

# STATE OF COLORADO

## Colorado Water Conservation Board

### Department of Natural Resources

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**AMENDED NOVEMBER 16, 2001**  
(Changes in Bold/Strikethrough/CAPS)

Bill Owens  
Governor

Greg E. Walcher  
Executive Director

Rod Kuharich  
CWCB Director

Dan McAuliffe  
Deputy Director

## November 19 -20, 2001 Meeting Agenda

Notice is hereby given that a meeting of the Colorado Water Conservation Board (CWCB) will be held at the Centennial Building, 1313 Sherman Street, Room 318, Denver, Colorado 80203 commencing at 10:00 a.m. on Monday, November 19 and continuing through Tuesday, November 20, 2001. The meeting on Monday, November 19 will be preceded by an informal workshop to discuss Strategic Planning.

All program services and activities of the CWCB are operated in compliance with the federal Americans with Disabilities Act. If you need special accommodation as a result of a disability, please call Catherine Gonzales at (303) 866-3441. To assure that we can meet your needs, please notify us of your request at least seven days in advance.

Although dates and times are indicated in the following agenda, the CWCB may address and take action on agenda items in any order. Known changes in agenda will be announced at the beginning of the meeting. This notice, any late notice(s) of additional items and most of the briefing memos prepared for the CWCB will be posted on our Internet site: **[www.cwcb.state.co.us](http://www.cwcb.state.co.us)**.

The Board will attend an informal reception to recognize retiring Board members that will be held on Monday evening November 19, 2001 at 6:00 p.m. at the Burnsley Hotel at 1000 Grant Street, Denver, Colorado.

### Monday, November 19, 2001

#### **Workshop (9:00 – 10:00 a.m.)**

#### **Call to order at 10:00 a.m.**

1. Review and Approval of Agenda (10:00–10:10)

Next meeting dates and locations

January 23 – 24, 2002	Denver (proposed)
March 21 - 22, 2002	Aurora (proposed)
May 20 –21, 2002	Pueblo (proposed)
July 22 –23, 2002	Gunnison (proposed)
September 23 – 24, 2002	Alamosa (proposed)

2. Introduce and Administer Oath to New Members

**This Item Has Been Deleted**

3. Review and Approve Meeting Minutes (10:10 – 10:20)

- a. July 2001 Meeting Item # 4 Directors' Reports – Gunnison River Issues
- b. September 2001 Meeting Minutes

4. Director's Reports (10:20–11:25)
  - a. DNR Executive Director
  - b. Agriculture Commissioner
  - c. CWCB Director
  - d. State Engineer
  - e. Division of Wildlife
  - f. Water Resource and Power Development Authority
5. Approve and/or remove items from the Consent Agenda (11:25–11:30)
6. Attorney General's Report & Legal Briefing -- *This is a background briefing on legal issues. The Board may refer any of these items to Agenda Item 7 for discussion in an Executive Session if the Board has questions about the litigation. There will be an opportunity for public comments.* (11:30 – 12:00)
  - a. Kansas v. Nebraska & Colorado
  - b. Kansas v. Colorado
  - c. USFS Reserved Rights in Division 2, 7
  - d. Black Canyon NPS Reserved Water Right, Case No. 4-W437
  - e. City of Golden, Case No. 1-98CW448
  - f. ~~City of Aspen, Case No. 5-00CW284 (Deleted)~~
  - f. Town of Breckenridge and Eagle River Water & Sanitation District, Case Nos. 5-00281, 5-00CW259. **This item replaces the old f.**
7. Executive Session and Lunch -- *The following matters may need to be discussed in Executive Session following a motion approved by the Board.* (12:00 – 1:15)
  - a. Black Canyon NPS Reserved Water Right, Case No. 4-W437
  - b. City of Golden, Case No. 1-98CW448
8. Report from Executive Session -- *Action may be taken based upon the briefings and executive session discussions.* (1:15 – 1:30)
9. Stream and Lake Protection – Proposed Settlement – City of Aspen- Case No. 5-00CW284. *The Staff will present a proposed settlement for this case. The Board will review this proposal and will be asked by the Staff to approve this proposed settlement.* **This Item Has Been Deleted**
10. Stream and Lake Protection – Authorization to Proceed to Trial - City of Black Hawk – Case No.1-92CW59. *The Staff will seek Authorization to Proceed to Trial in this matter, which is set for January 10 – 12, 2002.* **This Item Has Been Deleted**
10. Stream and Lake Protection – Draft RICD Policy – ~~The Staff will accept comments from the Board on its Draft RICD policy.~~ (1:30 – 1:40) **This Item replaces the old 10.**
11. Stream and Lake Protection – 2002 New Appropriation Recommendations in Water Divisions 1 and 4 - *The Board is being asked to consider the following instream flow and natural lake level recommendations in Water Divisions 1 and 4.* (1:40 - 2:00)

