



The 2010 Colorado River District Board of Directors front row, from left: Warner Dewey of Hinsdale County, David Merritt of Garfield County, Board President Andy Mueller of Ouray County, Rebie Hazard of Saguache County, Tom Alvey of Delta County, Gary Martinez of Summit County and Dick Proctor of Mesa County; back row: Tom Gray of Moffat County, Jon Stavney of Eagle County, James Newberry of Grand County, Steve Mathis of Montrose County, Forrest Nelson of Rio Blanco County, Board Vice President Tom Sharp of Routt County, Bill Trampe of Gunnison County and John Ely of Pitkin County.

Board gains new member; elects officers

The Colorado River District Board of Directors added a new member at its regular January 19-20, 2010, quarterly meeting, recognized three reappointments and elected officers.

New to the board is Summit County Manager Gary Martinez who replaced former Summit County Commissioner Tom Long. Reappointed to the board were County Commissioner James Newberry of Grand County, Tom Alvey of Delta County and Warner Dewey of Hinsdale County.

The newly reconstituted board proceeded to unani-

mously re-elect Andy Mueller of Ouray County as president and Tom Sharp of Routt County as vice president. The Board is composed of a representative from each of the 15 counties comprising the Colorado River District. The County Commissioners of each county make the appointments.

For a full listing of Board members, see the caption under the photo above.

The Board proceeded to appoint Eric Kuhn as General Manager and Secretary and Peter Fleming as General Counsel.

Ballot questions draw Board concerns

The Colorado River District Board of Directors unanimously adopted positions of opposition to three citizen-initiated ballot proposals already qualified for Colorado's November 2, 2010 ballot.

Board members considered the three measures and found each extremely damaging to both state water interests and broad public policy for Colorado.

Proposition 101 would reduce the state income tax rate and allowable taxes and fees on vehicles and telecommunications services. The Colorado River District receives specific ownership taxes from vehicle registrations within the District.

Under Proposition 101, specific ownership taxes would decrease in four annual steps to \$2 for new vehicles and \$1 for old vehicles.

All registration, license and title charges combined may not exceed \$10 annually per vehicle.

State and local telecommunications fees are essentially eliminated.

And the state income tax rate would be reduced to 4.5 percent immediately and to 3.5 percent over a 10-year period.

The current state rate is 4.63 percent.

Amendment 60 would amend the State Constitution by adding severe limits on property taxes.

Among other provisions, Amendment 60 would require otherwise tax-exempt enterprises and authorities (such as the Colorado River District's Enterprise Fund) to pay property taxes.

This would apply statewide to nearly every water and wastewater

utility as well.

Amendment 61 would amend the Constitution to prohibit state debt and severely limit local government debt.

It would prohibit or limit debt in any form including certificates of participation, revenue-anticipation notes, lease-purchases and other creative forms of infrastructure financing that have been employed in the past few years — unless specifically approved by the voters.

State enterprises and authorities (e.g., Colorado Water & Power Development Authority and Colorado Housing and Finance Authority) are prohibited from borrowing without exception.

This would eviscerate these two important public financing authorities and others.

General Manager and General Counsel issue reports

General Manager Eric Kuhn issued three reports to the Colorado River District Board of Directors: “Activities and Priorities for 2010,” “Interbasin Compact Committee and Roundtable Update” and “Colorado River Interstate Issues.”

These reports can be found on the Colorado River District website, www.ColoradoRiverDistrict.org.

Respectively, the reports can be found at

- [http://www.crwcd.org/media/](http://www.crwcd.org/media/uploads/20100119gmActivities.pdf)

[uploads/20100119gmActivities.pdf](http://www.crwcd.org/media/uploads/20100119gmActivities.pdf)

- <http://www.crwcd.org/media/uploads/20100119gmIBCC.pdf> and

- <http://www.crwcd.org/media/uploads/20100119gmCRInterstate.pdf>.

General Counsel Peter Fleming and Associate Counsel Jason V. Turner issued an update of legal activities. Their report can be found at <http://www.crwcd.org/media/uploads/20100119gc.pdf>.

Directors support basin of origin legislation

The Colorado General Assembly convened for its 2010 legislative session just six days before the Colorado River District's regular January 19-20, 2010 regular quarterly meeting. Directors took positions on the 10 water-related bills that lawmakers had introduced during the first week.

