

**Eagle River Water and Sanitation District
Upper Eagle Regional Water Authority
Joint Special Meeting
January 23, 2020
MINUTES**

1 A joint special meeting of the Boards of Directors of the Upper Eagle Regional Water Authority (**Authority**)
2 and Eagle River Water and Sanitation District (**District**) was held March 23, 2017, at 11:00 a.m., in the
3 District's Walter Kirch Room, 846 Forest Road, Vail, Eagle County, Colorado, in accordance with the
4 applicable statutes of the State of Colorado.

5 **ATTENDANCE**

6 **The following Authority Directors were present, thereby constituting a quorum:**

7 Geoff Dreyer, Arrowhead Metropolitan District
8 Pam Elsner, Beaver Creek Metropolitan District alternate
9 George Gregory, Berry Creek Metropolitan District
10 Kim Bell Williams, EagleVail Metropolitan District
11 Mick Woodworth, Edwards Metropolitan District

12 **The following District Directors were present, thereby constituting a quorum:**

13 Dick Cleveland
14 Steve Coyer
15 George Gregory
16 Timm Paxson
17 Bill Simmons
18 Brian Sipes
19 Robert Warner

20 **Also in attendance were:**

21 **ERWSD Staff**

22 Linn Brooks
23 Allen Cerny
24 Jason Cowles
25 Catherine Hayes
26 Diane Johnson
27 Kira Koppel
28 Siri Roman
29 Amy Vogt
30 James Wilkins
31 Brad Zachman

33 **Consultants**

34 Jim Collins, Collins Cockrel & Cole
35 Glenn Porzak, Porzak Browning & Bushong LLP

36 **Public**

37 John Currier, Colorado River Water Conservation District
38 Beth Howard, Vail Associates
39 Mike Jackson, Vail Resorts
40 Greg Johnson, Vail Resorts
41 Eric Kuhn, author and presenter
42 Melissa Nelson, Berry Creek Metropolitan District
43 Robert Lipnick, Vail resident
44 Gary Shimanowitz, Vail Resorts

45 **DISCLOSURES OF POTENTIAL CONFLICTS OF INTEREST**

46 The Boards noted they had received more than 72 hours prior to the meeting certain disclosures of Potential Conflicts of Interest
47 Statements for the following Directors indicating the following conflicts:

48 **For the Authority:**

49 Director Elsner disclosed her membership with the Vilar Performing Arts Center Guild, which operates within the Authority's service
50 area. Director Gregory and alternate Director Simmons disclosed that they serve on the Board of the Eagle River Water and Sanitation
51 District. Director Gregory also disclosed that he occasionally undertakes small development and construction activities within the
52 Authority and District service areas. Alternate Director Simmons noted he serves on the boards of the Eagle River Fire Protection
53 District and Edwards Metropolitan District and is employed by Beaver Creek Metropolitan District, an Authority member. Director
54 Williams disclosed that she is the Eagle County Housing Director. Director Woodworth disclosed that he is employed by the Eagle
55 River Fire Protection District, which operates within the Authority's service area.

56 **For the District:**

57 Director Cleveland disclosed that he serves on the board of Vail Health. Director Gregory disclosed that he serves on the Boards
58 of the Upper Eagle Regional Water Authority (Authority and the Berry Creek Metropolitan District and occasionally undertakes
59 development and construction activities within the District and Authority service areas. Director Simmons disclosed that he is the
60 General Manager of the Beaver Creek Metropolitan District, an alternate Authority Director, and serves on the boards of the
61 Edwards Metropolitan District and Eagle River Fire Protection District. Director Warner disclosed that he is a developer within the
62 District's service area and serves on the Eagle County Planning Commission, which occasionally has dealings with the District.

**Eagle River Water and Sanitation District
Upper Eagle Regional Water Authority**

1 CALL TO ORDER

2 Chair Simmons of the Eagle River Water and Sanitation District called the meeting to order at 11:00 a.m., and
3 Chair Gregory of the Upper Eagle Regional Water Authority concurred.

4 PUBLIC COMMENT

5 Public comment was called for and there was none.

6 INTRODUCTIONS

7 Mr. Kuhn was introduced by Authority Chair Gregory. He recently co-authored a book on water matters
8 and the Colorado River called *Science Be Dammed*.

9 OVERVIEW AND SUMMARY OF SCIENCE BE DAMMED

10 Mr. Kuhn discussed his book, beginning with a history of the Colorado River and the early
11 science that was available prior to the signing of the 1922 Colorado River Compact. In fact, multiple
12 scientists used river stage measurements, tree ring records, paleohydrology studies, and other means by
13 which they concluded the flow of the river was much lower than the 20+ million acre feet the compact
14 signors used as a baseline for the document.

15 Despite popular belief, Mr. Kuhn shared that the original compact negotiators knew that the river
16 flow at the time was insufficient to irrigate all the irrigable lands within the Colorado River Basin; scientists
17 with a more realistic estimate of river flow were not invited to participate in the compact negotiations. It
18 was also apparent at the time of signing that the major population areas were in the lower basin (including
19 the states of Nevada, California, Arizona and New Mexico) while the upper basin states (Colorado,
20 Wyoming, Utah) had most of the water supply. This inequity remains, as does the overuse of its allocation
21 by the lower basin states.

22 Mr. Kuhn noted that climate change is already reducing available water supply in the Colorado
23 River, and this is likely to be exacerbated as temperatures continue to rise. He also discussed the
24 importance of water supply certainty in the future, warning that future water availability will not mirror the
25 past, but decline further.

26 Despite this, Mr. Kuhn maintains a positive outlook for the future of the Colorado River. He
27 pointed to the decline of thermal energy use, continued water use reductions by the upper basin states
28 despite population increases, and proactive renegotiation of the 2007 interim guidelines well in advance
29 of their 2026 expiration. He briefly discussed the "Grand Bargain," the idea that the upper and lower basin
30 states could mutually agree to remove the threat of curtailment by mutually agreeing to lower water
31 allocations that would be reliable given a more realistic acknowledgment of the actual available water
32 supply, which doesn't serve either basin and could "wreak havoc" in both basins, according to Mr. Kuhn.
33 The upper basin cannot function with the uncertainty that a curtailment would cause, nor could the lower
34 basin operate if its legal limit of water was enforced.

35 The Boards thanked Mr. Kuhn for his informative presentation.

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Upper Eagle Regional Water Authority

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ADJOURNMENT

There being no further business to come before the Boards, the meeting adjourned at 12:02 p.m.

Respectfully submitted,

Secretary to the Meeting

EAGLE RIVER WATER & SANITATION DISTRICT

Dick Cleveland, Director

Steve Coyer, Treasurer

George Gregory, Secretary

Timm Paxson, Director

Bill Simmons, Chair

Brian Sipes, Director

Robert Warner, Director

Eagle River Water and Sanitation District
Upper Eagle Regional Water Authority

UPPER EAGLE REGIONAL WATER AUTHORITY

Arrowhead Metropolitan District

Town of Avon

Beaver Creek Metropolitan District

Berry Creek Metropolitan District

EagleVail Metropolitan District

Edwards Metropolitan District

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