

**Interbasin Compact Committee  
Basin Roundtables**

**Gunnison Basin Roundtable**

**Meeting Agenda**

**May 6, 2013  
Holiday Inn Express  
Montrose, CO  
4:00 p.m. – 7:00 p.m.**

Roll Call/Introductions

Approve Agenda

Approve Minutes from 4/1/2013 Meeting (attached)

Report from IBCC Representatives (action item)

Report from Educational Committee

Report from CWCB Representative

1. **Bureau of Reclamation/Seven States Colorado Basin Supply & Demand Study** – Ted Kowalski, Section Chief of the Interstate and Federal Section of the Colorado Water Conservation Board will present information regarding this study
2. **Colorado River Water Availability Study Phase 2 Scoping** – Ray Alvarado, Senior Water Resource Specialist in the Interstate and Federal Section of the Colorado Water Conservation Board will gather the Roundtable's input on the scoping of this study.
3. **Blue Mesa Water Banking Study** - Hal Simpson and Mark McCluskey from CDMSmith will present their findings regarding this study and accept comments from the Roundtable. (see forwarded e-mail from Sue Morea)
4. **Colorado River Water Bank** – Aaron Derwingson and Paul Kehmeier with The Nature Conservancy Colorado River Program will present information regarding this effort. (see attached talking points)
5. **Project Proposal** – Grand Mesa Water Users Association, \$40,000 in Basin Funds for Replacement of Measuring Devices on Grand Mesa. (see forwarded e-mail from Tom Alvey)
6. **Roundtable Membership & Attendance** – Proposed Amendments to Bylaws (see attached).
7. **2013 Gunnison State of the River Meeting** – The 2013 Gunnison State of the River Meeting has been tentatively scheduled for June 3<sup>rd</sup>. The Roundtable members will discuss potential agenda items for this meeting.

**Interbasin Compact Committee  
Gunnison Basin Roundtable Meeting  
Holiday Inn Express  
Montrose, Colorado  
April 1, 2013**

**Voting Members Present:**

Thomas Alvey	North Fork WCD
Jennifer Bock	Environmental
Rick Brinkman	Mesa Municipalities
Tim Decker	Montrose County
Joanne Fagan	Ouray Municipalities
Steve Fletcher	At-Large Member
John Justman	Mesa County
Austin Keiser	Grand Mesa WCD
Frank Kugel	At-Large Member
Rachel Kullman	Montrose Municipalities
Henry LeValley	Crawford WCD
Olen Lund	At-Large Member
John McClow	House and Senate Ag Committees, CWCB Liaison
Chuck Mitisek	Ute WCD
Bill Nesbitt	Gunnison Municipalities
Michelle Pierce	Hinsdale Municipalities
Mark Roeber	Delta County
Hugh Sanburg	Industrial
Neal Schwieterman	Recreational
Ron Shaver	At-Large Member
George Sibley	At-Large Member
Ken Spann	Upper Gunnison River WCD
Bill Trampe	Colorado River Water Conservation District
Adam Turner	Local Domestic Water Supplier
Rufus Wilderson	Gunnison County

**Voting Members Absent:**

Mike Berry	Tri-County WCD
Cary Denison	Ouray County
Allen Distel	Bostwick Park WCD
Wendell Koontz	Delta Municipalities
Steve Shea	Agricultural
Stan Whinnery	Hinsdale County
Vacant	Saguache County

**Liaisons and Non-Voting Members Present:**

Sharon Dunning (Assistant Recorder), Bob Hurford (DWR Liaison), David Kanzer (At-Large), Gary Shellhorn (USFS Liaison), Jedd Sondergard (BLM Liaison).

**Public:** Jason Ullman (CDWR), Ken Nelson and Vernon Nutter (North Delta Ditch), Steve Snyder (Saguache County), Richard Vangytenbeek (Trout Unlimited), Dave Miller (NERC).

**Welcome**

The meeting was called to order at 4:00 p.m. by Chairperson Michelle Pierce.

**Roll Call/Introductions**

Following roll call it was declared that a quorum was present.

**Approve Agenda**

Michelle Pierce announced that Agenda item #2 was cancelled.

Neal Schwieterman made a motion to accept the amended Agenda. Ron Shaver seconded, and the motion carried unanimously.

**Approve March 4, 2013 Meeting Minutes**

Frank Kugel requested the following spelling corrections to the Minutes:

1. Page 2, Public: Riuthaupt should be Kruthaupt
2. Page 2, IBCC Report, 2<sup>nd</sup> paragraph: Gimble should be Gimbel
3. Page 3: Kaiser should be Keiser

Tom Alvey made a motion to accept the March 4, 2013 amended minutes. Bill Nesbitt seconded and the motion carried unanimously.

**Report from the IBCC Representatives**

Bill Trampe reported that he and John McClow attended the IBCC meeting on March 5, 2013 in Golden. The next meeting will be on June 5<sup>th</sup>.

Bill stated that it was a fairly good grassroots style meeting. It was structured with the IBCC on panels leading discussions. They discussed the findings of the Flaming Gorge Task Force, and how to go about managing water projects. They also spoke about risk management agreements, and how to protect ourselves as we move forward. Later there were break-out groups that discussed agricultural water and new supply. Nothing earth-shattering came out of it, but it was a positive meeting.

John McClow added that each group leader had a staff member who recorded the discussions, and those recordings would be put into a public report that should come out sometime in May.

Frank Kugel made a motion to ratify the IBCC Representatives report. Ron Shaver seconded, and the motion carried unanimously.

Bill Trampe gave kudos to Rick Brinkman and Ken Spann for their part on the Flaming Gorge Task Force. The Roundtable will have the opportunity to hear and discuss the present findings, which Michelle Pierce said was tentatively scheduled for May.

