

December 1993

An additional trial on issues concerning the feasibility of the Union Park Project could take place following the appeal if the water availability decision is reversed by the Supreme Court.

- * Taylor Park Reservoir Water Rights - In December, 1986 the Upper Gunnison River Water Conservancy District filed two applications for water rights in Taylor Park Reservoir. In the first (86 CW 202) the District sought to add fishery and recreation uses to the United States existing irrigation water rights for Taylor Park Reservoir. In the second (86 CW 203) the District sought the right to refill Taylor Park Reservoir and to release the water stored under the refill for fishery, recreational, and irrigation uses in the Taylor and Gunnison Rivers. In September, 1990 the water court dismissed the District's application in 86 CW 202. At the same time the court granted the District the right sought in 86 CW 203 to refill Taylor Park Reservoir each year in the amount of 106,230 acre-feet. The refill right makes use of water which would otherwise remain unappropriated, and therefore, be available for export. Arapahoe County appealed the decision to the Colorado Supreme Court. In October, 1992 the Supreme Court upheld the decision of the water court thereby virtually insuring that there is not enough water available in Taylor Park to justify a transbasin diversion project. On March 22, 1993 the refill water right was assigned to the United States as previously agreed to in a contract between the District, the United States, the Uncompahgre Valley Water Users Association, and the Colorado River Water Conservation District dated April, 1990 (the 1990 Contract). During 1993 the District participated in negotiations with the Bureau of Reclamation to develop a Water Management Agreement for Taylor Park Reservoir which will specify how the refill water is to be used for the benefit of the water users throughout the District. In November, 1993 the District's Board of Directors approved the concept of the agreement. Before the agreement can be formally executed additional technical questions about the amount of water that can be stored in Taylor Park Reservoir must be answered, and federal endangered species and other environmental issues must be addressed. In addition to the court cases involving Taylor Park Reservoir, the District performs a major role each year in assisting the Upper Gunnison area develop consensus as to how Taylor Park Reservoir should be operated for the following year. The reservoir is operated for multiple purposes including recreation, fisheries, irrigation, and flood control.

- * Diligence on the water rights of the Upper Gunnison River Water Conservancy District - Prior to 1993 the District was the owner of 16 conditional water rights which provide for the diversion of water from the Gunnison

DRAFT

Upper Gunnison River Water Conservancy District

SPECIAL MEETING

Wednesday, January 5, 1994
1:00 p.m.

Gunnison County, Colorado

Board of
COUNTY COMMISSIONERS

303 • 641-0218
GUNNISON, COLORADO 81230

TO: Elected Officials
Department Heads
County Employees
FROM: Judy Goodman
SUBJECT: 1994 Holiday Schedule
DATE: December 8, 1993

received
12/9/93

At their regular meeting on December 7, 1993 the Gunnison County Board of Commissioners approved the following holiday schedule, which is consistent with the holiday schedule of the State of Colorado. As well, the Board again approved the Friday after Thanksgiving as a Gunnison County holiday.

Have fun on your holidays from work!

January 17, 1994	Monday	Martin Luther King, Jr. Day
February 21, 1994	Monday	President's Day
May 30, 1994	Monday	Memorial Day
July 4, 1994	Monday	Independence Day
September 5, 1994	Monday	Labor Day
October 10, 1994	Monday	Columbus Day
November 11, 1994	Friday	Veteran's Day
November 24, 1994	Thursday	Thanksgiving Day
November 25, 1994	Friday	Day After Thanksgiving
December 26, 1994	Monday	Christmas
January 2, 1995	Monday	New Years Day

President Trampe said that David Baumgarten would facilitate the meeting to explain the process followed in preparation of the legal brief as requested by the Gunnison County Commissioners.

Bob Arnold moved that the board adjourn to executive session to discuss legal issues. Susan Lohr seconded the motion. The motion carried.

Fred Field stated that the Gunnison County Commissioners had voted to extend their executive session to discuss the Union Park Appeal Brief until January 5, 1:00 p.m. and that the Gunnison County Commissioners are continuing to meet in executive session this afternoon.

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

3. ADJOURNMENT

President Trampe adjourned the meeting at approximately 4:10 p.m.

Respectfully submitted,

Mark Schumacher, Secretary

APPROVED:

William S. Trampe, President

Upper Euro Jan 85

David Sizer De Warren

the ~~other~~ - Dennis group & the boys.
Christie -

Buy - independent - appropriate - the balance

- rail - something
- covered -

Europe

Comments in May the -

- not codified

- not covered in publication

- to accommodate by the law

set each alternative - Jan, law.

Dennis says - remember and the year

can not take credit to year

To dramatic change in law

opportunity to obtain information

to have environmental impact

it is quantified then

Sec 5 - water public

people concerned about impact year.

benefit in a certain capital

Dymer Davis

- longer advised Public Trust -

- Visa to Sec 5 - unapproved created only

- only removal

- Coe should delay to 1011 to avoid duplication

- Condition needed and regarding

change this

- also put in language form with other

factoring.

- Mr consideration, am out with Union Park

- Enclosed concept that is should be

present. burden of proof is.

Members
redu.

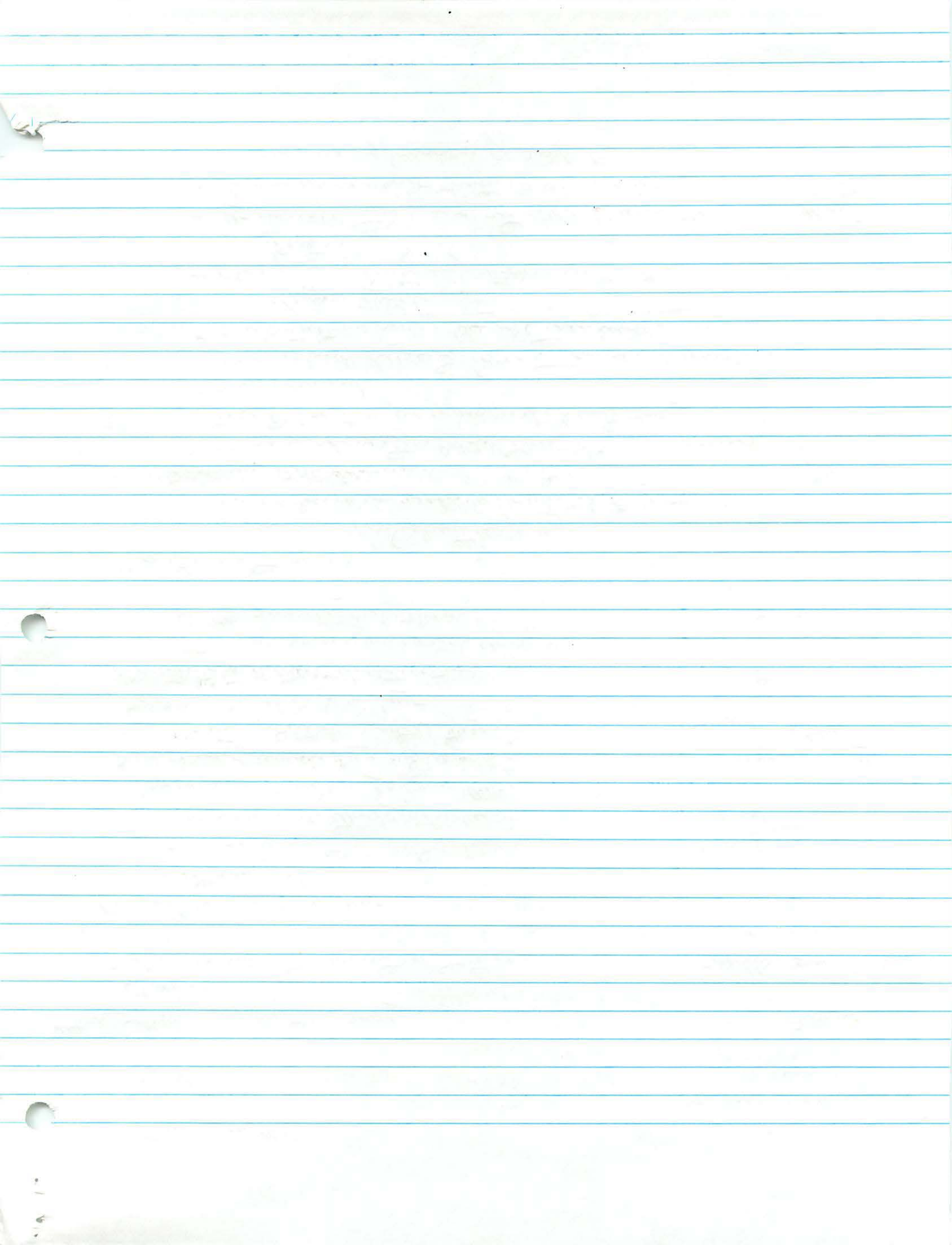
efficiency

Costs Consideration

area. benefit
changes.

any. general permit.

greater benefit



D & Screen

Can Dick do

- do not want to mess up appeal -

primarily with

but give the court what it wants

guarantee

Can you mutually agree to release

North proposal
Embry Research

1041 application
see 11
Dr. Hays from
someplace else

Affixes briefs will it draw out

participate

Issue will do my best

Telling them, not cause damage

limits of application

II

In a limited way, an interest of

Count

Statement - interdependence

and release

Exercise for
Dr. Hays

LO #121 was written 1041

it could disappear a Clark each year

is 1041 disappear - has to be

someplace to go for the operation

graduate
beneficial
can

can open

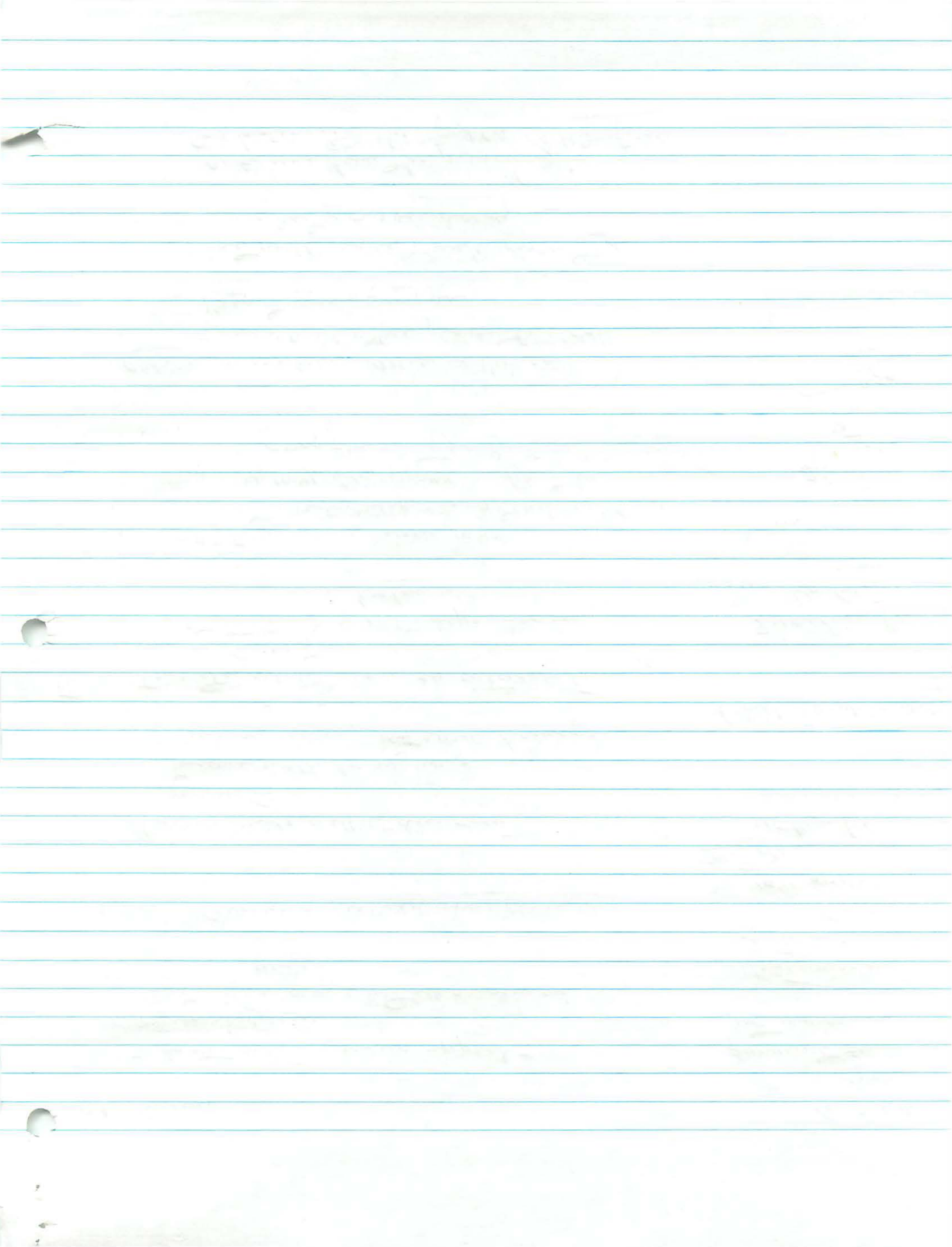
which in other places the work

keep of your partner

what will people think about it

which one are doing

only have from the point of
to be held the public / not private



Yes

publicly with high court

It says a brief

Bank mentions makes brief prominent

court of law

Danger that they will lose

to state law should affect - em, concern

Constitution

Step 1 - Screen

May we attached in another reason, Do we understand full implication

copy our screen

are we already by agency

Does the Court find

are we screen

concern

particular

concern or

concern particular

to

Screen

Step 1
Threshold

part 2 - if you feel, maybe to control part

Make other litigation more costly

congress define & appropriate

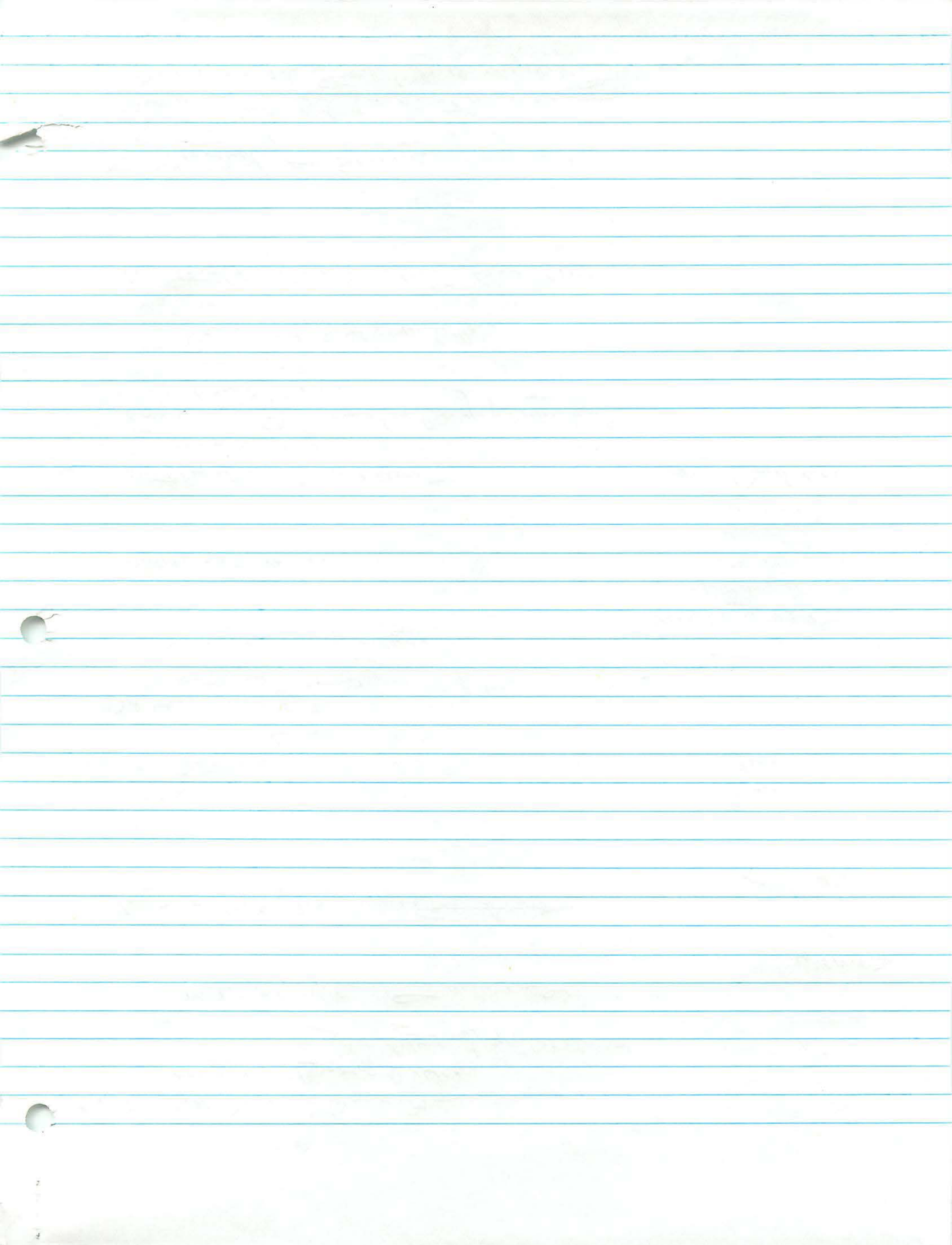
congress narrow base

limit - appear on other screen

Duplicating
good

Case Report

How



In this respect, we further need our apparatus
could be an insight.

Wendell G. E.
Belton

If we see down
down

If our apparatus are more useful
we should be seen and my work.

