South Platte Basin Roundtable

February 10, 2009 Longmont, CO Southwest Weld County Building 4209 Weld County Rd 24 ½

Please contact Lisa McVicker at mcvicker@qwestoffice.net with any changes or corrections. **Corrections to January 2009 minutes:**

- 1) Page 1, Item 4: Replacement of Fred Walker's Ag-at-large seat: Bob Streeter was expressing support for Doug Rademacher as a new member to the Roundtable based on his participation in the Phreatophyte Subcommittee.
- 2) Addition to page 6, comments on Alternative Ag Transfer Methods Sub-Committee: Don Ament had expressed concerns that DOW had too much control over proposed oil and gas regulations; Bob Streeter was reacting to this comment in pointing out that the draft rules do not give veto power to DOW, that these are reasonable, and that many oil and gas companies—15-16 of them—are currently working with the Division of Wildlife, and that, therefore, it is important to take time to read these regulations to avoid misinformation.

Jim Yahn calls meeting to order at 4:16 pm

I. Standard Reports:

IBCC Report:

Mike Shimmin: No report

• CWCB Report:

Eric Wilkinson: Meeting in Denver, Tech Center, 1/28-29; Board stated intent to appropriate instream in AK and Gunnison and Main Stem of CO; Yampa application tabled until next year; Water Supply Reserve Acct. on hold until \$735,000 in State Wide Account; this includes January funding; state funds: appropriation in July—40% committed in July, 30% committed in January; 10% in April; thus \$735,00 reflects July and January; thus, everything tabled until Sept 09. Lost Creek Aquifer study for \$80,000 form each basin approved and is going forward; for 1st time in CWCB history, looking at levies for floodplain responsibilities—approved levy assistance guidelines, especially in AK basin that are in dubious condition; loans approved under construction fund—one to Water Supply fund for repair of Grand River Ditch in Poudre to attempt to restore ditch to 2002 failure of Grand River Ditch; this loan combined with rehabilitation of Poudre Reservoir; rule making hearing on in-stream flow program, involved acquisition rules; rule changes necessitated by legislature in 2008 that provided statutory authorization of in-stream flows and appropriated \$1million; also looked at de minimis flow because recent interpretation from State Engineers Office on subordination forced Board to look at changes; also injury with mitigation rule—looking at compensatory damages; Board approved policy that governs how monies are met—prioritization to existing instream flow water rights so that acquisition of water would put them in flow more of time; then acquisition of new instream flow; then instream flow for Wild and Scenic alternative; Board approved additional \$110,000 to AG associated with Republican River litigation with KS; CWCB project bill (SB 125) being introduced in Senate AG committee on 2/11/2009; Board took positions in terms of legislation in water efficiency program – i.e. –water efficiency programs having been put on hold—now being fixed: HB1017; tax incentives for in stream flow donations considered; statute being proposed that would allow public bodies such as CWCB to go into executive session to receive advice and confidential advice from AG's office—to date, if there are questions, cannot go into executive session—thus, being addressed; Water SB106 for another term of years; project bill SB125; also final approval to Tamarisk and Russian Olive sharing grant program—working to finalize guidelines for that program—will be reviewed in May 2009 meeting; must have application in before May 2009 if want part of that \$1m+ because possible changes in programs. CWCB will meet for March meeting—March 17, 18 at Radisson Conference Center in Longmont, CO. IBCC will meet the day before on March 16 at same location.

Jim Yahn: Tamarisk and Russian Olive: Our roundtable looking at this as part of our phreatophyte subcommittee project.

Legislative Reports:

Dianne Hoppe not presents:

Joe Frank reports on some of budget discussion: much discussion has been on \$10million out of construction fund, \$20m out of severance task perpetual fund...for this year. Division of Water Resources (general funds) looking at \$3-4m shortfall—looking at increased fee increases—well permits, etc. If fees not approved, then cuts.

Eric Wilkinson: reinvigoration of user fees—water user's fees, water rights fees.

Joe Frank: Rain Water Harvesting Bills SB80 and HB1129—at first view, could look harmless, however, looking at HB1129—proposal for pilot projects for residential units to collect roof top rain; evaluating technical ability to quantify site specific precipitation—then to think about augmenting this—study is focused on effects as to large scale residential development. Opines that this opens door to undermining the priority system and could have large impact on South Platte and return flows that communities rely on.

