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April 30, 2001

Dan McAuliffe, Deputy Director  
Colorado Water Conservation Board  
1313 Sherman Street, Room 721  
Denver, Colorado 80203

RE: CWCB Basin Meeting Reports Under Purchase Order No. OE-01-03

Dear Dan:

Attached please find a meeting summary for each of the basin meetings that I coordinated and attended with the CWCB senior staff from August 2000 through January 2001.

The basin meetings were attended by a total of nearly 500 people from all areas of the state. Attendees included representatives from federal agencies and congressional staffs, members of the state legislature and representatives from other state agencies, local and county government employees and elected officials, citizens organizations of all kinds, and individual farmers, ranchers, homeowners, and students. The issues raised at these meetings touched on aspects of every program within the CWCB, and also addressed many of the more general issues facing the Board Members.

The summaries are provided in the order in which the meetings occurred, as follows:

- Arkansas Basin Meeting in Pueblo, August 3, 2000
- Gunnison Basin Meeting in Montrose, August 16, 2000
- San Juan-Dolores-San Miguel Basin Meeting in Durango (Animas Basin), September 18, 2000
- San Juan-Dolores-San Miguel Basin Meeting in Pagosa Springs (Upper San Juan Basin), September 19, 2000
- San Juan-Dolores-San Miguel Basin Meeting in Dolores (Dolores Basin), September 20, 2000
- San Juan-Dolores-San Miguel Basin Meeting in Norwood (San Miguel Basin), September 21, 2000
- North Platte Basin Meeting in Walden, October 17, 2000
- Yampa-White Basin Meeting in Hayden (Yampa Basin), October 18, 2000
- Yampa-White Basin Meeting in Meeker (White Basin), October 18, 2000
- Colorado Mainstem Basin Meeting in Grand Junction (Lower Colorado Mainstem), October 19, 2000
- South Platte Basin Meeting in Longmont (Lower Front Range), October 24, 2000  
(Notes combined with notes from an informal meeting with Board Member Eric Wilkinson front range water users at the Northern Colorado WCD annual meeting on November 17, 2000)
- Colorado Mainstem Basin Meeting in Silverthorne (Upper Colorado Mainstem), November 2, 2000
- South Platte Basin Meeting in Fairplay (Upper South Platte Basin), November 15, 2000
- South Platte Basin Meeting in Sterling (Lower South Platte Basin), November 16, 2000

- Rio Grande Basin Meeting in Monte Vista (San Luis Valley and Closed Basin), December 21, 2000
- Rio Grande Basin Meeting in La Jara (Alamosa and Conejos River Basins), December 21, 2000
- Greater Denver Area Basin Meeting in Denver (Combined Denver and South Platte Basin), January 16, 2000

These summaries have been completed in accordance with my contract under Purchase Order No. OE-01-03, under which my principal responsibilities were stated to be: to assist you and the Board members in the organization and coordination of meetings in each Basin; to take notes on all points made at the meeting and gain an understanding of the major concerns raised by the stakeholders; and to prepare a report for the Board Members and staff that summarizes the points made at the Basin meetings and help to guide CWCB's future goals and projects.

Also attached are:

- a memorandum which provides a list of issues that came up separately at several of the meetings, and
- a summary of suggested corrections to the fact sheets and follow-up items that came up at the basin meetings.

Copies of each of the meeting summaries, the list of recurring issues, the fact sheet corrections, and this letter are available on the CWCB L drive under the "dma" subdirectory, under "Meeting Summaries."

Please review the attached document and notify me of any necessary revisions by you, the staff or the Board Members. I will be out of the country from May 12 through June 11, but will be able to complete any final revisions prior to the end of my contract on June 30, 2001.

I have greatly enjoyed working on this project, working with the terrific staff and Board Members of the CWCB, and having the opportunity to learn about water issues in all areas of the state. Best of luck on the development of the long-range plan and all of CWCB's future endeavors.

Sincerely,

Catherine J. Shrier

## MEMORANDUM

**TO:** Dan McAuliffe, Deputy Director, Colorado Water Conservation Board  
**FROM:** Cat Shrier, CWCB Basin Meeting Coordinator  
**DATE:** April 30, 2001  
**RE:** **Recurring Issues from the CWCB Basin Meetings**

As I was preparing the attached meeting summaries, it became clear that there were certain issues that came up separately at several of the meetings. There was interest in funding for the development of new storage and to address issues of regional or statewide concern at most of the basins, and lists of specific projects where there will potentially be funding requests are provided within each of the reports. The following is a list of some of the other recurring issues we heard at the basin meetings, with reference to some of the meetings at which those issues were raised:

- 1) The role of local government, the importance of improved cooperation and communication between water entities and local agencies, and the specific responsibilities of local government to control development in floodplains, to ensure that water is available to support new development; and to refrain from issuing building permits if there is water not sufficient to serve the new developments (Hayden, Durango, Pagosa Springs, Norwood)
- 2) Public interest in river restoration, starting projects and how projects work, and concern regarding the 5% limit on funds available for river restoration and other floodplain projects (Hayden, Pagosa Springs, La Jara, Silverthorne, Monte Vista, Longmont, Fairplay, Norwood, Grand Junction), and specific interests in the use of river restoration projects to address water quality impacts, including impacts from past mining activities (Montrose, Dolores, Fairplay, Silverthorne).
- 3) Leasing of irrigation water to instream flow program for species protection during times that are too dry for successful irrigation (Pagosa Springs, Walden, Fairplay, Norwood)
- 4) Recreational flows and CWCB's role in regulation, and the potential for CWCB to fund recreational flow projects as a beneficial use (Hayden, Denver, Montrose, Durango, Dolores, Meeker, Walden, Silverthorne, Fairplay, Grand Junction, Longmont, Pueblo, Grand Junction)
- 5) How instream flows work and whether instream flow rights dry up agricultural lands, and use of instream flows to prevent dryups from occurring. (Walden, Pagosa Springs, La Jara, Fairplay, Norwood, Denver), questions about channel maintenance flows (Silverthorne, Durango), use of instream flow rights for dilution flows/protection of water quality (Silverthorne, Montrose, Durango, Fairplay)

- 6) Questions and concerns about methodology for determining instream flow quantities, interest in channel maintenance flows, and support for improved monitoring and enforcement of instream flows (Pueblo, Longmont, Montrose, Silverthorne)
- 7) Interest in development of high mountain reservoirs (La Jara, Denver, Grand Junction, Fairplay)
- 8) Role of CWCB in mediations between the east slope and west slope or in other discussions on the construction of water projects (Grand Junction, Silverthorne, Denver, Sterling, Fairplay re: mediations with Aurora, Norwood re: mediations between reservoir companies, Montrose re: mediations between agricultural, municipal, and recreational water users)
- 9) Interest in having CWCB work with local watershed groups, especially on water projects involving both water quality and water quantity issues (Silverthorne, Monte Vista, La Jara, Longmont, Durango)
- 10) Interest in reestablishment of the conservation demonstration grants (Silverthorne, La Jara, Denver, Durango) and interest in CWCB support for the assistance of water resources plans and the availability of decision support systems for use in local planning (Montrose, Durango, Meeker, La Jara, Denver, Monte Vista, Longmont/Greeley)
- 11) Interest in CWCB support for local flood planning and questions about floodplain designations (Meeker, La Jara, Montrose, Hayden, Grand Junction)
- 12) Concern regarding interest by Denver and the Front Range in use of water from other areas of the state (Walden, Silverthorne, Montrose, Fairplay, Dolores, Grand Junction)
- 13) Emphasis on the importance of open spaces and maintaining an agricultural quality of life (Pagosa Springs, Monte Vista, Montrose, Fairplay, Dolores, Norwood, Walden)
- 14) Opposition to changing the board composition to population-based representation (Monte Vista, Walden, Denver, Fairplay, Grand Junction)
- 15) Assistance from CWCB in finding appropriate funding sources, if not from CWCB (La Jara, Monte Vista, Walden, Longmont, Durango, Silverthorne)
- 16) Interest in and support for the development and enhancement of Decision Support Systems (Monte Vista, Pueblo, Grand Junction, Montrose, Sterling, Longmont/Greeley, Pagosa Springs, Denver)



- 17) Interest in identifying small ditch companies which need funds for structural rehabilitation and for business planning support (Longmont, Grand Junction, La Jara)
- 18) Need for additional information on groundwater, including studies showing water quality levels, areas of contamination, connection with riparian habitat, and suitability for development of aquifers for water supplies (Denver, Fairplay, Monte Vista, Pagosa Springs).
- 19) Concern about opportunities for public input and availability of information on CWCB's negotiations with federal agencies, and concerns about bypass flows (Durango, Dolores, Walden, Pueblo, Montrose, Norwood, Monte Vista).
- 20) Support for CWCB development and ownership of projects to meet water requirements for issues of statewide concern (Pueblo, Hayden, Longmont, Sterling, Denver).
- 21) Praise for the fact sheets and interest in the upcoming "growth" fact sheets (Montrose, Dolores, Hayden, Denver)
- 22) Interest in weather modification/cloud seeding (Pueblo, Dolores).
- 23) Recognition of staff support in the basins, particularly for Dan Merriman (Pueblo, Montrose, Pagosa); Larry Lang (La Jara), Randy Seaholm (Montrose, Denver), John Van Sciver (Longmont, Denver), Bill Stanton (Pueblo, Denver), Mark Matulik (Grand Junction), Brian Hyde (Grand Junction, Monte Vista), Steve Miller (Pueblo), Ray Alvarado (Montrose), Jan Illian (Longmont), Tim Feehan (Longmont), and Tom Browning (Grand Junction).

## MEMORANDUM

**TO:** Dan McAuliffe, Deputy Director, Colorado Water Conservation Board  
**FROM:** Cat Shrier, CWCB Basin Meeting Coordinator  
**DATE:** April 30, 2001  
**RE:** Fact sheet corrections and other follow-up items from the CWCB basin meetings

The following is a list of corrections to the fact sheets, as well as other follow-up items that were suggested at the CWCB basin meetings held from August 2000 through January 2001.

### Yampa-White (Meeker):

- Under "Major Exports and Imports." Stillwater Ditch, Sarvis Ditch, Dome Creek Ditch are "total nonsense as are the three red arrows on the map," they are not from the drainage of the White or Yampa, but are from the Colorado basin. (Frank Cooley)
- John Van Sciver stated that he plans to do another handout just for grants (vs loans).
- Kenney Reservoir at Taylor Draw Dam, not Taylor Draw Reservoir. (Ann Brady)
- Miller Creek should be Redwash Creek. Stillwater is on Yampa, not White. (Frank Cooley)
- Randy Seaholm offered to send Bob Plaska info re: dates for RIP/RAP tasks in the White Basin
- Suggestion that CWCB use information similar to that used in a former publication, "plastic bound brown books with the white cover" published by CWCB about 30 years ago. (Frank Cooley)

### North Platte (Walden):

- Tree Island (picture) is in Routt County, not North Platte Basin. (Rick)
- Wilson Supply Ditch – questions about whether this ditch is in the basin.

### Rio Grande (La Jara):

- Dan McAuliffe offered to send a hard copy of the OWC dam site map to Alan Mille, Alamosa Restoration Project.
- Alamosa River is not named on the map

### Gunnison (Montrose):

- Jim Hokit had some changes that he was going to email, regarding the Capacity on (couldn't hear) reservoir, and on Tri-County? Couldn't hear. Changes should be received by email
- Concerns about the portrayal of water availability in the basin, recommendation that the fact sheets include information on obligations for federal reserved water rights and interstate compacts

### Arkansas (Pueblo):

- Exports from the basin to Aurora.

South Platte (Sterling):

- Additional 8,000 af in Jumbo reservoir (Louis Rinaldo)
- Same reservoir listed twice – North Sterling and Point of Rocks are the same reservoir.

South Platte (Fairplay):

- Jim Tingle requested copy of reservoir survey map, more info by county.
- Request from Carol Ekarius for a copy of all of the CWCB staff's overheads

San Juan-Dolores (Dolores):

- Dan Merriman offered to provide an update on USFS negotiations to area residents

San Juan-Dolores (Pagosa Springs):

- Dan McAuliffe to provide tabulation of potential dam site information to San Juan WCD

NOTE: There were also questions at some meetings and outside of the basin meetings about the exports and imports, and whether anyone has checked whether the export from one basin matches the import into the next basin.



Arkansas Basin Meeting in Pueblo

The Arkansas River Basin Meeting in Pueblo was held on Thursday, August 3, 2000, in the afternoon, at the Southeast Water Conservancy District Office. The meeting was hosted by Harold Miskel, the CWCB Board Member for the Arkansas Basin, and co-hosted by the Southeastern Colorado Water Conservancy District. This was CWCB's first basin meeting. The meeting was held as the last agenda item for a meeting of the Arkansas River Basin Storage Study Committee, and was billed on the committee meeting agenda as a "Q&A Session with Colorado Water Conservation Board Director Harold Miskel (Arkansas River Basin appointee) and CWCB staff."

The Storage Study Committee is an advisory committee to the Board of the Southeastern Colorado Water Conservancy District (SCWCD), and is charged with the responsibility of developing the District's Preferred Storage Option Plan (PSOP). The PSOP is an effort to develop additional storage in the basin to meet the long-term water needs within the SCWCD. The SCWCD covers nine counties in the Arkansas River Basin from Chaffee County at Buena Vista down the river corridor down to Lamar, as well as Colorado Springs and other communities on the Fountain Creek tributary. The Storage Study Committee is made up of representatives of municipal and agricultural water users, as well as representatives from recreational, fish and wildlife, and environmental interests within the SCWCD. The committee includes representatives from state and federal water resource agencies, and members of the district's board of directors.

The focus of the Storage Study Committee meeting on August 3, 2000, was on the review of the Final Draft PSOP, and on the need to establish Memorandums of Agreement between the District and the water user participants as the District moves towards the implementation of the PSOP. The Storage Committee Meeting began in the morning, continued through lunch, and adjourned for a short break before starting the Basin Meeting at 1:30.

The local contact for this meeting was:

Steve Arveschoug, SCWCD Manager, (719-948-2400; [contact@secwcd.org](mailto:contact@secwcd.org))

There were 29 people in attendance, plus CWCB Member Miskel and eight CWCB staff. The attendees included representatives from: Federal Agencies (USGS), State Agencies (Division of Water Resources, Colorado State Parks, Arkansas River Compact Commission); County and Local Governments (Pryors County Commissioner, Colorado Springs, La Junta, Pueblo, Canon City, Aurora), Utilities (Public Service Company of Colorado), Ditch Companies and Water Districts (Rocky Ford Ditch Co., Penrose Water District, Catalan Canal, Twilight Canal Co., Colorado Canal Co., Lake Meredith Canal Co.), Farmers, and Watershed Organizations (Arkansas Headwaters, Arkansas Ground Water Users Association).

Issues Raised and Specific Concerns or Needs:

I. Flood Protection and River Restoration:

- a. *Discussion of CWCB Flood Activities in the Basin.* CWCB staff noted several instances in which CWCB has been involved in floodplain management and flood response in the Arkansas Basin, including the Fountain Creek flood, the Town of Wiley Mitigation Project, installation of early warning systems, and the John Martin Reservoir PRP and Dam Failure Analysis with the Corps of Engineers.
- b. *Questions regarding Floodplain Management activities in Fountain Creek Basin.* Meeting participants asked whether CWCB was involved in floodplain management work in Fountain, where trees were being removed, or whether that work was being performed by the Corps of Engineers. CWCB staff stated that they were not aware of that work, and that CWCB did not do that sort of tree removal for floodplain management, but that the work might be done by COE or the NRCS. Steve Arveschoug, General Manager for SCWCD, also noted the importance of CWCB's involvement with Fountain Creek, and stressed the need to control the flood flows in that basin.
- c. *Questions regarding the 100-year floodplain designation, and who can make the floodplain maps.* Meeting participants asked what the 100-year floodplain designation was and who determined where that floodplain was. CWCB staff explained that the 100-year floodplain was a measurement set by regulation, and that anyone can prepare the maps, but only CWCB can certify the maps for FEMA purposes.

II. Compacts and Decision Support Systems:

- a. *Support for the development of the Arkansas Decision Support System.* There was support for the development of the Arkansas Decision Support System (ADSS), and recognition of the need to wait until the completion of the KS v CO case before the decision support system could be developed. As stated by one participant, "There's a time for everything, and the time for ADSS is one Supreme Court ruling away." However, meeting participants wanted to ensure that there was a firm commitment from CWCB to develop an ADSS when the case is settled.
- b. *Support for staffing of the Arkansas River Compact Commission Delegation.* There was also support for "a serious commitment of staff time" to be devoted to working with the Arkansas River Compact Commission Delegation "to make that entity a productive organism." One participant noted that "In the post-trial era, the compact administration simply has to become more responsible, more responsible for conducting the business of administration." The Division Engineer noted that it will take staff time from both CWCB and DWR to make that happen.
- c. *Questions regarding provision of data on water quality for the KS v CO case.* Meeting participants noted that a major issue raised in the Kansas Case was on water quality and asked how CWCB can prepare for this matter, and how CWCB is coordinating with other



agencies to acquire water quality data. There was mention of a report by Pat Engleman of the USGS. There was also mention of a study on conservation easements, led by Ontero County Commissioner, to include consideration of water, water rights, water banking, and trying to prepare for future water needs. Participants noted that John Rose had been hired on the Ontero County staff to run that study.

- d. *Concerns regarding loss of Colorado's allocations on the Colorado River.* Meeting participants noted that "The Colorado River is leaving for California. As Floyd Dominy would say, 'count the votes' – there are 37 congressmen in California alone." Meeting participants asked how Colorado could protect its allocation, stating that "if the state doesn't come up with an answer, the federal government will."
- e. *Request for information on Reudi Reservoir Negotiations.* Meeting participants asked for CWCB to keep them in the loop on the Reudi Reservoir negotiations, since they are in the process of developing a 15-year contract with the Bureau of Reclamation.

III. Stream and Lake Protection/Instream Flow Program:

- a. *Questions regarding GOCO purchase of water rights.* Meeting participants asked about GOCO purchasing water rights, when CWCB's Instream Flow Program is the sole owner of instream flows in the state. CWCB Section Chief Dan Merriman explained that GOCO has made protection of river corridors a priority, and while they have worked mostly on land purchases, they are new to water rights and are working closely with CWCB. GOCO is providing funds to other sponsoring entities to purchase water rights, but the CWCB then holds those water rights as an "acquisition."
- b. *Discussion of CWCB's Instream Flow Program.* There was extensive discussion of the instream flow program at this meeting. One meeting participant noted that "in 1973, when the instream flow program was originally passed, all of the flows were above 7,000 feet elevation. Now, CWCB has had filings on Durango's Reservoirs, gains by the creek by Las Animas, Four Mile Reach." The meeting participant stated that CWCB's information is flawed, too heavily reliant on measurements taken by DOW "at the mouth, the wrong location," and encouraged CWCB to do more of its own homework on what to file on, and take a look at the whole picture. CWCB Board Member Miskel noted that the Board often hears the opposite, people asking for more filings, and that "it is CWCB's job to balance things, keeping in mind mankind's interests." Merriman noted that the Instream Flow statutes "have been amended seven times since passage, with the most recent amendment allowing federal agencies to make recommendations for instream flows." With regard to the comments that CWCB needs to do its homework, Merriman noted that this was the reason why CWCB has added staff to check the methodologies used to collect data. Another meeting participant stated his appreciation for Miskel's comments on the responsibility of the board, and the care that the Board takes to protect the citizens and recognize the opinions on both sides. He also noted that the instream flow rights were "such a drastic departure from the appropriation doctrine that the legislature felt it important that the Board be the only one authorized to make those decisions, in order to protect the environment to a reasonable degree, and the stream is

the environment that we are protecting.” Miskel noted that the instream flow program in Colorado “has gone a long way to benefit the state, and is a reason people come here.” He also recognized the importance of the ISF program as a tool in Federal Reserved Water Rights fights.

- c. *Discussion of recreational flows as a beneficial use.* There was some discussion of the Supreme Court decision allowing appropriation of flows for recreational uses as a water right, rather than as an instream flows. A meeting participant noted that the “appropriation doctrine was for the most beneficial use of the water, and everyone has their own definition of beneficial use.” He noted that, contrary to prior times, Colorado recognized instream flows as a beneficial use, and “now that we recognize recreation as a beneficial use, there is no reason why somebody can’t apply for beneficial use to divert water for whatever they want.”
- d. *Comments regarding resistance to the instream flow program in the Arkansas Valley.* A meeting participant provided some background information on the local perception of the instream flow program, which was tied to one of the first filings on the North Fork of the Little River in 1973. The participant stated that some of the County Commissioners and members of the Southeast Water Conservancy District Board, who felt that the amount of water in the filing was too high, had taken a small plane to Cortez to testify at the CWCB meeting. There had been too much wind to get over the pass and the plane crashed, killing six people. “There’s a lot of people in Arkansas Valley who never will like instream flows because of that.” Despite the strong feelings against the instream flow program, however, the meeting participant also had high praise for ISF Section Chief Dan Merriman, who had often worked with people in the valley, at times facing a hostile audience, and stated that “we don’t agree, and sometimes get red in the face, but he’ll never lie.”

IV. Construction Fund and CWCB Funding of Projects:

- a. *Interest in the development of additional storage in the Upper Arkansas Water Conservancy District.* Meeting participants noted that the Upper Arkansas WCD is looking into 3-4 reservoirs or gravel pits in addition to the projects in the Preferred Storage Option Plan, and may need CWCB help with the development of this additional storage.
- b. *Interest in the development of a Valley Pipeline to deliver Fryingpan-Arkansas Water to La Junta and Lamar.* Joe Kelley from the City of La Junta noted that there has been discussion of a feasibility study on the Valley Pipeline from Pueblo Reservoir to deliver Fry-Ark Project Water, with La Junta and Lamar being the largest entities interested in the effort.
- c. *Questions regarding repair and rehabilitation of diversion dams.* Meeting participants asked whether CWCB can help if a diversion dam breaks. CWCB staff noted that the agency has done a lot of that sort of work in the South Platte, such as the Quarterline

Canal.

d. *Construction Projects:*

1. 3-4 small reservoirs or gravel pits for the Upper Arkansas Water Conservancy District
2. Valley Pipeline from Pueblo Reservoir for Fry-Ark Water, to serve La Junta, Lamar, and other communities.

V. Office of Water Conservation and Planning Support:

- a. *Discussion of communities lacking conservation plans.* CWCB noted that, of the communities that use more than 2000 acre-feet per year of water, only the City of Lamar did not have a Conservation Plan on file with CWCB.
- b. *Discussion of cloud seeding program.* In response to a question regarding CWCB's ability to "make it rain," CWCB staff provided information on the cloud seeding permitting program, and noted that Kansas had applied for a permit from Colorado for cloud seeding in order to make it rain in Kansas. CWCB staff noted that those permit applications were rejected because the benefit target area must be in Colorado, but also noted that there are potential benefits for Colorado associated with the weather modification program.

VI. General Policy Directions:

- a. *Recognition of responsiveness of CWCB to problems in the basin, and recognition of CWCB staff.* DWR Division Engineer Steve Witte noted that "CWCB has been very responsible to issues as they come up." In particular, he spoke highly of CWCB's response to the elevated groundwater levels and the agency's work on the Holly Drain Project, Bill Stanton's work on Phase II of the Pueblo Efficiency Program, and Steve Miller's work on a project to review four best management practices for sprinklers. Dan Merriman received strong praise for his honesty and integrity and willingness to work with people in the Arkansas Valley despite hostility towards some of the instream flow filings. Steve Miller was also praised for his extensive work in the Arkansas Valley.
- b. *Encouragement for CWCB to continue cooperation with DWR.* Division Engineer Steve Witte noted that he has observed CWCB in his 20 years with DWR. He noted that, "in the early part of my career, there were some things CWCB did that moved this state forward, such as the satellite monitoring system that propelled our ability to manage water forward." He also noted, however, that in those earlier years, "our two agencies were sort of rival agencies." He stated that, after personnel changes in 1992, "I think we were shown a better way of doing business." As CWCB was in the process of searching for a new director at the time of this basin meeting, he stressed that "staffs take their direction from the top, and I would encourage you to keep that qualification and that quality of willingness to cooperate well in mind as you're selecting someone to lead staff in the future. I think the water users of Colorado will be better off for that."

- c. *Request for assistance with Congress and with the Western Slope in addressing Arkansas Basin storage needs.* Steve Arveschoug, General Manager of the Southeastern Colorado Water Conservancy District, noted that, as the Preferred Storage Option Plan study is being completed and implementation is beginning, the District will need to go to Congress, and support from CWCB would be helpful. SCWCD would also like assistance from CWCB in dealing with the Western Slope by “encouraging resolution, possibly mediate a resolution.” Arveschoug noted that “Both sides can be stubborn.” He also noted that SCWCD has a good dialogue with Colorado River WCD, but may in the future need strong state-level leadership to get things accomplished. CWCB Board Member Miskel noted that “mostly the Board is together, but sometimes the Board gets polarized” and recognized the assistance of the CWCB staff in getting through those times. He noted that “This project is important not just for this basin, but for the state as a whole,” and offered to work with the Board’s Colorado River Representative on these matters.
  
- f. *Encouragement for CWCB to encourage development of Colorado River water to protect Colorado’s allocation, and to help resolve east-west issues in the state.* Meeting participants noted that “The Colorado River is leaving for California. As Floyd Dominy would say, ‘count the votes’ – there are 37 congressmen in California alone.” Meeting participants asked how Colorado can protect its allocation, noting that “if the state doesn’t come up with an answer, the federal government will.” Participants note that the State should get into the role of project development, especially for the Colorado River, stating that “we can’t wait for others to start projects.” Meeting participants also noted that “there are a lot of east-west issues in the state” and encouraged CWCB to deal with those in addition to dealing with the federal government and other states. CWCB Board Member Miskel noted that “The West Slope tells Arkansas to take water from farmers instead of from the West Slope,” but others say no. Miskel noted that meeting growth needs will require a combination of answers. “The Board must keep our minds open to all options, and the public should, too.” Meeting participants acknowledged that water transfers are a factor, stating, “if there were never transfers from irrigation and mining, where would we be?”





Gunnison-Uncompahgre Basin Meeting in Montrose

The Gunnison-Uncompahgre River Basin Meeting in Montrose was held on Wednesday, August 16, 2000, in the afternoon, at Montrose Chamber of Commerce Building. The meeting was hosted by Keith Catlin, the CWCB Board Member for the Gunnison-Uncompahgre Basin, and co-hosted by the Upper Gunnison River Water Conservancy District and the Uncompahgre Valley Water Users Association. The meeting was held as a stand-alone meeting. Invitations were mailed from CWCB using mailing lists provided by the host organizations. The host organizations also placed announcements in the local newspapers.

The local contacts for this meeting were:

Jim Hokit and Marc Catlin, UVWUA (970-249-3813, uvwua@gwa.net)  
Kathleen Klein, UGRWCD (970-641-6065, ugrwcd@westelk.com)

There were 37 people in attendance, plus CWCB Member Catlin and eight CWCB staff.

