

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



January 26-27, 2010 Agenda

A meeting of the Colorado Water Conservation Board (CWCB) will commence on Tuesday, January 26, 2010, at 10:15 a.m. and continue through Wednesday, January 27, 2010. This meeting will be held at the Hilton Garden Inn, Denver Tech Center, 7675 E. Union Ave., Denver, CO 80237, (303) 770-4200.

The CWCB will hold a workshop on the Colorado River Water Availability Study (CRWAS) on Tuesday, January 26, 2010, from 8:00 a.m. to 10:00 a.m. at this same location.

The CWCB and the Colorado Water Congress Board will hold a joint meeting on Wednesday, January 27, 2010, from 3:00 p.m. to 5:00 p.m., also at the Hilton Garden Inn Hotel.

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.

The CWCB's meetings are made available live through the internet. 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.

Presentations are also being made available. To watch presentations that accompany agenda items, click the "Watch Presentations" link on the CWCB website homepage. You will encounter a few dialog boxes: 1) click Run for the See-and-Share loader, 2) click Run, to run the software, and 3) enter your name to join the conference and click ok.

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

Bill Ritter, Jr.
Governor

James Martin
DNR Executive Director

Jennifer L. Gimbel
CWCB Director

Dan McAuliffe
CWCB Deputy Director

Tuesday, January 26, 2010

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 – November 17-18, 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 – 10:40)
 - a. March 16-17, 2010 Denver (joint meeting with the Agricultural Commission Wed., 3/17/09, 1:00-4:00 p.m.)
 - b. May 17-19, 2010 Durango w/ALP tour (tour on Monday, 5/17/10)
 - c. July 13-14, 2010 Buena Vista/Salida
 - d. September 14-15, 2010 Grand Junction (in conjunction with the Colorado River District Water Seminar, September 16, 2010)
 - e. November 16-17, 2010 Denver
5. Directors' Reports (10:40 – 11:25)
 - 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. Watershed Protection and Flood Mitigation Section – Fish and Wildlife Mitigation Grant – Hartland Diversion Dam, Gunnison River (11:25 – 12:00)

LUNCH 12:00 – 1:00

7. Watershed Protection and Flood Mitigation Section – 2009/2010 Colorado Cloud Seeding Programs and Grants (1:00 – 1:15)
8. Watershed Protection and Flood Mitigation Section – Chatfield Reservoir Reallocation Project (1:15 – 1:35)
9. Water Supply Planning Section – Water Supply Reserve Account – Grant Applications (1:35 – 2:00)
 - a. Trinchera Irrigation Company – Shortfall Request – Sangre de Cristo Trinchera Diversion Canal Restoration
 - b. Town of Norwood – Raw Water System Update and Future Needs Study
 - c. Yellow Jacket Water Conservancy District – Water Storage Feasibility
 - d. The Nature Conservancy – Yampa White Basin Nonconsumptive Needs Assessment Watershed Flow Evaluation Tool
10. Water Supply Planning Section – Colorado's Water Supply Future Update (2:00 – 2:20)

11. Stream and Lake Protection Section – New Appropriation Recommendations in Water Divisions 1, 2, 4, 6 and 7 (2:20 – 3:00)

- a. Staff will ask the Board to declare its intent to appropriate the following 25 instream flow water right recommendations:

Div	Stream Segment	County(ies)	Recommender(s)
1	Black Hollow Creek (<i>headwaters to confl Poudre River</i>)	Larimer	TU
2	Baldwin Creek (<i>headwaters to Chalk Creek</i>)	Chaffee	CDOW
2	Middle Creek (<i>headwaters to Ophir Creek</i>)	Custer / Pueblo	CDOW
2	Middle Creek (<i>Ophir Creek to Beulah Water Works</i>)	Custer / Pueblo	CDOW
4	Blue Creek (Increase to existing ISF right) (<i>Little Blue Creek to Morrow Point Reservoir</i>)	Gunnison	BLM
4	Willow Creek (<i>Sugar Creek to Blue Mesa Reservoir</i>)	Gunnison	BLM
4	Alpine Gulch (<i>headwaters to Henson Creek</i>)	Hinsdale	BLM
4	Spring Creek (<i>headgate Creede Trail Ditch to confl with Cebolla Creek</i>)	Hinsdale	BLM
4	Cebolla Creek (<i>Brush Creek to Spring Creek</i>)	Hinsdale / Gunnison	BLM
4	Cebolla Creek (<i>Spring Creek to USGS gage</i>)	Hinsdale / Gunnison	BLM
4	Tabeguache Creek (<i>confl Fortyseven Creek to Templeton Ditch</i>)	Montrose	BLM
4	Tabeguache Creek (<i>Templeton Ditch to confl San Miguel River</i>)	Montrose	BLM
4	Cochetopa Creek (<i>Nutras Creek to Mesa Ditch</i>)	Saguache	BLM
4	East Beaver Creek (<i>headwaters to Beaver Creek</i>)	Saguache	BLM
4	Cochetopa Creek (Increase to existing ISF right) (<i>Alkali Creek to Tomichi Creek</i>)	Saguache / Gunnison	BLM
6	Indian Creek (<i>headwaters to confl headgate West Arapahoe Feeder Ditch 2</i>)	Jackson	BLM
6	Big Beaver Creek (Increase to existing ISF right) (<i>Allen Creek to East Beaver Creek</i>)	Rio Blanco	BLM
6	Grizzly Creek (<i>Unnamed tributary to USFS Boundary</i>)	Routt	CDOW, TU
6	Morrison Creek (<i>Muddy Creek to Silver Creek</i>)	Routt	CDOW, James Larson, Dequine Family L.L.C, Flying Diamond
6	Morrison Creek (<i>Silver Creek to Yampa River</i>)	Routt	

