

# STATE OF COLORADO

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TO: Colorado Water Conservation Board

FROM: Jennifer Gimbel  
Dan McAuliffe  
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DATE: March 17-18, 2009

SUBJECT: Agenda Item 25d, March 2009 CWCB Board Meeting  
CWCB Director's Report

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## ~ FEDERAL AND INTERSTATE ~

**2009 OMNIBUS APPROPRIATIONS LEGISLATION** – At the writing of this report, the federal government continues to operate under a continuing resolution. The 2009 omnibus appropriations legislation may still pass this year, although it is not a foregone conclusion. There has been some discussion in Congress about the possibility of operating under a continuing resolution until the next fiscal year. This legislation is important in that the new budget includes increases in federal funding for the various endangered species recovery programs in which Colorado participates. An update on the status of this legislation will likely be available by the Board meeting.

The Omnibus Public Land Management Act of 2009, S. 22, which includes a number of provisions important to Colorado (such as provisions relating to the Rocky Mountain National Park wilderness areas and how that designation relates to the Grand Ditch and the Colorado Big Thompson Project, the San Juan River Recovery Program and the Upper Colorado River Endangered Fish Recovery Program, the Navajo-Gallup Water Supply Project, the Jackson Valley Conduit, the Arkansas Valley Conduit, and the Dominguez Canyon wilderness provisions that rely on the CWCB's instream flow program for protection of water dependant resources within this area, among many others), has passed the Senate but is still is pending before the House of Representatives. *(Ted Kowalski)*

**UPPER COLORADO RIVER/SAN JUAN RECOVERY PROGRAMS D.C. BRIEFING TRIP** – The Upper Colorado River, San Juan Recovery Programs Washington D.C. briefing trip occurred the week of March 4-10, 2009, with over 30 meetings scheduled. This trip was made to seek support for the appropriations necessary to keep the Recovery Programs operating. This year we also spoke about the extension of the program funding streams from 2011 until 2023. There are additional provisions related to these programs that are located in S.22, the Omnibus Public Lands bill, also discussed in this director's report. This year's briefing book can be found at:

<http://www.fws.gov/mountain-prairie/crrip/doc/dc/Highlights2008-2009.pdf>

*(Ted Kowalski)*

**CALIFORNIA'S IN A DROUGHT, BUT IT'S NOT THE 'WORST EVER'** – The warnings have been ominous this winter: California is headed into the worst drought in modern history. The water supply is drying up.

Is it really that bad?

If you look at the numbers, the answer is no. Not only have a series of February storms pushed up mountain snowpack levels, but by historical standards the current three-year drought is far from the worst.

Monday, the state Department of Water Resources announced that the mountain snowpack that feeds the state's reservoirs has reached 80% of normal for the date. Precipitation in the northern and southern Sierra has climbed above 90% of average and another storm is on the way.

The water interests who have spit out grim news releases the last two months were silent Monday in the face of the growing snowpack.

Those who would like to build new reservoirs and canals and to weaken environmental regulations have invoked the drought like a mantra in recent weeks.

A recently introduced congressional bill that would allow federal officials to relax endangered-species protections in the Sacramento-San Joaquin Delta is titled the California Drought Alleviation Act.

In late January, a public relations firm representing state water contractors trumpeted: "California's water supply dries up." It was highlighting the need for a delta "fix," including a canal bypass.

Sen. Dave Cogdill, a Republican who represents agriculture-dependent Modesto, called the drought "epic" when he introduced a \$10-billion water bond package last week that includes funding for new reservoirs and other infrastructure.

State and federal water managers earlier this year sought to relax delta water quality standards, arguing that because of the drought, it needed to hold more water in upstream reservoirs to preserve cold water flows for salmon in coming months.

Los Angeles Mayor Antonio Villaraigosa called for fee increases and outdoor watering restrictions, citing the state's "severe water shortages."

By definition, 2007 and 2008 barely made the drought category.

In 1977, the water year (which ends Sept. 30) was the driest on record. Back then, statewide reservoir storage was 35% of average. Statewide storage was more than twice that by the end of September last year, and in 2007. Estimates state it is about 70% of the norm now, a little less than halfway into the water year.

To read the full story, go to:

<http://www.latimes.com/news/science/environment/la-me-drought3-2009mar03,0,5371863.story>

*(Source: Los Angeles Times)*

## ~ STATEWIDE ~

### **FEMA RiskMAP PROGRAM UPDATE -**

**Scoping of FY09 projects:** The two counties that have been selected for RiskMAP are Prowers and Morgan counties. A scoping meeting is scheduled in late March in Prowers County. ICON Engineering will be the contractor working on this project. Morgan County has been previously scoped in early 2008 and Anderson Consulting is currently working on researching for any new data or updates that may have occurred in the county since then.

**FY08 projects:** Work continues for Gunnison, Montrose, Elbert, and Rio Grande Counties. The base mapping has been completed for Gunnison County. Montrose County is on track to begin the floodplain mapping task. Re-delineation has started for Rio Grande County and the base map is nearly complete.

Elbert County base map has been completed and the floodplain mapping task is in process. Additional FEMA funding was provided this past year to address identified levee issues along the Arkansas River and Fountain Creek in Pueblo County. A meeting is planned in Pueblo in early April to discuss the levee issues, including certification options and impacts to the community from the updated floodplain mapping, especially through downtown Pueblo.

**FY07 Counties:** La Plata, Park, and Summit Counties are now in the Preliminary phase. Final meetings will take place in March and April. Delta County is scheduled to go preliminary at the end of March. Coordination continues with the State, FEMA, the City of Colorado Springs and El Paso County in acquiring certification of the Templeton Gap Floodway levee. The City of Colorado Springs has contracted with Anderson Consulting to pursue certification of the Templeton Gap Floodway levee. Anderson Consulting is finalizing the hydraulic modeling for Templeton Gap. If all levee issues can be resolved in a timely manner, El Paso County is projected to go preliminary in the summer of 2009. Teller County went preliminary in May 2008 and Archuleta County went preliminary in August 2008. Final meetings for both of these counties were held last fall. The appeal period for both of these counties have ended and they are now in the compliance period with the effective maps anticipated to be available in approximately six to nine months.

**FY 06 Counties:** Weld County detailed study work continues to progress. Weld County has identified levees in the Town of Evans and Severance. Due to these levees, additional work was needed. An estimated preliminary date is projected for October 2010. Work continues for Fremont County and Clear Creek Counties. The projected preliminary date for Fremont County has been delayed due to survey issues. It is now expected to go preliminary in May 2009. It was found with Clear Creek County that a Master Drainage plan's 100-year flows significantly exceed that of the effective FEMA flows and that Idaho Springs may not be mapped showing accurate risk. The State's contractor has been working on updating the hydrologic and hydraulic study to update the floodplain through Idaho Springs. Clear Creek County will go preliminary sometime in the fall of 2009. The Pueblo County Arkansas River Levee floodplain study is in progress, finalization is still on hold as data from the City of Pueblo detailed studies have been reviewed by FEMA but additional data from the applicant has been requested in order to approve the study. From the Arkansas River analysis it will be determined which sections of the Arkansas River levee and Wild Horse/Dry Creek levee need to be recertified by the Pueblo Conservancy District.

**FY 05 Counties:** Mesa County DFIRM is currently in FEMA review and is going preliminary in March 2009. The Garfield Counties are completed and the County wide project is delayed due to a USGS study that has been reviewed by Michael Baker Jr., Inc. (FEMA's NSP). The initial comments from the USGS were received and have been reviewed by FEMA's NSP. Additional data was requested and the USGS has not yet responded. Garfield County is planned to go preliminary sometime in 2009. The Montezuma County DFIRM went effective September 28<sup>th</sup> 2008.

**FY 04/03 Counties:** All of the Boulder County levees have been identified. The City of Boulder is still working on determining their approach as to how all of their levees will be mapped and if they plan to certify all seven of their levees. Once there is an approach as to how the levees will be mapped and all of the data from the City of Boulder is received the CWCB can move forward with their effort to complete the Boulder Countywide DFIRM project. A meeting is set in late March with FEMA, CWCB, FEMA's

NSP and the City of Boulder to discuss options for levee certification and resolution. The effective date is still unknown.

**Other:** Master contracts have been signed and approved for the State's two contractors - Anderson Consulting Engineers and Icon Engineering to begin work for RiskMAP. *(Tom Browning)*

**COLORADO WATER QUALITY-QUANTITY UPDATE** – On January 14, 2009, Staff coordinated the quarterly Quality-Quantity meeting with staff from the Colorado Department of Agriculture, Division of Wildlife, Executive Directors Office (DNR), State Engineers Office, Water Quality Control Commission, and Water Quality Control Division. The meeting is held to discuss water quality and quantity topics of inter-agency interest. Topics on the January agenda included settling pond closures on Eastern Colorado hog farms, Senate Bill 181 regarding augmentation plan replacement water, Clean Water Act/Rapanos ruling, EPA proposed rule on water transfers, proposed federal stimulus bill, and the Colorado/Kansas lower Arkansas River water quality meeting agenda. The next Quality-Quantity meeting will be held on April 15, 2009. *(Tom Browning)*

**COLORADO FLOODPLAIN RULES AND REGULATIONS** – Staff intends to ask the Board to consider initiation of rulemaking, perhaps as early as the May 2009 meeting. The existing Floodplain Rules and Regulations would be updated and revised to not only mirror pertinent FEMA requirements, but would also enhance the ability of local communities to take advantage of reductions in flood insurance premiums as a result of new statewide standards. Language would also be proposed to bolster wise floodplain development along Colorado's rivers and streams, and additional levee topics would be included to further protect Colorado residents from harmful flood events. *(Tom Browning)*

**WATER CONSERVATION PLANS APPROVED** – The Office of Water Conservation & Drought Planning (OWCDP) has *approved* an additional Water Conservation Plan from water providers. It includes:

- Left Hand Water District

The OWCDP has determined the Plan to be in accordance with §37-60-126 C.R.S. and the CWCB's Guidelines for the Office to Review Water Conservation Plans Submitted by Covered Entities. Left Hand Water District may proceed with implementation of their Plans.

The OWCDP has received and is evaluating the following Water Conservation Plans:

- Fort Collins-Loveland Water District
- City of Fountain
- Parker Water and Sanitation District
- Consolidated Mutual Water Company
- City of Greeley Water and Wastewater
- Centennial Water and Sanitation District

*(Veva Deheza)*

## ~ ARKANSAS RIVER BASIN ~

**KANSAS V. COLORADO UPDATE** – The U.S. Supreme Court has rejected claims by Kansas that it is owed \$9 million in legal fees from Colorado over their century-long dispute of water rights to the Arkansas River. In an opinion issued Monday (3/9), the court upheld a special master’s ruling that fees for Kansas’ expert witnesses should be about \$163,000, not the \$9 million sought by Kansas.