Marky
present the
general idea

John Bentley
"essential"
integrated

find
a way to
get them

potential

Support them
Em

Discharge Proceedings
- occasionally and occasionally

Use our brain stuff
[Spit a little here]

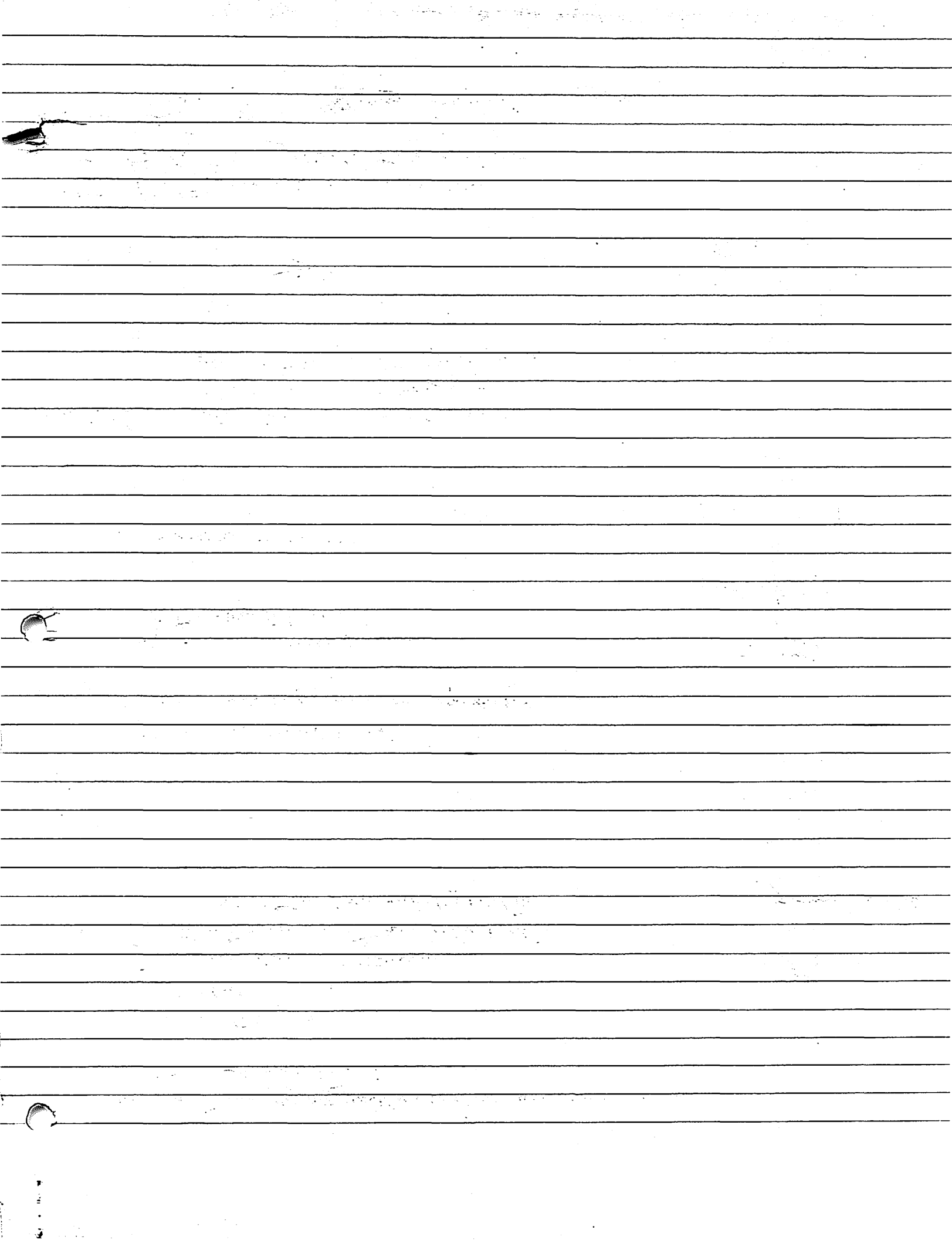
- Ronaldson case
cust

Dick B. - City's main - very complex,
not thought of through
me too & will they have some support

Reply being -

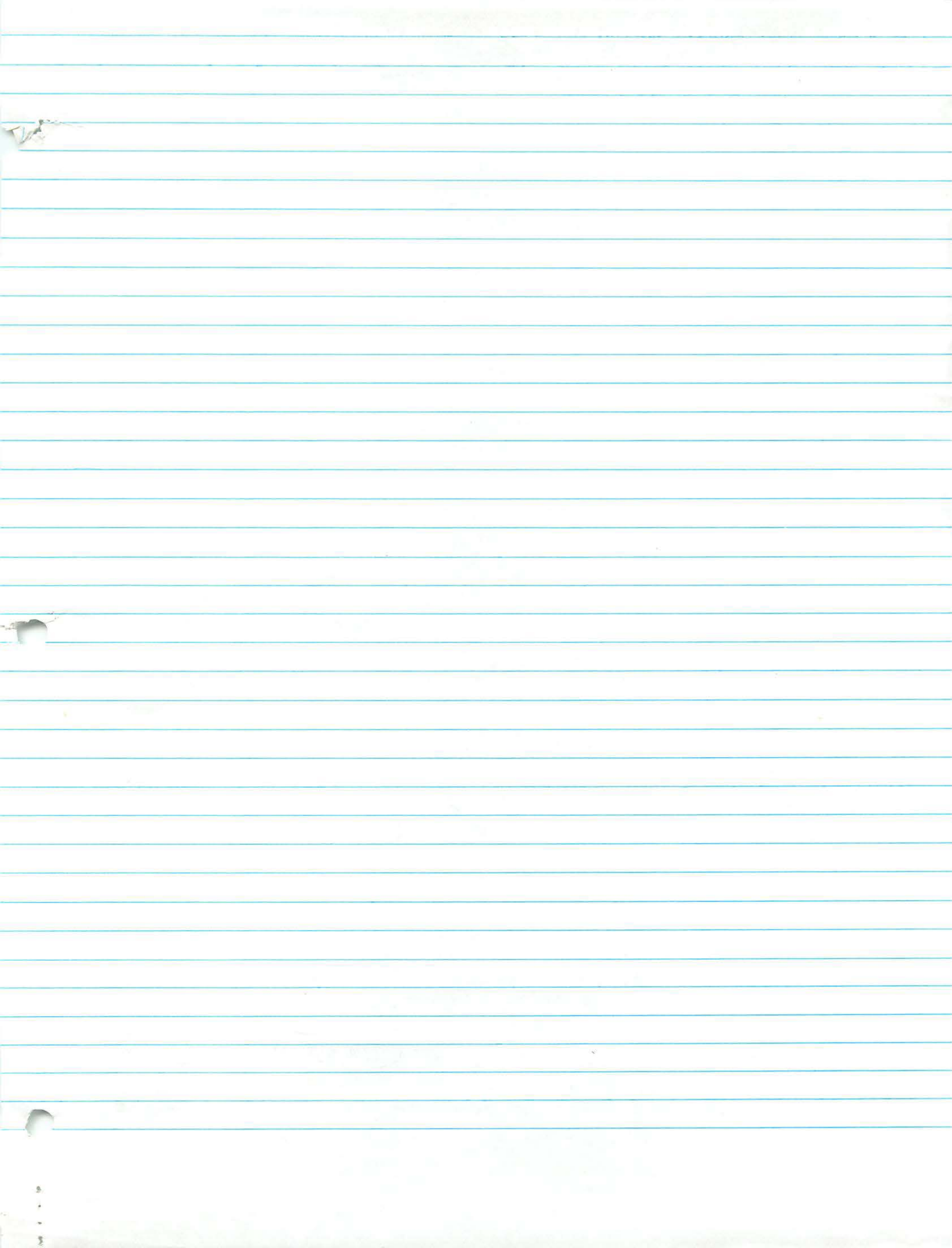
Make deals
Not too fast
Not an argument
do nothing

M. J. What people want from us
Particularly about they make
Copy from Making room



Political communication -

2000



Upper Gunnison River Water Conservancy District

Agenda Item #4
1/10/94

DRAFT

RESOLUTION 94-_____

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED; by the Board of Directors of the Upper Gunnison River Water Conservancy District that:

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

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 *TMA*

DATE: December 17, 1993

SUBJECT: Agenda Item 7, January 10, 1994, Board Meeting --
Colorado Water Congress Update.

I attended the meeting of the State Affairs Committee of the Colorado Water Congress (CWC) on December 16 as requested by the Board. The following activities of interest took place at the meeting:

- 1) Discussion and action on the proposed water export bill (Bill D from the Interim Committee on Water and State School Lands) was tabled until the Special Committee on Water Transfers can meet with Rep. Bill Jerke. The bill, a copy of which is attached, is intended to facilitate out-of-state transfers of water.
- 2) It was agreed to delay discussion of the proposed Roan Creek Project until a meeting of the State Affairs Committee can be scheduled at which the proponents and opponents of the Roan Creek Project will present their respective arguments for and against the project.
- 3) The committee briefly discussed Senator Robert L. Pastore's proposed constitutional amendment now known as W.A.T.E.R. III, a copy of which is attached. The committee voted nearly unanimously to oppose the amendment.
- 4) A special committee was formed to review the draft Long Range Plan for the Colorado Water Conservation Board.
- 5) Copies of 1992 and 1993 resolutions of the CWC that will likely be carried over into 1994 were distributed. The resolutions spell out the position of the CWC on state water policy issues. I will be glad to provide a copy of the resolutions to any board member who requests them. *get*

- 6) The committee very briefly discussed a number of other possible bills to be introduced in the 1994 legislative session, but did not reach conclusions about them.
- 7) I have enclosed a copy of Bill E from the Interim Committee on Water and State School Lands which was circulated at the meeting. The bill, which concerns changes of use of conditional water rights, was not discussed. The bill has been drafted in response to concerns in the water community about conditional irrigation, municipal, and industrial water rights being donated to the Colorado Water Conservation Board and being changed by the CWCB to instream flow uses. The Nature Conservancy donation to the CWCB of the Pittsburgh & Midway water rights in the Black Canyon of the Gunnison which is currently taking place would involve such changes in use.

The next meeting of the State Affairs Committee will be held on January 10, 1994.

BILL D

LLS NO. 94-0144.01 BMM

94-

Interim Committee on Water and State School Lands
October 22, 1993

A BILL FOR AN ACT

101 CONCERNING THE ADMINISTRATION OF INTERSTATE DIVERSIONS OF WATER
102 BY THE STATE ENGINEER.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Deletes language from Colorado law related to interstate diversions of water being credited as a "delivery" of water to another state pursuant to interstate water compact or otherwise. Specifies that the fee charged by the state engineer for the diversion of water to another state be adjusted annually for inflation based on the consumer price index.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 SECTION 1. 37-81-101 (3) (a), Colorado Revised Statutes,
3 1990 Repl. Vol., is amended to read:

4 37-81-101. Diversion of water outside state - application
5 required - special conditions - penalty. (3) Prior to approving
6 an application, the state engineer, ground water commission, or
7 water judge, as the case may be, must find that:

8 (a) The proposed use of water outside this state is
9 expressly authorized by interstate compact ~~or credited as a~~
10 ~~delivery to another state pursuant to section 37-81-103~~ or that
11 the proposed use of water does not impair the ability of this

1 state to comply with its obligations under any judicial decree
2 or interstate compact which apportions water between this state
3 and any other state or states;

4 SECTION 2. 37-81-103 (1) and (2), Colorado Revised
5 Statutes, 1990 Repl. Vol., are amended to read:

6 ~~37-81-103. Considerations in applications for interstate~~
7 ~~diversion of water. (1) For the purpose of evaluating~~
8 ~~applications made pursuant to section 37-81-101, no water~~
9 ~~occurring in any aquifer or being a part of or hydraulically~~
10 ~~connected to any interstate stream system may be diverted or~~
11 ~~appropriated in Colorado for a use which contemplates or~~
12 ~~involves the transportation of such water into or through~~
13 ~~another state or states through which such interstate stream~~
14 ~~system flows, for use of such diverted water in such other state~~
15 ~~or states whether as a vehicle or medium for the transportation~~
16 ~~of another substance, or for any other use, unless the amount~~
17 ~~of water so diverted or appropriated and transported through or~~
18 ~~into such other state or states is credited as a delivery to~~
19 ~~such other state or states by Colorado, of water to which such~~
20 ~~other state or states may be or claim to be entitled from such~~
21 ~~interstate source under an existing interstate compact or~~
22 ~~otherwise. FOR PURPOSES OF EVALUATING APPLICATIONS MADE~~
23 ~~PURSUANT TO SECTION 37-81-101, water mixed with other substances~~
24 ~~in the process of forming a slurry for the purpose of~~
25 ~~transporting any substance as a suspended solid shall not be~~
26 ~~deemed to have lost its character as water.~~

1 ~~(2) The burden shall be upon the claimant or other person~~
2 ~~seeking to divert or appropriate water or seeking a water right~~
3 ~~based upon a claimed diversion or appropriation coming within~~
4 ~~the provisions of subsection (1) of this section to prove that~~
5 ~~a means exists and is accepted by each state, including~~
6 ~~Colorado, through which said stream system and said diverted~~
7 ~~water flows or will flow by which the credit required in this~~
8 ~~section will be entered and recognized by each such state.)~~

9 **SECTION 3. 37-81-104, Colorado Revised Statutes, 1990**
10 **Repl. Vol., is amended to read:**

11 **37-81-104. Fee for diversion - fund created. (1) To**
12 **effectuate the purposes of this article, the general assembly**
13 **hereby authorizes a fee of fifty dollars per acre-foot to be**
14 **assessed and collected by the state engineer on water diverted,**
15 **carried, stored, or transported in this state for beneficial use**
16 **outside this state measured at the point of release from storage**
17 **or at the point of diversion. BEGINNING JANUARY 1, 1994, THE**
18 **STATE ENGINEER SHALL ADJUST ANNUALLY THE FEE OF FIFTY DOLLARS**
19 **PER ACRE-FOOT IN EFFECT FOR CALENDAR YEAR 1993 AS SPECIFIED IN**
20 **THIS SUBSECTION (1) IN ACCORDANCE WITH THE CHANGE IN THE**
21 **CONSUMER PRICE INDEX FOR THE DENVER-BOULDER METROPOLITAN**
22 **STATISTICAL AREA.**

23 (2) All moneys collected pursuant to subsection (1) of
24 this section shall be credited to the water diversion fund,
25 which fund is hereby created. The general assembly shall
26 annually appropriate all moneys in said fund for water projects

1 for the state. Said appropriation shall be consistent with part
2 13 of article 3 of title 2, C.R.S.

3 **SECTION 4. Safety clause.** The general assembly hereby
4 finds, determines, and declares that this act is necessary for
5 the immediate preservation of the public peace, health, and
6 safety.

BILL E

LLS NO. 94-0149.U1 DHG

BILL 94-

Interim Committee on Water and State School Lands
October 27, 1993

A BILL FOR AN ACT

101 CONCERNING CONDITIONAL WATER RIGHTS:

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Prevents "relation back" of the priority of a conditional water right, or the recognition or decree of a claim for a new or changed conditional water right, except where the completion of the appropriation serves the same purpose as that which was to have been served by the original appropriation.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 SECTION 1. 37-92-103 (6), Colorado Revised Statutes, 1990
3 Repl. Vol., is amended to read:

4 37-92-103. Definitions. As used in this article, unless
5 the context otherwise requires:

6 (6) "Conditional water right" means a right to perfect
7 a water right with a certain priority upon the completion with
8 reasonable diligence of the appropriation upon which such water
9 right is to be based; EXCEPT THAT THE PRIORITY OF THE RIGHT DOES
10 NOT RELATE BACK TO THE INITIAL APPROPRIATION UNLESS SUCH
11 COMPLETION IS OF A PROJECT WHICH ACCOMPLISHES THE PURPOSE FOR
12 WHICH THE WATER WAS ORIGINALLY APPROPRIATED.

*Not
just
donations
such as
TMC
Brewer
Creek*

1 SECTION 2. 37-92-305 (9) (b), Colorado Revised Statutes,
2 1990 Repl. Vol., is amended to read:

3 37-92-305. Standards with respect to rulings of the
4 referee and decisions of the water judge. (9) (b) No claim for
5 a conditional water right OR CHANGE OF CONDITIONAL WATER RIGHT
6 may be recognized or a decree therefor granted except to the
7 extent that it is established that the waters can be and will
8 be diverted, stored, or otherwise captured, possessed, and
9 controlled and will be beneficially used TO ACCOMPLISH THE
10 PURPOSE OF THE PROJECT FOR WHICH THE WATER WAS APPROPRIATED and
11 that the project can and will be completed with diligence and
12 within a reasonable time.

13 SECTION 3. Safety clause. The general assembly hereby
14 finds, determines, and declares that this act is necessary for
15 the immediate preservation of the public peace, health, and
16 safety.

*Received by
Steve Elphinstone
November 19,
1993 2:30 pm*

W.A.T.E.R.

Willingness and Appropriateness in the Transfers and Exports of Water

ARTICLE XVI Section 6. Diverting unappropriated water - priority preferred system.

The right to divert unappropriated water of any natural stream to beneficial use shall never be denied. Priority of appropriation shall give the better right as between those using water for the same purpose; but when the waters of any natural stream are not sufficient for the service of all of those desiring the use of the same, those using the water for domestic purposes, and those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes. HOWEVER, BE IT ENACTED BY THE PEOPLE OF THE STATE OF COLORADO THAT FROM AND AFTER JANUARY 1, 1995, WHENEVER A WATER COURT OF COMPETENT JURISDICTION ENTERS A FINAL CONDITIONAL DECREE ALLOWING A WATER TRANSFERS FROM ANY CONSERVANCY DISTRICT OR WATER CONSERVATION DISTRICT, FOR ANY USE OF SAID FINALLY CONDITIONALLY DECREED WATER OUTSIDE OF SUCH DISTRICT, AND SAID WATER TRANSFER REMOVES WATER FROM A RIVER BASIN SUBJECT TO AN INTERSTATE COMPACT OR WHEN SAID WATER TRANSFER IS OFFICIALLY CONTESTED BY THAT DISTRICT, THAT PROPOSED TRANSFER OF WATER MUST ALSO RECEIVE THE APPROVAL OF THE MAJORITY OF THE STATUTORILY QUALIFIED ELECTORS OF THAT DISTRICT FROM WHICH THE WATER IS BEING TRANSFERRED WHICH IS MOST DIRECTLY AFFECTED BY SUCH TRANSFER WHICH VOTERS ACTUALLY CAST BALLOTS AT AN ELECTION FOLLOWING SAID FINAL CONDITIONAL DECREE.