#### Water Division 1

<u>Stream</u>	<u>County</u>
South Fork South Platte River	Park County
Jewell Mountain Lake	Jefferson

#### Water Division 4

<u>Stream</u>	<u>County</u>
San Miguel River	San Miguel & Montrose
Blue Creek	Mesa
Butcher Creek	San Miguel
Chapman Gulch	San Miguel
Eider Creek	San Miguel
Groundhog Gulch	San Miguel
Horsefly Creek	Montrose
Howard's Fork San Miguel River	San Miguel
La Sal Creek	Montrose
Lizard Head Creek	San Miguel
Mesa Creek	Montrose
Mill Creek	San Miguel
North Fork Mesa Creek	Montrose & Mesa
Roc Creek	Montrose
Royer Gulch	San Miguel
South Fork Mesa Creek	Montrose & Mesa
Specie Creek	San Miguel
Swamp Canyon Creek	San Miguel
Spring Creek	Gunnison
Iron Fen (aka Iron Bog)	Gunnison
Big Blue Creek	Gunnison

12. Colorado River Basin Issues (**2:00 – 3:10**)

- a. Colorado River (Mainstem) Basin Director's Report
- b. Yampa-White River Basin Director's Report
- c. San Juan/San Miguel-Dolores River Basin Director's Report
- d. Gunnison River Director's Report
- e. Policy Regarding the Gallup-Navajo Project
- f. Proposed Modifications to the Board's Colorado River Delta Policy (Concerning Yuma Desalter)

Break (**3:10 – 3:25**)

13. Rio Grande Basin Issues (**3:25 – 3:30**)

- a. Rio Grande Director's Report

14. Arkansas River Basin Issues (**3:30 – 4:20**)

- a. Arkansas Director's Report
- b. 2001 Arkansas River Compact Commission Directions
- c. Proposed Water Banking Rules

15. Platte River Basin Issues (**4:20 – 4:50**)

- a. Denver Director's Report
- b. North Platte Director's Report
- c. South Platte Director's Report

**Tuesday, November 20, 2001**

**Call to Order at 8:00 a.m.**

16. Floodplain Protection Program – Easements ( 8:00 – 8:30)
  - a. Easement Policy for Chatfield Downstream Improvement Project
  - b. South Platte River Easement request by Kahn Construction
17. Water Supply Planning and Finance – Financial Matters (8:30 – 9:00)
  - a. Construction Fund and Severance Tax Trust Fund Perpetual Base Account Comprehensive Annual Financial Report
18. Water Supply Planning and Finance – Estimate of Funds Available for New Projects in 2002 (9:00 – 9:15)
  - a. CWCB Construction Fund – Loans and Non-Reimbursable Investments
  - b. Severance Tax Trust Fund Perpetual Base Account
19. Water Supply Planning and Finance – Policy Review (9:15 – 9:45)
  - a. Policy #7 – Annual Construction Fund and the Severance Tax Trust Fund Perpetual Base Account Lending Rate Determination
  - b. Lending Rates Structure for 2002
20. Water Supply Planning and Finance – Project De-authorization Review (9:45 – 10:15)
  - a. Deadline Extension Recommendations
    1. Groundwater Appropriators of the South Platte – New Reservoir
    2. Town of Paonia – New Reservoir Construction
    3. ~~Summit Reservoir & Irrigation Co. – Summit Ditch System Rehabilitation (Deleted)~~
    3. City of Sterling – Pawnee Creek Flood Control Project
    4. Pine River Irrigation District – Diversion Structure (**Moved from 20b**)
  - b. De-authorization Recommendations
    1. Animas La Plata Project – Ridges Basin Dam
    2. Northern Colorado Water Association – Water Rights Purchase
    3. Pagosa Area Water and Sanitation District – Stevens Lake Reservoir Enlargement
    4. ~~Pine River Irrigation District – Raw Water Supply System (Deleted)~~
    4. Powderhorn Metropolitan Dist. – Robbins Reservoir Diversion Structure Rehab
    5. Redmesa Ward Reservoir – Redmesa Ward Reservoir Rehab./Enlargement
    6. Windsor Reservoir and Canal Company – Pump Station on Big Windsor

Break (10:15 – 10:30)

