \$7,309.69 | 10/15/93 | 1993 |
| 10/28/93 | \$12,263.45 | 11/8/93 | 1993 |
| 11/30/93 | \$10,644.50 | 12/6/93 | 1993 |
| 12/30/93 | \$6,040.30 | 1/10/94 | 1993 |

(11,040 due)

Williams, Turner, & Holmes, P.C.

| | Invoice Date | Amount | Date Paid | Budget Year Expended |
|---------------------|--------------|------------|-----------|----------------------|
| diligence | 12/31/92 | \$126.30 | 2/8/93 | 1992 |
| diligence | 1/31/93 | \$208.10 | 3/8/93 | 1993 |
| water rights | 1/31/93 | \$234.20 | 3/8/93 | 1992 |
| diligence | 2/28/93 | \$1,045.10 | 4/12/93 | 1993 |
| water rights | 2/28/93 | \$70.00 | 4/12/93 | 1993 |
| diligence | 3/31/93 | \$442.20 | 4/12/93 | 1993 |
| water rights | 3/31/93 | \$233.40 | 4/12/93 | 1993 |
| exchange | 4/30/93 | \$920.00 | 7/12/93 | 1993 |
| water rights | 5/31/93 | \$30.00 | 7/12/93 | 1993 |
| Arapahoe/Hydropower | 7/31/93 | \$1,731.50 | 9/13/93 | 1993 |

Helton & Williamsen, P.C.

| | Invoice Date | Amount | Date Paid | Budget Year Expended |
|----------------------|--------------|----------|-----------|----------------------|
| Engineering Services | 4/9/93 | \$63.75 | 4/12/93 | 1993 |
| Engineering Services | 5/7/93 | \$212.50 | 5/10/93 | 1993 |
| Engineering Services | 8/9/93 | \$85.00 | 9/13/93 | 1993 |
| Engineering Services | 10/8/93 | \$737.50 | 10/15/93 | 1993 |
| Engineering Services | 11/5/93 | \$228.19 | 11/8/93 | 1993 |
| Engineering Services | 12/7/93 | \$553.88 | 1/10/94 | 1993 |

for what?

Total Disbursed \$99,888.89

Total Disbursed-1993 Budget \$93,733.05

Note: These amounts include Travel Expense

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: December 9, 1993

SUBJECT: Agenda Item 10e, January 10, 1994, Board Meeting --
Miscellaneous Matters - District Activity Report.

Enclosed is a report concerning the activities of the Upper Gunnison River Water Conservancy District. This report is an update of a similar report which I prepared for the board in December, 1992. I would be interested in any suggestions from the board for additions or changes. We will keep this report on hand in the office for anyone who desires a short but somewhat technical update on the business of the District.

Upper Gunnison River Water Conservancy District

December 1993

ACTIVITIES OF THE UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT

The Upper Gunnison River Water Conservancy District was formed on June 1, 1959 for the purpose of protecting and developing the water resources of the upper Gunnison basin. The District is located within Gunnison, Hinsdale, and Saguache Counties and is generally defined as that area of the upper Gunnison watershed which lies above the outlet of Blue Mesa Reservoir. The following is a summary of the current activities of the Upper Gunnison River Water Conservancy District.

- 1) For the past seven years the District has played a lead role in protecting upper Gunnison basin interests in four major water court cases.
 - * Aurora/Collegiate Range Project - In April, 1986 the City of Aurora filed an application for water rights for the Collegiate Range Project. The project included the construction of the Pieplant Reservoir in Taylor Park, the Almont Reservoir on the East River, and tunnels to carry stored water to the South Platte basin. The District along with other people and organizations spent substantial time in organizing the basin's opposition to the project and in trial preparation. In April, 1991 the City of Aurora filed a motion to dismiss its application which was granted by the court in July, 1991.
 - * NECO/Arapahoe County/Union Park Project - In December, 1982, and December, 1986 the Natural Energy Resources Company (NECO); and in December, 1988, and November, 1990 its successor, Arapahoe County, applied for various components of the Union Park Project. The project would include an extensive diversion and water collection system in the Taylor and East River drainages, a 900,000 acre-foot reservoir located to the south of Taylor Park Reservoir, and a system of tunnels to convey up to 100,000 acre-feet of stored water annually to the South Platte basin. The water court ruled in October, 1991 following a five week long trial held in June, 1991 that there is not more than 20,000 acre-feet of unappropriated water available on an average annual basis for the Union Park Project. The amount is, by itself, insufficient to build an economically feasible project. The ruling was, therefore, viewed as a victory by Gunnison basin interests. Arapahoe County appealed the decision to the Colorado Supreme Court. During 1993 the District worked with other opposers of the project to prepare for the Supreme Court hearing which will likely be held in mid-1994.

900,000?

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