

STATE OF COLORADO

Colorado Water Conservation Board

Department of Natural Resources

1313 Sherman Street, Room 721
Denver, Colorado 80203
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January 27-28, 2009 Agenda

A meeting of the Colorado Water Conservation Board (CWCB) will commence on Tuesday, January 27, 2009, at 8:00 a.m. and continue through Wednesday, January 28, 2009. This meeting will be held at The Hilton Garden Inn, Denver Tech Center, 7675 E. Union Ave., Denver, Co 80237.

The CWCB posts notices of its meetings are posted not less than 30-days from the next regular meeting. Notices of special meetings are posted on the website within five business days and not less than 24-hours of such a meeting. Notices of regular and special meetings may also be received by email. To receive notices by email visit: <http://cwcb.state.co.us/Home/CWCBInsider/>.

Although dates and times are indicated in this notice and in the following agenda, the CWCB may address and take action on noticed items in any order. Known changes will be announced at the beginning of the meeting. This notice, any late notice (s) of additional items, and briefing memos prepared for the CWCB will be posted at 1313 Sherman Street, Suite 721, Denver, CO 80203, and on our internet website at: www.cwcb.state.co.us.

The CWCB's meetings are made available live through the internet via streaming audio technology. To listen to the proceedings, click the "Listen to the meeting LIVE!" link on the CWCB website homepage.

CWCB encourages citizens to express their views and provide information to the Board on every agenda item. This can be done by sending an email to lisa.barr@state.co.us, by sending a letter to the Board Director or its Chairman, or by attending the meeting. If you attend a meeting, simply fill out a comment sheet and give it to the Board Coordinator at the recording station. The Board will appreciate hearing your views when it reaches that agenda item. If you have any questions, need special accommodations as a result of a disability, or require further information on any CWCB activity, please contact Lisa Barr at 303-866-3441, Ext. 3244. All programs, services, and activities of the CWCB are operated in compliance with the Federal Americans with Disabilities Act (ADA).

The CWCB will hold a public rulemaking hearing, commencing at 1:30 p.m. on January 27, 2009, on proposed revisions to the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program at the same location.

Bill Ritter, Jr.
Governor

Harris D. Sherman
DNR Executive Director

Jennifer L. Gimbel
CWCB Director

Dan McAuliffe
CWCB Deputy Director

Tuesday, January 27, 2009
CWCB Call to Order – 8:00 a.m.

1. Review and Approval of Agenda (8:00 – 8:05)
2. Review and Approval of Meeting Minutes - November 18-19, 2008 (8:05 – 8:10)
3. Approve and/or Remove Items from Consent Agenda (8:10 – 8:15)
4. Future Board Meeting Dates (8:15 – 8:20)
 - a. March 17-18, 2009 The Radisson Hotel & Conference Center, Longmont
 - b. May 19-20, 2009 Clarion Hotel/Pueblo Convention Center, Pueblo
 - c. July 21-22, 2009 The Elevation Hotel, Crested Butte (in Connection with the Colorado Water Workshop)
 - d. September 15-16, 2009 Steamboat Springs
 - e. November 17-18, 2009 Denver
5. Stream and Lake Protection Section – New Appropriation Recommendations in Water Divisions 2, 4, 5, and 6 – *Staff will ask the Board to declare its intent to appropriate the following 22 instream flow water right recommendations.* (8:20 – 9:00)

Division	Stream	County(ies)	Recommending Entity*
2	Maxwell Creek	Chaffee	CDoW, TU
2	Cucharas Creek	Huerfano	CDoW
2	Huerfano River (upper)	Huerfano	CDoW
2	Huerfano River (lower)	Huerfano	CDoW
2	Rock Creek	Lake	CDoW, TU
2	Purgatoire River	Las Animas	CDoW
2	South Fork Purgatoire River	Las Animas	CDoW
4	Clear Fork East Muddy Creek	Gunnison	CDoW, TU
4	East Elk Creek - <i>increase</i>	Gunnison	BLM, CDoW
4	Little Spring Creek (upper)	Gunnison	BLM
4	Little Spring Creek (lower)	Gunnison	BLM
4	Bent Creek - <i>increase</i>	Hinsdale	BLM
4	Grizzly Gulch	Hinsdale	BLM, TU
4	Henson Creek - <i>increase</i>	Hinsdale	BLM
4	Schafer Gulch - <i>increase</i>	Hinsdale	BLM
4	Tabeguache Creek (upper)	Montrose	BLM
4	Tabeguache Creek (lower)	Montrose	BLM
5	Corral Creek - <i>increase</i>	Grand	BLM
5	Troublesome Creek (upper)	Grand	BLM
5	Troublesome Creek (lower)	Grand	BLM
5	Buzzard Creek	Mesa	CDoW, TU
6	Grizzly Creek	Routt	CDoW, TU

*CDoW (Colorado Division of Wildlife), TU (Trout Unlimited) and BLM (Bureau of Land Management)

6. Stream and Lake Protection Section – Final Settlement Agreement for Tacoma Power Plant Relicensing - *Staff will request the Board to authorize the CWCB Director to execute a Final Settlement Agreement with Xcel Energy, the U.S. Forest Service, the Colorado Department of Natural Resources and the CDOW for submittal to the Federal Energy Regulatory Commission in connection with the relicensing of the Tacoma Hydroelectric Project.* (9:00 – 9:20)
7. Intrastate Water Management & Development Section – Water Supply Reserve Account Grant Applications (9:20 – 9:50)
 - a. Lost Creek Basin – Aquifer Recharge and Storage Study
 - b. Molas Ditch Rehabilitation and Diversion Structures Project
8. Office of Water Conservation and Drought Planning Section and Intrastate Water management & Development Section – Evaluation of Water Supply Strategies: Conservation Strategy (9:50 – 10:20)

