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From: Nicole Garrimone-Campagna <ncampagna@garfieldhecht.com>

Sent: Sep 27, 2024 12:47 PM

To: Daranyi/Indian Ridge Farm <daranyi@rmi.net>

Subject: RE: BLM Area of Critical Concern & Private Funding for NWC

Hi Tony. Sorry for my delay responding - I was out of the country on vacation.

I would like to talk to you for more details on the items below before providing a formal response, but below are my preliminary reactions:

1. It does not appear that the BLM has issued its revised draft Resource Management Plan yet. Records we found indicate that it is expected to be released around December 2024. Following that, there will be a 90-day public comment period. The San Miguel River Canyon ACEC is one that is being reevaluated under the revised Plan. Unless you have other documentation that has been released, I suggest we wait for the revised plan to be issued for review of your question below. (We can review the existing (2020) plan and advise about that, but the timeline to comment on that has expired and any changes in the revised plan should also be reviewed when it is available. So review of the existing plan may be a waste of time.)
2. We are not aware of any restrictions on the NWC's acceptance of private donations. However, as an enterprise, NWC is limited in the amount of state and local government grants that it may receive (less than 10% of NWC's annual revenue). Beyond merely accepting donations, it appears from the attachment to your email that the NWC is considering developing a specific fund for donations and any tax-exempt implications. I would like to discuss that with you in more detail if the Commission wants advice about those matters as well.

Let me know your availability to discuss. I am available Monday afternoon for a call and am pretty flexible the remainder of the week.

Best,

Nicole

Nicole Garrimone-Campagna

Senior Counsel

Garfield & Hecht, P.C.

-----Original Message-----

From: Daranyi/Indian Ridge Farm <daranyi@rmi.net>

Sent: Sunday, September 15, 2024 4:34 PM

To: Nicole Garrimone-Campagna <ncampagna@garfieldhecht.com>

Cc: Tony Daranyi <daranyi@rmi.net>

Subject: BLM Area of Critical Concern & Private Funding for NWC

Hi Nicole,

Can you please provide us with a legal opinion on the following two items:

1) How does Beaver Canyon being proposed as part of the San Miguel River Canyon's designation by the BLM as an "Area of Critical Environmental Concern" affect our ability to develop a water right the NWC owns on the San Miguel River? Public comment is only available (not sure of this) until the end of October on this item. Please see the attachment for more information. The NWC would like to weigh in on this with a comment, if appropriate.

2) One of our new Commission members has proposed that the NWC seek funding for its capital improvements from the private sector in the form of tax-deductible donations. Is this legal? Are there TABOR implications? Are there other concerns we should be aware of?

Thank you! I hope you had a nice weekend,

Tony Daranyi

Chairperson

Norwood Water Commission