

# STATE OF COLORADO

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## Colorado Water Conservation Board Department of Natural Resources

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### September 15-16, 2009 Agenda

There will be a CWCB Finance Committee Meeting on Tuesday, September 15, 2009, from 8:00 a.m. until 10:00 a.m. at the Steamboat Grand Hotel, 2300 Mt. Werner Circle, Steamboat Springs, CO 80487.

A meeting of the Colorado Water Conservation Board (CWCB) will commence on Tuesday, September 15, 2009, at 10:00 a.m. and continue through Wednesday, September 16, 2009. This meeting will be held at the Steamboat Grand Hotel, 2300 Mt. Werner Circle, Steamboat Springs, CO 80487.

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

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

The CWCB's meetings are made available live through the internet via streaming audio technology. To listen to the proceedings, click the "Listen to the meeting LIVE!" link on the CWCB website homepage. The link will be posted just prior to the start of the meeting on the first day of the meeting. A program that handles streaming media (such as Windows Media Player, RealPlayer or similar) is necessary to be able to listen.

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

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Bill Ritter, Jr.  
Governor

Harris D. Sherman  
DNR Executive Director

Jennifer L. Gimbel  
CWCB Director

Dan McAuliffe  
CWCB Deputy Director

**Tuesday, September 15, 2009**

**CWCB Call to Order            10:15 a.m.**

1. Review and Approval of Agenda (10:15 – 10:20)
2. Review and Approval of Meeting Minutes – July 21-22, 2009 (10:20 – 10:25)
3. Approve and/or Remove Items from Consent Agenda (10:25 – 10:30)
4. Future Board Meeting Dates – (10:30 – 10:35)
  - a. November 17-18, 2009            CWCB Logan Street Office Building, 1580 Logan St., Ste. 610, Denver, CO 80203 (*possibly 3 days: Mon. – Wed., or Tues. – Thurs.*)
  - b. January 26-27, 2010            DTC Denver (in conjunction with the Colorado Water Congress Conference)
  - c. March 16-17, 2010            Denver
  - d. May 17-19, 2010            Durango w/ALP tour (tour on Monday, 5/17/10)
  - e. July 20-21, 2010            Grand Junction
  - f. September 21-22, 2010            Colorado Springs
  - g. November 16-17, 2010            Denver
5. Directors' Reports (10:35 – 11:20)
  - a. DNR Executive Director
  - b. IBCC Director
  - c. Agriculture Commissioner
  - d. CWCB Director
  - e. State Engineer
  - f. Division of Wildlife
  - g. Water Resource and Power Development Authority
6. Water Supply Planning and Finance Section – Financial Matters – Construction Fund Cash Balance Report (11:20 – 11:35)
7. Water Supply Planning and Finance Section – New Loans (11:35 – 12:20)
  - a. Fort Morgan Reservoir and Irrigation Company – Pipeline Project
  - b. Lake Canal Reservoir Company – South Gray Reservoir Rehabilitation & Gray No. 3 Breach
  - c. Raymond Dairy, Inc. – Raymond Ditch Reconstruction Project

**LUNCH                            12:20 – 1:20**

8. Water Supply Planning and Finance Section – Revisions to Existing Loans – Bull Creek Reservoir, Canal & Power Co., - Reservoir No. 4 Rehabilitation & Enlargement (1:20 – 1:50)
9. Intrastate Water Management & Development Section – Water Supply Reserve Account Project Change – Demonstration of Membrane Zero Liquid Discharge Process for Drinking Water Systems.  
(1:50 – 2:00)

10. Intrastate Water Management & Development Section – Water Supply Needs Reports  
(2:00 – 3:00)

**BREAK 3:00 – 3:15**

11. Intrastate Water Management & Development Section – Water Supply Reserve Account – Grant Applications (3:15 – 5:15)

- a. Upper Arkansas Water Conservancy District – UAWCD Hydrologic Water Balance Study
- b. City of Pueblo – Bedload/Sediment Collection and Removal Technology – Fountain Creek
- c. Fort Morgan Reservoir and Irrigation Company (FMRICo) – FMRICo Recharge & Wetlands Project
- d. Florida Mesa Canal Companies – Canal Seepage Reduction Program
- e. La Plata Archuleta Water District – la Plate Archuleta Water District Permitting
- f. Lower Blanco River Restoration – Lower Blanco River Restoration Project
- g. San Luis Valley Resource Conservation & Development Council – Lower Willow Creek Restoration Project
- h. Trinchera Irrigation Company – Sangre de Cristo Trinchera Diversion Canal Restoration
- i. South Metro – Aquifer Recharge Pilot Study
- j. Douglas County Water Resource Authority – Appraisal & Feasibility Studies Required for Federal Assistance Under the Rural Water Supply Act
- k. Colorado Rio Grande Restoration Foundation – Rio Grande Conservation Reserve Enhancement Program (CREP) Phase II – Implementation
- l. San Juan Resource Conservation and Development – Animas Watershed Project – Animas River Needs Assessment
- m. Colorado Foundation for Water Education – Headwaters Magazine – January 2010
- n. Community Agriculture Alliance, Inc. – Development and Implementation of Water Forums, Workshop, and/or Tours
- o. Bear River Reservoir Company – Stillwater Reservoir Seepage Project