**Report from the Educational Committee**

George Sibley stated the publication is scheduled for mid to late May. All the historical information has been assembled and they are waiting for current year information.

**Report from the CWCB Representative**

John McCLOW circulated his report to the Roundtable members and said he had nothing to add to his report.

Ken Spann asked a question about the last item regarding Jennifer Gimbel resigning. John stated that the Governor would be choosing a new CWCB Director, and that Jennifer Gimbel had decided to resign now.

1. **Gunnison Sage-Grouse** – Proposed Listing and Responsibilities under the Endangered Species Act.

The Roundtable members continued the discussion on this topic from the previous meeting in February. Ken Spann stated that there would be a meeting in Montrose on Wednesday to coordinate a proactive strategy. There is a great deal of controversy. The ramifications of the Gunnison Sage-Grouse being listed as endangered would be that water development within critical habitat would be practically impossible. There has been a viability study that shows there is a 0% probability that the species will go extinct, but some secluded populations will disappear. Most of Gunnison County is within critical habitat. There will be at least 2 public hearings after the comment period.

2. **Instream Flow Water Rights**

This item was cancelled.

3. **American Whitewater Organization** – Chris Menges, Gunnison River Stewardship Fellow

Chris Menges' presentation began with a background and purpose of the American Whitewater Organization. The organization's purpose is to conserve and restore whitewater resources.

4. **Central Colorado Project** – David Miller, Natural Environmental Resources Company

David Miller gave a presentation to the Roundtable members regarding a proposed high altitude reservoir near Taylor Park Reservoir. Mr. Miller discussed the benefits of high altitude water storage, as well as the possibilities for using the water for hydroelectric power.

5. **New Water Supply Development** – Draft West Slope Position Statement

A draft copy of the West Slope Position Statement was handed out to Roundtable members and Bill Trampe asked for any comments or suggestions. The ultimate goal is that this statement will be adopted by all the West Slope Roundtables and the purpose is to give a meaningful statement to the state.

Michelle Pierce stated that once the notes are available from the Caucus meeting, the Roundtable will review those notes and revisit the Position Statement document.

**6. Roundtable Membership & Attendance – Proposed Amendments to Bylaws.**

The Bylaws Committee discussed proposed amendments to the Membership and Attendance areas of the bylaws. Tim Decker brought up his concern with Article 7, Section 10, attendance of meetings, specifically who gets notified and who has the opportunity to explain their absence to the Roundtable. Tim asked for an amendment to that language. George Sibley also suggested the possibility of excused absences. John McClow stated there was a procedural problem in that the bylaws require that any proposed changes be submitted at least 2 weeks before they're considered at the meeting. Any new changes to the bylaws will have to go to another round of amendments.

Ken Spann made a motion to approve the bylaws that were offered at the last meeting as suggested by the bylaws committee, and that the additions added by Tim Decker and George Sibley be considered as proposed at this meeting for consideration at the next meeting. Frank Kugel seconded, and the motion carried.

**Next Meeting**

The next regular meeting of the Gunnison Basin Roundtable will be at 4:00 p.m. on Monday, May 6, 2012, at the Holiday Inn Express in Montrose.

**Adjourn**

There being no further business to come before the Roundtable, the meeting adjourned at 6:20 p.m.

---

Mike Berry, Recorder

April 1, 2013

**Action Items**

Bylaws Committee will make another amendment to the bylaws to be discussed and approved at the next Roundtable meeting in May.

## **WBWG talking points for presentations to agricultural groups**

**Definition of a water bank:** While there are different variations of water banks, the common goal is to facilitate the movement of water to where it is needed most. Water banks can serve the role of the broker or clearinghouse that helps connect buyers (leasees) and sellers (lessors) of surface, groundwater and storage water entitlements.

**Purpose of the West Slope Water Bank:** The Colorado River Water Bank is a possible strategy to prevent and/or mitigate the impact of shortages in Colorado River water available for consumptive use in Colorado. Under the Colorado River Compact, the State of Colorado, along with Utah, New Mexico and Wyoming (“Upper Division States”) have an obligation not to deplete flows in the Colorado River below 75 million acre feet in any ten year period. Although the Upper Division States have always met their compact obligations and curtailment of uses of Colorado River water has never been necessary in the Upper Division in order to meet compact obligations, it is possible that river conditions could change so that the Upper Division States would need to curtail use of Colorado River water in order to continue to meet the Upper Division’s non-depletion obligations. The bank concept involves using pre-Compact agricultural water rights diverting from the Colorado River Basin to meet primarily municipal water uses on both East Slope and West Slope that have post-Compact water rights. Any water “deposited” into the Water Bank would be strictly on a willing seller basis using an interruptible supply agreement. While we do not expect that a curtailment of Colorado River water uses in Colorado would occur in the near future, we hope to develop a solution well in advance of any shortage and work with agricultural water users closely to understand and address their concerns.

**Who is involved in this effort:** This effort has involved a wide variety of participants including the Colorado River Water Conservation District, Southwestern Water Conservation District, Front Range Water Council, The Nature Conservancy, and the Colorado Water Conservation Board. In addition, the group has advisors from the agricultural sector, two Native American tribes, and the Bureau of Reclamation. The State of Colorado would ultimately be responsible for determining how the Water bank would fit into an overall strategy for Colorado and other Upper Basin states to mitigate impacts of Compact administration during times of shortage.