NO CONDITIONAL DECREE FOR THE TRANSFER OF WATER OUTSIDE A WATER CONSERVANCY DISTRICT OR WATER CONSERVATION DISTRICT WHICH BECOMES FINAL BEFORE JANUARY 1, 1995 SHALL BE SUBJECT TO SUBMISSION TO THE ELECTORATE PURSUANT TO THIS SECTION.

A CONDITIONAL WATER DECREE TRANSFERRING WATER FROM A WATER CONSERVANCY DISTRICT OR WATER CONSERVATION DISTRICT BECOMES FINAL IF NOT APPEALED AND WHEN THE TIME FOR FILING AN APPEAL EXPIRES OR UPON THE COLORADO SUPREME COURT AFFIRMING SAID CONDITIONAL DECREE.

THE WATER COURT JUDGE SHALL MAKE A DETERMINATION AS TO WHICH WATER CONSERVANCY DISTRICT OR WATER CONSERVATION DISTRICT IS THE ONE MOST AFFECTED BY THE WATER TRANSFER TAKING INTO ACCOUNT THE LOCATION OF THE POPULATION AFFECTED, LOCATION OF THE ACREAGE AFFECTED, PLACES OF POTENTIAL WATER LOSS, PLACES OF ECONOMIC LOSS, OR A COMBINATION OF THESE FACTORS.

A WATER CONSERVATION DISTRICT OR WATER CONSERVANCY DISTRICT OFFICIALLY CONTESTS SUCH INTRA-BASIN TRANSFERS WHEN THE GOVERNING BOARD CHALLENGES IN COURT THE PROPOSED TRANSFER AT ALL TIMES NEVER STIPULATING TO ANY SUCH DECREE OR DROPPING OUT OF SUCH CONTESTATION AND AT ALL TIMES REMAINING IN OBJECTION OFFICIALLY IN COURT WHETHER AT THE TRIAL LEVEL OR APPELLATE LEVEL.

THE MATTER SHALL BE REVIEWED BY THE ELECTORATE OF THE WATER CONSERVANCY DISTRICT OR WATER CONSERVATION DISTRICT AT THE NEXT GENERAL ELECTION PRACTICABLE FROM AND AFTER THE CONDITIONAL DECREE BECOMING FINAL SO THAT ALL STATUTORY TIME LIMITS CAN BE MET PRIOR TO SAID ELECTION.

ALL FINAL DECREES WHICH HAVE NOT RECEIVED VOTER APPROVAL AS REQUIRED BY THIS SECTION AT THE NEXT GENERAL ELECTION PRACTICABLE SHALL BE DEEMED CONTINGENT AND NO TRANSFER OUT OF THE DISTRICT MAY BEGIN UNTIL VOTER APPROVAL IS OBTAINED.

Robert C. Pascoe

536 SW 90th Lane

Montic Vista, Co. 81144

Richard G. Hamilton

P.O. Box F

SW 71st, Co 80475

(0) 719-544-1783

(R) 719-852-2795

BILL E

LLS NO. 94-0149.U1 DHG

BILL 94-

Interim Committee on Water and State School Lands
October 27, 1993

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9 controlled and will be beneficially used TO ACCOMPLISH THE
10 PURPOSE OF THE PROJECT FOR WHICH THE WATER WAS APPROPRIATED and
11 that the project can and will be completed with diligence and
12 within a reasonable time.

13 **SECTION 3. Safety clause.** The general assembly hereby
14 finds, determines, and declares that this act is necessary for
15 the immediate preservation of the public peace, health, and
16 safety.

Op. Gen. Jan 10, 94.

Minutes

Bills.

14% der comment -

Not anticipated Appraisal water rights

We provide input -

Meetings once a week.

Exception

Legal Matters

Briefs - Not received all Briefs on Union Park.

Briefs are product of lots of work. - well coordinated.

Prop will ask to expand.

Bruce brief response -

Briefing not done until May.

Co and extension of time to respond to Bruce

Amici:

response

Executive Sessions Open Meetings for public
Petition

Att. - Client privilege threatened by other parties and their counsel.

if contrary to public later threatened.

Discussing litigation with another

att. - not ex session

Vacancy - Publish notice of vacancy.

Union Park - Decker

Gary Sperry Taken time, attempted to refine arguments

restricted to appropriation - believe does not affect change

goal is same - with Union Park.

Impressed to have in car.

Bruce Decker - brief filed in Friday.

Bruce objection to have remainder

Sec 5 water blay & to people

people are concerned about impact on env

Consid. permit concern to be expressed

then the requirement is means for

expression

DJ: 1/28/94

no longer advance How Lake.

Tied to Sec 5 unappropriated water

not conditional per se can/

Cooperation

everyone

checking in

everyone

read



Seeking nothing only for remand
Say avoid duplications - of address
such as in 1041

Be aware of
broader.

Consid. permit or enable - not requires
met with Spain Tiger Smith, Stiches. To accommodate
Discovered Calif.

Generic
concepts

Endorse delisting of env impacts with other
Not a veto

Brief was over balance

Eliminates generic agreement outside case
Endorse within - that env. has burden

Address of
Committee

people doing appropriation do not have to do
negotiate

Balance

Reasons to shall support

Not ~~balance~~
in design every
drop

1. Had every answer in quiver or remand
2. Law on max use is bad. - Brown said
drain every drop version of max use
to keep for drain every drop.

3. added applications

7 paragraphs

4. Legislation in 5 years on water devel.
need S. Court opinion saying environment
does matter - otherwise open season on
right to divert

purpose.

5. Waters 1041 case with Consid. endorsement

Need support of County to S. Court

Majority of residents need to protect env.
and conceded (as Wenden Scope

work together
to address
these issues

Protecting Env. right they do to

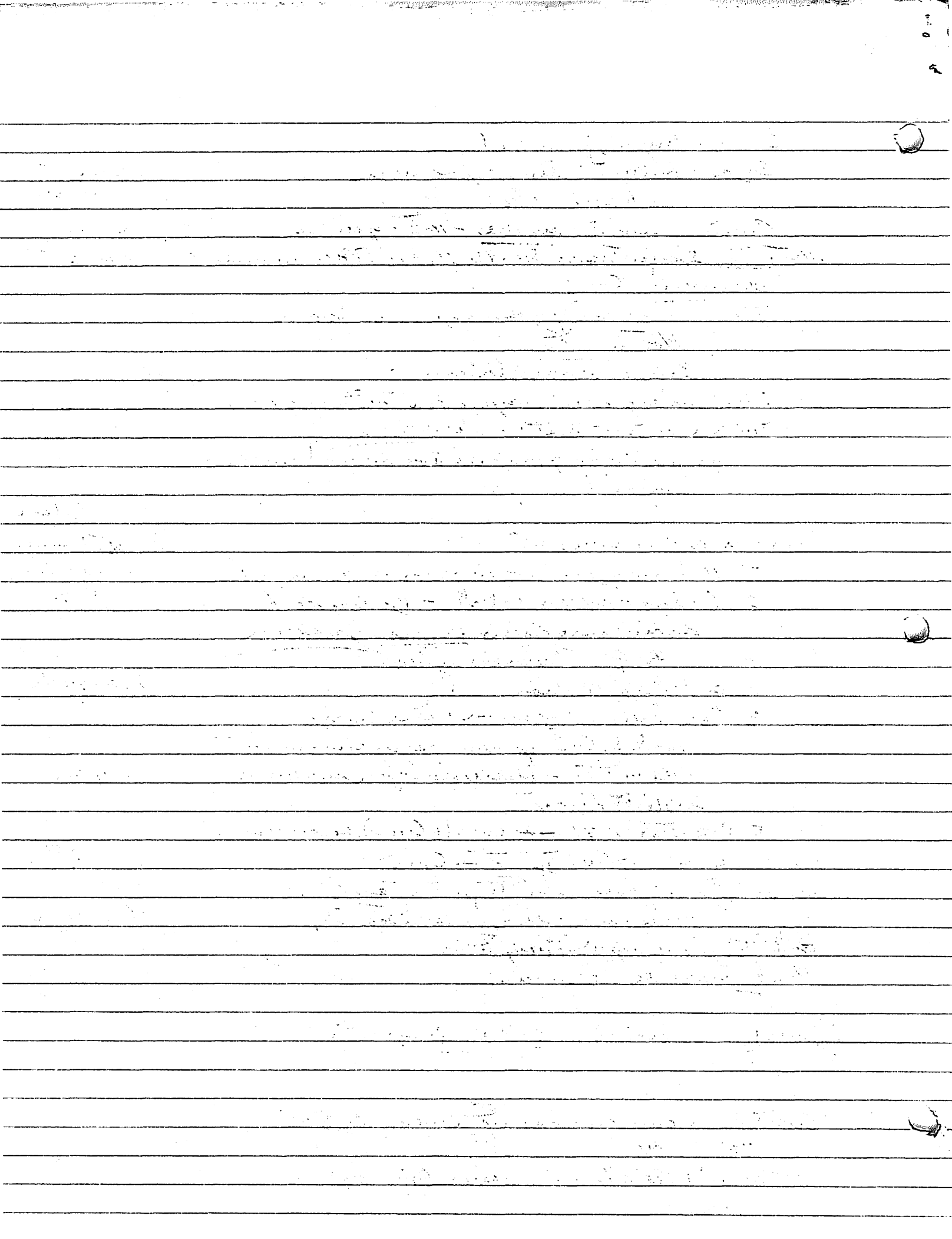
Need favorable response.

if insufficient protection by other judge strike a
balance.

What other env. concerns not covered by EPA

104 1041.

Task is still to deal with issues before private
projects.



404 Clean Water Act and address full range
even a Park water quality and considered
if go back on remand
vulnerable to removal of flood cycle
Acqs. said you do not need

Sum

B. Flood insurance under threat by way in
flood insurance is not full.

Legislature to deal with

Court goes first - legislature second.

Leg. could say apply to TMDL or large project
anticipated end of in size
or list of impacts.

value of flood
upstream flow
econ benefits.

To avoid duplication - be more powerful.
than

If someone does not cover us now to?

Ans - Regulated - some consideration before
conceding property right

- water judge conceal political protection
don't want judge to take away power.

Should show EPA we have done the work
shift power from Fed to water judge

24/6
11:00

- Spencer - look at brief of Spencer
Reserve right to comment in his brief.

Coagulation
Planning Model

Mitigation - Ball park -
Piece meal basis

- 1) Admission
- 2) Taylor & Co
- purpose
- possible und.

greater pen
greater
beneficial un.

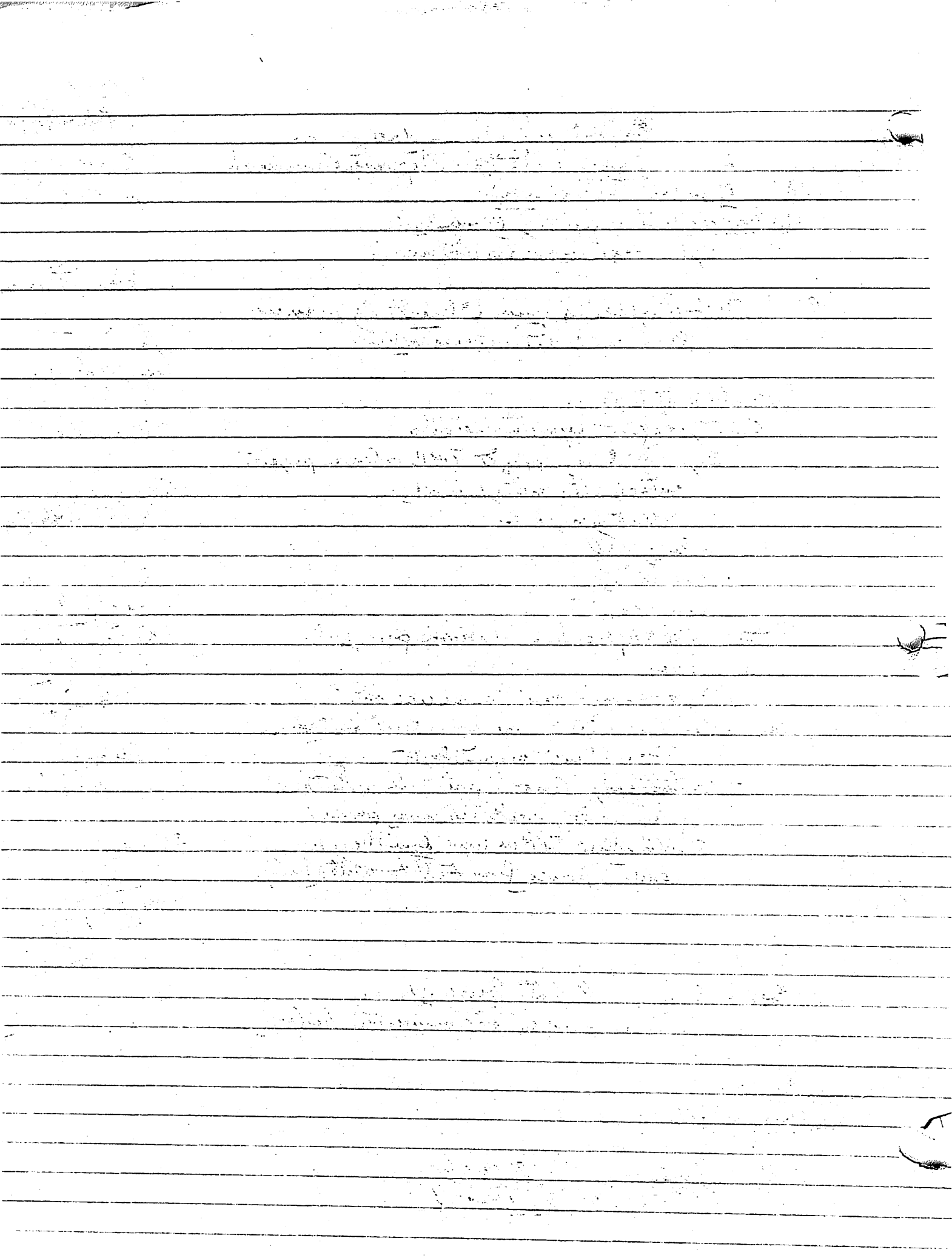
(0 Universal)

Assessing
Responsibility

Economy excess
as affected
by econ impact
is what or
deserve

Sum
Domino Theory

3) Support
Context
pol. purpose
and pr.



UGRWCD BUDGET SUMMARY-DECEMBER 1993

	<u>DECEMBER</u> <u>EXPENSE</u>	<u>YEAR -TO- DATE</u> <u>AS OF 12/31/93</u>	<u>1993 AMENDED</u> <u>BUDGET</u>	<u>% EXPENDED</u>
Administrative Salary	\$3,750.00	\$42,568.57	\$43,000.00 *	99%
Secretary Salary	1,069.50	11,539.19	12,000.00 *	96%
Board Treasurer Salary	300.00	3,640.00	4,000.00	91%
Payroll Taxes & Benefits	590.65	5,884.97	6,000.00 *	98%
Staff Conference & Training	0.00	20.00	500.00	4%
Legal Retainer Fees	50.00	600.00	600.00	100%
Legal Exp & Eng. Related	10,600.41	92,533.57	93,000.00 *	99%
Audit & Accounting	156.00	1,069.30	1,200.00	89%
Rent & Utilities	1,500.00	1,500.00	1,500.00	100%
Stream Gages O&M	6,850.00	6,850.00	7,000.00 *	98%
Stream Gages Construction	0.00	0.00	0.00 *	0%
Bonding	0.00	150.00	200.00 *	75%
Insurance/Premises	0.00	0.00	300.00 *	0%
Office Telephone	144.88	1,822.34	2,200.00 *	83%
Attorney Telephone	0.00	0.00	100.00 *	0%
Legal Printing	39.75	1,052.76	1,200.00 *	88%
Administrative Travel	182.50	1,554.96	2,500.00 *	62%
Attorney Travel	0.00	761.14	800.00 *	95%
Board of Directors Travel	0.00	0.00	200.00 *	0%
Office Supplies	117.77	1,033.28	1,300.00 *	79%
Postage	0.00	994.00	1,000.00 *	99%
Copying	0.00	900.75	1,100.00	82%
Publications Acquisition	100.00	284.95	300.00 *	95%
Office Equipment	0.00	4,375.93	6,500.00	67%
Board of Directors Fees	200.00	4,125.00	5,000.00	83%
Board of Directors Mileage	21.00	1,064.00	1,400.00	76%
Uncompahgre Water Users	0.00	3,000.00	3,000.00	100%
CWC Membership	0.00	400.00	400.00 *	100%
WSC Water Workshop	0.00	1,200.00	1,200.00	100%
Water Resources Study	0.00	4,065.00	5,000.00	81%
Promotion & Guest Expense	0.00	438.97	1,500.00	29%
County Treasurer's Fees	210.92	6,952.33	7,000.00	99%
Subtotals	<u>\$25,883.38</u>	<u>\$200,381.01</u>	<u>\$211,000.00 *</u>	<u>95%</u>
Contingency			0.00 *	0%
Emergency Reserves			2,700.00	0%
Water Resource Protection & Development Reserves			46,000.00 *	0%
Totals	<u>\$25,883.38</u>	<u>\$200,381.01</u>	<u>\$259,700.00 *</u>	<u>77%</u>

*Amount amended per 10/11/93 scheduled meeting

UGRWCD
FINANCIAL DATA-12/1/93 THRU 12/31/93

Balance on Hand - November 30, 1993

Checking Account		\$3,056.21
Petty Cash		100.00
Time C.D.-FNB		2,703.71
Time C.D.-Wetlands Fund		940.74
Money Maker-GS&L		41,516.08
Time C.D.-FNB-Lake City		41,465.74
Passbook Svgs-CB St. Bank		40,280.42
Passbook Svgs-FNB		60,853.47
TOTAL FUNDS 11/30/93		\$190,916.37