The attendees included representatives from: Federal Agencies (USFS, NPS), Western Area Power Authority, State Agencies (DWR, Cooperative Extension, CWQCD), County and Local Governments (Gunnison County Commissioner, Montrose County Commissioner, Crested Butte, Montrose, Gunnison), Water Districts and Associations (Colorado River WCD, Upper Gunnison River WCD, Uncompahgre Valley WUA, Tri-County WCD); Resource Conservation Districts (Painted Sky RC&D, Shawuno Soil Conservation District), Watershed Organizations (Sierra Club, High Country Citizens Alliance, POWER)

Issues Raised and Specific Concerns or Needs:

- I. Flood Protection and River Restoration:
  - a. *Concerns regarding change in dam classifications for flood risks due to conversion of land use from agricultural to residential.* A representative from the Shawuno Soil Conservation District noted a problem they have encountered with their flood control dams. The Soil Conservation District is a partner in a flood control dam at Roadtrap Creek that was "built in 1962 to protect agricultural land from flash flood." Because the land below the dam has been converted to subdivisions, the dam has been upgraded from Class II to Class I. He stated that "the cost to upgrade the dam – in the millions of dollars – will bankrupt Saginaw for sure." He asked for assistance with loans and technical advice.
- II. Compacts and Decision Support Systems:
  - a. *Discussion of activities in the Basin.* CWCB staff noted that the state is developing the annual operating plan for all Colorado River reservoirs, of which the most important is the Aspinall Unit. At the time of the meeting, CWCB had just signed the subordination agreement and agreed on consumptive use accounting. Staff also noted that a Programmatic Biological Opinion (PBO) was being started in the Gunnison Basin, the



key to which would be the determination of the basin water demands. Staff also noted that other activities in the basin included a resource conservation effort by the National Parks Service in Clear County, to determine the cause and effects of activities; quantification of reserved water rights for Black Canyon; and a review of draft flow recommendations for the Upper Colorado River recovery effort. Also noted was the work of the Salinity Control Program, which is being conducted in conjunction with the Uncompahgre Valley Water Users Association and the Selenium Work Group.

- b. *Recognition of CWCB's work in the Upper Gunnison.* Kathleen Klein, Manager for the Upper Gunnison River WCD, spoke on behalf of the district to express appreciation for the work CWCB has done in the Upper Basin, including the Gunnison Recovery Implementation Program (RIP), noting that CWCB's technical assistance will be needed. She noted that the demand study to determine future depletions will be an important part of that effort. She also recognized the importance of the CU model for protection for the Upper Gunnison from calls e.g. from Redlands Canal or Uncompahgre Water Users, and assistance with call protection agreements with the USFWS and USBR, which have been extended for 5 years. She particularly noted the work from Ray Alvarado and Randy Seaholm in assisting water users during the 2000 dry year. She noted that the CU model would be needed for recording under the subordination agreement and for the basin augmentation plan to protect the water users in the upper basin.
- c. *Recognition of CWCB's work in the Uncompahgre Valley.* Jim Hokit, Manager for the Uncompahgre Valley Water Users Association, spoke to reiterate Kathleen's comments on CWCB's support for the recovery programs, and especially on the operation of the Aspinall Unit, noting the differences of opinion among state and federal agencies on the quantity of flows needed for recovery. He expressed his hope that "CWCB will continue to stand its ground," and continue to get local input as well. He noted that CWCB's technical assistance will be needed to determine future water demands.

III. Stream and Lake Protection/Instream Flow Program:

- a. *Suggestion for instream flows for dilution of natural contaminants.* A meeting participant noted that the Gunnison is dealing with issues related in selenium, which comes from the mica in the soil, and that the water quality problems in the Gunnison, were not the fault of any particular water user. The meeting participant suggested that CWCB should have instream flows for dilution of that natural source of contamination.
- b. *Support for more monitoring and enforcement of instream flows, and for additional ISF rights in the Upper Gunnison.* Meeting participants expressed their support for more on-the-ground monitoring of instream flows to ensure that water commissioners can administer existing flow rights. Meeting participants acknowledged that administration of these rights was difficult due to the number of stream miles involved. CWCB staff noted that Severance Tax money is being used to develop GIS maps of the instream flows to assist water commissioners in administration. Participants noted that the Upper Gunnison River WCD (particularly UGRWCD Board Member Steve Glazer) would like to work with CWCB staff towards increasing the numbers of instream flow rights in the

Upper Gunnison.

- c. *Discussion of recreational flows in the Gunnison River, and CWCB policy on recreational flows.* Several meeting participants noted the importance of recreational water uses to the economy of the Gunnison River. Participants also acknowledged that recreational flows will probably be a more controversial issue than the original instream flow program was, with recreational flow users doing "channel modifications that may not be reasonable." Participants encouraged CWCB to stay up to speed on the issue and stated that "we would be interested in supporting CWCB to get recreational flows managed by a state agency." CWCB staff noted that Board Member Eric Wilkinson is leading a study for the Board on recreational flows, and expressed concern that recreational users can hold up development of water with relatively little investment. Other meeting participants stated that "CWCB should be cautious not to take the lead on legislation to reverse what the Supreme Court said," and noted that recreational uses are a beneficial use. She noted that there are "water-based" economies in the region, which means that "to live, to eat, have small businesses, feed their families, they need to have water in their streams for fishing, hiking, scenic viewing, skiing, and so forth." She noted that the Colorado River WCD has a new policy that, "for the benefit of all Colorado, we need to have adequate recognition of the value of water in the streams in western Colorado for those environmental and recreational values that benefit all Colorado citizens."
- d. *Discussion of the importance of the Instream Flow Program in the negotiations with the USFS Forest Service on water for the "GMUG" National Forests and the need to address "bypass flow" issues.* Meeting participants noted the importance of CWCB's support in the revision of the forest plan for the Grand Mesa, Uncompahgre, Gunnison National Forests ("GMUG"). In particular, there was recognition of Dan Merriman's involvement in "working with the USFS on the need for water for the forests and how to find that water." Participants encouraged CWCB to continue using the ISF program to make issues work on federal lands. Participants also noted the need for discussion on the conflict between the future needs of federal forests and the ability of the state's instream flow program to meet those needs. Participants suggested that CWCB "evaluate what changes need to be made in our instream flow program to give more assurance to federal agencies that we can meet their obligations." CWCB staff noted that, according to a 1986 amendment, the instream flow program must request recommendations from federal agencies. Staff noted several examples in which the instream flow program has worked with agencies, including USFS and USBR, but that some of the reserved water rights litigation has overshadowed some of these successes.
- e. *Interest in instream flows in the Black Canyon National Park for channel maintenance.* A meeting participant stated interest in working with CWCB to acquire instream flows in reaches in the Black Canyon National Park, stating that "300 cfs is not enough for Black Canyon to remain a recreational attraction." The participant also noted that Black Canyon "is a wonder, and water created that wonder. We'll have to work to sustain that." She noted that the amount of water designated for the fish would not be enough to sustain the canyon.

IV. Construction Fund and CWCB Funding of Projects:

- a. *Discussion of CWCB-supported projects in the Basin.* CWCB staff noted several major rehabilitation projects in the basin for which CWCB has provided financial support, including the rehabilitations of Vuga Reservoir, Dirkee Ditch, Beaver Creek Dam, and Overland Dam.
- b. *Question regarding financial support for recreational water uses.* A meeting participant asked whether were available for recreational water uses. She noted that CWCB has made loans for consumptive uses of water including ski areas and golf courses, and asked whether funds could be made available to support projects for recreational rafting.
- c. *Statement of need for additional storage in the North Fork of the Gunnison.* Meeting participants noted that, unlike other rivers, the North Fork of the Gunnison does not have a "big bucket" with large reservoir storage. Participants noted that "Peonia and others were almost empty this year" and that CWCB's help will be needed to develop more storage.
- d. *Question regarding refinancing of CWCB loans.* Meeting participants asked whether CWCB loans can be refinanced to keep payments down if the entity has two separate loans.
- e. *Concerns regarding change in dam classifications for flood risks due to conversion of land use from agricultural to residential.* A representative from the Shawuno Soil Conservation District noted a problem they have encountered with their flood control dams. The Soil Conservation District is a partner in a flood control dam at Roadtrap Creek that was "built in 1962 to protect agricultural land from flash flood." Because the land below the dam has been converted to subdivisions, the dam has been upgraded from Class II to Class I. He stated that "the cost to upgrade the dam – in the millions of dollars – will bankrupt Shawuno for sure." He asked for CWCB assistance with loans and technical advice.
- f. *Question regarding use of construction fund program for creative approaches to water needs.* A meeting participant noted that "it's practically impossible to build a new reservoir," and expressed hope that the construction funds were usable for "creative approaches to storage needs, such as water rights acquisitions, facility acquisitions." CWCB staff noted that the construction fund has a lot of cash available and not a lot of requests for traditional water development projects, and does fund nontraditional water development projects.
- g. *Construction Projects:*
  - 1. Additional storage on the North Fork of the Gunnison
  - 2. Upgrading of Shawuno Soil Conservancy District's Roadtrap Creek Dam from Class II to Class I

3. Nontraditional approaches to increasing in water availability (e.g. water rights acquisitions, facility acquisitions) for the Upper Gunnison.
- V. Office of Water Conservation and Planning Support:
- a. *Request for CWCB help with watershed planning.* A meeting participant noted that CWCB's help is needed with watershed planning, to "pull all of the things together, land and water, integrating what we're doing with other state agencies." The participant noted that the "fact sheets are a wonderful tool for watershed planning and work with other agencies." CWCB staff noted that the agency was interested in ensuring that we have contact information for watershed groups and can create a watershed-planning group to work with the staff in the future. Staff also noted that CWCB works actively with watershed groups, particularly on river restoration projects.
- VI. General Policy Directions:
- a. *Recognition of staff.* Randy Seaholm and Ray Alvarado were recognized for their work on the Consumptive Use model for the basin. Dan Merriman was recognized for his involvement in GMUG to determine how to use the ISF program to make issues on USFS and other federal lands work.
  - b. *CWCB assistance with water quality issues.* Meeting participants noted the links between water quality and water quantity, and requested CWCB assistance in dealing with these overlapping issues. One meeting participant noted that CWCB's support would be needed with "water quality concerns related to consumptive use." Another noted that the Gunnison is dealing with issues related in selenium, which comes from the mica in the soil, and that the water quality problems in the Gunnison were not the fault of any water particular user. The meeting participant suggested that CWCB should have instream flows for dilution of that natural source of contamination.
  - c. *Request for CWCB involvement in east-west slope issues.* Meeting participants wanted to know "where the Board stands on legislation that promotes transbasin diversions," and requested that CWCB take a balanced approach. Meeting participants also encouraged CWCB to provide better education on water availability in the Gunnison Basin, stating "the impression that people in the state have is that Gunnison has masses of water in the Aspinall Unit that's not being used, but in truth, that water is needed for endangered fish and Black Canyon National Park reserved rights – that may not fit Arapahoe County's definition of use, but we're caught in the middle. Our leaders should tell the Front Range how obligated we are."
  - d. *Request for the Board to listen to all sides of the issues.* An agricultural representative expressed his concern about the collision in the Uncompahgre Valley and in the Basin between agricultural and municipal and recreational uses, and about the possibility of large amounts of water being diverted to the east slope. He encouraged the Board to "try to listen to everybody, not just those with access to the media. As a farmer, we are very

independent, and our voices often get lost.”

- e. *Concerns regarding the Basin Fact Sheet portrayal of water availability in the Gunnison Basin.* Meeting participants noted that the fact sheets may misrepresent the amount of water available in the Gunnison. One participant noted the need for unit-per acre or value-produced per acre figure, or a figure for hydropower generated per unit water. A participant noted that “on the fact sheet, it looks as if Gunnison has lots of water, but all of the water is used and reused, so maybe there is a better word than “deliver” for the way water is used.” Participants stressed the ways in which the basin is obligated to deliver water for fish and federal lands. Participants also noted that low-flow requirements need to be added to the fact sheet, so that the fact sheets can be used for maximum daily load planning, and suggested that Alan Covich’s study for CWRRI on the biological integrity in streams could be used to develop that information for the fact sheet.







San Juan-Dolores-San Miguel Basin Meeting in Durango (Animas Basin)

The San Juan-Dolores-San Miguel Basin Meeting for Durango and the Animas River Basin was held on Monday, September 18, 2000, in the evening, at the Durango Town Hall in Durango. The meeting was hosted by Don Schwindt, the CWCB Board Member for the San Juan-Dolores-San Miguel Basin, and co-hosted by the Southwestern Water Conservation District, particularly by SWWCD Board Members Fred Kroeger and Steve Fearn. The meeting was facilitated by Mike Preston of the Office of Community Services at Fort Lewis College. The SWWCD, and particularly staff member Mary Fenwick, provided extensive support for all four basin meetings, including mailings and public notices.

The local contacts for this meeting were:

Mike Preston, Office of Community Services, (970) 565-8525, mpreston@co.montezuma.co.us  
Mary Fenwick, SWWCD, (970) 247-1302, water@frontier.net

There were 27 people in attendance, plus CWCB Member Schwindt, facilitator Mike Preston, and seven CWCB staff.

The attendees included representatives from: Federal Agencies (USBR, USGS), Congressional Offices (Scott McInnis' staff), State Agencies (DWR); Local and County Governments (City of Durango, Southern Ute Tribe); Water and Irrigation Districts and Other Water Organizations (Southwestern WCD, Animas La Plata WCD, Dolores WCD), Water Consultants (Wright Water Consultants, SUT Water Resources, Western Weather Consultants, Steve Harris), homeowners and other citizens organizations (Taxpayers of the Animas River, Colorado Rafters Association, League of Women Voters, La Plata Vista HOA, Trappers Crossing HOA, Shenandoah HOA, Transition Zones).

Issues Raised and Specific Concerns or Needs:

- I. Flood Protection and River Restoration:
  - a. *Discussion of types of models used for floodplain designations.* A meeting participant had several questions about the types of models used to determine the 100-year floodplain designation. Flood Protection Section Chief Larry Lang noted that there are several acceptable hydrology models used in different basins, such as HEC-2 and HEC-Rad, and the choice of model depends in part on how much stream gage data is available. CWCB also uses NOAA Atlas for precipitation data.
- II. Compacts and Decision Support Systems:
  - a. *Discussion of stakeholder participation in endangered species and other processes.* There was extensive discussion regarding stakeholder participation in endangered species, compacts, and other discussions. CWCB staff noted that one way in which the Board provides opportunities for stakeholder involvement is by posting all of the Board Meeting agendas and all of the staff memos presented to the Board on the CWCB web site before each meeting. Meeting participants suggested that, to get more public

participation in meetings, the meetings should be held regularly and in the evening.

- b. *Discussion of the stakeholder involvement in the Recovery Implementation Program in the San Juan Basin.* There was discussion of stakeholder involvement in the RIP. Some meeting participants felt strongly that certain groups were not being included in the process. Meeting participants and CWCB staff noted that "other than the designated people, it's been difficult for the Board to get that [input from environmental groups]." Other participants observed that, when the meetings started, environmental groups were invited but "chose not to participate." Participants and staff discussed the Hydrology Committee within the Recovery Implementation Plan (RIP), which enables committee members to input direction into the program on hydrologic issues. Meeting participants also noted that the RIP meetings were originally scheduled to take place in Denver, Albuquerque, and Salt Lake City, but that, after water users spoke on behalf of local participation, all meetings have been scheduled within the San Juan basin, in Farmington or Durango. Participants also noted that the meetings are now advertised in the newspaper. There was discussion of the times of these meetings, which are held from 9 am to 4 pm and can't be held in the evening because of the amount of issues discussed at the meeting. A meeting participant noted that, with the meeting held in the middle of the working day, "you're not going to get broad public participation. Unless you have a commodity interest, you're not getting paid to go to the meeting."
  - c. *Concerns regarding compact requirements with New Mexico, and interest in constructing a dam near the state line.* Meeting participants expressed concerns that New Mexico expected additional water from Colorado to address endangered species concerns and Indian tribal settlements. CWCB staff noted that New Mexico was using nearly all of its allocation, but also noted that "close to 85% of [the water in the San Juan] comes out of Colorado," so New Mexico relies on Colorado for much of the water in the San Juan. CWCB staff also noted that a Programmatic Biological Opinion would be an important way to determine how much water Colorado could develop on the San Juan. Meeting participants also noted that the measurements on the La Plata for the compact with New Mexico are taken at Hespers, 20 miles from the state line, and that the river often dries up in that area before reaching the state line. There was interest in construction of "a dam on the Long Hollow, which is only 2-3 miles from the state line, from which they could release water, and this could utilize that water to a much greater extent."
- III. Stream and Lake Protection/Instream Flow Program:
- a. *Discussion of instream flow rights and acquisitions in the San Juan Basin.* There was extensive discussion of instream flow rights in the San Juan Basin. Some meeting participants asked, "why many of the streams down here don't have instream flows" and stated that they felt there should be more instream flows in the basin. Other meeting participants spoke strongly against more instream flows, noting that "once you've put an instream flow water right on a river system, what it does is, it keeps things the way it is. So, if you want to do any management of an existing water right ... you can't do it." The participant noted that the instream flow rights were all in the high areas where there wasn't any water development, but that there aren't instream flow rights in the lower

areas, and "I think that is better for the future management of the water."

- b. *Discussion of instream flow rights for recreational uses.* A meeting participant representing boating interests stated that CWCB had done a "reasonably good job" on quality of life issues pertaining to fisheries, "but recreational boating is nowhere on the map, as far as I can tell. I believe this is a quality of life issues."
- c. *Interest in borrowing money to buy instream flow rights for fisheries, and in identifying additional instream flows.* Meeting participants were interested in "a conservation fund loan that would enable people to buy water for fisheries and somehow salvage the instream flows." CWCB staff noted that the instream flow rights would have to be held by CWCB, and that the staff is submitting an application for GOCO funds that would enable the state to purchase instream flow rights. CWCB staff also discussed the development of GIS maps to assist in the identification of new instream flow rights to target. CWCB Staff Todd Doherty noted that "Right now, if I had a million dollars to go buy water rights, I'm not sure where to go. I might spend a lot of effort on a stream that's not in great need, whereas there are places that have a dire need for it where we could satisfy the most amount of people for uses, versus this other one that I dropped money for that wouldn't help a whole lot." CWCB staff also noted that in some basins, such as the Gunnison, the conservation and conservancy districts are stepping forward to identify instream flows and put forward their own recommendations for CWCB to review. A meeting participant stated that "it's incumbent on the CWCB to push the issue." SEO staff noted that the existence of senior water rights, such as those in the Town of Durango and those held by the tribes (the Southern Ute and Ute Mountain Ute), help to ensure that there are flows in the stream.

#### IV. Construction Fund and CWCB Funding of Projects

- a. *CWCB loans in the San Juan Basin.* CWCB Staff noted that the largest loan ever made was to the Ute Water District, made in segments totaling \$26 million. Staff also noted that the Mancos WCD may be developing a package of loans for several projects in which the WCD gets approval to borrow a larger amount of funds, then works on one project at a time and only borrows the money when they do the individual project. Other funding projects under development in the basin include a possible loan for a dual water system in the Town of Mancos and a possible grant for issues of statewide concern in the La Plata Basin.
- b. *Questions about CWCB funding for water studies.* A meeting participant asked whether CWCB only funded construction projects or whether CWCB also provided loans to study more efficient irrigation practices or determine the impact of fully stocking a reservoir on the long term availability of water for consumptive use. The meeting participant also asked who could receive these loans. CWCB staff replied that those sorts of loans can be made out of the Severance Tax Operations Account, which has about \$750,000/year available but is typically claimed up to 2 years in advance. Staff also stated that, while the funds could be granted to anyone, those sorts of studies are normally conducted by local governments or districts looking at region-wide issues.

- c. *Questions on sources for funding and advice on the development of a new water and sanitation district.* Representatives from several homeowners associations asked for assistance finding funding and advice on the development of a new water and sanitation district to treat the water to be delivered to 10 subdivisions in Western La Plata County. The representatives explained that the Lake Durango Water Company had built half of the capacity of the water treatment plant to serve about 1343. "So people paid for their water taps 10 years ago, 5 years ago, last month, to the developer – not to the owner of this company – and in fact there may not be water in less than 6 months from now." The treatment plant is regulated by the Public Utilities Commission (PUC) and has no ability to set conservation rates, no ability to restrict water usage, and all sorts of other complicated factors, not to mention changing water rates." The homeowners asked for advice on creating a special district and on getting the \$150,000 needed to construct the remaining half of the treatment plant. CWCB staff recommended that they contact Barry Cress about getting on his "needs list" that is submitted to the legislature by the Department of Local Affairs. CWCB staff also suggested that funding may be available from the Energy and Mineral Impact Funds, since La Plata County is the single largest producer of natural gas in the state and is thus eligible for Severance Tax funds. The homeowners' association representatives also expressed reluctance to be responsible for running a water treatment plant.
- d. *Interest in borrowing money to buy instream flow rights for fisheries.* A meeting participant from the boating industry was interested in "a conservation fund loan that would enable people to buy water for fisheries and somehow salvage the instream flows." CWCB staff noted that the instream flow rights would have to be held by CWCB, and that the staff is submitting an application for GOCO funds that would enable the state to purchase instream flow rights. Another meeting participant asked whether the recreationalists would be willing to help capitalize the new instream flows, and help put funds into maintenance of those streams. The representative for the recreational interests agreed that they could, but added that the water districts had the ability to tax and capitalize on such projects that the boating industry didn't have.
- e. *Interest in construction of a dam on Long Hollow to meet compact requirements.* Meeting participants expressed concern that the water measurements for the compact with New Mexico are taken at Hespers, 20 miles from the state line, and that the river may dry up before the water reaches the state line. Participants expressed interest in constructing "a dam on the Long Hollow, which is only 2-3 miles from the state line, from which they could release water, and this could utilize that water to a much greater extent."
- f. *Request for funding assistance for watershed protection programs.* A meeting participant from the City of Durango asked whether CWCB can loan money to help meet watershed protection requirements. CWCB staff discussed options including Severance Tax funds for water planning, which would include water quality aspects, and the multi-objective stream corridor program. Staff also noted instances where CWCB loans have been used to acquire wells and surrounding land to prevent pollution of those water sources, as part of another project.



- g. *Potential projects to fund in the San Juan-Dolores-San Miguel Basin.*
  - 1. Dam on Long Hollow for compact requirements on the La Plata
  - 2. Purchase of instream flow rights for fisheries
  - 3. Financial assistance for watershed protection
  - 4. Studies of more efficient irrigation practices
- V. Office of Water Conservation and Planning Support:
  - a. *Conservation Plan needed for City of Durango.* CWCB staff noted that City of Durango did not have a Conservation Plan on file with the Board.
  - b. *Support for water resource management plans.* Meeting participants encouraged the development of water resource management plans, and stated that the planning process should include consideration of environmental and recreational and water quality concerns. Another meeting participant noted that SWWCD and ALPWCD developed a water management plan for the La Plata River Basin and Western La Plata County.
  - c. *Concerns that PUC regulations were preventing water supply companies from taking steps to encourage conservation.* Homeowners noted that the PUC prevented their water treatment company from taking steps to encourage conservation by water users by fixing the rates and not allowing restriction of water usage. State Engineer's Office staff noted that the amount of water available to the new houses was sufficient to serve those houses, but "the real problem here is that people are overusing the water." Meeting participants noted that by becoming a water and sanitation district, the homeowners association could set up step increases in rates to encourage conservation of water.
  - d. *Concerns regarding issuance of building permits without adequate water and water treatment facilities to serve new development.* Meeting participants were concerned that the county was continuing to issue new building permits when there isn't water to supply the building permits, or treatment facilities to treat water for the new taps. Participants recommended that the homeowners association talk with the county planner, "go a little more informally, rather than go into a formal meeting with elected officials, go talk to the staff and start to get some answers."
  - e. *Questions about CWCB funding for water studies of efficient irrigation practices.* A meeting participant asked whether CWCB only funded construction projects or whether CWCB also provided loans to study more efficient irrigation practices or determine the impact of fully stocking a reservoir on the long term availability of water for consumptive use. The meeting participant also asked who could receive these loans. CWCB staff replied that those sorts of loans can be made out of the Severance Tax Operations Account, which has about \$750,000/year available but is typically claimed up to 2 years in advance. Staff also stated that, while the funds could be granted to anyone, those sorts of studies are normally conducted by local governments or districts looking at region-wide issues.

VI. General Policy Directions:

- a. *Discussion of water rights acquisition with CWCB funding for water quality, and other creative solutions to work with the CWCB on local issues.* With regard to the suggestions by meeting participants that CWCB should be more involved in quality of life and water quality issues, a meeting participant described work underway by the Animas River Stakeholders Group, with funding support from the CWCB. The participant described the group as focusing on improvement of water quality on the Animas River, which has been heavily impacted by past mining. The group has been working with CWCB to acquire a transmountain diversion water right that will be used to improve water quality in Mineral Creek and would be transferred to the Board as an instream flow right. The participant provided this description as an example of how you can “frame what your needs are in a package or form that the Board can address in a manner that’s in their ability to respond. We as stakeholders have to work together to help formulate the solution in a package that they can then help us to help ourselves.” Another meeting participant objected that “Packaging things to the Board is the old way of doing things, but you’re here tonight to figure out a better way.”





San Juan-Dolores-San Miguel Basin Meeting in Pagosa Springs (Upper San Juan Basin)

The San Juan-Dolores-San Miguel Basin Meeting for Archuleta County was held on Tuesday, September 19, 2000, in the evening, at the Archuleta County Fair Building. The meeting was hosted by Don Schwindt, the CWCB Board Member for the San Juan-Dolores-San Miguel Basin, and co-hosted by the Southwestern Water Conservation District, particularly by SWWCD Board Members John Taylor and Ernest Schutz. The meeting was facilitated by Mike Preston of the Office of Community Services at Fort Lewis College. The SWWCD, and particularly staff member Mary Fenwick, provided extensive support for all four basin meetings, including mailings and public notices. The meeting was preceded by a tour of the Rio Blanco Stream Restoration Project, led by Water Commissioner Val Valentine.

The local contacts for this meeting were:

Mike Preston, Office of Community Services, (970) 565-8525, [mpreston@co.montezuma.co.us](mailto:mpreston@co.montezuma.co.us)  
Mary Fenwick, SWWCD, (970) 247-1302, [water@frontier.net](mailto:water@frontier.net)

There were 22 people in attendance, plus CWCB Member Schwindt, facilitator Mike Preston, and seven CWCB staff.

The attendees included representatives from: State Agencies (DWR); Water and Irrigation Districts and Other Water Organizations (Southwestern WCD, Pagosa Area SWD, San Juan WCD, Aspen Springs Metropolitan District, Rio Blanco Navaho River Association), citizens organizations (Lower Blanco Property Owners Association), consultants (Chris Phillips), ranchers, homeowners.

Issues Raised and Specific Concerns or Needs:

I. Flood Protection and River Restoration:

- a. *Discussion of the steps taken to develop the Upper Blanco Restoration Project.*  
Representatives from the Upper Blanco Homeowners Association discussed the extensive efforts taken by their river committee to develop their restoration project, including pursuing funds and in-kind contributions from EPA, CWCB, Non Point Source Committee, San Juan WCD, SWWCD, and private citizens, and how much work that process was. The representatives noted that they have been very successful in gaining support of the property owners, and stated that "this project just demonstrated two things: as the demonstration site intended, 1) there could be restoration of the physical environmental aspects of the river, and 2) it demonstrated that groups of people at a grass roots level, without a whole lot of government involved, could achieve something." Participants also recognized the work done by Dan Merriman to overcome several hurdles encountered over the years of development of this project. Participants also thanked all of the staff involved in the basin meeting for coming out to see the restoration project first-hand the afternoon before the meeting.

