

Arkansas Basin Roundtable
Meeting of October 8, 2008
Meeting Notes

1. Roundtable Business

Chairman Barber called the meeting to order at 12:06 pm. Members and visitors introduced themselves. Thirty two (32) members were present, sufficient for a full quorum and super majority.

A motion was made by Tom Brubaker, seconded by Alan Hamel to approve the minutes of the September meeting. A motion was made by Dan Henrichs, seconded by Tom Verquer to approve the minutes of the August meeting. Both motions passed unanimously.

The agenda was reviewed and election of officers was moved a little later in the meeting to give voting members a chance to arrive.

Public Comment: Jane Rawlings spoke about Amendment 52, which would create a constitutional diversion of monies from the funds that address statewide water projects to I-70 transportation projects. Specifically, it would divert any new monies from water to transportation. Wayne Vanderschuere seconded Jane's comments in opposition to Amendment 52. Reed Dils stated that the Water Conservation Board came out in opposition to Amendment 52.

Mike Stiehl made a motion to support the CWCB's position in opposition to Amendment 52. The motion was seconded by Lawrence Sena and passed unanimously.

2. Sub-Committee Reports:

Non-Consumptive Water Needs Subcommittee – SeEtta Moss

The committee finished their review of quantification needs in the basin and asked Nicole Rowan to look into several additional locations. Also asked Nicole for a projection of needs in regards to funding to continue the committee's work. She has also been working on the pilot project, looking at a watershed evaluation tool. That should be finished up in November.

Needs Assessment Subcommittee – Jay Winner

No meetings have been held.

Jonathan Fox asked about the Fowler application, which had been put on hold at the state level. Todd Doherty commented that statewide funds are tightening up, with a general feeling that statewide applications ought to have statewide benefits or include a combination of local and state funding, depending on who benefits from the project.

There are discussions being held at the state level about extending funding or converting some statewide funds to basin funds. As it stands today, remaining basin funds available totaled less than \$100,000.

Gary Barber brought up the two applications that were approved last month, but with no quorum. The applications were for City of Pueblo Stormwater Utility and UBSGWMD. Members were asked to ratify that vote at this meeting now that there is a quorum. SeEtta Moss made a motion to that effect; Anthony Nunez seconded the motion, which passed unanimously.

Ark DSS feedback

Members received a feasibility scope of work. The roundtable as a whole will act as the advisory committee for the Arkansas Decision Support System. As we go forward with the scope of work, that allows input from all members.

IBCC Committee

No meetings have been held since the last meeting.

3. Annual Meeting – Election of Roundtable Officers and IBCC Representative & Alternate

According to our bylaws, we need a $\frac{3}{4}$ quorum when we elect executive committee and IBCC representatives. We have that quorum now. No one has stepped up between meetings and asked to be

included on the list. Mr. Barber asked for nominations from the floor, but none were received. Mr. Brown moved to accept the roster as stated, Lawrence Sena seconded the motion, which passed unanimously.

4. Discussion - Guidelines for Water Transfers Report

Gary Barber thanked the water transfers committee members for all their work and introduced MaryLou Smith, committee facilitator.

The problem that Lawrence Sena originally brought up was that agriculture was having a problem with the concept of water leaving agriculture and transferring to urban use. Rather than fighting urban indefinitely, the committee decided to unite and fight the problem together. The committee worked for two years, not condoning or condemning transfers, but accepting that transfers are in fact occurring, and trying to provide a tool to assist in anticipating and mitigating negative affects of transfers.

MaryLou asked the roundtable to consider the following questions:

What new insights does the report give you?

What did the Committee miss?

Is there anything with which you take exception?

What do you think about the Committee's approach to tackling this issue?

How might the report be used in the future?

MaryLou stated, "Again we are not here to debate whether transfers should occur." Discussion by members followed, and the following is a brief summary of some of the questions and comments.

If people involved in transfers used these guidelines as they enter into a transfer, it could take care of a lot of wrangling over mitigation that usually comes in the middle of the transfer process and severely slows down and makes the process more costly.

How do we get people entering into a transfer to use these guidelines? Should they become regulations someday? The report is careful to express issues that need to be addressed rather than to suggest rules that should be statutory. The template was intended to apply to large and small transfers over large and short distances.

What steps should the Roundtable/Committee take next? Talking about the legislature is premature, when the report has not yet been released to or reviewed by the agency that funded it.