21. Water Supply Planning and Finance – ~~Construction Fund~~ SEVERANCE TAX TRUST FUND PERPETUAL BASE ACCOUNT New Loans (10:30 – 11:10)
  - a. Parker Water and Sanitation District – Reuter-Hess Dam and Res. Construction
  - b. Larimer County – Dry Creek Flood Mitigation Project
22. Water Supply Planning and Finance - ~~Severance Tax Trust Fund Perpetual Base Account~~ CONSTRUCTION FUND New Loans (11:10 – 3:10)
  - a. ~~City of Thornton – Standley Lake Rehabilitation (Deleted)~~
  - a. Silver Spring Fish Hatchery – Fish Hatchery Rehabilitation
  - b. ~~John Niblack – Fish Hatchery Rehabilitation (Deleted)~~

- c. City of Fountain – Keeton Reservoir Rehabilitation
- d. Amity Mutual Irrigation Company – Neenosha Reservoir Rehabilitation
- e. Owl Creek Ditch and Reservoir Company – Owl Creek Res. Rehabilitation
- f. East Dillon Water and Sanitation District – Water Rights Purchase
- g. Lake Henry Reservoir Company – Lake Henry Reservoir Rehabilitation

Lunch (12:00 – 1:00)

~~23. Water Supply Planning and Finance – Recommended Project Priorities (Deleted)~~

Break (3:10 – 3:25)

- 24. Water Supply Planning and Finance – En-bloc Non-Reimbursable Investments Recommendations **(3:25 – 3:35)** *(The Finance Committee reviewed the following projects on September 23. The Committee recommends approval by the Board. No presentation will be made unless requested by a Board member. An opportunity for public comment will be provided.)*
  - a. CWCB/Division of Water Resources - Satellite Monitoring System
  - b. La Plata Water Conservancy District – La Plata Basin Feasibility Study
  - c. City of Colorado Springs – Fountain Creek Corps of Engineers Study
  - d. CWCB – South Platte River Decision Support System
  - e. CWCB – Statewide Drainage Criteria Manual
  - f. CWCB – Floodplain Mapping Program
  - g. CWCB – Chatfield Reservoir Reallocation Study
  - h. CWCB – Document Imaging Program
  - i. Division of Water Resources – Document Imaging Program
- 25. Water Supply Planning and Finance – Referred Non-Reimbursable Investments **(3:35 – 4:20)** *(The Finance Committee reviewed the following projects on September 23. The Committee asked for more information about the following projects and requested the projects be referred for consideration by the entire Board. An opportunity for public comment will be provided.)*
  - a. Rio Grande Water Conservation District – Closed Basin Well Rehabilitation
  - b. Colorado Water Congress – Water Education Foundation
  - c. Colorado Legislature – Special Water Committee Funding
  - d. CWCB – Colorado River Delta
  - e. CWCB – Capital Improvements and Leased Space
- 26. Water Supply Planning and Finance – Small Project Feasibility Study Grant **(4:20 – 4:30)**
  - a. Town of Florence – Oak Creek Reservoir Rehabilitation Feasibility Study
- 27. Water Project Construction Fund Program – Special Purpose Funds **(4:30 – 5:00)**
  - a. Emergency Infrastructure Loan Fund – Replacement of Funds
  - b. Flood Response Fund – Replacement of Funds
  - c. Fish and Wildlife Resources Account – Replacement of Funds
  - d. Small Project Loans – Statute Revisions
- 28. Water Supply Planning and Finance – Proposed Statute Revisions **(5:00 – 5:30)**
  - a. Construction Fund and Severance Tax Trust Fund Perpetual Base Account.

Adjourn **5:30** p.m.



CWCB Consent Agenda  
November 19 - 21, 2001

Matters may be placed on the Consent Agenda when the recommended action follows established policy or precedent, there has been a negotiated settlement, or the matter is uncontested and non-controversial. Staff provides memos to CWCB members explaining the matters on the Consent Agenda. Matters on the Consent Agenda are noticed for hearing in the same manner as other agenda items. If a member of the CWCB requests further consideration of an item on the Consent Agenda, the item will be withdrawn from the Consent Agenda and discussed at the end of the meeting or at the next meeting. The Consent Agenda may be voted on without reading or discussing individual items. Any CWCB member may request clarification about any matter on the Consent Agenda.

1. Stream and Lake Protection - Statements of Opposition (*The Board is asked to ratify the Statements of Opposition which have been filed by the staff to protect instream flow water rights in the following cases.*)
  - a. Case No. 1-00CW148, Falcon Wing Ranch
  - b. Case No. 5-01CW176, Tabernash Water and Sanitation District
  - c. Case No. 5-01CW185, Stirling Properties, LLC
  - d. Case No. 5-01CW187-189, Linksvest Bair Chase Development
2. Flood Protection - Floodplain Designations
  - a. 01-554 –Floodplain Information Report, Roaring Fork River, Town of Basalt, Eagle and Pitkin Counties, Colorado. Revised October, 2001
  - b. 01-555 -- Flood Hazard Area Delineation for lower Box Elder Creek Watershed, September, 2001