Colorado already had agreed to pay Kansas more than \$34 million after the high court decided several years ago that groundwater pumping in Colorado diverted millions of gallons of upstream water that rightfully belonged to Kansas. (*Randy Seaholm*)

**ARKANSAS RIVER BASIN TALKS** – Randy Seaholm spoke to the Arkansas Basin Roundtable concerning Colorado River issues and their importance to the Arkansas Basin. I will also be addressing the Arkansas River Basin Forum on March 31<sup>st</sup>. (*Randy Seaholm*)

**ACTION ON ARK VALLEY CONDUIT EXPECTED SOON** – Congress could pass a bill that includes authorization of a new plan for the Arkansas Valley Conduit within 90 days, which would trigger a flurry of activity in communities east of Pueblo.

A committee of the Southeastern Colorado Water Conservancy District working to make the conduit a reality met Thursday at Otero Junior College to discuss the \$300 million project's prospects and what would lie ahead.

The Southeastern district proposes to build a conduit from Pueblo Dam to Lamar to serve up to 42 communities providing drinking water to 50,000 people. The project was included as part of the original Fryingpan-Arkansas Project legislation in 1962, but never built because communities could not afford it.

A new proposal in Congress, included as part of a public lands bill, would use revenues from the Fry-Ark Project - primarily leases of excess capacity space at Lake Pueblo. Those revenues would repay a 65 percent federal match. The Senate has approved the bill, S22, but it has become entangled in controversy

However, issues of hunting in national parks and creation of wilderness areas, which are among the 150 projects in the bill, have sparked some opposition.

The district is also pursuing funds for the project through the stimulus package and is trying to secure funds from an Environmental Protection Agency grant awarded last year. The \$600,000 grant already has been delayed about 5 months.

The communities that have signed on to the conduit project, along with Southeastern and the Lower Arkansas Valley Water Conservancy District, spent about \$11,700 on lobbying, administrative and legal work toward the conduit last year.

The Colorado Water Conservation Board also is trying to get the state Legislature to extend a \$60.6 million loan for the project. (*Source: The Pueblo Chieftan*)

## ~ COLORADO RIVER BASIN ~

### **COLORADO RIVER RECOVERY IMPLEMENTATION PROGRAM – 10825**

**COMPONENT UPDATE** – Recall that East Slope and West Slope water providers that divert water from the Upper Colorado River Basin (above Grand Junction) committed to permanently supply 10,825 acre-feet of water per year to assist in the recovery of the four Colorado River Endangered fish in the 15-Mile Reach. The preferred alternative would release 5,425 acre-feet of water from Ruedi Reservoir, which would be in addition to the current obligations but replace the existing 2012 agreement, and 5,425 acre-feet from Granby Reservoir during the summer, at an agreed upon schedule designed to optimize habitat in the Colorado River above the Town of Granby as well. Comments on the draft report have now been received and Grand River Consulting is finalizing the Report. The most significant implementation issue remaining relates to the use of the excess capacity in Green Mountain Reservoir to assist in re-timing of releases of water from Granby Reservoir. The next meeting of the 10825 Steering Committee is scheduled for April 13<sup>th</sup>. *(Randy Seaholm)*

**COLORADO RIVER BASIN FUND** – The Duschene Unit of the Central Utah Project is a Colorado River Storage Project Act participating project. The Duchesne Unit aid to Irrigation requirement to meet the 50 year repayment mandate will be approx. \$98.4 million between 2015 and 2025. The proportional revenue requirement necessitates collection of approximately \$465 million of revenues during the time that the \$98.4 million is required for Duchesne. The proportional revenue requirement results in: a) an increase in the power rate; b) surplus aid to Irrigation funds being collected with no present repayment obligation against which they could be applied; and c) accelerated repayment of participating project Aid to Irrigation obligations that are not presently due under the Power Rate Schedule or the 50 year repayment obligation. Repayment on the Duschene Unit is due in the near future and will have an impact on Colorado River Storage Project power rates. The increase in power rates is of huge concern to the Colorado River Energy Distributors Association (CREDA), and they have made a proposal to the Western Area Power Administration (WAPA) and Reclamation to minimize the impact of that repayment obligation on the power rate. This is a continuation of discussions that began a few months back. The four Upper Basin States will meet with Reclamation, CREDA and WAPA again on March 20<sup>th</sup> in Salt Lake City to continue these discussions. We will share additional information with the Board as matters become better defined. *(Randy Seaholm)*

**U.S.-MEXICO UPDATE** – U.S.-Mexico opportunities continue to be explored by the two countries and the seven basin states. As we have discussed at past Board meetings, representatives of the seven basin states are continuing to explore, through the Bureau of Reclamation and the International Boundary Waters Commission, projects and programs that may provide bi-national benefits to the United States and Mexico. In December 2008, representatives of the Basin states sent a letter to Mexico, through the IBWC's United States Commissioner, Mr. Bill Ruth, who has shared this correspondence with his counterparts in Mexico. In response, Mexico requested a consultation meeting with the federal representatives and, in the future, we hope to have a subsequent meeting with Mexico that will include state representatives. *(Ted Kowalski)*

**ANIMAS-LA PLATA PROJECT UPDATES** – Reclamation's Western Colorado Area Office has announced that it will start negotiations in March with the newly formed Animas-La Plata Operation, Maintenance, and Replacement Association (Association) on a contract that will identify the terms and



conditions for the operation, maintenance, and replacement (OM&R) responsibilities for the Animas-La Plata Project (Project). The first negotiation meeting is scheduled for Tuesday, March 24, from 1:30 p.m. to 5:00 p.m. at the Doubletree Hotel, 501 Camino Del Rio, Durango, CO. If necessary, the negotiations will continue the next day, March 25<sup>th</sup>, from 9:00 am to 3:00 pm. The Association is comprised of Project sponsors including the Colorado Water Resources and Power Development Authority, the La Plata Conservancy District, the Navajo Nation, the San Juan Water Commission, the Southern Ute Indian Tribe, and the Ute Mountain Ute Tribe. Should the State of Colorado ultimately enter into a repayment contract for its share of project water it would also become a member of the Association. The contract between Reclamation and the Association will become effective when the Animas-La Plata Project is completed and has been transferred from construction status to operation and maintenance status. The project is scheduled for completion in 2011 and reservoir filling is currently expected to start in late June this year.

The proposed contract and other pertinent documents will be available at the negotiation meeting, or can be obtained on Reclamations website at: <http://www.usbr.gov/uc/wcao/index.html>, under Current Focus, or by contacting Ryan Randol of the Bureau of Reclamation, 835 East Second Avenue, Suite 300, Durango, Colorado, 81301, telephone (970) 385-6531 or e-mail: [rrandol@uc.usbr.gov](mailto:rrandol@uc.usbr.gov).

Staff is also working with the State Engineers Office and the Attorney General's Office on water right administration and accounting issues, those issues will not impact the start of fill. Finally, after considerable difficulty getting recreation area concerns with the State worked out, Reclamation is expected to begin construction of the boat ramp within the next 90 days. (*Randy Seaholm*)

**GREEN MOUNTAIN RESERVOIR 2008 HUP OPERATIONS** – Surplus water from the Green Mountain Reservoir Historic Users Pool (HUP) is used in conjunction with dedicated fish water in other reservoirs to augment late summer flows in the 15-Mile Reach of the Colorado River. The annual Green Mountain HUP wrapup meeting was held March 4, 2009 in Glenwood Springs. Participants discussed the events and decisions of 2008, reviewed the draft annual report, and discussed possible issues for 2009. The following are highlights from the meeting.

**Summary of 2008 Operations:**

Spring 2008 was wetter than average in the upper Colorado River basin and reservoir storage was above normal. Most reservoirs were predicted to fill. Spring runoff streamflow forecasts indicated possible flooding in the Grand Valley and therefore Coordinated Reservoir Operation efforts were limited. The USFWS set the summer flow target at 1630 cfs for most of the summer to reflect the higher than average flows at Palisade. Summer 2008 was somewhat dry and the USFWS lowered the target in September and October. Target flows ranged from 1150 to 1500 cfs in September and October.

All the reservoirs that provide late summer flow augmentation (Green Mountain, Williams Fork, Wolford Mountain and Ruedi) were able to fill. Williams Fork, Wolford Mountain and Ruedi reservoirs made available their full endangered fish storage pools.

The Shoshone Power Plant was repaired by the spring of 2008, but ongoing maintenance issues, partially due to the high spring flows, hindered operation of the power plant. Normal Shoshone Power Plant operation, with its usual senior call on the river, is one of the requirements of the Orchard Mesa Check Settlement Case that allows HUP water to be used for flow augmentation. With this requirement not met, a surplus could not be declared for the HUP.

Participating entities worked diligently to arrive at a solution that would provide similar flows in the river in the absence of the Shoshone call. Reclamation provided additional water from the Green Mountain Reservoir discretionary pool. Denver Water provided additional water from the Williams Fork Reservoir discretionary pool.

By late August the HUP managing entities declared a surplus and began providing water from the HUP pool to augment flows in the 15-Mile Reach. The Grand Valley Water Users Association also operated the Palisade Bypass Pipeline to return diverted water to the river above the 15-Mile Reach. An agreement between the Municipal Subdistrict of the Northern Colorado Water Conservancy District, Grand County, and the Grand Valley Water Users Association allowed water to be released from Granby Reservoir in September to augment flows in Grand County and the 15-Mile Reach.

More than 115,000 AF of water was provided from the five reservoirs from August through October to maintain the target flows in the 15-Mile Reach. For some reservoirs, the amounts provided this year are significantly higher than in recent years. The releases were as follows:

Green Mountain Reservoir HUP	61,433 AF
Green Mountain Reservoir Discretionary	11,591 AF
Ruedi Reservoir Fish Pools	20,423 AF
Wolford Mountain Reservoir Fish Pools	8,602 AF
Wolford Mountain Reservoir Discretionary	1,829 AF
Williams Fork Reservoir Fish Pool	5,367 AF
Williams Fork Reservoir Discretionary	5,010 AF
Granby Reservoir	849 AF

The Palisade Bypass Pipeline contributed an additional 12,000 AF to the 15-Mile Reach.

#### Shoshone Power Plant Update:

The Shoshone Power Plant has been operating normally since October 2008 and is expected to operate normally throughout 2009.