Julio Iturreria: Concern is that it talks about 10 developments but neglects to talk about how big—what happens if something goes wrong, then jurisdiction "stuck with it" could be erroneous. "Pilot project" is usually small, this one is not defined. Speaking as planner—concerns.

Joe Frank: leaves door open to adjudicate permanent augmentation;

Julio Iturreria: not sure what part of the state this comes from.

Eric Wilkinson: only limit to location is that there could not be more than 3 pilot projects in any basin.

Janet Bill: Does this have anything to do with Dominion study that came forth?

McVicker: understanding is that that study was done in NM and AZ.

Julio: that study that Dominion did based in Douglas County and that is similar to NM climate, but is different

Ralf Topper: Study done by Leonard Rice Engineers—and conclusion was on average years; correct that this was not based on CO site specific data; thus, the study complications need to be refined; understanding is that during the pilot project years this capture has to be augmented.

Mike Shimmin: one of criticisms is that it was done on a monthly time frame; precipitation does not occur on a monthly schedule—daily; monthly does not work; has made statements critical of this at Congress Water and has been criticized...but the myth is that stream flow does not come from precip. Has been critical of this, but politics going forth and there are amendments from Water Congress saying that this must be 100% augmented. And that 100% of water still must come from a full water supply that does not include a "rain harvest" system. Thus, not logical: build subdivision that you don't need this water for, but you will build the system to

prove that it does work. Answer seems to be that it comes from developers who want Lead Certification and that this should assist in that certification. In conclusion, there may be amendments that protect water flow—this is on 1129; on the SB—this is for rural areas where you can't be served by any other well system, then could put rain harvest system and same limits on exempt well would apply to rain harvest. Thus, this bill seems to pose less risk. SB80—can put in roof capture system and use the water for the same as if you had an exempt well—wired into well permit.

Ralf Topper: Example: MT Hut system: building a new hut where the older one had used snow melt; went to apply for a harvest system and wanted this exchange option and State Engineer said no, can't do it; thus started here.

Jim Yahn: As one who depends on water downstream, we depend on these fluctuations from upstream precipitation.

Joe Frank: SB147: Substitute Water Supply Plans for pre-2003: allows CBT water in substitute supply plan for 10 years for past depletions; hope is that CBT water can be used to cover some of these past depletions;

Mike Shimmin: Water Congress met to wordsmith how to allow the document to go forward so that surface water rights can go forward; new development was that Central Water has made some deals with West Slope as to whether or not this would lead to more transbasin diversions; discussion goes forward. Central's lawyers will have revised draft and aiming for recommendation by next week for Water Congress; Feb 19 Senate Ag will take up; Harold Evans: Bill on pre-74 pumping: HB1174: out of House Ag committee; this is a redo of one that did not pass last year; this came out as a recommendation of Governor's Task Force 2 years ago:

Jim Yahn: this bill goes back for use in old plans as well.

Joe Frank and Mike Shimmin: State Affair's Committee—motion to support the bill that failed. Sean Conway and Eric Wilkinson: Question on omnibus package; Rocky Mtn Wilderness Bill is in there; no final decision.

• Education Liaison Report:

Bert Weaver is in a snow storm.

• Non-Consumptive Sub-Committee Report:

Tom Iseman: Will present later in evening.

Phreatophyte Sub-Committee:

Bob Streeter: Distribute final plan with final maps; State Ag will approve and thus plan will be ready to apply for CWCB funding—multiple counties, towns, districts—proposal for matching funds. Tina Bouten and assistant from Weld County putting the proposal together; Weld County has been willing to come forth with assistance. Morgan and Washington Counties still not on board, but the plan is written to incorporate all of these areas. How the proposal will be finalized is yet to be seen; for example, Boulder County may come forward on their own, but the plan that addresses the invasive species is going forward; credit to Tina Bouten on staying on task. Thus, next step is to focus on the proposal so that the proposal is ready for the CWCB meeting for grants; this does not need to come in front of the roundtable.

Iseman: Question vis a vis entire state?

Streeter: Start at \$200,000 or so for this part of state; mainly Russian Olives.

Jim Yahn: If you would like letter of support, Roundtable glad to review and comply.