Tax Receipt Collections thru November

Real Estate		\$207,897.53
Specific Ownership		15,654.65
Interest		1,558.04

Note: Treasurers' Fees are included \$225,110.22

November Tax Receipt Collections Paid in December

Real Estate		\$5,943.87
Specific Ownership		1,233.16
Interest		405.39

Note: Treasurers' Fees are included \$7,582.42

Transfer from Passbook Svgs-FNB \$20,000.00

Miscellaneous Income 2.50

Interest on Investments received in December 143.44

TOTAL TO DATE \$198,644.73

Total Disbursements thru 12/31/93

25,883.38
TOTAL FUNDS 12/31/93 \$172,761.35

Balances as of 12/31/93

		INTEREST RATES	MATURITY DATES
Checking Account	\$4,787.44	2.25%	
Petty Cash	100.00		
Time C.D.-FNB of Gunnison (1 yr.)	2,703.71	3.50%	1/18/94
Time C.D.-Wetlands-FNB of Gunnison (1 yr.)	943.45	3.50%	8/16/94
Money Maker-GS&L	41,627.12	3.25%	
Time C.D.-FNB of Lake City (6 mo.)	41,465.74	3.51%	4/4/94
Passbook Savings-C.B. State Bank	40,280.42	3.00%	
Passbook Savings-FNB of Gunnison	40,853.47	3.00%	
TOTAL FUNDS 12/31/93	\$172,761.35		

**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

OPERATIONAL EXPENSES PAID

December 6, 1993	Colorado Water Congress-State Affairs Committee publications	\$100.00
December 6, 1993	U. S. West Communications-office phone	144.10
December 6, 1993	The Paper Clip-office supplies	21.29
December 12, 1993	Silver World Publishing-Nov. notices	28.00
December 12, 1993	Kimberly S. Temple, CPA-Tyler questions re: health insurance	71.50
December 12, 1993	Gunnison County-annual office rent	1,500.00
December 12, 1993	Division of Water Resources-printouts for well permits	43.50
December 31, 1993	Tyler Martineau-Dec. direct administrative travel	182.50
December 31, 1993	Colo. Compensation Insurance-statement period 12/92-11/93	199.00
December 31, 1993	M.C.I. Telecommunications-office phone	.78
December 31, 1993	Chronicle & Pilot-Nov. meeting notice	11.75
December 31, 1993	Quill Corp.-office supplies	52.98
December 31, 1993	Kimberly S. Temple, CPA-Tyler met with Bev re: budget	84.50
December 31, 1993	Tyler Martineau-net salary for pay period 12/1/93-12/31/93	2,584.02
December 31, 1993	Patrice Thomas-net wages for pay period 12/1/93-12/31/93	720.30
December 31, 1993	Rita McDermott-net salary for pay period 12/1/93-12/31/93	251.45
December 31, 1993	Colorado Department of Revenue-CWT-December	236.18
December 31, 1993	First National Bank-FWT & FICA-December	1,719.20

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

*is over our
material
issue*

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

December 30, 1993

Professional services:

Administrative

12/01/93 UGd Review, revise minutes of November meeting

12/06/93 UGd Prepare outline for report to Board on legal
matters; attend regular Board Meeting

UGj Attend December Board of Directors'
Meeting NO CHARGE

12/17/93 UGd Review minutes of Board Meeting

Amount

SUBTOTAL: [350.00]

C W C B Water Rights

12/20/93 UGj Participate in telephone status conference with
Judge Brown re: briefing schedule and oral arguments
for CWCB Motion for Summary Judgment

SUBTOTAL: [50.00]

Availability - Appeal

11/28/93 UGj Review Arapahoe and amicus briefs and legal
research; outline and draft of brief re: factual
issues regarding East River points of diversion

*are these
issues
to be
considered*

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.

- 11/29/93 UGd Work on hydropower brief
- UGj Review exhibits and transcript; preparation of brief regarding East River points of diversion
- 11/30/93 UGd Revise draft of hydropower brief; telephone conference with Bruce Driver re: maximum use; telephone conference with Andy re: maximum use
- UGj Review of A. Williams' draft brief re: burden of proof; drafting of 620(f) brief; initial review of B. Driver/D. Getches brief re: maximum use issues
- 12/01/93 UGd Revise hydropower brief; telephone conference with Andy re: public values brief; conference with David Baumgarten re: public values; work on hydropower brief
- UGj Revise draft of 620(f) brief; review of conservationists brief and conference with David Baumgarten
- 12/02/93 UGd Work on appellate briefs
- 12/03/93 UGd Meet in Denver with attorneys for opposers to review draft briefs
- UGj Preparation of brief on burden of proof
- 12/04/93 UGd Work on brief (hydropower, recreation, flood control); telephone conference with David Baumgarten re: maximum use
- 12/05/93 UGd Review Aspinall, flood control, fish and recreation and 620(f) briefs, rates, etc., re: revised brief; revise brief to include recreation and flood control with hydropower rights, i.e., all Aspinall rights
- 12/06/93 UGd Work on brief on hydropower, flood controls and recreation
- UGj Review U.S. brief on CRSP issues; review C. B. White brief re: Taylor Park Reservoir; preparation of drafts of brief; legal research
- 12/07/93 UGj Review of trial transcripts; legal research; brief drafting
- UGj Assemble Sec. 401 Clean Water Act materials for Colorado Attorney General's Office in response to request from the Attorney General and County Attorney

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

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

12/08/93 UGd Work on brief - marketable yield, and incidental vs. primary purposes distinction; work on recreation uses (state rights), primary vs. incidental, flood control

UGj Legal research; preparation of brief

12/09/93 UGd Work on brief - primary/incidental issue, CRSPA analysis; telephone conference with Andy Mergen; work on response to "Jicarilla" case and related argument

UGj Review of trial transcripts and exhibits; draft brief; legal research

12/10/93 UGd Draft section on "marketable yield" (240,000 of); finalize brief

UGj Legal research; review briefs from opposers

12/12/93 UGd Review other opposers' briefs

UGj Review opposers' briefs and outline issues for discussion

12/13/93 UGd Review other opposers' briefs; meet with opposers' attorneys in Denver to review and revise all briefs

UGj Review opposers' briefs and outline issues for discussion

UGj Attend meeting of opposers' counsel in Denver NO CHARGE

12/14/93 UGd Review maximum use brief

UGd Meet with Gunnison County Commissioners and attorney and two members of HCCA re: maximum use brief

UGj Review drafts of briefs of opposers; outline revisions

12/15/93 UGd Conference call with Andy Mergen and Mike Gheletta re: Aspinall rights NO CHARGE

UGj Telephone conference with Mike Gheletta, Andrew Mergen re: Aspinall Unit analysis and revision in brief; research

12/16/93 UGd Revise brief on Aspinall rights, including hydropower

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.

- UGj Legal research; review of briefs
- 12/17/93 UGd Revise brief on Aspinall rights, including hydropower
- 12/20/93 UGj Revision of Section 620f brief
- 12/21/93 UGd Review U.S. brief on Aspinall rights
- UGj Review draft briefs from U.S., A. Williams, B. Driver; outline revisions to 620f brief
- 12/22/93 UGd Review briefs on permitting, burden of proof; make suggested revisions to "permitting" for Driver; review Arapahoe brief, U.S. brief; prepare outline, research
- UGd Telephone conference call with various attorneys for opposers NO CHARGE
- UGj Telephone conference with opposers' attorneys; review of Rainbow Services brief; revisions to 620 (f) brief; review of appellate rules re: timing of briefs re: maximum utilization issues
- 12/23/93 jh Research and write memo on executive session
- UGd Revise draft brief on Aspinall rights
- UGj Review briefs of opposers; edit Aspinall issues brief
- 12/24/93 UGd Revise brief
- UGj Edit Aspinall issues brief
- 12/26/93 UGd Work on Aspinall rights, including hydropower
- 12/27/93 UGd Work on Aspinall rights, including hydropower
- UGj Edit Aspinall issues brief; draft revised response to Arapahoe claim to marketable yield from Aspinall Unit; legal research re: preemption
- 12/28/93 UGd Review brief on special use permits; telephone conference/meeting with opposers' attorneys re: briefs; conference with Bruce Driver, David Baumgarten and John McClow re: maximum use; telephone conference with Don Hamburg; telephone conference with Mike Gehletta

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.

12/28/93 UGj Revisions to Aspinall brief; conference call with
opposer's counsel; conference call with Steve Simms

Amount

SUBTOTAL: [19,320.00]

Taylor Park Res Management Contract

12/20/93 UGd Review Bureau draft of contract - revised

12/21/93 UGd Meeting in Grand Junction with Bureau, Hokit, Gross,
Kuhn, Tyler and Bill

SUBTOTAL: [350.00]

For professional services rendered \$20,070.00

Itemization of costs

-Telephone conference call, 10/29/93: Dick, Andy, Barney, Duane Helton and Tyler re: conditional water rights/availability	117.16
-Westlaw research charges	109.24
-Mileage - roundtrip to Denver, 12/10 - 12/12/93, Dick Bratton & John McClow	112.00
-Lodging for Dick Bratton and John McClow while in Denver, 12/12/93	187.17
-Telecopier expense	120.00
-Long distance telephone expense	42.55
-Postage expense	3.48
-Photocopier expense	158.70
-U.P.S. delivery charges	18.00

Total costs \$868.30

Total amount of this bill \$20,938.30

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

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

Upper Gunnison River Water

12/30/93-Less 15% Discount

Balance due

\$18,040.30

(\$2,898.00)

Amount

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.

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 23, 1993

SUBJECT: Agenda Item 10f, January 10, 1994, Board Meeting --
Miscellaneous Matters - Slate River Stream Gage.

This is an update on the new Slate River stream gage which was installed in October, 1993. The following entities have agreed to share in the cost of construction and operation of the gage in 1994:

- * Gunnison County
- * Mt. Crested Butte Water & Sanitation District
- * Town of Crested Butte

USGS personnel are visiting the gage site once a month to make a manual measurement of the flow in the Slate River. These "discharge" measurements supplement the continuous record of river level or "stage" that will be automatically recorded during the time of year when the river is free of ice. The monthly measurements made thus far are:

October 14, 1993	54.3 cfs
November 16, 1993	47.7 cfs
December 20, 1993	23.0 cfs

At a meeting for Gunnison County's East River 201 study on December 8, I discussed with the county's engineer, RTW, the need for basic water quality sampling to be done on the Slate River at the same time as the USGS is making its monthly discharge measurement. In order to get useful winter information as quickly as possible I asked Lynn Cudlip to collect samples on December 20. I have made a request to Gunnison County for them to fund the cost of water quality sampling when the USGS is present during each of the remaining winter months for 1994. The total cost of each monthly water quality measurement would be about \$300.00. Because other entities have participated in the cost of the new Slate River stream gage, the District will have funds available in its stream gages line items that could be used to share with the county in this effort. I would like to receive direction as to whether the board is interested in pursuing a joint sampling program with Gunnison County for the first four months of 1994.

*you
Susan
Cudlip
201
report*

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 27, 1993

SUBJECT: Agenda Item 13, January 10, 1994, Board Meeting --
Employment Agreement with District Manager.

Attached is a new draft of my employment agreement which I have prepared as requested by the board at the meeting on December 6, 1993.

DRAFT

EMPLOYMENT AGREEMENT

THIS AGREEMENT is entered into on ~~January 20, 1992~~ January 10, 1994 between the **UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT** (District) and **TYLER MARTINEAU** (Manager).

1. **Employment.** The District employs the Manager and the Manager accepts employment upon the terms and conditions contained in this Agreement.

2. **Term.** The term of this Agreement shall begin on ~~February 1, 1992~~ February 1, 1994, and shall terminate on ~~January 31, 1993~~ January 31, 1995.

3. **Compensation.** The District shall pay the Manager for all services rendered a salary of ~~Forty Five Thousand Dollars (\$45,000.00)~~ Forty-Seven Thousand Five Hundred Dollars (\$47,500.00) per year, payable in equal monthly installments on the last business day of each month. Salary payments shall be subject to withholding and other applicable taxes.

4. **Duties.** The District hereby employs the Manager as General Manager of the District, with such precise powers and duties in that capacity as may be determined from time to time by the Board of Directors (Board). Notwithstanding the ability of the Board to expand or curtail the powers and duties of the Manager, the Manager's duties shall generally include, without limitation, the following:

- a. Administration of the day-to-day business affairs of the District;
- b. Preparation of an agenda and appropriate background information regarding substantive issues to be addressed by the Board for use at meetings of the Board, and attendance at all regular and special meetings of the Board;
- c. Representation of the District, as directed by the Board, in its dealings with governmental and non-governmental agencies, commissions and authorities (excluding legal representation) and with the general public, including attendance on behalf of the District at such meetings and conferences as the Board shall authorize and direct;
- d. ~~Performance and~~ Management of engineering services relating to the maintenance of the conditional water rights held by the District, support of any plan for augmentation approved by the Board, water studies and similar engineering services.

5. **Extent of Services.** The Manager shall devote his full entire time and attention to the District's business during the term of this Agreement and shall work such hours and such times as are reasonably necessary to accomplish his job duties.

6. **Other Business Activity.** The Manager shall not engage in the performance of engineering services or other business activity, regardless of whether it is pursued for gain or profit, which unreasonably affects his ability to perform the duties described in this Agreement.

7. **Expenses.** The Manager may incur reasonable expenses while performing the District's business, including mileage and expenses for travel, and similar items. The District will reimburse the Manager for all such expenses. To obtain reimbursement for such expenses, the Manager shall prepare monthly an itemized account of such expenditures which shall be subject to review and approval by the Board.

8. **Health Insurance.** ~~Apart from In addition to the compensation salary provided for in this Agreement, the District shall as a separate benefit pay, in an amount approved by the board, the premiums for health insurance which the Manager has provided for himself. The limit of such health insurance benefit shall be an amount equal to the premium for Manager's basic hospital-surgical policy with the State Farm Insurance Company, Policy Number H4463639 0606. reimburse the Manager, in an amount approved by the Board, for premiums incurred by the Manager in providing health insurance for himself.~~ The provisions of this paragraph shall not be construed to require the District to provide a health insurance policy or program for the Manager.

9. **Vacation and Unpaid Leave.** The Manager shall be entitled each year to a vacation of three non-consecutive weeks, during which time his compensation shall be paid in full. The Manager shall be entitled to accumulate up to six weeks paid vacation. Accumulation in excess of the maximum accrual shall be subject to forfeit. The Manager shall be paid for all accumulated vacation at the time of termination of employment. In addition to the vacation described in this paragraph, the Manager shall be permitted, upon reasonable notice to the Board, to be absent from his duties without compensation, provided that the activities of the District will not be adversely affected thereby.

10. **Sick Leave.** The Manager shall be entitled each year to ten days of paid sick leave. The Manager shall be entitled to accumulate up to thirty days of paid sick leave. Upon separation from employment by permanent disability (or death), the Manager (or Manager's estate) shall be paid 100% of all accrued sick leave up to a maximum of 30 days at the Manager's then current rate of pay. Upon separation from employment for any other reason the manager shall receive payment at the then current rate of pay for accrued sick leave based upon the following formula: Number of sick leave days accrued (up to 30 days), divided by 3, equals sick leave payment.

11. **Termination Without Cause.** The District may, without cause, terminate this Agreement at any time by giving thirty days' written notice to the Manager. In that event, the Manager, if requested by the District, shall continue to render his services, and shall be paid his regular compensation up to the date of termination. The Manager may, without cause, terminate this Agreement by giving thirty days' written notice to the District. In such event, the Manager, if requested by the District, shall continue to render his services and shall be paid his regular compensation up to the date of termination.

12. **Arbitration.** Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled by arbitration in accordance with the Commercial Arbitration Rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.

13. **Notices.** Any notice required or desired to be given under this agreement shall be given in writing and delivered by personal service or sent by certified mail, return receipt requested, to the Manager's residence or to the District's business office, with a copy by first-class mail to the President of the Board.

14. **Waiver.** The District's waiver of a breach of any provision of this Agreement by the Manager shall not operate or be construed as a waiver of any subsequent breach by the Manager. No waiver shall be valid unless in writing and signed by an authorized representative of the District.

15. **Entire Agreement.** This Agreement contains the entire understanding of the parties. It may not be changed orally but only by an agreement in writing signed by each of the parties to this Agreement.

16. **Headings.** The headings in this Agreement are for convenience only and shall not be used to interpret or construe its provisions.

17. **Counterparts.** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same Agreement.

DRAFT

IN WITNESS WHEREOF, the parties have executed this Agreement on ~~January 20, 1992~~ January 10, 1994.

UPPER GUNNISON RIVER
WATER CONSERVANCY DISTRICT

ATTEST:

Mark Schumacher, Secretary

By: _____
William S. Trampe, President

MANAGER

Tyler Martineau

Gunnison County, Colorado

Board of
COUNTY COMMISSIONERS

303 • 641-0218
GUNNISON, COLORADO 81230

TO: Elected Officials
Department Heads
County Employees
FROM: Judy Goodman
SUBJECT: 1994 Holiday Schedule
DATE: December 8, 1993

received
12/9/93

At their regular meeting on December 7, 1993 the Gunnison County Board of Commissioners approved the following holiday schedule, which is consistent with the holiday schedule of the State of Colorado. As well, the Board again approved the Friday after Thanksgiving as a Gunnison County holiday.

Have fun on your holidays from work!

January 17, 1994	Monday	Martin Luther King, Jr. Day
February 21, 1994	Monday	President's Day
May 30, 1994	Monday	Memorial Day
July 4, 1994	Monday	Independence Day
September 5, 1994	Monday	Labor Day
October 10, 1994	Monday	Columbus Day
November 11, 1994	Friday	Veteran's Day
November 24, 1994	Thursday	Thanksgiving Day
November 25, 1994	Friday	Day After Thanksgiving
December 26, 1994	Monday	Christmas
January 2, 1995	Monday	New Years Day

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 22, 1993

SUBJECT: Agenda Item 9, January 10, 1994, Board Meeting --
1994 Holiday Schedule.

For the past two years the Board has authorized the District on a year by year basis to observe the same holiday schedule as Gunnison County.

Attached are the county's holidays for 1994. I would suggest that the board consider authorizing the District to follow the county's schedule on a continuous on-going basis as an alternative to the year by year approach employed to date.