#### 2009 Conditions and Issues:

Current snowpack is slightly above average and reservoir storage is at or above average. Most reservoirs are expected to fill based on current runoff forecasts. However, the spring forecast indicates warmer and drier than average conditions, which could reduce runoff to average or below average.

Green Mountain Reservoir will be doing repair work on the spillway prior to filling. No impact to operations is anticipated.

Denver Water may replace the Williams Fork outlet structure. This would include adding a small auxiliary hydroelectric turbine, replacing the worn out outlet works with new, higher capacity outlet works, and replacing outdated electrical equipment. During 12 to 16 months of the construction project, the outlet works capacity would be limited to approximately 110 - 143 cfs instead of the current capacity of 200 cfs. Following construction, the outlet works capacity would increase to approximately 750 cfs. During the time that outlet capacity is limited, Denver Water may have to provide water through contract or exchange with other reservoirs when required releases exceed capacity. Details of those arrangements will be provided prior to construction.

Grand County flow issues will again be discussed in conjunction with the 15-Mile Reach flow augmentation conference calls. (*Michelle Garrison*)

**COLORADO HEALTHY RIVERS FUND** – CWCB staff worked with staff from the Water Quality Control Division (WQCD) to update the Guidance for the Colorado Healthy Rivers Fund. The proposed revisions were reviewed and approved by the four Designees (two members from CWCB and two members from WQCC) that oversee the fund. The revised Guidance was published to the CWCB website by the March 1<sup>st</sup> deadline. The Guidance may be reviewed at: <http://cwcb.state.co.us/WatershedProtectionFloodMitigation/Watershed/>.

None of the revisions involve substantial changes to the Guidance or the management of the fund. (*Tom Browning*)

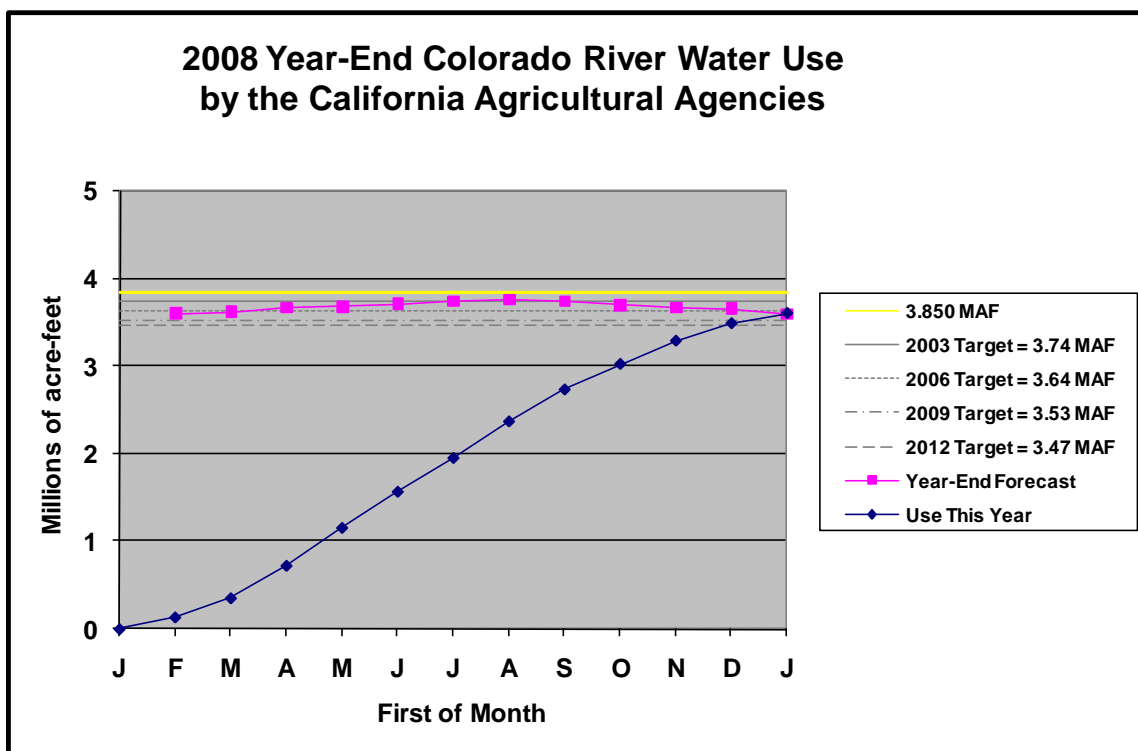
**ASPINALL DEIS** – On February 23, 2009 the Bureau of Reclamation released the draft EIS for operation of the Aspinall Unit to avoid jeopardy to the Colorado River endangered fish while continuing to meet the congressionally authorized Project purposes. In general, new operations will provide higher spring flows while assuring the protection of certain base flows at various times during the year. Public meetings will be held in Gunnison on April 7<sup>th</sup> and Delta on April 8<sup>th</sup> to provide additional information about the draft EIS and receive public input. The draft EIS can be viewed on the Bureau of Reclamations website: [www.usbr.gov/uc/envdocs/eis/AspinallEIS](http://www.usbr.gov/uc/envdocs/eis/AspinallEIS). Colorado has been a cooperating agency in this process. It is important to recognize that in order to complete this EIS it was necessary to quantify the federal reserved water right for the Black Canyon of the Gunnison, the decree for which was entered earlier this year. Any remaining comments the State has with the EIS will be coordinated through the Department of Natural Resources. (*Randy Seaholm*)

**SAN JUAN RECOVERY IMPLEMENTATION PROGRAM (SJRIIP)** – The SJRIIP Coordination Committee met in Ignacio, Colorado on February 26<sup>th</sup> to receive updates on the progress of the revised Hydrology Model for the basin, Long Range Plan Updates, Capital Construction Projects, the annual funding legislation and Program Budget. There was also discussion about the Desert Rock Energy Project, a new coal fire power plant near Farmington, New Mexico. The project is being developed by the Navajo Nation through the Bureau of Indian Affairs in partnership with BHP. The SJRIIP will provide the RPA for the project with Navajo and BHP contributing funds to implement certain components of the SJRIIP. The Coordination Committee also heard a presentation by the San Juan Quality Waters Coalition, which is a group of organizations lead by the National Wildlife Foundation, New Mexico Wildlife Federation, several chapters of Trout Unlimited and includes several others groups. The Coalition is concerned about the influx of sediment into the San Juan River from the numerous oil and gas leases in the basin. That influx is having detrimental impacts on the trout fishery above Farmington and they believe it could also have detrimental impacts on the endangered fish and their critical habitat downstream of Farmington. The Coalition is seeking support for a comprehensive study of the situation which they hope will provide long term solutions to the problem. The SJRIIP has not recognized any significant impacts from this situation to the endangered fish or their critical habitat to date. Overall the SJRIIP is making good progress and the endangered fish continue to show positive signs of recovery. (*Randy Seaholm*)

**COLORADO RIVER WATER USE** – As of February 1, 2009, storage in the four major Upper Basin reservoirs decreased by 457,500 acre-feet and storage in the Lower Basin reservoirs increased by 135,300 acre-feet during January 2009. Total system active storage as of February 2 was 32.998 million

acre-feet (MAF), or 55 percent of capacity, which is 1.627 MAF more than one year ago. (Upper Basin reservoirs increased by 2.090 MAF, and Lower Basin reservoirs decreased by 0.463 MAF.)

The end-of-year measure for 2004 California agricultural consumptive use of Colorado River water under the first three priorities and the sixth priority of the 1931 *California Seven Party Agreement* was reported as 3.524 MAF; and for 2005, the end-of-year measure was 3.581 MAF. The target under the Interim Surplus Guidelines (ISG) for the end of 2003 was 3.740 MAF, and the target for 2006 is 3.640 MAF, thus California was in compliance with the ISG through 2005. 2007 end-of-year use was reported as 3.753 MAF. Tracking of use in 2008 is shown in the graph below, and the preliminary year-end estimate for 2008 is 3.604 MAF. (Andy Moore)



**GLEN CANYON ADAPTIVE MANAGEMENT PROGRAM (GCAMP)** - Attached is a letter from the 7-Basin State Adaptive Management Workgroup (AMWG) members to the Secretary of Interior Designee for the GCAMP in support of the program. Given the ongoing litigation with the Grand Canyon Trust and recent attacks and disparaging remarks by Grand Canyon National Park representatives concerning the GCAMP and the current test release schedule in the media, the seven state AMWG members felt it necessary to indicate the importance of and support for the GCAMP. It is hoped the letter will be used in briefings to the new Secretary of Interior regarding the GCAMP. The next meeting of the GCAMP Technical Workgroup (TWG) will be on March 16-17 and the full AMWG will meet on April 29<sup>th</sup> and 30<sup>th</sup> in Phoenix. More information about the meetings can be found at: [www.usbr.gov/uc/rm/amp](http://www.usbr.gov/uc/rm/amp). (Randy Seaholm)

## ~ PLATTE RIVER BASIN ~

**PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM** – The Platte River Recovery Implementation Program (“Program”) will hold a Governance Committee meeting in Denver, on February 10-11, 2009 in Kearney, Nebraska. The next meeting will be held in Kearney, Nebraska on April 7-8, 2009. In addition, the Program is planning an initial “pulse flow” release for this **April**. Colorado’s funding request of \$4 million for this year’s State contribution to the Program was included in this year’s Species Conservation Trust Fund legislation, which was introduced by Rep. Curry as 09-1289. On February 25, 2009, the House Committee on Agriculture, Livestock and Natural Resources made a minor amendment to the legislation and referred it to the Committee on Appropriations by a 12-0 roll call vote. The Water Advisory Committee and Water Advisory Planning Subcommittee, the Land Advisory Committee, the Technical Advisory Committee, the Adaptive Management Workgroup, and the Finance Committee all continue to meet and make progress in their respective areas. For more information on the Program, please visit: [www.platteriverprogram.org](http://www.platteriverprogram.org). (*Ted Kowalski*)

**SOUTH PLATTE WATER RELATED ACTIVITIES PROGRAM** – The South Platte Water Related Activities Program (“SPWRAP”) and the State Department of Natural Resources signed an amendment to its Memorandum of Understanding regarding the division of responsibilities regarding the Program. Under the amended MOU, SPWRAP has agreed to provide the funding for Colorado’s water obligation, with the exception of money Colorado has already dedicated towards meeting the water obligations. In addition, the State, SPWRAP, Ducks Unlimited, and the Lower South Platte Water Conservancy District signed an agreement regarding the construction and operation of the Heyborne project located near the Colorado state line. This multi-purposes recharge project is a collaborative effort that will provide augmentation credits for irrigation uses, create habitat for waterfowl, and help Colorado and SPWRAP meet Colorado’s Program obligations. Moreover, this project has received some of the \$1 million North American Wetlands Conservation Act (“NAWCA”) grant funding, thus, helping participants’ dollars go even further. (*Ted Kowalski*)

**SPDSS GROUNDWATER MODELING UPDATE** – Calibration of the alluvial groundwater model, a component of the South Platte Decision Support System, is progressing, with a calibrated model and report due late in 2009. The initial step in calibration involves a steady state model, with subsequent transient modeling and calibration to simulate the monthly stresses and responses in the alluvial aquifer system. Technical Peer Review Committee meetings have been useful in gathering input on the modeling process. The 5<sup>th</sup> Technical Peer Review Committee meeting was held on December 18, 2008, and the next meeting will be scheduled later in the spring of 2009 to share calibration progress. (*Andy Moore*)

**CHATFIELD RESERVOIR REALLOCATION UPDATE** – The Nature Conservancy (TNC) recently sent a letter of support for the project, which now means that essentially every major environmental interest group has signed up as a Special Technical Advisor and/or as a project supporter. Beyond the government Cooperators and participating Water Providers, current participation includes: The Nature Conservancy, Audubon Society, Sierra Club, Colorado Environmental Coalition, Trout Unlimited, the Greenway Foundation, and Western Resource Advocates.

