

October 5, 2009

Water Acquisition Committee
Draft Meeting Summary
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Participants: Dan Luecke, Dan Birch, Matt Lindon, Ray Tenney, Mike Roberts, Ted Kowalski, Tom Pitts, Tom Chart, Chris Treese, Jana Mohrman, Robert King, and Angela Kantola.

Assignments are indicated in the document in bold, preceded by a ">".

CONVENE 8:00 a.m.

1. Ruedi legislation: Tom Pitts reviewed the history of the requirement in the 15-Mile Reach PBO for east and west slope water users to relieve Ruedi Reservoir of its 10,825 af obligation from previous biological opinions. The alternatives will provide half of the water from an old irrigation right near Lake Granby (East Slope) and the other half under a new contract with Reclamation from Ruedi (West Slope), which would cost more than \$8M plus annual O&M costs. Water for environmental and recreational purposes is often made non-reimbursable; water users have drafted legislation along these lines. Tom Pitts said this has been under discussion for some time; a bill was introduced by Mark Udall (CO) in the Senate earlier this summer, but that bill has some errors that need correction. A revised draft has been reviewed by water users and is poised for introduction in Senate and House (either late this year or early next). Tom Pitts e-mailed a briefing paper and this draft to the Committee last week. Dan Luecke said the environmental groups support the language in current draft legislation. Ted Kowalski said Colorado is aware of the legislation, will review it carefully this week and provide any comments at or before the 10/14 Management Committee meeting. Tom Pitts said this is primarily a Colorado issues, but they will keep the other delegations informed.

2. Utah subordination: Jana provided a brief summary of the events of last week's public meetings (attached). Someone in Price asked if the fish subordination policy would prevent them from using their water and Robert King explained it's the best assurance they'll have for continuing to use their water. Robert said it's becoming apparent that it won't be the fish flows, but the Compact allocation that are going to limit water use. Matt Lindon said they discussed developing a more sophisticated model, perhaps with Reclamation's help. Robert King said Interior/Reclamation have begun a river basin planning process and the upper basin will be working on this model with funds awarded under a 2-year grant in that planning process. Mike Roberts asked about the process going forward to protect the fish flows. Matt Lindon will put the meeting Powerpoint presentations on their website later today. The 1994 policy for summer and fall is still in effect; the next step is extending protection of minimum flows downstream, then work on higher flows and protection downstream. Jana asked about the exceedance data Utah used to arrive at the 800 cfs minimum flow; >Matt will provide that to Jana. Jana noted that the minimum flow in the BO is 900 cfs. Dan Luecke asked if the plan is to extend the base, minimum flows into Reaches 2 & 3 while conducting modeling, and whether the modeling would protect high flows? Matt said that's the plan and agreed that the minimum flow protection would not preclude future high flow protection. Robert King said that he thinks the minimum flows are the critical ones because there's no storage for the higher flows anyway. Robert said Reclamation has the ability to do the modeling, but it will take some work on Utah's part to provide the necessary data. Jana asked how many diversions have measuring devices and if they turn in data. Robert King said his understanding is that all diversions are required to have monitoring devices and provide an annual report. Matt Lindon said the next step is formulating the policy from the comments received,

taking that back to a public meeting in Vernal, then getting the policy for year-round protection to the Duchesne finalized. Dan Luecke said they've commented on the current draft policy and >will send those comments and a cover letter of their outlining their concerns to the other members of the Committee. Dan said he agrees that modeling is important, but how modeling for the Green/Yampa will be integrated with modeling in the rest of the basin remains to be seen (especially if it gets into disputes with the lower basin); environmental groups would be concerned if the modeling were to delay protection of fish flows in the upper basin. Robert King said that depletions can be viewed online in the Basin Study Plans at: **<http://www.water.utah.gov/planning/waterplans.asp>**

Reclamation's consumptive uses and losses report also provides information on this. Robert said Utah appreciates the Program's patience on this issue and will keep Program participants apprised as this develops and they determine the best way to protect flows released from Flaming Gorge for the fish. An update on this issue is on the Management Committee's agenda for next week. Robert can't attend, but will ask Darin Bird if he can attend. Matt Lindon likely also will attend.

ADJOURN 9:00 a.m.