**Water Bank Study:** This study is intended to determine the basic viability of a Water Bank to help prevent, delay, or mitigate the effects of Colorado River water rights in Colorado being subject to curtailment during times of shortage . The Feasibility Study is being conducted in three phases:

- Phase 1 – Supply and Demand of a West Slope Water Bank (complete)
- Phase 2 – Test Cases (will begin soon)
- Phase 3 – Regional economic and environmental considerations

**Phase 1 (Complete):** Phase 1 estimated the maximum amount of water that could be associated with the Water Bank and estimated the potential demand for those supplies. At the completion of Phase 1, the Water Bank Group determined that the feasibility of the Water Bank was sufficiently promising to authorize Phase 2 of the Feasibility Study. Some key findings from Phase 1 are provided below:

- Roughly two-thirds of the total irrigated acreage on the West Slope uses pre-Compact water rights. We assumed that the historical consumptive use associated with this acreage could supply the Water Bank. Analysis of the economic impacts of fallowing and deficit irrigation will be part of Phase 3 of the study.
- The largest potential source of water for the Water Bank is from deficit irrigation or fallowing of alfalfa and hay. Deficit irrigation may be the best option for hay with multiple cuttings. We need to better understand the impacts of deficit irrigation and fallowing on various crops. Small grains, grain corn and dry beans can be fallowed, but the amount of water in these crops is much smaller than hay and alfalfa.
- Water Bank “withdrawals” were assumed to be made for post-Compact water uses in the categories of West Slope M&I, East Slope M&I, and West Slope agricultural use for crops like orchards or vineyards. The Water Bank could be used either proactively or reactively to reduce the chances that curtailments would be needed. Frequency of use of the Water Bank would depend on the selected strategy, hydrologic conditions, and many other factors, but could vary from individual years to many consecutive years.

**Water Bank Study--Phase 2 (currently being scoped):** Phase 2 will assess the feasibility of implementing the Water Bank on various irrigation systems. This will involve screening and selecting candidate irrigation systems and assessing irrigation operations, deficit irrigation potential and fallowing benefits and impacts. This phase will also involve an outreach program to the West Slope agricultural community and compilation of available research on the feasibility of deficit irrigation for the crop types and climate zones that could potentially supply water to the Water Bank.

### **Evaluation of Candidate Irrigation Systems**

All evaluations of candidate irrigation systems will be conducted in cooperation with willing irrigators and their boards. The evaluation will focus on water yield, replanting options, and administrative and regulatory issues. At a minimum, the following information will be requested for each system:

- Verify the pre-Compact consumptive use
- Determine the mix of pre-Compact and post-Compact water rights associated with the irrigation system
- Evaluate how the land could be temporarily fallowed or deficit irrigated
- Evaluate the influence of groundwater and sub-irrigation on meeting crop requirements
- Estimate costs of fallowing and replanting



- Review estimates of physical and legal availability of water in priority during a curtailment based on historical experience
- Review administration and operation within the irrigation system if all shareholders participate versus if only some of the shareholders participate
- Document past experience with deficit irrigation, if any, and experience during recent drought periods (e.g., 2002)
- Evaluate possible changes in return flows and downstream impacts that could result from deficit irrigation or fallowing
- Assess willingness to participate in future deficit irrigation research studies

**Water Bank Study—Phase 3 (future work)**

Assess regional economic and environmental considerations.

**Related Studies/Efforts**

- Aspinall Excess Storage Capacity Study
- Colorado River Compact Compliance Study
- Bureau of Reclamation's Colorado River Basin Study

**Timing**

This Water Bank is in the early stages of development.

**For additional information:**

Dan Birch  
Colorado River District  
[dbirch@crwcd.org](mailto:dbirch@crwcd.org)  
970-945-8522

Chris Treese  
Colorado River District  
[ctreese@crwcd.org](mailto:ctreese@crwcd.org)  
970-945-8522

Taylor Hawes  
The Nature Conservancy  
[thawes@tnc.org](mailto:thawes@tnc.org)  
303-541-0322

## Michelle Pierce

---

**From:** mcf@wic.net  
**Sent:** Tuesday, April 30, 2013 2:19 PM  
**To:** michellepierce  
**Subject:** WSRA grant request May 2013  
**Attachments:** Grand Mesa Flume request.pdf

Michelle,

The Project Screening Committee considered one WSRA grant request for the May GBRT meeting. The request is from the Grand Mesa Water Users Association(GMWUA), for \$40,000 in Basin funds for the replacement of

14 measuring weirs serving reservoirs and streamflows on Grand Mesa.

The PSC recommends approval of the grant request. This project directly aids irrigated agriculture as well as replaces decaying infrastructure. The many reservoirs administered by the GMWUA are required by the State Engineer's office to have accurate readings of inflow and releases so that water rights can be fairly delivered. The existing weirs are aging and deteriorating and need to be replaced or the Water Commissioner could refuse to turn water as called.

Tom Alvey

# **BYLAWS FOR THE GUNNISON BASIN ROUNDTABLE**

*REVISED ~~APRIL~~ MAY 6, 2013*

## **PREAMBLE**

In Colorado, water is among the state's most important issues. The ability to successfully address the challenges and opportunities related to water requires a basin-driven, cooperative approach. To facilitate continued discussions within and between basins on water management issues, and to encourage locally driven cooperative solutions to water supply challenges, the Colorado Water for the 21<sup>st</sup> Century Act created nine permanent basin roundtables. These roundtables include the following:

South Platte Basin  
Arkansas Basin  
Rio Grande Basin  
Gunnison Basin  
Colorado Basin  
Yampa-White Area  
Dolores, San Miguel, and San Juan Basins  
Metro Area  
North Platte Area.

## **ARTICLE I NAME AND PURPOSE**

*Section 1.* Name. The name of the organization shall be the Gunnison Basin Roundtable, (the "Roundtable"), with its principal office located at 501 Palmer Street, Delta, Colorado.

*Section 2.* Purpose. The purpose of this Roundtable is to cooperatively act to develop long-term solutions to conserve, protect, and defend the waters of the Gunnison Basin for the use, enjoyment, and benefit of the people of the Gunnison Basin.