• Alternative Ag Transfer Methods Sub-Committee:

Jim Yahn: Joe Frank will be new sub-committee leader. No report for South Platte; but break out session from CO Water Congress: Forum on future of CO's Ag water: spinoff on what was done on AK basin; each participant was given study, evaluate...comments were interesting: "water is small subset of an ag committee"—perspective was questionable. Worth looking at AK study; see IBCC website; Todd will email.

Todd Doherty: Also at Water Congress: panel session for applicants for alternate ag transfer—Don Ament—Corn Growers—discussion led to some of these same conclusions; good news is that some of the funds that had been frozen for this program have been unfrozen and so these contracts are moving forward.

II. Presentation on Quagga/Zebra Mussels—Elizabeth Brown—CO Division of Wildlife

Sample of Quagga mussel; brochures

2 Invasive Species: Zebra and Quagga in same genus; 7 total species; 2 in North America; cause same impacts; very similar to view; same invasive characteristics: ability to attach to substrata and are filter feeders and can collapse entire food webs; prior to 2007 there were none west of 107th meridian—then in Lake Meade, Lake Havasu; 2008—discovered at Lake Pueblo then in 6 other reservoirs; CA and UT also have discovered them in several waters; old problem in East, new for us. First in US in Great Lakes in 1980s; spread very quickly.

- --Negative impacts: water infrastructure; economic; natural resources; recreation. No positive impacts at all. Large fishing declines; plug shores; bad for boats;
- --Impacts on Water Industry: industrial and raw water fouling; municipal water supplies; Ag distribution; hydro-electric stations; fossil fuel; power plants
- --Economics: estimate is that zebra mussels in the Great Lake spent \$6billion over six years; San Diego: \$10,000 a week to keep mussels moving; Cornell University: invasive species: \$200 billion a year on invasive species
- --Water Craft Inspection and Decontamination project in Lake Pueblo in March 2008 aimed at managing the specter of spread; Colorado ANS Act Passed which gives authority to stop spread; makes it illegal to possess, impact, plant, cause to spread any of these species; Regulations promulgated currently;
- --microscopic adults at 300 ft (don't like light)—by the time we can see them—too late;
- --found in 7 waters in 2008: Pueblo; Lake Granby; Grand Lake, Shadow Mountain; Willow Creek; Tarryall Reservoir and Jumbo Reservoir—detect juveniles—adults there somewhere.
- --Response: education; information; prevention and containment
- --Team Approach: State of CO Aquatic Nuisance Committee: programmatic approach; currently 34 people on State Team;
- --State Zebra & Quagga Mussel Mgmt Plan: most important elements:
- --Prevention and Containment: manage spread: keep boats from spreading; boats must have inspection and decontamination; out of state—must be inspected.
- --Id high risk waters—inspect before entering these;
- --Roving patrol modeled after fishing and hunting "expect to be inspected" message to boaters; boats will be cleaned and decontaminated;
- --Site Specific Management Plans: Containment (Granby, Pueblo) and Prevention (Turquoise)
- --Goal: everyone pitches in a little bit...get ahead.
- --Watercraft Inspection Standards: standardization of protocols; State Handbook for Inspection and Contamination; training same for all.
- --Quality control must be ensured that state standards are same for all.

- -- Private industry is on board;
- --Sampling & Monitoring: will be aimed for all ANS not just mussels;
- --Sample training school in April 16-18 in Brush;
- --Draft Regulations Summary: All in State ANS Act:--definition of species list (no fish and no pathogens because already targeted by DOW0; who can possess ANS (samplers); private inspectors; trainers; inspection standards; decontamination standards (temp of water, drying time, etc.); impounding of boats in what circumstances (in 2008—not one instance); monitoring and identification—(live bait—live well to be transferred so that all boats are clean and dry); reporting
- --Latest draft of regs can be found at Parks website

What can you do? –facility assessments; contribute water quality data for habitat suitability assessment; collect ANS samples and sent do DOW for analysis; decontamination of all equipment in between waters; education yourself and your users; Clean, Drain, Dry! Any questions: Elizabeth.Brown@state.co.us 303-547-8690; 303-291-7362

Questions:

Doug Rademacher: natural predators?