The Omaha District is scheduling a meeting with high level reviewers at the Headquarters office in DC to go over the key elements of the EIS in addition to gaining input regarding outstanding/unresolved issues.

The meeting will either be in the form of an Alternatives Formulation Briefing (AFB) or an Issues Resolution Conference (IRC). Regardless of the format, the goals and outcomes from the meeting will be the same. This could happen as early as mid-March in Denver. Separate meetings are now being scheduled with the Denver Regulatory Office to discuss details about 404 permitting requirements, and how those requirements will be handled as part of the broader NEPA process in the EIS.

A Land Use Development Policy waiver was recently granted by the Omaha Corps which allows for recreational facilities to be relocated much closer to the new conservation pool elevation than the current Corps standard would normally allow. This waiver is very important in that it helps the park to stay closer to an “in-kind” recreation experience around the reservoir. Also, the types and quantities of recreational facilities approved for use around the lake will be very similar to what exists today, except that some upgrades will occur to meet current building codes, disability standards, and flood-proofing requirements.

Alternative design/construction schedules for implementation were developed by a consultant to demonstrate how mitigation and modification construction phasing could occur. Six alternatives were presented to key stakeholders, and a viable option was selected. The selected option involves full construction during the off season, and selective construction during the summer peak season to allow the park to remain open for use. The overall construction period is estimated to be on the order of 32 months.

The “cost of storage” waiver that was approved by the Assistance Secretary of the Army last month reduces by \$20 million the payment to the Federal Treasury for use of the reallocated space (original cost of storage was \$34M, now down to \$14M). Total project costs are now estimated as follows: Environmental mitigation (\$45,000,000), Recreation modification (\$43,000,000), Cost of Storage (\$14,000,000) for a total of just over \$100,000,000. There will be additional physical delivery structures needed for some of the upstream water users, which will be studied in the EIS but paid for outside of the reallocation project.

The Corps anticipates release of the Draft EIS as early as June or July 2009, with a Final EIS later in the year, followed by a Record of Decision perhaps as early as December 2009.

Lastly, the 15 participating water providers will soon begin meeting to discuss their intent to form a new legal entity in order to facilitate a single “contract” with the State for use of the reservoir space. (*Tom Browning*)

## **~ SOUTHWESTERN RIVER BASINS ~**

**TACOMA PROJECT RELICENSING PROCESS** – The trial-type hearing on factual issues related to preliminary conditions on the license, including the imposition of a bypass flow, will be held on March 31, 2009 and is expected to last through April 3, 2009, with the judge scheduled to issue a decision on April 29, 2009. Upon the advice of the Attorney General’s Office, the CWCB and CDOW have not attempted to intervene in the trial-type hearing. DNR Assistant Director Alex Davis has advised counsel for the U.S. Forest Service that the Office of the Attorney General will oppose any attempt to subpoena state employees to testify at the hearing. To date, the Forest Service has not attempted to subpoena any employees. Due to the Forest Service’s and Public Service Company’s hearing preparations, the parties

have not met to attempt to resolve outstanding issues regarding the Final Settlement Agreement since the January Board meeting. (*Linda Bassi*)

**MEETING WITH HUERFANO COUNTY** – Two Huerfano County Commissioners and the Huerfano County Administrator attended the ISF Workshop on February 24, 2009. As a follow up to CWCB staff's discussion with them on that day, on March 11, Linda Bassi and Jeff Baessler gave a presentation on the ISF Program to the County Commissioners at a public meeting in Walsenburg. The presentation focused on the new appropriation process, the 2009 ISF appropriations on Cucharas Creek and the Huerfano River, and recommendations received for potential appropriation in 2010 on Baker Creek, Bonnett Creek, Chaparral Creek, and Dodgeton Creek. (*Linda Bassi*)

**DOLORES RIVER DIALOGUE UPDATE** – The Dolores River Dialogue Technical Committee met on February 5, 2009 and on March 4, 2009. The group has spent a significant amount of time organizing and developing agendas and materials for meetings of the Lower Dolores River Management Plan Update Working Group, which is developing alternatives to Wild and Scenic designation of the Dolores River from McPhee Dam to Bedrock (see update on that effort in Agenda Item 26.c). In addition, the DRD Technical Committee is working on obtaining scientific data on the Dolores River that has been compiled by others, identifying additional research needs, and planning field work efforts for the upcoming field season. More information on the DRD can be found on its website at <http://ocs.fortlewis.edu/drd/meetings.asp>. (*Linda Bassi*)

## **~ YAMPA/WHITE RIVER BASINS ~**

**WATER PLAN HITS WALL OF FOES** - A water war is brewing on the Yampa River.

A bid by the Shell Exploration and Production Co. for a 15 billion- gallon water right has sparked opposition letters from 25 federal, state and local agencies, along with businesses and environmental groups.

The battle runs from Parker, which is seeking more water amid Front Range suburbs, to Dinosaur National Monument, where National Park Service officials worry that Shell's plan to divert water for oil-shale development may hurt the park.

Other objections filed with the Steamboat Springs water court came from a coal company, a power company, an agricultural ditch company and Cross Mountain Ranch, a hunting resort.

The Shell application and the opposition letters will be reviewed by the water court, a process that water lawyers say could take a year.

The Shell bid is provoking such a strong reaction because the Yampa is Colorado's last river with unclaimed water.

"There is a big target on the Yampa. Everyone is looking to tap into it," said Glenn Porzak, a water lawyer for the city of Steamboat Springs.

Water-rights applications usually generate no more than seven protest letters, Porzak said. The biggest case he was ever involved in had about 19.

Shell is seeking a conditional water right to take up to 375 cubic feet per second, about 8 percent of the Yampa's average April-to-June flow.

"This would be a junior water right that would only be taken when the water was available," said Tracy Boyd, a Shell spokesman.

Shell would pump the water into a new reservoir covering 1,000 acres and holding 45,000 acre-feet of water, or about 15 billion gallons.

The water — taken from a point west of Craig — would be part of the company's supply for oil-shale development, which is still in an experimental stage.

Shell estimates that commercial development may be at least 10 years away.

The City of Parker has been looking at sources to replace its dwindling groundwater supplies as far away as the Green River in Wyoming.

Routt County, which is above the Shell diversion, also filed an opposition letter.

Many of the groups filing opposition letters are just seeking more information — such as the one from the Colorado State Engineer.

"We want to make sure that the water right isn't speculative, that it will be put to a beneficial use and that Shell can and will develop the required infrastructure," Assistant State Engineer Kevin Rein said. "There isn't enough information in the application to do that."

Moffat County filed a letter because the proposed reservoir would bury a county road.

Among the other filers and the issues they raise are:

- The federal Bureau of Land Management, which says Shell has not yet applied for rights of way through public land needed for its plan.
- The state Division of Wildlife, which is seeking more information on the potential impact of the water right on recovery plans for endangered fish species in the Yampa and Colorado rivers.
- The Colorado River Conservation District, which wants more detail on the impact of the proposed right on the state's obligation to interstate water compacts.

The environmental groups filing include the Sierra Club, the Wilderness Society, Trout Unlimited and the Colorado Environmental Coalition.

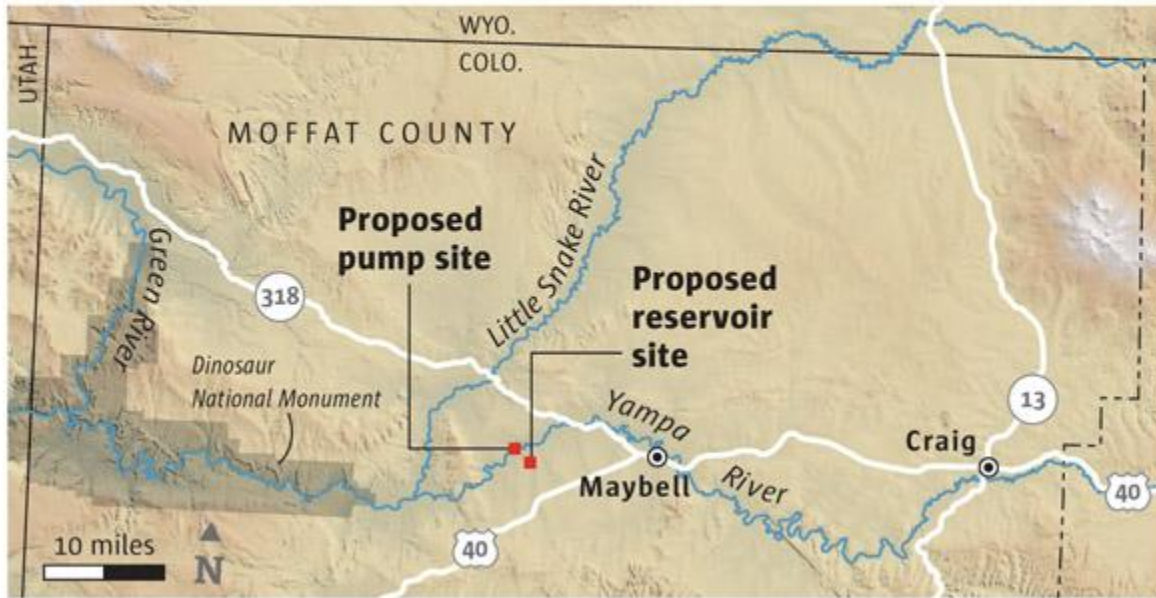
There is no direct charge for obtaining unappropriated water. But an applicant must prove to a water court that the water will be put to beneficial use and that the proposed plan is viable. Challenges can add 18



months to the process.