## **ARTICLE II GOALS AND OBJECTIVES**

*Section 1.* Communications. Improve communications by providing a forum to facilitate the coordination of decisions made among affected landowners, concerned citizens and representatives of local, state and federal agencies.

*Section 2.* Cooperation. Facilitate cooperation and the voluntary exchange of information in order to identify and address intra-basin and inter-basin water concerns in a proactive manner.

~~APRIL~~ MAY 6, 2013

*Section 3.*     Framework for Coordination. Provide a basin-wide framework for coordination, cooperation and citizen involvement in promoting and improving the appropriate use of the state's waters.

*Section 4.*     Facilitate Participation. Facilitate the Gunnison Basin Roundtable area's participation in statewide water issues by selecting two individuals to represent the Roundtable on the Inter-basin Compact Committee.

*Section 5.*     Facilitate Assessment. Facilitate continuing assessment of the basin-wide water needs of the Gunnison Basin.

*Section 6.*     Seek Involvement and Input. Seek the involvement of all interested parties and stakeholders in the Roundtable Process, and actively solicit their input during the development of a basin-wide water needs assessment.

*Section 7.*     Necessary Data. Facilitate the identification, compilation, and evaluation of necessary data and information to support the basin-wide water needs assessment.

*Section 8.*     Methods or Projects. Propose methods or projects, both structural and non-structural, for meeting any future needs as well as utilizing any unappropriated waters.

*Section 9.*     In-Basin Conflicts. Encourage the use of the Roundtable Process to help remedy intra-basin conflicts between stakeholders.

*Section 10.*    Education and Public Outreach. Provide a meaningful source of education and public outreach concerning the operations of the Gunnison Basin Roundtable and the activities of the Inter-basin Compact Committee.

*Section 11.*    Protection, Conservation and Use. Promote the protection, conservation, and use of water in the Gunnison Basin Roundtable area.

*Section 12.*    Sustainability. Promote the socio-economic sustainability of the Gunnison Basin Roundtable area.

*Section 13.*    Protection of Natural Environment. Promote the protection and conservation of the natural environment.

### ARTICLE III DEFINITIONS

*Section 1.*     Act. The Colorado Water for the 21st Century Act passed during the 2005 Legislative Session "Concerning the Negotiation of Inter-basin Compacts Regarding the Equitable Division of the State's Waters. Also known as House Bill 05-1177, now codified as Sections 37-75-101, *et seq.*, Colorado Revised Statutes.

*Section 2.*     Bylaws. The bylaws governing the Gunnison Basin Roundtable.

*Section 3.*     Gunnison Basin, Basin, or Roundtable Area. The Gunnison River Basin within Water Division 4, as defined in Section 37-92-201(1)(d), Colorado Revised Statutes.

*Section 4.*     Chairperson. The Member who is the presiding officer of the Roundtable.

*Section 5.*     Colorado Open Meetings Law. Sections 24-6-401 and 24-6-402, Colorado Revised Statutes.

*Section 6.*     Consensus. A process in which each Member is given fair opportunity to be heard, in which each Member fairly listens to the others, in which complete discussion of the issue is held, and in which decisions are made by general agreement of the voting Membership, but not necessarily by unanimity. If a quorum is present at a regular or special meeting of the Roundtable, consensus is reached if ninety percent of the Members present agree. In calculating the number necessary to achieve ninety percent of the Members present, if the result includes a remainder, the result shall be rounded to the next whole number.

*Section 7.*     Interbasin Compact Committee (IBCC). A twenty-seven member committee, created pursuant to the Act, for the purpose of facilitating the process of interbasin compact negotiations.

*Section 8.*     Local Public Body. Any board, committee, commission, authority, or other advisory, policy-making, rule-making, or formally constituted body of any political subdivision of the state and any public or private entity to which a political subdivision, or an official thereof, has delegated a governmental decision-making function but does not include persons on the administrative staff of the local public body.

*Section 9.*     Members. Individuals who have been appointed pursuant to Article IV, Section 1 and Article IV, Section 2 to serve on the Roundtable through the process specified in the Act. As used in these Bylaws, the term Member does not include Non-Voting Members.

*Section 10.*    Non-Voting Members. Individuals selected by the Members pursuant to Article IV, Section 3.

*Section 11.*    Person. An individual, corporation, partnership, incorporated association, government entity, and the like, and shall have no gender and the singular shall include the plural.

*Section 12.*    Recorder. The recorder of the Roundtable.

*Section 13.*    Representative. Individuals who have been appointed by the Roundtable to represent the Roundtable area on the IBCC.

*Section 14. Roundtable.* The Gunnison Basin Roundtable created through the process specified in the Act.

*Section 15. Seated Members.* The Roundtable Membership as calculated by subtracting the number of seats declared vacant in accordance with Article IV, Section 6 from 32.

*Section 16. Stakeholder.* Any person or entity in the Roundtable Area that is interested in or impacted by the decisions of the Roundtable.

*Section 17. Vice Chairperson.* The Member next in rank to the Chairperson of the Roundtable.

#### ARTICLE IV ROUNDTABLE MEMBERSHIP

*Section 1. Appointed Members.* The Roundtable shall collectively represent the types of interests, livelihoods, and/or land ownership found in the Roundtable Area. Roundtable Membership is determined pursuant to the statutory scheme in the Act, which states: each basin roundtable shall consist of the following Members, each of whom shall reside within the borders of the Roundtable, as specified below.

- 1.1* One Member appointed by the governing body of each county or city and county within the borders of the basin roundtable. A county or city and county shall be entitled to a Member on each basin roundtable that overlaps its boundaries.
- 1.2* One municipal Member for each county located in whole or in part within the basin roundtable, who shall be appointed jointly by the governing bodies of all municipalities within that portion of the county that is located within the roundtable.
- 1.3* One Member appointed by the board of directors of each water conservancy and water conservation district within the borders of the roundtable.
- 1.4* One Member appointed by mutual agreement of the chairperson of the House Agriculture, Livestock, and Natural Resources Committee and the Chairperson of the Senate Agriculture, Natural Resources, and Energy Committee.