**RECESS 5:15 p.m.**

**Wednesday, September 16, 2009**

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

12. Basin Directors' Reports (8:00 – 9:10)

- a. Colorado River (Mainstem) Basin Director's Report
- b. Yampa-White River Basin Director's Report
- c. San Juan/San Miguel-Dolores River Basin Director's Report
- d. Gunnison River Basin Director's Report
- e. North Platte River Basin Director's Report
- f. South Platte River Basin Director's Report
- g. Arkansas River Basin Director's Report
- h. City and County of Denver Director's Report
- i. Rio Grande River Basin Director's Report

13. Watershed Protection and Flood Mitigation Section – CWCB Floodplain Rules and Regulations – Status Update (9:10 – 9:25)
14. Office of Water Conservation & Drought Planning Section – Presentation on the Proposed Approach for the Water Conservation Strategy (9:25 – 9:55)

**BREAK                      9:55 – 10:10**

15. Office of Water Conservation & Drought Planning Section – CWCB Criteria and Guidelines for the Rainwater Harvesting Pilot Project Program Guidelines (10:10 – 10:40)
16. Office of Water Conservation & Drought Planning Section – Presentation of Utility Water Loss: A Review of Current Practices in Colorado, Requirements in Other States, and New Procedures and Tools (10:40 – 11:10)
17. Stream and Lake Protection Section – Authorization to Proceed to Trial – Case No. 2-06CW32: Application of the Upper Arkansas Water Conservancy District – *Pursuant to ISF Rule 8j., the CWCB staff will seek authorization to proceed to trial in this application for approval of plan for augmentation* (11:10 – 11:20)
18. Attorney General’s Report, Legal Briefing and Executive Session – *This is a briefing on legal issues contained in the Attorney General’s written report and on items listed below that the Board may refer for discussion in an Executive Session based upon attorney-client privilege.* (11:20 – 12:00)

Executive Session Items

- a. Case No. 2-06CW32: Application of the Upper Arkansas Water Conservancy District
  - b. Case No. 5-08CW73: Application of the Town of Breckenridge RICD
19. Report from Executive Session (12:00 – 12:05)
- LUNCH                      12:05 – 1:05**
20. Office of Water Conservation & Drought Planning Section –Drought Mitigation and Response Plan Revision (1:05 – 1:35)
  21. State Engineer’s Office – Division 6 – Erin Light Reporting (1:35 - 1:55)
  22. Stream and Lake Protection Section – Instream Flow Recommendations on Dominguez Creek and Little Dominguez Creek in Water Division 4 – *The BLM will give a presentation to the Board on the Dominguez Canyons Wilderness Area and a status report on the process of developing BLM instream flow recommendations.* (1:55 – 2:30)
  23. Stream and Lake Protection Section – Instream Flow Recommendations on Morrison Creek in Water Division 6 – *The Board will hear public comment on these proposed ISF water rights recommended to the Board by the Colorado Division of Wildlife, James Larson, Dequine Family, LLC., and Flying Diamond Resources.* (2:30 – 2:45)

~~24. Stream and Lake Protection Section – Proposed Water Rights Acquisition on Washington Gulch and the Slate River in Water Division 4 – *The Board will consider a Donation and Acquisition Agreement proposed by the Colorado Water Trust to preserve the natural environment of Washington Gulch and the Slate River to a reasonable degree. Consideration of this proposal triggers the 120 day period for Board review pursuant to ISF Rule 6b.* (2:45 – 3:15)~~

**BREAK                      3:15 – 3:30**

25. Water Supply Protection Section – Wild and Scenic Rivers – *The staff will provide updates to the Board on the status of the various Wild and Scenic Rivers alternatives stakeholder groups and seek input from the Board on the development of criteria and guidelines.* (3:30 – 4:00)

26. Water Supply Protection Section – Species Conservation Trust Fund – Uncompahgre Valley Water Users Association – Salinity/Selenium Control Project (4:00 – 4:30)

**ADJOURN                      4:30 p.m.**

CWCB Consent Agenda  
September 15-16, 2009

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

1. Stream and Lake Protection Section – Statements of Opposition – *The Board will be asked to ratify Statements of Opposition that have been filed by staff to protect instream flow and natural lake level water rights in the following cases:*
  - a. Case No. 2-09CW073; Application of Donala Water & Sanitation District
  - b. Case No. 5-09CW48: Application of Bill’s Ranch Water Company
  - c. Case No. 5-06CW278: Application of John L. Morris
  - d. Case No. 2-09CW85: Application of Upper Arkansas Water Conservancy District
  - e. Case No. 2-09CW86: Application of Upper Arkansas Water Conservancy District