II. Compacts and Decision Support Systems:

- a. *Questions about Section 7 consultation requirement for new storage project by the San Juan WCD.* There were questions about a 3000 acre-feet (af) pool on the San Juan that was negotiated with the USFWS (?), of which only 500 af was used. A representative from the San Juan WCD asked how this would impact their plans to put together a new raw water storage project of 5000-1000 af. CWCB staff noted that this was more than the minor depletions allowed under the agreement, and that a new Section 7 consultation would be required for a new storage project of this size, but that the Recovery Program could be presented as mitigation impact with that new Section 7 consultation. Staff also acknowledged that the consultations would get more difficult over time as New Mexico works towards resolving its Indian Reserved Water Rights settlements, and the recovery program would need to be able to address things like the need for new storage.
- b. *Discussion of the need for water managers to receive information on land transfers with water, and the potential for use of the decision support systems to track those transfers.* Representatives from water conservancy districts raised concerns that "as water managers, we're constantly bombarded by people who have bought land and supposedly bought water and they want to know what they've got. And generally speaking, we haven't the faintest idea, because when the land trades in and water is allocated, it doesn't come through us." There was discussion of how information on land transactions with water rights attached could be forwarded to the water districts. There was discussion of how the "computers can talk to each other" so that the information was automatically fed to the State Engineers and then could be downloaded by the water districts. SEO and CWCB staff suggested that it may be possible to incorporate those water transactions into the decision support system over time. The Division Engineer noted that there would need to be a requirements for that information to be reported, and that some transactions in the past haven't been clear as to "what the water right is and how much they're selling." Meeting participants also noted that shares can be transferred within a ditch company, which would not show up at the county level. CWCB Board Member Don Schwindt noted that, for the Dolores Project where water was tied to land, there was a need for "some real cooperation with county government, and also some workshops with realtors ... and title companies had to come into the mix." A water commissioner noted that there might be a need for "legislative action in order to mandate that the assessor and/or the clerk notify the state engineer's office, and it gets into some real legal issues of private property rights." CWCB staff noted that while there hadn't been such legislative action in the past, "that may change again over time, just as areas ... are growing very rapidly ... disclosure and cooperation between the entities become more of an issue of economy right now than it has been in the past."
- c. *Discussion of the need to improve the process to determine water availability before approving new housing developments.* There was discussion of the fact that there has been fast growth in Archuleta County and Hinsdale County, and subdivisions have been developed "without any idea where the water sources were or what they were," which has been causing extensive problems. Meeting participants noted the importance of including a water plan with land planning at the local planning commission level, and noted that there will be a water plan included to address proposed development in a proposal to the

planning commission. The Division Engineer noted that "the problem is not that we don't already have the structure to deal with evaluating subdivision plans and evaluating well permits, it's just that our communication ... between state and county and the state engineer's office hasn't been as good as it should be, in some cases, because the law says we should evaluate the adequacy of the water supply before they approve the subdivision. And I just think in some cases maybe the growth has gone so fast it has overtaken our coping capabilities and we haven't grasped onto some of these problem areas yet, but I think we'll get into it as time moves along." This has been an issue particularly in areas such as Arhculeta County where "we didn't have to be very formal over here, things just happened." The water commissioner noted that he reviews parcels that are 35 acres or less, but "it's the ones that are 35 acres and greater that there's no comment required and I never see those, there's no investigation about what water supplies there are." CWCB staff discussed how the DSS could be used to "identify how much water originates in a basin ... and you've got a list of the water rights, so you can start comparing the water supply against the water rights that exist, and identify what kind of shortages you may have and whether it" going to take a really dry year such as this to create shortages or whether you may have shortages even in an average year." Staff also noted that, eventually, the CDSS models will be set up so that people at the local level could run the model and feel comfortable with the answer.

### III. Stream and Lake Protection/Instream Flow Program:

- a. *Questions about injury with mitigation related to instream flows.* A meeting participant asked about "injury with mitigation" with respect to a case in which a rancher was applying to take a diversion and lower the streamflow below an instream flow in return for doing some river modification work to make environment better than it would have been. CWCB staff replied that the Board had decided that "injury with mitigation" can only occur for a short period of time, not permanently, but that a permanent change would require a modification and associated court filings. Another meeting participant asked whether there could be a modification in an instream flow right in the vicinity of the Rio Blanco stream restoration project, where there was a bypass requirement of 20 cfs but an ISF right of 29 cfs. The participant asked whether the ISF could be modified to 20 cfs if the Board determined that the environment could be sustained with 20 cfs due to the changes from the river restoration. CWCB staff offered to discuss the matter separately from the meeting, but acknowledged that it would be feasible to consider a modification in that case.
- b. *Interest in establishing dry year leases for instream flows.* Meeting participants were very interested in developing dry year leases for instream flows, which would enable them to allow their water rights to be used to help the fisheries when there is too little water available for them to plant crops or keep their cattle on the land. Participants noted that diversion of their water rights during the drought of the previous summer would have dried up the river totally, "but we wouldn't do it ... because we're conservationists also." Participants noted that bypassing their water rights was at their expense. CWCB staff were willing to work to develop a lease arrangement for dry years.



IV. Construction Fund and CWCB Funding of Projects

- a. *Questions about eligibility and procedures for loans and grants.* Several meeting participants had questions about the procedures for loans and grants. One meeting participant asked about eligible "security" for loans, and was told by CWCB staff that CWCB expects ditch or reservoir companies to have a resolution by their stockholders to set aside enough assessments to pay back the loans, and that CWCB can take any type of collateral (water rights, a certificate of deposit for one annual payment, etc.) For water conservancy districts and towns, the ability to repay the loan through taxes or assessments is typically adequate security. Another meeting participant asked whether loans could be used for land acquisition, and was told that land acquisition could be included if part of a raw water project. There were also questions about the distinction between grants and loans and the use of CWCB funds as matching funds for federal grants. CWCB staff noted that grants are for "issues of statewide concern, demonstration projects, studies leading to a loan, something a large group of people can agree on, such as river restoration projects." CWCB staff stated that "This is my sense – not the policy of the Board, but if the Board is presented the potential to provide a grant to solve a problem, and all the competing interests are in agreement on what they want to do, then generally, the Board will provide the grant," and noted that the Board wants to promote such "win-win situations." Staff also noted that, "If it's a very divided situation where everyone wants to kill each other, the Board generally shies away from those situations because it's too much of a hot potato." CWCB staff stated that CWCB funds can be used as matching funds for federal granted and also noted that having other sources of funding is an important consideration for CWCB grants.
- b. *Interest in development of a new storage project by the San Juan WCD.* A representative from the San Juan WCD noted that their district is trying to develop a new storage project of about 5000-10000 af. This effort to develop a new storage project was begun several years ago, when 3 potential sites in Archuleta County were found, of which only 2 are left. Participants noted that this area has a major raw water storage problem, even without additional growth. There were also questions about whether a new Section 7 consultation would be required for this project. CWCB staff replied that this project would be more than the minor depletions allowed under the existing agreement, and that a new Section 7 consultation would be required for a new storage project of this size, but that the Recovery Program could be presented as mitigation impact with that new Section 7 consultation.
- c. *Question about geothermal well repairs.* A meeting participant asked whether loans or grants were available for repair or improvement of flows in geothermal wells. CWCB replied that it may be possible if the money went through the water district as part of other work.
- d. *Potential projects to fund in the San Juan-Dolores-San Miguel Basin.*
  1. New raw water storage project in Archuleta County with the San Juan WCD.

V. Office of Water Conservation and Planning Support:

- a. *Questions about the potential reservoir site study.* Meeting participants from the San Juan Water Conservancy District were interested in the potential reservoir site study, and were interested in getting more information on the sites in Archuleta County. The WCD has been studying sites to develop new raw water storage. CWCB staff offered to send Fred Everling (or Fred Schmidt?) the tabulation of the exact sites in the county.
- b. *Questions about cloud seeding.* Meeting participants were interested in hearing about the process for cloud seeding permitting, and raised concerns about whether cloud seeding takes moisture from other areas. CWCB staff noted that there was a weather modification hearing scheduled to take place in La Plata County a few weeks after the basin meeting, and recommended that the meeting participants follow up there.
- c. *Discussion of the need for water managers to receive information on land transfers with water, and the potential for use of the decision support systems to track those transfers.* Representatives from water conservancy districts raised concerns that "as water managers, we're constantly bombarded by people who have bought land and supposedly bought water and they want to know what they've got. And generally speaking, we haven't the faintest idea, because when the land trades in and water is allocated, it doesn't come through us." There was discussion of how information on land transactions with water rights attached could be forwarded to the water districts. There was discussion of how the "computers can talk to each other" so that the information was automatically fed to the State Engineers and then could be downloaded by the water districts. SEO and CWCB staff suggested that it may be possible to incorporate those water transactions into the decision support system over time. The Division Engineer noted that there would need to be a requirements for that information to be reported, and that some transactions in the past haven't been clear as to "what the water right is and how much they're selling." Meeting participants also noted that shares can be transferred within a ditch company, which would not show up at the county level. CWCB Board Member Don Schwindt noted that, for the Dolores Project where water was tied to land, there was a need for "some real cooperation with county government, and also some workshops with realtors ... and title companies had to come into the mix." A water commissioner noted that there might be a need for "legislative action in order to mandate that the assessor and/or the clerk notify the state engineer's office, and it gets into some real legal issues of private property rights." CWCB staff noted that while there hadn't been such legislative action in the past, "that may change again over time, just as areas ... are growing very rapidly ... disclosure and cooperation between the entities become more of an issue of economy right now than it has been in the past."
- d. *Discussion of the need to improve the process to determine water availability before approving new housing developments.* There was discussion of the fact that there has been fast growth in Archuleta County and Hinsdale County, and subdivisions have been developed "without any idea where the water sources were or what they were," which has been causing extensive problems. Meeting participants noted the importance of including a water plan with land planning at the local planning commission level, and noted that there will be a water plan included to address proposed development in a proposal to the



planning commission. The Division Engineer noted that "the problem is not that we don't already have the structure to deal with evaluating subdivision plans and evaluating well permits, it's just that our communication ... between state and county and the state engineer's office hasn't been as good as it should be, in some cases, because the law says we should evaluate the adequacy of the water supply before they approve the subdivision. And I just think in some cases maybe the growth has gone so fast it has overtaken our coping capabilities and we haven't grasped onto some of these problem areas yet, but I think we'll get into it as time moves along." This has been an issue particularly in areas such as Archuleta County where "we didn't have to be very formal over here, things just happened." The water commissioner noted that he reviews parcels that are 35 acres or less, but "it's the ones that are 35 acres and greater that there's no comment required and I never see those, there's no investigation about what water supplies there are." CWCB staff discussed how the DSS could be used to "identify how much water originates in a basin ... and you've got a list of the water rights, so you can start comparing the water supply against the water rights that exist, and identify what kind of shortages you may have and whether it's going to take a really dry year such as this to create shortages or whether you may have shortages even in an average year." Staff also noted that, eventually, the CDSS models will be set up so that people at the local level could run the model and feel comfortable with the answer.

- e. *Discussion of the need for information on groundwater availability.* Several meeting participants noted the importance of knowing where the groundwater was before issuing permits. Said one participant, "I drilled 3 dry holes and it would have been really nice if I'd known what the potential was in advance."

VI. General Policy Directions:

- a. *Recognition of staff.* Meeting participants recognized Dan Merriman for his work on behalf of the Upper Blanco restoration project, stating, "I'd never dealt with any state bureaucrat who worked as hard as Dan did ... every time we ran into a hurdle, he was carrying freight and getting over that hurdle ... without Dan, it wouldn't have been done." Meeting participants also thanked the staff involved in the basin meetings for visiting the restoration project and seeing the project first-hand the afternoon before the basin meeting.
- b. *Concerns regarding preservation of open spaces and quality of life.* A homeowner expressed concerns about preserving the quality of life for which she and her husband retired to the area. "We moved here specifically and we don't want to change Archuleta County, we want it to stay for us and those who come behind us." She expressed concerns about the drying up of the streams, stating "when you drive up past Treasure Falls and you see it dripping down, it is dreadful." She also expressed concerns about the availability of water for new residents, stating "we don't know from one day to the next whether or not we're going to have enough water the coming spring, we don't know exactly as landowners in a subdivision, exactly where we stand on the line of availability on water." Meeting participants noted that on overappropriated rivers, "you're going to get whatever is the overflow." Another participant expressed his feelings on the quality of life as follows: "My quality of life is dependent on open space, green valleys, and not

too many neighbors,” and added, “I think the people who treasure those values are the ones who have to deal with it.”



San Juan-Dolores-San Miguel Basin Meeting in Dolores (Dolores Basin)

The San Juan-Dolores-San Miguel Basin Meeting for Montezuma Valley and the Dolores Basin was held on Wednesday, September 20, 2000, in the evening, at the Anasazi Heritage Center in Dolores. The meeting was hosted by Don Schwindt, the CWCB Board Member for the San Juan-Dolores-San Miguel Basin, and co-hosted by the Southwestern Water Conservation District, particularly by SWWCD Board Members John Porter and Larry Deremo. The meeting was facilitated by Mike Preston of the Office of Community Services at Fort Lewis College. The SWWCD, and particularly staff member Mary Fenwick, provided extensive support for all four basin meetings, including mailings and public notices. The meeting was followed by a tour of Montezuma Valley the next day, which included tours of farming operations receiving water from Montezuma Valley Irrigation Company's (MVIC's) transbasin diversion from the Dolores Basin, and a visit to the potential dam site at Plateau Creek, which is under consideration for storage for water for the fishery below McPhee Reservoir.

The local contacts for this meeting were:

Mike Preston, Office of Community Services, (970) 565-8525, mpreston@co.montezuma.co.us  
Mary Fenwick, SWWCD, (970) 247-1302, water@frontier.net

There were 40 people in attendance, plus CWCB Member Schwindt, facilitator Mike Preston, and seven CWCB staff.

The attendees included representatives from: Federal Agencies (NRCS, USBR), State Agencies (DWR, Dept. of Ag); Local/Tribal and County Governments (City of Cortez, Ute Mountain Ute Tribe); Water and Irrigation Districts and Other Water Organizations (Southwestern WCD, Mancos WCD, Dolores WCD), business and citizens organizations (Colorado Rafters Association, Transition Zones, San Juan Citizens' Alliance), farmers, landowners.

Issues Raised and Specific Concerns or Needs:

- I. Flood Protection and River Restoration:
  - a. *Concerns regarding acid mine drainage in the Dolores basin and interest in possible use of river restoration to address water quality problems from Silver Creek Mine.* Meeting participants expressed concern about the leakage and leachates from Silver Creek Mine that were penetrating into the Dolores waters, and asked about any help available from the CWCB on this matter. CWCB staff noted that the Colorado Geological Survey was conducting a study to identify all sources of possible acid mine drainage, and were working with CWCB and the MEGA Board to put together a stream restoration program to use stream restoration to address water quality impacts from mining, such as is occurring in the Upper Animas Watershed. A meeting participant noted that, according to the Rico Town Manager, there is a particular mine of concern where a dyke may fail due to cutback erosion, and there are flows coming out with mercury, cadmium, and other heavy metals. CWCB staff recommended contacting David Bucknam, reclamation coordinator for Division of Minerals and Geology, to get emergency funding for the form

Water Quality Control Commission, with possible follow-up from CWCB after the immediate actions have been taken.

II. Compacts and Decision Support Systems:

- a. *Concerns about access to information on negotiations with the US Forest Service.*  
Several meeting participants expressed strong concerns about the level of information available about the negotiations with the US Forest Service about how much water they want, and were very concerned that Trout Unlimited was getting more information than the farmers and ranchers in the valley. CWCB staff explained that "we are in litigation and to some degree that's why, at least from a negotiating standpoint, the discussions have been somewhat closed." Participants were concerned that the farmers and ranchers never get any input into it ... we're really concerned about Trout Unlimited being in on the negotiations, they don't have any water rights." There was discussion of the fact that Trout Unlimited wasn't taking part in the negotiations between the State and the Forest Service, but were a party in the case. There was a suggestion by a meeting participant that the farmers and ranchers petition to become an amicus of the court as a potential litigant. CWCB and SEO staff noted that there had been several public meetings in the valley a year before. CWCB staff also noted that there are still technical issues being looked at to determine how much water would be needed, and "let's let the technical folks work so that we can pinpoint and find out what exactly they are asking for, because we don't know yet, and I don't think they know yet ... until we have a better handle on that, it's going to be very difficult to negotiate. Dan Meriman noted that he would try to get an update out to the public on the negotiations.

III. Stream and Lake Protection/Instream Flow Program:

- a. *Concerns about access to information on negotiations with the US Forest Service.*  
Several meeting participants expressed strong concerns about the level of information available about the negotiations with the US Forest Service about how much water they want, and were very concerned that Trout Unlimited was getting more information than the farmers and ranchers in the valley. CWCB staff explained that "we are in litigation and to some degree that's why, at least from a negotiating standpoint, the discussions have been somewhat closed." Participants were concerned that "the farmers and ranchers never get any input into it. Participants stated that, "we're really concerned about Trout Unlimited being in on the negotiations, [since] they don't have any water rights." There was discussion of the fact that Trout Unlimited wasn't taking part in the negotiations between the State and the Forest Service, but were a party in the case. There was a suggestion by a meeting participant that the farmers and ranchers petition to become an amicus of the court as a potential litigant. CWCB and SEO staff noted that there had been several public meetings in the valley the previous year. CWCB staff also noted that there are still technical issues being looked at to determine how much water would be needed, and "let's let the technical folks work so that we can pinpoint and find out what exactly they are asking for, because we don't know yet, and I don't think they know yet ... until we have a better handle on that, it's going to be very difficult to negotiate." Dan Merriman stated that he would try to get an update out to the public on the negotiations.



**IV. Construction Fund and CWCB Funding of Projects**

- a. *Discussion of SWWCD Water Planning Study for WETPACK, and the use of cloud seeding.* John Porter noted that the Southwestern WCD completed a study and planning project for the district called WETPACK (Water for Everyone Tomorrow Package). Their study found two priorities: getting more water below McPhee Reservoir, at an amount to be negotiated with the USBR, and getting more water for agriculture, while also keeping enough water for recreational boating. Cloud seeding was discussed as a means by which more water could be created for recreational boating while having storage to regulate flows for the fisheries. Other meeting participants asked if CWCB could fund empirical studies to determine whether the cloud seeding worked first, and how much additional yield could be gained through cloud seeding. CWCB Deputy Director Dan McAuliffe noted that CWCB issues permits for cloud seeding but doesn't provide funding for it. To get additional water for agriculture, which would preserve open space, SWWCD is talking about obtaining water from Montezuma Valley Irrigation Company (MVIC), and is coming to CWCB for a loan for this portion of the project.
- b. *Discussion of the potential sites for storage for water for the fisheries as part of WETPACK.* John Porter from SWWCD noted that 5 sites had been considered for storage for the water for fisheries: two above McPhee Reservoir, one on Beaver Creek "just below where Groundhog Road takes off to go into Groundhog," one at Plateau Creek above McPhee Reservoir, one at Sharp's Draw out towards Dove Creek, one at Monument Creek. He noted that Beaver, Sharp, and Monument were too expensive per acre foot to consider before TU, DOW, BLM, and USFS have decided whether they want new storage, and until TU gets their recommendations from their hydrology study by Hydrosphere. He noted that their estimates found that Plateau Creek would cost \$1700/af while the others cost \$4,000-5,000/af. A meeting participant asked whether hydropower was being considered anywhere in the area, and was told that the USBR already had power plants on the 2 best sites in the area, although there was a site that could be retrofitted for hydropower if the Utes wanted to develop the site, since they own the water.
- c. *Concern about representation of recreational water users in water planning and project development, and interest in a feasibility study to determine how to reduce impacts on boating while finding storage for fisheries.* A representative from the recreational boating industry noted that "The Dolores River is one of the jewels of the country as far as boating access ... each day is worth basically about \$50,000." The participant also noted that "This community cannot continue to ignore the fact that the fishery is of value economically and from a sociological standpoint to an awful lot of people." He stated that "we want a state that has viable recreational opportunities, healthy fisheries, and quality water for drinking, for wildlife and fisheries, 50-100 years from now. This requires that we do some planning now." He stated that "I would love to work with the water development establishment to get what you want, but we have to be recognized as part of this equation, and I just don't feel that this is happening." He warned that "I believe that we're going to see a bigger opposition to WETPACK than we've seen with Animas La Plata, because you don't have the Trojan Horse of Indian Water Rights here." Another meeting participant noted that "it was a Trojan Horse Indian Water Rights



Settlement Project that built [the Dolores Project] for us.” A meeting participant representing private boaters noted that “the vast majority of the people [boating] down here are from Durango and Cortez and Dolores and Dove Creek and all around there who enjoy that river” which is “an important part of their lifestyle.” Other meeting participants noted that the first portion of WETPACK, for which SWWCD was requesting CWCB funding, was only for agriculture, and did not yet include storage for fisheries, so would not impact boaters. Other participants involved in the negotiations for the development of the WETPACK project for fisheries also expressed interest in the feasibility study to address the issues related to the fishery and recreational boating.

- d. *Potential projects to fund in the San Juan-Dolores-San Miguel Basin.*
  - 1. Funding for empirical studies of cloud seeding for WETPACK.
  - 2. Funding for agricultural portion of WETPACK, to lease (purchase?) water from MVIC for agricultural land.
  - 3. Funding for fisheries portion of WETPACK – sites still being studied for this portion of the Package.
  - 4. Stream restoration project around Rico where cutbank erosion is increasing mine leakage into the Dolores River.
  - 5. Feasibility study for the storage for the fisheries, particularly to address issues related to impacts on recreational boating.

V. Office of Water Conservation and Planning Support:

- a. *Discussion of “Healthy Communities” program to preserve open spaces in the Southwestern counties.* A meeting participant noted that this area “has a very strong agricultural base ... and the planning commissions have identified the real desire in this community to keep that agricultural base.” He described the program called “Healthy Communities” to identify and support needs for open space and to preserve the quality of life in the region. He noted that “Montezuma and Dolores Counties have twice as many acres of agriculture as does La Plata and Archuleta, but the opposite is true when you look at recreation base, the tourism-based part of the economy.”
- b. *Discussion of SWWCD Water Planning Study for WETPACK, and the use of cloud seeding.* John Porter noted that the Southwestern WCD completed a study and planning project for the district called WETPACK (Water for Everyone Tomorrow Package). Their study found two priorities: getting more water below McPhee Reservoir, at an amount to be negotiated with the USBR, and getting more water for agriculture, while also keeping enough water for recreational boating. Cloud seeding was discussed as a means by which more water could be created for recreational boating while having storage to regulate flows for the fisheries. Other meeting participants asked if CWCB could fund empirical studies to determine whether the cloud seeding worked first, and how much additional yield could be gained through cloud seeding. CWCB Deputy Director Dan McAuliffe noted that CWCB issues permits for cloud seeding but doesn’t provide funding for it. To get additional water for agriculture, which would preserve open space, SWWCD is talking about obtaining water from Montezuma Valley Irrigation Company (MVIC), and is coming to CWCB for a loan for this portion of the project.

VI. General Policy Directions:

- a. *Appreciation for CWCB work in the Four Corners region, and support for transbasin diversions.* John Porter from the Southwestern WCD began the meeting with a statement of appreciation for CWCB's assistance on several important projects in their area of the state. He noted that, in the drought of the previous summer, although the water levels in the reservoir were low, "there isn't a water user in this area that went short of water this year" because of the Dolores Project, which was developed with CWCB support under Felix Sparks. Porter noted that when "the cost of M&I water skyrocketed," CWCB through Bill McDonald helped. He noted that the Dolores area "was built on transbasin diversion," due to the water imported to McElmo Creek from the Dolores River through the Montezuma Valley Irrigation Company (MVIC) project. He also noted that CWCB provided the funding support for planning and studying water demands and water needs in this area, leading to the development of their WETPACK projects (Water for Everyone Tomorrow Package).
- b. *Concern about representation of recreational water users in water planning and project development, and importance of recreation to Southwest Colorado.* A representative from the recreational boating industry noted that "The Dolores River is one of the jewels of the country as far as boating access ... each day is worth basically about \$50,000." The participant also noted that "This community cannot continue to ignore the fact that the fishery is of value economically and from a sociological standpoint to an awful lot of people." He stated that "we want a state that has viable recreational opportunities, healthy fisheries, and quality water for drinking, for wildlife and fisheries, 50-100 years from now. This requires that we do some planning now." He stated that "I would love to work with the water development establishment to get what you want, but we have to be recognized as part of this equation, and I just don't feel that this is happening." He warned that "I believe that we're going to see a bigger opposition to WETPACK than we've seen with Animas La Plata, because you don't have the Trojan Horse of Indian Water Rights here." Another meeting participant representing private boaters noted that "the vast majority of the people [boating] down here are from Durango and Cortez and Dolores and Dove Creek and all around there who enjoy that river" which is "an important part of their lifestyle." Other meeting participants noted that the first portion of WETPACK, for which SWWCD was requesting CWCB funding, was only for agriculture, and did not yet include storage for fisheries, so would not impact boaters. Other participants involved in the negotiations for the development of the WETPACK project for fisheries also expressed interest in the feasibility study to address the issues related to the fishery and recreational boating.
- c. *Concerns regarding Amendments 21 and 24 on taxes by special districts.* Meeting participants expressed strong concerns about proposed constitutional amendments 21 and 24, which would have impacted special districts' ability to tax. Participants were very concerned about the impact these amendments would have on their districts and their ability to pay back loans. CWCB staff noted (since they were asked to comment) that the Board had taken a formal position in opposition to Amendment 21 because many districts would default on loans if their source of revenue was cut off, and because the State would be required under Tabor to backfill all impacts to the loss of revenue. "There is no safety

net." A meeting participant asked that it be noted that "our community ... [is] really opposed to 21 and 24, so we can get that into the record, it will affect water rights."

- d. *Concerns about water from Southwestern Colorado being taken to Denver based on CWCB studies, and concerns about changing the representation on the Board.* A meeting participant expressed concern about the data being collected by CWCB, about whether it was "for grants and loans, or is it a way of taking the water and ensuring the water to go to Denver?" CWCB staff began to explain that the decision support systems are a tool to make decisions about competing uses of water. The meeting participant asked about the population studies and asked, "does the larger population have control of the water." This led to discussion of the current set-up of the Board, and how the changes that had been proposed would add more representatives on the Board from the higher populated areas. CWCB staff also noted that one purpose of the Basin Meetings was to hear from all areas of the state and to try to determine how to address rural and agricultural issues raised at the meeting. SSWCD staff noted that "I have worked with numerous members of [CWCB's] staff, and they've been wonderful help, and that's exactly what they're here for tonight. They're offering you their programs and their services and showing you what they have to offer for you. It's not that they're trying to take anything away from you, or trying to tell you what to do, they're here asking you for what you need from them." The original meeting participant expressed her strong concern that "I'm going to stay here. And I'm not going to take any kind of threat you know in getting the water rights, and that, because I live in a rural area. And I don't think its fair for us folks to be penalized for living in a rural area. And enjoying the agriculture and the recreation and so forth and so on. And the kind of living that we've had for generations in this area. So I really oppose Denver and people like that in their thoughts of issuing these demands that we have to live close to the status quo, you know, because that's what the new trend, and I find that most appalling. So, that's what I just needed to say."
- e. *Interest in economic/growth fact sheets.* Meeting participants were interested in seeing fact sheet information on economics and growth. CWCB staff noted that a separate set of fact sheets were being produced to address those issues.



San Juan-Dolores-San Miguel Basin Meeting in Norwood (San Miguel Basin)

The San Juan-Dolores-San Miguel Basin Meeting for Norwood was held on Tuesday, September 19, 2000, in the evening, at the Archuleta County Fair Building. The meeting was hosted by Don Schwindt, the CWCB Board Member for the San Juan-Dolores-San Miguel Basin, and co-hosted by the Southwestern Water Conservation District, particularly by SWWCD Board Members Raymond Snyder and William Bray. The meeting was facilitated by Mike Preston of the Office of Community Services at Fort Lewis College. The SWWCD, and particularly staff member Mary Fenwick, provided extensive support for all four basin meetings, including mailings and public notices. The meeting was preceded by a tour with Raymond Snider of the Cone Reservoir Site and Gurley Reservoir, and dinner with the San Miguel WCD Board Members.