*Section 2. At-Large Members.* Ten At-Large Members shall be appointed by the Members appointed pursuant to Article IV, subsections 1.1 to 1.4, in consultation with the Director of Compact Negotiations, representing the following interests:

- 2.1* One shall represent environmental interests and shall be selected from nominees submitted by one or more regionally, state-wide, or nationally recognized environmental conservation organizations that have operated in Colorado for at

least five years;

- 2.2 One shall represent agricultural interests;
- 2.3 One shall represent recreation interests;
- 2.4 One shall represent local domestic water provider interests; and
- 2.5 One shall represent industrial interests.
- 2.6 At least five At-Large Members shall own adjudicated water rights, including owners of shares in a ditch or reservoir company or their agents, or shall have a contract for water with the Federal Bureau of Reclamation or their agents. Any such agent shall be appointed by the Member the agent represents and shall reside within the borders of the Member's roundtable.

*Section 3. Non-voting Members.* Non-Voting Members shall be selected by the Members appointed pursuant to Article IV, Section 1 and Article IV, Section 2. Non-Voting Members shall represent entities outside the Basin that own water rights within the Basin. Members appointed pursuant to this Section 3 shall not be required to reside within the borders of the roundtable. If no one qualifies for selection under this Section 3, Non-Voting Members shall be selected from outside the Basin who have interests in and are knowledgeable about water matters.

*Section 4. Colorado Water Conservation Board Member.* The Member of the Colorado Water Conservation Board who resides within the borders of the Gunnison Basin shall act as the Board's liaison to the Roundtable and to the Interbasin Compact Committee. The liaison shall not be a Member of the Roundtable unless he or she is also a Member appointed pursuant to Article IV, Section 1 or Article IV, Section 2.

*Section 5. Total Membership.* The total number of Members of the Roundtable can be thirty-two (32) if the following governing bodies and districts each appoint one Member:

- 5.1 Delta County;
- 5.2 Gunnison County;
- 5.3 Hinsdale County;
- 5.4 Mesa County;
- 5.5 Montrose County;
- 5.6 Ouray County;

- 5.7 Saguache County;
- 5.8 Delta County Municipalities;
- 5.9 Gunnison County Municipalities;
- 5.10 Hinsdale County Municipality;
- 5.11 Mesa County Municipalities;
- 5.12 Montrose County Municipalities;
- 5.13 Ouray County Municipalities;
- 5.14 Colorado River Water Conservation District;
- 5.15 Crawford Water Conservancy District;
- 5.16 Grand Mesa Water Conservancy District;
- 5.17 North Fork Water Conservancy District;
- 5.18 Tri-County Water Conservancy District
- 5.19 Upper Gunnison River Water Conservancy District;
- 5.20 Ute Water Conservancy District;
- 5.21 Bostwick Park Water Conservancy District; and,
- 5.22 One Member is appointed by mutual agreement of the chairperson of the House Agriculture, Livestock, and Natural Resources Committee and the Chairperson of the Senate Agriculture, Natural Resources, and Energy Committee; and,
- 5.23 Ten At-Large Members are appointed by the Members pursuant to Article IV, Section 2.

*Section 6.* If one of the governing bodies or districts listed above fails to appoint a Member, or reappoint a Member when a vacancy occurs, the Chairperson may declare that seat vacant and the vacancy shall be noted in the minutes of each meeting. Thereafter, for purposes of a quorum or written consent, the total number of Members shall be calculated by subtracting the vacant seats from 32. Any such vacant seats can be filled immediately upon delivery to the Chairperson of a letter of appointment from the appropriate governing body or district.



Vacancies in At-Large seats shall be filled promptly by the Roundtable and not affect calculation of a quorum or written consent.

*Section 7.*     Term of Office. Members shall serve for a term of five (5) years, with the initial term commencing with the October, 2005 Roundtable meeting. Vacancies shall be filled pursuant to the same criteria as the original appointment. Members appointed to fill a vacancy shall serve for the remainder of the term of the Member vacating the position.

*Section 8.*     Voting. For purposes of voting on Roundtable business, each Member appointed pursuant to Article IV, Section 1 and Article IV, Section 2 shall have one vote.

*Section 9.*     Annual Meeting. An Annual Meeting of the Members shall be held during the month of October in each year at a date, time and place determined by the Members. Each Member and the public shall be notified as set forth in Article VII.

*Section 10.*    Non-Represented Interests. Government agencies, individuals, local governments, and other organizations not directly represented by a Member of the Roundtable are encouraged to participate in the Roundtable's meetings; however, non-represented interests will not act as Members of the Roundtable.

*Section 11.*    Substitutes and Proxies. Members shall not send a substitute or proxy to a Roundtable meeting.

## ARTICLE V ROUNDTABLE LEADERSHIP

*Section 1.*     General Powers. The Roundtable Leadership shall have the power, consistent with these Bylaws, to manage the business and affairs of the Roundtable in such manner as it sees fit. In addition to the powers and authorities expressly conferred upon it, the Roundtable Leadership may do all lawful acts which are not directed to be done by statute or by these Bylaws.

*Section 2.*     Number, Election, and Qualifications. The Roundtable Leadership shall consist of one Chairperson, one Vice Chairperson, and one Recorder. The Chairperson, Vice Chairperson, and Recorder shall be Members elected to office by a two-thirds vote of the Members present at the Annual Meeting, according to the procedure set out in Article VII, Section 15 hereof.