Brown: None found: ducks can't keep up; some research ongoing about naturally occurring bacteria that kills mussels—promising—but not in open water mechanism; what to do in a place like Granby—money needs to be spent on preventive measures; --drawdown or potassium chloride treatments—maybe Tarryall and Jumbo possible

Ralf Topper: Pueblo Reservoir: not able to reproduce?

Brown: misinformation—one assessment was about Ph—disagrees with this conclusion.

III. Presentation on Projects and Methods to Meet Identified Water Supply Needs

Todd Doherty (CWCB): Handout of PowerPoint presentation distributed IP7Ps will be updated; progress of projects will be tracked; want to be able to track how gap progresses over time; should help to forecast demand; Todd requests that comments be offered on these handouts and provide comments via email to Todd; important to know if something is missing;

Basin-Wide Water Needs Assessments:

- --looking at available water supplies and identified methods to meet those needs for consumptive and nonconsumptive water uses.
- --Consumptive needs assessment done in draft; nonconsumptive priority identified;
- --South Platte and Metro needs assessments: looking at SWASI I and that task order; updating that study;
- --nonsconsumptive: mapping
- --consumptive: SQSI I
- --Visions and Strategies through 2050;
- --population projections studies in order to project water demands out;
- --current population at 5 million; state demographer looking at 30 years in advance—extrapolated by looking at low to high forecasting—thus, looking at 9-11 million people.
- --look at M&I water usage rates by Basin to serve as good reference point; more data than when SWASI was prepared; but methodology used same;
- --looking at per capita demand—can project municipal water demands by basin—the level of magnitude has increased substantially;

- --looking at basin—majority of water demands are on front range, along South Platte; next largest need is AK; West slope will see tremendous rates of growth, but numbers are less; looking also at studies of energy—
- --thus looking at municipal demand and energy demand on western slope—potential future demands, thus, considered in various scenarios;
- --identified projects in SWASI that were thought to come online: Aurora Prairie Waters, Windy Gap, etc.; assumption is that these would come online...then additional water still projected. (See handout)

Roundtable Action Items: Review and update IPPs and base options Development of Water Supply Strategies—March CWCB meeting Elements of Visioning Process—Water supply strategies

Conservation, Ag transfers, CO River Transfers—various ways of meeting the demands

- --South Platte Basin Gallons per Capita per Day: 2000 gpcd—gpcd has decreased;
- --Ag transfers look at lower South Platte transfers; pump back; water quality treatment and infrastructure costs; ---focus on permitting, implementation, structure and storage, etc.
- --development of new water supplies: i.e. Yampa Pump back, Flaming Gorge concept; look also at South Platte and AK pump backs; Big Straw; and Flaming Gorge;

Harold Evans: No mention of Blue Mesa?

Todd: DNR states that they are looking at Blue Mesa as possible source for Compact Compliance; not on scope at this point.

Risk Management Strategies: West Slope Water Bank; Compact Delivery via Blue Mesa; Conjunctive Use of Denver Basin Aquifer; timed/phased development of water resources. Looking for Roundtable input.

Proposed Technical Work outlined for 2009.

John Stencel: Committee for this work? Opines that the entire Roundtable needs to be part of this discussion but maybe needs smaller group to gather information but entire roundtable needs to be part of the discussion.

Harold Evans: These number needs to come from Todd's office. Important that counties be split, but get on with it. Once we have the demand portion of the needs assessment, IPPs are supply side, then quantifies gap...then can discuss the alternatives...Ag transfers or outside basin.

Janet Bell: At end of SWASI 2: criteria? Was one of these to be able to quantify the economic impact of these alternatives? Seems that important to show what happens if you lose the Ag as opposed to building a project.

Harold Evans: Needs assessment is supply and demand and the Act calls for answers for alternatives to these.

Todd: AK is proceeding in this manner as well.

Questions:

Joe Frank: Risk Management Strategies: please expand:

Todd: Instead of one large project, would build several projects incrementally in line with demand.

John Stencel: You mention Roundtable input; how is that to happen? For this basin, this roundtable needs to devote 6-8 hours on this subject—do you really want roundtable input?

Todd: Important that this process and IBCC process is grassroots, and not necessarily CWCB led; thus important that we have grassroots support as we go forward with this process; so important that roundtable process stays in place. As process goes forward, need roundtable input.

Harold Evans: When can we have 2050 numbers?

Todd: Still doing quality control, should have them within the next month or so.