The roundtable first needs to accept the report or not, and decide whether to forward it to CWCB for review.

Is the economy driving water to the cities or is agriculture so economically productive that nobody wants to sell? The links between money, water and the economy and/or energy, water and food, need to be part of the discussion.

Who is the steward of the public interest?

The disenfranchisement of already existing water rights could occur if you follow the public trust type of doctrine. This committee did not have that intent. This report can be used as a template that is used before a transfer occurs in order to mitigate third-party interests. A suggestion was made that the roundtable put out feelers to see if there is someone who is in the process of a transfer who would be willing to utilize the template. Let's use the template and find out the strengths and weaknesses of the model by using it.

The basic premises are really good. The third party interests are very important for this process and that is indicated throughout the document. However, there is no incentive to involve third party interests on the part of the transferors and transferees.

We have to make this tool facilitate a transfer. It will either facilitate or hinder a transaction. If it will hinder a transaction, it won't be used.

The transfers are guidelines that can be modified depending on the transaction.

There already is an incentive to use these guidelines, to accommodate needs so that a transfer can be smoother.

The report is ready to forward to the IBCC.

Public interest should always be considered. A transfer should never be a simple transaction between buyer and seller that does not consider other needs. If it is strictly voluntary, it will never be used.

The committee struggled for a long time on next steps. The next step is to accept the report as a document to be used. Shouldn't the owners of the water have the report? Ditch owners and farmers. It would sure make it a lot easier if you're going to do a transfer to have these guidelines ahead of time.

As long as the word 'if' is on the front page, we are not endorsing transfers. As long as it's voluntary, let's get it to everybody we can.

Do we accept the report? If so, we forward it to CWCB for their review, since they funded the work. RT members should take the report to their constituency and get their feedback. Come back and discuss next month.

If the RT accepts that report, are we accepting it as a draft? It is a template that can be modified, adapted. It is a reflection of the experience of the committee. Recommends that we accept the work as it evolved in the committee. We don't need to decide what should be done next. Whatever we decide, we decide before we disseminate it for use by the public.

Our charge from the legislature is to develop projects and methods that address the needs of the basin. We are aiming to get to that point by March-April 2009. This is one of the projects that is underway that will help us do that.

The order of business is as follows:

1. accept the document
2. forward to the IBCC
3. solicit a volunteer for a test drive
4. Allow time on next month's agenda to continue dialogue.

Gary Barber called the question. Do we have consensus to accept the report with members Jane Rawlings and Lindsey Case noting that accepting the report doesn't imply approval? Our adoption of the report would come later and include roundtable comment and dissension. Consensus was reached.

Gary then called for consensus that the roundtable solicit a volunteer for a test drive of the guidelines. Consensus was reached.

Discussion about testing the guidelines followed. It was clear that the volunteer would need help walking through the guidelines, and that we would want feedback during the entire process. It was pointed out that Harris Sherman states in the report that he is willing to put resources behind the guidelines. A suggestion was made to locate a volunteer by next month, then discuss how to fund the process of using the guidelines. A point was also made that evaluation should include a comparison of cost of transfer to see whether the guidelines lower the cost of a transfer. A counterpoint was made that the criteria should not only be cost-effectiveness. The cost may be higher when considering third party interests, and maybe that's appropriate. Perhaps the cost of funding the test case should include presenting the guidelines to various entities in the Arkansas Valley.

IBCC Visioning Draft Document

Jane Rawlings: the discussion we've had all afternoon fits into the vision statement perfectly. She encouraged RT members to read the visioning document. There are things that will have to happen at the state level, and the transfers guidelines will fit well into that.

Jim Broderick: In this case, he thinks that this visioning process really will be used by the State of Colorado to put together a direction the state will go. It's critical for us to understand what's going on in the visioning process. It moves the targets for where resources are and where they will go in the future.

Meeting adjourned at 3:00 p.m.

November agenda: 5 minutes for each grant sponsor – where projects are at.
December agenda: Let's not have a formal meeting. Invite folks that have projects out there to come talk to us about their specific solutions as part of our task to identify projects and methods that address our needs.

Todd Doherty announced that there was a state hiring freeze. There is a spending freeze sent out by the governor on Monday. Trying to figure out what that means. Anything not under contract is frozen. Trying to get waivers for severance tax funded projects.

Respectfully submitted,
Jay Winner