*Section 3.*     Term of Office. The Chairperson, Vice Chairperson, and Recorder shall be each elected for a one-year term, and shall hold office until the resignation of such person or a successor shall be duly elected and qualified, until the death of such person, or until removal of such person in the manner herein provided. There shall be no limit on the total number of terms served.

*Section 4.*     Removal. Any member of the Roundtable Leadership may be removed by the Roundtable from his or her Leadership position whenever, in the Roundtable's judgment, the best interests of the Roundtable would be served thereby. Such removal shall be by a two-thirds vote of the Members present at a regular meeting of the Roundtable.

*Section 5.*     Vacancies. A vacancy in any Roundtable Leadership position because of death, resignation, removal, disqualification or otherwise may be filled by the Roundtable for the unexpired portion of the term by a two-thirds vote of the Members present at a regular meeting or a special meeting called for that purpose, according to the procedure set out in Article VII, Section 15 hereof; provided that if the vacancy is created by removal, the vacancy shall be filled at the regular meeting at which the vacancy is created.

*Section 6.*     The Chairperson of the Roundtable. The Chairperson shall preside at all meetings of the Roundtable. The Chairperson shall be entitled to vote on all matters that come before the Roundtable.

*Section 7.*     The Vice Chairperson of the Roundtable. In the absence of the Chairperson or in the event of the death or inability or refusal to act of the Chairperson, the Vice Chairperson shall perform the duties of the Chairperson and when so acting shall have all the powers of and be subject to all the restrictions upon the Chairperson. In the event of the resignation of the Roundtable Chairperson, the Vice Chairperson shall become the Chairperson and a new Vice Chairperson shall be elected..

*Section 8.*     The Recorder of the Roundtable. The Roundtable shall elect a Recorder. The Recorder shall be custodian of the Roundtable's records, and shall keep a list of the address of each Member. The Recorder shall also perform, or cause to be performed:

- 8.1     all record keeping of the Roundtable;
- 8.2     official recording of formal decisions of all Roundtable proceedings;
- 8.3     any other duties as may be assigned by the Roundtable.

*Section 9.*     Salaries. Neither the Chairperson nor the Vice Chairperson nor the Recorder shall receive a salary for their work on behalf of the Roundtable.

*Section 10.*    Resignation of Chairperson, Vice Chairperson and Members. The Chairperson, Vice Chairperson, Recorder or any Member may resign at any time by submitting a resignation in writing. Such resignation takes effect from the time of its receipt by the Roundtable unless a date or time is fixed in the resignation, in which case it will take effect from that time. Acceptance of the resignation shall not be required to make it effective.

## ARTICLE VI CONSENSUS BASED DECISION MAKING

*Section 1. Policy Decisions.* A concerted effort shall be made by the Roundtable to reach policy decisions by consensus. Consensus shall be required whenever specified in these Bylaws. The goal of consensus is to respect and protect minority opinions on all issues. If objections are not voiced when considering an issue, then consensus is assumed and the issue moves forward. In other cases, one or more individuals might wish to express a minority opinion, which shall be entered into the record, but the item under discussion shall then move forward anyway. If consensus is not reached the issue shall be reevaluated at the next meeting of the Roundtable. If consensus cannot be reached at this point after twice recorded roll call vote, the issue shall be considered lost. Policy decisions that require consensus include, without limitation:

- 1.1 Adoption of guidelines and criteria for approval of projects by the Roundtable;
- 1.2 Recommendation of a project by the Roundtable to the IBCC
- 1.3 Recommendation of a project by the Roundtable to the Colorado Water Conservation Board for funding under the provisions of Senate Bill 06-179;
- 1.4 Approval of the expenditure of funds allocated to the Roundtable under the provisions of Senate Bill 06-179 or House Bill 06-1400;
- 1.5 Approval of the basin-wide water supply needs assessment, analysis of unappropriated waters within the basin, and proposed projects for meeting such needs pursuant to Section 37-75-104(2)(c), Colorado Revised Statutes;
- 1.6 Approval of interbasin compacts;
- 1.7 Giving specific direction from the Roundtable to IBCC representatives or legislators;
- 1.8 Formal communication of the "sense of the Roundtable" with other roundtables, the IBCC, or the legislature.

*Section 2. Administrative Decisions.* So long as a quorum is present, decisions regarding the ordinary business of the Roundtable may be made by a vote of a majority of Members present at a regular or special meeting of the Roundtable. Such administrative decisions include, without limitation:

- 2.1 Approval of Agenda;
- 2.2 Approval of minutes;

- 2.3 Motions for a recess;
- 2.4 Scheduling of future meetings;
- 2.5 Motions to lay aside temporarily (to table);
- 2.6 Motions to take a matter from the table;
- 2.7 Motions to postpone to a certain time;
- 2.8 Motions to refer to a committee;
- 2.9 Motions to bring a matter before the Roundtable;
- 2.10 Motion to adjourn the meeting.

*Section 3.* Certain Main Motions. Notwithstanding Section 2 of this Article, motions to close debate or to limit or extend debate on an issue require the affirmative vote of two-thirds of the Members present.

## ARTICLE VII MEETINGS AND GOVERNANCE

*Section 1.* Annual Meeting. An annual meeting of the Roundtable will be held in October of each year to include at a minimum selection of Roundtable Leadership, annual reports, other business pertinent to the Roundtable, and for purposes of the Colorado Open Meetings Law, decide which place or places will be deemed the public location(s) for the posting of notice of Roundtable meeting times and locations. The annual meeting is a regular meeting.

*Section 2.* Regular Meetings - A regular meeting of the Roundtable shall be held at least once a quarter. The Roundtable may provide, by resolution, for additional regular meetings, not to exceed one per calendar month, and for the time and place, which must be within the State of Colorado, for the holding of additional regular meetings. The notice of the meeting must be posted and distributed in such a manner so as to comply with the Colorado Open Meetings Law.