Upper Gunnison River Water Conservancy District

SPECIAL MEETING

Wednesday, January 5, 1994
1:00 p.m.

Multi-Purpose Building - County Fairgrounds
Gunnison, Colorado

A G E N D A

1. Call to Order.
2. Executive Session:
 Arapahoe County/Union Park
 Project Supreme Court Appeal.
3. Adjournment.

DRAFT

**UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT
SPECIAL BOARD MEETING MINUTES**

January 5, 1994

The Board of Directors of the Upper Gunnison River Water Conservancy District conducted a Special Meeting on January 5, 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:

Tyler Martineau, Manager
Patrice Thomas, Office Secretary
Dick Bratton, Board Attorney
John McClow, Board Attorney
Fred Field, Gunnison County Commissioner
Rikki Santarelli, Gunnison County Commissioner
Marlene Zanetell, Gunnison County Commissioner
David Baumgarten, Gunnison County Attorney

1. CALL TO ORDER

President Trampe called the meeting to order at approximately 1:17 p.m and announced that the board would be meeting jointly with the three Gunnison County Commissioners to discuss litigation, i.e., the appeal of the Arapahoe "availability" case in the Colorado Supreme Court.

2. ARAPAHOE COUNTY/UNION PARK PROJECT SUPREME COURT APPEAL

President Trampe turned the meeting over to Fred Field, Gunnison County Commissioner. Fred Field explained that the Gunnison County Commissioners had requested a joint meeting with the Upper Gunnison River Water Conservancy District to discuss the draft legal brief which they had requested David Baumgarten, Gunnison County attorney, to prepare for the Commissioner's review. Mr. Field reported that he had met with David Baumgarten, Marlene Zanetell, William S. Trampe, and Lee Spann a few days ago and it was decided at that meeting that a joint meeting of the two boards was a good idea in order to consider the litigation in which they are both involved.

President Trampe said that David Baumgarten would facilitate the meeting to explain the process followed in preparation of the legal brief as requested by the Gunnison County Commissioners.

Bob Arnold moved that the board adjourn to executive session to discuss legal issues. **Susan Lohr** seconded the motion. The motion carried.

Fred Field stated that the Gunnison County Commissioners had voted to extend their executive session to discuss the Union Park Appeal Brief until January 5, 1:00 p.m. and that the Gunnison County Commissioners are continuing to meet in executive session this afternoon.

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

3. ADJOURNMENT

President Trampe adjourned the meeting at approximately 4:10 p.m.

Respectfully submitted,

Mark Schumacher, Secretary

APPROVED:

William S. Trampe, President

Upper Gunnison River Water Conservancy District

M E M O R A N D U M

TO: Board Members,
Upper Gunnison River Water Conservancy District

FROM: Tyler Martineau *TM*

DATE: January 5, 1994

SUBJECT: Agenda Item 6, January 10, 1994, Board Meeting --
Legal Matters - Arapahoe County/Union Park Project.

Attached is a copy of Arapahoe County's response to the CWCB memorandum on Taylor River issues which I provided to the board several months ago. I have been asked by Randy Seaholm at the CWCB if the Upper Gunnison District and the Colorado River District would consider jointly writing a response to Arapahoe County's letter to Senator Ament and Representative Jerke. There are a number of points in the letter which Randy believes we might be better able to address than he can from his vantage point at the CWCB.

*in
U.P. file*

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
5800 S. UNIVERSITY AVENUE
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**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

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

Total Disbursed \$93,294.71

Total Disbursed-1993 Budget \$87,138.87

20

Note: These amounts include Travel Expense

H.R.

Expansion of jurisdiction
Need of me ready. Because ASAC may call

Solve use the problems -

450
operations
activities over
jurisdiction

operation

- While Commission keeps things on their feet.
-

Van Hunt Taylor Op

4 and 5 party agreement.

Red bands

Have got 2nd agreement.

Jan 15th criteria and end.

Plan goes in and out

21-22 450 cgs 23-26-400

document 250

based on 4 party agreement.
21-22 - criteria greater than 450.

? To Kim

Changes do accordingly record of
see above

prices - criteria - and for

decisions are made on real time conditions.

Basic questions -

Real time Admin Model and real time.

Borgward Funding - In CUCB

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UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT

REPORT FOR SCHEDULED MEETING ON AUGUST 8, 1994

different from

OPERATIONAL EXPENSES PAID THAT REQUIRE APPROVAL

Date		Amount
15-Jul-94	The Paper Clip - office supplies	\$26.33
15-Jul-94	Stamped Envelopes - U.S. Postmaster	\$320.00
15-Jul-94	U.S. West Communications - office phone	\$150.29
31-Jul-94	Copying - reimb. of T. Martineau	\$5.25
31-Jul-94	Promotion and Guest Exp.; remb of T. Martineau	\$37.42
31-Jul-94	Chronicle and Pilot - June notice	\$86.20
31-Jul-94	Travel - reimb. of T.Martineau	\$67.50
31-Jul-94	Tyler Martineau - net salary for pay period	\$2,720.41
31-Jul-94	Patrice Thomas - net wages for pay period	\$646.73
31-Jul-94	Rita McDermott - net salary for pay period	\$225.00
14-Jul-94	CO Tres. - UGRWCD share for payroll tax, 2nd Qtr.	\$56.75
31-Jul-94	First Nat. Bank - UGRWCD share federal payroll tax	\$399.23
31-Jul-94	First National Bank - FWT&FICA	\$1,376.28

OTHER EXPENSES PAYABLE THAT REQUIRE APPROVAL

Meeting Attendance -- \$25.00 per meeting plus reimbursement for mileage at \$.25 per mile

Date	Meeting		Mileage		
25-Jul-94	Special Meeting	Ralph Clark III	\$25.00	\$0.00	\$25.00
		Carol Drake	\$25.00	110 \$27.50	\$52.50
		Diane Lothamer	\$25.00	\$0.00	\$25.00
		Ramon Reed	\$25.00	\$0.00	\$25.00
		Peter Smith	\$25.00	\$0.00	\$25.00
		Lee Spann	\$25.00	6 \$1.50	\$26.50
		Dennis Steckel	\$25.00	\$0.00	\$25.00
		Doyle Templeton	\$25.00	64 \$16.00	\$41.00
		William Trampe	\$25.00	14 \$3.50	\$28.50
		Total	\$225.00	\$48.50	\$273.50

Date	Meeting		Mileage		
8-Aug-94	Scheduled Meeting	Ralph Clark III	\$25.00	\$0.00	\$25.00
		Carol Drake	\$25.00	110 \$27.50	\$52.50
		Susan Allen Lohr	\$25.00	72 \$18.00	\$43.00
		Diane Lothamer	\$25.00	\$0.00	\$25.00
		Ramon Reed	\$25.00	\$0.00	\$25.00
		Mark Schumacher	\$25.00	20 \$5.00	\$30.00
		Peter Smith	\$25.00	\$0.00	\$25.00
		Lee Spann	\$25.00	6 \$1.50	\$26.50
		Dennis Steckel	\$25.00	\$0.00	\$25.00
		Doyle Templeton	\$25.00	64 \$16.00	\$41.00
William Trampe	\$25.00	14 \$3.50	\$28.50		
Total	\$275.00	\$71.50	\$346.50		

Bratton & McCloy LLC \$1,613.37
 Kimberly Temple, CPA's \$180.50

UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT

LEGAL SERVICES - INVOICES RECEIVED, PAID, PENDING FOR BUDGET YEAR 1994

Invoice From:	Month	Invoice Date	Payment Date	Total Amount	Allocation By Purpose								Dom Res
					Fee Adjustment	Admin. and Office	Availability Un. Park	FERC / Rocky Point	Taylor Res. Operations	Private Instream	CWCB Instream	Basin Augment.	
January													
Bratton and McClow		28-Jan-94	14-Feb-94	\$15,882.31	(\$5,000.00)	\$875.00	\$16,131.25					\$1,550.00	
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		\$962.50	\$137.50				\$93.75	\$1,231.25	
March													
Bratton and McClow		31-Mar-94	11-Apr-94	\$2,243.92		\$625.00	\$1,531.25						
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			
Williams, Turner and Holmes		6-May-94	12-May-94	\$1,611.40			\$1,600.00						
May													
Bratton and McClow		1-Jun-94	13-Jun-94	\$4,578.40		\$512.50	\$1,862.50			\$1,250.00			
June													
Bratton and McClow		1-Jul-94	11-Jul-94	\$664.54		\$437.50		\$62.50		\$93.75			
July													
Bratton and McClow		29-Jul-94	pending	\$1,613.37		\$562.50							
Year to date including pending invoices				\$38,895.39	(\$5,000.00)	\$4,287.50	\$25,456.25	\$225.00	\$1,937.50	\$2,931.25	\$93.75	\$2,781.25	\$
Budgeted for 1994		\$70,000.00											
Percent of Budget to date including pending invoices:				56%									

Linguez Reservoir	Endangered Species	Aspinall Operations	Service Costs
			\$2,326.06
62.50			\$1,284.96
			\$87.67
			\$335.24
			\$11.40
62.50			\$890.90
			\$70.79
	\$125.00	\$906.25	\$19.62
25.00	\$125.00	\$906.25	\$5,026.64

UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT

BUDGET SUMMARY - JULY 1994

	July	Year to Date 31-Jul-94	-- 1994 -- Budget	Percent of Budget	-- 1993 -- Actual from Audit
REVENUES					
General Property Taxes	\$39,266.53	\$184,241.61	\$210,778.00	87.41%	\$213,580
Gen. Property Tax - Prior Tax	\$248.14	(\$5.86)			
Specific Ownership Tax	\$1,307.94	\$8,911.32	\$15,750.00	56.58%	\$16,891
Interest and Penalties	\$123.62	\$180.30			\$1,737
Interest on Investments	\$1,175.45	\$4,029.96	\$5,000.00	80.60%	\$6,133
Miscellaneous Income	\$75.00	\$75.00			\$115
Total Revenues	\$42,196.68	\$197,432.33	\$231,528.00	85.27%	\$238,456
EXPENDITURES					
Administrative Salary	\$3,958.33	\$26,594.74	\$47,500.00	55.99%	\$42,569
Secretary Salary	\$960.25	\$4,960.65	\$14,000.00	35.43%	
Board Treasurer Salary	\$300.00	\$2,100.00	\$4,000.00	52.50%	
Sec. and Tres. Salaries					\$15,179
Payroll Taxes and Benefits	\$455.98	\$3,685.74	\$8,500.00	43.36%	\$5,871
Compensated Absences					\$1,730
Staff Conference And Training		\$0.00	\$500.00	0.00%	\$20
Legal Exp. and Eng. Related incurred under 1993 budget	\$664.54	\$37,282.02 \$18,594.18	\$70,000.00	53.26%	\$105,449
Legal Retainer Fee					\$600
Attorney's travel					\$284
Audit and Accounting	\$130.00	\$981.10	\$1,200.00	81.76%	\$1,069
Engineering Services		\$0.00	\$10,000.00	0.00%	
Rent and Utilities		\$1,500.00	\$1,500.00	100.00%	\$1,500
Stream Gages O. and M.		\$943.68	\$12,800.00	7.37%	\$6,850
Stream Gages Construction		\$0.00	\$4,000.00	0.00%	
Bonding		\$100.00	\$200.00	50.00%	\$150
Insurance / Premises		\$250.00	\$300.00	83.33%	
Office Telephone	\$150.29	\$884.94	\$2,500.00	35.40%	\$1,832
Legal Printing	\$86.20	\$756.68	\$1,400.00	54.05%	\$1,066
Administrative Travel	\$67.50	\$976.46	\$3,000.00	32.55%	\$1,555
Board of Directors Travel		\$0.00	\$500.00	0.00%	\$0
Office Supplies	\$26.33	\$422.23	\$1,500.00	28.15%	\$2,349
Postage	\$320.00	\$695.00	\$1,200.00	57.92%	\$994
Copying	\$5.25	\$472.25	\$1,200.00	39.35%	
Publications Acquisition		\$58.00	\$500.00	11.60%	
Office Equipment		\$0.00	\$1,000.00	0.00%	\$6,016
Board of Directors Fees	\$500.00	\$2,825.00	\$5,000.00	56.50%	\$4,125
Board of Directors Mileage	\$138.00	\$964.00	\$1,400.00	68.86%	\$1,064
Uncompahgre Water Users		\$3,000.00	\$3,000.00	100.00%	\$3,000
Taylor Park Water Mgt.		\$0.00	\$10,000.00	0.00%	
CWC Membership		\$400.00	\$500.00	80.00%	\$400
WSC Water Workshop		\$1,200.00	\$1,200.00	100.00%	\$1,200
Water Resources Study		\$284.60	\$0.00		\$4,349
Promotion and Guest Expense	\$37.42	\$127.66	\$1,700.00	7.51%	\$439
County Treasurer's Fees	\$1,238.83	\$5,882.79	\$7,000.00	84.04%	\$6,932
Subtotals	\$9,038.92	\$115,941.72	\$217,100.00	53.40%	\$216,592
Contingency			\$10,000.00		
Emergency Reserves			\$2,500.00		
Water Resource Protection and Development Reserves			\$1,928.00		
Totals	\$9,038.92	\$115,941.72	\$231,528.00	50.08%	

UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT

SUMMARY OF FINANCIAL DATA -- July 1, 1994 through July 31, 1994

Balance On Hand - June 30, 1994			
Checking Account		\$33,832.29	
Petty Cash		\$100.00	
Time CD - FNB of Gunnison		\$2,751.10	
Time CD - FNB of Gunnison; Wetlands		\$960.03	
Money Maker - GS&L		\$42,307.17	
Time CD - FNB of Lake City		\$42,192.55	
Passbook Savings - CB State Bank		\$40,887.48	
Passbook Savings - FNB of Gunnison		\$58,063.58	
Acts. Payable/Colo. Withholding Tax		\$0.00	
Total Funds; June 30, 1994		\$221,094.20	
Tax Receipts collections received in July			
General Property Tax - Real Estate	\$39,266.53		
Gen. Property - Prior Tax	\$248.14		
Specific Ownership Tax	\$1,307.94		
Interest and Penalties	\$123.62		
Other Revenues and Receipts			
Interest on Investments	\$1,175.45		
Miscellaneous Income	\$75.00		
Month's Total		\$42,196.68	
Total of Funds Available		\$263,290.88	
Less Total Disbursements in July		(\$9,038.92)	
Note: Treasurers' Fees included			
Fund Balance on Hand as of July 31, 1994		\$254,251.96	
Transfers in July			
From			
Checking Account - FNB of Gunnison to FNB of Lake City	\$40,000.00		
Checking Account - FNB of Gunnison to GS&L	\$20,000.00		
Placement of Fund Balance on Hand as of July 31, 1994			
Checking Account - FNB of Gunnison	\$6,134.14	2.50%	
Petty Cash	\$100.00		
Time CD - FNB of Gunnison	\$2,775.10	3.50%	18-Jan-95
Time CD - FNB of Gunnison; Wetlands	\$962.79	3.50%	16-Aug-94
Passbook Savings - FNB of Gunnison	\$58,338.01	3.25%	
Money Maker - GS&L	\$42,424.98	3.25%	3-Oct-94
Passbook Savings - GS&L (Homestake Co.; restricted)	\$8,859.87		
Time CD - GS&L	\$20,000.00	3.75%	23-Jan-95
Time CD - FNB of Lake City	\$42,564.77	3.50%	3-Oct-94
Time CD - FNB of Lake City	\$40,000.00	3.50%	23-Jan-95
Passbook Savings - CB State Bank	\$41,202.33	3.25%	
Acts. Payable /Colo. Withholding Tax; quarterly	(\$250.16)		
Total funds as of July 31, 1994		\$254,251.96	

Up fun 8 Aug 9

111

Bob Arnold - Frank
Patricia - resigning

Minutes -
Work session at beginning -
Bringing up at speed.
All is public -
Concern - as who said what

Speed

Remember the names.
Operational Expense
August # 557

Legal Expenses - CWCB presentation
like to see them allocated to Permit and
Breed Expense - no legal.

Items and CWCB. 156.25, 185.00, 312.00 cost -
Work done in December -
Bookkeeping Services

Resign -
Patricia
See

Endangered Species Contract -

CWCB should preserve the historic operations
Negotiating position for all.
State protection for Upper Basin and Redlands
Protect all riparian in Basin and Hepenill
drawn down more than in past
Preserve historic operations keep Redlands Satirical
Let U.S. Gov. do augmentation for endangered species
use pool

Defaction - Black Canyon.

Difference - change the water Canyon.
Preserve water right.

Need support and recognition

Bill could be supported as introduced
- work on Canyon for Basin

Handwritten notes, possibly bleed-through from the reverse side of the page. The text is mostly illegible due to fading and bleed-through.

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POWER

Against NPS policy
National Security
Cordly to maintain
Potentially threaten US 50 if need
that direct in
would require ^{close attention and} regulation of
what he hopes upstream

@
get
letter on
Chippewa
@
Report from
B of the
in contrast

Black Canyon: Legislation
Date of Reservation ^{SR} Date of Nat Monument establishment
p. 2, Sept? 1930's

2) Has expand purposes
Tyler This expand
Wild and Scenic Good TMA

Bad for power plant
69000 a/c subord - see

get 69000
interpretation

3) Do not see silver in role of legislation
guid / pro-guid -

Asymmetrical intended for lawsuit - see Contract Draft
placed on own patch - Promises made
Does have value for sale

p. 27
draft
Contract

69000 No injury to lower present lower basin uses
limits TMA

- Hunting fishing ^{HPS} ^{Caracandi} ^{p. 11} permitted
p. 13 - Is River way to cost mitigation?
p. 14 - 1975 agreement cancellable - why here

Tyler Martineau asked if there were any questions about his July 29, 1994 memorandum regarding the Redlands call.

Lee Spann moved that the board of the Upper Gunnison River Water Conservancy District send a thank-you letter to those individuals who worked diligently to protect the upper Gunnison basin from the Redlands call. Ramon Reed seconded the motion. The motion carried.

After a short break President Trampe reconvened the meeting. Dee Jacobsen arrived at the meeting and the board returned to Agenda Item 12.