Harold Evans: I had asked Todd that South Platte needs own needs assessment and thus need data by county; thus if we look at where our growth is—Boulder, Weld and Larimer—thus, South Platte needs to focus on these counties, and let Metro focus on other. We know the answers to these needs assessments; we know that there is only two sources: Ag transfer or west slope; conservation is part—but not whole picture. Important that we get this info in front of the decision makers.

Eric Wilkinson: Agree; we know what the demands are; Metro knows what their demands; close enough that we are near a crisis; last thing that West Slope wants is more water to come from that place; South Platte Roundtable needs to keep pressure on at looking at these alternatives; John Stencel makes good point that this Roundtable knows the severity of the situation; we will not get around from ag dry up—70-75% of irrigated ag will be dried up by 2050 without development of CO River Compact—with development of CO River Compact—those number drop to 30%. Thus, without the pressure of South Platte, Metro and AK, looking at implementation, won't go anywhere. Thus, crucial that this roundtable stands up to shout for this pressure. Important for this roundtable to push politically. John Stencel: As a group, we need to decide how we will do this and how we will do it in next 30-90 days.

Harold Evans: Suggests course of action: 1) polish task force together; 2) get numbers for 2050 and reevaluate gap for 2050; 3) needs assessment clarified; gap identified; IPPs and push for major big alternatives. If we can push for at least half of them, fortunate. Will depend when we can get the 2050 gap number from Todd and consultants...

Jim Yahn: How long?

Harold Evans: 30-60 days

Todd: Believes can deliver 2050 numbers within 30 days. Reiterates that in the PowerPoint handout is list of IPPs and requests again that if there is anything that is misstated or missing, please contact Todd at todd.doherty@cwcb.gov

Dinner

IV. Presentation/Discussion: South Platte Headwaters: Nicole Seltzer

- --Comment on survey from last month: Kristin extends thanks for survey; update: will be compiling the results from all members and will present results this spring; will give a good idea about needs for educational needs and needs of our constituents.
- --Comments on South Platte Basin Edition of Headwaters Magazine: Colorado Foundation for Water Education: Nicole distributes copies of magazine to roundtable members.
- --Thanks for review and comments; thanks to McVicker and Weaver; positive feedback on issue of magazine—comments?

Harold Evans: Grant was for Shared Vision Process—not correct.

--Of \$32,000+ grants, with remaining money: have plans to distribute: 5,800 magazine distributed—subscribers, legislatures, distributed to Water Congress; copies to multiple conferences over next year; website for magazine: www.cfwe.org--see magazine and webpage for the magazine and slide show; lists of resources; lists of conservancy district; all

water orgs within South Platte; list of issues from past that have something to do with South Platte; slide show of Clear Creek from headwaters to South Platte—written by Allen Best; KUNC narrator donated time for narration; please send people to the website—

- --Ideas on other ways to help distribution of magazine: goal was to help get message out on issues facing the basin and feedback on consumptive and nonconsumptive needs assessment: \$2800 left in budget for us to get message out; ideas: large email lists (Central, Northern, Lower South Platte, etc.), large distribution lists to send out info on website to get word out; bill stuffers in utility billings; Foundation could also arrange speaker for event. Other ideas?
- --Harold Evans: Mail copy to each of County Commissioners in Counties in Roundtable, maybe send copy to mayors of each of large cities in the Basin;
- --Nicole: Some of this info in system, but if we mailed it with a letter from Roundtable Chair, could be useful.
- --Joe Frank: Lower South Platte Symposium on March 11 would be good place for distribution.
- --Jim Yahn: Ditch and Operators Workshop in Greeley?
- --Nicole: Utility billing stuffers? Harold Evans, Larry Howard, Tom Iseman...question is how many people will look at it. Has counter on website so could track hits; helpful to have template email to have it sent to this group?

 Yes.
- --Julio Iturreria: One of the best outreach efforts to the general public; strongest element to getting work out. More emphasis needs to be placed on this; Roundtables are an unknown...four years ago when bill was passed, public has no clue what our efforts have been. After you have sent out, please let us know what you have left.
- --Harold Evans: CSU WaterTables...this would be a great piece to distribute at this event;
- --Nicole: Next issue will be on the IBCC process end of March.