Legislation of note, according to External Affairs Manager Chris Treese, included House Bills 1159 and 1086, both of which the Board voted unanimously to support. The first was Representative Sal Pace's (D-Pueblo) bill to ensure that basins from which water is proposed for export are assured a say in the kind and amount of mitigation that is appropriate to address local impacts.

The State House of Representatives subsequently rejected the bill. The bill sought to protect both present and future water users in the local watershed.

HB 1086 sought to limit the legal and financial liability for owners and operators of ditches, headgates and other water infrastructure. It also failed in the House.

The Board voted to oppose Senate Bill 67, which would exempt rural school districts from normal water priority administration. While Directors expressed sympathy for schools without sufficiently senior water rights, their overriding concern was for the integrity of Colorado's Prior Appropriation Doctrine.

Additionally, the Board deferred consideration of Senate Bill 78 for additional analysis. SB 78 would facilitate full use of "reusable water" but proposes to do so by eliminating the role of the water court in certain circumstances. Again, Directors were concerned with maintaining Colorado's judicially based priority system of water administration.

Directors also set bi-weekly conference calls on Thursdays to provide timely direction on new and developing legislation.

Federal affairs update

The Colorado River District Board heard an assessment by Treese that U.S. House Transportation Committee Chairman Jim Oberstar's (D-MN) efforts to rewrite the Clean Water Act appeared moribund.

While Treese anticipates the bill's introduction sometime this year, he reported that Representative Oberstar's efforts did not have the requisite support for passage, even in the U.S. House. The concern is that the bill overreaches in the important work of keeping the nation's waterways clean.

The Colorado River District is actively involved in two "stakeholder processes" regarding Wild & Scenic River evaluations in the upper and lower mainstem Colorado River regions.

The River District initiated these efforts to evaluate the implications of and to explore collaborative alternatives to federal designations under the Wild & Scenic Rivers Act. These efforts were prompted by publication of Wild & Scenic "Eligibility Reports" for qualifying streams and river segments by the federal Bureau of Land Management (BLM) field offices as part of local BLM Management Plan updates.

The Upper Colorado River process has been in progress for a couple years and is nearing a conclusion of what have been difficult and often contentious negotiations. The process for the Grand Junction Field Office of the BLM is much younger and appears to have forged positive working relations within the stakeholders working group with consensus already reached on several segments including "eligible" segment of the mainstem Colorado and Gunnison Rivers.

Additionally, the Board gave its approval for a third (but not final) Wild & Scenic stakeholder process for the Uncompahgre Field Office (UFO) of the BLM, which just recently published its Eligibility Report listing 35 segments on 23 stream and rivers as "eligible" for listing.

The UFO covers the Uncompahgre, middle Gunnison, middle Dolores and San Miguel Rivers and their tributaries.



Selenium a hot topic for fish, farmers, public

Selenium is a metallic trace element found in much of Western Colorado, especially in the soils derived from Mancos Shale, a legacy from when the region was a sea bottom. Selenium dissolves when exposed to water and it has been identified as a contaminant of concern to endangered fish in the Lower Gunnison and Colorado Rivers.

The selenium issue and related control efforts are now hot topics in the Gunnison River watershed with the emergence of a new plan for the Bureau of Reclamation to re-operate the Aspinall Unit reservoirs to benefit endangered fish.

The fish are protected by the Endangered Species Act and by the related Programmatic Biological Opinion (PBO) for the Gunnison Basin that was written by the U.S. Fish and Wildlife Service (USFWS) in late 2009.

The PBO specifically calls out the need for the development and implementation of a selenium management plan (SMP).

This topic was discussed at the Colorado River District's Board of Directors meeting that was attended by Carol DeAngelis, Area Manager, and Ed Warner, Water Resources Division Manager, both of the Western Colorado Area Office of the Bureau of Reclamation in Grand Junction. Sonja Chavez de Baca, Gunnison Basin Selenium

Task Force (STF) Coordinator, was also present. The new federal emphasis on dissolved selenium in the river system puts pressure on the Selenium Task Force and basin water users to deal with the issue.

DeAngelis said the short-term goal of the selenium effort is to meet Colorado water quality standards of 4.6 parts per billion (ppb). Selenium is currently in the 8 ppb range as measured near the mouth of the Gunnison River. The long-term goal is to recover the fish, she said.

DeAngelis said the SMP calls for an acceleration of salt and selenium control efforts for irrigated agriculture and estimates are that at least \$2 million per year is necessary to meet the identified 15-year schedule.