## Shell seeks water for oil shale

Shell Oil's application to take water from the Yampa River has spurred 22 protest letters from towns, counties, government agencies, businesses and environmental groups concerned about the impact of the proposed 15 billion-gallon water right.



Sources: Colorado Water Court, Division 6; U.S. Geological Survey Thomas McKay, The Denver Post

(Source: The Denver Post, March 9, 2009)

## ~ AGENCY UPDATES ~

**REVISED ISF RULES AND FINANCIAL POLICY 19 EFFECTIVE** – The revised ISF Rules were published in the Colorado Register on February 10, 2009 and became effective on March 2, 2009. Staff will provide the Board with copies of the updated Rules and of Financial Policy 19, which became effective on March 1, 2009. The Rules and Policy 19 can be located on the CWCB website at <http://cwcb.state.co.us/StreamAndLake/LawsRules/>. (Linda Bassi)

**DECEMBER 2008 RESUME REVIEW** - After an initial review of all the December 2008 water court resume notices, Staff reviewed in detail approximately twenty-five water court applications filed in December 2008 that potentially could injure instream flow water rights. Based upon that review, Staff filed statements of opposition to nine applications, as identified in the March 2009 consent agenda. Additionally, Staff was able to achieve protection of the Board's ISF water rights without filing statements of opposition in eight cases by requesting and obtaining letters from the applicants' attorneys on behalf of their clients agreeing to include in their decrees the following types of protective language to prevent injury to the Board's ISF water rights:

- For a plan for augmentation including exchange on Jenny Creek, the Applicant will include terms and conditions in the decree providing that Applicant shall not operate the exchange decreed when flow in Jenny Creek is below the CWCB's ISF of 1 cfs on Jenny Creek.

- For a plan for augmentation on Ohio Creek and the Gunnison River, the Applicant will include terms and conditions in the decree providing that (1) Applicant shall reduce diversion from its ditch by the amount of water historically diverted to the permanently dried up land and (2) before water is put to beneficial use, Applicant shall construct the augmentation pond and fill it with adequate replacement water to cover out-of-priority depletions on an annual basis. The pond shall be equipped with inlet and outlet structures, as well as measuring devices as required by the Division Engineer. The outlet structures shall be capable of delivering the released water directly to Ohio Creek at or above the most upstream point of impact from the wells. All elements of this augmentation plan shall be fully operational, inspected and approved by the Division Engineer and/or Water Commissioner before the water right decreed herein is put to beneficial use.
- For a request of an alternate point of diversion on the Dolores River, the Applicant will include terms and conditions in the decree providing that (1) Applicant shall limit its combined diversion rate at the alternate and original points of diversion to 0.5 cfs, as decreed in Case No. W-221. (2) Applicant shall limit its diversion rate at the alternate point of diversion to the amount of water that is legally and physically available at the original point of diversion, as decreed in Case No. W-221.
- For a plan for augmentation including exchange on the Crystal River, the Applicant will include terms and conditions in the decree providing that (1) When the CWCB has placed a call that is recognized and administered by the Division Engineer for its instream flow water right located on the Crystal River below the confluence of the Crystal River and Avalanche Creek and decreed in Case No. 75CW2720, Applicant shall replace 100% of its diversions from the Ogilby Geothermal Well Field by returning space heating and therapeutic pool water to the Crystal River in a closed system of pipes to a point at or upstream of the confluence of Avalanche Creek and the Crystal River; (2) When the CWCB has placed a call that is recognized and administered by the Division Engineer for its instream flow water right located on the Crystal River above the confluence of the Crystal River and Avalanche Creek and decreed in Case No. 75CW2721, Applicant shall replace 100% of its diversions from the Ogilby Geothermal Well Field by returning space heating and therapeutic pool water to the Crystal River in a closed system of pipes to a point at or upstream of the point of depletion on the Crystal River.
- For a change of water rights on the Eagle River, the Applicant will include a term and condition in the decree providing that “When Applicant’s diversions of its O’Neil and Holland Ditch first enlargement water rights would cause the streamflow in the Eagle River immediately downstream of the Howard Ditch head gate to fall below the instream flow decreed to the CWCB in Case No. 80CW134, Applicant will limit its diversion under that water right to no more than 0.88 cfs, including Applicant’s diversions through the J.M. Dodd Ditch.”
- For a plan for augmentation with exchange on Alkali Creek and the Eagle River, Applicant will include terms and conditions in the decree providing that (1) Applicant shall not operate the exchange decreed herein when flow in the Eagle River is below the Colorado Water Conservation Board’s instream flow water right of 130 cfs from May 1 – Sept 30 and 50 cfs from October 10 – April 30 on the Eagle River; and (2) at times when the calling water right is located on the Eagle River, Applicant will cease all diversions under this Decree and will pump water directly from the Saddle Ridge Reservoirs Nos. 1-5 in order to meet the irrigation requirements of the Development.

For each of these cases, the applicant will provide the CWCB staff with copies of all proposed decrees so that staff can ensure that the agreed upon language is included. The applicants have agreed to not oppose

a motion to intervene by the CWCB if the agreed upon language is not included in the final proposed decree. Furthermore, for the cases in which staff still is negotiating the terms with the applicant's attorney, the applicant has acknowledged the ongoing negotiations and has agreed to not oppose a motion to intervene filed by the CWCB if the parties are unable to reach agreement on the proposed terms and conditions. *(Kaylea White)*

**FLOOD DECISION SUPPORT SYSTEM RFP RELEASED** - A Request For Proposal (RFP) was posted February 10, 2009 requesting bids for the Flood Decision Support System (FloodDSS). This project will create a tool for CWCB staff to easily access and display historical and current flood events, flood insurance rate maps, and other flood hazard related data. Responses to the RFP are due March 16<sup>th</sup>, and after the proposals are reviewed by a committee in mid to late March, selection of a vendor is expected by April 10, 2009. The FloodDSS project is expected to be complete in 18 months. *(Carolyn Fritz)*

**PERSONNEL CHANGES IN STREAM AND LAKE PROTECTION SECTION** –Effective March 23, 2009, Bahman Hatami, the Stream and Lake Protection Section's Senior Water Resources Engineer, will transfer to Colorado State Parks as its Water Resources Manager. In his new position, Bahman will manage State Parks' water rights, acquired water rights, and reservoir operation agreements. Bahman worked for the CWCB on instream flow matters for 14 years, and will be greatly missed. Please join us in wishing him the best in his new position. *(Linda Bassi)*

**PRESENTATIONS ON ISF PROGRAM** – On February 16, 2009, Stream and Lake Protection Section staff gave a presentation on the ISF Program to a Water Law and Policies class at the CU-Denver Graduate School of Engineering. On February 19, 2009, staff gave a presentation on the ISF Program at The Nature Conservancy office in Boulder at TNC's Team Meeting / Conservation Staff Session. The presentation focused on the ISF acquisition program with the goal of enlisting the help of TNC staff in identifying water acquisition needs and opportunities. Attendees also discussed the possibility of working with other entities to bring new ISF recommendations to the Board. *(Linda Bassi)*

**GOVERNOR'S WATER AVAILABILITY TASK FORCE** – The next meeting of the Governor's Water Availability Task Force will be held on March 20, 2009 at Denver Water from 1:00-3:00pm. Task Force members will review snowpack and precipitation outlooks, reservoir conditions and potential water supply impacts. The agenda will be posted and available on the CWCB website. *(Veva Deheza)*

**IWMD SECTION UPDATE** – CWCB's IWMD Section hired three new staff members: Jacob Bornstein, Greg Johnson, and Dori Vigil.

Jacob joins us from the Colorado Watershed Network and will be responsible for technical assistance and project management for non-consumptive (environmental and recreational) water needs, water supply needs for energy development, and public education and outreach on Colorado's Water Supply Future. Geographically, Jacob is the section lead in the Colorado and Yampa/White Basins and for the Metro Area.

Greg joins us from the City of Thornton and will be responsible for managing and tracking WSRA grants. He will also provide assistance in implementing the identified projects and processes (IPP) database and

tracking projects and methods for meeting Colorado's future municipal and industrial water needs. Geographically, Greg is the section lead for the Southwest, Rio Grande and North Platte Basins.

Dori joins us from the Colorado Geological Survey, although she worked for the Board from 1989 to 2000. Dori will be responsible for administration and accounting associated with the WSRA program.  
(*Eric Hecox*)

### **~ ATTACHMENTS ~**

- **25d-01**            Summary of Resolved Cases
- **25d-02**            Deminimis Cases
- **25d-03**            Design and Construction Status Report
- **25d-04**            Loan Forecast and Prospect Report
- **25d-05**            Construction Loan Program Financial Activity Report
- **25d-06**            7-Basin State Letter to Glen Canyon Adaptive Management Program

## **INSTREAM FLOW AND NATURAL LAKE LEVEL PROGRAM - SUMMARY OF RESOLVED CASES**

The Board's ISF Rule 8i. states:

“In the event the pretrial resolution includes terms and conditions preventing injury or interference and does not involve a modification, or acceptance of injury or interference with mitigation, the Board is not required to review and ratify the pretrial resolution. Staff may authorize its counsel to sign any court documents necessary to finalize this type of pretrial resolution without Board ratification.”

Staff has resolved issues of potential injury in the following water court cases and authorized the Attorney General's Office to enter into stipulations that protect the CWCB's water right:

### **(1) Case No. 5-03CW123 West Divide WCD**

The Board ratified this statement of opposition at its September 2002 meeting. The Board's main objective in filing the statement of opposition in this case was to ensure that the Applicant's proposed plan for augmentation does not injure the Board's instream flow water rights on Rifle Creek and Elk Creek by not replacing out-of-priority depletions in time, place and amount. Staff, in cooperation with the Attorney General's Office, has negotiated a settlement to ensure that the CWCB's instream flow water rights will not be injured.