12. BLACK CANYON LEGISLATION

President Trampe referred the board to the draft of the proposed legislation circulated with a memorandum from Tyler Martineau. President Trampe introduced Dee Jacobsen of Senator Ben Nighthorse Campbell's staff for a presentation on the proposed Black Canyon legislation with discussion to follow.

Dee Jacobsen said that she would briefly outline the history of, the current language, and the procedure for possible passage of the Black Canyon legislation so that she could hear the board's comments particularly on the five points that Mr. Martineau offered in his memorandum. Ms. Jacobsen said that there are four essential components to the draft legislation: (1) Changing the name of the Black Canyon of the Gunnison National Monument to the Black Canyon of the Gunnison National Park, (2) maintaining multiple use of the lower Gunnison River gorge by naming it a National Conservation Area, (3) seeking a Wild & Scenic designation for the Gunnison River through the Black Canyon and (4) establishing the Cuercanti National Recreation Area as part of the National Park Service. Ms. Jacobsen said that the newest change is the water language which no longer includes an express disclaimer of the federal water right. She said that this language is an attempt to insure the resource will be protected in a creative way. Ms. Jacobsen asked for recognition and support of the effort put forth in the current draft of the Black Canyon legislation.

The board discussion focused on a two-pronged approach. The discussion concerned support for the current draft bill and work on proposed language changes to the draft bill for benefit to the Gunnison River basin.

A suggestion was made that language in paragraph b of page 14 could tie the Aspinall Unit and Taylor Park Reservoir together thus insuring the Taylor Park Water Management Agreement and extending the 1975 Agreement if the words, "in perpetuity", were added to the bill language.

There was concern expressed that the bill language not present an opportunity for the upper and lower Gunnison basins to be split. The board requested that the intention of no

harm to the upper basin be worked into the bill language.

Dennis Steckel referred to page 13, section 8Ac and asked what "enhancing flow conditions for existing water users" means. Ms. Jacobsen responded that the intention is that this language authorizes the Secretary to take care of upstream and downstream decreed users under Colorado water law until the contract is completed. There was concern about how this language might be interpreted.

Ramon Reed moved that the Upper Gunnison River Water Conservancy District endorse Senator Campbell's Black Canyon legislation and encourage other individuals and organizations in the basin to support it. Butch Clark seconded the motion.

There was concern expressed about endorsing the current draft without some changes to the language.

Diane Lothamer asked about the impact of a Wild & Scenic designation to rivers above the Black Canyon and if this impact could do harm to the upper basin. There was discussion about the amount of water available and the water quality requirements.

Susan Lohr moved to amend the motion to support the concept of Senator Campbells's Black Canyon legislation and to work with Senator Campbell and his staff to develop language beneficial to the basin that would address the board's concerns. Dennis Steckel seconded the motion. The motion to amend carried.

The board discussed with Dee Jacobsen any intent or activity related to the quantification of the Black Canyon federal water right.

The amended motion carried.

The board consensus was to direct District staff to work with Senator Campbell's staff and others on the board concerns and possible changes to language in the legislation to address these concerns. Tyler Martineau asked if the board included the points in his memorandum as well as the points raised in discussion as board concerns. Mr. Martineau specifically asked if the board wanted him to discuss language to protect the basin against downstream calls.

The board consensus was that this protection needs to be addressed in the legislation and that the best approach might be for the Aspinall Unit operation to continue to support the historical uses which have occurred throughout the entire basin. There was concern about drawing a red flag to this issue by discussion of language changes to the legislation. The board consensus was that the benefits to the basin of exploring language which would provide protection through the continuation of the Aspinall Unit historic operations outweighed the risks.

President Trampe instructed Tyler Martineau to follow the concept favored by the board and to work on language in this direction.

Tyler Martineau asked if the board would authorize attorney, Dick Bratton, to work on development of this language with him. The board suggested that stage 1 in the development of possible language changes be done by Mr. Martineau with the help of Colorado River Water Conservation District staff if needed. The board said that it would review this effort and involve legal counsel for advice if necessary.

Dee Jacobsen suggested that the language changes build from what the District likes in the bill. Ms. Jacobsen said that several public meetings will be held in early September 1994 on the proposed draft legislation and the timeframe for the District's proposed language suggestions will be mid-September in order that they can be considered for inclusion in the Black Canyon legislation.

14. MISCELLANEOUS MATTERS

The board returned to this agenda item.

The board discussed a possible review of staffing and job duties in light of the office secretary's resignation, the six-month timing of the manager's evaluation and the contract with a new bookkeeper. Tyler Martineau said that he wants to proceed as quickly as possible to fill the office secretary position. The board consensus was to hold a special meeting on August 15, 1994 at 7:00 p.m. to discuss personnel duties and that the posting of the office secretary position would not occur prior to this discussion.

Dennis Steckel distributed a letter from Steve Glazer of High Country Citizens Alliance to the board discussing the Gunnison County June 1994 draft ISDS guidelines.

15. UNSCHEDULED CITIZENS

There were no comments from unscheduled citizens.

16. FUTURE MEETINGS

President Trampe announced that the board will hold a special meeting on August 15, 1994 at 7:00 p.m. and a regularly scheduled board meeting on September 12, 1994 at 7:00 p.m.

DRAFT

17. ADJOURNMENT

President Trampe adjourned the meeting of the Upper Gunnison River Water Conservancy District at approximately 10:17 p.m.

Respectfully submitted,

Mark Schumacher, Secretary

APPROVED:

William S. Trampe, President

DRAFT

President Trampe confirmed that Butch Clark intended to resign as board treasurer and asked that he submit a letter of resignation.

Ramon Reed moved that the board members waive notice of special election for the position of treasurer. Lee Spann seconded the motion. The motion carried.

Dennis Steckel nominated Diane Lothamer as treasurer of the Upper Gunnison River Water Conservancy District effective August 9, 1994. Ramon Reed seconded the motion.

Lee Spann moved that nominations cease and that Diane Lothamer be elected treasurer by acclamation. Ramon Reed seconded the motion. The motion carried.

Ramon Reed moved Resolutions 94-8, 94-9, 94-10, and 94-11 to include Diane Lothamer as treasurer and that the four signature lines would then list Diane Lothamer, Tyler Martineau, William S. Trampe, and Peter Smith. Dennis Steckel seconded the motion. The motion carried.

Dee Jacobsen had not yet arrived so President Trampe moved to Agenda Item 14 without objection.

14. MISCELLANEOUS MATTERS

Lee Spann said that Greg Hoskins, attorney for Redlands Power, suggested to him that the Upper Gunnison River Water Conservancy District board and the Redlands Power board meet together to discuss common interests and to open lines of communication. The board consensus was that Lee Spann move forward to arrange a joint public meeting between the two boards.

Ramon Reed suggested that the board revisit Dennis Steckel's suggestion that the board hold worksessions prior to board meetings.

The board discussed how this suggestion might be implemented. There was consensus that both the worksession and the meeting would be public meetings as is the current board practice. The board agreed that at the worksession the board members would review the meeting agenda and identify the items for discussion in the worksession.

The board consensus was to start this method of a two hour worksession for discussion preceding a one-to-two hour board meeting for limited discussion and action at the October 1994 board meeting of the Upper Gunnison River Water Conservancy District.

13. ENDANGERED SPECIES CONTRACT

Tyler Martineau referred the board to his July 28, 1994 memorandum circulated to the board with the draft of the endangered species contract. Mr. Martineau reported that he met with Randy Seaholm, Jim Hokit, Mike Gross, Ken Knox, and Ray Werner to discuss approaches that the Colorado Water Conservation Board (CWCB) might take to mitigate the impact of the endangered species contract on water users in the Gunnison basin. Mr. Martineau said that there was agreement at this meeting that the Colorado Water Conservation Board should adopt a principle of protection for water users and a mechanism to keep water users in the basin whole preferably by preserving the historical operations of the Aspinall Unit. Mr. Martineau said that a second choice was discussed at the meeting and that was to seek language in the contract to allow development of an augmentation plan for all users in the Gunnison basin. Mr. Martineau said that the direction from the meeting was to ask the CWCB to seek protection for all basin users and not to distinguish between the upper and lower basin. Mr. Martineau asked the board for their input.

The board discussed how each choice would affect the Redlands Power plant and any call for water.

Butch Clark said that he would prefer looking at the timing of water releases rather than development of an augmentation plan.

The board discussed the possibility of the Bureau of Reclamation doing an augmentation plan for endangered species after the historical operation of Aspinall Unit has been met.

The board discussed the idea of a mitigation pool for Blue Mesa. It was decided that more research would be needed before discussing the idea of a pool with the U.S. Fish and Wildlife Service. Tyler Martineau said that Randy Seaholm, staff of the CWCB, is working on this concept and pursuing it with the U.S. Fish and Wildlife Service and the Bureau of Reclamation. The board asked about obtaining a copy of Mr. Seaholm's report if one is available.

Tyler Martineau said that there is another technique which would be a power interference payment instead of a water delivery to Redlands. Mr. Martineau gave examples of how this technique might work. Peter Smith asked about a power replacement between the Aspinall Unit and the Redlands Power plant. There was concern expressed that a power interference payment could set a bad precedent.

There was board concensus that Tyler Martineau continue working with other staffs to develop a plan that would keep all the water users in the Gunnison basin whole in response to the endangered species contract.

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Tyler Martineau reported that the expenditure for the CWCB dinner in Gunnison which the board approved at the July 11, 1994 meeting was \$357.00. Mr. Martineau asked if there was any objection if that amount was paid prior to the September board meeting. There was none.

6. CONSIDERATION OF OTHER EXPENSES PAYABLE

Ramon Reed moved to approve Other Expenses Payable as presented in the report prepared by the Treasurer for July 1994. Peter Smith seconded the motion. The motion carried.

Ramon Reed moved that the three items totalling \$656.25 pertaining to the Colorado Water Conservation Board presentation in the July 29, 1994 invoice from Bratton & McClow be charged to the promotion and guest expense budget line item rather than the legal expenses line item. Lee Spann seconded the motion. The motion carried 9-2.

The board discussed how activities of Bratton and McClow might be allocated to budget line items in the future.

7. MONTHLY BUDGET REPORT

Tyler Martineau clarified that the \$284.60 for Bioenvirons work entered in the budget line item of Water Resources Study in 1994 was a 1993 expense and had been included in the 1993 audit which is accrual and appeared in the 1994 monthly budget report which is cash based. Mr. Martineau said that 1993 expenses were paid from 1993 budget monies.

Butch Clark, treasurer, said that he is working with the District staff to have the monthly budget summaries reflect the annual budget as closely as possible.

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

8. BOOKKEEPING SERVICES CONTRACT

Tyler Martineau referred the board to the draft contract which was circulated to the board by mail. Mr. Martineau noted that the contract will terminate December 31, 1994 and that the bookkeeping contract can then be written to correspond with the District's annual budget year.

There was discussion about the word "two" in item 3a. of the draft contract.

There was a brief discussion on when the bank statements would be reconciled in relation to the financial reports to the board to be prepared by the bookkeeper.

Diane Lothamer moved that the Upper Gunnison River Water Conservancy District authorize the President and Secretary of the District to sign the contract with Claire Ayraud as presented but with deletion of the word "two" from item 3a. Susan Lohr seconded the motion. The motion carried.

9. CONSIDERATION OF RESOLUTIONS AMENDING SIGNATURE AND COUNTERSIGNATURE AUTHORIZATIONS FOR CHECKS ISSUED IN THE NAME OF THE DISTRICT

President Trampe recommended that the board take the advice of the auditor that the manager not approve expenditures and sign the checks.

The board discussed why the auditor did not note this recommendation in previous audits and what other solutions might be possible other than the manager signing the checks.

President Trampe said that hearing no objections to the Resolutions 94-3, 94-4, 94-5, and 94-6 as adopted at the last meeting he would move to the next agenda item.

Butch Clark moved that he resign as treasurer and that Lee Spann be appointed treasurer. The motion died for lack of a second.

10. APPOINTMENT OF PERSON TO PREPARE THE 1995 BUDGET

Butch Clark moved that the District manager, Tyler Martineau, prepare the 1995 budget draft to present to the board as a committee of the whole. Susan Lohr seconded the motion. The motion carried.

11. LEGAL MATTERS

11a. Rocky Point Pumped Storage Project

11b. Other Legal Matters

President Trampe announced that Mr. Bratton was unable to attend the meeting and that Mr. Bratton had reported to President Trampe that there were no pressing legal matters to discuss.

Dee Jacobsen had not yet arrived at the meeting for her presentation on the Black Canyon legislation. President Trampe suggested that the board discuss what the resignation of the board treasurer would require. Diane Lothamer referred the board to the District Bylaws for guidance.

DRAFT

UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT

SCHEDULED BOARD MEETING MINUTES

August 8, 1994

The Board of Directors of the Upper Gunnison River Water Conservancy District conducted a Scheduled Meeting on August 8, 1994 at 7:00 p.m. in the Multi-Purpose Building at the Rodeo Grounds, Gunnison, Colorado.

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

Others present were:

Tyler Martineau, Manager
Patrice Thomas, Office Secretary
Claire Ayraud, Bookkeeper
Marija Vader, Gunnison Country Times Reporter
Laura Anderson, Crested Butte Chronicle/Pilot Reporter
Bob Arnold, Citizen
Joel Tuck, Water Division 4
Dee Jacobsen, Staff of Senator Campbell

1. CALL TO ORDER

President Trampe called the meeting to order at approximately 7:08 p.m.

2. CONSIDERATION OF RESOLUTION COMMENDING ROBERT ARNOLD-PAST BOARD MEMBER, UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT

President Trampe read Resolution 94-7 which recognizes past board member, Bob Arnold, for his service to the Upper Gunnison River Water Conservancy District.

Ramon Reed moved that the Upper Gunnison River Water Conservancy District adopt Resolution 94-7. Lee Spann seconded the motion. The motion carried.

President Trampe presented a plaque to Bob Arnold.

Tyler Martineau announced that the office secretary, Patrice Thomas, has submitted her resignation to him.

3. APPROVAL OF JULY 11, 1994 AND JULY 25, 1994 MEETING MINUTES

The board discussed whether the current minutes are too detailed and how the minutes can best be prepared to accurately reflect the activities of the Upper Gunnison River Water Conservancy District.

Dennis Steckel suggested that the board conduct a public worksession prior to board meetings for the purpose of discussion of meeting agenda items. Mr. Steckel said that attorneys would not need to attend the worksession and that meeting minutes would not include discussion during the worksession. Mr. Steckel said he thought the board could focus on action items more effectively by conducting a worksession prior to the board meeting.

President Trampe asked if there was board consensus to work toward making the minutes more concise while insuring accuracy. The board concurred.

Carol Drake moved that the July 11, 1994 and July 25, 1994 minutes be approved as circulated to the board. Ramon Reed seconded the motion. The motion carried 8-3.

4. REVIEW OF JUNE 29, 1994 WORK SESSION MINUTES AND JULY 18, 1994 COMMITTEE MEETING MINUTES

There were no comments on the June 29, 1994 worksession or July 18, 1994 committee meeting summaries.

5. CONSIDERATION OF OPERATIONAL EXPENSES PAID

Ramon Reed moved to approve Operational Expenses Paid, as paid and presented in the report by the treasurer, for July 1994. Susan Lohr seconded the motion. The motion carried.

Upper Gunnison River Water Conservancy District

RECEPTION

Monday, July 11, 1994
6:30 p.m.

Gunnison County Commissioners' Meeting Room
Gunnison County Courthouse, Gunnison, Colorado

At 6:30 p.m. on July 11, 1994 the Board of Directors of the Upper Gunnison River Water Conservancy District will hold a reception for Mr. Ray Werner, the newly appointed Gunnison basin representative on the Colorado Water Conservation Board.

Attendance by the public at meetings of the board is encouraged. Persons with special needs due to a disability are requested to call the district at 641-6065 at least 3 days prior to the meeting.

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

NOTICE!

The July 11, 1994 board meeting will be held at the
County Courthouse
NOT the Rodeogrounds.

The meeting will be preceded by a reception
for Ray Werner
at 6:30 p.m.