The local contacts for this meeting were:

Mike Preston, Office of Community Services, (970) 565-8525, mpreston@co.montezuma.co.us  
Mary Fenwick, SWWCD, (970) 247-1302, water@frontier.net

There were 22 people in attendance, plus CWCB Member Schwindt, facilitator Mike Preston, and seven CWCB staff.

The attendees included representatives from: Federal Agencies (NRCS), Local Governments (San Miguel County Commissioner, Nucla Mayor, Norwood Mayor), Water and Irrigation Districts and Other Water Organizations (Southwestern WCD, San Miguel Basin Soil Conservancy District, Norwood Water Commission, San Miguel Watershed Coalition), ditch companies (Colorado Cooperative Ditch Company, Gurley Water Development Company), farmers, ranchers.

Issues Raised and Specific Concerns or Needs:

- I. Flood Protection and River Restoration:
  - a. *Interest in floodplain restoration.* A participant from the San Miguel Watershed Coalition (Contact: Linda Luther) expressed interest in restoration of floodplains, and noted that the loss of floodplain areas is particularly apparent during ice flows. CWCB staff offered to follow up on initiating a floodplain restoration project in the San Miguel.
- II. Compacts and Decision Support Systems:
  - a. *Discussion of removal of SnoTel sites.* There was discussion of plans to cut some of the SnoTel sites. CWCB staff stated that the NRCS had found enough correlation between the sampling and the SnoTel data that they were able to cut down on some of the SnoTel sites. Staff also stated that the SnoTel data is available on the CWCB web site under Floodwatch. NRCS staff noted that the data can also be accessed through their web site.



- b. *Concerns regarding relic population of cutthroat trout.* Meeting participants reported that, while reviewing a development proposal for a golf course near Deep Creek, a relic population of cutthroat trout was discovered. CWCB staff explained that, while this population would not need a recovery program, the DOW would want to include the population on its list of native cutthroat populations as part of their statewide efforts to recover the species. Meeting participants noted that, although there was no instream flow right, the development proposal had been rejected due to concerns for the relic fish population.
- c. *Discussion of the impacts of Dolores River species recovery efforts on the San Miguel.* Meeting participants asked about the new developments on the Dolores River and endangered species efforts, and how those might impact the San Miguel. CWCB staff noted that the Dolores "has been a pretty low priority with respect to what the Fish and Wildlife Service wants to accomplish." Staff also noted that there are efforts underway to increase flows below McPhee Reservoir, which will help the communities below the confluence between the Dolores and San Miguel Rivers.

III. Stream and Lake Protection/Instream Flow Program:

- a. *Questions about plans for instream flows in the San Miguel Basin.* There were several questions regarding plans for filings for instream flows in the San Miguel Basin. CWCB Stream and Lake Protection Section Chief Dan Merriman noted that DOW has placed the San Miguel on their priority list, and a number of segments in the San Miguel are being considered for 2001. Merriman noted that there would be an "economy" in working on the upper and lower basin instream flows at the same time. He stated that there was one filing being considered on the San Miguel downstream of Fall Creek and through CC ditch, as a joint recommendation of the DOW and BLM, although the BLM has not provided the information early enough for the CWCB staff to review and present to the Board for this year. He noted that there was also a filing under consideration in the upper San Miguel, from "Society Turn to where the South Fork comes in upstream," which was being developed in cooperation with an upper basin water rights group ("the town, the county, the San Miguel Corps, the Mountain Village, the ski company, Del Soto, a number of folks who had water rights in that basin"). There were also others, such as Prospect Creek, that would not be ready to bring to the Board in 2001, and segments in the lower basin where the Nature Conservancy has property, which would be complicated filings because there are other users in the lower basin.
- b. *Concerns regarding impacts of instream flow rights on water right filings and federal agencies' approach to the San Miguel WCD filings.* A representative from the San Miguel WCD noted that they have had an application pending since 1994 for 5 cfs as a direct flow right on the main stem of the San Miguel, near Beaver Canyon, with 6 downstream objectors including the BLM, on whose property the point of diversion is, although they have no water rights. BLM has told the WCD to cut their filing in half, and, according to the WCD, has stated that they "still own the right to take it down more" and to deny the WCD's special use permit application. The WCD representative expressed concern that the BLM wouldn't abide by the amount of flow determined to be

necessary by the CWCB Instream Flows program. CWCB staff expressed concern with the manner in which BLM was dealing with the San Miguel WCD filing, and noted that BLM has typically been good to work with and prompt in providing information needed by CWCB staff for analysis of proposed instream flow levels. There was concern that the BLM might take an approach similar to the US Forest Service's use of bypass flows, which would make the process "completely chaotic." Meeting participants also noted that the US Forest Service was becoming interested in Woods Lake and some of the Woods Lake tributaries due to the presence of some endangered species.

- c. *Interest in development of water storage to meet instream flow needs.* A meeting participant noted that there is a shortage of storage in the Norwood and Wrights Mesa area. He suggested the development of a reservoir "to store flood waters to provide for instream flows later in the season" and asked whether there was funding available for a project like that "if enough people come to the table wanting it to happen." CWCB staff noted that that would most likely be a grant, since it would be hard to identify parties to repay a loan. Staff also noted that this could be similar to projects in the lower South Platte and the Yampa river basins.
- d. *Interest in use of instream flow rights to prevent transfer of water up to Telluride.* Meeting participants were interested in the use of instream flow rights to keep water flowing near ranchlands. Participants noted that a Telluride investor was coming down to buy ranchland and move the water upstream, but was turned away by legal battles. Participated expressed interest in using instream flows to keep water in the lower part of the basin.
- e. *Discussion of dry year leases and use of instream flows for municipalities for drought.* Meeting participants expressed interest in "creative brokering" with the CWCB such as through dry year leases. Participants also noted that Telluride "created a lot of controversy ... by dipping in an emergency into the instream flows" and suggested that CWCB could help come up with creative solutions to deal with those situations.

IV. Construction Fund and CWCB Funding of Projects

- a. *Interest in development of water storage to meet instream flow needs.* A meeting participant noted that there is a shortage of storage in the Norwood and Wrights Mesa area. He suggested the development of a reservoir "to store flood waters to provide for instream flows later in the season" and asked whether there was funding available for a project like that "if enough people come to the table wanting it to happen." CWCB staff noted that that would most likely be a grant, since it would be hard to identify parties to repay a loan.
- b. *Interest in having CWCB assist with mediation for the construction of new storage.* There was strong interest in developing new storage, and meeting participants noted that the previously approved CWCB loan for a project a Cone Reservoir was decommissioned because the project was not started due to disagreements between the parties. The participants and CWCB staff agreed that it would be helpful for CWCB to facilitate

- discussions between the ditch company boards to get the project going again.
- c. *Concern regarding water availability for new housing developments.* Meeting participants expressed concern that “we’ve got people building homes all over the mesa, and Neil Snyder and these guys (Norwood Water Commission) are all responsible for turning the tap on to them ... we have got to have more water.”
  - d. *Questions regarding the feasibility study for the decommissioned loan.* Meeting participants asked whether the feasibility study for the decommissioned loan would need to be redone if the project were started and a new loan approved. CWCB staff noted that the water district could just update the old study, and did not have to pay back the money for the feasibility study.
  - e. *Discussion of the water development needs to address growth in the basin.* A participant from the San Miguel Watershed Coalition noted that 6-7 communities in the basin are part of a pilot project for the State’s source assessment program. She noted that there are “at least two others that need to develop more water supplies,” and that the Town of Telluride is in the process of developing additional water supplies. She noted that “given the growth here, all the public water supplies will be trying to increase their infrastructure in the near future.” Specific towns she named include Ophir, Telluride, South Park, and subdivisions of El Desoro and Norwood. The Mayor of Nucla also noted that Nucla and Naurita would need to upgrade their water treatment plants, and are completing a feasibility study to combine and build one plant for both towns. Naurita is also looking for new water supply.
  - f. *Interest in development of the Salt Tide Reservoir Site.* Meeting participants expressed interest in developing the Salt Tide Reservoir Site a.k.a. the Marie Scott Reservoir Site, which is a 24,000 af lake. Participants noted that the reason their decommissioned loan project was shot down was because Farmers Development Water Board wanted to develop Salt Tide Reservoir instead of Cone Reservoir.
  - g. *Interest in floodplain restoration.* A participant from the San Miguel Watershed Coalition (Contact: Linda Luther) expressed interest in restoration of floodplains, and noted that the loss of floodplain areas is particularly apparent during ice flows. CWCB staff offered to follow up on initiating a floodplain restoration project in the San Miguel.
  - h. *Potential projects to fund in the San Juan-Dolores-San Miguel Basin.*
    - 1. Water storage to address lower basin requirements for instream flows and other water uses.
    - 2. Cone reservoir development – recommission loan with CWCB facilitation between ditch companies.
    - 3. Study of future water needs and potential impacts of instream flows.
    - 4. New water supplies needed in several towns in the basin including Ophir, Telluride, South Park, subdivisions of El Desoro and Norwood, and Naurita.
    - 5. Floodplain restoration project near Norwood (contact Linda Luther at San Miguel Watershed Coalition).

6. Development of Salt Tide Reservoir.

V. Office of Water Conservation and Planning Support:

- a. *Interest in planning study of future water demands and impact of instream flows.* A meeting participant noted that future exchanges and storage development would be impacted by instream flows, and the CWCB is currently developing several instream flows on the San Miguel. He suggested that there might be a need for a planning study for the lower stakeholders on future exchanges or need for storage or reduction in agriculture, and suggested that the study be completed before the instream filings occur.
- b. *Discussion of growth management program.* A county commissioner noted that they are in the process of completing a growth management process. He stated that "it's more about land use than the water use, although the water ties to it for sure up in the upper basin." Another participant noted that the Norwood Water Commission has retained Westwater Engineering to update population projections and water supply demands, and the projected additional storage capacity needed. That report was expected to be completed 2 weeks after the basin meeting.
- c. *Interest in the development of a drought program.* A county commissioner expressed interest in developing a drought plan for the county, and noted that they became interested after being contacted by CWCB for the drought plan survey. He offered to provide the name of the emergency coordinator for the county and asked that CWCB follow up with him.
- d. *Discussion of the water development needs to address growth in the basin.* A participant from the San Miguel Watershed Coalition noted that 6-7 communities in the basin are part of a pilot project for the State's source assessment program. She noted that there are "at least two others that need to develop more water supplies," and that the Town of Telluride is in the process of developing additional water supplies. She noted that "given the growth here, all the public water supplies will be trying to increase their infrastructure in the near future." Specific towns she named include Ophir, Telluride, South Park, and subdivisions of El Desoro and Norwood. The Mayor of Nucla also noted that Nucla and Naurita would need to upgrade their water treatment plants, and are completing a feasibility study to combine and build one plant for both towns. Naurita is also looking for new water supply.

V. General Policy Directions:

- a. *Appreciation for CWCB staff visit.* Meeting participants thanked the CWCB staff for coming out to see the Cone and Gurley reservoirs before the meeting. Participants also noted that the new town reservoir that CWCB funds helped to build "saved us this year."
- b. *Interest in having CWCB assist with mediation for the construction of new storage.* There was strong interest in developing new storage, and meeting participants noted that the previously approved CWCB loan for a project a Cone Reservoir was decommissioned



because the project was not started due to disagreements between the parties. The participants and CWCB staff agreed that it would be helpful for CWCB to facilitate discussions between the ditch company boards to get the project going again.

- c. *Discussion of the viability of agriculture.* The discussion of the use of dry year leases led to a discussion of the viability of agriculture, and whether dry year leases can be used to tie agriculture over to more profitable years or whether, as one participant put it, "we've long since passed economic revival." The farmer noted that "People here do it because they love it, and when this generation's gone, you're going to see that water sold, and you're going to see it go to Telluride, because the younger generation isn't interested in it for the same reasons that we are." He noted that saving agriculture would require a change in attitude of politicians in America, stating, "We're hammered daily by groups trying to put us out of business, you're getting imports, you're getting people who won't let you use pesticides, you're getting environmentalists who run you off public lands, its one thing after another. You don't have time to ranch or farm anymore. And until it becomes economically viable, you're seeing the end of it, it's not going to change." A county commissioner noted that the county has a program that enables landowners to lock their land into agriculture by getting conservation easements. A farmer objected that "if I can't do what I want to do, then by God, I want to be rich." CWCB Board Member Don Schwindt, also a farmer, spoke strongly in favor of farming, noting that "you've got to do something different than your dad did" and noted the need to teach your kids that working in agriculture is "something good, and it can beat a lot of other folks' living, plus it has a few amenities that you might like." Other participants noted that "you have to be pretty tough to make a living in agriculture today ... you've got to be really dedicated." He also noted that he hoped to continue to have those dedicated people because "that's the only way we're going to be able to preserve open space."





North Platte Basin Meeting in Walden

The North Platte River Basin Meeting was held on Tuesday, October 17, 2000, in the evening, at the Wattenberg Center in the Fairgrounds in Walden. The meeting was hosted by Bob Burr, the CWCB Board Member for the North Platte Basin, and Co-Hosted by the Jackson County Water Conservancy District. The meeting was held as a stand-alone meeting, following dinner with the board of the co-host organization.

The local contacts for this meeting were:

Michelle Traher, Jackson County WCD Administrator, (970-723-8221, momtraher@aol.com)  
Kent Crowder, Jackson County WCD President, (970-723-4660)

There were 30 people in attendance, plus CWCB Member Burr and seven CWCB staff.

The attendees included representatives from: State Agencies (DWR Division Engineer and Water Commissioners, State Land Board); CSU Cooperative Extension; Local and County Governments (Jackson County employees and County Commissioners, Walden); Water Districts (Jackson County Water Conservancy District); ranchers and concerned citizens.

Issues Raised and Specific Concerns or Needs:

I. Flood Protection and River Restoration:

a. None.

II. Compacts and Decision Support Systems:

a. *Concern regarding bypass flow requirements if the Three States Agreement fails.* There was extensive discussion and strong feelings expressed at this meeting regarding the Three States Agreement and what requirements there would be for bypass flows, taking away private water that people "paid for and own" -- if the Three States Agreement fails. There were also questions about why Colorado can't get credit for instream flow waters for the Three States Agreement. CWCB Deputy Director Dan McAuliffe explained that the instream flows are typically at the headwaters of streams, and the water rights would need to be low in the stream to be recognized by FWS as providing enough protection for the water for habitat. There was also discussion of the feasibility study on the lower South Platte and how that can lead to a project to ensure that the Three States Agreement requirements are met.

b. *Concerns regarding the Three States Agreement and what alternatives are being considered.* There was discussion of the Boyle Report and questions about which alternatives from the Boyle Report are being considered. Randy Seaholm explained that Colorado's approach has been to try to "take care of the problems in the most economical way possible," and that typically that involves alternatives closest to the habitat in Nebraska. He also explained that Nebraska is concerned that this does not provide

enough sharing of the "pie of pain," and that this concern is holding up the process. Randy stated that Colorado will consider any alternatives that will allow us to live within the compact entitlements on the South Platte, and also not go over the requirements of the decree on the North Platte.

- c. *Concerns regarding stream depletions by the US Forest Service.* There was discussion of the water management practices and stream depletion by the US Forest Service, which owns much of the land and water rights in the headwaters of the North Platte. There was also concern that the USFS might try to take water rights again, and participants expressed their feelings that the USFS has not been very cooperative with water users in the North Platte.
- d. *Concern regarding lack of information on the Three States Agreement.* A meeting participant noted that the Jackson County Water Conservancy District has submitted information on the Clampert (?) depletions filing and hasn't heard whether that will be accepted or not.

III. Stream and Lake Protection/Instream Flow Program:

- a. *Concern re: CWCB recognition of the 1988 agreement that there will be no filings below the lowest diversions in the basin.* Meeting participant requested assurance that CWCB continues to recognize a 1988 agreement not to file below the lowest point of diversion in the basin, since "that's what we're governed by." Stream and Lake Protection Section Chief Dan Merriman acknowledged that CWCB still recognizes that agreement.
- b. *Question re: Instream Flow Program use to protect and conserve endangered species.* There was a question regarding the use of the instream flow program to protect and conserve endangered species. Dan Merriman explained that DNR is trying to ensure that no more species in Colorado are added to the federal endangered species list, and that currently listed species are removed from the list. He explained that, in cases where a water component can be part of a species recovery program, instream flows can be used for that purpose.
- c. *Concern regarding stream depletions by the US Forest Service.* A meeting participant suggested that if the instream flow program wants to protect the river system in instream flow rights above the highest diversion, they need to make a call on the people depleting the river, namely the US Forest Service.
- d. *Questions regarding recreational flows and the recognition of stock water uses.* There were several questions about recreational flows and the difference between how recreational flows work and how the instream flow program works. A meeting participant raised the concern that stock water is not necessarily decreed, but is a use on the river. Dan Merriman explained that the instream flow program considers existing uses and the time of appropriation, whether they're decreed or not. Merriman also pointed out that the boat chute owners are not governed by the same reasonableness clause or system of checks and balances that exists in the instream flow program.

Meeting participants were concerned that a recreational flow filing might be put on Buckshoot.

- e. *Discussion of the use of the Instream Flow Program to preserve flows in areas no longer being used for agriculture.* A meeting participant asked about old ranches that have been bought by front range cities, which are no longer being irrigated. The example of the area around Evergreen and Elk Meadows was given, where irrigation has stopped at the old ranches and the smaller creeks are no longer running. Dan Merriman explained that the instream flows can be used to ensure that there are the same historical return flow patterns, and prevent the total dryup that can occur when water rights are moved to the cities. Dan McAuliffe also explained that these scenarios are being considered as a potential use of CWCB's available financial resources, in cases where the difference between the sale of senior water rights and keeping that water tied to the land is a few bucks.
- f. *Questions regarding reliance on ditch seepage.* A meeting participant asked whether return flows were protected after leaving the ditch, between the headgate and the river, such as ditch seepage. Dan Merriman replied that the Instream Flow Program has not yet had to deal with that situation.

IV. Construction Fund and CWCB Funding of Projects:

- a. *Interest in funding sources to help upgrade treatment facility.* There was discussion of Walden's need to upgrade their water treatment plant, and the possible sources of funding for that upgrade. John Van Sciver noted that CWCB can only provide funds for any raw water component of the project, but that CWCB often works to assist utilities in finding an appropriate funding source for other types of water projects. He suggested contacting Barry Cress at Local Government, or the Water and Power Authority, or the federal Rural Development program.
- b. *Potential projects to fund in the North Platte Basin.*
  - 1. Town of Walden Treatment Plant

V. Office of Water Conservation and Planning Support:

- a. None.

VI. General Policy Directions:

- a. *Concern regarding plans by Front Range to plan water use for the rest of the state, and reorganization of the Board Membership.* There was discussion of a proposal to change the board membership to reflect population, rather than where the water is and who has the water rights. There was also discussion of whether the state needs a state "water plan" or whether North Platte already has a plan for its water.

- b. *Use of CWCB financial resources to purchase instream flow rights and prevent dryup of agricultural lands.* CWCB Deputy Director Dan McAuliffe noted that, in cases where dryup of ag land and the sale of senior water rights is a real threat, and the difference between the sale and keeping that water tied with the land is a few bucks, it may be possible for CWCB to consider using grant money and the instream flow program, as well as CWCB expertise, to keep folks in the business of ranching and farming. This led to discussion of whether this could be seen as forcing people to stay in a business that they didn't want to be in, or providing an opportunity for people who want to stay in agriculture to do so. Dan Merriman used an example of land near Snowmass Creek, which was purchased by the Conservation Fund, who put a change in the title that required some of the water rights to stay with the land, which it has through a couple of sales of the land. There was discussion of whether this approach has been used for "hobby" agricultural lands or for lands from which someone is making a living. In that case, the land was being farmed as a hobby, but this approach could be used in cases where farmers and ranchers who want to stay in agriculture can do so and get some financial support in exchange for keeping their water on their lands.
  
- c. *Concern regarding North Platte's constraints on water use.* Meeting participants emphasized the difficulty water users in the basin have with planning and managing their water when they are so constrained by the North Platte Supreme Court decision and by the fact that most of the land in the basin is forest land. When asked "What do you think the future of water in the North Platte is going to be," meeting participants noted that their water rights and security are heavily tied to the US Forest Service, and how big government gets, and who has the most money and power. Said one meeting participant, "It doesn't seem that our rights have that many rights to them anymore."





Yampa-White Basin Meeting in Hayden (Yampa Basin)

The Yampa River Basin Meeting was held on Wednesday, October 18, 2000, in the afternoon, at the Hayden Town Hall in Hayden. The meeting was hosted by the CWCB Board Member for the Yampa-White, David Smith, and Co-Hosted by the Yampa River Basin Partnership. The meeting was held as the final agenda item on the bi-monthly Yampa River Basin Partnership meeting.

The Yampa River Basin Partnership was developed following a 1994 conference which identified the need for an "empowered, basin-wide, diverse, representative, non-governmental organization" to address several basin-wide issues, identified at the conference. The organization is made up of representatives from several specified private and public interests and organizations, with representatives from both the lower basin and the upper basin.

The local contacts for this meeting were:

Audrey Danner, Executive Director, Yampa River Basin Partnership (970-824-8233;  
[infocenter@co.routt.co.us](mailto:infocenter@co.routt.co.us))

Ben Beall, Chairman, Yampa River Basin Partnership (303-879-0108)

There were 30 people in attendance at the meeting, plus CWCB Member Smith, seven CWCB staff, and Josie the Dog (a regular attendee at the Partnership meetings). Since the meeting coincided with the Colorado River WCD meeting, some of the Yampa River Basin Partnership members who were also representatives on the Colorado River WCD Board were not in attendance.

The meeting attendees included representatives from: Federal Agencies (FWS, Dinosaur National Monument, Farm Bureau); State Agencies (DWR Division Engineer and Water Commissioners, CO Water Quality Commission); Local and County Governments (Moffet County, Routt County Commissioner, Craig, Steamboat Springs, Hayden); Water Districts (Colorado River Water Conservation District); Mining Companies (Trapper Mining, Inc.) Ranchers, Landowners, Environmental Organizations and Concerned Citizens (Moffat County Cattlemen's Assn, People for the USA, Trout Unlimited, Moffat County Rural Industry and Business, Yampa Valley Bassmasters, Elkhead Property Owners).

Issues Raised and Specific Concerns or Needs:

- I. Flood Protection and River Restoration:
  - a. *Flood Risks and Types of Floods Expected in the Basin.* CWCB Flood Protection Program Chief Larry Lang noted that the Yampa is particularly susceptible to flooding because it gets both high amount of snowmelt and gets high amounts of moist air entering the basin from the Chinook winds. He reported that the "worst case flood event" predicted by climatologists would involve a storm that would come out of Utah and get trapped at Steamboat Springs.



Yampa-White Basin Meeting in Meeker (White Basin)

The White River Basin Meeting was held on Wednesday, October 18, 2000, in the evening, at the Fairfield Community Center in Meeker. The meeting was hosted by David Smith, the CWCB Board Member for the Yampa-White, and Co-Hosted by the Yellowjacket Water Conservancy District and the Rio Blanco Water Conservancy District. The meeting was held as a stand-alone meeting.

The local contacts for this meeting were:

Frank Cooley, Yellowjacket WCD (970-878-5065, fcooley@quik.com)  
Ann Brady, Rio Blanco WCD (970-675-5055, abrady@flattops.net)

There were 18 people in attendance at the meeting, plus CWCB Member Smith and seven CWCB staff.

The attendees included representatives from: Federal Agencies: (BLM); State Agencies (DWR Division Engineer and Water Commissioner); Local and County Governments (Rio Blanco County Commissioners and Staff, Meeker City Council, Meeker Mayor); Water Districts (Colorado River WCD, Rio Blanco WCD, Yellowjacket WCD); the Press (Herald Times Editor) Ranchers, Landowners, and Fishermen.

Issues Raised and Specific Concerns or Needs:

- I. Flood Protection and River Restoration:
  - a. *Flood Risks and Types of Floods Expected in the Basin.* CWCB staff noted that the White and the Gunnison are the only basins with significant risks of flooding from ice jams.
  - b. *Question on the connection between FEMA and CWCB.* A meeting participant wanted to know the connection between FEMA and CWCB. CWCB staff explained that CWCB is the State's coordinating agency for FEMA.
  - c. *Interest in flood planning in Rio Blanco County, and in the electronic availability of floodplain maps.* The Rio Blanco County Planner expressed a strong interest in land management and flood planning, and in having access to electronic versions of floodplain maps. CWCB staff explained that the new maps are being prepared in GIS, but there is not funding available to redo the existing maps. CWCB Deputy Director Dan McAuliffe recommended funding sources and use of CWCB as a cooperator on an application for Department of Local Affairs Energy Impact Assistance Funds, and noted that conversion of information to digital format is a goal of the CWCB.
  - d. *Concern that floodplain maps are available only in the existing communities.* There was discussion of the fact that, in the Yampa and White Basins, there are only floodplain maps available in existing communities. CWCB staff pointed out that there are

endangered species studies maps that can be used to determine the 100 year discharges with approximate outlines, but not the width and depths of those discharges.

**II. Compacts and Decision Support Systems:**

- a. *Concerns regarding White River Basin's role in Colorado's compact obligations.* CWCB staff noted that the White River basin is the only major western slope river basin without a separate subcompact in addition to the general Colorado River compact obligations. A meeting participant expressed concern that the White River doesn't want to be the "sacrificial stream to Colorado's compact obligations on the lower river." CWCB staff explained that the storage at Glen Canyon and Lake Powell provides the protection for the White River from a lower river call.
- b. *Concerns regarding water rights for Native Americans in Utah.* Concerns were raised regarding the fact that Utah has not yet settled their federally reserved water rights obligations with the Ute Indians on the White River in Utah, before it meets the Green River. CWCB staff explained that Colorado's Native American water rights issues are in the San Juan Basin, where the reserved rights will be met by the Animas la Plata project, and that Utah will need to satisfy the Native American water rights issues in Utah using the water available to them from Utah's portion of the Upper Colorado River Basin Compact. CWCB staff noted that Utah "should not come to Colorado to ask for water from us to meet their Indian rights obligations."
- c. *Concern regarding the need for a Programmatic Biological Opinion (PBO) for the White Basin.* CWCB Board Member David Smith expressed a strong interest in beginning a PBO in the White Basin. Meeting participants expressed concern that the White Basin would not be prepared when the PBO process was started in the basin. There was discussion of the fact that the White Basin was not included in the PBO for the Yampa Basin, and that one reason that had been given for that was that the White Basin had not had studies completed for the basin; those studies have still not been completed or started. CWCB staff noted that the Recovery Implementation Plan/Recovery Action Plan (RIP/RAP) includes some tasks in the White Basin, but those are late in the schedule. CWCB staff offered to make those dates available. These questions also led to discussion of whether the White Basin would be better off without having these questions looked into.
- d. *Question regarding the impact of Endangered Species Act issues and the extent of critical habitat in the White Basin.* There was a question regarding how far up the basin the critical habitat for the federally-listed fish species would extend. CWCB staff explained that the critical habitat extends to the base of Taylor Draw Reservoir, and that there was no habitat designated upstream of that point, although there would be concerns about how upstream water management would ensure that the water requirements for that critical habitat were met. CWCB staff explained that a PBO would ensure that existing and future uses in the basin would be protected.