V. Presentation on Non-Consumptive Needs Assessment

Tom Iseman:--Subcommittee includes Bob Streeter, Bert Weaver and (recorder sorry to miss other members mentioned). Update since last presentation in May of 2008;

- --CDM helped with presentation;
- --Tom distributes hardcopies of presentation;
- -- Process; Attributes; Next steps.
- --Act: Develop Basin Wide for Consumptive and Non-Consumptive Needs (NCNA).
- --NCNA: provide objective and science based set of tools for stakeholders to understand streams from environmental and recreational perspective and what kinds of water needs necessary to sustain them: which streams most important; how much water needed; what tools needed to protect; how to avoid impact to streams and to develop planning so that values can be enhanced and how they fit together.
- --NCNA: GIS coverage that represent environmental and rec attributes; use attributes to focus on priorities; quantification of water; management options
- --NCNA is NOT: will not id all streams as important; will not dictate management actions; does not create water right for the environment: data information
- --Breakdown of environmental and recreational attributes;
- --Next Steps: Feedback from Roundtables important; ensure adequate representation of all attributes—which attributes are most important as a Basin; need to discuss how much water it takes to sustain these places; also look at implementation of projects to sustain and improve recreational and environmental attributes.

--Would like to request that the Roundtable spend an hour or so in the future to focus on this study and discuss this study.

--Discussion:

Harold Evans: One of most difficult challenges will be to prioritize attributes; have you gone down this road? For example: I am more interested in ducks than trout, so priorities will be different; need to take care on implementation: the Roundtable has no money, and has no standing for implementation; so need to take care that we are not developing something that can be used against us.

Larry Howard: What you touch upon is what has been useful at the Roundtable in that the Roundtable might be able to hone conversation for public hearing process.

Tom Iseman: True that for instance, the Nature Conservancy might use these maps for our work and maybe members of this Roundtable could also use these maps.

John Stencel: Would like to reiterate that it would be useful to have a Roundtable discussion as you suggest and that to start with an hour discussion or so it gives a good starting point. Tom Iseman: If we have questions about any of these attributes, can ask for more info from DOW.

Bob Streeter: Ideally would be great to quantify how much water needed in each stream for these attributes; practically, cannot do it and no need either. Thus practically, the most important of the output will be to highlight areas of attribute and then when projects are proposed than we would have info for what might be needed for project to go forward. Also, probably will be of less concern as per non-consumptive needs in South Platte as these needs in Yampa or Green, for example.

Doug Rachemacher: Page 4, top: "will not be creating water right"...

Tom Iseman: The state does, but not the roundtable...

Harold Evan: Excellent pilot project at Halligan /Seaman in shared visioning project—will have a very good roadmap for other projects in how to go about how to integrate some of these attributes in a project; thus, in 12 months or so will have a lot of matrix for this. Tom Iseman: Indeed, this will be an excellent example; and this is one of our goals. Mike Shimmin: Would like to suggest that we put this on the next month's agenda and can put Consumptive Needs Assessment on that agenda as well as they go in hand in hand.

Jim Yahn: Time?

Mike and Tom: Yes, at least an hour for each at that next meeting.

Bob Streeter: Request to Todd to send out presentation on website.

Harold Evans: Please send directions on how to access that. Jim Yahn: Thus, please think about this ahead of next meeting.

VI. Presentation on Consumptive Needs Assessment:

Mike Shimmin: Task is to take this draft document and edit to make it the document of the South Platte Basin Roundtable. Our task order had been combined with Metro; we feel strongly that this needs to be unique to South Platte Basin; much of data in draft mixed with Metro; thus we will try to segregate for our Basin. Will leave background info that is applicable to both but we will draft conclusions that are specific to South Platte Basin; have yet to draft some conclusions; goal will be to get a draft of these conclusions by next meeting to share with group to see if we are on right track for next meeting; subcommittee members will meet after the meeting and be ready to present next meeting.

John Stencel: What counties in Metro Basin?

Arapahoe, Douglas, Elbert, northern edge of El Paso, Adams, Jefferson, Denver

Harold Evans: Might need Broomfield numbers to come into our numbers.

Jim Yahn: Next meeting will be on March 10 and will discuss consumptive and nonconsumptive needs; keep agenda open.

Jim Yahn adjourns at 7:50 pm.

Next meeting: March 10th, 4-8 pm

Adjourn at 7:50 pm.