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

Date Rec 7/27/94 Addn. Ckd. Pjt
 Inv. Appr JM Amt. Appr. 18280.50
 Pd. Date _____ Acct. # 4333
 Bd. Mbr. Appr. Date _____ CK# _____
 Board Member Initials _____

Invoice submitted to:

Upper Gunnison River Water
 Conservancy District
 275 S. Spruce St.
 Gunnison, CO 81230
 July 22, 1994

Invoice #12933

	<u>Hrs/Rate</u>	<u>Amount</u>
06/28/94 Bev Met with Tyler Martineau, Butch Clark re: new bookkeeper, treasurer and amendment 1 review.	1.50 65.00/hr	97.50
06/29/94 Che Print seven copies of audit and bound six.	1.00 18.00/hr	18.00
07/13/94 Bev Met with Tyler and Ralph Clark.	1.00 65.00/hr	65.00
For professional services rendered	3.50	\$180.50
Previous balance		pd 7/14/94 → \$130.00
Balance due		\$310.50

*Need
2 year
summary*

UGRWCD BUDGET SUMMARY-JUNE 1994

	<u>JUNE</u> <u>EXPENSE</u>	<u>YEAR-TO-DATE</u> <u>AS OF 6/30/94</u>	<u>1994 BUDGET</u>	<u>% EXPENDED</u>
Administrative Salary	\$3,958.33	\$22,636.41	\$47,500.00	48%
Secretary Salary	189.75	4,000.40	14,000.00	29%
Board Treasurer Salary	300.00	1,800.00	4,000.00	45%
Payroll Taxes & Benefits	340.28	3,229.76	8,500.00	38%
Staff Conference & Training	0		500.00	0%
Legal Exp & Eng. Related	4,578.40	55,211.66 ^{\$37,282.20}	70,000.00	79% ^{53%}
Audit & Accounting	812.10	851.10	1,200.00	71%
Engineering Services	0	0	10,000.00	0%
Rent & Utilities	0	1,500.00	1,500.00	100%
Stream Gages O&M	454.08	943.68	12,800.00	7%
Stream Gages Construction	0	0	4,000.00	0%
Bonding	0	100.00	200.00	50%
Insurance/Premises	0	250.00	300.00	83%
Office Telephone	129.17	734.65	2,500.00	29%
Legal Printing	103.07	670.48	1,400.00	48%
Administrative Travel	100.00	908.96	3,000.00	30%
Board of Directors Travel	0	0	500.00	0%
Office Supplies	0	395.90	1,500.00	26%
Postage	0	375.00	1,200.00	31%
Copying	467.00	467.00	1,200.00	39%
Publications Acquisition	0	58.00	500.00	12%
Office Equipment	0	0	1,000.00	0%
Board of Directors Fees	500.00	2,325.00	5,000.00	47%
Board of Directors Mileage	141.50	826.00	1,400.00	59%
Uncompahgre Water Users	0	3,000.00	3,000.00	100%
Taylor Park Water Management	0	<u>284.60</u>	10,000.00	3%
CWC Membership	0	400.00	500.00	80%
WSC Water Workshop	0	1,200.00	1,200.00	100%
Promotion & Guest Expense	0	90.24	1,700.00	5%
County Treasurer's Fees	1,180.42	4,643.96	7,000.00	66%
Subtotals	\$13,254.10	\$106,902.80	\$217,100.00	49%
Contingency			10,000.00	0%
Emergency Reserves			2,500.00	0%
Water Resource Protection & Development Reserves			1,928.00	0%
Totals	\$13,254.10	\$106,902.80	\$231,528.00	46%

Rio Grande

UGRWCD
FINANCIAL DATA-6/1/94 THRU 6/30/94

Balance on Hand - May 31, 1994

Checking Account	\$8,852.33
Petty Cash	100.00
Time C.D.-FNB	2,751.10
Time C.D.-Wetlands Fund	957.18
Money Maker-GS&L	42,190.56
Time C.D.-FNB-Lake City	42,192.55
Passbook Svgs-CB St. Bank	40,887.48
Passbook Svgs-FNB	58,063.58
Accts. Payable/CWT	-465.46
TOTAL FUNDS 5/31/94	\$195,529.32

Tax Receipt Collections thru May

Real Estate	\$76,851.44
Specific Ownership	4,673.47
Interest	20.04

Note: Treasurers' Fees are included \$81,544.95

May Tax Receipt Collections Paid in June

Real Estate	\$37,379.22
Specific Ownership	1,245.01
Interest	22.74

Note: Treasurers' Fees are included \$38,646.97

Interest on Investments received in June

172.01

TOTAL TO DATE **\$234,348.30**

Total Disbursements thru 6/30/94

13,254.10

TOTAL FUNDS 6/30/94 **\$221,094.20**

Balances as of 6/30/94

		INTEREST RATES	MATURITY DATES
Checking Account	33,832.29	2.50%	
Petty Cash	100.00		
Time C.D.-FNB of Gunnison (1 yr.)	✓ 2,751.10	3.50%	1/18/95
Time C.D.-Wetlands-FNB of Gunnison (1 yr.)	✓ 960.03	3.50%	8/16/94 ✓
Money Maker-GS&L	20 42,307.17	3.25%	
Time C.D.-FNB of Lake City (6 mo.)	40 42,192.55	3.50%	10/3/94
Passbook Savings-C.B. State Bank	✓ 40,887.48	3.05%	
Passbook Savings-FNB of Gunnison	✓ 58,063.58	3.00%	
Accts. Payable/Colo. Withholding Tax	0		
TOTAL FUNDS 6/30/94	\$221,094.20		

141,493

Lee Spann asked if this amount is enough to transfer or if more should be transferred so that another transfer transaction will not occur in the near future. Mr. Clark responded that this transfer amount should be okay but that it is difficult to anticipate the monthly property tax revenue and he would like to keep twice the needed amount in the checking account.

Ramon Reed moved that the board authorize the treasurer to transfer \$20,000 to Gunnison Savings & Loan and \$40,000 to First National Bank of Lake City from the combined accounts of First National Summit Bank. Dennis Steckel seconded the motion. The motion carried. Carol Drake abstained from the voting because he is a director of the First National Bank of Lake City.

Ramon Reed moved that the Wetlands Certificate of Deposit at the First National Summit Bank be rolled over on its date of maturity in August. Lee Spann seconded the motion. The motion carried.

6. PROPOSED AMENDMENT 1 AUDIT

Tyler Martineau referred the board to his June 29, 1994 memorandum on the proposed audit for assurance that the District is in compliance with Amendment 1. Butch Clark said that in the conversation with Bev Tezak he understood the same things that Mr. Martineau relayed in his memorandum to the board. Butch Clark said that the Colorado Department of Local Affairs is expected to issue guidelines on Amendment 1 compliance in August 1994.

Ramon Reed said that he assumes that the State Auditor review of the District's 1993 audit will check for compliance with Amendment 1. If a problem is identified at the state level then the District can adjust at that time.

7. CONSIDERATION OF APPROVAL OF 1993 AUDIT

Diane Lothamer asked for clarification of language on page 8, Note 1, #4 of the audit. Butch Clark said that this item is "boilerplate" and refers to intergovernmental funds but that the District operates out of one General Fund. Diane Lothamer suggested that items that do not apply to the District be deleted from the District's audit.

Carol Drake moved that the board adopt the 1993 audit as prepared by Kimberly S. Temple, C.P.A. Butch Clark seconded the motion. The motion carried.

8. MID-YEAR FINANCIAL REVIEW

Tyler Martineau referred the board to his July 11, 1994 memorandum regarding the

board's decision to conduct a financial review of the District's records when the duties of treasurer are completed by Rita McDermott.

Butch Clark said that there has not been much District financial activity in the first six months of the budget year and that a review would consist of a review primarily of the checking account and invoices received and paid. Mr. Clark said that Bev Tezak will review the documents thru July 31, 1994 with Rita McDermott. Tyler Martineau stated that the mid year review would likely cause the District to exceed the line item amount budgeted for audit and accounting services in 1994. Mr. Clark noted that this additional service from the auditor will require a budget adjustment for payment in September.

Tyler Martineau said that he will ask Bev Tezak to perform a financial review as described in her conversation with Butch Clark.

9. BOOKKEEPING SERVICES

President Trampe referred the board to the July 11, 1994 memorandum prepared by Tyler Martineau which outlines the plan proposed by Butch Clark, treasurer, and Tyler Martineau, manager.

Butch Clark thanked Lee Spann and Ramon Reed for their comments and suggestions for changes in the proposed plan. Mr. Clark said that there were questions about who writes the checks and posts entries in terms of software use and separation of duties between check writing and bank statement reconciliation.

Lee Spann asked if it was possible to do payments once a month based on the small number of invoices. President Trampe replied that payments are necessary at the first of the month and then after the board meeting to pay legal expenses in a timely manner.

Ramon Reed said that he believes that check writing and bank reconciliation should be separated and not done by the same person. Mr. Reed said that he was concerned about paying a high professional rate to a bookkeeper for an easy task such as check writing.

Tyler Martineau said that in discussions with Bev Tezak, District accountant, that she thought it would be best for the bookkeeper to write the checks after receiving the invoices.

Board members disagreed with this statement.

Butch Clark said that there is not a lot of check writing activity and that he and Mr. Martineau would discuss it with Bev Tezak to try to keep the procedures as simple as possible.

President Trampe asked if this decision should be postponed until the selection process for bookkeeper.

Lee Spann said that he felt that the decision should be made now and that he agrees with Ramon Reed on the separation of duties.

Susan Lohr asked if the bookkeeper could do the bank reconciliation and the staff write the checks.

Tyler Martineau said that he cannot write checks because he approves expenditures and that Ms. Thomas has stated that she does not want to do bookkeeping duties.

Ramon Reed said that the secretary should deposit incoming revenue checks as done now and also write the checks. Mr. Reed said that the board should discuss the duties of the secretarial position. President Trampe suggested that the board undertake that discussion at another time.

Butch Clark suggested that in a few months the new bookkeeping process will need to be reviewed and the board can have input from the bookkeeper at that review.

President Trampe asked if the board wanted to decide the writing of checks at this meeting or at a later date.

Dennis Steckel said that it should be decided now. Lee Spann agreed. Dennis Steckel suggested at the very least to asterik that item in discussion with the applicants for the bookkeeping position. Butch Clark said that the selection and interview committees can ask the proposed fees with or without the bookkeeper writing the checks.

Lee Spann moved that the Upper Gunnison River Water Conservancy District staff write the checks for payment of District expenses. Ramon Reed seconded the motion.

Doyle Templeton asked for a clarification of staff. Lee Spann said that he meant either the manager or the secretary.

Susan Lohr asked what the problem would be if Tyler Martineau approved the expenses and wrote the check for the board member's signatures. Tyler Martineau replied that only the board can approve the expenditures. Susan Lohr said that Mr. Martineau can make the recommendation for approval to the board.

Patrice Thomas said that she would be willing to write the checks as she posts invoices in the incoming mail log and then submit them to Mr. Martineau for approval.

Butch Clark asked if Mr. Spann's motion would include Ms. Thomas' offer. Mr. Spann said that his motion intended that staff could work it out as to how to split the duties.

The motion carried.

Tyler Martineau announced that Peter Smith, Butch Clark, Bill Trampe and Mr. Martineau would meet as a committee on July 18, 1994 to review the proposals and develop a short list of candidates for interview by the board. Mr. Martineau said that a special board meeting is scheduled for July 25, 1994 at 7:00 p.m. for interview of the bookkeeping candidates. Mr. Martineau also said that the agreement with the new bookkeeper should be prepared by the District attorney.

Butch Clark said that the person offering the services probably already has their own contract and suggested that the screening committee review these contracts.

Lee Spann said that the District should develop a contract which includes the needs of the District and the recommendations of the board. Mr. Spann said that he prefers that the District originate the contract rather than modify a contract submitted to the District.

Dennis Steckel asked how much it would cost for the District attorney to prepare a contract for the bookkeeper. Dick Bratton said that they had several examples to use as a template and asked what the board would like included in the contract.

Butch Clark said that he would like the specifics outlined in the proposal and a clause for termination included in the contract.

President Trampe asked if the board was satisfied to move forward with having the attorney prepare the contract. There was concensus to have the attorney prepare the contract.

10. CONSIDERATION OF RESOLUTION AMENDING SIGNATURE AND COUNTERSIGNATURE AUTHORIZATIONS FOR CHECKS ISSUED IN THE NAME OF THE DISTRICT

President Trampe referred the board to Mr. Martineau's July 1, 1994 memorandum and draft resolutions for the board's consideration.

Butch Clark said that he thinks at least three people should be authorized to sign checks to accomodate board member schedules if the manager is not a signatory.

Lee Spann asked if the board had decided that the manager will not be a signatory. Mr. Spann said that it is important that the purchaser of services, i.e., the manager, approve

or sign the check. Mr. Spann suggested the manager and treasurer or another board member as signatures for the District checks.

Tyler Martineau said that he is currently authorized to sign the checks.

Butch Clark said that as treasurer he prefers that the manager approve the expenditures and that board members sign the checks. Lee Spann said that he did not agree with this approach.

Ramon Reed said that he agrees with Mr. Spann's position. Mr. Reed said that the auditor has not noted a problem in the past with Mr. Martineau approving the expenditures and signing the checks for payment of those expenditures.

Butch Clark said that he would prefer two board members in addition to himself so that payments would be made promptly if he is unavailable and also so that other board members become familiar with the role and duties of the treasurer. Ramon Reed said that he prefers only two signatures not three signatures on the checks.

President Trampe said that he is uncomfortable with half of the board eligible to sign the District checks. Mr. Trampe said that he thinks that two signatures are adequate.

Ramon Reed moved that the third signature line be struck from the resolutions submitted by the manager and that these resolutions be adopted as corrected. Mark Schumacher seconded the motion.

Lee Spann asked if that means that the manager cannot sign the checks.

Susan Lohr said that she would like the manager to be authorized to sign the checks if necessary. She said that she would prefer the manager instead of the board secretary on a signature line.

Butch Clark responded that the auditor had recommended a control system of checks and balances for public funds and that the auditor doesn't like the manager signing checks.

Lee Spann moved to amend the motion to substitute the signature of the manager, Tyler Martineau for the signature of the board secretary, Mark Schumacher on one line. Carol Drake seconded the motion.

Ramon Reed said that hiring an independent bookkeeper is the real check and balance for the expenditure of funds.

Butch Clark said that he and Mr. Martineau will need to revisit the auditor about approving expenditures, supervising the writing of the checks, and signing the checks.

The motion to amend carried 8 to 2. The amended motion carried unanimously.

Butch Clark said that he has been considering the preparation of the budget and the appointment of a budget officer and suggested that the board consider a budget committee.

President Trampe asked if the staff will prepare the budget.

Ramon Reed said that he believes that a board budget committee with the treasurer and manager should prepare the budget to look at a variety of alternatives.

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Asch's
efforts*
Butch Clark referred the board to his records in which he breaks out legal expenses by purpose. Mr. Clark said that he will be doing additional analysis of expenditures and preparing reports to facilitate the budget process.

Lee Spann shared the experience of the Colorado River Water Conservation District and said that the CRWCD found it more effective for the board to meet as a committee of the whole to review the budget after staff has prepared a draft budget.

Susan Lohr suggested that the board hold a work session to review a draft budget prepared by the staff.

Butch Clark suggested that preparation of the budget start in August or September this year since he will have a learning curve as treasurer. President Trampe asked if the budget preparation is started in September each year and Tyler Martineau replied that it is.

next year
Butch Clark asked that the draft budget be mailed to the board for review at the September meeting. Susan Lohr said expenses for 3/4 of the fiscal year would be helpful. Mr. Clark suggested that service providers, such as the District attorney, could estimate their end-of-year expenses.

There was board consensus that a worksession be scheduled in September for the board to review a draft 1995 District budget.

11. LEGAL MATTERS

b. Other Legal Matters

Dick Bratton said that there is nothing to report on the appeal.

Mr. Bratton said that he had been invited by the Colorado Water Conservation Board staff to present about fifteen minutes on issues of the Gunnison/Uncompaghre Basin at the CWCB board meeting to be held in Gunnison in July. Mr. Bratton said that several other people had also been contacted to be presenters on this issue and that he would like to meet

with them to coordinate and present a complete perspective. Mr. Bratton asked the board how they would like him to proceed.

Ramon Reed asked if Mr. Bratton had been invited as attorney for the Upper Gunnison River Water Conservancy District to make this presentation. Mr. Bratton responded that he thought so and that is why he brought the matter to the board for its consideration.

Ramon Reed asked if the Colorado Water Conservation Board was committing the District to pay Dick Bratton for preparation and presentation before the CWCB board.

Dick Bratton said that it would provide a strong advantage to the District if the Colorado Water Conservation Board can hear its perspective on water issues in the basin.

Ramon Reed asked if Tyler Martineau should be making the presentation instead of Dick Bratton. Mr. Reed said that the board needs to be clear on what it pays for legal services.

President Trampe outlined for the board the request for activities that he received from the Colorado Water Conservation Board to enhance their meeting in Gunnison: 1) A tour of the basin to see the water uses, 2) reception and dinner honoring Tyler Martineau with community members to speak on community water issues, and 3) Dick Bratton to speak at the CWCB board meeting on issues related to the Aspinall Unit reoperation.

Diane Lothamer said that Dick Bratton may have been invited as a recognized authority on water issues rather than as the District representative. Dick Bratton said that he could present from the perspective of the Upper Gunnison River Water Conservancy District or he can present another perspective.

Ramon Reed said that it appears that the other presenters will be staff of the respective organizations and therefore already on the payroll of those organization. Mr. Reed said that he believes that Tyler Martineau has a reputation as the immediate past chairperson of the Colorado Water Conservation Board and that the District hired Mr. Martineau to do just this type of work so that the District should not have to pay Mr. Bratton to prepare and make this presentation.

Mark Schumacher said that the District had not selected Mr. Bratton but that the Colorado Water Conservation Board had selected and invited Mr. Bratton to make this presentation. Mr. Schumacher said that it would be a good investment by the District and that he thought it would be money well spent.

Dick Bratton said that he believes that the District has been successful with the Colorado Water Conservation Board because it has been well prepared in its presentations before the board. Mr. Bratton said that he believes it is necessary to coordinate this

presentation with the other participants and to identify the focal point of the important issues. Mr. Bratton said that he would welcome Mr. Martineau's preparation and that he would provide ideas. Mr. Bratton confirmed that he did not ask to make this presentation but had been invited to do so.

Butch Clark said that the Aspinall Unit operation is a cloudy issue and it may be difficult to be focused. Mr. Clark suggested that the Bureau of Reclamation needs to provide more information particularly on endangered fish issues. Mr. Clark said that he supports Mark Schumacher's suggestion that Mr. Bratton make a general presentation since the information is not available to develop a focused District position.

Lee Spann suggested that Mr. Bratton talk about the 60,000 acre feet subordination, augmentation, and a proposal to solve the water problem in this basin. He recommended that a base be presented to proceed on a solution to the water problems before the District.

Dick Bratton said that he sees this presentation as an opportunity to give background information and refute arguments made by Arapahoe and others about "untapped water in the Gunnison basin." Mr. Bratton said that the consideration of endangered fish would be another factor.

Lee Spann said that he does not think that the history of litigation needs to be presented and that what is important now is how to proceed with the new factor of protection of endangered fishes.

President Trampe read the agenda item for the Colorado Water Conservation Board meeting and said that it does not indicate an historical review.

Dick Bratton said that background is important to consider the present problems.

President Trampe suggested that the District be proactive in its presentation. Dick Bratton said that he agreed with this approach.

Mark Schumacher asked Mr. Bratton to coordinate with Tyler Martineau and Jim Hokit and have Mr. Martineau assist in preparing a proactive presentation.

Dick Bratton said that he understands that the board wants a plan to go forward from this point.

Mark Schumacher suggested that the District tie together the banquet presentations, the tour, and Mr. Bratton's presentation so that a comprehensive view is presented.

Susan Lohr suggested that focus be put on the question - What can the Colorado Water Conservation Board do for the Upper Gunnison River Water Conservancy District.