			Resources
6	South Fork Slater Creek (<i>Headwaters to West Prong South Fork Slater Creek</i>)	Routt/ Moffat	CDOW, TU
6	South Fork Slater Creek (<i>West Prong South Fork Slater Creek to confl Slater Creek</i>)	Routt	CDOW, TU
6	West Prong South Fork Slater Creek (<i>Headwaters to Decker Ditch</i>)	Routt/ Moffat	CDOW, TU
7	Animas River (<i>Minnie Gulch to Cunningham Creek</i>)	San Juan	BLM
7	Animas River (<i>Cunningham Creek to Arrastra Creek</i>)	San Juan	BLM

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

- b. Staff will ask the Board to determine when to declare its intent to appropriate the following instream flow recommendation:

Div	Stream Segment	County	Recommender(s)
4	San Miguel River (<i>Calamity Draw to Dolores River</i>)	Montrose	CDOW, BLM

BREAK 3:00 – 3:15

12. Stream and Lake Protection Section – Update on Instream Flow Recommendations on Big Dominguez Creek and Little Dominguez Creek – *Staff and the BLM will update the Board on these ISF recommendations in the Dominguez Canyons Wilderness Area. This is an informational item with no action required.* (3:15 – 3:25)

13. Stream and Lake Protection Section – Proposed Water Rights Acquisition on the Alamosa River – *The Board will consider a donation of a water right from the Alamosa Riverkeepers to preserve and improve the natural environment of the Alamosa River to a reasonable degree. Consideration of this proposal triggers the 120 day period for Board review pursuant to ISF Rule 6b. No action is required at this time.* (3:25 – 3:55)

14. Stream and Lake Protection Section – Proposed Water Rights Acquisition on Washington Gulch and the Slate River – *Staff will ask the Board to accept an interest in water from the Colorado Water Trust to preserve and improve the natural environment of Washington Gulch and to preserve the natural environment of the Slate River to a reasonable degree, and to expend funds under section 37-60-123.7 on a portion of the costs of this acquisition.* (3:55 – 4:25)

15. 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.* (4:25 – 4:55)

Executive Session Items

- Case No. 5-07CW210: Application of Vail Associates, Inc. et al.
- Grand Canyon Trust v. U.S. Bureau of Reclamation

- c. Proposed Water Rights Acquisition on Washington Gulch and the Slate River
- d. Case No. JC4353, In Superior Court of California, Sacramento, Verification proceedings for Quantified Settlement Agreement

16. Report from Executive Session (4:55 – 5:00)

RECESS 5:00 p.m.

Wednesday, January 27, 2010

CWCB Call to Order 8:00 a.m.

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

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

18. Office of Water Conservation and Drought Planning Section – CWCB Criteria and Guidelines for the Rainwater Harvesting Pilot Project Program (9:00 – 9:20)

19. 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 approval from the Board of terms and conditions for the allocation of funds from the Wild and Scenic Rivers Alternatives Fund.* (9:20 – 9:45)

20. Water Supply Protection Section – CWCB Litigation Account (9:45 – 10:05)

- a. *The staff will request that the Board authorize staff to submit its Annual Report to the General Assembly.*
- b. *The staff will request that the Board authorize, per Attorney General Suther's request, an expenditure of up to \$50,000 from the Litigation Account for expert witness fees in the pending Division 2 Irrigation Improvement Rules case.*

BREAK 10:05 – 10:15

21. Watershed Protection and Flood Mitigation Section – Notice of Formal Rulemaking for Floodplain Regulations (10:15 – 11:45)

LUNCH 11:45 – 12:45

22. Water Supply Protection Section – Endangered Species Conservation Trust Fund FY 10-11 Funding Recommendations. – The Board will be asked to make recommendations to the Executive Director of DNR for expenditures from the SCTF for the coming year. (12:45 – 1:05)

23. Water Supply Protection Section – The Colorado River Basin Water Supply and Demand Study – The staff will provide the Board with an overview of this \$2 million study being

funded by the Bureau of Reclamation and the seven basin states. This study will: 1) conduct a comprehensive review of current and future water supplies and current and long-term demands through 2060; 2) assess options for resolving water supply imbalances; and, 3) develop recommendations for future consideration to address current and projected imbalances. (1:05 -1:25)

24. Water Supply Planning and Finance Section – Financial Matters – Projections & Cash Balance Reports (1:25 – 1:35)

25. Review of CWCB Legislation - 2010 Construction Fund Projects Bill (1:35 – 1:50)

26. Water Supply Planning and Finance Section – Construction Fund and Severance Tax Trust Fund Perpetual Base Account – New Loans (1:50 – 2:20)

- a. Lower Latham Reservoir Company – Well Augmentation Project – Phase III
- b. Trinchera Irrigation Company – Smith Dam Repair Project

27. Water Supply Planning and Finance Section – Design and Construction Status Report (2:20 – 2:50)

BREAK 2:50 – 3:00

Colorado Water Conservation Board joint meeting with Colorado Water Congress (3:00 – 5:00)

ADJOURN 5:00 p.m.

CWCB Consent Agenda
January 26-27, 2010

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

1. Stream and Lake Protection Section – Statements of Opposition – The Board will be asked to ratify Statements of Opposition that have been filed by staff to protect instream flow and natural lake level water rights in the following cases:
 - a. Case No. 1-09CW144: Application of the City of Brighton
 - b. Case No. 5-09CW160: Application of Upper Eagle Regional Water Authority
2. Watershed Protection and Flood Mitigation Section – Designation and Approval of 100-year Floodplain Information