**III. Stream and Lake Protection/Instream Flow Program:**

- a. *Concern regarding the instream flow applications on Anvil Points.* A meeting attendee was very concerned about filings for instream flows in the area of the Oil Shale deposits in the Green River Formation, including 6 filings made in the Anvil Points Area. He was concerned about the potential impact of such restraints on mining of oil shale on America's ability to develop its domestic energy sources, and stated that these filings did not match the type of filings typically made in the instream flow program. CWCB staff explained that those filings were requested by the Bureau of Land Management, and were reviewed closely by CWCB to ensure that they did not impact other water rights. CWCB staff pointed out that the BLM, unlike some other federal agencies, has been very cooperative with Colorado's Instream Flow program.
- b. *Interest in having an instream flow through the Town of Meeker.* The Mayor of Meeker discussed the importance and value of having the river flowing through the community, and asked how to ensure that there was a more senior water right than the instream flow right currently on the reach of stream around town. There was discussion of the fact that there's a senior right just downstream of town, which serves to ensure that there will be flow through town of at least 75 cfs or so, even though the instream flow right in town is relatively junior.
- c. *Questions about the location and amounts of instream flow rights.* There were questions about specific instream flow rights at Piceance Creek and in the Town of Meeker. CWCB staff explained that CWCB is in the process of tabulating and posting on the web the information on the location, flowrate, and timing of every instream flow right.

**IV. Construction Fund and CWCB Funding of Projects:**

- a. *Concern re: dam failures.* There was discussion of the dam failure at Lawn Lake and whether State Engineer's Office staff can predict when dam failures will occur.
- b. *Potential projects to fund in the White Basin.*
  - 1. Loan application by the Town of Rangeley for a raw water intake is in process
  - 2. Dam rehabilitation work needed on Bell Creek
  - 3. Ball Park (?)
  - 4. Collapse of headgate at Oak Ridge ditch.
  - 5. Watershed and land use management system development
  - 6. Floodplain mapping conversion to GIS (as a cooperator with the Department of Local Affairs)
  - 7. Water resources planning support for future needs in the basin, particularly to study the impacts of a proposed railroad along the White River.

**V. Office of Water Conservation and Planning Support:**

- a. *Interest in planning in Rio Blanco County.* A meeting participant made the point that Rio Blanco County is in a good position to plan and "make progress intelligently and

properly,” since the area has a new county planner. The participant referred to the area as a “Shangri la – an isolated area of Colorado, unspoiled, not developed, very limited growth” which provided a good opportunity to plan before problems occur, rather than after. The County Planner discussed a new land use management system being designed for the County that will include watershed management.

- b. *Concern regarding growth that may accompany proposed rail line, and request for planning support.* The Rio Blanco County Planner noted that the federal government has funded feasibility studies to consider the development of a railroad to be built along the White River to transport phosphate from Utah to Rifle, where the ore would be transferred to other railroads. The Planner asked for CWCB to keep this proposed rail line on the radar screen, since this project “will have a profound impact on the potential of the White River, the change to the communities, and the nature of what is going on in this county and communities.” There was interest in funding and other support for a new watershed and land use management plan for the area that would include planning for the various impacts of this proposed rail line.

VI. General Policy Directions:

- a. *Questions and concerns regarding the CWCB long range plan development.* There were questions and concerns about how the information on the CWCB long range plan development would be made available and what opportunities there would be for input on the plan. CWCB Deputy Director explained that the summaries and staff recommendations would be completed by the May Board Meeting, and that the May, July, and September board meetings would include time for discussion of the long-range plan on the agenda.
- b. *Suggestion for old CWCB water diagrams to be incorporated into the new fact sheets.* A meeting participant suggested that we use the “plastic bound brown books with the white cover” published by CWCB about 30 years ago as an addition to the current fact sheets, and stated that those publications have been vivid and powerful and continuously useful to explain what is going on in the White and Yampa basin. It was noted that these documents included information on where the water comes from, and how much goes to agriculture, in a more vivid manner than the new fact sheets.
- c. *Concern regarding the loss of human resources and historical documents.* There was discussion of the value of the new CWCB Water Resource Information Center as a means of storing historical records. CWCB Deputy Director Dan McAuliffe explained that the resources are also being imaged for access by world wide web. Meeting participants also noted the importance of the historical human resources in the basin, including John Fetcher and David Smith, who have “devoted their lives to water in their respective basins.” These individuals were recognized as “irreplaceable.”



Colorado Mainstem Meeting in Grand Junction (Lower Colorado Mainstem)

The Colorado Mainstem River Basin Meeting for the lower portion of the basin was held on Thursday, October 19, 2000, in the evening, at the Adams Mark Hotel in Grand Junction. The meeting was hosted by Eric Kuhn, the CWCB Board Member for the Colorado Mainstem, with no co-host organization. The City of Grand Junction was contacted shortly before the meeting for assistance with publicity and mailing lists. The meeting was held as a stand-alone meeting.

The local contacts for this meeting were:

Greg Traynor, City of Grand Junction (gregt@ci.grandjct.co.us)  
Kristin Winn, (970-244-1564; kristinw@ci.grandjct.co.us) helped with publicity

There were 13 people in attendance, plus CWCB Member Kuhn and seven CWCB staff.

The attendees included representatives from: Federal Agencies (USBR); State Legislature (Rep. Gayle Berry); Local and County Governments (Mesa County Engineer, City of Grand Junction); and Water Districts and Organizations (Colorado River WCD, Grand Junction Drainage District, Ute WCD, Grand Valley Water Users)

Issues Raised and Specific Concerns or Needs:

- I. Flood Protection and River Restoration:
  - a. *Mesa County Stormwater Project.* Mesa County Engineer Mike Montinger presented on the need for a project to address the issue of stormwater management in the area from Palisades through Grand Junction. The issue involves numerous entities including Orchard Mesa Irrigation Drainage, Grand Valley Irrigation Water, Grand Valley Water Users Association, Palisade Irrigation, Mesa Irrigation District, Redmond Water and Power, Grand Valley Drainage District, as well as the municipalities of Palisades and Grand Junction and Mesa County. Different entities have different responsibilities. The entities are requesting assistance from CWCB, possibly in the form of a grant for a study to determine "the institutional issues of all these different districts, jurisdictional boundaries, financial structures what their responsibilities are," and to determine how to come up with a sustainable revenue stream with which to pay for stormwater projects. Greg Traynor from the City of Grand Junction noted that this would be the beginning of an ongoing borrowing program to support stormwater projects in the region over the next 10 years. Montinger and Traynor noted that \$50 million in stormwater projects have been identified for this region.
  - b. *CWCB involvement in Stormwater Management Projects.* There was discussion of the need for more CWCB involvement in stormwater management projects, which was started by the presentation by Mesa County and the City of Grand Junction on the need for an organized approach to deal with \$50 million worth of stormwater projects identified in the region. As pointed out in the presentation by Mesa County, a lot of these projects are driven by a need to comply with new federal regulations, and there are many





**South Platte Basin Meeting in Longmont (Front Range):**

The South Platte River Basin Meeting for the Front Range portion of the basin was held on Tuesday, October 24, 2000, in the evening, at the Raintree Plaza Conference Center in Longmont. The meeting was hosted by Eric Wilkinson, the CWCB Board Member for the South Platte Basin, and co-hosted by the South Platte Forum. The meeting was held after the first day of the 2-day South Platte Forum. CWCB staff and Board Member Eric Wilkinson also met informally with members of the Northern Regional Water Coalition following the Northern Colorado WCD Water Users Meeting on Friday, November 17. The mailing list for this basin meeting was provided by the Northern Colorado Water Conservancy District (NCWCD).

The South Platte River Basin Forum, which is organized annually by the Colorado Water Resources Research Institute (CWRRI), was initiated in 1989 to provide an avenue for the multidisciplinary exchange of information and ideas important to resource management in the South Platte River Basin. Its stated mandates are "to enhance the effective management of natural resources in the South Platte River Basin by promoting coordination between state, federal, and local resource managers and private enterprise" and to "promote the interchange of ideas between disciplines to increase awareness and understanding of South Platte River Basin issues and public values."

The local contact for this meeting was:

Dr. Robert Ward, CWRRI, [robert.ward@colostate.edu](mailto:robert.ward@colostate.edu), (970) 491-6308  
Candace Sinden, NCWCD, [csinden@newcd.org](mailto:csinden@newcd.org), (970) 667-2437

There were 11 people in attendance, plus CWCB Member Wilkinson and seven CWCB staff.

The attendees included representatives from: State Agencies (DWR, Colorado Non-Point Source Program Board); Local and County Governments (City of Loveland); Water and Irrigation Districts and Other Water Organizations (Northern Colorado WCD, St. Vrain-Lefthand WCD, Boulder Creek Water Users Association, Plumbing Daily Ditch Company), Universities and Institutes (CSU, CWRRI), Water Consultants (Ted Zorich & Associates, Boyle Engineering).

**Issues Raised and Specific Concerns or Needs:**

**I. Flood Protection and River Restoration:**

- a. *Discussion regarding flooding in the South Platte Basin.* CWCB staff noted that the South Platte frequently has flooding, with the most notable being the Big Thompson Canyon flood, the most recent major flood being the 1997 Spring Creek flood in Fort Collins, and the most staggering being Bijou Creek in 1965 which, with a discharge of 466,000 cfs, had higher flows during that flood than the Mississippi River at that latitude.
- b. *Need for coordination of funding of stream restoration projects with other funding sources.* The chairman of Colorado's Non-Point Source Program, which distributes the EPA 319 funds, noted that their program has been seeing an increase in stream

restoration project proposals, and asked for an explanation of CWCB's criteria for providing funds to these projects. John Van Sciver explained that the Board generally tends to fund "situations where the greatest number of people benefited and also where other organizations are kicking funding in." He provided the example of the Alamosa River, where the funds and in-kind service contributions from the Alamosa-La Jara WCD, Conejos County, and the NRCS greatly exceeded the funding provided by CWCB. He also noted that CWCB funds can be used as a match for federal funding applications. Both agreed that there was a need for more communication between the CWCB Financing Program and the Non-Point Source Program to determine where river restoration projects are being developed and to cooperate on funding of these projects. CWCB Deputy Director Dan McAuliffe also noted that river restoration was the number one issue for discussion of cooperative efforts between the water quantity and water quality agencies in state government. The Non-Point Source Program Chairman noted that river restoration projects are important to address the state's 303D water quality impaired stream segments within Colorado, to prevent EPA intervention with state activities, and that finding state funding will help to ensure that the state can address these issues with minimal EPA involvement. GOCO was also noted as a major source of funds within the state for river restoration projects, and GOCO has identified stream corridor restoration as a target for extensive funding in their long-range plan.

II. Compacts and Decision Support Systems:

- a. *Discussion of state development and ownership of water projects to address issues of statewide concern.* CWCB Board Member Eric Wilkinson asked for feedback on the idea of having the State build and own water structures with which to address issues of statewide concern such as threatened and endangered species issues. A meeting participant asked whether the State should build this structure or the federal government. The importance of minimizing the federal nexus in state water activities was discussed. Another meeting participant noted that "the idea has a lot of merit potentially in the South Platte" and stated that "if we were able to come up with storage on the lower end of the river, it would give us a lot of flexibility in dealing with compact issues and endangered species issues." Because of the difficulty in organizing a coalition of user groups to develop that sort of project, meeting participants noted that, "This is probably the kind of project the State could do and hopefully will do." The Colorado and Yampa Rivers were also noted as areas where state project development could be a means of addressing species concerns. There was also discussion of the California State Water Project, which was noted as an example to consider for the accomplishment of State goals.
- b. *Availability of real time gage data on the CWCB web site.* A meeting participant asked about the availability of real time stream gage data on the CWCB web site. Randy Seaholm noted that stream gage data is available in the decision support systems, but not in real time. DWR Deputy Division Engineer Jim Hall noted that DWR has real time data, although the records are not yet complete due to a Y2K problem that resulted in a change in the system through which that data is received and posted. Hall also noted that the gaging program has been greatly helped by CWCB funding for gaging stations, which "has really changed the way that we have administered water," and he expressed his

appreciation for CWCB's assistance with the gaging program.

- c. *Discussion of the South Platte Decision Support System.* There was an explanation of the South Platte Decision Support System, with Ray Bennett introduced as the point man for the development of this new DSS. At a meeting of the Northern Regional Water Coalition in November, there was further discussion with CWCB Board Member Eric Wilkinson of concerns regarding the SPDSS. Meeting participants at that meeting noted that the CWCB needs to "build something that's sustainable, that will be used for a purpose, before you spend a lot of money." There was also discussion of the role of data in the DSS. One meeting participant argued that "it seems like there is a lot of value in just having good data out there." Another participant countered that "if we want more data, we need more gages and people and support – it seems crazy to ask for more data if we don't have people to support upkeep of data."

III. Stream and Lake Protection/Instream Flow Program:

- a. *Questions regarding the methodologies for instream flow recommendations.* A meeting participant noted that Trout Unlimited (TU) was starting a study to develop their own methodology and recommendations for instream flows, and asked how CWCB handled instream flow methodologies. CWCB staff noted that both TU and the US Forest Service (USFS), as well as other scientists and fishery biologists, are looking at new methodologies and criteria for recommendations. CWCB staff also explained that the CWCB considers other methodologies and will use other methodologies where CWCB feels it will "help us to do our job better." As an example, CWCB staff noted that, in Region 2, CWCB uses R2CROSS, which is a methodology from the USFS, but that CWCB uses multiple data sets rather than just one data set when using this model.
- b. *Explanation of the CWCB Workplan process.* CWCB staff explained the workplan process and the reasons why that process was adopted by the Board. Staff explained that, "with the new rules and regs, it's an annual adjudication" with new streams recommended in January, leaving time over the following months for the board to form its intent, and to find out whether the instream flow will be contested, and begin the filing for the appropriation. Staff noted that, "If they are contested, we have a hearing, as we did in Canon City, in September of that year, the idea being that we want to get this process closed so that we can, if the Board forms it's intent in January, the Board can make a decision before that calendar year ends while we're in that adjudication cycle. What we've tried to eliminate with that process, which we've seen happen, is we see the process delayed while people are doing additional studies, then we have a special board meeting called in December so the board can make a decision before the end of that year, and the consultants and the biologists for the contestors come in with their wheelbarrows full of data that nobody has seen, and we're at a disadvantage, we can't respond to them." The workplan process is also available on the web site, and that recommendations are being considered over the next 4-5 years, and anyone interested in making a new recommendation should get into that workplan process as early as possible.

- c. *Discussion of recreational flows.* There was discussion of the development of recreational flows, and the problems associated with recreational instream flows that are held by private interests. Meeting participants noted that the CWCB Instream Flow Program includes recognition of existing uses in its filings. The case of Golden and the Clear Creek communities upstream (e.g. Empire) was discussed, and whether the City of Golden will be reasonable in considering the water uses in Empire and other Clear Creek communities upstream of Golden.

IV. Construction Fund and CWCB Funding of Projects

- a. *Washout of diversion structures in the basin and the use of Overmeyer Gates in the South Platte.* CWCB Construction Fund Marketing Director John Van Sciver noted that the CWCB has funded numerous diversion structures and other projects in the basin, and further noted that one reason why funding is often needed is because the South Platte is a braided river with no hard abutments, so that diversion structures often get washed out. Van Sciver noted that one development that is now being using in the basin to save diversions structures are Overmeyer Gates, which can be lowered remotely by phone when a flood is coming.
- b. *Appreciation for CWCB assistance to small ditch companies.* The President of a Small Ditch Company thanked the CWCB for a small project loan to rehabilitate their diversion structure. He stated that "We were in real danger of losing our river diversion if we hadn't gone in there and done some rehabilitation work this year." He also noted that "we're not unusual – we're a little company with a real senior water right ... but with the ag economy the way it is, if we hadn't had the source of funding available from the State to do this work, I don't know how we would have come up with the funds to rehabilitate this project."
- c. *Additional needs for rehabilitation by small ditch companies in the South Platte Basin and DWR Division One Survey of Structures.* The statement from the ditch company president led to a discussion of how CWCB can identify small companies in need of loans, and what other support CWCB can provide for such companies. The ditch company president noted that "in the St. Vrain basin and in Boulder Creek, the last time they had any extensive work done on the river diversions was during the 1969 floods – a lot of them were washed out or damaged at that point. ... From my knowledge of this area, there will be a significant number of ditch companies coming to you in the next few years." He also noted that traditional financing sources are not available, since the ditch companies typically don't have the kind of collateral needed for a bank loan. "The program is an important one, and we appreciate the help." DWR Deputy District Engineer Jim Hall also noted that DWR was starting a survey in the South Platte Basin of all major water structures, using the water commissioners who are familiar with the structures in each district, to identify structures that need to be rehabilitated. Hall also noted that CWCB is "doing a much better job at getting information out on the loan program."



- d. *Need for coordination of funding of stream restoration projects with other funding sources.* The chairman of Colorado's Non-Point Source Program, which distributes the EPA 319 funds, noted that their program has been seeing an increase in stream restoration project proposals, and asked for an explanation of CWCB's criteria for providing funds to these projects. John Van Sciver explained that the Board generally tends to fund "situations where the greatest number of people benefited and also where other organizations are kicking funding in." He provided the example of the Alamosa River, where the funds and in-kind service contributions from the Alamosa-La Jara WCD, Conejos County, and the NRCS greatly exceeded the funding provided by CWCB. He also noted that CWCB funds can be used as a match for federal funding applications. Both agreed that there was a need for more communication between the CWCB Financing Program and the Non-Point Source Program to determine where river restoration projects are being developed and to cooperate on funding of these projects. CWCB Deputy Director Dan McAuliffe also noted that river restoration was the number one issue for discussion of cooperative efforts between the water quantity and water quality agencies in state government. The Non-Point Source Program Chairman noted that river restoration projects are important to address the state's 303D water quality impaired stream segments within Colorado, to prevent EPA intervention with state activities, and that finding state funding will help to ensure that the state can address these issues with minimal EPA involvement. GOCO was also noted as a major source of funds within the state for river restoration projects. It was also noted that GOCO has identified stream corridor restoration as a target for extensive funding in their long-range plan.
- e. *Potential projects to fund in the South Platte Basin.*
  - 1. Several river diversions along the St. Vrain River and Boulder Creek, where rehabilitation hasn't been done since the 1969 floods.
  - 2. Additional projects may be identified by the DWR Division One Survey
- V. Office of Water Conservation and Planning Support:
  - a. None.
- VI. General Policy Directions:
  - a. *Discussion of state development and ownership of water projects to address issues of statewide concern.* CWCB Board Member Eric Wilkinson asked for feedback on the idea of having the state build and own water structures with which to address issues of statewide concern such as threatened and endangered species issues. A meeting participant asked whether the state should build this structure or the federal government. The importance of minimizing the federal nexus in state water activities was discussed. Another meeting participant noted that "the idea has a lot of merit potentially in the South Platte" and stated that "if we were able to come up with storage on the lower end of the river, it would give us a lot of flexibility in dealing with compact issues and endangered species issues." Because of the difficulty in organizing a coalition of user groups to develop that sort of project, meeting participants noted that "This is probably the kind of



project the State could do and hopefully will do.” The Colorado and Yampa Rivers were also noted as areas where state project development could be a means of addressing species concerns. There was also discussion of the California State Water Project, which was noted as an example to consider for the accomplishment of State goals. At the meeting with the Northern Regional Water Coalition, a meeting participant also compared the idea of a state-owned facility with Glen Canyon Dam, which allows us to “release the water needed without too much being released.”

- b. *Recognition of the Staff Memos posted on the CWCB web site.* CWCB Board Member Eric Wilkinson noted that the staff memos are an excellent resource for the public, as well as the Board member, to learn about important issues in water around the state. “The state memos are very well done, they put a lot of thought into them, and in a short period of time you can get up to speed on those issues.”
- c. *Recognition of CWCB Staff.* John Van Sciver, Jan Illian, and Tim Feehan were recognized with their assistance with loans in the basin.



Colorado Mainstem Upper Basin Meeting:

The Colorado Mainstem River Basin Meeting for the upper portion of the basin was held on Thursday, November 2, 2000, in the evening, at the North Branch Library in Silverthorne. The meeting was hosted by Eric Kuhn, the CWCB Board Member for the Colorado Mainstem, and co-hosted by the Northwest Council of Governments. The meeting was held as a stand-alone meeting, following tours of the Arapahoe Basin and Keystone ski areas and snowmaking facilities. [how to add issues raised at ski area tours]

The local contacts for this meeting were:

Taylor Hawes, NW Colorado COG, qqwater@colorado.net, (970) 468-0295 x117  
Lane Wyatt, NW Colorado COG, qqlane@colorado.net, (970) 468-0295 x116  
Robert Ray, NW Colorado COG, wq@nwc.cog.co.us, (970) 468-0295 x104

There were 14 people in attendance, plus CWCB Member Kuhn and eight CWCB staff.

The attendees included representatives from: State Agencies (DWR); Local and County Governments (Breckenridge, Summit County Commissioner, Northwest Colorado Council of Governments); Water Districts (Colorado River Water Conservation District); Ditch Companies (Clinton Ditch and Reservoir Co.); Ski Areas (Keystone Resorts, A-Basin); Landowners, Environmental Organizations and Concerned Citizens (Watershed Forum, Meridian Institute)

Issues Raised and Specific Concerns or Needs:

- I. Flood Protection and River Restoration:
  - a. *Encouragement to continue doing multiobjective river restoration.* Meeting participants strongly encouraged CWCB to continue to be actively involved in river restoration projects around the state. Said one meeting participant, "I think you're going to see more and more people looking to protect the natural resource and stabilize stream channels in ways that are atheistic and will stabilize stream channel with more than just rip-rap."
- II. Compacts and Decision Support Systems:
  - a. *Question regarding federal reserved rights in Division 5.* A meeting participant asked whether we have any federal reserved rights in Division 5 (the Colorado Mainstem). Eric Kuhn explained that the US Forest Service reserved rights claimed were dismissed in the 1970s with prejudice in Divisions 4, 5, and 6. In White Basin, Dinosaur National Park has rights only to support the purpose of the park, which is to dig dinosaur bones. Rocky Mountain National Park (RMNP) has reserved rights in Div. 1 on the east slope and Div. 5 for the rest of the Park. NPS has quantified appropriative rights e.g. for campground and visitor's center, but that consent decree has been signed. Grand River Ditch is senior to RMNP because it is older than the park. The Colorado-Big Thompson Project (CBT) is also protected in the terms of this agreement – technically, the tunnel is not in the park,

but runs under the park. This had been settled about three weeks prior to this basin meeting.

III. Stream and Lake Protection/Instream Flow Program:

- a. *Self-Administration of Instream Flow Rights in Summit County.* CWCB staff noted that the self-administration agreements with several entities in Summit County have worked very well. The agreements between CWCB and several ski areas and municipalities were signed in 1986. The entities collect data for CWCB and the SEO, and provide reports with detailed accounting, including reports from Copper, Breckenridge, and Keystone. CWCB staff noted that many aspects of the Instream Flow Program were developed first in Summit County, and have since been used around the state.
- b. *Question regarding call on Hunter Creek in District 38 and changes in call procedures for the Instream Flow Program.* The Division Engineer asked why CWCB had placed a call on Hunter Creek in District 38 (near Aspen). CWCB staff noted that this was an acquired water right with an 1800s priority date, which was acquired from the City of Aspen. In the past, the Instream Flow Program has mostly used "soft calls" in which CWCB contacts water users or water commissioners to determine whether flows can be increased. This past summer, however, the high stream flows were very low, and a formal, notarized call was issued. CWCB researched the call prior to issuing it to ensure that no one would be impacted. CWCB will also install a gage in the area of the senior instream flow rights, and Hunter Creek is likely to become a more administered creek than in the past. CWCB staff noted, however, that "we would rather talk to water users first before shutting headgates."
- c. *Question regarding Lake Level Protection Program.* A meeting participant asked about the Lake Level Protection program, and whether there were lakes protected under that program. Dan Merriman explained that there are 500 natural lakes (not reservoirs) where CWCB has rights, and that these are primarily high mountain lakes, and were among the earlier filings in the program.
- d. *Concerns regarding the protection of peak/maintenance flows.* A meeting participant noted that, because the instream flow program only protects flows to protect the environment to a reasonable degree, "the flows appropriated are only the flows that would maintain the natural environment for a limited period of time." He stated that this was analogous to "building the house but not maintaining the house." He asked the board to consider how the streamflows will impact the natural environment for the long-term, and whether the minimum appropriated for instream flows is the appropriate amount for long-term maintenance of instream needs. Dan Merriman explained that the flows "that maintain the house, the flushing flows, in most of our watershed are going to occur because our streams are so flashy." He noted that those peak flows are difficult to develop and have been unpalatable for the legislature and the water community in general, and it may not be necessary to appropriate water to ensure that those peaks continue to occur. The meeting participant countered that, in many stream, those peak

flows are all that is left, and people are starting to go after those flows as well, "so there's questions about whether they will continue to occur in the future."

IV. Construction Fund and CWCB Funding of Projects:

- a. *Questions regarding the amount of money available for loans.* John Van Sciver and Eric Kuhn explained the amount of money typically available through the construction and severance tax funds, and why additional funds were available this year due to deauthorization of unused funds.
- b. *Discussion regarding the need for seed money for watershed groups.* A meeting participant noted that, at the Colorado Watershed Assembly meeting the previous summer, there had been 65-70 small watershed groups dealing with issues ranging from irrigation issues to cleanups. He noted that "a lot of them were dealing with the same kind of issues you deal with," and, in some cases, "maybe small storage would help." He also noted that most of these organizations are staffed by volunteers or part-time employees, have little planning expertise and are underfunded. He suggested that grant money or UPCO funds would "go a long way to getting these watershed projects started." Eric Kuhn noted that CWCB has provided "more than a little seed money" to several community-based water projects, including projects in the Rio Grande, North Fork of the Gunnison, and Fountain Creek. Kuhn also noted that politically, there needs to be almost unanimous local support to get that sort of funding, and that the legislature won't act unless there is "consensus and direction and someone to take charge."
- c. *Discussion regarding the need to continue getting the word out to watershed groups about funding availability.* CWCB staff provided an example of CWCB supporting a watershed group in the Snake River, after CWCB staff had read in the newspaper that the Snake River group was in jeopardy of folding due to lack of funding. A meeting participant noted that, of the people involved with the Snake River group, "none of us even thought of calling the Board."
- d. *Discussion of Board Policies on Recreational Flows.* There was discussion regarding the issue of recreational flows. Some meeting participants encouraged the Board to consider recreational uses as a beneficial use, and not just in cases where there was a boat chute, but to recognize the uses and cash inflows provided to many communities from recreation on rivers. It was noted that, during a peak week in July when there can be 300 commercial boats a day times 10 people per commercial boat at \$50 per ride, between the money spent on boating and the additional money these boaters spend in the community, this industry can create \$10-20 million per month for a water use that has no associated water rights. Other meeting participants advised caution and consideration of the potential impacts on upstream users, such as in Clear Creek County, which would be impacted by a proposed downstream kayak course. Said one participant, "I'm sorry if your kayak only gets to float fast for 3 months instead of 6 or 7," but there has to be some ability to allow water uses upstream.