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Dennis Steckel recommended that the District emphasize a desire to work with the Bureau of Reclamation to work out the problems to everyone's advantage.

Lee Spann said that he believes that downstream calls for endangered fishes are the problems to be faced in the 1990s and that a 1990 strategy needs to be developed to get water from Blue Mesa Reservoir.

President Trampe said that the impacts will be addressed on the tour.

Doyle Templeton said that it is important in discussing this strategy that the whole basin is considered and not the upper basin and the lower basin separately.

Ramon Reed said that it boils down to how the Bureau of Reclamation acts in the 1990s and that the Colorado Water Conservation Board can influence the Bureau of Reclamation to be favorable to the Gunnison basin.

Dick Bratton said that in order to define the solution he believes that the problem needs to be stated and that a brief history is needed to state the problem.

Mark Schumacher said to include history very briefly if necessary.

Susan Lohr said that the history can be included with the tour and that Dick Bratton's presentation should be the wrap-up of Gunnison basin water issues and should provide the focus of the solutions.

Dick Bratton said that he will get together with the others to coordinate these efforts.

Butch Clark said that it is important to emphasize that it is a solvable problem and important to the future of this community.

Dennis Steckel moved that Dick Bratton make a presentation to the Colorado Water Conservation Board representing the Upper Gunnison River Water Conservancy District and that the preparation and presentation be consistent with the points in the previous discussion. Carol Drake seconded the motion.

President Trampe said that his concern is political in that the Colorado Water Conservation Board specifically asked Dick Bratton to make the presentation and therefore the District board should support this invitation.

The motion carried nine to one.

11a. Rocky Point Pumped Storage Project

John McClow reported that NECO can apply to the full Federal Energy Regulatory ...

Commission for review of the dismissal of the license application for the Rocky Point Project until July 13, 1994. Mr. McClow said that he expects that the dismissal of the license application will be appealed.

Butch Clark asked about Arapahoe County (Upper Gunnison Basin Project) and the letter about engineering. John McClow replied that Arapahoe County will continue to consult with NECO concerning Rocky Point but there have been no studies. He said that Tyler Martineau had requested that the District be notified of any studies and that nothing has been received.

Butch Clark asked about Dominquez Reservoir, J. R. Rinkle and the direction of the project and Las Vegas water. John McClow replied that the Dominquez water rights case was remanded to water court several months ago. Mr. McClow said that the proponent has the next move and that they haven't taken any action.

President Trampe reconvened the meeting after a short break.

12. ENDANGERED SPECIES CONTRACT

President Trampe referred the board to the July 5, 1994 memorandum from Tyler Martineau regarding the public meeting held by the Bureau of Reclamation on June 16, 1994 to discuss the endangered species contract.

Tyler Martineau referred to his memorandum and in particular the two charts of Gunnison River flows provided by the Bureau of Reclamation to analyze river flows in relation to the needs of Redlands and possible calls. Mr. Martineau noted that the Bureau of Reclamation did not address storage releases to simultaneously cover endangered fish needs and a Redlands call.

Ramon Reed asked why Redlands did not make a call in 1977 which was a dry year. Tyler Martineau referred the question to Ken Knox, Water Division 4 Engineer.

Ken Knox said that he was not with the Water Division at that time but thinks that the water was shut off for 3-4 days and then it started raining. Ramon Reed asked if the call came to the upper basin. Ken Knox replied that it should have but it does not think that it did in 1977.

Ramon Reed said that Butch Clark has been putting together some figures and doing analysis so that the District can see from an historical perspective what it would take for the Bureau of Reclamation to meet the situation if calls are made.

Lee Spann asked if the 750 cfs for Redlands is all power or some irrigation. Ken Knox replied that some of the 750 cfs is irrigation. Lee Spann noted that it was not a year-

round call then.

Lee Spann asked if the call might be replaced with money rather than water since a power call is money and an irrigation call needs water. Ken Knox replied that he has heard that type of discussion.

Tyler Martineau said that Redlands wants to make sure that they're covered in perpetuity at the value of \$1.00 per acre foot for Redlands so it would be crazy to purchase augmentation water at \$3.00 to generate \$1.00 per acre foot.

Butch Clark said that he was confused by earlier discussions about the endangered species affect on Redlands and the information that the endangered species could call out Redlands.

Ken Knox said that Redlands has three priorities senior to Aspinall. He said that Redlands water rights won't be diminished by the endangered species needs. He offered an explanation of how this might work. Mr. Knox explained that the Bureau of Reclamation, the Colorado Water Conservation Board, and the U.S. Fish and Wildlife will form a contract to determine the amount and timing of storage releases from the Aspinall Unit and give this contract to the district engineer for administration. Mr. Knox said that about 148,000 acre feet of storage was dedicated by the Bureau of Reclamation in the Aspinall Unit to mitigate the impacts of depletions from the Dallas Creek and Dolores Projects on endangered fish. Mr. Knox reported that according to research by Randy Seaholm of the CWCB it is now anticipated that the depletions from the Dallas Creek and Dolores Projects will be much less than 148,000 acre feet when the projects are fully built out. Mr. Knox said that the difference between 148,000 acre feet and the actual build-out depletions of the Dallas Creek and Dolores Projects may not be needed for the endangered fish and could be placed in a set-aside fund for the district engineer to use as an administrative tool. He said that he is looking at new ways to meet all the needs for water.

Tyler Martineau asked Mr. Knox if he would use the set-aside fund to satisfy Redlands and the tunnel call and not make a upper basin call. Ken Knox said that he will try to keep calls off and satisfy the downstream needs.

Ray Werner, Colorado Water Conservation Board member, said that discussions were proceeding about a mitigation/augmentation pool to be administered at the discretion of the district engineer. Lee Spann said that this was a good idea.

Ken Knox said that the state engineer will meet in September with the Bureau of Reclamation to get a handle and early start on these issues.

Dick Bratton asked if the calls could be satisfied by less releases out of Blue Mesa.

Ken Knox said that U.S. Fish and Wildlife wants to negotiate.

Dick Bratton asked how Ken Knox views the 60,000 acre foot subordination. Ken Knox said that there is a lot of historical support but that he is approaching it from conversation at the recent Gunnison meeting and that the Bureau of Reclamation says that there is not a 60,000 acre foot subordination.

Ken Knox said that with well permits there is the potential for the whole upper basin to go on a critical administrative list.

Dennis Steckel said that his impression is that the Bureau of Reclamation was just pushing and that the District doesn't have the 60,000 acre foot subordination in contract form but it is not a lost cause. Mr. Steckel said that stored water is different from stream flow and that it is in the control of the Bureau of Reclamation.

Ken Knox said that this is not selective subordination of the Aspinall Unit rights but making them into perpetually junior rights. Mr. Knox said that the Bureau of Reclamation has chosen not to exercise the Aspinall rights in the past.

Dick Bratton and John Hill discussed the judge's ruling. Dick Bratton said that a United States call from the Aspinall Unit and a downstream call are two separate problems and situations.

Tyler Martineau said that in the subordination the Bureau of Reclamation agreed not to call out or store up to 60,000 acre feet of upstream depletions junior to Blue Mesa Reservoir but would let the Upper Gunnison River Water Conservancy District and others use the junior water instead.

Dennis Steckel asked who covers Redlands and the tunnel if they were taking stored water. Tyler Martineau said that these are separate issues as Dick Bratton indicated - the United States subordination to 60,000 acre feet of upstream depletions and the downstream senior call.

Dennis Steckel asked what the District board did in the 1960s. Tyler Martineau said that he reviewed past minutes and that there were two sets of contracts, one for each situation in the 1960s. One set of contracts essentially subordinated the Aspinall Unit to private small reservoir storage which was expected to develop upstream in the future under decrees junior to the Aspinall Unit. The second set of contracts with the Bureau of Reclamation from 1967-1982 were for the Bureau of Reclamation to release stored water to downstream senior rights to replace upstream junior depletions.

Dennis Steckel asked the cost of the second form of contract and Tyler Martineau replied about \$500. Dennis Steckel asked if this amount was a bookkeeping charge.

Tyler Martineau said that no replacement deliveries were ever made.

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UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT

SCHEDULED BOARD MEETING MINUTES

July 11, 1994

The Board of Directors of the Upper Gunnison River Water Conservancy District conducted a Scheduled Meeting on July 11, 1994 at 7:00 p.m. in the Commissioners' Room, Gunnison County Courthouse, Gunnison, Colorado.

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

Others present were:

L. Richard Bratton, Board Attorney
John McClow, Board Attorney
Tyler Martineau, Manager
Patrice Thomas, Office Secretary
John Hill, Attorney
Laura Anderson, Crested Butte Chronicle/Pilot Reporter
Ken Knox, Water District Engineer
Joel Tuck, Division of Water Resources
Ray Werner, Colorado Water Conservation Board
Paul Vader, POWER
Lucy High, Citizen

1. CALL TO ORDER

President Trampe called the meeting to order at approximately 7:17 p.m. President Trampe thanked Ray Werner, newly appointed Colorado Water Conservation Board member, for his attendance at the reception preceding this board meeting and his interest in attending the board meeting to become familiar with the needs of the Upper Gunnison River Water Conservancy District.

2. APPROVAL OF JUNE 13 AND JUNE 27, 1994 MEETING MINUTES

President Trampe stated that the first item on the agenda was approval of the June 13 and June 27, 1994 minutes which had been circulated to the Board by mail.

Butch Clark moved that the June 13 and June 27, 1994 minutes be approved as circulated to the board. Dennis Steckel seconded the motion. The motion carried with Lee Spann opposed. Mr. Spann stated that he is opposed to the minutes because of the detailed recording of board discussions and the assumptions made about the discussion and included in the minutes.

3. CONSIDERATION OF OPERATIONAL EXPENSES PAID

Dennis Steckel moved to approve Operational Expenses Paid, as prepared by the treasurer, for June 1994. Lee Spann seconded the motion. The motion carried.

4. CONSIDERATION OF OTHER EXPENSES PAYABLE

Dennis Steckel moved to approve Other Expenses Payable except for payment of board of directors' fees and mileage to members not present at this meeting. Susan Lohr seconded the motion. The motion carried.

5. MONTHLY BUDGET REPORT

Butch Clark, treasurer, presented the June 1994 monthly budget report as prepared by Rita McDermott.

Mr. Clark noted that the amount of \$284.60 from BioEnvirons for water quality analysis was entered in the line item of Taylor Park Water Management. Mr. Clark said that it should probably be entered under a different line item such as engineering services. Mr. Martineau said that he would check if this expenditure had previously been entered under the stream gages line items. Mr. Clark also noted that the year-to-date amount of \$55,211.66 for legal expenses includes expenses carried over from 1993 so that the actual 1994 expenses year-to-date(6/30/94) are approximately \$37,282.00 and within the 1994 budget estimations.

Butch Clark said that the combination of the Crested Butte State Bank and the 1st National Bank of Gunnison means that the District accounts are over the FDIC insured amount of \$100,000. Mr. Clark asked the board for approval to transfer funds so that the District is not above the insured amount at any one institution. President Trampe asked Tyler Martineau about Mr. Clark's request and Mr. Martineau said that Mr. Clark had discussed the matter with him. Mr. Clark proposed a transfer of \$40,000 to Lake City 1st National Bank and \$20,000 to Gunnison Savings & Loan. Mr. Clark estimated that the District will receive \$25,000 in property tax revenue for deposit in the checking account this month.

Upper Gunnison River Water Cons

REGULARLY SCHEDULED MEETING

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

Gunnison County Commissioners'
Gunnison County Courthouse, Gunnison, Colorado

A G E N D A

- 7:00 p.m. 1. Call to Order
- 7:10 p.m. 2. Approval of June 13 and July 10 Minutes
- 7:15 p.m. 3. Consideration of Operations Report
- 7:20 p.m. 4. Consideration of Other Expenses
- 7:25 p.m. 5. Monthly Budget Report
- 7:30 p.m. 6. Proposed Amendment 1 Audit
- 7:45 p.m. 7. Consideration of Approval of 1993 Audit
- 8:00 p.m. 8. Mid-Year Financial Review
- 8:15 p.m. 9. Bookkeeping Services
- 8:30 p.m. 10. Consideration of Resolution Amending Signature and Countersignature Authorizations for Checks Issued in the Name of the District
- 8:45 p.m. 11. Legal Matters:
 - a. Rocky Point Pumped Storage Project
 - b. Other Legal Matters
- 9:00 p.m. 12. Endangered Species Contract *& this file*
- 9:10 p.m. 13. 1994 Taylor Park Reservoir Operations
- 9:20 p.m. 14. Manager's Quarterly Report
- 9:30 p.m. 15. Miscellaneous Matters *Budget*
- 9:45 p.m. 16. Unscheduled Citizens
- 9:55 p.m. 17. Future Meetings
- 10:00 p.m. 18. Adjournment

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

275 South Spruce Street • Gunnison, Colorado 81230

Telephone (303) 641-6065 • Fax (303) 641-6727

*Financial Report
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UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT

Board Committee Meeting

July 18, 1994

A committee of the Upper Gunnison River Water Conservancy District, appointed by President William S. Trampe, conducted a scheduled meeting on July 18, 1994 in the Multi-Purpose Building at the Rodeo Grounds, Gunnison, Colorado.

Committee members present were William S. Trampe, Ralph Clark, III, and Peter Smith. Others present were Tyler Martineau, District Manager.

Acting as committee chairperson, President William S. Trampe called the meeting to order at approximately 7:05 p.m.

The screening committee members reviewed the six proposals submitted to provide the District with bookkeeping services. Proposals reviewed were received from Ayraud Accounting, Douglas Gorman, Hollister & Co., Thomas & Associates, Yale & Tutor, and Janet Young Bookkeeping.

The screening committee decided to rank the proposals using numerical scores. The committee scored the following attributes for each proposal: Qualifications, experience, references, personnel handling work for the District, software redundancy, rates, and location. The scores received for each attribute were totalled to give a total score for each proposal. The three firms receiving the highest total scores were: Ayraud Accounting, Douglas Gorman, and Janet Young Bookkeeping.

The committee asked Mr. Martineau to invite the three highest ranked firms to interview with the District board on July 25, 1994. The committee recommended the following guidelines:

- 1) Each firm be allowed thirty minutes to make a presentation and for questions and answers,
- 2) Firms be interviewed in alphabetical order,
- 3) Interviews begin at 7:45 p.m. to allow time for the board to discuss the assignment of tasks between the bookkeeper and the staff that might influence the outcome of the interviews, and
- 4) That a list of questions be prepared in advance of the meeting to be asked of each of the three candidates.

The committee asked Mr. Martineau to send copies of the proposals submitted by the three highest ranked firms to the board members prior to the July 25, 1994 meeting scheduled for interviews.

The committee meeting was concluded at approximately 9:15 p.m.

Butch Clark estimated that the first few months payment will be higher due to set up of the system and the transfer to a new bookkeeper.

President Trampe asked if the board was ready to vote on the motion to have a negotiating committee of Bill Trampe, Butch Clark, and Tyler Martineau.

The motion carried.

Butch Clark moved that the board authorize payment not to exceed \$60 for a month review of the bookkeeping process with the applicant during the contract negotiation.

Diane Lothamer said that this solution would resolve her concerns.

Lee Spann said that proposals were received and interviews were conducted and that a monthly review is part of the job process. Mr. Spann said that he preferred no trial run and no payment prior to the finalization of the contract.

Ramon Reed said that he agreed with Mr. Spann.

Dennis Steckel said that board members were talking about different types of trial runs.

President Trampe asked if the board wants to see the draft contract or have the committee bring the contract to the board for ratification. There was board consensus that the contract be brought to the board for ratification.

Tyler Martineau asked if the bookkeeper could start work with pay prior to ratification of the contract. The board consensus was that work and payment could begin prior to ratification of the contract.

4. DISCUSSION OF 60,000 ACRE-FOOT SUBORDINATION OF THE ASPINALL UNIT

President Trampe recommended that the board hold a special meeting solely to discuss the subject of the 60,000 acre-foot subordination of the Aspinall Unit. Ramon Reed agreed with this suggestion.

Ramon Reed requested that the board be furnished copies of Senator Ben Nighthorse Campbell's bill and Dee Jacobsen be scheduled for the next board meeting to make a presentation on the bill to ask for the District's support.

5. ADJOURNMENT

President Trampe adjourned the meeting at approximately 9:30 p.m.

Respectfully submitted,

Mark Schumacher, Secretary

APPROVED:

William S. Trampe, President

Upper Gunnison River Water Conservancy District

SPECIAL MEETING

Monday, July 25, 1994
7:00 p.m.

Gunnison County Community Building - County Fairgrounds
Gunnison, Colorado

A G E N D A

1. Call to Order.
2. Interviews with short-listed bookkeeping firms proposing to provide bookkeeping services to the Upper Gunnison River Water Conservancy District.
3. Discussion of 60,000 acre-foot subordination of the Aspinall Unit.
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.

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DRAFT

**UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT
SPECIAL BOARD MEETING MINUTES**

July 25, 1994

The Board of Directors of the Upper Gunnison River Water Conservancy District conducted a special meeting on July 25, 1994 at 7:00 p.m in the Gunnison County Multi-Purpose Building, Gunnison, Colorado.

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

Others present were:

John McClow, Board Attorney
Tyler Martineau, Manager
Patrice Thomas, Office Secretary
Enid Peppard

1. CALL TO ORDER

President Trampe called the meeting to order at approximately 7:00 p.m. President Trampe announced that the board needed to cover several items before the interviews with bookkeeper applicants.

President Trampe thanked the board for everyone's help in hosting the Colorado Water Conservation Board during their meeting in Gunnison. He thanked Lee Spann, Diane Lothamer, Mark Schmacher, Susan Lohr, Tyler Martineau, and Dick Bratton for their presentations to the CWCB.

President Trampe referred the board to the July 15, 1994 memorandum from Butch Clark and Tyler Martineau regarding the separation of bookkeeping functions. He said that the memorandum contained three issues that needed to be resolved before the interviews with the applicants for bookkeeper.

President Trampe asked for a motion to amend the agenda.