Unfortunately, Salinity Control Program funding that is administered by the Bureau of Reclamation cannot be solely directed to the Uncompahgre Valley where 60 percent of the selenium load to the Gunnison River basin originates.

DeAngelis said that if unlined ponds, septic systems and golf course developments continue unchecked, they might undo the beneficial work that has been accomplished to date to abate agricultural salt and selenium loading.

She said partnerships and collaboration with local land-use man-

agers and water planning entities, such as the Colorado River District, are necessary to ensure that the SMP is successful.

Chavez de Baca said the STF is preparing outreach and education efforts to planning commissions and land-use policy makers. Dave Kanzer, Senior Water Resources Engineer, who manages selenium and salinity control efforts for the Colorado River District, said one of the biggest challenges facing the STF is to convince the development community that selenium-control practices are not only smart business but essential to preserving the agricultural heritage and way of life of the region.

Selenium Summit set

Information related to the science of selenium and selenium-control efforts will be featured on Feb. 18 at the Bill Heddles Recreation Center, 530 Gunnison River Drive, Delta, Colo., from 9:30 a.m. to 3 p.m.

"Climbing the Selenium Summit" is a free educational forum for the public and policy makers that will illustrate the current state of selenium-control and outline future efforts.

For more information on the Selenium Summit and related activities of the STF, visit www.seleniumtaskforce.org.

Board reviews Colorado River District policies

Consistent with the regular schedule of annual review of Colorado River District policies, the Board of Directors analyzed and discussed the following three existing policies: “**Water Quality**,” “**Upper Colorado River Recovery Program**” and “**Recreational Water Use**.”

The “**Water Quality Policy**” recognizes that water quality and water quantity are inseparable – that there is a causative link between water quality and the amount of stream flow present. The Colorado River District’s primary objective with respect to water quality is to protect the ability of the District’s residents to use water beneficially now and in the future.

As consumptive water uses in Colorado continue to be developed and demands on this precious resource increase, water quality will be an even greater issue of concern

for Colorado water users.

The “**Upper Colorado River Recovery Program Policy**” reaffirms the Colorado River District’s support for the program and its dual purposes of recovering endangered fish while allowing historical water use and future water development to continue, consistent with state law.

In addition, the Colorado River District will continue to advocate for elements of the program, such as ensuring that the burden of the Recovery Program’s implementation, operation and compliance is equitably distributed across all power and water users, including transmountain diverters.

The “**Recreational Water Use Policy**” recognizes the value of recreation and aesthetic enjoyment of the state’s waters to Western Colorado’s economy.

Recreational uses must be balanced with historical and future consumptive water uses, including water uses by exchange, to ensure they do not adversely impact the ability to fully develop Colorado’s entitlements under the Compacts of 1922 and 1948 for beneficial use within the state.

These and other policies adopted by the Colorado River District are available by visiting www.crwcd.org/page_9.

The Colorado River District Mission Statement:

To lead in the protection, conservation, use and development of the water resources of the Colorado River Basin for the welfare of the District, and to safeguard for Colorado all waters of the Colorado River to which it is entitled.

Future meetings

- **March 11, 2010:** CRD executive Committee meeting, Glenwood Springs
- **April 20-21, 2010:** Second quarterly CRD meeting, Glenwood Springs
- **July 20-21, 2010:** Third quarterly CRD meeting, Glenwood Springs
- **Sept. 16, 2010:** Colorado River District Annual Water Seminar, Grand Junction
- **Oct. 19-20, 2010:** Fourth quarterly CRD meeting, Glenwood Springs

How to contact us

For more information about the Colorado River District or board actions, call Jim Pokrandt at (970) 945-8522 x 236, e-mail edinfo@crwcd.org or visit www.ColoradoRiverDistrict.org



Carol DeAngelis, Area Manager of the Bureau of Reclamation's Western Colorado Area Office in Grand Junction, attended the Jan. 19-20, 2010 regular meeting of the Colorado River District Board of Directors. Here, she talks with External Affairs Manager Chris Treese. DeAngelis addressed the Board on the emergence of selenium as a water quality issue. See report on page 4.



Ed Warner, Water Resources Division Manager in the Bureau of Reclamation's Western Colorado Area Office in Grand Junction, attended the Jan. 19-20, 2010 regular meeting of the Colorado River District Board of Directors. Afterward, he chatted with Board Member Dick Proctor, who represents Mesa County.