V. Office of Water Conservation and Planning Support:

- a. *Questions regarding drought planning.* A meeting participant asked how often CWCB is contacted for help in developing actual drought plans, and noted that drought seems to be a big issue, "but no one seems to be doing any drought planning." Dan McAuliffe noted that, when CWCB published a study that showed that, of the major water user entities, 20% had any kind of meaningful drought plan, CWCB did not get a strong positive response. "Rather than getting the reaction that, oh, this is important, how do we put together a drought plan, what received from entities like the Colorado League of Municipalities is that you are making us look bad and your study is wrong." However, McAuliffe also noted that the CWCB is putting drought plans received by the state on the web, with blue ribbons marking those plans that could be seen as model plans. He also noted that CWCB is developing model drought plans for each region and climate type. Meeting participants also noted that Kremmling was a town that has no drought plan, but needs one. "Towns like Kremmling can find themselves in a drought and not know it until no water comes out of the tap – those are the guys you've got to help."
- b. *Support for CWCB to re-introduce the Water Conservation Small Grant Program.* Meeting participants expressed support for CWCB to bring back the small grants program for conservation project, and to forward efforts in water conservation by making money available.
- c. *Discussion regarding the role of the Office of Water Conservation.* There was discussion of the direction of the Office of Water Conservation, and whether that section should focus on education or demonstration grants or other areas in order to best promote and support conservation planning. Eric Kuhn noted that large entities such as Denver, Colorado Springs, and Aurora already have strong conservation plans, and some know more about conservation than the CWCB staff. Kuhn recommended that the OWC target small irrigation districts and small size communities that don't have their own conservation staff. It was also noted that water use in the western slope per capita is much higher than in the Front Range, and many areas in the western slope also need to be targeted.
- d. *Request for a Statewide Drought Plan.* Meeting participants encouraged CWCB to take a leading role in the coordination and development of a Statewide Drought Plan. Said one meeting participant, "We do statewide flood planning, and we learned that lesson in 1965 after a few folks drowned. I don't know what it's going to take to get statewide drought planning – maybe if a few people die of thirst." There was discussion of the Colorado Drought Response Plan, which has a more "macro" perspective, and the need for a different, more proactive approach of drought planning at the local level, with coordination and leadership by CWCB.

VI. General Policy Directions:

- a. *Interest in having another meeting in Summit County.* Meeting participants stressed that there is “a real high level of interest in water issues in Summit County” and encouraged CWCB to have enough meeting. They encouraged that the meeting be held at an earlier time, since many of the permanent Summit County residents have families, and to provide more advance notice. There was also an explanation for the confusion between the CWCB Basin Meeting and an annual meeting held at the beginning of each summer by the Bureau of Reclamation and Colorado River Water Conservation District, which had been held since 1995, to talk about what storage in areas reservoirs was expected to be for the coming summer.
- b. *Discussion regarding representation on the Board.* Eric Kuhn noted that the Denver suburbs want their own representation on the Board, since they are not part of the City and County of Denver and the South Platte representative often comes from the more agricultural areas of the South Platte. The idea of changing the composition of the Board to be based on population was not well-received, however. Said one meeting participant, “as the largest tributary to the South Platte River, those of us who live here think that the west slope should have that representation on the Board because we’re the largest contributor” of water to the South Platte, while the people living in the South Platte basin are the “beneficiaries” of that water.
- c. *Request for CWCB support of independent ski areas for snowmaking facilities.* Prior to the basin meeting, a representative from an independent ski area presented information on plans for to acquire additional water rights for snowmaking facilities. He noted the importance of snowmaking to ensure continued employment for ski area personnel and supporting the local economy. He also presented information on a case regarding the potential reduction in flows associated with the proposed diversions for snowmaking, from a stream with water quality impacts from mining activities in the area. The ski area was concerned that they would be held accountable for water quality impacts from another party, and that those water quality impacts would be used to prevent them from installing diversion structures for snowmaking.



**South Platte Basin Meeting in Fairplay (Upper Basin):**

The South Platte River Basin Meeting for the upper portion of the basin was held on Wednesday, November 15, 2000, in the afternoon, at the Fairplay Fire Station in Fairplay. The meeting was hosted by Eric Wilkinson, the CWCB Board Member for the South Platte Basin, and co-hosted by the Upper South Platte Watershed Protection Association (USPWPA). The meeting was held as the main agenda item of a meeting of the USPWPA, following lunch with members of USPWPA and other citizens' organizations, including the Park County Preservation Water Preservation Coalition Board, at which citizens shared information on the history of purchases of water rights in Park County.

USPWPA (according to Chairman Bill Gordon) "grew out of efforts by Denver and some front range entities to avoid wild and scenic designation on the upper section of the South Platte. Included in their effort was a water quality committee, and I think a lot of the upper river entities became quite concerned that, if water quality became a major issue, then the upper entities would pay the price for improving water quality. Our county took the lead on separating the water quality issue aside, and created the USPWPA, which has 11 stakeholders, including the WCDs, Counties, front range enterprises, and soil conservation district. These 11 stakeholders meet once a month, discuss various issues, serve as a useful catalyst to bring people together to discuss common issues and avoid confrontations that cost big bucks."

The local contact for this meeting was:

Carol Ekarius, (719) 837-2737, [uspwpa@chaffee.net](mailto:uspwpa@chaffee.net)

Weather prevented some attendance.

There were 26 people in attendance, plus CWCB Member Wilkinson and seven CWCB staff.

The attendees included representatives from: Federal Agencies (USGS Water Resources Division), Federal Legislators' Staff (Sen. Allard's Staff), State Agencies (State Land Board); Local and County Governments (Town of Fairplay Sanitation District Board, City of Aurora, Teller County Environmental Health, Park County Land and Water Board, Park County Commissioner, Park County Advisory Board on Environment, Colorado Springs Utilities); Water and Irrigation Districts and Other Water Organizations (Center of Colorado WCD, Upper South Platte WCD, Denver Water Board), Farmers, Ranchers, and Citizens Organizations (Upper South Platte Watershed Protection Association, Park County Water Preservation Coalition, Trout Unlimited, Collegiate Peaks Anglers, Upper Arkansas Watershed Council).

**Issues Raised and Specific Concerns or Needs:**

- I. Flood Protection and River Restoration:
  - a. *Discussion of the use of river restoration to address problems related to riparian corridors near livestock grazing areas and problems with TMDLs.* There was discussion

of the problem of cows drinking from the river and using the river as a stock pond. Meeting participants asked whether there was a way to “help ranchers and ourselves improve stream quality and the riparian corridor.” There was also discussion of the burden on Park County to protect the headwaters of the watershed and to meet TMDL requirements on Mosquito Creek and Chatfield Reservoir for phosphates related to past mining activities, and CWCB staff mentioned river restoration as a potential solution to some of these problems. Protection of riparian habitat and rare fens was also a consideration that may call for river restoration activities.

II. Compacts and Decision Support Systems:

- a. *Discussion of the use of groundwater information in the decision support systems for water planning and drought studies.* CWCB staff discussed the incorporation of groundwater data into the decision support systems, and the development of the Groundwater Atlas with the Colorado Geological Survey, which is intended to provide information “not only on the stratigraphy of each aquifer, but to also provide some information about how water levels have changed over time.” Meeting participants expressed interest in using data on groundwater levels for water use and drought planning.

III. Stream and Lake Protection/Instream Flow Program:

- a. *Request for assistance with acquisition of instream flows to preserve fishing streams.* Meeting participants noted that ecotourism is an important part of Park County’s economy, particularly for fishing, and that Park County has a number of gold medal fishing streams, and asked for assistance with the acquisition of instream flows. Meeting participants also noted that “there’s a growing recognition that the surface environment that supports a lot of the ecotourism to a large extent is dependant not only on surface water but on groundwater.” Water quality considerations were also discussed, as well as a study being conducted by the USPWPA monitoring committee with the USGS and other entities, and there was a request for ISF staff to attend their monitoring committee meeting. CWCB staff noted that Bahman Hatami was the water quality specialist on staff and would be asked to attend their meeting.
- b. *Concerns about the protection of fens in Park County.* There was strong concern by meeting participants for the “wetlands and fens and other environmental resources that are highly dependant on the groundwater level.” Participants noted that South Park “has some rare fens that are 10,000 years in the making or more, and they contain plants that are just nowhere else in the lower 48,” as is being documented by a biodiversity study being conducted by CSU.
- c. *Discussion of conservation easements and dry year water leases.* There was interest in and discussion of the use of conservation easements that would require the water right to stay tied to a ranch, and of dry year leases. A representative from Trout Unlimited also recommended expansion of the CWCB instream flow program “so that land trusts and others can protect streams running through private lands, clarifying conservation



easements to include water, making tax exempt benefits available to those protecting water.”

- d. *Support for the development of recreational water rights.* A representative from Trout Unlimited encouraged the CWCB to “allow cities and others to obtain in-channel water rights for recreation.”

IV. Construction Fund and CWCB Funding of Projects:

- a. *Requests for assistance in meeting water needs in the Upper South Platte.* Several meeting participants noted the need to increase water supplies for Park County, which was stated to be one of the top five fastest growing counties in the United States, although most of their surface water rights have already been sent out of the County. They stated that “up here [we] cannot use water outside our house. We can’t wash cars, we have no outside faucets, we can’t have any gardens of any descriptions on the kind of well that I have. We flush our toilets, we take showers, kind of -- short showers.” Participants also noted that the Park County residents have shown their dedication to the preservation of their water rights and willingness to fund their future water needs through their recent votes to create the Center of Colorado WCD, and to vote in a “sales tax to protect, acquire, and preserve water rights in the county.” Although these funds were currently tied up with litigation with Aurora, the funds from that sales tax would be available in the future for new water development.
- b. *Discussion of the development of a high elevation reservoir and groundwater augmentation ponds.* Meeting participants noted “we have to look at high mountain storage, most of which is going to be on Federal land,” and that “it’s got to be off-stream.” Participants also noted that “there has to be pumped storage so you get a little bit of hydroelectric power generated as well.” Groundwater augmentation ponds were also discussed as a means to preserve rare fens and wetlands and fishing streams, as well as to recover groundwater levels. Meeting participants also noted that the benefits from the additional streamflow, e.g. for fishing streams, would be something that “the water enterprises might enjoys as well and help pay for.” Participants noted that “there’s a consensus that the County would support [a storage project] as long as there’s some kind of benefit.”
- c. *Request for assistance with groundwater quantity and quality monitoring program.* Meeting participants requested funding support for a monitoring study being conducted by Park County, the Center of Colorado WCD, the USPWPA, the USGS, and others to study groundwater quality and quantity in the County, with the county’s share anticipated to be about \$65,000 for the next year. CWCB Deputy Director Dan McAuliffe noted that Severance Tax money may be available for local water basin planning activities, and that Park County would also be eligible for funds from the Mineral Energy Policy Advisory Board because they are an area of historic mining activities.

- d. *Request for a timeline for how to submit grant proposals.* Meeting participants asked for a timeline of the steps to apply for grants and loans.
- e. Potential projects:
  - 1. High elevation storage for the Upper South Platte water users, possibly in conjunction with downstream users.
  - 2. Assistance with the purchase of instream flow acquisitions to preserve fisheries.
  - 3. Funding assistance for a groundwater planning study.
  - 4. Groundwater augmentation facilities to help recover groundwater levels, possibly using salvageable water.
- V. Office of Water Conservation and Planning Support:
  - a. *Request for additional information on dam site inventory.* James Dingle from the Center of Colorado WCD asked for more detail on the inventory of potential reservoirs by county.
  - b. *Questions about inclusion of groundwater in drought studies.* Meeting participants wanted to know whether and how groundwater levels were included in drought studies, and expressed concern about their groundwater levels in Park County. CWCB staff discussed the incorporation of groundwater data into the decision support systems, and the development of the Groundwater Atlas with the Colorado Geological Survey, which is intended to provide information “not only on the stratigraphy of each aquifer, but to also provide some information about how water levels have changed over time.”
  - c. *Discussion of salvageable water.* Meeting participants were concerned about how to get the most value from their surplus water if they find that they can get a better hay yield with less water. Participants noted that downstream entities won’t lease that excess water since the water commissioner will make them release any water they are not using anyway. There was discussion of the possibility of farmers using the excess water in recharge ponds to recover their groundwater levels. There was discussion of whether Ducks Unlimited would be willing to assist in the development of wetlands, which would use the salvageable water. A meeting participant noted that the downstream water enterprises “don’t like that idea because of the evaporation rate on wetlands.”
  - d. *Concern about water and drought education.* Meeting participants expressed concern that better education on “how many people get their drinking water from the South Platte System” and encouraged CWCB to improve public education to “re-establish the respect for water.” CWCB Deputy Director Dan McAuliffe provided information on the Water Education Initiative and CD.
- VI. General Policy Directions:
  - a. *Request for assistance in preservation of water in the Upper South Platte.* Several meeting participants made strong statements on behalf of the preservation of water in the Upper South Platte. Water Counsel Jeff Kahn stated, “The Upper South Platte has

already lost a large percentage of our historic irrigation and ranching water supply, and the residents strongly desire to protect what's left." They described the efforts by Aurora to take South Park water as "a water raid, an attempt to take the resources, the groundwater in this instance, from this area, and use it somewhere else, with no benefit for us, and in fact have nothing but negative effects up here." Another participant expressed anger at "the increase of bluegrass lawns, the watering of sidewalks, the median strips that have waterers on even though it's raining. And yet we up here cannot use water outside our house. We can't wash cars, we have no outside faucets, we can't have any gardens of any descriptions on the kind of well that I have. We flush our toilets, we take showers, kind of -- short showers." They stated that Park County "doesn't have enough groundwater to meet its population expectations without drinking their own pee." They also stressed that "the door is open in Park County for collaborative water projects that are done in partnership with local residents and local entities. The County, Center of Colorado WCD, USPWPA, and Park County Water Preservation Coalition are open to discussions and planning for projects that benefit both the downstream, front range water entities and Upper South Platte watershed." In these discussions on potential collaboration, however, the meeting participants stated that other parties should "leave the arrogance and bullying at the door. Don't tell us what you know is good for us."

- b. *Request for CWCB to ensure that water planning and development is cooperative, not unilateral.* Meeting participants stated that "we understand that CWCB has limited powers ... [but] that you can provide money, planning, and other assistance." They asked that "whatever planning efforts CWCB does undertake, if projects are going to be well received by this area and, I suspect, all areas of the state, then those areas need to feel that they are a part of the project, they need to feel it's a partnership." Meeting participants provided several examples of other cases where entities worked in partnership, such as Denver with Summit County, and Colorado Springs and Aurora with Eagle County. By contrast, they noted that "Gunnison Valley obviously never thought Union Park was a partnership." They asked CWCB to "encourage collaborative water planning, encourage partnerships, encourage discussions." A representative from the Center of Colorado WCD also noted that "Park County and other rural counties that are a source of water -- whether surface or underground -- find ourselves besieged by individuals or entities that want to separate us from our water, and thus our heritage, beleaguered by other individuals or entities who want to regulate the quality of our water without providing funds to do so, beset by water laws that favor the developer and the city at the expense of rural communities, that allow water speculators to buddy up to public entities, and shift the burden of proof and its intended costs on those rural communities that have the least ability to pay for them."
- c. *Concerns about potential consequences of removal of groundwater, particularly in rural mountain communities.* Several meeting participants expressed strong concerns about the removal of groundwater for Aurora's Conjunctive Use Project, and noted potential consequences for Park County's ability to meet the demands of its growing population (one of the 5 fastest growing counties in the US), as well as the consequences for their fisheries and rare fens and wetlands. They were concerned about the policies that would allow the Aurora South Park Conjunctive Use Project to go forward, stating, "we don't

want this to be an experiment on groundwater usage and withdrawals. We have to be adamant that we know what we're doing, if we take this water out of South Park basin if we may or may not be able to replace it. We can't back off. It may affect the entire state of Colorado, at least in the mountains." A meeting participant asked CWCB to hold water entities and water regulators to an oath equivalent to the Hippocratic oath taken by doctors, "Do no harm."

- d. *Opposition to the change in the CWCB Board composition.* Meeting participants expressed their opposition to legislation to restructure the CWCB Board to "make it a Front Range party" and stated that, if that legislation comes up again, "just send the worked up here and we'll ask our representatives to have their say on that issue."
- e. *Appreciation for the CWCB Basin Meeting.* A representative from the Center of Colorado WCD noted that "it's a pleasant surprise to find a group that wants to come to Park County that just wants to trade information and opinions. Experience has shown us that when a group comes to Park County, they typically want a) our water, b) our money, c) our support for their agenda, or d) all of the above. With the consequences to be determined at a later date when the damage is already done and the damage is already done and our recourse is limited or nonexistent." As stated by the Center of Colorado WCD, meeting participants expressed their strong appreciation to CWCB for "your efforts today to try to understand the challenges faced by my district and Park County and the headwaters of the South Platte River"





**South Platte Basin Meeting in Sterling (Lower Basin):**

The South Platte River Basin Meeting for the lower portion of the basin was held on Thursday, November 16, 2000, in the evening, at the Ramada Inn in Sterling. The meeting was hosted by Eric Wilkinson, the CWCB Board Member for the South Platte Basin, and co-hosted by the Lower South Platte Water Conservancy District (LSPWCD) and the South Platte Lower River Group (SPLRG). The meeting was held as a stand-alone meeting, following presentations at the LSPWCD offices to the CWCB staff by Jon Altenhofen of SPLRG on the Tamarack Project and by Jay Stafford of the Colorado Division of Wildlife (DOW) on the efforts to tie in the recovery of Colorado Species of Concern in with the recharge projects at Tamarack Ranch.

The South Platte Lower River Group, Inc. (SPLRG) is a coalition of water users and the State of Colorado formed to preserve existing water uses while enhancing streamflows and water related wildlife habitat. The area of focus for SPLRG is the lower South Platte River in Colorado (Water District 64) from Brush downstream to the stateline at Julesburg. SPLRG has a four member board of directors appointed from the Lower South Platte Water Conservancy District (LSPWCD), Groundwater Appropriators of the South Platte (GASP), Northern Colorado Water Conservancy District (NCWCD), and the Platte River Project (PRP). The Colorado Division of Wildlife, Colorado Water Conservation Board, and Colorado Division of Water Resources are also active participants in SPLRG, along with agricultural and municipal water users in the lower river. The main work tasks of SPLRG are: (1) hydrologic analysis and database development; (2) project identification; (3) demonstration project development, and (4) establishment of long-term project agreements and funding. Among other activities, SPLRG is developing projects for the Tamarack Plan, which is a plan to develop Colorado's water contribution for the Cooperative Agreement between Colorado, Nebraska, Wyoming, and the US Department of the Interior to develop a future Platte Basin ESA Program to address endangered species (whooping crane, least tern, piping plover, and pallid sturgeon) issues on the Platte River in central Nebraska.

The local contact for this meeting was:

Bob Schott, LSPWCD, (970) 522-1378

There were 49 people in attendance, plus CWCB Member Wilkinson and seven CWCB staff.

The attendees included representatives from: Federal Agencies (NRCS), State Agencies (DWR, Dept. of Agriculture, DNR, DOW); Local and County Governments (City of Brush, City of Sterling); Congressional Staff (Cong. Schaffer's Staff), State Legislature (State Rep. Diane Hoppe), Water and Irrigation Districts and Other Water Organizations (Northern WCD, Lower WCD, Julesburg Irrigation District, Groundwater Appropriators of the South Platte, South Platte Lower River Group); Ditch Companies and Reservoirs (South Reservation Ditch, Fort Morgan Reservoir & Irrigation Co., Jackson Lake Irrigation, Beaver Canal Co., Little Ditch, Johnson Edwards Ditch, South Platte Ditch, North Sterling Reservoir, Prewitt Reservoir, Farmers' Pawnee Canal); Universities (CSU), Press (South Platte Sentinel, Journal Advocate), Farmers, and Concerned Citizens.

Issues Raised and Specific Concerns or Needs:

- I. Flood Protection and River Restoration:
  - a. None
- II. Compacts and Decision Support Systems:
  - a. *Discussion of the South Platte Decision Support System.* There was discussion of the SPDSS and opportunities for local input on the development of this system. A meeting participant strongly encouraged others to get involved in the development of the DSS, which he stated would “create a situation, in an environment where there are more and more pressures on water, where hopefully we will provide more water for more people with nobody getting less.” CWCB staff was asked to provide more information on the SPDSS, and explained that “it will be a collection of databases, water rights, diversion, temperature, location of head gates structures, in a database. From that database, we can get a model that will allow us to analyze what are the impacts of trying to deliver another Tamarack-type project to help in the Three States Agreement. We want to be able to have this collection of data and models, so say, if we do that, what is the impact.” CWCB staff and meeting participants also noted that this project would involve massive data collection and a massive investment of money by the State. There was also discussion of the value that Decision Support Systems have had in other parties of the state, such as on the Yampa, where the Colorado River DSS was used to determine quickly how much water was needed for fish recovery and potential locations for a storage project to provide that water
  - b. *Discussion regarding the feasibility study for new storage in the lower South Platte, and the potential for the State of Colorado to develop and own this storage project.* There was discussion of the CWCB funded feasibility study for new storage on the lower South Platte. CWCB staff reported that this project is being “fast-tracked,” with the reconnaissance study to be completed in April and the feasibility study following directly, and the design directly after that, so that something can be constructed in two to three years. At the time of this basin meeting, 3 consultant teams were under consideration. Both new sites and expansion of existing sites would be considered. There was also discussion of the potential for this storage facility to be a State-run project, because of the number of interests in the lower basin and the statewide concern that needs to be addressed. Meeting participants noted that there was strong support for this project to go forward, and for State ownership or partial ownership of the project. Representatives from the Groundwater Appropriators of the South Platte (GASP) wanted to be sure that everyone was aware that, although GASP has filed for a reservoir at the lower end of the river, “if there is another, better site that comes along, GASP is willing to adopt the new site and go with better wisdom – we don’t have our heels dug in and are willing to change sites.”
  - c. *Species recovery efforts in the lower basin for State Species of Concern.* DOW Staff Jay Stafford reported on the efforts to develop an artificial live stream for the study and

recovery of state-listed species at the Tamarack Ranch recharge site. He noted that, although some instream habitat work is still needed, the artificial stream has tested well and he has had discussions with Nebraska about acquiring additional brood stock of the state-endangered fish, the suckermouth minnow. Stafford anticipated having fish in the live stream by the end of 2001.

III. Stream and Lake Protection/Instream Flow Program:

- a. None

IV. Construction Fund and CWCB Funding of Projects:

- a. *Discussion of grant from CWCB to assist in the development of recharge facilities on private lands in the lower South Platte.* A meeting participant from the South Platte Lower River Group reported on the progress of the Tamarack Ranch State Wildlife Area managed recharge project, which, at the time of the basin meeting, included 10 wells to be pumped in the winter. He reported that SPLRG has applied for a \$500,000 grant from CWCB to develop recharge facilities on private lands close to the state line to develop more groundwater recharge to address state issues (the Three States Agreement). The SPLRG representative also emphasized that many farmers on the lower river would need to develop recharge to ensure that their wells were fully-augmented, since the State Engineer's Office has been talking about beginning to curtail pumping of wells that are not fully augmented. He noted that there are contracts available with LSPWCD (Super D Contract) and GASP (S Contract) for those developing recharge sties to attach recharge credits to their own wells.
- b. *Development of jointly-owned recharge facilities in the lower South Platte.* CWCB Board Member Eric Wilkinson asked for feedback on a suggested arrangement for the state to jointly develop and own recharge facilities with private parties in the lower basin, if the statutory authority could be arranged. Wilkinson suggested a long-term arrangement in which a Tamarack-type pump-and-pond recharge project could be developed where "the state comes with money and cooperator comes with land and a willingness to do maintenance, and the state also comes with a willingness to pay a portion of power costs to run facility. There would be a long term – I mean long term – agreement reached in which the person contributes land, of a value, and contributes a willingness to maintain the project, of a value over long term. The State brings in money, and let's say that values out to 50-50. They operate the project, so at times when return flows in Feb-Mar-early April, when those recharge credits are needed for the recovery program effort, the State can use their 50% of the credits that come back to the river for the recovery program, and would have the option to buy from their partners, so the credits at that time goes to the recovery program. So then, it's late Apr, May, June, July, August, there needs to be an ability to take recharge accretions and credit them to well depletions. Then the State will make available their 50% of the recharge accretions to the cooperator or GASP or Lower, and the cooperator in the project, can use his half of the credits however he wants to use them." Meeting participants replied there "there's a tremendous interest" in this sort of arrangement. Participants noted that "O&M can be

more expensive than costs to start” and that current arrangements through SPLRG were limited to three to five year agreements since SPLRG is less permanent than the state and “the State really hasn’t stepped up yet.” Participants noted the importance of having a long-term or perpetual arrangement, and cited the example of the wetlands mitigation programs in which the wetlands “actually become a form of a permanent easement, wherein, if a participating partner fails to participate, it automatically moves over to the other partner who has certain rights and privileges to encumber the land in such a way that these have to be perpetual easement, otherwise there’s no future if it’s concerning a species. There’s plenty of models out there in the form of conservation easements and mitigation easements that lend themselves right well to what you’re trying to develop.” Wilkinson noted that longevity would be needed for species programs. Meeting participants noted that similar arrangements had been made between private landowners and ditch companies or GASP, in which, “if the ditch company has ownership, they can make an agreement with the landowner for 20 years or 40 years, give some longevity. If land ownership changes, it goes to successors and heirs.” Wilkinson and the meeting participants also discussed reallocation the ownership and entitlement to credits if the O&M costs increased or the amount of O&M work provided by the landowner changed and the state had to contract that O&M work.

- c. *Discussion of market for recharge credits from new state-co-owned recharge facilities.* Meeting participants noted that there would be an extensive market for recharge credits during the times when the State did not need credits for the Three States Agreement. It was noted that there would not be a shortage of demand for credits. A GASP representative noted that “GASP is certainly a willing buyer if any kind of credits like that.” Another meeting participant noted that “years ago, when Riverside was first put in, we had a lot of augmentation water not being used. Now, in a good year, we have 14-15 kaf all being used and it isn’t enough. The demand is going to be here.”

V. Office of Water Conservation and Planning Support:

- a. None

VI. General Policy Directions:

There were several discussions on policy directions. See Sections II and IV for policy directions.





**Rio Grande Basin Meeting in Monte Vista (San Luis Valley and Closed Basin)**

The Rio Grande River Basin Meeting in Monte Vista was held on Thursday, December 21, 2000, in the afternoon, at the Elks Lodge. The meeting was hosted by Lewis Entz, the CWCB Board Member for the Rio Grande Basin, and co-hosted by the Rio Grande Water Users Association, the San Luis Valley Water Conservancy District, and the Rio Grande Water Conservation District. The meeting was held as a stand-alone meeting, following lunch with the local board members of the host organizations.

The local contact for this meeting was:

Ralph Curtis, Rio Grand Water Conservation District, (719-589-6301)

There were 42 people in attendance, plus CWCB Member Entz and eight CWCB staff. This was new CWCB Director Rod Kuharich's first basin meeting.