*Section 3.* Special Meetings. Special meetings of the Roundtable may be called by or at the request of the Chairperson or Vice Chairperson or any five Members of the Roundtable upon not less than ten days' notice to the remaining Members. The person or persons authorized to call special meetings of the Roundtable may fix any place, which must be within the Gunnison Basin, as the place for holding any special meeting of the Roundtable called by them. The notice of the meeting must be posted and distributed in such a manner so as to comply with the Colorado Open Meetings Law.

*Section 4.     Telephonic Meetings.* Members of the Roundtable may participate in meetings of the Roundtable only by being present in person. Members of the Roundtable may participate and be deemed present at committee meetings by means of conference telephone or similar communications equipment by which all persons participating in the meeting can hear each other at the same time.

*Section 5.     Open Meetings Law.* The Roundtable shall be deemed to be a Local Public Body for purposes of the Open Meetings Law. The Roundtable must give at least 24-hour notice of any meeting, which is posted in a public place or places to be determined by the Roundtable. A meeting agenda shall be published and posted with the notice. Each meeting agenda shall be distributed by electronic mail to all Members of the Roundtable at least five calendar days prior to the meeting. Subject to the availability of funds for such purpose, the Roundtable shall publish notice of a meeting at least a week in advance, in newspapers of general circulation in each County within the Basin. The Colorado Department of Natural Resources shall bear the expense of all such publications.

*Section 6.     Minutes.* The Recorder shall be responsible for keeping accurate minutes of all Roundtable meetings. All minutes shall be subject to approval at the subsequent Roundtable meeting. These minutes shall be stored at the Roundtable's principal office and made available to the public upon request.

*Section 7.     Quorum.* Two-thirds of the Seated Members of the Roundtable shall constitute a quorum for the transaction of business at any meeting of the Roundtable, but if a quorum shall not be present at any meeting or adjournment thereof, a majority of the Members present may adjourn the meeting without further notice. The existence of a quorum shall not alter the requirement of consensus based decision making by the Roundtable.

*Section 8.     Action by Written Consent of Members.* Any action required to be taken, or which may be taken at a meeting of the Roundtable may be taken without a meeting, if a consent in writing, setting forth the action so taken, shall be signed by 84% of the Seated Members. Such written consent or consents shall be filed with the minutes of the Roundtable. Such action by written consent of the Members shall have the same force and effect as a Consensus of such Members at a meeting of Members.

*Section 9.     Committees, Sub-Roundtables, or Other Mechanisms.* The Roundtable shall have the ability to establish committees, sub-roundtables or other mechanisms to facilitate dialogue and resolution of issues and conflicts within the Roundtable area. These mechanisms may be permanent or temporary, and may be established to negotiate compacts, examine negotiated compacts, develop projects, represent geographically different areas within the Roundtable Area, or any other reason the Roundtable sees fit.

*Section 10.    Attendance at Meetings.* If a Member of the Roundtable fails to attend three regular meetings of the Roundtable within any twelve-month period without being excused for good cause by the Chair, it shall create a presumption that such Member is neglecting his or her duties as a Member. If the truant Member is a Member appointed pursuant to Article IV,

Section 1, the Roundtable shall send written notice of the Member's unexcused absences to the Member and to the appointing entity requesting that action be taken by the entity to assure attendance by its appointee. If the truant Member is an At-Large Member, after written notice to the truant Member and an opportunity for the Member to be heard, the Members of the Roundtable appointed pursuant to Article IV, Section 1 may vote on removal of such Member. A two-thirds vote of the appointed Members shall be required for removal. In the event of removal, the vacancy shall not be filled until the next regular meeting of the Roundtable, to allow public notice of the vacancy so that interested persons may apply to fill the vacancy.

*Section 11.* Compensation. The Members shall receive no compensation for their service as a Member to the Roundtable. However, nothing shall preclude a Member from receiving reimbursement from the Roundtable or the Department of Natural Resources for actual expenses incurred and incident to the performance of his or her duties as authorized by the Roundtable.

*Section 12.* Participation by Non-Members. Public participation in the Roundtable process is encouraged by expressing views and opinions to Members. Members may take into account these views and opinions when deciding how the Roundtable business shall proceed.

*Section 13.* Rule of Conduct. Robert's Rules of Order shall be the Parliamentary Authority of the Roundtable, subject to special rules which have been or shall be adopted.

*Section 14.* Election Procedure.

*14.1* Voting in elections shall be conducted by secret ballot.

*14.2* Nominations for Roundtable Leadership may be made only by Members of the Roundtable. Nominations for At-Large Members may be made by any person or entity, including the nominee.

*14.3* If more than two persons are nominated, a vote shall be taken with each Member voting for one nominee. If a nominee receives two-thirds of the votes cast, that nominee shall be elected. If one nominee does not receive two-thirds of the votes cast, the nominee receiving the fewest votes shall be removed from nomination and another vote taken. If there continue to be more than two nominees, the procedure described above shall be followed until one nominee receives two-thirds of the votes cast or until only two nominees remain. At the time when there are only two nominees, a vote shall be taken and the nominee receiving a majority of the votes cast shall be elected.

## ARTICLE VIII ROUNDTABLE POWERS AND DUTIES

*Section 1.*     Interbasin Compacts. Upon the approval of the Interstate Compact Charter by the General Assembly, the Roundtable shall have the power to negotiate interbasin compacts with other Roundtables established under The Colorado Water for the 21st Century Act. The Roundtable shall, by consensus, agree to any compact that is negotiated in order for it to become valid and binding.