The Board holds the following instream flow water rights that could have been injured by this application:

<b>CWCB Case No.</b>	<b>Stream/Lake</b>	<b>Amount (cfs)</b>	<b>Approp. Date</b>	<b>Watershed</b>	<b>County</b>
5-80CW315	Elk Creek	15/8	5-7-1980	Colorado River	Garfield
5-97CW273	Rifle Creek	9/5	9-22-1997	Colorado River	Garfield

The CWCB and the Applicant have agreed to the entry of a decree that will prevent injury to the Board's ISF water rights on Elk Creek and Rifle Creek. The Applicant has agreed to the following terms and conditions:

- Pursuant to stipulation between Applicant and the CWCB, this case shall not pertain to, provide alternate points of diversion, or augment structures located in the Elk Creek drainage or Rifle Creek drainage above the confluence of Elk Creek and the Colorado River or above the confluence of Rifle Creek and the Colorado River.
- Applicant agrees to dismiss the Application filed in Case No 02CW123 (2 of 2), with each party to pay their own costs and attorney fees.

### **(2) Case No. 1-06CW263 Gary Sprague**

The Board ratified this statement of opposition at its March 2007 meeting. The Board's main objective in filing the statement of opposition in this case was to ensure that the Applicant's proposed change of water right would not result in an expansion of use that could adversely impact the Board's instream flow rights. Staff, in cooperation with the Attorney General's Office, has negotiated a settlement to ensure that the CWCB's instream flow water rights will not be injured.

The Board holds the following instream flow water rights that could have been injured by this application:

<b>CWCB Case No.</b>	<b>Stream/Lake</b>	<b>Amount (cfs)</b>	<b>Approp. Date</b>	<b>Watershed</b>	<b>County</b>
1-80CW210	Horse Creek	1.5	5-7-1980	Upper South Platte	Douglas
1-80CW211	West Creek	4	5-7-1980	Upper South Platte	Teller, Douglas
1-80CW212	West Creek	1.5	5-7-1980	Upper South Platte	Teller, Douglas

The Applicant made changes to the original application resulting in reduced pumping rates and total volumes diverted. The location of the well did not change. As a result, the application met the standards for issuing an exempt well permit. The Referee has filed a ruling in the case, which will not result in injury to the Board's instream flow rights on Horse Creek and West Creek. CWCB agreed to not protest the Referee's Ruling, and to allow the application to proceed to final decree.

### **(3) Case No. 6-03CW053 Upper Yampa Water Conservancy District**

The Board ratified the motion to intervene and statement of opposition at its November 2008 meeting. The Board's main objective in filing the statement of opposition in this case was to ensure that the Applicant's proposed junior water right would not result in an expansion of the intended use that could adversely impact the Board's instream flow rights. Staff, in cooperation with the Attorney General's Office, negotiated a settlement to ensure that the CWCB's instream flow water rights will not be injured.

The Board holds the following instream flow water rights that could have been injured by this application:

<b>CWCB Case No.</b>	<b>Stream/Lake</b>	<b>Amount (cfs)</b>	<b>Approp. Date</b>	<b>Watershed</b>	<b>County</b>
6-01CW106	Yampa River	72.5/47.5	7/24/01	Upper Yampa River	Rout

The Applicant agreed to curtail its "non-consumptive" junior water rights during a call for the CWCB's ISF water right on the Upper Yampa River. The case was dismissed at trial on other grounds. Therefore a stipulation with CWCB was not entered.

**Director's Report Attachment 25d-02 – March 17-18, 2009, Board Meeting  
Stream and Lake Protection Section DeMinimis Cases**

The following table summarizes the applications that have the potential to injure the Board's instream flow water rights, but their impacts are considered de minimis. In each of these cases, the cumulative impact to the Board's rights is 1% or less. Pursuant to the DeMinimis Rule, described in Section 8e of the Instream Flow Program Rules, staff has not filed Statements of Opposition in these cases.

<b>Case No.</b>	<b>Applicant</b>	<b>Stream/ Case Number</b>	<b>ISF Amount</b>	<b>Percent Injury</b>	<b>Cumulative % Injury</b>	<b>Pervious Cases</b>
1-08CW159	Dr. Lee Krauth	East Elk Creek / 80CW294	10 cfs (summer) 6 cfs (winter)	0.0374% 0.0108%	0.0697% 0.645%	1
		Elk Creek / 80CW315	15 cfs (summer) 8 cfs (winter)	0.0249% 0.0081%	0.0369% 0.0306%	1

**Colorado Water Conservation Board  
Design and Construction Status Report**

**Mar-09**

Applicant/Borrower	Project	County	Loan/Grant Amount	Size	Annual Yield (AF)	New Storage (AF) Created	Design Percent Compl.	Construction		
								Start	End	Percent Compl.
Projects Completed in FY 2008-2009										
1 Lower Latham Reservoir Company	Water Rights Purchase - Augmentation	Weir	\$ 670,640	8,472	8,472		95%	n/a	Nov-08	100%
2 Town of Bennet	Well Replacement	Adams	\$ 252,500	60 AF	60		100%	Mar-08	Oct-08	100%
3 Orchard Mesa Irrigation District	Stokes Gulch Siphon Replacement	Mesa	\$ 545,400	300 LF	58,323		100%	Oct-07	Oct-08	100%
4 Bijou Irrigation Company - C150256	Diversion Structure Rehabilitation	Morgan/Weld	\$ 1,851,366	41,790 AF	41,790		100%	Sep-08	Feb-09	100%
5 Loveland Lake and Ditch Company	Parallel Pipe System	Larimer	\$ 106,050	2,900 AF	2,900		100%	Feb-08	Sep-08	100%
6 Number Six Ditch Company	Ditch Rehabilitation Project - Pipeline	Montezuma	\$ 688,942	29,040 LF	2,591		100%	Apr-06	Nov-08	100%
7 Dolores Water Conservancy District	Dove Creek Secondary Water Supply System	Dolores	\$ 883,304	300 AF	300		100%	Nov-04	Jan-09	100%
Total =			\$ 4,998,202	Total =	114,436	5				
Projects Under Construction										
1 Grand Mesa Reservoir Company	Grand Mesa Reservoir No. 1 & 9 Rehabilitation	Mesa	\$ 200,000	1,000 AF	1,000	200	100%	Jul-03	Nov-09	75%
2 New Cache La Poudre Irrigation Company	Construct 2 New Reservoirs and Pipeline	Weld	\$ 7,200,000	4,500 AF	4,500	4,500	100%	Jun-05	Jan-14	99%
3 Pinewood Springs Water District	Raw Water Supply System	Larimer	\$ 2,033,850	5,500 LF	165	40	100%	May-06	May-09	99%
4 Arkansas Groundwater Users Association	Water Rights Purchase, Aug. Pond and Canal Const.	Pueblo	\$ 970,448	703 AF	703		100%	Nov-03	May-09	99%
5 Orphan Wells of Wiggins, LLC	Well Augmentation Project	Morgan	\$ 1,037,700	6,000 AF	6,000		100%	Nov-03	On-hold	95%
6 Central Colorado Water Conservancy District	Water Rights and Gravel Pit Construction	Adams/Weld	\$ 20,000,000	12,300 AF	12,300		100%	Nov-03	May-10	90%
7 Dolores Water Conservancy District	WETPACK	Montezuma	\$ 4,700,000	6,000 AF	6,000		100%	Oct-04	Payoff	50%
8 Parker Water and Sanitation District	Rueter-Hess Reservoir Project	Douglas	\$ 15,000,000	16,200 AF	16,200	16,200	100%	Jul-04	Nov-09	75%
9 Mancos Water Conservancy District	Inlet and Outlet Canal Rehabilitation	Montezuma	\$ 5,486,531	15,840 LF	9,000		60%	Jan-04	Jan-14	50%
10 Upper Arkansas Water Conservancy District	Reservoir Rehabilitation	Chaffee/Custer	\$ 3,520,000	500 AF	500	200	100%	Jun-05	Jul-09	95%
11 Silt Water Conservancy District	System Rehabilitation Project	Garfield	\$ 1,019,700	18,000 AF	18,000		100%	Nov-05	May-09	75%
12 Tom Hill	McElroy Dam Rehabilitation Project	Grand	\$ 854,000	240 AF	240	240	100%	Sep-06	Apr-09	99%
13 Debeque, Town of	Raw Water Distribution System	Mesa	\$ 252,500	3,000 LF	710		100%	Mar-07	De-author.	100%
14 Union Ditch Company	Well Augmentation Project	Weld	\$ 312,595	206 AF	206		75%	Sep-06	May-10	75%
15 Hope Ditch Company	Well Replacement	Adams	\$ 153,000	11.5 AF	12		100%	May-06	Apr-09	99%
16 Bijou Irrigation District	Empire Reservoir Rehabilitation - Dam Rehab.	Morgan/Weld	\$ 2,408,850	19,900 AF	19,900	2,682	100%	Nov-07	Jan-10	75%
17 Lower Poudre Augmentation Company	Reservoir and Water Rights Purchase	Larimer/Weld	\$ 3,104,053	657 AF	657		100%	Oct-07	Nov-09	65%
18 Bull Creek Reservoir Company	Reservoir Rehabilitation Project	Mesa	\$ 1,212,000	900AF	900	900	100%	Jul-08	Nov-09	75%
19 South Side Reservoir Company	South Side Reservoir Rehabilitation Project	Larimer	\$ 360,000	1,241 AF	1,241	241	100%	Dec-06	Jun-09	95%
20 South Side Irrigation Company	Ditch Rehabilitation Project	Larimer	\$ 72,000	1,200 LF	1,587		100%	Dec-04	Jun-09	99%
21 Aurora, City of	Raw Water Distribution System	Adams/Douglas	\$ 75,750,000	33 miles	10,000		100%	Jan-08	Oct-10	55%
22 Overland Ditch and Reservoir Company	Overland Reservoir Rehabilitation	Delta	\$ 1,130,000	6,200 AF	17,000	971	95%	May-08	Nov-10	5%
23 Montezuma Valley Irrigation Company	May Lateral Pipeline	Montezuma	\$ 5,292,400	5 Miles	128,000		100%	Nov-07	Nov-09	95%
24 Platte Valley Irrigation Company	Equalizer Reservoir Project	Weld	\$ 2,388,650	431 AF	52,401	431	100%	Sep-08	May-10	5%
25 Greeley Irrigation Company	Greeley Canal No. 3 Rehabilitation	Wled	\$ 2,233,867	18,000 AF	18,000		90%	Feb-08	May-09	90%
26 Henrylyn Irrigation District	Horse Creek & Prospect Reservoir Rehabilitation	Weld	\$ 2,184,327	13,850 AF	13,850	3,000	100%	Nov-08	Jul-09	85%
27 WRCC, Inc.	Windsor Dam and Spillway Rehabilitation	Larimer	\$ 1,285,730	35,000 AF	35,000		100%	Jun-08	May-09	99%
28 Center of Colorado Water Conservancy District	Tingle Reservoir Construction	Park	\$ 454,500	400 AF	400	400	100%	Nov-08	May-09	99%
29 Wood Lake Mutual Water and Irrigation Company	Angel Lake Outlet Repair	Weld	\$ 212,706	424 AF	848	100	90%	Sep-08	Dec-09	5%
30 Granby Ditch and Reservoir Company	Granby No. 12 Dam Rehabilitation Project	Delta	\$ 254,520	838 AF	2,000	250	65%	Jun-09	Nov-09	2%
31 San Luis Valley Water Conservancy District	Water Rights Purchase	Alamosa	\$ 727,200	n/a	141		n/a	Nov-08	May-09	99%
32 Farmers Pawnee Canal Company	Ditch Flow Control Structures	Logan	\$ 227,250	27,260	27,260		50%	Oct-08	Feb-10	40%
33 Headgate 135 Lateral, Inc.	Ditch Rehabilitation - Pipeline	Mesa	\$ 262,200	4,800 LF	1,000		100%	Oct-08	May-09	95%
34 Weldon Valley Ditch Company	Cottonwood Draw Flume Replacement	Yuma	\$ 136,500	300 L.F.	36,000		100%	Sep-08	Jun-09	90%
35 Yuma County Water Authority PID	North Fork Water Purchase	Yuma	\$ 9,595,000	N/A	2,500		100%	Dec-08	May-09	99%
36 Republican River Water Conservation District	Compact Compliance Pipeline	NE. Colo	\$ 60,600,000	15,000 AF	15,000		90%	Nov-08	Nov-09	2%
37 Republican River Water Conservancy District	North Fork Water - Lease	Yuma/others	\$ 4,545,000	N/A	2,500		100%	Dec-08	May-09	99%
38 Ogilvy Augmentation Company	Well Augmentation	Weld	\$ 1,010,808	60 AF	60		60%	Dec-08	Feb-10	40%
39 East Mancos Highline Ditch Company	Ditch Rehabilitation Project - Pipeline	Montezuma	\$ 904,000	30,360 LF	869		100%	Nov-07	Jun-09	99%
Total =			\$ 239,091,885	Total =	462,650	30,355				
Projects Under Design										
1 Supply Irrigating Ditch Company	Knoth Reservoir Dam Rehabilitation	Boulder	\$ 904,960	4,800 AF	4,800	400	90%	Oct-09	May-10	More \$
2 Owl Creek Reservoir Company	Owl Creek Reservoir Rehabilitation	Weld	\$ 1,125,000	1200 AF	1,200	1,200	95%	Oct-09	May-10	0%
3 Southeastern CO Water Conserv. District	Arkansas Valley Conduit	Crowley	\$ 60,600,000	138 Miles	6,555		20%	May-10	May-12	0%
4 Penrose Water District	Water Rights Purchase and Pipeline Installation	Fremont	\$ 8,844,570	30,624 LF	339		35%	Oct-09	Sep-10	On-hold
5 Seven Lakes Reservoir Company	Railroad Crossing	Weld	\$ 772,842	7,796 AF	7,796		95%	Oct-09	May-10	0%
6 Hillrose - Town of	Water Rights Purchase/Well Augmentation	Morgan	\$ 49,995	10 AF	10		n/a	Apr-09	Jul-09	0%
7 Pagosa Area Water and Sanitation District	Dry Gulch Reservoir Land Acquisition	Archuleta	\$ 11,217,060	35,000 AF	35,000		5%	Nov-08	Mar-20	0%
8 Boulder White Rock Ditch and Reservoir Company	Panama Reservoir Outlet Rehabilitation	Boulder/Weld	\$ 2,430,000	300 L.F.	12,000	2,600	75%	Oct-09	May-10	0%
9 New Salida Ditch Company	Ditch Rehabilitation	Chaffee	\$ 365,620	300 L.F.	7,000		95%	Oct-09	Feb-10	0%
10 Water Supply and Storage Company	Ditch and Outlet Rehabilitation	Larimer/Weld	\$ 843,500	100 L.F.	55,000		95%	May-09	May-10	0%
11 Park Center Water District	Well Rehabilitation	Fremont	\$ 1,010,000	3,200 L.F.	400		95%	May-09	Dec-09	0%
12 Louden Irrigating Canal and Reservoir Company, Inc.	Rist Benson Reservoir Rehabilitation	Larimer	\$ 263,210	491 AF	2,000	150	30%	Sep-09	Feb-10	0%
Total =			\$ 88,426,757	Total =	132,100	4,350				