BREAK 10:20 – 10:35

9. Watershed Protection and Flood Mitigation Section – Colorado Floodplain Map Modernization Program - Business Plan Update (10:35 – 10:50)
10. Watershed Protection and Flood Mitigation Section – Report on Colorado Levee Inspections and Proposed Levee Assistance Guidelines (10:50 – 11:35)
11. Water Supply Planning and Finance Section – Construction Fund and Severance Tax Trust Fund Perpetual Base Account – New Loans (11:35 – 12:05)
 - a. Park Center Water District – Well Redrilling Project
 - b. Water Supply and Storage Company – Grand River Ditch Project & Kluver Reservoir Outlet Project
12. Water Supply Planning and Finance Section – General Financial Matters for Existing Loans (12:05 – 12:20)

LUNCH 12:20 – 1:30

13. Stream and Lake Protection Section – Instream Flow Rule Making Hearing - The Board will hold a public rulemaking hearing on proposed revisions to the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program. Notice of this rulemaking hearing was published in the December 2008 Colorado Register. (1:30 – 5:30)

RECESS 5:30 p.m.

Wednesday, January 28, 2009

CWCB Call to Order

8:00 a.m.

14. Stream and Lake Protection Section – Injury with Mitigation – Case No. 4-05CW264;
Application of Ranch Properties, LLC - Pursuant to ISF Rule 8i.(3), the Board will be asked to conduct a preliminary review of the proposed pre-trial resolution of this case to determine whether the natural environment of Ohio Creek could be preserved to a reasonable degree with the proposed injury if the applicant provides the proposed mitigation. This is the first of two required meetings for the Board to approve an Injury with Mitigation proposal. (8:00 – 8:30)
15. Stream and Lake Protection Section – Roaring Fork River Basin Proposed Water Acquisition
– The Board will consider a revocable trust agreement proposed by Pitkin County under which the Board would use water rights owned by the County to preserve the natural environment of Maroon Creek, the Roaring Fork River and other streams in the Roaring Fork Basin to a reasonable degree. Consideration of this proposal triggers the 120 day period for Board review pursuant to ISF Rule 6b. No action is required at this time. (8:30 – 9:00)
16. Water Supply Planning and Finance Section – Design and Construction Status Report (9:00 – 9:30)

BREAK 10:00 – 10:15

17. Water Supply Planning and Finance Section – Review of CWCB Legislation – 2009 Construction Fund Projects Bill (10:15 – 10:30)
18. Directors’ Reports (10:30 – 11:15)
- a. DNR Executive Director
 - b. IBCC Director
 - c. Agriculture Commissioner
 - d. CWCB Director
 - e. State Engineer
 - f. Division of Wildlife
 - g. Water Resource and Power Development Authority
19. Stream and Lake Protection Section – Financial Policy 19 – *Staff will ask the Board to adopt Financial Policy 19, entitled “Expenditures of Funds for Water Acquisitions Pursuant to Section 37-60-123.7, C.R.S.” (11:15 – 11:45)*

LUNCH 11:45 – 12:45

20. Attorney General’s Report, Legal Briefing and Executive Session – *This is a briefing on legal issues contained in the Attorney General’s written report and on items listed below that the Board may refer for discussion in an Executive Session based upon attorney-client privilege. (12:45– 1:00)*

Executive Session Items

- a. Republican River Litigation

21. Report from Executive Session (1:00 – 1:05)
22. Office of Water Conservation and Drought Planning Section – Presentation on “Climate Change in Colorado: A Synthesis to Support Water Resources Management and Adaptation” - NOAA/Western Water Assessment (1:05 – 1:50)
23. Water Supply Protection Section – Platte River Recovery Program – *Staff and the Governance Committee Chairman will present a report on the past years accomplishments and upcoming goals and challenges.* (1:50 - 2:10)
24. Water Supply Protection Section – Endangered Species Conservation Trust Fund – FY 09-10 Funding Recommendation (2:10 – 2:30)
25. Water Supply Protection Section – Litigation Account (2:30 – 2:45)
 - a. Annual Report to General Assembly
 - b. Attorney General’s Request for Republican River Funding
26. 2009 State Legislative and Fiscal Decisions and Update (2:45 – 3:15)

BREAK 3:15 – 3:30

27. Water Supply Protection Section – Tamarisk Control Cost Sharing Grant Program – Consideration and Adoption of Program Guidance and Procedures (3:30 – 4:15)
28. Basin Directors’ Reports (4:15– 5:15)
 - a. Colorado River (Mainstem) Basin Director’s Report
 - b. Yampa-White River Basin Director’s Report
 - c. San Juan/San Miguel-Dolores River Basin Director’s Report
 - d. Gunnison River Basin Director’s Report
 - e. North Platte River Basin Director’s Report
 - f. South Platte River Basin Director’s Report
 - g. Arkansas River Basin Director’s Report
 - h. City and County of Denver Director’s Report
 - i. Rio Grande River Basin Director’s Report

ADJOURN 5:15 p.m.

CWCB Consent Agenda
January 27-28, 2009

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

1. Stream and Lake Protection Section – Statements of Opposition – *The Board will be asked to ratify Statements of Opposition that have been filed by staff to protect instream flow and natural lake level water rights in the following cases:*
 - a. Case No. 1-08CW243: Application of Richard H. Bard, et al.
 - b. Case No. 7-08CW064: Application of Roger Brooks and Veryl Goodnight
2. Watershed Protection and Flood Mitigation Section - “Flood Hazard Area Delineation, Dutch Creek, Coon Creek, Lilley Gulch, and Three Lakes Tributary” by PBS&J, March 2008.