The attendees included representatives from: Federal Agencies (EPA, NRCS, USFWS), State Agencies (DWR, DOW, CWQCD, Cooperative Extension); State Legislature (Rep. Jim Snook), Local and County Governments (Alamosa County Commissioner Charlotte Bobicki, Rio Grande County Commissioner Randy Brown and Rio Grande Commissioner Elect Doug Davie, City of Monte Vista, City of Alamosa); Water Districts (Rio Grande Water Users Association, San Luis Valley WCD, Rio Grande Water Conservation District); Irrigation Districts (San Luis Valley Irrigation District), Ditch Companies (Centennial Ditch Co., Rio Grand Canal, Consolidated Ditch, Silver Ditch Co., Copsday(?) Ditch Company); Rio Grande Headwaters Restoration Project. Farmers, Landowners, Land Trusts (Rio Grande Land Trust, American Farmland Trust/Rock Creek Heritage Project), Press (Water Correspondent for KRZA Radio, Monte Vista News)

**Issues Raised and Specific Concerns or Needs:**

**I. Flood Protection and River Restoration:**

- a. Discussion of Rio Grande's Non-Structural Alternatives to Flood Management.* CWCB staff noted that the Rio Grande is in a unique situation because the irrigation canals from Del Norte to Alamosa can divert up to 4,000 cfs, so "how you run the diversion flows can really impact flooding down the Rio Grande."
- b. Discussion of CWCB's river restoration program.* Meeting participants asked about CWCB's river restoration program, and noted that when the Rio Grande Headwaters Restoration Project was originally proposed to the Board, it was "a hard area because there really wasn't a restoration aspect" in CWCB's programs. Staff noted that CWCB now has several river restoration projects going on, including Roaring Fork, Troutman Creek, Rio Grande, and Alamosa. CWCB staff has recommended to the Board that this type of work be packaged as a multiobjective stream corridor program, with benefits for fish habitat, riparian corridors, and farmer access to diversion structures as well as bank stabilization and flood protection. "In 1995, when we drew up the first long-range plan,

river restoration wasn't discussed at all. So that's a whole new area in floodplain and water management that's moving forward." Staff noted that the river restoration work in the Rio Grande basin is being used as a model for the rest of the state.

c. *Discussion of other potential areas for river restoration in the Rio Grande Basin.*

CWCB staff noted that there were other areas in the Rio Grande Basin with potential for river restoration work. The headwaters restoration project going on now "really should be the middle Rio Grande restoration, because it's from South Fork down to Alamosa. From the South Fork area up, you've got the whole headwaters area that hasn't been addressed at all." Other Rio Grande basin areas where there were potential needs for river restoration work was the Closed Basin area around San Luis Lakes, as well as the Conejos and the Alamosa.

a. *Encouragement for CWCB to fund and help find additional funding sources for river restoration.* Meeting participants noted that "there's going to be a lot of focus on river restoration, and also that it's very long term and a very expensive proposition." Meeting participants encouraged the Board and staff to consider the use of state money to cost-share in these projects, and the possibility of CWCB personnel "investigating grants and other sorts of money ... to aid in acquiring this additional funding." CWCB Director Rod Kuharich noted that "we're certainly amenable to bootstrapping the resources of the Board with others," and acknowledged that CWCB doesn't have the kind of money to fund completely some of these river restoration projects. CWCB staff provided examples, such as the Alamosa, where EPA 319 grant funds were used to support river restoration projects. Staff also noted the importance of having these efforts "start on the ground, with people in the community that want to see these problems solved." Fountain Creek was provided as an example of an area where the Counties and municipalities and landowners came together in a "spirit of cooperation" following the 1998 flood. CWCB staff also provided an example from Roaring Fork where "government put in a very small percentage of the reconstruction and restoration." Instead, much of the work and funding came from developers and various groups. "Once the State had a plan, a lot of players stepped forward." GOCO was also identified as a potential funding source, through their stream corridor protection program. Staff noted that CWCB doesn't have "the statutory or constitutional authority to get money directly from GOCO, which means it has to go through somebody else first," while CWCB continues to provide technical support. Rod Kuharich also noted that the new Annual Projects Bill may also request authorization from the legislature for CWCB to receive GOCO funds directly. CWQCC staff Kathleen Reilly, who administers the 319 grants for the Rio Grande and Arkansas Basins, also noted that "we remain committed to providing 319 money ... we ought to be patchworking together the different funding sources and making the money go further, determining the best application for it, the best funds, and begin piggybacking other sources on top of that." Reilly also provided examples where that combining of funds has occurred, such as at Willow Creek.

d. *Questions regarding coordination of funding and construction with the US Corps of Engineers.* Meeting participants asked whether we coordinate with the Corps of Engineers on similar projects. Staff noted that CWCB is in the process of working with

the Corps of Engineers to select a single liaison with Colorado, since Colorado falls within the jurisdictions of three different offices (Albuquerque, Omaha, and Sacramento). CWCB Staff Larry Lang is the staff member coordinating with and helping to select this new liaison.

II. Compacts and Decision Support Systems:

- a. *Questions regarding technical expertise for Programmatic Biological Opinions.* Meeting participants asked whether CWCB maintains the technical expertise for PBOs on staff or whether we use DOW or contractors. CWCB staff noted that "we use a little of all of those."
- b. *Questions regarding the feedback on the usefulness of the Colorado Decision Support System.* Meeting participants asked about the evaluation on the usefulness of the CRDSS since its completion. CWCB staff noted that the evaluation has been "very good so far" and that CRDSS has been used for endangered species issues in the Colorado Main Stem, the Yampa, and the San Juan. Staff also noted that the DSS gives Colorado "a position of strength ... before, we had to take results from the USFWS and the Bureau of Reclamation, and now, they are taking our results." Staff also noted that Colorado's DSS is being used as a model for other states.
- c. *Discussion of the State Engineer's Office use of the RGDSS for Augmentation Rules.* Meeting participants noted that the State Engineer's Office was planning to request a two-year extension of time to develop augmentation rules and regulations because of the delay with the collection of data for the RGDSS.
- d. *Questions regarding federally reserved water rights at Great Sand Dunes National Park.* Meeting participants asked about the water rights for the Great Sand Dunes National Park, which had just been declared a National Park (upgraded from a National Preserve) shortly before the meeting. CWCB staff Andy Garcia noted that the Park Service had a couple of reserved rights from when the Park was a Preserve, but was receiving no additional water rights for the Park.
- e. *Request for information regarding CWCB's response to Congresswoman DeGette's proposed BLM Wilderness Area.* Ray Wright, President of the Rio Grande Water Conservation District, requested information on CWCB's position on the wilderness areas proposed by Congresswoman Diana DeGette. CWCB staff offered to provide a copy of the letter, written by Randy Seaholm and signed by former CWCB Director Peter Evans, which stated CWCB's reserved rights policy concerns, as well as delineated a number of practical concerns related to this proposed wilderness area. Since the bill does not appear to be "moving any time in the near future," the matter has been brought to the Board's attention, but no formal Board action has been requested yet. CWCB Director Rod Kuharich also noted that there are significant problems with BLM lands which are low in the river basins and close to the state line. He noted that in cases such as Ruby Canyon on the Utah state line, "any exchange, any new appropriation, any change in point of diversion on the Colorado River would result in having to assure that the

reserved right for wilderness purposes at the state line could not be impacted. It would basically shut down water use in the state.” Kuharich noted that Congressman McInnis is aware of these concerns, and proposed the Canyon of the Ancients wilderness area as two distinct areas at the state line, with no portion below the 100-year flood plain. Lewis Entz agreed that these areas of a great concern, and that Congressman McInnis will work as a “watchdog” for the state on DeGette’s bill.

- f. *Strong support for completion of a “good groundwater model” in RGDSS.* Meeting participants stressed the importance of CWCB support for “completion of a good groundwater model” and for CWCB to assist and provide data for that groundwater model as part of the Rio Grande Decision Support System. CWCB staff noted that the State Engineer’s Office is requesting funds from the General Assembly and from CWCB that will to towards two new hydrographers to support the development of the RGDSS, including the groundwater model.
- g. *Questions regarding the use of Decision Support Systems to track water use conversion from agriculture to other uses.* A meeting participant asked whether there is any way to track water use conversion from agriculture to other uses, similar to the way studies show conversion of land use. CWCB staff noted that such capabilities are not yet available, although there has been discussion of including a component like that in the South Platte basin, where that has been a bigger issue than it has in the Rio Grande basin. Staff noted that “so far, it hasn’t been as a big a component here, but that certainly can become a part of it.” Staff noted that the decision support systems have a development stage, but can be continually enhanced and improved over time, with new components added. Meeting participants noted that such information would be useful for counties and communities doing land use planning. CWCB staff noted that information on irrigated acreage was being collected as a snapshot, but understanding the changes in land use and water use over time would require continually updating that information, which would be “very important and very costly – we need continued support if we’re going to keep using that.”

III. Stream and Lake Protection/Instream Flow Program:

- a. None.

IV. Construction Fund and CWCB Funding of Projects:

- a. *Question regarding whether the level of funding availability would remain the same.* Meeting participants asked what the likelihood was that the funding availability would remain the same, since the funds are approved by the legislature. CWCB staff Mike Serlet explained that the construction fund is a revolving fund, so “it doesn’t come and go.” Serlet explained that, with equity of \$230 million, the fund receives principal and interest on old loans that make \$18-20 million available per year from the construction fund, and about \$9 million in addition, from the severance tax. Serlet noted, “It’s a very secure and very profitable program.



- b. Questions regarding whether individuals can receive CWCB funds for headgate repairs.* Meeting participants noted that, in the process of completing the Rio Grande Restoration Study, "it's obvious that lots of headgates will be identified as problem areas." Participants asked whether these individual farmers and ranchers could get funds from CWCB to replace structures in the river. CWCB staff noted that CWCB can fund individuals, and can also fund arrangements in which several individuals received funding in a package, e.g. through the District. There was also discussion by meeting participants of the need to begin looking at those headgate repairs with a feasibility study, which CWCB can fund as a 50-50 grant.
- c. Questions regarding coordination of funding and construction with the US Corps of Engineers.* Meeting participants asked whether we coordinate with the Corps of Engineers on similar projects. Staff noted that CWCB is in the process of working with the Corps of Engineers to select a single liaison with Colorado, since Colorado falls within the jurisdictions of three different offices (Albuquerque, Omaha, and Sacramento).
- d. Questions regarding CWCB funding of O&M costs.* Meeting participants asked whether CWCB funds O&M or leaves that to the ditch company. CWCB staff noted that "to subsidize that sort of thing would draw away from our statutory purposes to aid in development of water in the state."
- e. Construction Projects:*

  - 1. Potential additional river restoration work above South Fork, in the Closed Basin area around San Luis Lakes, and in the Conejos basin.
  - 2. Headgate rehabilitation and replacement projects identified during the Rio Grande Restoration Study.
- V. Office of Water Conservation and Planning Support:**

  - a. Questions regarding the use of Decision Support Systems to track water use conversion from agriculture to other uses, and use of DSS for land use planning.* A meeting participant asked whether there is any way to track water use conversion from agriculture to other uses, similar to the way studies show conversion of land use. CWCB staff noted that such capabilities are not yet available, although there has been discussion of including a component like that in the South Platte basin, where that has been a bigger issue than it has in the Rio Grande basin. Staff noted that "so far, it hasn't been as a big a component here, but that certainly can become a part of it." Staff noted that the decision support systems have a development stage, but can be continually enhanced and improved over time, with new components added. Meeting participants noted that such information would be useful for counties and communities doing land use planning.
  - b. Request for assistance from the Water Quality Control Commission in acquiring information on water quality in the Rio Grande Basin.* Kathleen Reilly, a representative from the Water Quality Control Commission, made a presentation on the Water Quality Control Commission's development of sampling protocols for the classifications and standards for each state. She explained that this process occurs once every 3 years, and



that 2001 would be the year for the Rio Grande and Arkansas basins to complete this process. She asked for anyone willing to share information on water quality in the basin to do so, since "the more information we've got, the better the decisions of this commission will be."

VI. General Policy Directions:

- a. *Presentations by the Rio Grande Headwaters Land Trust on the importance of land and water interests working together.* Representatives from the Rio Grande Headwaters Land Trust made a presentation in which they stressed the importance of maintaining "the rural and agricultural quality and character of this valley. The representatives noted that "we realize that land and water issues are inextricably interwoven. ... Here in the San Luis Valley, the land means nothing if the water is not connected." The representatives discussed the work underway between the land trust and the water community to develop a water strategy for the Rio Grande Headwaters, including efforts to enable the Rio Grande Water Conservation District to hold conservation easements, and the ability of the RGWCD to monitor and enforce those easements. The representatives noted that "on a national security level basis, a county is only as secure as its food supply. If we continue to cover all of our agricultural land with residential development, there could be a point down the road where we would be in serious trouble." One representative stressed the point that "if agriculture were profitable, I don't think we'd have to worry about anyone selling off their water to municipalities. You wouldn't be able to collapse people off of their land if they were making a living on it." The representatives noted that they are seeking several sources of funding to do research and work with other entities "to come up with some good ideas on how to protect our water and our land for our future generations."
- b. *Need for education regarding water community opposition to proposed BLM wilderness areas.* Meeting participants encouraged CWCB to play an educational role through press releases or educational publications which state the "real practice and legal concerns to proposals of this type." Meeting participants noted that "opposition to the Congresswoman's bill was largely characterized as unenlightened" and assistance from CWCB was needed "to help prevent those of us who saw those problems from being cast as being opposed to wilderness in all forms."
- c. *Discussion regarding Board members and the development of CWCB policy.* Rod Kuharich expressed his interest in seeing that, in the future, "the Board be more active in developing policy for the state, and let the Board staff be implementers of that policy." He noted that "We are blessed with a wealth of experience on the Board, and not to use it, I think, is a disservice to the state."
- d. *Support for maintenance of the current Board composition.* Meeting participants expressed their support for "keeping the Board the way it is and not changing to population-based."
- e. *Recognition of staff.* CWCB staff member Brian Hyde was commended for his work on the headwaters restoration project.



**Rio Grande Basin Meeting in La Jara (Alamosa and Conejos Basins)**

The Rio Grande River Basin Meeting for the Conejos basin and the La Jara region was held on Thursday, December 21, 2000, in the evening, at Centauri High School in La Jara. The meeting was hosted by Lewis Entz, the CWCB Board Member for the Rio Grande Basin, and co-hosted by the Conejos Water Conservancy District, the Alamosa-La Jara Water Conservancy District, and the Rio Grande Water Conservation District. The meeting was held as a stand-alone meeting, following dinner with the local board members of the host organizations.

The local contact for this meeting was:

Ralph Curtis, Rio Grand Water Conservation District, (719-589-6301)

There were 28 people in attendance, plus CWCB Member Entz and eight CWCB staff.

The attendees included representatives from: State Agencies (DWR, DOW, CWQCD); State Legislature (Rep. Jim Snook), Local and County Governments (Alamosa County); Water Districts (Conejos WCD, Alamosa-La Jara WCD, Rio Grande Water Conservation District); Ditch Companies (Manassa Land & Irrigation Co., Sanchez Ditch & Reservoir Co.); The Alamosa River Water Restoration Project; Ranchers, Landowners, Concerned Citizens (Citizens for Colorado Water)

**Issues Raised and Specific Concerns or Needs:**

**I. Flood Protection and River Restoration:**

- a. *Questions regarding the Alamosa River Restoration Project.* There was discussion of the purpose of and projects involved in the Alamosa River Restoration Project. Rod Kuharich explained that much of the work in the Alamosa River Restoration Project involved headgate repairs, but also terraforming the river upstream from and at the headgate to prevent the problems from reoccurring. There was discussion of the approach to the Restoration Project that includes dissipating structures stream, and a fairly permanent pool behind a lined coffer dam that will allow water at low flow periods to get into the headgates, but protect the headgates from higher flows during floods.
- b. *Concerns regarding communication with landowners about the Restoration Project.* A farmer with 2 miles of land on the Alamosa River who participated in the Alamosa Restoration Project expressed concerns about injury to his land from the restoration activities. He stated that the project took out the old channel and put in a new channel in his cropland, and that he was never approached about the project. He didn't know why the restoration was done at his land when the section of the river that had been originally altered by the Corps of Engineers was further downstream, and stated that the work being done on his land was "not restoration." CWCB staff explained that the restoration project requires putting meanders back into the straightened river to slow the water down, and make the water less aggressive so that it doesn't keep scouring the river and eating out the banks and headgates. Alan Mille from the Alamosa Restoration Project noted that the

landowner had signed a contract and had been walked through the project, but acknowledged that bringing a bulldozer on a farmer's land can be unsettling. John Snowcroft from the Alamosa Water Conservancy District noted that the project has recently hired an individual to go to every landowner on the river, with pictures of the work to be done on that land, to ensure a clearer understanding of what would happen. It was agreed that the landowners and project personnel would further discuss the matter privately.

- c. *Discussion regarding the development of flood control storage.* Meeting participants noted the need for additional storage for flood control, stating that "we usually have 3-4 weeks when the Alamosa floods like crazy. If we just had some way to contain a little of that water for a little while, then turn it loose, some years it would save everybody's crop." Another meeting participant noted that some of the money that has been spent in the basin for floods could go towards additional flood storage in a reservoir. Division Engineer Steve Vandiver stated that "if there's no injury to existing vested rights and if not contrary to court decrees, then I'm in full support of it. Part of the problem on the Alamosa is that you get tangled up in water rights issues right away." Vandiver and CWCB staff both noted that any water rights issues associated with new flood control storage would be investigated as part of the feasibility study.
- d. *Concerns regarding flooding following a state-ordered release from Terrace Reservoir.* A meeting participant explained that there were concerns about an incident in which Terrace reservoir had filled and started to leak, with water going over the spillway. The state ordered the valves opened to save the dam. Vandiver reminded the meeting participants that "Terrace has, on many occasions, either drawn their reservoir down or delayed filling to help the state. I can show you at least 10-15 years in the last 30 that Terrace has done that." He added, "Terrace has bent over backwards to provide unofficial, informal flood control for this basin. ... Terrace deserves a great amount of credit for that."
- e. *Strong support for the development of a basin flood plan.* There was discussion of the need for a flood plan for the basin, so that there could be a coordinated response to floods. With regard to the flooding following the release from Terrace Reservoir, He stated, "you talk about priority rights, you couldn't get anybody to open their headgates to save our lives. I went out into my grain field in hip boots, and the water was over my hip boots in my grain fields." With regard to the fact that landowners would not open their headgates to reduce the flooding impacts, CWCB staff noted that they and their neighbors "hang together or hang separately." CWCB staff noted that funds for a flood plan could be added to future requests for funds for the Alamosa Restoration Project. Meeting participants endorsed this idea, stating "We would develop ideal restoration if we would have a project and a flood plan, and maybe we would even have available storage to create that minimum flow. We need a minimum flow in the river, a storage facility for a flood plan. Every river should have a flood plan every 100 years or every 25 years. We don't want something to happen like the Big Thompson." Alan Mille and John Snowcroft were mentioned as the local contacts for the incorporation of a flood plan into the Alamosa Restoration Project.

II. Compacts and Decision Support Systems:

- a. *Concerns regarding 2000 water releases in New Mexico for endangered Silvery Minnow.* There was discussion regarding the water demands for the Silvery Minnow in New Mexico. Division Engineer Steve Vandiver noted that, during last summer's drought in New Mexico, a judge ordered releases from New Mexico reservoirs to about half of their capacity. It was noted that, if there is another drought this year and the reservoirs cannot re-fill, there will not be enough water left for reservoir releases such as were ordered the previous summer. It was also noted that the releases cost approximately \$45/af and were a very expensive way for New Mexico to deal with their endangered fish concerns.
- b. *Concerns regarding the possible demand from New Mexico for Colorado water to meet Silvery Minnow water needs.* Meeting participants were concerned that New Mexico would ask for Colorado to be required to contribute water to recover the Silvery Minnow species. A meeting participant noted that there are people in New Mexico who want Colorado to "ante up." CWCB staff noted, however, that New Mexico first needs to recognize the need to address the species problem, and New Mexico has not yet done that. CWCB staff noted that "Any water Colorado could deliver to Albuquerque would be picked up by Albuquerque" and that it was "very doubtful that [additional Colorado water] would have an impact below Albuquerque." Vandiver noted that we have met our compact requirements, and New Mexico has not yet done what they need to do to protect the fishes from New Mexico user. There was also discussion of the lawsuits by organizations such as Defenders of Wildlife and the Southwest Center of Biodiversity in the Lower Colorado River Basin to claim that the Endangered Species Act overrules interstate compacts, but those cases have been dismissed twice. CWCB staff noted that these groups might try again in New Mexico, and stated that "we are going to be vigilant." Vandiver noted that these were the groups that filed the suit resulting in the releases in New Mexico the previous summer.
- c. *Discussion regarding endangered species recovery mechanisms for Silvery Minnow.* There were also more general comments regarding the approach to species recovery for the Silvery Minnow. A meeting participant noted that during drought, more birds eat the minnow, and that even if the water is produced, if the birds are not controlled, the minnows will be eaten. CWCB staff noted that the low numbers of fish was a consequence of federal mismanagement, and noted that the fish need to be captured and propagated and reintroduced in large numbers. Vandiver noted that the Albuquerque Zoo is finally beginning to propagate fish and build natural refugia in the river, although there are very few of the fish left and they are still in peril. CWCB staff also noted that there is phenomenal use of water upstream of Elephant Butte by Tamarack and Salt Cedar plants. CWCB staff noted that, if the water requirements for the Silvery Minnow expand beyond New Mexico into Colorado, CWCB will add its expertise on the recovery plans to develop a series of mechanisms to give Colorado certainty that the recovery program is successful, and Colorado's water users will be protected.



- d. *Discussion of CDOW's role in the recovery of federally-listed species.* There was discussion of the fact that the Colorado Division of Wildlife does not list species as endangered, but if the federal government lists a species as endangered, the feds mandate CDOW to do a recovery program. Said a wildlife commissioner at the meeting, "a lot of times, we don't like what we have to do, we understand the impact on folks, but the nitty gritty is, we must act." She explained that the CDOW works to prevent federal listing to maintain local control over the recovery efforts. Another meeting participant wanted to know how many prairie dogs or other species are needed for recovery. The wildlife commissioner noted that CDOW often can't get that information either. She also noted that some wildlife protection groups sometimes threaten to go to the US Fish and Wildlife Service to get a federal listing for a non-listed species if CDOW doesn't go along with them. There was also discussion of CWCB's role in assisting with the development of specific recovery goals and determination of "a definite point for species delisting."

III. Stream and Lake Protection/Instream Flow Program:

- a. *Questions and Concerns regarding the Instream Flow Program.* A meeting participant asked how donated (acquired) senior water rights impact the next most junior water right holder downstream who would otherwise be entitled to those flows. CWCB staff, CWCB staff noted that, when the change of water right was filed, the downstream junior water user could file for injury, but injury was not likely to occur since instream flows are nonconsumptive. Another meeting participant noted that instream flow rights make water unavailable for agriculture, and take agricultural land out of production. CWCB staff countered that, since the instream flows only occur in areas where the Board determined that there is an environment that needs to be protected to a reasonable degree, and since most of those environments have occurred at the headwaters, most instream flows are in areas where there aren't a lot of agricultural uses. CWCB staff noted that there are some downstream sections that are being protected by instream flows associated with federally listed endangered species. CWCB staff noted, however, that in those cases, the US Fish and Wildlife Service with only recognize the state's stewardship of that water right, so instream flows in those cases provide regulatory certainty and protection from more federal involvement.
- b. *Question regarding use of state funds to purchase senior water rights for instream flows.* A meeting participant asked whether the state has ever given a grant to purchase early water rights to establish an instream flow. CWCB staff explained that there have been construction bill funds loaned for the state to purchase water rights, but that those purchases would have to be for a "big statewide nexus -- some big problems we're trying to solve."

IV. Construction Fund and CWCB Funding of Projects:

- a. *Question regarding the construction projects bill.* A meeting participant asked whether the state legislature approves the entire bill or each project. CWCB Board Member Lewis Entz explained that each project has its own paragraph, and that the projects

usually go through the Board for approval, but projects can later be amended in or out.

- c. *Question regarding headgate repairs and the Alamosa Restoration Project.* A meeting participant asked whether he can get money for repairs from CWCB "if that funny water that comes down the Alamosa eats up my headgate." He was told that CWCB can provide loans for up to 90% of the repair costs for headgate repairs, and that individuals can get loans, but that it makes more sense for several individuals on a river to get together and have all the work done at once, as in the Alamosa Restoration Project.
- b. *Question regarding use of state funds to purchase senior water rights for instream flows.* A meeting participant asked whether the state has ever given a grant to purchase early water rights to establish an instream flow. CWCB staff explained that there have been construction bill funds loaned for the state to purchase water rights, but that those purchases would have to be for a "big statewide nexus -- some big problems we're trying to solve."
- c. *Questions regarding money for relining ditches.* A meeting participant from the Sanchez Ditch & Reservoir Company noted that there was about 37 miles of concrete ditch that had begun to crack, and asked whether they needed to replace them or could reline them. He noted that there was a new material that could be used to reline the ditch that was supposed to make the ditch "like new," and that their ditch company was planning a ½-mile test project this spring. CWCB staff noted that CWCB could provide a grant for the feasibility study, although CWCB could not pay for the entire test project (with an estimated cost of \$35,000) without going separately to the legislature.
- d. *Question regarding grants for feasibility studies and demonstration projects.* A meeting participant asked about situations where a feasibility study is performed and the project turns out to be infeasible. CWCB staff stated that grants for feasibility studies are given in the hopes that the project will turn into a loan with CWCB. "If the feasibility study shows that the project is feasible, and the ditch company decides not to go ahead with the project, that's OK ... that's our tough luck. No strings attached." The meeting participant also asked about demonstration projects, and was told that there is no longer a demonstration grant program, but a new demonstration grant program could be proposed if there was interest.
- e. *Discussion of the use of reservoirs for reregulation of flows, and a potential multipurpose reservoir above Terrace.* A meeting participant noted that, "Alamosa needs another dam. Is that impossible now with the endangered species." This led to a discussion of the re-regulating capabilities of reservoirs, which allow for storage upstream which can be used to release water for minimum streamflows and instream flow rights. Meeting participants noted that the main need for a reservoir above Terrace Reservoir would be for floods. "We usually have 3-4 weeks when the Alamosa floods like crazy. If we just had some way to contain a little of that water for a little while, then turn it loose, some years it would save everybody's crop." CWCB staff also noted that it is possible to find dam sites that have a good chance of success without a lot of involvement with federal environmental regulations, particularly those that have "a minimum of a federal nexus,"

and are constructed on private land, not on federal land, with no federal right of way. CWCB staff suggested that the meeting participants give further consideration to finding a site and starting a feasibility study for a facility that could be used to "capture those flood flows and reregulate the stream in some way." Meeting participants also noted that there have been discussions with the EPA for more storage to allow more settling of the water, and noted that there would be interest in a reservoir above Terrace since "high mountain reservoirs don't have the evaporation the lower ones do."

- f. *Discussions regarding injury related to reduced return flows following rehabilitation of Terrace system parallel.* A suggestion that old structures could be rehabilitated led to a discussion of the potential injury caused by the rehabilitation of the Terrace system parallel to the north of the Alamosa River. A meeting participant noted that "we've lost quite a bit of return flow when Terrace cemented their system. ... Historically, we had a minimum flow." Another meeting participant noted that "the river used to take 9 days to run to the end, now it takes 2.5 hours."

g. *Construction Projects:*

1. Possible dam site suggested by John Snowcroft that would back into an antique cemetery.
2. Demonstration project for relining cracked concrete ditched.
3. Additional storage project on Alamosa River, especially above Terrace Reservoir, probably for multiple purposes (flood control, storage for endangered species releases).
4. Development of a flood plan as part of the Alamosa Restoration Project

V. Office of Water Conservation and Planning Support:

- a. *Questions regarding the Dam Site Inventory.* A meeting participant asked for a copy of the dam site inventory map. Dan McAuliffe noted that the map was available on the CWCB web site, with links to information on water rights and any feasibility studies for each site. McAuliffe also noted that packets of information from the dam site inventory was sent to every county government with a letter encouraging them to be aware of these dam sites when discussing planning and zoning changes, and to recognize when they may be permitting development in areas that could otherwise be used as dam sites.
- b. *Suggestions for an addition to the Dam Site Inventory.* Meeting participants were asked to suggest any dam sites that should be added to the inventory. Alamosa WCD John Snowcroft suggested a dam site that would back the water into an antique cemetery (which was defined as "one that doesn't have any markers" and is no longer being used).
- c. *Request for assistance from the CWQCC for the acquisition of water quality data for the review of Rio Grande basin standards and classifications.* CWQCC staff noted that their agency is collecting data for the upcoming review of Rio Grande basin standards and classifications for water quality, and requested assistance from meeting participants in finding out about available data.

VI. General Policy Directions:

- a. *Recognition of CWCB staff.* Larry Lang was complemented for the work he did several years ago on the San Antonio River and to replace the headgates for the El Codo ditch, and for his cooperative, willing attitude.
- b. *Appreciation for the Basin Meeting.* Meeting participants expressed strong appreciation for the basin meeting. One meeting participant noted, "This is the first time this has ever happened. ... We thought [CWCB] was a great empire up there that no one could touch." CWCB Board Member Lewis Entz stated that "I think it's time the Conservation Board gets out throughout the whole State and gets some input instead of trying to rely on the Board of Directors to do it."