= Reservoir projects that created new storage, either by new construction, dredging or by the removal of a SEO restriction.



# STATE OF COLORADO

## Colorado Water Conservation Board Department of Natural Resources

1313 Sherman Street, Room 721  
Denver, Colorado 80203  
Phone: (303) 866-3441  
Fax: (303) 866-4474  
www.cwcb.state.co.us



TO: Colorado Water Conservation Board Members  
Director's Report

Bill Ritter, Jr.  
Governor

FROM: Kirk Russell, PE  
Mike Serlet, PE, Chief  
Water Supply Planning & Finance Section

Harris D. Sherman  
DNR Executive Director

Jennifer L. Gimbel  
CWCB Director

DATE: March 10, 2009

Dan McAuliffe  
CWCB Deputy Director

SUBJECT: **Director's Report Attachment – March 17-18, 2009  
Loan Forecast & Prospect Report**

The Water Supply Planning and Finance Section compiles a list of potential borrowers/projects for the Water Project Loan Program. If the Board approves all loans recommended by staff on the March agenda the Loan Program will have roughly \$50 million available for eligible raw water projects at the May & July meetings.

Below is a list of loans which may be presented at the May & July meetings (Loan Forecast). Page two is a listing of loans (Prospects under \$10 million), which have a strong chance of becoming future CWCB loans.

### LOAN FORECAST

BORROWER	PROJECT NAME	PROJECT COST
<b>May/July</b>		
Private Reservoir Owner	Park Creek #2 Reservoir Rehabilitation	\$200,000
Huerfano-Cucharas Reservoir Co	Cucharas Reservoir Rehabilitation	\$2,000,000
Town of Dillon	Old Dillon Reservoir Enlargement	\$1,500,000
Snowmass Water & Sanitation Dist	Reservoir Enlargement	\$1,500,000
North Sterling Reservoir	North Sterling Reservoir Spillway	\$2,000,000
Riverside Reservoir and Land Co.	Riverside Dam Spillway	\$3,000,000
Town of Gypsum	Leede Reservoir Rehabilitation	\$500,000
Joseph W Bowles Reservoir Co.	Bowles Reservoir #1 Rehabilitation	\$1,300,000
Mark Morley	Stonewall Reservoir	\$10,000,000
Gary Barber	Big Johnson Reservoir Rehabilitation	\$8,000,000
Whiting Farms	Reservoir Rehabilitation	\$250,000
	Total	\$30,250,000

Information shown is based on current staff knowledge and will likely change as Loan Prospects develop

Recent Project Loan inquiries:

Riverside Ditch & Allen Extension Co. - \$100,000 Ditch Rehabilitation

Bergen Ditch & Reservoir Co. - \$2 million Reservoir Rehabilitation

Florida Canal Company - \$1 million Ditch Rehabilitation

## SMALL (<\$10 million) LOAN PROSPECTS

Basin	BORROWER	PROJECT NAME	PROJECT COST	LOAN AMOUNT
South Platte				
	B.H. Eaton Ditch Co (Windsor)	Pipeline & Diversion Structure	\$1,000,000	\$1,000,000
	Ft Morgan, City of	NISP	\$25,000,000	\$25,000,000
	Wiggins, Town of	Wells & Pipeline	\$3,000,000	\$1,500,000
	New Consolidated Lower Boulder	Dual Water System	\$16,000,000	\$14,500,000
	Ft Morgan Reservoir & Irrigation Co	Two Way Recharge Pipeline & Well	\$550,000	\$550,000
	Louden Irrigation & Re	Ditch Improvements	\$500,000	\$500,000
	Shamrock Irrigation Co	Pipeline Project	\$200,000	\$200,000
	Foothills Park & Recreation Dist.	Multiple Storage Projects	\$2,000,000	\$2,000,000
			<b>TOTAL</b>	<b>\$44,000,000</b>
Arkansas				
	City of La Junta	Water Rights Purchase	\$2,500,000	\$2,500,000
	Fruitland Water Company	Pumphouse & Ditch	\$200,000	\$200,000
	Cherokee Metro District	Wells and Pipelines	\$800,000	\$800,000
	City of Trinidad	Reservoir/Rehabilitation	\$1,600,000	\$1,600,000
			<b>TOTAL</b>	<b>\$5,000,000</b>
San Miguel/Juan				
	Town of Silverton	Molas Lake Dam	\$100,000	\$100,000
	Florida Canal Company	Florida Ditch Rehabilitation	\$1,000,000	\$1,000,000
	Farmers Water Development Co	Gurley Reservoir Enlargement	\$5,000,000	\$5,000,000
			<b>TOTAL</b>	<b>\$6,000,000</b>
Colorado				
	Lateral MC070 Inc.	NRCS Ditch Rehabilitation	\$200,000	\$140,000
	Highland Ditch Co	Ditch Rehabilitation Project	\$200,000	\$200,000
	Ian Carney - Felix Tornare	Polaris Reservoir Rehabilitation	\$500,000	\$500,000
	Snowmass Village W&S District	Ziegler Reservoir	\$?	\$5,000,000
			<b>TOTAL</b>	<b>\$6,000,000</b>
Gunnison				
	Fire Mountain Canal & Reservoir Co.	New Reservoir	?	\$?
	Upper Gunnison River Conservancy Dist	Reservoir Project	\$1,000,000	\$?
			<b>TOTAL</b>	<b>\$?</b>
Rio Grande				
			<b>TOTAL</b>	
Yampa				
	Upper Yampa Conservancy Dist	Morrison Creek Reservoir	\$30,000,000	30,000,000
			<b>TOTAL</b>	<b>\$60,000,000</b>

**WATER PROJECT CONSTRUCTION LOAN PROGRAM  
LOAN REPAYMENT DELINQUENCY REPORT  
LOAN FINANCIAL ACTIVITY REPORT  
MARCH 2009  
DIRECTOR'S REPORT ATTACHMENT 25d-05**

**LOAN REPAYMENT DELINQUENCY**

Loan Repayments received relative to the Water Project Construction Loan Program have been reviewed for the period covering July 2008 through February 2009. The effective due date of the payment is inclusive of the Board's current 30 day late policy. Hence, the date the payment was received was compared to the last day allowable prior to the payment being considered late.