*Section 2.*     Interbasin Compact Committee. The Roundtable shall select two individuals to represent the Roundtable on the IBCC. The Roundtable may select an Alternate Representative to attend IBCC meetings in the event a Representative is unable to attend. The Representatives need not be Members of the Roundtable, but shall reside within the borders of the Roundtable Area. At least one of them shall own adjudicated water rights, including owners of shares in a ditch or reservoir company or their agents. The Representatives shall be chosen, and may be removed, by consensus (as defined in Article III, Section 6) of the Members. The Representatives shall serve for a term of five years.

*Section 3.*     Basin-Wide Water Needs Assessment. Subject to the availability of adequate funds, the Roundtable shall develop a basin-wide water needs assessment to fulfill the provisions of the Act (Section 37-75-104 (2)(c), Colorado Revised Statutes). This assessment shall look at the consumptive and non-consumptive needs of the Roundtable Area, analyze available unappropriated waters within the Roundtable Area, and propose projects or methods (both structural and nonstructural) for meeting any identified needs and utilizing unappropriated waters where appropriate.

- 3.1     The basin-wide water needs assessment will use data and information from Statewide Water Supply Initiative (SWSI) and other appropriate sources as the foundation for the assessment. Where data, information, and research gaps are identified the Roundtable will work with Members, on-going SWSI activities, and other resources coordinated by the Office of Interbasin Compact Negotiations.
- 3.2     In addition to the data and information from the SWSI, any and all relevant sources of information deemed appropriate for consideration by the Roundtable may be considered. Data and information from the SWSI shall be not be given priority over other sources of data and information.
- 3.3     The basin-wide water needs assessment shall be developed in cooperation with local governments, area water providers, and other stakeholders.
- 3.4     Any proposed projects or methods resulting from the basin-wide water needs assessment will be forwarded to the IBCC by the Representatives.

*Section 4.*     Public Education and Outreach. The Roundtable will serve as a forum for public involvement on water matters in the Roundtable Area. The Roundtable will serve as a forum for education and debate regarding:

- 4.1     The goals, objectives, and operation of the Roundtable;
- 4.2     The development of the basin-wide water needs assessment;
- 4.3     Proposed projects or methods for meeting water supply needs.

*Section 5.*     Public Involvement. The Roundtable will facilitate public involvement

## **ARTICLE IX REPRESENTATIVES' ATTENDANCE, REPORTING, AUTHORITY**

*Section 1.*     Attendance. The Representatives shall attend each meeting of the Roundtable and the IBCC. The truancy standards for Members set forth in Article VII, Section 11 shall apply to Representatives' attendance at Roundtable and IBCC meetings.

*Section 2.*     Reporting. The Representatives shall make regular reports to the Roundtable of the proceedings of the IBCC.

*Section 3.*     Authority. The Representatives shall:

- 3.1     Represent the views and interests of the Basin on the IBCC and shall strive in all events to conserve, protect and defend the waters of the Gunnison Basin for the use, benefit and enjoyment of the people of the Gunnison Basin;
- 3.2     Have the power , on behalf of the Gunnison Basin, to negotiate, approve, and amend IBCC bylaws;
- 3.3     Have the power , on behalf of the Gunnison Basin, to negotiate, approve, and amend the IBCC Charter; and
- 3.4     Participate in the development of the IBCC's public education and outreach process.

*Section 4.*     Limitation of Authority. The Representatives shall not provide affirmative support for any compact without approval by a consensus of the Members.



**ARTICLE X  
CONTRACTS, LOANS, CHECKS AND DEPOSITS**

*Section 1.*     Contracts. The Roundtable may authorize the Chairperson or Vice Chairperson, agent or agents, to enter into any contract on behalf of the Roundtable and such authority may be general or confined to specific instances.

*Section 2.*     Checks, Drafts, Etc. The Roundtable shall neither issue nor accept checks, drafts, or other forms of payment from private parties.

**ARTICLE XI  
FISCAL YEAR**

The fiscal year of the Roundtable shall begin on the first day of October and end on the last day of September in each year, unless otherwise designated by the Roundtable.

**ARTICLE XII  
WAIVER OF NOTICE**

Whenever any notice is required to be given to any Member of the Roundtable, under the provisions of these Bylaws or under the provisions of the applicable laws of the State of Colorado, a waiver thereof in writing, signed by the person or persons entitled to such notice, whether before, at, or after the time stated therein, shall be deemed equivalent to the giving of such notice.

**ARTICLE XIII  
INDEMNIFICATION**

The Roundtable shall have the power to indemnify the Chairperson, Vice Chairperson, Recorder, and any Member, employee or agent of the Roundtable to the fullest extent permitted under Colorado law.

**ARTICLE XIV  
ADOPTION AND AMENDMENTS**

The Roundtable's Bylaws may be reviewed annually. The Bylaws shall be adopted by, and may be altered, amended, repealed or replaced by new bylaws only by consensus of the Members at any annual, regular or special meeting of the Roundtable. All Members shall have received written notice of any and all proposed changes to the Bylaws at least two weeks prior to the date such changes are to be voted upon.

**ARTICLE XV  
UNIFORMITY OF INTERPRETATION AND SEVERABILITY**

These Bylaws shall be so interpreted and construed as to conform to the statutes of the State of Colorado, and where conflict between these Bylaws and a statute has arisen or shall arise, the Bylaws shall be considered to be modified to the extent, but only to the extent, conformity shall require. If any Bylaw provision or its application shall be deemed invalid by reason of the said nonconformity, the remainder of the Bylaws shall remain operable in that the provisions set forth in the Bylaws are severable.

**ARTICLE XVI  
RATIFICATION OF BYLAWS**

These amended Bylaws shall become valid and binding fourteen days after ratification by a consensus of the Members.

These amended Bylaws were ratified by a consensus of the Members of the Gunnison Basin Roundtable at a regular meeting of the Roundtable on April 1, 2013.

---

Mike Berry, Recorder

~~APRIL 1~~ MAY 6, 2013