Greater Denver Area Basin Meeting in Denver (Combined Denver and South Platte Basin),

The Greater Denver Area Basin Meeting was held on Tuesday, January 16, 2001, in the evening, at the Renaissance Hotel in Denver. The meeting was hosted jointly by Patti Wells, the CWCB Board Member for the City and County of Denver, and Eric Wilkinson, the CWCB Board Member for the South Platte Basin, and co-hosted by the Parker Water and Sanitation District, the Denver Water Board, the City of Golden, the Clear Creek Water Bank, the Northern Colorado Water Conservancy District, the City of Aurora, and the South Metro Water Supply Board. The meeting was held as a stand-alone meeting, and was preceded by a reception co-sponsored by the co-host organizations. There was a snowstorm on the day of the meeting, which prevented some attendance.

The local contacts for this meeting were:

Frank Jaeger, Parker Water & Sanitation District, fjaeger@pwsd.org, (303) 841-4627  
Leslie Parker, Denver Water Board, leslie.parker@denverwater.org, (303) 628-6553  
Glenn Porzak, City of Golden Water Counsel, gporzak@pbblaw.com, (303) 443-6800  
Bert Weaver, Clear Creek Water Bank, bweaver@co.clear-creek.co.us, (303) 679-2455  
Candace Sinden, Northern Colorado WCD, csinden@ncwcd.org, (970) 667-2437  
Doug Kemper, City of Aurora, (303) 739-7533  
Peter Binney, South Metro Water Supply Board, pbinney@brwncald.com, (303) 750-3983  
Robert Ward, CWRRI, robert.ward@colostate.edu, (970) 491-6308

The Clear Creek County Water Bank is a joint venture between the board of county commissioners in Clear Creek County and the Clear creek economic development corporation, which leases 12 af per year of nontributary water on a short term basis for temporary substitute supply plans for economic development in Clear Creek County. The water used for the Water Bank was made available through an agreement with the Henderson molybdenum mine, which is closing. This is a revolving loan fund that gives businesses the opportunity to get started while they go through the significant effort to developing a permanent water supply plan.

The South Metro Water Supply Board was formed in (year?) following the completion of the Metropolitan Water Supply Investigation and the State Engineer's Office's study of the Denver Basin Aquifer, which strongly suggested (recommended?) a conjunctive use project to meet the need for additional water supplies in area south of Denver. The Board is a collaborative effort between twelve water districts and municipalities on the south side of town who are working with Denver Water and representatives of the Western Slope to address water supply needs in the South Metro area. The area represented has a resident population of about 200,000 people, and includes the Denver Tech Center and Meridian, from which close to 30% of the state's economic development is controlled or managed. This region is dependent upon the Denver Aquifer, a nontributary, nonrenewable water resource, for three-quarters of its water supply. The Board is currently developing a water plan for the region, which is financially supported, in part, by CWCB.

The Colorado Water Resources Research Institute (CWRRI), an affiliate of Colorado State University, exists for the express purpose of focusing the water expertise of higher education on

the evolving water concerns and problems being faced by Colorado citizens. In 1964, Congress authorized the establishment of a water resources research institute in each state. The Colorado Institute was organized in 1965. In 1981, the Colorado Legislature defined CWRRI as we know it today - a statewide institute with the purpose of "developing, implementing, and coordinating water and water-related research programs in the state, and transferring the results of research to potential users." CWRRI develops partnerships between university water expertise and Colorado water managers to address emerging water problems. CWRRI publishes research completion reports and conference proceedings in order to make current water knowledge readily available. Informational reports are also prepared to explain water issues to Colorado citizens.

There were 52 people in attendance, plus moderator Robert Ward, CWCB Members Wells and Wilkinson, and seven CWCB staff as part of the program.

The attendees included representatives from: State Agencies (The State Engineer, DWR, DNR, State Land Board, Attorney General's Office, Colorado Water & Power Authority); Local and County Governments and Government Coalitions (City of Fort Lupton, City of Golden, City of Aurora, Douglas County, City of Thornton, Mayor of Silverplume, Mayor of Empire, Denver Regional Council of Governments); Water and Irrigation Districts and Other Water Organizations (Denver Water Board, Eagle River Watershed Council, Highland Canal Preservation Assn, Upper Clear Creek Watershed Assn, Northern Colorado WCD, South Metro Water Supply Board, Chatfield Basin Watershed Authority, Metro Wastewater, Parker Water & Sanitation District, Clear Creek County Water Bank, Cherry Creek Stewardship Partners, Colorado Watershed Network, Urban Drainage and Flood Control District, Colorado Water Congress, Centennial Water & Sanitation District, Colorado Water Wise Council), Professional Organizations (Greenco Water Task Force, Colorado Rock Association/Mining Companies, Colorado Association of Homebuilders); Other Citizens Organizations (Colorado Mountain Club, SSAB RMA), Press (Denver Journal Advocate), Consultants (George Annandale, Keesan Water Management, Jehn Water Consultants, Brown & Caldwell, Bill Hansen), Universities and Institutes (CSU, CSU, CWRRI), and concerned citizens.

#### Issues Raised and Specific Concerns or Needs:

##### I. Flood Protection and River Restoration:

- a. *Discussion regarding flood risk in Denver Metro Area.* CWCB staff discussed the flood risks in the Denver Metro Area, and noted that "Weather in the Front Range is tricky." He stated that the metro area had "experienced 100-year floods in '65, '69 and '73 were 100 year floods in 8 years, and none on major trib in Denver since then. If we had a 100 year flood today, would be a \$2 billion flood event if flood in this area." He also noted that the traditional flood control measures in the Denver Metro Area, including Cherry Creek, Chatfield, and Bear Creek Dams, are "recognized around the world as one of the most effective in the world." He also noted that situations such as at Buffalo Creek, where drought, fire, and flood occurred in the same month, was not unique, because "drought leads to fire, and then you get a big flood event."

- b. *Discussion of Cherry Creek PMP.* There was interest in the review of the PMP (probably maximum precipitation) designation for Cherry Creek Dam. CWCB staff explained that, after the Cherry Creek flood, the Colorado legislature tasked CWCB to evaluate the Corp of Engineers PMP program on Cherry Creek.
- II. Compacts and Decision Support Systems:
- a. *Recognition of CWCB works in the lower South Platte.* Meeting participants encouraged CWCB to continue its support for endangered species issues in the lower South Platte, and noted the importance of addressing those issues to continued use and future development of water in the Metro Area.
  - b. *Use of Decision Support Systems for Drought Planning.* Several meeting participants noted the importance of the Decision Support Systems as a tool for drought planning. One meeting participant stated that, in beginning the development of the South Platte, DSS, that the State should spend some time “looking also at the Colorado DSS, how is that system being used, who is using it, and in what areas might it be used in the future. It may help as we look at what the SPDSS will do in the future. The meeting participant also noted the need to collaborate on data, models, and other resources for decision support systems and drought planning, noting that “I think with all of us having our own individual models – Denver has their models, Aurora has their models, Northern’s got their models – I don’t know how all these pieces will fit together. I think we can spend a little time working on those areas. I think also in the area of water conservation, there’s another area – we have one of best minds in the Western US sitting in the third row over here [indicating Liz Gardner from Denver Water] and I think there is an opportunity now to really ramp up some of the things we’re doing on water conservation, build some excitement, as we head into drier times it becomes that much more important.” A representative from Thornton noted that, as his local government is trying to put together their conservation plan, they have questions about “just what level of insurance does the City need when we go forward with water supply planning. You can base your supply on an average supply, but you’re going to run out of water more often. You can get a supply that will carry you through the 1930s drought, but that’s going to cost you a ton of money.” He noted that “The information from the DSS will help a great deal to address those sorts of questions.”
  - c. *Support for CWCB development of water storage to for endangered species or other issues of statewide concern.* CWCB Board Member Eric Wilkinson asked for clarification on statements concerning whether CWCB should be building structures, and asked for feedback on the development of structural alternatives by CWCB as a way to address endangered species concerns. There was not much response from the audience other than to say “yes” to the question of whether CWCB should build structures for these purposes.

III. Stream and Lake Protection/Instream Flow Program:

- a. *Discussion regarding the City of Golden Recreational Instream Flow Filing.* There was discussion on different sides of the issue of recreational flows, and in particular the recreational flow filing by the City of Golden for 1000 cfs for their whitewater kayak course. A representative from the City of Golden noted that "One of the issues that we think is very important for our citizens in Golden is not just water supply, but also quality and the recreation aspects." He noted that this filing has been "somewhat controversial" but stated that "outside of the Board, we believe that all the other objectors are now out." The Mayor of Empire, however, stated that the Golden filing "greatly impacts not only Empire but all of Clear Creek." She pointed out that "What this does is it basically eliminates our ability to look for water storage in the future, or divert any water," and she stated that, although Empire's water rights are very old (1868), their water was called the past summer by a ditch company whose water rights were one month older. She also noted that "We respect recreation -- it's part of our tourism economy," and pointed out that Clear Creek County is "the middle of a conduit, I-70 ... that takes the Front Rangers to all these recreational uses. ... We service the Front Range: restaurants, gas stations, and emergency response on I-70." She stated that the Golden filing would impact "any economic growth in the future" and that "it sets a bad precedence for the state in the future." CWCB Director Rod Kuharich noted that CWCB has been trying to work with Golden "to come to a stipulated agreement which would provide for recreational flow but also minimize this flow to what is minimally necessary, recognizing this 1000 second-foot." Kuharich noted that another element under discussion between CWCB and Golden was "that that recreational flow is not needed 24 hours a day. Sunrise to sunset is more than sufficient." Kuharich noted that some of the issues related to recreational flows may subsequently appear in legislation.

IV. Construction Fund and CWCB Funding of Projects:

- a. *Recognition of CWCB's emergency response to the Laramie-Poudre Tunnel collapse.* A representative from Thornton recognized the importance of the Construction Fund loan program, including the indirect benefits to those entities that do not receive funds from the program directly. He stated that "Even though we're not supposed to get any direct benefit from the loan program, we get an indirect benefit that we really appreciate. The Water Supply and Storage Company's Laramie-Poudre Tunnel collapsed last spring. They bring about 20,000 af a year through that tunnel. That's a substantial water supply for the water users both in agriculture and Thornton's tenants on the farms that Thornton owns in Northern Colorado. That saved a great impact, a one-time upfront cost to those farmers. I think that loan program is really beneficial in that area."
- b. *Request for assistance with the preservation of the Highland Canal.* The Highland Canal Preservation Association requested assistance with improvements in the Highland Canal to keep the canal running, which currently costs about \$650,000/year. "The canal is not efficient, but it has wonderful recreational uses, as any of you who has been out on it can testify."



c. Projects:

1. Assistance with the preservation of the Highland Canal.
2. Assistance with feasibility studies and funding for storage alternatives for Clear Creek County communities.

V. Office of Water Conservation and Planning Support:

- a. *Use of Decision Support Systems for Drought Planning.* Several meeting participants noted the importance of the Decision Support Systems as a tool for drought planning. One meeting participant stated that, in beginning the development of the South Platte, DSS, that the State should spend some time "looking also at the Colorado DSS, how is that system being used, who is using it, and in what areas might it be used in the future. It may help as we look at what the SPDSS will do in the future. The meeting participant also noted the need to collaborate on data, models, and other resources for decision support systems and drought planning, noting that "I think with all of us having our own individual models – Denver has their models, Aurora has their models, Northern's got their models – I don't know how all these pieces will fit together. I think we can spend a little time working on those areas. I think also in the area of water conservation, there's another area – we have one of best minds in the Western US sitting in the third row over here [indicating Liz Gardner from Denver Water] and I think there is an opportunity now to really ramp up some of the things we're doing on water conservation, build some excitement, as we head into drier times it becomes that much more important." A representative from Thornton noted that, as his local government is trying to put together their conservation plan, they have questions about "just what level of insurance does the City need when we go forward with water supply planning. You can base your supply on an average supply, but you're going to run out of water more often. You can get a supply that will carry you through the 1930s drought, but that's going to cost you a ton of money." He noted that "The information from the DSS will help a great deal to address those sorts of questions."
- b. *Request for CWCB to hire the new director of the Office of Water Conservation.* Meeting participants urged CWCB Director Rod Kuharich to hire someone to fill the recently vacated position of the head of the Office of Water Conservation, stating "we need that person to deal with drought response planning, and we need that face of the CWCB available to come out and help the smaller utilities and some of the businesses who don't know that that group exists."
- c. *Request for CWCB to review previously submitted Conservation Plans.* A representative of the Denver Water Office of Water Conservation encouraged CWCB to review the water conservation plans that have been submitted to CWCB since 1991 and "really look at them very very carefully before people go about getting new supply, to make sure that we're really efficient. I'm personally very concerned that we have been dealing too much in state with our 'if I conserve it then I'll lose it' type things. I really think that we need to look at the fact that Las Vegas is looking very greedily at this water, and we need to resolve some of our in-state things."



- d. *Discussion of xeriscaping and drought restrictions on watering of landscape.* A representative from the Greenco Water Task Force, which represents the landscaping industry, asked CWCB to work with water providers and landscape industry people to “come up with reasonable best management practices before you start working too much on drought response planning,” and noted that “many of the drought plans that I have seen are pretty draconian when it comes to impact on landscape.” CWCB Board Members Wells and Wilkinson both expressed interest in hearing more about BMPs for drought planning and landscaping. Patti Wells asked for more information on drought responses impacting landscape, noting that “if you take care of the landscape early, and it doesn’t use much water, then there’s not much left over you can do in a drought; on the other hand, if you let it use a lot of water, you can save a lot of water when it comes to a drought, right?” The Greenco replied “Yes and no.” and stated that “I don’t think that we will be able to get enough people converted over to really water-efficient landscape before the next drought that we’ll be able to say that it’s all-efficient.” She also noted that “We have people who can teach us how to plant the stuff but when we’re already into a drought is not the time to convert landscaping.” However, until landscape is more water-efficient, there are irrigation practices, such as those recommended by the Irrigation Association, that can be used to minimize water use so that “we can cope with a drought and we can be more efficient in non-drought years. There’s no excuse for water running down gutters and on sidewalks with the technology we have now.” Another meeting participant noted the potential economic backlash against the green industry if such irrigation practices are not adopted and a drought hits, as occurred in California, where there was significant unemployment in the landscaping and related industries during a recent drought. “As we do the drought planning and all of water planning, we need to think very carefully about some of these unintended consequences of some of our water management strategies.”
- e. *Discussion of plant selection as an approach to drought preparation in landscaping.* As a follow-up to the discussion regarding irrigation practices, CWCB Board Member Eric Wilkinson described a study conducted at Northern Colorado WCD on selection of turf species, and stated that their study found that “the right mix of bluegrass is probably going to serve you better in a drought because in essence, you just don’t irrigate it and it goes into a dormancy stage of extended periods of time. Then, when you have the water back, you can again return to irrigating it and usually it pulls out of the dormancy state,” and asked what the green industry had found with regard to turf selection. The Greenco Water Task Force representative described a study called YARDX (“yield and reliability demonstrated in xeriscape”), conducted by the Metro Water Conservation Inc (a front range group of water providers) with funding by the USBR. She stated that their study found that “it really doesn’t matter a whole lot what species of plants are in the ground. What matters is how people care for them. ... In Denver, I’ve moved us away from recommending this plant over that plant or this grass over that grass, because it’s more about how they’re irrigated, it’s more about the soil prep, and I don’t think we’re using our money wisely to argue over whether you should have this tree or that one.” Another meeting participant provided an example of a golf course which is being planted with a species of grass in the greens and tee boxes that normally requires 2 feet of water per year, but can survive with ½ foot of water per year during drought periods.

- f. *Discussion regarding the development of model drought plans and planning workshops.* A drought consultant asked what the status was of the development of model drought plans and workbooks on how to develop a drought plan to take to workshops. He noted that the Office of Emergency Management's Drought Response Plan recommended workshops for drought preparation, and stated that "It would be real helpful to have workshop materials like an example drought plan to take to communities in the state, or to have in my office if communities come to me for advice." CWCB staff replied that the Conservation Plans reviewed and approved by the Board staff are posted on the internet site, and "those that we feel are particularly exemplary have a blue ribbon next to them." Staff stated that, since these plans are voluntary, communities without plans can download plans from the site and "plagiarize the heck out of them." Staff also noted that the differences in climate and water use patterns around the state made it infeasible to have one Master Drought Plan that would be applicable in all parts of the state, and stressed the importance of knowing the history of wet and dry periods for the area for which the particular drought plan is being developed. Other steps noted by the CWCB staff for drought planning included the dam site survey and carryover storage assessment to identify communities in need of additional storage and possible locations for that additional storage. The drought consultant noted that "it might be helpful if there were some standardization" in the determination of "what a decent drought strategy assessment is." He compared the development of drought plans with the development of augmentation plans in the early 1970s, when "there was a lot of scrambling ... before we got to a point at which we had a handle on what the concept of what an augmentation plan should be." He stated that he wondered whether CWCB would play a role in developing plans that could be "emulated by the community."
- g. *Need for general water education and for funding for water education.* Meeting participants stressed the importance of basic public education on water issues in Colorado, particularly among college students who are "studying for careers in water" and "lack an understanding of key water issues in the state." It was also noted that the Colorado Water Resources Research Institute and the state universities provide "a wealth of stuff that can be utilized ... and we're barely tapping them"

#### VI. General Policy Directions:

- a. *Support for State-Level Water Planning.* Several meeting participants spoke strongly in favor of state-level water planning. Co-sponsor Parker Water and Sanitation District stated that, due to heightened public awareness of drought and population growth, "We have a unique opportunity to significantly advance water planning and investment. ... Now is the time to protect Colorado's environment and quality of life by developing a priority list of water resource goals and objectives, and the investments required over the next decade to achieve them." He noted that "The challenge will be to overcome fragmentation of authority, differences among water interests and regions and disinterest among some policy makers," and compared the current situation with water planning to that of transportation planning 3-4 years ago. He stated that an approach to state planning should, "1) Recognize the public's concern about water supply and planning and support for water shortage; 2) Identify the state's responsibility for drought planning and role in infrastructure development (understand that I'm not in favor of the state doing any building of projects, but certainly helping in the

identification of projects and helping in the financing); 3) Conserve non-renewable aquifer water and water in excess of compacts from leaving the State; and 4) Support water recreation, environmental enhancement, and endangered species protection.” The Parker representative also noted that the data required is available through CWCB water supply, demand and drought studies, 2000 census data, and data from other divisions and departments. He also noted that “in the past five years in California, they’ve built several very large reservoirs, and in the past year have passed \$2 billion bond issues to resolve water issues statewide, to work together.” With regard to east slope west slope issues, he noted that “The divisiveness between North and South in California is no different from the divisiveness that we’ve had between east and west Colorado. I sincerely believe that there needs to be a quid pro quo for both sides of the mountains for any of this to be successful.” Another meeting representative, from Douglas County, also supported the development of a state water plan or strategy, recognizing that “In all probability it will have to be a consortium of a number of groups, including the SEO and the local governments and so on. I think that until we have some real comprehensive effort to come up with that, we will never resolve some of the conflicts between the east-slope-west-slope water issues and some of the other things that are outstanding, and a lot of destructive competition among municipalities going after water.” The Mayor of Empire, one of the communities impacted by the Golden recreational flow filing, also supported the idea of state-level water planning, and stated that “I think that the State really needs to step up to this issue of a whole statewide issue of water.” She also stated her belief that “in 50 years, water will rule, and it will subdivide regionally.” CWCB Director Rod Kuharich stated that “I believe that Colorado has a plan for water and it’s the appropriations doctrine. It’s a dynamic plan that has responded to all sorts of issues in the past and will continue in the future. I think that it’s incumbent upon the individual entities that need water for their own citizens to work within that plan and develop their own supply plan. I think that’s worked for the state for so many years.”

- b. *Recognition of CWCB support for the South Metro Conjunctive Use Study, the MWSI study, and need for continued support in the metro area.* There was recognition by several meeting participants, including representatives from the South Metro Water Supply Board and from the Denver Water Board, for the support given by CWCB for the South Metro Conjunctive Use Study, which the Denver representative described as “a critical study for looking at creative solutions for the water supply needs for some of the metropolitan area” which depends primarily on non-renewable groundwater supplies. There was also recognition of CWCB’s role in the development of the Metropolitan Water Supply Investigation (MWSI), and the need for the MWSI data to be updated.
- c. *Discussion of CWCB’s role in the facilitation of collaboration on water projects and request for assistance in getting public input on water development.* Meeting participants noted the State’s role in facilitating cooperation and collaboration between parties (ag and municipal, east slope and west slope), although several participants described water development agreements they had developed without State involvement. A meeting participant did, however, specifically state that “there’s a real need to rely on having a state agency that has the skills and talents available in public involvement and public processes. You could act as a real resource in that area.” The meeting participant also noted that the MWSI report had specifically recommended that there be “some sort of continuing forum” and suggested that



CWCB help sponsor a forum to discuss water issues in the metro area. The Denver Regional Council of Governments (DRCOG) representative also noted the need for increased expertise in handling public involvement, stating "In the past, we would have a public meeting and get 2-3 people showing up. Now, we can have a public meeting and have 200 people show up. The public is showing more interest, more involvement."

- d. *Request for CWCB involvement in development of water quality measures with exemptions from augmentation plans.* Several meeting participants discussed the importance of water quality and the fact that water quality and quantity are interrelated. A meeting participant noted that "there are an awful lot of water quality measures, particularly for irrigation, for on-street detention that you can irrigate medians, things like that, that can do an awful lot for water quality. Unfortunately, when you talk about doing that, it potentially begs a small augmentation plan, which you would never open yourself up for." He suggested that "It would be a good avenue for the CWCB to look at some statewide system where, without going to water court, you could install those types of devices, get the water quality gains for the state, and not expose your whole portfolio." A number of meeting participants also discussed the importance of water quality to determining the amount of water available for use by downstream water users or, in the case of groundwater, downgradient water users. A representative from Thornton mentioned the reduction in available water downstream of Denver due to water quality impacts from discharges and stormwater runoff. A representative from a citizen's group near the Rocky Mountain Arsenal noted the impacts of contaminants on groundwater plumes that are carried under people's homes, and asked that the State provide maps of groundwater of impacted quality.
- e. *Discussion of Water Banking, the example of the Clear Creek Water Bank, and the use of effluent in water banking.* There was extensive discussion of options for water banking, and a presentation by the Clear Creek Water Bank. The Clear Creek Water Bank representative noted that water credits from their water bank gives businesses the opportunity to get started while they go through the significant effort to developing a permanent water supply plan because of the demands, as most of you know, is very great in this stream system." A representative from Aurora also noted that "In the Arkansas Basin, there is definite interest in water banking, I think that's gotten on the Governor's agenda, there are some real opportunities there for looking at some creative ways of exploring water banking opportunities, stock markets, how to manage and move water from those with more supply at the present and make available at least on a short term basis." CWCB Board Member Patti Wells expressed a strong interest in understanding various structures of water banks. The Douglas County representative explained that the Arkansas Basin water banking project would be developed in conjunction with Preferred Storage Options Plan, which would include the addition of 75,000 af capacity to Pueblo Reservoir, of which about 10-25K would be surplus stored water available for a water bank. CWCB Board Member Wells speculated on whether there was "some way for the state to play a role in some kind of water banking, maybe having to do with ag transfers, or avoiding ag transfers ... where people can put water in in good years and take water out in bad years, or farmers could put the water in for somebody else to take out somewhere else, and whether it might make sense, instead of all these individual deals that everybody's trying to negotiate with everybody else." DNR Assistant Director Kent Holsinger also noted that one of the outcomes of the Governor's

Commission on Conserving Farms, Ranches, and Open Spaces was that the State was charged with examining "just that: is there a role, is there a way that the state can help facilitate water trading, water banking, interruptible supplies, maybe some other creative ways to face some of these tough issues." The Aurora representative noted that "a lot of this depends on infrastructure to make it work, the storage and the pipes to make it go." He also noted that effluent could be an important component in water banking. Another participant pointed out that "the groundwork was laid by the legislature in 1969 when they passed the Water Rights Act, only they used the word 'pooling,' so what we're talking about here in terms of banking has really been on the books for the last 30 years ... we just haven't done it yet."

- f. *Recognition of CWCB staff.* John Van Sciver and Randy Seaholm were recognized for their work in the lower South Platte. Rod Kuharich was recognized as "a new, vigorous, energetic, imaginative director who is going to do a tremendous job".
- g. *Discussion of importance of agricultural transfers to municipalities and the impacts of these water transfers on agricultural communities.* There was discussion on both sides of the issue of transfer of agricultural water rights to municipal uses. A number of representatives from municipalities noted that ag transfers make a significant portion of their water rights portfolios and, while there was recognition that these transfers have impacts on agricultural economies, several meeting participants stated that "ag transfers are something that has worked." One participant noted that ag transfers are also beneficial since they change an existing depletion from one user to another, rather than creating new depletions and impacting compacts and endangered species issues on the South Platte. A representative from a rural community, however, countered that "the benefits have been limited to the metropolitan areas" and further noted that "depending on the economic prosperity of a given year, it goes back and forth between ag and tourism as the most important economic sector in Colorado. So, it's easy for a bit city to say, yeah, we'll just go dry up some farmland. In the long term, that may not be a really good idea. ... In the long run, that may not be the best thing for the State of Colorado in terms of long-term economic prosperity to basically try to just start cutting out one of its biggest industries." Both representatives from agricultural communities and cities noted the importance of addressing the impacts of agricultural transfers on ag communities, and the role that CWCB can play in addressing those impacts. A representative from Aurora stated that "I think that there's probably a role there for the CWCB to help facilitate some creative thinking as these areas that really need help and have been in a serious depressed situation from an agricultural standpoint for 30-40 years, well before Aurora came on the scene, and I think there's a real need for CWCB to work there."
- h. *Opposition to changing the composition of the Board.* No meeting participants spoke in favor of changing the composition of the CWCB. However, one meeting participant spoke adamantly against changing the Board's composition to reflect population, stating, "To that I have to say absolutely No. No, No. No. It needs to continue to represent the basins; it needs to continue to represent the rural areas of Colorado, the small towns in Colorado. Yes, the Denver metropolitan area is enjoying the growth of an enormously powerful political block, a giant voting block in state issues. But does might make right to hinder the opportunities for economic growth and development in the rest of this wonderful state? Personally, I think



not, and I think that the CWCB is perhaps the most responsibly allocated representation of any such board in the state, because there is no one region that can dictate to the others how water resource decisions and policies can be made. No one region can dominate on the board, and I think that that balance is, quite frankly, exquisite in its construction, and it definitely should be preserved.”

- i. *Support for CWCB development of water storage to for endangered species or other issues of statewide concern.* CWCB Board Member Eric Wilkinson asked for clarification on statements concerning whether CWCB should be building structures, and asked for feedback on the development of structural alternatives by CWCB as a way to address endangered species concerns. There was not much response from the audience other than to say “yes” to the questions of whether CWCB should build structures for these purposes.
- j. *Appreciation for the basin meetings and the opportunity for the Board to get feedback from the community.* Several meeting participants expressed their appreciation for the basin meeting and fact sheets and the opportunity to learn more about the Board. CWCB Board Member Patti Wells noted that she got the sense that “a lot of people in the Denver area, other than a few water buffaloes (and you know who you are), don’t know much about the CWCB.” Dick MacRavey from the Colorado Water Congress stated that he wanted “to commend and congratulate the board and the staff of the CWCB for the leadership in this outreach endeavor.” He noted that “if you take your pulse with your thumb, you get your own pulse.” CWCB Board Member Patti Wells also noted that “Sometimes we talk to each other a lot, and we don’t always have a good perspective of what you think the issues about water are.”