Repayments due for the first eight months of Fiscal Year 2009 totaled 173. There were nine loan payments not received on time during this period. Two loan payments from the Excelsior Irrigating Company, the loan payments from the Appleton Northwest Lateral (ML369) and Drainage Company, the Spring Dale Ditch Company and the Shulz Farm, Inc. were less than 30 days late. The loan payments from the Ogilvy Irrigating and Land Company and the Hawkeye Lateral Ditch Company were less than 60 days late. The loan payment from the Lower Arkansas Water Management Association was over 90 days late. The loan payment from Rodney Preisser due October 2008 has not been received to date. Thus, the on-time performance for the total repayments due was 95% in compliance or 5% not in compliance.

As additional notes: (1) the payment from Rodney Preisser due October 2007 has not been received to date; (2) the Town of Starkville has not met its obligations since Fiscal Year 2006; and (3) the Pinon Mesa Ranches Community Association's loan is in default and has been referred to the State's Central Collections Services for disposition of the remaining balance.

**LOAN FINANCIAL ACTIVITY**

Loan Financial Activity relative to the Water Project Construction Loan Program for Fiscal Year 2009 is detailed on the following attachment. Funds received relative to loans in repayment totaled \$14.2 M for this period. Funds disbursed relative to new project loans totaled \$51.2 M for this period. Net activity resulted in \$37.0 M disbursed from the CWCB Construction Fund and the Severance Tax Trust Fund Perpetual Base Account (STTFPBA) over the total received.

Further breakdown is summarized as follows: The Construction Fund portion consists of \$9.5 M in receivables and \$25.0 M in disbursements for a total net activity of \$15.5 M disbursed over received. The STTFPBA consists of \$4.7 M in receivables and \$26.2 M in disbursements for a total net activity of \$21.5 M disbursed over received.

**COLORADO WATER CONSERVATION BOARD****FINANCIAL ACTIVITY REPORT****FOR FISCAL YEAR 2009****CONSTRUCTION FUND**

<b>Period</b>	<b>Principal</b>	<b>Interest</b>	<b>Total Received</b>	<b>Disbursements</b>	<b>Net Activity</b>
July 2008	\$ 925,827	\$ 1,040,889	\$ 1,966,716	\$ 5,208	\$ 1,961,508
August 2008	\$ 203,741	\$ 260,862	\$ 464,603	\$ 3,291,499	\$ (2,826,895)
September 2008	\$ 273,388	\$ 267,948	\$ 541,336	\$ -	\$ 541,336
October 2008	\$ 427,288	\$ 451,755	\$ 879,043	\$ 25,183	\$ 853,860
November 2008	\$ 196,503	\$ 267,260	\$ 463,763	\$ 5,832,331	\$ (5,368,568)
December 2008	\$ 899,383	\$ 1,199,862	\$ 2,099,245	\$ 9,219,364	\$ (7,120,119)
January 2009	\$ 157,730	\$ 107,357	\$ 265,088	\$ 6,610,699	\$ (6,345,611)
February 2009	\$ 2,578,997	\$ 202,247	\$ 2,781,244	\$ 9,114	\$ 2,772,130
March 2009	\$ -	\$ -	\$ -	\$ -	\$ -
April 2009	\$ -	\$ -	\$ -	\$ -	\$ -
May 2009	\$ -	\$ -	\$ -	\$ -	\$ -
June 2009	\$ -	\$ -	\$ -	\$ -	\$ -
<b>FY 2009 Totals</b>	<b>\$ 5,662,858</b>	<b>\$ 3,798,181</b>	<b>\$ 9,461,038</b>	<b>\$ 24,993,398</b>	<b>\$ (15,532,359)</b>

**SEVERANCE TAX TRUST FUND PERPETUAL BASE ACCOUNT**

<b>Period</b>	<b>Principal</b>	<b>Interest</b>	<b>Total Received</b>	<b>Disbursements</b>	<b>Net Activity</b>
July 2008	\$ 227,786	\$ 270,134	\$ 497,920	\$ 881,500	\$ (383,580)
August 2008	\$ 53,353	\$ 697,384	\$ 750,737	\$ 92,865	\$ 657,873
September 2008	\$ 125,435	\$ 222,007	\$ 347,442	\$ 285,556	\$ 61,886
October 2008	\$ 1,120,989	\$ 417,414	\$ 1,538,403	\$ 1,462,860	\$ 75,543
November 2008	\$ -	\$ -	\$ -	\$ 1,281,075	\$ (1,281,075)
December 2008	\$ 438,356	\$ 1,047,672	\$ 1,486,028	\$ 20,412,980	\$ (18,926,953)
January 2009	\$ 28,953	\$ 23,030	\$ 51,982	\$ 1,125,569	\$ (1,073,587)
February 2009	\$ 52,286	\$ 42,863	\$ 95,149	\$ 645,711	\$ (550,562)
March 2009	\$ -	\$ -	\$ -	\$ -	\$ -
April 2009	\$ -	\$ -	\$ -	\$ -	\$ -
May 2009	\$ -	\$ -	\$ -	\$ -	\$ -
June 2009	\$ -	\$ -	\$ -	\$ -	\$ -
<b>FY 2009 Totals</b>	<b>\$ 2,047,158</b>	<b>\$ 2,720,503</b>	<b>\$ 4,767,661</b>	<b>\$ 26,188,115</b>	<b>\$ (21,420,454)</b>
<b>GRAND TOTALS</b>	<b>\$ 7,710,016</b>	<b>\$ 6,518,684</b>	<b>\$ 14,228,700</b>	<b>\$ 51,181,513</b>	<b>\$ (36,952,813)</b>



SEVEN COLORADO RIVER BASIN STATES REPRESENTATIVES  
TO THE GLEN CANYON DAM ADAPTIVE MANAGEMENT PROGRAM

February 23, 2009

Mr. Larry Walkoviak  
Regional Director and Alternate for the Secretary's Designee  
Bureau of Reclamation  
Upper Colorado Region  
125 S. State Street, Room 6107  
Salt Lake City, UT 84138-1147

RE: Decision Making Process Associated with the Glen Canyon Dam Operations and  
Glen Canyon Adaptive Management Program

Dear Mr. Walkoviak:

As the Colorado River Basin State Representatives to the Glen Canyon Adaptive Management Workgroup (AMWG), we are writing to reaffirm our support for the Glen Canyon Adaptive Management Program (AMP) that was established pursuant to the Grand Canyon Protection Act of 1992 (GCPA), and we want to encourage you to continue the course that has been set forth for the AMP to obtain the needed scientific research and monitoring to meet the mandates of the GCPA. Given the ongoing litigation and significant, recent disagreements by some AMWG members regarding the AMP and the current experimental operations at Glen Canyon Dam, we felt it important for the States to indicate our continued support for the AMP and the current experiment and our willingness to meet with you.

As you are aware, the AMP was established in 1997 to comply with the consultation provisions of the GCPA and to address the many existing uncertainties regarding the possible impacts of water releases from Glen Canyon Dam to the downstream environment. The Secretary of the Interior (Secretary) implemented the AMP pursuant to the 1996 Record of Decision on Glen Canyon Dam Operations (1996 ROD) to provide a process through which the potential effects of dam operations on those resources could be monitored and assessed.

An important component of the AMP is the AMWG, established pursuant to the Federal Advisory Committee Act (FACA). The objective of the AMWG is to advise and recommend suitable monitoring and research programs to the Secretary concerning potential management actions and modifications to Glen Canyon Dam operations to help protect, mitigate adverse impacts to, and improve the values for which Grand Canyon National Park and Glen Canyon National Recreation Area were established consistent with the GCPA, 1996 ROD and other elements of the "Law of the River."

The AMWG includes members from relevant federal agencies, Native American groups, each Colorado River basin state, and two representatives from each of the following: environmental groups, recreation interests, and contractors for federal power from Glen Canyon Dam. The AMWG members with whom the Secretary is to consult provide a broad spectrum of interests and expertise. As the Secretary's designee and chair of the AMWG, you understand the importance of a forum in which these diverse interests can collectively express their views and concerns and utilize their expertise to make informed recommendations to the Secretary regarding the AMP objectives. The AMWG has served for over a decade as that forum, providing the opportunity for all these varied interests to work together in a collaborative manner to help develop research strategies and make management and dam operation recommendations to the Secretary. Because the AMWG representatives bring a broad collective understanding of the possible impacts and ramifications of any proposed experiment, the AMWG is and should continue to be the appropriate forum to provide the Secretary with a comprehensive perspective of a proposed experiment or management action.

Furthermore, because the AMWG includes a broad range of diverse interests, differences of opinions will always exist. For example, the majority of AMWG representatives are encouraged by the recent increases in the endangered humpback chub population. However, the research and monitoring to date has not been able to discern whether mechanical removal of trout, increases in the water temperature of dam releases or some other factor affecting the chub habitat has been the most significant reason for the improvement. Therefore, we believe that there is a clear need to continue the scientific research and monitoring and the stakeholder process provided by the AMP.

We understand your challenge, as the Secretary's designee, is to assist the Secretary in finding that delicate balance between water, power and environmental interests in conformance with the "Law of the River." We support and encourage Interior to continue to utilize the AMP and AMWG to find this delicate balance. The AMWG, as it currently stands, provides an essential and valuable forum for the discussion of the effects of Glen Canyon Dam operations. If you desire, we would be happy to meet with you to discuss the science and some of our ideas for improving the AMP.

In conclusion, we want to express our continued support of the AMP as the best process to obtain the needed scientific, research and monitoring to meet the mandates of the GCPA and to ensure compliance with the "Law of the River." It is our desire to continue our excellent working relationship with Interior in the AMP process, and to reaffirm our commitment to work with Interior and the other AMWG members to move the collaborative AMP process forward in addressing the mandates of the GCPA.

Sincerely,



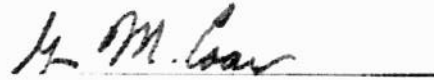
William E. Werner  
Arizona Department of Water Resources



Gerald R. Zimmerman  
Colorado River Board of California



Jennifer L. Gimbel  
Colorado Water Conservation Board



George M. Caan  
Colorado River Commission of Nevada



Jay C. Groseclose  
New Mexico Interstate Stream Commission



John W. Shields  
Wyoming State Engineer's Office



Dennis J. Strong  
Utah Division of Water Resources



